

CRIMINOLOGICA

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FROM THE EDITOR'S CORNER

For the past several years, we have witnessed the growing public concern about the processes in the administration of justice. States courts, on the basis of the *Gideon* decision, have been called upon to review policy concerning the provision of counsel to accused at all steps in the pre-trial and trial procedures. Elsewhere, important strides are in the making toward the use of legal processes other than arrest in bringing the accused to the bench of justice.

The enunciations of the federal judiciary on the rights of the accused have drawn loud protests and vehement predictions on the downfall of law and order, particularly from law enforcement groups. The plight of the underprivileged has undoubtedly contributed to the growing social consciousness regarding the traditional views of crime and crime control. *Equal justice* is a phrase easily spoken but more difficult of provision. Presumption of innocence is frequently overlooked when a prior record exists or is suspected. Not infrequently the determination of guilt is presumed at the law enforcement level rather than after the judicial trial level. Hopefully, training and education will eliminate some of the more glaring procedural inadequacies of people at the various levels of the administration of justice. But training alone will not answer some of the misconceptions regarding the nature of human rights, and of our democratic form of government in particular.

One of the challenges facing American criminology is to enunciate clearly the goals of the administration of justice in keeping with the soundest principles of a free society. Can we meet the challenge?

Abstracts of papers presented at 1964 Annual Meeting of the American Society of Criminology, Montreal, Canada, Dec. 28-30.

FATHER-DAUGHTER INCEST: TREATMENT OF THE FAMILY

Miriam Kennedy, McGill University

A report on the treatment of twenty families with the problem of father-daughter incest where the father did not serve a prison sentence but was placed on probation and referred to our Clinic. Economic and social levels of the families ranged from low to middle class. The fathers were, aside from incest, basically noncriminal, steady workers and family centered. Incest is a combination of a developing crisis within the family, having its roots in the personality and early history of the father. Even if initially happy, the marriage in time becomes increasingly ungratifying. The mothers are either passive or rigid, denying women. The daughters are frequently acquiescent. What is significant is that all are involved and play their part in the situation. It is generally, however, the daughters who terminate incest by rebelling against the restraint imposed by the father. With the disclosure it is often possible to effect deep-going changes. As incest once disclosed seldom recurs, there is little risk in keeping the father in the community, and it is therefore possible to work with the whole family. While there may be considerable dislocation at the beginning, the family is often eventually reconstructed on a sounder basis, with the members assuming appropriate roles. Most of these twenty cases became in the end problems of intensive family counseling.

EVALUATION OF RECORDS IN DELINQUENCY RESEARCH

Jon E. Simpson, University of Southern California

The Southern California Records Matching Project is concerned with the manner in which the records of delinquency adjudicating agencies at the local level may be linked with Federal Census Records in order to maximize the efficiency of data collection and analysis. The linkage of the two discrete data collection systems will yield for the County of Los Angeles Probation Department referrals all of the information gained from a United States Decennial Census. Direct comparisons of delinquent and nondelinquent populations and the derivation of direct delinquency rates become feasible. A test of the records merging procedure resulted in the location of the census records for both the juvenile and head of his household in 84.0 per cent of the cases. A tabulation program has been developed to further a theory building objective as well as a concern with a wide range of social structure measures to evaluate selected contemporary conceptions of delinquency. The implications for the 1970 census in the form of innovations in records linkage merit immediate exploration.

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JUVENILE COURT JUDGE'S INSTITUTE

John R. Ellingston, University of Minnesota

Summarized attacks on the Juvenile Court from any quarters, the weaknesses that inspire these attacks, and the crucial role that the Juvenile Court has to play in spearheading the introduction of personalized justice in the administration of the criminal law, The Annual Juvenile Court Judges' Institute was launched in 1961 to equip judges with the insights and skills essential to the successful discharge of their vitally important duties.

The Institute operates for five weeks every summer under a grant from the National Institute of Mental Health, which provides free tuition and a cost of living stipend of \$400. The Judges' Institute is one of three, including a Juvenile Officers' Institute for 60 probation and parole officers, police officers, and police instructors, and a Principals' Workshop for 25 principals from schools in deprived and high delinquency areas. Special efforts are made to break down the barriers which usually separate these several disciplines.

The Judges' Program includes eight courses — Juvenile Court Law, Sensitivity Training, Normal Growth and Behavior, Personality Disorders in Children and Families, Causation, Treatment and Prevention of Delinquency, and Communication.

VICTIM COMPENSATION IN CRIMES OF PERSONAL VIOLENCE

Marvin E. Wolfgang, University of Pennsylvania

From public attitudes determined by measuring the seriousness of a variety of crimes of assault, it is possible to derive a system for monetary compensation to victims of crimes of violence.

Social and legal history reveal that the right to compensation has been usurped by the state in fines and other penalties, and that the victim of an assault is often the forgotten, neglected but injured party. The state provides certain but inadequate protection to its citizens who deserve to receive compensation when assaulted. England, New Zealand and Italy are among major countries where new proposals are now being made for such compensation by the state. The states in the U. S. should experiment with it and be guided by workmen's compensation legislation and recent research.

Synopsis of remarks made at the panel discussion on Compensation for the Victims of Crimes of Violence

Professor J. Ll. J. Edwards expressed his great satisfaction at the recent introduction in England and Wales of a scheme to provide compensation for the victims of crimes of violence. He explained that, unlike New Zealand where legislation in the form of the Criminal Injuries Compensation Act, 1963, had been enacted, the English scheme, which began to operate on August 1, 1964, had been introduced by the device of establishing

administrative machinery under the Home Office. The English Board, whose members give their services on a part-time basis, is entirely responsible for deciding what compensation should be paid in individual cases and its decisions are not subject to appeal or ministerial review.

Professor Edwards stressed the wide scope of the English scheme which extended to cases of personal injury that were directly attributable (1) to a criminal offence, (2) to an arrest or attempted arrest of an offender or suspected offender, (3) to giving help to a police officer when attempting to arrest the offender or to prevent the commission of a crime. Unlike the New Zealand statute which lists the offences to which the principle of crime compensation applies, the English scheme lays down restrictions only with respect to sexual offences (in which the Board is required to pay special attention to the contributory responsibility of the victim), family assaults and motoring offences.

Preference for the New Zealand scheme was expressed by Professor Edwards in that it expressly provides for recovery by the State from the offender of the whole or part of any compensation paid to the injured victim or his dependents. He said that he looked forward to the day when economic wages for prison labor would be introduced into the penal system of Canada and Great Britain, from which appropriate deductions would be made for family maintenance and victim compensation. The case in favour of extending private insurance to meet the needs of victims of crimes of violence was insupportable if, by reason of its self-imposed limitations, it failed to provide compensation for those members of society who could not pay the appropriate insurance premiums. It was with this philosophy in mind that he preferred the principle of State compensation for victims of crimes of personal injury to the vagaries of sturdy individualism.

A SPECTRUM OF SEXUAL PROBLEMS FOUND IN AN OUT-PATIENT SETTING

R. E. Turner, University of Toronto

The Forensic Clinic, established in 1956, is an out-patient division of the Toronto Psychiatric Hospital operated by the Ontario Department of Health under provincial statute. It is a teaching division of the department of psychiatry of the University of Toronto. Cases are referred by court order, provincial probation services and other agencies. Some 40% of all referrals are sexual deviates, mostly homosexuals, pedophiles, and exhibitionists.

Sexual offences under the Criminal Code of Canada are described with reference to the study of male sexual offenders charged in Metropolitan Toronto Courts.

The number of sexual offenders has permitted phenomenological research into two types of sexual offences — pedophiles and exhibitionists.

The primary phenomenological factors determining the concept of each sexual deviation and offence are the

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choice of the object (victim) and the nature of the act. These two factors define the agent (offender). The interaction of the three factors will permit inferences on the natural history of the deviation. Subclassification of pedophiles and exhibitionists was presented. Reference was made to the potentially dangerous sexual offender.

Studies of such a spectrum permit more precise opinion and prediction of behaviour for the courts. Further development of psychodynamic principles about sexual deviates may well lead to better treatment.

THE PERSONALITY OF THE POLICE OFFICER

Lt. H. P. Vignola, Montreal Police Dept.

A definition of a police personality must contain certain elements which can be summarized: the *individual* with all his dynamic motives at each level of his psychic life; the *role* he must assume in the social environment which forces him to organize his dynamic motives in order to survive, adapt himself, and develop his personality.

The results of a 1963 study of random sample of 95 young Montreal Police Officers demonstrated feasibility of describing police personality on a 4-dimension scale: interpersonal relations; obedience to orders and instructions; ability to assume responsibility; ability to learn and understand police work. The personality of the police officer is shaped during the first year of service by a strong identification to the group by acceptance of its values to the detriment of individual personality. Depersonalization in favor of group identity seems to operate. But this process is only temporary. As the officer acquires more experience and knowledge, he becomes more independent, attempts to a larger degree to preserve his own personal way of thinking, safeguards his individual rights, resists contagiousness, and excessive dependence.

1964 AWARD WINNERS

Two Canadians received the 1964 annual awards of the American Society of Criminology at a luncheon meeting of the Society, December 29, at Montreal.

The Edwin Sutherland Award was presented to the Honorable James Chalmers McRuer, former chief justice for Ontario. He was cited for his distinguished contribution to the administration of criminal justice.

Mr. J. Adrien Robert, director of the Montreal Metropolitan Police, was honored with the August Volmer award for his long-time support of police training curricula at the University level, and his outstanding contributions to police administration science.

Both awards were presented by Donal E. J. MacNamara, immediate past president of ASC, and chairman of the awards committee.

MENTAL HEALTH CONSULTATION WITH STREET GANG WORKERS

*Jacob Chwast, Mental Hygiene Consultation Service
New York*

A mental health consultation service has been provided to the staff of the Educational Alliance, a large community center located on the lower East Side section of New York City, for over twelve years, with financial support from the New York Community Mental Health Board.

Among the groups receiving consultation by consultant teams is Operation Street Corner. This unit of four full-time group workers plus several graduate social work students is currently in contact with eleven neighborhood gangs with which it works extra — and intramurally as the need may be.

The method employed in Operation Street Corner is bifocal. First the group might start a session by presenting some of their concerns in working with the gang-boy and exploring methods of being more effective with him. Second, the focus might then shift into a consideration of staff relationships to the degree that they have impact upon the direct work with groups.

This paper presents some recent material dealt with at consultation meetings with this unit. During the past two and one-half years, the weekly meetings have encompassed delinquency theory, individual psychodynamics, group processes, family pathology, reconstructive intervention, agency relationships, community problems, workers' anxieties, staff conflicts, blocked communication and supervisor-supervisee difficulties.

A LAWYER DUTY . . .

"A lawyer's duty to society is no longer served merely by professional probity and by taking an occasional criminal case. He must know what goes on in the legal institutions of society—courts, legal aid societies, legislatures, professional groups. He must know their problems, their economics, their politics. He must concern himself with their successful functioning, their administration, their financing, and their reform. By his admission to the bar he does not merely get a license to sell legal services. Rather, he gets a professional citizenship and he must understand his professional community. To that extent, at the very least, he must develop sophistication and become a capable man of affairs. He cannot defer to some supposed expert, shrugging his shoulders at the growing complexity and specialization of the law. There is no expert in liberty and order"—David C. Acheson, *Professional Responsibility and the Workload of the Federal District Courts*; before Georgetown Law School (Congressional Record, December 13, 1963: A7610-13).