

THE TREATMENT OF THE ACCUSED

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There were periods in the history of the world when individuals who had been proven guilty of crimes under process of law were burned alive, had their hands or ears severed, their nostrils slit or their hands or faces branded. It was settled in the period of Henry I, that for theft and robbery a person should be hanged. Solon introduced a law whereby every individual had to state in writing how he gained a livelihood, and, if false information was given, or he obtained it in an unlawful manner, he was punished by death. By the Persian law murderers were pressed to death between two stones. In ancient times, before the manners of mankind were softened by the arts of peace and civilization, murder was not a capital crime, but the more barbarous nations settled such matters by private revenge or by pecuniary compensation. King Alfred I made murder a capital offense in England.

In the progress of civilization the nature of all crimes and criminals became better understood, and during the nineteenth century these subjects received the attention of able writers and legislators, to the end that penalties for violations of the laws were invoked, more in keeping with the gravities of the cases, and, gradually looking to the more humane treatment of those who made up the offending classes. Not only did discussions follow, having for their purposes the application of humanitarian conduct for those who were convicted, but the questions of police organization, and the modes of apprehending and handling those accused, came in for a full share of attention by these earlier students of prevention, protection, detection and disposition. It was then considered that officers of the law, while they conducted themselves with purity of purpose, were truly the safeguards of the community, destined to protect the public against the outrages and depredations of miscreants who were the declared enemies of the state. That the police, when they acted properly, should be esteemed as "the civil defenders of the lives and properties of the people." If it is a patriotic and

honorable profession to break down by force the foreign enemies of the state, why should it not be equally so to subdue the domestic invaders of property and destroyers of lives who are continually engaged in criminal warfare. Everything that can raise the standard of the police officer should add to the safety of the life and security of the property of every individual.

While there was a cessation of visitations of the criminal classes to our shores during the War of the Revolution, during the War of the Rebellion, eighty years later, when our population had grown to tremendous proportions, and our commercialism extended from ocean to ocean, the disruption demanded extraordinary military and civil police activity, due to our domestic disturbances. The marauder, the bank robber and highwayman, thieves and criminals of every kind, took advantage of the exciting times to engage in their nefarious undertakings. At the close of the conflict, during the period of reconstruction, soldiers and the police were required to meet unusual conditions in the cities. Many of those arrested, criminals and suspects, were subjected to many kinds of inquisition and torture prior to court trials, in order that confessions, implicating themselves or others in the commission of violations, might be had. It was closely following upon these exciting times that the practical "sweat box" was described.

As pictured, it was a cell adjoining which in close proximity was a high iron stove of drum formation. The subject indisposed to disclose information which might be securely locked within his bosom would be confined within this cell, and without ceremony or formality a scorching fire would be encouraged in the monster stove adjoining, into which vegetable matter, old bones, pieces of rubber shoes and kindred trophies would be thrown, all to make a terrible heat, offensive as it was hot. It became at last so torturous and terrible as to cause the sickened and perspiring object of punishment to reveal the innermost secrets he possessed as the compensation for release from the "sweat box." This is the origin of the torrid appellation which has been so much discussed within the past few years.

The existence of any such contrivance in these enlightened days would be followed by raid and suppression. On the other hand, the criminal and those who would use the criminal vernacular apply the effervescent term to the office, or room adjacent at detec-

tive headquarters, where, in secrecy, consultation may be had or questions be asked of prisoners.

In this progressive age, when the heads of police departments, mainly at individual expense, gather in convention annually and advocate the establishment of houses of detention; in other words, separate respectable looking edifices for the placing therein of women and juvenile offenders rather than in station houses, when these men endorse the probation system, when they study the infirmities and defects of criminals of record in order that the courts may be enlightened in these respects before penalties are imposed, when these members argue for kind treatment of the child and the establishment of juvenile courts, when these chiefs submit intelligent written discussions as to the humane treatment of prisoners, it should need no argument to condemn any assertion that "little drops of water" or superheated moisture weep through the pores of a prisoner's skin through torture in a "sweat box." It is to be regretted that there are exceptions to such rules, but the members of the International Police Association, who number quite two hundred chiefs, have subscribed to the principles of humanity. There are officials who do not practice what they preach, some who are imposed upon by ignorant subordinates, but the well-disposed superiors will far outclass the others of their calling.

We have heard of the other vulgarity—"third degree." In police and criminal procedure and practice the officer of the law administers the "first degree," so-called, when he makes the arrest. When taken to the place of confinement, there is the "second degree," and when the prisoner is taken into private quarters and there interrogated as to his goings and comings, or asked to explain what he may be doing with Mr. Brown's broken and dismantled jewelry in his possession, or take off a rubber-heeled shoe he may be wearing in order to compare it with a footprint in a burglarized premises, or even to explain the blood stains on his hands and clothing, that, hypothetically, illustrates what would be called the "third degree."

The prisoner is cautioned by the reputable officer to-day that he need not incriminate himself, and, in some places, the authorities have blank forms in use stipulating that what a prisoner states is of his own volition and without coercion. In the pursuit of their investigations there is no law to prevent the officers of the law questioning any person, who, in their opinion, may be able to give

information which would enable them to discover the perpetrator of a crime. It becomes the bounden duty of the police to locate the violator. There is no justification for personal violence, inhuman or unfair conduct, in order to extort confessions. The officer who understands his position will offer admissions obtained from prisoners in no other manner than that which is sanctioned by the law. If a confession, preceded by customary caution, obtained through remorse or a desire to make reparation for a crime, is advanced by a prisoner, it surely should not be regarded as unfair.

No well-informed and schooled police officer would undertake to make himself liable before the court for disreputable practices. On the other hand, the well-directed officer in these times will endeavor to see to it that justice is done a prisoner. If demented, a drug fiend, a physical wreck, a first offender, if misled by others older in crime, he considers it proper that he should be informed, in order that the court may be fully enlightened before passing judgment. Volunteer confessions and admissions made after a prisoner has been cautioned that what he states may be used against him, and diligent inquiry of a prisoner for explanation of facts and circumstances, are all there is to the so-called "third degree," as countenanced by supervising officials in these modern times.

Some years ago a rough usage was resorted to in some cities in order to secure confessions, but such procedure does not obtain at large nowadays. There are those who come in contact with the authorities who are always ready to condemn on slight provocation, those who are waiting to even up for some fancied wrong, or for some contact with the authorities they may have had through their own wrongdoing, and who are ever ready to condemn the police. On the other hand, the principles of the police, as announced and discussed in their own circles, are that the closest co-operation and friendly feeling should exist between them and the good citizen. If the latter would applaud the creditable deeds of the police and criticise their shortcomings, it would be just, and lead to a better condition for all concerned. Every year the forces, through the medium of the International Police Association, are improving intellectually and morally, and this, in the face of many obstacles, in an endeavor to raise their calling to a higher standard and in order to better unfortunate humanity.