



PennState
Dickinson Law

DICKINSON LAW REVIEW
PUBLISHED SINCE 1897

Volume 60
Issue 1 *Dickinson Law Review - Volume 60,*
1955-1956

10-1-1955

A Proposed Approach to the Crime Problem

Frank W. Ruth

Follow this and additional works at: <https://ideas.dickinsonlaw.psu.edu/dlra>

Recommended Citation

Frank W. Ruth, *A Proposed Approach to the Crime Problem*, 60 DICK. L. REV. 85 (1955).
Available at: <https://ideas.dickinsonlaw.psu.edu/dlra/vol60/iss1/10>

This Article is brought to you for free and open access by the Law Reviews at Dickinson Law IDEAS. It has been accepted for inclusion in Dickinson Law Review by an authorized editor of Dickinson Law IDEAS. For more information, please contact lja10@psu.edu.

A PROPOSED SCIENTIFIC APPROACH TO THE CRIME PROBLEM

By

HON. FRANK W. RUTH*

The lengthening shadow of crime — and particularly organized crime — falls upon us all. Its cost in terms of public expenditure, private loss, physical disability and sudden death defies all efforts at calculation. Above and beyond such concrete losses is the social disintegration which occurs under the continuous impact of criminal operations. Unless successfully checked, crime destroys the whole fabric of society, and degrades the malefactor and the innocent alike. Ultimately, crime forces control the operations of government itself, and when that occurs the law-abiding citizen is left helpless before criminal attacks. Popular self-government cannot long survive such ills, and eventually succumbs. That has been the experience of other lands than ours, and of other civilizations than ours. We can and must profit by their unhappy example.

Every court called upon to pass sentence upon defendants and then to deprive them of their liberty or restrain them in the exercise of it has been confronted with the lack of sufficient facts regarding the various individuals to enable a proper discharge of that responsibility.

It has been the opinion of many judges, district attorneys and many others, experienced in this field, that the administration of criminal law has been out of line with the general scientific advancement in medicine, psychology, psychiatry and other fields of scientific endeavor.

It was with this idea in mind that many of the larger cities in the United States have sought the medical and psychiatric approach to a solution of the crime problem. These methods have been called "Behavior Clinics," "Classification Clinics," "Medical Clinics," "Guidance Institutes" and other similar names and have been established and operated with excellent results in New York, Chicago, Boston, Baltimore, St. Louis, Milwaukee, Pittsburgh, Reading and other large cities. The experience of these clinics may well be used as a guide in considering the subject from a legislative standpoint.

Senate Bill 77, which is now before the Committee on Judiciary General, would authorize the judges of the court of common pleas to create medical clinics for the physical and mental examination of:

- (1) persons charged with the commission of criminal offenses,
prior to trial
- (2) convicted persons, prior to the imposition of sentence
- (3) children charged with delinquency.

Specifically, the bill provides that:

"Section 1

* Member of the General Assembly, Senate, D. D. Gettysburg College 1950.

In each county the judges of the courts of common pleas are hereby authorized, if a majority of members thereof deem it desirable, to create a medical clinic to examine and report upon the mental and physical condition of persons charged with or convicted of a criminal offense, or a child * * * charged with delinquency.

Such examination shall be made when requested by the court and a report thereof shall be presented to the trial or hearing judge prior to the trial or hearing or prior to the imposition of any sentence upon or commitment of any such person or child. A copy of such report may, in the discretion of the court, be made available to the district attorney and the defendant or his attorney, but if such discretion is exercised in favor of one, it shall be exercised in favor of both. Such report may be used by the judge to assist him in determining the mental condition of the accused, the sentence to be imposed, or the disposition to be made of the case.

Section 2

The medical clinic shall examine each such person or child when requested by the court in an effort to ascertain whether either or both the physical or mental condition of such person contributed directly or indirectly to the commission of crime, or in the case of a child, to delinquency; whether such person or child is mentally competent to defend himself at trial or hearing, and shall recommend the curative or corrective treatment available to such person or child so as to lessen the possibility of the commission of unlawful acts by such person or child.

Section 3

No examination of any person charged with the commission of a criminal offense shall be made prior to his trial without the consent of such person.

Section 4

Any such person may have an examination either prior to the trial or prior to the imposition of sentence upon giving forty-eight hours' notice thereof to the district attorney. If the district attorney fails to object to the examination it may be had forthwith. Otherwise such examinations shall be allowed only upon the approval of the court.

Section 5

If a medical clinic is created under the provisions of this act, the appointees thereof shall include one psychiatrist and one medical doctor. . . ."

I have introduced this bill and similar bills in other sessions of the Senate because I believe that the scientific approach to the problem of crime has received general favorable comment and has been obtaining excellent results in the various jurisdictions where established.

While the clinics in this state connected with the criminal courts have been created under existing law, controversies have already arisen. Ample authority appears to exist for the creation and maintenance of these clinics under the present law. Nevertheless, I feel that we should have a clarification of the situation, so that clinics may be established in the larger centers of population if the courts in those communities desire to avail themselves of their advisory function.

I also believe that legislation which will permit smaller counties to use the services should be passed to permit these counties to consolidate their efforts in a district clinic to be maintained by the counties joining in such consolidation.

If I were to set the clinics, I would give the following classes of cases preference:

- (1) First Offenders
- (2) Obviously Mental Cases
- (3) Defendants in Sex offences
- (4) Alcoholic and Narcotic Cases.

I am convinced that many persons make their first appearance in the criminal court because of some mental defect or disorder, which, if scientifically detected, may be properly treated and corrected. As a result, the individual may be saved from a career of crime. Thus society will have restored to it as a law-abiding citizen, an individual who might otherwise have become a burden and a charge upon the community.

Sex crimes invariably result from some mental aberration. Such cases call for special scientific consideration, not only to attempt to reclaim the individual, if possible, but also to prevent him becoming a contaminating influence on society.

As soon as we can establish these clinics generally, and then use them properly, we will begin to save not only untold amounts of money, but far above that, untold numbers of human lives and heartaches and suffering.

