

STATE OF NEW YORK

THE ONE HUNDRED AND SECOND
ANNUAL REPORT

OF THE

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

1946



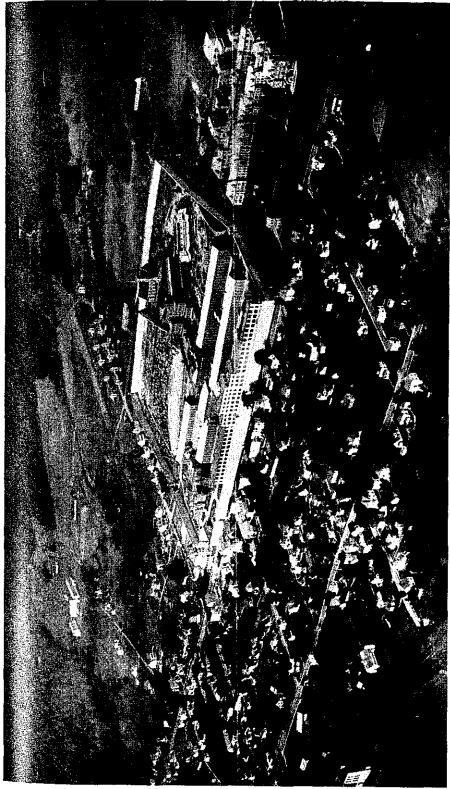
ALBANY
WILLIAMS PRESS, INC.
1947

PREFACE

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

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

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



CLINTON PRISON

The prison is located in Clinton County in the town of Dannemora. To the extreme left of the front wall is the warden's residence. The main building is built of granite and is built by inmate labor. The rear wall is located on the hill along the rear wall. Outside of the wall to the right is the Dannemora State Hospital for the insane offenders. The small buildings in the foreground are the homes of local residents.

CONTENTS

	PAGE
Preface	3
Officers for 1946	7
Standing Committees for 1946	8
Letter of Transmittal	11
Recommendations to the Legislature	31
Nineteen Forty-Six in Brief	31
Alcoholism	31
New York City Reformatory Commitments	34
Correction Division, War Department	34
National Conference for the Prevention and Control of Juvenile Delinquency	35
State Institution Farms	36
Probation	36
Street Clubs	37
Elmira Reformatory and Reception Center	38
International Penal and Penitentiary Commission	39
Manual of Suggested Standards for a State Correctional System	40
76th Annual Congress of Correction	41
Directory of Correctional Institutions	42
Handbook on Classification	42
Legislation	42
Paroles in the Armed Services	43
Defense Attorneys	44
Sentencing Process	44
Civil Service	44
Central Guard School	46
Canning Operations at Greycourt	46
Disturbance at Sing Sing Prison	47
Night Court, Criminal Courts Building	48
Welfare Council of New York City	49
Salaries, New York City Correction Officers	49
Executive Committee Members	50
Navy Commends Assistant Secretary	51
Foreign Visitors	52
General Service	52
The Association's Bureau of Service	53
Employment and Relief Bureau	53
Family Service Bureau	58
Legislation—1946	62
Department of Correction—City of New York	72
Introduction	72
General	72
Administration	73
New York City Reformatory, New Hampton	73
City Prison, Manhattan	77
Penitentiary of the City of New York, Rikers Island	78
City Prison, Brooklyn	80
House of Detention for Women	80
Conclusion	81
Report of the Committee on Street Clubs of the Welfare Council of New York City—An Approach to the Street Club Situation	82
Planning and Organizing the Reception Center. <i>Glenn M. Kendall</i>	88
Planning for Tomorrow's Adults. <i>Frederick A. Moran</i>	103
Proposed Sexual Psychopath Law	126
Auditors' Statement	126
Constitution and By-Laws	127

THE PRISON ASSOCIATION OF NEW YORK

OFFICERS FOR 1946

President EDWIN O. HOLTER *Recording Secretary* ARCHIBALD S. ALEXANDER *Treasurer* C. C. AUCHINCLOSS

Corresponding and General Secretary
E. R. CASS

Assistant Secretary
ROBERTS J. WRIGHT

Vice Presidents
C. C. AUCHINCLOSS
HAROLD K. HOCHSCHILD

*Executive Committee**
EDWIN O. HOLTER, *Chairman*

Class of 1946

RICHARD F. BARCOCK
LEWIS E. LAWES
BURTON J. LEE, JR.
RICHARD C. PATTERSON, JR.¹
FRANCIS E. POWELL, JR.

Class of 1948

JOSEPH E. DAVIS
C. DOUGLAS DILLON
MRS. ALLEN W. DULLES
REEVE SCHLEY²
JOHN L. SCHOENFELD

Class of 1947

MRS. JULIUS OCHS ADLER
CHARLES SUYDAM CUTTING
DAVID DOWS³
HENRY G. GRAY
EDWARD P. MULROONEY

Class of 1949

SAM A. LEWISOHN
C. MCKIM NORTON⁴
G. HOWLAND SHAW
HENRY C. TAYLOR⁵
LEWIS J. VALENTINE⁶

* See page 50.

¹ On leave—Ambassador to Yugoslavia.

² Resigned November 19, 1946.

³ Resigned January 17, 1946.

⁴ Resigned October 17, 1946.

⁵ Resigned March 21, 1946.

⁶ Deceased December 16, 1946.

STANDING COMMITTEES FOR 1946

COMMITTEE ON LAW

GRAY, ALEXANDER, LAWES, SCHLEY

COMMITTEE ON FINANCE

AUCHINCLOSS, DILLON, HOCHSCHILD, LEE, SCHLEY

COMMITTEE ON DETENTIONS

MRS. ADLER, DOWS, MRS. DULLES, LEE, SCHOENFELD

COMMITTEE ON NOMINATIONS

AUCHINCLOSS, DAVIS, HOCHSCHILD, SCHLEY

COMMITTEE ON PROBATION AND PAROLE

MULROONEY, CUTTING, NORTON, SEAW, TAYLOR

COMMITTEE ON PRISON ADMINISTRATION

LEWISOHN, BABCOCK, DAVIS, POWELL, VALENTINE

[8]

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

HON. JOE R. HANLEY,

Lieutenant Governor of New York:

SIR.—In accordance with Chapter 163 of the Laws of 1946, we have the honor to present the One Hundred and Second 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*

[9]

RECOMMENDATIONS*

February 17, 1947

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 to the Legislature as a part of the 102nd Annual Report of The Prison Association of New York, and urge that they receive your serious consideration.

Respectfully submitted,

THE PRISON ASSOCIATION OF NEW YORK

E. O. HOLTER, *President*

E. R. CASS, *General Secretary*

IN THE DIRECTION OF CORRECTIONAL PROGRESS

The anniversaries of V-E and V-J Days—the calendar with its November 11th and December 7th—the rapidly decreasing number of men and women in service uniforms accompanied by a slow increase of those in the prison uniforms of gray—fewer parades and other outward evidences of decreasing patriotism—grumbling over housing—the high cost of living—general unrest and confusion—these and many other factors serve to impress us with the stark realities of the first postwar year.

A more subtle reality and possibly one less noticed on the surface of daily routine, is reflected in the state of turmoil and uneasiness affecting so many persons today. Of particular concern is the effect of the aftermath of war on our collective behavior. Destruction—vandalism—malicious mischief—assaults, are of front page concern. Many observers hasten to place the blame on the proverbial, but in this case unrealistic, doorstep of the veteran. Frequently such observers are in error, just as they may be in error when directing the blame to any number of other single factors. Arrest records, for example, indicate a startling number of offenders below the legal age required for military service.

As a result of much hasty and misguided, as well as misinformed, thinking on the part of many who in 1946 jumped on the popular "bandwagon" of juvenile delinquency and its causes and remedies, we are led to reiterate a statement made many times in the past to

* Each member of the Legislature received a copy of the Recommendations on February 17, 1947.

the effect that there is no single cause or cure for crime. A multiplicity of factors are involved and any who place all the blame for delinquency on a single factor are uninformed to say the least.

Throughout more than a century The Prison Association of New York has made no attempt to advance an over-all sure cure for crime. It has, however, as the record will show, been a leader in pressing for continued study and experimentation in the field of correctional treatment.

The Recommendations that it submits herein have been formulated after months of consideration and represent what the Association considers necessary for the continued advancement of correctional procedures in New York State. Some of the Recommendations will be recognized from previous years. They are the repeaters and the holdovers, but certainly none the less important.

People throughout the nation look to New York State as a leader in social welfare methods. Penologists recognize New York as a State possessing the initiative, leadership and financial position to experiment and progress in the correctional field. This is an enviable position and one that should be maintained.

There are, however, several basic and elementary needs to be met before New York can progress much further. Perhaps this is a most opportune time to activate the Recommendations to this end.

New York is indeed fortunate to have adequate correctional institutions both from the point of view of capacity as well as variety of functional design. Among the dozen odd institutions are to be found maximum, medium and minimum security prisons, reformatories, institutions for the female offender, the defective delinquent, the criminally insane, as well as others. New York recently set in motion by law a reception and classification center for adolescent offenders.

However, from a progressive penological point of view the present weakness, considering the system as a whole, is the lack of a coordination of programs of treatment and the failure to make wider use of the various institutions for different types of prisoners.

In supplementing this observation and contention we direct attention to the excellent address of the Honorable Frederick A. Moran, Chairman, New York State Board of Parole, presented to the State Conference of Social Work, New York City, November 13, 1946. This address will be reprinted as a part of our 102nd Annual Report for the year 1946.

Precedent for a system of institutional designation for different types of prisoners has been established, and its value well demonstrated, by the Federal government through its Bureau of Prisons. The general administrative classification of Federal penal and correctional institutions by types of offenders is given herewith as an illustration of what is advocated for New York's institutions on the basis of present facilities.

Intractible offenders

Alcatraz Island, California

Habitual offenders

Atlanta, Georgia

Leavenworth, Kansas

Older improvable offenders

Lewisburg, Pennsylvania

McNeil Island, Washington

Terre Haute, Indiana

Younger improvable offenders

Chillicothe, Ohio

El Reno, Oklahoma

Englewood, Colorado

Younger improvable offenders—

agricultural type

Petersburg, Virginia

Improvable offenders—mini-

imum-custody type

Columbia Camp, Washington

McNeil Island Camp, Wash-

ington

Mill Point, West Virginia

Montgomery, Alabama

Tucson, Arizona

Female offenders

Alderson, West Virginia

Short-term offenders

Ashland, Kentucky

Danbury, Connecticut

La Tuna, Texas

Milan, Michigan

Sandstone, Minnesota

Tallahassee, Florida

Texarkana, Texas

Juvenile delinquents

National Training School for

Boys, Washington, D. C.

Natural Bridge Camp, Green-

lee, Virginia

Physically and mentally mal-

adjusted offenders

Springfield, Missouri

Chiefly for offenders awaiting

trial

New York, N. Y.

Narcotic addicts (U. S. Public

Health Service institution)

Lexington, Kentucky

A variety of institutions, such as New York now possesses, cannot be of the greatest value to the people of the State until their place and purpose is thoroughly clarified and defined.

We reiterate again that New York State possesses the leadership, personnel, and facilities and the one desire of The Prison Association of New York is to urge greater expansion and advancement in the interest of progress in the correctional field.

The war years are now experiences of the past and the first post-war year has likewise passed. We have gained much from its trials and errors. We know that certain specific needs are apparent before we can successfully chart a sound course for the generation ahead. In the interest of public protection and crime prevention the Association submits its annual Recommendations to the Legislature with its offer to be of assistance and its urgent plea for legislative support.

I. A COORDINATED CORRECTIONAL SYSTEM

It is recommended that either through a legislative commission or through an interdepartmental committee to be designated by the Governor, a comprehensive study of the State's correctional process be made with a view to recommending legislative or administrative changes necessary to effect a coordinated correctional policy.

Comment:

Close observation and study of the correctional systems of this and other States, and comparison of one with the other, leads to the conviction that while New York is advanced so far as physical facilities are concerned, further progress toward a coordinated correctional policy can be made.

A most heartening and outstanding advance has been the establishment of the Elmira Reception Center for adolescent offenders. New York has a wide variety of penal and correctional institutions but lacks a clear-cut policy of institutional utilization. A recent publication of The American Prison Association* points out that *"There is a growing acceptance of the principle that the adult offender can be dealt with most effectively in a continuous, coordinated, and integrated correctional process, and that he should not be dealt with successively by independent and loosely coordinated services, each of which frequently pays little attention to what the others have done or may later do."*

Several recommendations that follow are directly related to this suggested need for a coordinated correctional policy. Recommendation II dealing with commitment procedures should be considered in this regard. While the start has been made by virtue of the establishment of the Elmira Reception Center, a unified correctional system, such as is advocated herein should have a central receiving and classification unit for newly admitted prisoners. Administrative adjustments would be required in view of the size of the State but the sentencing of prisoners by the courts to specific institutions in an area having diversified facilities such as New York is not in keeping with the best penological thought.

Recommendation III relating to the expansion of psychiatric, educational and other professional services should likewise be considered as necessary to a unified correctional system. Such services are absolutely essential if the value of the State's correctional policy is to be enhanced through a higher percentage of rehabilitation.

The Prison Association of New York, in making this Recommendation, emphasizes that the study of the present situation should not be in the form of an investigation. We feel that basically the Department of Correction is not in need of official inquiry and that neither should such a group as proposed consider itself on a "witch hunting expedition."

On the contrary, the group should consider its major purpose to plan a blueprint for action leading to a unified and coordinated correctional policy designed to fit the needs of a growing state

*"Manual of Suggested Standards for a State Correctional System" 1946, The American Prison Association, New York, N. Y.

populated by citizens whose desire is to realize benefits from their vast investment in the Department of Correction.

II. COMMITMENT PROCEDURE OF PRISONERS

It is recommended that instead of committing prisoners on the basis of judicial districts as at present, all such commitments be made directly to the State Department of Correction.

It is further recommended that the Legislature authorize and provide funds for the establishment of a division of classification within the Department of Correction to make possible the application of modern classification procedures to all institutions of the Department.

Comment:*

The establishment of the Reception Center at the Elmira Reformatory in 1945 to deal with felony prisoners between the ages of 16 and 21 constitutes an excellent start in the direction of this Recommendation. Likewise, the accomplishments of the Center's activities of its first full year of operation justify its establishment and give basis for expansion. By virtue of this legislation the State is committed at least partially to the theory and need for a classification system paralleling the functional lines of other systems, and the Federal prison system.

As the record well indicates, this Association has been active since 1916 in urging a statewide classification system making for a more adequate and systematic distribution of prisoners.

The State of New York requires a clear-cut classification of prisons with each institution to provide for the needs and treatment requirements of specific types of prisoners. For example, there are those over 21 who are being sent to the prison by the courts who, on the basis of careful examination and study, should be sent to the Reformatory. It is not too much to anticipate in the future the designation of Sing Sing for one type of prisoner, Auburn for another, Attica for another, and so on. The procedure is certainly not without precedent as witness the States of New Jersey and California, and the Federal Bureau of Prisons† together with progress in this direction in other States.

*See also 97th, 98th, 99th, 100th and 101st Annual Reports. Also Recommendation VI, page 22, 98th Annual Report for the year 1942.

† See listing of institutions on page 13.

III. RETENTION OF PROFESSIONAL SERVICES IN STATE CORRECTIONAL INSTITUTIONS

It is recommended that budget items be approved providing for the retention and expansion of such professional services as psychiatric, medical, psychological, educational and allied fields within the institutions of the State Department of Correction.

Comment:

There should be no question as to the place and need of professional services in a correctional institution. It is obvious that penal and correctional institutions, if they are to be of protection to society, must do more than merely segregate offenders from those in the community. There can be no intelligent program of study and treatment without the benefit of the professional services. As we have so often stated in earlier reports, none of the services should be regarded as the sole agent in any program of rehabilitation, but instead as a part of a well-rounded approach with emphasis on individual study and treatment.

IV. INSTITUTIONAL FOOD CONTROL

It is urgently recommended that the Legislature amend Section 15 of the Correction Law to provide for a food control specialist in the Department of Correction.

Comment:

The recent report of the New York State Joint Legislative Committee on Nutrition (Legislative Document 1946, No. 76) stressed the fact that the 1946-47 budget submitted to the Legislature by the Governor contained requests for a total of \$1,169,740 for the purchase of food for the fourteen institutions of the State Department of Correction. The report likewise stated "At present (Nov. 1946), there is not a single nutritionist or dietician in the entire department. Our committee believes that the Department of Correction could save a substantial sum of money, eliminate food wastage, improve the nutrient content of food served and use food as an instrument of rehabilitation of criminals suffering from malnourishment, if it employed a nutritionist as advisor to the State Commissioner of Correction."

To this conclusion of the Joint Legislative Committee the Association lends its full support and urges that the Legislature provide the funds necessary (estimated to be approximately \$6,000 annually) for the retention of an experienced and qualified adviser on the most improved methods of purchasing, preparing and storage of foods for the use of inmates in the state correctional institutions.

Those cognizant of the experience of the Army and Navy in mass group feeding know full well of the problems encountered in food preparation and service. Food control is a highly technical field and requires trained and experienced guidance. In view of the thousands of persons under the care of the Department of Correction and in the interest of greater efficiency of operation, added nutritional balance and improved inmate morale, the Association urges favorable consideration be given this recommendation.

V. TREATMENT OF THE CHRONIC ALCOHOLIC

It is recommended that the State of New York through whatever means or direction are at the disposal of the Governor, or through legislative action, give recognition to the problem relating to the chronic alcoholic and provide ways and means for research and the development of treatment procedures.

Comment:

That the problems posed by the chronic alcoholic are numerous and challenging of solution does not need elaboration at this point. Some declare it is or is not a medical issue—a moral issue—a correctional issue—a psychiatric issue—it is not this and not that. Casual and hasty consideration of the situation defies decision as to just which field of the sciences should be primarily responsible.

Authorities agree that the number of chronic alcoholics appear on the increase and jail and prison administrators need not be so informed. It is obvious to them on all fronts. Recent comments from jail administrators include the following:

" . . . the continual movement of untreated chronic alcoholics to and from jail is a disgrace. . . ."

" . . . if a drunk can't go to jail, where can he go? Sheriffs and wardens are fed up receiving the same prisoners time and again, putting up with them during many sobering-up processes, finally getting them on their feet only to find they are due out. And being out means they're due back again. Such situations, like the drunks who create them, are considered funny. But they're deadly serious. They indicate our inability to deal with thousands of alcoholics who wind up in jail because there is no other place for them."

Alcoholism is "one of the most troublesome problems confronting jail administrators today."

"The modern method is for the alcoholic to be escorted to the jail by a policeman, or carried by two policemen. The sheriff, warden, or jailer has no choice but to receive him. . . ."

"It is a serious situation which faces practically every sheriff in the country."

Some institutions, and they are in the minority, have well developed psychiatric and medical programs for the treatment and care of prisoners who are at the same time alcoholics. It is a sad commentary, however, that in order to secure the benefits of intensive treatment of this nature the individual must first be committed to a penal institution. While alcoholism is frequently associated with crime there should be no relation with imprisonment as a result of alcoholism. It is obvious that none of the sciences or professions to date have perfected adequate and satisfactory treatment procedures. It is likewise apparent that those who have devoted considerable thought to the problem are in a sense groping for any clue that might present itself toward treatment of the alcoholic.

Several states are presently engaged in much needed research on this problem. The State of New Jersey, by virtue of Chapter 94, P.L. 1945, provides for a commission on alcoholism to prepare and administer a program for the rehabilitation of alcoholics. Connecticut, through its newly authorized Commission on Alcoholism, is engaged in valuable research leading toward the statewide clinical care of alcoholics. Authorized by Chapter 92, 1945 Supplement to the General Statutes, State of Connecticut, the Commission on Alcoholism (technically known as the Board of Trustees of the State Fund for Inebriates) is financed by nine per cent of the liquor license fees received by the State. This particular legislation is regarded as probably the most progressive of its kind to date.

Likewise, the States of New Hampshire, Washington and others have set up research commissions to report to later sessions of the legislature.

The State of New York has, as the record will show, been active during the past quarter of a century and more in striving to reach an adequate solution to the problem of the chronic alcoholic. Success, however, has not been far-reaching.

We are mindful of the early efforts of the City of New York to attack this problem through the establishment of a Board of Inebriety, and the hospital and colony at Warwick, Orange County, New York. Functioning until 1920, when Prohibition went into effect, the colony then was disbanded. Farm experiments have likewise been tried, notably the State Farm for Women at Valatie opened in October, 1914, which, in accordance with Chapter 467 of the Laws of 1908, admitted females convicted five times as misdemeanants within two years previous to sentence. The Tramp and Vagrant Colony at Beekman, New York, and Camp LaGuardia at Greycourt, were other attempts to seek a solution to the problem of the chronic alcoholic.

Failure of success cannot be attributed to any single factor but largely to public apathy and indifference. A recent study entitled,

"Report of a Survey of Facilities for the Care and Treatment of Alcoholism in New York City," conducted on behalf of The Committee on Public Health Relations of The New York Academy of Medicine by a Special Subcommittee points up "the dearth of facilities and the shocking indifference of a city the size of New York." The extent of the official concern of the practicing physician is of particular importance. The survey reveals that 60 per cent of the 1,609 physicians reporting do not treat alcoholism. As to facilities, the report indicates that "it is obvious that general hospitals deliberately shun admission of alcoholic patients." It continues to state that "only one voluntary hospital in New York City—Knickerbocker—has put into operation a plan for the admission of alcoholic patients." For the past two years all city hospitals provide for the admission of alcoholic patients but the report manifests concern relative to the admittance procedure and subsequent treatment.

The *New York Sun* editorialized in its January 9, 1947 issue in a concise fashion and presented convincingly the deplorable situation now existing concerning the alcoholic. The editorial is reprinted herewith:

NEGLECTING ALCOHOLICS

After studying the manner in which New York city treats victims of alcoholism, a committee of physicians from the New York Academy of Medicine feels impelled to use the word "shocking" to describe indifference to the plight of the drunkard. Most private hospitals accept alcoholics only under protest; public institutions which are required to admit them think only of getting them sober as quickly as possible and turning them out, not concerning themselves with the cause of the disease and its possible cure. Physicians, their fellow practitioners report, generally are reluctant to treat alcoholism. The committee found no cause to criticize treatment which the alcoholics receive while in hospitals, but interns and nurses, though doing their jobs efficiently, regard drunkards as a nuisance and generally beyond redemption.

The public attitude toward victims of alcoholism is understandable. Certainly nothing is more repulsive than a person deprived of his senses by drink. Any normal desire to help such an unfortunate is lessened by uncertainty how he will behave. He may become violent and turn on the Samaritan who would aid him. The public too, has drawn on what the investigating committee calls "The defeatist attitude of the medical profession toward the treatment of the alcoholic." The fact that the problem is difficult and is not likely to lend itself to an easy solution is, however, no reason for its neglect.

It is a hopeful sign that the Academy has interested itself in the disease with a view to bringing wider public realization of its nature and the need for a more enlightened approach.

The Prison Association of New York's basic interest in this problem is to urge its separation from the viewpoint that it is a penal problem. Jails and prisons are highly unsuitable facilities for treatment just as they are unsuitable as treatment centers for tuberculosis and any other disease. It is obvious that something more is necessary than a "cooling off" period in confinement with the aid of neutralizing medication, if medical service happens to be available. With this observation strongly before it the Association makes its recommendation.

VI. SEXUAL PSYCHOPATH LAW*

It is recommended that the Legislature amend Chapter 482 of the Laws of 1881, entitled "An Act to Establish a Code of Criminal Procedure," providing for proceedings concerning the disposition and treatment of sexual psychopaths.

Comment:

This Recommendation is being repeated again this year with the additional notation that specific legislation be enacted amending the Code of Criminal Procedure to the extent that an offender convicted upon a plea of guilty or as a result of trial on such charges as rape, carnal abuse of a child, impairing the morals of a minor, sodomy, incest, indecent exposure and degeneracy may be remanded for examination to determine whether he is a sexual psychopath. The legislation should likewise provide for mandatory examinations in the cases of those previously convicted of the aforesaid offenses.

The Association recommends that in the event of an affirmative declaration resulting from the examination the offender be committed to the jurisdiction of the State Department of Correction for care and treatment in its appropriate institutions or those of the Department of Mental Hygiene or other institutions organized for the purpose of dealing with psychopathic personality or criminal psychopaths. The offender should remain confined until such time as he is no longer a sexual psychopath and no longer a danger to himself and to others. The period of specialized treatment mentioned above is to precede the sentence on the crime, offense or charge of which the offender was originally convicted, with the time spent in the aforementioned institutions credited to the subsequent

* See page 120 for a copy of the bill introduced by Senator Thomas C. Desmond of Orange County as a means of developing some control over the sexual psychopath.

prison term. Disposition should likewise provide for suspended sentence or probation if the court is of the opinion that the defendant is no longer a sexual psychopath.

The Association holds to the opinion that present procedures dealing with the custody of sex offenders are not of sufficient adequacy toward the protection of society. As a basis for action the Association recommends that the Report of the Mayor's Committee for the Study of Sex Offenses in New York City (for the ten-year period 1930-1939, and released January 1944) be given careful consideration. It is imperative that a well rounded plan be developed leading to a more scientific treatment of offenders of this nature.

VII. RETENTION OF MENTALLY DEFECTIVE MISDEMEANANTS AFTER EXPIRATION OF THEIR TERMS

It is again recommended that Section 440 of Article 17 of the Correction Law be amended to provide specifically for the possible retention of mentally defective misdemeanants at the Napanoch, Woodbourne, and Albion institutions after the expiration of their sentence.

It is further recommended that the amendment to the law apply to those committed as youthful offenders.

Comment:

The law as it exists at the present time and as officially interpreted by the Attorney General, makes it possible to continue to hold with the approval of the court mentally defective felons after the expiration of their sentence. This constitutes a positive and most necessary means of public protection. The same law, however, as presently interpreted through an official opinion in the Zaek case, does not apply to mentally defective misdemeanants. The differentiation is purely legalistic and obviously has no relation to individual circumstances.

In the past the record will show that the Institution for Male Defective Delinquents at Napanoch, for example, has been forced by law to release a number of vicious, dangerous, anti-social, and criminalistic misdemeanants who should not have been released. *Because of the inadequacy of the present law these persons have been returned to the community because they were misdemeanants.* The Napanoch, Woodbourne, and Albion institutions are especially designed for the custody, training and treatment of mentally defective delinquents. If such persons are not suitable material for release in free society, regardless of the technicalities of their sentence, then they should be retained until such time as they are considered good risks in the community.

The second part of the above recommendation applies to so-called youthful offenders, committed to Napanoch for maximum sentences of three years, and whom the institution cannot recommit at the present time. It is obvious that any individual committed or transferred as mentally defective should be eligible for recommitment if after a careful and thorough study it is found to be essential to the welfare and protection of society and in the individual's interests and needs.

VIII. TRANSFER TO CERTAIN INSTITUTIONS UNDER THE JURISDICTION OF THE DEPARTMENT OF MENTAL HYGIENE

It is recommended that Section 439A of Article 17 of the Correction Law be amended to broaden the power of transfer from institutions in the Department of Correction to those of the Department of Mental Hygiene.

Comment:

On the basis of official records and findings, it is obvious that there are confined in the institutions for mental defectives (Napanoch, Woodbourne and Albion) some who should not be in correctional institutions. Such persons are inadequate and incapable of adjustment to community life. At the same time they offer no behaviour problems and most have exemplary conduct records and in no way are disciplinary problems. There are some in this category who would benefit and profit from admittance to the more specialized institutions of the Department of Mental Hygiene.

The law presently provides for the transfer of certain individuals under 21 years of age and the Association feels that it would be to the best interests of the State to provide for the transfer of some over 21.

No age limit is set in Section 134A of Chapter 874 of the Laws of 1945 for the transfer of certain persons from the Department of Mental Hygiene to the Department of Correction. Likewise it is felt that there should not be a restricting age limit affecting transfers from the Department of Correction to the Department of Mental Hygiene.

IX. INSTITUTIONAL FARM OPERATIONS

It is recommended that sufficient funds be provided for the continuation and expansion of institutional farm lands and operations for the dual purpose of affecting a highly satisfactory employment program for prisoners together with a vitally necessary source of food supply.

It is further recommended that the Legislature through the provision of adequate funds provide for competent and qualified personnel to extend the farm productivity and to enlarge upon such operations as canning, food freezing, and other modern methods of food preservation.

Comment:

Experience of the war years and the first ten months of 1946 has definitely proven the value and place of institutional farm operations in New York State. The experience of this State is likewise substantiated by the production records of institutional farms in other states, and proves beyond any doubt that institutional farm operations provide highly suitable employment programs for inmates and result in a marked saving to the taxpayer through an economical source of food supply.

The Prison Association is particularly concerned over the status of the farm at Westfield State Farm (Reformatory for Women) and urges that every step be taken to assure its continuance and expansion as a rehabilitative aid to inmates and a much needed source of food supply for the institution. We stress the point again that the basic and primary function of an institutional farm is to provide suitable and healthful employment for institutional inmates. Farms operated by institutions are not and should not be considered as money-making enterprises. They should instead be considered as an elementary part of the rehabilitative process for those confined.

The State Commissioner of Agriculture and Markets in December, 1946, made public the information that three of the high-production State farms were operated by institutions of the Department of Correction. Quoting from the findings of the Department of Agriculture and Markets, "In milk production the leading herd was the one at the Institution for Male Defective Delinquents at Napanoch, which is under the supervision of the Department of Correction. . . . The New York State Vocational Institution at Coxsackie, also under the Department of Correction, had the high average production for laying hens. . . . When we talk of potatoes we at once think of the 900 acre Attica Prison farm in Wyoming County which . . . produced 11,000 bushels this season."

In concluding the report the Department of Agriculture and Markets stated, "It was pointed out that the primary purpose of all institutional farms is to provide healthful outdoor exercise for the population and secondly to assist in maintaining the food supply. . . . The value of food produced on State institution farms (including all departments) since April 1, 1946 was placed at \$2,000,000."

This record and its importance in the treatment program of the institutions should not be permitted to decline in the years that lie ahead.

X. BENZEDRINE TRAFFIC

It is recommended that legislative action be taken so as to provide that the introduction of benzedrine into a penal or correctional institution for other than official use be classified as a felony.

Comment:

Prison administrators throughout the country concede that the introduction of benzedrine into a penal or correctional institution for other than official use as prescribed by duly licensed members of the medical profession is detrimental to the health and morale of prisoners. The fact that benzedrine is not classified as a narcotic, and that no penalty now exists for the introduction of the drug into a place of confinement, adds to the administrative problems of officials. Benzedrine has its proper use as does a narcotic but it likewise may be used to make the equivalent of an intoxicating drink. Benzedrine may be purchased at any drug store without the presentation of a physician's prescription and its ease of purchase adds to the nature of the problem. The State Commission of Correction recently circulated a warning bulletin to institutional administrators pointing out the dangers inherent in the misguided use of this drug. Legislative action as recommended above would serve to reduce to a minimum the traffic in benzedrine that is presently a difficult administrative problem.

XI. INCREASE OF MEMBERSHIP OF STATE BOARD OF PAROLE

It is recommended that the Legislature provide for the increase in membership of the State Board of Parole from its present three members to a total of five members.

Comment:

This recommendation is made in view of the fact that the duties of the State Board of Parole have recently been enlarged and expanded by law. It is a physical impossibility for the present three members to contribute the best of their ability in the interest of good parole procedure and justice to those under their jurisdiction with the present burden of cases. As reported recently by the Governor, the Board's work has increased thirty per cent by virtue of the fact that all sentences are now indeterminate and the eventual concern of the Board of Parole. Additional officers and other personnel have been provided, and in order that the State of

New York continue as a leader in sound parole administration, it is imperative that the Legislature provide for this recommended expansion of membership.

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

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

Comment:

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

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

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

Comment:

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

Chapter 678 of the Laws of 1945 excluded Elmira Reformatory parole violators from the mandatory language of Article 8, Section 210 of the Correction Law.

XIV. FIVE YEAR LIMITATION OF SENTENCE AT THE NEW YORK STATE VOCATIONAL INSTITUTION AT COXSACKIE

It is recommended that Section 343 of Article 13A of the Correction Law be amended so as to impose a five year limit on all sentences of those committed to the New York State Vocational Institution at Coxsackie.

Comment:

Particularly in the case of adolescent offenders such as those committed to Coxsackie, it is highly unlikely that an individual would profit by more than five years of confinement. It seems in order, therefore, and in the interests of greater efficiency of administration, to recommend Legislative action through the amendment of Chapter 678, Laws of 1945, which limits the maximum term at Elmira Reformatory.

XV. IMPROVED PROBATION

It is recommended that the following proposals be given Legislative support in the interest of improved probation service in the City of New York:

- (1) Legislation to raise to the highest possible level of organization and efficiency the eight different and unrelated probation services now in operation in New York City.
- (2) Extension of the authority of the State Probation Commission to the point where its authority will be of greater value to the people of the State than its present limited advisory powers.
- (3) The establishment of a state subsidy for the development of probation in those areas not now utilizing this progressive treatment procedure.

Comment:

The progress of probation in New York State since the date of the first probation law more than 40 years ago is well known. As is the case with other treatment procedures there is room for further improvement. The value of probation lies in its statewide usage and the quality of its administration. The Prison Association of New York is especially concerned with this matter in view of the fact that it was the pioneer agency identified with probation in the Court of General Sessions (Manhattan). For many years the Association stood alone in urging the improvement of probation. The Association believes, however, that the unevenness of probation in

New York City should not continue. In the interest of the highest level of procedure, standards and administration a consolidation of existing services is necessarily based upon a careful study of administration and handled by competent leadership.

In the interest of improved probation services in other sections of the State, the Association recommends the extension of the authority of the State Probation Commission beyond the point of its present limited advisory powers.

The subsidy plan as recommended would enable the development of probation in those areas not now in a position to financially sponsor such a service.

The Association agrees in substance with the report submitted to the Mayor of the City of New York in February, 1946, by the State Probation Commission. This report recommended the immediate consolidation of the probation departments of the eight courts involved and stated that: "A consolidated probation department would provide the best means of coordinating and systematizing the probation work in the city, eliminating the duplication of effort and overlapping of functions that now exist. . . . The primary purpose of a consolidated department would be to establish and maintain the highest quality of probation work for the entire city."

Legislation is necessary before the recommendation can be put into effect and the Association repeats its urging of many years past that the Legislature give its long-needed attention to this situation.

XVI. STATE COMMISSION OF CORRECTION

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

Comment:

The Prison Association is largely responsible for the establishment of the State Commission of Prisons, the successor body of which is the present State Commission of Correction. In urging the establishment of the original body, prior to 1894, the Association held that there should be a state financed, independent, free-handed supervisory body to concern itself with the penal and correctional institutions of the State. Under the present arrangement, the Chairman of the State Commission of Correction is the Commissioner of Correction. This was not the case prior to 1926. It is evident that there now exists the anomalous situation whereby the head of the Department of Correction is also the Chairman of the Commission (a Constitutional provision which we do not consider

sound). The Commission is required by the Constitution to visit and inspect the institutions designated for the housing of sane adults charged with or convicted of crime. Under present procedure the Commissioner of Correction is in a position somewhat similar to that of the head of a corporation who could control the audit of its books and affairs.

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

XVII. DEFENSE ATTORNEYS

It is recommended that the Judicial Council be directed and empowered to investigate complaints by defendants in criminal actions relative to the inadequacy of efforts and, in many cases, failure on the part of some attorneys to render satisfactory service. An undertaking of this nature should be patterned after that employed in curbing "ambulance chasing."

Comment:

The modus operandi employed by some attorneys to obtain compensation constitutes a disgrace in the legal profession. While it is not denied that attorneys should require due compensation for services faithfully performed, it is, however, to be expected that adequate defense in accord with the highest ethics of the legal profession be given in return. Those attorneys who devote more time to finding ways and means of obtaining compensation instead of providing wholly satisfactory services or who urge clients to plead guilty on the alluring promise of receiving the mercy of the court through release or light sentence should not be permitted to trifle with the predicament of their clients or the high standards and honor of their profession.

XVIII. EXAMINATION INTO SENTENCING PROCESS

It is recommended that the Law Revision Commission receive legislative authorization and direction to conduct an examination into the sentencing process of the various courts with provision of the necessary funds for the completion of the study.

Comment:

It has long been acknowledged that a disparity of sentences is evident throughout the State. The major result of this condition is discontent and a feeling of injustice among those confined in the institutions of the State Department of Correction and other penal institutions within the State. The goal to be attained is the even application of justice dispensed on the basis of individual consideration rather than stereotyped punishment. The Law Revision Commission is the logical body to conduct such a study and the Association urges legislative support to this end.

XIX. SAFEGUARD AND EXPAND THE PRISON INDUSTRIES

In this instance the Prison Association departs from its custom of making a specific recommendation and instead addresses a *word of caution* to the members of the Legislature. This procedure is followed because the comment that follows cannot be worded as a positive action-taking recommendation. It is, on the contrary, an urgent plea for legislative support to the end that prison industries be supported in every way possible.

The contributions of prisoners to the successful conclusion of the recent war are now a matter of public record. The millions of dollars worth of war material produced by a comparatively small number of long-term prisoners has been highly praised by officials in every quarter. The long hours of voluntary labor, the complete absence of strikes and absenteeism, the great surge of interest, and the tremendous desire to be of service on the part of the prisoners attest to the fact that prison industry can be a potent factor in the rehabilitation of prisoners as well as a definite contribution to society. We urge that the Legislature take cognizance of this as reflected in the splendid showing made during the war years by the prison industries of this and other States and the Federal prison industries.

We urge further that the Legislature be alert to ignore or defeat any attempt by selfish interests to curtail the maintenance or expansion of the peace-time vocational and industrial operations of the various institutions operating as they do under the constitutional authority providing for the state-use plan of prison industries. In the past the Association has witnessed many unsuccessful attempts in this State on the part of some to thwart the development of prison industries. The Legislature should meet such attacks with vigor and with conclusive negative action and at the same time should strengthen and encourage the present industrial facilities and operations through appropriations for modern and much needed new equipment and trained instructor personnel.

As previously pointed out in preceding annual reports of the Association, the stimulus that the war provided cannot be counted on to continue during peacetime. Therefore, it is necessary to make plans for the modernization and expansion of prison industries so that the achievement of other years could be exceeded and the potentialities of the industrial activities in harmony with the theory of state-use for prison labor could be realized.

Legislative support of the prison industrial program can be a vital force in the interest of the protection of society through the rehabilitation of prisoners.

NINETEEN FORTY-SIX IN BRIEF

An examination of the following pages will demonstrate the continued interest of the Association, now in its 102nd year, in the various phases of correctional treatment identified not only with the City and State of New York but nationally and internationally as well. The Association throughout its history has not confined its operations to a limited area but instead has operated on a wide front, so to speak, in the interest of penological progress for the good of the nation as a whole. The items brought out on the following pages are samples of interest and activity. They naturally do not tell the full story. This can be learned only by a closer examination of the voluminous files and records in the Association's office. It is hoped that those who will examine this, our Annual Report, will be once more convinced of the Association's alertness and uninterrupted keeping of faith with the purposes for which it was founded long ago.

Alcoholism It becomes increasingly noticeable that chronic alcoholism is being widely discussed. Emphasis is being directed toward the problem in Connecticut by the establishment of State financed clinics with the cooperation of Yale University. This movement is the result of the passage of a law in the State of Connecticut, Chapter 92 of the Laws of 1945, creating a board of trustees of the State fund for inebriates. The desirability of similar legislation for New York State should be taken under consideration. Dr. E. H. Corwin of the Academy of Medicine of the City of New York has been in touch with the General Secretary on the problem. For the Association's views and desire for the State to explore the whole subject, see Recommendation V beginning on page 17.

New York City Reformatory Commitments During January letters were addressed by the General Secretary to Chief Justice William R. Bayes of the Court of Special Sessions, and Chief City Magistrate Edgar Bromberger of the Magistrates' Courts expressing the Association's concern regarding illegal commitments to the New York City Reformatory at New Hampton. The letter set forth an enumeration of 31 illegal commitments found at the institution at the time of an inspection on December 4, 1945. It also set forth one glaring example of such commitment. It was urged that the Chief Justices acquaint their associates with the letter and request that they observe the law. Not willing to rely wholly on the cooperation of the various judges, the Association took the initiative and arranged for the introduction of a bill to make

it mandatory that the Commissioner of Correction of the City of New York return promptly all illegal commitments to the courts. This bill was introduced by Mr. John J. DePasquale in the Assembly and by Mr. Lowell H. Brown in the Senate. The Assembly bill was finally passed and signed by the Governor becoming Chapter 850 of the Laws of 1946. The definite prohibition of certain types of commitments and adherence to the law generally relating to the Reformatory should assist the management of the institution and enhance the opportunity for the more hopeful type of inmates to benefit by whatever program of treatment exists. Through the enactment of this legislation the Association has reason to be gratified and to feel further that once more it has demonstrated its belief in and willingness to support the reformatory type of institution.

Reformatory Needs to be Revitalized

Regarding the Reformatory itself, the Association has for some time been concerned not only with the illegal commitments thereto, but the lack of inspiring leadership, the absence of a well defined and varied program of treatment and the inadequacy of educational personnel and equipment. In this connection the Association's views are set forth in a letter to the Mayor dated October 22nd.

My dear Mayor O'Dwyer:

For a great many years this Association has been vitally interested in the New York City Reformatory located at New Hampton, New York, and operated by the Department of Correction of the City of New York.

It is not necessary for me to relate to you something of its early history dating back to 1868. Suffice it to say, however, that on the basis of close observation and study covering more than thirty-three years personally, and for a much longer period as far as the Association itself is concerned, we feel that it is necessary that one of two steps be taken without delay.

In the first place, if it is the intention of the people of New York to operate a reformatory in more than name only, based on modern correctional practice and technique leading to the positive rehabilitation of those confined therein, then it is imperative that adequate funds be provided as soon as possible. These additional funds should be applied first to personnel requirements and secondly to expanded and improved physical facilities. With the present equipment and personnel it is possible only to maintain little more than a detention institution which fails to pay dividends to the taxpayer in the form of rehabilitated parolees. In few words, the vision and enthusiasm of those identified with the early days of the reformatory at New Hampton and those who have since been seriously concerned with its progress, has not been maintained or supported. The pity is that the institution has great potentialities, as has been recognized repeatedly by the present Commissioner of Correction, Dr. Peter F. Amoroso.

If the financial situation does not warrant immediate improvement at this institution, then the alternative is to close it and provide for the transfer of its inmates to the New York State Department of Correction to be assigned to suitable institutions through its Reception Center recently established at Elmira. It is suggested that the City of New York then

enter into an agreement with the State Board of Social Welfare to accept the entire physical equipment and property for use as an *overflow institution for minors* now committed for the institution at Warwick.

The Executive Committee of The Prison Association of New York, at its regular monthly meeting held on October 17, 1946, authorized and urged that this communication be directed to you.

In summary, unless the City of New York can provide the ways and means of administering this institution in accord with approved correctional standards and procedures then the only alternative is its abandonment. It is the studied opinion of this Association that a decision should be reached without delay in the interests of the protection of the people of New York as well as those committed to this institution.

Please accept this offer to be of assistance in any way that you might deem appropriate and be assured that this letter is written solely on the basis of our desire to work as we have in the past for the overall improvement of the Department of Correction of the City of New York.

Respectfully yours,

(Signed) E. R. CASS

General Secretary

Acknowledgment of the letter was received dated October 25th and signed by the Assistant to the Mayor. It was later learned that the letter had been passed on by the Mayor's office to the Commissioner of Correction, Dr. Peter F. Amoroso, for comment. He in turn advised the General Secretary that he was wholly in sympathy with the content of the letter and that upon the Mayor's return from California a conference would be held. In December 1946 Dr. Amoroso resigned and at this writing it is known that his successor, Commissioner Albert Williams, is looking seriously into the reformatory situation with a view to making necessary physical changes as recommended and also and most important of all, to provide new leadership and personnel and the formulation of a definite reformatory type of program. The Commissioner is reluctant to abandon the institution because it is his belief that there is no other institution in the Department to which the young inmates can be sent and further because of his optimism regarding the possibility of making changes at the reformatory to bring it more abreast of approved standards. We shall continue to watch the situation with earnest interest.

It is pleasing to note that the Association's observations regarding the various inadequacies at the reformatory is supported by similar observations made by the State Commission of Correction and a special committee of outstanding citizens headed by Dr. John H. Johnson, pastor of St. Martin's Episcopal Church in New York City.

A further discussion of this and other institutions of the City Department of Correction begins on page 72.

**Correction Division
War Department**

Our General Secretary, Mr. Cass, continues as a member of the Board of Consultants of the Correction Division of the War Department. Earlier in the year a meeting was called by the Under Secretary of War, the Honorable Kenneth C. Royall, in Washington, D. C., to determine postwar correctional policies and procedures. At this meeting there were presented extremely interesting division reports. These were quite illuminating reflecting the thoroughness and earnestness of the Army personnel and the success achieved in the face of almost unsurmountable obstacles. The minutes of the meeting are on file in the office of the Association and are available for restricted reading. A part of the business of the meeting was the adoption of resolutions on the following subjects:

1. Recommending the extension of restoration policy to the post-war period.
2. Commending the Army for its clemency program.
3. Recommending greater utilization of parole.
4. Recommending the establishment of disciplinary barracks and rehabilitation centers as class IV installations.

Mr. Cass received the following letter from the Honorable Kenneth C. Royall, dated December 24, 1946:

My dear Commissioner Cass:

As we draw to the close of 1946, I want to express to you and to the other members of the Board of Consultants on Correctional Problems my appreciation of the assistance which you have given the War Department in the solution of our correctional problems during and since the period of active hostilities.

In our efforts to bring correctional installations and our parole program to the highest possible standards, we drew heavily on the wisdom and experience of the members of the Board of Consultants. I hope that you feel, as I do, satisfaction and pride in the progress which has been made.

You and your associates on the Board of Consultants, through the assistance which you gave the War Department in planning and carrying out correctional and parole programs, have rendered a service for which the War Department and I are grateful.

Sincerely yours,

(Signed) **KENNETH C. ROYALL**
Under Secretary of War

As a member of the Board of Consultants Mr. Cass was requested by the War Department to examine complaints regarding the labor of Army prisoners on Governors Island. The complaints were made by wives of prisoners to some of the newspapers and various columnists made severe criticisms to the effect that a slave camp was being maintained and that prisoners were being used as personal servants by officers' families. After observing the various types of

labor, studying the assignments, and talking with many prisoners giving them ample opportunity to make whatever complaints they had, the conclusion by Mr. Cass and his associates was that the situation was distorted in the press comments and on the whole unjustified. However, it was recommended by Mr. Cass and his associate consultants, Austin MacCormick, Sanford Bates, and Warden Walter M. Wallack of Walkkill Prison, New York, that changes be made hastening the parole release of some of the prisoners and restricting some work assignments.

**National Conference for the
Prevention and Control of
Juvenile Delinquency**

On November 20, 21, and 22 there was held in Washington, D. C., a conference called by U. S. Attorney General Clark. Mr. Shaw of

our Executive Committee was very active in the preparations for and the conduct of the conference. The purpose was to find ways and means of better understanding and dealing with the problem of juvenile delinquency. It was truly a working conference since the various sections spent most of their time in the preparation and discussion of reports, conclusions, and recommendations identified with the following subjects:

Rural Aspects
Recreation for Youth
Community Coordination
Youth Participation
Case Work-Group Work Services
Detention Facilities
Role of Police in Juvenile Delinquency
Housing, Community Development and Juvenile Delinquency

Home Responsibility
Citizen Participation
Juvenile Court Laws
Institutional Treatment
Church Responsibilities
Juvenile Court Administration
Mental Hygiene and Child Guidance Clinics

Mr. Cass attended meetings on the first day, November 20th, and Mr. Wright, our Assistant Secretary, on the last two days. Since the conclusion of the conference a letter has been received from the Attorney General dated December 9th acknowledging the value of our participation in the deliberations of his conference and expressing thanks and appreciation.

In February 1947 there was made available by the Department of Justice a publication entitled, "Recommendations for Action by the Panels of The National Conference on Prevention and Control of Juvenile Delinquency." This volume, running 136 pages should be consulted and used by all concerned with the subject of juvenile delinquency. It can be had from the Superintendent of Docu-

ments, Government Printing Office, Washington 25, D. C., at a cost of 30¢. The full printed report of the conference will be available later in the year.

State Institution Farms

The threat to discontinue the farm at the State controlled institution for women known as Westfield State Farm in Westchester County was of deep concern to the Association. In accord with instructions given by the Executive Committee a letter was addressed to the Director of the Budget, Mr. John E. Burton, the Governor's Counsel, Mr. Charles D. Breitler, and the Commissioner of Correction, Mr. John A. Lyons, urging that there be no withdrawal of the financial support of these farm operations. It was emphasized that the farm should be regarded as a part of the rehabilitative program of the institution and not necessarily as a money making medium. Attention was also called to a recent announcement by the New York State Department of Agriculture and Markets reflecting very favorably on institution farm operations in this State. Acknowledgments were received and in a letter sent by the Deputy Commissioner of the New York State Department of Correction it was stated in part as follows:

Please be advised that this matter was fully considered and discussed at budget hearing by Department officials; and we have every reason to believe that funds will be provided in the next budget to conduct farm operation.

It is our intention to visit the institution prior to farm activities next year in order to organize a better farm program and to utilize all of the facilities on a more worthwhile basis than has obtained in the past. You may be assured that our continued attention will be devoted to this matter.

Probation

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

The above is indicative briefly of the Association's attitude during 1946 and for many years prior. Of interest is a letter addressed to the Director of the Budget, Honorable Thomas J. Patterson, on probation needs:

March 15, 1946

Dear Mr. Patterson:

It has been brought to our attention that the Probation Department of the Magistrates' Courts is requesting an appropriation for the extension of its service, and we would like to take this opportunity to respectfully request that their recommendations be given every consideration.

This Association has long been interested in the subject of probation as an effective aid in the treatment of crime and delinquency. Conspicuous among the many forward looking movements in which this Association took the initiative is the development of probation in New York State, including the drafting and passage of the first probation law. The development in New York City is likewise traceable to the early efforts of this Association, and it naturally follows that we are vitally interested in the expansion and improvement of these services in this city.

Probation, like any other professional service, cannot be operated on the proverbial shoestring. Salaries should be sufficient to attract qualified personnel as it is obvious that the calibre of the personnel is the backbone of effective and efficient service.

The Magistrates' Courts are busy ones and unfortunately its probation service is the weakest of its kind in the various courts of New York City. Recently progress has been noted and it is our firm conviction that additional budgetary support will strengthen it immeasurably.

We urge that every effort be made to allocate as much of the requested increase as may be possible under the circumstances.

Respectfully yours,

(Signed) E. R. CASS

General Secretary

Attention is also directed to our Recommendation XV to the 1947 Legislature set forth on page 26 of this report. This recommendation relates not only to probation in the City of New York but also throughout the State.

Street Clubs

As stated in the 1946 Report, our President, Mr. Holter, on July 31, 1945, directed a letter to the Welfare Council of New York City urging that the Council undertake a study of juvenile gangs. It was agreed that the study be made and during 1946 Mr. Shaw, as chairman of the committee, and his associates submitted their report which is set forth beginning on page 82. Some of the highlights of the report as explained by Mr. Shaw are as follows:

1. That participation in street clubs represents a natural tendency of most adolescents of any social strata to join autonomous groups of their contemporaries.
2. That, by its very nature, the street club has constructive potentialities.
3. That an increasing number of street clubs have become involved in anti-social behavior.
4. That the recreation and leisure-time agencies, as they are presently organized and operating, have not been coping with the street club situation.

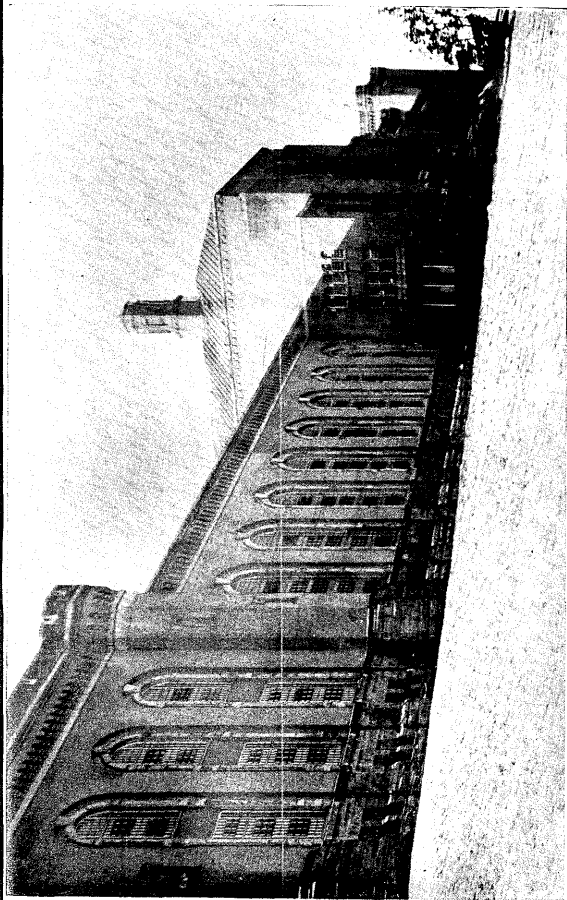
5. That punitive methods have not been successful in controlling the street club situation.
6. That in view of the fact that the needs of street club members are not being met by existing methods, there is urgent need for experimentation with a new approach.
7. That the Area project should consist of the following: (a) Area Director, (b) Area Committee, and (c) Area Workers.
8. That the approach should be based on the following principles:
 - (a) On a community level, the approach is based on a deep conviction that the area itself is not passive or apathetic.
 - (b) From the point of view of working with the street clubs themselves, the first step should be to recruit the best leadership available to work directly with these groups.
9. That the experimental projects should be planned to extend for three years.
10. That the Committee on Street Clubs of the Welfare Council should continue in existence and explore ways and means of carrying out the above recommendations.

Providing Ways and Means for Action

Realizing that the report would not serve its full purpose without definite action in the areas under its observation, the Association through the initiative and warmth of interest of its Treasurer, Mr. Charles C. Auchincloss, undertook to raise the necessary funds for the making of a practical demonstration in line with the recommendations contained in the report. As a result of Mr. Auchincloss' personal efforts directed toward his friends and others, a considerable amount of money was raised by the end of the year. Greatly encouraged by this signal effort Mr. Shaw at this writing is in the process of organizing the personnel for the initial demonstration.

Elmira Reformatory* and Reception Center During the month of November Mr. G. Howland Shaw, Commissioners Schoenfeld and Cass, and Mr. Wright, visited the Reception Center and the Reformatory at Elmira. The Reformatory in recent years has been practically rebuilt giving an entirely different exterior and interior view in accord with modern type of architecture. Better housing now exists. The program of education and training continues in accord with the general pattern of approved reformatory procedures. The shop programs having been curtailed during the war are gradually

* For photographs of Elmira, exterior and interior views, see pages 38, 44, 48, and 52.



FRONT VIEW OF ELMIRA REFORMATORY

The institution has been practically rebuilt. A notable exterior change is the elimination of the ornate architecture characteristic of the 1870's.

being restored to prewar levels. There was some exception taken by Mr. Shaw and Mr. Wright to the intensive military squad drilling.

Most of the time was spent in the Reception Center where a number of cases were receiving final action by the staff of the Center to determine the institution to which the inmate should be assigned for custody and treatment in harmony with his individual needs. As previously stated the Association has a deep interest in the operation of this Center since its establishment is in keeping with complaint and suggestion made by the Association and others over a long period of time. The Center has the value of screening inmates for assignment, rehabilitation, and treatment in a way far superior than relying on the decision of the various courts throughout the State. Experience has shown that when the responsibility was left to the courts there resulted an unevenness and a wide variety of determination reflecting too often unwise decision. (For a more detailed statement on the Reception Center see page 88.)

International Penal and Penitentiary Commission During the month of April 1946 the General Secretary journeyed to Switzerland on authorization by and instructions from

Secretary of State James F. Byrnes. Mr. Cass acted as alternate for our International Penal and Penitentiary Commissioner, Sanford Bates, to attend the meetings of the Bureau of the International Penal and Penitentiary Commission at Berne. The chief item of concern to our State Department was the future of the Commission in view of the existence of the United Nations organization. The International Penal and Penitentiary Commission was established in 1872 largely as a result of the vision and efforts of the then General Secretary of The Prison Association of New York, Dr. E. C. Wines. Regarding the future of international bodies such as the Prison Commission, the United States Government is studying the situation. Therefore, it was desirable to have a representative from the United States at the meeting in Berne to learn firsthand of the discussion there and to sound out the delegates from other countries. There came from the meeting the following resolution of special interest:

The Executive Committee of the International Penal and Penitentiary Commission, meeting for the first time after the war of 1939-45, expresses the wish that, in the sphere of the prevention and treatment of delinquency and crime, close cooperation shall be established between the Economic and Social Council of U. N. and the International Penal and Penitentiary Commission, provided always that the International Penal and Penitentiary Commission shall retain its complete independence as a separate organization.

The General Secretary participated actively in the affairs of the gathering and repeatedly made the point that the Commission must expand its interest and activities; that it must be more articulate in the correctional field throughout the world; that it must be more

practical in its programs and deliberations and less academic; that there must be more opportunity for American participation in the affairs of the Commission; that the name of the Commission should be changed so that it would be more expressive of the general interest in the correctional field; that the official languages of the Commission should be English and French instead of French alone. All of these suggestions and others, requiring in some instances an amendment to the Constitution, were favorably accepted.

In August 1946 the full Commission held its meeting in Berne and the United States was represented by our International Commissioner Sanford Bates. The decisions reached at the April meeting were essentially agreed to by the delegates from fifteen countries. Mr. Bates was elected President of the International Penal and Penitentiary Commission. It was agreed that negotiations be carried on with United Nations to develop ways and means whereby the International Penal and Penitentiary Commission could serve and cooperate with the United Nations in the furtherance of penological progress throughout the world.

Manual of Suggested Standards for a State Correctional System This Manual is a direct outgrowth of many requests on the part of Governors of various States, correction officials, civil service commissions, legislative and civic bodies and persons interested in the various phases of correctional treatment. It reflects the intense interest of a member of the Executive Committee, Sam A. Lewisohn, who was President of The American Prison Association for the year 1946. The unceasing labors of Mr. Lewisohn and his associates on a special committee of The American Prison Association has produced a work that can be of inestimable value to any person or group of persons charged with the responsibility of establishing or improving a state correctional system. The Manual of Suggested Standards is a concise statement of the best penological thought concerning the organization and functioning of a state correctional system. The Manual is divided into fifteen chapters of the following titles:

Probation	Personnel
Classification	Medical Services
Employment	Education
Library Services	Religious Activities
Recreation	Discipline
Parole	Jails
Scope of State Correctional System	
Diversification of Institutions	
Central Administration of the State Correctional System	

Further, it includes a foreword by Mr. Lewisohn and concludes with the reprinting of the 1870 Declaration of Principles of The

American Prison Association. This Manual has received warm praise from Governors of various States, members of boards and commissions, judges and lawyers, officials of foreign countries, and is frequently referred to as timely and one of the best products of the interest and labors of the Association.

76th Annual Congress of Correction

The 76th Annual Congress sponsored by The American Prison Association was held in Detroit, Michigan, October 4th to 8th. All comments received by members of the staff and others indicate that this Congress was one of the most helpful of the long series of meetings over the past three-quarters of a century. An outstanding feature of the Congress was the address by the President, Mr. Lewisohn, who incidentally is the first business man to hold this office. It should be noted that his address received considerable national coverage from the press, and numerous comments received indicate that his remarks were challenging and exceedingly thoughtful.

One of the evening general sessions was devoted to the public's responsibility to the alcoholic. This session was sponsored by The National Jail Association of which our Assistant Secretary, Mr. Wright, is Executive Secretary. This subject was brought up in view of the fact that well over half of the commitments to more than 3,000 county jails in the country each year are as a result of alcoholism in some degree. Of course, a great many of these persons are sentenced for other charges but basically alcoholism is the fundamental cause for delinquency. We had a representative of the Yale University Laboratory of Applied Physiology, Dr. Selden D. Bacon, and four others representing research groups on alcoholism, Alcoholics Anonymous, and jail administrators.

Another of the general sessions dealt with the topic of the social significance of prison problems, attempting to discuss the question of how can we improve service and working conditions for institutional staffs without lessening the attention given to inmates. This was followed by an open discussion on what we know about prison conditions. Reports from representatives of the various States featured this meeting.

Other sessions discussed the relationship of prisons and parole in pre-parole preparation and the relationship of classification, education, and prison industries to a well-administered program of correctional treatment.

In addition to the usual general sessions, each afternoon witnessed some seven sectional meetings sponsored by the various committees of the Association and allied organizations. The November-December 1946 issue of *The Prison World* contains a resumé of the Congress and the printed proceedings will be available early in 1947.

We had a very encouraging registration from forty States and several foreign countries numbering some seven hundred delegates. The new President of the Association is Mr. Harold E. Donnell, Superintendent of Prisons for the State of Maryland. Commissioner John L. Schoenfeld, a member of our Executive Committee, was elected Treasurer, succeeding Mr. George C. Erskine who retired after serving for more than fifteen years.

A surprise party was given Mr. Cass for his 25 years as General Secretary of The American Prison Association. There was large attendance and during the course of the gathering a handsomely engraved testimonial was presented to him together with a beautiful gift of silver.

**Directory of
Correctional
Institutions**

It is gratifying to note once more that this publication prepared in cooperation with The American Prison Association meets with increasing demand among officials in the various States

having to do in one way or another with those who come into conflict with the law.

**Handbook on
Classification**

Another publication soon to be made available is a Handbook on Classification by the Committee on Classification and Case Work of The American Prison Association. Classification is a term frequently used in penological circles but not always with a clear cut view of its purpose, application, and understanding of its practical values. The General Secretary in his capacity as the executive officer of The American Prison Association has been insistent for several years that the Handbook be completed and made available for those whose daily task it is to deal with those in confinement. It is, indeed, gratifying that this Handbook is now ready for the printer and it is expected that in the Spring of 1947 it will be available for distribution. We record at this time our thanks and appreciation to Mr. Lewis Drucker, a member of the California Adult Authority in San Francisco, and Mr. Frank Loveland, Assistant Director of the Federal Bureau of Prisons in Washington, D. C., both of whom are to be congratulated on their patience, persistency, and earnest endeavors bringing to completion the long awaited Handbook.

Legislation

As in previous years we continued a watchful eye on legislation appearing in Albany effecting the administration of criminal justice either in the courts or in the various related fields. It is, of course, gratifying to note here again the passage of a bill now Chapter 850 prohibiting illegal commitments to the City Reformatory, New Hampton Farms.

Another bill passed reflected the particular interest of a member of the Executive Committee, Commissioner John L. Schoenfeld.

THE AMERICAN PRISON ASSOCIATION

presents this Testimonial to



Edward R. Cass

1922 - 1946

In recognition of twenty-five years of devoted service as General Secretary of The American Prison Association and of the leadership which he has given its affairs during the period of its most significant progress. His staunch adherence to the principles of sound and progressive penology has been a major factor in the steady strengthening of the influence of The American Prison Association throughout the United States and in other lands. The undersigned and those whom they represent combine in this testimonial a tribute to his ability as a penologist and his worth as a friend and fellow worker.

GARRETT HEYNS, *President*
The American Parole Association

ROBERT V. SELIGER, M.D., *President*
Medical Correctional Association

REV. ANTHONY M. GLASER, S.J., *President*
National Chaplains' Association

HAROLD E. HEGSTROM, *President*
National Conference of Juvenile Agencies

WILLIAM W. T. SQUIRE, *President*
National Jail Association

EUGENE S. ZEMANS, *President*
National Prisoners' Aid Association

SAM A. LEWISOHN, *President*
The American Prison Association

ROSCOE POUND, *President*
National Probation Association

JAMES W. CURRAN, *President*
Penal Industries Association

CLINTON T. DUFFY, *President*
The Wardens' Association

It provides that the Domestic Relations Court Pens for the detention of prisoners shall be under the charge of the City Correction Commissioner.

Various other bills passed relating to the more flexible handling of prisoners within the Department of Correction and transferring of some to institutions of the Department of Mental Hygiene had our support and showed a decided progressive movement.

Another achievement was the passage of a bill to provide that a matron must be engaged when women are held in a county jail.

These and various other bills for which our support or disapproval was recorded is set forth in a separate section of this Report entitled, "Legislation—1946" beginning on page 62.

Parolees in the Armed Services

During the war this Association among others was active in working out an arrangement whereby on the basis of selection, inmates of institutions would be permitted to serve their country in the armed forces or otherwise. This movement was met with skepticism in various quarters, including both the Army and the Navy. The Army, however, in time became receptive to the idea and many ex-prisoners after screening were taken into the military service. Regarding those who entered from institutions of the New York State Department of Correction, the following information released by the New York State Division of Parole under date of June 4, 1946 is of marked interest and serves to justify the interest and efforts of those who tried to persuade the Army and the Navy to give these men a chance.

A total of 3,585 parolees of New York State served in the armed forces between the inception of Selective Service and February 1, 1946, according to a study just completed by the New York State Division of Parole.

By February 1, 1946, 1,113 of these men had been discharged, 814 of them back to parole supervision, at least for the time. Of the latter group, 24 per cent had served less than a year by date of discharge from service; 20 per cent had served from one to two years; while 56 per cent had been in the armed forces longer than two years.

Commissioner Frederick A. Moran, Chairman, who, with Commissioners Louis F. Costuma and Reginald B. Taylor make up the Parole Board, commented on these figures: "It is significant that more than three-quarters of these men had served longer than a year. Apparently some fears to the contrary, parolees can and did adjust to military life."

The study reveals that only one per cent of parolees discharged from service had received dishonorable discharges; 7 per cent received other than honorable discharge; while 92 per cent were holders of honorable discharges. "It would be interesting," commented Chairman Moran, "if we had a figure along the same line for the general army population so we might compare parolees' records with the over-all figure. Unfortunately, such is not available to us at present, but it can at least be said that there is striking indication that parolees conducted themselves well and, in the great majority of cases, honorably."

Commissioner Moran revealed that, in view of the record made by parolees in the armed forces, certain of these men would be granted discharges from parole. This action will be based upon the fact that at Governor Dewey's suggestion, the 1946 session of the Legislature enacted a law giving the Board of Parole the power to discharge from parole, honorably discharged veteran parolees when such seems to the Board to be in the best interests of society. "Machinery for this action has been set up and is in operation," stated Commissioner Moran.

Parolees were accepted in the armed forces only after careful study by Selective Service Boards, based in part on reports from the Division of Parole.

Defense Attorneys

We continue to cooperate with the Association of the Bar of the City of New York in an effort to curb certain undesirable practices of attorneys who operate in the Criminal Courts of this City particularly those in Manhattan. We continue to be anxious for the Judicial Council to go into the whole question of complaints for defendants in criminal actions. Our Recommendation to the 1947 Legislature and comment relating thereto is set forth on page 28.

Sentencing Process

We have been in touch with Mr. John W. MacDonald, Executive Director and Director of Research of the Law Revision Commission, requesting that body to undertake a study of the sentencing process in this State. Mr. MacDonald agreed that the sentencing process merited the consideration of the Commission but pleaded that the important study could not be undertaken unless additional funds for the work of the Commission be made by the Legislature. Regarding our Recommendation and comment to the Legislature on this subject, please see page 28.

Civil Service

The Prison Association of New York was responsible for the symposium, "Civil Service and/or Unions," which appeared in the May-June 1946 issue of *The Prison World*. It had wide circulation and many comments were received. It dealt with the very vital question relating to public service. The administrators of institutions in the various States are being confronted now with the agitation and demands of those who are represented by unions and who believe in the theory of collective bargaining as relates to demands upon the State or municipal governments to secure or improve their working conditions. Many civil service employees are no longer content with the fact that they are covered by civil service but insist that this affiliation be added to and strengthened by union membership. Because of conditions in the various parts of the country the Association thought it timely for open presentation and discussion, and, therefore, made use of *The Prison World* which has circulation in every State and County of the United States.



VIEW OF INSIDE CELLS, ELMIRA REFORMATORY

**Central
Guard
School**

This important adjunct of the State Department of Correction was established in accordance with the vision and experience of a member of our Executive Committee, Mr. Edward P. Mulrooney, when he was Commissioner of the State Department of Correction. It was organized under expert guidance and was pursued with enthusiasm and interest not only by the teaching staff but the correction department supervisory personnel as well. The school was interrupted during the war and has not yet been fully resumed. However, it is gratifying to record that information received from the Deputy Commissioner of the Department, William E. Leonard, discloses that the Department continues its approval of the Guard School but did not make a request for an appropriation for the year 1946 for the following reasons:

1. 70 per cent of the guard personnel has had the advantage of the training program.
2. The few remaining are not trainable.
3. It is not thought desirable to attempt to train temporary employees brought in during the war and who are soon to be relieved from the service. Veteran employees who have had the training program are gradually returning to the institutions.
4. The Guard School training program has been made available now for the custodial personnel at Albion and Westfield State Farm. This means that so far as women employees are concerned the Guard School is in operation and the idea has been expanded to include them.
5. The in-service training program has been in operation right along and is available for all employees interested.
6. There is a guard civil service list which contains quite a few names and does not go out of existence, due to a special act of the Legislature during 1945, until June, 1947.

The Prison Association of New York is anxious for the resumption of the Guard School because of its belief that the proper training of department personnel cannot be had without it. The example set by the State of New York through the establishment of the Guard School has been emulated in varying degrees in other areas and has brought forth the conclusion that such instruction and training has made for marked improvement among institutional personnel. We are anxious that the Guard School be re-established in full strength of organization and program as quickly as it is deemed advisable to do so.

Canning Operations At Greycourt

There was a blast of publicity early in the year indicating the Mayor's displeasure with the canning operations at Greycourt in Orange County.

This project was conducted jointly by the City Department of Purchase and the City Department of Correction; the latter responsible only for the prison labor. The Greycourt site originally was established by the City as an institution for women formerly committed to the Workhouse on Welfare Island. The Mayor was displeased with the sanitary conditions and ordered the discontinuance of the cannery. Unfortunately, this reflected on the part played by the City Department of Correction, and the General Secretary in a letter under date of May 23, 1946 addressed to the Mayor upheld the Department of Correction and also indicated that canneries could be operated in accord with approved sanitary standards and for the benefit of inmates of various types of public institutions. In the July-August 1946 issue of *The Prison World*, of which the General Secretary is one of the editors, the experience of other cities and states in the operation of canneries with prison labor was set forth sufficiently to demonstrate that they can be an asset and not a liability.

The letter to the Mayor is as follows:

My dear Mr. Mayor:

We have noted with interest your recent visit to the site at Greycourt in Orange County, where a cannery has been in operation, and the report relative to your findings and your conclusion to abandon the project. It does seem that some of the publicity was quite unfortunate inasmuch as it directs criticism to the New York City Department of Correction which does not seem well founded. This Association has worked closely with Commissioner Amoroso during his incumbency and as a result made for progress in his Department.

The quarters housing prisoners at Greycourt are not unsanitary or carelessly maintained. The location of the building in which the cannery is located is some distance from the buildings used for the prisoners. Perhaps you did not have time to inspect these quarters. The location of the cannery building may not reflect the best selection but this is not the responsibility of the New York City Department of Correction, nor is the Department responsible for the long delay in providing proper sewerage facilities.

Another unfortunate angle to the publicity is that it implies at least a condemnation of prison labor even though utilized in accord with the provisions of the State Constitution and the Correction Law. It has been demonstrated in this city, state, and other states, that prison labor can be used to the advantage of tax-supported institutions and the use of this labor otherwise is prohibited by state and federal laws. Prisoners must, and should, work for their own maintenance and for their rehabilitation. The operations of canneries, or bakeries, is no exception. Excellent results have been demonstrated time and time again.

If it is your final decision to abandon the cannery project it would seem that this naturally brings up the question again as to why the site and its buildings and its complete operation should not be returned

to the New York City Department of Correction and be reopened in accord with its original purpose as an institution for the housing of women offenders. For many years there was agitation among good citizens of the City of New York to establish an institution in the country for the care and treatment of women offenders. The surrender of this idea and the turning of the institution over for another purpose was regarded as a mistake by expert observers. The use of the institution subsequently for experimental purposes of one kind or another has apparently ended in failure.

As you probably know, it took many years, going back to 1910, to bring about the establishment of the House of Detention for Women in the City of New York. Since the discontinuance of Greycourt for the housing of selected women offenders, all women serving sentence or being temporarily detained have been kept in the House of Detention for Women, resulting in a kind of compressed existence with limited opportunity for the development and carrying out of a rehabilitative program. Close confinement in even a modern structure such as the House of Detention for Women for many months, and sometimes years, in close association with others, is not conducive to the best kind of results in the public interest.

In the light of the above the Association respectfully suggests that you reconsider the whole question of turning the institution back to the New York City Department of Correction and maintaining it again for the housing of women offenders in accord with the purposes for which the site was selected and the buildings erected.

Inspection of police lockups discloses once more that despite the existence of the House of Detention for Women, women are still held in some police stations, and sometimes overnight. The slogan that prevailed during the long campaign for the House of Detention for Women was, "Get the women out of the police station lockups and put them in a central and suitable place of detention."

It is earnestly hoped that you will look over the whole situation in the coming to a decision and you can be certain that this Association, familiar with New York City correctional institutions, will be glad to assist you, in conference or otherwise, to the best of its ability.

Respectfully yours,

(Signed) E. R. CASS

General Secretary

Disturbance At Sing Sing Prison

During the evening meal on November 1st there was a slight disturbance in one of the mess halls at the Prison. This was quickly brought under control. On the following morning at breakfast the inmates refused to eat. At noon on November 2nd, especially in the south mess hall, a serious disturbance occurred. Tables were pounded, inmates shouted and cursed, food was thrown about, windows broken, and some of the inmates succeeded in getting into the commissary quarters in the old mess hall building and there destroyed equipment and stole merchandise valued at approximately \$2,016.13.

Mr. Cass, in company with Deputy Commissioner Donovan of the State Department of Correction, Warden Snyder of the Prison,

and Principal Keeper Keeley, spent the entire day, Sunday, November 3rd, at the Prison questioning inmates who had been reported by the various keepers for participation in the disturbance.

Many of those questioned protested their innocence and were inclined to indicate that everything was all right and there was no reason for complaint. A number said that the trouble was traceable to a newspaper statement allegedly based on a statement by the Warden to the effect that there were no food shortages at the Prison. These inmates said that there was discussion among the inmates as to why they were without certain items of food if there were no shortages. The suspicion developed that food was being withheld from them and this was added to by the statement of some of the prisoners to the effect that food could be had from the kitchen and from the officers' mess if you had the right connections. All of the prisoners interviewed said that the disturbances were a mistake and that a more orderly procedure of complaint and protest should have been followed. Regarding the food, the most repeated comment was that it was all right but its preparation was not.

All the inmates did not participate in the disturbances. It is roughly estimated that about half of the population did not go to the mess hall. Some of these prisoners knew that there would be trouble and did not want to be in it and others did not go because they felt that they could rely on what foodstuffs they had in their lockers.

As a result of the disturbance the Department of Correction has transferred 100 inmates to Clinton Prison at Dannemora and the keeper in charge of the kitchen has been removed.

Food Preparation and Control

Mass feeding is a difficult problem at best. It needs to be handled by those who are especially qualified and trained for this important task. For the Association's conclusions on this point see Recommendation IV on page 16.

Night Court Criminal Courts Building

During the summer of 1945 in accord with earlier observations made by Commissioner Schoenfeld and agreed to by Commissioner Cass, it was suggested to the Chief City Magistrate and the Police Department that they change the location of the Night Court from the second to the first floor so as to make it more accessible to the Court Detention Pens. This improvement has been accomplished and eliminates the congestion heretofore existing on the stairway leading between the court room and the second floor of the detention pens.



VIEW OF OUTSIDE CELLS, MAIN HALL, ELMIRA
REFORMATORY

**Welfare Council
of New York City**

The Prison Association has qualified for and is a member of the Welfare Council of New York City. Mr. G. Howland Shaw and Mr. Cass represent the Association in the Delegate Body of the Council. Mr. Shaw served as chairman of a Temporary Reconstruction Committee of the Welfare Council at a meeting on October 16th, at which Mr. Cass represented the Association. Mr. Shaw presented his report reflecting thorough understanding and careful thinking on the part of himself and his associates. After discussion the report was adopted. It is anticipated that the reorganization will increase the usefulness of the Welfare Council and allow for more democratic procedures in its functioning. Subsequently, Mr. Shaw was elected President of the Welfare Council of New York City and it is noticeable that under his leadership there are signs of more widespread, practical, and revitalized activity.

Mr. Wright, the Association's Assistant Secretary, was elected a member of the Steering Committee of the Council's Conference Group on Correctional and Allied Services.

**Salaries
New York City
Correction Officers**

At a time when the cost of living is rising, the pinch of inadequate compensation becomes all the more felt by those who must labor and live. This among other reasons is the basis for consideration of an increase in the compensation for the New York City Department of Correction personnel. The Association's views on this situation are set forth in letters addressed to Mayor William O'Dwyer and the Director of the Budget, Thomas J. Patterson, as follows:

December 5, 1946

My dear Mayor O'Dwyer:

For a period of more than one hundred years this Association has been vitally concerned with the problems of the City and State correctional systems and the service they render to the taxpayers.

With particular reference to the personnel of the Department of Correction of the City of New York we have always held that their compensation should be commensurate with the importance of their duties and the risk involved. This we feel to be especially true as concerns those of the uniformed force and others in direct daily contact with persons confined.

In no sense whatsoever has this Association ever been known as a "pressure group" and I think consultation of the list of the members of the Executive Committee and a review of our regular annual reports to the Legislature, will serve to lend your agreement to this statement. The Association's plea, therefore, is made solely on the basis of years of experience, observation and careful analysis of the situation and is to the effect that an increase in the wages of the Department's personnel has long been warranted.

We believe that in order for the taxpayer to receive the protection and services he desires in return for his money, it is necessary that the

proper type of personnel be attracted to the Department through an increase in the various salary levels. The wages paid to the uniformed force of the Department of Correction, as well as to many of its civilian employees, is below the level of that of other areas and requires improvement as soon as possible.

The Prison Association of New York makes this earnest appeal for an adjustment of salaries in the interests of greater public protection and improved services.

Respectfully yours,

(Signed) E. R. CASS
General Secretary

**Executive
Committee
Members**

Warden Lewis E. Lawes' health greatly improved during the year and he was able to resume his activities in behalf of progress in penal affairs. He was requested by Governor

Tobin of Massachusetts to make a study of the correctional system of that State and the parole board organization and functioning. He submitted a creditable report which resulted in various improvements. The Warden continues his writing and lecturing in an effort to better acquaint the public with correctional needs.

Mr. Richard C. Patterson who continued as Ambassador to Yugoslavia for the greater part of the year returned to the States during the early Fall season.

Commissioner Lewis J. Valentine died on December 16th soon after his retirement as head of the New York City Police Department holding that office for a period of twelve years—longer than any of his predecessors. Mr. Valentine was noted for his administrative ability and for his straightforward and courageous handling of his responsibilities as a police officer and later as a Commissioner of the Department. He was intensely devoted to his work and his passing is a serious loss to the cause of law enforcement and crime prevention. His associates on the Executive Committee have recorded with regret his passing.

During the year we had four resignations from the Executive Committee. They are as follows:

In his letter of resignation Mr. David Dows indicated that he resides mainly in Aiken, South Carolina, and therefore, cannot attend meetings of the Executive Committee and thus deemed it advisable to resign. He stated further that he had enjoyed being with the Committee for years and emphasized that his action was not prompted by any lack of interest.

Mr. C. McKim Norton in his letter of resignation reaffirmed his belief in the Association and his pleasure in attending meetings but stressed the point that other commitments made it impossible for him to give time to the Association.

Mr. Henry C. Taylor in resigning stated that the meetings of the Committee conflicted with other obligations. He expressed his

enjoyment of association with the other members of the Committee and regretted that he found it necessary to resign.

Mr. Reeve Schley expressed regret and said that he had enjoyed very much his association with the members of the Executive Committee and was interested in the work of the Association. His new business responsibilities and his duties as Chairman of the State Board of Control of the Department of Institutions and Agencies in the State of New Jersey gave him little time for other interests.

**Navy Comments
Assistant Secretary**

Mr. Roberts J. Wright, Assistant Secretary of the Association for the past fourteen years, received the following commendation from the Assistant Chief of Naval Personnel at the time of his detachment from the Navy in December 1945.

For meritorious service in the performance of his duties in connection with the Corrective Sailless Program for Naval personnel in confinement, from September 1944 until August 1945. Through his leadership, administrative ability and initiative he has been instrumental in improving the standards and conditions in smaller places of confinement. Through his efforts, records were established and inspection reports developed which provided this Bureau with essential information for the Corrective Services Program. His efforts in recommending required changes for smaller brig and his development of administrative policies resulted in the establishment of excellent standards for the treatment of confined personnel. In the discharge of these responsibilities, his conduct and devotion to duty have been in keeping with the highest traditions of the United States Naval service.

(Signed) W. M. FECHTELER
Rear Admiral, U. S. N.
The Assistant Chief of
Naval Personnel

A letter from the Commander, Philippine Sea Frontier, Vice Admiral J. L. Kauffman, U. S. N., addressed to Mr. Wright follows:

9 November 1945

My dear Lieutenant Wright:

On the occasion of your release from active duty I desire to express my appreciation of the services which you have rendered in the Navy in time of war.

During your assignment as Staff Prison Administration Officer with this command, you performed your duties in a satisfactory manner, and you have proven yourself as a competent officer who has successfully met the high standards of the naval service. The qualities of sincerity, leadership and devotion to duty which you displayed contributed materially to the successful organization of Prison Administration in this area.

It is my hope that you will meet with every success on your return to civilian life.

Sincerely yours,

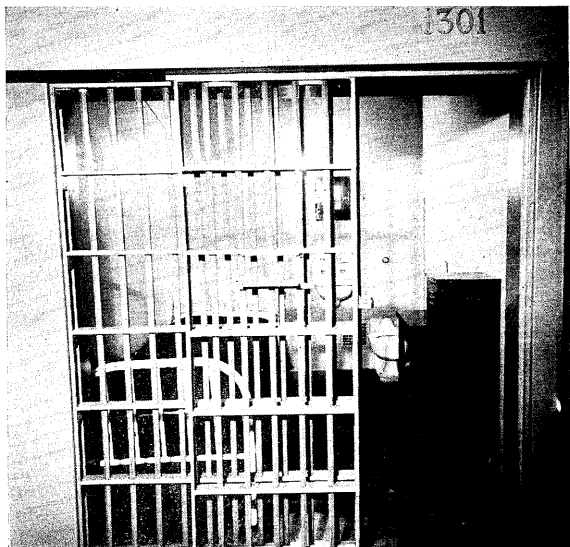
(Signed) J. L. KAUFFMAN
Vice Admiral, U. S. Navy
Commander Philippine Sea Frontier

**Foreign
Visitors**

With the ending of the war there was renewal of visitors from foreign countries. We were pleased to assist these visitors in various ways and at the request of the Department of State or the Federal Bureau of Prisons arranged for observations of court procedures, administration of institutions, children's shelters, parole and probation services, etc. These visitors came from far off places such as the French Penal Colony in French Guiana, Belgium, England, South Africa, New Zealand, Peru, Brazil, Puerto Rico, and Canada.

**General
Service**

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



INTERIOR VIEW OF CELL, ELMIRA REFORMATORY

This cell is a decided advance over the stone vault-like type of cell no longer in existence at Sing Sing, Clinton, and Auburn Prisons.

THE ASSOCIATION'S BUREAU OF SERVICE

Bridging the Gap from Inside to Outside

Employment and Relief Bureau

We now are confronted with a sharp decline in employment opportunities, an alarming condition which steadily increases with the rapidly rising tide of available manpower, swelled by the constant overflow from the vast sea of discharged servicemen and former defense plant workers.

One readily can sympathize with the certainty that under such prevailing circumstances The Prison Association of New York and similar organizations are compelled to carry on despite impeded efforts and an impending shadow of retarded progress. By the same token one can further appreciate the now doubly burdened task of these same organizations to secure placements for parolees, discharged prisoners and those men in various institutions awaiting release. These welfare agencies have an additional problem the crux of which is the present day employer who must choose between hiring that individual who had absented himself in the cause of doing his country a great service, or favoring the individual with whom we are primarily concerned, the ex-inmate whose absence had been prompted by the discharge of his debt to society. The road to rehabilitation is a long and arduous one whereupon the assurance of gainful employment marked by the complete faith as displayed by the employer who feels kindly disposed toward his less fortunate brother, is the precious indication of removal of the first stumbling-block from the path of uncertainty for the ex-inmate; and now he will proceed to soon complete his readjustment to civilian life where he will strive for self-establishment as a useful and respected member of the community. At this point we wish to extend our profound appreciation to those employers who have dedicated themselves to this cause.

The firm grip on rehabilitation must be grasped by the individual himself. He must learn to properly discharge his duties as well as to accept his rights and privileges, thus learning too that extending courtesy and respect to his fellowmen is the surest way he can hope to win theirs in return. It is then that he will be prepared to emerge the self-respecting and law-abiding citizen for which he had striven, and thus equipped he then can go on to reestablish himself in society. And here is presented the urgency of gainful employment! The institutions of the State are to be heartily commended for the extensive rehabilitative measures which they have adopted. The inmates of these various institutions can avail

themselves of the splendid vocational courses offered whereby individual skill can be developed to meet the requirements of the jobs to be secured.

The Prison Association of New York has been foremost over the last century in the task of aiding the parolee and discharged prisoner. For the past five years the employment and Relief Bureau has been under the able guidance and direction of Mr. Harry Schwartz who is credited with more than thirty-five years experience in the field of crime treatment and prevention in New York City. Mr. Schwartz' activities include personal contacts with employers, innumerable visits to whom cover an extensive area representing equally extensive fields such as business houses, factories, garages, mills, laundries, stores, etc. We wish to insert this note of encouragement that where no actual placement materialized, our representative was nearly always met with an attitude of helpful cooperation on the part of all those visited.

The Bureau does not limit its services to merely securing placement, for when problems arise such as financial stress, the unavailability of clothing, lack of transportation to prospective job locations, tools, union dues, fees, etc., those affected appeal to us and in turn are granted the required aid. Then, too, for the individual whose advanced age or retarded health has deterred his self-sustenance, the Bureau lends its accommodations by offering the financial aid that will guide him through the critical period of readjustment. This entails our services in making contacts with families and friends as well as referrals to the proper welfare agencies who can assure more permanent and long-range financial support and assistance.

The innumerable cases which were presented to the Bureau during the past year warrant full mention; however, limitation of space renders this impossible. We have, therefore, selected a few of the more exemplary ones and wish to present them herewith to aid the reader obtain a better understanding of the work of the Bureau.

L.R.*, a first offender, had been arrested and convicted for Grand Larceny. Before his arrest he had held responsible positions and this valuable experience was put to good use during his incarceration. While serving his term in a highly satisfactory manner he was employed as accountant in the steward's office where he handled the control ledger, general accountancy, estimates and bids. At the time of his eligibility for parole our representative secured appropriate employment for him and he now is earning a substantial salary.

The case history of P.D.* represents the ex-inmate who began as a juvenile delinquent. Over a period of six years he had been arrested and convicted seven times. Strangely enough, he was a

*All names and initials are fictitious.

model prisoner, and at the time of his parole he obtained employment through our representative and when last heard from informed us that he is quite happy in his new surroundings, a fact that he has proved by working diligently.

P.L.*, a second offender had been arrested not only for burglary, but bigamy as well. His family consisted of five children, and without the benefit of his support they would have become public wards, thus presenting a double problem. This case was given special attention and finally when his affairs had been straightened, P.L. was incarcerated and at the termination of his sentence he secured placement through the Association and now is earning a salary substantial enough to make him the sole support of his family of five youngsters.

This case history of one T.M.*, is a very unusual depiction of a man and his characteristics. While T.M.* appears to be a hardened and pugnacious sort of individual whose three arrests and convictions represented offenses ranging from Assault to Grand Larceny, he nevertheless deserves to be commended. Even as a child his thoughts were foremost for his parents and he spent weekends and holidays earning money by shining shoes, thus contributing to their support. Having been paroled and placed by us with a yarn dyeing company, where he merited several increases in salary, he found later that he had to increase his income to provide for family expenses. He therefore left this job and obtained one as a longshoreman. T.M.* recently had occasion to make a very daring rescue. He noticed an object in the icy waters far below and when close scrutiny convinced him that it was a human being who had fallen into the river his first thoughts were to get that person to safety, and this he did at the risk of his own life. Later, T.M.* learned that the man he had rescued was an important citizen and one of financial means, but T.M.* declined any monetary remuneration. They now are close friends. Incidentally, T.M.* averages about one hundred and twenty-five dollars per week as a foreman longshoreman. Another interesting note here is that one of T.M.'s* co-workers at the yarn dyeing company is a man we placed just one year ago, during which time he has become head maintenance man and has merited several salary increases.

The volume of letters submitted to us by parolees and discharged men, expressing their gratitude and pledging their support, is most gratifying. Among those we selected for publication in this space last year, we included one from A.M.*, a 70 year old client, as follows:

"The purpose of this letter is to let you know that I am still on the job and getting along fairly well although it is taking

*All names and initials are fictitious.

the last ounce of energy to hold it. I am always mindful of the fact that you put me on the job and that serves me to hold on with grim determination to the end that your confidence in me may be sustained. . . . In conclusion I am urged to tell you that I am making the best effort possible under the circumstances and it inspires me to know that you have confidence in my sincerity. . . ."

During the past year it had been A.M.*'s great pleasure to pay interval visits to our office where both he and our representative would discuss little problems over their cigars which the old gentleman had always insisted upon providing. It seemed that he had derived spiritual enlightenment from these visits with the one person he had sought to cling to after his release from prison. Recently an elderly woman presented herself at our office and identified herself as a relative of A.M.*^o, and then went on to sadly inform us of the sudden death of that remarkable old gentleman. Before she departed, she opened her purse and drew forth a solitary cigar which she shyly extended to our representative, with the poignant explanation that on the day prior to A.M.*'s^o demise he had expressed his intention to 'go into town tomorrow and have a smoke with Mr. Schwartz,' apparently because he felt in the need of spiritual guidance. Death had other plans. And it had been just for that reason that this elderly woman had made it her duty to carry out the last wish of A.M.*. Mr. Schwartz sadly paid tribute to A.M.* by later having 'their little smoke', but this time alone.

Just to illustrate the true feelings of various other individuals we present a few excerpts from their letters as follows:

D.D.* writes in part "... believe me, I'll never give you cause to regret your trust in me. I am sure I've learned the true meaning of the word freedom, and know how to appreciate it. . . ."

And from K.R.* we received this letter in full:

"This is just a letter of thanks and appreciation for your efforts in locating a job for me. However it won't be necessary to look any further for the time being. The parole board is holding me for another year, June, 1947. The time and effort your organization spent on my behalf is greatly appreciated and am hoping your services will be available in the near future. Thanking you again for your sustaining attention and benevolence. . . ."

*All names and initials are fictitious.

S.N.* submits "... I will do my utmost to reestablish myself in both business and society and I also feel very grateful to you for aiding me to secure employment. . . ."

H. W.* had this to say:

"... I want you to know that I appreciate all the time and labor I have put you and others to. As you know it is very hard for fellows like myself to get jobs. And as long as we know that there are people like you and your Association and what you are trying to do for us it tends to make us feel a whole lot better. . . ."

Some of these letters are more legible than others, and still others are more coherent than the rest, while the remaining ones are far superior in their expression, but this must be said of all of them—the true spirit and heartfelt sincerity contained therein is truly a wonderful equalizer.

Letters of appreciation are not confined to the inmates of the various institutions, for very often we receive expressions of good wishes from *chaplains, institutional heads, relatives and friends.*

The aims and accomplishments of this Bureau are most constructive and worthwhile as can be attested by those whom we have helped. Their endeavor to remain loyal, trustworthy and efficient is substantial proof of this contention. Sometimes we learn that one of our men has failed both his employer and this Bureau, but these disappointing recurrences are so infrequent that they are wholly eclipsed by the multitude of those who have fulfilled the confidence placed in them. This is the great reward for our combined efforts.

STATISTICS FOR EMPLOYMENT AND RELIEF BUREAU FOR 1946

Office interviews	1,296
Other interviews†	2,080
Total interviews	3,376
Different men interviewed	1,095
Men released from New York City penal institutions	543
Men released from New York State penal institutions	360
Men released from out-of-state penal institutions	35
Men released on probation	50
Men with no criminal record (special)	107
	1,095
Meals provided	98
Nights lodgings provided	3,370
Employment contacts made by personal visit	900
Jobs submitted for inmates at various state penal institutions	246
Men placed in employment	331
Men given cash relief	714
Total amount spent solely for relief (includes cash, meals, and lodgings)	\$5,838.00

*All names and initials are fictitious.

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

Family Service Bureau

During the year 1946 the Family Service Bureau continued to fulfill an important function in the life of the community. The purpose of the Bureau is to give advice and counsel together with material assistance when needed to the families of men serving terms of imprisonment. This frequently manifests itself in the form of a steady influence for those who are frightened and bewildered because of the situation created by the wrongdoing of others. Activities involve the following: (1) financial assistance; (2) child welfare, through medical aid and camp placements, Christmas distribution of toys and funds; club activities through referral to settlements and centers; (3) prevention of juvenile delinquency; and (4) a close working cooperation with other agencies.

A more detailed description of these activities would show that under the first, the Association's Bureau had 251 families under care during 1946. Supplementary assistance for needs not included in the Department of Welfare budget was extended to 46 of these families. Installment payments for furniture, bought prior to jail sentence of the husband, are not included in the Department of Welfare allotments, yet completing payments may be an important factor in keeping the home together. Carefare to visit husbands in prison is not provided through public relief, yet visits are often necessary to enable the husband and wife to maintain a relationship of understanding and to plan a life together on his release.

There is often real financial need by a family immediately after the husband's arrest, before the wife has been able to obtain employment or before investigations are completed that will place the family in the care of a public agency.

As an illustration of this point, Mrs. G. had been married for fifteen years, and had four children, when her husband became involved in a first offense that threatened a prison sentence. He had been a good husband and father, and a good provider, and she felt certain that these facts would lead to a suspended sentence. For this reason she made no effort to obtain public assistance. After sentencing of her husband, temporary assistance from the Family Service Bureau enabled her to keep her going home until the period of investigation was over and she received help from the Department of Welfare. These and similar temporary needs can be met by the Family Service Bureau often preventing real distress both to family and to prisoner.

Some wives are able to find jobs and maintain their families without the assistance of a public agency. During the war this was made easier by high salaries and overtime pay. At present, however, reduced incomes are making it difficult for many mothers to manage and occasional financial help from the Family Service Bureau still enables them to get along without becoming a public charge.

Child Welfare

The welfare of the children in a home, disrupted by the imprisonment of the father, receives special attention from the Family Service Bureau. If the mother is employed, help is given to place smaller children in day nurseries or nursery schools.

Medical and dental needs are checked through visits to the home and office interviews, and referrals made to qualified doctors or clinics. Where emotional disturbances are apparent the Family Service Bureau worker tries to help the mother to deal constructively with the child, or in extreme cases enlists the help of a psychiatrist.

Arrangements are made to send children to camp in the summer. Christmas dinner and toys are given at Christmas time. Membership is encouraged in settlement clubs, Boy Scouts, Police Athletic League, and other neighborhood groups.

Delinquency Prevention

During the last few years the rise in juvenile delinquency was a problem of first concern in New York City. Children of the families under care of the Family Service Bureau of the Association require special watchfulness and understanding. Of 251 prisoners represented by Family Service Bureau families, 94 had records as juvenile delinquents, and only 12 had no previous criminal records. The remaining 145 had records of adult delinquency. If a prisoner had been a devoted husband and father before his imprisonment, it becomes easier for the mother to interpret his absence to the children without harmful results. However, many wives have themselves feelings of hostility toward the husband and carry these feelings over to the children. It is difficult for a mother suffering from a fear that her sons have inherited criminal tendencies from their father to maintain a good relationship with the child. She may feel that it is futile for her to play a decisive part in his life since he is sure to turn out to be a criminal anyway. She may be in need of a simple and straightforward explanation that criminals are not born but are the product of a variety of causative factors. In some instances the mother may become over solicitous and over watchful, keeping him with her every minute, and thus giving him no opportunity to develop into a normal wholesome individual.

Absence of the father from home does not in itself lead to delinquency in the children. During the war many mothers had to manage alone, but the soldier's absence became a term of heroism and his return a triumph. The child of a prisoner, however, suffers the handicaps of humiliation, anxiety, and the stigma of society.

The Family Service Bureau is equipped to recognize these emotional problems and to bring to them special psychiatric understanding.

Agency Cooperation

One of the functions of the Family Service Bureau, as a private agency, is to cooperate with various public agencies. During the year many requests are received from the Red Cross, hospital social workers, Legal Aid Society, Department of Welfare, parole or probation officers, and prison personnel for help in solving special problems.

For example, an inmate received a telegram from a hospital that his common-law wife was ill. Not being legally married to her, he was not allowed to visit, and had no way to find out what her condition was as she had no relatives and was unable to read or write. A request from the warden to the Family Service Bureau resulted in a visit to the hospital and a report that relieved the prisoner's anxiety.

Another case is that of Mrs. R., an elderly woman, who came to the office in tears. Her son, Fred, her only support, got into some trouble on the docks while working as longshoreman. The matter was not serious and charges were dismissed but Fred, a parolee, was returned to prison. All of Mrs. R's children were married, and because of her many grandchildren there was hardly room for her. Her only concern was to be able to keep her own home which although simple and unpretentious was clean, comfortable and peaceful. She would then have a place for Fred when the time came for his release. She had tried to find employment making artificial flowers and although she was informed there was no work she knew that the real reason was her age. She was almost sixty-five years old.

This agency helped Mrs. R. until her sixty-fifth birthday when her case was referred to public Old Age Assistance. Mrs. R. now has her home and Fred, upon his release, will have its helpful environment rather than the associates of a rooming house in a questionable neighborhood.

Or consider Mrs. A., with four little children. She was referred to this agency by a parole officer who, in the course of his investigation, saw the deplorable conditions of their home. He was of the opinion that the Bureau could aid immeasurably. Furnishings were few, consisting mostly of a table, chairs, and one bed.

Mr. A. had just been sentenced to prison on a charge of forgery which was committed four years before. During this period the family had moved from home to home, fearing each knock at the door and worried each day lest he be found on the street or at his job.

When he was finally apprehended, Mrs. A. confided that it was really a relief to both of them. Now he would take his punishment and would know that he was no longer a fugitive from justice.

Mrs. A. was receiving maintenance assistance. The home was bare, and destitute, but Mrs. A. worked diligently to make it as attractive as possible.

This agency is now helping toward rehabilitating the home in order that the children may have some feeling of pride and self-respect and to strengthen bonds of family loyalty and stability so threatened by their years of anxiety.

Frequently a request is received from a warden to investigate the home of a relative to whom an inmate wishes to send his compensation money. A visit is made and the information sent to the warden to determine whether permission may be given.

The need for the services of the Family Service Bureau remains today as important as in the past. The special problems arising from the imprisonment of the father require the help and understanding of an agency such as the Association's Family Service Bureau whose trained and skilled workers are equipped to handle responsibilities of this nature.

STATISTICS OF FAMILY SERVICE BUREAU FOR 1946

Families under care January 1, 1946.....	169
New cases received.....	79
Old cases reopened.....	3
Total number of cases under care.....	251
Cases closed.....	75
Families under care December 31, 1946.....	176
Total amount of cash relief given.....	\$6,359.72
Visits to homes, relatives, social agencies.....	186
Office interviews (involving advice, guidance, giving material aid)	872
Individuals provided with Christmas dinners and toys.....	489
Children and mothers sent to summer camps.....	69

LEGISLATION—1946

In accord with its practice of many years the Association maintained a watchful eye on bills introduced affecting various phases of correctional study and treatment. Some of these bills were inspired by the Recommendations of the Association to the Legislature.

The Association was pleased to cooperate with the Governor in making comment on various bills finally reaching his desk. It is gratifying to have the Governor's appreciation for this valuable service recognized in a letter over his signature.

The following is a brief summary of those bills receiving our support or opposition during the 1946 session:

Approved

BERTRAM M. CAMPBELL CLAIM. *Senate Int. 185, Pr. 185; Assembly Int. 212, Pr. 212:* Authorizes court of claims to determine claim of Bertram M. Campbell. *Chapter 1.*

CLAIMS. *Senate Int. 186, Pr. 186; Assembly Int. 213, Pr. 213:* Authorizes court of claims to determine claim of any person heretofore convicted of felony or misdemeanor and sentenced to imprisonment if he has received a pardon from governor issued on ground of innocence of crime. *Chapter 10.*

INEQUALITIES OF SENTENCES. *Senate Int. 307, Assembly Pr. 3092:* Eliminates inequalities which exist in punishment of persons convicted of certain crimes and sentenced under existing statutes as compared with punishment of other persons convicted of similar crimes who were sentenced under subsequent statutes ameliorating penalty for such crimes or treatment to be imposed. *Vetoed.*

APPEALS. *Senate Int. 452, Pr. 2218; Assembly Int. 534, Pr. 2874:* Changes provisions relative to appeals in criminal cases and among other things provides that rules of civil practice, instead of general rules of practice shall be followed. *Chapter 942.*

EXCEPTIONS. *Senate Int. 453, Pr. 454; Assembly Int. 553, Pr. 562:* Provides in criminal trial an exception shall be deemed to have been taken by party adversely affected when he makes known to court or judge his position thereon by objection or otherwise; exception to charge given to jury must be made before jury has rendered verdict. *Chapter 209.*

SERIAL NUMBERS ON FIREARMS. *Senate Int. 757, Pr. 799; Assembly Int. 750, Pr. 769:* Prohibits the removal of serial number from firearms or the purchase, sale or possession of firearms from which serial number or identification mark has been removed. *Chapter 112.*

[62]

CIVIL SERVICE CLASSIFICATIONS. *Senate Int. 797, Pr. 839:* Provides employees of Dannemora and Matteawan state hospital guarding and attending criminal insane shall be classified in competitive civil service and receive same rate of pay as guards and other prison officers in institutions in correction dept.; appropriates \$92,000. *Approved in principle. Failed of passage.*

MOVEMENT OF SICK PRISONERS. *Senate Int. 844, Assembly Pr. 3077:* Provides when a city or county maintains and operates public general hospital containing prison ward approved by correction department, sheriff may remove sick prisoner from jail and return him thereto without court order. *Chapter 700.*

PRISON SAFETY SERVICE. *Senate Int. 1068, Pr. 1165; Assembly Int. 1243, Pr. 1312:* Changes classification and grades of uniformed personnel in state prison safety service. *Approved in principle. Failed of passage.*

POLICE JUSTICE COURTS. *Senate Int. 1070, Pr. 1167; Assembly Int. 1260, Pr. 1329:* Exempts police justice courts of villages and justice courts of towns from provision for furnishing department of correction with information of criminal cases. *Chapter 454.*

FINGERPRINTING. *Senate Int. 1072, Pr. 1169; Assembly Int. 1266, Pr. 1344:* Provides in N. Y. City fingerprints of employee of private detectives or investigators shall be taken and recorded by department of state at its office therein; in other places they shall be taken and recorded by state department or by state police or sheriffs or police; copy of fingerprints shall be forwarded to correction department. *Vetoed.*

CLASSIFICATION. *Senate Int. 1081, Pr. 1178:* Directs state correction commissioner to establish division of classification with advisory board to develop system for classifying prisoners. *Approved in principle. Failed of passage.*

SENTENCING. *Senate Int. 1251, Pr. 1593; Assembly Int. 1593, Pr. 2833:* Provides if prisoner while on parole commits felony and is returned to prison for remaining portion of maximum term, all of portion of time served on sentence may be applied to any other sentence imposed. *Failed of passage.*

INQUIRY OF SANITY. *Senate Int. 1382, Pr. 1522; Assembly Int. 1644, Pr. 1773:* Makes provisions relating to fees, traveling expenses and costs on inquiry into insanity of defendant before or during trial or after conviction, apply to examination of criminal person in confinement not under indictment. *Chapter 635.*

PROBATION—CHILDREN'S COURT. *Senate Int. 1429, Pr. 1569; Assembly Int. 1773, Pr. 1920:* Authorizes children's court judge

to determine conditions of probation and specified conditions which he may include; court may revise conditions or transfer case to another court. *Failed of passage.*

TRANSFER OF INMATES. *Senate Int.* 1498, Pr. 1649; *Assembly Int.* 1532, Pr. 1646: Provides expense of transportation of inmates to or from Napanoch or Albion state training school shall be paid from state treasury. *Chapter* 525.

TRANSFER OF INMATES. *Senate Int.* 1607, Pr. 1768; *Assembly Int.* 1834, Pr. 1989: Authorizes county supervisors to provide revolving fund for payment of expenses of sheriff in transporting prisoners. *Chapter* 610.

DOMESTIC RELATIONS COURT PENS. *Senate Int.* 1920, Pr. 2144; *Assembly Int.* 2215, Pr. 2454: Provides N. Y. City domestic relations court pens for detention of prisoners shall be under charge of city correction commissioner. *Chapter* 644.

PRISON SAFETY SERVICE. *Senate Int.* 1967, Pr. 2210: Repeals duplicate provision relating to positions in prison safety service. *Chapter* 258.

DISPOSITION OF DANGEROUS WEAPONS. *Senate Int.* 1968, Pr. 2211: Repeals provision which was superseded by subsequent provision relating to disposition of dangerous weapons. *Chapter* 318.

NUTRITION DIRECTOR. *Senate Int.* 2124, Pr. 2409; *Assembly Int.* 2393, Pr. 2676: Authorizes correction commissioner to appoint a director of nutrition to advise on methods of purchasing, preparing and storage of foods for use of inmates in institutions; appropriates \$5,000. *Failed of passage.*

GOOD CONDUCT CERTIFICATE—VOTING. *Assembly Int.* 15, Pr. 2035: Provides that challenge affidavit for registration of voter shall contain questions whether applicant, if convicted of felony, has received good conduct certificate from parole board and when. *Chapter* 269.

PAROLE DISCHARGE FOR VETERANS. *Assembly Int.* 211, Pr. 211; *Senate Int.* 184, Pr. 184: Authorizes parole board to grant conditional or absolute discharge from parole to person who shall have served as member of U. S. armed forces in time of war and honorably discharged or released, if board is satisfied that it is for the best interests of society. *Chapter* 132. (*See our Recommendation I to the 1946 Legislature.*)

INNOCENT PERSONS. *Assembly Int.* 214, Pr. 214; *Senate Int.* 187, Pr. 187: Provides for setting aside judgment of conviction and dismissing indictment, information or complaint in case of pardon of defendant on ground of innocence. *Chapter* 60.

CADAVERS. *Assembly Int.* 538, Pr. 547; *Senate Int.* 440, Pr. 441: Strikes out provision that prison authorities in Cayuga and certain other counties may deliver cadavers to medical schools. *Chapter* 154.

TRANSPORTATION OF INMATES. *Assembly Int.* 539, Pr. 548; *Senate Int.* 444, Pr. 445: Provides state shall pay expense of local officers while conveying offenders to reception center at Elmira reformatory. *Chapter* 206.

FINGERPRINTS. *Assembly Int.* 540, Pr. 549; *Senate Int.* 443, Pr. 444: Requires that fingerprints shall be sent by prison and jail authorities to correction department within 24 hours following time of reception of prisoner, and by police to correction department at Albany and justice department at Washington within 24 hours after time of arrest. *Chapter* 189.

TRANSFER OF INMATES. *Assembly Int.* 541, Pr. 550; *Senate Int.* 441, Pr. 442: Authorizes correction commissioner to transfer inmates from one state correctional institution to another, and repeals separate provisions relative to transfer of inmates. *Chapter* 215. (*See our Recommendations XV and XVI to the 1946 Legislature.*)

FIVE YEAR LIMIT, WEST COXSACKIE. *Assembly Int.* 542, Pr. 551; *Senate Int.* 442, Pr. 443: Limits term of imprisonment of persons confined in N. Y. State vocational institution to five years, instead of maximum term for offense; strikes out reference to N. Y. house of refuge in provision relative to sentence. *Vetoed.* (*See our Recommendation XIV to the 1946 Legislature.*)

COURTS OF SPECIAL SESSIONS. *Assembly Int.* 556, Pr. 565; *Senate Int.* 445, Pr. 456: Changes provisions relative to jurisdiction and procedure of courts of special sessions outside of N. Y. City. *Chapter* 149.

PRISON GUARDS. *Assembly Int.* 797, Pr. 821; *Senate Int.* 1246, Pr. 1364: Changes designation of prison guards in state prisons to prison officers. *Failed of passage.*

BUDGET. *Assembly Int.* 1000, Pr. 1045; *Senate Int.* 884, Pr. 934: Makes appropriations for personal service, maintenance and operating expenses of state government. *Chapter* 55.

BUDGET. *Assembly Int.* 1003, Pr. 1048; *Senate Int.* 887, Pr. 937: Makes appropriations from postwar reconstruction fund for construction, improvements, repairs and equipment in various state departments. *Chapter* 57.

BUDGET. *Assembly Int.* 1011, Pr. 1056; *Senate Int.* 895, Pr. 945: Gives state officers and employees additional emergency pay for fiscal year commencing April 1, 1946, ranging from 30 per cent

if pay is less than \$1,500 but not more than \$1,890, to 14 per cent if pay is \$4,000 or more, increase not to exceed \$1,000; except legislative and judicial employees. *Chapter 222.*

CRIMINAL CASE INFORMATION. *Assembly Int. 1261, Pr. 1330; Senate Int. 1071, Pr. 1168:* Strikes out provision that police justice courts and justice of peace courts shall furnish correction commissioner with information about criminal cases. *Chapter 551.*

MATRONS IN COUNTY JAILS. *Assembly Int. 1324, Pr. 2004; Senate Int. 1165, Pr. 1270:* Requires sheriffs to appoint matrons in county jails who shall have sole charge of female prisoners; keeper or other male employee shall not have access to that portion of jail unless accompanied by matron; strikes out emergency provision for appointment of additional deputy sheriffs. *Chapter 293. (See our Recommendation XXI to the 1946 Legislature.)*

ELMIRA REFORMATORY. *Assembly Int. 1412, Pr. 1504:* Changes reference to N. Y. state reformatory at Elmira, to Elmira reformatory. *Chapter 288.*

PROCEDURE FOLLOWING ARRAIGNMENT FOR MISDEMEANOR. *Assembly Int. 1524, Pr. 1638:* Changes provision relating to procedure in N. Y. city courts of special sessions held by city magistrate following arraignment for misdemeanor specified in §130, N. Y. City Criminal Courts Act, and in every other case of misdemeanor which may be tried by court of special sessions held by city magistrate. *Chapter 924.*

TRIAL OF DEFENDANT. *Assembly Int. 1547, Pr. 1669:* Provides in N. Y. City when person is arrested and magistrate is not available and case can be tried by city magistrate sitting as court of special sessions, defendant and surety at time bail is taken may elect whether defendant is to appear before magistrate in consolidated week-end court the next morning or at next regular week day session. *Chapter 458.*

SUPERINTENDENT OF PENITENTIARY, ERIE COUNTY. *Assembly Int. 1596, Pr. 1723; Senate Int. 1410, Pr. 1550:* Creates in Erie county office of superintendent of penitentiary who shall have powers and duties of commissioner of charities and correction relating to management of Erie county farm and penitentiary and powers and duties of superintendent or keeper of the penitentiary; abolishes office of charities and correction commissioner. *Chapter 713. Approved with reservation.*

COMPENSATION FOR INMATES. *Assembly Int. 1867, Pr. 2028; Senate Int. 1661, Pr. 1834:* Provides pay for work performed for division of industry by prisoner in state correctional institution

shall be from correctional industry fund and pay for all other work shall be from moneys appropriated to department and available for maintenance and operation. *Chapter 389.*

YOUTHFUL OFFENDERS. *Assembly Int. 2019, Pr. 3244:* Provides judge who has heard preliminary evidence or investigations as to whether defendant shall be adjudged a youthful offender, shall be disqualified from presiding at further trial of defendant, but defendant may consent to have trial by same judge; applies only to N. Y. City. *Vetoed.*

COMMITMENTS, N. Y. CITY REFORMATORY. *Assembly Int. 2055, Pr. 3249; Senate Int. 1735, Pr. 2874:* Requires N. Y. City correction commissioner or designated officer on admission to N. Y. City reformatory to examine all records, commitment papers regarding age and previous record of prisoner and to return to committing court judge or magistrate prisoner who does not come within classification as male between 16 and 30 as 1st offender. *Chapter 850. (See our Recommendation VI to the 1946 Legislature.)*

EXCLUSION FROM TRIAL. *Assembly Int. 2216, Pr. 2455; Senate Int. 1924, Pr. 2148:* Authorizes children's court and domestic relations court judges to exclude from proceedings and trials all persons who are not directly interested, except jurors, witnesses and court officers. *Vetoed.*

DETENTION OF CHILDREN. *Assembly Int. 2218, Pr. 3270:* Strikes out provision that pending investigation in N. Y. City domestic relations court, detention of child shall be based on sufficient evidence properly adduced in court. *Vetoed.*

PAROLE BOARD. *Assembly Int. 2262, Pr. 2508; Senate Int. 2040, Pr. 2301:* Strikes out provisions for case supervisors, employment directors and parole officers in parole division, executive department, and authorizes parole board to appoint officers and employees as may be required. *Chapter 670.*

LICENSES, SALE OF FIREARMS. *Assembly Int. 2422, Pr. 2705; Senate Int. 2100, Pr. 2370:* Provides for licensing by local authorities, gunsmiths and dealers in firearms for sale of concealed weapons, fixes qualification for license and requirements as to records, including fingerprints. *Chapter 532.*

PAROLE DISCHARGE FOR VETERANS. *Assembly Int. 2745, Pr. 3190; Senate Int. 2399, Pr. 2787:* Provides power of parole board to grant discharge from parole to person who served in U. S. armed forces shall apply to convictions before entry into military service. *Chapter 544. (See our Recommendation I to the 1946 Legislature.)*

Opposed

LIFE IMPRISONMENT. *Senate Int. 335, Pr. 335; Assembly Int. 848, Pr. 877:* Provides that suspension of civil rights and private trusts, authority, or powers of person sentenced to state prison for less than life shall not be in effect during parole. *Failed of passage.*

GRAND JURY. *Senate Int. 509, Pr. 521; Assembly Int. 623, Pr. 634:* Provides grand jury shall make no presentment or other public record censuring or reflecting upon integrity of any person for alleged misconduct that does not constitute a crime. *Vetoed.*

CIVIL SERVICE REMOVAL. *Senate Int. 510, Pr. 1734; Assembly Int. 2311, Pr. 2568:* Prohibits removal of prison officer, prison guard, correction officer, or fireman from competitive civil service position, except for incompetency or misconduct shown after hearing. *Failed of passage.*

FEES. *Senate Int. 669, Pr. 688; Assembly Int. 775, Pr. 799:* Provides fee of justice of peace and police justice in criminal action shall be \$5 for all services in search case, for return on appeal and for examination and issuing each warrant; fee payable by village for services by justice of peace may be less than \$5 on agreement between village and town. *Vetoed.*

REINSTATEMENT OF DISBARRED ATTORNEYS. *Senate Int. 937, Pr. 996:* Requires appellate division to vacate order of debarment of attorney who voluntarily enlisted in and is honorably discharged from U. S. army during World War II if he was debarred for at least three years for other than a felony conviction. *Failed of passage.*

SECOND OF SUBSEQUENT OFFENDERS. *Senate Int. 1121, Pr. 1225; Assembly Int. 1328, Pr. 1413:* Provides when person who previously has been subject to multiple convictions is before court for sentence and increased punishment as second or subsequent offender, prior conviction for prison escape or aiding prisoner to escape shall not be reckoned as prior conviction. *Vetoed.*

CRIME INSTITUTE. *Senate Int. 1167, Pr. 1275:* Establishes in executive department, at Columbia university or other institution of higher learning, a state institute for study of crime, its basic causes and factors and to devise methods of rehabilitation and treatment of delinquents and criminals, to provide training for persons intending to work in such field and to provide consultation and expert opinion for courts, probation and parole departments, schools, social agencies, mental hygiene and child guidance clinics; creates board of trustees and appropriates \$15,000. *Failed of passage.*

REINSTATEMENT OF DISBARRED ATTORNEYS. *Senate Int. 1196, Pr. 1304; Assembly Int. 1417, Pr. 1509:* Provides for reinstatement of attorney previously disbarred for at least three years for other than felony conviction who thereafter voluntarily enlisted in U. S. armed forces in World War II and was honorably discharged; on evidence of good moral character since debarment appellate division shall vacate order or debarment. *Failed of passage.*

CIVIL SERVICE, PRISON GUARDS. *Senate Int. 1220, Pr. 1328; Senate Int. 1357, Pr. 1495:* Provides persons who during World War II emergency were appointed from duly established civil service lists to positions of prison guard in state service and who have served continuously for at least 2½ years shall acquire permanent status and be appointed to permanent status as of date of original appointment. *Failed of passage.*

FELONY SENTENCES. *Senate Int. 1236, Pr. 1354; Assembly Int. 1801, Pr. 1956:* Provides punishment for 2nd or 3rd offense of felony shall be two years minimum and maximum of not longer than twice the longest term prescribed upon first conviction; minimum for first felony shall be not less than that prescribed for first felony. *Vetoed.*

PRISON GUARDS, RETIREMENT. *Senate Int. 1249, Pr. 1367; Assembly Int. 1418, Pr. 1510:* Provides for optional retirement of regular appointees to position of uniformed prison guard or officer, who are members of state employees' retirement system, after 25 years' service or at age 60; fixes retirement allowance and amount of contribution. *Failed of passage.*

PARDON, 2ND AND SUBSEQUENT OFFENDERS. *Senate Int. 1250, Pr. 1376; Assembly Int. 1594, Pr. 1721:* Provides if person was sentenced as 2nd or subsequent offender and received full and unconditional pardon because of innocence, pardon shall nullify conviction for which pardon was granted. *Failed of passage.*

INDETERMINATE SENTENCING. *Senate Int. 1701, Pr. 1887; Assembly Int. 2010, Pr. 2196:* Provides person convicted as 2nd or 3rd offender may instead of must be sentenced for indeterminate term prescribed on first conviction. *Vetoed.*

PRISON OFFICERS' EQUIPMENT. *Senate Int. 1726, Pr. 1912:* Provides prison officers shall be furnished at state expense with uniforms, weapons and other equipment for performance of duties. *Failed of passage.*

RETIREMENT OF UNIFORMED PERSONNEL. *Senate Int. 2019, Pr. 2280; Assembly Int. 970, Pr. 1014:* Provides for retirement of uniformed personnel in correction department institutions after 25 years of service or at age 60; fixes amount of contributions and allowances. *Failed of passage.*

YOUTHFUL OFFENDERS. *Senate Int. 2268, Pr. 2557; Assembly Int. 2612, Pr. 2928:* Authorizes correction department to establish farms, hostels, camps and schools for rehabilitation of male offenders between ages of 16 and 21; appropriates \$2,000,000. *Failed of passage.*

YOUTH CORRECTION AUTHORITY. *Senate Int. 2269, Pr. 2558; Assembly Int. 2610, Pr. 2926:* Creates a youth correction authority in executive department; requires courts to commit to the authority for rehabilitation youthful offenders between 16 and 21 to determine type and length of treatment needed; it may set up detention and diagnostic centers and use new methods of correctional treatment such as hostels, work camps, foster homes or existing correctional institutions. *Failed of passage.*

RESTORATION OF CIVIL RIGHTS. *Assembly Int. 320, Pr. 2878:* Restores citizenship and rights and privileges thereof to persons honorably discharged from military service, who lost such rights for any cause. *Vetoed.*

BRUSH-MAKING. *Assembly Int. 571, Pr. 582; Senate Int. 599, Pr. 611:* Prohibits brush-making by prisoners for use of state or political subdivisions or for any public institution except state correctional and charitable institutions. *Failed of passage.*

PRISON GUARDS. *Assembly Int. 736, Pr. 753:* Permits person employed as prison guard to select hours and assignments according to length of service in correction department since day of permanent appointment from competitive list or from day he received title by statute. *Failed of passage.*

PROBATION OFFICERS. *Assembly Int. 1344, Pr. 1430:* Authorizes board of justices, N. Y. City domestic relations court, to determine number of probation officers required for work of court and to appoint such officers or fill vacancies; board shall make rules for assignment of cases and maximum number for each officer. *Failed of passage.*

CIVIL SERVICE, PRISON GUARDS. *Assembly Int. 1366, Pr. 1455:* Provides person who during World War II emergency was appointed from duly established civil service list to position of prison guard in state or local service and who has served continuously for at least 2½ years shall acquire permanent status for civil service law provisions which shall be retroactive to date of original appointment. *Failed of passage.*

PRISON SAFETY SERVICE. *Assembly Int. 1403, Pr. 1495:* Fixes salary schedules and increments for various grades of prison safety service. *Failed of passage.*

CIVIL SERVICE. *Assembly Int. 1495, Pr. 3085:* Provides person who during World War II emergency was appointed from duly established civil service list to position in state service and who has served continuously for at least 2½ years shall acquire permanent status for civil service law provisions, as of date of original appointment. *Failed of passage.*

CIVIL SERVICE FOR WOMEN GUARDS. *Assembly Int. 1686, Pr. 1818; Senate Int. 1512, Pr. 1663:* Provides employees of Westfield state farm and Albion state training school guarding and attending inmates shall be classified in competitive civil service and receive same rate of pay as guards and other prison officials in correction department institutions; appropriates \$95,000. *Failed of passage.*

LIFE IMPRISONMENT FOR MURDER. *Assembly Int. 1808, Pr. 1963:* Provides when jury finds person guilty of murder, 1st degree and recommends life imprisonment, court must instead of may so sentence defendant. *Vetoed.*

GOOD CONDUCT, BILLIARD ROOM LICENSE. *Assembly Int. 2088, Pr. 2307; Senate Int. 1948, Pr. 2191:* Provides license to conduct billiard room may be issued to felon who has received executive pardon or certificate of good conduct from parole board. *Failed of passage.*

PSYCHIATRIC BUREAU, DOMESTIC RELATIONS COURT. *Assembly Int. 2219, Pr. 3161; Senate Int. 1922, Pr. 2722:* Provides psychiatric bureau in N. Y. City domestic relations court may be used for treatment of children and of petitioners and respondents in family court cases. *Vetoed.*

CONFISCATION OF DANGEROUS WEAPONS. *Assembly Int. 2231, Pr. 3236; Senate Int. 1946, Pr. 2835:* Provides that in cities of 75,000 or more, instead of 1st class cities, dangerous weapons unlawfully carried or possessed shall be surrendered to police commissioner or other police force head, or where taken by state police, to state police superintendent; officers receiving such weapons may direct that they be retained in police laboratory for prevention and detection of crime. *Chapter 533.*

DEPARTMENT OF CORRECTION— CITY OF NEW YORK

Introduction

This account of the Department of Correction of the City of New York will not primarily be concerned with a repetition of physical properties and facilities relative to the various institutions of the Department. Statements of this nature have appeared in previous Annual Reports of the Association and are matters of official record elsewhere.

On the contrary, the purpose of this statement is to point out various weaknesses in general and to urge that specific steps be taken in the interests of progress and public protection.

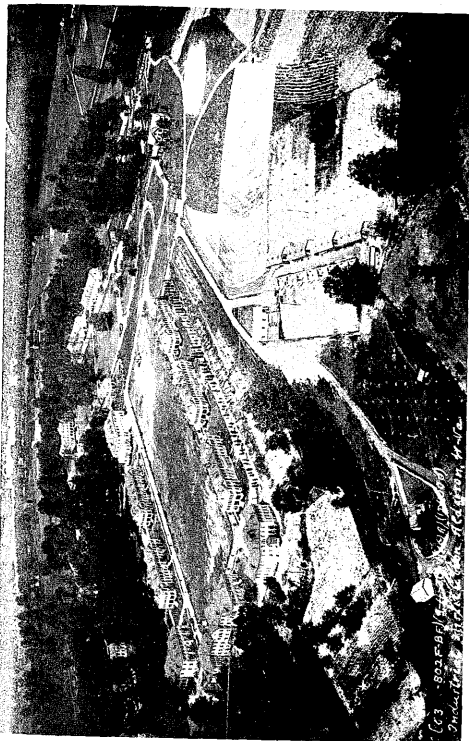
General

It should be stressed at this point that the Department of Correction of the City of New York is beset by numerous problems not ordinarily faced by departments of correction of the various states and other areas. These peculiar problems are ever present and likewise defy solution to the point where they will be of less importance.

The first major problem is that of the overturn of prisoners in the course of a year. During 1946 174,087 prisoners were admitted and 173,526 discharged by the Department. The City Prison, Manhattan, alone admitted 54,853 and discharged 55,270. The Penitentiary of the City of New York admitted 9,321 and discharged 8,948 prisoners. It is obvious that a turnover of these proportions constitutes a major administrative problem not ordinarily faced by other prison administrative units. The total departmental census on December 31, 1945 was 3,507 and on December 31, 1946 was 4,068.

The second major problem consists of the fact that the vast majority of prisoners are held for short terms with insufficient time available for the introduction of comprehensive rehabilitative processes. Various laws operate to make it impossible, for example, to employ detention prisoners without their written consent. Industrial, educational and other similar programs of a long-range nature cannot be introduced in most of the Department's institutions because of the population movement.

The third major problem affecting the Department relates to the type of prisoner housed and the reasons therefor. Those imprisoned under the jurisdiction of the City Department of Correction are, in the main, detention prisoners awaiting trial, investigation, or sentence by the courts. Prisoners range from homicide cases to violators of minor city ordinances and material witnesses and con-



FEDERAL REFORMATORY FOR WOMEN, ALDERSON, WEST VIRGINIA

Miss HELEN HMOXIMUS, Warden

This institution is under the control of the Federal Bureau of Prisons, James V. Bennett, Director. It is widely known for its high quality of management and its architectural layout permitting separation and classification of prisoners into groups for diversified programs of treatment.

sist of persons of all ages, nationalities, degrees of physical infirmities and numerous other characteristics requiring in some cases special segregation and attention.

It is obvious that with these and other basic problems, administrative detail alone becomes exceedingly time consuming and of tremendous proportions.

Administration

For the greater part of 1946 the Department was headed by Dr. Peter F. Amoroso, who had been either Deputy Commissioner or Commissioner since 1934. Commissioner Amoroso was replaced by Mayor O'Dwyer in the latter part of December and Albert Williams, formerly a Deputy Commissioner of the Police Department, was named Commissioner on December 27, 1946.

No major personnel changes took place within the institutions during the year.

During 1946 efforts were made by the Association to direct to the attention of appropriate city officials the need for salary increases particularly in the custodial officer level and many of those employed as civilians. Encouraging response to our efforts was received and a general salary increase for all city employees recently announced by the O'Dwyer administration is applicable to those within the Department of Correction. Surveys of salary levels conducted by various groups throughout the country, including one made by the Correction Officers' Benevolent Association of the City Department of Correction, pointed out that other correctional organizations surpassed the City Department in salary range.

The Prison Association is mindful of the complex financial status of the City and the difficulties of securing additional income but at the same time points out that any correctional department or institution is only as effective as its personnel. Correctional work, to be attractive on a career basis, must provide appointment and tenure on merit with a minimum of political influence and interference. Salary scales should be consistent with other departments and sufficiently high to attract personnel meeting high standards of training and experience, intelligence and character. In return promotional opportunities should be adequate.

A condition related to this situation concerns a disparity of salary levels in the grades of warden and deputy warden. While some of the difference is due to annual increments, it is suggested that study be given to the clarification of grades and titles.

New York City Reformatory, New Hampton

Located in Orange County, New York, the New York City Reformatory has long been the subject of private as well as official criticism.

Traces of the Reformatory date back to 1868 when some buildings on Harts Island were fitted up as a place of detention for certain incorrigible children. In 1890 another attempt to establish a reformatory type institution was initiated at Harts Island. It is interesting to note that an official of that institution in 1890 reported to the old Department of Public Charities and Correction, as follows:

It is to be hoped that ere long our City government may be composed of men wise enough and honest enough to adopt and administer a system of reform for institutions of this class which shall be thorough from the ground up, whose object it shall be to make men not tools of the unfortunate classes with which they must deal.

While the intervening period has witnessed the efforts of many "wise . . . and honest" City officials, we cannot state with sincerity and honesty that any momentous change in the way of a sound rehabilitative program has taken place as far as a reformatory itself is concerned.

As a matter of fact the Association has often recorded itself in favor of complete abandonment of the present New Hampton institution unless radical changes are made. The Association was conspicuous by its efforts nearly half a century ago in the development of the City Reformatory, just as it was in the founding of the entire reformatory movement in the United States with the opening of the Elmira Reformatory in 1876.

In the Spring of 1901 the Prison Association observed that many boys were committed to the Workhouse then located on Blackwells Island. The Association worked in close harmony with the Honorable Thomas W. Hynes, the new Commissioner of Correction who assumed office on January 1, 1902. Not satisfied with the temporary expedient of housing boys on Harts Island, the Association and others worked for the establishment of a new institution for youthful misdemeanants. Opposition was voiced by some sheriffs who objected to a possible decrease in the number of jail commitments thereby causing a reduction in fees receivable. The theory of the indeterminate sentence and parole was included in the new institutional program and full detail of the Association's active part in the founding of the reformatory (later moved, as noted, from Harts Island to New Hampton) is contained as a matter of official record in the Annual Reports of the Association for 1904, 1905, and following.

It has been with considerable regret, therefore, that we have advocated the abandonment of the present institution unless there is a complete reversal of policy leading toward the practical rehabilitation of those confined.

Following removal from Harts Island, the present institution opened in 1916, has generally never met the original purposes for which it was designed.

It should be stated that during 1946 one of the major defects of the institution was remedied by legislation sponsored by the Association. The original law clearly set forth that the institution was to be for the confinement of young first offender misdemeanants. In fact, however, many of the prisoners were seasoned in crime or wholly incapable of benefiting from the institutional program. This situation was a direct violation of Chapter 516 of the Laws of 1907 which provided that only first offenders should be committed. Unfortunately, the Department of Correction had no choice since it was obligated to receive all those committed. Remedy of this situation was realized in 1946 by the passage of legislation, now Chapter 850 of the Laws of 1946, providing that the Commissioner of Correction must return to the courts those not legally qualified for commitment to this particular institution.

The Association is gratified that it could be of assistance through the official sponsorship of this legislation, and strongly recommends that a constant vigil be maintained to assure that those admitted be in a position to actually benefit by a reformatory program.

Training Program

It is with the present inadequate educational program and other formal rehabilitative measures that the Association is in disagreement. It is recognized that sporadic efforts have been made to develop the educational program in keeping with professional standards but the end of the year witnessed no sound attempt to meet this problem. In comparison with the programs at the State institutions at Cossackie and Elmira, there can be seen vast room for improvement.

A well-rounded educational schedule calls first for full-time direction by a trained and competent individual. In October 1946 the direction was made available but the person designated was required to concern himself with a myriad of additional duties, any one of which would normally require full-time attention.

The outstanding basic and material needs at the Reformatory are, first, personnel, second, equipment, and third, a wholly satisfactory program. The Association is not unmindful of the individual efforts of those concerned with this situation at the institution and within the Department, but again reiterates its previous stand of urging either the full expansion of the training program or the discontinuance of the institution.

In 1870 The American Prison Association included in its original Declaration of Principles the following statement relative to education within prison walls:

Education is a vital force in the reformation of fallen men and women. Its tendency is to quicken the intellect, inspire self-respect, excite to higher aims, and afford a healthful substitute for low and vicious amusements. Recreation is considered to be an essential part of education. It has come to be recognized that recreation is an indispensable factor of normal human life. This principle is now heartily endorsed by prison administrators. Education in its broadest sense is, therefore, a matter of primary importance in prisons.

We subscribe to this principle now as we have through the years. There can be no question as to the place and value of education as a part of the rehabilitative process. As a matter of fact, our convictions are far advanced of our practices in this respect as far as some institutions are concerned. We know that the lack of basic education contributes to the causation of delinquency, yet there are many correctional institutions throughout the country that fail to realize the place and value of at least elementary educational programs.

The Association renewed its attitude regarding education in prisons when, as a member of former Governor Lehman's Commission on Education in Correctional Institutions in the State of New York, our General Secretary, Mr. Cass, wrote a section into the Correction Law which became Section 136 as provided by Chapter 670 of the Laws of 1935.

A portion of Section 136 of the Correction Law is quoted here-with:

Prison education. The objective of prison education in its broadest sense should be the socialization of the inmates through varied impressional and expressional activities, with emphasis on individual inmate needs. The objective of this program shall be the return of these inmates to society with a more wholesome attitude toward living, with a desire to conduct themselves as good citizens and with the skill and knowledge which will give them a reasonable chance to maintain themselves and their dependents through honest labor. To this end each prisoner shall be given a program of education which, on the basis of available data, seems most likely to further the process of socialization and rehabilitation. The time daily devoted to such education shall be such as is required for meeting the above objectives.

Conclusion

We again state our recommendation to the effect that the City of New York reach a decision without delay as to the future course of this institution. Inspiring leadership directing a well-rounded

program of training is the one basic element sorely needed. The institution is in need of conversion from an adult prison atmosphere to a progressive unit for the training of young offenders. The Reformatory has great potentialities. Its plant and site are, on the whole, generally satisfactory. Its basic requirements are personnel and vision.

City Prison, Manhattan

With the close of the year 1946, the end of the fifth year of operation of this institution was likewise marked. Previous reports have recounted in detail its structural phases and repetition of this will not be included in this statement.

No significant changes have taken place either in personnel or facilities. William A. Adams remains as Warden, and John J. Godfrey, Deputy Warden, and they and their staff deserve commendation for the efficient functioning of a detention institution that witnesses probably as many population changes in the course of a year as any penal institution in the country.

As noted elsewhere in this statement 54,853 prisoners were admitted in 1946 and 55,270 were discharged. It is interesting, in passing, to note the close similarity of the admittance and discharge figures. The highest count for 1946 was 1,041 prisoners on September 21, 1946.

In March 1946 a change was noted in the system of housing material witnesses in the city's penal institution. The former practice was to house these persons in a separate unit in one of the City's boroughs. The March change provided that these individuals be housed in the various city prisons and not in a centralized location. As a result, one floor of the City Prison, Manhattan, is now assigned for the housing of material witnesses.

During the year it was necessary that the institutions be operated with fewer officers despite an increasing population. Additional personnel was detailed later in the year.

Because of legal restrictions it is not possible to provide work for those inmates not volunteering for such assignments. In the event a nonconvicted inmate desires a work assignment, he is required to sign a consent form reading: "I hereby consent to perform any work assignment, at my own risk, while awaiting trial or sentence in the City Prison, Manhattan." The form is dated and witnessed.

Suicides

During the year a number of deaths by suicide were noted at this institution and authorities placed some of the blame on the decreased personnel. As a result additional personnel was added

in an effort to increase the supervision of prisoners. It should be noted, however, that suicides must be expected in a place of detention housing as many prisoners in the course of a year as does the City Prison, Manhattan. It should likewise be kept in mind that supervision would have to be constant and practically personalized if suicides are to be wholly eradicated. Considering the characteristics of those confined at the City Prison, the great wonder is that such occurrences are kept as low as they are.

Association Services in City Prison

For decades the Association has had its representatives go through this particular institution at least once, and many times twice, weekly in addition to maintaining other personal contacts with the City Prison administration. Cases of indigent prisoners requesting legal assistance are referred to the criminal branch of the Legal Aid Society, and various personal services are made available to inmates. Frequently the prison administration requests these services for prisoners, and in keeping with a custom of many years standing our services are extended. The cooperation of the institutional staff is appreciated and gratefully acknowledged. It is an important adjunct to the services which the Association is able to perform.

Penitentiary of the City of New York, Rikers Island

The institution continues under the direction of Edward J. Johnston, Acting Warden. Mr. Johnston is a man of many years of service and experience in the City Department of Correction and holds the permanent rank of Deputy Warden. Therein lies a situation that has long been in need of remedy.

As an outside observer, the Association has long felt that the Department of Correction is manned by too many persons holding "acting" positions. We have no argument with the practice as long as it is a temporary expedient or emergency measure. Time, however, serves to reduce the "emergency" characteristics of a situation. We feel that immediate steps should be taken to clarify the situation whereby high institutional officials fill top supervisory positions in an "acting" or temporary capacity and at the same time bearing the full responsibility of the higher rank or category. It is of importance also to note that such persons are paid the salary commensurate only with their permanent, instead of "acting," rank.

We have, then, an institution approximating the cost of ten million dollars, and larger than many state prisons, under the direct daily jurisdiction of a Deputy Warden. Likewise, the City Prison,

Manhattan, has not had a regular Deputy Warden for some years. We anticipate the new department administration will give attention to this situation in the near future.*

Plant

After years of condemnation by various public and private groups, the Department of Sanitation finally discontinued the practice of dumping refuse at Rikers Island.

A new ferry slip and freight dock was completed during the year and these new facilities, coupled with similar new facilities at the East 134th Street ferry slip should serve to vastly improve boat service. It is expected that the new facilities will be placed in operation after the first of the year.

Work was continued on the new chapel being constructed for the Protestant employees and as headquarters for the Protestant chaplain. Similar facilities have already been constructed for the Catholic chaplain.

Extensive renovation of the cell blocks continued during the year which included repair and replacement of sanitary and electric fixtures, windows, etc., in addition to repainting. Numerous delays were encountered because of material shortages.

Other minor but important improvements were completed and an earnest effort has been made within various limitations to continue a satisfactory level of maintenance.

Program

Improvement was noted during the year of the general program leading to prisoner rehabilitation. Increased emphasis is necessary, however, if the educational and vocational training program is to be a positive rehabilitative factor. The library is a creditable one and is, in fact, superior to those in many other penal and correctional institutions. In 1946 a total of 100,331 items were added to the library consisting of books, magazines, newspapers, and pamphlets.

We feel that a definite departmental policy is necessary as it may pertain to the entire rehabilitation program and its relationship to the industries and other administrative branches of the various institutions. In view of the likelihood of an increase in institutional population, we cannot emphasize too strongly the importance of the need for attention to the whole program of prisoner training.

*As this Report goes to press word has been received of the promotion of five captains to deputy wardens, including one at the City Prison, Manhattan. Likewise, the Civil Service Commission has scheduled a promotion examination on the post of warden. This is encouraging progress.

Personnel

It was noted at various times during the year that additional personnel was urgently needed to make for the safe and full operation of the institution. This includes staff and professional personnel as well as custodial officers. It is anticipated that continued attention will be directed to this need during 1947.

City Prison, Brooklyn

Elsewhere in this Report mention has been made of problems which arise through the continued use of this long-condemned and long-outworn institution. This Association and other public and private bodies have long been articulate in calling for the replacement of the present Raymond Street Jail, as the institution is commonly known.

On the second day of 1947 nine prisoners escaped from the jail by means of sawing bars and managed to defy capture for several weeks. At the present writing eight of the nine have been returned. This escape again focused public and official attention to the urgent need for a new Brooklyn jail, and it appears probable that funds will be provided for a replacement of the existing institution.

Considerable study has already been given to plans and sites for the new jail and it cannot be constructed too soon. The present plant, designed for the 1900's, is in no way suitable for the housing of offenders in 1947. Credit must be given to Commissioner Williams for being among those city leaders who recognize the need for immediate action leading to the erection of a new plant. At his request the Association has given its advice and counsel on a number of problems involving the Raymond Street Jail situation.

House of Detention for Women

There were no changes of particular importance noted at this institution during 1946.

Attention should be directed, however, to the need for educational personnel leading to the development of a well-rounded training program. This requirement should be met throughout the Department and attention to the Department's entire training program should lend itself to a uniform procedure. There should be no need for one institution to be proceeding in one direction and another institution in the opposite direction as far as the Department's rehabilitation program is concerned. Strong centralized leadership and direction appears to be a basic requirement relative to the overall training program.

The Department of Correction should continue to give consideration to the inadvisability of maintaining a combined jail, prison, and house of correction under one roof. The Prison Association

was active for nearly twenty years in the campaign to obtain a House of Detention for Women built around the idea of a place of temporary detention to house those awaiting court or grand jury action. The purpose was to get female offenders out of police lockups and into a centralized institution. Unfortunately, the institution for women at Greycourt was abandoned and for some years the present House of Detention has resolved itself into a combined place of confinement for long and short term offenders in addition to those awaiting court action.

Through the inclusion of appropriations in the Capital Budget the City is committed to the enlargement of the existing institution and consideration of housing facilities in keeping with the above discussion is strongly urged.

The Women's House of Detention continues under the able supervision of Miss Ruth Collins, an administrator of wide experience.

Conclusion

Throughout this summary we have stressed the importance of trained personnel and we should like to conclude with a renewed plea that careful attention be given to this problem. We feel, likewise, that attention is long overdue to the necessity for a study of the status of civilian employees in the Department as contrasted to uniformed custodial employees. Promotion opportunities should be made available to civilian employees if qualified personnel is to be attracted to the Department. "Dead end" positions are not designed to attract competent personnel.

The possibility of the appointment of a personnel survey committee should be given careful consideration. It should be the task of this committee to conduct a thorough job analysis and present recommendations to the Commissioner for his attention and action.

REPORT OF THE COMMITTEE ON STREET CLUBS OF THE WELFARE COUNCIL OF NEW YORK CITY*

AN APPROACH TO THE STREET CLUB SITUATION

Concluding, as a result of several months of study, that the street club situation in New York City represents a most urgent problem, the Committee on Street Clubs presents the following preliminary findings:

1. That participation in street clubs represents a natural tendency of most adolescents of any social strata to join autonomous groups of their contemporaries. This type of group life is a part of the process of growing up, in that it is an expression of the needs of this age group to emancipate from adults and to begin to take responsibility for working things out for themselves.
2. That, by its very nature, the street club has constructive potentialities. It is a medium through which the adolescent not only can gain a security which arises from acceptance by one's social group, but also through which capacities for group loyalties, leadership, and community responsibility can be developed.
3. That an increasing number of street clubs have become involved in anti-social behavior. These deviations have taken various forms, the primary one being an aggressive violent type of gang activity involving warfare between groups, including the use of weapons and resulting in serious injury and, in some cases, even in death to an appreciable number of teen-age boys.

The following are some of the factors relating directly or indirectly to this increasing pattern of anti-social gang activity:

- a. The glorification of violence and "commando" tactics during the war years.
- b. The tensions resulting from an intensified emphasis placed on racial differences.
- c. The deep-seated frustrations as the result of political, social, and economic discrimination on a racial, religious, or nationality basis in our country and city.

More fundamental factors also enter the picture such as bad housing, insecure employment, low wages, and inadequate health, recreational and educational facilities. The pressures created by these and other factors, including the impact of the war, have led to a serious breakdown in family life. This is particularly signif-

icant in the light of the adolescent's increased need for security through stable family relationships during the uncertain post-war years ahead.

4. That the recreation and leisure-time agencies, as they are presently organized and operating, have not been coping with the street club situation. In fact, various studies have indicated that not more than ten per cent of the total adolescent age group are participating in adult-sponsored leisure-time activities at the present time. Some of the agencies are attempting to adapt traditional agency thinking to meet the needs of adolescence and are beginning, in cooperation with the young people themselves, to reorganize their programs on a basis which will attract a greater proportion of this age group. However, even though the agencies are concerned about meeting the over-all teen-age problem, they are not equipped to integrate into their total agency programs work with groups such as those autonomous street clubs which have already developed patterns of aggressive anti-social behavior. Furthermore, because of the complex cultural, social, and economic factors underlying the street club picture, an approach to the situation must be broader in scope than a recreation program. It must include a method of community organization focused towards getting at some of the underlying factors involved.

5. That punitive methods have not been successful in controlling the street clubs situation. Rather, such methods have tended to heighten existing tensions and to increase hostile activity. That a punitive approach is unsound in principle is, perhaps, best portrayed by the fact that the training schools to which members of some street clubs have been committed have discovered that street club ties and activities are carried over from the community into the school life. These institutions have learned that to deal with the situation adequately, they must develop a positive approach. At the present time, they are experimenting with methods of utilizing the constructive potentialities of the club within the framework of the institutional setting.

6. That in view of the fact that the needs of street club members are not being met by existing methods, there is urgent need for experimentation with a new approach. This experimentation should be along the lines of the "area project," a term currently used to describe an experimental method for fostering more genuinely democratic community organization on a neighborhood basis. This method has been effective in other cities, namely; Detroit, Los Angeles, Cleveland, Chicago, and Baltimore. It is recommended that two areas, each approximately a mile square, should be selected for experimental projects, and that these areas

* See "Street Clubs" on page 37.

should be sections of the City that are, at the present time, experiencing anti-social street club activity. Furthermore, the areas selected should have a varying racial composition, and only one of the areas should be located in the borough of Manhattan. The planning for and the carrying out of such experimental projects should be sponsored by the Welfare Council of New York City through the Committee on Street Clubs.

7. That the Area project should consist of the following: (a) Area Director, (b) Area Committee, and (c) Area Workers.

Area Director—The major responsibility of the Area Director would be that of furthering community organization by developing and coordinating local support and facilities for the project. His first assignment would be the development of the Area Committee for this purpose. In addition, the Director would supervise all personnel working on the project.

Area Committee—The Area Committee should be composed of a cross-section of persons living within, or having an active interest in the area, such as representatives of parent's organizations, labor unions, social agencies, schools, churches fraternal organizations, neighborhood councils, police and business organizations, etc. The Area Committee would sponsor the project in the area and be responsible for developing and utilizing resources of value in meeting the needs of the local street clubs. Furthermore, as area consciousness is crystallized, it is felt that the Area Committee would stimulate local action towards the removal of those factors in neighborhood life which are inimical to the full development of a wholesome, secure democratic way of life for all people in the neighborhood.

Area Workers—It would be the responsibility of the area workers to contact and work directly with the street clubs in the area.

8. That the approach should be based on the following principles:

(a) On a community level, the approach is based on a deep conviction that the area itself is not passive or apathetic; rather, that it is deeply concerned about its youth and about those factors which may be contributing to the development of anti-social patterns of behavior on the part of its young people. One of the objectives of the project, therefore, should be to help the people of the area focus their interest and concern on those problems which are adversely affecting wholesome living and to work with them in finding ways of solving these problems.

(b) From the point of view of working with the street clubs themselves, the first step should be to recruit the best leadership

available to work directly with these groups. This is based on the belief that top-notch leadership is far more important in meeting the needs of these groups than are programs or facilities.

The area workers should be persons who possess strong native liking for young people and an ability to get next to them. In addition to the essential native ability, it is hoped that some of the persons selected as area workers may have a background of training and experience in social work. It is suggested that, whenever possible, in the selection of area workers, qualified persons living in the area, or persons having actual work experience in the area, should be given preference.

The area worker would seek out the street clubs at their hang-outs and would strive, over a period of time, to gain the acceptance of the groups and, ultimately, their confidence. Once this is achieved, it is felt that the worker would be able to cope with the hostility and aggression of the groups and steer them towards socially constructive goals.

The workers would have to bring to the situation a real acceptance of the groups as they are. They would have to be able to accept the difference between their own code and the codes of the groups and not attempt to impose their thinking or ideology on the groups. While their approach must be non-authoritative, the workers would not protect any of the young people with whom they are working from their responsibilities for or consequences of any anti-social or delinquent acts that they may commit. On the other hand, the workers would not have a legal or law-enforcing function or responsibility. In fact, the workers would have to possess deep respect for the intimate relationships they establish, and for the confidential information that may be revealed to them.

Furthermore, the workers should develop a familiarity with the various other social services available in the community, as ultimately it is hoped that they would be able to induce the club members to utilize such services as recreational facilities, employment and vocational guidance services, case work services, medical, dental and psychiatric services, which they, as individuals, may happen to need for their full growth and development.

This would be an extremely challenging process for the workers. They would undoubtedly find their skills taxed to the utmost capacity by the demands of the situations they will encounter. An important factor, if this approach is going to be effective with the maximum number of groups, would be the supervisory help the worker will receive from the area director, and from technical consultants, including among others, specialists in case work, group work, and psychiatry. It is suggested that, whenever possible, these con-

sultants be found within the membership of the Committee on Street Clubs.

From the point of view of program, while the workers will start with no fixed program whatsoever, facilities such as club rooms, athletic equipment and space, rooms for dancing, camping facilities, etc., should be developed and made available so that they may be used by the clubs when they are ready to do so. Agencies in the area can cooperate and participate in the project through joint use of such facilities. Ultimately, it may be possible to develop athletic leagues comprised of the various clubs as well as a self-governing federation of clubs to co-ordinate the planning and activities of the several clubs in each area. The latter step is particularly important because, through the federation the clubs' own leadership can be unified and steered towards constructive goals.

In summary, it tentatively may be stated that the function of the area worker will be to gain the acceptance and confidence of the club and then to use all the means at his disposal to work towards the following objectives: (a) the opportunity for the club to enjoy the normal adolescent group life that the street club potentially offers its members; (b) the gradual development of the feeling on the part of the club members that they are needed, important members of the community and that they have a very real part to play in the job of making their neighborhood a happier, more comfortable, more secure place in which to live; (c) the opportunity for club members to develop a close, intimate relationship with an accepting, understanding, warm, mature adult—a kind of experience which should be helpful to them as adolescents in their struggle to cross the threshold into well-adjusted adult life; (d) the greatest possible physical, spiritual, emotional and social development of each of the club members.

9. That the experimental projects should be planned to extend for three years. It is felt that a period of this duration is necessary in order to adequately test the validity of this type of approach. If the methods prove successful, the findings would have significance in the field of social work not only for New York City, but for the country as a whole.

10. That the Committee on Street Clubs of the Welfare Council should continue in existence and explore ways and means of carrying out the above recommendations.

COMMITTEE ON STREET CLUBS

G. HOWLAND SHAW, *Chairman*

GRAENUM BERGER	MARK A. McCLOSKEY
HON. NICHOLAS BUCCI	RICHARD A. MELLEN
PETER CAPRA	HERBERT T. MILLER
DR. NATHAN E. COHEN	CLYDE E. MURRAY
ROBERT L. COOPER	HON. JAMES B. NOLAN
HENRY K. CRAFT	DR. ERNEST G. OSBORNE
DAN W. DODSON	MRS. LILLIAN L. RASHEKIS
DR. ABRAHAM EHRENFIELD	MRS. ELIZABETH SULLIVAN
LT. JOHN J. FARRELL	RIDDER
ADELE FRANKLIN	JEFFREY J. ROBERTSON
GEORGE GREGORY, JR.	REV. JAMES H. ROBINSON
GEORGE HALLWACHS	DR. SOPHIA M. ROBESON
PHILIP HEIMLICH	DR. HARRY SHULMAN
CHARLES E. HENDRY	S. R. SLAVSON
ARTHUR C. HUCK	HAROLD F. STRONG
ADA B. JACKSON	RALPH WHELAN
ALEXANDER REED MARTIN, M.D.	DR. HERBERT D. WILLIAMS
	JAMES E. MCCARTHY, Secretary

APPENDIX A

PROPOSED ANNUAL BUDGET FOR TWO AREA PROJECTS OPERATED BY COMMITTEE ON STREET CLUBS OF THE WELFARE COUNCIL

Salaries	
2 area directors	\$12,000.00
10 area workers	40,000.00
1 research consultant	4,500.00
1 part-time consulting psychiatrist	3,500.00
2 secretaries	4,800.00
2 stenographers	3,600.00
Total salaries	\$68,400.00
Operating expenses	
Rent, heat, light and activities	\$20,000.00
Total	\$88,400.00

PLANNING AND ORGANIZING THE RECEPTION CENTER*

By GLENN M. KENDALL, ED. D., *Director*

The Reception Center, which is an institution for the study and classification of male offenders between the ages of 16 and 21, was created by Chapter 554 of the Laws of 1945. The Center was proposed by Governor Dewey's Interdepartmental Committee on Delinquency and was recommended to the Legislature by the Governor. The Interdepartmental Committee was appointed by Governor Dewey in 1943 and consisted of the Commissioners of the Departments of Correction, Education, Mental Hygiene, Social Welfare and the Chairman of the Board of Parole.

This Committee's two-part report submitted to the Governor in February 1945 made numerous recommendations for the improvement of the State's program for the prevention of delinquency and the care and treatment of delinquents. The Center was, therefore, the result of mature deliberation and study on the part of a highly competent group.

Chapter 554 amends Chapter 243 (Correction Law) of the Laws of 1929 by adding a new article, Article 3A, consisting of Sections 60, 61, 62, 63, and 64. The major provisions of this law are as follows:

1. Establishes a Reception Center for classification of male offenders between the ages of 16 and 21.
2. On and after November 1, 1945, all convicted offenders in this age group whom the judges consider should be sent to a state institution and who are committable to such institutions must be sent to the Reception Center.
3. The judge can no longer sentence the offender to a specific institution but he can fix the term of imprisonment or sentence to imprisonment for an indefinite term governed as to length by the provisions of Article 12 or 13A (Elmira and Coxsackie Laws).
4. The Center shall be located at Elmira or such other place as the Commissioner may determine.
5. Persons committed to the Center are to be studied, classified and transferred to other institutions in the Department for confinement and treatment.
6. The Commissioner shall appoint a Director and staff for the Reception Center to interview, test, classify and supervise offenders

* See "Elmira Reformatory and Reception Center" on page 38.

committed to the Center. The Director and staff shall be responsible to the Commissioner of Correction.

7. Reception Center inmates may be transferred for confinement to any state correctional institution in the Department but only offenders convicted of a felony may be transferred to a State prison. A special provision (438-b) provides for the transfer of mental defectives from the Reception Center to Napanoch or Woodbourne.

8. The Sheriff or his Deputy, or in counties within the city of New York, the Commissioner of Correction or his representative, must convey the offender to the Reception Center (Note: The cost of such transportation is a charge against the state appropriation for this purpose as is the case with transportation of offenders to the state prisons).

The law became effective on April 1, 1945, and provided that the Center should open on November 1, 1945. There were, therefore, just seven months between the date the law took effect and the date of opening of the Center. It should be recalled that the War in Europe did not end until May 8, 1945, and Japan did not surrender until August 14, 1945. The Department of Correction, therefore faced a tremendous task in laying the necessary plans, in securing personnel, supplies and equipment, and preparing the Center to begin operation on November first.

The Reception Center Law provided that the Center should be located "at Elmira Reformatory or at such other place within the State as the Commissioner may determine." After a survey by the officials of the Department it was decided that the most suitable location was at the Elmira Reformatory and plans were, therefore, begun to make the necessary alterations to the northeast section of the Reformatory referred to as Blocks A & B and adjacent day-rooms. Block A had not been occupied for over two years as a result of the drop in population at the Reformatory which took place soon after the War began. Aside from the construction of an entirely separate institution, the Elmira Reformatory location was found to be as suitable as any which could be provided since it met the following requirements:

1. Space for offices and the various activities of the Center.
2. Sufficient housing capacity.
3. Opportunity for separation from the Reformatory.

Preparation for Opening the Center. While the Elmira Reformatory location was found to be suitable, numerous alterations were required in order to provide the necessary facilities. With the assistance and cooperation of the Department of Public Works, plans were drawn up and specifications prepared for the construction within the existing space of offices, classrooms, testing rooms,

vocational tryout shop, recreation areas, library, receiving room, medical unit, etc.

In order that the Center might be separated from the Reformatory it was decided that it should have a separate entrance and plans were made, therefore, to construct a direct entrance to the lower floor of the Reception Center Unit through the front wall. An entire new system of lighting was required and numerous service connections had to be changed or installed.

The program of the Center had to be planned and the necessary personnel, supplies and equipment estimated. A survey of the number of offenders of the age group from 16-21 years, who had been committed to the various institutions in the State through a period of years was also made to determine the approximate population.

A tentative budget proposal including necessary appropriations for the Center was prepared and presented to the Division of the Budget on June 11, 1945, and shortly thereafter the Budget approved an allocation of \$210,000 for the operation of the Center from November 1, 1945 to March 31, 1946. It might be mentioned that representatives of the Division of the Budget stated that the proposal for the Reception Center was one of the most thorough and complete proposals that they had ever received.

A pamphlet was prepared on August 15, 1945, describing the Reception Center and quoting the entire Reception Center Law. A copy of this pamphlet was sent to every Court in the State.

It was not until about the middle of September that the necessary plans and specifications were completed so that work could begin. This left only about forty-five days to prepare the Center for the reception of inmates. It was originally thought that most of the work would have to be done by outside contractors but due to war conditions it was found impossible to secure outside labor and a decision was therefore made by the Department for Elmira Reformatory to do practically all of the alterations.

Orders for supplies and equipment had already been placed. Through the fine and extraordinary efforts of the officials of the Albany office, the official staff and inmates of the Elmira Reformatory and the officials of the Department of Public Works, the essential building materials and other basic equipment were secured. The Reformatory staff and inmates worked double shifts until 9 or 10 o'clock each night as well as weekends and holidays. Several of the staff postponed their vacations and through many other extraordinary steps the Center was able to receive the first inmate on November first through the new entrance to the Center, even though the sheriff and the inmate had to be ushered through wooden scaffolding to get in. The Center was far from complete on that date but began immediately to operate.

With the shortage of personnel both in and out of institutions at the time the Center was planned, the Department faced an almost impossible task in securing a competent staff to operate the Center. The positions set up were for the most part placed one grade higher than positions in each category in other institutions and it was, therefore, possible to promote persons from the other institutions to the Reception Center. In spite of the difficulties, an excellent staff was finally recruited.

The Administrative and Profession Staff consists of:

Director—Dr. Glenn M. Kendall
 Assistant Director—John B. Costello
 Head Clerk—Jay G. Smith
 Catholic Chaplain—Rev. John V. Loughlin
 Protestant Chaplain—Rev. Albert Mather
 Senior Physician—Dr. Edore Meyer
 Associate Clinical Psychiatrist—Dr. Ralph Brancale
 Associate Clinical Psychiatrist—Vacant
 Senior Psychologist—Chauncey Martin
 Senior Psychologist—Raymond Corsini
 Junior Psychologist—Robert Henkel
 Senior Social Worker—Vacant
 *Parole Officer—Charles Meeker
 Education Supervisor (General)—Arthur Roberts
 Education Supervisor (General)—Peter Calabrese
 Education Supervisor (Vocational)—George Burness
 Education Supervisor (Vocational)—Peter Woloson
 Physical Training & Recreation Supervisor—Arch Petras
 Lieutenant of Custodial Force—Earl L. Laird

In addition to those members of the staff listed, there are 3 Sergeants, 30 Guards, 2 male nurses, registered, and 11 clerical and stenographic personnel, a chauffeur, and an identification officer, giving a total complement of 68 persons.

Philosophy and Functions of the Reception Center. The Reception Center is a distinct forward step in the care and treatment of young offenders. It is one more evidence of the policy of the state to deal with offenders as individuals. Seventy-five years ago all offenders, young and old, sane and insane, were locked up together with very little attention to the individual. Since that time the State has provided for differential treatment of juvenile delinquents, wayward minors, youthful offenders, and within the Department of Correction at least seven types of institutions have been established so that programs designed to fit the needs of various types of individuals could be carried on.

* The Parole Officer is assigned by the Executive Division of Parole.

The responsibility of the Reception Center is to study each youth committed in order to determine the institution to which he should be sent and the major phases of the program of treatment which he should follow. The Center is, therefore, primarily a study and diagnostic unit.

In the past, young male offenders 16 to 21 years of age have not been sufficiently separated as to type to permit effective treatment. This stems partly from the fact that there are so many committing courts and that these courts vary widely in the amount of study which they give each case and in knowledge of institutions to which such offenders are committed. Furthermore, commitments have in the past been very largely governed by chronological age and the offense committed. It is not surprising therefore that there has been great variation in the type of person committed to the various institutions. This created a situation in which neither the individual offenders nor society were best served, and handicapped the individual institutions in developing a program geared to the needs of particular types of offenders.

Take the case of Frank, an 18-year old youth of normal intelligence, without a previous police or court record. He was a school boy in good standing. He came from a good home. Frank was interested in machinery and wanted some tools. He bought them for five dollars from a friend. Unfortunately the tools had been stolen. Frank was sentenced to a maximum term of 20 years in a state reformatory for buying stolen property. To the same reformatory was sentenced George, who came from a poor home and a community infested with gangs and law breakers. George had been in trouble most of his life, with numerous juvenile delinquency offenses against him. He had been in juvenile institutions as well as in local jails and penitentiaries. He had developed a tough exterior and had participated in a holdup in which a killing took place. Obviously Frank and George present extremely divergent problems and different type of institutionalization are called for.

Some courts make a careful study of each offender before reaching a decision as to their disposition. Utilizing well-staffed probation departments and available professional services, such courts do a highly efficient job of making the best possible disposition of the case. A few judges also make it their business to acquaint themselves with the programs of the various institutions to which they commit offenders. The establishment of the Reception Center is not a reflection of the courts but represents the creation of a process to supplement the courts' directives, and frequently their desires, where the time, money or highly qualified specialists are not available for the required study in local communities. Unfortunately, many courts do not and probably many

cannot devote the time and effort to such careful study of offenders and institutions. It is doubtful whether it would ever be feasible to supply each court with the professional staff necessary for the task. This should not, of course, be taken as condoning the lack of adequate probation service in any court.

It should also be noted that the Reception Center constitutes an intermediate method of treatment for the young offender who has become involved in serious conflict with the law. Instead of being directly committed to a correctional institution provision is now made for careful study of such offenders. The Center is in effect a final attempt by the State to understand and rehabilitate young offenders before they become seasoned to a life of crime. The Center continues a good deal of the same philosophy and methods utilized by Children's Courts, hearings for Young Offenders, and by the Training Schools for Juvenile Delinquents. At the same time it also introduces the elements of closer supervision and treatment more suited to these youths who have grown out of childhood and who should be assuming the responsibilities of young adults.

The Center should bring to any youth committed to it the realization that it is high time he did some serious thinking as to his future and that he is definitely at a turning point. Many young offenders committed to the Center, particularly those adjudged Wayward Minors, Youthful Offenders and Misdemeanants, have a last chance of fitting themselves to live law abiding lives without being branded as criminals. If they do not take advantage of this opportunity, the next time they get into difficulty it is quite likely that they will end up branded as a criminal and committed to a State Prison.

Specifically the Reception Center's responsibilities are as follows:

1. To study all the significant factors in each case.
2. To recommend the institution to which the inmate should be sent.
3. To recommend a suggested treatment program.
4. To start the boy thinking straight and to get him in proper frame of mind to take advantage of opportunities offered in the transfer institution.

It is the responsibility of the Center to find out just what each individual young man is like and why and to propose ways and means of doing something practical to help him help himself. Each activity of the Reception Center, from the observation of how the boy spends his time in his room to the highly specialized techniques of the psychologist, psychiatrist and physician contribute to the understanding of the individual, how he reacts

to various types of situations, what his problems are and what solutions are necessary to solve them.

Physical Facilities. The Reception Center occupies a unit of Elmira Reformatory paralleling 375 feet of the north wall and including 132 feet of the east side or front of the Reformatory. The large cell block contains 352 outside cells; these are arranged in four tiers, 88 cells to a tier and 44 cells on either side of each tier. The cellblock itself opens into the Reformatory auditorium in the far end, thereby providing easy access to the auditorium for motion pictures and Protestant religious services. The front end of the cellblock opens on one side into the yard between the Reception Center cellblock and D block of the Reformatory, thereby providing a recreation area of 390 x 80 feet. In addition to the large cellblock there is a small cellblock which originally contained 64 inside cells. 19 of these cells have been removed or taken over for a storeroom, employees' toilets and other purposes leaving 45 cells for additional inmate housing. Seven cells on the lower tier of B block are now used for segregation purposes and seven on the upper tier next to the medical unit are used for an infirmary. There is, therefore, overall regular housing accommodation for 383 inmates.

In addition to the cellblocks, there are six areas, each about 50' x 50', which have been altered to provide the necessary offices and space for program activities. These areas house the following facilities:

1. Business and administrative offices.
2. Medical unit including examination room, drug room and laboratory, and the Chaplains' offices.
3. Exploratory vocational shop.
4. Recreation room.
5. Psychological and psychiatric unit; also parole office.
6. Classroom and library.

The ground floor has been altered to include front entrance, key room, visiting room, receiving and package room, clothing room, shower room and barber shop.

The Reception Center is, therefore, self-sufficient except for the following facilities and services which are provided by the Elmira Reformatory:

1. Kitchen and mess hall. Reception Center inmates eat at different times than Reformatory inmates.
2. Laundry.
3. Maintenance and repairs.
4. Hospital—for serious illnesses and emergency cases only. All physical examinations and treatment of minor illnesses are handled

in the Reception Center. There are rarely more than one or two Reception Center inmates in the Elmira Reformatory hospital.

5. Utilities—Power, light, heat and water.

The best of relationships have been maintained with the Reformatory and every cooperation has been extended by both former Superintendent Smith and Doctor Palmer.

Reception Center Program

The Reception Center program consists of four definite periods:

1. **Reception Orientation Period.** This period represents a very significant phase in the entire program of study and classification because during this time attitudes are formed that frequently effect future institutional adjustment and, to some degree, ultimate rehabilitation. A poor start is costly to inmates and institutions alike. For these reasons the Reception Center makes a concerted effort to receive men in a way that will encourage their cooperation and give them a feeling of security. Under the guidance of an intelligent, understanding Receiving Officer the new men soon learn that the Reception Center has definite objectives, high standards, and a sincere interest in the welfare of each man.

After the men are received, they are organized into a Reception Company and are kept together as a unit in charge of one Officer who supervises all of their activities. These include personal hygiene, care of cells, military drill, recreation, and instruction in rules and regulations. Each new inmate is given a copy of the Reception Center handbook that explains the functions of the Center and sets forth the responsibilities of each man.

Early in the reception period new men are put through the usual identification routine. This is followed by a complete physical examination by the Reception Center Physician. This examination is the most thorough of the three physical examinations given—on admission, one week before classification, and one week before transfer.

With reception and medical procedures complete the inmates move into the Orientation phase of the reception program. This part of the program begins about the third day following admission. The inmate meets his Chaplain for an initial interview. This interview serves to acquaint the Chaplain with his men and to give the men a chance for an early contact with their spiritual advisor. The Chaplains follow the men through the program and see them several times before classification.

Each Reception Company is scheduled to meet with the Director and Assistant Director. At these meetings the inmates are informed of the Center's responsibilities and the responsibilities of the inmates in the program. They are given assurance that the Staff at the

Reception Center is working to make decisions and recommend programs that have as their primary purpose the rehabilitation of men.

A representative from the Division of Parole assigned to the Reception Center interviews each man to establish early contact for the Division of Parole and also to learn of any sources of information that may be contacted for material to help in the study of the case. The Parole Officer also requests investigations by the Executive Division of Parole in cases where there are no probation reports or where the probation reports are inadequate for a thorough appraisal of the social background. This service has proven to be very effective and the material gathered by the Parole investigators has been of exceedingly high quality.

2. *Testing.* Upon completion of the Reception Orientation Period the inmates are given psychometric examinations. This testing period takes four half days, with additional time as required for intensive individual testing and interviews. The psychometric program includes tests of intelligence, mechanical aptitude, personality and also interest inventories. The data compiled from the psychometric examinations are made available to the other members of the professional staff as soon as possible so as to guide them in their work. The time consumed from reception orientation through testing is about two weeks.

3. *Study and Observation.* After the testing program is completed the men are assigned to Activities Companies and they remain with these companies until classified by the Reception Center Board.

During this period the program of study and observation of the individual is continued. This phase of the program includes: two classes in general education, each class meeting two hours weekly; vocational tryout shop, meeting four hours weekly; and supervised recreation and physical education, meeting four hours weekly.

The general education classes are separated in two distinct areas of education. One is a diagnostic class designed to ascertain educational strengths and weaknesses and to recommend suitable educational programs for each person based on the findings. This supervisor uses the psychometric findings as a point of departure. The second class uses direct group therapy methods designed to encourage the individual to talk out his problems, to lead him to recognize desirable goals and ways of reaching them and to develop an understanding of and a desire to take advantage of the opportunities that lie ahead.

The vocational shop is organized so that each man will be given an opportunity to perform certain manual operations under observation. The men are assigned to areas of expressed interest if such

activities are available. Approximately 16 different areas will be available when the shop is fully equipped. Material shortages have, to date, prevented the fulfillment of this objective. Combining the results of the intelligence tests, pencil and paper mechanical aptitudes and interest inventories with shop performance and attitude, the shop personnel make recommendations for shop training on each man. Concomitant with the study and observation in the shop is a program of vocational guidance to direct the vocational efforts of inmates toward areas of training in keeping with their vocational potentialities.

Also during this study and observation period regularly scheduled periods of recreation and physical education are conducted. These activities serve to keep the inmates in sound physical condition, educate them in worthwhile leisure pursuits, and give insight into the inmates' relationships with others in the "play situation." From these activities it is frequently possible to uncover personality maladjustments not revealed in other aspects of the program.

The physical training personnel also prepare a report on the inmate's physical abilities, special interests and his attitude in a group situation.

Each Activities Company is in charge of the same Officer (during the day) for the full period of study and observation. This makes it possible for the Company Officer to give the Classification Board an accurate report on the inmate's adjustment to institution routine, his respect for authority, and his relationship with fellow inmates. These reports are given proportionate weight in making institutional designations.

To complete the study of the inmate the final phase of the study and observation is the psychiatric examination. By this time many valuable observations are available to the psychiatrist. The Psychiatrist has available, in addition to the social history and staff observations, the Medical Report and psychometric data which gives him a clear picture of the subject. Included as a part of the psychiatric study are the results of encephalograms given in cases where there are indications of epilepsy or head traumas.

The period of study and observation is devoted to an exhaustive study of the individual in many situations for the purpose of uncovering causes for his behavior, appraising his assets, and making suggestions as to how he can best utilize his potentialities toward a readjustment of his personality.

4. *Classification.* The culmination of this program is the classification meeting when the Staff assembles in case conference. Each staff member presents his findings and these are discussed to give a lucid picture of the inmate and the problem he presents. Following the discussion, the group designates to which institution the person should go and recommends programs of training. The results of

these decisions are subject to approval of the Commissioner of Correction. A concerted effort is made to single out what appears to be the most acute problem in a case and to direct this to the attention of the receiving institutions with appropriate suggestions for possible solutions.

The Reception Center Report consists of data gathered in the following areas: Criminal and Social History, Medical, Psychological, Psychiatric, General and Social Education, Vocational Education, Physical Education, Religion, and Institutional Adjustment.

These reports are the result of the Staff's work with the individuals during the study and observation period. When the report is made up in final form following the Classification Meeting, the Reception Center makes definite recommendations to serve as a guide for the personnel in the receiving institutions.

Two copies of the complete Classification Report on each case are sent to the Commissioner. His office retains a copy for the Department of Correction files. The institution receiving the inmate from the Reception Center receives two copies, the Executive Division of Parole receives two. One copy is retained by the Reception Center.

The Reception Center at present has available for transfer designation institutions in the following categories:

- New York State Vocational Institution—Younger, more hopeful type of offender.
- Elmira Reformatory—Older, more sophisticated type but deserving of consideration in a reformatory.
- Walkill Prison—For older felons with fairly stable personality who possess good trainability.
- State Prison—Chronic failures, long sentence men.
- Napanoch—For defectives.
- Woodbourne—For defectives.
- Matteawan—Psychotic misdemeanants.
- Dannemora State Hospital—Psychotic felons.

Definite criteria for each institution have been developed. Each staff member is familiar with these standards and they serve as a guide in making decisions.

There has also been established a system of transfers for special medical cases. In a few cases the Reception Center, with the Commissioner's approval, has designated Dannemora Prison for tubercular patients and Sing Sing Prison for men needing special medical services not available in other institutions. In such cases the primary factor is one of health and other factors are subordinated to it. This procedure is in keeping with the Reception Center philosophy of placing a man in an institution best suited to meet his primary needs.

Relationship With Courts

When the Center started it was recognized that there would undoubtedly be some opposition, as may always be expected in the introduction of a new project. However, to date very little criticism has been experienced.

The attitude of the Courts toward the Reception Center is, of course, extremely important. Every effort has been made to transmit the policies and work of the Center to the Courts. This was started before the Center opened by the issuance of a pamphlet describing the Center and citing the entire Reception Center Law. As problems involving the legality of commitments and other questions have arisen, every effort has been made to cooperate with the courts and to work these problems out to the best interests of all concerned. In an established institution where policies are widely understood and have been in operation for many years this factor is not so important. At the Reception Center, however, this early period must necessarily involve considerable explanation and exchange of ideas.

In order to clarify those legal questions that have arisen, it has been necessary to secure numerous opinions from the office of the Attorney-General. Most legal questions are now fairly well settled.

Without exception all contacts with the Courts to date have been characterized by excellent cooperation. Those judges with whom direct contact has been established by correspondence or telephone have shown a great interest in the Center and their cooperation is deeply appreciated. It is hoped that closer contact can be established with the Courts through participation in meetings where many judges are present, through personal contacts with individual judges and through visits of the judges to the Reception Center. The Director has talked with a number of judges and in every case has found them willing and anxious to see that the Center succeeds in meeting its objectives. The main criticism that has been heard does not relate to the actual operation of the Center but involves the lack of institutional facilities to which the Reception Center can transfer inmates. This is fully recognized by the Center itself and by the Department.

As part of the Reception Center's program of cooperating with the Courts and related agencies, a joint conference with the New York State Probation Administrators and Reception personnel was held at the Reception Center December 16, 1946. The conference lasted a full day during which time the Probation people and the Reception Center staff discussed the subject of how can Probation Reports be made more valuable to the Reception Center. Consensus of opinion among many of the probation people was that this meeting was one of the most profitable ones they had attended in a considerable time.

The Reception Center has encouraged visits from persons interested in the field whose suggestions and criticisms would tend to improve existing procedures. Among those visiting during the past year were:

- Commissioner E. R. Cass, General Secretary, American Prison Association.
- G. Howland Shaw, Member of the Executive Committee of The Prison Association of New York.
- John L. Schoenfeld, Member of the Executive Committee of The Prison Association of New York and of the New York State Commission of Correction.
- F. Lovell Bixby, Deputy Commissioner for Institutions and Agencies of the State of New Jersey.
- D. Norman Fenton, Chief of Guidance Bureau, California Correction Authority.
- Julio Altman, Director General of the Correction Systems in Peru.
- D. V. Kulkarni, Superintendent of the Juvenile Institution in Bombay, India.
- Miss Joan Rattray, in Charge of Social Work in Auckland, New Zealand.
- Leonard Probst, Member of the New York State Probation Commission.
- John J. Raymond, Deputy Warden in Charge of Inmate Welfare, State Prison, Jackson, Michigan.

Problems For Future Consideration

After 15 months of operation the Staff of the Reception Center is beginning to see the need for certain adjustments and expansions in the existing institutional setups for the young offenders. These expansions and adjustments, it is felt, will be necessary if the full effectiveness of the Reception Center as an integral part of the state correctional system is to be felt. Many of these ideas, of course, will require further study in the light of additional experience.

1. Additional institutional facilities should be provided to permit the segregation of various types of inmates.

The Center is now limited to its recommendations for transfer, as far as the large majority of inmates is concerned, to Elmira Reformatory, New York State Vocational Institution, and State Prisons. As a matter of fact, probably 75% will be transferred to either Cossackie or Elmira. This does not permit sufficient segregation of various types. Facilities are needed for the following types:

a. Inmates whom the psychiatrist considers mentally ill but who are not sufficiently ill to be committed to a State Hospital.

Such inmates cannot be suitably treated in the regular institution and certainly not unless the psychiatric service at these institutions is greatly increased. For the most part, such inmates do not fit into the ordinary program and simply "clutter up" the population, thereby impairing the effectiveness of the program.

b. Those inmates who are genuine first offenders and who have had very little contact with delinquency:

These inmates can be much better served in a minimum security institution such as a barracks type of forestry or lumber camp. While this is a small group, it is also a very important one and every effort should be made to reclaim them.

c. Younger inmates, who have been in considerable difficulty, but who do not fit well into the Elmira age group and program:

There should be some place where such inmates can be transferred where they would receive suitable treatment. They constitute a very difficult problem in making a decision on transfer since they are not entirely suitable for either Elmira or Cossackie.

d. Borderline defective inmates:

This group, which is not low enough in mentality to be committed to institution for defective delinquents, is a distinct drag on the program at Elmira and Cossackie. It would appear that the IQ range for commitment to Napanoch or Woodburne should be either raised or separate facilities should be provided for this type whose IQ's range from about 71 to 85.

e. The Genuine Sex Offender:

It has long been recognized by psychiatrists, psychologists and penologists that this group does not fit into the regular institutional population, nor are they helped by the usual program of correctional treatment. Some type of facilities should be established where sex offenders could be intensively studied and ways and means devised to treat them.

f. The Psychopath:

This group should perhaps be included in Group "a" above. They represent the type who are seriously maladjusted and who do not seem to learn from experience. They also are difficult to handle in the ordinary institution and require special study and treatment.

It is not suggested that entirely separate institutions be established for each one of the above groups. It is believed, however,

that one or more camps should be established, and that an institution should be established for a group between Coxsack and Elmira.

2. The Reception Center is only a first step in the organized program of retraining youthful delinquents. The job is done in the correctional institution to which the Center sends its young men. It can be said with assurance these institutions are seeing more clearly the need for better programs. There is a definite need for more psychiatric service as an integral part of the program rather than as a separate department serving only the obviously maladjusted. More flexibility in educational training and work opportunities is indicated by results of studies made in the Reception Center. Institutions must be ready to give each man some type of training that will help him to become an asset rather than a liability to society.

3. Cooperation with other institutions and follow-up is necessary. Before the Reception Center officially opened the Commissioner of Correction called all Wardens and Superintendents together and outlined the Center's responsibilities. He instructed each Warden and Superintendent to make every effort to see that, insofar as possible, the Reception Center recommendations were carefully followed.

It is highly important that some follow-up procedure be arranged in order: (1) that the efficiency in value of the Reception Center study and recommendations may be determined and, (2) that the extent to which the program of treatment is carried out may be determined.

It is, of course, recognized that the Reception Center will make mistakes and that inmates will occasionally fail in the program recommended for them, therefore necessitating a change. The heads of the New York State Vocational Institution, Elmira Reformatory, Wallkill Prison, and the Wardens of the prisons have shown a real understanding of this problem. As a result, necessary changes in programs are given careful attention.

Objective studies should be made occasionally covering a representative number of cases which will indicate the value of the Center, the efficiency of the institutional programs, and the final success of inmates.

PLANNING FOR TOMORROW'S ADULTS*

BY FREDERICK A. MORAN

Chairman, Board of Parole

America, we are told, is to have another crime wave. This is the opinion being expressed at annual meetings of professional workers with delinquents and criminals, in current magazine articles, and even in sales literature urging parole officers to purchase particular books and posing the rhetorical question, "What are you doing to fortify yourself for the crime ridden days ahead?"

The leader of the "I View with Alarm School," in the October issue of *Red Book*, gives the gruesome information that in the United States last year, every twenty and one tenth seconds a serious crime was committed and that every six minutes and seven seconds, someone was raped, assaulted or slain.

He further warns his readers about crime cycles. The first cycle, he asserts, included the War years, when there was a tremendous increase in juvenile delinquency. During this cycle, youngsters stole bicycles but we are now in the second cycle and youngsters are stealing automobiles, robbing banks, and engineering holdups. We are warned that if we permit the third cycle to develop, it will usher in an era of gang warfare. Finally, this writer repeats the statement so frequently uttered today, that the crime problem is a youth problem.

In the light of these morbid statements, it may appear that one cannot be too rational in discussing "Planning for Tomorrow's Adults" except in terms of increasing the size of police departments, imposing more severe sentences, urging the building of new maximum security prisons, and as quickly as possible, returning to the hard-boiled school of penology symbolized by the so-called Auburn Prison system which existed in this State for more than half of the nineteenth century. This was a system in which both the minds and bodies of men were destroyed, while the tools of reformation were contract labor, perpetual silence, the lockstep, and zebra striped uniforms.

Now no sensible person is inclined to minimize the seriousness of the crime problem, but it is equally true that no sensible person would foster a system of correctional care based on a foundation of

*We are reprinting Commissioner Moran's paper because his views coincide very much with those of this Association. His address was made before the New York State Conference on Social Work in November 1946, and is reprinted here with the permission of the author and the Secretary of the State Conference on Social Work.

changing emotions. It may be amusing to discover in reading an old book, that the interest in creating the first institution for juvenile delinquents in 1825, known as the New York House of Refuge, was actually based upon the case of a stolen canary. But we will agree that changes in the State correctional system should be based upon something more substantial than a bird.

We must face the need for factual information before we attempt to formulate any comprehensive program of correctional care and it is a known fact that neither in Washington nor in Albany is there any reliable statistical information regarding the extent of juvenile delinquency or adult crime. The figures which are available are based on reports submitted by the police, the courts, or other law enforcing agencies. However, there is no assurance that these figures are accurate or that reports are received from all of the agencies dealing with delinquents and criminals.

Statistics and statisticians have been subjected to considerable humorous comment but no humor is intended in urging that the individuals who quote figures denoting an increase or decrease in crime, be required to give the basis for their statements. Something drastic really should be done to the individuals who continue to utter, with the profundity of a cliché expert, that crime is a problem of youth.

It takes neither a research worker nor a historian to realize that every generation, in the opinion of the older one, has had the habit of going to the devil. What is being said today is merely a repetition of the statements made about youth and crime more than a century ago.

For example, an article in the press in 1829 reported, "Half the number of persons actually convicted of crime are youths who have not reached the age of discretion. . . . The gambling, profane language and other wickedness among our boys and girls shocks the nation." Later, in 1843, the press was warning its readers that "Murders, robberies, rapes, suicides, and perjuries are as common as marriages and deaths. Killings appear to have become contagious and no day passes without an attempt somewhere in our country. Lawlessness has so increased that the expense of watching our army of criminals, of tracking and arresting them and maintaining them in prison (together with the huge cost of their felonies) is immeasurable."

Over and over again it is being enunciated that the problem of the young offender is a crucial one. Specifically, what has been done by the State to solve this crucial problem? The answer is simple. In more than two decades, two laws have been placed on the statute books—the wayward minor law and, as recently as 1944, the youthful offender act.

As early as 1866, a law was enacted in New York City relating to the so-called incorrigible girl. A number of judicial decisions were

handed down interpreting the scope of this law, one of them emphatically stating that the law was unconstitutional in its application to females over twenty-one. Remedial legislation was decided upon but the framers of the legislation were interested only in the behavior of females who were or might become prostitutes.

The original wayward minor act was limited to New York City and applied only to females between the ages of sixteen and twenty-one. In this form it passed the 1919 session of the Legislature but it was vetoed by the Mayor of New York. Before it was again introduced, the act was made applicable to the entire State but the provisions still applied only to females. Finally, in 1925, the measure was made applicable to both sexes and although several minor changes have been made, the provisions of the law are substantially the same as those enacted by the Legislature twenty-one years ago.

Even the original draft of the law contained only two new features—the title "Wayward Minor" and the extension of the age limit to twenty-one years. For the original act simply combined some of the provisions of laws enacted in 1865 and 1866. The law of 1865 made provisions for the commitment to the House of Refuge of disorderly children of both sexes under sixteen, who had "deserted their home without good and sufficient reason, or who kept company with dissolute or vicious persons against the lawful commands of their parents and guardians."

In the early thirties, first by a resolution of the Board of Magistrates, and later by amendments to the Inferior Criminal Courts Act, adolescent courts were established in at least two counties in Greater New York.

These adolescent courts assumed an extra-legal function. Whether the original complaint involved a misdemeanor or a felony, the court could substitute a wayward minor charge. One of the judges in commenting on this procedure, said, "We have taken the Penal Code in its entirety and sort of flung it out of the window. We pay no attention to it at all in so far as reducing a felony to a wayward minor charge is concerned." This questionable procedure was later made legal. The Courts of General Sessions, after some experiment, established a Youth Part and other counties in Greater New York followed example.

It is generally accepted that the present Youthful Offender law is a compromise measure. Enacted in 1944, the objective of the law was to prevent young offenders from becoming stigmatized as criminals and to socialize the procedure followed in the criminal courts. Up-State law enforcing officials were critical of the original law, charging that the measure had been drafted in New York City and had been rushed through the Legislature with little opportunity for the district attorneys and other officials throughout the

State to carefully study the provisions. A number of these objections were later resolved by amendment to the law.

At the time the original wayward minor act was introduced in 1919, the Constitution provided that the Legislature had no power to confer upon any inferior or local court of its creation, any equity jurisdiction or greater jurisdiction in other respects than that conferred upon county courts. This provision of the Constitution rendered impossible the establishment of a State-wide system of Children's Courts. However, a Constitutional amendment, enacted in 1921, provided:

"The Legislature may establish Children's Courts and Courts of domestic relations, as separate courts, or as parts of existing courts, or courts hereafter to be created, and may be necessary for the correction, protection, guardianship, and disposition of delinquent, neglected or dependent minors, and for the punishment and correction of adults responsible for or contributing to such delinquency, neglect or dependency. . . ."

It is obvious that this amendment to the Constitution did not make any provision for the extension of any equity jurisdiction in any of the criminal courts. The constitutionality of the wayward minor law and the youthful offender act is, of course, a matter to be decided upon by the higher courts. But these measures enacted to meet particular situations have created confusion in the procedures followed by the courts disposing of offenders in the age group between sixteen and twenty-one.

Today we have one law which deals with the group from sixteen to nineteen and another law which relates to individuals from sixteen to twenty-one. And, complicating the situation still further, is the Children's Court Act which provides that once jurisdiction is obtained by a Children's Court, it may continue until the individual reaches the age of twenty-one.

The Constitutional amendment relating to Children's Courts provides that these courts are created for the protection and guardianship of the youths whose cases are disposed of by those courts. Neither the wayward minor act nor the youthful offender law includes any similar provisions.

Have the courts, as a result of the enactment of the wayward minor and youthful offender laws, attained equity jurisdiction? If so, there has been no clear enunciation of this status.

The right of the State to assume jurisdiction over children, without the ordinary preliminaries of trial and conviction, was traditional in England and more than a century ago, through court decisions, became an accepted part of our system. The granting of this power is based on the cases of children whose parents or legal guardians are corrupt or unequal to the task of directing the behavior of their children into lawful channels. In such cases, the State,

in its capacity of common guardian of the community, assumes the role of the over-parent. The Children's Court Act makes provision for the State to assume the role of *parens patriae* in the cases of children under sixteen.

At the present time, however, there is no provision for the State to substitute its authority over the parental authority in the cases of boys and girls who are sixteen years of age and over.

The existing law defines a wayward minor as any person, between the ages of sixteen and twenty-one who either,

"1. Is habitually addicted to the use of drugs or the intemperate use of intoxicating liquors, or

"2. Habitually associates with dissolute persons, or

"3. Is found of his or her own free will and knowledge in a house of prostitution, assignation or ill fame, or

"4. Habitually associates with thieves, prostitutes, pimps, or procurers, or disorderly persons, or

"5. Is wilfully disobedient to the reasonable and lawful commands of parent, guardian or other custodian, and is morally deprived or is in danger of becoming morally deprived, or

"6. Who without just cause and without the consent of parents, guardians, or other custodians, deserted his or her home or place of abode, and is morally deprived or is in danger of becoming morally deprived, or

"7. Who so deports himself or herself as to wilfully injure or endanger the morals or health of himself or herself or of others."

There are distinct differences in the methods followed by the courts in disposing of the cases of wayward minors and youthful offenders.

A summons for the appearance of any youth reported as a wayward minor may be issued by any magistrate on complaint of a peace officer, parent, guardian, or other custodian, or by a representative of any incorporated society doing charitable or philanthropic work. The charge of being a wayward minor must be established by competent evidence and any magistrate other than a justice of the peace, may adjudicate the individual as a wayward minor. The law states, so far as practicable, the individual shall be placed on probation, or if his history indicates he is not suitable for probationary care, he may be committed to any religious, charitable or other reformatory institution authorized by law to receive persons over sixteen years of age.

A youthful offender is defined by law as any individual between the ages of sixteen and nineteen, who has committed a crime which is not punishable by death or life imprisonment and who has not been previously convicted of a felony.

Any youth for whom a felony indictment has been issued, or any information filed charging him with the commission of a misdemeanor, may, upon recommendation of the grand jury or the district attorney, be presented to the court with a view to adjudging him to be a youthful offender. The court also has the power to initiate such proceedings. The court determines whether the case is to be investigated. If the court decides to investigate, the defendant must consent to the investigation, to any questioning, to a trial without a jury, and to any physical or mental examination deemed necessary.

After investigation of his case, if the defendant enters a plea of guilty to the charge of being a youthful offender, or if after trial, the court shall find he has committed the act charged, the court may adjudge him to be a youthful offender and the indictment or information against him is then considered a nullity and of no force or effect.

However, even if the procedure towards adjudication of the defendant as a youthful offender has been completed, the court still retains authority to determine that the case shall be handled in accordance with the accepted criminal court procedure.

When adjudication as a youthful offender has been made, the court may suspend sentence, or impose sentence and suspend the execution thereof, or place the defendant on probation, or commit him to any religious, charitable or other reformatory institution authorized by law to receive persons over sixteen years of age.

The law provides that no person adjudged a youthful offender shall be denominated a criminal by reason of such determination nor shall such determination be deemed a conviction.

Hence, we find that the laws provide that the case of a wayward minor, who has not been charged with any crime, may be ultimately disposed of in exactly the same manner as the case of a youthful offender.

There appears to be no unanimity of opinion regarding the legal status of a wayward minor. One of our higher courts has handed down a decision stating, "Waywardness is not a crime but a moral delinquency, to be corrected in the interests of the State." In contrast, an opinion by the Attorney-General states, "A violation of the offenses under this section (proceedings relating to wayward minors) constitutes a criminal offense but not a crime." While another opinion of the Attorney-General contains this statement, "A conviction as a wayward minor is a criminal offense within the meaning of the Correction Law."

Note that the law provides an adjudication as a wayward minor must be based upon competent evidence and that the individual so adjudged may not plead guilty to the charge. This protection does not extend to the youthful offender. The youthful offender

law, on the other hand, provides that the indictment or information shall be considered a "nullity and of no force or effect" once the adjudication of youthful offender has been made.

Exactly what is the status of a wayward minor or a youthful offender? Neither of these individuals, in the final analysis, is guilty of a crime. Yet, after adjudication, the treatment they receive differs in no way from those who have been convicted of crimes. No one seems to be sure of their legal status. It would seem they have merely been adjudicated into a status. If the State is assuming the role of the over-parent in these cases, this responsibility should be clearly stated in the law.

The anomalous situation which now exists with regard to the treatment of these individuals should also be clarified. Whether a wayward minor is placed on probation or committed to an institution, he receives the same treatment as an individual adjudicated a youthful offender. And, in some instances, wayward minors and youthful offenders who are placed on probation or committed to a State correctional institution, are in exactly the same situation as any youth who has been duly convicted of a criminal offense.

The court has three alternatives—to dismiss the charge, place the individual on probation, or commit him to a correctional institution. In dealing with the anti-social behavior of boys and girls who appear in our courts, no one is apt to question the constructive results that may stem from one or more short term interviews with a socially minded judge. However, the pressure under which most judges must function eliminates the possibility of any continuous relationship between him and the offender.

If the court decides to refer the youth for treatment in the community, he is placed on probation. The type of probation service which may be available in any community is not a State responsibility. It is entirely a local matter. A wayward minor, youthful offender, or an adult convicted of a crime and placed under probation supervision, receives whatever probation service the local community provides. The State's responsibility as far as probation service is concerned, is strictly limited to inspection and recommendation.

In some communities in the State there are probation departments which adhere to acceptable standards of case work. There are other communities, however, where the probation departments are so inadequately staffed that it is impossible for the workers to maintain any standards of service, and there are still counties in New York State which do not provide probation service.

If the court decides to commit a wayward minor or the youthful offender, the choice of institutions is the same in both cases. Local institutions, jails and penitentiaries may be utilized for the reception of both males and females. If the offender is sent to a State

correctional institution, Cossackie is the only institution available for a male wayward minor or youthful offender. The law, however, limits the age of individuals received at this Institution to nineteen. To add to the existing confusion, the Children's Court Act permits the reception at Cossackie of any individual under twenty-one, who has appeared in court as a juvenile delinquent prior to his sixteenth birthday.

There is, therefore, no State institution available for males in the age group from nineteen to twenty-one, who have been adjudicated as wayward minors.

In addition to the reception of youthful offenders and wayward minors in the age group from sixteen to nineteen, the law provides that Cossackie must receive individuals in this age group who have been convicted of misdemeanors and felonies.

The Elmira Reformatory is the only other State reformatory for males but this Institution is limited to the reception of individuals in the age group from sixteen to thirty who have been convicted of felonies.

There is only one State Reformatory for Women. The law provides that this Institution must receive females in the age group from sixteen to thirty who have been convicted as misdemeanants, vagrants, prostitutes, habitual drunkards, and first felony offenders. Although female wayward minors and youthful offenders may be sent to the Women's Reformatory, the choice of institutions available to female offenders of this type is not as limited as in the cases of males. Local jails and county penitentiaries may receive female wayward minors and youthful offenders but there are also a number of charitable and religious institutions which were originally established to care for individuals classified in the Victorian era as "fallen women." For the most part, there is no age limit at these institutions.

Under present conditions, the State deals only with a minority group of the boys and girls adjudged wayward minors or youthful offenders. Insofar as present institutional treatment is concerned, whether the offender is committed to a private or a local or State institution, only one thing is certain. The individual will mingle with a highly unselected group.

To add to the existing confusion, the State-wide Children's Court Act specifically provides that once this court attains jurisdiction, this jurisdiction continues until the individual reaches twenty-one, unless the court discharges him earlier. Many of the boys and girls who are now appearing in court as wayward minors and youthful offenders have previously been under the jurisdiction of Children's Court, and in many instances, the jurisdiction of Children's Court continues even after they have been committed to State institutions.

Many of the youths who are now coming under State jurisdiction

as wayward minors or youthful offenders have presented serious behavior problems since early childhood. In a large percentage of the cases, there have been not only a number of appearances in Children's Courts, but the youths have been on probation or have been committed one or more times to institutions for juvenile delinquents. Isn't it logical, therefore, to raise some question as to why our present methods of treatment in so many cases, have proven ineffective?

The youthful offender and the wayward minor laws were enacted in a sincere effort to provide socialized treatment for adolescents for whom there is some hope of redemption. The annual report of one of the largest courts disposing of criminal cases shows that after investigation, only one of three defendants, sixteen to nineteen years of age, charged with felonies, was considered suitable to be handled as a youthful offender. Some questions may be asked relative to the criteria adopted in determining the suitability or unsuitability of the offenders for this type of treatment. This knowledge should result in some attempt to correct the conditions which have rendered these youths ineligible for the socialized treatment provided by the law.

We will not learn the reasons why boys and girls sixteen, seventeen, and eighteen years of age are considered unsuitable for this socialized treatment until funds are made available for studies and critical evaluation of existing programs of correctional care. Certainly the hit and miss methods which have been followed during the past century and a half give scant hope that any effective program to prevent crime or rehabilitate delinquent youths can be developed without study and research.

The lack of uniformity in treating youths in the age group from sixteen to twenty-one also raises the question why we lack a definite philosophy in dealing with these youthful offenders. Is it because in New York State, we have made a fetish of the words "sixteen years" and "juvenile delinquency"? Other states have extended the jurisdiction of their Children's Courts over offenders who are seventeen, eighteen and nineteen, and in some states up to the age of twenty-one years without undermining their system of justice.

There is nothing new in the term juvenile delinquent. This classification was used originally in 1824, but it was not until 1906 that the designation was given legal status. The Constitutional amendment providing for State-wide Children's Courts did not limit the age of individuals to be treated to sixteen years. This was done by the Legislature. The term "minor" as specified in the Constitutional amendment relating to Children's Courts, may legally apply to any individual who has not reached the age of twenty-one.

However, in 1922, Chapter 547 which established the State-wide system of County Children's Courts, specified sixteen as the maxi-

mum age for individuals appearing before these courts, but the courts were given jurisdiction over adults who failed to provide for their families or who contributed to the delinquency of children. A number of our Children's Courts are hearing and disposing of the cases of wayward minors.

It is doubtful if the social, economic and emotional problems presented by individuals between sixteen and twenty-one and the complex social problems existing in their families, can be solved by courts wherein the main objective is to avoid the stigmatizing of youths as criminals.

There is a Children's Court functioning in every county of the State and this is the only court which has authority to go beyond the individual offender and deal with his family. What has been gained by increasing the number of courts which have jurisdiction over offenders under twenty-one, when we already have machinery which, with minor changes, can be utilized to deal with all types of youthful offenders and their families?

If we are to follow any constructive program of crime prevention and case work treatment of young offenders, we must maintain contact with their parents or guardians and attempt to correct the conditions in the home and in the community which have played a part in contributing towards the delinquent behavior of the offender.

This State has been in the correctional business since 1796, when General Philip Schuyler, a member of the New York State Senate, introduced a bill providing for radical changes in the Penal Law and for the erection of "strong buildings in Albany and New York, to be known as State prisons." The enactment of this bill made the State responsible for the first time, for the long time care of convicted criminals, both children and adults, and for their reformation.

The first Constitution of New York State provided that the law in effect on the day the Battle of Lexington was fought, was to be the law of the land. Our system of courts, therefore, stems from the English system of justice, where the tradition was that local courts should dispose of minor or petty offenders. Therefore, when our State correctional system was created, the originators of the system expressed no particular interest in the petty offender and during the next thirty years, or until the establishment of the House of Refuge, children were incarcerated in the same prisons which housed adult felony offenders.

A century and a half has elapsed since provision was made for the first prison, but the State has never defined its policy of correctional care. What progress has been accomplished has been due primarily to the efforts of private agencies like the New York Prison Association and special commissions appointed at various times. During one hundred fifty years, there have been times when the State has enacted legislation to provide for the care of minor types of offenders. At one time an institution was established for female

alcoholics, but the requirements for admission there were almost as select as for entrance into Phi Beta Kappa in academic circles. Any female committed to this institution had to be thirty years of age with a record of at least six convictions during a period of two years. The State assumed no responsibility for males with a similar weakness. Provision was also made for the State care of female misdemeanants but this time also, the males were ignored and we still have no facilities for the care of male misdemeanants over nineteen years of age.

Throughout the years, there have been a number of occasions when funds have been appropriated for the erection of various types of institutions. Sites have been selected but the institutions never materialized. It is also true that a number of our State correctional institutions were built, not on the basis of actual need, but because of sectional pride. For example, at one time there were three institutions for female delinquents in the age group from sixteen to thirty years, one near New York, one at Hudson, and one at Albion. Because of the limited number of commitments in this age group, Hudson became an institution for delinquents under sixteen, and Albion became an institution for female defective delinquents.

While one pressure group was stressing the need for a State institution for male misdemeanants, another group carried on a successful campaign for the erection of an institution similar to Elmira to which only felons could be committed. The institution at Napanoch was established but no law was passed permitting the courts to make direct commitments to this institution and for many years the institution functioned as a reformatory, receiving the overflow from Elmira. Napanoch was never filled to capacity and during the decade from 1910 to 1920, when it was being stressed that most of our social ills could be solved by locking up the feeble-minded, Napanoch became an institution for male defective delinquents.

At one time local communities assumed accepted State functions for the care of convicted felons. Local boards of supervisors are responsible for the penitentiaries of the State. When contract labor was at its height, and institutions were profiting from inmate labor, representatives of local communities drafted legislation which was enacted, making it possible to commit to penitentiaries convicted felons whose terms did not exceed five years. The counties in which penitentiaries were located not only profited from the labor of the felons, but were paid by the State for their maintenance. At the same time the State was maintaining prisons with hundreds of empty cells.

The lack of any definite policy governing the State's responsibility for correctional care also extended to the field of juvenile delinquency. At one time there were two institutions for juvenile delinquents. In one, the State appropriated all funds for the work

of the institution and had entire control over its administration. In the other, however, the State merely appropriated the funds and complete power over the lives of the children was delegated to a self-perpetuating group of managers who functioned independently of the State and whose power terminated only about fifteen years ago, when the institution was replaced by Coxsackie.

The correctional system of the State just grew, Topsy fashion. Prior to 1926, when the present State Department of Correction was created, in addition to the superintendent of State prisons, there were numerous unrelated and uncoordinated commissions and boards of managers responsible for the administration of the varied parts of the correctional system. This explains, in a great measure, the patchwork development of the system. Since the establishment of the Department of Correction in 1926, continuous efforts have been made and are still being carried on to centralize and coordinate the widely divergent parts of what is termed the State's system of correctional care.

However, there are some highlights to this drab picture which indicate that progress can be made. Approximately four years ago, the Governor assigned one of his counsels to act as chairman at meetings to which the commissioners of the departments of Correction, Social Welfare, Mental Hygiene, Education and Labor, and the Chairman of the Parole Board, were invited. These conferences constituted a new and revolutionary step in State service. Two reports were published by the Interdepartmental Committee and specific recommendations were made to the Governor which later resulted in the enactment and revision of laws.

The Interdepartmental Committee is still functioning and at the present time is studying the programs in operation in the reformatories of the State.

The establishment of the Reception Center at Elmira, which began to function on November 1, 1945, was one of the progressive developments of this Committee's work. All male offenders between sixteen and twenty-one years of age, sentenced to State correctional institutions, are now committed first to the Reception Center. There they are subjected to study and classification and later are transferred to selected institutions for treatment.

Another forward movement was the consolidation of the State's seven different parole systems and an appropriation was made to provide for additional staff to conduct investigations in the cases of all individuals within a short time after their reception into the prisons and reformatories of the State.

Funds were also made available to provide service units in the receiving prisons of the State and the reformatories. These units will be staffed by social workers who will do case work not only in the interest of the individual offender but also with members of his family.

The laws were revised to provide more flexibility in the transfer of individuals to and from the care of the Department of Social Welfare, Mental Hygiene and Correction. Added appropriations and changes in the laws made it possible for the State Department of Social Welfare to establish training units for difficult delinquent boys and girls who show no promise of benefiting from the treatment available at the present time in the two training schools for boys and the institution for girls. Transfers to these newly established units are to be effected only after careful psychiatric study and upon recommendation of the case committee in the training schools. The final approval for all transfers will be made by the Department of Social Welfare.

Possibly one of the most constructive steps taken as a result of the recommendation of the Interdepartmental Committee was the enactment of the law creating the Youth Commission. This was the first definite step toward providing State machinery to deal with crime prevention. Heretofore, millions of dollars have been spent toward the housing of delinquents and criminals and for their maintenance. For the first time, the State has funds available for community programs of crime prevention. No community is required to follow any set plan. The choice rests with the community.

The need for programs of crime prevention has been stressed over the years and efforts were made to create a State Bureau of Crime Prevention. In 1935, for example, Governor Lehman held a conference on Crime, the Criminal and Society. Representatives of religious, public, and private social agencies participated in this conference. The proceedings were published in a volume of 1,335 pages and this publication is a classic example of the lack of unanimity that existed regarding action to be taken in a program to prevent crime. Following this conference, a bill was introduced to create a crime prevention bureau and providing an appropriation of fifty thousand dollars. Because of the lack of interest both on the part of social workers and the general public, the measure died in committee.

Chapter 556, the law creating the Youth Commission, defines the general purposes of the Commission as follows:

"(a) to make necessary studies and analyses of the problems of youth guidance and the prevention of juvenile delinquency and to maintain records and statistics necessary thereto;

"(b) to devise, analyze, accept or reject plans for the creation and operation of youth bureaus and recreation and education projects;

"(c) to make studies, analyses and recommendations regarding the guidance and treatment of adjudicated juvenile delinquents;

"(d) to authorize and require, in accordance with the provisions of this act, the payment of State aid to municipalities;

"(e) to authorize and require, in accordance with the provisions of this act, the withholding of the payment of State aid to municipalities;

"(f) to obtain, receive and use information regarding the enforcement of local and State laws insofar as they concern the protection and welfare of youth;

"(g) to promulgate and publish conditions and regulations relative to the obtaining and use of State aid and creation and operation of youth bureaus and recreation and education projects;

"(h) to foster State-wide cooperation of State departments, and to cooperate with public and private agencies and departments and voluntary local committees in communities of the State, with the general objectives of: (1) stimulating the more effective use of existing community resources and services; (2) recommending needed new services; (3) encouraging closer cooperation locally between employers, labor, schools, churches, recreation commissions, State and local employment bureaus, service clubs, and other public and private agencies to develop employment for youth at fair wages and to develop sound youth programs on the basis of community planning, and (4) stimulating effective programs for the prevention of delinquency of youth;

"(i) to foster educational programs in connection with delinquency."

Beginning with the work of the Interdepartmental Committee and continuing under the Youth Commission, the schools of New York State have accepted the challenge that they can assist in combatting juvenile delinquency. Practically every child goes to school and the school is the logical place to start a program of prevention. It is the normal place for the child's behavior problems to become known and corrected.

It should not be expected, however, that the school will become a behavior clinic, or that the class room teacher will become a psychiatrist or a professionally trained technician in social case work. With the exception of members of the family group, no individual other than the teacher has such close continuous contact with the child, and thus it is the teacher, perhaps even more than the parents, who becomes aware of the danger signals in the child's behavior.

The State Education Department has already formulated a plan which calls for action in each school system to study the local situation, devise a specific program to meet this situation, make it work, and appraise the results. The suggested program is outlined under four headings:

"1. Earlier locating of children showing signs of potential behavior difficulties.

"2. Considering adaptations needed in school activities to meet the needs of such children.

"3. Cooperating with the parents of these children.

"4. Working for community action that will help these children."

Months ago, the State Education Department issued a guide for teachers which includes suggestions to enable each school to devise a program suited to its need. The Youth Commission and the Education Department are working in the closest cooperation to assist the schools in the development of effective crime prevention programs.

The Youth Commission has been functioning a comparatively short period of time. It can be justly proud of its work in stimulating communities to develop recreational facilities and its programs to aid the schools in the prevention of delinquency. But it is still faced with the problem of developing facts and figures upon which to base effective programs to deal with the individuals who present serious behavior problems. This, it is assumed, will become one of the major objectives of this Commission.

The success or failure of this new Commission, in the final analysis, must depend upon whether or not local communities really want to prevent crime. If they do, they will utilize both the trained personnel and the financial aid the State stands ready to provide. Communities must also accept that the causes of delinquency and crime are multiple. There is no one panacea, whether it be a psychiatric clinic, a recreational project, or a boys' club. Over-all programs must be developed which will be sufficiently elastic to adjust to changing conditions.

Summary

If we are to plan for Tomorrow's Adults, we must recognize:

1. That during the past one hundred fifty years, the changes which have occurred in the correctional system have been due to chance and not to planned thinking;

2. That in this State no philosophy of correctional care has ever been enunciated, with the result that the responsibility of the State and local communities for the care of offenders has never been clarified. There has been duplication of institutions, overlapping and confusion. The correctional system is now made up of independent and uncoordinated units.

3. In the field of public welfare, there has been a recognition by the State of its responsibility to reimburse local communities for expenditures for public welfare services. There appear to be sound reasons why the State should assume similar responsibility for funds expended by local communities for the care of delinquents and criminals.

4. The legal status of youthful offenders and wayward minors should be clearly defined. If the State is assuming the role of the over-parent in these cases, this should be enunciated in the law.

5. With the exception of commitment to institutions, there is nothing which the courts can do for wayward minors which could not be accomplished by effective case working agencies. In the case of a wayward minor, the court should be used as a last and not as the first resort.

6. The establishment of new courts or new parts of existing courts without provisions for adequate staff of case workers, equipped to deal with the diversified social problems presented by young offenders, is an empty gesture.

7. Before additional courts are created, the behavior problems of young offenders should be studied, as well as the treatment facilities available, and programs should be developed to meet the needs disclosed.

8. The fact that many young offenders are considered by the courts to be "unworthy" for treatment as youthful offenders, plus the fact that a majority of the offenders received in the State reformatories and prisons have appeared in Children's Courts, have been tried on probation, and failing on probation, have been committed one or more times to institutions for juveniles, or after they have reached sixteen, to jails or penitentiaries, indicates the need for critical evaluation of our present treatment processes.

9. Reliable statistics should be compiled and continuous studies carried on regarding the operation of special laws, such as the wayward minor and the youthful offender laws, and the existing programs of treatment. The public should be made aware of the unmet needs.

10. No progressive State or local program of correctional care can function without adequate trained personnel. At the present time no professional school of social work has specialized training programs for individuals who desire to work with delinquents and criminals. The professional group of social workers should stimulate our schools of social work to develop professional training courses for this field, and the State should assume responsibility to finance these training courses.

11. The crime problem is a community program. There are no "quickie" cures and it is doubtful if any will develop. The reduction of crime lies not in the building of more prison cells, but in effective programs of crime prevention. While recreational projects must be made a part of such a program, the public must recognize that the causes of crime or anti-social behavior are multiple. There is no easy solution and neither the police, the courts, probation nor parole officers can solve this problem unaided. Communities must organize the constructive forces existing to change conditions

that breed crime. In addition, there should be enough diversified social agencies with programs inclusive and elastic, to sufficiently meet the needs of the individual and the changing situations responsible for anti-social behavior.

AN ACT*

To amend the code of criminal procedure, in relation to the definition, examination, sentencing and rehabilitation of sexual psychopaths

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

Section 1. The code of criminal procedure is hereby amended by inserting in part VI thereof a new title, to be title IV-B, to read as follows:

TITLE IV-B

OF PROCEEDINGS CONCERNING SEXUAL PSYCHOPATHS

§ 880. Definitions. When appearing in this title, the term "sexual psychopath" means a person who, though not insane nor a mental defective according to chapter V of title XII of part IV, or title IV-A of part VI, of this code, is in such a state of mental aberration that he cannot control his impulses toward the commission of sex crimes and offenses; "commissioner" means the state commissioner of correction; "court" means the magistrates, special sessions, general sessions, county court, or other criminal court in which the defendant has been convicted of a sex crime as herein defined; and "superintendent" means the warden, director, superintendent or head of an institution under the jurisdiction of the department of correction or the department of mental hygiene in which a sexual psychopath is confined, or the warden, superintendent, director or head of a penal or correctional institution of the state or of any subdivision thereof.

§ 880-a. Order for examination as a sexual psychopath of a defendant after plea of guilty or conviction. Where a defendant is convicted, either upon a plea of guilty or after trial for a violation of any of the provisions of sections four hundred eighty-three, four hundred eighty-three-a, four hundred eighty-three-b, six hundred ninety, subdivision eight of seven hundred twenty-two, eleven hundred ten or eleven hundred forty of the penal law,† the court in

*This bill, Senate Int. 1432, Pr. 2790, was drawn by New York City Magistrate Morris Ploscowe and introduced by Senator Thomas C. Desmond. Both gentlemen over a long period have shown a genuine interest in public welfare. See our Recommendation VI on page 20.

†The original draft of the bill included the crime of rape. Inadvertently, the section of the penal law relating to this crime was overlooked in the final bill drafting in Albany. The crime of rape, of course, should be included.

which the conviction was had, upon its own motion, or that of the district attorney or of defense counsel, may, in its discretion, order such defendant remanded for examination to determine whether he is a sexual psychopath. If the defendant has previously been convicted of one of the aforesaid offenses, the court shall order said examination.

§ 880-b. Examination. The procedure for such examination shall be in accordance with the provisions of sections six hundred fifty-nine, six hundred sixty, six hundred sixty-one, six hundred sixty-two and six hundred sixty-two-a, as if the defendant had been committed by the court to determine the question of his sanity in accordance with the provisions of sections six hundred fifty-eight or eight hundred seventy.

§ 880-c. Procedure where defendant not adjudged a sexual psychopath; imposition of sentence. 1. If after receiving the report of the psychiatrists in accordance with the provisions of sections six hundred fifty-nine to six hundred sixty-two-a, both inclusive, and giving the district attorney and counsel for the defendant an opportunity to be heard thereon, the court is of the opinion that the defendant is not a sexual psychopath, the proceedings against such defendant shall be resumed as if no examination had been ordered and the court may proceed to sentence the defendant.

2. If the defendant is certified as a sexual psychopath by the qualified psychiatrists in accordance with the provisions of this title and the court does not adjudge the offender a sexual psychopath, but imposes sentence upon him, it shall state its reasons for so doing and this statement shall be part of the record of the proceedings.

§ 880-d. Procedure where defendant adjudged a sexual psychopath; commitment. 1. If after giving the district attorney and counsel for the defendant an opportunity to be heard thereon, the court is of the opinion that the defendant is a sexual psychopath as herein defined, the court shall adjudge the defendant to be a sexual psychopath and commit him to the jurisdiction of the state department of correction to be received by such department in institutions to be designated by it.

2. Thereafter, the commissioner of correction, for the purpose of care, treatment and rehabilitation, shall transfer the defendant to such state hospital for the insane under the jurisdiction of the department of mental hygiene or the department of correction or to any institution or branch of any institution organized for the purpose of dealing with psychopathic personalities or criminal psychopaths as he shall deem appropriate. The sexual psychopath shall remain in the institution to which he is assigned until such time as he is no longer a sexual psychopath and no longer a danger to himself and to others.

3. Where the superintendent of the institution in which the defendant is confined is of the opinion that the defendant is no longer a sexual psychopath and is no longer a danger to himself and to others, he shall inform the court and the district attorney or their successors of such fact and the defendant shall be returned to such court for sentence on the crime, offense or charge of which he was originally convicted. The court from which such defendant was committed shall cause the sheriff without delay to bring the defendant from such institution and place him in proper custody, whereupon the proceedings against such defendant shall be resumed.

4. The court, upon the return of the defendant from the institution, may impose any sentence which could have been originally imposed upon the defendant for the commission of the crime or offense of which he was convicted and, before imposing sentence, the court may cause the defendant to be re-examined in accordance with the provisions of this title. The time which the defendant spent in the institution under the jurisdiction of the department of correction or the department of mental hygiene as a sexual psychopath shall be applied to the sentence pronounced by the court, and if he has been in such an institution for a period longer than the maximum provided by law for his crime or offense, the court shall suspend sentence. Whenever possible the court shall, if in its opinion the defendant is no longer a sexual psychopath and no longer a danger to himself and to others, suspend sentence, or impose sentence and suspend the execution of the judgment, or place the defendant on probation.

5. Where the defendant is certified as no longer a sexual psychopath by the superintendent or by the qualified psychiatrists after re-examination, the court in imposing any prison, penitentiary, workhouse or jail sentence, must state its reasons in writing for so doing and this written statement of the court shall be part of the record of the proceedings.

§ 880-e. Procedure where defendant sentences prior to enactment of this title. 1. Where in the opinion of the superintendent of any penal or correctional institution of this state or any subdivision thereof, a prisoner who is confined therein after conviction of any of the offenses enumerated in section eight hundred eighty-a, is a sexual psychopath, he shall so notify the commissioner of correction in writing. The commissioner of correction shall thereupon cause an examination to be made of such prisoner by two qualified psychiatrists, as defined in the mental hygiene law, who shall report their findings to the commissioner. If the two psychiatrists do not agree in their findings, the commissioner shall designate a third qualified psychiatrist to make such examination and report. In making such examinations, the psychiatrists shall have the powers enumerated in section six hundred sixty-one.

2. If, after receiving the psychiatrists' reports, the commissioner of correction is of the opinion that the prisoner is a sexual psychopath as herein defined, he may cause such prisoner to be transferred to any state hospital for the insane under the jurisdiction of the department of mental hygiene or the department of correction or to any institution or branch of an institution organized for the purpose of dealing with criminal psychopaths or with psychopathic personalities.

3. If the prisoner shall be transferred to one of the aforesaid institutions and the sentence which has heretofore been imposed upon him shall expire, he may be released, if in the opinion of the superintendent of the institution in which he is confined he is no longer a sexual psychopath and no longer a danger to himself and to others.

4. If, at the expiration of the sentence heretofore imposed upon the prisoner, the superintendent of the institution in which he is confined is of the opinion that the prisoner is still a sexual psychopath and is still a danger to himself and to others, such superintendent shall apply in New York city to the court of general sessions or the county court, and outside New York city to the county court of the county from which the prisoner was originally sentenced or to the supreme court, to cause an examination to be made of such prisoner. The court, upon receiving such notice from the superintendent of the institution, shall cause the sheriff without delay to bring the prisoner from such institution and place him in proper custody. Thereafter examination shall be had of the prisoner and reports shall be made to the court in accordance with the provisions of section eight hundred eighty-b of this title.

5. If, after receiving the report of the psychiatrists and giving the district attorney and counsel for the prisoner an opportunity to be heard thereon, the court is of the opinion that the prisoner is a sexual psychopath, he shall order such prisoner recommitted to the institution from which he was received, or to any other institution designated by the commissioner of correction, there to remain until no longer a sexual psychopath and no longer a danger to himself or to others, or until discharged as provided by law.

§ 880-f. Return of bail or refund of deposit of money upon commitment of defendant. The commitment of the defendant as a sexual psychopath exonerates his bail or authorizes the return of any money deposited instead of bail.

§ 880-g. Costs; effect of other statutes. The provisions of sections six hundred sixty-two-e and six hundred sixty-two-f of this code shall be equally applicable to all examinations conducted under this title.

§ 2. This act shall take effect immediately.

FINANCIAL STATEMENT

GENERAL FUND STATEMENT OF INCOME AND EXPENSES YEAR ENDED DECEMBER 31, 1946

Income

Donations—special purposes			
The Greater New York Fund	\$2,020 00		
Other Funds	4,904 41		
		\$6,924 41	
Donations—unrestricted		13,087 50	
			\$20,011 91
Endowment Income			
Interest on Mortgages		1,562 28	
Interest on Bonds		3,020 00	
Dividends on Stock		9,964 17	
			14,546 45
			34,558 36
Total Income			

Expenses

General administration	15,974 00		
Relief—prisoners and families (cash, food, clothing, etc.)	9,950 79		
Relief—administration	3,208 00		
Employment—administration	3,621 00		
Appeal—administration	1,208 50		
Traveling expenses	363 51		
Printing and stationery	202 74		
Postage	278 55		
Telephone and telegraph	256 16		
Auditing, legal and legislative services	320 00		
Periodicals, custodian fees and miscellaneous	1,107 78		
House maintenance	1,851 95		
Total Expenses		37,545 98	
			\$2,987 62
Net Loss for the Year			

AUDITOR'S OPINION

We have audited the books, accounts, minutes and other records of the Prison Association of New York for the year ended December 31, 1946. In our opinion the statement of income and expenses shown above presents fairly the results of the operations for the year ended at that date.

WEBSTER, HORNE & ELSDON,
Certified Public Accountants

New York, N. Y., May 7, 1947.

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 cooperating with it.

ARTICLE TENTH

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

ARTICLE ELEVENTH

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

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

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

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

§ 4. The said executive committee may, from time to time, make by-laws, ordinances and regulations, relative to the management and disposition of the estate, and concerns of said association and the management, government, instruction, discipline, and employment of the persons so as aforesaid committed to the said workhouse, not contrary to law, as they may deem proper and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and 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 meeting shall be held on the requisition of the Chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting. The annual meeting shall be held on the third Thursday of January in each year at an hour and place to be designated by the executive committee.†

The number of members composing the executive committee exclusive of the officers of the association, is hereby fixed at twenty-four, and divided into four groups or classes as follows: At the election held at the annual meeting of the year 1916, there shall be elected, to serve from that date, six members for the term of one year, six for the term of two years, six for the term of three years,

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

† At the February, 1933, 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.

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 therefor, to extend its work to jails, penitentiaries, reformatories and prisons outside of the City of New York and within the State of New York.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The treasurer shall keep an account covering the general fund in the name of the association, subject to his check as treasurer in such bank as may be selected by him and approved by the committee on finance.

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