

Can. 12
Case No 921

REPORT

ON

The Treatment of Neglected Children in Toronto

BY

CHIEF INSPECTOR ARCHIBALD

Toronto Police Force



TORONTO: ARCADE PRINTING CO.

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INTRODUCTION.

This Report of Chief Inspector Archibald on the subject of delinquent children and the method of dealing with them in Toronto has been ordered to be published by the Police Commissioners, who are of opinion that comparatively few people are aware of what Toronto has been doing in this respect for many years past, and what beneficial results have accrued from the mode of treatment adopted towards children whose conduct has brought them to the notice of the Police authorities.

There is an impression abroad in some quarters that legislation is required to deal with such cases in a different way, and to follow the plan adopted in some cities in the United States, namely, to turn them over to the control of a separate court and set of officials specially appointed for the purpose. Such an expensive innovation is quite unnecessary as will be seen from reading the report of the Chief Inspector, an officer who has been for more than twenty years practically charged with the duty of directing the measures to be taken by the police with regard to neglected children.

H. J. GRASETT,

Chief Constable.

TORONTO, July, 1907.

REPORT.

July, 1907.

THE CHIEF CONSTABLE,
TORONTO.

Re PROPOSED LEGISLATION FOR DEALING WITH JUVENILE OFFENDERS.

SIR :

In accordance with your instructions directing me to furnish a report, for the information of the Police Commissioners, upon the manner of dealing with Juvenile Offenders that has prevailed in Toronto for many years past, I beg to submit the following :

Some twenty years ago what is known as the Staff Department of the Toronto Police Force was organized for the purpose of dealing, among other matters, with neglected children, and having been in charge of the Department since that time I have been in a specially favourable position for observing the results and effects of the course pursued by the Police Magistrates, Children's Aid Society, Salvation Army, and other agencies in the treatment of youthful delinquency. This class of work has been carried on in a manner as free from publicity as possible in order that the private concerns of families should not become matters of public notoriety. The wisdom of this policy will be manifest from the fact that the great majority of cases dealt with are of a private and extremely delicate nature, any allusion to which, even by implication, might be very hurtful to the many families and individuals assisted and benefited. The great majority of these cases are not only kept out of Court but are kept strictly private. Hence a certain amount of mystery has intentionally surrounded much of the Department's work,

JUVENILE LEGISLATION

In view of recent agitation for the establishment of another Children's Court in Toronto and the application to the Board of Control for funds for that purpose, it is only fair that I give a somewhat detailed account of the *modus operandi* in dealing with this branch of the Department's work, including not only the different grades of minors from the infant up, but also all classes of adults, which come under the Department's supervision. Before doing so, however, let me remind you that the Ontario Government appointed a Royal Commission in 1890 for the purpose of collecting information regarding prisons, houses of correction, reformatories, industrial schools, etc. On the 8th April, 1891, the result was submitted in a report to the Lieut.-Governor, by reference to which, on pages 701 to 708 inclusive, you will find my views set forth in detail. You will also find in the special report of the Commissioners the major portion of my answers to their questions. A portion of this report was embodied in subsequent legislation popularly designated the "Gibson" Act, for the protection of neglected and dependent children. From this Act emanated the Children's Aid Societies, first in Toronto, and from thence to other cities and towns in the Province. It goes without saying that I have been in close touch with this work from its inception, until promoted to the office of Chief Inspector a few months ago.

I cannot too strongly emphasize the necessity for the enactment of drastic measures for the protection of the home, wife, mother and children from cruel and brutal treatment at the hands and feet of the drunken husband and father, which treatment, after all, lies at the root and is responsible for three-fourths of the neglected and dependent children falling into our hands.

Possibly I have been too radical in my advocacy of drastic measures in the interest of this class of neglected children, as I believe that the degraded and brutal parents of such children ought to be outlawed and should forfeit all claims to citizenship.

In fact, it becomes criminal to allow children to exist, suffer and die amidst such vile surroundings and environments. I hold that the state is in duty bound to give such children a chance for their lives, but I would here offer a word of warning regarding the treatment of this class of children. After the state, represented by the Children's Aid Society, and other governmental and municipal officers, becomes charged with their care a grave responsibility has been assumed. Let us, therefore, be careful and guard against the superficial and sentimental faddists who seek to take advantage of the popularity of this child-saving propaganda to work upon the sympathies of philanthropic men and women for the purpose of introducing a jelly-fish and an abortive system of law enforcement, whereby the judge or magistrate is expected to come down to the level of the incorrigible street arab and assume an attitude absolutely repulsive to British subjects. The idea seems to be that by the profuse use of slang phraseology he should place himself in a position to kiss and coddle a class of perverts and delinquents who require the most rigid disciplinary and corrective methods to ensure the possibility of their reformation. I would go further and affirm from extensive and practical experience that this kissing and coddling, if indiscriminately applied, even to the very best class of children, would have a disastrous effect, both physically, mentally, morally and spiritually.

All honor to the philanthropists (and their name is legion) who spend time and money in earnest effort to save the boys and girls, but I have no use for those who would attempt to take advantage of a great popular wave of national sentiment for selfish ends. We may have been benefited in some respects because of contact with our neighbors to the south of us, but certainly not on the line of criminal law enforcement. It is a self-evident and well-known fact that our system of jurisprudence, though not perfect, leads the civilized world.

Therefore we should be slow to introduce or tolerate any fad likely to bring it into disrepute and make it a byword such as would not only breed contempt, but ultimately lead in the last analysis to "might becoming right," with every man a law

unto himself, and the substitution of Judge Lynch for our world-renowned judiciary.

The establishment of another juvenile court in this City as proposed would not only result in a large and, in my opinion, unnecessary expenditure of public money, but also a very great amount of confusion, arising out of dual machinery in the enforcement of law, and it appears that Toronto is not the only city in the British Empire where the wisdom of the proposal is questioned, as the following extract, taken from the last Annual Report of the Chief Constable of Liverpool, England, will show :

“There is much vague talk about Children’s Courts and Probationary systems, but it is to be hoped that sentiment will not be allowed to swing the pendulum over too far. If a new influence over the rising generation is to be of any value, it must, as well as being consistently judicious and kind, be consistently strict and severe when severity is necessary. The treatment of offenders, though it ought to be educational and reformatory, must not altogether lose its punitive nature.”

“I am not, merely because I am a policeman, prepared to say that the divorce of the police from the probationary treatment of juveniles, as it is being tried in one special case, is a mistake, but I do say that keeping the police and the administration of the criminal law for use only in cases where a probationary system fails, destroys two useful lessons which are taught by doing this work through the police, as it is done here : the first, to the poor, and especially to the children of the poor, that the agents of the law are their friends even if they do get into trouble, and the second to the police, that their preventive duties are their most important and effective ones.”

INFANTS

After the institution of this Department it was found that there was an alarming number of infanticides, also much suffering, and a heavy mortality among certain classes in the City. Many of these cases were caused by unfortunate girls

from every quarter coming to Toronto, for the purpose of hiding their shame and getting rid of their illegitimate offspring. This was accomplished by the assistance of questionable maternity homes and disreputable baby farms. For example: having received information that several deaths had taken place in a house of this kind I visited it and found the conditions most unsanitary and revolting. It was a veritable slaughter house of the innocents, seven deaths having taken place in it within a short period. As a result of a thorough investigation an Act was passed authorizing the Police Department to license and inspect all such houses. The Maternity Act was subsequently passed, and both are mainly under the supervision of the Medical Health Officer of the City with a medical man as Inspector. The crime of infanticide and child desertion has thus been reduced to a minimum. This condition has been materially aided by the authorities of the Infant's Home and other societies, and it is very difficult for any person, parent or otherwise, to illtreat a child of any age, and keep it private, as no citizen now fears exposure or trouble for having communicated information to the Department, by which all complaints are promptly attended to without the informant's name being divulged.

NEGLECTED AND DEPENDENT CHILDREN

The Children's Protection Act of Ontario provides ample machinery for dealing with this class of children.

The procedure in the Children's Court may be summarized as follows :

Children under the age of sixteen years who are charged with offences against the law, and who are brought before the Police Magistrate, are not confined in the cells or dealt with as ordinary criminals, nor are they tried in the Police Court, but are tried in a separate room not connected with the Police Court, and all persons are excluded from the room during the trial or examination other than the counsel, witnesses in the

case and immediate friends or relatives of the child or officer of the Children's Aid Society. In fact, no trial or examination takes place before the magistrate until such time as the parent, friend or guardian, or officer of Children's Aid Society is present.

Since the organization of the Department over one thousand children under sixteen years of age have passed through its hands annually, and it is worthy of note that not one of these was sent to jail. Any child arrested is either sent home with its parents or to the Children's Aid Shelter, the Superintendent of which becomes responsible for its production in the Children's Court when required. After full investigation and proof of the offence charged, if it appears to the magistrate that the interest of the child will be best served thereby, an order is made for the return of such child to his or her parents or guardians, or to the Children's Aid Society, until such time as the case is finally determined. ¹¹ And, moreover, in all cases of apparent neglect of the child on the part of parents or guardians coming to the knowledge of the magistrate, the home of such child is visited by an officer of the Children's Aid Society and a report furnished of home surroundings, habits of parents, etc., when the magistrate may, without making a conviction, order the child to be placed under the care of an officer of the Children's Aid Society, from whom a report is required from time to time concerning the progress and welfare of the child, and it is the imperative duty of such officer to take a personal interest in the child so as to secure its reformation and assist it to return to a respectable life.

If the magistrate, after such consultation and advice, and upon consideration of any report so made, is of the opinion that the best interest of the child will be served thereby, then, instead of committing the child for trial or sentencing him as the case may be, he may, by order, authorize the officer of the Children's Aid Society to take the child under the provision of the law of Ontario and bind him out to some suitable person until he has attained the age of twenty-one years, or place the child in some approved foster home, or suspend sentence for a

definite or indefinite period, or if the child has been found guilty of the offence charged and is shown to be wilfully wayward and unmanageable, commit him to a certified Industrial School.

The following is an aggregate of children dealt with by the Children's Aid Societies of Toronto during the past fourteen years :

Protestant	17,565
Roman Catholic	5,626
Total	<hr/> 23,191

TRUANCY AND COMPULSORY ATTENDANCE AT SCHOOL ACT

This Act was drafted by the Minister of Education, and came into force January 18th, 1893, when the rules for the direction of the truant officers were prepared by this Department and approved by the Minister who subsequently embodied them in a circular for the benefit of the Province as follows :

RULES FOR THE DIRECTION OF THE TRUANT OFFICERS.

1. Each truant officer shall keep a record of all cases reported to him or investigated by him.
2. Each truant officer shall perform his duties under the direction of the Police Commissioners.
3. Each truant officer shall endeavour to procure the attendance at school of all children of the district assigned to him, between 8 and 14 years of age, visiting them at their homes or places of employment, or looking after them in the streets for this purpose, and he shall by persuasion and argument both with the children and their parents or guardians, and by other means than by legal compulsion, strive to secure such attendance.
4. When a truant officer shall be unable in the district assigned to him, to procure the attendance at school of any child who is an habitual truant or who is required by the pro-

visions of the law to attend school, it shall be the duty of such officer after due notice to make or cause to be made a complaint as provided by Section 9 of the Act.

5. When the truant officers are required by the inspector or by a trustee or ratepayer to enquire into the absence of pupils suspected of truancy, the officers shall take the action required by Section 8 of the Act, and shall report on such cases as soon as possible to the Inspector of Schools, and the results of their investigation shall be included in the truant officers' reports to the Commissioners of Police.

6. The truant officers shall be furnished with lists of the pupils transferred to the schools in their districts, and it shall be their duty to see that said pupils are registered in the schools to which they have been transferred within seven days of their removal.

7. The truant officers shall call daily at the office of the Inspector of Schools to collect cards, and communications from the Principal of Schools or other correspondents.

In the enforcement of this Act, not only were carried out these rules but also the spirit and letter of the Act itself, the mode of procedure being as follows: Upon receipt of complaint from any source by the truant officer he at once calls on the parent or guardian of the boy or girl and investigates the cause of complaint, when, if the explanation is not satisfactory, he remonstrates and advises as the case demands. If the boy is then not returned to school an official notice is served on the parent or guardian. A copy of such notice is as follows:

POLICE HEADQUARTERS,

OFFICE OF STAFF INSPECTOR,
CITY HALL,

TORONTO, 190

To.....

You are hereby notified as required by the "Truancy and Compulsory School Act," 54 Vic. Chap. 56, Secs. 8, 9 and 10, that your child.....aged.....has not attended

school for days during the present school term ; that you are required to cause your child to attend some school within 5 days of this notice ; and that in default of compliance with this notice you are liable upon conviction to a fine of not less than \$5 or more than \$20, and to be required to give bonds in the penal sum of \$100 ; that you will cause said child to attend some school within 5 days thereafter, and to remain at school as required by said Act.

Yours respectfully,

.....
Staff Insp. T.P.F.

This notice usually brings the parents or guardian to the office, where is pointed out not only the necessity for compliance with the law, but also their parental and moral obligations.

As a last resort the parent or guardian is brought into the Police Court where they are not only judiciously dealt with but kindly advised by the magistrate, who invariably adjourns the case from week to week, giving ample time for compliance with the law. But if still contumacious a fine is imposed, or as an alternative the child is sent to the Children's Aid Society's Shelter for discipline, where he is kept one, two or three weeks, and if conditions still continue unsatisfactory he is either made a ward of the Children's Aid Society and sent to a foster home in the country, or sent to a certified Industrial School for an indefinite period. The approximate aggregate of truants dealt with by the Department during the past fourteen years is 84,000.

INDUSTRIAL SCHOOLS

Since the establishment of the Industrial Schools, the first of which was opened twenty years ago, the Department has had committed to them 723 boys and 135 girls, all of whom passed under close and careful scrutiny. During the first six years we found an inordinate desire on the part of many parents to have their children committed in order to have them fed,

clothed and educated at the public expense. This led to a closer examination of the home conditions and environments, with the result, in many cases, that the parents of such children were much more blameworthy than the children.

In such cases the Department warned and cautioned the parents as to their personal and legal obligations to provide for and educate their children, otherwise they would be prosecuted under the Criminal Code for neglecting to make proper provision for the support and education of their children. Hence a considerable diminution in the number of applications for committals to those schools and a marked improvement in the home treatment of children generally.

NEWSBOYS AND BOOTBLACKS, &c.

About fifteen years ago the newsboys and bootblacks of Toronto were of such an incorrigible character that it was found necessary in order to their reformation and the protection of the public to pass a by-law, whereby they would be brought under discipline and control and also to provide for them a measure of education. The following is a copy of this by-law :—

BY-LAW.

TO LICENSE AND CONTROL CHILDREN ENGAGED AS BOOTBLACKS OR VENDORS OF NEWSPAPERS AND SMALLWARES.

WHEREAS by section 436 of Chapter 184 of the Revised Statutes of Ontario 1887, as amended by section 17 of the Municipal Amendment Act, 1888, the Board of Commissioners of Police in and for a City is authorized and directed to regulate and control children engaged as (a) Vendors of Newspapers and Smallwares, and (b) Bootblacks ;

AND WHEREAS it is deemed expedient for the better protection of the public morality to regulate and control children so engaged.

THEREFORE the Board of Commissioners of Police for the City of Toronto enact as follows:—

1. From and after the first day of May A.D. 1890 no child shall act or be engaged as a vender of newspapers or smallwares or as a bootblack in the City of Toronto unless and until such child shall have obtained from the Office of the Chief Constable of the City of Toronto a license authorizing such child to act as a vendor of newspapers or smallwares or as a bootblack within the limits of the said City.

2. No such license shall be granted to any child whose age or apparent age at the time of the granting thereof does not exceed eight years.

3. In case any child while holding such license as aforesaid is convicted by any Court of competent Jurisdiction of any felony or misdemeanor or conviction for any offence contrary to the provisions of this by-law or any of the offences specified in section 3 of the Act passed by the legislature of Ontario in the 51st year of Her Majesty's Reign Chapter 40 the said Board of Police Commissioners may on proof thereof satisfactory to them revoke and annul the license of such child, but the said Board of Police Commissioners may at any time thereafter restore the said license to such child.

4. Any child who sells newspapers or smallwares or acts as a bootblack and who is found guilty of an infraction of the provisions of this By-law, may on conviction therefor by or before the Police Magistrate for the City of Toronto or by any Justice or Justices of the Peace or by any Judge or Commissioner having jurisdiction for the trial of juvenile offenders under the said Act 51st Victoria Chap. 40, be fined a sum not exceeding five dollars and costs, and in default of payment thereof and there being no distress found of the goods and chattels of the offender out of which such distresses can be levied may be committed to the Common Jail of the City of any period not exceeding ten days with or without hard labour in the discretion of the said Police Magistrate or other convicting Justice or Justices or Judge or Commissioner. *

Since the passing of this by-law this Department has licensed and supervised about 500 boys annually. (Girls have been excluded from selling papers in Toronto since the by-law came into effect). The following is a copy of the rules and regulations which speak for itself, also a copy of Newsboys and Bootblacks license :—

RULES AND REGULATIONS

FOR

CHILDREN ENGAGED AS BOOTBLACKS, VENDORS OF
NEWSPAPERS AND SMALLWARES.

1st. No license shall be issued to any child under eight years of age.

2nd. All applications for license shall be made at the office of the Staff Inspector by the parent, guardian or nearest friend, accompanied by the applicant, and every child licensed shall attend school not less than two hours each day during the school year. (This for boys over fourteen years of age. The Truancy Act dealing with them up to that period.)

3rd. Every child so licensed shall exhibit, or cause to be produced, the license when required to do so by the police, and the same shall not be transferred, exchanged, borrowed or lent, under the pain of the forfeiture of said license.

4th. Every license shall extend to the close of the year in which it was issued.

5th. Every child so licensed may be required to reside with his parents or guardian or in lodgings to be approved of by the Staff Inspector.

6th. Licenses will be issued without charge, but if the license be not forthcoming when required, it will not be replaced except on payment of twenty-five cents.

POLICE DEPARTMENT.

*City of Toronto.*LICENSE FOR BOOTBLACKS, VENDORS OF NEWSPAPERS
AND SMALLWARES.

This license is issued to.....
 Address
 Age.....subject to the
 conditions printed hereon.

Recommended,

Approved,

*Staff Insp.**Chief Constable.*

No.....

Date.....

It will readily be seen that this was not only a disciplinary but also an educational experiment and for its carrying out officers in plain clothes are set apart by the Police Department.

For several years it was not found necessary to bring any of these boys so licensed into the Police Court and not even a complaint was received during last year.

YOUNG GIRLS.

Wayward and foolish girls, many of them from the country, brought up in good homes, fall into the hands of the Police, not one of which is sent to jail unless they become incorrigible or as a last resort, but are distributed amongst the various philanthropic institutional homes in the City. The more respectable and innocent to the Frances Willard Home, others to the Fred. Victor Door of Hope Home, others to the Salvation Army Rescue Home, Bellamy Home, Industrial Home, Redemption Home, The Haven, The Home of the Good Shepherd, and the House of Providence.

This classified distribution also applies to girls charged with and even convicted of theft, if for first or even second

offence, and every one of them is carefully looked after by representatives from several of the homes named, who visit the Court daily for that purpose and are allowed access to the prisoners before trial in order to reclaim and if possible reform them.

Even the incorrigible drunkard and wife beater is not ignored but an effort for his reformation is made by the representative of the Medical Branch of the Prisoner's Reform Association who is permitted to visit the prisoner's room at the Police Court and if he finds any who are willing to take medical treatment in order to cure them of the drink habit, the officer in charge of the Court requests that the prisoner be discharged or remanded to jail, or until called on for sentence, as in his judgment may seem best in each case.

The magistrate invariably accedes to these requests and the prisoner is then given in charge of the Prisoner's Aid Associations' representative and is taken either to his own home or to a hospital for medical treatment which results in the restoration of some at least, to their homes and respectability.

I have the honour to be, Sir,

Your obedient servant,

D. ARCHIBALD,
Chief Inspector.

