

U. S. NATIONAL COMMISSION
ON LAW OBSERVANCE AND ENFORCEMENT

REPORT

ON

THE CHILD OFFENDER IN THE
FEDERAL SYSTEM OF JUSTICE



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LETTER OF TRANSMITTAL

MAY 28, 1931.

MR. PRESIDENT:

I beg to transmit herewith a sixth report of the National Commission on Law Observance and Enforcement, treating of the Child Offender in the Federal System of Justice.

I have the honor to be,

Very truly yours,

GEORGE W. WICKERSHAM,
Chairman.

To the PRESIDENT OF THE UNITED STATES.

THE CHILD OFFENDER IN THE FEDERAL SYSTEM OF JUSTICE

Any program for the prevention of crime must begin with the proper treatment of the child offender. The lawless careers of most professional criminals begin in childhood. They first become evident in cases of neglect, truancy, incorrigibility, and petty delinquencies. This is a conclusion which is supported by each of the many case studies of criminal careers which have been made during recent years. The commission has, accordingly, included within the scope of its inquiry a study of the methods used by official agencies of law enforcement—police, courts, probation, and penal institutions—in dealing with minors.

The study has been made under the joint auspices of the commission and the White House Conference on Child Health and Protection. It has been directed by Dr. Miriam Van Waters, consultant to the Harvard Law School Crime Survey, former referee of the Juvenile Court of Los Angeles, former president of the National Conference of Social Work and author of books on Youth in Conflict and Parents on Probation. Her inquiry has fallen into two divisions; one concerns the problems presented by the child offender to the States; the other, to the Federal Government. The final section of her report, which will deal with the former group of problems, will present types of State and local courts hearing children's cases, police methods of investigation and treatment, the work of juvenile probation officers, and correctional institutions for children. On the basis of field inquiries not yet complete, recommendations will be made for: (1) Further research; (2) improved procedure in juvenile courts and correctional institutions for children; (3) State programs for legislation; and (4) substitution of agencies other than judicial for the control and treatment of child delinquency. An attempt will be made to summarize and evaluate our

present efforts with existing instrumentalities and to suggest new ones if the facts point in that direction. It is expected that this part of the report will be completed within a few months and published under the auspices of the White House Conference on Child Health and Protection.

The first section of Doctor Van Waters' report, which deals with "Problems Presented to the Federal System of Justice by the Child Offender," is published herewith.

The creation and development of the juvenile court in the American States has been made possible by a line plainly drawn between child and adult in the State law. The child offender is generally dealt with on a noncriminal basis and has been protected from prosecution and conviction for crime. The State has come to regard him as its ward. It has assumed guardianship over him. It has undertaken to safeguard, train, and educate rather than to punish him. It has substituted social for penal methods; the concept of juvenile delinquency for that of crime. This clear distinction, however, has never been made in the Federal Law. The child approaches the courts of the United States on the same footing as the adult. The concept of juvenile delinquency is unknown to the Federal Penal Code.

Child offenders, however, are constantly being brought before the Federal courts and imprisoned for breaking Federal laws. There were 2,243 boys and girls of 18 years and under who were held in jail for Federal offenses during the six months ending December 31, 1930. These young people had violated various Federal laws such as the prohibition acts, the immigration acts, the motor vehicle theft act, the antinarcotic act, the white slave act, and the postal laws. Their offenses, however, were in no way more serious than the average run of juvenile cases. There were runaway boys who had happened to cross an international boundary; boys who had driven a car without the owner's consent and had happened to cross a State line; boys who had taken goods from a freight car or stolen money in a building which happened to house a post office; young sex offenders who had happened to pass from one State into another.

The great majority of juvenile offenders against the Federal laws are typical delinquency cases. It is only by accident that they have fallen within the Federal jurisdiction.

Their offenses are such as call for the application of community guardianship. Any State would apply to them the usual technique of juvenile delinquency treatment. Yet the Federal Government classes them with adult criminals and moves against them with the same machinery which it uses in dealing with hardened offenders.

These children are arrested by United States marshals or local police, brought before United States commissioners, prosecuted by United States attorneys, indicted, arraigned, and tried in the Federal district courts. The judges who are compelled to hear their cases must usually act in the absence of full knowledge of the child's previous history. The proceedings do not and can not well employ the methods of a juvenile court. The Federal probation machinery is designed to handle adults and is, as yet, inadequate properly to meet that task. The Federal system of justice lacks the equipment which would be necessary if it were to give the case of the child offender the peculiar consideration which it should receive.

Nor has the Federal system adequate facilities for the care of the child offender, either pending trial or after conviction. In those States which have been in a position to deal most intelligently with juvenile offenders, provision is made for their supervision in their own homes or in foster homes or in local reformatories. The Federal Government is unable so to deal with child offenders. Many of them are confined while awaiting trial or after sentence in local jails which do not provide for the effective separation of child and adult. In some of these jails the conditions are especially depressing and indeed degrading. As Doctor Van Waters says:

Some jails in the southern and southwestern districts are old and unfit; tiers of cells are in partial darkness. The general supervision of inmates is in the hands of trustees. Prisoners are in total idleness with no opportunity for exercise, with space hardly sufficient to move. Meals are eaten in the cells. These jails present a situation of filth and misery impossible to convey.

It seems clear that children who are held in such places are not being subjected to the reformatory influences which consideration for the future security of the community would demand.

Juvenile offenders committed for longer terms are sent to the Federal penitentiaries at Atlanta, Leavenworth, or

McNeill Island; to the United States Industrial Reformatory at Chillicothe; to the National Training School for Boys, the National Training School for Girls, or the Federal Industrial Institution for Women in Alderson, W. Va.; or to some State institution which has contracted with the Bureau of Prisons to receive them. Contracts had been made with 24 such institutions to receive Federal prisoners in 1930. Those most frequently used have been the Idaho State Industrial Training School at St. Anthony, the Washington State Reformatory at Monroe, and the Colorado State Industrial School at Golden. No distinctive treatment can be applied to minors in the penitentiaries. Nor do the institutions for juveniles approximate the ideal of "parental government and family organization." Doctor Van Waters finds that—

The best of the institutions houses the children in large groups, uses basements for living and play rooms, employs disciplinary measures such as silence at meals, marching, formal routine, and flogging; inmates are frequently at the mercy of boy captains; the worst is not to be distinguished from the prison.

Individualization of treatment has not been accomplished. In some instances the child offender is properly clothed, fed, put to school and work, but the need of the spirit for creative outlets, personal guidance, and satisfying human relationships is unfulfilled.

The proper care of child offenders by the Federal Government is made even more difficult by the vast expanse of Federal territory and the great distances which stretch between home and institution. Children are sent, at great cost, to institutions which are located often thousands of miles away from their homes. They are separated from friends and family; forced to adjust themselves to new customs; to a new climate. Their community ties are severed; their normal social development interrupted. The delinquent must be reabsorbed into the life of his home community if he is to be restrained from further wrongdoing. His isolation in an institution located in a distant State renders this necessary readjustment even more difficult of accomplishment.

The Federal Government is not equipped to serve as a guardian to the delinquent child. Nor should it assume this task. Whenever a child has broken a Federal law, his local community has failed in its responsibility to furnish adequate parental guidance. This duty is local, not national. The community has facilities with which to perform it. The Nation has not. Every child who commits a Federal offense thereupon falls within the category of juvenile delinquency. His case, accordingly, can be handled by State officials under existing State delinquency laws. It is desirable from every point of view that the Federal Government be empowered to withdraw from the prosecution of juveniles, where such withdrawal will be in the public interest, and to leave the treatment of their cases to the juvenile courts or other welfare agencies of their own States. The commission recommends the passage of legislation which will have this effect.

The Department of Justice and the Bureau of Prisons have shown themselves to be keenly alive to the conditions disclosed by Miss Van Waters' report, and are already making efforts to remedy them. The Attorney General has expressed himself as convinced that steps should be taken to reduce the number of juveniles dealt with by the Federal Government and to improve the methods of dealing with those retained in Federal custody. Letters have been sent to the United States marshals urging upon them the use of detention homes wherever available in preference to jails for juveniles in their care. An appeal is being made to local reformatories and training schools to accept the convicted Federal juvenile, upon the payment of a proper per diem, so that he may be dealt with in his own locality. Legislation to permit and facilitate such procedure is, the commission understands, now being prepared for submission to the next Congress. In the opinion of the commission these efforts on the part of the Department of Justice and the Bureau of Prisons are of great importance in their relation to the proper treatment of juvenile delinquency and deserve the support which may be given them by appropriate legis-

lation and by the cooperation of all institutions and agencies concerned with the welfare of children.

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MAY 28, 1931.

PROBLEMS PRESENTED TO THE
FEDERAL SYSTEM OF JUSTICE
BY THE CHILD OFFENDER

REPORT TO
THE NATIONAL COMMISSION
ON LAW OBSERVANCE AND ENFORCEMENT

By MIRIAM VAN WATERS
CONSULTANT

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CHAPTER I

INTRODUCTION

SCOPE, PURPOSE AND METHOD OF STUDY

The work of the committee on juvenile delinquency has fallen into two divisions—one concerns the problems presented by child offenders to the States, the other to the Federal Government. This section of the report deals with problems presented to the Federal system of justice by the child offender.

The two projects of study are in reality one. Offenses committed by children are similar in type, whatever jurisdiction handles them. Both State and Federal courts deal with some children whose natural protectors live elsewhere. Both are confronted with similar tasks of apprehension, disposition, and final discharge of a young individual, not competent to bear the responsibilities of adult life, brought into court to answer in some manner for lawbreaking. State and Federal systems of justice have each developed some expedients to mitigate the processes of criminal law when a child is involved, the States more extensively and dependably than the Federal Government. When the States have made special legislative provisions to insure parental treatment for child offenders they have confided their administration to courts of law; the judges and other law enforcement officials hold like official positions in the juvenile courts.¹ We are dealing therefore with similar structures and functions in the two systems of jurisprudence. Why the child appears in one rather than the other is a jurisdictional question. Where he should appear is a matter of public policy.

When the study was planned it was undertaken as part of the program of the White House Conference on Child Health and Protection. Part 2 will present types of State and local courts hearing children's cases, police methods of investigation and treatment, the work of juvenile probation

¹ *Cinque v. Boyd* (1923), 99 Conn. 76.

officers, and correctional institutions for children. An attempt will be made to summarize and evaluate our present efforts with existing instrumentalities and to suggest new ones if the facts point in that direction. The juvenile-court movement which began in this country in 1899 has embraced all States but Maine and Wyoming; its constitutional validity has been upheld in all States but Texas, yet it has not been extended to cover all offenses or ages within its legal scope. An inquiry has been made into the numbers of children in State penal institutions. In these cases adult criminal procedure has been invoked. On the basis of field inquiries, not yet complete, recommendations will be made for: (1) Further research; (2) improved procedure in juvenile courts and correctional institutions for children; (3) State programs for legislation; (4) substitution of agencies other than judicial for the control and treatment of child delinquency. Basic materials for part 2 of this study will continue to be gathered until July 1, 1931; their interpretation and presentation is a work for the future.

The scope of inquiry is limited to children under juvenile court age. The legal meaning of the term "child" describes the age limit under which the juvenile court may take jurisdiction. Among the different States it varies from 16 to 21 years; in some there is discrimination as to sex, the age limit being generally fixed higher for girls. Different localities within the same State have varying age limits. Certain offenses, such as homicide or other felonies punishable by death or life imprisonment, are excepted from the jurisdiction of juvenile courts in some States; in others its jurisdiction extends to all offenses. The age limit in 26 States for some classes of children is 18 years; in 4 States it is 17 years; in 13 States it is 16 years. In 5 States 21 years is the age under which jurisdiction may be obtained.² In the majority of State correctional institutions to which children are committed authority to extend supervision under parole to 21 years is given. Therefore 21 is the upper age limit fixed in our survey.

This study has confined its scope to the operation of official legal agencies of law enforcement in relation to minors. The section dealing with the Federal system has put to itself the

² Appendix I: Table of age limits defining juvenile court jurisdiction in the various States.

following questions: What is the volume of cases 18 years and under appearing in Federal district courts annually; what is the geographical distribution; how far distant from home were these children when tried; what offenses are most common; what procedure has been used? The analysis of procedure includes seizure, detention, charge, hearing before United States commissioner, trial by court, adjudication, use of probation, fine, jail sentence, penal sentence, or commitment to a reformatory institution, and parole. Variations in procedure among Federal districts were also studied.

Sources of statistical information are two—records in the Department of Justice, kept by the Bureau of Prisons; material collected by the National Commission on Law Observance and Enforcement on the business of Federal courts. The latter has been made available to our purposes through the courtesy of Dean Charles E. Clark and Prof. William O. Douglas, who are supervising an extended study for the National Commission on Law Observance and Enforcement. Reports from 13 judicial districts for three years show approximately the number of minors. These have been presented with reference to geographical distribution, offense, age, and disposition. The accuracy of this source of information is qualified to the extent age is given in Federal court records. Frequently there is no entry of age. Where age has appeared, however, we have definite information upon which to describe the various modes of procedure.

The judicial districts included in the Federal court study are California, northern district; Colorado; Connecticut; Illinois, northern district; Kansas; Louisiana, eastern district; Massachusetts; Michigan, eastern district; New York, southern district; North Carolina, western district; Ohio, northern and southern districts; and West Virginia, southern district.

Records kept by the Bureau of Prisons include daily reports from United States marshals of 90 Federal judicial districts as to arrests followed by jail detention. Some 1,100 jails throughout the United States are under contract to keep Federal offenders. Beginning in June, 1929, marshals were instructed to report name, date, age, sex, and offense charged for each prisoner taken to jail; upon release or transfer to some other jail a second report was required, showing date and disposition. This system had been under

way a year when we began to dig for statistical material, and the majority of districts were then cooperating regularly. Study of the jail records from July 1 to December 31, 1930, yielded 2,243 cases 18 years or under, 504 of whom were 16 years or under. The number 2,243 includes 333 in jail on June 30, 1930, and 1,910 children held for trial or sentenced to jail during a six month period. This is our most reliable census of the number of minors dealt with by Federal law enforcement officials. The months chosen represent what we believe to be a typical period. In addition to an estimate of volume the reports furnish authentic data as to the geographical extent jails are used in children's cases and the amount of time each individual spent in jail. When checked against court records and the records of commitment to institutions reasonably accurate information comes to light concerning the offenses, procedure, and disposition.

Observation of the legal process in action was made in the following districts: California, southern district, southern division (Los Angeles and San Bernardino); Georgia, northern district (Atlanta); Illinois, northern district (Chicago); Kentucky, eastern district; Maryland district (Baltimore); Massachusetts district (Boston); Michigan, eastern district, southern division (Detroit); New Jersey district (Newark); New York, southern district (New York City); eastern district (Brooklyn); Texas,³ southern district (Austin) and western district, El Paso division; West Virginia, southern district (Charleston). These districts were selected on the basis of affording wide geographical distribution and a panoramic view, and among other reasons curiosity as to procedure in districts which furnished the largest number of children to penal and correctional institutions, as discovered in our census, compared with districts which sent very few. In all the districts court procedure was observed, the hearings before commissioners, and the practice of the district attorneys in handling children's cases. A study of the jail was made in some districts; the marshals were questioned with reference to policy in making arrests and in jail detention.

Findings based on observation in the court room and in the field have a certain limited value; if made by persons trained in social work or investigation, they serve to define

³ Texas studies will not be completed until July, 1931.

the process in terms of human values. Some questions can be answered only by field observations—how much time and consideration does a child's case receive in proportion to an adult's; what facts do the judge or commissioner know of the child's home, school, and neighborhood life, or juvenile court record; to what use are the facts put; is there a distinct method of approach and examination in children's cases, etc.?

Federal institutions studied were: Atlanta Penitentiary; case-records were reviewed and personal interviews had with 37 youths then in the institution (March, 1931) who were 18 years of age or under when they began serving sentence; Federal Industrial Institution for Women, Alderson, W. Va., in March, 1931, had 19 girls under 21 when committed; these were interviewed and case-records studied;⁴ the United States Industrial Reformatory, Chillicothe, Ohio, during February and March, 1931, had a population of 1,464 men and boys, of whom 535 were under 21 years of age, 189 were 18 years or under; 7 were 16 years; 66 were 17 years of age; 50 of these were selected for analysis of case-history and for personal interview, the basis of selection being the youngest members of the group. The National Training School for Boys, Washington, D. C., was studied in October and November, 1930. There were 439 child Federal offenders, and 45 boys sent from the courts of the District of Columbia; the Federal offenders ranged in age from 11 to 19; 50 cases were studied and interviewed, the basis of selection being a sampling made up from every fifth Federal case then in residence: the National Training School for Girls (department for colored girls, Washington, D. C.; department for white girls, Muirkirk, Md., formerly under the control of the Federal Department of Justice, now transferred to the Board of Public Welfare of the District of Columbia) receives girls under 17 years sentenced by the Federal district courts, and the juvenile court of the District of Columbia. In October, 1930, when the study was made there was a population of 103, including 5 infants. There were but 5 Federal offenders, all between 15 and 16 years of age.

During the year ending June 30, 1930, there were 1,122 long-term Federal prisoners under 20 years of age in the various Federal penal and correctional institutions and State institu-

⁴ See Appendix II: Outline forms used in preparing case-histories.

tions under contract with the Government to care for Federal cases.⁵ No information of exact age by years is available.

The following State institutions under contract were studied both as to numbers of Federal cases, and services of education and training offered:

State Industrial School, Golden, Colo., 37 Federal cases, between 10 and 19 years of age.

State Industrial School, St. Anthony, Idaho, 39 Federal cases between 9 and 19 years of age.

State Industrial School, Ogden, Utah, 3 Federal cases, between 16 and 17 years of age.

State Reformatory, Monroe, Wash., 46 Federal cases, between 14 and 20 years of age.

State Reformatory for Women, York, Nebr., 3 Federal cases, between 15 and 18 years of age.

In these institutions all Federal offenders were interviewed and their case-records analyzed. Some were selected for intensive study as to social history, prior juvenile court experience, etc.

It was proposed to limit the scope of this study to laws, legal agencies, and the children they concern, not because we were unmindful of other gaps in our knowledge but because here we found evidence rather than conjecture. Study of causation is a proper theme for a scientific inquiry if there is agreement as to subject matter. There is no such agreement in the field of juvenile delinquency. No uniformity exists in the practice of making arrests of children throughout the country; the kinds of offenses brought to light differ in accord with local police policy. If we set out to study causes of juvenile delinquency as handled in juvenile courts we should have to deal with a series of cases, selected by various standards of misconduct, and brought under a common category, i. e., "delinquency," in more or less haphazard manner. It should be no difficult matter to ascertain the state of health of children brought before a court, or confined in a correctional institution, nor to measure their intelligence, describe personality characteristics, race, nativity, economic and social status, but when we were done we would be no wiser as to the relationship of these data

⁵ Annual report of the Attorney General of the United States 1930, p. 319. Long-term prisoners are those serving sentence of more than 1 year, p. 309.

to crime. The net which gathered the children in is of varying meshes. In some areas we might as well study the general population, confident that we should find a similar degree of serious misconduct. Indeed our knowledge of causes of juvenile delinquency awaits precisely this—a study of conduct in so-called normal groups, and its interpretation in terms of health, intelligence, and family relationships. The term "juvenile delinquent" has precise meaning only in its legal sense of describing the status of the child in a juvenile court.

In the field of treatment we are also in the dark. The term "juvenile court procedure," has been extended to cover both civil and criminal handling of child offenders in various courts and by different judges in the same court. Probation may designate an admonition, followed by an order to report to an official of the court, complied with in a routine manner, or it may describe a process involving social diagnosis and scientific treatment. Commitment to one correctional institution may mean that the child participates in a program of modern education, vocational training, and wise discipline, based on individual study of his assets and liabilities; in a different institution he may be subjected to treatment damaging to health and character. Were our problem to measure the results of treatment in terms of a child's subsequent success or failure, we should have difficulty in establishing criteria of what constitutes a given unit of treatment. Our state of knowledge appears nebulous on scrutiny, both in the diagnosis of delinquency and in its cure. In the meantime our practical, "common-sense" methods present to the eye of science attempts to redouble our efforts when we have forgotten our aims.

The purpose of this survey is to furnish description of the structure and function of existing legal agencies to the end that definitions may be worked out in the future. Agreement on goals sought, the protection of the community, and the welfare of the child, has been reached. What part law enforcement processes play can not be understood until we study them in action. The amount of time and resources at the disposal of our staff seemed to make necessary a rigid limitation. The present study contributes some raw material of a practical nature which raises more questions than we can answer.

The methods of this study are those used by social workers—descriptive analysis of agencies and institutions, the compilation of case-histories and their interpretation in terms of social relationships. Information furnished by children has been inserted for the purpose of revealing their attitudes; unless verified by court records or other documents, it has not been used as factual material. The approach is that of the naturalist seeking to describe by means of field observations the habits of a living organism.

The research assistants are: Alma Holzschuh, member American Association of Social Workers; director of medical social service in Minneapolis General Hospital, five years; superintendent El Retiro School for Girls, Los Angeles County, three years; research assistant, Harvard University Law School Crime Survey, two years. Mary Gleason, University of Chicago, Ph. B.; school of social service administration, University of Chicago, student; statistician, division of research and statistics, Federal Reserve Bank, Chicago, Ill., 1921-1927; research assistant, War Trade Board, Washington, D. C., March, 1918, to June, 1919. Alice Streckewald, member American Association of Social Workers; several years' experience as case-supervisor in children's protective agencies in Wisconsin and California; director of a juvenile parole investigation and court procedure in Wisconsin. Margaret T. Morewood, member American Association of Social Workers; executive secretary, American Red Cross, Pittsfield, Mass., experience as parole agent for girls' correctional school, three years; director of case-work for delinquent girls, Church Welfare Association, two years. Elizabeth Bode, graduate Pomona College, sociology; three years' experience in social investigation.

Walter Kirkland, resident of Hull House, studied the Federal district court in Chicago.

Constitutional and other legal problems involved in handling Federal child offenders by means of local State courts were studied by Howard E. Wahrenbrock, member of the Illinois bar, research assistant on the staff of the National Commission on Law Observance and Enforcement, formerly research assistant to Henry M. Bates, Dean of the Law School, University of Michigan.

Volunteers from various universities and social agencies have contributed to the survey.

Without the cooperation and advice of Attorney General Mitchell, Sanford Bates, director of the Bureau of Prisons, Dr. Ray Lyman Wilbur, Secretary of the Interior, Dr. Harry E. Barnard, director of the White House Conference, the work would have been impossible. To the Federal district judges, commissioners, and probation officers we are indebted for a generous amount of their time and facilities. To superintendents of the various institutions we are grateful for hospitality, while in residence, and for active cooperation, without which research would have been difficult.

The time interval of this report extends from October 27, 1929, when it was planned, to April 1, 1931, when the field studies for Part 1 were practically completed. Miss Gleason has been at work since February, 1930; Miss Holzschuh, since March, 1930; Miss Morewood, since November, 1930; Miss Streckewald, since February, 1931; Miss Bode, since November, 1929.

THE PROBLEMS PRESENTED IN BRIEF

The child offender under the judicial code of the United States is on the same footing as the adult. The Federal penal code makes no definition of juvenile delinquency. To the substantive law which concerns itself with the statement of legal rights and duties the age of an offender presents no problem.

It is on the administrative side of the law that problems due to age arise. Administrative law states the means by which governmental agencies enforce the laws, and has to do with the performance of such tasks as detection, arrest, prosecution, and detention of offenders, the organization and procedure of courts, and the management of penal institutions. The Department of Justice is the central administrative agency affected by problems presented by child offenders; the Bureau of Investigation and the Bureau of Prisons are the principal divisions concerned.

Many of the problems of dealing with youthful offenders are found in adult cases also. Modifications of court procedure and penal administration occur by sheer pressure of necessity when the accused is under handicap, as for example,

dangerously ill, or ill of a contagious disease, insane, imbecile, or deaf and dumb, etc. Women may present separate problems; so do the extremely aged. The child's problems, however, fall into unique classification, apparent to "common sense," but not readily capable of definition. Recognition of the child's claim to some distinctive method of handling is found throughout the Federal administrative process; police, marshals, commissioners, district attorneys, judges, jailers, wardens, and superintendents of penal institutions, express awareness of it in various ways, which may be summarized in the question, "what shall we do with these children?"

The age distribution to which the administrative process makes some kind of concession includes the total period of minority. Practical problems range from the care of infants born to mothers serving sentence in correctional institutions to the requirement of youths under 21 who can not submit to necessary surgical operations until a guardian is appointed to give consent. Some children below 7 years of age are detained in jail awaiting the outcome of cases of their parents charged with violations of the immigration laws. Theoretically there is no age limit below which a child may not be prosecuted under Federal statutes; in practice it is evident very young children are otherwise disposed of. Census of the present population made by our field workers of Federal offenders in correctional institutions shows no child committed under 9 years of age. Children under 7, however, have been brought before United States commissioners.

Geographical distribution of Federal cases adds to their difficulty. The major factors in the decision as to place of commitment are the types of institutions available and the extent to which they are already overcrowded. A secondary consideration may be the distance between the place of trial and the receiving institution. Cases of violations of the national motor vehicle theft act and the white slave traffic act are by definition interstate matters; the offenders are in transit and the place of trial is distant from the legal residence. A survey of population in correctional institutions shows minors from Alaska, China, the Hawaiian Islands, Philippines, and Porto Rico serving sentences in various parts of the United States. Children from the Atlantic

seaboard are found in the institutions of the Northwest and Pacific coast; children from the Pacific seaboard and the South may be sent to institutions in Washington, D. C. Among the problems presented by the extensive geographical range are adjustment to radical climatic changes, different customs of living, and the severing of family and community relationships.

When we deal with children we encounter human needs centered in homes, schools, churches, and neighborhoods. The assumption at the root of the application of modern science to the treatment of the child is that normal social development is conditioned by family relationships; when these are broken the child is dependent upon near-by substitutes, foster-homes, or local institutions maintained by schools, churches, social agencies, etc. It may be inferred that the farther we travel from these community structures the greater is the child's handicap.

The institutional problems presented by juvenile offenders are distinct from those of adults. Diet should be adapted to various growth periods. Health supervision is more urgent since childhood and adolescence show an increased liability to certain infectious and contagious diseases. Periods of rest and physical exercise are required at intervals that vary with age. The amount of sleep needed to maintain health varies with childhood, puberty, adolescence, and maturity. The entire physical regimen should be more flexible in the interests of normal development. These requirements are met with difficulty in institutions especially designed for children; they are not met at all where individuals of all ages are subjected to the same program.

Problems in providing education for minors, habit training, recreation, character development, discipline, vocational training, religious education, have been assumed by the penal administration of the Federal Government. The question arises whether its facilities can or should be further developed to treat juvenile offenders adequately, or in certain instances can some of these tasks be intrusted to the States.

At present the problem of taking jurisdiction is a matter for the discretion of officials of the Department of Justice, and the judges of the Federal courts. When the issues put to these officials include the welfare of the child certain modifica-

tions of procedure and treatment have developed. These are to be regarded as expedients, due not so much to legal theory as to experience, and to changes in public policy generally concerning the treatment of childhood. Treatment of the child offender by means of such expedients as local juvenile courts is difficult and of varying efficacy. Some communities are without juvenile courts. Problems of the expense of transportation of the child to his legal residence must be met. Problems as to which jurisdiction is better equipped to bear final responsibility must be determined. As the States have developed legal means of handling child offenders in a different manner from adults we shall set forth briefly the theory upon which these modifications rest.

CHAPTER II

THE CONCEPT OF JUVENILE DELINQUENCY

The States, with the exception of Maine, have established statutory definitions of juvenile delinquency. The legal principle involved is that of according a noncriminal status to the child offender. Under broad and various enactments since that of the Illinois Legislature (Laws of Illinois, 1899, p. 131) the child brought into court to answer for lawbreaking, appears as the ward of the State, instead of the defendant in a criminal prosecution. These enactments have set up juvenile courts,¹ given them jurisdiction over delinquent children, or have extended the jurisdiction of existing courts; their purpose has been to define delinquent children and to regulate their treatment and control. In this sense the legal meaning of the term "child" describes the age limit under which the juvenile court has jurisdiction.

On this point legislation is constantly changing, the general trend being to increase the age limit and broaden the scope of juvenile court jurisdiction.

The ends sought in the establishment of juvenile courts are similar in all the States; the following characterization is typical:

The basic conceptions which distinguish juvenile courts from other courts can be briefly summarized. Children are to be dealt with separately from adults. Their cases are to be heard at a different time and, preferably, in a different place; they are to be detained in separate buildings, and, if institutional guidance is necessary, they are to be committed to institutions for children. Through its probation officers the court can keep in constant touch with the children who have appeared before it. Taking children from their parents is, when possible, to be avoided; on the other hand, parental obligations are to be enforced. The procedure of the court must be as informal as possible. Its purpose is not to punish but to save. It is to deal with children not as criminals but as persons in whose guidance and welfare the State is peculiarly

¹ Neither Maine nor Wyoming have juvenile courts; Wyoming defines juvenile delinquency. See Appendix I for further information concerning State provisions for juvenile delinquents.

interested. Save in the case of adults, its jurisdiction is equitable, not criminal, in nature.²

Trends in more recent State legislation are to raise the juvenile court age jurisdiction, to make the juvenile court hearings as private as practicable; the records are not open to general public inspection, nor their contents available as evidence in other proceedings.

The concept of juvenile delinquency has been defined and tested as to its constitutional validity in numerous State supreme courts; the opinion of the Connecticut court will serve as illustration of the juvenile court principle in action.³

The case of a boy aged 14 was heard on a writ of habeas corpus to procure release from the Connecticut School for Boys to which he had been committed by the juvenile court of the city of New Haven as a delinquent child. He had been arrested by the police and charged by them of taking from the person of a man said to be under the influence of liquor a sum of money, said to be about \$2.50. This child was complained against by petition, in which the prosecuting officer represented that the condition of the minor was such that it was "for the best interest of said child that an order be granted directing his commitment to the Connecticut School for Boys at Meriden." Upon investigation by the probation officer and medical examiner the facts alleged in the petition were sustained, and the juvenile court ordered the commitment.

Among the points raised by the plaintiff were the following: Is the juvenile court act⁴ constitutional and valid in that it does not permit the accused to be confronted by the witnesses against him? It denies the protection of the same rules of evidence that are followed in all other cases; it denies the right of a trial by jury; it provides for the detention of a person committed in a penal institution although there is no conviction against him for any crime; it discriminates unjustly and unreasonably between localities in the same State, because juvenile courts are established in some jurisdictions and

² Flexner, Bernard and Oppenheimer, Reuben, *The Legal Aspect of the Juvenile Court* Childrens' Bureau Pub. 99, 1922, United States Dept. of Labor. Reprinted in *American Law Review*, 57, p. 67.

³ *Cinque v. Boyd* (1924), 99 Conn. 70-95.

⁴ Public acts of Connecticut, 1921: Ch. 336.

not in others; that it states in too broad and inclusive manner the definition of the term "delinquent"; that it denies any appeal to a court where the constitutional right of trial by jury, confrontation of witnesses, and other similar rights can be enjoyed.

In the words of the syllabus of the opinion the court held:

From an early date the exercise of some sort of safeguards and some measure of fostering care for lunatics, paupers, defectives of many sorts, and neglected and uncared-for children has been known to the common law and to legislation.

The act concerning juvenile courts was intended to create a court to conduct, not a criminal prosecution, but a civil inquiry to determine whether, in a greater or less degree, some child should be taken under the direct care of the State to safeguard and foster its adolescent life, and hence the act is not unconstitutional as denying to the child the constitutional guaranties to which a person accused of a crime is entitled.

Nor does the proceeding become a criminal prosecution even though one of the facts, which by definition of the act are evidence of delinquency giving such courts jurisdiction, is a violation of any law of the State or local ordinance * * *, since this proceeding is not a trial for an offense but an ascertainment of the statutory ground for action by the State.

The act is not objectionable as making unreasonable discriminations between localities because juvenile courts are not established throughout the State since there exists no constitutional requirement that courts of a given nature or jurisdiction shall be uniform throughout the State.

The principle, "no child shall be prosecuted for an offense before a juvenile court, nor shall the adjudication of such court that a child is delinquent be deemed a conviction of crime,"⁵ has been extended to govern proceedings in the most serious offenses, i. e., murder.

The Supreme Court of California, in reviewing the application of a minor, a boy a little over the age of 14, for a writ of habeas corpus to gain release from an officer of the juvenile court, denied the writ.⁶ The facts as stated in the opinion of the court are summarized as follows: A criminal complaint was presented to a justice of the peace, wherein it was charged a felony was committed by (said child) who "did willfully and with malice aforethought kill and murder one Arthur Martinez, a human being." When the magistrate

⁵ An act concerning juvenile courts: Conn. Public Acts: Ch. 336, sec. 18, applies to children under the age of 16.

⁶ *Ex parte Daedler* (1924), 194 Cal. 320.

ascertained the fact that the accused was a minor, within the provisions of the juvenile court law, he suspended proceedings and made an order that said child be brought before the judge of the juvenile court.⁷ The hearing was had under the section of the juvenile court law, applying to any person under the age of 21 years "who violates any law of this State—defining crime,"⁸ it was found that the child unlawfully killed a person, should be a ward of the court, and that the welfare of said child required that he be taken from the custody of his parents. He was committed to the Preston School of Industry until he should have attained the age of 21 years.

The petitioner contended that the minor having been brought before the court upon a charge of murder was entitled to the right of trial by jury.

The court held: "The processes of the juvenile court are not penal in character, and hence a minor has no inherent right to a trial by jury in the course of the application of their beneficial and merciful provisions to his case."

A similar trend is found in the decisions of the majority of State supreme courts. The fundamental principle upon which they are based is that the inquiries conducted by the juvenile courts are not criminal trials. These decisions have, in the main, invalidated claims that methods used in juvenile courts in the tasks of apprehending, hearing, and disposing of cases of child offenders in a somewhat informal manner, have run counter to due process of law. A case extensively cited as an authoritative statement of the constitutional position of the juvenile court was decided in 1905,⁹ on an appeal from an order under the juvenile court act of Pennsylvania; the appellant—

could not have been without due process of law, for the constitutional guaranty is that no one charged with a criminal offense shall be deprived of life, liberty, or property without due process of law. To save a child from becoming a criminal, or from continuing in a career of crime, to end in mature years in public punishment and disgrace, the legislature surely may provide for the salvation of such a child, if its parents or guardian be unable or unwilling to do so. The natural parent needs no process to temporarily deprive his child of its liberty * * * to save it and to shield it from the consequences of per-

⁷ In accord with provisions: Calif. Statutes, 1921, p. 799.

⁸ Juvenile Court Law: Subdivision 13, sec. 1, Calif. Statutes, 1915, p. 1225.

⁹ Commonwealth v. Fisher: 213 Pennsylvania, p. 48.

sistence in a career of waywardness, nor is the State, when compelled, as *parens patriae*, to take the place of the father for the same purpose, required to adopt any process as a means of placing its hands upon the child to lead it into one of its courts. When the child gets there and the court, with the power to save it, determines on its salvation, it is immaterial how it got there. The act simply provides how children who ought to be saved may reach the court to be saved.

Experience should show that there ought to be other ways for it to get there; the legislature can, and undoubtedly will, adopt them and they will never be regarded as undue processes for depriving a child of its liberty or property as a penalty for crime committed. * * * The act is not for the trial of a child charged with a crime, but is mercifully to save it from such an ordeal, with the prison or penitentiary in its wake, if the child's own good and the best interests of the State justify such salvation. Whether the child deserves to be saved by the State is no more a question for a jury than whether the father, if able to save it, ought to save it. The act is but an exercise by the State of its supreme power over the welfare of its children.

When a Federal court has had to pass upon a State juvenile court law it has been upheld as a valid exercise of the police power of the State.

The question put was the case of a boy of 14 "held to answer for an infamous crime, i. e., murder, without presentment by a grand jury and heard by juvenile court process without trial by jury," in direct contravention of the rights granted him by section 1 of the fourteenth amendment to the Constitution of the United States. The Federal court was asked to take jurisdiction in habeas corpus.¹⁰

The court held, in part:

It is of the same nature as statutes which authorize compulsory education of children, the binding of them over during minority, the appointment of guardians and trustees who take charge of the property of those who are incapable of managing their own affairs, the confinement of the insane, and the like. The welfare of society requires and justifies such enactments. The statute is neither criminal nor penal in its nature, but an administrative police regulation. A consideration of the acts enumerated which respectively constitute delinquency precludes the thought that it was the legislative intent that they, or any of them, when committed by infants within the specified age, should for correctional purposes be treated as a crime.

The Ohio juvenile-court act defines as a "delinquent child," "any child under 17 years of age who violates a law

¹⁰ Ex parte Januszewski, 196 Federal Reports 123, Circuit Court, Southern District, Ohio, Dec. 4, 1911, No. 1, 594.

of this State or a city or village ordinance, or who is incorrigible." ¹¹ In common with similar laws of other States it specifies as a kind of delinquency such acts as come within the range of childish activities, wandering about railroad yards or tracks, jumping or catching on to a moving train, entering a car or engine without lawful authority, using cigarettes, etc., the general purpose being, not only to save minors "from prosecution and conviction on charges of misdemeanors and crimes, and to relieve them from the consequent stigma attaching thereto," but also, "to guard and protect them against themselves and evil-minded persons surrounding them; to protect and train them physically, mentally, and morally." ¹²

The legal and social implications of the concept of delinquency thus imply both the doctrines of privilege and immunity and restraint. The child is assumed not entitled to absolute freedom, but is subjected to the restraint and custody of a natural or legally constituted guardian to whom it owes obedience and subjection. Restraints, wholesome and unwholesome, imposed by parents and masters are old; they are well known to the common law wherein the duties of children and apprentices are set forth. Privilege is old too, on the civil side of the law. The minor, in matters involving property, is protected from consequences of his youth and indiscretion. His ability to sign contracts is limited; to this extent he may be said to be privileged. How far the doctrine of privilege might go in establishing immunity from the operations of the criminal law in dealing with youthful offenses we do not know. "But whether and how far a privilege shall be allowed is a question of policy. Questions of policy are legislative questions, and judges are shy of reasoning from such grounds." ¹³

Mr. Justice Holmes argues in determining ¹⁴ privilege under the law of torts, that motive may be a fact of the first importance. Apparently a similar idea runs through decisions applying to the exemption of the child in criminal matters. In the Januszewski case it was agreed that a 14-year old boy had shot another with intent to kill. "The evidence offered

¹¹ General Code, Ohio: Secs. 1639-1683.

¹² Ex parte Januszewski, supra, 14.

¹³ Holmes, Justice Oliver Wendell: Harvard Law Review, Vol. VIII.

¹⁴ 1894: Reprinted in Collected Legal Papers: Harcourt, Brace & Co., 1921, p. 120.

in the juvenile court must have shown that he shot as charged in the affidavit, but as he was charged with and tried for a species of delinquency only, such evidence could not, by any known rule, be used in such hearing to convict him of the crime of shooting with intent to kill. The only office which it could perform was to establish the particular kind of delinquency alleged." ¹⁵ In other words it is assumed a child does not possess malice and intent in the meaning of these terms when applied to adults.

There are some scientific data behind this assumption. Evidence in the field of growth and physical development of children establishes significant differences between child and adult. For a considerable time after stature, weight, and the size of organs have approximated those of the adult a process of maturation goes on. The significance of these processes for conduct we can only guess, but it is probable that the exercise of what is called discretion is conditioned by the mature development of the nervous system.

Evidence in the field of psychology tends in the same direction; the child's powers of reasoning and of learning by experience differ from those of the adult. An extended literature of observation and measurement of child performance existing in this country and Europe has been applied to providing distinct methods of education and treatment for children. When States have provided "enlightened" statutes for the care of delinquent children they have been led to do so by sponsors of juvenile-court legislation more or less familiar with these scientific trends.

However, none of the scientific evidence is beyond the necessity of proof. It is not science but new concepts as to the value of the child to the community that have fostered the growth of juvenile courts. Whether child offenders are to be prosecuted and punished for crime in the adult manner is less an academic question than one immediately vital to organized society. The whole answer to such questions is found neither in law nor science. Using Mr. Justice Holmes's argument on privilege to our purposes: "But in all such cases the ground of decision is policy; and the advantages to the community, on the one side and the other, are the only matters really entitled to be weighed."

¹⁵ Ex parte Januszewski: 106: Federal Reports, 123.

CHAPTER III

JAIL DETENTION OF FEDERAL CHILD OFFENDERS

County jails have been the customary place of detention for Federal short-term prisoners and persons awaiting trial since 1789, when Congress recommended that the State legislatures pass laws making it "expressly the duty of the keepers of their gaols to receive * * * all prisoners committed under the authority of the United States."¹

With the exception of Indiana, the States have provided by statute for the care of Federal offenders in jails. Up to within two years ago, however, the number of persons so held was unknown.² In June, 1929, the Bureau of Prisons of the Department of Justice established a register of Federal prisoners held in each judicial district except the District of Columbia.

This reporting system requires that a card³ "must be prepared for each prisoner confined in county jails and other institutions," with a new card "showing each change in status of the prisoner," and that these "must be forwarded daily"⁴ by the United States marshals to the Bureau of Prisons. Cooperation in the system has been most satisfactory, and it is estimated that approximately complete returns are now being made.

The tables in this chapter are based on the cards received from all judicial districts for children reported as under 19 years of age who were in jail on July 1, 1930, or who were placed in jail at any time during the succeeding six months. Where ages varied on cards for the same individual the higher was accepted in each instance. As no verification of ages was attempted, the data represent information obtained through personal interview by marshals, commissioners, jailers, and deputy marshals. Other items similarly are

¹ Sess. 1, ch. 27, 1789 (1 Stat. at Large, p. 96).

² See Annual Report of the Attorney General, 1929, p. 75.

³ See Form B, Appendix II.

⁴ Instructions to United States Attorneys, Marshals, Clerks, and Commissioners, Oct. 1, 1929, p. 84.

open to the inaccuracies of a new, large-scale, rather complicated set-up, for which at present there is no controlling check.

A total of 2,243 boys and girls was obtained from the records, grouped according to age as follows:

TABLE 1.—Number of boys and girls 18 years of age and under held in jail during the six months ending December 31, 1930, by age

Sex	Age								Total
	18	17	16	15	14	13	12	Under 12	
Boys.....	1,006	606	295	105	34	8	9	3	2,066
Girls.....	70	57	31	14	4	0	0	1	177
Total.....	1,076	663	326	119	38	8	9	4	2,243

¹ Including 333 in jail, June 30, 1930.

The Bureau of Prisons' compilations show a total for all ages of 46,038 men and 4,299 women received during the fiscal year ending June 30, 1930, and held for trial, with 28,230 men and 1,804 women held under sentence. Of those awaiting trial, 2,795 or 5.6 per cent were under 19 years of age, and of the sentenced group, 1,090 or 3.6 per cent.⁵

Selection of the second half of 1930 for the juvenile study benefits by a full year's previous operation of the reporting system, and a consequent more complete registration. Comparison of the two sets of statistics should also take into consideration the separation in the juvenile study, for purposes of determining actual volume, between children held with and without sentence, whereas in the larger study the two groups, "Held for trial" and "Held under sentence," are to some extent mutually inclusive. Further, the number of detention places (1,118), listed by the Bureau of Prisons, comprising in the main county jails, contains a few other institutions not represented in the juvenile study, which was restricted to jails and houses for adult detention.

During the six months covered every judicial district, except Rhode Island reported at least one minor under 19 years of age. Over a fourth, however, were concentrated in three districts, eastern Kentucky, southern, and western

⁵ Bureau of Prisons, Federal Prisoners in Jails and Workhouses, 1929-30, ready for publication.

Texas; 981 or 43.7 per cent were reported from 10 districts, while 34 districts showed 10 or less children.

Even without the two highest age groups, eastern Kentucky leads; western Texas is second, southern Texas third, and Arizona fourth. In the last three, illegal immigration was the most frequent offense, while the eastern Kentucky detentions were predominantly for prohibition violations.

These two offenses, prohibition and immigration, constitute 66 per cent of the total cases. In the tables for offenses the classification indicated on the cards by the Bureau of Prisons was followed, and also their scale for selecting the more serious in instances of two offenses charged. "Other offenses," 43 of which were specified, include 15 charges of larceny of Government property, largely in the Territories and on reservations, 10 fugitives from institutions, and a miscellaneous list covering conspiracy, forest fires, forgery, smuggling firearms, violation of parole, wearing United States uniform, quarantine, and impersonation.

TABLE 2.—Total number and per cent distribution of boys and girls 18 years of age and under held in jail during the six months ending December 31, 1930, by offense and age

Offense	Age							Total	Per cent
	18	17	16	15	14	Under 14			
Prohibition.....	510	278	134	45	18	5	990	44.2	
Immigration.....	275	144	55	11	0	7	492	21.9	
Motor vehicle theft.....	162	118	73	31	5	3	392	17.5	
Postal.....	36	36	28	10	4	3	117	5.2	
White slave.....	11	13	5	2	0	0	33	1.5	
Narcotic.....	10	8	2	1	1	0	20	0.9	
Counterfeiting.....	7	7	2	1	1	0	18	0.8	
Interstate commerce.....	2	3	2	2	1	0	10	0.4	
Banking.....	1	3	0	0	0	0	4	0.2	
Other offenses.....	48	41	16	17	6	3	131	5.8	
Witnesses.....	10	7	8	0	1	0	26	1.2	
Not specified.....	4	5	1	0	0	0	10	0.4	
Total.....	1,076	663	326	119	38	21	2,243	100.0	

TABLE 3.—Number of boys and girls 16 years of age and under held in jail during the six months ending December 31, 1930, by age and disposition

Age	Disposition								
	Boys			Girls			Total		
	Held	Sen- tenced	Total	Held	Sen- tenced	Total	Held	Sen- tenced	Total
16.....	135	160	295	22	9	31	157	169	326
15.....	57	48	105	12	2	14	69	50	119
14.....	22	12	34	4	0	4	26	12	38
13.....	6	2	8	0	0	0	6	2	8
12.....	5	4	9	0	0	0	5	4	9
Under 12.....	2	1	3	1	0	1	3	1	4
Total.....	227	227	454	39	11	50	266	238	504
Per cent.....	50.0	50.0	100.0	78.0	22.0	100.0	52.8	47.2	100.0

In Table 3 the number of girls detained as witnesses accounts in part for the large percentage held without sentence. For boys the even distribution into those held without sentence and those sentenced is representative in that the period covered both court sessions and recesses, but is to be interpreted only as a rough approximation of actual final disposition of all children charged with Federal violations. Two possibilities for a reduction in the held group, were each case traced to conclusion, are the fact that nearly a fourth of the group were awaiting trial on December 31, and that over half of the total had been released on bail; for the latter it is likely that some fines and probation sentences were later imposed, but less probable, except for those tried after December 31, that any institutional commitments were made, as these generally involve at least a short jail detention. An offsetting factor tending to increase the sentenced group relatively is the number serving jail sentences on July 1, 1930. Affecting both held and sentenced figures as indices of disposition in all cases is the undetermined number of children who appeared before commissioners or courts without jail detention.

More detailed statistics of the two groups, held and sentenced, are contained in Tables 10 and 11. The probation figure is rather meaningless, the terms not being designated; one boy was "released on probation to serve a State sentence."

The jail sentences for failure to pay fines involve 30 days each, terminated by the pauper's oath, and include a 12-year-old boy fined \$120.

The total of 96 jail sentences were imposed in 34 different districts, and were distributed according to length as follows:

Under 1 month.....	21	4 months, under 6.....	9
1 month, under 2.....	21	6 months.....	8
2 months, under 3.....	15	Over 6 months.....	4
3 months, under 4.....	12	Not specified.....	6

Five 1-day sentences followed detentions of 99, 65, 42, and 2 of 30 days each and compare with the policy adopted by some judges of imposing sentences retroactive from the date of admission.

Such varying methods of court procedure may also influence the percentages in Table 4, showing 53.9 per cent of the prohibition cases released and 80.7 per cent of the immigration offenders sentenced to jail.

TABLE 4.—Number and per cent distribution of boys 16 years of age and under held in jail during the six months ending December 31, 1930, by offense and disposition

Disposition	Offense											
	Number					Per cent						
	Prohibition	Dyer	Immigration	Postal	All other	Total	Prohibition	Dyer	Immigration	Postal	All other	Total
Sentenced:												
Institutions.....	17	45	1	13	9	85	8.9	40.6	1.6	30.2	19.2	18.7
Jails.....	33	6	50	5	3	97	17.3	5.4	80.7	11.6	6.4	21.4
Probation.....	20	12	2	2	5	41	10.5	10.8	3.2	4.7	10.6	9.0
Other.....	3	1				4	1.5	.9				.9
Held:												
Released.....	103	19	2	15	17	156	53.9	17.1	3.2	34.9	36.1	34.4
Transferred.....	4	4	4		4	16	2.1	3.6	6.5		8.5	3.5
In jail Dec. 31.....	11	24	3	8	9	55	5.8	21.6	4.8	18.6	19.2	12.1
Total.....	191	111	62	43	47	454	100.0	100.0	100.0	100.0	100.0	100.0

Postal offenses ranked fourth in frequency, both for the total number and for those 16 years of age and under, and next to Dyer Act violations, received the largest number of institutional commitments. Beginning with June 1, 1930, by an arrangement made between the Attorney General and the Postmaster General, postal offenses, with the exception of burglary, theft, and any case where there is danger of escape, are reviewed by the office of the chief inspector of the Post

Office Department (Washington) before being presented to the United States attorneys.⁶ As a guide in examining juvenile offenses, field inspectors have been directed since August, 1930, to incorporate in their reports certain specified information covering previous offenses, attitude of children and parents, environment, connection with social agencies.

The 414 children represented in Table 5, with the exception of the 28 who were detained less than one day, spent an aggregate of 13,984 days in jail. For 71 committed to institutions, the interval between court hearing and removal ranged from 1 day to 2 months; 1 boy left for the National Training School on the day sentenced, while another waited 61 days. Twenty-six were held between two weeks and a month, and eight over a month.

TABLE 5.—Number of boys and girls 16 years of age and under held in jail during the six months ending December 31, 1930, by age and length of detention

Length of time in jail	Age														Per cent
	Boys					Girls					Total				
	16	15	14	Under 14	Total	16	15	14	Under 14	Total	16	15	14	Under 14		Total
Less than 1 day.....	16	5	4	---	25	2	1	---	3	18	6	4	---	28	6.8
1 day.....	19	3	0	1	22	3	1	3	7	22	4	12	---	39	9.4
2 days, under 1 week.....	35	11	6	4	56	2	2	---	4	37	13	6	4	60	14.6
1 week, under 2 weeks.....	26	5	3	2	36	6	1	---	7	32	6	3	2	43	10.4
2 weeks, under 1 month.....	41	19	1	3	64	2	3	---	5	43	22	1	3	69	16.7
1 month, under 2 months, under 3 months.....	50	27	2	4	83	7	5	---	12	57	32	2	4	95	22.9
3 months and over.....	22	6	6	1	35	5	---	---	11	6	27	6	6	41	9.9
	30	7	---	1	38	1	---	---	1	31	7	---	1	39	9.4
Total.....	239	83	31	16	369	28	13	3	1	45	267	96	34	414	100.0

¹ Held with mother.

² 82 boys and 5 girls in jail Dec. 31, 1930, and 3 boys for whom records were incomplete not included.

Table 13 lists the children who were transferred from the district in which they were arrested. Transfer of 30 children from jails near the scene of arrest to jails distant raises some interesting questions. Eight cases were followed by commitments to institutions. The remainder apparently were transfers made on a jurisdictional basis. For example, a girl aged 17, arrested on a postal violation, spent 83 days in the Denver (Colo.) jail without disposition; she was transferred to New

⁶ See U. S. House Hearings, Post Office Appropriation Bill for 1932, pp. 55-56.

Mexico, where, at the end of 35 days in the Santa Fe jail she was released on bail. A boy of 15 arrested on the Dyer Act was held in a Florida jail 27 days, transported to South Dakota, and after 2 days in jail placed on probation. These interdistrict transfers may bear no relation to the legal residence of the child. They may occur as administrative necessities. The suggestion is inherent, however, that some plan might be evolved whereby children arrested far from their legal residence might be returned at Federal expense to the home State for final disposition.

Some of the jails listed in Table 13 were visited in connection with the juvenile delinquency study. Description of present jail conditions is not within the scope of this report. It was noted, however, that even where jail buildings are new there is little effective separation of child and adult.

Some jails in the southern and southwestern districts are old and unfit; tiers of cells are in partial darkness. The general supervision of inmates is in the hands of trustees. Prisoners are in total idleness, with no opportunity for exercise, with space hardly sufficient to move. Meals are eaten in the cells. These jails present a situation of filth and misery impossible to convey.

A new system of jail inspection was introduced by the Bureau of Prisons in August, 1930. Every jail in the country, whether or not at present being used by the Federal Government, is to be inspected and a detailed 13-page form report filled out. Jails will be graded; payment will be made for Federal prisoners on a sliding scale, according to the type of accommodation and treatment offered. In the past arrangements for care and expense were by informal correspondence in most instances. Written contracts with jails are now being made. The number of contracts in July, 1930, was 45; on April 1, 1931, it was 148.

Items on the inspection report⁷ of especial concern to our study are the following:

What is the statutory provision in this State as to age limit relative to confinement of minors in jail? (P. 3.)

Has this county made provisions for housing minors according to this law? If not, why not? (P. 3.)

Present population 17 years and under, male and female, Federal and other prisoners. (P. 4.)

Are children kept in this jail? Where? (P. 7.)

⁷ Bureau of Prisons, "Report of Inspection." (Mimeograph form.)

The Department of Justice, having been authorized by recent legislation to set up Federal jails, has asked appropriations for two—one on the northern, one on the southern border where needs are most urgent. Plans to stimulate improvement in local jails would seem to offer greater hopes. The detention of prisoners is a nation-wide problem, and responsibility can be fixed only by reliance on community self-respect.

There is a sparing use made of juvenile detention homes for Federal child offenders. In some districts where adequate detention homes existed Federal children were not placed there, although the Bureau of Prisons would contract with a juvenile institution as readily as a jail. Obviously, it is the intention of this department to provide for children according to the best standards the community affords.

TABLE 6.—Number of boys and girls 18 years of age and under held in jail during the six months ending December 31, 1930, by judicial district¹

District	Number			District	Number		
	Boys	Girls	Total		Boys	Girls	Total
Alabama, N.	32	2	34	Maryland	13	0	13
Alabama, M.	12	0	12	Massachusetts	1	1	2
Alabama, S.	13	3	16	Michigan, E.	20	6	26
Alaska, 1st.	0	4	13	Michigan, W.	5	0	5
Alaska, 2d.	3	3	6	Minnesota	12	1	13
Alaska, 3d.	5	3	8	Mississippi, N.	14	3	17
Alaska, 4th.	2	0	2	Mississippi, S.	20	3	23
Arizona	55	6	61	Missouri, E.	20	1	27
Arkansas, E.	29	2	31	Missouri, W.	23	4	27
Arkansas, W.	35	5	40	Montana	8	1	9
California, N.	1	0	1	Nebraska	8	1	9
California, S.	27	3	30	Nevada	3	0	3
Colorado	14	4	18	New Hampshire	2	0	2
Connecticut	1	1	2	New Jersey	8	0	8
Delaware	4	0	4	New Mexico	33	4	37
Florida, N.	10	0	10	New York, N.	69	4	73
Florida, S.	36	3	39	New York, E.	5	0	5
Georgia, N.	32	4	36	New York, S.	16	0	16
Georgia, M.	34	0	34	New York, W.	28	5	33
Georgia, S.	14	0	14	North Carolina, E.	44	2	46
Hawaii	1	0	1	North Carolina, M.	34	2	36
Idaho	16	3	19	North Carolina, W.	33	1	34
Illinois, N.	27	2	29	North Dakota	13	1	14
Illinois, E.	42	3	45	Ohio, N.	18	3	21
Illinois, S.	13	0	13	Ohio, S.	7	2	9
Indiana, N.	13	0	13	Oklahoma, N.	31	8	39
Indiana, S.	12	1	13	Oklahoma, E.	27	2	29
Iowa, N. ²	0	0	0	Oklahoma, W.	14	5	19
Iowa, S.	8	1	9	Oregon	4	1	5
Kansas	20	0	20	Pennsylvania, E.	1	1	2
Kentucky, E.	241	9	250	Pennsylvania, M.	4	0	4
Kentucky, W.	20	4	24	Pennsylvania, W.	18	0	18
Louisiana, E.	24	3	27	Porto Rico	3	0	3
Louisiana, W.	14	4	18	Rhode Island	0	0	0
Maine	22	0	22	South Carolina, E.	27	2	29

¹ District of Columbia not included.

² 1 boy transferred from northern Illinois for trial.

TABLE 6.—Number of boys and girls 18 years of age and under held in jail during the six months ending December 31, 1930, by judicial district—Continued

District	Number			District	Number		
	Boys	Girls	Total		Boys	Girls	Total
South Carolina, W.....	27	1	28	Virginia, E.....	12	1	13
South Dakota.....	8	0	8	Virginia, W.....	10	0	10
Tennessee, E.....	35	0	35	Washington, E.....	3	0	3
Tennessee, M.....	42	2	44	Washington, W.....	2	0	2
Tennessee, W.....	6	0	6	West Virginia, N.....	27	0	27
Texas, N.....	31	2	33	West Virginia, S.....	83	2	85
Texas, E.....	8	2	10	Wisconsin, E.....	2	0	2
Texas, S.....	160	14	174	Wisconsin, W.....	2	0	2
Texas, W.....	148	15	163	Wyoming.....	3	0	3
Utah.....	1	0	1				
Vermont.....	14	1	15	Total.....	2,066	177	2,243

TABLE 7-A.—Number of boys 18 years of age and under held in jail during the six months ending December 31, 1930, by judicial district and age

Judicial district	Age								Total
	18	17	16	15	14	13	12	Under 12	
Alabama, N.....	13	0	6	2	2				32
Alabama, M.....	4	3	4	1	2				12
Alabama, S.....	7	3	1	2					13
Alaska, 1st.....	3	1	1	2	1		1		9
Alaska, 2d.....		2	1						3
Alaska, 3d.....		1		3	1				5
Alaska, 4th.....	1	1							2
Arizona.....	17	18	10	7	1	1	1		55
Arkansas, E.....	13	8	6	1	1	1			29
Arkansas, W.....	16	12	3	3	1				35
California, N.....	1								1
California, S.....	19	3	3	1		1			27
Colorado.....	4	7	3						14
Connecticut.....		1							1
Delaware.....	2	1	1						4
Florida, N.....	3	5	2						10
Florida, S.....	10	13	8	5					36
Georgia, N.....	22	8	2						32
Georgia, M.....	19	6	7	1	1				34
Georgia, S.....	7	5	2						14
Hawaii.....		1							1
Idaho.....	5	7	4						16
Illinois, N.....	13	10	3	1					27
Illinois, E.....	13	13	11	3	2				42
Illinois, S.....	5	5	1	2					13
Indiana, N.....	4	4	2	3					13
Indiana, S.....	4	6	2						12
Iowa, N.....									0
Iowa, S.....	4	2	1	1					8
Kansas.....	9	5	3	3					20
Kentucky, E.....	113	65	36	15	9	1	2		241
Kentucky, W.....	11	17		1					29
Louisiana, E.....	14	7	3						24
Louisiana, W.....	5	6	1	1	1				14
Maine.....	11	10		1					22
Maryland.....	7	5	1						13
Massachusetts.....	1								1
Michigan, E.....	17	2		1					20
Michigan, W.....	4		1						5
Minnesota.....	6	4	2						12
Mississippi, N.....	9	1	2	2					14

TABLE 7-A.—Number of boys 18 years of age and under held in jail during the six months ending December 31, 1930, by judicial district and age—Continued

Judicial district	Age								Total
	18	17	16	15	14	13	12	Under 12	
Mississippi, S.....	8	2	5	5					20
Missouri, E.....	7	9	8	1		1			26
Missouri, W.....	12	7	3	1					23
Montana.....	5	2	1						8
Nebraska.....	3	3	1	1					8
Nevada.....	3								3
New Hampshire.....	1	1							2
New Jersey.....	3	2	3						8
New Mexico.....	18	7	4	3				1	33
New York, N.....	35	24	10						69
New York, E.....	3	1	1						5
New York, S.....	11	2	3						16
New York, W.....	17	8	2	1					28
North Carolina, E.....	16	14	5	6	3			1	44
North Carolina, M.....	19	6	5	2	2				34
North Carolina, W.....	18	11	2	1	1				33
North Dakota.....	9	4							13
Ohio, N.....	7	9	1		1				18
Ohio, S.....	5	2							7
Oklahoma, N.....	10	10	8	3					31
Oklahoma, E.....	10	8	8				1		27
Oklahoma, W.....	5	7	2						14
Oregon.....	3	1							4
Pennsylvania, E.....		1							1
Pennsylvania, M.....	4								4
Pennsylvania, W.....	5	8	5						18
Porto Rico.....	3								3
Rhode Island.....									0
South Carolina, E.....	7	10	7	2	1				27
South Carolina, W.....	11	7	8	1					27
South Dakota.....	2	2	3	1					8
Tennessee, E.....	26	5	3		1				35
Tennessee, M.....	21	9	10	2					42
Tennessee, W.....	3	1	1		1				6
Texas, N.....	10	11	3		1				31
Texas, E.....	4	3	1						8
Texas, S.....	91	51	14	2			1	1	160
Texas, W.....	89	38	14	4	1		2		148
Utah.....	1								1
Vermont.....	4	4	4	2					14
Virginia, E.....	7	1	3				1		12
Virginia, W.....	5	2	2		1				10
Washington, E.....	2						1		3
Washington, W.....	1								2
West Virginia, N.....	12	12	3						27
West Virginia, S.....	43	23	8	5	2	2			83
Wisconsin, E.....	2								2
Wisconsin, W.....	1	1							2
Wyoming.....	2			1					3
Total.....	1,006	606	295	105	34	8	9	3	2,066

TABLE 8-A.—Number of boys 18 years of age and under held in jail during the six months ending December 31, 1930, by judicial district and offense—Continued

Judicial district	Offense										Total	
	Prohibition	Immigration	Dyer	Postal	Mann	Drug	Counterfeiting	Interstate Commerce	Other offenses	Witnesses		Not specified
Iowa, S			5		1				2			8
Kansas	2		14	2					1	1		20
Kentucky, E	218		8	10	1		1		3			241
Kentucky, W	24		2						3			29
Louisiana, E	14	3	4	1		1			1			24
Louisiana, W	1	1	6	2					4			14
Maine	1	20							1			22
Maryland	13											13
Massachusetts						1						1
Michigan, E	3	3	3			1	1		3	1		20
Michigan, W	3		1	1								5
Minnesota	2	8	2									12
Mississippi, N	5		7	2								14
Mississippi, S	11		3	4					2			20
Missouri, E	3		17	4					2			25
Missouri, W	11		10		2							23
Montana	2	4							2			8
Nebraska			7			1						8
Nevada				1					2			3
New Hampshire	1											2
New Jersey	1		6			1						8
New Mexico	1	21	10							1		33
New York, N	9	55	2						3			69
New York, E	1		1	1			3					5
New York, S	4	1	4			5			1			16
New York, W	4	9	12							3		28
North Carolina, E	34		2		1							44
North Carolina, M	27		4	3								34
North Carolina, W	26		5	2								33
North Dakota	1	12										13
Ohio, N	4		8	4			1	1				18
Ohio, S	3		2			1			1			7
Oklahoma, N	24		3			1						31
Oklahoma, E	21		2	1					3			27
Oklahoma, W	5		4	1	2				2			14
Oregon	1		2							1		4
Pennsylvania, E				1								1
Pennsylvania, M	2		2									4
Pennsylvania, W	1		14	1					2			16
Porto Rico	1								2			3
Rhode Island												0
South Carolina, E	20		2	2					3			27
South Carolina, W	23		3			1						27
South Dakota			0						2			8
Tennessee, E	23		7	2		1			2			35
Tennessee, M	35		4						2		1	42
Tennessee, W	4		1	1								6
Texas, N	8		16	3		2			2			31
Texas, E	6		1						1			8
Texas, S	9	143	3			1	1		3			160
Texas, W	25	112	6			3			2			148
Utah			1									1
Vermont		13							1			14
Virginia, E	3		5	3						1		12
Virginia, W	5		2	3								10
Washington, E		1	1							1		3
Washington, W			2									2
West Virginia, N	24		1	2								27
West Virginia, S	71		4	2					6			83
Wisconsin, E			2									2
Wisconsin, W	1								1			2
Wyoming	1		2									3
Total	930	452	383	107	10	19	13	10	119	6	8	2,066

TABLE 8-B.—Number of girls 18 years of age and under held in jail during the six months ending December 31, 1930, by judicial district and offense

Judicial district	Offense										Total	
	Prohibition	Immigration	Dyer	Postal	Mann	Drug	Counterfeiting	Other offenses	Witnesses	Not specified		
Alabama, N	1				1							2
Alabama, M												0
Alabama, S			2		1							3
Alaska, 1st										1		1
Alaska, 2d	1											1
Alaska, 3d												0
Alaska, 4th												0
Arizona	2									4		6
Arkansas, E	2											2
Arkansas, W	2				3							5
California, N		3										3
California, S	1			1	1		1					4
Colorado												0
Connecticut									1			1
Delaware												0
Florida, N												0
Florida, S	1				1					1		3
Georgia, N	3				1							4
Georgia, M												0
Georgia, S												0
Hawaii												0
Idaho		1								1	1	3
Illinois, N	1				1							2
Illinois, E	1		1		1							3
Illinois, S												0
Indiana, N												0
Indiana, S									1			1
Iowa, N												0
Iowa, S										1		1
Kansas												0
Kentucky, E	0											0
Kentucky, W	3				1							4
Louisiana, E	1			1					1			3
Louisiana, W					4							4
Maine												0
Maryland												0
Massachusetts									1			1
Michigan, E		1	1	2						2		6
Michigan, W												0
Minnesota	1											1
Mississippi, N	2				1							3
Mississippi, S	1			2								3
Missouri, E			1									1
Missouri, W			1		3							4
Montana										1		1
Nebraska										1		1
Nevada												0
New Hampshire												0
New Jersey												0
New Mexico		3	1									4
New York, N	2	1								1		4
New York, E												0
New York, S												0
New York, W		4									1	5
North Carolina, E					1					1		2
North Carolina, M	2				1							3
North Carolina, W					1							1
North Dakota												0
Ohio, N										2		2
Ohio, S												0
Oklahoma, N	5								1	1		7
Oklahoma, E	2											2
Oklahoma, W			1	1						2		4
Oregon									1			1

TABLE 8-B.—Number of girls 18 years of age and under held in jail during the six months ending December 31, 1930, by judicial district and offense—Continued

Judicial district	Offense										Total
	Prohibition	Immigration	Dyer	Postal	Mann	Drug	Counterfeiting	Other offenses	Witnesses	Not specified	
Pennsylvania, E					1						1
Pennsylvania, M											0
Pennsylvania, W											0
Porto Rico											0
Rhode Island											0
South Carolina, E	2										2
South Carolina, W	1										1
South Dakota											0
Tennessee, E											0
Tennessee, M	1		1								2
Tennessee, W											0
Texas, N	1							1			2
Texas, E	2										2
Texas, S			13					1			14
Texas, W			13						2		15
Utah											0
Vermont		1									1
Virginia, E								1			1
Virginia, W											0
Washington, E											0
Washington, W											0
West Virginia, N											0
West Virginia, S	1									1	2
Wisconsin, E											0
Wisconsin, W											0
Wyoming											0
Total	51	40	9	10	23	1	5	16	20	2	177

TABLE 9.—Number and per cent distribution of boys and girls 18 years of age and under held in jail during the six months ending December 31, 1930, by offense and age

Offense	Age															
	Boys							Girls								
	18	17	16	15	14	Under 14	Total	Per cent	18	17	16	15	14	Under 14	Total	Per cent
Prohibition	437	261	130	38	18	5	939	45.4	23	17	4	7	0	0	51	28.8
Immigration	255	135	47	9	0	6	452	21.9	20	9	8	2	0	1	40	22.6
Dyer	157	115	72	31	5	3	383	18.5	5	3	1	0	0	0	9	5.1
Postal	32	32	26	10	4	3	107	5.2	4	4	2	0	0	0	10	5.7
Mann	5	4	0	1	0	0	10	0.5	0	9	5	1	2	0	23	13.0
Drug	10	7	2	0	0	0	19	0.9	0	1	0	0	0	0	1	0.6
Counterfeiting	6	4	2	0	1	0	13	0.6	1	3	0	1	0	0	5	2.8
Interstate commerce	2	3	2	2	1	0	10	0.5	0	0	0	0	0	0	0	0
Banking	1	3	0	0	0	0	4	0.2	0	0	0	0	0	0	0	0
Other offenses	43	37	13	14	5	3	115	5.6	5	4	3	3	1	0	16	9.0
Witnesses	4	2	0	0	0	0	6	0.3	0	5	0	0	1	0	20	11.3
Not specified	4	3	1	0	0	0	8	0.4	0	2	0	0	0	0	2	1.1
Total	1,000	606	295	105	34	20	2,066	100.0	70	57	31	14	4	1	177	100.0

TABLE 10.—Number of boys and girls 16 years of age and under held in jail without sentence during the six months ending December 31, 1930, by disposition and age

Disposition	Age														
	Boys				Girls				Total						
	16	15	14	Under 14	Total	16	15	14	Under 14	Total	16	15	14	Under 14	Total
In jail Dec. 31, 1930	31	17	3	4	55	3	1	1		5	34	18	4	4	60
Released	88	36		9	151	10	10	2	1	29	104	46	20	10	180
On bail or bond	71	20	16	4	117	5	6			11	76	32	16	4	128
On own recognizance	1	2		1	4	2				2	3	2		1	6
Dismissed	7	5	2	2	16	2	3	2		7	9	8	4	2	23
Discharged	3	1		4	1					1	4	1			5
Court order	2	2		1	5	6				6	8	2		1	11
No bill	3			3	3	1				1	3	1			4
Other	1			1	2				1	1	1			2	3
Transferred	10	3	1		14	2	1			3	12	4	1		17
Court	5	1			6					5	1				6
Other district	2	1			3					2	1				3
Immigration authorities	2				2	1				1	3				3
Social agency	1	1	1		3	1	1			2	2	1			5
Returned to institution	1	1			2						1	1			2
Escaped	1				1						1				1
Not specified	4				4	1				2	5		1		6
Total	135	57	22	13	227	22	12	4	1	39	157	69	26	14	266

1 Classification based on terms used by marshals.

2 Released with mother.

TABLE 11.—Number of boys and girls 16 years of age and under held in jail with sentence during the six months ending December 31, 1930, by disposition and age

Sentence	Age						Per cent		
	Boys		Girls		Total				
	16	15	14	16	15	14			
Jails.....	73	17	2	5	97	8	2	107	45.0
Without fine.....	66	16	2	4	87	7	2	94	37.3
With fine.....	3	1	1	1	3	1	1	4	1.5
In lieu of fine.....	5	1	1	1	7	1	1	8	3.1
Federal institutions.....	43	16	8	1	68	1	1	69	26.6
National Training School.....	36	14	8	1	59	1	1	60	23.2
Chillicothe.....	4	1	1	1	4	1	1	5	1.9
Atlanta.....	3	1	1	1	4	1	1	5	1.9
McNeil Island.....	1	1	1	1	3	1	1	4	1.5
State institutions.....	10	6	1	1	17	1	1	18	7.0
Golden Colo.....	0	3	1	1	11	1	1	12	4.6
St. Anthony, Idaho.....	3	1	1	1	4	1	1	5	1.9
Monroe, Wash.....	1	1	1	1	3	1	1	4	1.5
Yor. Nebr.....	1	1	1	1	3	1	1	4	1.5
Probation.....	30	10	1	1	41	1	1	42	16.2
Fine.....	2	2	2	2	6	2	2	8	3.1
Sentence suspended.....	2	2	2	2	6	2	2	8	3.1
Total.....	160	49	12	7	227	9	2	236	92.0

TABLE 12.—Number of boys and girls, 16 years of age and under, released on bail from jails during the six months ending December 31, 1930, by amount of bail and age

Amount in dollars	Age						Total
	Boys		Girls		Total		
	16	15	14	16	15	14	
200.....	1	1	3	1	1	1	4
250.....	1	1	1	1	1	1	4
350.....	1	1	1	1	1	1	4
500.....	1	1	1	1	1	1	4
700.....	1	1	1	1	1	1	4
1,000.....	1	1	1	1	1	1	4
1,500.....	1	1	1	1	1	1	4
2,000.....	1	1	1	1	1	1	4
2,500.....	1	1	1	1	1	1	4
3,000.....	1	1	1	1	1	1	4
4,000.....	1	1	1	1	1	1	4
Not specified.....	1	1	1	1	1	1	4
Total.....	52	31	17	5	135	6	141

1 Includes 18 boys who were later sentenced.

TABLE 13.—Interdistrict transfers of boys and girls 18 years of age and under held in jail during the six months ending December 31, 1930

Case No.	Sex	Age	Offense	First district			Second district			Disposition
				Jail	Date received	Date released	Jail	Date received	Date released	
1	Boy	18	Postal, Dyer	Alabama, N.: Jefferson	Nov. 8	Nov. 11	Alabama, S.: Mobile	Nov. 11	Dec. 4	Sentence suspended.
2	Girl	16	Postal	Alabama, N.: Tuscaloosa	Sept. 23	Oct. 4	Mississippi, S.: Lauderdale	Oct. 4	Nov. 2	Released by court order.
3	Boy	18	Prohibition	Arkansas, W.: Sebastian	Sept. 30	Oct. 2	Oklahoma, E.: Muskogee	Nov. 2	Nov. 3	Jail sentence.
4	do	16	do	Arizona: Douglas	July 20	July 30	Texas, W.: El Paso	Aug. 3	Aug. 29	Do.
5	do	18	Postal	California, S.: Los Angeles	July 30	Aug. 2	Illinois, S.: Springfield	Dec. 2	Dec. 10	Probation.
6	do	16	do	Colorado: Denver	Oct. 29	Nov. 28	Peoria	Dec. 10	Dec. 11	Do.
7	Girl	17	do	do	Sept. 11	Oct. 2	New Mexico: Santa Fe	Oct. 3	Oct. 25	Do.
8	Boy	17	Dyer	Florida, S.: Hillsboro	July 11	Oct. 2	New Mexico Penitentiary	Oct. 25	Dec. 20	Bail.
9	do	15	do	Florida S.: Duval	Sept. 30	Oct. 3	Bernadillo	Dec. 20	Dec. 23	Dismissed.
10	do	15	do	do	Oct. 3	Oct. 3	New Mexico: Santa Fe	Oct. 4	Nov. 24	Probation.
11	do	18	Drug	Georgia, N.: Fulton	Dec. 8	Jan. 4	Tennessee, E.: Hamilton	Jan. 6	Jan. 8	Do.
12	Girl	18	Mann	do	do	do	do	do	do	Do.
13	Boy	18	Postal, Dyer	Georgia, M.: Muscogee	Aug. 30	Sept. 24	Florida, S.: Duval	Sept. 25	Dec. 20	Atlanta.
14	do	18	Dyer	do	Oct. 7	Oct. 24	Georgia, N.: Fulton	Dec. 23	Dec. 24	Do.
15	do	18	Theft	Indiana, S.: Marion	Oct. 7	Nov. 6	Kentucky E.: No card	Nov. 17	Nov. 19	Chillicothe.
					Oct. 9	Oct. 21	Illinois, E.: East St. Louis	Nov. 19	Dec. 3	Cedar Rapids for trial.
					Oct. 14	Oct. 26	East St. Louis	Dec. 3	Dec. 10	Jail sentence.
							Iowa, N.: Woodbury	Oct. 22	Nov. 17	
							Pennsylvania, W.: Allegheny	Oct. 27		

1 1931.

TABLE 13.—Interdistrict transfers of boys and girls 18 years of age and under held in jail during the six months ending December 31, 1930—Continued

Case No.	Sex	Age	Offense	First district		Second district		Date released	Disposition
				Jail	Date received	Jail	Date received		
16	Girl	18	Counterfeiting	Indiana, S.: Vanderburg Marion	Oct. 18 Oct. 24	Ohio, N.: Lucas	Oct. 25	Dec. 16	Released by court order.
17	Boy	17	Dyer	Kansas: Shawnee	do May 21	New York, N.: Oneida Franklin	July 9 July 17 July 23	July 16 July 23 July 24	Chillicothe. Bail.
18	Girl	18	Postal	Michigan, E.: Wayne	Dec. 1	Tennessee, M.: Davidson	Dec. 12	Dec. 15	
19	do	18	do	do	do	do	do	do	
20	do	18	Immigration	do	Dec. 8	New York, W.: Erie	Dec. 20	Jan. 12	Do. Immigration De- partment.
21	do	17	Mann	Mississippi, N.: Co- shamus	Nov. 4	North Carolina, M.: Gulfport	Nov. 23	Dec. 13	Alderson.
22	Boy	18	Dyer	Missouri, W.: Jack- son	July 29	Iowa, S.: Folk	Aug. 6	Aug. 9	Probation.
23	do	18	Postal	New Hampshire: Hillsborough	July 25	Massachusetts: No card.			
24	do	18	Dyer	New York, S.: U. S. D. H.	Nov. 10	Pennsylvania, W.: Al- legeny	Nov. 13	Dec. 2	Atlanta.
25	do	15	do	New York, W.: Erie	Nov. 21	Massachusetts: No card.			
26	do*	18	do	Ohio, S.: Montgom- ery	Oct. 29	Tennessee, M.: Davidson	Nov. 8 Dec. 6	Nov. 24	Broke jail and was recaptured. Chillicothe.
27	do	18	do	Texas, N.: Potter	Aug. 2	New Mexico: Berna- lillo	Sept. 22	Dec. 30	
28	do	18	do	Texas, S.: Galves- ton	Aug. 4	Pennsylvania, W.: Ephratty	Aug. 14 Sept. 15	Sept. 15 Sept. 16	Probation.
29	do	18	do	Texas, W.: Bexar	July 14	Arizona: Phoenix	Dec. 17	1931	Golden.
30	do	18	Postal, prohibition	West Virginia, S.: Mingo Cabell	Aug. 18 Aug. 19	Kentucky, E.: Boyd Clark	Aug. 19 Sept. 1	Sept. 1 Sept. 2	Atlanta.

1 1931.

* Released on bail Nov. 3, but readmitted the same day.

CHAPTER IV

ADMINISTRATION OF FEDERAL SYSTEM OF JUSTICE IN RELATION TO CHILD OFFENDERS

The Federal statutes commonly found violated by children are listed by their popular names as follows:

Anti-narcotic act (known as Harrison Act): December 17, 1914 (C. I. 38, Stat. L., 785).

Immigration acts (beginning in 1882): October 16, 1918, c. 186 (40 Stat. L., 1012); May 11, 1922 (c. 187, 42 Stat. L., 540); March 4, 1929 (45 Stat. L., 1551).

Interstate commerce acts (beginning in 1887): August 10, 1917 (c. 51, 40 Stat. L., 272).

Motor-vehicle theft act (known as Dyer Act): October 29, 1919 (c. 89, 41 Stat. L., 324).

National prohibition act: October 27, 1919 (c. 85, 41 Stat. L., 305).

Postal laws: Criminal Code, secs. 179-231.

White slave act (known as Mann Act): June 25, 1910 (c. 395, 36 Stat. L., 825).

NATURE OF OFFENSE

As far as our evidence goes child offenders under 18 years of age in the majority of cases are likely to be involved in offenses of petty nature. They serve as messengers for narcotic peddlers and bootleggers; rarely do they engage in commercially profitable transactions. They tend stills or assist their parents in manufacture of liquor. Often they do not know the names of their employers, and are left to "take the fall," if arrested.

Immigration cases are of two kinds—runaway children from Canada and Mexico who enter the United States hardly knowing they have violated a Federal law and children whose parents have been apprehended for illicit entry.

Interstate commerce violations often mean something has been stolen from freight cars—articles of food, cigarettes, etc., or seals on cars may have been tampered with.

From a money value the most serious offense is likely to be automobile theft. In almost all cases the purpose in stealing cars was not to sell but to get somewhere. There are instances

also where young hitch-hikers begged or accepted rides from adults who had possession of stolen cars and were arrested. The commercial element is lacking in most of the cases studied under the Dyer Act.

Postal law violations show a marked change since 1919;¹ according to the Federal Children's Bureau study cases dealt with by United States district courts have decreased 46 per cent, whereas cases dealt with by juvenile courts have increased 11 per cent.² Within the decade the number of children sentenced to institutions for postal offenses had dropped from 52 to 44 per cent. The proportion of children dealt with under 10 years of age is smaller in 1928 than in 1918-19. The policy of the Post Office Department inspectors is to handle cases which may be described as mischief, petty larceny, and other forms of juvenile delinquency, either informally or by cooperation with juvenile courts. Cases heard in the Federal courts are more likely to be burglary, embezzlement, fraud, and forgery and to involve older children.

Offenses classed under the white slave act in the cases of boys and girls under 18 years of age are predominately sex adventures without commercial element. Joy rides, attempts to elope in the course of which State lines are crossed, may terminate in the Federal court. Other couples pursuing similar romantic aims but taking a different route may be apprehended by a police officer who brings them home or turns them over to the local juvenile court. The type of jurisdiction turns on a territorial position.

Analysis of offenses as charged in the records is of no great value in understanding their nature, as social histories are lacking. The one generalization safe to make is that these offenses are not more serious than the average run of juvenile cases.

PROCESS OF DETENTION

The Attorney General as chief of Federal police has general control of the tasks of detecting and apprehending violators of Federal laws. Under his control also are the marshals.

¹ Bloodgood, Ruth: *The Federal Courts and the Delinquent Child*. Children's Bureau, Pub. 103, Washington, 1922.

² Cosgrove, Elizabeth: *Children Violating Postal Laws Arrested in 1928*. Supplement to Pub. 103, prepared by the Children's Bureau for the White House Conference, Committee IV. C. 2—Delinquency. November, 1930, p. 10.

The Bureau of Investigation³ in the Department of Justice was organized in 1908; it supervises the investigation of offenses arising under the motor vehicle and white slave traffic acts, larceny of goods in interstate commerce, crimes on Indian and Government reservations, and Alaskan matters, including the infractions of both Federal and Territorial laws.⁴

The police force of Alaska is composed of agents of the Bureau of Investigation and the United States marshals. All child offenders' cases in Alaska are handled by Federal authorities.

In the United States the municipal or State police officers in the majority of cases studied appear to have had the first contact with the child. If in the opinion of the police the case comes within Federal scope it is referred to the proper agent. A working arrangement between local police and United States marshals and agents of the Bureau of Investigation in some communities results in turning over to State courts most of the children technically guilty of Federal offenses.

ARREST

Warrants of arrest may be issued on affidavit of an agent of the Federal Bureau of Investigation or other Federal department or by State or local police officer or private individual. The warrant is signed by the United States district judge or commissioner. Service may be made either by the marshal or police officer.

PRELIMINARY HEARING

The accused may be brought before the United States commissioner for examination and plea. Hearings of children's cases are in some instances conducted by the commissioner in a manner similar to juvenile-court procedure. Hearings are usually within 24 hours following arrest. No jail detention may be necessary. Use of discretion on the part of the commissioner is one of the most important factors in handling children out of court. The commissioner is guided in policy by the judge and district attorney.

³ Act of May 27, 1908, c. 200, 35 Stat. L., 328.

⁴ Langeluttig, Albert: *The Department of Justice of the United States*, the Johns Hopkins Press, 1927, pp. 52-53.

It is interesting to note how policy varies in the different districts. In some districts practically all motor vehicle theft act cases involving children are turned over to local authorities, while postal offenses are held for trial; in others the reverse is true.

Interviews with Federal court officials in some 11 districts indicated great variation in policy with reference to holding child offenders. Some judges said they saw no good reason for making distinction between child and adult offenders. Others said they would permit no trial of a child in their court if the child were within juvenile court age and if the local juvenile agency would provide for the child.

DISTRICT ATTORNEY AND GRAND JURY

At any stage in the proceeding the child may be brought before the district attorney. He receives the warrant, together with the commissioner's findings, and if the case is to be presented to the grand jury subpoenas the witnesses and arranges for arraignment in court. The discretion of the district attorney may be a dominant factor in deciding what shall be done with the child.

We are unable to state the extent to which the grand jury is used in children's cases. Study of the court records of children committed to institutions indicates that it is sometimes used unnecessarily. For example in the case of a girl of 15, charged with violation of the motor vehicle act, who made immediate confession of guilt on arrest, the entire process of indictment, arraignment, and trial was instituted. (See Ch. VI of this report, case 3.)

COURT HEARING

In some districts, notably Connecticut, a guardian ad litem is appointed for the child. This is not the usual practice in the majority of districts. Whether or not parents shall be notified or guardians appointed is wholly within the discretion of the court. In none of the cases studied of children committed to institutions was entry made on the record showing the appearance of parents in court unless they appeared as codefendants.

The amount of time given to hearing children's cases varies. Some judges are exceedingly careful and conduct

trials in much the juvenile court manner, employing the probation officer to secure facts of social history, and questioning the child about motives. In other districts where hearings were attended it was not unusual to dispose of between 70 and 80 cases in a half day; if a child appeared there was no especial attention given. In one district the time given to the particular child's case observed was four minutes. To the children sentenced to institutions this policy may appear ruthless. As one boy said of his appearance in court, "it wasn't a trial—we were just sentenced, that's all."

In the guilt-finding aspect of the courts' work with children there appears little difficulty. What information is available strengthens the opinion based on field studies that in the majority of cases the child makes no defense.

In the dispositional phase of the courts' work difficulties arise from lack of information of the child's previous experience and present needs. Issues which determine the actual type of sentence given are not clearly stated. The discretion of the judge is the determining factor. In some districts the policy is to commit almost all to institutions, in others to commit none. The issues which the judge puts to himself doubtless include various extra-legal considerations. One judge said he sentenced minors as a rule only when they came from ignorant and impoverished families as this was an opportunity to learn a trade. Others stressed the deterrent effect upon the young people in the community. Some viewed the correctional institution as a superior type of boarding school; others as a last resort for a "hardened" offender.

Difficulties arise in prohibition offenses involving an entire family. A boy of 13 was sentenced three years to an institution, together with his two brothers, age 15 and 16; the father and another older brother were sentenced to the penitentiary; all had been found guilty of manufacturing liquor on their farm. This left the mother and one young child in the home. Whether the disposition turned wholly on the issue of guilt, or the judge believed a sentence to be the only way of providing for the boy, can not be determined.

In some districts no young children are prosecuted for prohibition violations, the principle being that adults who have contributed to the child's delinquency are to blame.

PROBATION

By Federal legislation in 1925,⁵ the use of probation was authorized: "When it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public, as well as the defendant, will be subserved thereby." Fifty-one probation officers had been appointed by the judges in 44 of the Federal districts in February, 1931.

TABLE 14.—Number of Persons on probation and parole under supervision of the United States probation system as of March 31, 1931, by judicial district and age^a

Judicial District	Men			Women			Total	Parole
	Under 18	18-21	Over 21	Under 18	18-21	Over 21		
Alabama, S.	7	16	110			17	159	2
Arkansas	3	6	98		1	10	124	6
Arizona		3	73			19	86	4
California, N.	3	5	173			28	209	6
California, S.	22	22	109			17	208	12
Florida, S.	2	2	96		2	20	118	1
Georgia, M.	6	22	168	2	0	23	200	
Georgia, N.	0	15	92			23	130	2
Georgia, S.	10	14	179	1	1	40	245	1
Illinois, E.	10	14	50		1	20	104	3
Illinois, N.	6	26	287	2		62	383	21
Illinois, S.		8	67			7	82	7
Indiana, N.	3	6	237		1	44	291	6
Iowa, S.	2	7	18			4	31	4
Kentucky, W.	1	13	166		3	31	214	4
Kentucky, E.	40	114	549	1	7	53	704	8
Louisiana, E.	2	4	121		1	22	150	7
Maryland	7	14	41			16	78	1
Massachusetts		7	595			53	655	8
Michigan, E.	5	15	39			5	64	10
Michigan, W.		1	60			10	71	20
Minnesota	4	3	564	2	3	267	843	86
Missouri, E.	2	4	32			10	48	17
Missouri, W.	11	7	79			28	125	23
Montana		2	402		1	49	454	
Nebraska			104			15	119	3
Nevada		3	109			1	113	
New York, E.	1	1	68			2	72	12
New York, W.	4	6	39			3	52	1
New York, N.	1	7	79			9	96	2
New York, S.	7	31	303		4	26	371	10
North Carolina, E.	6	15	38		1	5	65	10
Ohio, S.		12	53		1	5	71	
Oregon		2	6			8	16	
Pennsylvania, E.	8	15	341	1	1	38	404	5
Pennsylvania, W.	22	48	263	2	2	62	429	8
Pennsylvania, M.	19	26	366		2	58	471	1
Rhode Island	4	9	118			11	142	
South Carolina	1	7	75			3	86	8
South Dakota	4	10	13			1	28	
Tennessee, W.		8	21		1		30	3
Texas, N.	4	13	81		2	21	121	9
Washington, W.	5	4	126		1	46	182	11
West Virginia, S.	73	153	1,076	5	18	199	1,524	3
Total	292	720	7,813	17	63	1,432	10,337	354

^a Compiled by Bureau of Prisons.

^b Act of Congress, Mar. 4, 1925: Chap. 521, Stat. L., 1259, amended June 6, 1930. See also U. S. C., title 18, secs. 724-727, providing for the suspension of imposition or execution of sentences and placing defendant upon probation, the revocation or modification of probation, the duties of the probationer, the powers of probation officers, their appointment and duties.

A probation officer has the power of arrest exercised by a deputy marshal. He has the duty of investigating any case referred to him by the court and is responsible for the supervision of the conduct of those released on probation. Salaries are fixed by the Attorney General. Recently a supervisor of probation has been appointed under the Director of the Bureau of Prisons.

Among the obstacles to effective probation work are the widespread territories and the heavy case-loads, ranging between 200 to over 400 cases to a single officer.

Some of the probation officers are well qualified social workers; others have had no experience or training in social work. In some districts where in spite of obstacles effective supervision appears to be given, it is the practice to employ the facilities of local probation systems, or to delegate responsibility to qualified volunteers.

PAROLE

The Parole Board recently appointed passes on all cases of Federal offenders in penal and correctional institutions, and State institutions under contract.

No especial provisions are made for minors; there is urgent need for careful investigation and effective supervision of home conditions and employment opportunities for boys and girls whose institutional sentence has been served under strict discipline, and who have had little experience in making wise decisions.

ANALYSIS OF COURT RECORDS IN THIRTEEN JUDICIAL DISTRICTS

A study of law administration in the Federal courts is being made for the National Commission on Law Observance and Enforcement through analysis of records in 13 judicial districts of all cases terminated during the three years ending June 30, 1930. The work is under the direction of an advisory committee of which Dean Charles E. Clark and Prof. William O. Douglas, of Yale Law School, are chairman and secretary.

Through the courtesy of Dean Clark and Professor Douglas a separate blank covering juvenile offenders (Appendix 11, Form A) was furnished to field workers in November, 1930,

with instructions for its use in all criminal cases involving offenses by minors, i. e., under 21 years of age.

Because there is no provision in Federal court records for systematic age entries, identification of minors is subject to a degree of error which it is impossible to estimate. It was believed, however, that the sample obtained, whatever size, would contribute information concerning Federal court procedure with juvenile offenders.

A total ⁶ of 721 cases were reported as follows:

TABLE 15.—Number of boys and girls under 21 years of age with Federal court cases terminated during the three years ending June 30, 1930, by year and judicial district

Judicial district	Year			Total
	July 1, 1927- June 30, 1928	July 1, 1928- June 30, 1929	July 1, 1929- June 30, 1930	
California, northern.....	20	30	23	73
Colorado.....	35	29	43	107
Connecticut.....	0	6	1	7
Illinois, northern.....	0	4	86	90
Kansas.....	34	16	19	69
Louisiana, eastern.....	0	5	37	42
Massachusetts.....	0	0	3	3
Michigan, eastern.....	7	23	70	100
New York, southern.....	7	16	33	56
North Carolina, western.....	0	4	44	48
Ohio, northern.....	2	2	24	28
Ohio, southern.....	1	1	17	19
West Virginia, southern.....	12	24	43	79
Total.....	118	160	443	721

The large proportion shown for 1929-30 (61.4 per cent of the total) is accounted for mainly by a check made of the reported court cases with 1,180 jail detention cards which had been received by the Bureau of Prisons, Department of Justice, during its first year of registration (July 1, 1929, to June 30, 1930) from the 13 selected districts for all persons under 21 years of age.

Among several factors contributing to the difference between the totals of 443 court cases and 1,180 jail detentions may be noted (1) the process of sampling prohibition cases

⁶ Not representative of the entire 3-year period, as complete material had been gathered in only five districts by Apr. 1, 1931, when the juvenile count was made.

on a 10 per cent basis in seven of the districts, (2) the fact that field work for the court study is not yet complete, (3) the inclusion in the marshals' cards of pending cases and of instances of custody for special purposes, and (4) the number of cases dropped before appearance in court.

From Table 16, in which the 721 cases (695 boys and 26 girls) are grouped according to age, it is seen that 539, or 74.8 per cent, were above 16 years of age.

TABLE 16.—Number of boys and girls under 21 years of age with Federal court cases terminated during the three years ending June 30, 1930, by age

Sex	Age								Total	
	20	19	18	17	16	15	14	13		Not stated
Boys.....	142	160	126	91	57	31	11	4	73	695
Girls.....	6	8	6	-----	2	1	-----	-----	3	26
Total.....	148	168	132	91	59	32	11	4	76	721
Per cent.....	20.6	23.3	18.3	12.6	8.2	4.4	1.5	0.6	10.5	100.0

No girls' cases were reported in Connecticut, Kansas, Massachusetts, and southern Ohio; one each was shown in eastern Michigan, southern New York, and northern Ohio, and two each in eastern Louisiana and western North Carolina. The remaining 19 were as follows: southern West Virginia, 7; Colorado, 5; northern California, 4; and northern Illinois, 3.

OFFENSES FOR WHICH CONVICTED

Grouping by offense the cases which ended in conviction (653), Dyer Act violations were found to be most frequent in six districts, and total for the entire group 238, or 36.4 per cent. National prohibition act offenses, together with liquor violations of the tariff act, lead in four districts, and comprise 26.0 per cent of total convictions. Postal offenses follow with a total of 105, and drug act violations with 43.

Of the 106 boys and girls 16 years of age and under, 49.1 per cent were convicted on Dyer Act charges and 23.6 per cent for postal violations.

VALUE OF PROPERTY

For 150 cases of offenses against property, the value involved was recorded: 9 per cent were below \$10; 35 per cent under a hundred dollars; and 76 per cent under \$500.⁷

INTERVAL BETWEEN ARREST OR FIRST APPEARANCE BEFORE COMMISSIONER AND COURT DISPOSITION

The interval between arrest or first appearance before the commissioner and the final disposition by court was reported by 10-day periods in 594 cases.

Grouped roughly they show the following frequency:

Under 30 days.....	145	120-149 days.....	33
30-39 days.....	182	150-179 days.....	23
60-89 days.....	97	180-359 days.....	50
90-119 days.....	56	360-659 days.....	8

About a fourth of the cases were closed within a month, and 30 per cent more during the second month.

Nine districts had cases pending at the end of six months; there were six still unfinished at the close of the year in Colorado, and one each in southern New York and southern West Virginia.

All cases for the group 16 years and under were disposed of during the first six months, except two 15-year-old children in Kansas, and one in southern Ohio, and two 16 years of age in Colorado.

NUMBER OF DAYS IN JAIL AWAITING TRIAL

This item was reported in 440 cases; the "no entry" for the 281 other cases indicates either no time spent in jail or no record found.

About 20 per cent were held in jail less than 9 days; 31 per cent between 1 and 2 months; and 13 per cent between 2 and 3 months. Forty-four were held over three months, the youngest, a 15-year-old boy, in southern Ohio.

⁷ Because this item was reported for only 27 children under 17 years of age, it was unwise to draw any conclusions, but roughly the percentages are the same as for the whole group.

One 13-year-old child was held between 40 and 49 days; another between 20 and 29 days. The nine 14-year-old children were all held less than a month.

The median average, however, for the group, 16 years and under (73 cases), is 33 days, the same as for the entire group (440).

TABLE 17.—Number of boys and girls under 21 years of age with Federal court cases terminated during the three years ending June 30, 1930, held in jail awaiting trial, by district and number of days

Judicial district	Number of days										Total
	0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	Over 90	
California, northern.....	3	5	7	10	9	4	2	2	4	6	52
Colorado.....	18	6	2	8	5	5	7	1	1	12	64
Connecticut.....					1						1
Illinois, northern.....	18	8	15	20	9	2	6				78
Kansas.....	4	8	6	5	6	2	2	3		3	39
Louisiana, eastern.....	16	4	1	3		1	2	3		3	33
Massachusetts.....		3									3
Michigan, eastern.....	6	8	5	8	16	4	4	8	2	5	60
New York, southern.....	10	9	5	2	3	2	2			1	34
North Carolina, western.....	5	1		1		2				4	13
Ohio, northern.....	1	4	2	3	2		3	2		1	18
Ohio, southern.....	2	2	1	1				2		8	16
West Virginia, southern.....	7	6	2		3	1		2	1	1	23
Total.....	90	64	46	61	54	23	28	23	7	44	440

TABLE 18.—Number of boys and girls under 21 years of age with Federal court cases terminated during the three years ending June 30, 1930, held in jail awaiting trial by age and number of days

Age	Number of days										Total
	0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	Over 90	
13.....			1		1						2
14.....	3	4	2								9
15.....	7	2	1	3	2	1		1		1	18
16.....	4	7	3	11	7	1	4	1	2	4	44
17.....	11	6	7	11	8		5	5		4	57
18.....	14	13	7	9	11	9	7	1		10	81
19.....	25	15	10	18	6	5	8	7	3	12	109
20.....	13	12	10	9	11	7	4	8	1	11	86
Not specified.....	13	5	5		8				1	2	34
Total.....	90	64	46	61	54	23	28	23	7	44	440

PLEAS

In all districts the large majority of children plead guilty. The total of 618 (587 convicted as charged; 31 convicted part) represents 85.7 per cent of the entire group.

JURY TRIALS

The 36 jury trials were grouped according to age as follows:

16 years.....	12	19 years.....	11
17 years.....	3	20 years.....	8
18 years.....	7	Age not specified.....	5

¹ Discharged; 1 convicted part.

USE OF ATTORNEY

TABLE 19.—Number of boys and girls under 21 years of age with Federal court cases terminated during the three years ending June 30, 1930, by judicial district and use of attorney

Judicial district	No entry	No attorney	Employed	Assigned by court	Guardian ad litem	Total
California, N.....	35	15	16	7		75
Colorado.....	5	68	33	1		107
Connecticut.....					7	7
Illinois, N.....	33	6	11	1		61
Kansas.....	36	6	21	4		67
Louisiana, E.....	12		1			13
Massachusetts.....		3				3
New York, S.....	34		1	1		36
Ohio, N.....	2	11	3			16
Ohio, S.....	3					3
Total.....	160	109	86	14	7	376

Separate figures for 63 cases 16 years and under show 32 with no entry, 18 employing no attorney, 11 having an attorney, and 2 assigned by court. ⁸

⁸ In addition to the 160 cases in which there was no entry about attorney, there were 345 cases in which information on this item was "not sought." In three districts no data were furnished—eastern Michigan, western North Carolina, and southern West Virginia, and in six others only for part of the cases.

DISPOSITION IN COURT

TABLE 20.—Number of boys and girls under 21 years of age with Federal court cases terminated during the three years ending June 30, 1930, by disposition

Disposition	Number	Per cent
Not convicted.....	68	9.4
Discharged after court trial.....	5	
Discharged after jury trial.....	10	
Discharged; directed verdict.....	2	
Information or indictment dismissed.....	19	
Nolle prosequi.....	29	
Nolle account other indictment or information.....	3	
Convicted.....	653	90.6
Convicted as charged; guilty plea.....	587	
Convicted as charged; jury.....	18	
Convicted as charged; court.....	9	
Convicted part; guilty plea.....	31	
Convicted part; jury.....	8	
Total.....	721	100.0

The group 16 years of age and under shows about the same percentage of convictions, 98 out of 106 cases, or 92.5 per cent, compared with 90.6 per cent for the entire number.

SENTENCES

Of the 653 convictions, 443, or 67.8 per cent, were sentences to imprisonment; in all districts except Connecticut and Massachusetts commitment was the most frequent sentence.

One hundred and twenty-nine, or 19.8 per cent, were placed on probation; 32 of these were in the younger group, i. e., under 17 years of age.

Fines were imposed in all districts except Kansas and Massachusetts.

TABLE 21.—Number of boys and girls under 21 years of age with Federal court cases terminated during the three years ending June 30, 1930, by sentence

Imprisonment.....	411
Imprisonment and fine.....	32
Probation.....	57
Probation and suspended sentence.....	71
Probation and fine.....	1
Fine without costs.....	33
Fine and suspended sentence.....	3
Fine, imprisonment, and suspended sentence ¹	16
Suspended sentence.....	16
Other.....	13
Total.....	653

¹ In Eastern Louisiana.

PLACE OF COMMITMENT

Of the commitments 57.1 per cent were to Federal institutions, 31.6 per cent to local jails, and 9.7 per cent to State institutions; in 1.6 per cent of the cases, the place was not designated.

Northern California, Colorado, and Kansas were the only districts making use of local State institutions.

TABLE 22.—Number of boys and girls under 21 years of age with Federal court cases terminated during the three years ending June 30, 1930, by place of commitment and judicial district

Place of commitment	Judicial district												Total	
	Northern California	Colorado	Connecticut	Northern Illinois	Kansas	Eastern Louisiana	Massachusetts	Eastern Michigan	Southern New York	Western North Carolina	Northern Ohio	Southern Ohio		Southern West Virginia
Jails.....	13	19	1	25	2	7	1	33	*12	17	3	4	3	140
Federal institutions.....	7	31		33	32	14		37	16	17	15	2	43	253
National Training School, Chillicothe.....		22		5	34			13	1	8	7	2	26	91
Atlanta.....				24	8			6		8	8		4	95
Leavenworth.....		9						5					12	32
McNeil Island.....	7			4				13					6	26
Alderson.....										1			1	2
State institutions:														
Golden.....	2	4												6
St. Anthony.....	1	4			17									22
State reformatory.....	9	3			2									14
State prison.....	1													1
Not specified.....				4	1	1			1					7
Total.....	33	61	1	62	54	22	1	70	29	34	18	12	46	443

* Includes 10 in Federal Detention Headquarters.

CONCURRENT SENTENCES

There were no instances of concurrent sentences in 6 of the districts; 16 cases were reported in the other 7 as follows:

California, N.....	2
Colorado.....	1
Kansas.....	3
Massachusetts.....	1
Michigan, E.....	2
New York, S.....	6
Ohio, S.....	1
Total.....	16

Six of the concurrent sentences were imposed on different counts of the same case; the other 10 on separate cases.

In 14 of the cases the sentence was imprisonment, and for the other 2 probation; 1 of the latter, 60 months, probation for forging a Government check, was imposed to run concurrent on 2 counts; the other a suspended sentence of a year and a day and 2 years probation, to run concurrent on 6 counts of a drug-act violation.

MINORS IN FEDERAL PENAL AND CORRECTIONAL
INSTITUTIONS

During the year ending June 30, 1930, the number of Federal long-term prisoners under 20 years of age received from the courts in the various institutions was 1,122, or 10.7 per cent of their intake.³ Exact age is not available unless a census is made at each institution. This was done at Atlanta Penitentiary, the Industrial Reformatory at Chillicothe, Ohio, the National Training School for Boys, and the National Training School for Girls, and at the Federal Industrial Institution for Women, Alderson, W. Va., and in five State institutions under contract.

Among penal institutions Atlanta received during 1930 the largest number under 20 years, 162. For some time the policy has been to transfer the younger boys to other institutions. Atlanta was visited in March, 1931. There were then 58 boys whose age at time of sentence was 18 years or younger. One boy had been sentenced at the age of 14, five boys at 16, the remainder were 17 or 18 years. Leavenworth received 140 individuals under 20 years; McNeil Island, 22 under 20 years in 1930; these institutions were not visited.

Among reformatory institutions Chillicothe receives the largest number of individuals under 20 years of age. During 1930 the number was 404. When the institution was studied in February, 1931, the age distribution under 21 years was:

Age at time of commitment:	Number
16.....	7
17.....	66
18.....	116
19.....	190
20.....	156
Total.....	535

The reformatory was originally established for boys and men between 17 and 30 years of age.⁴ Recent legislation provides that first offenders of any age may be sentenced. At the time of study there were 56 men above 30 years of age in the reformatory.

³ Annual Report of the Attorney General of the United States: 1930, p. 319.

⁴ Act of Congress, Jan. 7, 1925 (title 18, secs. 831-840, United States Code). Amended May 12, 1930, to remove the age limit.

CHAPTER V

PENAL AND CORRECTIONAL INSTITUTIONS

HISTORICAL

Over a century ago the movement to house child offenders separately from adults began in this country. The first, the New York House of Refuge established in 1824, was followed in 1825 by the House of Reformation, Boston, and the House of Refuge, Philadelphia.¹ The first State to provide a reform school for boys sentenced by court was Massachusetts in 1847. Between 1865 and 1869 State schools were established in Connecticut, Illinois, Indiana, Iowa, Maryland, and Ohio.

The sponsors held the faith that substitution of some sort of family life and school discipline for the prison would save the child from a criminal end. Purposes sought were best described in Massachusetts, as early as 1855: "The commissioners can entertain no doubt that the organization should be that of a family and the government, as nearly as practicable, that of a parent. They believe that great moral and religious power abides in the idea of parental government and family organization, which has not been developed in any public reformatory institution in this country, and that, if this legitimate power were wrought out into ultimate action, it would effect far more in the way of reforming juvenile delinquents than measures based upon any other idea."²

An outgrowth of the juvenile reformatory movement was the creation by act of Congress, July 25, 1866, of the National Training School for Boys, under the title, House of Correction.

¹ Pierce, B. K., A Half Century with Juvenile Delinquents, D. Appleton & Co., N. Y., 1869.

² House Document, Massachusetts, No. 43, 1855, p. 12. (Report concerning the founding of the Industrial School for Girls at Lancaster.)

Age at time of commitment:	Number
31 to 35 years.....	40
36 to 40 years.....	6
41 to 45 years.....	8
56 to 60 years.....	1
61 to 65 years.....	1
Total.....	56

The population numbered 1,464 on February 20, 1931.

The Federal Industrial Institution for Women cares for a small number of minors. At the time of study, March, 1931, the population was 441; of this number 19 were under 21 years:

Age at time of commitment:	Number
17 years.....	5
18 years.....	4
19 years.....	6
20 years.....	4
Total.....	19

Younger girls are sent to the National Training School for Girls,⁵ and to the State institutions under contract. Nineteen girls between 13 and 17 years of age were in residence in the institutions studied. The total number of girls sentenced per year between these ages has not exceeded 20.

Distribution of minors in institutions by age, offense, and judicial district is shown in the following table, which includes 303 cases distributed as follows:

Atlanta Penitentiary, Atlanta, Ga.....	36
Colorado State Industrial School, Golden, Colo.....	37
Federal Industrial Institution for Women, Alderson, W. Va....	19
Idaho State Industrial Training School, St. Anthony, Idaho....	50
National Training School for Boys, Washington, D. C.....	50
National Training School for Girls, Washington, D. C.....	5
Nebraska State Reformatory for Women, York, Nebr.....	3
United States Industrial Reformatory, Chillicothe, Ohio.....	50
Utah State Industrial School, Ogden, Utah.....	3
Washington State Reformatory, Monroe, Wash.....	50
	303

⁵ Formerly a Federal institution; transferred to the control of the Board of Public Welfare of the District of Columbia.

TABLE 24.—Analysis of 303 cases studied intensively in 10 institutions, showing age, sentence, and previous court history in reference to the offense

Offense	Age, years											Place of trial			Sentence										
	10	11	12	13	14	15	16	17	18	19	20	21	Legal residence	State of legal residence—other town	Other State	Until 21	Until 18	30 years	27 years	15 years	10 years	8 years	5 years	4 years	
Dependency.....		1	2	3		1		1					1	8		1							1		
Juvenile delinquency.....	1	1	1	3	1	5	4	1			2		1	18		7	2						3		1
Truancy.....				1										1											1
Banking laws.....										1			1												1
Immigration.....								1							1										
Interstate commerce.....						1	3	1					1	5		1									1
Mann Act.....						1		1	1	1			1	1	3										1
Murder.....					1									3				1							
Manslaughter.....	1						1							1		1							1		
Narcotic laws.....					3	3	7	19	2	2	2	2	4	9	1	1							1		
Postal laws.....														27	3										1
National prohibition act.....				1	3	2	5	13	16	4	3		7	37		3			1			1			
National motor-vehicle theft.....		1		2	3	15	27	52	40	9	4	2	19	26	110	16									7
Miscellaneous.....							2	3		2	2	2	2	7	7					1	1		1		
Total.....	2	3	3	10	8	28	49	92	66	24	14	4	44	134	125	29	4	1	1	1	1	1	15	12	

All Federals serving terms in the State institutions under contract are listed. Groups of 50 cases each from U. S. I. R., Chillicothe, and N. T. S. B., Washington, and 36 from Atlanta Penitentiary are included.

TABLE 24.—Analysis of 303 cases studied intensively in 10 institutions, showing age, sentence, and previous court history in reference to the offense—Continued

	Sentence										Previous convictions						Total								
	3½ years	3 years	2½ years	2 years	18 months	15 months	13 months	1 year and 1 day	12 months	6 months	Not specified	Not reported	None	Juvenile court	Criminal court	Federal court		Sentenced to institution or jail	Probation	Parole	Suspended sentence	Pending	Fine	Deportation	
Dependency													8												8
Juvenile delinquency													12												17
Truancy												6													1
Banking laws												5													1
Banking laws																									1
Immigration																									1
Interstate commerce																									1
Mann Act																									1
Mann Act																									1
Murder																									1
Manslaughter																									1
Narcotic laws																									1
Narcotic laws																									1
Postal laws																									1
Postal laws																									1
National prohibition act																									1
National prohibition act																									1
National motor-vehicle theft																									1
National motor-vehicle theft																									1
Miscellaneous																									1
Miscellaneous																									1
Total	4	61	11	53	35	8	5	41	1	1	13	1	159	89	46	10	81	35	2	8	5	31	2	303	

All Federals serving terms in the State institutions under contract are listed. Groups of 50 cases each from U. S. I. R., Chillicothe, and N. T. S. B., Washington, and 36 from Atlanta Penitentiary are included.

SUMMARY OF DATA RELATIVE TO 303 MINORS SERVING SENTENCES IN 10 INSTITUTIONS

Two hundred and seventy were sentenced by 61 district courts in the United States.
 Thirty-one were sentenced by district courts in Alaska.
 One was sentenced by district court in Porto Rico.
 One was sentenced by United States consular court in China.
 One hundred and thirty-seven, or 45 per cent, were received from the following eight districts:

Alaska	31
Kentucky (eastern district)	24
Arizona	23
Texas (northern district)	13
West Virginia (southern district)	13
New Mexico	12
Texas (western district)	11
Alabama (northern district)	10

One was received from each of 15 districts. There were no commitments from 23 districts.
 One hundred and three, or 34 per cent, were 16 years of age or younger.
 One hundred and fifty-eight, or 52 per cent, were 17 and 18 years of age.
 One hundred and fifty-five, or 51 per cent of all children included, were violators of the National Motor Vehicle Transportation Act, received from 52 different districts.
 One hundred, or 64 per cent, of the National Motor Vehicle Transportation Act violators were under 18.
 One hundred and ten, or 71 per cent, were sentenced from States other than their legal residence.
 Forty-four had violated the national prohibition laws, twenty-six of these having been received from two districts—

Kentucky (eastern district)	17
West Virginia (southern district)	9

There were 39 violators of the postal laws from 24 different districts.
 The 28 cases of dependency, truancy, and juvenile delinquency were received from territorial and consular courts and for violations committed on Indian reservations.

One hundred and thirty-one children spent between one and three months in jail before trial.

Seventeen, including those who were released on bail, were detained less than one week before trial.

Ten children awaited trial in jail between 6 and 18 months.

Thirty-four, or 22 per cent, of the children for whom figures were secured were detained more than one month after trial.

One hundred and fifty-nine, or 52 per cent, of these children had no known previous record of court convictions.

Eighty-nine, or 30 per cent, had had experience in juvenile court.

Forty-six, or 15 per cent, had been previously convicted in a criminal court.

Ten, or 3 per cent, had records of previous convictions in Federal courts.

Eighty-two, or 27 per cent, had had previous experience in jails or correctional institutions.

Fifty-six, or 18 per cent, were sentenced for less than 18 months.

One hundred and sixty-five, or 54 per cent, were sentenced from 18 months through 3 years.

Thirty-six, or 12 per cent, were sentenced for more than three years.

Forty-six, or 15 per cent, were sentenced for minority or given indefinite sentences.

The legal residences of these children include 43 States, Alaska, Canada, China, and Porto Rico.

Two hundred, or 66 per cent, of the children live in 11 States and 1 Territory, as follows:

Alabama.....	10	Kentucky.....	28
Alaska.....	31	Missouri.....	11
California.....	17	North Carolina.....	11
Georgia.....	10	Ohio.....	12
Illinois.....	21	Texas.....	20
Kansas.....	12	West Virginia.....	17

SERVICES RENDERED IN FEDERAL PENAL AND CORRECTIONAL INSTITUTIONS

There is no distinct program for minors sentenced to penal institutions. The Bureau of Prisons, under a series of acts of Congress in May, 1930, has provided a division of welfare

and education, a personnel section, and a division of prison industries. It is the intention of the Bureau of Prisons to develop the resources in each institution to meet problems of education, physical rehabilitation, and vocational training of individual prisoners. Trained educational directors have been appointed in each of the Federal institutions. The United States Public Health Service is in charge of all medical and psychiatric work, by recent arrangement. A trained librarian has been installed in the central office of the Bureau of Prisons to provide reading courses and to assist each of the institutions in maintaining a library. The personnel section plans by means of morale officers, athletic directors, and vocational officers to extend the program of individualization.

A social service unit will be set up in each institution to serve as a center for gathering social data, coordinating the various phases of the individualization treatment program, and for establishing contacts with community resources for the welfare of prisoners' families. Four professionally equipped workers are now in training at Leavenworth working out procedure and technique under supervision of the bureau.

Attempt is being made to train young men of character and intelligence as prison officers. Training classes are held at New York, Atlanta, and Leavenworth.

EVALUATION OF SERVICES

The task of individualizing a program for some 10,500 prisoners in six Federal institutions in various parts of the United States has been undertaken so recently and presents such inherent difficulties that attempts at evaluation seem premature. Advantages and disadvantages of increasing centralization in the Bureau of Prisons must be tested by the experimental method. From the point of view of the institution there is the criticism that health, education, and industry are problems that belong organically to local administration and are too complex to be dealt with from a distance. Institutions by nature are little autonomous culture-worlds of their own, easily resentful and suspicious of outside aid. On the other hand, they can not afford high-grade expert service in all their departments.

Our impressions, gained in the study of institutions and the analysis of services rendered individuals 18 years of age and under, are the basis for the following generalizations:

PHYSICAL EQUIPMENT AND LIVING ARRANGEMENTS

Chillicothe has a \$3,000,000 appropriation for a building program which will take over three years to complete. Present living arrangements are 10 buildings formerly used as barracks; they house between 43 and 250 men each in dormitories. They are in poor repair, crowded, unsanitary, and not fireproof. Some bunks are double-decked. There are no chairs in the dormitories; men must sit or lie on their beds at all times while in barracks. Kitchen and dining room facilities are inadequate; mess is served twice, to accommodate all, which means that in bad weather men stand in rain and cold waiting for service. Floors in both kitchen and mess hall can not be scrubbed as they are so porous that water would seep through to food supplies in the basement. Hospital space is crowded and inadequate; clothing is very poor. Boys sent from warm climates suffer greatly from exposure.

In Atlanta boys live in the cell-blocks, which are overcrowded. Sanitation, cleanliness, and equipment are excellent. Hospital facilities are overtaxed, but modern, with some private rooms for the seriously ill, and a tent colony out of doors for the tubercular.

In the National Training School for Boys housing is of the cottage type. Dormitories are overcrowded to the extent cubic air space is probably in violation of proper health regulations. The night supervisor is placed on a gallery porch above the dormitory, an arrangement unsatisfactory to the requirements of mental hygiene. While the family homes are spotlessly clean, light, and airy, the indoor time of the boys is spent for the most part in basement rooms, dingy and unattractive. The central dining room is poorly lighted, crowded, and dismal; the kitchen, antiquated, damp, and unsanitary. Appropriations for a new service building have been requested by the administration.

HEALTH

Central control by the United States Public Health Service will insure expert medical service in all Federal institutions. In the past the aim has been chiefly to prevent epidemics and to deal with serious illness. No positive individual health program has existed. Venereal disease and tuberculosis are given remedial care. Formerly no individual records were kept of medical treatment unless severe cases required hospitalization.

EDUCATION

With the problem of illiteracy to be met, the educational program has concerned itself with instruction not beyond fourth grade in some institutions; recently classes to the sixth and eighth grades have been installed. In Chillicothe 400 men were in school half a day, under teachers chosen from the better-educated prisoners. The supervisor of education is a well-qualified man. In Atlanta inmate teachers are employed under a highly trained and experienced specialist in adult education. Boys go to school an hour a day from 8 to 9 a. m. The classroom atmosphere in both institutions is unrepressive, devoted to learning, in spite of overcrowded conditions. No guards are present. In the National Training School for Boys the school program is undergoing a complete reorganization. The superintendent,⁶ appointed June, 1930, states, "the academic department should emphasize individual instruction, using methods similar to the Winnetka Plan * * * The courses of study should be rich in content and vitalized with instructional aids such as materials for visual instruction * * * general science laboratory equipment, adequate library."

INDUSTRIAL TRAINING

The urgent need of supplying work to vast numbers of idle prisoners is recognized by the Bureau of Prisons in a comprehensive plan to extend and diversify prison industries. In Atlanta the chief industry is the textile or duck mill. Young boys are employed, however, chiefly in dining-room and cleaning work; the jobs with pay go to men who need

⁶ Col. Claude D. Jones.

money for their families. In Chillicothe the industries include farming and a brick plant; vocational training is offered in plumbing, electricity, sheet-metal work, carpentry, bricklaying, and automobile mechanics. One hundred and twenty men are assigned in divisions numbering 20 each. Applications are received from those considered worthy and capable of learning a trade, if length of sentence is such they will be able to complete the course. As the largest group are young and have never worked steadily or learned a trade, vocational opportunities should be greatly extended. The younger boys were receiving little training. This situation can be improved only when trained teachers replace foremen whose emphasis is on speed and quantity of production.

In the National Training School for Boys there are no industries apart from those needed for maintenance—farm, tailor, shoe, carpenter, plumbing shops, laundry, etc. Vocational training is being reorganized. Formerly squad work on the grounds, polishing and cleaning in the cottages, kitchen and dining-room service occupied most of the work time of the younger boys. There was complete lack of correlation between school and shop work, with the result that educational values in both were minimized.

Road camps for employment of prisoners have been established by the Bureau of Prisons. It is improbable that boys under 18 are much use here but the success of this outdoor plan in maintaining health morale and character building should be noted.

RECREATION

In Atlanta each man not on punishment has two hours each day for recreation; part of it may be spent in cells reading. Athletic games are provided. The boys appeared to have benefited by some outdoor exercise. In Chillicothe there is little planned recreation; men have the freedom of the grounds after work hours until dark, and on Saturday afternoons and Sundays. The librarian is in charge of recreation. Motion-picture shows are given every fortnight. In the National Training School for Boys there was little attention to spontaneous recreation, much time being given to squad movement and manual of arms practice. Wholesome, vigorous play, so necessary to the development of the young child, was almost lacking. Creative longings were

given few outlets; there were no dramatics, no music except for those in the band, few social assemblies, and a restricted library service. Reorganization of recreation is under way at this school with results already manifest in the changed spontaneous eager attitude of the boys.

DISCIPLINE

In Atlanta and Chillicothe the discipline is standardized on a strict military basis administered apparently without corporal punishment. Five to ten days a month "good time"⁷ to be deducted at the end of the sentence are allowed for good behavior if application is not made for parole; part or all may be forfeited as a matter of discipline. Loss of privilege, or cell detention, with restriction of diet to bread and water two days and regular meals on the third are the general methods in use. The usual length of detention is three to six days, but it may extend indefinitely.

In Chillicothe sentence to the guardhouse is the usual punishment for fighting, stealing, insubordination, and attempted escape. Each guard makes a daily report of misconduct to the assistant superintendent who talks with each offender and administers punishment; guards are not permitted to fix penalties. A majority of the offenses are handled by a verbal reprimand. A few minor offenses noted in the records as punished by from three to six days in the guardhouse were, possession of a 2-cent stamp; talking in mess line; concealing an apple in bunk; kicking a refuse can; stealing five eggs from the kitchen. There are nine armed posts surrounding the 25 acres used for buildings; only two of them are operated in the daytime. Men apparently enjoy considerable freedom of movement but are surrounded by guards during all of their activities. The United States Public Health Service is planning to put in 1 full-time psychologist and 1 psychiatrist and 3 trained nurses, in addition to a resident physician. Professional handling of conduct problems is expected to do much to solve disciplinary problems. Not only from a medical point of view will the presence of women nurses have value; young boys

⁷ Act of Congress, June 21, 1902, amended Apr. 27, 1905, providing for commutation for good conduct for United States prisoners.

in an institution respond to women in many character-building ways.

The National Training School for Boys, in an early report stated:

The system adopted for this institution is that of the Reform School of Ohio, namely the "family plan"; the discipline shall be that of the family, the school, the workshop and the farm, and not of a prison. The inmates are to be watched over as pupils, and not guarded as prisoners or criminals, and there shall be no more restraint than shall be necessary to develop them in good and repress bad qualities.⁸

In 1897 a committee appointed to investigate reports:

The school is in so excellent a condition, and is so ably managed with such good results, that the committee deem that it would be unwise to make any change whatever in its control.⁹

In May, 1930, it was evident disciplinary restraints had developed beyond the parental limits fixed in 1866. Newspapers charged shackling of boys in leg irons¹⁰ and misuse of the flogging system in vogue; a new superintendent was appointed. The board voted to do away with corporal punishment; six detention cells were substituted to guard against escapes. The plan of the board at present is to give the boys a more active program of academic education and work, to have sports and motion pictures, to give them better food, and to transfer the more serious cases of discipline to other institutions.¹¹

It is a matter for some interpretive comment that the harshest punishments are found usually in the institutions for the reform of young children.

RELIGIOUS AND CHARACTER-BUILDING ACTIVITIES

Paid chaplains are in all the institutions and consideration to difference in religious faith is given. In general the services are formal and would appear of no great spiritual value to the hungry individuals who attend. The development of character by means of participation in some form of citizenship,

⁸ The laws, by-laws, and organization of the Reform School of the District of Columbia: May, 1870, pp. 6-7.

⁹ Summary Charities and Reformatory Institutions in the District of Columbia: Part II; Government Printing Office, 1897, p. 18.

¹⁰ Washington Star, May 7, 1930; Washington News, May 23, 1930; Washington Star, June 20, 1930.

¹¹ Interview with Mr. Francis H. Duehay, December 10, 1930, President of the Board of Trustees.

however restricted, is not undertaken. For the young child cut off from home this is the greatest lack in the institutional program. No sense of beauty, personal loyalty, or confidence in human relationships is given support or outlet.

STAFF

It has been noted the Bureau of Prisons is attempting to improve prison officer personnel. Competent professional direction does a great deal toward transforming a miscellaneous group of employees into a purposeful staff. Traditional means of selection will have to be broken if good results are expected. The field offers challenge to the best of our young men and women now in college and schools of social work.

The staff of the National Training School for Boys was studied and a record obtained of the education, training, and experience of each member. Excluding the administrative department and the medical department, the personnel numbers 12 matrons, 9 cottage masters, 12 school teachers, 1 parole officer, 1 physical director, and 17 trade and vocational teachers. Of the entire group 9 have attended college, 4 have graduated; none have attended a school of social work, or had service in a social agency; 16 graduated from high school, 20 went to high school but did not graduate; 10 graduated from grammar school, 16 went to grammar school but did not finish; 2 reported no schooling.

If a staff member held a position for more than two years in a trade or industry outside a correctional institution, we list him as having had successful industrial experience; in this classification are 16; 7 others have had special mechanical or technical training; 11 have practical farming experience; 6 are certified public school teachers.

Previous occupations of the remainder include 3 who have done police work, 4 army or navy, 1 prison guard, 2 street car men, 4 railroad men, 2 insurance, 2 public amusement; other positions held were grocery clerk, telephone, gas and light, newspaper, cashier, bookkeeper, milk wagon driver, night stable boss, private secretary, and post office.

While the previous contacts of the staff with the outside world indicate varying degrees of skill and tenacity, it is clear that institutional work has an attraction for them.

Twenty-two officers have been in the National Training School for more than 10 years, the assistant superintendent for 49 years, the parole officer for 34 years; another employee has served 53 years, and one 42 years. Fifteen of the present staff have worked from 2 to 20 years in other correctional institutions for children.

It would be an interesting subject for research to trace the history and spread of institutional disciplinary measures such as silence, marching, dressing, and undressing "to count," standing on line, use of strained or "torture" positions, calisthenic drill to point of exhaustion, flogging, shackling, drenching with streams of cold water, etc. An officer who has learned these practices in one institution passes them on to another; once rooted they spread underground; the most enlightened administrator finds it difficult to eradicate them.

CARE OF GIRLS

The National Training School for Girls has a separate department built in 1924 for white girls situated at Muirkirk, Md., about 20 miles from Washington, D. C.; that for colored girls is within the District. The school was established in 1888, and until July, 1926, was under a board of trustees appointed by the President of the United States; it is now controlled by the Board of Public Welfare of the District of Columbia.

The department for colored girls is housed in four cottages, with single rooms, 6 by 12, furnished with a good bed, small table, and chair. Girls are locked in at night and have to lay their clothing on the floor outside the room; they are locked in their rooms during portions of each day. A prison unit-locking system is to be installed as safeguard against fire hazard. Windows are barred, or covered with heavy wire grating. Each building has its own dining room, kitchen, laundry, and work room. There are 19 acres of ground, but during winter months there is little outdoor work or play. Most of the farming is done by men. Each cottage has a brick walled-in yard for recreation. The dismal restrictive appearance of the place reflects its spirit. It is said that during winter months girls have three hours of school. In October, 1930, when the school was visited, no classes were in session. There is no recreational director, no

gymnasium, nor intercottage sports. Discipline appears for the most part punishment in cells, of which there are six in a separate wing. Medical service is given by a visiting woman physician twice a week. The school has no hospital and no trained nurse, although a large proportion of the girls are venereally diseased. No psychological or psychiatric service is available. Babies are cared for by their mothers in their own rooms. It is planned to make some provision for placing an infant when 6 months old with relatives or in a foster home. Of four infants in the institution at time of study, two were about 2 years of age.

The institution for white girls is housed in one building surrounded by 150 acres of land farmed by men employees, produce being raised here for both departments. The building is modern and attractively furnished. There are 12 single rooms for girls; the population varies between 12 and 25, including infants born to girls serving sentence. The staff numbers four women and four men. No adequate program of school, vocational training, recreation or outdoor life is provided. Maintenance tasks occupy but a brief time, the remainder being spent in idleness, or sewing, reading, etc. One of the girls' rooms seen had panels of the door kicked out; another had electric wiring torn out; most of the doors have extra wooden reinforcements. The front door is barred, three locks have to be turned before the building may be entered; windows are covered with heavy wire grating. Punishment rooms are in the basement. Girls are sometimes put in handcuffs, possibly a necessary precaution when suicide is threatened, and the exposed hot water pipes overhead offer opportunity. There is no psychiatrist; the monotony of life and the restricted activities cause frequent outbreaks and disturbance, which the men employees are called upon to quell.

The department for white girls was instituted to segregate them from the colored group; for so small a number it would seem an expensive plan. There seems no good reason why Federal cases should be sent here. It is recommended they be sent elsewhere; within a few miles is the Maryland State School for Girls at Montrose, a modern institution with exceptionally good opportunities for outdoor life, vocational training, and psychiatric service.

Older girls, 17 to 21, are provided for at the new Federal Industrial Institution for Women¹² which has not only a physical plant combining the best features of modern reformatories, but adequate medical service, a diversified industrial and school program, and a system of classification designed to furnish individual treatment.

STATE INSTITUTIONS UNDER CONTRACT

The Bureau of Prisons contracts with numerous State institutions for the care of Federal prisoners; 24 were listed in 1930; those in Colorado, Idaho, Maryland, Nebraska, Utah, and Washington were visited.

The institutions selected for detailed presentation in this report are two—the Industrial Training School, St. Anthony, Idaho, and the Washington State Reformatory at Monroe. Their isolation from the centers of population and the fact that neither has before been made the subject of a published study are the reasons for this extended treatment. One is illustrative of vocational opportunities offered, the other emphasizes custodial features.

IDAHO INDUSTRIAL TRAINING SCHOOL—ST. ANTHONY, FREMONT COUNTY, IDAHO

This school was built in 1903. It is the State correctional school for boys and girls between the ages of 8 and 18 years committed by the courts of Idaho. State court commitments are to 21 years, unless paroled. In December, 1930, when studied it had a population of 207 boys and 61 girls. Of the total 268, there were 39 boys and 11 girls sentenced by Federal courts of the United States, or Territory of Alaska.

For the 2-year period ending December 31, 1930, 70 children had been received from the Federal courts, 61 boys and 9 girls. During this biennium, 87 had been discharged to the United States authorities, 85 boys and 2 girls. Length of sentence varied from 1 year and 1 day, 13 months, 18 months, 2 years, 3 years, and (cases from Alaska and China) during minority.

CONTINUED

1 OF 2

¹² Act of Congress, June 7, 1924. The first inmates were received Apr. 30, 1927. Annual Report of the Attorney General of the United States: 1930, p. 309.

The ages of the Federal children when committed were:

Years of age	Boys	Girls	Years of age	Boys	Girls
0 ¹	1	.....	16.....	7	2
1.....	2	.....	17.....	7	1
12.....	3	.....	18.....	8	.....
13.....	3	3	10.....	2	.....
14.....	2	.....		
15.....	4	5	Total.....	39	11

¹ The youngest child sent by the Federal courts within the last 5 years was 6 years of age.

In 1919 the school was placed under control of the State board of education,¹³ which serves as the board of trustees, with power to appoint a superintendent, "who shall be especially fitted for the position. * * * He shall be retained as long as his work is bringing good results, irrespective of political affiliations." The board has power to let contracts for the erection of all buildings and also the entire supervision of their construction. All buildings for the housing of the pupils shall be on a cottage plan. "For the better grading of inmates each cottage shall accommodate not more than 25 persons." (Sec. 1132.)

The institution occupies 650 acres of land and requires more than 45 buildings to house its various activities. The plant is valued at \$1,000,000. The 1929-30 2-year appropriation of the legislature for the school was \$216,250. Per capita average cost per year is just under \$500. Board for Federal cases is paid by the Department of Justice at the rate of one dollar per day.

STAFF MANAGEMENT AND TRAINING

The first superintendent was J. T. Humphries, appointed 1903, from the State Reform School for Boys, Iowa. Emphasis then was on routine discipline, and unison movements to commands, bells, whistles, and counts. Complaint was made in the legislative session of Idaho of 1913 charging cruel treatment. Mr. Humphries was succeeded by J. Fred Williams who remained two and one-half years.

Mr. W. D. Vincent, present State commissioner of education was made superintendent of the training school in 1919, remaining nine years. He reorganized it on a modern educational basis, established vocational training, removed the

¹³ Idaho Compiled Statutes, 1919: sec. 1129 (C. L. 47:2).

girls to cottages about a half mile from the campus. Formerly they had performed most of the domestic work for the entire population.

In 1919, Mr. E. Ova Cook became assistant superintendent and since 1927 has been the executive. He has had 25 years' experience teaching public schools. Seventeen members of his staff of 50 have been accredited teachers in public schools. Five of this number teach academic subjects; the remainder are in charge of industrial work, or serve as matrons or cottage managers. Concerning staff appointments and qualifications, the statute reads:

All officers, teachers, and employees shall be appointed by the superintendent, by and with the advice and consent of the board of trustees; and such officers, teachers, and employees may be removed by the superintendent whenever the interests of the school will be best subserved thereby. All teachers, except specialists, shall hold first-class certificates from the State superintendent of public instruction. Specialists shall hold diplomas from some accredited school in their specialty. (Idaho Compiled Statutes, 1919: 1129.)

In addition to meeting the educational requirements the following instructors have had practical industrial or vocational experience: Engineer, sewing instructor, music teacher, bandmaster, shoemaker, painter, dairyman, farmer, athletic director, mason, printer, blacksmith, bake-shop instructor, cook, tailor, and carpenter.

As far as our observation goes this is the only State correctional school which sets up such standards for employees.

Educators and skilled shop instructors, in positions often filled by half illiterate guards, would do much to solve prevalent institutional disciplinary problems.

RECORD SYSTEM

No complete case histories are kept at the school. The courts send little information beyond commitment papers. The parole officer, John R. Ault, is the only field agent on the staff; years of training and experience as juvenile probation officer equip him for the tasks of social investigation which his routine duties do not permit.

Concerning Federal cases, the mittimus contains name, age, race, residence, United States court district, name of judge, date and place of offense and arrest, docket number, date of trial, plea, trial by court or jury, presence of counsel,

sentence, recommendations of the judge and United States attorney as to parole, and a statement from a medical examiner stating the child to be free of contagious disease and of sound mind. (The State law of Idaho requires that inmates sent to the industrial training school be free from disease and not insane.) As there is no verification of age or identity, it sometimes happens that Federal cases have been sentenced under assumed names, and have given incorrect information as to age and legal residence.

The superintendent, or his assistant, Mr. E. P. Newby, interviews the child on entrance and records his statements as to place of birth, names and addresses of parents and relatives, school grade, etc. These records are left at the central office, with official disciplinary records, cottage, school, and employment entries. Official correspondence is also filed here. Medical records made after admission are kept at the hospital; those sent with court commitments are kept in the superintendent's office; school and shop reports are kept by individual instructors and a monthly report turned in to the office. Blanks are furnished for this purpose. Credits earned by good conduct and work are kept in the superintendent's office. A large registration ledger is used for recording the movement of population; entries are made in chronological order. A card index lists the name of each boy, with name and address of parents or guardians. Financial records are kept in a modern system of accounting by the bursar. An accurate system of recording the amount of work done, and of farm and dairy produce is established. There is no master file where all data concerning an individual child are kept.

CLASSIFICATION PROCEDURE

Within a few hours after entrance the child, examined by the nurse at the hospital, bathed, outfitted in clean clothes, assigned to living quarters in a cottage, takes his place in the active life of the school. He is put to work immediately. He is interviewed shortly by the superintendent, who explains the purpose of the school, rules of conduct, and penalties for infractions. The assistant superintendent is in charge of assignments to workshops and industries. No vocational tests are given. Boys who show aptitude for skilled trades may enter them; the process of selection is observation of

progress made. Needs of the workshop and maintenance are also considered. Children are placed in their proper school grades after interview with the principal of the academic school and a few days' try-out.

Classification into cottage groups is made on the basis of age, sex, and size. There is no race discrimination; Negro, oriental, and Indian children live in the various cottages. Boys under 14 have a separate cottage. There is no classification by mental age, characteristics, or behavior.

MEDICAL CARE

There is a separate hospital building and a resident woman nurse. A physician from the vicinity gives part time. There is a routine entrance examination; cases are vaccinated and immunized against typhoid and diphtheria. Wassermann tests and tests for gonorrhea are given when indicated. The nurse attends to treatments for the girls entirely. Minor illness and operations are cared for in the school hospital; major operations are taken to a hospital in Idaho Falls. A visiting dentist comes once a week.

Hospital records for 1928-1930

Cases		Cases	
Measles, mumps, chicken pox	79	Diabetes	1
Scarlet fever	1	Tonsillectomy	43
Diphtheria	1	Appendectomy	5
Gonorrhea	35	Herniatomy	2
Syphilis	1	Simple and compound fractures	16
Pneumonia	6		

The general health appears good with the exception of the younger boys, some of whom seem pallid and anemic, and some of the Federal cases, who on arrival after jail detention are frequently in a run-down condition, verminous, undernourished, and filthy. One Federal boy was treated at the hospital for a leg sore resulting from iron shackles and the confinement of his foot in an Oregon boot in transit three days and nights from jail to the school.¹⁴ Weight and height records are not kept systematically, and records of periodic health examinations are not available. No eye and ear

¹⁴ An Oregon boot is a shoe made of iron and leather, weighing about 12 pounds, screwed to fit the individual and locked with a key.

specialist resides near the school. There are no facilities for treating tuberculosis or cases requiring special diet.

FOOD

All baking, cooking, and serving of meals at the main plant are done by boys under the direction of competent instructors. There is a congregate dining room, large, light, well ventilated, set with tables accommodating 6 to 20; white tablecloths are used, dishes are of aluminum, knives, forks, and spoons are clean; flowers and potted plants add a cheerful appearance. The boys march in from a basement entry by companies led by a boy captain and followed by the company manager. All stand behind their individual chairs with folded arms until an order is given to sing grace. A boy plays on a small organ, and grace is sung three times daily. An order is then given to be seated. Company managers leave the room to eat their meals, and the entire group is supervised by one dining-room matron. There is absolute order and silence. About a half hour is given to mealtime. Table manners are excellent. Boy waiters wear white suits.

Kitchen, bakery, storerooms, refrigeration plant, pantries are immaculately clean. Dairy, farm, poultry, and slaughterhouse furnish food in abundance. A hydrating machine preserves fruit and vegetables in season, and ground cellars are built to store them. Meat, gravy, potatoes, butter, and milk are served at least once a day. Fruit and vegetables are served daily. The food in quality and quantity is adequate and wholesome. Meals for girls are cooked and served in their own cottages. Menus are better, if anything, than for boys.

CLOTHING

The appearance of the boys is neat. Uniforms are made in the tailor shop, including band suits, braided military coats, trousers, serge suits for Sundays, blue denim work pants, muslin and duck shirts, and pajamas. Underwear and socks are bought ready-made. Clean laundry is brought to the tailor shop for mending. The boys' gymnasium suits are especially attractive. No ragged or ill-kept clothing was observed in any part of the school.

PSYCHOLOGICAL AND PSYCHIATRIC EXAMINATIONS

There is no psychological or psychiatric service. Educational measurements are given in the school of letters. The "Detroit intelligence test," given in January, 1930, showed "in the girls' and boys' high schools 88 per cent to be median or above." In the boys' eighth grade 71 per cent were above median; 56 per cent were retarded. "In the lower grades of both boys and girls we have a far greater per cent of retardation owing to the fact of so many being sent us who have had very little or no school privileges."¹⁵

The aims of the school of industry are vigorously practical. No adaptation of the program of work has been made for atypical cases. If there are feeble-minded or psychopathic children, the fact is known only by means of "common-sense" observation; all are subjected to the same routine and discipline. Enuresis and masturbation are dealt with as disciplinary problems. The wall is supposed to have been raised against cases requiring individual mental hygiene care by legislative enactment; i. e., committed children shall be of sound mind and free from disease. Prior examinations, however, are made, it would seem, in a cursory fashion. On Federal cases, "can live in any climate" is a usual entry, or "free from active manifestation of venereal disease" or "physical condition good." One may doubt that any of the children committed by the courts ever saw a psychologist or psychiatrist. Mental-hygiene problems do arise, to the vexation of the staff. Isolated as the school is, the nearest large town being Salt Lake City, a day's journey distant, it is evident that resources are limited.

The case of a Federal boy, aged 17, received March 12, 1930, is in point. He developed mental illness at the school in August. There was no psychiatric diagnosis or treatment possible; no place other than the dormitory or one of the officers' rooms for his isolation. His outcries and erratic behavior disturbed the school for a period of some seven months; the patient was at times roughly handled by boys. At the time of our interview, January 1, 1931, he was seriously deteriorated. In view of the shortness of his sentence, 13 months, neither parole, nor transfer to St. Elizabeths

¹⁵ Fourteenth Biennial Report of the Idaho Industrial Training School. Printed at the school, 1930, pp. 7-9.

Hospital, Washington, D. C., could be arranged. When his sentence expired, counting time allowed for "good behavior," he was returned to his home, and in a few weeks committed to a State hospital for the insane.*

This case appears exceptional, but it illustrates the need for more thorough examinations in Federal courts before sentence, or the provision of psychiatric service at the school. Considering the organization, goals, and spirit of the school, it is doubtful that a program based on mental hygiene for the individual could be put into effect.

EDUCATIONAL PROGRAM

Under State statute (Idaho Compiled Statutes, 1919; sec. 1139), the school constitutes an independent public school district. Orville D. Carper, who serves as superintendent of grade schools and principal of the girls' high school, is an experienced educator. One of the teachers holds an M. A. college degree; the remainder are graduates of normal schools or colleges. There are two men and three women in the school of letters. They appear to have been selected on the basis of teaching ability, skill in discipline, poise, and attractive personality. They teach from four to eight hours in the classroom. The course of study is approximately that of the other public schools of Idaho. Pupils are graduated from the eighth grade on passing the examination required by the State. In 1930, seven girls and three boys graduated from high school. All children committed by the State courts are required to have four hours in the classroom daily. Federal boys and girls are not required to go to school if beyond 16 years old; some, however, avail themselves of the opportunity.

Classrooms are well equipped; and while the number of children assigned to a teacher is large, between 40 and 50, the quality of instruction is equal or superior to that of the average city school. The children show keen interest and keep excellent order. A new 2-story academic school building is under way. Not only its construction, but the buff-colored bricks, are the work of the boys, under their industrial instructors. When completed this structure will be one of the finest in the State.

*For history, see Ch. VI, Case 13.

Few, if any, correctional schools in the United States have achieved such an adequate academic school program.

INDUSTRIAL PROGRAM

Four hours each day are given to shop work, under trained instructors; older boys, not in school, work eight hours. The industries include blacksmithing, auto mechanics, plumbing, steam heating, and electrical installation. The most modern machinery and methods are used. The mason department, with its brick, stone, and Duntile plant, turns out all building material used in the institution. There is a splendid new carpenter shop with all shafting, belts, and pulleys underneath the floor, making the machinery safe for the novice apprentice. This department helps in the construction of buildings and repairs. Its head is a graduate of the mines college in Colorado.

All painting and decorating are done by the boys. The entire institution is kept in an unblemished condition by the painting squad. Stenciling, skilled design work, and free-hand line work with oil paints are done in some of the interiors. Commercial art, sign, and poster painting is taught in a professional manner. In 1923 the boys took first and second prizes in a contest open to high-school pupils in the United States and Canada. The work as taught is a stepping-stone to remunerative display advertising, as well as the general painting trade. Records state that many boys have obtained good positions.

The print shop has a modern linotype machine, a good press, ruling, and stitching machines. All forms used at the school, cards, programs, posters, and menus for special occasions, the Argus, a semi-monthly school periodical, and some printing for the State are done by the boys.

The tailor shop operates a modern cleaning plant and is equipped with electric sewing machines. Pattern drafting is taught. There is a shoe shop, where mending is done. Although work shoes are purchased, some of the higher grade shoes are manufactured in this shop. The school laundry trains boys for positions. The machinery is adequately equipped with safety devices said to have been installed to prevent the recurrence of an accident which resulted in the death a few years ago of a small boy caught in a dryer.

Brass band and stringed orchestra practice are given daily. The performance in assembly meetings is excellent. Some of the students have remained eight years in the music department. Girls are given piano and singing lessons. As is usual in correctional institutions, the band occupies most of the time and attention of its devotees.

Farm, dairy, poultry, and greenhouse operate with the best of stock and equipment. The school raises wheat, oats, barley, peas, corn, and hay in large quantities and a diversified list of vegetables and fruit. Ice is cut from a pond and stored by the boys.

Outstanding features of the industrial program are high quality of output, comparing favorably with commercial products, though everything is consumed by the State; competent trade instructors who presumably could earn livings elsewhere but prefer the systematic security and routine of an institution, the turnover among the staff being very small. Order and industry among the boys is marked, yet individuals and selected groups move freely without supervision about the institution, "on honor," or completely absorbed in their tasks. Little loafing is observed; the entire concern moves with precision. For strong Federal boys between 16 and 21 the trade training opportunities are exceptionally good.

METHODS OF DISCIPLINE

The superintendent knows each child personally by name and is well aware of shortcomings. Every boy on arrival is given a personal interview in the superintendent's office, emphasizing the requirements of obedience and frankness. Reliance on the credit system is the chief means of enforcing discipline. Commitments from the State courts run throughout minority. With good conduct a child may gain release on parole in 13 months; the average time is approximately 16 months. With Federal cases the situation is complicated; some are given straight sentences and a few from Alaska, during minority. Rules of the Federal Department of Justice govern parole. It frequently happens that a Federal case having completed credit requirements of the school is held for months awaiting action of the Parole Board in Washington. This adds greatly to the school's difficulties,

for the Federal children compare their lot with the State children and feel unjustly treated.

Rewards for good conduct are given. To each cottage a quarterly good-conduct celebration party is awarded, if there has been no runaway. There are stunts, games, music, and refreshments. Monthly parole dinners are given for those about to be released; every device is employed to make these joyous festive occasions.

There is no detention cell or lock-up on the premises; no shackles, bars, walls, or physical restraint of any kind. Federal boys brought in handcuffs and shackles by the marshals are released on entering the main building. Diet restriction is not used by way of punishment, though a dessert may be withheld now and then; the entire population is in the dining room at meal time. Military drill is not used, though there is much unison of movement, marching, etc, and the cottage routine is extremely formal. None of the officers or teachers wear uniform, or carry canes or straps. There is positively no swearing, shouting, or slugging permitted; on the contrary there is an atmosphere of almost evangelical righteousness and zeal on the part of superintendent and staff. This is stressed at frequent assembly meetings, where the superintendent addresses the children. A child, on punishment, goes with the remainder of the school to classrooms, shops, gymnasium, movies, and religious services.

Corporal punishment is believed in and applied under definite rules. The superintendent defended its use in a fervent speech before the juvenile session of the American Prison Congress at Louisville, Ky., October, 1930. His argument is that fear and pain are deterrents when other methods fail, and that respect for the force of the law can be instilled thereby. He denounces the hypocrisy or slackness of administrations which claim no corporal punishment, and cites its widespread use, under cover or masquerade; he prefers honest vigorous dealing. Corporal punishments in use at the Idaho Industrial Training School are of three kinds, official whippings, standing on line, and chastisement by cottage managers by means of slapping or spanking. Whippings are administered by the superintendent or under his direction with a leather strap, 20 inches long and 1½ inches wide, the number of strokes being 25. Record is left

in the office and the boy is obliged to sign a statement as to the number of strokes given. Whipping is the usual penalty for running away, persistent stealing, use of tobacco, serious disobedience, or immorality. Standing on line means assuming rigid upright posture during recreation or recess and recall periods, before and after meals, half days on Saturday, whole days on Sunday. The time may be for a few days or two months. There are no "stunt" positions permitted, i. e., strained, or unnatural body twists.

The superintendent stated that no employees could be found on the grounds in possession of strap, cane, or stick for punishment. Our observation is that this is true. Spanking, slapping with the open hand, and "working over" the face are said to be the only corporal discipline in the cottages. The superintendent is opposed to the whipping of girls.

All Federal cases in residence were interviewed by courtesy of the superintendent. Their statements were not and could not be verified. The majority were busy, robust, healthy, and contented; some were enthusiastic. A few complained of a good deal of slapping in the cottages. The use of boy captains and lieutenants in discipline enforcement was deprecated, particularly by the younger group. Boys are not permitted officially to strike other boys, but it is evident their zeal and loyalty to the school sometimes outrun their discretion.

A large number of the staff have had experience in custodial institutions elsewhere where the methods of discipline were more military. All of them expressed approval of the system in vogue at St. Anthony; some believe in harsher methods; there is strong *esprit de corps* among the staff, and we believe, strict obedience to rules. After the credit system the main reliance is on force of example, admonition, and moral teaching.

RELIGIOUS INSTRUCTION

"The superintendent shall provide for the holding of religious services on the Sabbath day for the inmates of said school, but no sectarian views shall control the services." (Idaho Compiled Statutes, 1919; sec. 1138.) "The board of trustees in their regulations, and the superintendent and assistants, shall exercise a watchful guardianship over the

morals of the pupils at all times * * * but no religious or sectarian test shall be applied in the selection of teachers, and none shall be adopted in the school." (Sec. 1140.) Religious services are conducted by the superintendent and visiting unpaid ministers. Sunday-school classes are held for all. There were 14 Protestant denominations represented in the 1930 population; 62 of the children had no church affiliations; 28 were Catholic; other denominations were Quaker, Latter Day Saints, Christian Science, and Russian Orthodox. It appears that the State law effectively prohibits religious instruction for special non-protestant groups.

RECREATION

A fine large gymnasium built by the boys, with swimming pool, indoor track, and basket-ball field furnishes space for winter recreation. Wrestling, running, and boxing are the chief activities. In season baseball is played out of doors. Each group of boys uses the gymnasium once a week, 6 to 7.30 p. m. There is no systematic physical education for individuals. The athletic director gives half time to supervising athletics, half to keeping store supplies. Girls have recreation in their separate cottages, occasionally walk to movies in town, have little outdoor sport, and appear in need of a more vigorous athletic program.

Motion pictures are given twice a week to the boys. Pictures are not selected and are on the same level as the shows offered outside.

Christmas celebrations and Flag Day are outstanding events with special music, decorations, and services. In summer the open spaces around each cottage are used for playgrounds; during the extended northern winter there is little outdoor play.

COTTAGE MANAGEMENT

The cottage plan is followed. There are 5 cottages for boys, 2 for girls; overcrowding has never been a serious problem at the school, although it is necessary to house more than the prescribed number of 25 in the cottages. The boys' living quarters are in the basements, and the dormitories on the second floor. In some of the more crowded dormitories beds are arranged in two decks. Dormitories are locked at

night; lights are left burning. The cottage manager usually sleeps on the floor above. A night watchman makes hourly rounds. Responsibility for order and discipline is in the hands of boy officers. Routine in the cottages is formal; silence is not required. When the new school building is completed the rooms now used as classrooms in the cottages will be available for sitting rooms for the boys. Basements contain lockers, barber room, wash rooms, and toilets; there is little space for recreation or family life. The upkeep of the cottages is spotless; fresh paint, varnished and polished wood are everywhere. The girls' cottage living rooms are on the main floor, attractively furnished, and in daily use.

In general the atmosphere of the cottages is repressive and less spontaneous than that of classrooms or workshops. There is one unusual aspect of the school: almost half of the employees are women; 13 married couples are employed. Women are given full charge of large groups of older boys with good results. The high-school teacher for boys is a young woman recently graduated from college, who has no trouble in discipline. There is absence of furtiveness, rudeness, or embarrassment in the manners of the boys, a contrast from many institutions similar in purpose. For the normal well-grown boy the school presents constructive opportunity; there is a driving force and manly vigor about it. Girls, we believe, should be sent to institutions especially adapted to them. Little boys under 13 are entirely pathetic in an institution.

PAROLE

Three hundred and forty children were on parole during 1928-1930, 267 boys and 73 girls. Mr. John P. Ault, parole officer, whose successful experience in probation work fits him for tasks of supervision, is unable to make home visits. Pressure of routine duties, record keeping, receiving and answering parole reports, transporting children to court, returning violators, etc., fill his time. He has no assistant; to do effective work he would require two, one man and a woman. Those who are to be paroled within the State, particularly children who were sent in early childhood and, having remained years in the school, have no home ties, could well be placed under the supervision of the local parole officer.

GENERAL

The school is built in a rural level country, a few miles west of the gateway to Yellowstone Park, and surrounded by mountains. It is 65 miles west of the Teton Mountains, and 85 miles east of the Lost River. It is about 2 miles from the village of St. Anthony. It is extremely cold and isolated in winter. The climate is severe. Children sent thousands of miles have difficulty in adaptation. It would be desirable if the Federal judges were informed as to the exact character of the school. It is adapted only to vigorous, healthy boys who present no physical or mental handicaps and require no individual adjustments.

Cases requiring special medical care or mental-hygiene treatment are not desired and can not fit into the strenuous industrial program. No correctional school offers better academic instruction.

Actual supervision by the board of education, which is the governing body, is limited to prescribing rules, standardizing educational procedure, and visiting once a year. Control is vested in the superintendent.

WASHINGTON STATE REFORMATORY—MONROE

The State legislature established the reformatory in 1907¹⁷; provided for transfer from the State penitentiary, Walla Walla, convicts between 16 and 30 not convicted of first-degree murder or sentenced more than three times, and who might be capable of reformatory treatment. It was made incumbent upon the courts of the State to sentence male persons between 16 and 21 to the reformatory who came within the above provisions. Since that time the age limit has been raised to 35 years. Nine boys, 14 and 15 years of age, were confined within the years 1927-1930. In February, 1931, when studied, there were 673 men and boys in residence; 52 were sentenced from the United States district courts. Cases are received from Indian reservations but not from the Territory of Alaska.

¹⁷ Session Laws, Washington, 1907, ch. 167.

The ages of 46 Federal boys under 21 when committed were:

14 years.....	2	18 years.....	14
15 years.....	2	19 years.....	11
16 years.....	3	20 years.....	6
17 years.....	8		

A board of managers is appointed by the Governor, to consist of five persons, not more than three of whom at any time shall belong to the same political party. Meetings of the board are held at Olympia. The real responsibility for the institution rests with the director of business control at the State capitol. He appoints and fixes the salary of the superintendent, chaplain, and physician, and determines the salaries of all employees. The government and control of the prisoners is vested in this office also. (Session Laws, Washington, 1927; chap. 212, sec. 2). The site of the reformatory is Snohomish County, a mile and a half east of Monroe, a town of 1,100 persons. It is about 35 miles distant from Seattle. Five hundred ninety-nine acres of land are owned by the institution, consisting of a farm of 329 acres, 5 miles south of the main plant, and 270 acres on which the stockade and buildings stand, and a valuable clay pit, good for making bricks. A small farm for raising vegetables and accommodating the dairy surrounds the buildings.

EQUIPMENT AND PHYSICAL PLANT

The administration building is of bricks made on the grounds. It contains spacious quarters for offices for the superintendent, assistant superintendent, director of education, parole officer, secretary, clerks, etc. Living quarters for the officers are on the second floor. The superintendent has residence in a separate building. In the basement are the officers' kitchen, dining room, and sitting room.

Cell blocks to house 1,200 prisoners are separated from the administration quarters by a rotunda. The south block was the first built; it accommodates 380 men, 2 to a cell, in 4 tiers; windows are covered with nontransparent glass. Ventilation is from the roof by means of vents, covered with revolving disks, part of an artificial system. Cells contain two bunks, one above the other. Mattresses manufactured of excelsior and cotton in the institution are on each bed,

which is furnished with a pillow and Army blankets. Each cell has a flush toilet, table, chair, or bench. In the newer cell blocks completed within the year, the arrangement is the same, but the windows are of transparent glass.

At the end of the south block in a separate wing, entered through a steel door in the wall, are 12 "correction cells." These cells have solid steel doors and are entirely dark. The only ventilation is by means of small vents to carry a forced draft of air. The cells are sound proof. Each contains a narrow wooden plank upon the floor, and a toilet with running water. There is no other furniture; no bedding is provided.

Behind the cell blocks in basement rooms are the inmates' barber shop, wash and shower rooms, kitchen, dining room, and recreation hall, which is a basement hallway. These quarters are overcrowded, inconvenient, and inadequate. Chapel services and motion pictures are held in a space which would not accommodate half the population with comfort.

Upstairs over these rooms is the hospital. There are two large, light, white tiled rooms; one serves as clinic, examining and local treatment room and doctors' office, the other is the surgery, well equipped. There is a diet kitchen, a hospital ward, a glassed-in porch, and an open porch for severe cases of tuberculosis.

The hospital is not adequate nor of fireproof construction. The biennium report of 1927-28 asks for a new building; but the present budget and building program makes no provision for a hospital.

The print shop, tailor shop, four school classrooms, offices for the use of the educational director, and a library are also in the wing over the kitchen and dining room.

A new building is under way which has a fine, large kitchen, a dining room, storerooms, and ice room. On the second floor is a large assembly room.

There is a plank stockade surrounding this group of buildings. One wall makes a boundary for a larger stockade which incloses the woodyard and brick kilns, a baseball field, a modern power house where electricity for the institution is generated, and water pumping and heating apparatus are housed. There is a machine shop with forge for blacksmithing and equipment for repairing automobiles. A large commissary department and steam laundry are housed in a

separate building. There are also a mattress factory, carpenter shop, and small greenhouse.

A plank walk surmounts the stockade; towers at the corners of the wall and over the gates are occupied day and night by armed guards, who patrol the wall.

The rotunda facing the cell blocks has a steel barred inclosure for an armed guard, who controls by means of an electric switchboard all the doors leading to the living quarters. Telephone communication to all departments and a controlled alarm and signal system are installed within his cage. This is the one place where prisoners receive visitors.

There is nothing to distinguish the physical equipment of the reformatory from a prison. Over half the population, or 671, had no prior conviction record; according to the biennium report issued September, 1930,¹⁸ 76 had served commitments in the Washington State Training School for Boys, 60 additional had been in other correctional schools for children, but not in an adult institution; 14 more had been transferred from parental schools. Thus, of a population of 1035, the number of first offenders and child delinquents was 821.

STAFF

The superintendent is Mr. Joseph A. St. Peter, appointed in 1929. His concept of his task is that it is a junior penitentiary. He expressed the wish that young boys were not sent to Monroe by the courts to mingle with older offenders and that his great problem was the mixed-age groups. He insisted emphatically it was not a school. The superintendent has had no special preparation for correctional work. His previous vocation for 25 years was public amusement business.

The staff varies between 50 and 70 individuals, as construction needs require.

Superintendent, and captain, in charge of discipline.....	2
Farmers, gardeners, and dairy workers.....	10
Foreman on buildings, brick kilns, and carpenter shop.....	1
Assistants to foreman.....	2
Tailor.....	1
Trucking-crew supervisor.....	1
Machine-shop instructor.....	1

¹⁸ Biennium report ending September, 1930, of the Washington Reformatory. Typed but not printed when the survey was made.

Electrician and plumber.....	1
Chief engineer.....	1
Steward and assistant.....	2
Band instructor.....	1
Physician (nonresident).....	1
Nurse.....	1
Chaplains, Protestant and Catholic (nonresident).....	2
Director of education and assistants.....	3
Supervisors of store, general utilities, repair work, clay pit, gravel bunkers, laundry, wood, and coal.....	7

37

The remainder are employed as guards, watchmen, etc.

Many of the staff are elderly men with long experience as guards or instructors in prisons. There is little *esprit de corps*. The atmosphere is repressive and suspicious.

RECORD SYSTEM

Individual files are kept for each prisoner, including court commitment or mittimus, official correspondence, disciplinary record and face sheet containing identifying data, and what personal and family information the prisoner gives during his interview on admission.

A blank is filled out for the parole board; it records offense, narrative of the crime, previous record, and the record of conduct while at the institution.

Medical records are kept at the hospital.

CLASSIFICATION

The medical examiner records the inmate as normal, sub-normal, or moron; able to do hard work, light work, or no work. The director of education gave the Stanford achievement tests to some of the inmates in 1929-30; at present he is giving Army group tests.¹⁹ This information is used in placing the younger boys in proper school grades and in selecting inmates fit to serve as teachers.

MEDICAL CARE

The physician visits the institution twice a week; his salary is less than \$100 per month. Every prisoner is given a medical examination on entrance which is recorded by the

¹⁹ Bureau of Educational Measurements and Standards, Kansas State Teachers College.

nurse. The examination is said to include the Wassermann test. Active venereal infections are treated until one negative report is returned from the laboratory. These cases are placed in one row of cells apart from the others.

The officer who has served as nurse for four years has had no nursing training or experience; he has done police work and held other institutional jobs. He is over 60 years of age and apparently handicapped by some physical disability. He is assisted by inmates in the care of the sick. It is his responsibility solely to decide whether or not prisoners who complain of sickness shall see the physician. A number of Federal boys interviewed by our worker stated they had asked to see the doctor but were not permitted to do so.

The aim of the medical work appears to be to stave off epidemics and to treat those who are obviously seriously ill. Medical facilities are so limited it could hardly be otherwise.

The biennium report of September, 1928, states there were 13 deaths at the reformatory, the causes of which are not given. The report for September, 1930, lists six deaths:

Meningitis.....	1
Tuberculosis.....	3
Syphilitic sore throat.....	1
Accident.....	1

6

Major operations are performed when imperative. When advised by the physician tonsils are removed. Emergency dental work is done. Upon the physician's order, prisoners who can afford it may be taken out of the institution for special eye examinations or X-ray diagnosis; the superintendent furnishes a guard for this purpose, and in some Federal cases on record has supplied the funds himself.

The general appearance of a number of the Federal boys interviewed by our worker was observed to be unhealthy. Skin rash, sallowness, pallor, boils, colds, inflamed eyes, running ears, and stooping posture were noted. Some said they suffered from chronic constipation or indigestion.

The difficulty appears to be lack of fresh air and exercise, continuous confinement in cells for some, owing to lack of work, and in cases where rules have been infringed, and punishment in dark cells inflicted, the harshness of disciplinary measures.

FOOD

Diet menus include meat, fruit, and vegetables. Supplies are bought by the steward. Cooking is done by the inmates without instruction; "sometimes they are good cooks, sometimes they have to learn." The dining room is badly overcrowded, benches and tables being set too close together. Pans and plates are aluminum, kept fairly clean. Food appears ample in quantity; the superintendent gives personal attention to the selection of menus.

CLOTHING

Uniforms are manufactured on the place of duck, denim, and khaki. Shower baths are permitted once a week, and a change of clothes. The general appearance of the boys is unkempt.

EDUCATIONAL PROGRAM

The director in charge of education has served the institution three years; he has had experience as superintendent of public schools and is a qualified teacher. There are two officers assigned to him as assistants. The teachers are inmates. Grammar-school grades—fifth to eighth—are taught; there are special classes in commercial work. The school has a library contributed by city and county libraries throughout the State who send their discarded copies and by individuals interested. The classrooms are well lighted. Six in one and eight pupils in another class were enrolled at the time of survey. For the majority of the Federal cases the school presents little opportunity; the opinion was, "You know the teachers are just one of us—what's the use." The educational director, however, is interested in his task and has constructive and progressive ideas.

INDUSTRIAL PROGRAM

A bimonthly record is kept by the captain of the numbers assigned to work in the various crews and those unemployed, the latter being subdivided into "deadlocked," "parole violators in grade," and "full-time school." This official has charge of all assignments and has a variety of other tasks—discipline, supervision of mail, compiling statistics and reports.

When the institution was studied half the men and boys were idle. Official records for April–May, 1930, state that 578 inmates were employed and 60 unemployed, of whom 5 were in school and 19 were "deadlocked"; for July–August, 1930, 563 were reported employed, 16 "deadlocked," 6 in school. It is possible the official records are made on the basis of an individual being put to work at any time during the two months, if only for a few hours. Some of the foremen stated that the normal number of employed is about 50 per cent. When not at work or school the inmates are locked in their cells.

The industries include brickmaking, farming, dairy, garden, machine shop, mattress factory, carpentry, laundry, printing, tailor shop, kitchen, and bakery. With the exception of a few bricks sold in the neighborhood, the entire industrial outfit is consumed in the institution or devoted to State use. Factors which appear to operate in keeping so few men employed are lack of a sufficient number of trained instructors; immediate need of the institution for rapid production in tailor, print, and machine shops, etc., where a few competent men can turn out better results; opposition of labor unions to the employment of men on construction jobs. Groups of boys assigned to assist with the new building, for example, helped the outside workmen in such tasks as sweeping, scaffold removing, handing tools about, or stood idle. A few were engaged in placing bricks.

In the laundry 20 men were employed at the time of survey, 3 in the machine shop, 6 in the mattress factory, 2 in the carpenter shop, 3 in the print shop. In the latter there is no modern machinery, the work being done on two old hand presses; a Federal boy was in charge. The reformatory prints its own magazine and the forms in use. Six of the older inmates work at the power house.

The foreman of the brick industry and carpenter shop is experienced and competent. He has had 25 years of institutional experience as trade instructor. Between 60 and 70 men and boys were employed at the time of survey. He is interested in developing their abilities and trustworthiness; his methods of discipline are those of a skilled teacher. The equipment of this department is modern. The tailor shop is also well provided.

There is a band of 12 pieces, but no specially assigned music instructor. The officer in charge assists the educational director and is the supervisor of the print shop, library, and athletic games.

The majority of Federal boys interviewed stated they did not find vocational opportunities. Certainly throughout the institution instruction in trades is of secondary importance.

RELIGIOUS INSTRUCTION

Weekly services for Catholics and Protestants are held every Sunday morning by nonresident salaried chaplains. The services are largely musical with brief addresses. There is no opportunity provided for personal religious instruction.

RECREATION

There is no program of physical education or regular exercise. In the summer it is said the ball field is used.²⁰ On Saturday afternoons, if there is no rain or fog, inmates not on punishment, are permitted in the yard. The appearance of the Federal boys interviewed would suggest they are rarely in the open air in winter. Motion pictures are held on Sunday afternoons. There is no gymnasium. The superintendent stated that the men get up skits and stunts now and then; he encourages this amusement. Smoking is permitted. School and library books may be taken to the cells.

DISCIPLINE

Punishment is of two kinds, confinement in cells and assignment to drill crew. Confinement in a man's own cell is called "deadlocked"; that in the "correction cells," "going to the hole." All prisoners on punishment are liable to diet restriction. Those in the correction cells are on bread and water for two days and one meal upon the third day. The minimum length of time in the "hole" is said to be 2 days, the maximum 10. Correction cells are in total darkness; the boys sleep on wooden planks, ordinarily without bedding. If an individual is serving 10 days, he is said to be taken out on the third day for exercise in the yard.

²⁰ During the eight days of this survey in January-February, 1931, no outdoor games nor physical drill was observed.

Those "deadlocked" are usually in punishment for attempt to escape; 60 days is the average length of punishment, or, for parole violation, 90 days.

Those placed on "drill crew" are required to keep moving constantly in the yard. They are fed in the dining room twice daily, a slice of bread; a tablespoonful of potatoes, and water. Boys on the drill crew for several days lose weight rapidly.

Flogging or rough handling of prisoners is said not to be permitted.

Punishment in the dark cells is given for trivial as well as serious offenses; not standing at count, speaking in dining room, laughing in the cell block, "making loud popping noises with the mouth" were listed on some of the discipline slips of the Federal cases studied. It was related to our field worker by one of the reformatory staff that a prisoner was found dead in one of these cells.

The captain in charge of discipline holds "court" daily in the rotunda, at which time all infractions of rules are reported on written slips by officers. Boys are addressed by number, accused of the offense and "sentenced." The punishment slips are then placed on the superintendent's desk. The credit system is not in use. It is evident from reading the discipline slips in Federal cases some attempt is made to enforce good conduct by denial of privileges. The most usual methods are the "hole" and "drill crew."

GENERAL

The location of the reformatory is good and much of the material, plant, and equipment adequate. Use of cell-block housing is not generally considered necessary for the types of young offenders who are sometimes sent there from the Federal courts. The place is essentially a prison. Its management is apparently in the hands of a staff whose preparation and personality with a few exceptions are unsuited to carry their responsibility. Fear is displayed, both of the inmates and of some political interference. Many of the officers have had years of prison life as guards, and have been victims, so some say, of "political sweeps" in the past. Many express dislike of their jobs.

The general condition of the Federal boys observed was unsatisfactory. The 50 Federal cases were sentenced from Arizona, California, Idaho, Kansas, Montana, Nevada, Oklahoma, Oregon, Utah, and Washington. In some instances the behavior of the boys had been troublesome or they had been transferred to Monroe to avoid escape; but cases of first offenders and boyish mischief received the same disciplinary treatment as the so-called incorrigible boys.

CONCLUSIONS

Nowhere in our study was evidence discovered that child offenders were being cared for by means of "parental government and family organization"; as in 1855, so in 1931, we still await the results that might be expected, "if this legitimate power were wrought out into ultimate action."²¹

The best of the institutions houses the children in large groups, uses basements for living and play rooms, employs disciplinary measures, such as silence at meals, marching, formal routine, and flogging; inmates are frequently at the mercy of boy captains; the worst is not to be distinguished from the prison. It should be noted that many of the best State reformatories have refused to accept Federal cases and choice has been narrowed down to a few institutions.

Individualization of treatment has not been accomplished. In some instances the child offender is properly clothed, fed, put to school and work, but the needs of the spirit for creative outlets, personal guidance, and satisfying human relationships are unfulfilled.

²¹ Loc. cit.: House Document, Massachusetts, No. 43, 1855, p. 12.

CHAPTER VI ILLUSTRATIVE CASE-HISTORIES

In the institutions having less than 50 Federal minors, case studies were made of all; in the institutions having a greater number of Federal minors, 50 cases were chosen for study.

The case-record study was made by gathering into a case-history—

1. All the material the institution had on the individual—
 - (a) Court commitment and United States attorney report.
 - (b) Family and social history gathered by institution.
 - (c) Medical and psychiatric studies made at institution.
 - (d) Institution assignments, punishments, adjustment, parole consideration.
2. Personal interviews with minors studied.
3. Verification of certain facts through written statements from various courts and institutions having previous knowledge of the offender; field studies were not attempted, which accounts for the meagerness of family and social data. Case names and institution numbers are not given.

Thirteen cases selected for detailed presentation in this report include immigration, motor vehicle, interstate commerce, white slave, postal and larceny of United States property offenses in 12 district courts; all but three had prior juvenile court records. They illustrate typical problems and procedure found in the group committed to institutions.

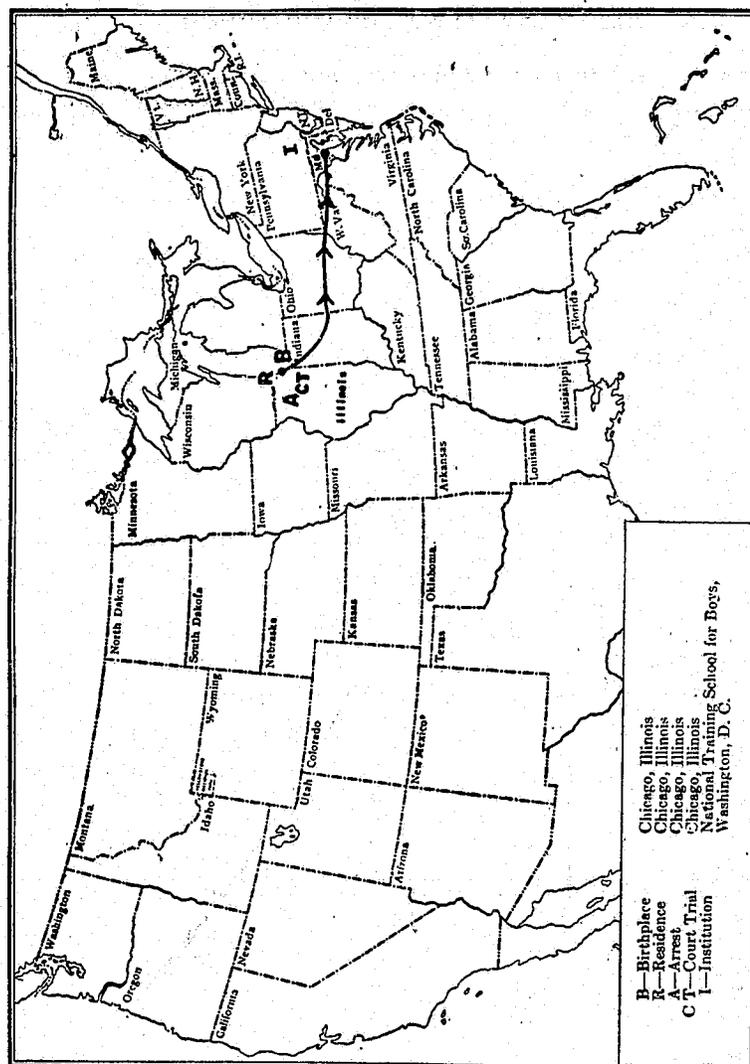
CASE 1

B. E.: White boy, 15 years of age. Born May 28, 1915, Chicago, Ill.
Residence: Chicago, Ill.
Received: September 24, 1930, National Training School for Boys, Washington, D. C.

COURT RECORD OF PRESENT COMMITMENT

Committed by United States District Court, Northern District of Illinois, sitting at Chicago.

Offense: Held up postal station with a gun. With a cousin, age twenty years, held up a drug store in which there was a post-office sub-station.



NATIONAL TRAINING SCHOOL FOR BOYS—CASE 1—BOY 15 YEARS OF AGE—POSTAL LAWS (ROBBERY OF POST OFFICE STATION)

Sentence: Eight years National Training School for Boys. Sentenced September 9, 1930.

Arrested: Chicago, Illinois, June 13, 1930. Boy spent the time from his arrest to his trial, four days less than three months, in the Cook County Jail. The boy states that on account of his youth he was held in the jail hospital and not in the regular jail cells.

Plca: Guilty. He was not represented by counsel and his parents were not in court with him, as they did not know when the case was to come up.

Codefendant: Sentenced to Chillicothe.

After sentence: Spent two weeks in the Cook County Jail hospital waiting to be taken to the Training School.

Transportation: With cousin transported by officers from the United States marshal's office. At Chillicothe, B. E. was placed in the near-by jail for the day, the officer calling for him again in the evening. B. E. states that he was handcuffed on the trip.

PREVIOUS COURT RECORD

Source: (1) Cook County juvenile court. (2) Chicago and Cook County School for Boys. Boy was 13 years of age at time of first court appearance. Previous to this had been in the police station.

March 8, 1929: Cook County juvenile court, Chicago, Ill. Accomplice in burglary. Stole candy and gum. Probation.

January 1930: Cook County juvenile court. Larceny of auto. Committed to Chicago and Cook County School for Boys.

Paroled: April 29, 1930.

Recalled: May 20, 1930, for truancy and stealing boy's lunch money.

June 1930: Escaped from Chicago and Cook County School for Boys.

SUMMARY OF FAMILY AND SOCIAL HISTORY

The boy's parents were born in Rumania. They had lived in Chicago all of the boy's lifetime. There are four siblings ranging in age from 7 to 17 years. The father is a cement worker but was out of work at the time of the boy's arrest, and the family was in need of money.

Except for the time in the Chicago and Cook County School the boy lived at home and attended school. He had belonged to the Chicago Boys' Club for three years and was a member of a Boy Scout troop being a second-class scout.

EDUCATION

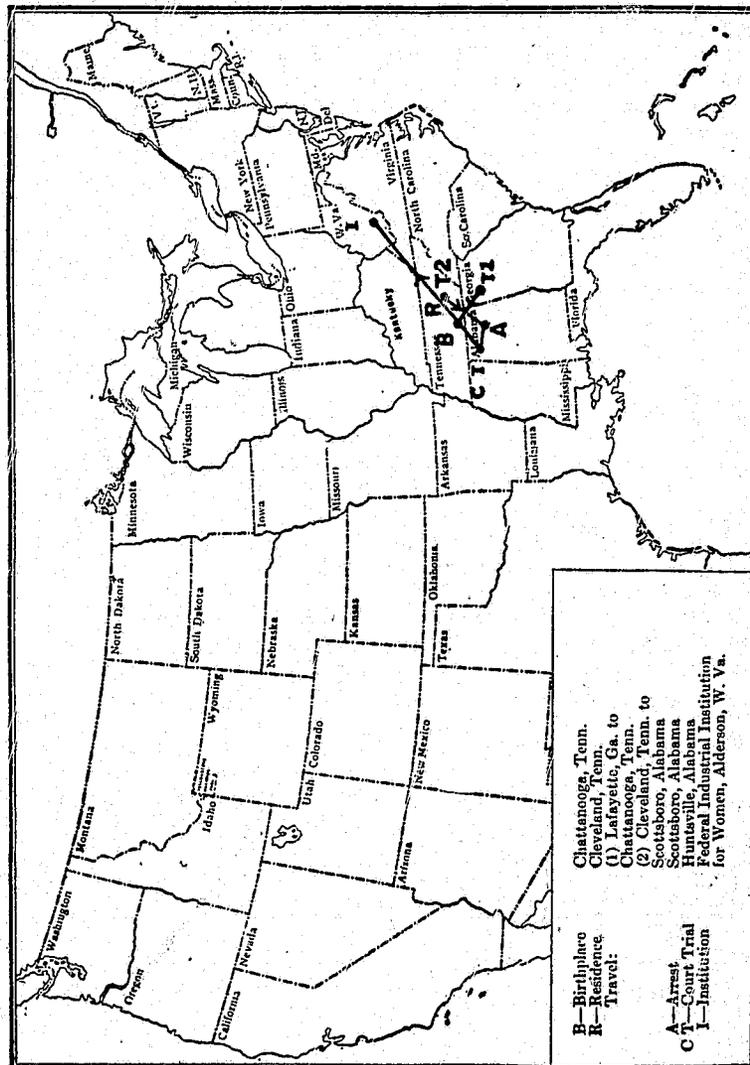
In the eighth grade.

WORK

None. Attending school.

PSYCHOLOGICAL EXAMINATION

Mental age, 12.1.



FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN—CASE 2—GIRL 17 YEARS OF AGE—MANN ACT

PHYSICAL

Height 5 feet 3 inches.

Weight 109 pounds.

Physical condition good, except that teeth need attention.

INSTITUTION RECORD

The boy had been in the institution only one month at the time of study. No punishments had been recorded against him.

COMMENT

B. E., a dark-eyed, foreign looking boy, was very sad and depressed when seen at the National Training School for Boys at Washington, D. C. He thought he had received a flat 8-year sentence and that he must spend that much time at the institution. He had not talked the problem over with any of the staff members of the school and did not know that he could earn parole in less than two years.

He stated that at the time of trial the newspapers had printed his term as eight months, and that his parents thought this was the sentence he had received.

The boy stated that his family were in need of money and that if they had been well off he would not have been involved in the holdup. He feels that he did not get a square deal from the court on account of the length of his sentence. The gun used in the holdup, according to the boy, was broken and not loaded.

The boy had just escaped from the Chicago and Cook County School for Boys when arrested for the Federal offense. He was arrested in Chicago, his place of residence, and tried there by the United States district court. He was committed to the National Training School for Boys in Washington, D. C., a day's journey away, although the State school for boys in Illinois, St. Charles, may under the law receive boys from the Federal court.

CASE 2

C. M.: White girl, 17 years of age. Born June 30, 1912, Chattanooga, Tenn. Married but separated from husband.

Residence: Cleveland, Tenn.

Received: October 23, 1929, Federal Industrial Institution for Women, Alderson, W. Va.

COURT RECORD OF PRESENT COMMITMENT

Committed by: United States district court, Northern District Alabama, northeastern division.

Offense: Violation Mann Act.

Complaint made by 14-year-old girl that she had been forced to go off with C. M. and two boys, age 19 and 21, from her home in Georgia. She was gone from home about three days. During this time there were two auto trips (1) from her home in LaFayette, Ga., to Cleveland, Tenn., and (2) from Cleveland, Tenn. to Scottsboro, Ala. C. M.

denied that the girl was forced to go. She believes her to be over 14 years of age and believes that she made the complaint against the rest to save herself.

Sentence: Four years, Federal Industrial Institution for Women. Sentenced October 2, 1929.

Arrested: Scottsboro, Ala., June 22, 1929.

Before trial detained in the jail at Scottsboro until June 28, when transferred to Huntsville, Ala., where she remained until August 27.

Bond had been set at \$300, but the bond that the mother had obtained was not accepted.

Girl's mother received the summons to appear before the grand jury, as her name is the same as the girl's. At this time the mother secured the release of the girl without bond.

Plea: Pleaded not guilty and had a jury trial which lasted only during the morning court session.

Girl had no lawyer and her parents were not in court with her as they thought the case was to come up October 8. The girl went to court on October 2 to act as witness for the boy involved with her. She had not been notified that there was to be a change of date of trial.

Codefendants: Boy 21 years of age sentenced to four years in Chilli-cothe, and boy 19 years of age, escaped from jail; case pending.

United States attorney writes: Girl "a menace to society."

After sentence: Detained in Huntsville, Ala., jail for 21 days.

Girl speaks of this jail as being very cold. Part of the time the women's section was so crowded that some of them had to sleep on the floor.

Transportation: Taken to Alderson by deputy marshal and woman attendant. Went on train and had berth at night. No handcuffs were used.

PREVIOUS COURT RECORD

Source: Institution's file and interview with girl.

Girl was before the court for the first time when about 16 years of age.

July 1927 or 1928: Benton, Tenn., charged with housebreaking, larceny, trespass and vagrancy; dismissed.

A group of two boys, ages 19 and 21, and two other girls, ages 16 and 19, were accused of breaking into and damaging a cottage at a summer resort. Arrested in March. C. M. held in jail about six or seven weeks before released on \$500 bond. Both boys sentenced to five months in workhouse, the three girls "turned loose."

SUMMARY OF FAMILY AND SOCIAL HISTORY

Until 1925 the family lived on a farm. At that time they moved to Cleveland, Tenn.

There are five siblings in the family, ranging in age from 11 to 31 years.

C. M. attended school until 12 years of age, then worked at home on the farm for a year. At 13 she married, eloping, giving a wrong age to obtain the license. The husband had served an 18-months' term at

a reformatory for stealing chickens, and after they had been married for two years he was again convicted of stealing chickens and received a four months' jail term. He worked on farms for a time, they living with his relatives. His father drank heavily and he also was given to drinking. C. M. refused to live with him after his second arrest, and when she was 15 years of age they were separated. She then went home, where she stayed for six months. For a time after this she lived away from home, working in a mill.

EDUCATION

Fifth grade; left at 12.

WORK

Mill work.

PSYCHOLOGICAL EXAMINATION

Mental age, 10.11; intelligence quotient, 74.

PHYSICAL

Height, 60½ inches.

Weight, 111 lbs.

Acne on face.

Rapid pulse.

Has been under treatment for both gonorrhea and syphilis.

INSTITUTION RECORD

Classification committee had considered girl four times; one month after being received for admission classification and at periods of about four months for review.

The girl had made an excellent record in her cottage life and in her class and work record. Her physical condition was good. She had gained in weight. She was under antisyphilitic treatment.

The parole board had considered her case in December, 1930, but had denied parole. The institution felt that the girl had received sufficient training in the institution and should be released under supervision. The case was to be considered at the next parole meeting.

COMMENT

No commercial element entered into the case and although three bordering States were crossed, it was primarily a community problem of delinquency.

The complainant, as well as two of the defendants, were minors, the other defendant being 21 years of age.

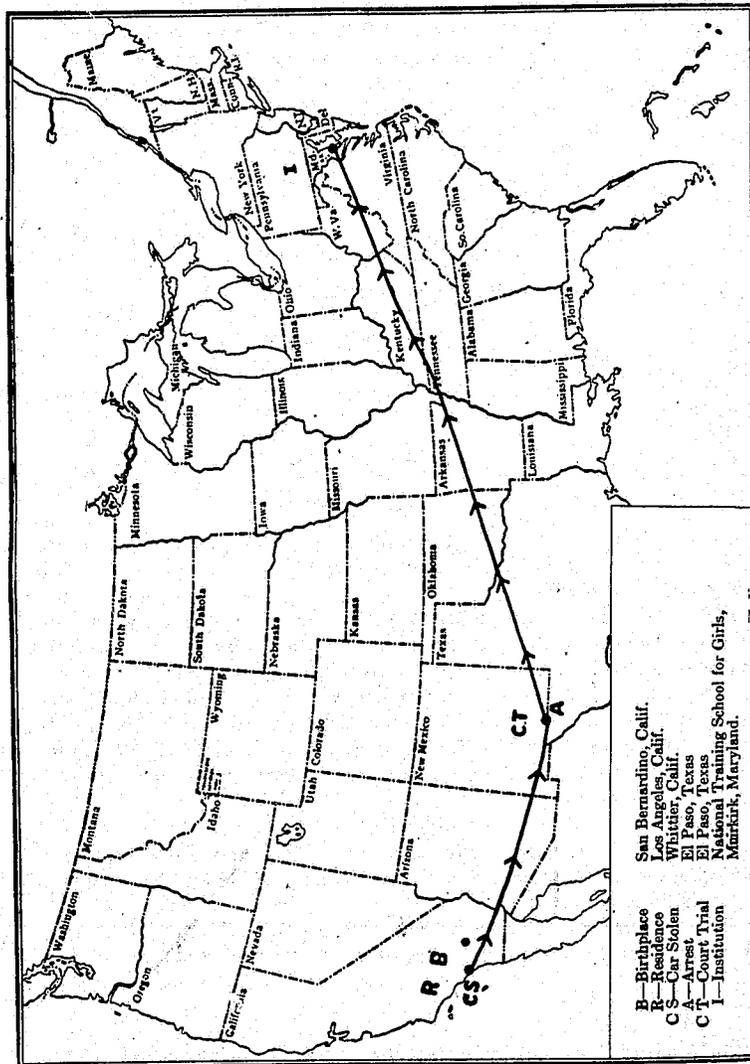
CASE 3

E. R.: A white girl, 16, born October 5, 1914,¹ San Bernardino, Calif.

Residence: Los Angeles, Calif.

Received: May 5, 1930, National Training School for Girls.

¹Institution record listed girl as 16. Los Angeles juvenile court record birth date Oct. 5, 1914.



NATIONAL TRAINING SCHOOL FOR GIRLS—CASE 3—GIRL 16 YEARS OF AGE—DYER ACT

COURT RECORD OF PRESENT COMMITMENT

Committed by: United States district court, Western District, Texas, El Paso.

Offense: National motor vehicle theft act.

Stole Ford car at Whittier, Calif., March 5, 1930, and transported it to El Paso, Tex. When questioned she made immediate confession. She stated that she stole this car in order to proceed to the home of her brother in Chicago, Ill., it being impossible for her to remain at home with her mother at Los Angeles because her mother indulged in intoxicants and while in that condition sought to force the girl into an immoral life. She states she saw a ready means of going to her brother, and on this account stole the automobile.¹

Sentence: April 29, El Paso, Tex.

Two years in the National Training School for Girls, Washington, D. C.; costs, \$10.

Temporarily committed to county jail at El Paso until the marshal "can conveniently obey the directions of this sentence."

Arrested: March 8, 1930, El Paso.

Held in El Paso jail.

Indicted April 9, 1930.

Arraigned April 10, 1930; entered a plea of guilty.

No attorney, parents, or relatives in court.

REPORT FROM BUREAU OF INVESTIGATION

"She is exceptionally bright and intelligent along some lines but apparently unmoral in that it appears difficult for her to differentiate between honesty and dishonesty. This subject by her own admission ran away from home some thirty-three times in the course of her young life. She spent some years in a correctional school in California and was also an inmate for a time of the Convent of the Good Shepherd operated by Catholic Sisters at Los Angeles. The sisters state that the girl was not immoral, and inasmuch as the House of Good Shepherd is intended primarily for girls of immoral character, the sisters requested the parents of E. R. to take her out of the institution. The girl subject was then sent to her brother in Chicago, and after remaining there a short while she ran away and stole the automobile of the sheriff of Cook County, Ill. She was caught with this automobile at a small town in Illinois but the sheriff did not prosecute her.

"The investigation did not develop any other criminal propensities except that she had appropriated to her own use the two automobiles herein mentioned."

¹ When interviewed in the National Training School for Girls she stated to our field worker that her reason for leaving home was she had met a young aviator and feared she was pregnant. She received no medical examination in the El Paso jail. Pregnancy was discovered at the training school. Her parents knew nothing of this condition until her child was 3 months old.

AFTER SENTENCE DETENTION

Held in El Paso jail till May 2, 1930. E. R. states a number of women were confined in same tank with her; food and sanitation not very good.

TRANSPORTATION

By train from El Paso to Washington, D. C., in custody of United States marshal and his wife, two deputy marshals, and four male prisoners. The group had a special car. The trip took four days.

PREVIOUS COURT RECORD

Summarized from juvenile court of Los Angeles County.

March 5, 1923, at age of 9, in court as runaway.

Disposition: "Declared ward of the court, in that child has no parent or guardian actually exercising proper parental control, and who is in need of medical care and attention which she can not receive in her own home."

Placed in private preventorium for treatment of tuberculosis.

June 16, 1924: Released to parents.

July 1, 1926: Court order modified for foster-home placement in the country.

Disposition: Remained in two foster homes until June 30, 1927, when she was permitted by order of court to go to her brother in Chicago.

June 14, 1928: In court as runaway. Placed in Convent of Good Shepherd. Released to parents January 18, 1930, under care of probation officer.

SUMMARY OF FAMILY AND SOCIAL HISTORY

Family has lived over 20 years in same neighborhood and own their own home. The father was born in the United States; is regularly employed in a creamery. The mother was born in England; there are two children, E. R. and a brother 9 years older, living in Chicago, married, now divorced, a printer by trade. None of the family has a criminal record. The mother is nervous, erratic, and unstable. When E. R. was 9 the mother was known to be drinking to excess; sometimes intoxicated. The father was reserved, silent, and took no part in the guidance of the children. In the home there was conflict over religion, one parent being Protestant, the other Catholic.

Under date of April 6, 1931, the juvenile court of Los Angeles reports: "The mother's home is materially comfortable. There is a regular income of \$130 a month. The mother's attitude is one of some resentment over the fact that she was not advised until recently of the facts regarding E. R. Both parents are eager to have their daughter and her baby returned to their home. * * * The mother volunteered the information that she realizes that she could not be allowed to care for the baby if she drinks * * *."

A social worker of the local Catholic Welfare Bureau agreed to assume supervision of the unmarried mother and child, either in E. R.'s own home or in a working home.

PSYCHOLOGICAL EXAMINATION

Intelligence quotient, 84 per cent; dull normal; a scattered performance between the ninth and fourteenth year.

Inarticulate; shy; markedly unstable; generous; lively imagination; boyish in appearance; frank and attractive; likes best to play ball, swim; frequently dresses in boy's clothes. Ambition is to become a playground director.

PHYSICAL

First at age of 9: Twenty pounds underweight; findings suggestive of pulmonary tuberculosis; after stay in preventorium and foster homes and frequent physical examinations and treatment, condition reported in 1927: "While much underweight * * * no physical evidence of tuberculosis. Maintenance of proper nutrition and sufficient hours of rest are essential."

EDUCATION

Seventh grade.

WORK

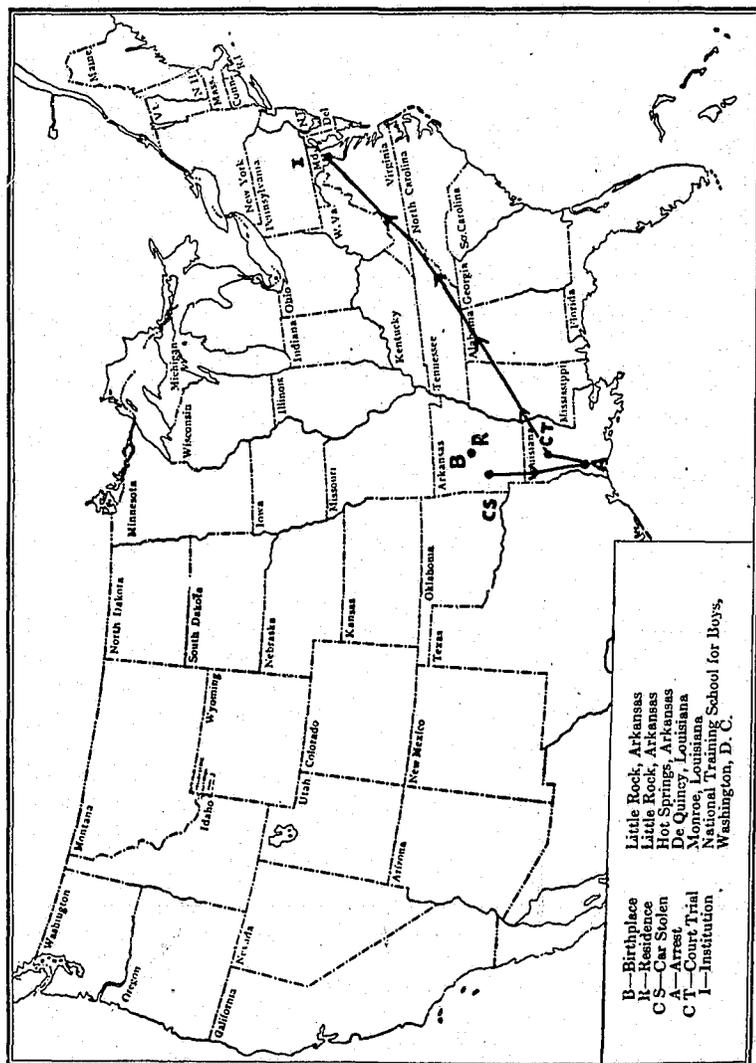
Has never been employed.

INSTITUTION RECORD

When examined at the National Training School for Girls, was found pregnant. She stated she left her home because of fear of discovery and the desire to find work to support her child. She gave birth to a child at the Gallinger Hospital in November; was returned to the institution with her infant. There are no punishment records.

COMMENT

- (a) A neglected child known to local juvenile court authorities since the age of 9.
- (b) Repeated placements by the court with view to securing proper physical care for tuberculosis.
- (c) Some attempts at securing adequate psychological guidance but no consistent plan either for family rehabilitation or for psychiatric treatment.
- (d) When arrested by Federal authorities under the national motor vehicle act no investigation was made of information on file in the juvenile court. The statement that girl had been in a correctional school was not true.
- (e) Jail detention for eight weeks with no discovery of her pregnant condition, no medical attention, nor adequate provision.
- (f) Sentence to an institution about 3,000 miles from her home. Had she been returned to local juvenile court authorities the father of her child would have been subject to legal or social action leading to



NATIONAL TRAINING SCHOOL FOR BOYS—CASE 4—BOY 16 YEARS OF AGE—DYER ACT

the support of the infant. Expense to the Federal Government would have been lessened considerably.

(g) For girls sentenced on Federal charges to the National Training School on a straight term no adequate plan for parole supervision has been established.

CASE 4

E. Z.: White boy, 16 years of age, born April 18, 1913, Little Rock, Ark.

Residence: Little Rock, Ark.

Received: November 11, 1929, National Training School for Boys, Washington, D. C.

COURT RECORD OF PRESENT COMMITMENT

Committed by: United States district court, Western District, Louisiana.

Offense: Violation national motor vehicle theft act.

With two other boys stole a Chevrolet car at Hot Springs, Ark. At Singer, La., they had the tank filled with gas at a gas station and drove off without paying.

Sentence: Minority. Sentenced October 7, 1929.

Arrested: De Quincy, La., June 25, 1929.

Before trial detained at Lake Charles jail, Louisiana, for three months. At this jail the boys were kept separate from adults. Shortly before the trial transferred to jail at Monroe, La. Here adults and minors were kept together.

Plea: Guilty; October 7, 1929.

Boy had no counsel, and his parents were not in court with him, as they were too poor to come the distance from their home.

Codefendants: The two other boys involved in the case were given a suspended sentence of one year. These boys had no previous records; the court took this into consideration as well as the fact that they had been detained in jail over three months.

United States attorney wrote of boy: "From record he seems to have pretty definite criminal tendencies. If he is not a habitual criminal, it is because he has not had time to be one."

After sentence: Detained at the Monroe jail one month and three days.

Transportation: Boy stated that he was transported from the jail at Monroe with 24 others. Three were boys being brought to the National Training School for Boys, the others were being taken to the Industrial Reformatory at Chillicothe. The group was brought by train; two boys slept together in a berth. E. Z. was not handcuffed, although the other boys were. The marshal told him he was too young.

PREVIOUS COURT RECORD

Source: (1) Juvenile court of Pulaski County, Ark., (2) Arkansas Boys' Industrial School.

Previous to 1925: Informally before the court three times for truancy. First time at the age of 8 years. Also had been turned over to the police on runaway trips.

February 20, 1925: Juvenile court, Little Rock, Ark. Runaway; probation.

May, 1926: Juvenile Court, Little Rock, Ark. With glazier's tool damaged plate glass to the extent of between \$5,000 and \$6,000. Probation until could be placed in a boys' Catholic protectorate. Admitted August 1, 1926, discharged April, 1927.

March 1, 1928: Juvenile court, Little Rock, Ark. Truancy and stealing a clock from a parked car. Placed in juvenile hall pending investigation.

March 5, 1928: Suspended sentence to Arkansas Boys' Industrial School and placed in the Parental School.

June 1, 1928: Allowed to return home, having made a good record in the Parental School.

October 25, 1928: Juvenile court of Little Rock, Ark. Runaway; had been gone from home a month.

October 30, 1928: Committed to the Boys' Industrial School at Pine Bluff, Ark., on charge of delinquency. Held in juvenile hall until November 12, when admitted to the industrial school.

October 22, 1929: On indefinite furlough from the industrial school, as family was planning to move out of the State.

SUMMARY OF FAMILY HISTORY

The boy lived with his parents at Little Rock, Ark. He was frequently away on runaway trips or was placed in institutions.

The father was an auto painter. He did not help the mother with the problems of the boys. The mother was four years older than the father and had had a previous marriage. A son of this marriage was a city fireman, who was married and getting along well.

There were three boys by the second marriage. The oldest of the boys was working and getting along well; the second son, a year older than E. Z., was also known to the juvenile court for stealing and was placed on probation in 1926. The case was still active in 1929.

In 1925, when the juvenile court at Little Rock, Ark., made an investigation, the family of four all lived in one room. There was frequently economic stress in the home.

EDUCATION

Sixth grade.

WORK

Sold newspapers; messenger boy.

PHYSICAL

Height, 5 feet 6 inches.

Weight, 99 $\frac{1}{4}$ pounds.

Physical condition reported as satisfactory on admission to National Training School.

PSYCHOLOGICAL EXAMINATION

April, 1928, public school: Mental age, 12.5; intelligence quotient, 82. Lacks attention, application, and concentration.

Indecisive and uncertain in his reactions.

Diagnosis: "A dull boy devoid of any feeling of responsibility or respect for authority."

BEHAVIOR PROBLEMS

Runs away; gone as long as a month at a time.

Petty pilfering, truancy, untruthful, disobedient.

INSTITUTION RECORD

The boy had been at the National Training School for Boys one year at the time of study. The records showed no punishment.

COMMENT

The boy is slight and undernourished looking. He seems very institutionalized in attitude. He was in the detention home so frequently that in 1928 he stated to the psychologist he was "a resident of Juvenile Hall."

He compares the juvenile court with the Federal court by saying: "The juvenile court has no jury; it is not as hard—just kind of sociable. The judge comes in in his plain clothes, not wearing his robes. He just sits down and asks what you have been doing."

The boy's idea of probation is to report every Saturday morning, bringing a statement from school or work showing how he had been getting on.

Although known to the juvenile court of Little Rock, Ark., since 8 years of age, and while on parole from the Arkansas Boys Industrial School, the boy was committed to the National Training School for Boys in Washington by the Federal court. The National Training School had no record from the juvenile court which had known the boy for eight years, nor from the industrial school from which he was on parole.

CASE 5

H. K.: Colored boy, 18 years of age, born March 8, 1912, Topeka, Kans.

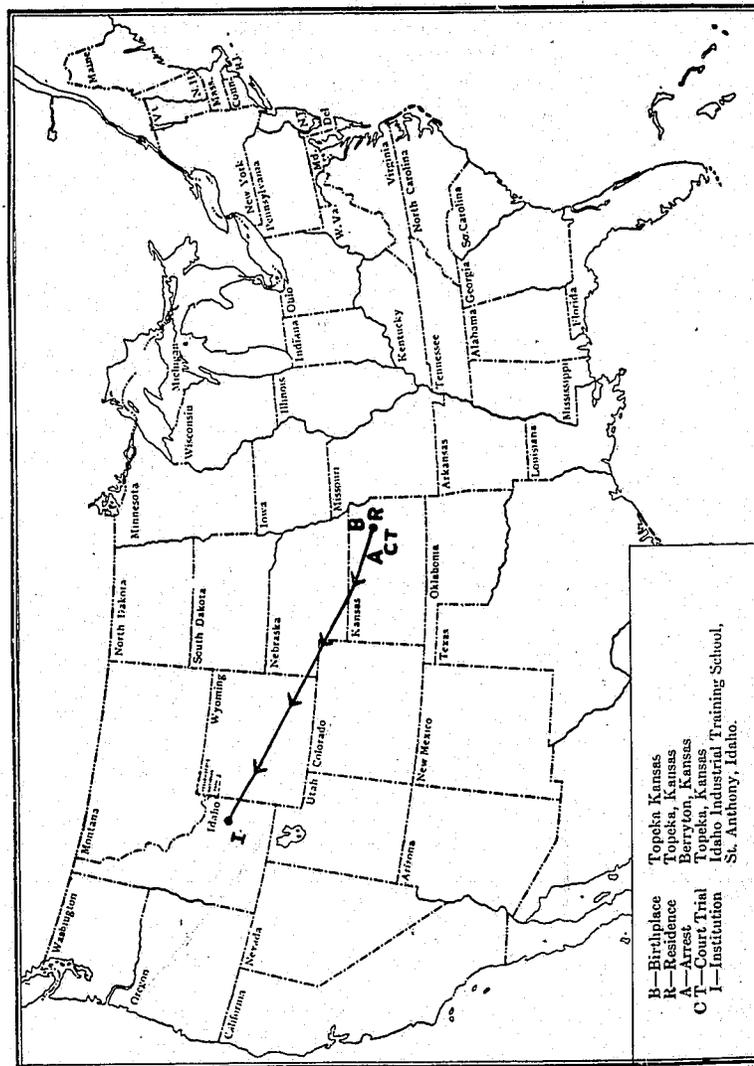
Residence: Topeka, Kans.

Received: May 27, 1930, Idaho Industrial Training School, St. Anthony, Idaho.

COURT RECORD OF PRESENT COMMITMENT

Committed by: United States district court, Kansas, sitting at Topeka.

Offense: Stealing from post office, Berryton, Kans.



IDAHO INDUSTRIAL TRAINING SCHOOL—CASE 5—BOY 18 YEARS OF AGE—POSTAL LAWS (LARCENY) FROM POST OFFICE

Post office is in a small general store a block from high school which boy attended. He spent noon hour and recess there. Safe was frequently left open and boy took money at three different times amounting to \$90. Boy's father paid the money back.

Sentence: Two years Idaho Industrial Training School, May 20, 1930.

Arrested: Berryton, Kans., December 27, 1929.

Was taken to jail in Topeka 3 miles distant by the postal inspector. In jail from 3 p. m. until following noon. Out on \$2,000 bail.

Plea: Guilty.

Father hired a lawyer for the boy. He told the boy "just to talk to the judge and confess."

After sentence: In jail at Topeka, Kans., seven days awaiting transportation. Boy states he was kept in "bull pen" which was in semi-basement.

Transportation: H. K. says he was brought to St. Anthony by marshal and one guard. A relative of marshal who wanted to visit Yellowstone Park was along. They had a stateroom, meals on diner, and boy was not handcuffed.

PREVIOUS COURT RECORD

None.

SUMMARY OF FAMILY AND SOCIAL HISTORY

The family have an 80-acre fruit and poultry farm and run a roadside stand. They are the only colored family in town. There has been no race prejudice.

The family is very religious; the father has been a church deacon. They are considered good, hard-working people.

There are four other children. One sister is married. One brother helps with the ranch. Two sisters are younger than H. K. The family life is comfortable, happy, and industrious.

EDUCATION

Second-year high school.
Always had good grades.

WORK

Helped at home with ranch chores.

PHYSICAL

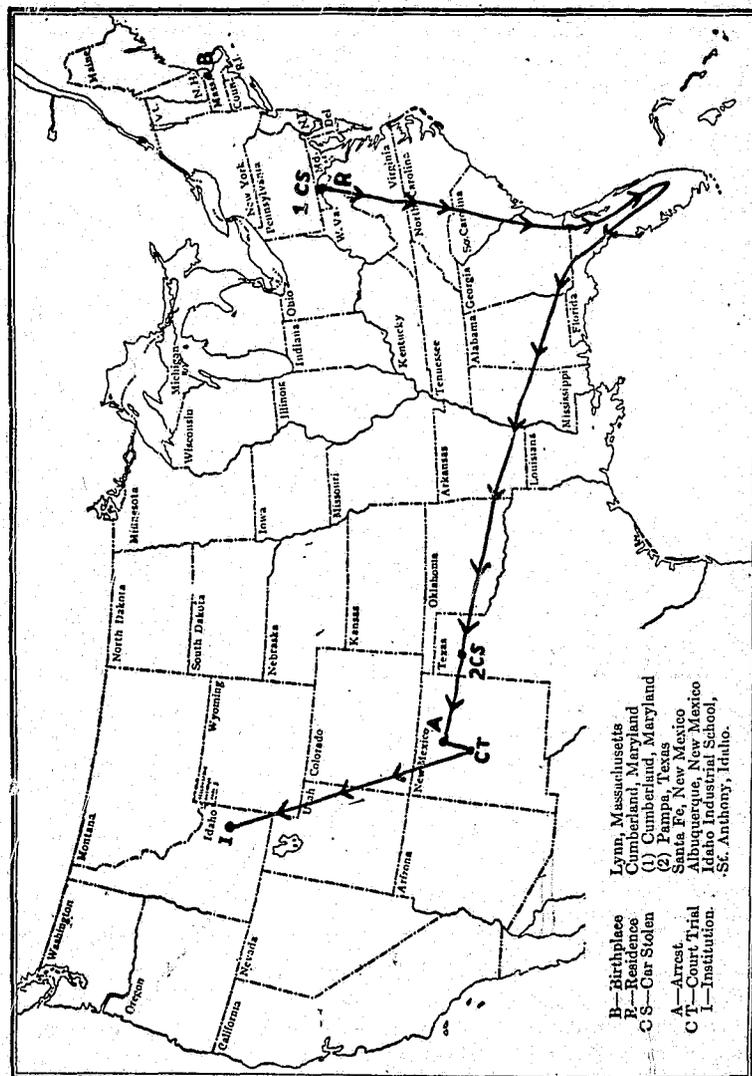
Height, 5 feet-8 inches.
Weight, 170 pounds.
Good condition.

BEHAVIOR PROBLEMS

The taking of money from general store extended over a 2-month period. Boy used the money for extra school expenses such as athletic equipment and gasoline for trips beyond that allowed by family.

INSTITUTION RECORD

Boy has preferred to learn a trade instead of finishing high school. Is learning painting, and is not going to ask for parole as he "figures eighteen months (good time out) is none too long to learn trade."



IDAHO INDUSTRIAL TRAINING SCHOOL—CASE 6—BOY 15 YEARS OF AGE—DYER ACT

Has had no severe punishment and no sickness while at institution. He likes the institution, and considers it a great opportunity, but weeps a little at memory of home.

COMMENT

A first offender, with a good home, who committed no further delinquency when out on bond, December to April, could have been a subject for extra-mural treatment. This is clearly a local problem: A Kansas boy robs a Kansas storekeeper and is sent to Idaho, 900 miles away, to be educated at the Federal and State of Idaho expense, merely because the money taken was lodged in a building, one part of which held a Federal post office. If the boy needed institutional correctional treatment he could have gone to State Industrial School, which was only a few miles distant from his home.

CASE 6

H. S.: White boy, 18 years of age, born July 15, 1911, Lynn, Mass. Residence: Lynn, Mass.; temporary, Cumberland, Md. Received: October 3, 1929, Idaho Industrial Training School, St. Anthony, Idaho.

COURT RECORD OF PRESENT COMMITMENT

Committed by: United States district court, New Mexico, sitting at Albuquerque.

Offense: Violation of Dyer Act.

Stole a car in Cumberland, Md., and drove to Miami, Fla., then to Pampa, Tex. Car was worn out, so stole another at Pampa August 14, 1929, and drove to Santa Fe.

Sentence: 18 months. Sentenced August 23, 1929.

Arrested: Santa Fe, N. Mex., August 18, 1929.

Before trial detained at Santa Fe jail for about three weeks, then moved to jail at Albuquerque, where he also remained about three weeks.

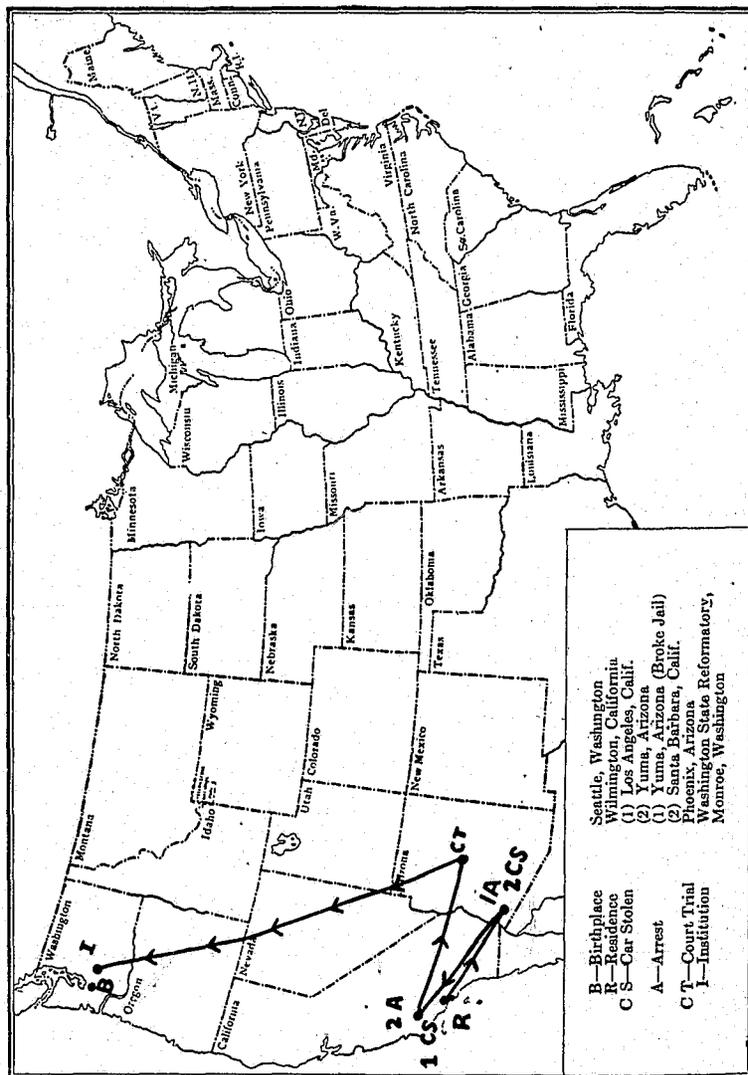
Boy states that the Santa Fe jail was filthy; there were no bathing facilities, no hot water, towels, or toilet paper. The food was impossible to eat. There were about 30 men confined and 12 bunks, so that some had to sleep on the floor.

The Albuquerque jail was much cleaner and the food better. There was a shower bath; no hot water but plenty of cold. The blankets were full of vermin. When boy complained the United States Marshal about this, the jailer put him into solitary confinement.

Plea: Guilty, September 3.

On September 23 was arraigned and sentenced. While in the court room he escaped and was captured in Santa Fe, New Mexico on September 25.

Boy states that 30 cases were heard the day he was sentenced, 20 of them being placed on probation. He had no lawyer, no money to get one, and was not allowed to talk, so he walked out of the court room, hoping to get a lawyer and planning to go back to see the judge.



WASHINGTON STATE REFORMATORY—CASE 7—BOY 14 YEARS OF AGE—DYER ACT

Codefendant: Another boy involved with H. S. was given the same sentence.

After sentence: Detained in the Albuquerque jail five days.

Transportation: The boy was transported three days and two nights in an Oregon boot and handcuffs. (This is verified by the institution hospital record.) The boot was screwed by one of the guards and locked with a key. The boy had to go to the hospital on his arrival for treatment of a bad sore on his leg caused from the boot. Boy was accompanied on trip by two guards and the marshal.

PREVIOUS COURT RECORD

None.

SUMMARY OF FAMILY HISTORY

Father died when boy was 8 years of age. Mother has remarried. Boy was living with and working for an uncle when he stole the car.

EDUCATION

Eighth grade.

PHYSICAL

Height, 5 feet 4 inches.

Weight, 140 pounds.

Has badly infected tonsils.

INSTITUTION RECORD

Boy has not been whipped, but has been "on line" for 30 days. While on line had to stand all the time not at work or at meals. On Sundays had to stand from 6.30 a. m. to 7 a. m., 7.30 a. m. to 10 a. m., 11 a. m. to 12 noon, 12.30 to 5 p. m. Was permitted to attend assembly, shows, and gymnasium during month "on line" punishment.

COMMENT

The boy appears much younger than age given on admission. Neither the Federal court nor the institution made any investigation of boy's story or family situation. It seems quite likely that he is hiding his real identity.

The fact that the boy was a minor made for no differentiation in handling by the court and when he has served his 18 months he may make his own plans and decisions.

The method of transporting boy was cruel, and the jail conditions as described by him unspeakably bad.

CASE 7

H. J.: White boy, 14 years of age, born October 4, 1914, Seattle, Wash.

Residence: Wilmington, Calif.

Received: August 9, 1929, Washington State Reformatory, Monroe, Wash.

Paroled: March 17, 1931.

COURT RECORD OF PRESENT COMMITMENT

Committed by: United States district court, Arizona, sitting at Phoenix.

Offense: Violation of Dyer Act.

On March 10, 1929, while on escape from Los Angeles detention home, stole a car in Los Angeles. On the following morning at Wilmington, picked up two other boys. They planned to go to Texas where H. J. had relatives.

Second car stolen April 18, 1929, on escape from jail at Phoenix. This car driven to Santa Barbara, Calif.

Sentence: Three years, Washington State Reformatory; sentenced July 31, 1929.

Arrested: (Note.—Three sources—file in United States Department of Justice office, institution record, and interview with boy—do not agree on place of arrest; Gila, Yuma, and Phoenix being given.)

Gila Bend, Ariz., March 11, 1929. (Department of Justice record.)

Detained in Maricopa County jail at Phoenix. Escaped from there on April 18, 1929. Stole another car and went to Santa Barbara, Calif., where again arrested. Returned to the jail at Phoenix where he spent about two weeks longer before sentence.

Plea: On April 10, 1929, entered a plea of not guilty which was subsequently changed to guilty.

Boy was not represented by counsel. His parents were not in court with him.

Codefendants: Two boys were involved with H. J. They broke jail with him at Phoenix, were apprehended and given the same sentence as he, three years at the Washington State Reformatory.

United States attorney stated: "No record of any previous offense." Both judge and United States attorney recommend against parole.

After sentence: Detained nine days in Phoenix jail awaiting transfer to Washington State Reformatory.

Transportation: According to boy, he and other two boys involved with him were transported with a group of older men who were being taken to McNeil Island. Nine officers accompanied them.

PREVIOUS COURT RECORD

Source: Los Angeles County juvenile court.

August 10, 1928: Los Angeles juvenile court. Automobile theft; probation.

October 1, 1928, on account of bad home situation removed from own home, placed in Pacific lodge and in private foster homes. (Pacific lodge is a private institution.)

February 20, 1929, ran away, stole \$5. Apprehended San Diego.

Returned to Juvenile Hall. Escaped March 9, 1929.

SUMMARY OF FAMILY HISTORY

The home was a very unhappy one. The father was abusive and the mother was thought to have been a mental case. There were many separations and reconciliations. In August, 1928, shortly after boy

was in juvenile court, the mother committed suicide. The juvenile court filed on all the children so that arrangements for care could be made. They were released to the father.

EDUCATION

One year junior high school.

PSYCHOLOGICAL EXAMINATION

Los Angeles juvenile court: Intelligence quotient, 102.

PHYSICAL

Los Angeles juvenile court examination, January 1, 1929: Physical condition only fair; 19 pounds underweight.

BEHAVIOR PROBLEMS

According to Los Angeles juvenile court record boy is "resourceful, not dependable, and tricky."

INSTITUTION RECORD

Has worked in print shop and in placing bricks in kiln.

Boy had 10 minor and 6 major punishment reports; four times has been placed in correction cell—once for five days, three times for three days.

Boy was paroled from institution March 17, 1931.

In December, 1930, at the request of the institution, the office of the United States marshal in Seattle, Wash., made a parole investigation of grandparents' home:

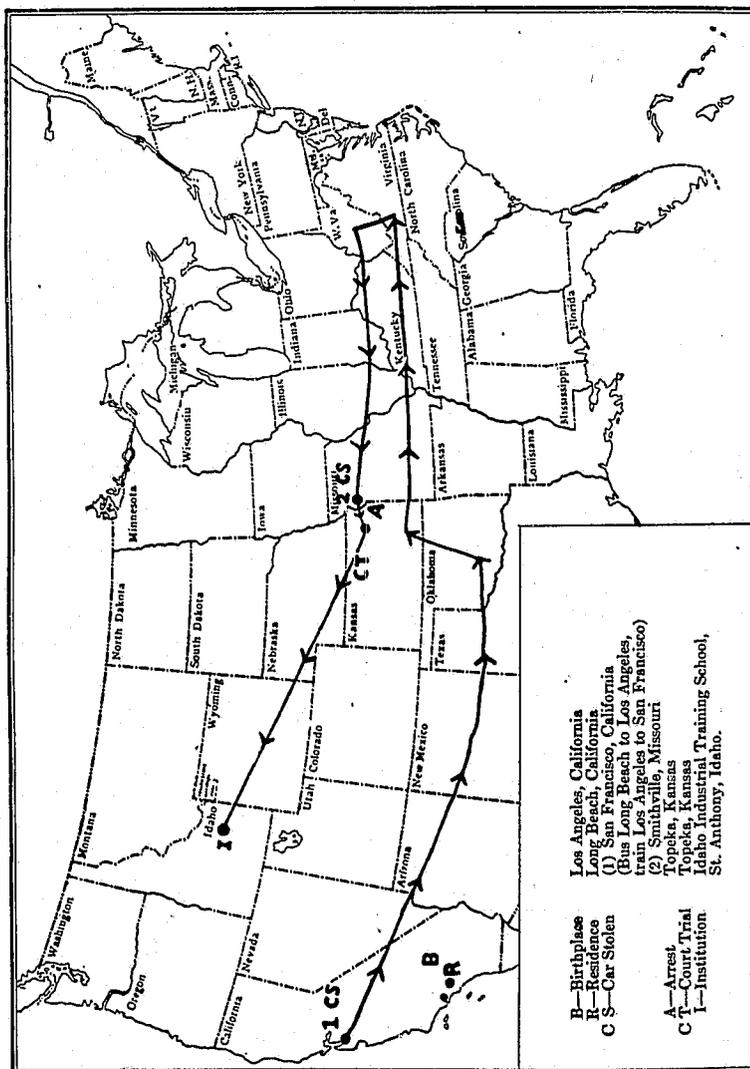
"Our deputy ——— made a call on his grandparents ——— and he found them to be good, reliable people, living in a 4-room house which is all paid for. His grandfather is a carpenter and seems to be working steady. If the boy comes home, his grandfather will do what he can to get him a job, but he would like to have impressed upon the boy's mind that when he comes there to live, he must stay home nights and keep away from bad company."

COMMENT

A boy of 14 placed in an institution wholly penal in aspect, where his adolescent needs could in no way be met. He was well known to the juvenile court of Los Angeles County and was an escape from the detention home at the time the first car was stolen.

Although his second arrest in connection with the Federal offense was in his home State, he was returned for trial to Arizona and committed to the reformatory in another State.

The knowledge that the Los Angeles County juvenile court had about the boy through gathering of social history, physical examination, psychiatric study, and observation of personality and behavior while under detention, probation, and foster-home care did not help in the treatment and better understanding of the boy at the Washington State Reformatory, for that institution had sent for none of this material.



IDAHO INDUSTRIAL TRAINING SCHOOL—CASE 8—BOY 16 YEARS OF AGE—DYER ACT

CASE 8

L. W.: White boy, 16 years of age, born Dec. 3, 1931, Los Angeles, Calif.

Residence: Long Beach, Calif.

Received: November 7, 1930, Idaho Industrial Training School, St. Anthony, Idaho.

COURT RECORD OF PRESENT COMMITMENT

Committed by: United States district court, Kansas, sitting at Topeka.

Offense: Violation of Dyer Act.

While on escape from Whittier School for Boys, California, stole a car in San Francisco. Boy says he got to San Francisco by bus and train. He traveled through the States as far as West Virginia; on return trip stole another car in Smithville, Mo., on July 6, 1930. Stopped for traffic violation of having no lights in Topeka, Kans.

Sentence: One year and one day. Sentenced October 20, 1930.

Arrested: Topeka, Kans., July, 1930.

Detained in jail over three months before trial. Boy says he lost 30 pounds while in jail, food was "terrible" and only two meals a day served, at 8 a. m. and 2 p. m.

Men confined in jail held a kangaroo court, and fined all those admitted all the money they had for "breaking into jail without consent of inmates." The money collected in this way was used for benefit of all, buying shaving material, toilet paper, etc.

Plea: Guilty.

Boy had no lawyer. No one in court with him. He had given wrong name and history. Said his parents were dead.

United States attorney writes: "This office does not care to make recommendations other than if the parole board believes it advisable we know of no reason why the prisoner should not be paroled. A moment of weakness, first offense. Won't do it again."

After sentence: Detained two weeks in jail at Topeka, Kans.

Transportation: The United States marshal brought L. W. and two other boys to the Industrial School. They had a drawing room on the train. During the night L. W. was shackled to one of the other boys.

PREVIOUS COURT RECORD

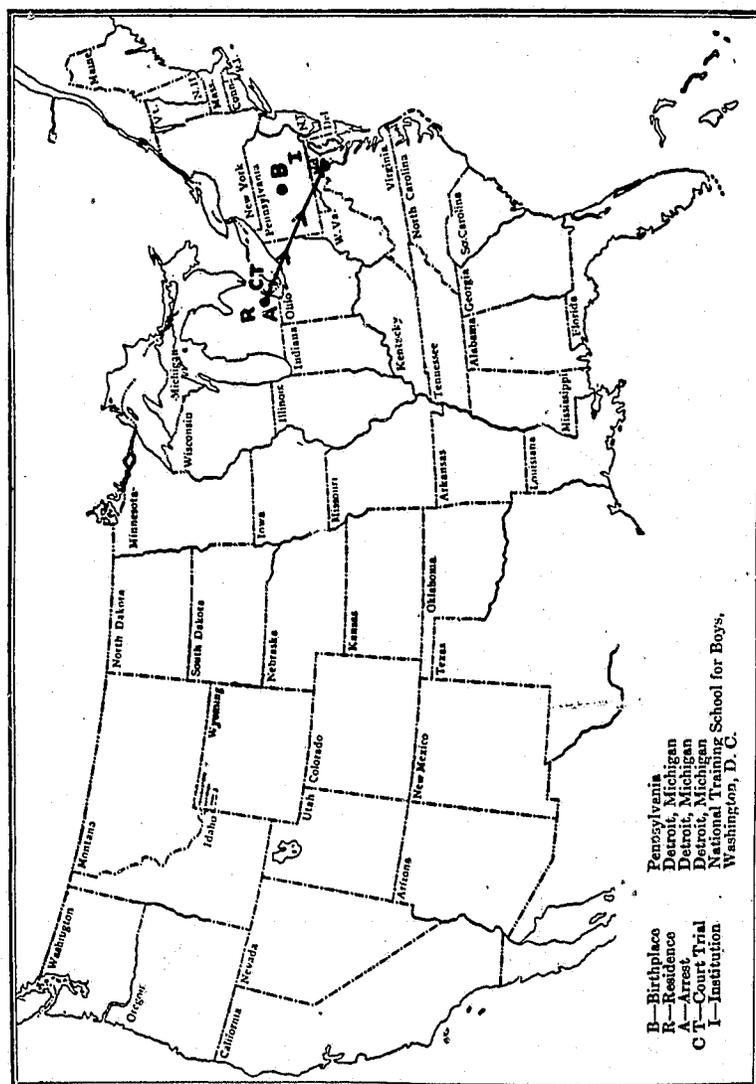
Source: Los Angeles juvenile court.

July 24, 1929: Los Angeles, Calif., juvenile court. Theft of auto; probation.

September 19, 1929: Los Angeles, Calif., juvenile court. Theft of auto. Committed to Whittier (Calif.) State School for Boys. Has escaped three times; on escape at time of Federal offense.

SUMMARY OF FAMILY HISTORY

Boy's family lived in Long Beach, Calif. Father is a laborer. There are three siblings. Older brother has a long court record; has been both in Whittier and Preston correctional schools.



NATIONAL TRAINING SCHOOL FOR BOYS—CASE 9—BOY 15 YEARS OF AGE—INTERSTATE COMMERCE ACT (LARCENY FROM RAILROAD FREIGHT CAR)

EDUCATION

First year high school.

WORK

Clerk in market.

PHYSICAL

Height, 5 feet 11 inches.

Weight, 150 pounds.

No sickness at institution.

INSTITUTION RECORD

Boy was working in the paint shop at institution. He was not attending any academic classes.

He had been punished for talking in dormitory by being put "on line" for three days.

COMMENT

Boy gave fictitious name to court and stated that he was an orphan, and that he had roamed about the country for the past five years. He was an escape from Whittier, the California School for Boys, at the time. No investigation was made and the statement, "This boy is an orphan," written into the United States attorney's parole report.

The Idaho Industrial Training School is not familiar with any of the boy's past record or social history.

CASE 9

R. A.: White boy, 15 years 11 months of age. Born November 22, 1913; Pennsylvania.

Residence: Detroit, Mich.

Received: October 30, 1929, National Training School for Boys, Washington, D. C.

COURT RECORD OF PRESENT COMMITMENT

Committed by: United States district court, Eastern District of Michigan, Detroit, Mich.

Offense: Interstate commerce act; larceny from railroad car in interstate commerce.

With three other boys got aluminum out of a box car, which they sold. Sentence: Three years, National Training School; sentenced October 19, 1929.

Arrested: Detroit, Mich., August 12, 1929.

Picked up by police as a suspect and held in police station for three days. Boy states, "Police tried to find out all kinds of stuff," and beat him up.

Taken to Wayne County Jail where he remained for two and a half months. There was some segregation of the younger boys from the adults.

Plea: Guilty.

Boy says his parents hired a lawyer and paid him \$50 when he took the case. He says that lawyer came to the jail to see him, but did not

appear in court at the time of trial. Boy's parents were not in court with him, as they did not know when the trial was coming up.

Codefendants: Three boys, younger, all committed to National Training School for Boys; two received two years, one three years. In Detroit, according to R. A., these boys were detained in detention home, not in jail.

After sentence: Detained in jail for 10 days.

Transportation: Five boys were brought on train together to National Training School by three officers from marshal's office. Boy states that he was handcuffed to one of the officers until they got on train, where he was shackled during day. Spent the day in smoking car; had a berth at night.

PREVIOUS COURT RECORD

Source: Juvenile division, probate court, Wayne County, Mich.

Boy was before the court first when 13 years of age.

March 13, 1928: Juvenile court, Detroit, Mich. With two other boys robbed 15-year-old paper boy of \$4.25; found delinquent; probation.

Dismissed from probation August 17, 1928.

SUMMARY OF FAMILY HISTORY

The boy's parents were born in Austria-Hungary. They have been in the United States about 40 years. They first settled in Pennsylvania, but have lived in Detroit about 12 years. The father has been sick for a year and a half and unable to work. The economic conditions of the family are poor, as the children who support the family have not had steady work.

There are three brothers older than R. A. and a sister and brother younger.

The family in 1928 lived in a Polish neighborhood, in a 5-room flat in a 2-family house.

Boy was living at home when he got into trouble.

EDUCATION

Sixth grade.

Attended continuation school in 1928.

WORK

Had run a milling machine three different times for same company, 4 months, 5 months, and 6 months. Was out of job about three weeks before arrested.

PSYCHOLOGICAL EXAMINATION

Mental age, 10.3.

PHYSICAL

Height, 5 feet 6 inches.

Weight, 137 pounds.

O. K.

INSTITUTION RECORD

Working in the tailor shop, and does not like it.
No punishment recorded against him.

COMMENT

Boy is a slow-speaking mild type of youngster, who is not very bright mentally.

It would seem that supervision in his own community where he was already known to the probation department and where there were resources for constructive work could well have taken the place of institutional commitment.

CASE 10

R. J.: White boy, 17 years of age. Born September 15, 1913, Montreal, Canada.

Residence: London, Ontario.

Received: December 14, 1930, United States Industrial Reformatory, Chillicothe, Ohio.

COURT RECORD OF PRESENT COMMITMENT

Committed by: United States district court, Vermont, sitting at Rutland.

Offense: Violation of immigration laws.

Ran away from home and entered country illegally from Canada.

Sentence: One year and one day; sentenced November 14, 1930.

Arrested: Winooski, Vt., October 28, 1930.

Before trial detained at county jail at Rutland, Vt., from October 28 to November 14, 1930.

Plea: Guilty.

Had no lawyer, and none of his family were in court with him.

After sentence: Detained at Rutland County jail one month.

Transportation: Brought to Chillicothe by marshal on the train.
Boy states he was handcuffed and shackled.

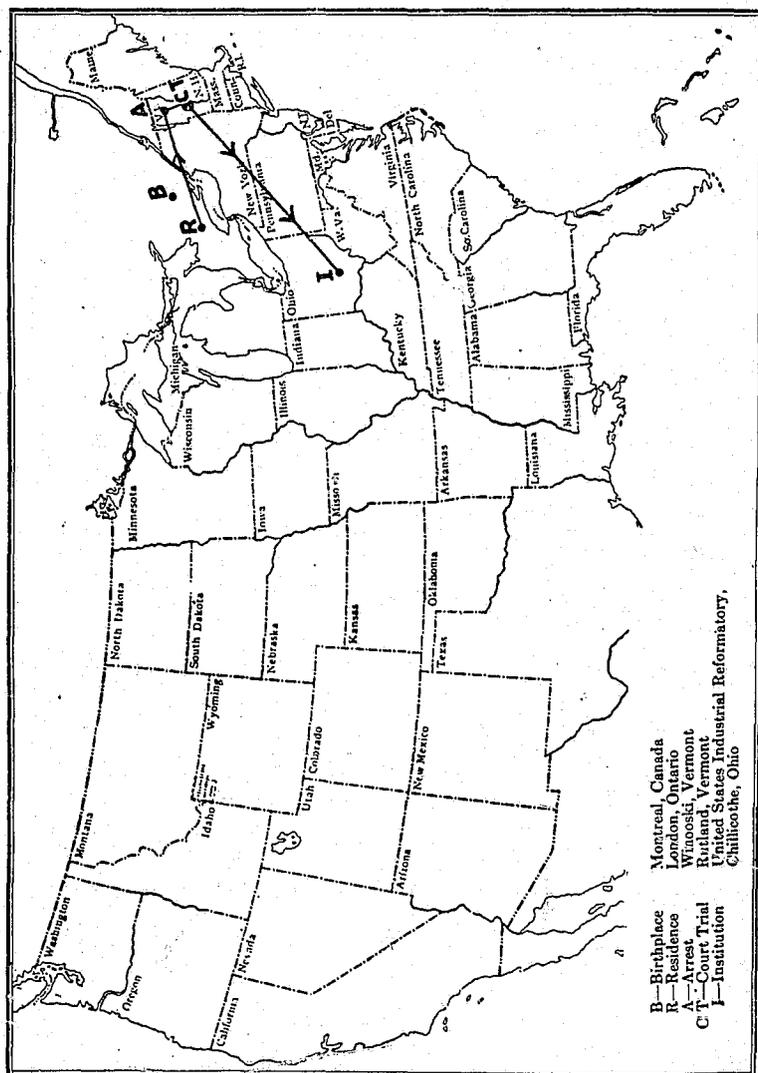
PREVIOUS COURT RECORD

March, 1930: United States court, New York; violation of immigration laws; sentence, three months and deported.

July, 1930: United States court, New York; violation of immigration laws; sentence, three months and deported.

SUMMARY OF FAMILY AND SOCIAL HISTORY

Parents are French Canadians. The father is a day laborer. The family is very poor. Boy is oldest of 12 children. When he was 13 years of age he had to leave school because his family needed his help. He worked in a shoe factory for three years earning \$7 a week, \$6 of which he gave his mother. He ran away from home because he had to work too hard, never had any money, and couldn't go to shows with the other boys. He had heard that "things were different" in the United States.



UNITED STATES INDUSTRIAL REFORMATORY—CASE 10—BOY 17 YEARS OF AGE—IMMIGRATION

EDUCATION

Attended French parochial school.
 Left at 13 in fourth grade.
 Speaks very little English.

WORK

Shoe factory, three years.

PHYSICAL

No physical defect noted.

INSTITUTION RECORD

Has been punished once, for causing a disturbance in the laundry where he was working. Had to spend four days in the guardhouse on restricted diet.

Boy will not be eligible for parole, but is to be turned over to the immigration officials for deportation when his sentence expires.

COMMENT

The case would seem to present a problem needing social adjustment at home rather than reformatory treatment in the United States.

CASE 11

T. M.: White girl, 17 years of age. Born January 20, 1913, Winchester, Ind. Married.

Residence: Winchester, Ind.

Received: December 14, 1930, Federal Industrial Institution for Women, Alderson, W. Va.

COURT RECORD OF PRESENT COMMITMENT

Committed by: United States district court, Eastern District Illinois, sitting at East St. Louis.

Offense: Violation of Dyer Act.

With man friend, stole a car in Winchester, Ind. At Frankfort, Ind., the first car was abandoned, as it had run out of gas, and another car stolen. From Frankfort they went to La Fayette, Ind., and from there to Danville, Ill. The man placed the girl in houses of prostitution along route to earn money.

Sentence: One year and one day; sentenced December 11, 1930.

Arrested: Danville, Ill., October 16, 1930.

Held by police court on disorderly conduct charge. Fined and released.

Rearrested: Danville, Ill., October 20, 1930.

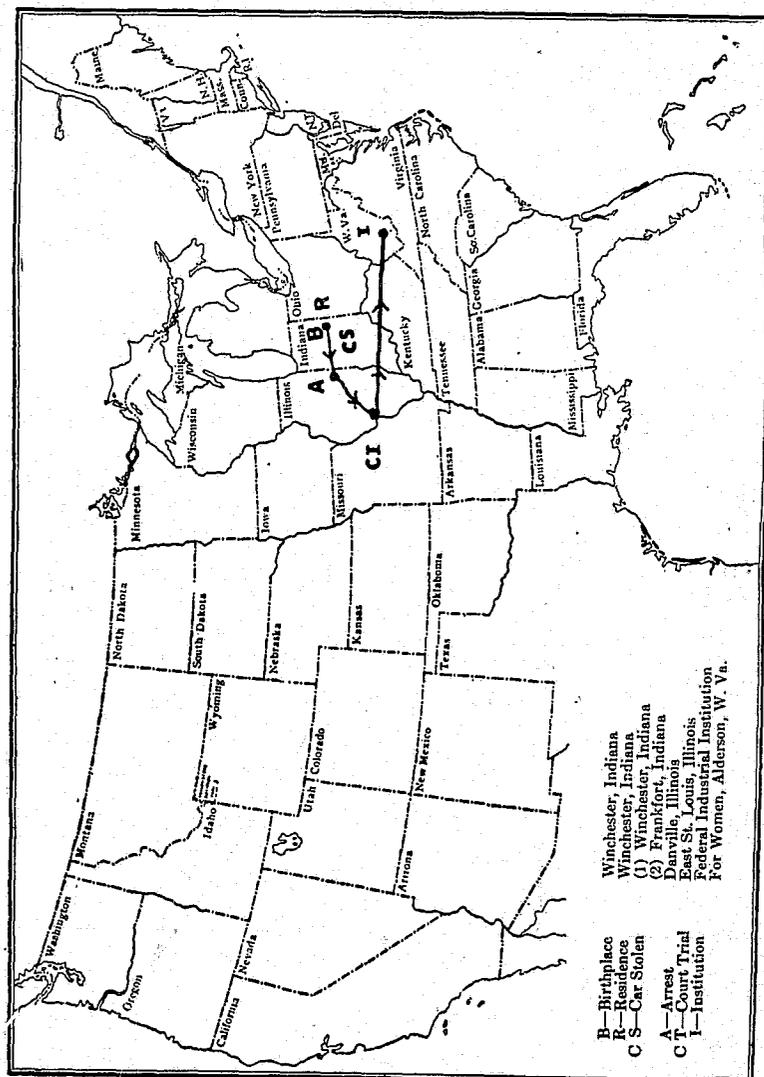
Turned over to Federal authorities.

Held in jail at Danville, Ill., until November 14, when removed to jail at Murphysboro, Ill.

On December 10 moved to East St. Louis jail, as trial was to be held there.

Plea: Guilty.

Girl had no lawyer. Man's lawyer had said he would help her but did not when case came to court.



FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN—CASE 11—GIRL 17 YEARS OF AGE—DYER ACT

Girl also states that the man in the case instead of helping her tried to involve her deeper.

None of the girl's family were in court with her.

Codendants: The man involved with girl was convicted both of violation of Dyer Act and Mann Act; each sentence, three years, concurrent, Chillicothe.

T. M. testified against the man in the Mann Act prosecution.

There were five other defendants in the Mann Act case. They were discharged by the court. Among these defendants, according to the girl, were a police officer of Danville and a woman friend of his who ran a house of prostitution. The girl stated that this police officer had this woman friend pay her fine with the understanding that she enter her house and earn back the money. The girl paid her fine and that of the man involved with her. When she went to the police station to pay the fine the chief of police questioned her and she was rearrested. She made the complaint against the police officer and the others involved.

The United States attorney lists social and previous court history as unknown, but states: "Prisoner is apparently a victim of environment, and the judge felt that she would be better if she would be removed from her environment and placed in your institution."

After sentence: Detained in East St. Louis jail three days.

Transportation: A deputy marshal and his wife brought the girl to the institution on train. She was the only one taken, and no restraints were used.

Source: Mittimus and United States attorney's report in institution file. Chief of police, Danville, Ill. Clerk of United States court, East St. Louis, Ill. Interview with girl.

PREVIOUS COURT RECORD

June 9, 1930: Winchester, Ind., intoxicated; case dismissed for lack of evidence.

SUMMARY OF FAMILY AND SOCIAL HISTORY

Girl's parents live in Winchester, Ind. The father drives a truck and has worked for the same company for 21 years. There is one other child, a girl, who is married.

T. M. left school when 15 years of age to go to work. When 17, in March, 1930, married boy of 20, who had just been released from the Indiana State Reformatory, where he had served a term for stealing a car. In May, 1930, he was returned as a parole violator. At this time T. M. returned to the home of her parents, working to support herself.

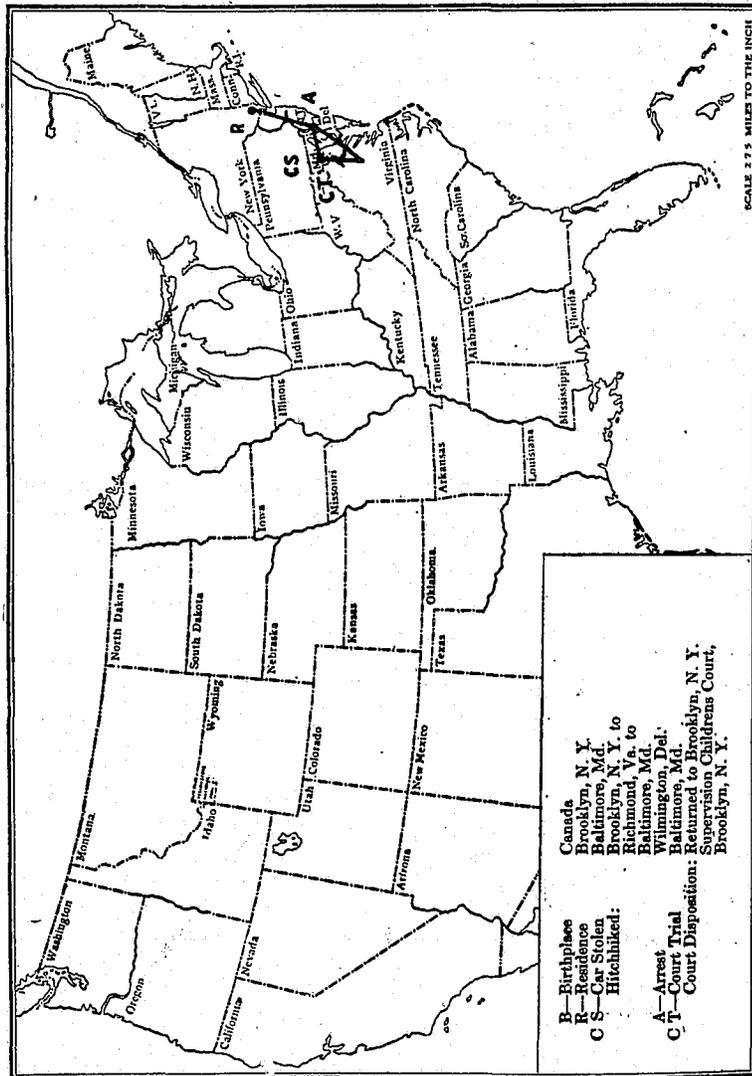
EDUCATION

Eighth grade.

WORK

Office, learning bookkeeping, six months; \$5 week.

Worked for short periods as waitress, practical nurse, and cook.



BALTIMORE JUVENILE COURT—CASE 12—BOY 15 YEARS OF AGE—THEFT OF AUTO—NOT PROSECUTED IN FEDERAL COURT

MENTAL PSYCHOLOGICAL EXAMINATION

Mental age, 12.8.
 Intelligence quotient, 80.

PHYSICAL

Height, 64¼ inches.
 Weight, 139¼ pounds.
 Wassermann, negative.
 Has been treated for gonorrhoea.
 Present condition good, except low blood pressure; to have moderate work and rest period at midday.

INSTITUTION RECORD

Classification committee considered girl on February 4, 1931.
 She had a good cottage report. Classes in commercial work, practical nursing, and table service are to be arranged for her.

COMMENT

In a case as serious as a commercial Mann Act violation, affecting a 17-year old minor, the United States attorney, on his parole report form, writes:

"Q. How long has he lived in the community in which the crime was committed?—A. Transient.

"Q. Is the family one of good standing in the community?—A. Unknown.

"Q. What is the character of his associates?—A. Evidently bad.

"Q. Has the prisoner ever been in trouble of a criminal nature before?—A. Unknown.

"Q. What are the prisoner's habits as to industry?—A. Unknown.

"Q. What is the prisoner's school record?—A. Unknown.

"Q. Has the prisoner ever been tried on probation?—A. Unknown."
 In court the girl stands alone; she has no lawyer, no parent, guardian, or friend to help her.

She must act as witness in the Mann Act prosecution of the man, and is herself convicted of violation of the Dyer Act.

Both in Indiana, the girl's home State, and Illinois, the State of her Federal court trial, the age limit for juvenile delinquency in girls' cases is 18. Coming under the Federal court, she is denied the privileges of the court's "parental" consideration which these States might give her.

CASE 12

FOR COMPARATIVE STUDY WITH FEDERAL COURT DYER ACT CASES

W. H.: White boy, Jewish, 15 years of age. Born April 19, 1915, Canada.

Residence: Brooklyn, N. Y.

COURT RECORD

Committed by: Juvenile court, Baltimore, Md.

Offense: Unauthorized use of an automobile, a Reo coupé, valued at \$400.

On March 1, 1931, boy ran away from home with another boy, age 16 years. The boys hoped to get to Florida and find work there. They hitchhiked, having \$3.50 in money between them. When they got as far as Richmond, Va., they became discouraged and started back home. In Baltimore they stole a Reo coupé, which was parked. They planned to drive this car as far as Philadelphia, where they expected to hop a freight for New York City.

While stopping along the road in Wilmington, Del., they were picked up by the State police on suspicion, as the police recognized the license as that of a car reported stolen.

Legal process: Arrested by State police in Wilmington, Del., on March 3, 1931.

W. H. and his companion, C. C., were taken to the jail in Wilmington by the State police. The State police then notified the Baltimore city police department, who came for the boys on the following day, that is, March 4. The boys spent the night of March 4 in the central police station, Baltimore. On the following morning, the morning of March 5, W. H. was taken by an officer from the Baltimore city police detective bureau to the juvenile court of Baltimore city.

C. C., having passed his sixteenth birthday, the age limit for the juvenile court of Baltimore, was turned over to the traffic court by the detective bureau.

Social treatment by the Baltimore juvenile court:

Pending investigation detention care was arranged for W. H. by the juvenile court in a private boarding home through the Jewish Welfare Organization. The Jewish Welfare Organization paid board of \$1 a day for the boy. It was reported to the court that the boy had behaved very well in the foster home during the 8-day period that he was there.

The probation officer of the Baltimore juvenile court wrote to the probation department of the children's court in Brooklyn, N. Y., and asked them to make a home investigation on the boy.

The Baltimore juvenile court arranged for a physical and a psychiatric examination of the boy through the juvenile court clinic.

The probation department of the children's court in Brooklyn made the home investigation as requested by the Baltimore court. The home materially was a possible one for the boy to return to, but the parents at the present time had not sufficient funds to send the railroad fare for the boy.

March 10, 1931, the probation officer of the Baltimore court wrote to the probation department of the children's court in Brooklyn, N. Y., and asked if that court would assume supervision of the boy if he were returned to his home.

March 13, 1931, the children's court of Brooklyn agreed to take over the supervision of the boy. The probation department of the Baltimore

court obtained the boy's fare from the city of Baltimore and also fare for a probation officer of the Baltimore court to accompany the boy to New York.

On March 13, 1931, a probation officer from the Baltimore court took the boy directly to the probation department of the children's court in Brooklyn, and turned over to that court the findings and recommendations of the physician and psychiatrist of the Baltimore court, the advice of the psychiatrist being that the boy be placed away from his own home in a foster home.

At present (April, 1931) the Brooklyn children's court have the boy placed in his own home under the supervision of a probation officer.

C. C., the 16-year old boy involved with W. H., was given a 60-day sentence by the traffic court. The juvenile court discussed the case with the traffic court, as there was some question of the boy's exact age.

At the suggestion of the juvenile court the traffic court changed the place of commitment from the jail to St. Mary's Industrial School for Boys.

Home investigation was also made at the request of the juvenile court by the Brooklyn children's court and return fare arranged for through the boy's family.

PREVIOUS COURT RECORD

None.

SUMMARY OF FAMILY HISTORY

The boy's parents are Russian Jews. The father had been a tailor, but is unable to work on account of a heart condition. The mother also is not very well, and is nervous, irritable, and of a nagging disposition. The older children, one of whom is a policeman, support the family. Materially the home is comfortable.

EDUCATION

Second year, high school.

PSYCHOLOGICAL EXAMINATION

Boy was found to have a mental age of approximately 15 years. Three of the 14-year-old tests were passed and two of the 16-year-old tests. The psychiatrist advised that foster home placement be arranged for the boy, as he did not adjust well in his own home and was not happy there.

PHYSICAL

Height, 5 feet 9½ inches.

Weight, 135 pounds.

Acne of skin.

One decayed tooth.

Wassermann, negative.

BEHAVIOR PROBLEMS

The boy had presented some problems, although this was his first arrest. He had been expelled from school when in the second year high school for bad behavior, and it was said that he stayed out late at nights.

In September, 1930, he ran away from home, hoping to get to Florida. With two other boys he hitch-hiked, getting as far as Henderson, N. C. His parents sent his railroad fare for his return from Henderson.

COMMENT

This case might have been prosecuted by the Federal courts under the Dyer Act. It illustrates good alternate handling.

The Baltimore police stated that there is a great deal of interstate cooperation in handling those accused of stealing cars. The Baltimore policy and that of some other police departments is to turn over the case to the police in whose district the car was stolen and rarely do they start Federal prosecution.

CASE 13

X.: A white boy, 18. Born November 3, 1912, Seattle, Wash.
Residence: Seattle, Wash.
Received: March 21, 1930, Idaho State Industrial Training School, St. Anthony, Idaho.

COURT RECORD OF PRESENT COMMITMENT

Committed by: District court of United States, district of Oregon, sitting at Portland.

Offense: Larceny of property of the United States of the approximate value of \$100. (Par. 7-7-1683.)

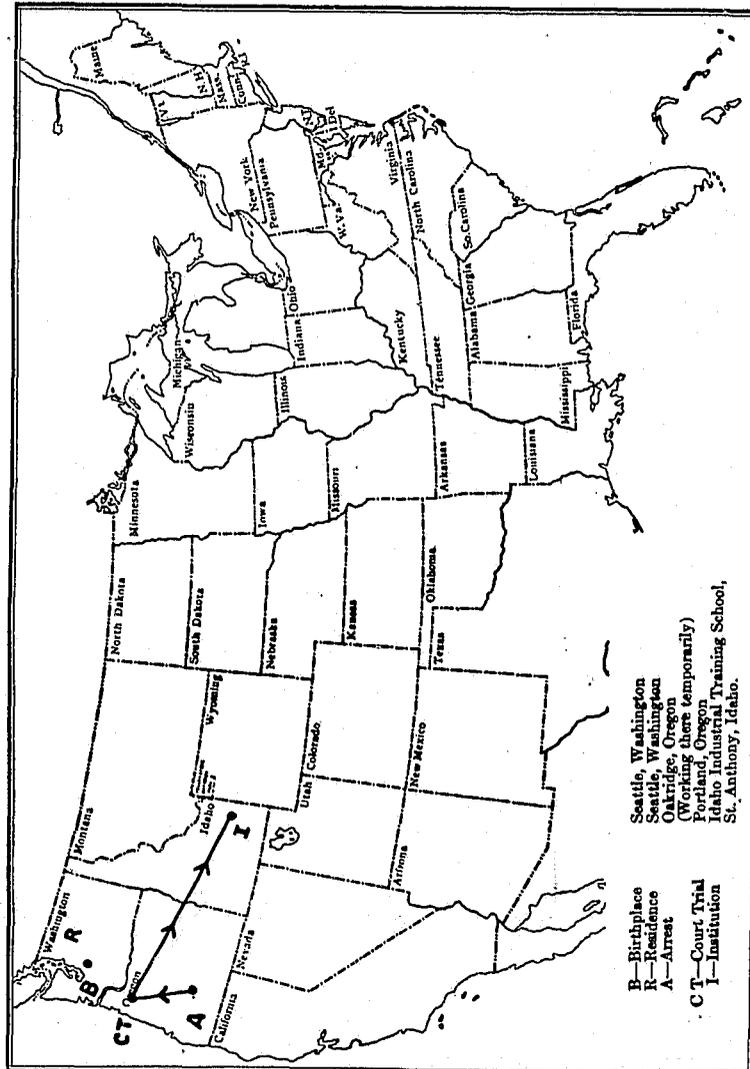
"This boy was indicted for violation of section 47 of the Penal Code. The specific offense was theft of a knapsack containing a quantity of Government property from the forest supervising station at Oakridge, Oreg. The estimated worth of the property was \$100."

The boy stated he went about March 1 to the national forest and got a job helping a surveyor. He admitted taking the knapsack, which he said was lying around and one of the men told him he could have it. He said it contained old clothing which was not worth more than \$3. He claimed that a compass found in his possession was his, worth about \$5. He arrived at the school with this property, which was taken from him there by the marshal. He said, if the compass was not his why did they not take it when he was tried in court. The incident rankled in his mind.

Sentence: March 19, 1930, to be imprisoned in the State Industrial School at St. Anthony, Idaho, 13 months.

Arrested: At United States forest supervising station, Oakridge, Oreg., by deputy ranger, March 12, 1930; taken to Portland, Oreg., placed in Multnomah County jail March 13.

States he heard nothing said about bail, and he had no money. He remained six days in jail.



IDAHO INDUSTRIAL TRAINING SCHOOL—CASE 13—BOY 17 YEARS OF AGE—LARCENY OF UNITED STATES PROPERTY (KNAPSACK FROM FOREST SUPERVISING STATION)

Plea: Guilty.

He had no attorney; no parent or relative was present.

United States attorney writes: "I think this boy is one who merely made a mistake."

Recommendation for parole: United States attorney recommends against parole.

Judge "does not care to make recommendation."

After sentence: Remained in jail one day and was taken by deputy marshal on train to St. Anthony without handcuffs.

PREVIOUS COURT RECORD

Commitment papers contained entry: no previous court record; no record was found in the institution files. The boy stated on being interviewed that he has been eight times before the juvenile court in Seattle, Wash., and has served 15 months in the State training school, Chehalis, Wash.

A letter was sent to the juvenile court, and on April 2, 1931, the following information obtained:

(1) Before the court, March, 1920, at age of 8, as dependent child. The father had appealed to the court for financial assistance.

Disposition: Placed with relatives in Bellingham, Wash.

(2) July, 1921, brought in as persistent runaway, and for having taken a 3-year old child, stripped her of most of her clothing and whipped her. His excuse was the girl's mother had threatened to thrash him. "While in the detention home X. manifested a mean disposition and attitude toward younger boys."

Disposition: Committed to Boys' Parental School, and paroled in October, 1922.

(3) November, 1923, brought in for stealing candy.

(4) July, 1924, disorderly conduct.

(5) August, 1924, for going through the coat of the school janitor, taking a kodak.

(6) December, 1924, running away from home, riding freight trains, and being a problem in school.

Disposition: Boys' Parental School; was again paroled April 25.

(7) August, 1925, stealing candy and cigarettes.

Disposition: Boys' Parental School; paroled October, 1927.

(8) February 13, 1928, stealing (amount not stated).

Disposition: Committed, State training school, Chehalis, Wash.; paroled December, 1929.

He left home at once, and was "picked up" by the police of San Bernardino as a runaway. The State school refused to send for him, and he returned home of his own volition.

SUMMARY OF FAMILY AND SOCIAL HISTORY

The father was employed by the City Street Railway; mother died in 1918, when X. was 6. One brother, older than X., died in 1921. He had been confined in the Boys' Parental School because of persistent truancy. An older sister kept house. The father was in poor health

most of the time; was erratic and impatient with his children. At the time he appealed to the court for financial aid, he had gone through bankruptcy (1923), and had "a very severe illness." The father owns his own home, has lived there over 20 years; has never been arrested. The sister, now 25 years old, married a farmer; has two children.

PSYCHOLOGICAL EXAMINATION

This was not made when X. was sentenced in the Federal court. The State law of Idaho requires a certificate of health and sanity from a medical examiner. The commitment paper states, "physical condition, good." No psychological examination was made at the industrial training school.

The Seattle juvenile court psychiatrist examined X. in 1925. Intelligence quotient was said to be 88 per cent, "but he could determine nothing more than he was backward and not interested in those about him."

EDUCATION

Eighth grade, did not complete. Last school attended was in the State Training School of Washington. This is X.'s statement. It is doubtful that he could do fifth grade work in an average school.

WORK

X. has never held a steady job, nor earned more than \$2 per day, at logging camps, on boats, fishing, etc.

INSTITUTION RECORD

When interviewed at St. Anthony, in January, 1931, X. had been in confinement for about four months. He had been declared insane by the visiting physician. There are no records at the institution concerning his behavior or treatment, other than a card stating his credits and demerits.

He escaped and was returned in September. Letters are on file from the superintendent, and the Bureau of Prisons concerning X.'s mental condition and attempts made to have him transferred to a hospital. As X. had received a sentence of but 13 months, "it was decided that his transfer to St. Elizabeths Hospital in the District of Columbia would not be feasible, considering the short term of his sentence and the traveling distance."

To send X. to the State hospital of his legal residence involved (a) securing action by the parole board, a matter, according to the superintendent, requiring "at least 60 days and sometimes 90 days before returns are received in this office from the attorney general after an application for parole leaves my office"; (b) transporting X. to the county where he had legal residence and delivering him to the sheriff; (c) the superintendent's filing an insanity charge and remaining to be a witness at the hearing; (d) in case a jury trial was demanded and X. declared not insane, the superintendent would have to return him to St. Anthony.

To avoid loss of time and money, no Federal funds being available in this type of case, the superintendent decided to keep X. at the school until his sentence expired, February 3, 1931, counting "good time."

Accordingly X. was delivered to the county jail in Seattle, February 5, and remained until March 3, when he was sent to the Washington State Hospital for the Insane at Sedro Woolley.

Diagnosis, according to the superintendent of this institution is "psychosis with psychopathic personality."

While in the Idaho State Industrial Training School X. was in the dormitory at night, and confined in a bedroom, regulation officer's size, 14 feet by 14 feet, during the day. There is no detention room at St. Anthony; all boys sleep in dormitories. Punishment is administered by whipping or standing on line. The school and work program is strenuous. There is no psychologist, and probably no one in the vicinity to make an adequate psychiatric examination. As X.'s condition became steadily worse he had to be removed from dormitory at night. On one occasion he attempted escape in his underwear when the temperature was far below zero.

When interviewed X. seemed childishly helpless. His left eye was discolored with bruises, he had recently received a bloody nose, and various other small injuries were apparent. He had been beaten by the boys, he said, a statement confirmed by the superintendent.

COMMENT

This case illustrates:

- (a) A problem child known to local juvenile court authorities from the age of 8; repeated institutional placements, without constructive plan.
- (b) Meagerness of the original psychiatric diagnosis.
- (c) Commission of a relatively petty offense brings to the Federal court a social problem, which belongs properly to the State; no record of previous offenses, or of the serious mental condition of accused is presented.
- (d) Sentence is given to an institution designed for strict discipline and hard work in a community so remote that psychiatric treatment is unobtainable.
- (e) The patient is cruelly treated and the institution routine more or less demoralized.
- (f) Routine parole procedure delays the medical treatment for several months.
- (g) Procedure leading to insanity commitment includes transportation in handcuffs, jail detention, and court trial.

CHAPTER VII

FEDERAL AND STATE COOPERATION IN DEALING WITH CHILD OFFENDERS

Under existing Federal statutes, the case of a child offender initiated in the Federal courts can not be transferred to a juvenile court. In practice, however, in some communities juvenile courts are hearing and disposing of such cases by arrangement.

EXPEDIENTS USED BY FEDERAL COURTS

When the Federal court desires the benefit of juvenile court methods in dealing with a child a variety of expedients may be found. The prosecution may be dropped by the district attorney at almost any stage; while the case is before the United States commissioner dismissal may be recommended, or no entry made on the docket, or, if already docketed, a nolle prosequi may be entered. If the case has reached the stage of arraignment before the court, a plea of guilt may be accepted and proceedings suspended while a State juvenile court takes action, or, after trial and conviction, the Federal judge may either suspend sentence and place the child on probation, on condition that the juvenile court will assume responsibility.

Permitting the case of a youthful offender to proceed as far as the grand jury and the arraignment, however, is a wasteful method, in many instances involving payment of witness fees, jail expenses, and in districts where the child is kept out of Federal court the district attorney, commissioner, or judge have developed a consistent working policy with local juvenile agencies which is put into action from the moment of arrest.

The Federal court of the eastern district of Michigan refers cases to local courts and to the psychopathic clinic of the recorder's court in Detroit.

Instances of employing the resources of the community were found in several districts.

STATE LEGISLATION CONCERNING CHILD FEDERAL OFFENDERS

The offense which constitutes a violation of Federal law may be at the same time a violation of the State law.¹

Certain States have included violations of a Federal law in the provisions of their juvenile court acts. For example, Alabama defines a delinquent child as one who, among other things, "while under 16 years of age violates any penal law of the United States."² The Oklahoma statutes contain a similar definition.³

It is not necessary to charge a child with a specific offense in order to bring him within the jurisdiction of the juvenile court in the majority of States. The typical juvenile court act confers a general parental authority over children whose parents or guardians are not exercising proper parental control; any child away from home found without supervision in a situation tending toward delinquency may come within its provisions.

Some States have provided especially for receiving children where legal residence is within the State in their State correctional institutions on sentence from Federal courts.⁴ Other State institutions without legislative enactment receive children on Federal sentence from any district by contract with the Attorney General of the United States.

EXCLUSIVE FEDERAL JURISDICTION

Naming the violation of a Federal law as a definition of juvenile delinquency by no means gives a State juvenile court a jurisdictional right. The States can not by statute prevent the Federal courts from assuming jurisdiction where Federal jurisdiction exists.

¹ Hebert et al. v. Louisiana (1926), 272 U. S. 312, 47 S. Ct. 103, 71 L. Ed. 270, 48 A. L. R. 1102, affirming (1924) 158 La. 209, 103 So. 742; Crossley v. California (1898), 168 U. S. 640, 18 S. Ct. 242, 42 L. Ed. 610. See Cross v. North Carolina (1889), 132 U. S. 131, 10 S. Ct. 47, 33 L. Ed. 287. Other cases are cited in U. S. C. A., title 28, sec. 371, n. 11 et seq.

² Alabama Code of 1928, sec. 3523, subdivision 3.

³ Comp. Oklahoma Statutes, 1921, sec. 3070.

⁴ Notably Illinois, Maine, and West Virginia.

By section 371 of title 28 of the United States Code it is provided—

The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned shall be exclusive of the courts of the several States:

First. Of all crimes and offenses cognizable under the authority of the United States.

and by section 41 it is provided:

The district courts shall have original jurisdiction as follows: * * *

Second. Of all crimes and offenses cognizable under the authority of the United States.

Inasmuch as Federal statutes defining offenses against the United States make no exception of acts committed by children, the commission of the prohibited act by a child constitutes an "offense cognizable under the authority of the United States."

In the absence of legislation providing for transfer of cases to State courts it has been held that no transfer could be made.⁵

It is clear that the jurisdiction conferred upon the Federal courts can not be abridged or impaired by any State statute.

It is beyond the scope of this report to raise the constitutional questions likely to follow a proposal to enact Federal legislation to permit the transfer of children's cases as such to State courts.⁶

OBJECTIONS TO A FEDERAL JUVENILE COURT SYSTEM

There are valid arguments against setting up a juvenile court system in the Federal Government. The power *patris* is so intimately a State function, that it would seem unwise to place it within the judicial power of the United States, even though there be no constitutional objections.

Aside from legal problems involved the administrative tasks are staggering. To care for these child offenders adequately would require not only a separate system of courts but judges with specialized training and an army of qualified

⁵ McCollom v. Pipe, 7 Kansas 189, 196.

⁶ The constitutional issues at stake have been discussed in a memorandum prepared for the purposes of this report by H. E. Wahrenbrock, research assistant to the National Commission on Law Observance and Enforcement.

probation officers. When a State juvenile court act sets forth—

It shall be the duty of the judge of the court so to conduct the hearing as to disarm the fears of the child and to win its respect and confidence."⁷

it presupposes a judge whose legal training has been supplemented by social knowledge and who is peculiarly interested in social problems. Qualifications of this nature are found in the Federal court, as elsewhere, but do not readily combine with its task of administering criminal justice.

Duplication of systems already set up in the States should be avoided. Obviously the Federal Government must assume responsibility for the child offenders against its laws not otherwise provided for; it by no means follows that it must create separate agencies.

As early as 1865, the Attorney General had power over the confinement of juvenile offenders:

Juvenile offenders against the laws of the United States, being under the age of 16 years, and who may hereafter be convicted of crime, the punishment whereof is imprisonment, shall be confined during the term of sentence in some house of refuge to be designated by the Attorney General, and shall be transported and delivered to the warden or keeper of such house of refuge by the marshal of the district where such conviction has occurred; or if such conviction be had in the District of Columbia, then the transportation and delivery shall be by the warden of the jail of that district, and the reasonable actual expense of the transportation, necessary subsistence, and hire, and transportation of assistants and the marshal or warden, only shall be paid by the Attorney General, out of the judiciary fund.

The Attorney General shall contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile offenders, and shall give the several courts of the United States and of the District of Columbia notice of the places so provided for the confinement in the house of refuge nearest the place of conviction so designated by the Attorney General.⁸

Had subsequent legislation followed this lead Federal institutions need never have been built for children.

From one point of view the acts of children who take stolen cars from one State to another, steal from freight cars and post offices, constitute offenses against the National Government which it has power to punish; from another

⁷ Alabama Code, 1928, ch. 100, sec. 3531.

⁸ U. S. C. title 18, secs. 706, 707.

point of view these acts indicate merely the failure of local communities to furnish adequate parental guidance. For this failure the States should be held responsible, and they alone are equipped to supply remedies for juvenile delinquency.

Withdrawal of the Federal Government from the field of juvenile delinquency jurisdiction would involve both administrative changes and legislation.

CHAPTER VIII RECOMMENDATIONS

Recommendations presented herewith are based on two assumptions: That the principles governing the treatment of the child offender should proceed from the concepts of parenthood and education, rather than from those of criminal justice and that this treatment is primarily the responsibility of local communities. These concepts have been embodied in juvenile court legislation in which the States have drawn a line of distinction between child and adult offender. Under the power of *parens patriae* the delinquent child is treated as a ward of the State rather than as an individual at war with society.

It is recommended that the Federal Government recognize the concept of juvenile delinquency and withdraw the child offender from the ordinary operation of Federal penal justice save in cases in which the local processes for dealing with delinquent children prove to be or plainly are inadequate. The precise nature of legislation required to accomplish this result will have to be determined by expert legal research. The Federal law should have the same opportunity for the protection of childhood that States have achieved.

It is true that under existing Federal statutes a prosecution may be dropped by the district attorney at almost any stage in the proceedings, and referred to a State juvenile agency ready to undertake responsibility. The Federal judge may secure for the child some measure of parental dealing by intrusting him to the probation officer attached to the Federal court; under existing legislation this may now be done from the moment of arrest. In this case the probation officer may investigate the matter and make recommendations to the court as to disposition. After a plea of guilty or a trial and conviction the court may suspend sentence and place the child upon probation. The fact that 23 Federal judicial districts¹ at the time of the study at

¹ See page 71.

inmate populations of penal and correctional institutions in which Federal child offenders were confined had sentenced no child under 18 years of age indicates how much may be accomplished within the present system. The difficulties of proceeding under these expedients by means of judicial discretion without additional legislative safeguards may be briefly stated: Lack of uniformity; lack of assurance of continuity of policy; constant danger that under the fee system of the Federal departments marshals and commissioners may regard with disfavor the handling of a child by local authorities; the fact that Federal courts do not sit consecutively and that there are delays and prolonged jail detentions; the fact that when the Federal Government may assume responsibility and expense the States are not under the same incentive to provide care as they would be if responsibility were thrust upon them.

Proposal that the Federal Government itself set up a system of juvenile courts has been considered. This plan is not recommended. The existing Federal system lacks the facilities to handle children adequately and the comparatively small volume of children's cases does not justify an attempt to create additional resources. The extensive territory to be covered and the fact that in many areas the Federal Government would be merely duplicating what already exists in the States are arguments against a Federal system of juvenile courts.

Our problem is not solely to secure the welfare of the child offender and the protection of society by means of administrative changes but to enunciate the more fundamental principle that childhood has a status distinct from that of the adult. Pending legislation defining the delinquent status of the Federal child offender, the following administrative measures are recommended: That a service be established by the Attorney General for the purpose of supervising the handling of children; this service should include special registration and consistent verification of age of arrested minors; instructions to marshals, agents of the Bureau of Investigation, district attorneys, and commissioners to investigate children's cases by means of Federal probation officers or local juvenile courts; use of social agencies, foster homes, and juvenile detention homes instead of jails; encouragement of the policy now inherent in the practice of several districts to stay

Federal court proceedings until juvenile or other State courts have been consulted with view to cooperation; where the Federal court must act, an extended use of probation for minors; where young children are now in penal institutions and jails under conditions improper to their welfare, their removal on parole.

Our major recommendation is Federal legislation which recognizes the status of juvenile delinquency for the child violator of Federal law conforming to that established in the States and which permits the States to assume responsibility for court hearings and subsequent treatment. Authorization should be given the Department of Justice for the expenditure of funds for transportation of children to the local court agreed upon, if it should appear that no community funds are available.

The tendency in recent State legislation is to raise the age limit of the juvenile court jurisdiction. Twenty-six States have now fixed 18 years, some giving exclusive jurisdiction to juvenile courts, others permitting it under certain conditions. Five States have fixed 21 years. The standard juvenile court age in America is 18 years as determined by the Federal Children's Bureau and indorsed by the National Probation Association.² This age was agreed upon by a committee of 12 juvenile court experts after two years of research, the results of which were submitted to some 400 juvenile court judges and social workers throughout the country. It is true that some States have established 16 years but in certain of these States facilities exist, such as courts for wayward minors, or State courts with special provisions for youthful offenders; in these matters State legislation is constantly changing and the general trend is to provide parental dealing to 18 or 21 years. It is recommended therefore that Federal legislation shall not fall behind that of the more progressive States.

The question may be raised whether parental dealing is adapted to all cases of child offenders. The States now provide for transfer of cases to adult courts in certain circumstances. Similar exceptions will occur under the Federal system of justice. This in no way affects the validity of the general principle recommended.

² Federal Children's Bureau Publication 121. Report of the Juvenile Court Standards Committee.

Practical difficulties in determining the local court which should assume jurisdiction will arise also. Approximately 45 per cent of children's cases heard in Federal courts during the course of this survey were away from home. Each State court, however, is confronted with a similar problem. In the Detroit Juvenile Court over 30 per cent of the cases are nonresidents. An analogous situation exists in California. Under typical juvenile court legislation the child may be dealt with wherever found. Some States provide for transportation of children to their own homes; others are willing to send for their children who have wandered away. Local volunteer social agencies are frequently willing to provide funds for transportation. The problem presented by the child offender to the Federal Government differs in degree not in kind from that presented to the States.

It is evident that wide variation in the quality of facilities exist between States. Doubtless when the Federal Government invites assumption of responsibility by the States there will be some children far better provided for than others. But even in those States which lack specific juvenile courts, Maine and Wyoming, there are some distinctive measures taken for the protection of child offenders.³ The recommendation that States care for their own children is an opportunity of challenge to American citizenship.

³ See App. I., pp. 162, 172.

APPENDIX I

INFORMATION CONCERNING RECENT JUVENILE COURT LEGISLATION BASED ON CHILDREN'S BUREAU CHART NO. 17

Analysis and Tabular Summary of State Laws Relating to Jurisdiction in Children's Cases and Cases of Domestic Relations in the United States

By FRED A RING LYMAN, 1930

These data were supplemented by unpublished material in the Children's Bureau and furnished by them for the purpose of this survey (April, 1931). For certain States additional material has been collected by our staff to illustrate more clearly the resources of the States in relation to cooperation with Federal authorities. All data refer to delinquency; dependency and neglect were not considered. It should be noted that the information is based both on printed legal codes and notes taken in the field during the survey. Legislation is constantly changing and therefore no information is strictly up to date.

ALABAMA

Courts having jurisdiction in children's cases:

Probate.

Independent juvenile courts, independent juvenile and domestic relations courts, or inferior court in certain counties.

Exclusive original jurisdiction.

Age limits:

Under 16 either sex in probate courts, under 18 for girls in certain counties having independent juvenile courts.

Exceptions:

Juvenile court may transfer delinquent over 14 to court having jurisdiction of offense.

Juvenile and domestic relations court may transfer any delinquent. Children between 16 and 18 may be transferred from other courts to juvenile courts for delinquency proceedings.

Relation to Federal Court:

Definition of juvenile delinquency includes violation of any penal law of United States. (Alabama Code, 1928, ch. 100, sec. 3528.)

ARIZONA

Courts having jurisdiction in children's cases:

Superior court.

Exclusive original jurisdiction.

Age limit:

Under 18.

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Exceptions:

Court may permit criminal prosecution after examination in chambers.

ARKANSAS

Courts having jurisdiction in children's cases:

Independent juvenile court (county judge presiding).

Exclusive original jurisdiction if arrested without warrant.

Concurrent if arrested upon warrant.

Age limit:

Under 21.

Exceptions:

Juvenile court may transfer to court having jurisdiction of offense.

Court issuing warrant may try case or may transfer child to juvenile court.

CALIFORNIA

Courts having jurisdiction in children's cases:

Superior.

Exclusive original jurisdiction—children under 18.

Concurrent original jurisdiction—minors 18 to 21.

Age limit:

Under 21.

Exceptions:

If capital offense has been committed or attempted no jurisdiction over minors 18 to 21.

Juvenile court may order criminal prosecution of delinquent violating any State law or ordinance defining crime.

COLORADO

Courts having jurisdiction in children's cases:

County court.

City of Denver independent juvenile court.

Exclusive original jurisdiction.

Age limit:

Under 18.

Denver concurrent to 21.

Exceptions:

Criminal charges may be had against minor over 10.

Misdemeanor charges against minors 17 or over may be heard by justice of peace or police magistrate.

Jury trial may be had on demand.

CONNECTICUT

Courts having jurisdiction in children's cases:

Independent juvenile courts where town, city, borough or police court has been established.

Probate or justice of the peace.

Exclusive original jurisdiction.

Age limit:

Under 16.

DELAWARE

- Courts having jurisdiction in children's cases:
 Independent juvenile courts in two counties.
 No juvenile court organization elsewhere, but court of general sessions and justices of the peace in two counties may remand to one of the independent juvenile courts.
 Exclusive original jurisdiction.
 Age limit:
 Boys under 17.
 Girls under 18.
 Exceptions:
 No jurisdiction of capital offenders.

DISTRICT OF COLUMBIA

- Courts having jurisdiction in children's cases:
 Independent juvenile court.
 Exclusive original jurisdiction of misdemeanors.
 Age limit:
 Under 17.
 Exceptions:
 Jury trial may be had on demand or in discretion of court.

FLORIDA

- Courts having jurisdiction in children's cases:
 Independent juvenile courts certain counties.
 County judge elsewhere.
 Exclusive original jurisdiction except over children charged with crime.
 Age limit:
 Under 17.
 Exceptions:
 No jurisdiction if offense is rape, murder, manslaughter, robbery, arson, burglary, or attempt to commit one of these.

GEORGIA

- Courts having jurisdiction in children's cases:
 Independent juvenile courts in certain counties.
 Court of record designated by superior court elsewhere.
 Exclusive original jurisdiction.
 Age limit:
 Under 16.
 Child under 17 or under 18, according to sex, may be transferred to juvenile court (which limit applies to which sex is not indicated in code.)
 Exceptions:
 No jurisdiction of crime punishable by life imprisonment or death.
 Court may transfer to a court having jurisdiction of the crime.
 Superior court may prosecute child for crime but juvenile court may treat as delinquent a child who has committed a felony, thus preventing criminal trial.

IDAHO

- Courts having jurisdiction in children's cases:
 Probate court.
 Exclusive jurisdiction except over children charged with felonies.
 Age limit:
 Under 18.

ILLINOIS

- Courts having jurisdiction in children's cases:
 Circuit court in certain counties.
 Circuit court, county court, city court, elsewhere.
 Exclusive original jurisdiction.
 Criminal courts have concurrent jurisdiction of indictable offenses.
 Age limit:
 Boys under 17.
 Girls under 18.
 Exceptions:
 Court may allow criminal prosecution of delinquents.
 Jury trial may be had on demand or in discretion of court.

INDIANA

- Courts having jurisdiction in children's cases:
 Independent juvenile courts in certain counties.
 Probate court in one county.
 Circuit court elsewhere.
 Exclusive jurisdiction except over children charged with offenses punishable by life imprisonment or death.
 Age limit:
 Boys under 16.
 Girls under 18.
 Exceptions:
 Jury trial may be had on demand.

IOWA

- Courts having jurisdiction in children's cases:
 Independent juvenile courts, district court judges preside unless they designate superior court or municipal court judges.
 Exclusive original jurisdiction over children under 18, according to Code 1927, section 3634.
 Held concurrent in *State v. Reed*, 1928 (218 N. W. 609).
 Age limit:
 Under 21.
 Exceptions:
 No jurisdiction of offenses punishable by life imprisonment or death.
 Jury trial at discretion of juvenile court in nonindictable offenses.

KANSAS

Courts having jurisdiction in children's cases:

Independent juvenile court.
Exclusive original jurisdiction.

Age limit:

Under 16.

Exceptions:

Court may remand felony case to criminal court for trial.

KENTUCKY

Courts having jurisdiction in children's cases:

County court.
Exclusive original jurisdiction.

Age limit:

Boys under 17.

Girls under 18.

Includes birthday of years specified.

Exceptions:

Court may remand case to court having jurisdiction of offense.
Jury trial may be had on demand or in discretion of court.

LOUISIANA

Courts having jurisdiction in children's cases:

Independent juvenile court in Orleans Parish.
District court elsewhere.
Exclusive original jurisdiction.

Age limit:

Under 17—includes seventeenth birthday.

Exceptions:

No jurisdiction in Orleans Parish of capital offenses.
No jurisdiction elsewhere of capital offenses or assault with intent to commit rape.

MAINE

No juvenile court system.

Law provides—

- (1) Personal recognizance of parents or guardian of children under 16 in lieu of bail.
- (2) Continuance without trial, child being placed in custody of a probation officer.
- (3) Court may exclude public from hearings.
- (4) Records may be withheld from indiscriminate public inspection.
- (5) Children committed to State schools records show conviction of "juvenile delinquency."
- (6) State School for Boys receives boys between 11 and 17 except for offenses punishable by imprisonment for life.

No juvenile court system—Continued.

Law provides—Continued.

- (7) State School for Girls receives girls between 9 and 17 years of age except for offenses punishable by imprisonment for life.

(Rev. Gen. Stat. 1916, ch. 144, secs. 3, 20; 1921, chs. 55, 129.)

MARYLAND

Courts having jurisdiction in children's cases:

Independent juvenile court in Baltimore City and in two counties.
Circuit court where designated by judges of the judicial circuit.
No juvenile court organization elsewhere, but courts of record and justices of the peace exercise jurisdiction over children following regular criminal procedure.

Exclusive jurisdiction.

Age limit:

Under 16 in Baltimore City and two counties.

Where circuit court has been designated—girls under 18, boys under 20.

Exceptions:

Where circuit court has been designated case may be tried under regular criminal procedure if jury trial is demanded.

Juvenile judge in Washington County may proceed as in adult criminal cases when minor over 14 is charged with act constituting a capital or otherwise infamous offense; he must so proceed in case of child over 15 so charged upon application of State's attorney for the county with approval of the judge of the fourth judicial circuit. Minors under 18 are dealt with by the juvenile courts of Baltimore City and the two counties under police magistrate powers.

MASSACHUSETTS

Courts having jurisdiction in children's cases:

Independent juvenile court in Boston central court district.
District court elsewhere.
Exclusive original jurisdiction.

Age limit:

Under 16.

(A bill to raise the age limit to 18 is now before the legislature.)

Exceptions:

No jurisdiction of offenses punishable by life imprisonment or death.

Court may remand for criminal trial for violation of any State law, city ordinance, or town by-law. Minors between 16 and 21, except married women, who have not completed the sixth grade of the public school or equivalent and stubborn children may be treated as misdemeanants.

MICHIGAN

Courts having jurisdiction in children's cases:

Probate court.

Exclusive original jurisdiction.

Age limit:

Under 17.

Exceptions:

Court may remand child over 15 accused of felony to court having jurisdiction of offense.

Jury trial may be had on demand or in discretion of court.

Wayward minors between 17 and 21 are dealt with by probate court in juvenile session, which has exclusive original jurisdiction.

MINNESOTA

Courts having jurisdiction in children's cases:

District court in certain counties and districts.

Probate court elsewhere; limited to (1) appointment of guardians which may be such as State board of control and public or private institutions, (2) remanding children to criminal court.

Exclusive original jurisdiction.

Age limit:

Under 18.

Exceptions:

Court may permit criminal proceedings against child over 12.

Jury trial may be had on demand or in discretion of court where district court has juvenile session.

MISSISSIPPI

Courts having jurisdiction in children's cases:

Chancery court.

Circuit court.

Concurrent jurisdiction.

Justices of the peace and mayor's courts may try misdemeanor charges against minors, keeping separate record. Appeal is to the circuit court which hears the case as juvenile delinquency.

Justices of the peace and mayor's courts may hold for the grand jury minors accused of felony such cases being heard by the circuit court as cases of juvenile delinquency.

Age limit:

Under 18.

Exceptions:

Court may remand for criminal trial in a circuit court.

The court obtaining jurisdiction may transfer case to chancery court for delinquency hearing.

MISSOURI

Courts having jurisdiction in children's cases:

Circuit court, divisions of domestic relations in St. Louis.

Circuit court and court of common pleas in Cape Girardeau County (concurrent).

Courts having jurisdiction in children's cases—Continued.

Circuit court elsewhere.

Concurrent original jurisdiction.

Age limit:

Under 17.

Exceptions:

Juvenile court may dismiss petition and order criminal prosecution. Any court obtaining jurisdiction may transfer case to juvenile court.

Jury trial may be had on demand if minor is charged with violation of criminal statute.

Minors 17 or over who commit acts that would constitute delinquency if committed by minor under 17 may be tried for misdemeanor in any court of record.

MONTANA

Courts having jurisdiction in children's cases:

District court.

Exclusive original jurisdiction.

Age limit:

Under 18.

Exceptions:

No jurisdiction of offenses punishable by life imprisonment or death.

Court may permit criminal proceedings in felony cases.

Jury trial may be had on demand or in discretion of the court.

NEBRASKA

Courts having jurisdiction in children's cases:

District court in certain counties.

District court and county court elsewhere.

Exclusive jurisdiction over children under 16.

Concurrent over children 16 to 18.

Age limit:

Under 18.

Exceptions:

Jury trial of child charged with crime may be had on demand or in discretion of court.

NEVADA

Courts having jurisdiction in children's cases:

District court.

Exclusive original jurisdiction.

Age limit:

Under 18.

Exceptions:

Court may permit criminal proceedings.
 Jury trial may be had on demand or in discretion of court.
 District court may treat minor over 18, under 21, charged with felony except capital offense or attempt to commit capital offense as delinquent with consent of such minor; after conviction in criminal court such minor may be treated as delinquent.

NEW HAMPSHIRE

Courts having jurisdiction in children's cases:

Municipal court.
 Justice's court.
 Concurrent original jurisdiction.

Age limit:

Under 17.

Exceptions:

No jurisdiction of capital and certain other offenses.
 Court may remand to criminal court.
 Criminal laws not affected.

NEW JERSEY

Courts having jurisdiction in children's cases:

Independent juvenile and domestic-relations court, judge of court of common pleas presiding except in counties of the first class and others in which a special judge is appointed.
 Exclusive original jurisdiction.

Age limit:

Under 16.

Exceptions:

Attorney General has interpreted law to mean no jurisdiction of murder.
 Girls 16, under 17, may be committed to State Home for Girls by juvenile and domestic-relations court.

NEW MEXICO

Courts having jurisdiction in children's cases:

Independent juvenile courts, district judge presiding.
 Exclusive original jurisdiction.

Age limit:

Under 18.

Exceptions:

Juvenile court must transfer to criminal court if child is incorrigible or charged with offense for which jury trial is guaranteed.
 District court may transfer any child under 16 to juvenile docket.

NEW YORK

Courts having jurisdiction in children's cases:

County court in three counties.
 Court of special sessions in Syracuse.
 Independent children's court in New York City² and in Buffalo.
 Independent county children's court elsewhere.
 Exclusive original jurisdiction.

Age limit:

Under 16.

Exceptions:

No jurisdiction of offenses punishable by life imprisonment or death (this exception not applicable to Chautauqua County).
 Jury trial may be had in discretion of court in county children's courts.
 Minors between 16 and 21 may be treated as wayward by any magistrate except justices of the peace. Truants under 17 may be dealt with by the children's court, exclusive jurisdiction in Cortland and Westchester Counties, concurrent with that of courts of special sessions and police magistrates elsewhere.

NORTE CAROLINA

Courts having jurisdiction in children's cases:

Independent juvenile court in certain cities, towns, and counties.
 Domestic-relations court in Mecklenburg County.
 Superior court elsewhere, separate part presided over by clerk of court.
 Exclusive original jurisdiction.

Age limit:

Under 16.

Exceptions:

Court may hold child 14 to 16 charged with felony punishable by less than 10 years imprisonment for trial in superior court under criminal procedure. No jurisdiction of felony punishable by 10 or more years imprisonment.

NORTH DAKOTA

Courts having jurisdiction in children's cases:

District court.
 Exclusive original jurisdiction.

Age limit:

Under 18.

Exceptions:

Court may permit criminal proceedings.

OHIO¹

Courts having jurisdiction in children's cases:

- Court of common pleas, division of domestic-relations in certain counties.
- Court of common pleas.
- Superior court.
- Probate court.
- Insolvency court.
- Exclusive original jurisdiction.

Age limit:

* Under 18.

Exceptions:

- Court may remand minor accused of felony to court of common pleas for criminal trial.
- Jury trial may be had on demand or in discretion of court.
- Common pleas court in criminal session has original jurisdiction of felony. The age limit for this has not been settled.

OKLAHOMA

Courts having jurisdiction in children's cases:

- Family court in certain counties.
- County court.
- Municipal and criminal court concurrent jurisdiction.

Age limit:

Under 16.

Exceptions:

- Court may remand to court of criminal jurisdiction.
- Jury trial may be had on demand or in discretion of court.

Relation to Federal court:

The definition "delinquent child" includes any child under the age of 16 years who violates any law of the United States or of this State. (Comp. Okla. Stat. Annotated 1921, vol. 2, ch. 70, art. 4, sec. 8070.)

OREGON

Courts having jurisdiction in children's cases:

- Circuit court (domestic-relations department) in certain counties.
- Circuit court in certain counties.
- County court elsewhere.
- Exclusive original jurisdiction.

Age limit:

Under 18.

Exceptions:

- Circuit court has concurrent jurisdiction of felonies.
- Court may remand to court of criminal jurisdiction.
- Criminal court convicting child may certify conviction to juvenile court for commitment.

¹Subsequent to the compilation of the summary sections 1659 and 1681 of the Ohio General Code were amended by an act approved April 24, 1931.

PENNSYLVANIA

Courts having jurisdiction in children's cases:

- County court in Allegheny County.
- Municipal court in Philadelphia.
- Court of quarter session elsewhere.
- Exclusive jurisdiction.

Age limit:

Under 16.

Exceptions:

- No jurisdiction of murder charges.
- Child over 14 accused of felony may be remanded for criminal trial.
- Municipal court of Philadelphia has jurisdiction of children over 16 who disobey their parents or are in danger of becoming delinquent.

RHODE ISLAND

Courts having jurisdiction in children's cases:

- District court.
- Exclusive original jurisdiction.

Age limit:

Under 16; under 18 for wayward.

Exceptions:

- No jurisdiction of murder or manslaughter.
- Court may dismiss petition so as to permit criminal proceedings.

SOUTH CAROLINA

Courts having jurisdiction in children's cases:

- Independent children's court in Greenville County.
- Probate court, separate part in certain counties.
- Municipal court in certain cities.
- Probate court elsewhere.
- Exclusive original jurisdiction; concurrent in Greenville County in cases excepted from juvenile court jurisdiction in counties of 85,000 to 100,000.

Age limit:

- Under 16 in counties of 85,000 to 100,000 and in Greenville County.
- Under 17 in certain cities.
- Under 18 elsewhere.

Exceptions:

- Child of 14 accused of felony punishable by not more than 10 years' imprisonment may be held for trial in circuit court in certain counties. Although not stated in the law, it would seem if offense is punishable by more than 10 years' imprisonment the court must remand for criminal trial.
- Court may remand any child for criminal trial elsewhere and must so remand on request of circuit solicitor if child is charged with crime beyond the jurisdiction of a magistrate.
- Jury trial may be had on demand in cities of 20,000 to 50,000.

SOUTH DAKOTA

Courts having jurisdiction in children's cases:

County court.
Exclusive original jurisdiction.

Age limit:

Under 18.

Exceptions:

Court may permit criminal proceedings.
Jury trial may be had in discretion of court.

TENNESSEE

Courts having jurisdiction in children's cases:

Independent juvenile court in certain counties; in some, city judge of county seat presiding; in others, city judge or recorder of county seat presiding.

Juvenile and domestic-relations court in Hamilton County. County judge or chairman of county court elsewhere. Exclusive original jurisdiction. (See exceptions.)

Age limit:

Under two counties and two cities.
Under 17 elsewhere.

Exceptions:

No jurisdiction of offenses punishable by life imprisonment or death in one county and two cities; no jurisdiction of rape or murder elsewhere.

Court may remand for criminal trial in certain cities and counties; may so remand elsewhere if child proves incorrigible after commitment as delinquent.

Jury trial may be had on demand or in discretion of court.

Criminal court has jurisdiction of child charged with indictable offense, but child arraigned or tried by criminal court may be transferred to juvenile court in certain counties and cities.

Child may be transferred on demand to criminal court for trial in one county and two cities.

TEXAS

Courts having jurisdiction in children's cases:

District court.
Criminal district court where established.
County court.
Corporation court in Port Arthur (concurrent).
Court at law in Texarkana.
Exclusive original jurisdiction.

Age limit:

Boys under 17; girls under 18.

Exceptions:

Jury trial may be had on demand of any person interested or in discretion of court.

UTAH

Courts having jurisdiction in children's cases:

Independent juvenile court.
Exclusive original jurisdiction.

Age limit:

Under 18.

Delinquent children were defined as 18 or under. The conflict between this and the juvenile court jurisdiction has not been reconciled by court decision or otherwise.

Exceptions:

No jurisdiction of felonies.

VERMONT

Courts having jurisdiction in children's cases:

Municipal court.
Justice of the peace.
Exclusive original jurisdiction.

Age limit:

Under 16.

Exceptions:

No jurisdiction of crimes punishable by death.
Probate court may commit child under 16 to State industrial school on application of parent or guardian and child under 18 on application of institution for care of destitute children.

VIRGINIA

Courts having jurisdiction in children's cases:

Independent juvenile and domestic-relations court.
Exclusive original jurisdiction.

Age limit:

Under 18.

Exceptions:

Court may permit criminal proceeding against minor 14 or over.

WASHINGTON

Courts having jurisdiction in children's cases:

Superior court or superior court commissioner.
Exclusive original jurisdiction.

Age limit:

Under 18.

Exceptions:

Court may remand child charged with crime for criminal trial.
Jury trial may be had on demand or in discretion of court.

APPENDIX II

FORMS USED IN THE STUDY OF MINORS IN FEDERAL COURTS AND CORRECTIONAL INSTITUTIONS

Form A

Outline Used in the Commission's Study of the Business of the Federal Courts

Serial No. (1-6) TERM OF COURT 19 YEAR OF TERMINATION OFFICE DISTRICT 7, 8)

ANALYSIS OF CRIMINAL CASE RECORDS IN THE UNITED STATES DISTRICT COURTS: JUVENILE OFFENDERS Form B 11 30

A. DISTRICT COURT

PARTIES

Name: Accused
His attorney
District Attorney
Judge
Res. Accused
Accused's attorney

SEX
Male 9 0
Female 9 1

AGE Describe exactly 10, 11

HISTORY OF ACCUSED

No entry 12 Y
No prior arrest or offense 12 X
One prior arrest, no conviction 12 0
More than one prior arrest, no conviction 12 1
One prior conviction, no detention 12 2
One prior conviction, detention 12 3
Two prior convictions, no detention 12 4
Two prior convictions, detention 12 5
Three prior convictions, no detention 12 6
Three prior convictions, detention 12 7
More than three prior convictions, detention 12 8
Other specify 12 9

Specify (where shown) each prior arrest, the offense for which arrested, conviction, fine and/or detention, and probation

ATTORNEY FOR ACCUSED

No entry 13 Y
No attorney 13 X
Employed 13 0
Assigned by court 13 1
Guardian ad litem 13 2
Other specify 13 3

VALUE OF PROPERTY (Offenses against Prop.)

No entry 14 Y
\$0 to \$10 14 X
\$11 to \$25 14 0
\$26 to \$50 14 1
\$51 to \$100 14 2
\$101 to \$250 14 3
\$251 to \$500 14 4
\$501 to \$1000 14 5
\$1001 to \$2500 14 6
\$2501 to \$5000 14 7
\$5001 to \$10,000 14 8
Over \$10,000 specify 14 9

GRAND JURY OR PROSECUTING ATTORNEY

No entry 15 Y
No true bill by Grand Jury 15 0
Indictment 15 1
Information 15 2
Information refused 15 3
Presentation to Grand Jury refused 15 4
Other specify 15 5

GRAND JURY DOCKET NO.

DISTRICT ATTORNEY DOCKET NO.

OFFENSE CHARGED IN INDICTMENT OR INFORMATION 16, 17, 18

Describe each count; cite statute.

NUMBER OF COUNTS 19, 20

DATE INDICTMENT OR INFORMATION FILED

Code month as indicated Year 21, 22 Month 23
January -1 May -5 September -9
February -2 June -6 October -0
March -3 July -7 November -X
April -4 August -8 December -Y

ACCUSED'S PLEAS

	First	Last
No entry	24 Y	25 Y
No pleading: not guilty entered	24 0	25 0
Nolo contendere	24 1	25 1
Guilty as charged	24 2	25 2
Guilty to part	24 3	25 3
Not guilty	24 4	25 4
Other specify	24 5	25 5

TIME SPENT IN JAIL AWAITING TRIAL

(No bond) Days 26, 27
Deducted from sentence 26X

DATE DISPOSITION DISTRICT COURT

Year 28, 29
(Indicate months as in col. 23) Month 30

DISPOSITION IN DISTRICT COURT 31, 32

yy. No entry
00. Discharged on plea in bar
01. Discharged on pleadings
02. Discharged after jury trial
03. Discharged after court trial
04. Discharged: directed verdict
05. Information or indictment dismissed
06. Nolle prosequi
07. Nolle account other indictment or information
08. Convicted as charged: guilty plea
09. Convicted as charged: jury
10. Convicted as charged: court
11. Convicted part: guilty plea
12. Convicted part: jury
13. Convicted part: court
14. Convicted after consolidation of indictments
15. Mistrial
16. Removal to another District Court
17. Pending: never apprehended
18. Pending: bond forfeited, at large
19. Pending: sick or insane
20. Pending: witnesses unavailable
21. Pending: awaiting outcome state trial
22. Pending: awaiting further investigation
23. Pending: confined elsewhere
24. Pending: awaiting removal to another district
25. Pending: continued, United States
26. Pending: continued, defendant
27. Other specify

OFFENSE OF WHICH CONVICTED 33, 34, 35

(List each count; cite statute)

FORM B

JAIL CARD, BUREAU OF PRISONS OF THE FEDERAL DEPARTMENT OF JUSTICE, FORM D. C. 41

District Name of prisoner
Age Sex Race Born: Native Foreign
Offense (Use symbol on reverse of this card.)

COMMISSIONER

Commissioner Marshal or deputy
Institution Date
Committed on: Arraignment Hearing Remand

COURT

Judge Date committed
Institution
Remand Sentence Default of bail Amount, \$
Sentence: Years Months Days Fine
Committed
Not committed
Executed
Amount, \$

DISCHARGE

Institution
Date Case dismissed Expiration of sentence
Payment of fine Bail Amount, \$ Probation
Parole Pauper's oath Transfer to

OFFENSE

Symbol to be used
1. Drug act.
2. Murder and manslaughter.
3. Prohibition act.
4. Motor vehicle act.
5. Counterfeiting.
6. Mann Act.
7. Banking act.
8. Immigration.
9. Postal laws.
10. Interstate commerce.
11. Offenses other than those named.
12. Special. (Use this symbol when prisoner is detained as witness.)

FORM C

INSTITUTION STUDY OUTLINE

The study of the institutions caring for minors committed by the Federal courts covered the following:

1. History.
2. Management.
3. Location, acreage, plant equipment.
4. Financial.
 - (a) Evaluation of equipment.
 - (b) Budget.
 - (c) Per capita cost.
5. Staff.
 - (a) Staff organization.
 - (b) Training and past work experience.
 - (c) Salary schedules.
6. Population.
 - (a) Age limits for admission.
 - (b) Type of case accepted.
 - (c) Total number in institution at time of study.
 - (d) Total number of Federal cases in institution at time of study.
 - (e) Minors committed by Federal courts—
 - (1) Number by age.
 - (2) Districts committed from.
 - (3) Offense.
 - (4) Length of term.
7. Record system.
8. Classification procedure.
9. Medical care.
10. Diet.
11. Psychological and psychiatric examinations.
12. Educational program.
13. Religious training.
14. Industrial program.
15. Methods of discipline.
16. Recreation.
17. Description of housing and living arrangement.
18. Clothing.
19. Parole.
20. Descriptive impression of spirit, of method of treatment, and of atmosphere of institution.

FORM D

OUTLINE FOR CASE HISTORY

Case No. _____
 Surname _____ Given name _____ Color _____ Birth date _____
 Birthplace _____ Age on admission _____
 Alias _____ Marital status _____ Children _____

Residence _____
 Date received at institution _____
 Court record of present commitment:
 Court committed by _____ Judge _____
 Offense _____
 Story of offense _____
 Sentence _____ Date of sentence _____
 Complainant _____
 Arrest: Place _____ Date _____
 Detention before trial: Place _____ Date _____
 Bail bond: Amount _____ Date secured _____
 Plea _____
 Hearing before commissioner _____
 Court trial _____
 Represented by counsel _____
 Others involved in same offense _____ Age _____ Sentence _____
 United States attorney: Investigation _____
 Parole recommendations: Judge _____ United States attorney _____
 After sentence detention: Place _____ Dates _____
 Mode of transportation to jails and institution _____
 All Previous Court Records:
 Age of first arrest _____ Age of first appearance in court _____
 Place _____ Court _____ Date _____ Offense _____ Disposition _____
 Family and social history:
 Parents surname and given names _____
 Residence _____ Religion _____
 Birthplace of parents _____
 Significant facts of family and social history: Number of siblings; father's work and salary, brief statement of problems of family both in past and present, such as illness, feeble-mindedness, alcoholism, immorality, friction, etc.; a brief picture of present conditions such as neighborhood, overcrowding, cleanliness, home atmosphere, etc. If married, name and residence of husband or wife, date of marriage, number of children, ages, and problems relating to this family group. If there is a child born out of wedlock, facts concerning same _____
 Education _____ Work record _____
 Physical condition _____ Psychometric and psychiatric examinations _____
 Personality study _____ Behavior problems _____
 Institution record:
 Living, work, and school assignments _____
 Adjustment _____
 Punishments _____
 Parole consideration _____

END