

STATE OF NEW YORK

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THE ONE HUNDRED AND TWENTY-FOURTH

ANNUAL REPORT

OF

THE CORRECTIONAL ASSOCIATION

OF NEW YORK

135 EAST 15th STREET, NEW YORK

1968



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

April 16, 1969

Hon. Malcolm Wilson

Lieutenant Governor and President of the Senate:

Hon. Perry B. Duryea, Jr., Speaker of the Assembly:

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

Respectfully,

THE CORRECTIONAL ASSOCIATION OF NEW YORK

By Melber Chambers, *President*

Donald H. Goff, *General Secretary*

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

## PREFACE

This is an official report of The Correctional Association of New York to the Legislature of the State of New York, which has been made annually since 1845, and constitutes the one hundred and twenty-fourth of the series.

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

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STANDING COMMITTEES FOR 1969

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**THE CORRECTIONAL ASSOCIATION'S  
RECOMMENDATIONS  
TO THE 1969 LEGISLATURE  
STATE OF NEW YORK**

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"Prevention of crime is more important than punishment for crime."

"In order that every punishment may not be an act of violence committed by one man or by many against a single individual, it ought to be above all things public, speedy, necessary, and the least possible in the given circumstances."

At a time when there is a great furor over crime in the streets and when law and order is an often repeated rallying cry, these statements, made by the 18th century Italian political scientist, Cesare Beccaria, in his essay *Crime and Punishment*, must receive serious consideration by those in government lest we in New York State find ourselves returning to a barbaric era when social revenge and not the prevention of crime and treatment of offenders was the purpose of the criminal law.

There are those at the present time who continuously advocate increasingly severe penalties as solutions to the present day crime problem. The first of the fallacious assumptions underlying this belief is that most people are deterred from certain behavior by the possibility of serious consequences. The staggeringly large number of rational adults who continue to smoke cigarettes despite the dire warnings of medical authorities and the United States government should raise serious doubts of the effectiveness of controlling behavior by the possibility of severe penalties. The sight of highways and turnpikes clogged with millions of automobiles every holiday despite all of the warnings of the National Safety Council on the number of fatal automobile accidents predicted for that holiday is a dramatic example of the rationale—"I won't be the individual involved. Others may but I won't."

Knowing the possible grave consequences of one's actions does not necessarily act as a deterrent to their commission. An excellent example is the argument put forth by those who support capital punishment that if you execute murderers there will be less homicides. Completely overlooked is the fact that the vast majority of homicides in this country are crimes of passion, committed at a time when the individual is so overwrought that the severity of penalty is meaningless. There is the case of the individual who was the leader of the movement to re-establish capital punishment in a mid-Atlantic state in which it had recently been abolished. This individual vociferously argued that the existence of the death penalty deterred people from committing murder. His state did re-establish capital punishment and one of the first individuals to be arrested and charged with homicide after the re-enactment of the death penalty was this very individual who had killed his wife.

Severity of penalty is relatively ineffective in crimes involving property as there is a general feeling that the individual will not be caught.



Since the United States is averaging approximately 20% crime clearance rate, there may be some justification for such optimism.

There is another reason for arguing that the imposition of overly severe penalties may be self defeating. Experience shows that juries and courts are reluctant to convict individuals when they know that such a conviction means an arbitrary, mandatory, extremely harsh sentence. Picture, if you will, the situation in which an 18 year old college student sells one marijuana cigarette to his roommate, is arrested and brought to trial. What jury would convict if such a conviction meant a minimum sentence of 50 years imprisonment? And yet this is one of the solutions seriously proposed for the drug problem.

The Correctional Association of New York does not believe that those who violate the laws of the state should do so with impunity. It does believe, however, that laws must be realistic. They must not infringe upon individuals' rights and liberties. Nor should they be vindictive, bringing down on the offender the full weight and force of the sovereign state. Our concern is with reducing crime not obtaining vengeance; our interest is in protecting everyone—the community as well as the individual. Our means of doing this is through the development of a quick, efficient administration of justice and truly correctional treatment programs.

To bring this about requires first a better trained police force supplied with modern medical equipment and programs for faster detection of crimes and apprehension of offenders. The development of the New York State Intelligence and Information System linking together the thousands of agencies involved in crime detection in the State of New York is a major step forward in this direction.

Fast apprehension of offenders through increased police efficiency is meaningless unless the courts are able to properly handle the cases. At present the courts present the picture of rising case loads, partisan politically appointed judges and helter skelter bail and detention procedures which allow well-heeled felons to post bail and continue criminal acts while the poor and uninformed, perhaps innocent, perhaps accused of a criminal act for the first time, must languish in jail awaiting trial. Bail and detention procedures, provisions for prompt and capable legal aid to indigents, and measures to halt the alarming increase in recidivism are matters which must be dealt with if there is to be equal justice for rich and poor, black and white, across the state.

Nothing will truly be accomplished, however, if improvements stop with the police and the courts. A conviction of an individual for a crime is in reality the state's excuse to intervene in his private life in

an attempt to change unacceptable social behavior. No change will be accomplished if the individual is merely sent to sit for two years in a correctional institution. There must be available treatment programs which will meet the individual needs of offenders and lessen the chance that they will return to the process through the commission of another crime.

An increase in the swiftness with which offenders are apprehended, the efficiency of the courts, and the improvement of correctional treatment programs is not brought about by an increase in maximum sentences for criminal behavior. At present, a great deal of police and judicial time and effort as well as space in correctional institutions is being taken up by matters of morality which have been arbitrarily declared illegal. There simply is not enough manpower or court time available to deal with both crime and sin, to quote from a commentary of Fred Darwin, News Director of Radio Station WTFM. Such moral matters as abortion, prostitution, homosexual acts between consenting adults in private do not rightfully fall within the province of the criminal law and are unnecessarily sapping the police power and unnecessarily burdening the courts and correctional institutions.

A striking example of the use of the justice system for a non-penal question is the case of the skid row alcoholic who forms a major part of the population of jails and penitentiaries. In the upstate counties, with few exceptions, alcoholics who are publicly intoxicated are still treated as criminals. They are arrested, prosecuted, convicted, and imprisoned despite the American Medical Association's definition of alcoholism as a disease. The President's Commission on Law Enforcement and Administration of Justice succinctly points out that over 50% of the time and energy of law enforcement is spent in dealing with this problem which is fundamentally a medical one. The development of medical facilities and separate non-prosecutory procedures would mean that additional police manpower, court time, and institutional space could be available to deal with serious crime matters.

New York State is indeed fortunate to have a number of sincere and knowledgeable administrators responsible for the treatment of offenders. Despite the myriad of problems facing them, general public apathy towards constructive treatment programs, and an overemphasis upon severely long sentences, Commissioner Paul D. McGinnis of the New York State Department of Correction, Chairman Russell G. Oswald of the New York State Parole Board, Mr. Milton Luger, Director, New York State Division for Youth, and Commissioner George F. McGrath of the New York City Department of Correction should be commended

for their great efforts to bring about reduction of crime in the state. Having no control over the sentences imposed upon offenders or the amount of money appropriated for their respective units which controls the number and quality of constructive treatment programs for offenders, these individuals continuously have an uphill fight to accomplish the true goal of correction against those who believe that the only solution to the crime problem is increasingly longer penalties and harsher handling of offenders.

Certainty of punishment not severity of punishment is the effective way to deter possible offenders and bring about a reduction in the crime rate.

## RECOMMENDATIONS TO THE 1969 LEGISLATURE

### Recommendation No. I

#### THE STATE REGULATING MORALITY

The Correctional Association of New York holds that the only purpose for which the power of the State can rightfully be exercised over any citizen of the State against his will is to prevent harm to others. The fact that certain conduct is considered immoral is not sufficient to justify making this conduct punishable by the criminal law. Sin should not be equated with crime. There should be a marked distinction made between moral law and statute law.

The Correctional Association does not believe that the power of the State should be used to enforce purely moral or religious standards. We deem it inappropriate for the Government to attempt to control behavior that has no substantial significance except as to the morality of the actor. Such matters are best left to religious, educational and other influences. For these reasons, the Association calls for revision of those laws in the Penal Law which base their authority on the immorality of the acts which they prohibit and not on matters of public order, public safety and public health.

#### A. ABORTION

*That the present, highly restrictive abortion law be abolished so that the question of termination of pregnancy is removed from the control of the State and placed on the personal conscience of the woman involved with the guidance of the medical profession. This is in keeping with the position of the American Public Health Association and a number of other national organizations.*

**COMMENT:** The right of a mature person of sound mind to have personal control over his body is fundamental. It would appear that a large number of women manifest this belief by their personal action in obtaining illegal abortions. The present archaic abortion laws notwithstanding, one million abortions are performed in the United States yearly, the great majority of which are illegal.

Results of polls taken all over the country have shown an almost overwhelming desire on the part of the people to have the presently existing stringent abortion laws reformed and relaxed. A poll taken by the nationwide women's magazine *Good Housekeeping* resulted in 72% of the women responding being in favor of revised abortion laws. Out

of 40,000 doctors replying to a questionnaire of the *Journal of Modern Medicine*, 86.9% favored liberalizing abortion laws. A poll taken in New York State by Oliver Quayle Associates showed that even among Roman Catholics, 72% favored reform.

An excellent example of the legal morass in which the question of abortion exists is the paradoxical situation wherein doctors in California were brought up on charges for having committed abortions on women who had contracted German measles during the first three months of their pregnancy, and the situation in Brooklyn in which civil damages were assessed against a hospital for refusing to perform an abortion upon a pregnant woman who had German measles during the first trimester and subsequently gave birth to a seriously physically and mentally defective child. Many doctors voice their objections to abortion laws on just such a legal tangle. They say that doctors are not being allowed to make a medical judgment based on their own technical knowledge and are being severely hampered by loosely drawn, ambiguous laws which force doctors into undesirable subterfuge or extremely conservative behavior against their best medical judgment from fear of violating the law.

To abolish the abortion law in this state would simply allow individuals to follow the dictates of their own particular religious beliefs and personal conscience. It would not force any individual or member of the medical profession into an abortion. The matter would be, as it should be, under the personal conscience of the women involved guided by the advice of the medical profession.

## B. PROSTITUTION

*That the Legislature consider prostitution solely as a matter of public order, public safety and public health and that a marked distinction be made between the religious and theological approaches to prostitution and the intervention of the state through the penal law in questions of morality so that the act of prostitution between competent, consenting adults be no longer criminal; that the state limit its concern only to the problem of open public solicitation when it constitutes a public nuisance and the accompanying offenses of recruitment for prostitution and living off the earnings of a prostitute.*

## C. HOMOSEXUALITY

*That the present law making sodomy between competent, consenting adults a crime be abolished.*

**COMMENT:** In its statement of legislative principles in 1968, the New York State Council of Churches stated:

"In matters of private morality, the state rightfully seeks to give protection of the law to the young, the innocent, the unwilling and the incompetent. However, while adultery, fornication, homosexual acts, and certain deviant sexual practices among competent and consenting adults violate the Judaeo-Christian standards of moral conduct, we think the penal law is not the instrument for the control of such practices, when privately engaged in, when only adults are involved, and when there is no coercion. We favor repeal of those statutes which make such practices among competent and consenting adults criminal acts."

The Correctional Association of New York questions the right of the state to intervene in matters of morality when an impairment of public order, public safety or public health is not involved. The Association believes that such questions of private morality should be handled by religious institutions and the individual citizens devoid of governmental regulations. If, however, private behavior threatens public order, public safety or public health, then the State should intervene by both proscriptive and prescriptive statutes. We feel that open solicitation when it constitutes a public nuisance should be proscribed by criminal statute and propose that this offense be made a class B misdemeanor. We also feel that the recruitment of the young for prostitution or living off the earnings of a prostitute, both offenses being the exploitation of another person, should be prohibited by criminal law. The act of prostitution, itself, regardless of the question of its morality, is in the province of personal conscience and religion and is not a matter for evoking the penal statutes of the State.

Aside from the fundamental question of the separation of issues of morality from matters that relate to public order and public safety, there is also the very important fact that the energy of law enforcement is being diverted from serious crime control by the very existence of the statute which makes prostitution a crime. In a recent newspaper article on "Sexurbia," a police official in a suburban county stated that the arrests made of four housewife prostitutes resulted from a month long investigation by officers in his department.

When one considers the serious crimes committed that go unsolved — burglary, robbery, rape, and even murder, have a clearance or solution rate of about 20% (the data indicates that homicide solutions are only about 80%) — and when one considers the hue and cry of the

crime on the streets, it is somewhat difficult to understand why police manpower is being devoted to a matter many individuals and organizations believe should not be in the realm of public legal concern.

The American Law Institute, in a report issued in 1955, urged reform of the criminal law to eliminate punishment for sex practices performed in private between consenting adults. The report stated in part:

"...no harm to the secular interest of the community is involved by atypical sex practices in private between consenting adult partners. This area of private morals is a distinct concern of spiritual authorities. It has been so recognized in a recent report by a group of Anglican clergy with medical and legal advisors calling upon the British government to re-examine its harsh sodomy law. The distinction between civil and religious responsibility in this area is reflected in the penal codes of such predominately Catholic countries as France, Italy, Mexico and Uruguay, none of which attempt to punish private misbehavior of this sort. The penal codes of Denmark, Sweden and Switzerland also stay out of this area. . . .

"As in the case of illicit heterosexual relations, the existing law is substantially unenforced and there is no prospect of real enforcement except in cases of violence, corruption of minors, and public solicitation. Statutes that go beyond that permit capricious selection of a very few cases for prosecution and serve primarily the interest of blackmailers. Existence of the criminal threat probably deters some people from seeking psychiatric or other assistance for their emotional problems; certainly conviction and imprisonment are not conducive to cures. Further, there is the fundamental question of the protection to which every individual is entitled against state interference in his personal affairs when he is not hurting others. Funds for personnel in police work are limited and it would appear to be poor policy to use them to any extent in this area when large areas of atrocious crimes remain unsolved. Even the necessary utilization of police in cases involving minors or public solicitation raise the special problems of police morale, because of the entrapment practices that enforcement seems to require and the temptation to bribery and extortion."

In the instance of homosexual behavior as well as heterosexual acts, should such activities be accomplished with violence, constraint or fraud, punishment according to the type of violence, constraint or fraud com-

mitted should be meted out without the sexual element being considered a relevant or aggravating circumstance. The province of the law is to preserve public order and to provide protection against exploitation and corruption of others, especially those who cannot protect themselves. Otherwise, all acts committed between competent consenting adults in private fall outside the ambit of the penal law.

## Recommendation No. II

### GUN CONTROL

*That legislation be enacted to require individuals to obtain a permit to possess or purchase a rifle or a shotgun in the state; that all firearms be registered in a central state registry; that ammunition be sold only to individuals with licenses for appropriate weapons; and that possession by private citizens of weapons firing a missile larger than 12 mm be prohibited.*

**COMMENT:** "How many more people have to get assassinated in this country?" Less than an hour after that question was asked in the middle of a bitter debate on gun control legislation on the floor of the United States Senate, Dr. Martin Luther King was killed by a sniper's bullet.

The Correctional Association of New York urges the State to enact a gun control law similar to the one recently enacted in New York City and in the State of New Jersey. It is somewhat difficult to understand why New York State, with its strict Sullivan Law regulation on hand guns, does not have another equally strict statute on long guns which would bring firearms under the control of the State.

Popular support has been demonstrated for firearms legislation time and time again. All the polls, local and national, show figures ranging from 65% to 80% of the public favoring varying levels of gun control. In the last few years, several major retail suppliers of firearms have voluntarily discontinued or curtailed their sale of guns. After the assassination of Martin Luther King, Sears Roebuck, the world's largest retailer of guns, and Montgomery Ward stopped their mail order sales. In New York City, Macy's, Gimbel's, and Abraham and Strauss, three stores which had discontinued all sales of guns and ammunition more than a year before the assassination of Martin Luther King, placed full page ads in the city newspapers urging readers to write their legislators demanding the most stringent possible gun laws.

The Correctional Association proposes that while no person of good character who is in good repute in the community should be denied a

permit to purchase or possess a rifle or shotgun, we feel that it is not an inalienable right of all New York citizens to possess lethal weapons. We would propose that certain classes of individuals, unless they can prove to the contrary, should not be legally authorized to own, possess or purchase a rifle or shotgun.

We further believe that there is no valid reason for a private citizen to have in his possession any weapon capable of firing a projectile larger than 12mm. Possession of such weapons should be restricted to governmental agencies and they should not be available to sportsmen and hunters.

A recent study of homicides published in the University of Chicago's *Law Review*, in pointing out that the majority of homicides result from emotional outbursts of friends or relatives of the victim, also stated that altercations involving knives result in a 2% fatality rate, whereas altercations involving guns result in a 12% fatality rate. It can be concluded from this that if guns were not as readily available, there would be a reduction in the number of homicides in this country.

The Correctional Association of New York, in considering the matter, recognizes that since it is estimated that there are approximately 100 million guns in the United States at the present time, any legislation to bring rifles and shotguns under control must be looked at from a long range point of view. It also recognizes that in view of the number of weapons in the United States, an individual with serious criminal intent, regardless of legal controls imposed, could obtain a weapon illegally. Since, however, the great majority of homicides result from emotional explosions of a friend or relative, the ready availability of guns is undoubtedly affecting the number of homicides in this country. In the weak gun control cities of Dallas, Texas, and Phoenix, Arizona, 72% and 66% respectively of all homicides were committed with firearms. In New York City, with the most stringent gun controls of any major city in the United States, only about 25% of the homicides are committed with firearms. When one compares the overall murder rate, the results are even more striking. In four states with weak gun control laws—Nevada, Louisiana, Mississippi and Texas—the overall murder rate per 100,000 ranges from 9.1 to 10.8. In the four highly urban states of New York, New Jersey, Pennsylvania and Massachusetts, all of which have stringent hand gun controls, the murder rate per hundred thousand ranges from 2.8 to 5.4, approximately one third that of the weak gun law states. The same comparison also holds true for assaults and armed robberies.

We would propose the following points be considered essential for an effective gun control law in the State:

1. Licensing of dealers of all firearms.
2. Requiring permits for the possession of rifles and shotguns, excluding certain individuals such as convicted felons, minors, individuals with history of drug addiction, confinement in mental institutions, etc. except where they can prove possession of a firearm would not be dangerous.
3. A central state registry of all firearms.
4. Sale of ammunition only to those individuals with a permit for the appropriate weapon.
5. Outlawing all destructive devices such as mortars and anti-tank guns.

### Recommendation No. III

#### COMMISSION OF CORRECTION

*That the State Commission of Correction continue with its existing authority as provided by the Constitution and have its autonomy strengthened by removing the Commission from the control of the Commissioner of the State Department of Correction as stated in the Correction Law.*

**COMMENT:** Article XVII, Section 5 of the New York State Constitution provides there be a State Commission of Correction which shall visit and inspect or cause to be visited and inspected by members of its staff all institutions used for the detention of sane adults charged with or convicted of a crime.

Until 1895 there was no provision for a State agency responsible for the visitation and inspection of the various types of prison facilities. Enabling legislation (Chapter 1026, Laws of 1895) directed the Governor with advice and consent of the Senate to appoint eight persons, one residing in each judicial district of the State, for a term of eight years, to be known as "The Commissioners of Prisons" whose purpose it was to inspect and visit institutions in which individuals were being detained by virtue of criminal process to prevent cruel and degrading practices and to assure that the physical surroundings in which individuals were held were not detrimental to the health of the individuals being detained.

The present Correction Law of the State, Article III, Section 46, lists specific functions of the Commission among others as:

"Aid in securing humane and economic administration and sanitary conditions of the institutions subject to inspection. Investigate their management and conduct of their officials. Improve or reject plans for renovation or construction.

Close any county penitentiary, county jail, county lockup, city jail or police station jail, town, county or village lockup, court detention penitentiary or hospital prison ward which is unsafe, unsanitary, or inadequate to provide for the separation in classification of prisoners as required by law or which has not adhered to or complied with the rules and regulations promulgated by the Commission."

The scope of the Commission's activities includes the inspection and visitation of the New York State Department of Correction facilities except the Reception Center and the two hospitals for the criminally insane. This is in addition to the institutions under the New York City Department of Correction, the New York City Police Department, precinct stations, the civil jail of New York City, the county penitentiaries, the county jails, the city jails, town, village and county lockups, court detention pens and hospital prison wards.

In its regular inspections, the Commission includes the buildings and equipment, personnel, records, administration, safe custody, food, medical service, classification as required by law, employment, cleanliness and sanitation. It endeavors to assist the officials in charge with their problems, to make helpful suggestions, to investigate complaints, to cause unhealthful and unsanitary conditions to be remedied promptly.

It becomes at once obvious that if an inspection service is to operate efficiently within the framework of statutory requirements, the service must approach the situation with a thoroughly detached point of view. This requires that the agency be in no way connected with the facilities subject to inspection either through the institutions themselves or the officials of the political sub-divisions of the State which operate and maintain them. The manner in which the Commission was initially proposed and established and the experience during the years of its existence points up the necessity for separating the functions of supervision and management from those of visitation and inspection.

While the Correctional Association has a great deal of faith in the ability, conscientiousness, and integrity of the present Commissioner of Correction of the State Department of Correction, Commissioner Paul D. McGinnis, it feels that the principle of autonomy of an inspection service is of major importance and that that section of the Correction Law presently placing the operation of the Commission of Correction

under the direction and control of the Commissioner of the State Department of Correction should be repealed. The Correctional Association does not believe that the direction and control of any autonomous body should be placed in the hands of the official which is responsible for the administration of the institutions and facilities which the autonomous body is charged by statute to visit, inspect and investigate.

#### Recommendation No. IV

#### STATE CONTROL OVER SENTENCED PRISONERS

*That the Legislature enact that aspect of the Preliminary Report of the Governor's Special Committee on Criminal Offenders which would place all sentenced individuals, regardless of the length of sentence, under the control of the State Department of Correction.*

**COMMENT:** Repeatedly at national, regional and state gatherings of professional correctional administrators, the need to improve the programs and training in local jails is sounded and stressed. It is extremely discouraging to see individuals serving short sentences held in enforced idleness in small county jails devoid of any personal counseling, vocational training or remedial educational programs. Individuals so sentenced for "correction" simply sit out the time awaiting release. In many instances because of the small number of inmates involved, the cost to the local community of introducing and conducting constructive rehabilitative programs would be prohibitive. Because of the lack of resources and the pressure on county governments from a number of other governmental services, it is the judgment of the Correctional Association that the state is in a much better position to handle all individuals regardless of the length of sentence.

The present system making the county responsible for individuals sentenced to greater than one year is an arbitrary distinction without meaning and is, in 1969, an anachronism. The *Preliminary Report of the Governor's Special Committee on Criminal Offenders*, in developing the theory of the continuum of custody and treatment and the state's right and need to impose sanctions upon its members, clearly points out this fact.

To develop a more integrated meaningful system which can be brought to bear on the many thousands of individuals who are sentenced for less than one year and to reduce the plethora of agencies involved in the post adjudicatory process, shifting responsibility from the county to the state for all sentenced individuals would be a major step forward.

## Recommendation No. V

### BAIL REFORM — RELEASE ON OWN RECOGNIZANCE

*That the Legislature provide funds to permit the staffing of special units in each county to review and recommend to the court those individuals who should be released prior to trial on their own recognizance without monetary bail.*

**COMMENT:** The Constitutional basis for permitting the posting of bail for an individual arrested for a crime but not yet convicted is to assure his return for trial. The assumption has been that with the posting of a surety, individuals fearful of losing this surety will be available and will not abscond. This system of posting monetary bail has acted to the detriment of those in the lower socio-economic levels and to the advantage of more serious offenders in organized crime (generally in the upper socio-economic level). In reality it does not permit equality of justice under the law and does not accomplish its intended purpose. Indigent individuals who have not yet been convicted and may be innocent of the crime for which they are charged are forced to remain in detention for weeks and months pending their day in court because they cannot meet the required bail, while at the same time more affluent offenders are free to live normal lives in the community.

The enlightened research project on the administration of the bail system in New York City begun in 1961 by the Vera Institute in cooperation with the New York University School of Law has resulted in revolutionary changes in the bail procedure in New York City and in upwards of a hundred other jurisdictions throughout the United States. The "Manhattan Bail Project" revealed that "a defendant is severely handicapped in preparing his defense. He is unable to point to employment and good conduct while on bail as grounds for probation; if found not guilty he has needlessly suffered the degradation of jail and his family has been punished as well. There are good grounds for suspecting that the outcome of his case, as to both judgment and sentence, is materially influenced as to whether he is in jail or on bail."

Further, and of equal importance, is that studies have indicated that there is greater likelihood that those individuals released on their own recognizance after an investigation of their roots in the community are more likely to appear for trial than individuals released solely upon monetary surety.

The economic benefits both to defendants and the community at large are such that ROR should be state subsidized.

## Recommendation No. VI

### MARIJUANA

*That the Legislature re-examine the excessively high penalties for marijuana possession and sale and enact more realistic penalties. In addition to this re-examination, the legislation should provide the authorization and means for an objective definitive study of the effect of the use of marijuana.*

**COMMENT:** The present penalties for the possession and the sale of marijuana are exceptionally harsh. Under the existing law, a 19 year old college student who sells one marijuana cigarette to a 20 year old roommate can be sentenced to a 25 year maximum. The present laws make no distinction between the dangerousness of heroin and marijuana, yet comments on marijuana by such knowledgeable and important persons as the Director of the Federal Food and Drug Administration to the effect that marijuana may not be more harmful than alcohol have gone unheeded by the State. Dr. Jack L. Ward, President of the American Society of Group Psychology and Group Psychodrama goes even further. He stated that not only is marijuana much less dangerous than alcohol but that it is "in the long run much less toxic than tobacco." The present conflicting points of view direct that the Legislature provide the authorization and means for an objective definitive study of the possible deleterious effects of marijuana usage. The purported wide spread use of marijuana on college campuses, public and private schools as well as among the "avante garde"; the discussions and arguments on the amount of governmental control needed on marijuana because of possible deleterious personal and social effects all point to the need to review existing efforts to control this hallucinogen.

The Correctional Association of New York does not purport to have any special medical or pharmacological expertise on marijuana. It does believe that the present penalties are much too severe and that some agency of state government should be given the responsibility of studying all aspects of marijuana and its usage — pharmacological, criminological, sociological and medical — so that the need for or lack of need for proscription by state law of marijuana possession and use be more objectively determined.

## Recommendation No. VII

### EMPLOYMENT OF INMATES IN CORRECTIONAL INSTITUTIONS

*That the Legislature take action to meet the need for increased, meaningful productive employment of inmates who are presently being maintained in correctional institutions at the expense of the taxpayer.*

**COMMENT:** A serious problem facing correctional administrations and one with far reaching effects upon the public welfare situation in local communities is the full meaningful employment of inmate bodies in correctional institutions. Failure to provide sufficient productive employment for inmates not only produces monotony and idleness which creates discontent and is a breeding ground of trouble in prisons but also has a stultifying effect upon the individuals involved. When inmates are held in enforced idleness, engaged in grossly overmanned job assignments or given "made work," a public welfare problem is projected onto the local community upon their release. At the same time prisoners who do not earn at least the cost of their maintenance are an added burden to the taxpayer. The failure to instill proper work habits in incarcerated persons because of lack of employment possibilities within correctional institutions is bad basic training for the individual and tends to create an unemployable problem later on.

To deal with this vacuum and to bring modern training programs into correctional institutions of the State, we would propose that consideration be given to the creation of a correctional industries advisory council comprised of representatives from labor and industry to advise on means of expanding the industrial programs wherever possible and to provide work and training for inmates in keeping with the State's Constitution Article III, Section 24. The well demonstrated Federal Prison Industries Board and those of other states have clearly shown the value of such a council. This we feel will be a step toward ameliorating any dependency problem which developed as a result of demoralizing idleness because equipped work outlets are not provided in institutions.

We further believe that through such a correctional industries advisory council, industry could be encouraged to introduce vocational training programs with up-to-date equipment and machinery into correctional institutions to better equip inmates for productive, meaningful work upon their release.

## Recommendation No. VIII

### THE ALCOHOLIC OFFENDER

*That the Legislature give serious consideration to the points raised in the United States Courts of Appeal cases involving DeWitt Easter v. District of Columbia and Joseph Driver in the Fourth Circuit Court of Appeals in North Carolina, and study the proposals submitted by the Inter-Departmental Health and Hospital Council in 1967 to handle civilly the chronic alcoholic who at the present time is generally sentenced to short jail terms.*

**COMMENT:** It is estimated that throughout the United States 50% of the individuals in local county correctional institutions are alcoholics committed on public intoxication charges. The State of New York is no exception. A safe estimate is that 90% of all individuals committed to local county correctional institutions on public intoxication charges are ill with alcoholism.

We have already seen two United States Courts of Appeal declare unconstitutional the conviction and sentencing of these individuals to correctional institutions although these rulings do not apply to New York. It is expected that in the near future a new case will be presented to the United States Supreme Court contesting the constitutionality of criminally prosecuting an individual for displaying a symptom of his illness. Should the United States Supreme Court concur with the two Courts of Appeal decisions, New York State will no longer be able to sentence alcoholics to jail for being publicly intoxicated. The enactment of a civil commitment law, together with the development of appropriate facilities to deal with the esthetic and treatment problems involved with what at the present time constitutes almost half of the jail population of the State of New York, is urgently needed to cope with this medical-welfare problem. It would be unfortunate for the State if it should find itself without legal means and facilities to handle those who in the past have been "serving life sentences on the installment plan" in county jails and penitentiaries of the State.

## Recommendation No. IX

### WORK RELEASE

*That the Commissioner of Correction of the State Department of Correction be authorized to release inmates committed to his custody for*



*short periods of time for work release, school release, job seeking, home furloughs, and for special hospital treatment in order that more latitude be given in developing rehabilitation programs.*

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

We feel that in selected cases, the State Department of Correction should be enabled and encouraged to extend to persons sentenced to the Department the privilege to continue outside work and attend and make use of other community services not available in the institution.

This program is presently being used successfully by approximately 40 states. In Maryland, as of 30 January 1966, a total of 702 inmates had participated in the work release program, and on that particular day, 131 were in an active capacity. Out of the total of 702 inmates who had participated in the work release program, 109 or 15% were removed because of various rule infractions which included the drinking of alcoholic beverages, returning to the housing unit late, trying to bring in contraband to the institution, or for other institutional type of infractions. Out of 702 inmates, 31 or 4% absconded with 26 being returned almost immediately. In a period of some two and a half years, the inmates in the Maryland release program had net earnings of \$683,439 of which \$230,312 went to the State for board, \$65,059 to dependents, while the remainder, except for about 1% which was used for work expenses, went to the inmates personal account, available to him upon release.

It should be noted that the Maryland law which was originally enacted in 1963, restricted the program to inmates with sentences of not more than five years. During the 1964 legislative session, this clause was deleted and at the present time any inmate under the jurisdiction of the Maryland State Department of Correction may make application for the program.

The State of North Carolina first adopted a work release program in 1957, but the act was modified in 1959, 1961 and 1963 sessions to make it more workable and less restrictive. Since its inception, a total of 7,166 men in the program have earned \$5,587,352.00, returning \$1,839,195.00 to the State to pay for their board. \$1,494,368.00 of the money these inmates earned went for the support of their dependents.

Reports from judges, employers, inmates and their families all heap high praise on the program. North Carolina, like Maryland, is a state for which felons are eligible for the plan. However, unlike Maryland, only those inmates serving a term not in excess of five years can be granted the option of being in the work release program without parole board approval.

The Federal government's experience, particularly at the Federal Correctional Institution at Danbury, has been exceptional, having been written up many times, the most recent being in the *Office* magazine in December of 1967.

Connecticut is the most recent state to enact such work release legislation with the act taking effect July 1, 1968.

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

Last year legislation was enacted authorizing the county jails, county penitentiaries and the Department of Correction of the City of New York to release men in a work release program. We feel that the same authorization should be granted to the New York State Department of Correction.

## Recommendation No. X

### SELECTION OF JUDGES

*That the present procedure of electing judges be abolished and an appointive process as is presently being used by other states and the Federal government instituted to insure the highest level of civil and criminal justice in the State.*

**COMMENT:** The overwhelming defeat of the proposed Constitution by the electorate in November of 1967 clearly showed the feelings of the people of the State toward the document drafted by the delegates to the Constitutional Convention. The Judicial Article continued the elective process as a means of obtaining judges. While it was only one part of the proposed new charter for the State, we believe that many citizens voted to defeat the proposed Constitution on that ground alone.

The number of outstanding individuals and organizations which calls for a new selection process cannot be overlooked. In this group are included: The Committee for Modern Courts—"The judicial article ignores merit selection of judges which is reason enough to reject it"; the Women's City Club of New York—"... fails in respect to judicial

selection and court reorganization..."; the League of Women Voters of the City of New York—"Its serious defects include partisan selection of judges and patronage-rich courts..." and The Correctional Association of New York—"The proposed Constitution fails to correct the abuses inherent in the present method of the selection of judges. The new provision continued selection by election instead of by properly safeguarded executive appointment. That one failure is deemed serious enough to justify a vote against the entire new Constitution."

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

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

Another editorial appearing in the same newspaper stated:

"...and the time has come to give it a new objective; to do away with the election of judges. Popular voting was proved again last November to be a very poor way to pick judges—except as a means to distribute political plums. All judges should be appointed by the Governor or Mayor in light of expert non-partisan advice."

Getting judges by election has not worked to give New York the high quality of judiciary that the State deserves.

For the reason stated above, The Correctional Association of New York strongly urges that the matter of judicial selection be given highest priority by the Legislature and that steps be taken immediately to prepare for submission to the voters a new Judicial Article for the Constitution which would establish an appointive judicial selection process.

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**THE CORRECTIONAL ASSOCIATION'S  
GENERAL ACTIVITIES  
STATE  
NATIONAL  
INTERNATIONAL**

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### **Preliminary Report of the Governor's Special Committee on Criminal Offenders**

In advance of release date, the Association was given two copies of the Preliminary Report of the Governor's Special Committee on Criminal Offenders. This 328 page report first presents a philosophy of correction and then builds an administrative structure to support it. The result is the presentation of a system of functional administration to be applied to the continuum of correction.

The Governor's Special Committee feels that custody should be considered as a single continuous unit made up of gradations of control from full time field supervision to full time incarceration. Once such a *continuum of custody* is established, with each change in level of supervision seen merely as a change of status within one system, then it inevitably follows that there should be one integrated plan of treatment for an individual in custody, supervised by one integrated agency which would have control over an offender from the time of adjudication to final release from state control.

Co-chairmen for the Governor's Special Committee on Criminal Offenders are Paul D. McGinnis, Commissioner of the Department of Correction and Russell G. Oswald, Chairman of the Division of Parole. Commissioner George K. Wyman, Department of Social Services; Lawrence W. Pierce, Chairman of the Narcotic Addiction Control Commission; Thomas F. McCoy, State Administrator, Judicial Conference and Administrative Board; Dr. Christopher F. Terrence, First Deputy Commissioner, Department of Mental Hygiene; and Milton Luger Director of the Division for Youth constituted the remaining members of the Committee. Mr. Peter Preiser is the Executive Director.

Because it presents in conceptualized form the theory of a modern post-adjudicatory/criminal treatment system and an analysis of the problem of the prevention of recidivism through treatment administered by the post-adjudicatory/treatment system, the report is not easy reading. The Association received several telephone calls from members of the press asking for not only our evaluation of this report but an interpretation of what the report actually said. There was relatively little publicity given to the report in the New York City area. However, the Gannett chain of newspapers, with whom the Association spoke, carried much more detail and favorable comment upstate.

The Correction Association's Ad Hoc Committee on the Report of the Governors' Special Committee on Criminal Offenders met to consider several points in the report which had been raised specifically:

1. Should the administrative control over pre-sentence investigation work be removed from the judiciary and placed with the executive branch of government;
2. Should children adjudicated juvenile delinquents or persons in need of supervision be placed in a Department of Rehabilitative Services or should they remain with the Department of Social Welfare;
3. Should the existing facilities of the Division for Youth be transferred to this new department or should they remain part of the New York State Division for Youth;
4. Should involuntarily committed addicts presently under the control of the New York State Addiction Control Commission be placed in the Department of Rehabilitative Services.

The position of the Association as formulated by its Ad Hoc Committee was transmitted to the Advisory Committee to the Governor's Special Committee on Criminal Offenders by the General Secretary, who is a member of that Advisory Committee. The General Secretary was also speaking for Mr. Cass, himself a member of the Advisory Committee, who was unable to attend its meeting but completely concurred with the position of the Association and asked the General Secretary to make this known to the Governor's Committee. Despite the differing points of view at the beginning of the meeting of the Governor's Special Committee, more and more consensus developed around four points the Association presented:

1. That rather than weaken citizen involvement in the correctional process, it should be strengthened even to the point of involving representatives from the communities from which most of the offenders come, and that the Commission of Correction be strengthened by removing the chairmanship from the Commissioner of Correction.
2. To retain autonomous parole boards rather than have the decision of custody change left to individuals in an administrative department of the executive branch of government.
3. To continue facilities for juvenile delinquents under the age of 12 in the Department of Social Services rather than within an overall Department of Rehabilitative Services.
4. To shift that aspect of probation involved in the supervision of probationers into the Department of Rehabilitative Services within the Executive branch of government while leaving

pre-sentence investigation and intake work of the present Probation Department under the control of the courts.

The Association was most pleased with the reactions to its observations. In addition to three requests from members of the Advisory Committee for copies of our presentation, requests were also received from both the Commissioner of Correction and Chairman of the Parole Board.

### Employment Policy of Large International Corporation

The first concrete change in the corporate personnel policy of a large international corporation on hiring individuals with a criminal record was made after almost a year of effort on the part of the Association. It will be recalled that the General Secretary met at corporate headquarters on several occasions with the Director of Corporate Personnel Policy and other members of the personnel staff of the corporation and personnel directors from local branches in an effort to encourage a policy shift in corporate employment practices which barred individuals with criminal histories from employment with them. He later met with the Chairman of the State Parole Board and his staff to obtain profiles of individuals who had resided in the corporations headquarters area and who would be available for employment if the ban were lifted.

From time to time over a period of several months, the Correctional Association provided material to the personnel directors which would encourage the company to change its policy. The article the Association prepared for the Council of State Governments on work release, the article which appeared in the December 1967 issue of *Office Magazine*, and a report on the success of the Danbury operation constituted some of the material sent. We further suggested that a modification be made in their application form following an innovation developed in Cook County, Illinois, which notes on employment application forms that a criminal history is not an automatic bar to employment but that each case is evaluated on its own merits.

The Association was advised by the Director of Corporate Personnel Practices that the Company had modified its application form to include the above statement. In addition, the psychology department of the corporation is presently engaged in an intensive study to determine those factors in an offender's life which indicate that the individual would be a bad employee. These data when obtained will be supplied to the Company's personnel departments as guidelines.

Because the corporation was somewhat embarrassed over its previous position, it was their intention to gradually and undramatically integrate

individuals with criminal records into their factories and plants. We were asked that no publicity be given to this move and that it be kept confidential.

Later in the year, the Correctional Association was asked by the Corporate Personnel Department to meet with the local probation staff in order to develop a closer working relationship between the corporation and probation. This is a further step this corporation took to remove all of the previous bars for employment of ex-offenders.

### Work Release

Of great interest to the Correctional Association was the fact that three bills authorizing work release programs for county jails, county pens, and the New York City Department of Correction found their way to the Governor's Office for signature during the 1968 Legislative session.

For a number of years the Association has been urging the enactment of a work-furlough law which would enable the New York State Department of Correction to release certain selected individuals to work in the community during the day, returning to the institution at night. In 1966 at the request of the former chairman of the Joint Legislative Committee on Penal Institutions, we helped prepare a bill to allow such a program. Further, on three separate occasions, the Association was in contact with Senator John R. Dunne, Chairman of the Senate Committee on Penal Institutions. In addition to sending him background material and articles on work release, we provided him with a list of individuals who should be contacted for public hearings on the several bills on work release.

Two hearings were held, one in Albany and the other in New York City. The Association testified at the New York City hearing, together with Mr. Edward Croft, Director of Rochester Jobs, Incorporated, and Mr. Gerald Sullivan, Director of the Continued Care Unit of the Monroe County Hospital, former Deputy Superintendent of the Monroe County Penitentiary. We suggested to Senator Dunne that both be invited to testify.

Of the several bills introduced on the topic of work release, the Association was unable to support the one proposed by the Joint Legislative Committee on Penal Institutions, formerly under the chairmanship of Mr. Bertram Podell. The Association did support the bill jointly introduced by Assemblyman Robert Abrams, Senator Whitney North Seymour and Senator John R. Dunne. The General Secretary appeared with two of the legislators as well as representatives of the Community

Service Society Committee on Youth and Correction at a press conference called on this measure.

While both the Senate and Assembly passed the bills to authorize work release programs in county jails, county pens, and the New York City Department of Correction, the bill to create a work release program for the State Department of Correction was vetoed by the Governor on technical grounds.

### Legislation in Governor's Office

The Governor's Office, as usually occurs, asked the Association for its point of view on some 30 bills passed by the Legislature, the work release bills being among them.

Many of the remaining bills passed by both the Senate and the Assembly on which the Governor requested our counsel focused upon emergency measures to cope with the possibilities of civil disorders or riots in the cities of the state during the summer. They involved such issues as a procedural change to permit the filing of an affidavit by an arresting officer in a city declared an emergency area so that the policeman will not have to appear at the time of arraignment and another bill which authorizes the Commissioner of Correction of the State to lease parts of or all of a correctional facility to a local municipality or county. The latter bill would enable the City of New York to utilize state correctional facilities to hold in detention any overflow population above the 10,000 presently planned for in the event of a major riot in New York City.

One particular bill on which the Governor requested counsel would increase to a life sentence the penalty for giving marijuana to an individual under the age of 21. In view of the position that the Association had already taken concerning a study of the deleterious effects of the use of marijuana (a bill introduced on behalf of the Association for such a study died in Committee) we felt such legislation undesirable and urged the Governor to veto it. The other minor bills affected the penal law and the code of criminal procedure. After consultation with the Temporary Commission on Revision of the Penal Law and Criminal Code and representatives of the Department of Mental Hygiene and the First Judicial Department, the Association supported the minor procedural changes.

### Abortion Legislation

Working together with a number of other organizations in a concerted effort to bring about a modification in the abortion law of the State, we

contacted all members and individuals on the Association's mailing lists urging them to write their legislators presenting their views on the proposed abortion law modification. There were not a sufficient number of votes to bring about passage this year, but the feeling is that 1969 should see legislative action on meaningful abortion law reform.

### Prostitution

Prior to the enactment of the new penal law effective September 1, 1967, the offense of prostitution carried with it a six-month maximum penalty. As a result of the re-evaluation of all offenses by the Temporary Commission on Revision of the Penal Law and Criminal Code, prostitution *per se* was reduced to a violation with a fifteen-day maximum sentence. Despite the fact that public hearings were held over a two-year period on the then proposed new penal law, and the proposed law itself was widely circulated among agencies involved in the administration of justice, it was not until a month before the enactment of the new law that a hue and cry was raised by the New York City Police Department. They claimed that because of the reduced penalty, "New York City would become a mecca for prostitutes." To offset what the police considered to be a strong possibility, the New York City Police Department began making mass arrests of women charging them with loitering or disorderly conduct. Since neither charges could be proven in most instances, these mass arrests resulted in mass dismissals by the court. The police, becoming frustrated, then urged the Mayor to have the penalty for prostitution increased. At the beginning of April, Mayor Lindsay formally asked the Legislature to increase the penalty for prostitution to a Class A misdemeanor with a one-year maximum sentence.

Since the Association had previously taken a position opposing the inclusion of prostitution *per se* in the criminal code, we opposed this move by the Administration. In addition, we were contacted informally by a staff member of the Governor's Crime Council who asked us to write on this penalty increase.

To plan strategy, the Ad Hoc Committee on Prostitution met and reviewed and reaffirmed the Association's position. This position is that prostitution *per se* should not be a criminal offense but that solicitation which constituted an annoyance to others should be proscribed by criminal law.

Mr. Chambers wrote a letter to the Mayor explaining our position and urging him to reconsider his stand. In addition, members of the Legislature were contacted personally as were various newspapers throughout the State. The Bill ultimately failed of passage.

### Gun Control

As a result of our recommendation on gun control to the 1968 Legislature, the Association was invited by Assemblyman Leonard Stavisky to affiliate with the Citizen's Union, the Community Service Society and interested individuals in order to form the New York State Citizens' Committee for Gun Control Laws. This group, under the chairmanship of former New York City Police Commissioner Vincent Broderick, is the New York State affiliate of the National Committee for Responsible Gun Control Laws headed by James V. Bennett. The Committee opened its efforts by sending a delegation of which the General Secretary was a member to meet with representatives of the Governor to request a special session of the State Legislature to enact gun control legislation.

The Committee adopted as its legislative guidelines the essence of the bills introduced in the last session of the Legislature by Assemblyman Stavisky and Green which includes the following points:

1. Licensing of all firearms dealers.
2. Permits for possession of all firearms with the exclusion of certain clearly defined categories of individuals.
3. Central State firearms registry.
4. Restriction of ammunition to those holding appropriate firearms permits.
5. Permits renewable every three years.
6. Complete proscription of all destructive devices such as anti-tank guns, bazookas, etc.

The Committee worked to contact as many State and local organizations as possible to interest them in gun control. These organizations were sent a kit of materials which included a statement of position, an action sheet detailing simple activities that can be undertaken by the local groups to work for gun control, a copy of the book *No Right To Bear Arms*, 250 copies of which have been donated by the publisher, a member of this committee, and bumper stickers reading "We can LIVE with Gun Control."

The Committee also circularized all candidates for the State Legislature to ascertain their position on this question. The results of this poll will be used to determine those legislators who need to be convinced of the necessity of this legislation.

The Committee also attempted to secure the active support of Governor Rockefeller for gun control and towards this end invited Mr. Rich-

ard Bartlett, Chairman of the Crime Control Council, to attend a meeting and discuss the situation. The Association contacted the Junior Leagues of America and the New York City Federation of Women's Clubs to interest those organizations in urging their members to actively campaign for a gun control law for the State. In addition, we prepared and mailed a kit of material to be sent to approximately 400 organizations asking their cooperation and assistance. Further, we made personal contacts in an effort to have the Governor make gun control part of the administrative legislative program for 1969.

We were further encouraged by having a representative of the national gun control group headed by Mr. James V. Bennett, former Director of the Federal Bureau of Prisons, offer to provide the Association with the names of the New York State residents who have contributed to the effort to bring about Federal gun control legislation. It is expected that we will be receiving the names of approximately 10,000 individuals in New York State who will be encouraged to write their legislators.

The climate of emphasizing "law and order" may be detrimental to our efforts in that those opposed to gun control are claiming erroneously that gun control laws will mean that the law-abiding citizen is unable to defend himself, while "the criminal element" will be able to obtain all the weapons they want. In addition, most of the past state opposition came from the upstate Republican counties and now that the Legislature is entirely Republican controlled, there is a question as to the amount of power these upstate counties will exercise during the 1969 legislative session.

#### **New York City Marshals**

For approximately four years the Association, together with the Citizens' Union, has been working to bring about the abolition of the City Marshals with their function being transferred to the Sheriff's office.

There are approximately eighty City Marshals appointed by the Mayor to serve civil papers, principally upon the poor. The position is a political hangover from the early 1600s. The Marshals receive no salary but do receive a fee for each paper served and a percentage of all garnishments.

About four years ago the Association joined with the Citizens' Union in a quiet but concerted effort to bring about the abolition of this position and to have the function incorporated in the Sheriff's Department of the City of New York as we felt that not only was the City losing income but that the position was an anachronism in the 20th century.

More recently, as a result of the present City administration, the value and function of the position of City Marshal has been publicly questioned.

Before the present publicity, and to assure that there were objective citizens' groups behind the movement to abolish the position, the Association was represented at a meeting at the National Municipal League sponsored by the Citizens' Union for the principle purpose of showing support to the New York City administration for an abolition of this position.

The bill did not pass the 1968 Legislature as the position of City Marshal represents a somewhat important patronage appointment available to the various political club houses. Despite this, the Association will continue to press to have the function of the position taken over by the Sheriff's Office.

#### **Wardens' Position — City Department of Correction**

At the request of the City administration, a bill was introduced in the City Council to authorize the Commissioner of the Department of Correction to appoint as acting warden or superintendent individuals who have permanent civil service status as deputy warden or deputy superintendent. At present, wardens and superintendents are obtained by competitive written examination. While the Commissioner can select any of the top three on the civil service list for appointment, once appointed, wardens can be removed only on charges. The bill would permit the Commissioner to appoint individuals to the top position and also to return to their permanent civil service as deputy warden those are not competent. This procedure was originally proposed by the Mayor's Task Force on Correction in 1966.

The Association's Ad Hoc Committee on the New York City Department of Correction met with Commissioner George McGrath to discuss the bill, and at the February meeting the Executive Committee voted that the Association support the bill and make its views known to the press.

Testimony was prepared and the General Secretary appeared before the City Council to present the Association's view.

We were most pleased with the response the members of City Council gave to our presentation and to the questions they raised afterwards. Since the hearing we have been contacted by Counsel for City Council for additional materials which will be used in executive session when the bill is deliberated.

#### **Bill to Create a City Correctional Administration in New York City**

The Association was asked to meet with counsel for the Assistant Deputy Wardens' Association of the New York City Department of Cor-

rection to discuss the proposed bill to create a Correctional Administration for the City.

This we did and were surprised that the Assistant Deputy Wardens' Association believed that the creation of a Correctional Administration would introduce into City administration some twenty patronage positions. This they spelled out in a letter to Councilman Sadowsky, Chairman of the Committee on Reorganization of the New York City Council.

Despite the fact that in January of 1967 the Association had supported the development of a Correctional Administration for the City on the basis of our belief in the principle of an integrated Department of Correction, our assistance was sought by one of the many labor organizations in the Department of Correction to support their opposition to such a bill. We spent several hours with the counsel for those who opposed the bill.

Later the Ad Hoc Committee on the New York City Department of Correction agreed to continue its previous position of support for the creation of a Correctional Administration.

Despite this, counsel for the dissent group in the New York City Department of Correction continued to press to meet with us and present further evidence as to why a Correctional Administration should not be created.

### Student Disruption

In an effort to assist in preparing a position on the present behavior of college students, the General Secretary met with Professor David Haber of Rutgers University Law School, an expert on civil rights, and Mr. Ralph Peterson, former Director, Department of Pastoral Services of the National Council of Churches, to obtain legal and theological view points on the response the "sovereign state" should make to college civil disobedience. These meetings were held also to obtain background for the lead article for the May issue of the *Newsletter* of the Association on the question of civil disobedience v. anarchy.

In addition, the General Secretary discussed this matter with such individuals as Professor Herbert Wechsler, Chief Reporter of the American Law Institute and General Edward Greenbaum, one of the founders of the Committee for Modern Courts.

### "Theatre For The Forgotten"

Professional actors and producers who constitute the *Theatre for the Forgotten* are volunteering their services to produce plays in New York

City Correctional institutions, using inmate actors, electricians, and stage hands. The small core of actors that form this organization are giving of their time and ability because they firmly believe that their efforts may help some individuals to turn from a life of crime. The director of this group, with whom the General Secretary met, was seeking not immediate funds for a specific production but a sufficient amount of money to permit the group to carry on an extensive program of one, producing dramas inside correctional institutions; two, employing ex-offenders with interest and talent in a community theatre obtained from the City of New York for \$1.00 a year rent; and, three, developing road companies which would continuously stimulate the interest of incarcerated individuals in the theatre for its possible rehabilitative effects.

The rehabilitative effects upon certain inmates are great and we proposed that The Correctional Association of New York arrange for a Committee of the Executive Committee to meet with members of the project to consider ways in which the Correctional Association might be of further assistance.

It is interesting to note that approximately two years ago the General Secretary met with the professional actress who first conceived of the idea of developing a "Theatre for the Forgotten". Since original encouragement we lost contact with her and the group until just recently.

After a talk by Robert Zarem, a Director for the *Theatre For the Forgotten*, at the May Executive Committee meeting, a number of members of the Committee expressed a desire to see the next theatrical production of this group. Arrangements were made for a group of 13 members of the Executive Committee and their friends to attend "The Showing of Pancho Blank" by Shaw on Rikers Island. The group included Melber Chambers, Harold Hochschild, Lucia Ballantine, Mary Baird, Harold Wilmerding, wives, relatives and friends. Other members of the Executive Committee were unable to attend at such short notice.

The *Theatre For the Forgotten* is a group of professional actors, producers and backstage hands who are devoting their time and talent to make the theatre a rehabilitative tool for individuals who have come in conflict with the law. The group was seeking a \$200,000 grant for a two year period to establish permanently The Theatre For the Forgotten as a rehabilitative technique as well as an entertainment vehicle for prisons in the state and nation.

### Physical Plant Based Upon Correctional Concepts

The Association's first contact with Kenneth Ricci was six years ago. At this time a young architecture graduate student, he was beginning his Master's thesis on the plans for a correctional institution for adoles-



cents. He came to the Correctional Association for conceptual direction. We spent many hours with him, advising and suggesting. The young man finally received his Master's degree in architecture.

He left the United States to join the Peace Corps, returning within around nine months because of a fractured leg incurred in an automobile accident in Central America where he was drafting plans for local elementary schools.

Shortly thereafter, because of his fundamental desire to translate the concept of adolescent rehabilitation into a physical building, he returned to the Correctional Association for a series of meetings and discussions. He joined with another architect who had been two years in the Peace Corps in Africa and, using the Correctional Association for conceptual direction, worked for two years to draw plans for an urban residential center for youths in trouble. The physical plans seemed so practical and conceptually true that the Association arranged for these individuals to meet with representatives of the Division for Youth of the State of New York which, after a year of consideration, published in its Journal a major article on their proposal.

Of most concern to the Association was that these individuals devoted their time and effort toward transplanting concepts of correction to physical buildings without thought of personal gain.

This item is mentioned because the young men were asked by the State of California to meet to discuss institutional plans with them. The Association was most pleased that it was consulted prior to the trip to the West Coast.

The importance of this cannot be evaluated by whether the State of California accepts their plans. It can be evaluated only by the fact that the Association has been instrumental in interesting disciplines other than those directly involved in correction in the problem of offenders and means of bringing about their rehabilitation.

#### **Teacher Corps and Vista Project — New York City Department of Correction**

In 1967, the Association was asked by the late Senator Robert F. Kennedy to testify in Washington on a bill he had introduced which would allow selected correction departments to use members of the Teacher Corps and VISTA in institutions. This bill was the last bill of the late Senator's to be enacted into law.

The amount of funds appropriated by the law was such that only one department in the United States could be involved. The New York City Department of Correction was selected.

The General Secretary was asked by the Mayor's Office to attend a press conference conducted by Mayor Lindsay at which the announcement of the program was made. There some twenty teacher Corps members who will participate in the program attempting to upgrade the academic level of the adolescents under the New York City Department of Correction were introduced. The program basically is an intensive tutoring program by the Teacher Corps followed up by a "Big Brother" type of relationship between members of VISTA and releases.

#### **Drug Conference**

The Association was represented at the first of two major statewide conferences held by the New York State Narcotic Addiction Control Commission. This two-day conference, entitled "Prevention of Drug Abuse is Everybody's Business," was devoted to workshops discussing education, law enforcement, social research, moral, ethical and spiritual values, community action, the role of social agencies, and the role of business and industry in drug prevention. The Conference had over 1,000 registrants drawn from the ranks of education, social work, law enforcement, community action groups, business and individual citizens with no specific affiliation. It served not only as a vehicle for the experts assembled by the conference to inform those attending what the Commission has done, is doing, and is planning for the future, but also as a means for those individuals not in the actual treatment aspect of drug addiction to comment, question, criticize, and suggest.

The theme running throughout all of the workshops was the imperative need for uniform criteria and rigorous, objective evaluation of all programs. It was noted that the Commission now has under its aegis all six of the major methods of treating drug addiction. This leads to the unprecedented opportunity not only to develop a standard evaluation procedure, but also to be able to compare the effectiveness of the various programs in treating addicts.

#### **Meeting of C.L.E.A.R. and Civic Development Committee — Rochester**

The General Secretary and Mrs. Ballantine, Chairman of the Ad Hoc Committee appointed to consider the proposal made by CLEAR to affiliate with The Correctional Association of New York, attended a luncheon meeting jointly sponsored by that organization and the Civic Development Committee of Rochester. The principle speaker at the luncheon was Judge Harry Goldman, Administrative Judge of the Fourth Judicial Department which covers western New York State.

Following the luncheon meeting, Mr. Goff and Mrs. Ballantine visited Monroe County Penitentiary which has been condemned for years as being unfit for human occupancy. Despite the deplorable physical condition of this institution, Mrs. Ballantine and the General Secretary were markedly impressed by the new superintendent of the Continuing Care Unit who under mental hygiene auspices is handling many of the skidrow alcoholics and the new acting assistant superintendent in charge of rehabilitation for the Monroe County Penitentiary.

#### **A Plan for Court and Probation Services — Monroe County**

With the encouragement and assistance of The Correctional Association of New York, the Rochester Bureau of Municipal Research, as one of a special series of studies being undertaken by the Bureau for the Monroe County Legislature and Rochester City Council, submitted a plan for court and probation services in the county. The principal proposal in the plan called for a merging of two of the existing three separate probation departments in the county and the dividing of probation into its two functional proponents: (1) to incorporate the investigatory and pre-sentence function of probation into a Bureau of Court Services under the administration of a three-member court services board consisting of the Administrative Judge of the City Court and the Administrative Judge of the Appellate Division of the Supreme Court serving the area, and (2) the supervisory aspect of probation to be consolidated into a county bureau of probation, headed by a professional probation director and placed in a new County Department of Rehabilitation and Correction in the executive branch of government.

This County Plan for Probation, proposed by the Association and published in the study entitled "*A Plan For Court And Probation Services*" by The Bureau of Municipal Research, was accepted by Judge Harry Goldman, Administrative Judge of the Fourth Department, and Mr. Gordon A. Howe, County Manager of the County, and the County Legislature. Further, the State representatives from Monroe County introduced legislation to allow for the development of a unified probation system and county correctional department which were proposed by the General Secretary and expounded in the study. A law was finally enacted to consolidate two of the three probation Departments in the County. It has long been the contention of the Correctional Association that the administrative organization of the various functions in the administration of justice should be examined based upon their function rather than upon historic precedents. To this end it was proposed in the study that probation should be administered in a two-fold way. Those aspects of probation involving services to the courts should

be separated from the function of probation involved in the supervision of individuals convicted and sentenced to probation. The latter should be placed under the executive department in a county department of correction, the former to remain under the courts. This proposal runs contrary to that which has been historic precedent in this state, namely, that probation services are and should be a function of the courts.

We believe eventually all field services involving individuals convicted of a crime will be within the executive branch of the government in an integrated system such as is presently in existence with federal offenders.

#### **Monroe County Study Committee**

To implement the proposals contained in the report of the Rochester Bureau of Municipal Research "Justice Detained" and "A Plan for Court and Probation Services", Monroe County Manager, Gordon A. Howe asked the General Secretary to serve as a member and consultant to a 34-member committee consisting of the outstanding lawyers, governmental officials, and judges from western New York including such individuals as Administrative Judge Harry D. Goldman of the Appellate Division Supreme Court; Family Court Judge Joseph G. Fiske, together with a Monroe County Sheriff, Albert W. Skinner; Rochester Chief of Police William M. Lombard; the Chief City Court Probation Officer, the County Probation Department Director and others. The Committee elected Charles W. Wilcox, past president of the Monroe County Bar Association and chairman of the Bar Association's Task Force on Bail Procedures, as chairman.

A series of sub-committees were created with particular emphasis being placed upon the development of an ROR program since the existing county jail was so overcrowded that over 100 individuals had to be held pending trial in the Monroe County Penitentiary.

At a meeting at this group, a major issue was how best to handle ROR. Internal politics manifested themselves and the issue as to which agency should be primarily responsible for proposing to the courts who should be released on their own recognizance became of great concern.

It was our proposal and contention that since the matter of release on bail is one to be decided by the courts, that aspect of probation which is an arm of the court should be the agency to recommend to the court those individuals who should be released on their own recognizance. On the other hand, the public defender, a recently created position within the county, contended that courts would have access to information which the defense would not have and therefore the public defend-

er's office should be the agency to recommend ROR. To further complicate matters the Chief of Police of the City felt the police should be the agency to propose to the courts those individuals who could be safely released prior to their trial. As a compromise plan, the Bureau of Municipal Research of Rochester, an independent organization, proposed that it should administer ROR programs with county funding.

It was our position that since ROR is a matter to be decided by the courts, an arm of the court should be the screening and recommending agency. We were opposed to either of the protagonists—prosecution or defense—being principally responsible for the release on own recognition process as we felt that they are too involved to be able to make an objective evaluation as to whether the individual will or will not appear in court when he is due.

#### **Luncheon Meeting for Torsten Eriksson Director-General Swedish Correction System**

The Association was well represented at a luncheon meeting held for Mr. Torsten Eriksson, Director-General of the Swedish Correction System. Mr. Cass, Mr. Schulte and Mr. Goff were all pleased to have been invited to this affair given by the Department of Correction on Rikers Island.

Mr. Eriksson is well known to us and is one of our foreign correspondents. In 1965 he was chairman of the Host Committee for the Third Quinquennial Congress on the Prevention of Crime and the Treatment of Offenders sponsored by the Social Defence Section of the United Nations.

#### **Havens Relief Fund**

The Association attended the Annual Meeting of Almoners for the Havens Relief Fund. This Fund, one of the oldest in the country, provides the Association with money it can use for direct services to ameliorate the suffering of worthy indigents. At the time of his retirement, Mr. Cass was one of the oldest almoners of the Havens Relief Fund.

#### **Juvenile Detention in New York City**

In January of 1968 the New York City Probation Department assumed the responsibility for juvenile detention in the City and has introduced a number of programs to bring about its improvement. One such program that has been developed with some success is the use of

a probation staff on a *per diem* basis on weekends and holidays to screen juveniles who have been brought to detention by police and for whom there has been no petition filed in the Family Court. The probation staff has the authority to release these individuals from detention pending court appearance.

Of the first 150 police arrests, 62 children were released or paroled by the probation officer working on weekends and holidays. These releases were made following contact with all parties and evaluation of the factors involved. A follow up with the juvenile branches revealed that all but one of the children appeared in court as scheduled.

The weekend probation officer was involved in planning for out-of-town runaways and was able to affect release to parents 11 of 16 runaways during the weekend.

Of the children screened and detained, it is significant that in 30 cases the parents failed to respond to either notification by the police or telephone messages, and in 32 situations the parents refused to accept responsibility for their children.

#### **Vocational Training for Probationers and Parolees**

The Correctional Association acted as liaison organization between a City sponsored MDTA training program and the probation and parole departments. We were contacted by the MDTA coordinator who was having difficulty in recruiting individuals to fill his programs. Having worked out on Rikers Island, he was especially interested in using ex-offenders. Working with special programs in the Division of Parole and in the Brooklyn Supreme Court Probation Office, the Correctional Association hopes to be able to direct parolees and probationers into training programs in such skills as building maintenance, sewing machine repair, shoe repair, etc. The training is generally for a 12-week period with a job guaranteed at the completion of the program.

#### **Alcoholism and Epileptoid Behavior**

A probation officer from the Kings County Probation Department asked the Association for assistance on a particularly interesting and unique problem case. Prior to the final disposition by the courts of a young 20-year old male convicted of attempted rape, the pre-sentence investigation revealed aspects which needed further investigation. The first was that the attempted rape took place in the middle of the day in downtown Brooklyn in front of several thousands of people. The second was that the defendant had honestly claimed no knowledge of his actions. In the course of a psychiatric examination at Kings County Hospital,

suspicion of possible epilepsy was noted. A routine EEG was performed which showed no abnormality in brain waves. The suspicion continued, however, and upon further examination it was determined that the individual had been drinking prior to this offense and several similar assault offenses in the past. Again, because of the persistent suspicion of possible epilepsy, it was decided to do a special EEG using as consultant a neurologist knowledgeable in pharmacology. The Association provided the consultation fee.

An EEG was performed on the individual which again gave a negative result. While still being examined, the defendant was given six ounces of rye whiskey, at which time the first evidence of epilepsy showed in the brain wave syndrome. During the abnormal peaking of the EEG the individual also manifested clinical symptoms of epilepsy and a temporary black-out. After a short period of time, when the alcohol had been oxidized, the brain wave pattern returned to normal.

The defendant, whose behavior was perfectly normal with no alcohol in his system, showed abnormal behavior, unrelated to normal intoxication, when he had imbibed any alcohol, and was completely unable to recall events in this state. Since his behavior when he had any alcohol in him was extremely seriously aggressive, it was feared by the defendant, his family, and the court that unless remedial action was taken to bring the epileptoid behavior under control, the defendant would kill someone.

The General Secretary discussed the case with Dr. Ruth Fox, Medical Director of the National Council of Alcoholism, Dr. Ralph Brancale of the New Jersey Diagnostic Center, and several neurologists who stated that they knew of no cases wherein alcohol induced epileptoid brain wave reaction.

We were successful in having the individual accepted by a research unit in the Beth Israel Hospital where complete pharmacological and neurological tests were conducted. It is hoped that the defendant will be placed on dilantin, and that dilantin, even if alcohol is imbibed, will prevent the epileptoid behavior pattern of the past and control the highly aggressive and assaultive behavior.

#### **Parole Prediction Study**

The National Institutes of Health awarded a small grant to Rutgers University Psychology Department for a research project on recidivism. The Association has been contacted and asked to act in an advisory, consultative capacity to this study which will involve the testing of 500 sentenced adolescents at the Adolescent Division on Rikers

Island. Individuals will be originally tested immediately upon arrival at the institution and retested immediately before release on parole. At the expiration of their parole status, success or failure in the community will be evaluated against the two test results. The results will be fed into a computer in an effort to (1) determine attitudinal changes, (2) to determine if there is any correlation between success or failure on parole and the results of various test scores.

In addition to the pencil and paper test to determine motivation and its relationship to recidivism, two simple mental ability tests will be administered as well as a personal relationship test. All materials will be the property of either the New York City Department of Correction or the New York State Division of Parole for whatever use they would like to make of them.

One of the serendipitous results of the project is that for the first time every admission to the Reformatory on Rikers Island will have a mental ability test administered which can be used both for classification purposes in the institution and as part of the case folder for study and consideration by the parole board.

The General Secretary met a number of times with the Commissioner and Director of Research of the New York City Department of Correction and the Chairman of the State Parole Board. All of the governmental officials involved were most enthusiastic about the project and cooperated to their fullest. It is estimated that it will be approximately three years before the final results can be known, but in the meantime, interim reports will be made both to the Department of Correction and to the State Parole Board of the findings to date.

#### **Institute of Judicial Administration**

The Association was asked by Dean Gutman to present its views on the judicial selection process in New York to a hearing held by the Institute of Judicial Administration. We again reiterated our call for a revision in the judicial selection process and a shift from the election of judges to their appointments after approval by a non-partisan, non-political screening body. We were pleased to be joined in this call by such individuals as Whitney North Seymour, Sr.; Peter M. Brown, former President, Federal Bar Association of New York, New Jersey and Connecticut and Michael Dontzin, Assistant to the Mayor, speaking for Mayor Lindsay.

This hearing was a further effort to focus the spotlight on the judicial selection process which allows political parties to use judicial positions for patronage. This particular hearing grew out of the disbandment of a non-partisan screening committee which had been organized by Pre-

siding Justice Botein. This committee was disbanded shortly after it was organized because the political leaders went back on an agreement that they would not place on the ballot individuals the committee believed to be unqualified for judicial positions.

The need for a party clubhouse power base by individuals qualified and desiring a judicial post was again brought to the attention of the General Secretary by calls from two possible candidates for judgeships in the New York City Criminal Court. Both were qualified by experience and would undoubtedly make good judges. They both, however, expressed the fact that they would have a major uphill fight because they did not have strong clubhouse support.

One cannot be encouraged at this time that there will be any change in the judicial selection process, so deeply rooted in patronage is the present system. One does, however, realize the urgent need for a revision by the recent election at which time there were some 59 judges for the elector to choose, with the great majority of the candidates being nominated by all parties. An interesting question was raised of Mr. Edward Costikyan, former Democratic leader for New York City, by one of the audience. He was asked how many people were involved in the Democratic party in selecting those who would run for judgeships. Mr. Costikyan estimated that 150 district leaders selected those who could run on a Democratic ticket. He did not fully explain, however, how many judgeships had been allotted the Republican party, Liberal party, or Conservative party in a deal among the leaders of all four parties.

#### Visit to Night Court

The Correctional Association escorted Dr. Purnell Benson, a research sociologist, on a tour of night court. Dr. Benson is the chief investigator for the research project at the adolescent division on Rikers Island and was very interested in seeing as much of the system of the administration of justice as it works in New York City as he possibly could. He was impressed by the volume of cases, their extreme diversity, and the speed with which they were dispatched. He was also impressed by the demeanor of the sitting judge, who, in the little time available to him for deliberation, seemed to be fair and just.

#### Fortune Society

The Association was represented at a meeting of the Women of the Fortune Society, held so that women with members of their immediate family in prison could get together and talk out mutual problems. The

Fortune Society has been moving into the role of intermediary and referral service. They receive letters and telephone calls from men on the inside and their families on the outside and try to advise them as to how best to solve their problems and what agencies would be most appropriate for them to go to.

Members of the Fortune Society met with the first group of VISTA volunteers going into Rikers Island. This meeting was considered so helpful that it will be a regular scheduled part of the orientation program for all subsequent VISTA groups in this program. It will be recalled that the present program involving VISTA and the Teacher Corps is the result of Congressional enactment of the last bill of Senator Robert F. Kennedy on behalf of which the Association testified at the request of the late Senator.

#### Multilith Training Project

After having been advised by the Federal government that due to the expected sizeable budget cutbacks our application for Federal funding for the training of multilith operators cannot be Federally supported, the Association immediately contacted the New York State Department of Labor and proposed that the program might be underwritten by State funds. This was agreed to and we redrafted the proposal, cutting back the number of trainees from 100 to 25.

Approval was received and funds set aside for the Association to train 25 releasees from local, state or federal correctional institutions in multilith operation and to place them in on-the-job training programs upon completion of their formal training course.

This project, which grew out of our pilot project of some 1½ years ago, involves the Correctional Association as the prime contractor with the New York State Department of Labor. The Adult Training Center of the New York City Board of Education will provide a total of 160 hours classroom training over a period of six weeks. During this time, the trainees who are without funds will receive a maintenance allowance from the Employment Division of the Department of Labor. Upon completion of the formal training, the Association, together with the Division of Parole and the Adult Training Center, will locate employers willing to provide additional on-the-job training while they are paying a minimum of \$75.00 per week to the trainees. At the same time an employer will receive reimbursement of \$20.00 a week for a period of 16 weeks.

The Association, as prime contractor, has the responsibility of selecting those who are to be trained, working through any maintenance

arrangements necessary, counselling the releasees, and reimbursing the employers \$20.00 per week per man during the 16 week period.

A separate bank account has been opened into which the funds we receive for the project will be deposited and from which all project expenses will be disbursed. The total contract of the Department of Labor with the Association is in the amount of \$22,459.00 of which approximately 10% is for added expenses to the Association for such items as telephone, transportation and staff services.

The first parolee began the formal training November 12th. He is a young 20 year old releasee under the New York State Division of Parole and is one of the hard core unemployed parolees. We will be feeding men and women into the program, one or two at a time, either immediately upon being released from an institution as a reasonable assurance case or as parolees become disenchanted with their present unskilled work and want to seek training for better employment.

#### **Chairman, New York State Parole Board**

The General Secretary met with the Chairman of the New York State Parole Board for three hours in our office to discuss among other things the report of the Governor's Special Committee on Criminal Offenders, the way in which the Association could aid the Parole Division in obtaining an appropriation for emergency funds for releasees and the vocational training project.

The assistance the Association is providing and has provided the New York City Area Parole Office in terms of emergency funds was again recognized and greatly appreciated by the Chairman who stated that it is often the financial assistance we provide that is the difference between an individual getting in trouble again or remaining a law abiding citizen.

#### **The New York City Federation of Women's Clubs**

There are approximately 100 women's clubs in New York City. These clubs are organized into the Federation of New York City's Women's Clubs. The president of the Federation, after receiving several of our Newsletters, wrote and called the office expressing great interest in the work of the Association. She felt that there might be some way in which the Federation of Women's Club might work cooperatively with the Correctional Association. As the first step, the General Secretary was asked to address the Annual Meeting of the Presidents of the individual Women's Clubs on the topic "Should the State Regulate Morality." This we were most pleased to do as it gave the Association an opportunity

to make its views known, through their presidents, to some 10,000 women in the city. The talk touched on many areas of particular interest to women—abortion, prostitution, and homosexuality—and brought forth much discussion, questions and answers. As a followup we have been in touch with the President of the Federation to urge that the Federation work cooperatively with us in bringing about legislative reform in these particular areas. We further plan to urge the Federation to have its members write their legislators to support a gun control law for the entire state.

#### **Retirement of the Chairman of the Governor's Advisory Committee on Alcoholism**

The General Secretary was most pleased that the Association was asked to the Rochester Community sponsored testimonial luncheon given for Dr. John Norris, Medical Director of Eastman Kodak and Chairman of the Governor's Advisory Committee on Alcoholism who is retiring. Our pleasure sprung from the fact that this affair was for local people but because the Correctional Association is held in such high esteem in the Rochester area, we were included.

While Dr. Norris has left Eastman Kodak and moved from the state, he will undoubtedly continue his interest in the problems of addiction, remaining on the General Board of Alcoholics Anonymous. His quiet and unassuming air will be missed not only in Rochester but throughout the state as well. We wish him well.

#### **New York State Welfare Conference**

The Association attended the New York State Welfare Conference Meetings on Youth and Correction chaired by the Honorable Richard Bartlett. These sessions focused principally upon the integration and cooperative efforts on the part of all individuals involved in the administration of justice ranging from police through aftercare.

Of particular interest to those in attendance were the programs that might be financed by the Federal government under the Safe Streets Act which is a broadening of the original Law Enforcement Assistance Act.

The original Safe Streets Act provided monetary incentives proportionate to the importance of each of the various levels in the administration of justice. In the midst of the Congressional debates on this proposed legislation a series of serious city riots occurred and as a result the "law and order" legislators demanded and obtained amendments so that at the present time approximately 70% of the funds are allotted

to law enforcement with prosecution, the courts, and correction receiving the remainder.

### Junior Chambers of Commerce

The Association was in contact with the National Director of the Correctional Programs for the Junior Chambers of Commerce. Approximately four years ago, in Toronto, Canada, the General Secretary met with the Director of the National Junior Chambers of Commerce together with the North American Judges Association in an effort to encourage the Jaycees to become concerned and interested in the problems of correction in their local areas. As a result of our Toronto efforts, the Jaycees developed a national program of involving local chapters in the correctional process. Some have established local institutional committees where members of the local group meet with, counsel and attempt to provide jobs for individuals who are still incarcerated; other local chambers are pressing for improvement in physical plants, rehabilitation programs and improved personnel training.

The National Director of the Correctional Programs for the Junior Chambers of Commerce referred the Association to the President of the New York State Junior Chambers of Commerce and suggested that the New York State chapters might be interested in working cooperatively with the Association. He further proposed to the President of the New York State chapter that the Correctional Association be given a list of the New York State members so that they might be added to the mailing list for the Association's *Newsletter*.

We contacted the President of the Jaycees of New York State and arranged to meet with him shortly after the first of next year to discuss, among other things, ways in which local Jaycee chapters might be encouraged to develop correctional programs, such as job finding for released offenders, and also ways in which the Jaycees might assist the Association in its legislative program.

### City, State and Federal Criminal Justice Administrators

At the suggestion of the Federal House of Detention in New York City, the Association contacted the Commissioner of Correction of the City, the Area District Supervisor of the Federal Bureau of Narcotics, the Area District Director of the State Division of Parole, and the Director of Probation of the Criminal Courts of the City of New York, to arrange an informal meeting to bring the various agencies involved in the administration of criminal justice together. As strange as it may

appear, several of the individuals involved had not met all of those present.

A second luncheon meeting of administrators was held to which representatives of the Federal Bureau of Narcotics, Federal Probation, the State Division of Parole, the Federal Bureau of Prisons, the City Department of Correction and the State and City Court were invited.

These informal meetings whose sole purpose is to bring administrators in the administration of justice together so that they might know one another better proved highly effective. Specific cases and administrative problems were discussed in an informal manner so that there was an oiling of the machinery involved. Mr. Leland Tolman, Administrator of the Second Department Appellate Division Courts of the State of New York, was most pleased at being invited to this group. Mr. Arch Saylor, Director of Federal Probation of the United States District Courts — Southern District likewise stated that such meetings were valuable to him.

As a result of our initiative, there was unanimous agreement among those present that similar periodic meetings should be held in the future, adding other persons involved in the field. No formalized program is anticipated and the meetings will be held on an informal basis to permit the various individuals to meet with and discuss informally various problems and concerns that can cross federal, state and city lines.

The Association will act as the secretariat for this group of representatives from governmental agencies arranging future meetings and inviting other governmental officials to attend. No minutes or records will be kept of the discussion as we all agreed that the value of such get togethers was in the unfettered conversation of those present.

### West 80th Street Area Neighborhood Association

The General Secretary met with representatives of the West 80th Street Area Neighborhood Association, at their request, to discuss ways to improve a local residential hotel inhabited principally by drug addicts and prostitutes. The Neighborhood Association believed that the solution would be found if the Narcotic Addiction Control Commission were to take over the hotel and use it as a halfway house. While we did not entirely disagree with this proposal, we did point out that a local citizens' group might be able to help the situation by providing recreational and counseling services to the residents of this hotel. The Neighborhood group will make an effort to introduce such a program with the Correctional Association helping by providing employment possibilities for those residents who may have a criminal history.

### Of Direct Service Interest

About three years ago, the wife of an individual serving time for armed robbery in New York State came to us in desperation. Her husband had a twenty year maximum sentence in New York with detainees from the States of Delaware, Pennsylvania and Massachusetts also for armed robbery. This woman who had been separated from her husband because of imprisonment for almost five years was still tenaciously holding on to him and her family.

The circumstances surrounding the case interested us in that we felt that the individual, involved in a series of supermarked robberies during a very short period of time, was being treated in an unconstitutional manner. Because of warrants from other states the husband was being held in maximum security in New York State. And his requests to have the other warrants lifted were disregarded. The very presence of these warrants prevented any parole in New York State.

The Association has contended that out of state jurisdictions should try individuals within six months upon request of the individual or drop their warrant. To do otherwise is "cruel and unusual punishment."

Upon our suggestion, and with legal support, the wife of this individual advised her husband to request each of the jurisdictions which had imposed a warrant against him to act on the warrants—to try him or to remove the warrants. The State of Delaware was the first to do so. Upon further urging and after contact with the District Attorney in Pennsylvania, the State of Pennsylvania decided to hear the case. The individual waived extradition and went to Pennsylvania where he was sentenced to time served in the State of New York.

Our interest in this case rested on the individual, his family and the administration of justice. We were most interested, however, in the outcome and on the fact that as a result of work of the Association that which would have been routinely a 120 year maximum sentence is now down to a possible 20 year maximum in the State of Massachusetts.

After many hours with this individual who was successful in having his conviction in New York State reversed, and after several contacts with his wife, we felt relatively confident with the insight after seven years of incarceration in a New York State Prison, he is not a serious threat to the community.

The Correctional Association becomes involved very infrequently in the legal aspects of appeals or writes as this is not our primary function. This case, principally because of the efforts that have been made during the last decade to have out-of-state warrants executed within a short

period after they are placed, interested us because it was a unique situation which finally brought about a court decision that interstate warrants had to be prosecuted within a six month period or the warrant was not effective.

### Temporary Commission on Revision of the Penal Law and Criminal Code

The General Secretary met with the Executive Director and Assistant Executive Director of the Temporary Commission on Revision of the Penal Law and Criminal Code to review efforts being made in the State to control organized crime. We were particularly interested in the development of a statute authorizing wiretapping under prescribed circumstances. As a result of this meeting we assured the Temporary Commission of our complete cooperation in their work in trying to bring crime under control.

We were particularly pleased to learn that our research on the use of wiretapping and electronic devices had been extremely accurate and that the Legal Staff of the Commission concurred with our interpretation of the several Supreme Court decisions.

### Honorary Degree of Doctor of Laws — Harold K. Hochschild

It was with a great deal of pride that the Association learned that Harold K. Hochschild, with over 40 years of membership on the Executive Committee of the Correctional Association, received the Honorary Degree of Doctor of Laws at Princeton University on June 11th, 1968.

The award speaks of the high esteem in which Princeton University holds him, esteem with which The Correctional Association of New York agrees.

### Distinguished Employee Award

The Association was invited to attend the presentation to Mr. Anthony Principe, Director of Operations, New York City Department of Correction, of the Mayor's Medal for distinguished service to the City. Mr. Principe has been a faithful City employee for twenty-nine years and for the past ten years has been the Director of Operations for the Department. An extremely modest individual, Mr. Principe has been the person who keeps the Department operating on a day by day basis.

The ceremony took place in City Hall before a large group of individuals including Mr. Cass and Mr. Goff of the Correctional Association. It



was most gratifying that of the three individuals Mr. Principe mentioned in accepting the award, Mr. Cass and Mr. Goff of the Association were two. The other person mentioned was the first Commissioner under whom Mr. Principe worked, Mr. Austin MacCormick.

#### Probation In-Service Training

Periodically in-service training courses are conducted for new personnel entering the Probation Department of the City of New York. These formalized courses not only attempt to explain internal procedural matters to new probation officers, but also acquaint probation officers with varying points of view on the administration of justice and the role and function of various governmental and private agencies. Because of its role in introducing new concepts into the field of the administration of justice as well as its every day work with individuals convicted of crimes and the families of individuals incarcerated, the Correctional Association was asked to present its program in this in-service training program. The General Secretary was most pleased to join with representatives of the New York City Police Department, District Attorney's Office, the Department of Correction of the City, and the New York State Division of Parole, in this program.

It was most encouraging to see young, enthusiastic, well educated individuals moving into the field of probation, and to answer their questions on both the broad aspects of the administration of justice and the specifics in terms of direct service in which the Correctional Association is involved.

One of the general trends in the field of the administration of justice in the United States is an extension of the function of probation. For example, in the City of New York the administration of all detention facilities for juveniles has been turned over to the Probation Department, the release on own recognition function was turned over to the Probation Department, and in some states, the operation of probation camps has been placed under the aegis of probation departments. With additional personnel and resources, it is expected that more individuals who in the past have been committed to local county jails for short sentences will likewise be placed under probation supervision.

For these reasons the Association continues to push to separate judicial service functions of existing probation departments from their disciplinary function of supervising individuals already convicted of a crime who should be under the control of a central state agency responsible for custody and supervision of all individuals convicted of offenses regardless of the extent of their sentence.

#### Reprinting Material of the Association

Our article in the September issue of the *Newsletter* on the Monroe County Plan for Handling Alcoholics, who in the past have been committed to jails on short sentences, was felt to be so valuable by the county government organization in the State that they reprinted the article *in toto* in their monthly publication on county government. As a result, the county manager of Monroe County received approximately 37 calls and letters from individuals throughout the county for a more detailed report on this program.

In addition, the Handbook for Police on Alcohol and Alcoholism, of which approximately 125,000 copies have been distributed, was reprinted by the Pennsylvania Law Enforcement *Journal*. It is most encouraging to realize how well our publications are received, not only by lay people but by professionals in the field.

Solely so that we might know of all reprinting of the Association's material, consideration is being given to copywriting the *Newsletter*.

#### Minutes of the Association on Micro Film

The minutes of the Correctional Association dating back to its inception in 1844 are maintained in bound copies in the office safe. Since they are of great historic and research value, and are irreplaceable, the minutes have been microfilmed and a copy donated to the New York City Public Library at 42nd Street.

Since there is a request on the average of once a year to use the minutes in research projects, we will no longer be required to make the originals available in our office as we have in the past. Researchers will simply go to the 42nd Street Library to obtain the microfilm copy and to study it through a viewer.

After microfilming the minutes, we received a request from the Rome Institute of the United Nations for a copy for their library, for as the Director of that Institute stated, The Correctional Association of New York is the father of international penology. Dr. E. C. Wines, former General Secretary of the Correctional Association organized in 1872 the first International Quinquennial meeting on Crime and Delinquency. The organization which resulted from this international meeting, the International Penal and Penitentiary Commission, became affiliated with the League of Nations when it was organized and was the last of the non-governmental organizations to leave the League of Nations.

In 1950 the function of the International Penal and Penitentiary Commission in conducting international meetings on crime and delinquency was turned over to the United Nations which created the present

Social Defence Section for this purpose of which the Rome Institute is part. In 1970 the Third United Nations sponsored Quinquennial Congress on Crime and Delinquency will be held in Kyoto, Japan.

### Newsletter

The Association continued to receive favorable responses to its publications, particularly the quarterly *Newsletter*. We received over 800 requests from individuals to be placed on the Association's mailing list. Many of these people also asked for copies of various papers, articles and testimony which the Association has given on topics ranging from work release through prostitution, through narcotic and alcoholic addiction.

The two issues of the *Newsletter* carrying articles on "Should the State Regulate Morality" and "Law and Disorder" created a great deal of interest in the broader topics of the administration of justice among a number of people. One person met with Mr. Chambers and volunteered his services to the Association. Subsequently the General Secretary met with this individual who was former counsel to the Senate Committee on the Judiciary. He expressed his great interest in the various areas in which the Association is working and his willingness to do legal research, contact legislators or be of whatever help he can in bringing about improvements in the administration of justice.

It is further interesting that the requests for the Association's publications have come from all segments of the population ranging from the President of a chapter of the D.A.R. through the young Barnard student who received so much publicity for living, contrary to University regulations, with her boy friend.

The Association began to feel the results of the efforts of the Committee on Relations With Members which was instrumental in starting the *Newsletter*. As a result of receiving our Newsletter, the President of the New York City Federation of Women's Clubs met with the General Secretary in order to determine if there were any ways in which the Women's Clubs could cooperate with the Association in some of its endeavors. The General Secretary addressed the Manhattan Borough Day of the New York City Federation on the topic "Should the State Regulate Morality?" and next spring will address the annual convention of the Federation. This will be another opportunity for the Association to make known its views and to increase the interest of the general public in the problems of correction and the administration of justice.

We were also advised by the All India Crime Prevention Society in Lucknow, India, that our material was of great help to them in their

work in that country. The following is an excerpt from a letter received from the President of that organization.

"The report of yours under reference is to me more informative in some respect than the FBI report on crime in the United States of America. Your recommendations on abortion, alcoholism and prostitution are of great interest as our government is proposing legislation on these matters. I read with much interest your article in the news bulletin on the State's responsibility versus morality and student troubles in U.S.A. We are seized with these problems ourselves therefore I have given good publicity to your views by reproducing them in Hindi (the national language). Thus far I have translated four articles of yours in Hindi."

The *Newsletter* is presently being distributed to approximately 3,000 individuals in addition to bulk distribution to various departments in the City and State.

### Family Service Bureau

The program of the Family Service Bureau of individual counselling was augmented by bringing selected individuals together in a group counselling sessions. It was felt that in addition to the psychological support the individual wives receive from the Family Service Bureau itself, additional support could be provided through the use of this group technique. Preliminary indications are that this program will be successful and undoubtedly expanded to include a larger number of women.

### Fifty Years of Membership in the Correctional Association

In reviewing the file of active members of the Correctional Association, the General Secretary discovered the name of one individual who first contributed to the Association in 1908 and who has contributed steadily since that time. A further review of the active membership of the Association shows that 19 members first contributed 50 or more years ago. To the best of our knowledge, all of these individuals are still alive, each having contributed some time during 1968.

It is possible that the Executive Committee might want to recognize in some way the faithful and devoted loyalty of these long time friends of The Correctional Association of New York.

## NATIONAL

### 98th Congress of Correction

The Association was represented at the 98th Annual Congress of Correction of the American Correctional Association in San Francisco by Mr. E. R. Cass, President Emeritus of the American Correctional Association, a member of the Executive Committee of The Correctional Association of New York and Mr. Goff.

It is becoming increasingly evident that more and more individuals in academic disciplines and fields other than those directly related to the administration of justice are becoming involved in this work. In addition, the breadth of the various workshops and meetings being held has increased with a great deal of emphasis being placed upon community correction.

The national body which holds the annual Congresses of Correction was originally formed in 1870 by the then General Secretary of The Correctional Association of New York, Mr. E. C. Wines. For 92 years, the two organizations—The American Correctional Association and The Correctional Association of New York were closely intertwined administratively, thus making for not only a local, but a national and international impact as well.

To commemorate the 100th anniversary of The American Correctional Association, the 1970 Congress will be held in Cincinnati, Ohio, the location of the first meeting in 1870. Mr. Cass has already been asked by George Beto, Ph.D., Director, Texas Department of Correction, who will be President of The American Correctional Association in 1970, to provide background material. Mr. Cass assured Dr. Beto that he and Mr. Goff will be available to fulfill this request.

## ALCOHOLISM

### National Conference on Social Welfare

At the request of the National Conference on Social Welfare and the National Council on Alcoholism, the General Secretary presented a paper on "The Impact of Court Decisions on Social Work with Alcoholic Offenders" at the 91st Annual Forum of the National Conference on Social Welfare. The Association was originally contacted by Mrs. Marty Mann, founder and former executive director of the National Council on Alcoholism, who stated that because of our efforts at court reform to bring about the removal of skid row alcoholics from correctional institutions, our expert proposals would be most helpful to those responsible for social welfare in the United States.

The paper was circulated in advance among a number of individuals including Jack Guest, Area Director of the National Council on Alcoholism, Mr. Herman Krimmel, Executive Director of the Council on Alcoholism of Cleveland; Dr. Bernard Bradman, Assistant Program Chief, Department of Public Health, Community Mental Health Service of California; and Mr. Richard Mayer, Justice Department Attorney General's Office, Sacramento, California. The two latter individuals were discussants of the paper on the formal program at the Conference.

We were most pleased at the reception the paper received and the large turnout of individuals who heard this particular topic. Parenthetically, it was interesting to us that Mr. Richard Mayer from the Attorney General's Office in California was the person who had argued for the State in the Supreme Court case of *Robinson vs. California*.

The movement to remove alcoholics from local correctional institutions has been extensive for the past two years, being greater than at any time in the history of American correction.

## UNITED STATES SUPREME COURT

### The Powell Case

On 17 June 1968, the United States Supreme Court denied the appeal in *Powell V Texas*, a case testing the constitutionality of criminally prosecuting and convicting an alcoholic for being publicly intoxicated. The Association had filed an *amicus curiae* in this case as it did in the *Easter* and *Driver* cases when they were heard in their respective United States Courts of Appeal.

The Association was extremely disappointed by this decision, coming after a number of years of working to remove the individual ill with alcoholism from jail and develop medical and welfare facilities to which he could better be sent. We will, however, continue working for the development of these facilities, even without the impetus of a Supreme Court decision. We hope that another test case will shortly be before the Court and receive a more favorable ruling.

It was felt that one of the reasons for the Court's decision was the fear of several Justices that it would mean complete absolution for an alcoholic of responsibility for any crime committed while intoxicated.

## NATIONAL COUNCIL OF CHURCHES

### Law and Morality

In attempting to obtain as much background material as possible for the Association on the question of the extent to which the State should

attempt to regulate morality, we met with representatives of the National Council of Churches to discuss that organization's position on the use of the criminal code to control private morality. We were somewhat surprised to learn that no formal statement had ever been made by the National Council on this matter. We were encouraged, however, to continue our work in this area as the representatives of the National Council of Churches felt that our interest could act as a goad to others to consider this important question.

### Capital Punishment

The General Secretary was asked by the National Council of Churches to help prepare for that body a position on capital punishment in view of a pending federal bill to abolish capital punishment in federal jurisdictions.

It was interesting to the Correctional Association that the National Council of Churches as a corporate body had never before taken a position on the death sentence.

The group with whom the General Secretary worked proposed that the National Council oppose capital punishment for the following reasons:

1. A belief in the inherent worth of human life and the dignity of human personality; that Almighty God alone gives and takes life.
2. A preference for redemptive rehabilitation in contrast to primitive and punitive retribution.
3. Holding to the fact that God's redemptive power in the soul of the offender is precluded by prematurely killing him.
4. Examining the claims that the death penalty exercises a penalty against future capital crimes and finding that the claims are not substantiated by fact.
5. Agreeing that the death penalty brutalizes the society which perforce cooperates in its commission and exhibits thereby a disregard for the sanctity of human life.

On the social side the proposal continued:

6. An alarm at the de facto discrimination of the statute in its application. The poor are killed because they cannot afford the legal talent which the wealthy can buy.
7. The very threat of death in a judicial sentence is cruel and unusual punishment, and further, that making a target of the

condemned militates against his peaceful soul and eventual reconciliation with a superior being.

The General Secretary of the Correctional Association pointed out that from a practical point of view there had been only one execution in the United States in 1967 and that pragmatically the need for a federal law to prohibit capital punishment was in reality non-existent. He pointed out further, however, that if the National Council of Churches as a theological body representing one hundred million people in the United States was concerned with the basic principle of capital punishment, that the organization should assume a firm stand.

It was agreed that the principles developed should be forwarded to the General Board of the National Council of Churches who should be urged to assume the position opposed to any capital punishment in the United States stated above.

### Commission of Pastoral Care

The General Secretary attended the annual meeting of the Commission of Pastoral Care of the National Council of Churches, and presented a blueprint of what the National Council might do in the future in the area of the young offender, narcotic addiction, alcoholism, and homosexuality. The General Secretary is Chairman of the Committee on Special Needs which has been focusing its attention on the above subjects. In the past, national meetings have been held by the Special Needs Committee of the National Council of Churches on the Church and the Homosexual, the young offender, and kits of material on narcotic addiction and alcoholism prepared for clergymen's use throughout the United States. We are continuing our efforts to bring about greater receptivity on the part of local churches and congregations to releases and to interest local clergymen in discussions of homosexuality, alcoholism, and drug abuse. We feel that the latter is particularly important in suburban middle class areas where we believe the abuse of "soft drugs" to be extensive, particularly the heavy reliance on sleeping pills, tranquilizers, and pep pills.

### Council of State Governments

We were pleased to receive the galley proofs of the Chapter on Correction for the forthcoming *Book of the States 1968-1969* published by the Council of State Governments. The respect with which the Association has been held can be judged by the fact that for a number of years we have been asked by the Council of State Governments to pre-

pare this chapter on correctional services for the publication which is considered a bible by state legislators, governors and other state officials.

### Cooperation with the Federal Bureau of Prisons

The Association has been asked by the Director of Community Corrections of the Federal Bureau of Prisons to accept referrals of women in the New York City area whose husbands are serving time in Federal institutions. While we will be able to provide some service of this type, because of our limited resources and staff we will be able only to handle highly selected cases.

### New Jersey Assembly

Because of the work that the Correctional Association has done in the past in attempting to introduce educational and training programs in correctional institutions, Assemblyman William Schluter from the New Jersey Legislature spent several hours with the General Secretary reviewing a proposed privately funded educational program for selected inmates in correctional institutions throughout the United States.

Through a small grant by a Princeton University colleague of Mr. Schluter's, a small foundation has been created, the Correctional Educational Services Foundation, with the goal of providing training in computer operation for selected inmates in correctional institutions throughout the United States. The Foundation trustees were somewhat uninformed about the ability, capabilities and motivation of individuals serving sentences in state correctional institutions and, at the suggestion of the former director of the Federal Bureau of Prisons, met with the staff of the Correctional Association to attempt to place their program in proper perspective.

As of 1968, the Correctional Educational Services Foundation has provided scholarships valued at \$10,000 to individuals in correctional institutions. They would like to expand their operation and move into training and vocational programs which would be more meaningful to a larger percentage of the inmates in institutions. In addition, the Assemblyman was also concerned about correction in the State of New Jersey and what steps might be taken to reduce the rate of recidivism of offenders who had been committed to the institutions of the Department of Institutions and Agencies.

### Abortion Law Reform

As the result of the work of the Association in abortion law reform, the General Secretary was asked to testify before an Abortion Law

Commission in the State of New Jersey. That State, with a statute similar to the one in New York, is just beginning to consider liberalizing the law. The individuals interested in law reform in that State are pressing for a complete abolition of any control except that imposed by the medical profession and the individuals' own conscience. This contrasts with the position taken in New York State. New York follows the guide of the Model Penal Law of the American Law Institute which would allow abortions (1) when the life of the mother is in danger, (2) when the physical or mental health of the mother is in danger, (3) when there is a strong possibility that the offspring will be deformed if permitted to go to full term and (4) when conception results from rape or incest. The New Jersey abortion law reform people base their argument principally upon the fact that women should have personal control over their own bodies. This is the basic argument of the National Organization of Women, ADA and ACLU, as well as many other organizations.

### MASS MEDIA

#### Article for Parade Magazine

The feature writer for PARADE magazine was assigned by the Executive Editor to determine the feasibility of an article for that publication on the "bargaining process" in the courts. Because of our long-standing relationship with this magazine, the General Secretary was asked to assist in the preparation.

Approximately 92% of the individuals convicted in the Criminal Courts of New York City have pleaded guilty with almost everyone pleading to a lesser offense. This long-standing practice of plea bargaining between the defendant and the prosecution periodically has been condemned as a prostitution of the administration of justice. It has been pointed out that while the prosecutor obtains his conviction the defendant is assured of a lesser sentence, and the State does not have the expense of a long jury trial, the pure administration of justice suffers. Despite this criticism, no one has been able to come up with a suitable alternative to the practice. Should all of the individuals who presently plead guilty demand a jury trial, it has been conservatively estimated that ten times the number of judges, court rooms and ancillary services would be needed than are presently available.

The administrative problems which would be brought on by the increase in the number of cases going to jury trial were noted this year because of a Supreme Court decision that individuals charged with

serious misdemeanors are entitled to a jury trial. There was an increased demand on the part of defendants in the New York City Criminal Courts for a trial. This in turn slowed the processing of cases, creating an increase in the number of individuals being held in detention. The New York City Department of Correction was operating its institutions at 144% of capacity with the bulk of the overcrowding being in the Brooklyn House of Detention for Adolescents and the Tombs.

#### Time Magazine

The Association was in contact with the legal section of *Time Magazine* which was most interested in running an article on court congestion and confusion. We provided the magazine with the talk of Mr. Lester Goodchild, Administrator of the Criminal Courts of the City of New York, given before a meeting of the Executive Committee of the Correctional Association, but learned that subsequently the death of Martin Luther King and the turmoil on campuses in the United States had absorbed all the space the section had available to it.

We feel it is important to keep before the mass media the plethora of problems confronting those involved in the administration of justice and the fundamental problems involved in meeting out justice in a democratic society.

## INTERNATIONAL

### ALCOHOLISM

#### International Meeting on the Drunkenness Offense

The General Secretary was most pleased to be asked by the Institute of Psychiatry and the Addiction Research Unit of Maudsley Hospital to present a paper on the legal aspects of the drunkenness offense in the United States. The Association had previously spent time with Dr. Griffith Edwards, international expert on addiction at the Maudsley Hospital, in helping plan and develop this international meeting.

This symposium which drew together specialists from throughout the world on the problem of the "chronic police court alcoholic" met in London to consider the social and medical problem which, in the majority of countries of the world and to the majority of the world population, is looked at as a criminal problem.

At this conference we were pleased to be able to point out the various court decisions in the United States and the changes that have occurred

in terms of handling the skidrow alcoholic, principally since the American Medical Association formally diagnosed alcoholism as a disease in 1956.

#### International Conference on Alcoholism — Milan, Italy

A paper on the legal situation of jailing alcoholics in the United States, prepared by the General Secretary, was presented at the European International Conference on Alcohol and Alcoholism in Milan, Italy. Mr. R. Brinkley Smithers of the executive Committee of The Correctional Association of New York is Vice President of the International Council and Mr. Goff serves on its Board of Directors.

Because of our interest in removing the skidrow alcoholic from jails and our work along these lines, and the desire of the International Council to be kept abreast of the current situations, we have in recent years prepared papers for presentation in London; Cardiff, Wales; Prague, Czechoslovakia; Zagreb, Yugoslavia; Santiago, Chile; and Milan, Italy.

Despite all of our efforts, we felt that progress was temporarily set back when the United States Supreme Court refused the appeal of *Powell v Texas*, thus reversing the decisions of two United States Circuit Courts of Appeal on the constitutionality of prosecuting and jailing alcoholics for being publically intoxicated.

#### International Council on Alcohol and Addictions

The General Secretary was asked by the International Council to prepare a memo for the Human Rights Commission of the United Nations on a study that Commission made of the right of everyone to be free from arbitrary arrest, detention and exile.

We met with Mr. Curtis Roosevelt, Chief of the Non-Governmental Organization section; Miss Howe, officer of the same section; and with Mr. Edward Lawson, Deputy Director of the Human Rights Commission on the protocol involved in submitting such a memorandum. We further met with Mr. R. Brinkley Smithers, Chairman of the Association's Committee on the Alcoholic Offender, and the International Council's representative to the United Nations to prepare the contents of the memorandum.

The principal thrust will be in the direction of separating the arrest and detention procedures and facilities for addicted individuals from those procedures and facilities used for criminal offenders. This is in keeping with the Association's position as it relates both to alcoholics and narcotic addicts.

The memorandum will be filed in advance of the meeting of the Human Rights Commission, February 1969 in Geneva.

#### **United Nations**

The General Secretary attended a meeting called by the United Nations on the existing situation in which highly trained individuals are being drained away from newly developing countries, as well as western Europe, into the more technically advanced countries, specifically the United States. The United Nations is concerned over this "brain drain" of individuals trained and educated in skills badly needed within their countries. To some extent the countries to which these individuals are migrating are not at fault. They are simply offering greater educational and employment opportunities. Individuals are being exposed to a different culture which in most instances has a higher standard of living and greater opportunities for economic advancement, and as a result the individuals tend to remain in more highly advanced countries and not return to their own where they are sorely needed.

To some extent the Correctional Association may have been guilty of being involved in this process. As a result of our overseas contacts and requests of highly trained professional personnel, within the last year we were instrumental in bringing two individuals into the United States programs. The first was one of the three qualified and trained social workers in Eire. The second was a psychiatrist who had specialized in addiction in both drugs and alcohol from Wales.

The great need of the United States (and particularly the State of New York) at the present time for trained qualified professionals in fields of crime and addiction is a reason but not an excuse for this action.

#### **British Consulate**

The Association continues to act as the informal agency for the British Government in tracking down "lost British nationals." We are referring to individuals of British citizenship who may have gotten into difficulty in the United States and who have been convicted and sentenced to correctional institutions. While by formal treaty the British Government is to be notified of the arrest and physical location of such individuals, periodically the system breaks down. Rather than proceed through formal channels, the British Government prefers to contact the Correctional Association to "keep their records organized".

For the past four years we have been providing this service through our informal contacts throughout the United States.

At a soiree given by the British Consulate General, the Correctional Association was commended for its service to the British Government in locating many lost British subjects.

#### **A New Plea for Lack of Criminal Responsibility**

Recent studies in the United States and Britain have shown that chromosome abnormalities are more prevalent in men convicted of violent crimes than in the general population. This chromosome abnormality, known medically as Hugen, is believed to occur in one out of every 2,000 males. These individuals are born with an extra y-factor. One chromosome study of males involved in violent crime indicated that 3% showed the chromosome abnormality.

In two criminal cases, one argued in Australia, the other in France, the defence pleaded that the defendant, because of the chromosome abnormality, should be absolved of criminal responsibility and not held criminally accountable for his aggression. In the Australian case, the defence was successful and the court ruled the defendant not criminally culpable because of the condition. In the French case, the jury failed to bring about an acquittal on the ground that there was an inherited chromosome imbalance. It is expected that both cases will be cited in the appeal of Richard Speck who was convicted for the mass murder of eight Chicago nurses and in whom doctors have detected this chromosome abnormality.

#### **Australian Controller General of Prisons**

John Morony, a personal friend of the General Secretary and long known to the Correctional Association, advised us of his pending retirement after many years of government service. Mr. Morony was Controller General of Prisons of New South Wales. He will not be leaving the field entirely as he has been made chairman of a committee to inquire into the handling of military offenders of the Australian armed forces. He asked the Association to send any material that might be helpful in a revision of the Australian government's ways of handling military offenders. We were able to send him reports, studies and procedures used by the three major services in the United States, the Army, Navy and Air Force, which we believe will be helpful to the Australian Government.

To obtain additional firsthand information Mr. Morony plans to visit the United States in 1969 and it is expected that the Association will play a major part in preparing a program of visitation and meetings for him.

### Cambridge Student

An exchange student from Cambridge doing his Ph.D. at Columbia was commissioned by the British Home Office to research parole in the United States. The Home Office is particularly interested in learning what early difficulties the United States experienced in the administration of parole since on April 1, 1968 England began its first official parole program.

The student from the Institute of Criminology in Cambridge, having seen some of our reports and material in the Cambridge Library, was seeking original source material which could be used in this study. We made available to him the minutes of the early meetings of the Association when the parole concept was being discussed, the Annual Reports of the Association for the period immediately after the Civil War and other basic documents in our library. He was most interested to learn that the concept of parole was first proposed in the United States by the Correctional Association of New York in 1854.

Making available our library material to graduate students and others researching into crime and delinquency is a service the Association has carried on for many years and it is one which we feel helps move forward the entire process of the administration of justice.

### Attorney General's Department — Commonwealth of Australia

For two days the General Secretary met with a representative of the Attorney General's Department for the Commonwealth of Australia who was making a brief visit to the United States as a member of the Human Rights Commission of the United Nations to examine the problem of capital punishment.

After these several days in New York, Mr. Edmunds concluded that tactically he would accept an abolition law similar to that presently in existence in New York State. Since the principle opposition to the abolition of capital punishment comes from law enforcement, he recognized that by retaining as a capital crime the murder of a peace officer, much of the opposition to abolition would be neutralized.

### Scottish Psychiatrist

During a visit to the prison and borstal for women of Scotland at Grennoch, the General Secretary met with the consulting psychiatrist of that institution, Dr. Patrick Mullen, and discussed two of Scotland's growing problems, violence and narcotic addiction.

Dr. Mullen was assigned the responsibility for developing the program for treating addictions for all western Scotland. To learn what is

being done in other countries, Dr. Mullen attended the 28th International Congress of the International Council on Alcohol and Addiction held in Washington recently. He asked the General Secretary to arrange a program of visitation for him. In addition to arranging a meeting with Dr. Vincent Dole at Rockefeller University so that Dr. Mullen might observe first hand the methadone treatment program being conducted there and a visit to Day Top Village, the Association arranged for a day's visit to the Philadelphia Consortium of the University of Pennsylvania. This pilot program, being conducted with funds provided by the National Institutes of Health, is a community based psychiatric treatment program, emphasizing the treatment of alcoholism and narcotic addiction.

Some of the earlier experimentation with the use of LSD on addicts was conducted by Dr. Mullen, who is continuing to follow the cases which had originally received this treatment. It is expected that within two years the Association will receive a copy of the final research findings on the therapeutic use of LSD.

### British Pathologist

Despite a very heavy schedule, Dr. Ann Robinson, assistant to Dr. Francis Camps, a leading British pathologist, spent several hours discussing and comparing various aspects of forensic medicine in the United Kingdom and the United States with the General Secretary. Dr. Robinson also spent several days in the office and laboratory of the New York City Medical Examiner and made several field trips with police to examine first hand the techniques used by pathologists here in the United States in homicide cases. Both Dr. Robinson and Dr. Camps have been known to the Association for some time, an association growing out of our work in the field of addictions.

### Dean Kenneth O. Shatwell, Law School, University of Sydney, Australia

Tying together a semester as visiting professor of law at Temple University Law School and a commission by the Ministry of Justice of New South Wales to propose steps that should be taken in Australia to curtail their increasing drug problem and to bring organized crime under control, Dean Kenneth Shatwell spent six months in the United States.

Having originally met the Dean of the Law School of the University of Sydney, New South Wales, Australia, over ten years ago and having helped him to set up a training program for police in Australia as well as subsequently arranging for programs of visitation for him and his



staff on four different occasions on different matters relating to the administration of justice, it was not surprising that the Association was asked to assist Dean Shatwell during his stay in the United States in preparing a proposal to curb organized crime and develop a program for the control of narcotics in Australia for the Minister of Justice of that country.

In addition to a small social evening held in his honor, we met with him spending several days discussing the narcotics picture in the United States and the proposal of the Association on organized crime.

The major narcotics problem in Australia appears to be the use of methadrine. There is relatively little heroin usage in that country despite the fact that it is a transshipping point for opium on its way from South East Asia to the United States.

The growth of organized crime in Australia is causing such consternation that this extremely individualistically oriented country is beginning to question whether or not they should modify their wiretapping laws. At the present time law enforcement agents can use a wiretap only in matters of national security. While it was personally repugnant to Dean Shatwell to think of using material gained by a wiretap as evidence, he did want the law modified to enable the police to use wiretapping and electronic devices for information gathering purposes. To him, this simple step would be a great help to law enforcement in his country.

The Dean met with representatives of Mr. Hogan's office, Mr. Giordano's office of the Federal Bureau of Narcotics, the New York State Narcotics Commission and the Organized Crime Section of the New York City Police Department, as well as having made a trip to Daytop Village.

During his stay, Dean Shatwell asked the General Secretary to address a WHO meeting on narcotics addiction which will be held in Australia in February of 1970 just before the United Nations' Quinquennial Congress on the Prevention of Crime and Delinquency in Kyoto.

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**THE CORRECTIONAL ASSOCIATION'S  
DIRECT SERVICES**

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## FAMILY SERVICE BUREAU

The following item appeared in the *New York Times* over the signatures of Jack R. Goldberg, Commissioner, New York City Department of Social Services, and George K. Wyman, State Commissioner of Social Services, headed "PARTNERS IN THE CONTINUAL WAR ON POVERTY—A STATEMENT BY THE ADMINISTRATORS OF THE PUBLIC SOCIAL SERVICES:"

"The rising burden of want in New York City this year pushed the caseload of the public social services to a record high. Greater demands than ever are also being made on the private welfare agencies.

"Serving the troubled and the poor is not simply a matter of supplying them with the immediate necessities of life—food, shelter, clothing. These wants are met by public welfare, but they are only a part of the vast need arising from the conditions of modern industrial society.

"Human beings cannot survive without a reassuring personal touch, without understanding. Over the years the voluntary institutions played a key role in supplying the vital individual attention the needy cannot find elsewhere.

"Human misfortune is a challenge which must be met through the cooperative effort of governmental and private organizations.

"We in government welcome the voluntary agencies as necessary partners in the continuing fight against poverty and sickness."

The Correctional Association of New York has long been aware that those who are truly punished when a man is sent to prison is the family that is left behind. The man is clothed, fed, sheltered. Even his recreation is provided. The family, on the other hand, is left without any means of support, often forced to depend on public welfare assistance. Following the original traumatic shock of having the husband and father arrested and sentenced is the continuing soul-sapping drain of living from day to day on the charity of the state. Often there are expenses which were incurred while the husband was home which have to be paid in some way from the welfare check. But probably most important is the burden which falls on the wife of now having to face alone all of the problems of keeping a family unit together and functioning.

One of the long term cases in the files of the Family Service Bureau is that of Mrs. Theresa M. who first came to the Association in 1962.

At that time Mr. M. was almost eligible for parole on a 10 to 20 year sentence. He was paroled the following year only to be re-arrested three years later and returned to prison to serve the remaining 7 years on his sentence. Mrs. M. has three children—a 14 year old boy, Jose, a 13 year old girl, Coquette, and a 3 year old baby, David. Theresa works as a sewing machine operator. Owing to arrangements made by an extremely sympathetic and cooperative welfare worker, she gets supplemental aid from the Department of Social Services when she is laid off, when she has to miss work owing to the children's illnesses, and when she has to visit her husband. She is in sporadic contact with the Family Service Bureau office, generally when she is faced with a problem which she cannot understand.

Mrs. M. was fairly successful in holding her family together and digging herself out from under the mountain of debts which had been incurred in the short period of time when her husband was home. She had managed to come through an extended medical problem with Coquette which required several eye operations, the cost of which fortunately was completely covered by her union insurance. Then Friday Coquette came home from school with a bad cough. Her mother gave her aspirin and cough medicine and suggested that she stay quiet. The next day the cough was much worse. Mrs. M. wanted to take her to the doctor, but Coquette, after her long siege of operations, had had enough of doctors and insisted that she felt better. On Sunday the girl was decidedly worse. Mrs. M. continued giving her cough medicine and aspirin and told her that Monday morning she was definitely going to the doctor. At five o'clock Monday morning Mrs. M. was awakened by her daughter. Coquette was gasping for air and already turning blue. She was rushed to the neighboring hospital where an emergency tracheotomy was performed and the mucous sludge which had been blocking her bronchial tubes not allowing her to breath was pumped out. She was in critical condition and in the intensive care unit. Within 24 hours of the emergency operation she suffered a collapsed lung. During all of this time Mrs. M. was alone. She did not want to call her husband for fear of worrying him. She had difficulty writing him what was going on because she did not know how to spell tracheotomy. The Family Service Bureau was able to give some assistance in terms of going to the hospital, talking with the doctors and explaining to Mrs. M. what her daughter's condition was. After four critical days, Coquette finally started to improve and was taken off the critical list.

Mrs. M. has been married to her husband for 17 years. For 12 of those 17 years he has been in prison. Most of the time she talks only about her plans for when he is released. But this time the bitterness and resent-

ment came to the surface. She was left totally alone to deal with a situation which was beyond her comprehension and beyond her ability to cope. Not only did she have to take care of her daughter—she also had to be concerned as to what was the best way to inform her husband so that he would not be unduly worried. Not only was she completely alone, but in addition to being the support of her children, she had to be the support of her husband as well. Mrs. M. will never quite forgive her husband for leaving her completely alone.

#### STATISTICS FOR FAMILY SERVICE BUREAU FOR 1968

Families in active category January 1, 1968	27
New cases accepted	6
Cases reopened	6
Total number of cases during year	39
Cases closed	7
Families in active category December 31, 1968	32
Total amount of financial assistance	\$6,993.00
Families provided with Christmas dinner and toys (total of 108 persons)	
Children sent to summer camps	7

#### Employment and Relief Bureau

One of the three basic tenets on which The Correctional Association of New York was founded 125 years ago was "the support and encouragement of reformed convicts after their discharge by affording them the means of obtaining an honest livelihood and sustaining them in their efforts at reform."

While continuing in the attempt to achieve this goal through the efforts of its Employment and Relief Bureau, the Association added a new dimension to its work with ex-offenders. In 1968, the Association was successful in initiating a program to train men with criminal histories as multilith operators and to obtain employment for them. This program had its genesis in 1966 when, in a discussion with representatives of the Addressograph Multigraph Company, the manufacturers of multilith machines, the Association learned that there was a dire need of experienced multilith operators. The shortage of qualified men had be-

come so serious that the company was having difficulty in selling its machines owing to the lack of skilled personnel to run them. The company was interested in finding a new, untapped labor pool and the Association was eager to find a field which would offer satisfying work to ex-offenders. As reported in the Association's Annual Report for 1967, a pilot program was run by the Association wherein five individuals were trained at the New York City Adult Training School and then placed with employers. Out of the three men who finished the classroom part of the training, two are still satisfactorily employed as multilith operators, and one is in his freshman year at Brooklyn College.

Following the success of this original pilot program, a proposal for a coupled OJT program-160 hours of classroom training and four months on-the-job training — was submitted for Federal funding under the Manpower Development and Training Act. Unfortunately, while the program was approved there were no funds available for it. It was immediately re-submitted for state funds. In October of 1968, the Association received the approved contract from the New York State Department of Labor.

The contract calls for the training of 25 individuals, residents of New York with criminal histories, in multilith operation. These individuals are referred primarily by New York State Division of Parole and Federal Parole and Probation. The training outline calls for 160 hours-6 weeks-of shop training given by the New York City Department of Education and then four months of on-the-job training during which time the employer is reimbursed \$20.00 per week per trainee to help defray training costs. It is hoped that at the end of the on-the-job training program, the trainee's performance will be such that the employer will keep him on as a permanent employee.

Owing to bureaucratic difficulties with the contract within the State Board of Education, no individual had started in the program as of the end of 1968. It is hoped that these problems will be easily and speedily resolved and that if this program is successful, the Association will be able to sponsor programs for ex-offenders in a wide variety of skills.

**STATISTICS FOR EMPLOYMENT AND  
RELIEF BUREAU  
1968**

Different men interviewed	749
New York State parolees	720
Probation applicants	12
Out of state institution applicants	13
Relatives of inmates	4
Other interviews	939
Applicants provided with employment	120
Total night lodgings provided	101
Applicants given cash for carfare, shelter, food and tools	1,047
Total relief given for food, shelter, cash and employment	\$10,215.15

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**THE CORRECTIONAL ASSOCIATION'S  
LEGISLATIVE ACTIVITIES**

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## LEGISLATION

Throughout its 125 years of existence, the Association has been analyzing and evaluating various bills introduced into the Legislature relating to the administration of criminal justice. Following the objective study of all bills in our field of interest, the Association may register support or opposition with the chairman of the various committees to which bills have been referred and with individual members of the Legislature. When a bill has been passed and forwarded to the Governor, the Association continues with written approval or opposition.

On January 3, 1968 the 191st Annual Session of the State Legislature was convened. A number of weeks before this date, the legislative work of the Association had begun, examining the many pre-filed bills which numbered 1,024 in the Senate and 1,686 in the Assembly.

By the time the session adjourned, 5,955 Senate bills and 7,187 Assembly bills had been introduced. While the large majority were in areas outside the interest of the Association, it was necessary to review the summary of every introduced bill to determine those that would be of interest. A detailed study was then made of each relevant bill to determine whether or not the Association should include it among those on which a major effort would be exerted.

The following are some of the bills on which the Association focused its attention and took a position during the 1968 Legislature.

Senate Intro. 5669 **TRANSFER OF JURISDICTION OF CIVIL  
JAIL IN NEW YORK CITY TO THE  
COMMISSIONER OF CORRECTION OF THE  
CITY**

This bill amends the correction law, the county law and the New York City Charter to transfer jurisdiction of the civil jail within New York City and the custody of persons in this jail from the City Sheriff to the City Correction Commissioner. This the Association approved. Failed of passage.

Senate Intro. 3226 **RELEASE OF SEX OFFENDERS**

This bill amends the correction law to provide that where a prisoner has been sentenced upon conviction of certain sex crimes against children, or assault with intent to commit rape, he shall not be released on parole except on recommendation of a psychiatric clinic which has examined him. This bill is contrary to the principle of vesting release

authority on parole in one autonomous board. This the Association disapproved. Failed of passage.

Assembly Intro. 5055 PAROLE BOARD HEARING OF  
PAROLE VIOLATORS

This bill amends the correction law to strike out the provision that the warden of a prison shall notify the State Board of Parole of the return of a paroled prisoner charged with violation and that the Board of Parole shall hold parole court at the institution as soon as practical to give the parole violator an opportunity to appear and explain charges made against him. This the Association approved. Now Chapter 203 Laws of 1968.

Senate Intro. 1602 WORK RELEASE

This bill provides that any person sentenced to imprisonment in a state correctional facility and eligible for parole or conditional release shall also be eligible for consideration to participate in programs of education, on-the-job training or employment and requires the correction commissioner to establish such programs in which prisoners may work at paid employment in the community while continuing as prisoners. The principal of the bill the Association supported. Vetoed by the Governor.

Senate Intro. 4034 COUNTY JAIL WORK RELEASE

This bill authorizes the sheriff, with the approval of the county legislative body, to establish work release programs for prisoners sentenced to the county jail and to grant privileges of leaving the place of confinement to work at gainful employment or participate in programs of vocational training. This the Association supported. Now Chapter 768 of the Laws of 1968.

Senate Intro. 4408 WORK RELEASE FOR  
COUNTY PENITENTIARIES

This bill authorizes the superintendent, with the approval of the county legislative body, to establish work release programs in which prisoners sentenced to county penitentiaries may be granted privileges of leaving confinement to work at gainful employment or to participate in privately or publicly sponsored programs of vocational training and,

in the case of a female inmate, to leave the institution for the purpose of caring for her family. This the Association approved. Now Chapter 787 of the Laws of 1968.

Senate Intro. 5216 WORK RELEASE FOR NEW YORK CITY  
DEPARTMENT OF CORRECTION

This bill provides that the New York City Correction Department establish a work release program for prisoners sentenced to New York City correctional institutions. It makes other provisions as to the conditions of employment, disposition of earnings, escape and liability for prisoners on work release. This the Association supported. Now Chapter 788 of the Laws of 1968.

Assembly Intro. 3919 UNIFORMED FORCE OF CORRECTION  
DEPARTMENT

This bill required that the uniformed force of the Correction Department shall consist of correction officer, sergeant, lieutenant and captain, principle and assistant principle keeper, superintendent and director, such composition to be altered only by creation of new positions or ranks. This the Association opposed. Failed of passage.

Senate Intro. 5467 EAVESDROPPING ORDER

This bill fixed provisions relating to eavesdropping warrants, including authorized Supreme Court Justice designated by Governor as Appellate Division Justice or designated by Appellate Division as Administrative Judge, upon ex-parte application of applicant, to issue such warrants which may be issued only upon application on reasonable cause to believe that evidence of commission of a particular crime or information aiding in the apprehension of a perpetrator of a particular crime has been or may be obtained under certain conditions. Makes other provisions as to issue, application, contents, renewals, execution return and notice. This bill the Association supported. Now Chapter 546 of the Laws of 1968.

Assembly Intro. 761 and 6937 and Senate Intro. 5648

ABORTION REFORM

These bills amend the Public Health Law and the Penal Law to authorize physicians and surgeons licensed to practice lawfully to perform abortions. This the Association supported. Failed of passage.

#### Assembly Intro. 4494 MODEL AIRPLANE GLUE

This bill defines criminal sale of plastic cement or model airplane glue as an individual knowingly selling or giving away such cement or glue containing any volatile solvents such as hexane, acetone, or toluene which, when inhaled or sniffed, produce a state of euphoria that can be dangerous and habit forming. This the Association opposed. Failed of passage.

#### Assembly Intro. 772 SELLING DANGEROUS DRUGS

This bill defined as criminally selling dangerous drugs in the first degree as sale to a person less than 18 years of age and changed the penalty to a Class A felony instead of a Class B felony. This the Association opposed. Failed of passage.

#### Senate Intro. 236 PENALTY FOR POSSESSION OF DANGEROUS DRUGS AND CRIMINALLY SELLING DANGEROUS DRUGS

This bill changes the classification of criminal possession of dangerous drugs in the first degree and criminally selling dangerous drugs in the second degree from Class C to Class D felony and of criminally selling dangerous drugs in the first degree from Class B to Class A felony. This the Association disapproved. Vetoes by the Governor.

#### Assembly Intro. 1448 SEX OFFENDERS

This bill created a division of state criminal registration in the state police and required persons convicted of sex offenses and offenses committed in conjunction with intent or attempt to commit sex crimes to register and maintain registration with such office and made other provisions as to registration, penalties and exemptions. This the Association disapproved. Failed of passage.

#### Assembly Intro. 171 DEATH SENTENCE

This bill provided that where the victim of a crime was a person killed while aiding a police officer in the course of performing his official duties, the court shall conduct proceedings to determine whether the convicted defendant shall be sentenced to death in lieu of being sentenced to imprisonment for a Class A felony. This the Association disapproved. Failed of passage.

## APPENDIX "A"

### CORRECTIONAL PROGRAMS\*

By Donald H. Goff

The middle years of the 1960's have seen major changes in corrections in the United States. While the roots of the new orientation in corrections and the administration of criminal justice are found in the immediate post World War II era, the movement which started two decades ago has been immeasurably advanced by the broader recent efforts to combat problems of poverty and by recognition that the root cause of much criminal conduct is found in poverty with all it involves: ignorance, hopelessness, and hostility toward established norms of behavior. The thesis that crime and recidivism are but part of a complex social problem has led also to the recognition by the various agencies involved in the administration of criminal justice—law enforcement, prosecution, the courts and corrections—that each is but one aspect of a larger system whose function it is to maintain public safety and order and to protect the rights of individual citizens.

In the past, debates among those charged with reducing crime often focused upon a "get tough policy" vs. a "soft approach." Now, by contrast, the realization that few domestic issues in the United States are as all-pervading, as complex and as difficult of solution as crime is leading to greater research, more experimental, innovative programs, and more cooperation among the various agencies involved.

Concern over the pervasiveness of crime has been reflected in creation within the past few years of a number of bodies to study, evaluate and find solutions to the problem. Perhaps the most significant was creation of the President's Commission on Law Enforcement and Administration of Justice, often called the President's Crime Commission, which in February, 1967, submitted its report, *The Challenge of Crime in a Free Society*. This report was a document of historic importance, the first of its kind since the famous Wickersham Report of 1931. It contains a wealth of information and challenges traditional concepts and ways of thinking about and analyzing crime.

For a number of years, correctional administrators have agreed that their principle concern was obtaining trained, competent personnel. Manpower was not available to fill all established positions. Also the qualifications, education and training of most categories of correctional

\* Chapter on Correction from *The Book of the States 1968-69*, published by the Council of State Governments.



workers did not meet desired standards. By the very nature of corrections in the United States — with the primary responsibilities for probation, correctional institutions and parole resting in state and local government — it was difficult to attack the personnel problem on a national scale. During the past few years, however, growing countrywide demands for development of more effective, preventive correctional services brought about creation of the Joint Commission on Manpower and Training, made up of representatives of more than sixty national organizations.

It can readily be seen that without trained, competent personnel, even the most imaginative and promising program to prevent recidivism has little chance for success. To overcome this obstacle the Joint Commission was organized to make in-depth studies of the profile of corrections today, changes now taking place in American life which will have relevance to corrections tomorrow, changes in correctional objectives, organization and management, and what all these mean to the education and training needed for correctional personnel.

## MAIN STREAMS OF ACTIVITIES

### *Community Centered Correctional Programs*

Increasing interest has been placed upon the development of correctional programs within the community. This reflects belief that institutionalization in prisons located away from large population centers, so that individuals are isolated from normal community activities, has assumed too large a role. Very recently, additional programs and methods have been developed, either as alternatives or supplements to confinement in correctional institutions. This movement is exemplified by the establishment of residences in large urban areas for individuals still under commitment; creation of halfway houses for individuals released from correctional institutions to allow a more gradual transition to normal community living; further development of work release programs which permit inmates to leave the institution during normal working hours to work in the community, returning at night and on weekends; and efforts to increase the use of probation as an alternative to incarceration.

### *Pre-Release Centers and Halfway Houses*

For the inmate of a correctional institution — who, because of the very nature of institutional life, has had the range of his decisions greatly

narrowed — release to the community, while eagerly sought, can be a bewildering and frightening experience. Data indicate that to a great extent the first few weeks immediately after an individual's release are critical. Immediately upon release, he is confronted with a series of problems — finding a place to live, and coping with the more important psychological obstacles of insecurity and self-consciousness. Research indicates, however, that at this same time, when the individual is faced with a myriad of personal and practical problems, his motivation for change, if it exists, is strongest. The use of halfway houses or pre-release centers is a logical way to capitalize on strong motivation for change and at the same time aid the releasee in overcoming some of the personal and practical problems with which he is confronted.

Programs in these facilities, located in large residential areas near educational, training and employment resources, generally consist of employment counseling and work placement; individual and group counseling on problems of personal living; and semi-organized, individual and small group recreation. From the residential base which provides the immediate support required, the releasee is able gradually to meet and cope with his practical and psychological problems, and eventually can be able to make a satisfactory transition from prison norms to socially acceptable community living.

Indications are that such community residential centers may not only be of value to individuals "halfway out" of correctional institutions but also to persons who may require more support and supervision than can be given by probation, yet do not need complete institutionalization. While only in an embryonic stage, "halfway in" community residential facilities offer a new resource for the handling of offenders. Pilot programs of this type are presently being conducted successfully by the New York State Division for Youth in its "urban homes" and by the Probation Department of the Supreme Court Second Judicial District of the State of New York in Day Top Village, the first halfway house in the United States for probationers with a history of drug addiction.

### *Work Release Programs*

Among many growing efforts to increase the effectiveness of correction and reduce recidivism, by enabling inmates to maintain closer ties with normal community activities, are work release or work furlough provisions. Under such programs, prisoners are permitted to leave the institution during the day to continue working in jobs they held before being committed, to work in jobs obtained by institutional authorities, to attend school, to receive medical treatment, or to seek employment.

The idea, while not new (it was first introduced more than fifty years ago in Wisconsin) has within the past few years been adopted by an increasing number of States, and an ever-widening number of inmates are enabled to avail themselves of the opportunity involved. The first States to enact legislation permitting work release restricted its use to *minor offenders-misdemeanants*. Statutes in States adopting the concept more recently have extended the benefits to other classes of offenders, including those convicted of more serious crimes. Generally speaking however, certain groups of offenders are barred from work release. These include sex and narcotic offenders, persons serving life sentences, and individuals who have warrants filed against them by other jurisdictions for additional crimes.

The usual practice is to deposit the inmate's earnings from his outside work into a joint account of the inmate and an institutional authority. From this income, he pays some of the cost of his confinement. What he pays ranges from \$1.50 to \$5.00 a day in different States. The inmate-worker also makes some contribution towards support of his family and dependents. Such payments are particularly significant in nonsupport cases. In general, about 40 per cent of the income of individuals on work-release programs goes for support of dependents, and about 35 per cent is allotted for institutional costs.

The value to the community of such an allotment of money, for both of these purposes, is readily observable. Law-abiding taxpayers need not bear the full financial costs of maintaining an individual in prison and, as is often the case, also provide welfare assistance to his family and dependents.

From the money remaining, a small percentage becomes the individual's share, available to him upon release. About the same amount goes toward the payment of prior debts. There is, of course, some variation in the way the inmate-worker's money is broken down in the different States involved. For example, in Wisconsin until 1967, when only county jail inmates were eligible, about 27 per cent of earnings were paid back to the county for board, and 36 per cent went for support of the prisoner's dependents. In Maryland, on the other hand, during the first two and one-half years of its operation, inmate-workers with net earnings of \$680.00 paid approximately 33 per cent of their earnings to the State for their board and slightly less than 10 per cent to dependents. The remainder—except for about 1 per cent which was used for work expenses—was credited to the inmate's personal account, available to him upon release.

The economic advantage of work release to the community, while obvious, is by no means the sole value. About 98 per cent of all individ-

uals sentenced to imprisonment eventually return to the communities. Certainly a prime function of institutionalization is to prepare prisoners to be law-abiding, useful, community citizens. This cannot be done by keeping them away from community life for extended periods. Just as mental health authorities have recognized the need to develop closer community-patient relationships, and have created community mental hygiene clinics, so correctional authorities have acted to meet a comparable need. For prisoners serving relatively long sentences, work release programs can provide a gradual and beneficial transition to community living. For other prisoners, work release acts to reduce the isolation from normal life which markedly handicaps reintegration into a free society upon release. Society, as well as the prisoner, gains.

The widening recognition of the value of these programs in recent years is attested by the fact that of the approximately forty States which have made legal provision for some form of work release, eleven have done so in the last seven years. Connecticut, with a law that becomes effective July, 1968, and Colorado are the most recent States to have provided for it. The federal government in 1965 enacted legislation permitting the Bureau of Prisons to operate such a program. Myrl E. Alexander, the bureau's Director, in commenting on the federal experience, has stated:

"Work release is the most promising innovation in the field of correction in many decades. It breaks down the dichotomy between the institution and the community, acting as a bridge between the two, and allows individuals to be tested in the community while still under the control of the institution. No longer is it necessary for an individual to be released abruptly from an institution to the free community. Work release is a technique which offers great promise in reducing recidivism."

#### *Extending the Use of Probation*

Repeatedly, and within the past few years with increasing fervor, the calls for development of programs alternative or supplementary to traditional imprisonment have pointed to the value of expanding the use of probation. It is recognized that for many offenders incarceration is the appropriate sanction, either because they are dangerous or because of the seriousness of their offenses. But in the vast majority of cases, where such a sanction is not obviously essential, there has been a growing disenchantment upon relying so heavily on imprisonment to achieve the goal of correction. The resulting increased emphasis upon probation is supported by several considerations.

One, as mentioned above, is the problem of reintegrating the offender into the community after he has been isolated from normal community

living in a prison. The Report of the Task Force on Correction of the President's Commission on Law Enforcement and Administration of Justice states:

"A key element in this strategy (reintegration) is to deal with problems in their social context, which means the interactions of the offender and the community. It also means avoiding as much as possible the isolating and labeling effects of commitment to an institution. There is little doubt that the goals of reintegration are furthered much more readily by working with an offender in the community than by incarcerating him."

The validity of this point of view is supported by the returns of a questionnaire circulated to correctional commissioners, wardens, chaplains and psychologists. Of those who replied, one-third agreed that most of the prisoners who do remain law-abiding after release would have done so without the necessity of imprisonment.

The same point of view is upheld in a report of an American Bar Association group in January, 1968, which submitted that except for such crimes as murder and treason, judges should have the authority to put the convicted man or woman on probation. The committee stated that judges should first consider probation, or at least the kind of sentence that would "minimize the dislocation of the offender from the community. For many judges incarceration is the automatic sentencing response," the report said, and it declared:

"More harm than good can be caused by such an attitude. Often institutionalization results in little more than education of the offender in more sophisticated methods of engaging in criminal conduct. . . .

"Particularly in the case of first offenders there is a much greater chance in most cases of avoiding a subsequent offense helping the offender adjust to society than by removing him from it."

The record of probation seems to bear this out. One summary analysis of probation outcomes observed that in eleven studies the success rates were from 60 per cent to 90 per cent. A number of other surveys of probation provide similar results. These studies all show that a substantial number of persons can be placed on probation with a relatively high success rate and thereby accomplish the purpose of the correctional process.

A further consideration in the growing emphasis on probation is its cost as compared with confinement. The average State spends about

\$3,400 a year (excluding capital costs) to keep a youth in a state training school, but it costs only about one-tenth that amount to keep him on probation. The cost differential becomes even greater when one adds capital costs for correctional institutions, which now run up to and beyond \$20,000 per bed, and when one adds the cost of welfare assistance to families of prisoners and loss of taxable income of breadwinners.

Because of these reasons, estimates for the future project an increase of adults on probation almost two and one-half times greater than the growth in institutional and parole populations by 1975.

#### *Programs for Special Categories*

A growing awareness on the part of observers in different fields that many individuals need medical and social handling, rather than commitment to local county jails or state institutions, has reinforced the contention of correctional authorities that certain types of offenders are not properly the responsibility of corrections.

#### *The Alcoholic Offender*

The largest number of offenders in any local correctional institution are those sentenced for displaying a symptom of an illness—alcoholism. The President's Commission on Law Enforcement and Administration of Justice estimates that one-third of the arrests in the United States are on public drunkenness charges, and that the majority of those arrested on these charges are ill with alcoholism. Repeatedly, professionals in correctional institutional administration have pointed out the futility of using correctional institutions as a means of handling the skid row alcoholic—"the individual who is serving a life sentence on the installment plan." Two United States Courts of Appeal in 1966 agreed with both correctional authorities and the American Medical Association that these individuals should not be prosecuted for displaying a symptom of their disease. This was a decision long awaited for humanitarian reasons. Final consideration of the matter awaits the U.S. Supreme Court. It is highly questionable whether in the future a category whose members in the past have constituted almost 50 per cent of the population of local county jails will continue to be jail residents under punitive sentence.

In another response to the questionnaire previously mentioned, the commissioners of correction and wardens in the United States estimated that at least 10 per cent of the state budgets for correctional departments are used for the care and custody of prisoners committed solely for drunkenness; one in seven commissioners placed the amount as high as 50 per cent.

### *The Narcotic Addict*

A second group of specialized offenders comprises those addicted to narcotics. In the light of experience growing out of New York State's Narcotic Addiction Control Commission program, a body not oriented to dealing with crime, it is problematic whether narcotic addicts will continue under the jurisdiction of departments of correction. One of the bell-wethers might be found in the New York State Narcotic Addiction Control Commission Law. Under this statute, enacted in April, 1966, any individual convicted of a misdemeanor who is found at the same time to be a narcotic addict must be committed to the State's Narcotic Addiction Control Commission for treatment of the addiction, if the commission accepts him; traditional sentencing based upon offense is transcended by the fact that the individual is certified as a narcotic addict.

To some extent, a similar law is operating in New Jersey, where an individual narcotic addict convicted of a misdemeanor may voluntarily request commitment to the State's Neuro-Psychiatric Institution for treatment of his addiction in lieu of penal sanctions.

### *Misdemeanants*

It has been noted repeatedly that, while the public is most concerned about sensational types of offenders such as bank robbers, murderers and rapists, professionals in the field of the administration of justice—attorneys, judges, correctional administrators and police—consider that, in view of the overwhelming numbers involved in less serious offenses, the ways in which these lesser offenders are handled require more attention. Data presented by the President's Commission on Law Enforcement and Administration of Justice indicates that 93 per cent of the persons arraigned for offenses other than traffic violations are charged with misdemeanors. Further, of the nearly two million commitments to all correctional facilities and programs in the United States in 1965, more than two-thirds were misdemeanor convictions. Although the traditional flat county jail sentence of thirty, sixty or ninety days tends to exist in many jurisdictions, the seeds of a new trend are developing in a number of progressive communities.

Most noteworthy of such local programs is "Project Misdemeanant," developed by a municipal court judge in Royal Oaks, Michigan. Here the facility of simply containing individuals in a county jail—individuals with a multiplicity of problems which are not solved by ten or sixty days of incarceration—was recognized, and a volunteer program was developed utilizing private citizens to help offenders solve their marital, employment and other personal problems.

Another major step was taken with the lesser offender on September 1, 1967 when, as a result of a new penal law in New York, individuals with sentences exceeding ninety days could, upon their request, be considered for a misdemeanor parole. Despite the fact that the value of parole has long been recognized, as it relates both to the individual and to the protection of the community, parole generally has been operative only for the more serious offenders. Individuals committing lesser offenses have traditionally been excluded from parole supervision and help. As a result of the ferment in the field of correction and the ensuing creation by the New York Legislature of a Temporary Commission on Revision of the Penal Law and Criminal Code, a procedure introducing the benefits of aftercare supervision to both the community and the individual was extended to the lesser offender.

### *Broad Initiatives and Current Questions*

In view of the growth of work release, the shift of alcoholics from criminal prosecution to medical and health handling, the development of volunteer private citizens to help lesser offenders solve their problems, and the use of misdemeanor parole, it is obvious that major changes are taking place in correctional practices.

During the short time that academic research has focused its attention on corrections in an attempt to evaluate traditional programs, many innovations have resulted from this objective, impartial research. Traditional programs and treatment that had been assumed successful in reducing recidivism were found to be failures when exposed to growing outside examination.

But, despite the research carried out, much more needs to be done to determine the effectiveness of various programs. Does the community—including labor and employers—become actively involved with the development of community residential centers? Do employment possibilities increase when individual offenders are released to a community correctional program under supervision, and with counseling, before a full release to the community on parole? What type of offender can be best handled without commitment to a regimented, large prison, but needs a smaller residential facility? When is the best time to release an individual to a community residential facility from a correctional institution?

There are questions that require additional analysis and answers. But the groundwork for such analysis has been laid in the past several years, and support is forthcoming from institutions of higher learning as well as from correctional administrators who seek objective answers.

### Examples of State Programs

The following summaries should be considered only as examples of activities in various States. It would not be possible here to cite all of the significant programs recently inaugurated by the fifty States and by the federal government.

As reported from Colorado, its Legislature recently passed a subsidy support bill to help pay the salaries of probation officers in the various state judicial districts to enable the districts to obtain better trained employees. This is an implied endorsement of the value of probation, and a recognition of the need to deal realistically with the problem of correctional manpower and training. While probation is not a state function in Colorado, the program noted is administered through the Division of Corrections in the State Department of Institutions.

Colorado is also one of the States that have adopted legislation authorizing creation of facilities physically separated from the main institutions, to be used as pre-parole centers or work release residential centers, in addition to serving for other functions. Its legislation further allows the warden to extend the limits of confinement of any inmate to work at paid employment or participate in a program of job training, to be interviewed by prospective employers, and to obtain health services not available in the institution.

A concerted effort is being made by the Denver County Court to develop a judicial punishment approach alternative to fine or jail for individuals found guilty of misdemeanors. A program is in its second year of operation involving the interviewing and evaluation of the suitability of placing defendants in a high-intensity program consisting of vocational counseling, "on the spot" psychiatric services, use of VISTA volunteers providing intensive assistance to families of probationers, and use of volunteer counselors on a face-to-face basis. Research on the first year of operation indicates that more individuals placed in this program had fewer arrests since being placed on probation, as compared to a comparable length of time prior to probation, than did members not placed in the program. A secondary effect of the Denver project has been development of similar programs in two adjoining counties, in which volunteer counselor probation supervision will be used.

A statute enabling establishment of a work furlough program in South Carolina was enacted in 1966, and further extension was authorized in 1967. The expansion allows the Director of Correction to grant furloughs to qualified inmates not only for employment interviews, to take special training courses, and to secure living quarters, but also to make home visits not exceeding two days after an inmate has completed at

least three months on a work release program. This places South Carolina among a few States attempting to maintain family relationships by permitting offenders some degree of normal and natural relationships with the community—a process many individuals involved in correction have strongly advocated for some time.

South Carolina, further, realizing that there is a relationship between work opportunities, vocational skills and criminal behavior, has requested and received a federal grant which will enable the State Department of Correction to install a computer programming training program for one hundred male prisoners and a key punch school for sixty-four female inmates. When the request was approved, the department expressed confidence that the training would provide inmates with chances at good paying jobs once they are released, and thus enhance their prospects for rehabilitation.

In Wisconsin, birthplace of work release for lesser offenders, 1967 saw adoption of an amendment allowing the State Department of Correction (which principally receives serious offenders) to set up—as work release privileges—placement of inmates in universities, colleges, technical, vocational or trade schools, or in sheltered work shops or training programs. Already, several inmates from the Wisconsin Correctional Institution, a medium security institution for adult offenders, are attending an advanced electronic course at a neighboring vocational school. Also, several inmates from the Wisconsin State Reformatory have been placed in sheltered work shops prior to their release, for vocational placement testing, evaluation and in some cases, training.

In addition, Wisconsin—which in the past has been a leader in training parole and probation officers—recently authorized establishment of a centralized training facility for institutional personnel. This facility, which began operation early in 1968, is the Wisconsin Correctional Academy, located on the grounds of a correctional center. It is staffed by experienced institutional personnel and functions in coordination with the state training program of the Probation and Parole Services. Besides orientation and basic courses, the academy is planning courses in supervision and administration of institutions, and courses designed to help individual employees keep abreast of the various innovative correctional programs in the State.

A number of objectives are sought by a research project undertaken in 1967 by Texas, in an institution for first offenders. It seeks to learn more concerning the effects of status, occupations, income and education of young offenders, in order to aid in the prevention of crime and in rehabilitation. Included is the purpose of defining more clearly the

type and content of rehabilitative programs which would be most successful in reducing recidivism among this type of correctional population. In setting forth the rationale of the project it was pointed out that the ultimate goal of a vocational rehabilitation service in a correctional department is to place individual offenders in appropriate employment upon release from prison. Such a rehabilitation program, it was recognized, requires a broad range of services, including diagnosis, evaluation treatment, therapy, vocational and general education, counseling, and finally, placement. "The success of each of these services in the rehabilitation process," the project plan stated, "is dependent not only upon the quality and availability of the services themselves, but also, and to a great extent, upon the suitability of the services in terms of the needs of the client."

In Illinois, with strong public support, legislation was signed by the Governor in 1967 enabling the State Department of Public Safety to establish community based, community oriented facilities to which carefully selected inmates of the state penitentiary system will be sent, prior to release, for gradual reintegration into community life. As summarized by the Director of Public Safety, "The State plans for programs consisting primarily of employment counseling and placement, individual and group counseling on problems of personal living, semi-organized individual and small group recreation and a research evaluation program.

Having originally enacted a work release law in 1959, Illinois broadened it in 1967 by authorizing the Department of Public Safety to avail itself of this type of program for more serious offenders. The State looks forward optimistically to the effects of the program, it was reported, as "it will enable the men to leave the institution with considerable savings, and provide them the wherewithal to make restitution, and to pay legitimate debts, thereby freeing them from overwhelming financial burdens on the day of release."

Illinois, like most States with large urban areas, is becoming increasingly concerned over a growing drug problem. It has created a Narcotics Advisory Council, which authorized the Department of Mental Health to develop programs with other governmental and private agencies for the prevention and control of narcotic addiction, and to establish unified programs in this field.

In Ohio, a new division of psychiatric criminology was formed as part of the State Department of Mental Hygiene and Correction. Its purpose is to work with the Ohio Division of Correction in providing psychiatric service to the State's penal institutions. The Chillicothe Correctional Institution (leased by the State when the federal government

phased out its federal reformatory operations) has been activated, and part of it turned over for psychiatric care and research on Ohio adult offenders.

Continuing its effort to expand educational services, the Ohio Division of Correction has introduced accredited college courses into the correctional institutions of the State. Through arrangements with local colleges, two of the institutions are now providing fully accredited courses, with live teachers, as opposed to correspondence courses, as part of an advanced educational program.

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**THE CORRECTIONAL ASSOCIATION'S  
FINANCIAL STATEMENT**

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**THE CORRECTIONAL ASSOCIATION OF NEW YORK**  
**GENERAL FUND**  
**STATEMENT OF INCOME AND EXPENSES**  
**YEAR ENDED DECEMBER 31, 1968**

**INCOME**

Donations -- Special Purposes		
The Greater New York Fund	\$ 3,433.00	
Shaw Foundation	7,000.00	
Other Funds	<u>2,032.72</u>	
Total	12,465.72	
Donations -- unrestricted	<u>21,783.71</u>	\$34,249.43
Endowment Income	26,196.50	
Dividends	<u>26,773.03</u>	
Interest	52,969.53	
Income Earned on Legacy	<u>4,500.00</u>	57,469.53
Sale of Publications		880.01
Miscellaneous Income		<u>12.22</u>
<b>TOTAL INCOME</b>		<b>92,611.19</b>

**EXPENSES**

General Administration		31,924.30
Direct Services		
Financial Aid -- Prisoners and Families (cash, food, clothing, etc.)	\$16,821.65	
Family Service Bureau -- Administration	7,333.75	
Employment Bureau -- Administration	<u>8,976.75</u>	33,132.15
Publications		6,220.21
Travel Expenses		3,239.40
Equipment, Supplies, printing and stationery		2,387.12
Postage		1,579.03
Telephone and telegraph		1,183.38
Professional and legislative services		1,080.52
Investment custodian fees		4,147.57
Membership, periodicals and miscellaneous		2,608.75
House maintenance		6,374.28
Pensions		10,924.74
Employee's retirement plan		2,909.48
U. S. Old Age Benefits tax		1,790.72
Disability and Workmen's Compensation		<u>375.40</u>
Total Expenses		<u>109,877.05</u>
<b>EXCESS OF EXPENSES OVER INCOME</b>		<b>\$ 17,265.86</b>



## CONSTITUTION AND BY-LAWS

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

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

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

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

### ARTICLE FIRST

The objects of the association shall be:

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

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

### ARTICLE SECOND

The officers of the society shall be a president, four vice-presidents, a recording secretary, a corresponding secretary, and a treasurer, and there shall be the following committees, viz.: a finance committee, a committee on detention, 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 become auxiliary to this association by contributing to its funds and cooperating with it.

#### ARTICLE TENTH

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

#### ARTICLE ELEVENTH

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

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

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

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

§ 4. The said executive committee may, from time to time, make bylaws, ordinances and regulations, relative to the management and

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

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

§ 6. The said executive committee by such committees as they shall from time to time appoint, shall have power, and it shall be their 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 fourth Thursday of each month, and special meeting shall be held on the requisition of the Chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting. The annual meeting shall be held on the fourth Thursday of January in each year at an hour and place to be designated by the executive committee.

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

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

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

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

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

1. The reading and approval of the minutes of the last preceding meeting.
2. Report of treasurer.
3. Report from standing committees.
4. Report from the corresponding secretary.

\* As amended by the Executive Committee of the Association, December, 1931, February, 1938, May, 1964 and May, 1961.

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 commit-

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

tee, 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 there on 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. All bank accounts of the Association, except the bank account of the corresponding secretary for current disbursements, shall be subject to the check of such members of the Committee on Finance as shall be designated by the Executive Committee.

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

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

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

XI. It shall be the duty of the committee on law to examine and report from time to time upon the penal legislation of the State, with