

**BOX**

**3**

**FOLDER**

**35**

**City Magistrates-Probation  
Officers**

**1910-1913**

Oct. 20, 1910.m

Sir:

After careful consideration I have concluded that the probation officers, except the chief probation officers, should not be exempted from competitive examination. These officers should have a vocation for their work, even as a minister of the Gospel has a vocation for his work; but I am satisfied that the Civil Service Commission, by adopting a proper system of examination, can ascertain persons of that kind as well, if not better, than the board of Judges could ascertain them if left free to appoint whom they saw fit. I trust you and your associates will establish a system of examination which will enable you to ascertain the vocational fitness of the applicants for the peculiar work which probation officers have to do.

Very truly yours,

*H. J. Sawyer*  
Mayor.

John C. McGuire, Esq.,

President of the Civil Service Commission.

11-2-D

ADDRESS by Chief City Magistrate William McAdoo,  
to the Probation Officers on June 30th, 1911, at 300 Mul-  
berry Street.

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Ladies and Gentlemen:

I sent for you this afternoon, especially the new officers for the purpose of talking to them about the manner in which their election came about.

The new law, chapter 659 of the laws of 1910, among other things, undertook and intended to reform the probation system that formerly existed in these Courts. The framers and enactors of the law evidently did not believe that the system of detailing policemen to act as Probation Officers was a good one, and I most earnestly concur in that judgment. I believe that under the old system, with the exception of a few of the women probation officers, that the system was an utter failure, and I do not believe that, under the machinery then existing, it could have been otherwise.

Now, when this law was before Governor Hughes, if I recollect rightly, he was very much exercised whether or not these probation officers were to be civil service or non-competitive, and, if my recollection is right, he hesitated a long time about signing the law, being inclined to the view that the places would be non-competitive, which, as I understand it, he deplored. When the bill came to Mayor Gaynor, he also held the bill for considerable time. It was a very important, if not a revolutionary, one in the conduct and management of the Courts,

but finally, as you know, both the Governor and the Mayor signed it and it became operative. Immediately this question about the Probation Officers became a matter of very active discussion. Gentlemen who were interested in Civil Service Reform and other good citizens, and very many of the friends of this bill were earnestly in favor of competitive examination by the Municipal Civil Service Commission. The commission, itself, was divided in opinion as to whether or not the places were competitive or otherwise. They had a long list of applications for examination, numbering, I think, over two thousand. They called for a public hearing on the question of whether the applicants were to be examined by them or selected by the Magistrates. I attended that meeting, and I did so with the authority of the Board of City Magistrates, over which I preside. The Magistrates of this Division, by a vote of twelve to four, at a meeting preliminary to the hearing of the Civil Service Commission expressed themselves as believing that the places should be, if possible, under the Civil Service Law, and they hesitated about assuming the responsibility of appointing outside of the eligible list. At that meeting of the Civil Service Commission, the then President, Mr. McGuire, expressed himself as in favor of the position that the law exempted these places, and they were not to be considered as competitive. There was quite a discussion by those invited to be present, and the matter was held in abeyance until a time when the Mayor called for a public meeting himself. That meeting was largely attended. Mr. Homer Folks of the Charity Organization, Mr. Towne, the Rev. Father White of Brooklyn, a repre-

sentative gentleman of the Jewish faith, Miss Miner, engaged in working around the Courts and many other citizens were present. Mr. Assemblyman Smith, I think, spoke too, and after a full hearing had been given, I was called upon and expressed myself as to the difficulties of our making the selections, because a large number of people are apparently more interested in these offices than in any other thing that we have in these Courts. They have been the subject of much discussion in periodicals, in philanthropic societies and in the press. The Mayor finally decided, after hearing all of us, that it was his opinion, that they should be made competitive. That meeting was held at the City Hall, I think, sometime in October. That opinion of the Mayor going back to the Civil Service Commission, they then accepted his suggestion and started out to examine a list of applicants, numbering, I said, about two thousand. I pressed upon the Civil Service Commission repeatedly in person, by telephone and by letter that this service was suffering and the Courts were being demoralized by the accumulation of these cases, and urged them to a speedy preparation and completion of an eligible list. I was informed repeatedly that the chances were it would take nearly a year to go through this very great number of applicants, to examine them first in writing and then orally, the system being that those surviving the written examination to have the right to be questioned orally. In the meantime about two hundred applications had been filed at this office, most of them by letter, in person or by both. I didn't want the Courts to be hampered by having no one to assist Mr.

McKay, who was overworked to the verge of prostration, and with the concurrence of the Board, I appointed a Committee of five Magistrates. We made up a list of questions, taken mostly from examinations held in other large cities, and sent for everyone of the persons who had an application on file at this office. That Committee acted with great care; they were painstaking, impartial, and I need not say honorable and honest in their endeavors to get the best people out of those who had made application to me. They had a great many meetings, some of them prolonged, as many of you know, to a late hour of the evening. Every person who had a letter in this office was invited to come here. A record has been kept of those letters, whether delivered or not, and every one of those persons, I am sure you will agree with me, was given ample time to go before the Committee, and the questions were fair and practical. After this Committee had laboriously, painstakingly, impartially and intelligently gone through this list, the Civil Service Commission, I understood, had closed their written examination, the result of which greatly reduced the number to come up for oral examination, and then about the time we had completed our labors or shortly after, I think shortly after, I heard that they had finished their list, and had prepared an eligible list. In the meantime, the Department in Brooklyn had gone ahead and obeyed the mandatory provisions of the law, and had appointed Probation Officers to fill the quota allowed by the statute and those men and women were at work. When the matter of their payment came up, the Civil Service Commission having then made an eligible list, refused to approve the payroll. The persons in office in Brooklyn,

through one of their number, brought proceedings before the Supreme Court of the Second Department, the case came on before Mr. Justice Maddox, was argued for both sides, and after some time Judge Maddox decided that the places were exempt on the ground that the statute says they are confidential and that the incumbents are removable by the Chief City Magistrate or the Board without a hearing, and arbitrarily, which would not be the case with civil service appointments. After that I was urged to go ahead and accept the ruling of Judge Maddox and make the selections approved by our Committee or take men from the eligible list, and many most excellent gentlemen were of the opinion that it would be fairer to accept the civil service list and make appointments from that, saying that, of course, if the law approved the civil service list, then those selected would be in offices properly, and that if otherwise they would be no worse off than outsiders, but I preferred to wait as the case was appealed. The long, and in my opinion, entirely needless and unnecessary controversies that arose over this question, the long delay in preparing an eligible list, the frequent announcements that it would take nearly a year or six months to make one up, made the outlook in the direction of the Municipal Civil Service Commission, from my point of view, quite hopeless. I believed then that the people applied here from public announcement that we had the power to make selections, and those who came here and were examined by the Board of City Magistrates on practical questions, submitted and gotten up by us, most of the questions being selected by me from examinations held in other cities, that they were entitled to honorable consideration

at our hands. When this case went up to the Appellate Division, that Court unanimously on the 26th day of this month gave a decision that these places were not in the competitive class, that they are of a confidential nature, that they have not the tenure of office the civil service law requires, and that they are to be filled by the Board of City Magistrates. Certified copy of that order was served on me as President of the Board of City Magistrates, and after receiving it, I immediately convened a meeting of the Board, which was a regular meeting, it being the last meeting of the month, called for the ordinary hour, 4.30 p.m., when this Board always meets and not a secret meeting called at night as was reported in some newspapers. It was called by the Board, it being the regular meeting for the month of June, as required by law, called at the usual hour and attended by nearly every Magistrate except Judge Crane, who is incapacitated by illness. The report of the Committee of the Board was submitted to the full board, was discussed at great length, and the Board, by a majority vote, received and approved the report made by the committee, and on a call of the roll each one of you present here was elected a Probation Officer, and ordered to report at this office yesterday afternoon to be sworn in. About twelve o'clock to-day I was called on the telephone by the President of the Civil Service Commission, Mr. James Creelman, who told me that the Commission had decided that the interest of the principle involved, which he believed reached to other departments under the City government, that they were going to ask that appeal be taken from the Appellate Division to the Court of Appeals at

Albany. The matter of taking an appeal, as a matter of procedure, is a question which belongs, as I believe it to be, with the Corporation Counsel, who represents the City government in these matters. I was informed personally and officially two days ago that it was not the intention of the City Authorities to appeal the case. Mr. Creelman, however, informed me that his Board was of the opinion that it was their duty to file and take such appeal, and that an order had been filed for an appeal. That appeal, in the course of things, will not be heard until next October probably, and it might be much longer awaiting decision. I told him the situation as I have told you, not quite so fully, and I said that you had been sworn in under the ruling of the Appellate Division of the Supreme Court of the Second ~~District~~ Department, that you were the legal Probation Officers and that I should recognize you as such. It was then talked over between us in the matter of your salaries, that at the end of the month that he supposed, or rather he would presume that there would be a mandamus issued against him in case he failed to certify the payroll. He spoke to me about my personal liability in accepting your service, and I have asked you, through Mr. Bloch, the Chief Clerk, to sign a release, which I thank you for having done. I do not know if that was quite essential to my safety in the matter or not. Mr. Creelman has said to me that if there was any way by which we could arrange for the payment of your salaries, he would not allow any technical matters to obtrude themselves, and he suggested to me that if the officers were taken from the eligible list it might avoid possible confusion. That, however, I told him was now out of the question because yesterday afternoon

you had been sworn in, and the legality of your title had been passed upon by a Justice of the Supreme Court and by the Appellate Division of the Second Department, City of Brooklyn. I have stated this fully to you so that there may be no misunderstanding. The Board of City Magistrates, I know, have acted in good faith, and I believe within their full legal powers. If any one of you, of course, has any doubt or misgiving as to the law of the case, then it is not for me as an Executive Officer to pass upon it except to say that I have the facts that two Courts have declared your legality, and that the only step now is to the Court of Appeals, which step, I understand, cannot be taken unless the Corporation Counsel, who represents the City is a party to it. Assuming therefore that you have accepted the position with the full understanding I have given you, I will now talk to you about what we are trying to do.

In my judgment, the Probation system in this city has never had a fair trial. The detailing of policemen to act as Probation Officers is radically wrong. The temptations on the part of the police officers to seek such details are very grave. First, to evade police duty, which the City pays him for, and to get a more agreeable place, and with no vocation and no enthusiasm for the work he undertakes. In other words, a policeman looking for an easy place, and wanting to get off the streets, a detail to the Courts as a probation officer was a soft thing. If he was honest, he was shirking police work, if dishonest, he was worse. At any rate, he was trained to be a policeman and to patrol the streets and look after persons and property, and his professional attitude towards the people you deal with was wrong. You must not approach these

men and women placed in your charge from a police point of view entirely, which was liable to be done by a policeman, but more from a humane point of view; more in a kindly and sympathetic manner, so I believe, therefore, that we are inaugurating an altogether entirely new probation system. Up to this time, with only a few of these excellent women officers and Mr. McKay there was nothing to which I could give my attention, to really create a good system of probation, founded on practical and common-sense lines. But we are going to do ~~that~~ that from this ~~now~~ and with your co-operation. The Mayor well said at the meeting in City Hall that he believed the office was a vocational one, that a man or a woman to be a good probation officer ought to have <sup>the</sup> vocational attitude of a priest or a clergyman for the work in which they engage. That it should not only appeal to their heads, but to their hearts, that it should not be solely a matter of making a living and getting so much salary, but a work in which they take pleasure and interest. And unless you take pleasure and interest and have some enthusiasm, you will not succeed. I am not going to ask too much of you on the one hand, on the other hand I have a very high ideal standard to which I hope you will attain. The man or woman placed in your care, is peculiarly in your charge. You are their guardians in every way. The man addicted to drink, you are to help him get over his failings and his weakness, to show him it is better to support his family, and be a decent and sober man than a drunken man under arrest. You must appeal to his self-respect, you must find out if there is any moral fibre and cultivate it. You must give him a helping hand, but at the same time

as firm as a rock that he obey the orders of the Court. If all of you women handle the women as Mrs. Smith does, I will be thoroughly satisfied, and not have a word to say. I wish we had more women like you, Mrs. Smith. It is the most delicate task given to you women, looking after those unfortunate women. And all of you officers, I want to say to you: ~~approached~~ all cases in a broad spirit. All races and creeds must look alike to you. Do not come into this work with any racial prejudices, which exist in the immensely cosmopolitan community in which we live. Whether of your church or my church, skin black or brown, whatever race, give him the same treatment you give others, kind and sympathetic, but firm. Now, the law has placed a large responsibility upon me for your actions and your honesty, and has given me the most arbitrary power over you. I am sorry for that, because I do not like to have arbitrary responsibility cast upon me. The law says that the Chief City Magistrate or the B<sup>o</sup>ard, which means either or both, can remove for reasons sufficient to themselves. You can rest assured that I will not exercise that power, so far as I am concerned, unjustly, arbitrarily, impulsively or, I hope, wrongfully, but if the painful occasion arises where I am convinced, and I must depend on you, Mr. McKay for that, that the officer is temperamentally unfit or physically unfit for the work required of him or her, then it shall be my painful duty to act, and beyond all else, I will not permit the very suspicion of dishonesty or graft. A cloud hung over the former attempt at probation in the belief that it was tinged with dishonesty and graft. These unfortunate people are placed in your charge; they are not all unfortunate, some of them are vicious,



July 5/1911

Mr. G. B. Stearns  
New Law

Good luck to you.

of you betray the interest of the ship.

be a firm one. We will reach the haven of success unless someone  
the highways of the sea. I will be a kindly Captain, but I will

The ship is launched; the flag is up, and we are out in

with a full complement and a full crew.

but I have waited until we could start the machinery of this system

and have had very little supervision over you in the past,

OFFICE OF  
THE CHIEF CITY MAGISTRATE  
FIRST DIVISION, CITY OF NEW YORK  
300 MULBERRY STREET  
MANHATTAN

WILLIAM McADOO  
CHIEF CITY MAGISTRATE



NEW YORK July 5, 1911.

My Dear Mayor Gaynor:

As you know, we have had a lot of trouble and controversy about this matter of selecting Probation Officers under the new law. The Civil Service Commission had a long list of applicants, and, being uncertain themselves, as to what the law was, they delayed a long time in putting the machinery in force to make selections. When they did so, I was informed it would take a long time to create an eligible list. For this reason I had a Committee appointed by the Board, of which I was Chairman, and we wrote a letter to the 200 applicants who had filed applications here. One Hundred and twenty of these came to this office before the Committee and they were each carefully and painstakingly examined on practical lines. When the committee had finished their labors-- which covered a period of some months-- I was then informed that an eligible list had been created by the Civil Service Commission. In the meantime the Appellate Division of the Second Department decided that the places were non-competitive and served official notice on me to that effect. I thereupon called a meeting of this Board in the regular order and the report of the Committee, naming ten men and two women selected, was voted upon and

approved. I deemed it was just and right that those who came before us should be preferred and that the labor of the Committee should not be overlooked. The day after the appointments were made, Commissioner Creelman told me over the telephone that his Board had asked that the case be taken to the Court of Appeals, and said it was doubtful whether they would certify the payroll for the men and women whom we appointed, but that they would if we took the names from the eligible list created by the Commission. Even if I wanted to do this, it was too late then, as these people examined by us had been sworn in.

I thereupon called all of the Probation Officers before me and made a statement to them, a copy of which I enclose and would feel honored if at your leisure you will look it over. I hope you will approve it. I warned the new appointees specifically that they ran some risk as to their tenure of office if the Court of Appeals over-ruled the Appellate Division. I also had them all sign a release to myself and the members of the Board, so far as their salaries were concerned. They impressed me very well. They looked like an intelligent, honest and ambitious lot, and I have every reason to believe that they will make good probation officers. As you know, the law gives me the power of dismissal without cause, and, as you will see, I told them plainly that if I gravely suspected their honesty or found them inefficient, I would act promptly.

Hon. Mayor Gaynor.

--3--

July 5'11.

I have written to the Corporation Counsel asking his opinion as to some of the legal questions involved.

Believe me, always,

Very sincerely yours,

*William M. [Signature]*

Chief City Magistrate.

Hon. Wm. J. Gaynor,  
M a y o r ,  
City Hall,  
Manhattan.

July 10, 1911.e

Dear Judge McAdoo:

I have read your letter and remarks to the Probation Officers with great interest. If there be any hesitation about approving the pay-rolls by the Civil Service Commission please let me know, and I will have it done. There is no reason why the present incumbents should not be paid, even though the Court of Appeals' decision should afterwards put them out.

Very truly yours,

*W. J. Wagner*  
M a y o r .

Hon. William McAdoo,  
300 Mulberry Street,  
Manhattan.

December 11, 1912.

Hon. John T. Mahoney,  
Hon. Harry M. Rice,  
Commissioners of Accounts,  
280 B-way, Manh.

Gentlemen:-

I beg to acknowledge receipt of your report upon the methods employed by Probation Officers in the City Magistrates' Courts, First Division.

I substantially agree with the conclusions reached there. I have not been quite satisfied myself with the efficiency of the present probation system as now administered under existing methods. For some time past I have contemplated the formation of rules somewhat in the line of those suggested by you, and only a few days ago, before the receipt of your letter, had made a tentative draft of rules intended to make this service what it ought to be. You will see that they go further than the suggestions in your report. I beg to enclose a copy herewith, before they are adopted, and I would be pleased to have any suggestions which you may wish to make.

Very respectfully,

Chief City Magistrate.

## PROBATION RULES

Rules and regulations for the guidance of Probation Officers in their conduct in all cases put on probation in the various City Magistrates' Courts of the First Division of the City of New York:

Approved by the Chief City Magistrate December 10th, 1912, and to take effect as soon thereafter as the necessary alterations and supplies can be obtained.

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1. On and after this date no probation officer is to be assigned to any particular district court. Each probation officer will report daily at 8.30 o'clock a. m. at the Probation Bureau, 300 Mulberry Street; said Bureau to be in charge of the Chief Probation Officer.
2. City Magistrates presiding in the various courts are requested on and after this date not to place any defendant on probation until after an investigation has been made and a report in writing submitted to him by a probation officer assigned to the case by the Chief Probation Officer.
3. Each probation officer will be furnished with a desk and necessary writing material, to be placed in the Probation Bureau, at 300 Mulberry Street.
4. Whenever a defendant is convicted and a City Magistrate contemplates placing the defendant on probation, the clerk of the court wherein the conviction is had will immediately forward to the office of the Chief Probation Officer the original papers in the case, taking a receipt therefor. The Chief Probation Officer will thereupon detail a probation officer, either male

or female as the case may require, to make an immediate investigation as to the character, surroundings, family connections and antecedents of the defendant, and he shall submit his findings to the Chief Probation Officer, whom if he be satisfied that the report is a proper one, shall approve the same by his official signature as Chief Probation Officer.

5. The report of the probation officer shall be attached to the original papers, and a copy thereof filed in the office of the Chief Probation Officer. The original papers, together with the report of the probation officer, shall then be submitted to the presiding magistrate at the district court wherein the conviction was had or to the magistrate convicting the defendant.

6. After a defendant has been placed on probation by a magistrate he shall be directed to immediately report to the office of the Chief Probation Officer, and all reports thereafter by the individual on probation shall be made at the Probation Bureau.

7. The Chief Probation Officer shall submit to each City Magistrate monthly a written report as to the behavior of each defendant placed on probation by such magistrate, as to whether he has complied with the conditions of his parole and such other facts as may be necessary to keep the court informed as to the behavior, etc. of each person placed on probation by him, and the number and date of visits made to said probationer by the probation officer having the case in charge.

8. It shall be the duty of the Chief Probation Officer to distribute the various cases sent to his office for investigation and also cases of defendants placed on probation among the various probation officers under his charge, so that there shall be as near as possible an equal distribution of the probation work.

9. The Chief Probation Officer shall on or before the fifth day of each month submit in writing to the Chief City Magistrate a report showing: (1) the number of probation officers under his command; (2) the number of investigations made by each individual probation officer; (3) the number of cases placed in the custody of each probation officer; (4) the result of the work of each probation officer in each individual case placed under his charge; (5) the number of probationers who have finished their terms of probation, and with what results; (6) the number of probationers who may have absconded, and the reasons therefor so far as can be ascertained; (7) the number of visits made by each probation officer to probationers and the dates of same.

Special Rules for the Night Court for Women

1. Probation Officer Alice C. Smith is herewith detailed in charge of the Night Court for Women, and she will be in attendance at said court. In all cases of females remanded for investigation at this court, the papers will be transmitted to the Probation Bureau at or before the hour of nine o'clock each morning, and in any case where Probation Officer Alice C. Smith does not make a personal investigation and report, the same will be assigned to a female probation officer by the Chief Probation Officer.

2. The Female Probation Officer making such investigation shall make a written report, and the same shall be transmitted to the magistrate presiding at the Women's Night Court at or before the hour of eight o'clock on the night of the day on which the request for investigation is received at the Probation Bureau.

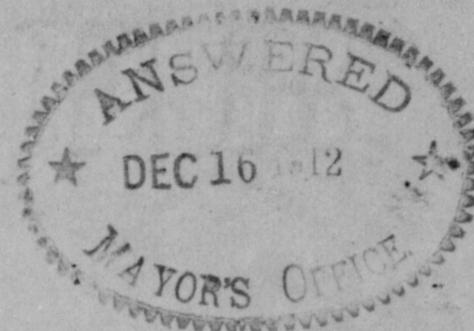
3. All other probation rules appertaining to the other courts will be in effect at the Night Court for Women except that the Female Probation Officer detailed to that court is not required to report for duty at the Probation Bureau each morning.

OFFICE OF  
THE CHIEF CITY MAGISTRATE  
FIRST DIVISION, CITY OF NEW YORK  
300 MULBERRY STREET  
MANHATTAN

WILLIAM McADOO  
CHIEF CITY MAGISTRATE

NEW YORK December 14, 1912.

Hon. William J. Gaynor,  
M a y o r .



Sir:

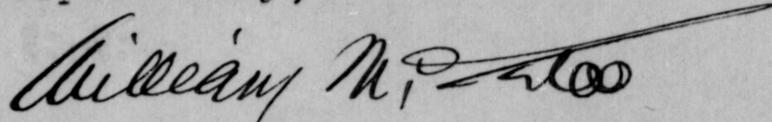
I beg to acknowledge the receipt from your office of the copy of the report of the Commissioners of Accounts on the existing conditions and methods with reference to probation in these courts, and in reply thereto beg leave to enclose copy of letter forwarded by me to the Commissioners of Accounts on the original receipt of their report.

You will note that I say therein that I have not been satisfied as to the results obtained or the methods pursued regarding probation in the Magistrates' Courts, and for a long time past have been carefully investigating the same with reference to its improvement. The rules submitted to the Commissioners for any suggestions they may care to make, and which go much further than the recommendations they originally made, will be put in force on January 1st, after which time I will have the workings of the system under my own personal supervision here at headquarters. If any of the present officers are found to be inefficient and lacking in vocation, it may be

2...The Mayor.

necessary to dispense with their services and call upon the Municipal Civil Service Commission to furnish us with others from the eligible list. My recommendation to the Magistrates is, that whenever they are in doubt as to whether or not a case is deserving of probation that the defendant should be remanded until a full and satisfactory report can be made by the Probation Bureau, and in writing.

Very respectfully,



Chief City Magistrate.

OFFICE OF  
THE CHIEF CITY MAGISTRATE  
FIRST DIVISION, CITY OF NEW YORK  
300 MULBERRY STREET  
MANHATTAN

WILLIAM McADOO  
CHIEF CITY MAGISTRATE

NEW YORK February 3d 1913

*Special Sessions  
2/6/13*

My dear Mayor Gaynor:

If you have a few spare minutes at any time I would feel much pleased if you would look over the enclosed remarks concerning the work of probation in these courts. I made this talk to the probation officers concerning the new departure in the way of performing their work, and some citizens who were present had the matter printed. I have not yet been able to put the new system in operation because the rooms are not ready for occupancy in this building, but we hope to have it under way in a few weeks.

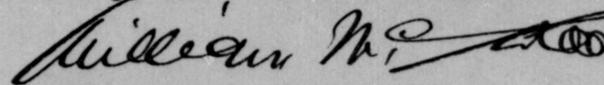
There are now four so-called Raines Law hotels shut up by the police as public nuisances without anyone coming forward to claim responsibility for them. The last one was a hotel named The Van Buren. The defendant disavowed he was manager or that he knew anyone in control, so the police took possession. Two or three people have been here who professed to want to buy these properties or have the leases transferred to them. They are all obviously shams. The idea will be to make a conveyance in fee or transfer of the lease, and then the new man come forward and have the police taken off the premises.

2...Mayor Gaynor.

My own opinion is that they are all awaiting the trial of the Hotel Roy, which takes place the 13th inst. at the Court of Special Sessions, it having been adjourned from time to time. I consider this work very important, as it is founded on the ideas which you have expressed to me with regard to a public nuisance, and if sustained in the upper courts the police will have a complete weapon always ready at hand to suppress such places, and an end will be made to the brazen defiance of the law through trick and shuffling of ownership and management.

Believe me, always,

Very sincerely yours,



Hon. William J. Gaynor,

M a y o r .