

It is, as Dr. Healy, famous for his psychopathic work, both in Chicago and Boston, reminds us, fundamental

"that any court handling an offender should have direct jurisdiction over the contributing agencies to his offence. The greatest travesties in justice occur through this omission, found almost everywhere. The failure to do justice to the total situation involved in the case betokens the utter weakness of this branch of social effort. The conveying of a complaint and of evidence to another court, to be tried perhaps weeks hence, without the ultimate knowledge of the facts concerning the primary offender and his case, is psychologically and practically a very weak proceeding.

"There are many other fundamental needs in criminal procedure which members of the legal profession see, but the above are matters of organization where decisive human factors are not taken into account.

"The judge must make the decision as to the precise form of sentence. In making this choice his highest consideration must, of course, be the interest of society as a whole. He must endeavour to select that form of sentence which will most surely prevent a repetition of offences on the part of the convicted delinquent. But to make that choice he must know what kind of an individual he has to deal with, as different types react differently to the various forms of punishment and restraint. What would eminently suit the case of delinquent A. might prove entirely wrong as treatment for B.

"Right here is where psychopathology comes to the assistance of the Court. The precise type of psychosis is exceedingly important in the case of every deficient prisoner. And it should be noted that there is no personal interest on the part of the delinquent which is opposed to the public interest. The judge does not have to choose between duty and sympathy. That decision which best serves the public welfare invariably is best for the individual delinquent. It is not merciful to release a delinquent who stands no chance to wage a successful battle, for he is certain to get into the toils of the law again in a short time. The only consideration is as to the kind of sentence which will best avail to keep him out of trouble, whether it be probation, with effective aid from competent friends and relatives, or incarceration in an institution selected to meet his individual requirements."

Dr. Healy here touches upon a feature of great importance, namely, the futile way in which the Courts deal with those known as "repeaters" or "recidivists", i. e., those who have served one