U. S. DEPARTMENT OF LABOR
JAMES J. DAVIS, Secretary
CHILDREN'S BUREAU
GRACE ABBOTT, Chief

# THE FEDERAL COURTS AND THE DELINQUENT CHILD

## A STUDY OF THE METHODS OF DEALING WITH CHILDREN WHO HAVE VIOLATED FEDERAL LAWS

By
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## LETTER OF TRANSMITTAL.

UNITED STATES DEPARTMENT OF LABOR,
CHILDREN'S BUREAU,
*Washington, November 19, 1921.*

SIR: I transmit herewith a report entitled "The Federal Courts and the Delinquent Child: A Study of the Methods of Dealing with Children Who Have Violated Federal Laws." The report was prepared by Ruth Bloodgood, of the Social Service Division of the Childen's Bureau, with the assistance and under the direction of Katharine F. Lenroot, who has written the last chapter.

The Post Office Department and the Department of Justice have assisted the bureau by making their records available for the purpose of the study, and in many other ways in securing and interpreting the facts on which the report is based.

It will doubtless surprise many who have been interested in the development of the juvenile-court system to find that our Federal laws, like the old common criminal law, makes no distinction between adults and children. In consequence little children are still proceeded against in the United States courts by the ordinary method of arrest, detention in jail with adults pending arraignment for bail, indictment by the grand jury, and final discharge or sentence of fine or imprisonment.

All students of this subject will appreciate, as do most of the judges and officers of the Department of Justice and the Post Office Department, the injustice to the individual child, and more important still, the community loss in this unscientific method of handling juvenile offenders.

Respectfully submitted.

GRACE ABBOTT, *Chief.*

Hon. JAMES J. DAVIS,
*Secretary of Labor.*

# THE FEDERAL COURTS AND THE DELINQUENT CHILD.

## CHAPTER I. JUVENILE OFFENDERS AGAINST FEDERAL LAWS.

### PURPOSE AND METHOD OF STUDY.

A phase of the problem of juvenile delinquency not heretofore given special consideration is that of the children who violate Federal laws and are taken before United States district courts. Attention has centered on the number of children coming before State courts and on the progress these courts have made in affording special treatment of children's cases. That there are considerable numbers of juveniles arrested and tried on Federal charges is shown in the reports of the Attorney General for the last two years,[1] which give a total of 1,038 persons under 20 years of age committed to institutions for violations of Federal laws by United States district courts; figures are not available for the total number under 20 years of age before these courts.

The attention of the United States Children's Bureau had been called to the problem of children violating Federal laws by several persons in different parts of the country. In one instance a member of a grand jury to which several children's cases had been presented felt very keenly that young children should not be subjected to the formal procedure and limited facilities for treatment in the Federal courts. It seemed particularly appropriate that the Children's Bureau, a Federal agency concerned in raising the standards of child protection and child care, should interest itself in the methods employed by the Federal Government in dealing with children violating the laws of the United States. For these reasons an inquiry was undertaken covering, so far as the information was available, the numbers of children violating Federal laws in 1918 and 1919, their ages, the types of offenses committed, the methods of procedure, the dispositions made, and to a limited extent the home conditions and social histories of the children.

The Department of Justice and the Post Office Department were most helpful in making available the data upon which the inquiry is based.

[1] Annual Reports of the Attorney General of the United States: 1919, Exhibit No. 23, opp. p. 534; 1920, Exhibit No. 19, opp. p. 606.

Records of the chief inspector of the Post Office Department relating to offenders against postal laws were the first sources of information. Data were obtained on all such offenders under 18 years of age arrested throughout the United States during the calendar years 1918 and 1919.

As the National Training School for Boys in the District of Columbia is the institution to which the largest number of boys under 18 years of age are committed for all types of Federal offenses, the records of this institution were consulted, information being obtained in regard to all children sent to this institution for offenses against Federal laws committed during the years selected. Besides this Federal institution, two State institutions were included in the study—the New York State Reformatory at Elmira and the Iowa State Reformatory at Anamosa. These institutions, located in different parts of the country, are among those with which the Government contracts to receive Federal commitments.

The information from the National Training School for Boys and the Post Office Department furnished the basis for selection of the eight United States courts chosen for special study, namely, the Supreme Court of the District of Columbia[2] and seven United States district courts (Illinois, northern district; Indiana; Maryland; Massachusetts; New York, eastern and southern districts; and Pennsylvania, eastern district). Juvenile and other State courts in these districts were visited for the purpose of obtaining information with regard to any Federal cases which were referred to them.

In each district the seat of the court, which happened in each case to be the largest city of the district, was visited, as were also some of the smaller localities near by. All cases of juvenile postal offenders for which information had already been obtained at the Post Office Department and cases of children committed to the institutions studied were followed through the records of courts, jails, and social agencies knowing the offenders, in order to secure as complete histories as possible.

From the different sources schedules were taken for each case, the following information being obtained: Type of court hearing case, method of handling case in court, age, offense, detention, disposition, length of time between apprehension and disposition, and any social facts available.

In the districts studied, because of the absence of age reports on the court records, it was impossible to obtain an accurate count of all cases of children committing Federal offenses other than postal. Accurate knowledge of the number of Federal offenders referred to juvenile courts could not be obtained as the records of the juvenile

[2] The Supreme Court of the District of Columbia is clothed with the powers and authority of a United States district court.

courts seldom noted the case as involving a Federal charge, giving merely the charge preferred in the juvenile court.

The United States judges, attorneys, postal authorities, and representatives of social agencies familiar with the local situations were most cooperative in assisting the Children's Bureau in this study. In addition to the studies of selected localities, interviews were had with the United States attorneys and other officials in Buffalo, Cleveland, Denver, Los Angeles, Minneapolis, New Orleans, St. Louis, San Francisco, and Seattle. Although schedules were not taken in these places, information as to the extent of the problem and the practice in handling juvenile cases was obtained.

## LEGAL PROVISIONS AND PRESENT PRACTICE.

### Jurisdiction of Federal and State courts in juvenile cases.

The United States district courts have exclusive jurisdiction "of all crimes and offenses cognizable under the authority of the United States."[3] Such offenses are cognizable in these courts only when made so by acts of Congress.[4] No separate provisions exist under Federal law for jurisdiction over juvenile cases; and so the children who violate such acts as the postal, interstate-commerce, internal-revenue, and drug laws, or those who are arrested for larceny of United States property, trespassing on United States property, forgery, and embezzlement of Government property, are under the jurisdiction of the United States district courts.

Although there is no law for the removal to the State courts of cases cognizable in the district or circuit courts of the United States,[5] among many Federal authorities a practice has developed of referring to the State courts juvenile cases which may be brought under the jurisdiction of the State authorities by lessening the charge. For instance, in many cases of larceny of mail the charge preferred is simply that of larceny or "taking the property of another." In some cases the offense may involve both a State and a Federal charge, as in larceny from a post office located in a general store, merchandise also being stolen. In such cases the State charge is often preferred and the Federal charge dropped, the Federal authorities considering the State prosecution sufficient.

### Organization and procedure of Federal courts in juvenile cases.

The types of offenses committed against the United States are in many instances not more serious than those bringing children to the juvenile courts, yet in the Federal courts the method of procedure and the attitude of the court toward the offender differ materially

[3] The Judicial Code of the United States, Ch. XI, sec. 256; 36 Stat. 1161.
[4] U. S. *v.* Shepherd, 1 Hughes 520; 27 Fed. Cas., No. 16274; U. S. *v.* Lewis, 36 Fed. 449.
[5] McCollom *v.* Pefe, 7 Kans. 189, 1871.

from juvenile-court practice, which considers the delinquent a child to be protected and saved. Procedure in Federal courts, when unmodified by the expedients adopted in some instances, is based on the theory that the child has committed a crime for which he must be punished.

The organization and procedure of the Federal courts do not readily lend themselves to the handling of juvenile cases according to generally recognized standards of dealing with delinquent children. In the first place, prompt action is difficult to obtain because the jurisdiction of each United States district court includes considerable territory, in many instances an entire State. Sessions of the court are held at various places within each district at stated intervals; a child committing an offense against the United States may have to wait for trial until the term of court which meets in his place of residence, or if he does not live in a meeting place of the court he must be taken to the one nearest his home.

The first step in bringing a case before a Federal court is a presentation of the facts to the United States attorney; following this a preliminary hearing is held before the United States commissioner, who fixes the amount of bond. The case is next presented to the court on information filed, or to the grand jury, the former procedure being permissible in cases of misdemeanors. If the case is presented to the grand jury and an indictment returned, or if it is presented direct to court on information, the case is then tried, often by jury. These trials are open to the public and are formally conducted. Because of the organization of the Federal courts, the length of time between apprehension and final court action is sometimes considerable, and cases are often carried from one term of court until the next because of a crowded calendar. Moreover, in the Federal courts there is no provision for social investigation, special detention of juveniles, or probation.

In contrast to the methods of the Federal courts are the following features of juvenile-court organization and procedure: Prompt action, because of easy access to the court and frequency of sessions; informal court procedure, with separate hearings as nearly private as possible; proper facilities for juvenile detention; means for obtaining adequate information concerning the child's physical and mental condition, personality and habits, family history, and home conditions; and probation service, by which children on probation may be kept under close and helpful supervision. The preliminary hearings by attorneys and commissioners and the presentment to the grand jury are eliminated in the juvenile-court procedure. Under this procedure no bond is required, and children are released upon their own recognizance if they can safely remain at home pending the hearing.

Prior to December, 1916, the Federal judges had always used their own discretion in placing offenders on probation, and their right to do so had never been questioned. At that time the Supreme Court of the United States handed down a decision[6] by which it was held that Federal judges had no legal power to place offenders on probation from United States district courts, but could do so from the Supreme Court of the District of Columbia, where a system of probation is legally provided. This decision made the rule against probation absolute.

Immediately following this decision a bill providing for probation was passed in February, 1917, by both the House and the Senate, but did not receive the President's signature. Another bill[7] was introduced in the House of Representatives on January 24, 1920, and was referred to the House Committee on the Judiciary, which held hearings on the subjects of probation in the Federal courts and parole.[8] This bill was not enacted into law, and in April, 1921, a third bill was introduced in the House of Representatives and referred to the Committee on the Judiciary.[9]

In contrast to the lack of probation in the Federal courts is the fact that probation has been provided for by law in every State of the Union. The instances already cited[10] of reference of juvenile Federal offenders to State courts on preferred charges show that many United States attorneys and judges realize their handicap in this matter. Several United States attorneys reported that in cases which they did not consider sufficiently grave to warrant prosecution they often placed boys on probation to themselves, informally, requiring the boys to report from time to time, and later dismissing the cases. This informal probation consisted only of reporting in person or by mail to the office of the attorney. No further supervision was afforded, such as would be exercised by a probation officer through home visits, cooperation with school authorities, employers and recreational agencies, and by other means.

The problem of the detention of juveniles coming before the Federal courts is the more serious because of the long periods that frequently elapse between apprehension and disposition, and because bond is required for release after preliminary hearing. Doubtless detention could often be avoided if the juvenile-court practice were

[6] Kilits case, 242 U. S. 27.

[7] A bill for the establishment of a probation system in the United States courts, except in the District of Columbia. H. R. 12036, 66th Cong., 2d sess.

[8] Hearings before the Committee on the Judiciary, House of Representatives, 66th Cong., 2d sess., Serial No. 20, p. 5. Washington, 1920.

[9] An act to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913, and for the establishment of a probation system in the United States courts, except in the District of Columbia. H. R. 4126, 67th Cong., 1st sess.

[10] See p. 3.

followed of releasing children to the custody of their parents without bond. But, for children as well as for adults, jail detention is the common practice, there being no prohibition under Federal law against detaining juveniles in jail and no provision for other forms of detention. Through informal arrangements local detention homes are used in a few instances, but this is by no means a general practice. In New York City, where local ordinances prohibit jail detention of juveniles under 15 years of age, the shelter of the Society for the Prevention of Cruelty to Children is used for all Federal offenders under that age. In Knoxville, Tenn., the law creating the juvenile detention home specifies that Federal offenders may be detained therein. This provision in the law was requested by the Federal judge of that district, who had had several cases of children detained in jail for months.

In Federal cases referred to juvenile courts, when detention is required, the children are detained in special detention homes or other places provided for the detention of juvenile delinquents under the jurisdiction of those courts. In few of these cases were children reported as being detained in jails. The juvenile-court laws in many States prohibit the detention of juveniles under specified ages in jails and frequently require the establishment of special places of detention for them.

**Expedients used in juvenile cases.**

Certain expedients have been adopted by some of the United States attorneys and judges in the handling of children's cases, by which they are enabled to deal with them more nearly from the standpoint of the children's welfare and potentialities.

The first of these expedients is that mentioned above—the referring of cases of children violating Federal laws to the State courts, charges being preferred which will bring them under the jurisdiction of those courts. The extent to which this policy is followed depends upon the attitude of both attorneys and judges. The cases which are referred are usually reviewed first by the United States district attorneys, though in a few districts the post-office inspectors, knowing the policy of the judges and attorneys, take the children directly to the juvenile courts.

In 7 of the 17 districts in which the United States attorneys were interviewed, a large number of the children reported as violating Federal laws were referred to the State courts—usually to the juvenile courts where they were available, or to the courts having jurisdiction to hear juvenile cases in places not having specially organized juvenile courts. In two of these seven districts special arrangements had been made informally with the juvenile courts to handle all cases of children under 17 years of age who violated Federal laws.

Extracts from letters of the post-office inspectors in five localities other than the seven districts referred to in the preceding paragraph are here cited for the purpose of showing the attitude of attorneys and judges in those places toward referring juvenile cases:

(1) At an interview a few weeks ago the United States attorney informed me that when the State would assume the prosecution and charge of delinquent boys accused of violations of the postal laws he much preferred such action to prosecutions in Federal court, as the State courts can sentence them to reform schools and place them under charge of probation officers, with better results than can be secured by confining them in county jails or sending them to Federal prisons.

(2) One of the United States attorneys advised that in view of the fact that there was a good case against the boy in the State court, and as he was too young for prosecution in the United States court on account of lack of suitable place for his confinement, and also for the reason that, because of the war, the expenses of the United States courts had been increased, and he did not like to burden these courts with a case of this nature when the defendant could be punished in the juvenile court; therefore he advised that the matter be taken up with the probate judge of the county, looking to the confinement of the boy in the reform school of the State.

(3) The facts in this case were reported to the United States attorney. In his reply he stated that a number of cases of similar nature have been submitted to him, and that he has found that the better course is for a charge to be made against the youthful offender (who is 16 years of age) in the juvenile courts (State); that the judge of the court or the probation officer constantly has the boy under surveillance, and that the best results can be eventually worked out. He stated, further, that a charge of forgery under the State law may be made and the boy apprehended and released on such conditions as the court may require.

(4) The matter was submitted to the United States attorney, who, under date of January 18, 1919, replied in part as follows: "I know the attitude toward prosecutions of boys of his age for crimes of this nature, and I am sure that more good could be accomplished by having the boy brought before some local or municipal judge and reprimanded than by his indictment and prosecution."

(5) I have submitted several reports of cases involving violations of the postal laws by persons under 18 years of age to the United States attorney, and in each of these cases he has recommended that the matter be submitted to the county authorities of the county in which the offense was committed, stating that the judge in this district does not care to handle cases of persons who are subject to commitment to the State industrial school.

Great variance was found in the method of prosecuting interstate commerce violations. In the case of juveniles, these usually consist of breaking into and larceny from freight cars in interstate shipment. In some communities all these cases are taken before juvenile or other State courts on larceny charges. In other localities all go before the Federal courts, and in still others some are taken to each type of court. The policy of one eastern railroad is to prosecute all cases in State courts whenever possible.

In two districts the United States attorney ruled that the Federal authorities would not prosecute cases of theft from interstate ship-

ment where the value of the goods stolen was small (in Maryland less than $100). Children seldom commit larceny to a large amount from interstate shipments, and in these two localities few children were taken before Federal courts on this charge. Of the 74 boys committed for such offenses by United States district courts to the National Training School for Boys, 2 were sent from one of these two districts and none from the other.

Informal treatment by United States attorneys is frequent, consisting of an informal conference in the attorney's office and dismissal of the case or arrangement for informal probation either to the attorney himself or to some probation officer of a local court. An example of this method is found in the eastern district of Pennsylvania.[11]

In one district the post-office inspector handled informally postal cases involving children, reporting each case, with his decision, to the district attorney, who usually concurred in the recommendation of the inspector and did not see the child. Cases which were brought formally to this district attorney's office usually went to the grand jury.

In some cases reaching the grand jury, because of the youth of the offender, a finding of "no bill" was returned. This amounts to a dismissal of the case, since no further court action is taken. In many cases the attorney did not wish to prosecute, even though a bill of indictment was returned, and he entered a petition to nolle prosequi—also a form of dismissal without trial.

In disposing of children's cases which are brought for trial and in which the offense does not warrant commitment to an institution, the judges in three of the districts studied frequently imposed a sentence of one day in the custody of the United States marshal, thus satisfying the legal requirement that a sentence shall be passed upon a defendant who is found guilty. The child thus sentenced was required to sit in the marshal's office from the time of pronouncement of sentence by the judge until the office closed for the day. In three other districts short sentences of from one week to sixty days in local jails were reported. In one large city, in preference to committing the boys to the county jail located in the city, they were committed to small county jails outside the city.

Fines are sometimes imposed. As a substitute for probation, judges often continue a case or defer sentence from one term of court until the next, pending the child's good behavior. No close supervision, such as a probation system would provide, is available in these continued cases, the only effort to keep in touch with the child's conduct being the requirement that he shall report to the court on the dates set in the continuance order. Such procedure was

[11] See p. 50.

reported in four of the districts studied. After such cases have been continued for from six months to a year, many are nol-prossed, while in other cases fines are imposed or the children receive sentences of one day in the marshal's custody or short terms in jail.

Two war-time measures[12] included sections on the unlawful wearing of the United States uniform, the procuring of liquor for soldiers and sailors, and vice regulations. Before the courts or in the institutions studied were 50 boys arrested for wearing uniforms illegally or procuring liquor for men in uniform—cases typical only of the war period. Girls arrested during the war in violation of the vice section of this act were usually taken to the juvenile courts through the efforts of the protective agencies and were not recorded separately by these courts as Federal cases. No reports of the number of such cases were available in the courts studied. It was found that 21 girls had been committed on such charges by United States district courts—6 to the Iowa State Reformatory and 15 to the National Training School for Girls, District of Columbia—but they were not included in this study.

Few juveniles are held on charges of the violation of the Mann Act.[13] Several courts reported that in rare instances girls under 18 years of age are held as witnesses in Mann Act cases. If detention is necessary, it is usually in private institutions, though occasionally in jails. In this study no records of such cases were discovered.

**Institutions receiving juveniles on Federal commitments.**

The National Training School for Boys and the National Training School for Girls, both in the District of Columbia, are the two Federal institutions to which only juvenile delinquents are committed. Under the law these institutions receive boys and girls from the juvenile court and the Supreme Court of the District of Columbia and from United States district courts. A large number of boys are committed to the National Training School for Boys by the district courts throughout the United States; the National Training School for Girls, however, seldom receives girls from such courts.

Legal provision is made for commitment of juvenile offenders against Federal laws to certain State and other local institutions. By statute[14] the Attorney General may contract with local houses of refuge for the confinement of juvenile offenders against the laws of the United States. He must notify the district courts of the places of confinement thus provided, and offenders are sentenced

[12] 39 Stat. 166 (national defense act, June 3, 1916); 40 Stat. 76 (an act to authorize the President to increase temporarily the Military Establishment of the United States, May 18, 1917).

[13] 36 Stat. 825 (act of June 25, 1910).

[14] U. S. Comp. Stat. 1916, secs. 10550 (R. S. 5549), 10551 (R. S. 5550), 10560 (act 3 Mar., 1891, ch. 529, sec. 9).

to the designated house of refuge nearest the place of conviction. The Federal Government pays for the maintenance of its prisoners committed to such local institutions. The reports of the Attorney General for the years 1919 and 1920[15] show that persons under 20 years of age were confined in the following local institutions, exclusive of jails: State industrial schools of Colorado and Idaho, girls' industrial schools of South Carolina and West Virginia; Tennessee State Training and Agricultural School for Boys, St. Mary's Industrial School[16] and the House of Reformation (for colored boys),[17] Maryland, and the Missouri State Industrial Home; State reformatories in Connecticut, Illinois, Iowa, Minnesota, Missouri, and New York; State reformatories for women in Iowa and Massachusetts, and the Woman's Reformatory of Kansas City, Mo.; State penitentiaries of Colorado, Maryland, Missouri, Oklahoma, and West Virginia; the penitentiaries of Essex County and Hudson County, N. J., and Oahu Prison, Honolulu; the houses of correction of Chicago and Peoria, Ill., of Detroit, Mich., and of Milwaukee County, Wis. State laws in both Pennsylvania and Minnesota[18] provided for the confinement in State institutions of juvenile delinquents convicted in the Federal courts of the State, the State to be reimbursed for their maintenance by the United States.

The majority of the local institutions with which arrangements are made to receive juveniles receive also adult offenders, the ages of prisoners at the State reformatories ranging from 16 to 30 years. Federal prisoners have the same treatment at these institutions as do other prisoners, and no provision is made for separation into groups according to age.

During the two-year period from July 1, 1918, to June 30, 1920, in addition to those committed to the institutions already mentioned, 389 persons under 20 years of age were committed to Federal penitentiaries—204 to Atlanta, Ga.; 158 to Leavenworth, Kans.; and 27 to McNeil Island, Wash. That the majority of these 389 were probably 18 years of age and over is indicated by the fact that only 12 cases of commitment to such institutions were reported in this study of juvenile offenders. All were sent to Atlanta penitentiary, and all but one had violated postal laws.

[15] Annual Reports of the Attorney General of the United States: 1919, Exhibit No. 23, opp. p. 534; 1920, Exhibit No. 19, opp. p. 606.

[16] A private institution in Maryland.

[17] A private institution, subsidized by both city and State.

[18] Pa. 1899 P. L. 15, sec. 1 (act of Mar. 22); Minn. G. S. 1913, sec. 14064.

## CHAPTER II. CHILDREN VIOLATING POSTAL LAWS.

### SOURCES OF INFORMATION.

Postal laws and regulations were found to be the Federal laws most frequently violated by juveniles. The information with reference to the postal cases was obtained from the records of the chief inspector of the Post Office Department. The United States is divided into 15 divisions, with an inspector in charge of each, and a varying number of inspectors in each division to handle the cases of postal violations arising therein. The inspectors are vested with the power of arrest but not of search, and they make investigations of all postal cases before referring them to the United States attorneys. If local police officials make the arrest they are required to notify the post-office inspectors at once. The inspectors present the cases, with a report of their investigations, to the United States attorneys. Each case is reported to the office of the chief inspector in Washington, information being given as to the offense, age of defendant, type of court handling the case, preliminary hearing, indictment, and final disposition made. In some cases supplementary information is given with regard to detention, employment, school attendance, and social history.

These records were available for the entire United States, Alaska, and Porto Rico, and are fairly inclusive of the number of juveniles violating Federal postal laws during the period, though a few cases may have been handled informally of which no record was sent in. In a small number of instances the age was not given. The information from the Post Office Department was checked and supplemented by court, jail, and institutional records in those cases reported also from the districts or by the institutions included in other parts of this study.

### NUMBER OF CASES REPORTED.

Records from the Post Office Department were obtained for 1,108 cases of juveniles under 18 years of age arrested in 1918 and 1919. The number reported for 1919 was considerably larger than that for 1918, 617 as compared with 491. There were 37 cases of postal-law violation reported in the localities and by the institutions studied for which no record could be found in the Post Office Department. The 1,108 for which records were found in the Post Office Department form the basis for this chapter.

During the two-year period 1,054 boys were arrested for postal offenses, and only 54 girls. Of the boys, 869 were white, 163 were

Negroes, 11 belonged to other races, and in 11 cases race was not reported. Thirty of the girls were white, 23 were Negroes, and in 1 case race was not reported.

Cases of violations of postal laws by juveniles were reported from each State [1] for the two-year period, 1918–1919, as follows:

| | | | |
|---|---|---|---|
| Total | 1,108 | Nebraska | 11 |
| | | New Hampshire | 7 |
| Alabama | 21 | New Jersey | 13 |
| Arizona | 7 | New Mexico | 7 |
| Arkansas | 24 | New York | 94 |
| California | 53 | North Carolina | 21 |
| Colorado | 18 | North Dakota | 2 |
| Connecticut | 11 | Ohio | 33 |
| Delaware | 2 | Oklahoma | 37 |
| District of Columbia | 27 | Oregon | 7 |
| Florida | 22 | Pennsylvania | 53 |
| Georgia | 38 | Rhode Island | 3 |
| Illinois | 119 | South Carolina | 21 |
| Indiana | 19 | South Dakota | 2 |
| Iowa | 8 | Tennessee | 20 |
| Kansas | 17 | Texas | 23 |
| Kentucky | 21 | Utah | 1 |
| Louisiana | 19 | Vermont | 2 |
| Maine | 8 | Virginia | 34 |
| Maryland | 24 | Washington | 14 |
| Massachusetts | 56 | West Virginia | 40 |
| Michigan | 18 | Wisconsin | 10 |
| Minnesota | 34 | Wyoming | 1 |
| Mississippi | 34 | Alaska | 3 |
| Missouri | 39 | Porto Rico | 4 |
| Montana | 6 | | |

## TYPES OF POSTAL OFFENSES.

The largest number of cases reported were for larceny of mail—496 cases—and post-office breaking and entering and larceny—246 cases. Fifty or more cases each were reported for forgery, larceny of postal funds or property, "stubbing" special-delivery letters,[2] and wrongful use of the mails. A list of the various offenses and the number of children committing each offense follows:

| | Number. | Per cent distribution. |
|---|---|---|
| Total | 1,108 | 100.0 |
| Larceny | 555 | 50.1 |
| Of mail | 496 | |
| Of postal funds or property | 50 | |
| Of money left in rural boxes | 3 | |
| Other | 6 | |

[1] No cases reported from Idaho or Nevada.

[2] When a special-delivery messenger fails to attempt to deliver letters given him for delivery and makes a false return on the return slip, collecting the 8 cents allowed for delivery of each letter, he is guilty of "stubbing."

| | Number. | Per cent distribution. |
|---|---|---|
| Breaking and entering and larceny, post office | 246 | 22.2 |
| "Stubbing" | 58 | 5.2 |
| Forgery | 56 | 5.1 |
| Wrongful use of mails | 50 | 4.5 |
| Breaking and entering, post office | 41 | 3.7 |
| Larceny of mail and forgery | 31 | 2.8 |
| Destruction of post-office property | 28 | 2.5 |
| Embezzlement | 21 | 1.9 |
| Having stolen post-office property in possession | 8 | .7 |
| Attempted robbery | 3 | .3 |
| Other | 11 | 1.0 |

Postal offenses committed by the 54 girls reported were confined chiefly to three types: (1) Forgery of mail or of checks contained in stolen mail—15 cases; (2) larceny of mail—15 cases; (3) wrongful use of the mails—10 cases—including 8 cases of sending obscene letters and 2 involving schemes to defraud.

## AGES OF OFFENDERS.

Slightly more than half (566) of the children committing postal offenses were reported to be under 16 years of age at the time of apprehension. The 54 girls reported were proportionately older than the boys, as nearly two-thirds of the girls, but less than half the boys, were 16 and 17 years of age. The age distribution of the boys and girls is shown in the following list:

| | Boys. | Girls. |
|---|---|---|
| Total | 1,054 | 54 |
| Under 10 years | 38 | -- |
| 10 to 11 years | 69 | 1 |
| 12 to 13 years | 145 | 5 |
| 14 to 15 years | 295 | 13 |
| 16 to 17 years | 498 | 34 |
| Age not reported | 9 | 1 |

Except for post-office breaking and entering and larceny and the "stubbing" of special-delivery letters there seems to be no close relation between the age and type of offense. Of the 244 boys arrested for breaking, entering, and larceny from post offices, 108 were 16 years of age or over. In 55 of the 58 cases of "stubbing" reported the boy was of this age group; this was the largest proportion 16 years of age or over reported for any one offense, and is accounted for by the policy of not employing as special-delivery messengers boys who are under the age of 16.

## TYPES OF COURTS.

As stated in Chapter I, United States district courts have original jurisdiction of the violations of postal laws, but the policy of referring cases involving children to juvenile and other State courts is followed in many districts, though no legal provision has been

made for such action.[3] Table 1 shows for each State the children before specified types of courts.

TABLE 1.—*Type of court, according to State; children arrested in 1918 and 1919 for violating postal laws.*

| State.[1] | Children violating postal laws. | | | | | |
|---|---|---|---|---|---|---|
| | Total. | Before specified type of court. | | | No court action taken. | Court action not reported. |
| | | U. S. district. | Juvenile. | Other State. | | |
| Total | 1,108 | 676 | 202 | 136 | 79 | 15 |
| Alabama | 21 | 17 | ..... | 1 | 3 | ..... |
| Arizona | 7 | 1 | ..... | 2 | 3 | 1 |
| Arkansas | 24 | 18 | ..... | 4 | 2 | ..... |
| California | 53 | [2] 11 | 38 | ..... | 4 | ..... |
| Colorado | 18 | 1 | 10 | 6 | 1 | ..... |
| Connecticut | 11 | 3 | 2 | 6 | ..... | ..... |
| Delaware | 2 | 1 | ..... | ..... | 1 | ..... |
| District of Columbia | 27 | 10 | 15 | ..... | 2 | ..... |
| Florida | 22 | 20 | ..... | 1 | 1 | ..... |
| Georgia | 38 | 34 | ..... | 3 | 1 | ..... |
| Illinois | 119 | 98 | 9 | 6 | 6 | ..... |
| Indiana | 19 | 13 | ..... | 6 | ..... | ..... |
| Iowa | 8 | 5 | ..... | 1 | 1 | 1 |
| Kansas | 17 | 12 | 1 | 3 | ..... | 1 |
| Kentucky | 21 | 16 | ..... | 5 | ..... | ..... |
| Louisiana | 19 | 13 | ..... | 2 | 4 | ..... |
| Maine | 8 | 5 | ..... | 3 | ..... | ..... |
| Maryland | 24 | [3] 16 | 1 | ..... | 7 | ..... |
| Massachusetts | 56 | 5 | 35 | 13 | 3 | ..... |
| Michigan | 18 | [3] 11 | 5 | 2 | ..... | ..... |
| Minnesota | 34 | 13 | 15 | 6 | ..... | ..... |
| Mississippi | 34 | 30 | ..... | 1 | 3 | ..... |
| Missouri | 39 | 30 | 3 | 3 | 3 | ..... |
| Montana | 6 | 2 | 2 | 2 | ..... | ..... |
| Nebraska | 11 | 1 | 5 | ..... | 3 | 2 |
| New Hampshire | 7 | 6 | 1 | ..... | ..... | ..... |
| New Jersey | 13 | 12 | ..... | 1 | ..... | ..... |
| New Mexico | 7 | 7 | ..... | ..... | ..... | ..... |
| New York | 94 | 41 | 32 | 17 | 4 | ..... |
| North Carolina | 21 | 18 | ..... | ..... | ..... | 3 |
| North Dakota | 2 | 2 | ..... | ..... | ..... | ..... |
| Ohio | 33 | 21 | 7 | 3 | 1 | 1 |
| Oklahoma | 37 | [4] 30 | 3 | 2 | ..... | 2 |
| Oregon | 7 | 5 | ..... | 2 | ..... | ..... |
| Pennsylvania | 53 | 26 | 9 | 9 | 6 | 3 |
| Rhode Island | 3 | ..... | ..... | 3 | ..... | ..... |
| South Carolina | 21 | 18 | ..... | ..... | 2 | 1 |
| South Dakota | 2 | ..... | 2 | ..... | ..... | ..... |
| Tennessee | 20 | 17 | ..... | 2 | 1 | ..... |
| Texas | 23 | 21 | ..... | 2 | ..... | ..... |
| Utah | 1 | ..... | ..... | ..... | 1 | ..... |
| Vermont | 2 | 1 | ..... | ..... | 1 | ..... |
| Virginia | 34 | 26 | ..... | 3 | 5 | ..... |
| Washington | 14 | 4 | 5 | 5 | ..... | ..... |
| West Virginia | 40 | 26 | ..... | 5 | 9 | ..... |
| Wisconsin | 10 | 2 | 2 | 6 | ..... | ..... |
| Wyoming | 1 | 1 | ..... | ..... | ..... | ..... |
| Alaska | 3 | 3 | ..... | ..... | ..... | ..... |
| Porto Rico | 4 | 3 | ..... | ..... | 1 | ..... |

[1] No cases in Idaho or Nevada.
[2] Includes 5 children before a United States district court, whose cases were later transferred to juvenile courts.
[3] Includes 1 child before a United States district court, whose case was later transferred to a juvenile court.
[4] Includes 1 child before a United States district court, whose case was later transferred to a State court other than juvenile.

In 15 cases court action was not reported; in 79 cases—7.1 per cent—no court action was taken, it being decided by the United States attorney or by the postal authorities not to prosecute. Of the remaining 1,014 cases, 202—19.9 per cent—were before juvenile

[3] See p. 3.

courts, and 136—13.4 per cent—were taken before other State courts—county, district, circuit, or city courts. Some of the last group of courts, though not reported as juvenile courts on the post-office records, probably belonged in the juvenile-court group as having juvenile jurisdiction and organization for dealing with children's cases. The majority of cases—668, or 60.3 per cent—were heard before the United States district courts, and 8 others were first heard by these courts and then transferred to juvenile or other State courts. Cases presented to the United States commissioner for preliminary hearing or to the grand jury for indictment, whether or not a bill was returned, were considered to have had court action.

Half, or more than half, the children's cases reported were referred to juvenile or other State courts in California, Colorado, Connecticut, District of Columbia, Massachusetts, Minnesota, Montana, New York, Rhode Island, South Dakota, Washington, and Wisconsin.

The policy of referring juvenile cases to State courts is much more prevalent in cases involving young children than in cases involving older boys and girls. The majority of postal cases involving children under the age of 12 and exactly one-half of those involving children 12 and 13 years of age were handled by juvenile and other State courts. Of the cases involving children 14 years of age and over, the largest number were before Federal courts. The comparatively small proportion of children 16 years of age and over referred to juvenile courts may be accounted for in part by the fact that their jurisdiction extends in some States only over children under 16 years of age and in others only over children under 17. Furthermore, it may not be considered necessary to refer the older children to the juvenile or other State courts for the more informal procedure available there. Table 2 gives further detail of the ages of children before the different courts.

TABLE 2.—*Age at apprehension and type of court; children arrested in 1918 and 1919 for violating postal laws.*

| Age at apprehension. | Children violating postal laws. | | | | | |
|---|---|---|---|---|---|---|
| | Total. | Before specified type of court. | | | No court action taken. | Court action not reported. |
| | | United States district. | Juvenile. | Other State. | | |
| Total | 1,108 | 676 | 202 | 136 | 79 | 15 |
| Under 10 years | 38 | 8 | 11 | 4 | 15 | ..... |
| 10 to 11 years | 70 | 19 | 33 | 10 | 7 | 1 |
| 12 to 13 years | 150 | 60 | 45 | 30 | 11 | 4 |
| 14 to 15 years | 308 | [1] 177 | 73 | 33 | 19 | 6 |
| 16 to 17 years | 532 | [2] 408 | 38 | 57 | 25 | 4 |
| Not reported | 10 | 4 | 2 | 2 | 2 | ..... |

[1] Includes 2 children before a United States district court whose cases were later transferred to a juvenile court.

[2] Includes 5 children before a United States district court whose cases were later transferred to a juvenile court, and 1 whose case was transferred to a State court other than juvenile.

Comparison of the type of offense with the type of court handling the case does not indicate that any definite policy was followed in referring certain types of cases to State courts. In only four groups of offenses was no instance of reference to juvenile or other State courts reported: (1) Larceny of mail from rural mail boxes, involving forgery of checks contained in the letters; (2) larceny of money for stamps left in rural boxes; (3) use of mails in a scheme to defraud; and (4) sending threatening letters. These offenses are not more serious than others reported.

The largest numbers of cases referred involved larceny of mail and post-office breaking and entering and larceny, which were the offenses most frequently committed. Of the 496 cases of larceny of mail, 36.3 per cent were referred to State courts, and 55.6 per cent were brought before United States district courts; of the 246 cases of post-office breaking and entering and larceny only 29.3 per cent were taken to local courts as compared with 63.4 per cent before the Federal courts. A considerable number of the cases of larceny from post offices involved State in addition to Federal offenses, as the post office was often located in a store from which merchandise was stolen at the same time. In a number of instances of larceny of mail from hall letter boxes the Federal authorities ruled that the responsibility of the Post Office Department ended with the delivery of the mail. Table 3 shows the types of offenses involved in cases before the different courts.

TABLE 3.—*Offense and type of court; children arrested in 1918 and 1919 for violating postal laws.*

| Offense. | Children violating postal laws. | | | | | |
|---|---|---|---|---|---|---|
| | Total. | Before specified type of court. | | | No court action taken. | Court action not reported. |
| | | United States district. | Juvenile. | Other State. | | |
| Total | 1,108 | [1] 676 | 202 | 136 | 79 | 15 |
| Larceny | 555 | 311 | 139 | 59 | 41 | 5 |
| Of mail | 496 | 277 | 129 | 51 | 34 | 5 |
| Of postal funds or property | 50 | 28 | 10 | 6 | 6 | ..... |
| Of money left in rural boxes | 3 | 3 | ..... | ..... | ..... | ..... |
| Other | 6 | 3 | ..... | 2 | 1 | ..... |
| Breaking and entering and larceny, post office | 246 | 156 | 25 | 47 | 11 | 7 |
| "Stubbing" | 58 | 57 | 1 | ..... | ..... | ..... |
| Forgery | 56 | 43 | 7 | 3 | 3 | ..... |
| Wrongful use of mail | 50 | 36 | 5 | 1 | 5 | 3 |
| Breaking and entering post office | 41 | 17 | 2 | 16 | 6 | ..... |
| Larceny of mail and forgery | 31 | 10 | 11 | 5 | 5 | ..... |
| Destruction of post-office property | 28 | 15 | 6 | 3 | 4 | ..... |
| Embezzlement | 21 | 20 | 1 | ..... | ..... | ..... |
| Having stolen property in possession | 8 | 5 | 2 | ..... | 1 | ..... |
| Attempted robbery | 3 | 2 | ..... | 1 | ..... | ..... |
| Other | 11 | 4 | 3 | 1 | 3 | ..... |

[1] Includes 8 children before United States district courts whose cases were later transferred to juvenile or other State courts.

## PLACE OF RESIDENCE.

The organization of the United States district courts, each district covering considerable territory, with specified places of holding court at stated intervals, often necessitates taking the child some distance from his home and holding him for some time awaiting trial. The child's place of residence was other than the place of holding court in 310, or 56.2 per cent, of the 552 cases before United States courts in which place of residence was reported. On the other hand, the child lived in the city in which the court was located in 72.3 per cent of the 188 cases reported heard by juvenile courts in which place of residence was reported, and in 52.9 per cent of the 87 cases before other State courts. The place of residence in relation to the place of holding court, for the 881 cases in which the place of residence was reported, is shown in table 4.

TABLE 4.—*Place of residence in relation to place of holding court and type of court; children arrested in 1918 and 1819 for violating postal laws.*

| Place of residence. | Children violating postal laws whose residence was reported. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total. | | Before specified type of court. | | | | | | No court action taken. | | Court action not reported. |
| | | | United States district. | | Juvenile. | | Other State. | | | | |
| | Number. | Per cent distribution. | Number. | Per cent distribution. | Number. | Per cent distribution. | Number. | Per cent distribution. | Number. | Per cent distribution. | Number. |
| Total | 881 | 100.0 | [1] 552 | 100.0 | 188 | 100.0 | 87 | 100.0 | 45 | 100.0 | 9 |
| Same as place of holding court | 448 | 50.9 | 242 | 43.8 | 136 | 72.3 | 46 | 52.9 | 20 | 44.4 | 4 |
| Other than place of holding court | 433 | 49.1 | 310 | 56.2 | 52 | 27.7 | 41 | 47.1 | 25 | 55.6 | 5 |

[1] Includes 7 children before United States district courts, whose cases were later transferred to juvenile courts.

The largest number of the 1,108 children were reported as residing in communities of less than 10,000 population—385, or 34.7 per cent. The next largest group—240, or 21.7 per cent—resided in cities of 500,000 population and over. The size of place of residence and the type of court are shown in Table 5.

TABLE 5.—*Size of place of residence and type of court; children arrested in 1918 and 1919 for violating postal laws.*

| Size of place of residence.[1] | Children violating postal laws. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total. | Before specified type of court. | | | | | | No court action taken. | | Court action not reported. | |
| | | United States district. | | Juvenile. | | Other State. | | | | | |
| | | Number. | Per cent.[2] | Number. | Per cent.[2] | Number. | Per cent.[2] | Number. | Per cent.[2] | Number. | Per cent.[2] |
| Total | 1,108 | 676 | 61.0 | 202 | 18.2 | 136 | 12.3 | 79 | 7.1 | 15 | 1.4 |
| Under 10,000 | 385 | 235 | 61.0 | 57 | 14.8 | 58 | 15.1 | 28 | 7.3 | 7 | 1.8 |
| 10,000, under 25,000 | 47 | 34 | ..... | 3 | ..... | 10 | ..... | ..... | ..... | ..... | ..... |
| 25,000, under 100,000 | 90 | 58 | ..... | 19 | ..... | 7 | ..... | 5 | ..... | 1 | ..... |
| 100,000, under 500,000 | 109 | 63 | 57.8 | 36 | 33.0 | 5 | 4.6 | 2 | 1.8 | 3 | 2.8 |
| 500,000 and over | 240 | 151 | 62.9 | 71 | 29.6 | 8 | 3.3 | 10 | 4.2 | ..... | ..... |
| Not reported | 237 | 135 | 57.0 | 16 | 6.8 | 48 | 20.3 | 34 | 14.3 | 4 | 1.0 |

[1] Derived from Fourteenth Census of the United States, 1920, Vol. I, Population, p. 320 ff
[2] Not shown where base was less than 100.

The percentage of cases referred to juvenile or other State courts was almost as high in towns of less than 10,000 population as in large cities—29.9 in the former as contrasted with 37.6 and 32.9 in cities of 100,000 to 500,000 and of 500,000 and over, respectively. However, in cities of over 100,000 population, less than 5 per cent were referred to State courts other than juvenile, while in communities under 10,000 the percentage was 15.1. This difference is doubtless accounted for by the fact that large cities are much more likely than smaller communities to have organized juvenile courts.

## DISPOSITIONS OF CASES.

### Types of dispositions.

Because of the absence of probation and power to suspend sentence in the Federal courts, commitments to institutions constitute the most frequent form of disposition in the 1,014 postal cases for which definite court action was reported. The National Training School for Boys, State reformatories, and jails received the largest number of commitments from the United States district courts, while the State industrial schools received the largest number from juvenile and other State courts. Probation, suspended sentence, or both probation and suspended sentence were used in the majority of cases dealt with by juvenile courts. Both State and Federal courts dismissed cases, Federal courts usually upon preliminary hearing before the United States commissioner. Summarizing the dispositions made by courts of all types in the 1,014 cases, it is found that

the Federal grand jury made a return of "no bill" in 79, the cases against 31 children were nol-prossed by the United States district attorney, 68 cases were dismissed, 137 children were placed on probation, 24 were given suspended sentences, 15 others were given suspended sentences and placed on probation, 14 were placed in the custody of the United States marshal for one day, 77 were fined, 417 were committed to institutions and jails, other dispositions were made in the case of 11 children, and dispositions were not reported for 141.

Of the 553 cases before United States district courts, the disposition of which was reported, the children were committed to institutions in 52.3 per cent; in 24.4 per cent other disposition was made, in 9 per cent the case was dismissed, and in 14.3 per cent no bill was returned by the grand jury. In the 289 cases in which commitments were made the children were committed as follows:

| | |
|---|---|
| Total | 289 |
| National Training School for Boys[4] | 124 |
| State reformatories[5] | 37 |
| State industrial schools | 16 |
| Private institutions | 1 |
| Jails[6] | 94 |
| Other institutions[5] | 17 |

It is significant to note that the commitments to jails formed the second largest group.

The following list shows other dispositions made by the United States district courts:

| | |
|---|---|
| Total | 135 |
| Cases nol-prossed | 31 |
| Fined | 76 |
| Custody of the United States marshal | 14 |
| Informal probation | 12 |
| Suspended sentence and probation[7] | 1 |
| Other disposition | 1 |

[4] Four also fined.
[5] One also fined.
[6] Ten were also fined, and one was ordered to pay costs.
[7] Case was before the Supreme Court of the District of Columbia, where probation is provided for.

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Of the cases referred to the juvenile and other State courts, 5.6 per cent were dismissed, commitments were made in 40 per cent, and 54.4 per cent were disposed of otherwise. The following list shows the institutions to which the 128 children committed by juvenile and other State courts were sent:

| | |
|---|---|
| Total | 128 |
| National Training School for Boys [8] | 2 |
| State reformatories | 18 |
| State industrial schools | 68 |
| Private institutions | 8 |
| Jails [9] | 5 |
| Other institutions | 27 |

Of the 174 cases in which disposition other than commitment was made by juvenile and other State courts, the child was placed on probation in 125 cases,[10] in 24 cases sentence was suspended, in 14 sentence was suspended and the child was placed on probation, in 10 some other disposition was made, and 1 child was fined.

Disposition was not reported in 123 cases before the Federal courts, in a considerable number of cases the final disposition not having been made at the time of this study. Of the juvenile-court cases, the disposition was not reported for 18.

**Dispositions and types of offenses.**

In a majority of the cases of larceny of mail, of post-office larceny, and of "stubbing" tried by the Federal courts, the children were committed to institutions; about one-third of the cases of larceny of mail referred to juvenile and other State courts resulted in commitments. No special relation seemed to exist between type of offense and disposition made in the Federal courts, each court following its own policy. In the juvenile courts disposition was based usually upon the child's need rather than upon the type of offense.

**Ages and types of dispositions.**

Of the children before Federal courts for whom disposition was reported, a larger proportion of those under 14 years of age than of those 14 to 17 years were committed to institutions—60.6 per cent as compared with 51 per cent. In only 1 of the 5 cases involving children under 10 years of age was the child committed to an institution; of the 66 children 10 to 13 years of age, 42 were sent to institutions; and of the 478 children 14 to 17 years of age, 244 were committed. Other dispositions and expedients used by the Federal

[8] Committed by the Juvenile Court of the District of Columbia, the National Training School being the institution receiving commitments of delinquent boys from that court.
[9] Two also fined.
[10] One also fined.

courts were reported for 28 children under 14 years of age, and for 234 of those in the group from 14 to 17 years.

The largest number of children before juvenile and other State courts were 14 and 15 years of age, and the next largest number were between the ages of 16 and 17 years, inclusive. In each of these groups more children were committed than were placed on probation, of the former group 40 being committed and 37 placed on probation while of the latter 47 were committed and 34 were placed on probation. In the group under 14 years of age before juvenile or other State courts more children were placed on probation than were committed to institutions.

**Length of commitment.**

Commitments made by the United States district courts were in the majority of cases for definite terms, only 13 of the 289 commitments being for indeterminate periods or during minority. In contrast, 66 of the 128 commitments by juvenile and other State courts were for indeterminate periods and 25 during minority—a total of 91. The largest number of commitments by the Federal courts were for two years but less than three, 54 not being reported. Further details as to the length of commitment in the cases before the two types of courts are shown in Table 6.

TABLE 6.—*Term of commitment and type of court; children arrested in 1918 and 1919 for violating postal laws, and committed to institutions.*

| Term of commitment. | Children violating postal laws who were committed to institutions. | | | | |
|---|---|---|---|---|---|
| | Total. | By United States district courts. | | By juvenile and other State courts. | |
| | | Number. | Per cent distribution. | Number. | Per cent distribution. |
| Total | [1] 404 | [2] 284 | 100.0 | [3] 120 | 100.0 |
| Indeterminate | 68 | 2 | .7 | 66 | 55.0 |
| During minority | 36 | 11 | 3.9 | 25 | 20.8 |
| Definite terms less than minority | 300 | 271 | 95.4 | 29 | 24.2 |
| Less than 1 month | 36 | 33 | ..... | 3 | ..... |
| 1 month, less than 3 | 53 | 47 | ..... | 6 | ..... |
| 3 months, less than 6 | 15 | 13 | ..... | 2 | ..... |
| 6 months, less than 12 | 23 | 19 | ..... | 4 | ..... |
| 1 year, less than 2 | 51 | 45 | ..... | 6 | ..... |
| 2 years, less than 3 | 55 | 54 | ..... | 1 | ..... |
| 3 years, less than 4 | 40 | 34 | ..... | 6 | ..... |
| 4 years, less than 5 | 12 | 12 | ..... | ..... | ..... |
| 5 years and over | 15 | 14 | ..... | 1 | ..... |

[1] Excluding 13 for whom length of commitment was not reported.
[2] Excluding 5 for whom length of commitment was not reported.
[3] Excluding 8 for whom length of commitment was not reported.

### Indictment.

Of the 1,108 cases of postal violations 658 were reported as presented to United States grand juries. The remaining 450 cases included those in which no court action was taken, those disposed of in preliminary hearings before United States commissioners, those presented to United States district courts by filing information (as is permissible in cases of misdemeanors), and cases heard by State courts. In 84.2 per cent of the 575 cases in which the finding of the grand jury was reported, a bill of indictment was returned, and in only 15.8 per cent of the cases was "no bill" returned. Of the 38 cases of children under 10 years of age, only 8 were presented to United States grand juries; 5 resulted in indictment, 2 in no indictment, and in 1 case the finding was not reported. The facts regarding indictment and age at apprehension are given in Table 7.

TABLE 7.—*Age at apprehension and grand jury finding; children arrested in 1918 and 1919 for violating postal laws.*

| Age at apprehension. | Children violating postal laws. | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Total. | Cases presented to United States grand jury. | | | | | | | Cases not presented to United States grand jury.[1] |
| | | Total. | Finding reported. | | | | | Finding not reported. | |
| | | | Total. | No bill of indictment returned. | | Bill of indictment returned. | | | |
| | | | | Number. | Per cent. | Number. | Per cent. | | |
| Total | 1,108 | 658 | 575 | 91 | 15.8 | 484 | 84.2 | 83 | 450 |
| Under 10 years | 38 | 8 | 7 | 2 | ..... | 5 | ..... | 1 | 30 |
| 10 to 11 years | 70 | 20 | 15 | ..... | ..... | 15 | ..... | 5 | 50 |
| 12 to 13 years | 150 | 56 | 51 | 8 | ..... | 43 | ..... | 5 | 94 |
| 14 to 15 years | 308 | 175 | 155 | 28 | 18.1 | 127 | 81.9 | 20 | 133 |
| 16 to 17 years | 532 | 395 | 345 | 53 | 15.4 | 292 | 84.6 | 50 | 137 |
| Not reported, but under 18 years | 10 | 4 | 2 | ..... | ..... | 2 | ..... | 2 | 6 |

[1] These cases include those in which no court action was taken, those presented to the U. S. district courts on information filed, and cases before State courts.

### TIME BETWEEN APPREHENSION AND DISPOSITION.

The length of time between arrest and final disposition is usually much longer in Federal court cases than in cases before juvenile and other State courts. The cases heard in the Federal courts must frequently wait a month or possibly longer until the court meets near the residence of the child; or, when there is a crowded calendar, the more serious cases are given preference, and the juvenile cases are postponed until the next term of court; or the necessity of presenting the case to the grand jury lengthens the period.

The tendency in juvenile courts has been to hear cases as soon as possible after arrest, the period of time between arrest and hearing rarely exceeding one week, though cases may be continued for a somewhat longer period for final disposition.

The time between apprehension and disposition in 544 cases before United States district courts is shown below:

| | Number. | Per cent distribution. |
|---|---|---|
| Total [1] | 544 | 100.0 |
| Less than 2 weeks | 90 | 16.5 |
| 2 weeks, less than 1 month | 66 | 12.1 |
| 1 month, less than 2 | 107 | 19.7 |
| 2 to 3 months | 131 | 24.1 |
| 4 to 5 months | 55 | 10.1 |
| 6 to 7 months | 40 | 7.4 |
| 8 to 9 months | 17 | 3.1 |
| 10 to 11 months | 11 | 2.0 |
| 1 year or over | 27 | 5.0 |

Of the 315 cases referred to juvenile and other State courts in which time between apprehension and disposition was known, only 2 cases were reported in which the intervening period was over 6 months, being from 10 to 11 months in 1 case and 1 year or over in the other. The majority of these cases (235) were heard within two weeks from date of arrest. The following list gives the details of this information for the 315 cases:

| | Number. | Per cent distribution. |
|---|---|---|
| Total | 315 | 100.0 |
| Less than 2 weeks | 235 | 74.6 |
| 2 weeks, less than 1 month | 36 | 11.4 |
| 1 month, less than 2 | 11 | 3.5 |
| 2 to 3 months | 25 | 7.9 |
| 4 to 5 months | 6 | 1.9 |
| 10 to 11 months | 1 | 0.3 |
| 1 year or over | 1 | 0.3 |

In some of the Federal court cases the long interval is due to the policy of continuing cases from time to time as a substitute for probation or as a means of handling the case without commitment. Continuance was reported in 117, or 17.3 per cent, of the 676 cases, the larger number of such cases occurring among those in which intervals of more than six months between apprehension and disposition were reported.

In 25 of the 117 continued cases it was reported that continuance was pending the child's good behavior or to allow for probation informally arranged; 25 were continued for other reasons; and in

[1] Excluding 132 cases in which time between apprehension and disposition was not reported.

67 cases the reason was not reported. The length of time between arrest and disposition in the 117 Federal court cases continued is given below:

| | |
|---|---|
| Total | 117 |
| 2 weeks, less than 1 month | 1 |
| 1 month, less than 2 | 2 |
| 2 to 3 months | 4 |
| 6 to 7 months | 9 |
| 8 to 9 months | 10 |
| 10 to 11 months | 4 |
| 1 year and over | 15 |
| Interval not reported | 72 |

Only 3.8 per cent of the cases heard by juvenile and other State courts were reported continued—two on informal probation, six for other reasons, and five for reasons not stated.

## DETENTION.

### Number detained.

The types of detention used by United States district courts and by juvenile and other State courts before trial or pending admission to institutions were reported in 348 cases—260 heard by United States district courts and 88 by juvenile and other State courts. In 88 cases it was reported that there was no detention; 66 of these were in United States district courts and 22 in juvenile and other State courts. Of the 79 children in whose cases there was no court action 20 were known to have been detained, 17 of them in jail. No information as to detention was available for 578 cases in which court action was taken; in 123 cases children were remanded in default of bond, but it was not reported whether they were actually detained. The number reported detained is probably very much lower than the actual number held. Most of the information concerning detention was obtained from institution and jail records, the former in most cases showing only the boys' statements, since the court papers sent to the institutions seldom reported on the matter.

### Type of detention.

Of the 326 children tried before United States district courts for whom information was obtained as to detention, 260—79.8 per cent—were detained. Jail detention was practically the only method used and was reported for 91.2 per cent of the 260 cases. Of the 27 children detained by State courts other than juvenile 24 were reported detained in jail. In contrast, only 16 of the 61 children detained by juvenile courts were held in jail. Table 8 shows the types of

detention used by Federal courts and by juvenile and other State courts, together with the ages of the children.

TABLE 8.—*Type of detention used by Federal, juvenile, and other State courts, according to age at apprehension; children arrested in 1918 and 1919 for violating postal laws.*

| Type of court and age at apprehension. | Children violating postal laws who were reported as to detention. | | | | | | |
|---|---|---|---|---|---|---|---|
| | Total.[1] | Not detained. | Detained. | | | | |
| | | | Total. | In jail. | In juvenile detention home or S. P. C. C. shelter. | In other place of detention. | Place of detention not reported. |
| Total | 436 | 88 | 348 | 277 | 51 | 18 | 2 |
| Children before United States district courts | 326 | 66 | 260 | [2] 237 | 9 | 12 | 2 |
| Under 10 years | 2 | ..... | 2 | 2 | ..... | ..... | ..... |
| 10 to 11 years | 9 | 2 | 7 | 5 | ..... | 1 | 1 |
| 12 to 13 years | 34 | 5 | 29 | 25 | 1 | 3 | ..... |
| 14 to 15 years | 84 | 16 | 68 | [3] 57 | 5 | 6 | ..... |
| 16 to 17 years | 196 | 43 | 153 | [4] 147 | 3 | 2 | 1 |
| Age not reported | 1 | ..... | 1 | 1 | ..... | ..... | ..... |
| Children before juvenile and other State courts | 110 | 22 | 88 | 40 | 42 | 6 | ..... |
| Under 10 years | 4 | 2 | 2 | 1 | 1 | ..... | ..... |
| 10 to 11 years | 16 | 6 | 10 | 3 | 7 | ..... | ..... |
| 12 to 13 years | 23 | 5 | 18 | 6 | 9 | 3 | ..... |
| 14 to 15 years | 36 | 7 | 29 | 8 | 19 | 2 | ..... |
| 16 to 17 years | 31 | 2 | 29 | 22 | 6 | 1 | ..... |

[1] Not including 79 children involved in cases in which there was no court action, 15 in which court action was not reported, and 578 not reported as to detention. Twenty of the 79 children for whom there was no court action were known to have been detained, 17 of them in jail.
[2] Includes 6 children detained in jail part of the time, and in juvenile detention home or Society for the Prevention of Cruelty to Children shelter the remainder of the time.
[3] Includes 4 children mentioned in note 2.
[4] Includes 2 children mentioned in note 2.

Because of aversion to placing juveniles in jail or because State laws prohibited such detention, 21—8.1 per cent—of the 260 children whose cases were heard by Federal courts for whom the facts with reference to detention were reported, were by informal arrangement detained in juvenile detention homes, industrial schools, county detention homes (not reported as juvenile detention homes), and family boarding homes. Of the 9 children under 12 years of age, 7 were detained in jail; of those 16 and 17 years of age 96.1 per cent were reported detained in jail.

Of the 79 children with regard to whom no court action was taken 20 were reported detained between arrest and conference with the United States attorney or final decision as to method of handling the case—17 in jail, 2 in a juvenile detention home or a shelter maintained by the Society for the Prevention of Cruelty to Children, and

for 1 the place of detention was not reported. In a few instances it was decided to take no action because the child had been detained in jail, and this was considered a sufficient punishment. The ages of the 17 children detained in jail were as follows:

| | |
|---|---|
| Total | 17 |
| Under 10 years of age | 7 |
| 10 to 11 years | 2 |
| 12 to 13 years | 1 |
| 14 to 15 years | 4 |
| 16 to 17 years | 3 |

The 7 children under 10 years of age detained in jail comprised all the children in this age group in whose cases no court action was taken. The 3 children for whom detention other than jail was reported were 14 years of age or over.

**Length of detention.**

The longer period between apprehension and disposition in the Federal court cases necessitated longer periods of detention than were required in cases before juvenile and other State courts. Sixteen children were reported detained for four months or over. Detention was sometimes longer than the time between apprehension and disposition, since in cases of commitment to institutions the child was frequently returned to jail to await the convenience of the United States marshal in taking him to the institution. The requirement of bond for release by the Federal courts is also a factor in increasing the time of detention, since it is often difficult for the children to furnish bond; and even in cases where bond was furnished it was sometimes two or three days before it was secured. In the largest number of the 260 Federal court cases in which detention was reported—91, or 35 per cent—the child was detained less than two weeks; but a considerable number were held for longer periods, as shown in the following list.

| | |
|---|---|
| Total | 260 |
| Less than 2 weeks | 91 |
| 2 weeks, less than 1 month | 32 |
| 1 month, less than 2 | 31 |
| 2 to 3 months | 27 |
| 4 to 5 months | 11 |
| 6 to 7 months | 5 |
| Length of detention not reported | 63 |

Eighty-eight children were reported detained by juvenile and other State courts; all but 1 of the 35 for whom length of detention was reported were detained less than two weeks.

It is of interest to compare the length of detention with the length of time between apprehension and disposition. Of the 197 children

before Federal courts in whose cases this comparison was possible, 66.5 per cent were held only part of the time between apprehension and final disposition, and 33.5 per cent were detained for the entire period. In a majority of the latter cases the time between apprehension and disposition was less than four months. Table 9 shows the duration of detention for cases before the United States district courts.

TABLE 9.—*Time between apprehension and disposition and duration of detention; children arrested in 1918 and 1919 for violating postal laws, and brought before United States district courts.*

| Time between apprehension and disposition. | Children violating postal laws and brought before U. S. district courts. | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Total. | Reported as to detention. | | | | | | Not reported as to detention. |
| | | Total. | Not detained. | Detained. | | | | |
| | | | | Total. | Entire time. | Part time. | Length of detention not reported. | |
| Total | 676 | 326 | 66 | 260 | 66 | 131 | 63 | 350 |
| Less than 2 weeks | 90 | 40 | 12 | 28 | 13 | 7 | 8 | 50 |
| 2 weeks, less than 1 month | 66 | 30 | 3 | 27 | 11 | 9 | 7 | 36 |
| 1 month | 107 | 60 | 4 | 56 | 11 | 25 | 20 | 47 |
| 2 to 3 months | 131 | 70 | 8 | 62 | 20 | 34 | 8 | 61 |
| 4 to 5 months | 55 | 29 | 13 | 16 | 8 | 6 | 2 | 26 |
| 6 to 7 months | 40 | 23 | 10 | 13 | 2 | 9 | 2 | 17 |
| 8 to 9 months | 17 | 8 | 3 | 5 | ..... | 5 | ..... | 9 |
| 10 to 11 months | 11 | 6 | 1 | 5 | ..... | 4 | 1 | 5 |
| 1 year or over | 27 | 10 | 1 | 9 | ..... | 7 | 2 | 17 |
| Not reported | 132 | 50 | 11 | 39 | 1 | 25 | 13 | 82 |

The duration of detention was reported in only 35 of the 88 juvenile and other State court cases. In 25 of these 35 cases the child was detained the entire time, the period being less than two weeks in 24 cases, and two weeks but less than a month in 1 case.

## SOCIAL HISTORY.

Information regarding social history—including previous delinquency records, school attendance, employment, home conditions, and mode of living—was available from the post-office records in comparatively few cases. The information obtained from the Post Office Department was supplemented, however, from court and institutional records. Reports were obtained as to previous delinquency for only 391 of the 1,108 children, information as to school attendance for 573 children, employment prior to arrest for 718, mode of living for 365, and home conditions for 351 children.

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**Previous delinquency records.**

For the purpose of this study a previous delinquency record has been taken to mean that the child had been arrested previously, since reports on the post-office records are made in terms of the number of arrests. Of the 391 children for whom information was reported as to whether or not they had been previously delinquent, 187 had been arrested previously, and 204 were first offenders. Of the 187, 81 had been arrested once; 24, twice; 11, three times; 3, four times; and 4, five times or more; the number of arrests was not reported in 64 cases, though the child was known to have been arrested at least once previously. Sixty of the 377 children for whom data with reference to previous institutional commitments were available were reported to have been committed to institutions prior to the postal violation, and five of these children had had more than one such commitment.

Over half—54.3 per cent—of the 186 first offenders for whom disposition by Federal, juvenile, or other State court was reported, were committed to institutions—Federal, State, or private—and to jails. This was 16 per cent less than the percentage (70.3) of those committed who were known to have been arrested previously. Over three-fourths—78.1 per cent—of the first offenders before United States district courts were committed to institutions, as compared with only one-sixth—16.7 per cent—of the first offenders before juvenile and other State courts. The proportion placed on probation was larger for first offenders than for children previously arrested. The dispositions are shown in table 10 for the 344 cases in which court action was reported, and in which information was obtained with regard to whether the child had been arrested previously.

TABLE 10.—*Disposition of case, previous delinquency record, and type of court; children arrested in 1918 and 1919 for violating postal laws.*

| Disposition of case. | Children violating postal laws whose previous delinquency records were reported. | | | | | | |
|---|---|---|---|---|---|---|---|
| | Total. | First offenders. | | | Arrested previously. | | |
| | | Total. | Before United States district courts. | Before juvenile and other State courts. | Total. | Before United States district courts. | Before juvenile and other State courts. |
| Total | [1] 344 | 186 | 114 | 72 | 158 | [2] 105 | 53 |
| Commitment to institution | 212 | 101 | 89 | 12 | 111 | 81 | 30 |
| Probation | 68 | 48 | 2 | 46 | 20 | 6 | 14 |
| Other disposition | 64 | 37 | 23 | 14 | 27 | 18 | 9 |

[1] Exclusive of 11 children who were first offenders and 7 children who had been arrested previously in whose cases no court action was reported.
[2] Includes 8 children before U. S. district courts, whose cases were later transferred to juvenile courts.

## School attendance.

Of the 573 children for whom information with reference to school attendance was obtained, only 163 were reported to be attending school at the time of their arrest. Included in these are some cases of boys or girls arrested during vacation but reported as attending school during the school term; doubtless this was also true of a number among the 410 reported as not attending school. Three children under 10 years of age, 7 who were 10 or 11 years of age, and 15 aged 12 or 13 years were reported as not attending school, making a total of 25 under 14 years of age not attending. Table 11 gives the school attendance according to age distribution.

TABLE 11.—*Age at apprehension and school attendance; children arrested in 1918 and 1919 for violating postal laws.*

| Age at apprehension. | Children violating postal laws. | | | |
|---|---|---|---|---|
| | Total. | Attending school. | Not attending school. | School attendance not reported. |
| Total | 1,108 | 163 | 410 | 535 |
| Under 10 years | 38 | 9 | 3 | 26 |
| 10 to 11 years | 70 | 27 | 7 | 36 |
| 12 to 13 years | 150 | 37 | 15 | 98 |
| 14 to 15 years | 308 | 53 | 99 | 156 |
| 16 to 17 years | 532 | 34 | 283 | 215 |
| Not reported | 10 | 3 | 3 | 4 |

## Employment.

*Regulations regarding employment of children in the postal service.*—The postal laws and regulations contain little specific reference to the employment of children, but the following excerpt, in connection with the fact that letter carriers and postal clerks are required by civil-service rules to be 18 years of age or over, indicates that it is not the intention of the post-office authorities that boys under 16 years of age be employed as special-delivery messengers in cities:[11]

> At city delivery offices postmasters should employ substitute carriers and clerks, preferably the former, instead of boys, as special-delivery messengers, where the volume of such business is sufficient to warrant these employees in taking up the work and the conditions are otherwise favorable; but boys 16 years of age or over may be so employed when, in the judgment of the postmaster, circumstances require it or he is of the opinion that the efficiency of the service will be promoted thereby.

*Number employed and type of employment.*—Three hundred and sixteen of the 1,108 children were reported employed prior to arrest, 402 were not employed, and no report concerning employment was obtained in 390 cases. It was impossible to make a detailed classi-

[11] Postal Laws and Regulations, 1913, sec. 864, par. 1, Washington, D. C.

fication as to the type of employment for those outside the postal service, as they were grouped together under employment other than postal. A considerable proportion of the postal violations by juveniles may be accounted for by the temptations offered by their employment in positions where they had access to mail. Of the 316 working children, 166—52.5 per cent—were employed by the Post Office Department; of these, 95, or 57.2 per cent, were special-delivery messengers; 42, or 25.3 per cent, were clerks or substitute clerks; and 29, or 17.5 per cent, were in other types of postal service. Employment other than postal was reported for 143, or 45.3 per cent; and for 7, or 2.2 per cent, the kind of employment was not reported.

TABLE 12.—*Age and employment at time of apprehension; children arrested in 1918 and 1919 for violating postal laws.*

| Employment at time of apprehension. | Children violating postal laws. | | | | | | |
|---|---|---|---|---|---|---|---|
| | Total. | Under 10 years. | 10–11 years. | 12–13 years. | 14–15 years. | 16–17 years. | Age not reported. |
| Total | 1,108 | 38 | 70 | 150 | 308 | 532 | 10 |
| Total employed | 316 | ..... | 6 | 14 | 72 | 222 | 2 |
| In postal service | 166 | ..... | 1 | 1 | 31 | 132 | 1 |
| Special-delivery messenger | 95 | ..... | 1 | 1 | 18 | 75 | ..... |
| Clerk | 42 | ..... | ..... | ..... | 8 | 34 | ..... |
| Other postal service | 29 | ..... | ..... | ..... | 5 | 23 | 1 |
| In other than postal service | 143 | ..... | 5 | 12 | 38 | 87 | 1 |
| Employed, occupation not reported | 7 | ..... | ..... | 1 | 3 | 3 | ..... |
| Not employed | 402 | 26 | 45 | 88 | 116 | 123 | 4 |
| Not reported | 390 | 12 | 19 | 48 | 120 | 187 | 4 |

*Ages of those employed.*—A total of 20 children under 14 years of age—the minimum working age under the majority of State child-labor laws—were reported as being employed. Some of these children may have been employed only part time or during vacation, but detailed information was obtained for very few cases. Only 2 were employed in the postal service, 17 were otherwise employed, and the kind of employment was not reported in 1 case. Reference to Table 12 will show that almost half the employed children between the ages of 14 and 16 years and three-fifths of those between 16 and 18 years of age were in the postal service. Although the general policy of the Post Office Department is not to employ children under 16 years of age, 20 per cent of the children offending against postal laws who were employed in the postal service were under that age—20 of the 95 as special-delivery messengers and 13 of the 71 in other kinds of postal service.

The number of juvenile postal employees reported as violating postal laws was greater in 1919 than in 1918 by 40 cases, the largest increase being in the number of special-delivery boys arrested, owing to the prevalence of "stubbing" in some localities during that year.

*Type of employment and type of offense.*—The types of offenses committed by the 166 postal employees were in all cases suggested by their type of service. The most frequent were larceny of mail and "stubbing." Over half—56.5 per cent—of the entire number of cases of larceny of mail by children employed at time of apprehension involved postal employees. The detail is given in the following list:

| | | |
|---|---|---|
| Total | | 166 |
| Larceny | | 91 |
| Of mail | 87 | |
| Of postal funds or property | 1 | |
| Other | 3 | |
| "Stubbing" | | 58 |
| Embezzlement | | 8 |
| Breaking and entering and larceny, post office | | 3 |
| Forgery | | 2 |
| Larceny of mail and forgery | | 2 |
| Having stolen property in possession | | 1 |
| Other | | 1 |

Larceny of mail was the offense most frequently committed by those in other than postal-service occupations; 62 of the 143 so employed committed that offense. Of the 246 children charged with post-office breaking and entering and larceny—the offense with which the second largest number of children were charged—111 were known not to be employed, no employment information was obtained for another group of 111, and 21 were known to be employed outside the postal service.

**Home conditions and mode of living.**

In 351 cases some information was available regarding the home conditions, and in 365 the mode of living was known. The records of the Post Office Department have been supplemented by the various institutional and court records secured. Social histories were obtained in the cities visited for those cases referred to the juvenile courts for action. One of the phases of the problem of the child offender tried by a Federal court is brought out in the comparative amount of social history obtained by Federal and juvenile courts. Because of lack of probation service very little preliminary social investigation is made in the Federal courts, except in the few courts where the judge arranges informally for it. The records of the United States attorneys and the court dockets give almost no social information; the amount obtained depends largely upon the policy of

the inspectors in charge of the divisions or of the inspectors handling the cases. Investigations by the inspectors are primarily to obtain facts regarding the details of the offense and are more comparable with police investigations than with investigations by juvenile-court probation officers. However, many inspectors attempt to obtain some social information and report it to the United States attorney with a view to promoting a better understanding of the case.

Postal cases referred to juvenile or other State courts having probation systems are investigated as are other delinquency cases, and reports in such cases contain information relating to family history and home conditions. In cases committed to institutions by juvenile courts the social history is sent to the institution, but the commitment papers sent by the United States district courts give only the fact of arrest and such other facts as may be entered in the court docket. Because of this absence of social history in cases before the Federal courts, it is impossible to estimate the number of cases in which the home conditions would probably have warranted probation had there been provision for such disposition. Sufficient information to permit of analysis was obtained only in regard to the status of the parents, which was reported for 351 cases as follows:

| | | |
|---|---|---|
| Total children | | 351 |
| Parents living together | | 188 |
| Mother dead, father in home | | 12 |
| Father dead, mother in home | | 40 |
| Stepmother, father in home | | 12 |
| Stepfather, mother in home | | 21 |
| Both parents dead | | 20 |
| Mother in home, father deserting | | 8 |
| Father in home, mother deserting | | 2 |
| Separated or divorced | | 18 |
| Mother in home | 10 | |
| Other | 8 | |
| Home otherwise broken | | 14 |
| Father in home, mother away [12] | 1 | |
| Mother in home, father away [13] | 13 | |
| One parent dead, other deserting | | 2 |
| One parent dead, other not reported | | 11 |
| One parent dead, other away [14] | | 3 |

[12] Whereabouts of mother was not reported.
[13] Includes six cases in which whereabouts of father was not reported.
[14] Includes one case in which father boarded away from home.

TABLE 13.—*Age at apprehension and mode of living; children arrested in 1918 and 1919 for violating postal laws.*

| Age at apprehension. | Children violating postal laws whose mode of living was reported. | | | | | |
|---|---|---|---|---|---|---|
| | Total. | Mode of living. | | | | |
| | | Parental home. | Relative's home. | Own home, married.[1] | Living independently. | Other. |
| Total | 365 | 296 | 31 | 4 | 11 | 23 |
| Under 10 years | 7 | 6 | ..... | ..... | ..... | 1 |
| 10 to 11 years | 27 | 23 | 3 | ..... | ..... | 1 |
| 12 to 13 years | 53 | 48 | 2 | ..... | 1 | 2 |
| 14 to 15 years | 124 | 99 | 15 | ..... | 3 | 7 |
| 16 to 17 years | 151 | 117 | 11 | 4 | 7 | 12 |
| Not reported | 3 | 3 | ..... | ..... | ..... | ..... |

[1] All girls.

For 365 children—344 boys and 21 girls—mode of living was reported. Of these, 296 were living in the parental home, at least one parent being present; 31 were in the homes of relatives; 4 girls were married and living in their own homes; 10 boys and 1 girl were living independently, 4 of these under 16 years of age. The 23 reported as living in some other manner included 6 runaways or transients, 1 in a home for dependent children, 1 away at school, 3 living with foster parents, and 1 girl living with a man to whom she was not married.

## CHAPTER III. CHILDREN COMMITTED TO INSTITUTIONS.

The institutions to which the largest number of juveniles violating Federal laws are committed by the United States district courts are the National Training School for Boys (located in the District of Columbia) and certain State reformatories with which the Department of Justice contracts to receive Federal prisoners. Proportionately fewer commitments are made in cases referred to juvenile and other State courts, and the children are sent to State industrial schools or to private institutions, few being committed to State reformatories.

Two serious problems are presented by the types of institutions being used for Federal commitments of juveniles: First, the age limits of offenders received at these institutions; second, the inaccessibility of the institutions to a great majority of the courts.

The National Training School for Boys receives boys through the age of 17 years, and is the one Federal institution for juveniles only which receives violators of the Federal laws from outside the District of Columbia.[1] While the fact that this institution receives only juveniles is favorable, the great distance from most of the United States district courts creates a serious problem, not only in the expense to the Government of sending a boy to it but also in the effect of committing him to an institution so far from home. Doubtless some commitments to this school from distant States are made because the judges prefer an institution for juveniles, regardless of distance.

The State reformatories receive boys and men between the ages of 16 and 30. Where such institutions hold contracts to receive Federal cases, boys under 16 years of age and of 16 and 17 years are being confined in institutions with older men. Legally, these State reformatories are supposed to receive only first offenders, but both those visited reported that this rule was not being strictly enforced.

[1] The National Training School for Girls, also in the District of Columbia, is a Federal institution for juveniles, but girls outside the District are seldom committed to this institution and those committed from the Juvenile Court of the District of Columbia are committed for offenses under the juvenile-court law. During the war 15 girls were sent to the school from a southern State on the charge of immorality within the 5-mile zone of an Army camp. All but three of these girls were transferred to the woman's reformatory of another State within a few days, as the National Training School for Girls was not fitted to care for that type of case. These girls have not been included in this study, because the offense arose from a war situation, and no records of like cases were available from the other sources consulted.

Hence, besides being with older men, the boys are often thrown with so-called hardened criminals.

Except the New York State Reformatory at Elmira, which receives Federal prisoners from the State of New York only, the institutions receive commitments from outside the State in which the reformatory is located.

## NATIONAL TRAINING SCHOOL FOR BOYS.

### Number of boys committed and types of offenses.

Two hundred and forty-seven boys arrested during 1918 and 1919 for violations of Federal laws were reported committed to the National Training School for Boys, including 21 cases not committed until 1920. The number of commitments of children arrested during 1918 was larger than for 1919, 141 for the former year and 106 for the latter. Of the boys committed, 187 were white and 60 were colored.

Boys are also committed to this institution from the Juvenile Court of the District of Columbia for offenses under the juvenile-court law, but these commitments were not comparable with those included in this study and are omitted.

Of the 247 boys, only 4 were committed from the District of Columbia, 1 by the Supreme Court of the District (which has the powers of a United States district court), and 3 by the juvenile court, to which the cases had been referred by the United States attorney of the District on preferred charges; the remaining 243 boys were committed by United States district attorneys in 24 different States. The extreme distances from which many children were committed are evident from the following list:

| | | | |
|---|---|---|---|
| Total | 247 | Mississippi | 8 |
| Alabama | 26 | Missouri | 5 |
| Connecticut | 2 | New Jersey | 3 |
| Delaware | 1 | New York | 19 |
| District of Columbia | 4 | North Carolina | 18 |
| Florida | 16 | Ohio | 10 |
| Georgia | 18 | Oklahoma | 3 |
| Illinois | 4 | Pennsylvania | 7 |
| Kansas | 8 | South Carolina | 17 |
| Kentucky | 9 | Tennessee | 12 |
| Louisiana | 18 | Texas | 9 |
| Maryland | 5 | Virginia | 8 |
| Michigan | 3 | West Virginia | 14 |

The number of boys committed for postal violations is only slightly larger than the number committed for other offenses—132, as compared with 115. Of the latter, interstate-commerce offenses were the

most frequent, there being 74 cases. The numbers committed for the various offenses other than postal are listed as follows:

| | |
|---|---|
| Total | 115 |
| Interstate-commerce violations | 74 |
| Internal-revenue violations | 12 |
| National defense act violations | 7 |
| Railroad offenses (during time when railroads were under Federal control) | 7 |
| Larceny of United States property | 5 |
| Forgery (to defraud the Government) | 3 |
| Other [2] | 7 |

Of the postal offenses, larceny of mail and post-office breaking and entering and larceny were the specific charges for which the largest number of boys were committed, there being 63 commitments for the former and 39 for the latter. The numbers committed to the National Training School for Boys for the various types of postal offenses were as follows:

| | |
|---|---|
| Total [3] | 132 |
| Larceny of mail [4] | 63 |
| Breaking and entering and larceny, post office | 39 |
| Forgery | 10 |
| Wrongful use of mails | 6 |
| Embezzlement | 3 |
| Larceny of postal funds or property | 3 |
| Attempted robbery | 2 |
| Breaking and entering, post office | 2 |
| Detaining or destroying mail | 2 |
| Larceny of mail and forgery | 1 |
| "Stubbing" special-delivery letters | 1 |

The following are instances of some of the less serious offenses by juveniles against Federal laws, for which they were tried and committed by Federal courts:

(1) A 14-year-old boy was committed to the National Training School for Boys for burning a haystack which was on United States property.

(2) Another 14-year-old boy was committed to the National Training School for larceny of bicycle tires belonging to the United States.

[2] Includes one case each of deserting the Army, trespassing on United States property, purchasing such property unlawfully, embezzlement, destroying war material, and violation of the war-savings and drug acts.

[3] No post-office record could be found for 10 of these cases. Two cases not included here were reported by the Post Office Department, but there was no record of the children's having been received at the school, and doubtless the order of commitment was changed and the change not reported to the postal authorities.

[4] Larceny of mail from lock boxes—23 cases—and of parcel-post packages—12 cases—were the most numerous of this general class of offenses.

(3) A third boy stole a bottle of whisky from a box car. He was charged with violating the interstate-commerce act and committed for three years.

(4) Taking a ride on a hand car which was railroad property was the offense for which a 16-year-old boy was committed to the National Training School for two years. It was his first offense.

**Ages of boys committed.**

Boys are received by the National Training School through the age of 17 years. As will be seen by the following list, over four-fifths of the 247 boys committed for Federal offenses during the two years of the study were between the ages of 14 and 17 years, inclusive; 44 boys were under 14 years, and 1 boy was 18 at commitment, having become 18 after his arrest.

| | Number. | Per cent distribution. |
|---|---|---|
| Total | 247 | 100.0 |
| Under 10 years | 1 | .4 |
| 10 to 11 years | 18 | 7.3 |
| 12 to 13 years | 25 | 10.1 |
| 14 to 15 years | 93 | 37.7 |
| 16 to 17 years | 108 | 43.7 |
| 18 years | 1 | .4 |
| Not reported, but under 16 years | 1 | .4 |

**Term of commitment and parole.**

Commitments to this institution from the United States district courts are, with few exceptions, for definite periods of time, which may terminate before or after the completion of the child's minority. Therefore in this institution, which is primarily for juveniles, boys often remain beyond the age of 21 years, especially in cases where no parole is earned or where parole is violated and the boys are returned.[5]

Of the 247 boys committed for Federal offenses, only 11 were committed until they should reach majority, and only 3 for indeterminate periods. The variance in terms of commitment is due to the different policies of the judges in sentencing for maximum or for minimum terms. The largest number of boys (79) received sentences of two but less than three years. One boy barely 14 years of age was committed for seven years for robbing a post office—his first offense, so far as known. Of the boys under 14, only 1 was committed for less than a year and the remainder for various terms between two and five but less than six years. Table 14 shows these terms by age at commitment.

[5] Report of Board of Trustees of the National Training School for Boys for the Fiscal Year Ended June 30, 1919, p. 4. Washington, D. C., 1920.

TABLE 14.—*Term of commitment, by age at commitment; children committed to National Training School for Boys for Federal offenses in 1918 and 1919.*

| Age at commitment. | Children committed to National Training School for Boys. | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total. | Term of commitment. | | | | | | | | | |
| | | Less than 1 year. | 1 year, less than 2. | 2 years, less than 3. | 3 years, less than 4. | 4 years, less than 5. | 5 years, less than 6. | 7 years, less than 8. | During minority. | Indeterminate. | Not reported. |
| Total | 247 | 9 | 42 | 79 | 43 | 23 | 12 | 1 | 11 | 3 | 24 |
| Under 10 years | 1 | | | 1 | | | | | | | |
| 10 to 11 years | 18 | | 2 | 7 | 5 | 2 | | | 1 | | 1 |
| 12 to 13 years | 25 | 1 | 1 | 4 | 9 | 4 | 3 | | 3 | | |
| 14 to 15 years | 93 | 3 | 15 | 32 | 14 | 6 | 7 | 1 | 5 | 2 | 8 |
| 16 to 17 years | 108 | 5 | 24 | 34 | 15 | 10 | 2 | | 2 | 1 | 15 |
| 18 years | 1 | | | [1] 1 | | | | | | | |
| Not reported, but under 16 years | 1 | | | | | 1 | | | | | |

[1] Became 18 years of age between apprehension and commitment.

The length of commitment dated from the day the order was made by the court, regardless of the date upon which the boy actually arrived at the institution. As boys were committed to the school by courts located at great distances from it, the interval between court disposition and admission to the school varied, being in 34 cases one month or over. The intervals between commitment and admission were as follows:

| | | | |
|---|---|---|---|
| Total | 247 | 2 months | 7 |
| | | 3 months | 1 |
| Less than 1 week | 80 | 4 months | 1 |
| 1 week, less than 2 | 68 | 5 months | 1 |
| 2 weeks, less than 1 month | 63 | 7 months | 1 |
| 1 month | 23 | Interval not reported | 2 |

Of the boys who waited two months or more, eight were from Alabama, one was from Illinois, one from Kentucky, one from Ohio, and one from Tennessee.

Often the boy is detained after court commitment until arrangements can be made for the United States marshal of his district to accompany him to the institution. Twenty-four boys were returned to jail after commitment, while five who had not been detained in jail pending hearing were so held thereafter.

Boys may earn parole by the end of a year from the date of commitment, upon satisfactory record according to the requirements of the school. This study was made early in 1920, and therefore very few of the boys sentenced in 1919 were eligible for parole. Only 14 of the 247 boys were reported as paroled; in 13 of these cases the

offense was committed in 1918, and in 1 in 1919. At the time of the study, 41 boys had been discharged, and 36 were reported to have escaped.

**Detention prior to commitment.**

The records of the National Training School show detention of the boys prior to commitment, but the accuracy of the figures is qualified by the fact that this information is obtained only from the boys' statements in the initial interviews at the school. Of the boys committed, 192—77.7 per cent—were reported as having been detained part or all of the time between apprehension and disposition; 176, or 91.7 per cent of those detained, were held in jails; the remaining 16 were detained as follows: 9 in a juvenile detention home or a shelter maintained by the Society for the Prevention of Cruelty to Children, 3 in a house of detention (not reported whether or not a special juvenile detention home), 1 in an industrial school, 1 held by the juvenile court (place of detention not reported), and in 2 cases the type of detention was not reported. Ninety-five of the 132 boys committed for postal offenses were detained previous to commitment, 82 of the 95 reporting jail detention. Ninety-seven of the 115 committed for other offenses reported detention; 94, or all but 3, were detained in jails, the 3 reporting detention in a juvenile detention home.

Three-fifths of those detained in jails were under 16 years of age. The age distribution of the 176 boys reporting jail detention is shown as follows:

| | Number. | Per cent distribution. |
|---|---|---|
| Total | 176 | 100.0 |
| Under 16 years | 105 | 59.7 |
| Under 10 years | 1 | |
| 10 to 11 years | 13 | |
| 12 to 13 years | 28 | |
| 14 to 15 years | 63 | |
| 16 to 17 years | 71 | 40.3 |

The long periods of detention reported were due partly to the length of time between apprehension and commitment in Federal courts and partly to the difficulty in obtaining bonds. In all but 9 of the 192 cases in which the boy was detained, length of detention was reported. In 52.5 per cent of the 183 cases, the boy was detained for one month or over. Length of detention is shown below:

| | Number. | Per cent distribution. |
|---|---|---|
| Total | 183 | 100.0 |
| Less than 1 month | 87 | 47.5 |
| Less than 2 weeks | 54 | |
| 2 weeks, less than 1 month | 33 | |
| One month or over | 96 | 52.5 |
| 1 month | 43 | |
| 2 months | 25 | |
| 3 months | 12 | |
| 4 months | 9 | |
| 5 months | 3 | |
| 6 months | 3 | |
| 10 months | 1 | |

**Previous delinquency records.**

The results of the absence of probation in the Federal courts are shown in the number of boys committed to the National Training School upon their first offense, many of whom would doubtless have been placed on probation by a juvenile court. Over half (136) of the 247 boys committed reported commitment upon their first offenses; 66—over one-fourth—reported one previous arrest; 27—one-tenth—more than one but less than five; and 6 reported five or more previous arrests. The information secured with reference to previous arrests is as follows:

| | Number. | Per cent distribution. |
|---|---|---|
| Total | 247 | 100.0 |
| No previous arrests | 136 | 55.1 |
| 1 previous arrest [1] | 66 | 26.7 |
| More than 1, less than 5 arrests [2] | 27 | 10.9 |
| 5 or more arrests [3] | 6 | 2.4 |
| Number of arrests not reported [4] | 12 | 4.9 |

Since these figures are based on the boys' statements upon entering the school, the proportion reported as previously arrested is undoubtedly an understatement of the facts. Eighteen reported previous institutional records, and 3 had served previous terms in city jails.

[1] Eight with previous institutional records.
[2] Seven with previous institutional records.
[3] Three with previous institutional records.
[4] Three having several previous terms in jail.

## School and employment records.

School and employment records previous to commitment were also taken from the boys' statements upon admission to the school. Of the 184 boys who reported on school attendance, 146, or 59.1 per cent, were not attending school; 24 of these were under 14 years of age, 56 were 14 but under 16, and 66 were 16 but under 18. Nine of these boys reported that they had never attended school; of these, 3 were 12 but under 14 years of age, 2 were 14 but under 16, and 4 were 16 but under 18. Only 38 stated that they were attending school.

It was impossible to tabulate the types of employment, other than postal service, because of the indefiniteness of the information. The number of boys reporting that they were employed prior to commitment was 131; 55 reported that they were not employed, and 51 did not report as to employment. Of the 53 boys under 14 years of age, 24—not quite half—were reported as employed, but none were employed in the postal service.

Sixty-nine of the 132 boys committed for violating postal laws were employed, only 11 of these being in postal service of some kind: 43 were not employed; and for 20 the employment was not reported. Of the 115 boys who had been committed for other offenses, 72 were employed, 12 were not employed, and 31 did not report whether or not they were employed. Table 15 gives the data on the employment of the boys.

TABLE 15.—*Employment prior to commitment, by age at apprehension; children committed to the National Training School for Boys for postal and for other Federal offenses in 1918 and 1919.*

| Age at apprehension. | Children committed to National Training School for Boys. | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | For postal offenses. | | | | | | | | For other Federal offenses. | | | |
| | | | Employed prior to commitment. | | | | | | | | | | |
| | | | | In postal service. | | | | | | | | | |
| | Total. | Total. | Total. | Total. | Special-delivery messengers. | Clerks and other postal employees. | In other employment. | Not employed. | Not reported as to employment. | Total. | Employed. | Not employed. | Not reported as to employment. |
| Total | 247 | 132 | 69 | 11 | 5 | 6 | 58 | 43 | 20 | 115 | 72 | 12 | 31 |
| Under 14 years | 53 | 32 | 13 | ..... | ..... | ..... | 13 | 15 | 4 | 21 | 11 | 4 | 6 |
| 14 to 15 years | 99 | 61 | 30 | 5 | 3 | 2 | 25 | 23 | 8 | 38 | 24 | 7 | 7 |
| 16 to 17 years | 94 | 39 | 26 | 6 | 2 | 4 | 20 | 5 | 8 | 55 | 37 | 1 | 17 |
| Not reported | 1 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 1 | ..... | ..... | 1 |

### Social history.

Very little is known of the social histories of the boys coming to the school, as the commitment papers did not include these facts. Each boy upon entrance to the institution was questioned as to his parents' status and his home environment, and the records showed only the facts thus obtained—in most cases very meager. It was known that 132 boys came from homes where the parents, or the parent and step-parent, were living together; 24 reported both parents dead; 68, one parent dead; and 16 stated that their parents were separated or divorced, 3 of the latter having one parent in a hospital for the insane. Seven did not report as to status of parents.

## TWO STATE REFORMATORIES.

### Number of boys committed and types of offenses.

The New York State Reformatory at Elmira receives Federal commitments from the State of New York only, and consequently fewer juveniles were committed to that institution than to the Iowa State Reformatory at Anamosa. Ten boys were committed to the New York reformatory during the period covered by this study, and 29 to the Iowa reformatory. Five of those sent to the New York reformatory were committed for offenses against postal laws and 5 for other offenses, 2 of the latter having been committed for violations of the interstate-commerce act, 1 for grand larceny, and 2 for offenses not specified. Twenty-two boys were committed to the Iowa reformatory for postal and 7 for other Federal offenses; the latter included 1 committed for internal-revenue violations, 3 for interstate-commerce violations, and 3 for whom the type of offense was not reported. All but one of those committed to both institutions were committed by United States district courts.

The following list shows the localities from which the boys were committed to the Iowa reformatory, and the number from each:

| | |
|---|---|
| Total | 29 |
| California, southern district | 1 |
| Illinois, northern district (Chicago) | 13 |
| Maryland | 2 |
| Ohio | 6 |
| Washington | 1 |
| West Virginia | 6 |

The fact that boys were sent to the Iowa institution from States as far distant as California, Washington, West Virginia, and Maryland, shows the lack of suitable arrangements for the commitment of juveniles to institutions within easy access of their homes and the courts committing.

**Ages of boys committed.**

No boys under 16 years of age were committed to the New York reformatory, and only 3 under that age were committed to the Iowa institution. The largest number (24) were 17 years of age, 11 were 16, 3 were 15, and 1 was 18, having attained this age between arrest and commitment. The following list shows the age distribution of those committed to these institutions:

| | | |
|---|---|---|
| Total | | 39 |
| New York State Reformatory, Elmira | | 10 |
| 16 years | 1 | |
| 17 years | 8 | |
| 18 years | 1 | |
| Iowa State Reformatory, Anamosa | | 29 |
| 15 years | 3 | |
| 16 years | 10 | |
| 17 years | 16 | |

**Term of commitment, and parole.**

The terms of commitment to both these institutions were for definite periods, except in two cases of commitment during minority to the Iowa reformatory. Of the 10 boys committed to the New York reformatory, 1 was committed for a term of five years, 1 for two years and six months, 3 for two years, and 5 for one year but less than two.

Commitments to the Iowa reformatory were in general for shorter terms, there being 12 for periods of six months or less. The longest term was for three years, there being 6 of that length; 4 boys were committed for two years, 5 for one year, and 2 during minority.

Conditions affecting parole are the same for the Federal as for State cases, except that in the case of Federal offenders a parole, after recommendation by the superintendent and the board of parole for the institution, must be approved by the Attorney General of the United States. Parole is earned through good conduct while in the institution. In addition, no prisoner at the New York reformatory may be paroled until he has a position in the line of work for which he has trained while in the institution and approved by the parole officer in the district to which he is going.

Three boys were paroled from the New York institution and five from the Iowa institution. The boys serving short sentences of six months or less would not of course be eligible for parole.

**Detention prior to commitment.**

Detention pending hearing was reported in the case of only one boy committed to the New York institution. The records of the Iowa institution did not give any facts regarding detention prior to

commitment; but information from other sources, such as post-office and jail records, showed that seven boys committed to the Iowa reformatory were detained, six of them in county jails, the place of detention being not reported for one boy. All seven were postal offenders and are included in the discussion under detention in the section on postal offenses.

**Previous delinquency records.**

As in the case of boys committed to the National Training School, a majority (23) of those committed to the two reformatories were first offenders. One boy was committed for one year and one month for breaking into a freight car and stealing a bottle of milk—his first offense. Because the bottle of milk was stolen from a freight car in interstate shipment the case was taken to the Federal court, where there were no facilities for placing him on probation, had the judge desired to do so. Of the 15 reporting previous arrest, 7 reported only one, 3 reported two, and 4 reported three or more. For 1 boy the number of previous arrests was not reported; and for another there was no report as to whether or not he had been previously arrested. One boy had previously served terms in two institutions.

**School and employment records.**

All but 7 of the 39 boys committed to the two reformatories reported that they were employed prior to commitment. All 10 committed to the New York institution were employed in occupations other than postal service. Of the 22 postal offenders committed to the Iowa institution, 12 were in postal service as special-delivery messengers or temporary substitute clerks at the time the offense was committed; 1 was in the Navy; 5 were laborers or mechanics; for 1 the type of employment was not reported, and 3 reported no employment. Three of the 7 committed for other offenses were employed, and 4 reported no employment.

Only one of the seven boys who reported no employment stated that he was attending school prior to commitment, there being no report on this point for the other six.

Previous to the completion in December, 1919, of the Woman's Reformatory at Rockwell City, Iowa, the Iowa State Reformatory had a woman's department, and six girls under 18 years of age were committed there for violation of the section of the national defense act relating to immorality around Army camps. These girls came from Alabama, Florida, and South Carolina. Three of the girls were 16, and three were 17 years of age. All were committed for a definite term of one year, and the three who had not been discharged were transferred to Rockwell City in December, 1919.

## CHAPTER IV. CHILDREN VIOLATING FEDERAL LAWS IN EIGHT LOCALITIES.

### NUMBER OF CASES IN EACH LOCALITY.

In order to obtain information concerning the extent of the problem and the various methods of procedure in the United States district courts as well as the juvenile and other State courts, eight localities were selected for special study, as follows: District of Columbia, Maryland, Pennsylvania (eastern district), New York (eastern and southern districts), Massachusetts, Indiana, and Illinois (northern district).[1]

Selection of these localities was made from information received from the Post Office Department supplemented by data from the National Training School for Boys. The places selected were those in which there were the largest number of cases coming under the scope of this study and which were representative of different parts of the country and of the different policies in handling Federal cases involving juveniles.

In this section of the report particular attention is called to the disposition made of juvenile cases other than commitment to the three institutions included in the study, and to the length of time between the child's arrest and the final disposition. Short-term commitments to jail, placing the offender in the custody of the United States marshal for a day, fines, a few commitments to local industrial schools and private institutions, and informal probation were dispositions made frequently by the Federal courts.

The total number of cases reported for these eight localities was 417, of which 328 involved postal offenses, and 90 other offenses. These figures are underestimates of the problem in each locality, because of inability to obtain information as to the exact number of juveniles committing offenses other than postal, owing to absence of age data in the records of the United States attorneys and the Federal courts. The postal cases reported probably include all such

[1] The territory included was as follows: (1) District of Columbia; (2) Maryland (entire State); (3) eastern district of Pennsylvania: Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill Counties; (4) eastern district of New York: Kings (Brooklyn Borough), Nassau, Queens (Queens Borough), Richmond (Richmond Borough), and Suffolk Counties; (5) southern district of New York: Columbia, Dutchess, Greene, New York (Bronx and Manhattan Boroughs), Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties; (6) Massachusetts (entire State); (7) Indiana (entire State); (8) northern district of Illinois: Boone, Carroll, Cook (Chicago), Dekalb, Dupage, Grundy, Jo Daviess, Kane, Kendall, Lake, La Salle, Lee, McHenry, Ogle, Stephenson, Whiteside, Will, and Winnebago Counties.

cases, because of the check through the first source—the reports of the post-office inspectors. Table 16 gives for each district the number of cases, the types of offenses, and the types of courts hearing the cases.

TABLE 16.—*District, type of offense, and type of court; children in eight selected localities arrested in 1918 and 1919 for violating Federal laws.*

| District. | Children in selected localities violating Federal laws. | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Total. | Children violating postal laws. | | | | Children violating other Federal laws. | | | |
| | | Total. | Before United States district court. | Before juvenile or other State court. | No court action taken. | Total. | Before United States district court. | Before juvenile or other State court. | No court action taken. |
| Total | 418 | 328 | 180 | 130 | 18 | 90 | 64 | 23 | 3 |
| District of Columbia | 34 | 27 | 10 | 15 | 2 | 7 | 5 | 2 | ..... |
| Maryland | 35 | 24 | [1] 16 | 1 | 7 | 11 | 4 | 7 | ..... |
| Pennsylvania, eastern district | [2] 29 | 23 | 10 | 10 | 3 | 6 | 2 | 3 | 1 |
| New York, eastern district | 19 | 13 | 3 | 9 | 1 | 6 | 5 | 1 | ..... |
| New York, southern district | 112 | 62 | 30 | 30 | 2 | 50 | 38 | 10 | 2 |
| Massachusetts | [3] 57 | 57 | 5 | 49 | 3 | ..... | ..... | ..... | ..... |
| Indiana | [4] 24 | 21 | 15 | 6 | ..... | 3 | 3 | ..... | ..... |
| Illinois, northern district | 108 | 101 | 91 | 10 | ..... | 7 | 7 | ..... | ..... |

[1] Includes 1 child before the United States district court, whose case was later transferred to the juvenile court.
[2] Includes 2 cases outside the city of Philadelphia.
[3] Includes 31 cases outside the city of Boston.
[4] Includes 6 cases outside the city of Indianapolis.

## DISTRICT OF COLUMBIA.

### Number and types of cases.

Because of the form of government in the District of Columbia, all violations of the law are under Federal jurisdiction, yet the large majority are not comparable with violations of Federal laws in other localities. Because of the opportunities offered it might be expected that the problem of juvenile offenders against Federal laws would be more serious in the District of Columbia than in other localities. This does not seem to be the case, however, as only 34 cases were reported by the Post Office Department, the Supreme Court of the District of Columbia (having the jurisdiction of a United States district court), and the juvenile court. This number included 27 postal cases and 7 of other types—4 of forgery of Government checks and 3 of larceny of United States property.

### Types of courts and ages of children.

Half the cases (17) were referred to the juvenile court on preferred charges of larceny or "taking the property of another." Two cases were dismissed by the United States attorney without further prosecution. All the juveniles referred to the juvenile court were

under 16 years of age, and only 2 under 16 were heard before the supreme court. Although the age limit of the juvenile court is 17 years, of the 13 children 16 years of age or over who were before the District Supreme Court, 9 were under 17 and might have been referred to the juvenile court, so far as age was concerned. The age distribution of the cases before the juvenile court and the Supreme Court of the District of Columbia was as follows:

| | | |
|---|---|---|
| Total | | 34 |
| Before supreme court | | 15 |
| 15 years | 2 | |
| 16 to 17 years | 13 | |
| Before juvenile court | | 17 |
| Under 10 years | 2 | |
| 10 to 11 years | 1 | |
| 12 to 13 years | 4 | |
| 14 to 15 years | 10 | |
| No court action | | 2 |
| 15 to 16 years | 2 | |

**Dispositions.**

Disposition other than commitment to institutions or jails was made in 9 cases by the supreme court and in 14 by the juvenile court. Legal provision for probation is made for the supreme court, and in 4 cases sentence was suspended and the boy placed on probation: 1 boy was dismissed by the United States commissioner after preliminary hearing. At the time of this study final disposition had not been made in 4 cases. The dispositions by the juvenile court in the 14 cases not committed to institutions were as follows:

| | |
|---|---|
| Total | 14 |
| Placed on probation | 1 |
| Placed on probation with suspended sentence | 6 |
| Committed to Board of Children's Guardians (sentence suspended) | 1 |
| Dismissed | 6 |

One boy was committed to the National Training School for Boys by the Supreme Court of the District of Columbia, and 3 by the juvenile court. Four of the boys before the former court were committed to a penitentiary and 1 was sentenced to the Washington Asylum Hospital and Jail.

**Time between apprehension and disposition; detention.**

A much longer time elapsed between apprehension and disposition in a majority of the cases before the supreme court than in those handled by the juvenile court. Only 2 of the supreme-court cases, but 16 of the juvenile-court cases, were disposed of in less than one month from time of apprehension, 12 of the latter being disposed of in less than two weeks.

Information with regard to detention was obtained in only 14 cases, there being 13 children reported detained and 1 reported not detained. Two other children were reported remanded to jail, but it was not known whether they were actually detained. Of the 13 detained, 8 were held at the House of Detention (for women and children) by order of the juvenile court, 4 were held in jail by order of the supreme court, and 1 was detained by order of the Federal authorities but was released without court action. One of the boys was first detained by the juvenile court, and when the case was later taken to the supreme court he was placed in jail to await grand jury action.

## MARYLAND.

### Number and types of cases.

Thirty-five children were reported for the District of Maryland as violating Federal laws. Of these, 24 violated postal laws and 11 committed other offenses, including 7 arrested for interstate-commerce violations, 1 for selling liquor to a sailor, 1 for shooting craps on a Government reservation (Navy camp), 1 for forgery, and 1 for whom the type of offense was not reported.

### Types of courts and ages of children.

Of the 35 cases reported,[2] 20 were dealt with by the United States district court, 8 by the Baltimore juvenile court, and in 7 cases reported by the Federal authorities no court action was taken. The 5 children committing offenses outside Baltimore were before the United States district court, which meets in Baltimore.

All interstate-commerce cases (7) in which arrests were made by inspectors of the Baltimore & Ohio Railroad were taken by the railroad company before the juvenile court.

All but 3 of the 20 children before the United States district court were over 14 years of age. Three of the 8 children before the juvenile court were under the age of 14, 4 were reported to be 14 but under 16 years of age, and the age of 1 child was not reported. Of the 7 children for whom no court action was reported, 1 was 13 years of age, 2 were 15, 1 was 16, 2 were 17, and for 1 the age was not reported.

### Dispositions.

Commitments to public institutions were made by Federal authorities in 8 of the 20 cases tried by them, and in a ninth case arrangements were made by which the child was sent to a private institution. In 5 of the 10 cases disposed of in other ways, the child was fined; 2 children were dismissed, 1 being found "not guilty," the other being fined on another charge; in 4 cases the boy was com-

[2] One case before the United States district court was later transferred to the juvenile court.

mitted to the city jail for one day—doubtless to conform with the law that sentence must be imposed after conviction in Federal cases, probation not being provided for. Three children were committed to State reformatories—2 of them to the Iowa reformatory and 1 to the Connecticut reformatory at Cheshire; 5 were committed to the National Training School for Boys; and in 1 case the child was sent to a private institution in Baltimore.

Of the boys committed, 6 were 15 years of age at commitment, and 3 were 17. Of those fined, 1 was 14 years of age, and the others were 16 or 17 years. Three of the boys committed to jail for one day were 16 or 17 years of age, and one was 15.

Of the 8 boys before the juvenile court 1 was committed to St. Mary's Industrial School, 1 was fined, 1 dismissed, and 5 were placed on probation. The proportion of cases in which dispositions other than commitments were made was larger in the juvenile than in the Federal court. Three of the 5 children placed on probation were under 14 years of age, and 2 were 14 years old. Two of the 3 not placed on probation were 14 or 15 years of age, and the age of the third was not reported.

**Time between apprehension and disposition; detention.**

The problem of the long period of time between arrest and disposition as found in the Federal courts generally is somewhat lessened in the district of Maryland, because Baltimore is the only place of meeting of the court, which is in almost constant session except for two months in the summer. This makes it possible for cases to be brought up for trial more quickly than in districts where the court meets only at stated times. Disposition was made in 8 of the cases before the United States district court within a month after arrest, 3 cases were disposed of in one month but less than two, 2 in two months, 2 in four months, and 3 in six months; the length of time was not reported in 2 cases, as the date of arrest was not given. All the 8 cases before the juvenile court were disposed of in less than two weeks; 6 of them on the day the arrest was made.

Six of the 35 children were reported as having been detained pending hearing, 4 in jail and 2 in private institutions. No detention was reported in 2 cases; 4 children were remanded to jail in default of bond, but further report as to whether they were actually detained was not made. No report as to detention was made in 23 cases, including the 8 handled by the juvenile court.

## EASTERN DISTRICT OF PENNSYLVANIA.

**Number and types of cases.**

Of the 29 cases reported in the eastern district of Pennsylvania 23 involved postal offenses and 6 offenses of other types. All except 2

were Philadelphia cases. The six boys arrested for offenses other than postal included two accused of fraudulent claims for pay at the Hog Island shipyard, one of selling narcotic drugs, one of deserting the Navy, one of wearing the United States uniform unlawfully, and one of wearing a Boy Scout's uniform with Army trimmings.

**Types of courts and ages of children.**

In Philadelphia 11 boys were dealt with by the Federal authorities, and 12 by the juvenile division of the municipal court; 7 of the postal offenders taken to the juvenile court were referred directly by the arresting officers, and no record of these cases was made by the inspector. In four cases no court action was taken. Of the two cases outside Philadelphia, one was handled by the United States district court in session at Lancaster, and the other was referred to the court of quarter sessions, a State court.

All six boys under 14 years of age were taken before the juvenile court, as were also five who were 14 to 15 years of age, and one aged 16 years. Of the 13 boys before the Federal court, 1 was 15 years, and 12 were 16 or 17 years of age. The boy referred to the court of quarter sessions was aged 17 years.

**Dispositions.**

In this district juvenile Federal offenders are seldom committed to institutions. The juvenile court follows its usual procedure in delinquency cases, and the Federal authorities prefer to continue cases and place the children on probation informally. One boy was sent by the Federal court to the National Training School for Boys, and one child was committed and one returned to an institution by the juvenile court. The dispositions were as follows:

| | |
|---|---|
| Total | 29 |
| Before United States district court | 12 |
| Committed to National Training School | 1 |
| Informally placed on probation | 7 |
| Dismissed | 2 |
| Disposition not reported | 2 |
| Before juvenile or other State courts | 13 |
| Committed to institution | 1 |
| Placed on probation | 2 |
| Returned to institution | 1 |
| Restitution ordered | 1 |
| Dismissed | 8 |
| No court action taken | 4 |

Informal probation was made possible through arrangements with the municipal court of Philadelphia, of which the juvenile court is a division. The United States district attorney frequently sent child offenders, immediately after arrest, to the house of detention. These

cases were seldom brought before the juvenile-court judge, the offenses being usually of a minor character. The superintendent of the home, acting as a probation officer, placed the child on probation or discharged him, just as he would do in the case of children violating State laws. This policy was pursued by the district attorney even with boy and girl offenders over 16 years of age.

**Time between apprehension and disposition; detention.**

Because so many cases were placed on probation in this manner or were handled through the United States attorney's office, more prompt action was taken than is usually possible in Federal cases. Of the eight cases handled by Federal authorities in which dates of arrest and disposition were reported, three were disposed of in less than two weeks, two in one month, and three in two months.

The house of detention in Philadelphia is used frequently by the Federal authorities, as well as by the juvenile court. Only four boys were reported to have been detained in jail, none of these being so held in Philadelphia. Three of them were detained in jail in Illinois on another charge for one month previous to removal to Philadelphia to answer for the postal offense for which they were wanted there, and the fourth boy was detained in a county jail in Pennsylvania.

## EASTERN AND SOUTHERN DISTRICTS OF NEW YORK.

**Number and types of cases.**

The largest number of juveniles violating Federal laws in any of the localities studied was reported in the eastern and southern districts of New York. The total number of cases in these two districts was 131—75 postal cases and 56 Federal cases of other types. The large number of offenses other than postal was due to war conditions, as 38 were violations of the national defense act and two other war-time acts[3]—16 cases of unlawful wearing of a uniform and 22 cases which involved procuring liquor for or selling liquor to soldiers or sailors. These war-time cases were more prevalent in New York than in the other localities studied.

Three interstate-commerce violations were reported, 5 cases of larceny of United States property, 1 scheme to defraud the Government, 1 assault with intent to commit felony on board an American vessel, 1 trespass upon Government property, 3 violations of the drug act, and 1 case of interference with and destruction of war material; in 3 cases the offense was not reported.

The number of cases in the southern district (including Manhattan and Bronx Boroughs) was 112, and the number in the eastern district (including Brooklyn and Queens Boroughs) was 19.

[3] 39 Stat., 166; 40 Stat., 76, 821.

**Types of courts and ages of children.**

Cases in both districts were heard by the Children's Court of New York City, being taken directly to this court by the authorities making the arrests. Forty-eight were reported as heard in the Boroughs of Manhattan, Brooklyn, and Queens by the children's court, 1 was heard by a court of quarter sessions, and 1 was heard by a magistrate's court; 76 were taken before the United States district courts; in 5 cases no court action was taken—4 were dismissed without prosecution and the fifth was transferred to the eastern district of Pennsylvania, no further report being made.

Figures showing the ages of the children taken before the different courts indicate that the policy is to refer the younger children to the children's court. Of the 8 boys reported before the United States District Court in Brooklyn, 1 was 15 and the others were 17 years of age. Of the 10 children before the children's court in the Boroughs of Brooklyn and Queens, the 2 youngest were 10 and 12 years, respectively, the others being 14 and 15 years of age. The children's court has jurisdiction only over children under the age of 16 years.

This policy is further borne out by the following age figures for the children before the courts of the southern district (including Manhattan):

| | | |
|---|---|---|
| Total | | 112 |
| Before the United States district court | | 68 |
| 10 to 11 years | 1 | |
| 12 to 13 years | 1 | |
| 14 to 15 years | 15 | |
| 16 to 17 years | 51 | |
| Before the children's court and other State courts | | 40 |
| Under 10 years | 3 | |
| 10 to 11 years | 7 | |
| 12 to 13 years | 8 | |
| 14 to 15 years | 15 | |
| 16 to 17 years | 7 | |
| No court action | | 4 |
| Under 10 years | 2 | |
| 16 to 17 years | 2 | |

**Dispositions.**

The number of cases before the United States District Court of the Southern District which were disposed of otherwise than by commitment was somewhat larger than the number of cases resulting in commitments to institutions—33 as compared with 26. Seventeen of the 33 children were placed in the custody of the United States marshal for one day, a sentence no doubt passed by the court because of the lack of probation facilities and the inadvisability of committing the boys to an institution. Nine cases were dismissed; 1 of these involved a girl whose case was dismissed "be-

cause she was only 16 and had been in jail three days." Sentence was postponed in 3 cases, in 2 of which the boy was ordered to report weekly to a priest, and in the third the boy was discharged in the custody of his mother during the time of continuance: 1 boy was fined; and 3 cases were nol-prossed. Of the 26 children committed to institutions, 17 were committed to jail for short terms of 60 days or less—15 of them to the Tombs prison and 2 to the Essex County Jail in New Jersey; 8 boys were committed to the National Training School for Boys, and 1 to the New York State Reformatory at Elmira. No bill of indictment was returned by the grand jury in 2 cases, and in 7 cases disposition had not been made at the time of this study.

The dispositions made by the United States District Court for the Southern District of New York were as follows:

| | | |
|---|---|---|
| Total | | 68 |
| Committed to institutions | | 26 |
| National Training School for Boys | 8 | |
| New York State Reformatory | 1 | |
| Jail | 17 | |
| Other dispositions made | | 33 |
| Custody United States marshal for 1 day | 17 | |
| Dismissed | 9 | |
| Fined | 1 | |
| Nol-prossed | 3 | |
| Other | 3 | |
| No bill of indictment returned | | 2 |
| Disposition not reported | | 7 |

In contrast, 32 of the cases handled by the children's court did not result in commitments, and only 5 children were committed; in 1 case the disposition made was not reported. Two cases before other State courts were placed on probation. This larger proportion of noncommitment cases was due, of course, to the facilities available for probation and to the legal provision for dismissing cases or suspending sentence. In 26 of the 32 noncommitment cases the child was placed on probation, 5 cases were dismissed, and in 1 sentence was suspended. The 5 committed were sent to local institutions for children—2 to the New York Catholic Protectory, 2 to the Jewish Protectory and Aid Society, and 1 to the New York Juvenile Asylum.

Comparing dispositions made by the United States district court and the children's court for the same types of offenses, it is evident that the Federal authorities recognized that in some types of cases commitment to institutions is not always warranted; many cases were disposed of in such ways as were possible under the law without commitment to institutions, these dispositions being the best available substitutes for suspended sentence and probation.

Of the 8 cases before the children's court involving the procuring of liquor for, or selling liquor to, men in uniform, 7 resulted in probation and 1 in commitment to a private institution for a short period. Of the 14 children before the United States district courts for the same offense, 1 was placed in custody of a priest; 1 in custody of his mother, sentence being postponed; the cases of 2 were dismissed; 5 were placed in custody of the marshal for one day; 3 were committed to the Tombs prison for 1 day, 5 days, and 30 days, respectively; and in 2 cases the disposition was not reported.

Similarly, among the boys arrested for wearing uniforms unlawfully, the 3 before the children's court were dismissed. In 1 of the 13 cases before Federal courts sentence was postponed, the boy to report to a priest regularly; in 6 the child was placed in the custody of the marshal for one day; 14 children were placed in the Tombs prison, all for one week or less; and 2 were committed to the National Training School for Boys.

**Time between apprehension and disposition; detention.**

In these two districts the United States district courts are in session continuously, and for this reason there was little difference between the Federal and the State courts as to the length of time between arrest and disposition. The 3 cases in which final disposition was not made for a year or more were continued from term to term and then nol-prossed. Twenty-six of these 76 cases before the United States district courts were heard and disposition was made in less than one week from the date of arrest.

The length of time between apprehension and disposition for the 125 cases in which court action was taken is shown in the following list:

| | | |
|---|---|---|
| Total | | 126 |
| Before United States district courts | | 76 |
| Less than 1 week | 26 | |
| 1 week, less than 2 | 9 | |
| 2 weeks, less than 1 month | 7 | |
| 1 month | 6 | |
| 2 months | 6 | |
| 3 to 7 months | 4 | |
| 1 year and over | 3 | |
| Time not reported[4] | 15 | |
| Before the children's court and other State courts | | 50 |
| Less than 1 week | 21 | |
| 1 week, less than 2 | 21 | |
| 2 weeks, less than 1 month | 4 | |
| 3 months | 1 | |
| Time not reported | 3 | |

[4] Date of arrest was not reported in 5 cases; no disposition had been made in 5; date of disposition was not reported in 1; and 4 cases were continued from time to time, the child being on informal probation and final disposition not having been made.

Local ordinances of New York City require that no children under 16 years of age shall be placed in jail, and because of this ruling the children under 16 arrested for violating Federal laws were detained in the shelter maintained by the New York Society for the Prevention of Cruelty to Children and used by the children's court as a juvenile detention home. Boys over 16 were detained in the Tombs prison and in the Brooklyn city prison. Detention was reported in a total of 91 cases; 50 children were detained in jail, 38 in the shelter, and 3—all 15 years of age—for part of the time in the shelter and for the remainder in jail. Detention periods were comparatively short; 18 were detained for only one day or less, and only 4 for one month or over. Length of detention in the shelter or in jail is given below for the 91 cases in which the child was reported detained.

| | | |
|---|---|---|
| Total | | 91 |
| Shelter maintained by Society for Prevention of Cruelty to Children | | 38 |
| 1 day or less | 11 | |
| More than 1 day, less than 1 week | 13 | |
| 1 week, less than 2 | 11 | |
| 2 weeks, less than 1 month | 2 | |
| 1 month or more | 1 | |
| Both shelter and jail | | 3 |
| 1 week or less | 2 | |
| Not reported | 1 | |
| Jail | | 50 |
| 1 day or less | 7 | |
| More than 1 day, less than 1 week | 19 | |
| 1 week, less than 2 | 13 | |
| 2 weeks, less than 1 month | 7 | |
| 1 month or more | 3 | |
| Not reported | 1 | |

## MASSACHUSETTS.

### Number and types of cases.

No cases of juveniles committing Federal offenses other than postal were reported in Massachusetts, there being 57 children reported as violating postal laws. Of these, 26 were from Boston, and 31 from outside that city. Information was obtained from the Post Office Department in all except one case, which was reported by the Juvenile Court of Boston. Supplementary information from court records was obtained for only 14 of the Boston children, the 3 in Cambridge, and the 7 in Quincy.

### Types of courts and ages of children.

Because of the absence of probation facilities in the Federal courts the policy in the district of Massachusetts is to refer children violating Federal laws to the juvenile and other State courts having jurisdiction of juvenile cases. Of the 57 cases, 49 were thus referred, 5

were handled by the Federal authorities, and in 3 no court action was reported.

Of the 36 children reported from Boston, Cambridge, and Quincy, 28 were referred to juvenile courts, 1 to a municipal court, 2 to a State court in Suffolk County, 4 were handled by the Federal authorities, and no court action was reported in 1 case. All but 1 of the 21 cases reported outside these three cities were before State courts having jurisdiction over children's cases. The 5 boys whose cases were handled by the Federal authorities were all 16 or 17 years of age.

The age distribution of the children referred to juvenile and other State courts is as follows:

| | |
|---|---|
| Total | 49 |
| Under 10 years | 1 |
| 10 to 11 years | 8 |
| 12 to 13 years | 7 |
| 14 to 15 years | 18 |
| 16 to 17 years | 14 |
| Age not reported, but under 16 years | 1 |

**Dispositions.**

One of the three boys in whose cases no court action was reported was returned to the Connecticut Reformatory, from which institution he had escaped. Of the four cases handled by the Federal authorities in Boston, one was nol-prossed after indictment by the grand jury, one was dismissed by the United States commissioner upon the request of the United States attorney, one was continued by the commissioner for a month and a half pending the good behavior of the child and was then dismissed without further court action, and in one case the final disposition was not reported.

In 18 of the 29 cases from Boston, Cambridge, and Quincy, which were referred to juvenile and other State courts and reported as to disposition made, the boys were placed on probation, 6 being given a suspended sentence also; 1 boy was committed to the Massachusetts Reformatory; 3 were committed to the Industrial School for Boys at Shirley; 1 was sent to the Lyman School for Boys (a State training school); 1 was returned to the Home for Destitute Catholic Children; 1 was committed to the care of the Massachusetts State Board of Charity;[5] 3 were returned to the Suffolk School for Boys (a county institution for truants and delinquents, since closed); and in 1 case the disposition was not reported.

Nine children before State courts outside the three cities named were placed on probation, while 8 were committed to institutions,

[5] Now the Massachusetts Department of Public Welfare.

2 were returned to institutions without court action, and 1 case was dismissed by Federal and 1 by State authorities.

**Time between apprehension and disposition.**

The problem of the length of time between apprehension and disposition in cases of children violating Federal laws is not serious in Massachusetts, because almost seven-eighths of the cases were referred to the State courts, disposition being made for all but 10 of these within two weeks after arrest. Of the 5 cases handled by the Federal authorities, 1 was continued by the United States commissioner for almost two months and was then dismissed; the case which was nol-prossed was carried on the court records for a year before final disposition was made; 1 case was pending for a month; and in the 2 other cases the date of disposition was not reported.

## INDIANA.

**Number and types of cases, types of courts, and ages of children.**

The territory included under the jurisdiction of the United States District Court of Indiana comprises the entire State. From this district 24 cases were reported, 18 of which were presented to the United States District Court in Indianapolis; the remaining 6 cases were heard before State, circuit, and county courts outside Indianapolis. Only 3 children were reported arrested for offenses other than violations of postal laws, including 2 arrested for interstate-commerce violations and 1 for embezzlement of funds.

Eleven of the 18 children dealt with by the United States district court were known to have lived outside Indianapolis. All the 11 children had to be taken away from their place of residence for court hearing.

All but 6 of the children were 16 and 17 years of age; 5 were between 14 and 16 years, and 1 was 13 years of age.

**Dispositions.**

In Indiana the United States district judge handles juvenile cases informally, usually following the policy of continuing cases from term to term pending the good behavior of the child, and then having the case nol-prossed. Only 5 commitments were made by the district court; 4 were to the county jail in Indianapolis (3 for 6 months and 1 for 1 day only), the fifth being a sentence of 10 years to the United States Penitentiary at Atlanta, Ga. Following the usual procedure of continuing juvenile cases pending good behavior, this boy, who was 17 at the time of arrest, had been allowed to return to his home; but upon report by his mother that he was continually in trouble, he was returned to the court and the penitentiary sen-

tence was imposed. He had become 18 years of age before final disposition. The offense of which he was guilty was embezzlement of funds from the American Railway Express Co., which was taken under Federal control during the war.

Four boys were fined, and the cases of 8 children—7 boys and 1 girl—were nol-prossed after continuance, the children having been required to report to the court on dates set in the order for continuance; 1 case was nol-prossed because it was found that the wrong person had been indicted. In only 1 of the 6 cases reported before State courts was the child placed on probation. Three children were committed to the Indiana Reformatory, and 2 to the Indiana Boys' School.

**Time between apprehension and disposition; detention.**

The policy of continuing cases in the Federal court makes the time between apprehension and final disposition much longer than was found in other localities. But these cases are comparable with cases placed on probation by State courts, the nolle prosequi amounting to a dismissal order following a satisfactory probation period. In 3 of the 8 cases in which continuance pending good behavior was reported the child was practically on probation for 11 months, in 3 for 1 but less than 2 years, in one for 2 years, and in one case the length of time was not reported. The case of the boy mentioned above who was committed to the county jail for one day had been continued for a year before this final disposition was made. In 3 of the remaining 10 cases less than a month elapsed between arrest and final disposition; no report on this point was made in 3 cases.

In 4 cases before the State courts, disposition was made within one week from time of arrest; the interval was not reported in the 2 remaining cases.

Six children were reported detained pending trial, all in the county jail. No detention was reported in 6 cases, and in 12 cases no report was given as to detention. Federal prisoners were separated from other prisoners in the Marion County jail at Indianapolis, but no separation of juveniles from adults was made.

## NORTHERN DISTRICT OF ILLINOIS.

**Number and types of cases.**

The problem of juvenile Federal offenders in the Northern District of Illinois appears to be largely confined to the city of Chicago, though 18 counties are included in that district. Of the 108 cases reported, all but 6 involved residents of Chicago, and in these 6 cases the place of residence was not reported.

Almost all the Federal offenses committed were against the postal laws. Only 3 cases were reported of larceny from interstate com-

merce, 1 of unlawfully wearing a uniform, and 1 of selling liquor to sailors; in 2 cases the offense was not reported. "Stubbing" seemed to be more prevalent in Chicago than in any of the other cities visited. This practice doubtless accounted for the large number of juvenile Federal cases in Chicago during the two years, as half the postal offenders were arrested on that charge.

**Types of courts and ages of children.**

In Chicago juvenile Federal cases were dealt with almost exclusively by the Federal authorities, only eight having been referred to the juvenile court and two to the boys' court[6] during the two years.

A large majority of the boys from this district were 16 or 17 years of age, 81 being reported in that age group. Twenty-one were 14 or 15 years of age, 3 were under 14, and the ages of 3 were not reported though they were known to be under 18 years. Three of the 8 boys referred to the juvenile court were 11, 13, and 14 years of age, respectively; 4 were 15, and 1 was 16 years of age. Both boys referred to the boys' court were 17 years of age.

**Dispositions.**

Including the jail commitments, in almost half the 98 cases before the United States district court the boy was committed to an institution—2 boys to the National Training School for Boys, 14 to the Iowa State Reformatory at Anamosa, 4 to the St. Charles School for Boys at St. Charles, Ill., and 23 to county jails in Chicago and the vicinity. These jail commitments were mostly for 30 days, but some were for shorter or longer periods. Commitments to the Iowa reformatory were also for short terms, the longest being for 1 year, and the others for 60 days, 3 months, or 6 months. That the largest number of commitments were to county jails may be due to the distance from Chicago of the two institutions receiving juveniles from this district on Federal commitments—the National Training School for Boys and the Iowa State Reformatory. The jails in the counties immediately surrounding Chicago were used more commonly than Cook County jail (Chicago), though a few children were committed to the latter.

Of the 55 boys before the Federal court who were not committed to institutions, 6 were sentenced to remain in the custody of the United States marshal for a day, and 2 for 1 hour; fines were imposed upon 5; and 4 were dismissed, 3 by the United States commissioner and 1 after being held as a witness. One of the 3 dismissed by the commissioner was first released on bail for 60 days and was required to report to him periodically during that time.

[6] The Boys' Court of the Municipal Court of Chicago has jurisdiction over all cases of boys between the ages of 17 and 21 years.

In 18 cases presented to the grand jury, no indictment was returned, and the case was dismissed with no further prosecution; 4 of these boys were reported to have been held in jail by order of the United States commissioner for 30 days before the presentation of the case to the grand jury, not only as punishment but also as an object lesson to other boys. Up to the time when the records were obtained for this study, the final disposition had not been made in 20 cases; some of these cases were being continued from time to time, others had not come to trial.

Seven of the eight boys referred to the juvenile court were placed on probation, and one was committed for 30 days to the Chicago and Cook County School for Boys. One of the two before the boys' court was committed to the Cook County House of Correction, and one was placed on probation.

The 23 boys committed to jails, the 2 sent to the National Training School, and 11 of the 14 sent to the Iowa State Reformatory were 16 years of age or over.

**Time between apprehension and disposition; detention.**

In only 24 cases before the United States district court was final disposition reported to have been made in less than one month from the date of arrest. The periods between apprehension and disposition were as follows:

| | | |
|---|---|---|
| Total | | 108 |
| Before the United States district court | | 98 |
| Less than 1 month | 24 | |
| Less than 1 week | 4 | |
| 1 week, less than 2 | 8 | |
| 2 weeks, less than 1 month | 12 | |
| 1 month | 20 | |
| 2 months | 12 | |
| 3 to 5 months | 10 | |
| 6 to 10 months | 7 | |
| 1 year and over[7] | 3 | |
| Not reported | 22 | |
| Before the juvenile court or the boys' court | | 10 |
| Less than 1 week | 3 | |
| 2 weeks, less than 1 month | 1 | |
| 2 months, less than 3 | 6 | |

Detention in county jails was the only method used for the 59 juveniles detained by order of the Federal authorities; only 11 boys were reported not detained, and for 35 cases no information regarding detention was obtained. In a number of the last cases the records stated that the boys were remanded to the county jail in default of bond, but no report was obtained as to whether they were actually

[7] Two of these cases were given a hearing within 10 days and were continued to report to the United States attorney.

detained; bond may have been furnished early enough to prevent actual detention. Three of the boys before the juvenile court were detained at the Juvenile Detention Home, and 1 before the boys' court was detained at a police station. The largest number of boys detained were held for less than one week; 20 of the 34 so reported were detained for one day only. The length of detention for the 62 detained was as follows:

| | |
|---|---|
| Total | 62 |
| Less than 1 week | 34 |
| 1 week, less than 2 | 6 |
| 2 weeks, less than 1 month | 8 |
| 1 month, less than 2 | 4 |
| 2 months | 4 |
| 3 months | 1 |
| Time not reported [8] | 5 |

**Previous delinquency records.**

Information as to whether or not the boys reported in this district were first offenders was obtained for only 42 of the 108 children. Twenty-one, including 7 of the 8 before the juvenile court and the 2 before the boys' court, were first offenders, while 21 had been previously arrested. Of these, 9 were arrested once previously, 5 twice, 2 three times, 2 four times, and 3 were known to have been arrested but the number of times was not reported. Nine of the 21 previously arrested had been committed to institutions.

Twelve children before the United States district court were known to be first offenders, but in spite of this fact 10 were committed to institutions—8 to a reformatory and 2 to institutions for delinquent children; 2 were sentenced to one day in the custody of the United States marshal. Six of the 7 first offenders before the juvenile court were placed on probation, the seventh being sent for 30 days to the Chicago and Cook County School for Boys. Of the 2 boys referred to the boys' court—both first offenders—1 was placed on probation, and 1 was committed for 30 days to the Chicago House of Correction.

## ILLUSTRATIVE CASES.

The following brief histories of three boys, two of them brothers, who had previously been before the juvenile court, are cited to illustrate the need of facilities for social investigation in the Federal courts, the complicated procedure, and the long periods between arrest and disposition during which the child, if not subjected to the injurious influences of jail detention, is left in the community without supervision. Under juvenile-court procedure full informa-

[8] Includes three cases before the juvenile court and one before the boys' court.

tion concerning the social history could have been obtained, and prompt action have been taken for the correction of the child's delinquent tendencies and the protection of the public.

A 15-year-old boy was arrested by the Federal authorities on February 5, 1919, on a charge of stealing mail from hall letter boxes. A few months prior to this trouble the boy was before the juvenile court, and the investigation made at that time revealed that the mother was dead and that the father had neglected the family. There were six children in the family, the youngest of whom was in an institution for the feeble-minded. An 11-year-old girl was keeping house. Previous to her death the mother had been obliged, because of the father's neglect, to support the family. The father reported the boy to be incorrigible, running the streets at night and associating with boys who had a bad influence over him. On a later visit the probation officer found the boy boarding with a married sister. After the boy was arrested by the Federal authorities he was detained in jail for more than a month. The court procedure was as follows:

February 5. Arrested, and in default of bond placed in jail.
February 27. Indicted by United States grand jury.
March 6. Plea of not guilty entered. Bail fixed at $1,000.
March 11. Bail reduced to $500. Bonds filed for $500, and boy released from jail.
May 9. Cause set for trial May 12.
May 12. Bench warrant issued. Cause continued for trial to May 14.
May 14. Cause continued to May 16.
May 16. Trial proceeds.
May 19. Verdict of guilty by jury, with recommendations. Motion for new trial. Cause continued to June 2.
June 2. Motion for new trial. Cause continued to June 7.
June 7. Motion for new trial. Cause continued for sentence to September 15.
September 15. Cause continued to November 17 for disposition.
November 17. Cause continued 60 days to January 16, 1920, for disposition. No further action reported on docket.

Two brothers, 15 and 16 years of age, were indicted in February, 1919, on the same charge—that of stealing mail from hall letter boxes. The first boy had been arrested prior to indictment, but his brother was not arrested until May. The parents were dead. One boy lived with his maternal grandparents; the other, with his sister, had been living with the paternal grandparents, but had been turned out of the home and at the time of the trouble was living with an uncle. Both boys had been before the juvenile court for previous offenses, one having been dismissed by that court and the other having been placed under suspended sentence to the State industrial school. Subsequent to the Federal cases, the probation officer of the juvenile court reported that the boy had left his uncle's home and had not returned. Court procedure was as follows:

February 4. First boy arrested; placed in jail.
February 6. Removed from one county jail to another.
February 14. Released from jail.
February 27. Both boys indicted and bench warrant issued for the one not arrested. Bond set for first boy, $1,500.
March 6. Plea of not guilty entered for the first boy.
May 9. Cause continued for trial to May 16.

May 12. Bench warrants issued.
May 14. Cause continued for trial to May 16.
May 16. Second boy arrested.
May 16. First boy—plea of "not guilty" withdrawn, and plea of "guilty" entered.
May 17. Second boy—plea of "guilty" entered.
May 17. Trial of both boys proceeds.
May 19. Motion for new trial entered. Cause continued for hearing to June 2.
June 2. Motion for new trial. Cause continued to June 7.
June 7. Motion for new trial. Cause continued for sentence to September 15. Order entered canceling bond of first boy. Defendant released on own recognizance.
September 15. Cause continued to November 17.
November 17. Both boys fined $5, no costs.
December 30. Fine paid.

## CHAPTER V. GENERAL CONCLUSIONS.

### NUMBER OF CHILDREN VIOLATING FEDERAL LAWS.

This study has shown that throughout the United States during a two-year period 1,145 children under 18 years of age were arrested for violation of postal laws.[1] From the eight districts and the three institutions visited, 211 children were reported arrested during the same period for other Federal offenses—a number which undoubtedly represents only a small proportion of the total arrests for such offenses in the United States. During the two-year period, the yearly average number of children included in the two groups was 678; if complete data were available for the entire country the total yearly average under 18 years of age would without doubt be found to be nearly 1,000 and might exceed that figure. Of these, it appears that the majority are under the age of 16 years and that some are under 10 years of age.

Of the 1,145 children arrested for postal offenses, 1,091 were boys, there being only 54 girls. No girls were reported as violating other Federal laws.

The Federal offenses most frequently committed by juveniles are apparently violations of postal laws and regulations. Violations of interstate-commerce laws appear to come next in frequency; 94 of the 211 children known to have committed offenses other than postal had violated interstate-commerce laws.

With the exception of Idaho and Nevada, postal cases were reported from every State, the District of Columbia, Alaska, and Porto Rico. The largest numbers were reported from Illinois, New York, Massachusetts, California, and Pennsylvania, over 50 cases being reported for each.

Of the eight districts studied, Chicago and New York reported the largest number of cases, including postal and other types of offenses. For offenses other than postal violations, boys were reported committed to the National Training School from 21 States and the District of Columbia.

The largest numbers of children violating postal laws were reported as residing in communities of less than 10,000 population and in cities of over 500,000 population, 34.7 per cent of the 1,108 postal offenders reported by the Post Office Department residing in the former type of communities and 21.7 per cent in the latter.

[1] Including 1,108 reported to the Post Office Department and 37 not included in the records of the department but reported from other sources as violating postal laws.

Fifteen per cent of the children violating postal laws and reported by the Post Office Department were employed in the postal service, 33 being under 16 years of age. Adherence to the policy laid down by the Post Office Department, that young children, whose judgment and ability to withstand temptation are not fully developed, should not be employed in positions where they are intrusted with delivery of mail or with postal funds, would reduce the number of offenders against Federal laws.

Of the 1,356 cases included in this study, 121 were reported only by the National Training School for Boys or by the New York and Iowa State reformatories, and all these were tried by United States district courts or by courts in the District of Columbia.[2] Of the remaining 1,235 cases, 758, or 61.3 per cent, were tried by United States district courts; 375, or 30.4 per cent, were taken before juvenile and other State courts; 8 cases were tried first by United States district courts and were then transferred to juvenile courts; court action was not reported in 15 cases; and in 79 cases no court action was taken.[3]

## METHODS USED IN CHILDREN'S CASES BY FEDERAL AUTHORITIES.

The fundamental concept of the juvenile-court movement is that children should not be held criminally responsible for their misconduct, but that they should be afforded protection, care, and training, within or outside an institution and should be safeguarded from contact with adult offenders. This principle has not been applied in the Federal courts, in which the chancery procedure has not been substituted for the criminal in children's cases, nor the criminal procedure modified. Thus, the proceedings are formal and frequently include several preliminary hearings followed by grand-jury action and public trial, while long delays are often occasioned by crowded calendars, absence of continuous session, and the distance of the court from the child's place of residence. Further difficulties are found in lack of facilities for discovering what kind of child is being dealt with, his past experience and his possibilities of development, and in the inability of the court to suspend sentence, place on probation, and supervise the child in the community. During the long periods frequently occurring between the apprehension of the children and the disposition of their cases, the children must often be kept in detention—and jail detention is the form most frequently

[2] For the purpose of comparing the numbers heard by Federal and by State courts these cases have been excluded, since their inclusion would overweight the proportion tried in Federal courts.

[3] Cases were included as having had court action if a preliminary hearing was held by the United States commissioner, regardless of the action taken by him. Cases dismissed by the United States attorney without further hearing were considered as having had no court action.

used by Federal courts. Holding children of tender years in jail, where they are terrified by the experience and subjected to contact with adult criminals, leaves an impression not conducive to normal development or good citizenship, that is difficult if not impossible to eradicate.

Moreover, the Federal courts are at present limited with reference to the institutions to which they may commit children. The national training schools for boys and girls, in the District of Columbia, are the only Federal institutions especially adapted to the care of delinquent children. Federal authorities in distant States are frequently reluctant to send children so far away from home, such a disposition often inflicting great suffering on both parents and child. On the other hand, the institutions nearer home with which the United States Government has made arrangements for the care of Federal offenders are frequently institutions designed primarily for adult offenders and are conducted as prisons with cell blocks and prison discipline. The younger children committed to these institutions are subjected to a program not adapted to their training and are in contact with older offenders. The officials sometimes make an effort to modify the régime in favor of a young child—keeping him in the office of the institution during the day, for instance—but such practices can be only sporadic and of doubtful success.

An essential feature of the juvenile-court system is that a finding of delinquency does not constitute a conviction of crime, and that juvenile records, therefore, do not stand as criminal records. In the Federal courts the children found to have committed the offenses with which they are charged thereby stand convicted of crime, and suffer throughout life from the disqualifications consequent upon a criminal record.

Many judges, commissioners, attorneys, and post-office inspectors were found who recognized that the usual procedure was not adapted to the handling of children's cases; and, moreover, the statement was sometimes made that grand juries were very unwilling to return indictments in these cases. Under a more or less rigid legal system, when there exist in any particular case unusual circumstances, such as the extreme youth of the offender, one of three courses may be followed: (1) The imposition of the penalty fixed by law, sometimes in spite of doubt in the minds of the authorities as to whether such disposition is in accord with real justice; (2) the dismissing or nolprossing of the case or refusal to indict, the authorities taking no steps to correct the offender or to safeguard society; and (3) the use of various expedients not specifically provided by law, which it is hoped will more nearly achieve justice, the correction and training of the offender, and the protection of the community. Many in-

stances of the adoption of such expedients have been cited in this report. They range from immediate reference of the case to juvenile courts by post-office inspectors and United States attorneys to the use of informal probation by the Federal authorities themselves, prior to the hearing or pending continuance on condition of good behavior. They also include short-term jail sentences and such nominal sentences as small fines and sentences to one day in the custody of the United States marshal. Except the reference to juvenile courts, none of these methods of handling children's cases is satisfactory, because the authorities have no facilities for ascertaining the necessary facts about the child and his environment, nor the means for the intensive supervision and reconstructive work essential to treatment of delinquents in the community.

Following is a comparison of the usual procedure in a well-organized juvenile court and in a United States district court, leaving out of consideration expedients sometimes used by Federal authorities:

| Juvenile-Court Procedure. | United States District-Court Procedure. |
|---|---|
| *1. Initiation of case.* | |
| Complaint and summons, except in cases of summary arrest. | Arrest upon warrant, or summary arrest. (In some cases arrest follows instead of preceding indictment.) |
| *2. Period between initiation and court action.* | |
| Prompt court action (within a few days or a week). | Frequently weeks or months elapse before final court action. |
| *3. Care pending court action.* | |
| Release to parents on personal recognizance, or detention in detention home for children. | Release on bond or detention in jail. |
| *4. Preliminary investigation.* | |
| Thorough investigation, including:<br>Physical examination.<br>Mental examination.<br>Personal history (schooling, recreation, habits, companions, etc.).<br>Home conditions.<br>Family history. | Investigation confined mainly to ascertaining whether or not child committed the offense. |
| *5. Court action.* | |
| Hearing—private, informal, without jury. | Preliminary hearing before commissioner.<br>Presentment to grand jury, or direct to court on information filed.<br>Trial—public, formal, often with jury. |

| Juvenile-Court Procedure — Continued. | United States District-Court Procedure—Continued. |
|---|---|
| *6. Disposition of case.* | |
| Dismissed or filed, if child not in need of protection or discipline, *or*<br>Probation, *or*<br>Placement in care of child-placing agency, *or*<br>Commitment to special institution for care of juvenile delinquents. | Dismissed, or nol-prossed, *or*<br>Fine, *or*<br>Jail sentence, *or*<br>Commitment to National Training School (District of Columbia), *or*<br>Sentence to reformatory or penitentiary (State or private institutions for delinquent children are available to a few United States courts). |
| *7. Follow-up care.* | |
| For children on probation by trained probation staff. | No provision. |
| *8. Effect of adjudication.* | |
| Juvenile-court record does not constitute a criminal record. | Conviction of crime. |

## POSSIBILITIES FOR MORE ADEQUATE TREATMENT.

Two possibilities suggest themselves for providing a procedure better adapted to the handling of Federal cases involving children: First, a definite system of reference to State courts, preferably at the beginning of the case; and second, the establishment of a Federal probation system, accompanied by certain other modifications of the Federal procedure in children's cases, so that an informal chancery procedure will be possible.

### Reference to State courts.

Juvenile-court organization is constantly being extended, and State-wide systems are being developed, under which rural as well as urban communities have available court organizations especially adapted to children's work. Even where juvenile courts are not fully developed, the State courts having jurisdiction over children's cases have the advantage of prompt action and usually have some means for probationary supervision.

The practice of referring children's cases to juvenile or other State courts is already followed to a considerable extent. Almost a third of the cases reported by the Post Office Department during the two-year period were so referred. In one district, children violating Federal laws were frequently sent, immediately after arrest, to the house of detention maintained by the juvenile court. The superintendent of the home, who had the power to place juvenile de-

linquents on informal probation, dealt with these Federal offenders in the same manner as with juvenile court cases.[4]

A regular system of reference of children's cases to State courts, under uniform rules, would be much more effective than the method now followed at the discretion of the authorities in some districts.

**Modification of Federal procedure in children's cases.**

Prior to December, 1916, Federal judges had always used their discretion in placing offenders on probation.[5] In that month the Supreme Court of the United States held that Federal judges had no legal power to place offenders on probation except in the District of Columbia. Immediately thereafter, in February, 1917, a bill providing for probation, for adults as well as for juveniles, was passed by both Houses of Congress but did not receive the President's signature. In the course of hearings on probation bills introduced in the House of Representatives in 1920, the author of one of the bills presented letters from 49 Federal judges, of whom 43 were in favor of the plan. One judge wrote:

> I have your letter of December 12 asking me for my opinion as to the wisdom of a probation system in the Federal courts. It is indeed not only wise but an absolute necessity for any effective administration of justice. At present in the case of juvenile offenders a judge's position is most unsatisfactory. The Supreme Court has forbidden any suspension of sentence, and except through a colorable evasion the judge is bound to deal sentence then and there. If he imprisons the juvenile for a period he does two bad things; he does his best to take away any chance which the offender may still have for recuperation by throwing him into the worst possible surroundings, and he takes away his only hold over him, as his jurisdiction terminates when the sentence has expired. The result violates the judgment of all competent penologists, I think. We need in the first place some power to suspend sentence.

The judge goes on to express his opinion that voluntary probation officers could be obtained to carry out the work of supervision.[6]

The bills introduced in 1920 were not enacted into law, and in April, 1921, a bill (H. R. 4126) was introduced relating to the parole of United States prisoners and providing for a probation system in the United States courts. This bill was also referred to the Committee on the Judiciary, and hearings were held on May 31. It differs from the 1920 bill, referred to in the letter cited above, principally in respect to compensation of probation officers. The latter bill provided that the judges appointing a probation officer might determine whether a salary was to be paid and the amount of the salary, and that salaried officers should be under civil-service regulations. The

[4] See p. 50.

[5] See p. 5.

[6] "Probation system in the Federal courts: automatic parole." Hearings before the Committee on the Judiciary, House of Representatives, 66th Cong., 2d sess. Serial No. 20, p. 8. Government Printing Office, Washington, 1920.

bill now before Congress provides that probation officers shall serve without pay. The main provisions relating to probation are as follows:

*1. Appointment of probation officers.*—Courts of the United States having original jurisdiction of criminal actions, except in the District of Columbia, shall appoint as many probation officers, male or female, as occasion may require, such officers to serve without compensation.

*2. Cases in which probation may be applied.*—After a plea of guilty or nolo contendere, or after conviction, the imposition or execution of sentence may be suspended and the defendant placed upon probation in any case except those involving treason, homicide, rape, arson, kidnaping, or a second conviction of a felony.

*3. Period of probation.*—Original period of probation, together with extension thereof, shall not exceed five years.

*4. Conditions of probation.*—Probationer shall be provided with a written statement of the terms and conditions of probation; he shall observe the rules prescribed for his conduct and report as directed. He may be required to pay a fine, to make restitution or reparation, and to provide for the support of any person or persons for whose support he may be legally responsible.

*5. Preliminary investigations.*—Investigations shall be made by the probation officers in all cases referred to them by the court. They shall make recommendations to the court to enable it to decide whether or not the defendant ought to be placed on probation.

*6. Supervision of probationer.*—Probation officers shall keep informed concerning the conduct and condition of each probationer under their supervision. They shall use suitable methods to aid persons on probation and to bring about improvement in their conduct and condition. They shall keep records of their work and report to the court from time to time concerning all cases in their care.

*7. Release from probation.*—Upon expiration of the term of probation, or when directed by the court, the probation officer shall report to the court, with a statement of the conduct of the probationer. The court may discharge the probationer from further supervision, or may extend probation.

*8. Modification of the terms of probation, and revocation of the probation order or of suspension of sentence.*—At any time during the probationary term the court may modify the terms and conditions of probation, or may terminate probation, discharging the probationer, or may cause the probationer to be arrested and brought before the court. At any time after the probation period, but within the maximum period for which the defendant might originally have been sentenced, the court may cause the defendant to be arrested and brought before the court. In either case, upon causing the probationer to be brought before the court, probation or suspension of sentence may be revoked and sentence imposed.

The bill applies to adults as well as to juveniles, and does not take cognizance of the peculiar problems involved in the handling of children's cases. Moreover, it does not provide for paid probation service, which has been found to be essential to effective work with children. But the passage of the bill would enable the Federal courts to utilize the professional probation service which has been developed in connection with State courts. To the extent to which

such cooperation between Federal and State courts could be effected the provisions of the bill would make it possible for United States district courts to be informed concerning the character of the children before them and the kind of disposition that would best protect the interests of the children and the general public. The courts would also have means of supervision and constructive help for children placed on probation.

Except for such amelioration as probation officers might be able informally to effect, there would still remain the disadvantages involved in the length of time between apprehension and final action, jail detention, formal procedure and public trial, and the disqualifying effects of a criminal record. It would doubtless be possible, through cooperation with the State courts, to secure to the children the benefits of special facilities for detention pending hearing and for intensive study through such diagnostic clinics as exist for the purpose of giving physical and mental examinations. Such cooperation with the States might also make available for the use of the Federal authorities more institutions especially designed for the care of delinquent children who can not safely remain under supervision in the community.

The difficulties of delayed hearings, formality and publicity, and criminal record could not be met except by further specific legislation.

It is evident that the possibilities of adapting Federal court procedure to children's cases are limited, and that because of the relatively small number of such cases before any one Federal court, cooperation with State courts and utilization of their resources seem to be essential. It is probable, therefore, that the simplest, most practicable, and least expensive plan for the proper handling of children's cases involving violations of Federal laws would be the first suggested in this chapter—the development of a definite system of reference to State courts, at least for certain types of Federal cases involving children.

Whatever plan may be adopted, the same fundamental principles governing court procedure in children's cases must be followed if the children are to be saved the suffering and disastrous results involved in the criminal procedure in juvenile cases. Perhaps of equal importance from the standpoint of public welfare, child offenders whose cases are now dismissed or nol-prossed, or who receive nominal sentences through a desire to avoid unjust or harsh punishment, could then be given the protective care that would prevent future delinquency.

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