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THE AMERICAN PRISON SYSTEM

by
FRED E. HAYNES
State University of Iowa

FIRST EDITION

McGRAW-HILL BOOK COMPANY I·
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PREFACE

THERE has been no general study of the American prison system since the publication in 1921 of Dr. Louis N. Robinson's *Penology in the United States*. This book is an attempt to describe the prison system in this country as it exists in the present decade. No effort is made to write the history of penal institutions—a task that ought to be done, but one that is beyond the present aim of the author. The purpose of this volume is to describe the types of existing institutions, their administration, their problems, and the methods used in the efforts to solve the difficulties involved in the punishment and reformation of criminals.

After an introduction which indicates the nature and magnitude of the prison problem, a chapter is devoted to the history and development of prison architecture. In the course of this discussion, it is clearly pointed out how unsuitable and unnecessary are many of the features of the cell blocks that are found in most of our prisons. Some new types of prisons are then described. An entire chapter is devoted to the institution at Norfolk, Mass., which is referred to as a *community prison*. Professor E. H. Sutherland has spoken of this institution as "in many ways the most interesting and promising piece of pioneer work in penology that is being carried on in America."

Three chapters consider different types of institutions developed for the care of men and women and of minor offenders. Another chapter consists of a survey of the penal systems of the Southern states, which have had a different history and development from those of the other sections of the country. Six chapters discuss the problems of the prison system: penal administration, classification, health and medical service, education, inmate organization, and prison labor.

The final chapter, entitled Abolition of Prison System, undertakes to show how the use of probation and parole and the use of farms and camps already are doing away with the cell-prison stereotype which has been almost exclusively characteristic of

American prisons. What English penologists describe as "the break-up of the prison system" has already begun.

It is gradually being recognized that not all prisoners require maximum-security confinement. Hence there are slowly evolving medium- and minimum-security prisons representing steps in the process of the abolition of the cell prison.

This study could not have been made without extensive use of the handbooks published by the Osborne Association. No single student of American penology could collect data from so many institutions. The author, therefore, desires to express his deep obligation to the representatives of the association who have so generously given him permission to use the materials collected and published in the handbooks and the *News Bulletin.*

Mr. E. R. Cass, general secretary of the American Prison Association, has given permission to use the materials contained in the annual proceedings of the association. The annual reports of the Prison Association of New York, of which Mr. Cass is general secretary, contain much material of value to the student of penology. *The Journal of Criminal Law and Criminology* has been the source of a good deal of information used in the preparation of the study.

Acknowledgment is due Sanford Bates, James V. Bennett, Austin H. MacCormick, Dr. William J. Ellis, Superintendent Maurice N. Winslow, Dr. Louis N. Robinson, Howard V. Gill, William B. Cox, Dr. F. Lovell Bixby, Winthrop P. Lane, Professor George B. Vold, Dr. Clair L. Wilcox, Professor J. L. Gillin, Professor Thorston Sellin, Alfred Hopkins, and F. R. Laune for the use of published material, for suggestions and advice, or for opportunities to observe the work of institutions by personal visits. The contributions of many persons have made this work possible.

The author is conscious of the limitations of this book. It is his hope that it will lead to other studies both general and specialized in character.

FRED E. HAYNES.

IOWA CITY, IOWA,
January, 1939.

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THE AMERICAN PRISON SYSTEM

CHAPTER I

INTRODUCTION

Penal and correctional institutions in the United States are difficult to describe because there are so many different types. In the first place there are the *prisons*, state and federal, for persons who have committed the more serious offenses or who have been sentenced for the longer terms. Most of these are for men, though there are a few women's prisons. Next there are the *reformatories* for younger offenders. There are reformatories for men and women. They are supposed to use reformatory methods but are in reality little different from junior prisons. In addition there are many *city* and *county penitentiaries*, *workhouses*, and *houses of correction*. For offenders younger than those committed to the reformatories, there are *industrial* and *training schools* for boys and girls. Finally there are the great number of institutions for short-term offenders and misdemeanants—*county jails*, *municipal jails*, *county farms* and *chain gangs*, and *state farms for misdemeanants*.

Some states have made considerable progress toward the development of diversified provision for the care of different groups of offenders. Massachusetts has the following institutions: Industrial School for Boys at Shirley; Industrial School for Girls at Lancaster; Lyman School for Boys at Westborough; Massachusetts Reformatory (for men) at West Concord; Reformatory for Women at Framingham; State Farm at Bridgewater, taking care of misdemeanants and providing accommodation also for criminal insane and for defective delinquents; State Prison at Charlestown; and the State Prison Colony at Norfolk.

A number of other states, such as New Jersey, New York, Minnesota, and Indiana, have also developed the elements of a diversified institutional system.[1]

Number of Institutions

The exact number of penal and correctional institutions in the United States cannot be given. In *Prisoners in State and Federal Prisons and Reformatories*, 1933,[2] the data presented are said to cover sentenced prisoners in 8 federal prisons and reformatories, 7 federal prison camps, 1 federal hospital for defective delinquents, and 101 state prisons and reformatories. It is estimated that these institutions received 92 per cent of the whole number of prisoners committed to such institutions during the year 1933. The states not included are Delaware, Georgia, Alabama, and Mississippi.

In *County and City Jails*, 1933,[3] it is stated that reports were received from 2,416 county and municipal penal institutions, consisting principally of jails but including about 130 workhouses, prison farms, chain gangs, convict camps, and stockades. In addition there were about 390 institutions that definitely reported that they had no prisoners during the census period January 1 to June 30, 1933. There were also about 1,000 institutions from which no reports were received. Most of these probably had few prisoners or none at all, although fifteen or twenty fairly large institutions, mostly city jails, were included in the number. It is estimated that the 1933 census of sentenced prisoners in county and municipal penal institutions was about 90 per cent accurate.

The American Prison Association reported in 1933 that there were in the United States 111 state institutions for the care of juvenile delinquents. Of these 52 were for boys, 50 for girls, and 9 for both boys and girls. All the 48 states and the District of Columbia have institutions for juvenile delinquents. Separate institutions for Negro boys are maintained by several states. In

[1] *Report on Penal Institutions, Probation and Parole*, pp. 214, 249, National Commission on Law Observance and Enforcement, 1931.

[2] U. S. Bureau of the Census, 1935. Other sources of information are the *Directory of State and National Correctional Institutions*, issued by the American Prison Association; and the *Handbooks of American Prisons and Reformatories*, compiled by the Osborne Association.

[3] U. S. Bureau of the Census, 1935.

most of the states, Negroes are cared for in institutions caring for white children.[1]

A numerical summary of penal and correctional institutions in the United States in 1933 gives the following results:

Federal prisons and reformatories	8
Federal prison camps	7
Federal hospital for defective delinquents	1
State prisons and reformatories	101
County and municipal penal institutions (principally jails)	3,806
Institutions for juvenile delinquents	111
Total number of separate institutions	4,034

Number of Prisoners

For the year 1933 the approximate number of prisoners in all types of civil penal institutions was as follows:

Type of institution	Present Jan. 1, 1933	Commitments during 1933
Federal prisons and camps	12,276	8,333
State prisons and reformatories	137,721	59,204
County and city jails	51,436	608,484
Institutions for juvenile delinquents	32,198	17,967
All penal and correctional institutions	233,631	693,988

Prisoners in State and Federal Prisons and Reformatories, 1933, U. S. Bureau of the Census, 1935.

The results of the 1933 decennial census of county and municipal penal institutions combined with the results of the 1933 annual census of state and federal prisons show a total of 184,289 sentenced prisoners reported as present in all civil penal institutions on January 1, 1933. Of this total number of prisoners, 46,292, or 25.1 per cent, were in county and municipal prisons; and 137,997, or 74.9 per cent, were in state and federal prisons. As already noted, the 1933 returns from county and city jails were only about 90 per cent complete, whereas the returns for prisoners in state and federal prisons were estimated as about 92 per cent complete. Upon these assumptions, the grand total

[1] Institutional Treatment of Delinquent Boys, p. 8, U. S. Department of Labor, Children's Bureau, *Publication* 228, Washington, D. C., 1935.

of sentenced prisoners in the civil penal institutions of the United States on January 1, 1933, was 201,433; and of this number 51,436, or 25.5 per cent, were in county and municipal prisons; and 149, 997, or 74.5 per cent, were in state and federal prisons.

On the basis of sentenced prisoners, there was 1 sentenced prisoner to each 442.9 persons fifteen years old and over in the general population, or 225.8 sentenced prisoners to each 100,000 persons fifteen years old and over.

The classification of the prisoners by offense shows that of those imprisoned for the more serious offenses—homicide, rape, and robbery—a much larger proportion were in state and federal prisons than in county and municipal institutions. On the other hand, of those imprisoned for the less serious offenses—traffic violations and disorderly conduct and drunkenness—a far larger proportion were in county and municipal than in state and federal prisons.

These statistics are not an accurate index either of the occurrence of crime or of the number of criminals convicted. The size of the prison population on a given date includes a disproportionately large number of prisoners convicted of serious offenses punishable by long terms of imprisonment and a relatively small number of minor offenders sentenced for short terms.

Statistics of prisoners committed during a definite period afford a much better index of criminality than do statistics of prisoners present on a given date. Such statistics obviously do not cover minor offenders punished by fine only or other offenders put on probation. They do measure with fair accuracy the number of crimes punished by death or imprisonment within the period designated. Furthermore, any increase or decrease in the number of convictions or in the amount of crime is usually followed by a corresponding change in the number of commitments. Such statistics also indicate the relative extent to which members of various communities and classes have committed the offenses followed by imprisonment.[1]

Life in a Typical Prison

Let us try to understand life in a typical prison. In the first place, group life in such an institution is abnormal because it is

[1] *County and City Jails*, 1933, U. S. Bureau of the Census, 1935.

composed of one sex, and it is shut away from all contact with the outside world. The usual associations of family and friends are entirely lacking. Each man wishes to regain his liberty and usually resents the force that put him in prison. Few of the influences that motivate people in normal society operate in the prison group. The prisoners have been stamped with judicial and social stigma, and they are conscious of this fact. As a rule they include a great variety of types of people—"experienced criminals with chance offenders, mentally normal persons with those who have every type of peculiarity and disability, the capable and the inefficient, persons who are well to do with those who are poor, those who mean to do well and those who intend to continue lawbreaking when released." As prisoners they will be fed, clothed, and housed no matter what they do; and their main purpose is to avoid serious trouble while in the institution and to obtain release as early as possible.

In most prisons life is controlled by authority, and the inmate must abide by the rules which leave him no opportunity for initiative or judgment. Treatment, of necessity, is collective, not individual. Regimentation and routine unfit the prisoner for life outside. Actually this is one of the worst features of prison administration. Undoubtedly there is some stabilizing effect from such an environment, but the mechanical treadmill quality of such an existence is not a proper preparation for the resumption of a varied social life. The prison does little to help its inmates to lead normal lives in a complex social environment.

A typical day in many of the prisons may be described as follows:

All prisoners arise at a given time sometimes in response to a clanging bell. The prisoner first dresses and makes his bed and must leave his cell in the condition described by the rules. He either washes in his cell or marches to the central lavatory according to the accommodations provided. After a fixed period he must be ready to leave his cell, but before he does this he must stand at the front bars in a prescribed manner for the morning count. A rap of a stick at the end of the gallery announces the approach of a guard to take the count.

Next the doors are unlocked (by a master lever at the end of the gallery), and the prisoners step out into the corridor. They

march, accompanied by guards, to the mess hall. They may not sit down until certain signals are given. The rule of silence still continues in many prisons. Numerous guards are stationed about the dining room. Time allowed for breakfast is usually about twenty minutes. At the proper signals the prisoners rise and march from the mess hall.

If weather permits, a short exercise period is allowed after breakfast, the exercise often consisting solely in marching around the yard without talking or smoking. After this interval the prisoners march to the shops or other places of work. At work there is usually little relief from the monotonous routine. The man cannot move from his place except by permission. Work is rarely assigned upon the prisoner's experience, aptitude, or plans for the future after he leaves the institution. In some shops the chief interest of the prison administration is to get as large a product as possible.

A similar routine is followed at the noonday and evening meals, and after the evening meal the men are marched to the cells and locked in for the night. In some prisons the cells are not locked immediately, and the men are allowed to walk up and down in the corridors. Arrangements are made in some cases for prisoners to attend classes; occasionally there are lectures, entertainments or movies, or band or orchestra practice. Lights go out in all cells at the same time, usually nine o'clock. No prisoner may have his light out until all lights are out.

The week end is often more monotonous. In many prisons Saturday afternoon is now devoted to recreation or leisure. Even with this use of Saturday afternoon, the prisoners enter their cells at 4:30 or 5:00 P.M. Saturday and in some institutions do not come out until 7 A.M. Monday, except for an hour or two Sunday for religious meetings and for meals. Try to imagine life in a cell 4 by 7 feet under such an arrangement. To a person on the outside the thought of such a day is difficult; a week of it would seem unbearable; a month would threaten insanity. What must be the effect of two or five or ten years of it? To thousands of persons in prisons in the United States such a life is "bringing disuse of faculties and degeneration of personalities. That these people are criminals is no defense for making them worse. If society wishes to rehabilitate its offenders, it will have to adopt more constructive measures."

Prisoners are subjected to a type of law enforcement that no one can live up to. Such a situation does not promote respect for law, nor does it render prisoners more law-abiding when they are released. If the regulations were actually enforced, it would reduce offenders to automatons.[1]

Recidivism

A recidivist is a repeater—"a person who is again committed to prison after having served one or more terms in a penal institution." Statistics compiled by the Bureau of the Census for 1933 show that first offenders form a little less than one-half of the whole number of prisoners for whom a report as to previous commitment was received. Many of these so-called *first offenders* have without doubt committed previous crimes for which they were not convicted or for which they were given a suspended prison sentence or punished simply by paying a fine. Furthermore, it must be remembered that identification bureaus are of relatively recent development and that the information in regard to the criminal record of prisoners is based on previous institutional commitments known to the authorities. Thus the whole number of recidivists is doubtless much larger than the reported number.[2]

An advisory committee of experts reported to the National Commission on Law Observance and Enforcement that it would not be surprised "to learn that at least 60 per cent of all persons received by prisons and reformatories are 'repeaters'—that is, have served earlier terms." The committee also declared that it believed this showed that "the treatment accorded law violators does not tend to make them more law-abiding, does not tend to produce that adjustment which permits them to rejoin the community without the desire, or compulsion, to commit further crimes."

The committee quoted a statement made in 1923 to the effect that "the most striking thing in the whole situation is the depressing fact that the majority of the inmates in our penal and correctional institutions are repeated offenders, persons who have

[1] Adapted from *Report on Penal Institutions, Probation and Parole*, pp. 215–220, National Commission on Law Observance and Enforcement, 1931.

[2] *Prisoners in State and Federal Prisons and Reformatories*, 1933, p. 21, U. S. Bureau of the Census, 1935.

been prisoners over and over again, in whom we failed to accomplish that which we set out to accomplish—their reformation and the prevention of future criminal conduct."[1]

Prison Population and Capacity

Overcrowding interferes seriously with efficient administration. It makes segregation of prisoners difficult, complicates the maintenance of order and discipline, and endangers health and morals. The results of an inquiry by the Bureau of the Census for 1933 show the average daily population of the prisons and reformatories, the normal capacity, and the excess of the former over the latter.

The figures show a wide variation among the states in the extent of overcrowding. There are probably considerable differences in the meaning attached by different prison executives to the phrases *excess population* and *normal capacity*. Some wardens may regard a cell as overcrowded if it contains two prisoners, whereas other wardens may regard such a condition as normal.

In 1933 there was a wide variation among the states in the extent of overcrowding, California, Missouri, South Carolina, North Carolina, and New Mexico, in the order named, showing the largest percentages.

State	Excess of Population over Capacity, Per Cent
California	90.8
Missouri	65.5
South Carolina	56.0
North Carolina	49.8
New Mexico	47.5
Kentucky	35.1
South Dakota	34.6
Arizona	27.1
Iowa	24.0
West Virginia	23.9
Wisconsin	22.7
Maryland	22.6

Prisoners in State and Federal Prisons and Reformatories, 1933, p. 7, U. S. Bureau of the Census, 1935.

[1] *Report on Penal Institutions, Probation and Parole*, pp. 220–222, National Commission on Law Observance and Enforcement, 1931.

Sentences

Statistics concerning the type of sentence and the length of term of imprisonment imposed by the courts are useful as showing trends in penal treatment. Two types of sentence are imposed in the United States. The so-called *definite sentence* was the prevailing one during the nineteenth century and is still used in a little over one-half the cases. It includes those sentenced to death and to imprisonment for a specified period of time. The *indeterminate sentence* usually sets a minimum, or lower, limit for the term to be served and a maximum, or upper, limit. In some cases there is a maximum but no minimum; in some, a minimum but no maximum; and in a few cases, neither maximum nor minimum, the length of time to be served being determined by the prisoner's conduct, his fitness to be at large, and other considerations.

In 1933 more than two-fifths of the males and more than one-half of the females under definite sentence were committed for less than two years, and about one-third of both males and females for either two or three years. Only a small proportion of the whole number were committed for more than 10 years. The number sentenced to life imprisonment, most of them being males, increased from 891 in 1932 to 1,006 in 1933; and the number committed under the death sentence increased from 107 in 1932 to 128 in 1933. Only a small fraction of the whole number of indeterminate commitments were for minimum terms of more than ten years, though the number with maximum terms of ten years or more was considerable. For 1,702 prisoners received in 1933, the maximum sentence was life.[1]

Executions

The number of prisoners executed in 1932 was 140, and the number in 1933 was 159. Of those executed in 1933, 151 were executed for murder, 5 for rape, 2 for robbery, and 1 for highway robbery and rape. All of the prisoners executed were males. Of the forty states having a death penalty, ten reported no executions in 1933, these including New Hampshire, Vermont,

[1] *Prisoners in State and Federal Prisons and Reformatories*, 1933, pp. 11–13, U. S. Bureau of the Census, 1935.

Massachusetts, Connecticut, Iowa, Nebraska, Idaho, Arizona, Utah, and Oregon.

In 1933 of those executed 76 were white, 80 were Negro, and 1 each Mexican, Japanese, and Filipino. Sixteen were white eighteen to twenty-four years old. Thirty-three Negroes were eighteen to twenty-four years old. New York executed eighteen, Georgia and Oklahoma each 14, Ohio 11, and California 10. Of those eighteen to twenty-four years old, New York executed 5, Ohio, 6, Kentucky 3, Oklahoma 3, Georgia 6, and California 1.[1]

Age of Commitment

The highest ratio of commitments to population in 1933 was for males twenty years old, and the next highest was for males nineteen years old. From these high points the ratio for males apparently declines somewhat gradually up to age twenty-four and more rapidly from this age on. For females, the ratios are high for ages eighteen to twenty-nine, being highest for age nineteen.[2]

Of prisoners received in county and city jails in 1933, 10.7 per cent were under twenty-one years old, 69.6 per cent were twenty-one to forty-four years old, and 19.7 per cent were forty-five or over. The highest ratio of commitments to population was for persons twenty-one to twenty-four years old. From this high point the ratio declined somewhat gradually with each higher age group.[3]

General Considerations

In its report to the National Commission on Law Observance and Enforcement the Advisory Committee on Penal Institutions, Parole, and Probation called attention to the fact that "people leave prison as well as enter it. At any given moment the number of people coming out of prisons in the United States is substantially as great as the number entering them. Except for those executed, those completing life sentences, and those dying during their terms, everybody else comes out of prison. To put

[1] *Ibid.*, p. 61.

[2] *Ibid.*, p. 30.

[3] *County and City Jails*, 1933, p. 40, U. S. Bureau of the Census, 1935. Returns were not received for all jails, and ages were not reported for all prisoners committed.

the matter bluntly, massive prison gates swing both ways. To put it dramatically, every time a judge says 'I sentence you to prison,' a prison gate opens somewhere, and a man steps forth to freedom."

Obviously, the benefit to society is little if the offender comes out no better than when he entered. Mere incarceration, with release at the end of his sentence, is of small assistance to society in combating crime.

"This consideration must lie at the basis of any program of institutional treatment. A program which does not take into account this fundamental fact is blind, sophistical, and opposed to the best interests of society. A common jibe at persons who, on the strength of such considerations, urge changes in present methods of handling offenders is that they are sentimentalists.

"Our reply is: You are the sentimentalists who cling to present methods merely because they have the tradition of use behind them. Imprisonment has proved a poor protection to society; as a matter of fact, the result of imprisonment is too often to make offenders worse rather than better. We are the realists. As such, we prefer to face all the facts, not merely a part of them, and to protect society by making full use of all the resources of calmness, science, and sound judgment. Our interest in the treatment of offenders is in the protection of society."

Under former methods of handling offenders, the question of treatment did not arise in similar form. Banishment, transportation to colonies, mutilation and torture, the stocks, the pillory, and other forms of disgrace furnished little opportunity for any consideration of treatment. Death was its own treatment, and when a criminal was dead it was too late to exercise any influence upon him.

Modern civilized communities have discarded these measures with the exception of death. We use probation; we use fines and imprisonment. The method of dealing with most of the persons who commit what are called the more serious crimes is imprisonment.

Imprisonment, however, is not of ancient origin, as most people probably believe. Up to comparatively recent times so-called *prisons* were not used for the ordinary run of offenders but for political or religious violators or for debtors. At the beginning of the eighteenth century imprisonment as a common punishment

for crime was unusual; by the middle of the nineteenth century it had become the accepted practice of European countries and the United States.

Thus in the development of methods of penology, wholly new questions have arisen. These are concerned with institutional treatment. Among them are the following: What is to be the purpose of institutional treatment? How long are offenders to remain in prison? Who is to decide the length of their incarceration, and how is it to be settled? Particularly, what is life in an institution to be like, and what measures are to be applied? In what condition are offenders to come out? The problem, therefore, is how to turn out lawbreakers better men and women than when they entered institutions.

Revenge or Reform

In an address on the subject of Revenge or Reform at the 1935 American Prison Congress, Austin H. MacCormick, commissioner of correction of the city of New York, stated some pertinent and interesting facts in regard to the prison system.

"The public is chiefly excited over certain types of crime that come daily to its attention through the newspapers. These are principally crimes of violence—murders, holdups, bank robberies, sex assaults, kidnapings, and so forth; and a second type of crime which is considered typical of the twentieth century but is actually as old as civilization, the racket.

"The layman similarly has a false and incomplete picture of the criminal himself, getting his ideas largely from the moving pictures, cartoons, newspaper stories, and articles in sensational magazines. He is likely to think that criminals fall roughly into two classes—one the cartoon type and the other the suave, hard-faced, well-dressed type. The typical cartoon of a criminal—beetle-browed, bullet-headed, heavy-jawed, wearing a cap pulled low over one eye—is far from the general truth, as every police and prison official knows. The typical burglar or robber is more likely to turn out to be a youth of nineteen, either tough, sophisticated, and full of bravado or a slack-jawed, inexperienced kid who

[1] Adapted and quoted from *Report on Penal Institutions, Probation and Parole*, pp. 179, 180, 208–211, National Commission on Law Observance and Enforcement, 1931.

couldn't scare a rabbit unless he had in his hand a .38 sold him by an unprincipled pawnbroker.

"Finally, there is another thing that the criminal is not. He is not characteristically a parolee, regardless of all the attacks that have been made on parole in recent years. During the year 1934 the Federal Bureau of Investigation examined about 340,000 arrest records sent in from all over the country. Of all these cases only seven-tenths of 1 per cent were on parole at the time of arrest.

"If there are so many things that the criminal is *not*, what then *is* he? One thing stands out with startling clearness in the picture of the criminal as we know him in the police stations, courts, and prisons—his youth. The 1934 records of the Federal Bureau of Investigation referred to above revealed that the number of nineteen-year-old persons arrested exceeded the number for any other single age group.

"Over 50 per cent of the nineteen-year-olds were charged with major crimes, ranging from larceny to homicide. Of those arrested throughout the country for robbery the largest group was age nineteen; for burglary it was age eighteen. During 1934 the New York City police arrested 4,894 persons under sixteen years of age and 3,539 between the ages of sixteen and twenty. Last March, Police Commissioner Valentine stated that by far the larger number of offenders who go through the line-up at New York Police Headquarters are in their 'teens or early twenties.

"A second fairly constant factor appears in the picture of the criminal as we know him in custody. He comes predominantly from the underprivileged groups; from those people who live on the economic fringe; from the unskilled and poorly educated laboring group; from the poorer parts of town, no matter what town or how big the town may be; from the families whose homes are crowded, unattractive, and poverty-stricken; from the street corners, poolrooms, dance halls, and gin mills; from those social and economic conditions which would make criminals of you and me unless, by the grace of God, there was something within us strong enough to combat the constant downward pull. Poverty may not breed criminals, but the things bred by poverty breed them.

"'Do our prisons, as operated at present, tend to curb crime?' the public asks. Certainly not by scaring people into being good.

I think few prison men want to run their institutions along those lines. In the first place, the method of scaring people into righteousness was tried for several hundred years and was a complete failure. In the second place, we get only a handful of all those who commit crime and know that 'strafing' them to the limit would have little effect on potential criminals as a whole. And, finally, most of us did not hire out as scarecrows in the cornfield of crime and would not relish the job.

"We must first face the difficulties. Prisons have a tough assignment. Large numbers of the prisoners who come to them are so far gone in antisocial conduct or attitudes or are so incompetent, economically and socially, that they would be immediately rejected by any examiner for a Reform Insurance Company. They are the failures of our school systems, our church activities, our social agencies, our juvenile institutions, specialized court setups, and probation systems. Some of the brands that the prison is expected to pluck from the burning have already scorched the fingers of our most expert pluckers and are still in the fire.

"Why do prisons not reclaim a larger percentage of their inmates? Partly because they *are* prisons. The walled prisons which are the predominating type in this country are narrowly restricted communities in which life is abnormal, no matter what we do to change it. Place yourself in the situation of the prisoner. You are confined in a walled city with 1,000 to 5,000 other men who are presumably there because they are bad men or weak men or both. You are inescapably a part of the mass, and, if you are not very strong, you cannot escape what Dr. Healy called the psychic contagion of incarceration. You are locked every night into a cell not much larger than a coat closet or into a dormitory where you cannot escape the 'jail-house chatter' if you wish. Through the day, you are likely to be employed in some ramshackle shop making a shoddy product at far below ordinary industrial pace. Worse yet, you may be unassigned and idle month after month and year after year, locked in your cell 20 hours a day or milling aimlessly around in the prison yard. Your little world is circumscribed by a 25-foot wall; even the sky is a prison sky. Every two weeks a little of the outside world comes in, when you are permitted a few minutes' visit, under the eyes and ears of a guard, with your wife or a friend. I ask any of my

hearers whether or not you think you would reform under those circumstances, whether the good in you or the bad in you would predominate, whether your morale and your resolution and your ability to live successfully in the free world would increase or decrease.

"We need no argument that prisons should not be so operated that criminals find them pleasant places in which to be. I have never seen one yet that was, nor have I ever met a long-term prisoner who didn't 'want out,' as they say, keenly and persistently. Every prisoner can tell you the exact number of years, months, and days that he still has to serve.

"We are still bedeviled by the popular opinion that modern prisons are country clubs. That is the veriest bunk. It is true that every prison in the country, even the most hard-boiled ones, permits baseball and other outdoor exercise because of its good effect on mental and physical health and on the morale of the inmates. Those that have facilities show movies once a week or twice a month. If something of the sort did not happen occasionally to break the monotony, we would have more insanity in prisons than at present and more riots caused by nothing but pent-up steam. Does anybody honestly think that a man will willingly go to prison because of entertainment once a week that he can have on the outside every day?

"The average prison permits, and sometimes compels, a man to live on the physical level of the animal. It promotes mental stagnation. It promotes moral atrophy and is likely to turn a man into a scheming conniver who matches his wits every day with other inmates and officers alike for the little privileges and advantages that mean so much in prison: the better cell or cell mate, the better job, the extra towel, the good will of a guard or warden. Small things, in the shrunken world that is the prison, become enormously large, and you turn into a schemer and bootlicker to get them. It takes a good man to stand the downward drag of even the best prisons.

"The essentials of a prison program that will at least increase the mathematical chances of reform are well known. What our prisons lack is the funds and the personnel with which to carry it out. The essentials include adequate medical service, with special emphasis on psychiatry and psychology; a program of classification and segregation, together with a case-study program

aimed at individualized treatment within the various classifications; a well-rounded program of education, emphasizing vocational training; discipline aimed at self-control and the understanding and acceptance of a social code of ethics; adjustment of individual, family, and community difficulties in preparation for release; and careful supervision after release. Finally, an absolute essential is employment for all prisoners in place of the devastating and degenerating idleness which is increasing yearly in our prisons under the impact of restrictive legislation."[1]

[1] *Proceedings of the American Prison Association*, 1935, pp. 32–46; see also address on same subject by William B. Cox of the Osborne Association in same volume, pp. 47–57.

CHAPTER II

PRISON ARCHITECTURE

The cell prison as it is known today is usually credited to the monastic system of the medieval church. The cells used by the monks for prayer and meditation were transformed into places where delinquents were to meditate upon their criminal and sinful acts and, according to the simple psychology of earlier times, they would repent and reform as a result of the opportunity for contemplation and introspection.

It has become customary to give to Pope Clement XI the honor of having inaugurated the penitentiary era of criminal jurisprudence by his foundation of the Hospital of Saint Michael in 1704. Professor Thorsten Sellin has shown that these views are "either positively erroneous or at least grossly misleading." The hospital was a composite institution which developed gradually through consolidations and additions. No fewer than six separate institutions made important contributions—covering the period from 1582 to 1735. The two additions of particular interest to penologists were the correctional quarters for boys and women, founded in 1704 and 1735. The "remarkable architecture and interesting regime" of the former has given the hospital its fame and reputation in other countries. The building was rectangular in form and resembled what became later known as a cell block. There were three tiers of small cells, ten cells to the tier, thirty to the wall, and sixty to the hall. Galleries gave access to the upper tiers. The wide space through the middle of the hall between the rows of cells was lighted by large windows and used as a workshop. The same design was followed in the construction of the house of correction for women.

Professor Sellin also tried to discover what gave the pope the idea of utilizing a cellular system and what role the hospital has played in the evolution of the prison systems of the last century. Many writers hold that the cellular system grew out of the church discipline itself. They hold that the pope merely

applied the monastic system to ordinary offenders. Others have concluded that the pope was given the idea by some individual, such as Filippo Franci (1625–1693), who established a correctional department in 1677 in an orphanage that he conducted in Florence. Franci's connection has not been definitely proved.

According to Sellin, "no one has yet tried to establish the relationship which may have existed between the juvenile reformatories and the workhouses of Northern Europe and St. Michael's." Consequently, it can merely be said that, "while the ecclesiastical origin of the penitentiary system seems well established, we do not know exactly what secondary influences determined Pope Clement XI to give his house of correction the form and regime which characterized it."

Similar differences of opinion exist as to the role played by St. Michael's in the evolution of prison systems. Some regard it only as "an important link in a long chain," beginning in the monastic prisons in the Middle Ages and passing through the workhouses of Northern Europe before it reaches St. Michael's. Others conclude that it was "the first of its type."

A French publicist, Cerfberr, suggests that "the design served as a model for the Milan house of correction, built in 1756, and that this institution in turn became the model for the workhouse at Ghent which many writers on penology regard as having had great influence on the American prison-reform movement."

John Howard, the great prison reformer, brought St. Michael's to the attention of the English-speaking world. He visited it in 1778 and again in 1786. He described his first visit to the institution (*The State of the Prisons in England and Wales*) in some detail, and he added to his description two etchings, a side elevation, and a floor plan. He records briefly his experience upon his second visit and states that he found the institution "sadly neglected." These statements became the basis for most of the later references to the work of St. Michael's.

Professor Sellin formulates his conclusions as follows: "The house of correction in conjunction with St. Michael's was not the first of its kind, neither as to the motives which prompted its creation nor as to its regime. Architecturally, however, it seems to have been unique, remaining so for some years. Even though it, consequently, does not appear to be such a great departure historically, it can, as a result of its influence upon prison archi-

tecture and its deep impression on John Howard, be regarded as an important factor in giving form to the institutional treatment of the offender."[1]

JOHN HOWARD

By a fortunate accident, John Howard was in 1773 elected to the office of sheriff of Bedfordshire. Unlike his predecessors, he did not stop with the more formal duties of his office. He assumed that he was, really as well as legally, the keeper of the county jail. He investigated conditions there and startled the justices with proposals for reform. When they asked for information about the situation in other localities, he "rode into several neighboring counties" and soon found that "the same injustice was practised in them, and looking into the prisons, beheld scenes of calamity which [he] grew daily more and more anxious to alleviate." During the next twelve months he traveled all over England, and by the end of that time he had found his vocation as an unofficial inspector of places of detention. From this time onward his life was given to "an almost continuous series of sixteen years of voyages of discovery, not only into all parts of the United Kingdom but also throughout the countries of Europe. The outcome of this unique perigrination was the publication, in four successive volumes, between 1777 and 1791, of what was practically one continuous series of extracts from his notebook, affording in its wealth of dry detail a convincing description of the horrors of nearly all the prisons of England and Wales and many of those in other countries."

Howard's use of statistical enumeration was effective in bringing home to the matter-of-fact minds of the legislators the truth and importance of his statements. In place of sensational denunciation of oppression and cruelty, disease, and promiscuity, Howard made a detailed statement in regard to each prison "of the exact fees taken by the gaolers, the cubic contents, window space or depth below ground of each apartment, the number, sex, age, and grade of the prisoners confined together or apart, the exact kinds of chain or irons used, the amount and quality of the food (or the absence of food) of the prisoners, and the state

[1] SELLIN, The House of Correction for Boys in the Hospice of Saint Michael in Rome, *Journal of Criminal Law and Criminology*, vol. xx, pp. 533–553, February, 1930.

of the sewers and water supply." To this description he added suggestions for reform.

The manner of construction or architecture of the prisons did not concern Howard, except as it incidentally served the dominating purpose of his life after 1773. His natural reaction against the indiscriminate herding together of all types of prisoners, which he had exposed, undoubtedly inclined him to regard with favor the cellular, solitary system which he observed in some of the European prisons. There is evidence that he had a good deal to do with its introduction into England.

In Sussex, the lord lieutenant, the Duke of Richmond, immediately after Howard's first visit, had built new county prisons, in which "the principles of cellular construction, separate confinement, and continuous employment were so vigorously applied that these prisons became a terror to the local criminal population." These two prisons were the *first in England to be constructed on the cellular plan*—they were built in 1775 and 1781.

The Lancashire Justices, largely at the instigation of an enthusiastic disciple of Howard, opened at Manchester in 1790 a prison constructed upon "Mr. Howard's plan of solitary confinement for which purpose there are upwards of a hundred cells so distinctly separate that the prisoners cannot have the smallest intercourse with one another."

In a number of other counties some reforms were made as a result of Howard's investigations, but his work was largely pioneer in character, and later reformers had to carry on and complete it. His significance lies chiefly in the fact that he compelled the ruling classes to look into the state of the prisons.[1]

The publication and presentation to Parliament of Howard's *State of the Prisons* led to the passing of two minor reform acts which are frequently referred to as *Howard's acts.*[2]

The bill creating the first so-called *penitentiary houses* was introduced in the House of Commons in 1778. The idea of these houses may also be attributed to Howard, but the Act of 1779

[1] WEBB, *English Prisons under Local Government*, Chaps. III, VI, pp. 32–37, 50–56, Longmans, Green & Company, 1922; LECKY, *A History of England in the Eighteenth Century*, vol. VII, pp. 327–335, Longmans, Green & Company, 1893.

[2] Acts for discharging of acquitted prisoners, 14 Geo. III, C20, and "for preserving the health of prisoners in gaol," 14 Geo. III, C59.

was the work of Sir William Eden and Sir William Blackstone, who was then at the height of his career. They drafted a comprehensive measure taking for granted Howard's principles as the basis of prison administration. The act provided for the erection of "two plain, strong, and substantial edifices or houses, which shall be called, *The Penitentiary Houses*, for the purpose of confining and employing in hard labor, in one of the said houses, such male convicts, and in the other, such female convicts, as shall be ordered." In addition it was provided that offenders "shall, during their hours of rest, be kept entirely separate and apart from each other, and be lodged in separate rooms or cells, not exceeding twelve feet in length, eight feet in breadth, and eleven feet in height . . . and the said offenders shall also, during their hours of labor, in case the nature of their several employments will permit, be in like manner kept separate and apart from each other . . . and such persons shall not be suffered to continue together, except during the hours of labor, and divine service, and the times respectively allotted for their meals and airings."

After the passage of the Act of 1779, three *supervisors* were appointed to have charge of the building of the first *penitentiary house*. One of the three commissioners was John Howard. The death of Blackstone in 1780 removed the man who had the greatest influence on the plans for the establishment of the new institution. Later in the same year one of the commissioners died, and Howard and the other commissioner could not agree on a site. The erection of the first penitentiary was delayed until 1812, and Millbank was not actually completed until 1821. The immediate urgency passed away when transportation to Australia was established. The act of 1779 was superseded twenty years later by the contract made by the government with Jeremy Bentham for the building of a large prison on the plan outlined in his book *The Panopticon*.[1]

Though the labors of John Howard and his contemporaries in England accomplished little in the improvement of the local prisons, the influence of their writings and their experiments continued, producing in the early years of the nineteenth century a new group of reformers. Furthermore, the cause of prison reform had attracted the support of such movements as philo-

[1] *The Social Service Review*, vol. V, pp. 74–85, March, 1931; GILLIN, *Criminology and Penology*, p. 386, D. Appleton-Century Company, Inc., 1926.

sophic radicalism and evangelical Christianity. The publication of Bentham's *Théorie des peines et des récompenses* in 1811 gave to the proposals of the prison reformers "an intellectual framework connecting them with the wider movement for the reform of the criminal law, and also with that for the general reorganization of society on utilitarian principles." It was also fortunate that the intellectual support was supplemented by that of the evangelical church people, who created a "semireligious excitement" without which in England no philanthropic proposal is ever successfully started. The most important of the new advocates of prison reform were the Quakers, who were in communication with their fellow members in Pennsylvania, where societies for the relief of prisoners had been established. A similar society was organized in London in 1808. These new forces produced a revival of agitation in Parliament.[1]

Jeremy Bentham and His Panopticon

Jeremy Bentham (1748–1832) went to Russia in 1785 to visit his brother who was undertaking to transplant English industries to Russia on the estate of a Russian noble. He remained there two years, trying to get the attention of the Empress Catherine for his plan of codification of law. Samuel Bentham had originated an *inspection house*, or *panopticon*, for the supervision of industry, and Jeremy Bentham developed it for use in prison discipline. For years he concentrated his energies upon this scheme, and he wrote voluminously about it. He corresponded with many statesmen on the subject and tried to interest all his friends. It led him to study the whole field of prison discipline and administration and made him, after John Howard, the most important figure in the development of the modern prison system of cellular confinement. In fact his *panopticon* was probably the first prison plan to receive wide consideration before any buildings were constructed according to its specifications.

Bentham's plan was described in a series of letters written in Russia during the year 1787 and first printed in 1791. In March, 1792, he proposed to the government to be responsible for a thousand convicts. His scheme met with considerable favor. He obtained a grant of £2,000, and an act passed in 1794 provided for the purchase of sites for penitentiaries. Land at Millbank was

[1] Webb, *op. cit.*, pp. 66–68.

conveyed to Bentham as a trustee, and he was authorized to make plans for the care of a large number of prisoners. The scheme failed, as Bentham believed, mainly because of King George's dislike of him. In support of his opinion as to the cause of the failure Bentham wrote a volume entitled the *History of the War between Jeremy Bentham and George the Third, by one of the belligerents.* The contract between Bentham and the government was broken, and Bentham was awarded £23,000 as compensation for the expenses that he had incurred.

Bentham begins the preface to his letters on the panopticon with the following statement: "Morals reformed, health preserved, industry invigorated, instruction diffused, public burdens lightened, economy seated as it were upon a rock, the Gordian knot of the poor laws not cut, but untied, all by a simple idea in Architecture." He declared in his first letter that the plan would be found applicable to all establishments in which a number of persons are meant to be kept under inspection. No matter how different the purposes—of "punishing the incorrigible, guarding the insane, reforming the vicious, confining the suspected, employing the idle, maintaining the helpless, curing the sick, instructing the willing in any branch of industry, or training the rising race in the path of education: in a word whether it be applied to the purposes of perpetual prisons in the room of death, or prisons for confinement before trial, or penitentiary-houses, or houses of correction, or workhouses, or manufactories, or madhouses, or hospitals, or schools."

The building, which was to serve such a great variety of purposes, was to be circular. The apartments, or cells, of the prisoners occupy the circumference. The apartment or lodge for the inspector occupies the center around which a vacant space or area is left dividing the center from the circumference with its circle of cells. Each cell has in the outward circumference a window large enough to light the cell and also the adjacent part of the lodge. The inner circumference of the cell is formed by an iron grating so light as not to screen any part of the cell from the inspector's view. A part of the grating opens to form a door for admission of the prisoner and attendants. The inspector's lodge is so arranged that the prisoners cannot see whether anyone is in it, yet the inspector can see all the prisoners. The windows of the lodge open into the intermediate area, in the form of doors, in as

many places as is necessary for ready communication with any of the cells. Small lamps in the outside of each window, backed by a reflector, throw the light into the corresponding cells and extend to the night the security of day. By these devices the inspector is concealed from the observation of the prisoners but can see everything that is taking place in the cells, giving the impression of "invisible omniscience." Obviously the plan was a product of the industrial revolution with its ingenious mechanical arrangements.

Specifications for such a circular building were described by Bentham based upon the plans of his brother in Russia. It would be two stories, and the diameter of the whole building would be 100 feet. This would admit of forty-eight cells 6 feet wide at the outside, walls included, with a passage through the building of 8 or 9 feet. In the first story the depth of each cell would be 13 feet; in the upper story the depth would be but 9 feet—the difference being taken up by a gallery, which occupies the place of an intermediate area on the lower story. Steps provide communication between the upper and lower tiers of cells. The height of the building for two stories of cells was estimated at 18 feet—the capacity being 96 persons. Four stories of cells at 36 feet would hold 192 persons; six stories at 54 feet would hold 288 persons. The drawings made by Bentham supposed four stories of cells. He also suggested how the plans could be extended, if necessary, to additional buildings and how provisions could be made for surrounding walls to inclose these buildings.

In these letters regarding the panopticon penitentiary project, Bentham worked out a remarkable anticipation of the existing penal institutions with their cells, close supervision and inspection, and grounds surrounded by walls, giving the impression of a military fortification strong enough to ward off attacks from the outside and to safeguard from escape those confined within the walls. Undoubtedly the storming of the Bastille by the Paris mobs and recent attacks upon London prisons influenced him in his plans for security and defense.[1]

[1] *Dictionary of National Biography*, vol. IV, pp. 271, 272, London, 1885; MURRAY, *Studies in the English Social and Political Thinkers of the Nineteenth Century*, vol. I, pp. 57–59, London, 1929; *The Works of Jeremy Bentham*, edited by John Bowring, vol. I, pp. 498–503, vol. IV, pp. 37–248, vol. XI, pp. 96–170.

The Penitentiary Act of 1779 did not produce any concrete results, as has already been noted, and after 1794 its proposals were eclipsed by Bentham's project of a model prison. The long controversy between Bentham and the government prevented an experimental test of his plans. In 1810 Sir Samuel Romilly varied his campaign for the reform of the criminal law by a proposal that the long-deferred building of a penitentiary should be immediately undertaken. This proposal, supported by William Wilberforce and Samuel Whitbread, led to the appointment of a committee "to inquire into the whole question of transportation, the hulks and the old contract with Bentham for a panopticon." In 1811 the committee began its work under the chairmanship of George Peter Holford, who was for the next twenty years "one of the ablest and most persistent of prison reformers." Holford managed to bring before the committee the contrast between the horrors of the old-fashioned prisons and the conditions in the new establishments in Gloucestershire and Nottinghamshire. The committee reported strongly in favor of "a system of imprisonment not confined to the safe custody of the person, but extending to the reformation and improvement of the mind, and operating by seclusion, employment, and religious instruction." The report of the committeee "finally buried Bentham's Scheme" and caused the beginning of the construction of Millbank Prison in 1812. It required nine years for the erection of what was later described as a "monument of ugliness" and was "one of the most costly of all the buildings that the world had then seen since the Pyramids of Egypt." The total expense amounted to nearly three-quarters of a million sterling. It was built according to the plans of Howard and Bentham so that from a central room every cell could be seen. There were accommodations for 1,100 prisoners. It was used until 1890, and the buildings were torn down in 1891.[1]

A summary of the steps taken in the course of the development of the first penitentiary in England is as follows:

1779	An act for construction
1782	Site purchased
1794	Act informally approving Bentham's plan

[1] WEBB, *op. cit.*, pp. 46–49; *The New International Encyclopedia*, vol. XV, p. 679.

1799 Fifty-three acres transferred to Bentham and a contract drawn up (never signed)
1810 Sir Samuel Romilly's proposal
1811 Committee under Holford
1812 Provision for erection for Millbank, the same act provided "for making compensation to Jeremy Bentham for the non-performance of an agreement between Bentham and the commissioners of His Majesty's Treasury, respecting the custody and maintenance of criminals."

Millbank

Millbank Prison was the first institution of its type and was the result of the discussion of the disposition to be made of English criminals after transportation to America became impossible in 1776. The discovery of Australia and the development of transportation to that colony in 1788 determined prison history for many years. Transportation was regularly organized and extensively used until 1840. It could not survive the condemnation of a parlimentary committee in 1837. This condemnation followed immediately upon another investigation into the system of imprisonment at home.

Pentonville

These parliamentary inquiries led to the abolition of transportation to Australia and to the establishment of penal servitude or imprisonment at home. The construction of Pentonville Prison in 1842 followed as a model on the cell plan for the purpose of working out in practice a new system of prison discipline. After ten years the new system was made permanent by the penal servitude acts of 1853 and 1857.

During the interval between the erection of Millbank and of Pentonville, the idea of separate or cellular confinement had been developed in the United States. In 1833 William Crawford was sent to examine the American prison systems. He made a report which was printed by the House of Commons, in which he approved of the separate, or Pennsylvania, system, as exemplified in the Eastern Penitentiary at Philadelphia. As a result Pentonville Prison was designed by Crawford, Sir Joshua Jebb, and Rev. Whitworth Russell, formerly chaplain at Millbank. A progressive penal system was gradually developed, beginning with a period of strict separation at Pentonville and continued in

institutions specially constructed for employment upon public works. For this purpose Jebb designed the prison at Portland. Similar prisons were later erected at Dartmoor, Chatham, and Portsmouth. Both Crawford and Jebb were made commissioners for the administration of Pentonville. Sir Joshua Jebb was made surveyor general of prisons in 1844 to act as a technical adviser to the home secretary on the construction of prisons. In 1850 he was made chairman of the Board of Directors of Convict Prisons which was organized to take charge of prison administration under the Home Secretary. He became in effect the head of the English prison system, and under his direction the English prison discipline was developed. His book on *Modern Prisons*, published in 1844, influenced the structure of subsequently erected places of imprisonment all over the world. He exercised a dominant influence in prison administration down to his death in 1863.[1]

Jebb was succeeded by another eminent engineer, Sir Edmund Du Cane. His largest undertaking was the construction of Wormwood Scrubbs prison for convicts by prison labor. The plan was known as the *separate-block* system and was adopted as an improvement upon the *radial*, or Pentonville, plan, though many of the features of the latter were retained.

There was considerable reconstruction of existing institutions when the central government took over the control of local prisons in 1878. The conversion to Borstal institutions was carried out under another engineer, who also designed the preventive detention prison at Camp Hill Isle of Wight—the new institution for convicts in England.[2]

Eastern State Penitentiary

According to Wines, the Philadelphia Society for Relieving Distressed Prisoners was the parent of all modern prison associations. It was organized in 1776, suspended operations during the American Revolution, and was reorganized in 1787 under a slightly changed name. The Quakers, with the inheritance received from William Penn, the founder of the colony, were

[1] *Dictionary of National Biography*, vol. XIII, p. 57, vol. XXIX, pp. 261, 262; Webb, *op. cit.*, pp. 177, 178, 180.

[2] *Encyclopaedia Britannica*, 14th ed., vol. XVIII, p. 516.

influential in its affairs. As a denomination they were noted for their benevolent spirit; they condemned war, slavery, and capital punishment. They were interested in prison reform in England and America. They were, of course, familiar with the work of John Howard. Philadelphia, as the political and social center from the time of the Continental Congresses to the establishment of Washington about 1800, was familiar with French revolutionary thought through Americans in France such as Franklin and Jefferson and through the visits of Frenchmen to America during the war and afterward.

After some unsuccessful efforts to convert the Walnut Street Jail into a cell prison for the confinement of the "more hardened and atrocious offenders," the Pennsylvania legislature authorized the construction of two penitentiaries, one in Philadelphia and the other at Pittsburgh. These institutions are notable in the development of prison architecture because they were designed by an architect, John Haviland, to whom the world is under a permanent obligation for the creation of the modern prison on the radiating plan. John Haviland (1792–1852) was born in England, studied in London, and planned some buildings there. He came to America in 1816 and settled in Philadelphia, where he conducted an architectural drawing school with another man and also published with the same man *The Builders Assistant* in two volumes. Later a second edition was issued in three volumes. Haviland designed many public buildings in Philadelphia and other places as well as numerous churches and private houses.

In 1821 legislation was passed for the erection of a penitentiary at Philadelphia, which later came to be known as the Eastern State Penitentiary. Haviland entered the competition for plans, won, and supervised the construction. In this structure "the chief objects of prison architecture were for the first time attained," according to the *Pennsylvania Journal of Prison Discipline.* In the opinion of another expert, it was the "most spacious and habitable institution ever utilized for the detention of adult felons in the United States." It has served as a model for prisons in all parts of the world. The main features were the radiating wings with cells next the outer walls and a corridor in the center. Each prisoner originally had a little yard outside his cell for exercise.

The success of Haviland was so striking that foreign governments sent delegates to study and report. Reference has already been made to Crawford's visit and report which resulted in the erection of Pentonville Prison. G. A. Blouet, one of the leading architects of France and joint author of a book entitled *Pénitenciers des États-Unis*, published in 1837, wrote Haviland that the institution designed by him was "the chief source from which we have drawn" and furnished "the models which we propose as the best."

Later Haviland reconstructed the Western Penitentiary of Pennsylvania and prisons in New Jersey, Missouri, and Rhode Island. In addition he made plans for a number of county jails and the Halls of Justice and City Prison (The Tombs, replaced in 1888) in New York City.[1]

Alfred Hopkins, in a book on *Prisons and Prison Building*, published in 1930, states that Haviland "was the first architect to give the prison building a definite impulse in design, not only in plan but in elevation." Hopkins declares that he knows "nothing more forceful or fitting in the art of the builder than the front of his Eastern Penitentiary at Philadelphia. With the construction of this prison, and others which Haviland designed then and subsequently, progress in prison architecture stopped. Penological thought was occupied with the administration of the prison which the genius of Haviland had devised."

In an article in the *Encyclopaedia Britannica*, the statement is made that prisons in the United States are at the present time "substantially what they were in 1830, as regards both architecture and disciplinary methods."

The Auburn Cell Block

The Auburn, or congregate, prison system is really only a variant from or a modification of the Pennsylvania, or separate, system. After experimenting with solitary confinement as it was practiced in Philadelphia, the Auburn system of solitary confinement by night and work in association in shops under a strict rule of silence by day was developed. The fact that prisoners in groups could be more successfully employed undoubtedly contributed to the success of this system in the United States. The only feature of prison architecture developed at

[1] *Ibid.*, vol. VIII, pp. 412, 413.

Auburn was the so-called *inside-cell construction.* The original *Auburn cell block* (the oldest part of the north wing), which has served as a model for almost all American prisons, is still in use. The building is a shell, inside which are two rows of stone cells, back to back, in five tiers. In recent years the advent of the general manufacture of steel has led to the introduction of the steel cell and "the idea of surrounding the prisoner entirely by metal—metal so hardened as to be proof even against cutting with tools."

Later, in order to sell more steel, "two corridors were devised, one for the prisoner and one for the guard. The prisoner was separated from the guard by heavy bars of toolproof steel, solely for the guard's protection. All this to retain men the majority of whom were quite content to work all day long out in the open and to return peacefully at night to sleep quietly behind a triple row of toolproof steel without thought of either killing the guard or breaking jail. I have always felt the employment of this excess of toolproof metal to be the most absurd of all our ill-considered prison construction. The adoption of this type of prison, commercially devised and commercially constructed, served no purpose other than to build the most expensive prison in the most expensive way. The possible escape of the prisoner was the one element considered, and the design of every prison was based upon the theory that it must everywhere detain the worst possible prisoner. To build an entire institution on the basis of its worst possible inmate is nonsense."

During this period of commercial design, certain improvements were made in heating, ventilation, and plumbing—all of which made for the general physical comfort of the prisoner. Ingenious devices for opening and closing all doors of a tier of cells with one motion were perfected. Most of these products of commercial development have been thoroughly worth while, but the small, separate cells, the rigid discipline, and the mechanical regulations, devised a century ago, still survive in the great majority of our penal institutions. It is quite unnecessary to point out that such an institution is an anomalous survival in the fourth decade of the twentieth century.[1]

[1] HOPKINS, *Prisons and Prison Building*, pp. 43–48, New York, Architectural Book Publishing Co., 1930.

The Telegraph Pole Plan

In 1898 there was completed at Fresnes, near Paris, one of the largest French prisons, to accommodate about 2,000 inmates. The architect rejected the traditional radial plan and substituted for it a long corridor to connect the various units of the institution. He placed the administration building at one end and the chapel at the other of this corridor, with the cell blocks between. Such an arrangement gives each cell sunshine either in the morning or the afternoon, since the cell blocks run north and south. It gives this plan an advantage over the radiating type. Its similarity to the long shaft and crosstrees of a telegraph pole has given it the name of the *telegraph-pole plan.* The prison at Guelph, Ont., and the prison at Stillwater, Minn.. are built on this plan.

According to Hopkins, the telegraph-pole plan has much to commend it from the practical side. The inspection corridor replaces the central room, or rotunda, of the radial plan. Architecturally it is ugly, as it is impossible to treat buildings standing in a row in a way commensurate with their importance as structures. "It is an engineer's plan—an efficiency engineer's plan."

To meet this criticism, Mr. Hopkins has developed a plan in which the administration building is in the center, with the inspection corridor parallel to it instead of at right angles. The cell blocks are also at right angles to the administration building. The areas between them form courts and not alleys. The location of the administration building in the center is more convenient than at one end as in the telegraph-pole plan. Its separation also gives it better light and ventilation and keeps out of it the institutional odors always to be found in any large structure every part of which is connected with every other part. Furthermore, it gives a better form and balance to the institution. It should be emphasized that convenience is not sacrificed to architectural effect. Mr. Hopkins developed his plans in designs for the Westchester Penitentiary near White Plains, N. Y., and the Berks County Prison at Reading, Pa. The same plan is used in the federal prison at Lewisburg, Pa.[1]

[1] *Ibid.*, pp. 48–65.

Criticism of Maximum-security Type of Prison

The recent great increase in prison population in the United States has not been met by additional housing facilities. The federal and state governments should have anticipated that new legislation and growing population would add to the criminal population. This lack of foresight has resulted in the overcrowding of both state and federal prisons. Serious overcrowding adds to the difficulties of discipline. Undoubtedly the prison riots that occurred during the years 1929, 1930, and 1931 were to a considerable extent due to intolerable physical conditions in many prisons. Institutions "caring" for double capacity can do so only by placing two men in a cell none too large for one. Sometimes a third inmate sleeps on a mattress placed on the floor of such a cell. Cots are placed in the corridors, and "temporary" dormitories are built while the action of state legislatures is awaited—five, ten, and fifteen years may constitute their *temporary* use.

Prison riots revealed the most glaring faults in the prison situation, and most of these are due to the inadequacies of the prison plant. The cost of the kind of building used for prisons makes it almost impossible for any state to build enough of them to provide for the growth of the penal population. The fortress, or bastille, type of prison, with its so-called *toolproof* steel cells, costs from $5,000 to $6,000 per prisoner. The men in charge of the zoo consider one row of ½-inch bars, half the size of prison bars, sufficient to protect the public from a caged lion, yet in a well-managed reformatory in one of our states two rows of 1-inch steel bars are used to protect the guard from the inmates—first offenders; three rows of toolproof steel, to keep within prison walls men most of whom could have been trusted outside the institution without great danger of escape. Such unnecessary precautions account for the prohibitive cost of the maximum-security type of prison.

Another expensive feature in prison construction is the wall. The wall of the new prison at Attica, N. Y., is estimated to cost over a million and one-half dollars out of a total cost of $14,000,000 for the entire institution. The wall around the new Eastern Penitentiary in Pennsylvania is estimated to cost

over $800,000 although 80 per cent of the labor will be performed by inmates.

The wall, like the steel cells, is another device to hold the prisoner. The warden who has always had a wall will always want one, whereas a warden who has not had one will maintain that one is unnecessary. For the hardened offender a wall is desirable, but for short-term men it is far better not to have a wall. The prison wall is the last thing to build. The usual process, however, of prison building is to buy the site and build the wall. This method has become traditional, and it is difficult to reverse the accepted way. Hence, we continue to build expensive walls, although in many cases they are not needed. Artistic prison walls may be impressive from an architectural point of view, but practically they only add to the cost of prison building—like the "monumental" dome of the reformatory at Rahway, N. J., which is said to have cost $250,000 and serves no other purpose than that of being "monumental."[1]

Prison design in the United States is backward largely because of the procedure followed in the drafting of plans. Only a limited and meager architectural literature is available. Consequently the architect and prison officials visit the latest and best institutions. The wonderful locking devices, toolproof steel, and escape-proof qualities of these prisons will be indicated, but any suggestions for improvements by radical changes will be regarded as impracticable. The architect usually does not dare to go contrary to those who *ought to know*. The new building, accordingly, reproduces the features that are recommended as being the best. High-pressure salesmen and commercial interests dictate the kind of institutions that we have, because they are aggressive and insistent. They convince the prison officials, and the latter in turn influence the building committee who, as a rule, will not consider any suggestions of the architect unless they are approved by the warden. The result is that prison construction lags behind the needs as to both quantity and quality. We have insufficient capacity to house our criminals decently, and the buildings that we erect are not suited to the purposes for which they are used. Compare a small business block on one of our streets with a near-by office building of recent date, and you have

[1] *Ibid.*, pp. 66–71, 78–80.

in the former a concrete example of the inadequacy of most of our penal institutions.[1]

Late in 1930 a meeting was called by the National Committee on Prisons and Prison Labor. As a result a Planning and Research Committee, consisting of two representatives of penal societies, two prison administrators, an engineer, and an architect, was formed to organize a "survey of the basic principle of design, standards, specifications, and costs of various types of prison plans now in use and the relation of these factors to administrative and operative needs."

Not many existing prisons will measure up to the definition of a prison adopted by this committee: "a part of the community set off and controlled so as to provide a place of ostracism for those who have violated the law but so constructed that the individual prisoner, in charge of a staff able to utilize fully the advantages offered by a physical plant of this kind, has the opportunity to develop a life which is normal rather than abnormal, social rather than antisocial, productive rather than destructive; the structure of this prison community should represent the least expenditure of public funds consistent with the greatest amount of service toward these desired ends."

With a scientific classification of prisoners such as is being worked out in New Jersey, Massachusetts, and New York, at least one-quarter can be housed at $1,000 per person, one-half at $1,750 and the remainder at not more than $3,000. A prison based on a functional design will suggest "a hospital or school or a small community rather than a fortress."

Three general policies may be followed:

1. A receiving prison and a number of separate institutions of various types of security.

2. A combination of a receiving department and provision for all degrees of security in one institution, obviously the preferable plan for a state with a small prison population.

3. A compromise plan by which different institutions, perhaps including nonpenal, may be grouped on an adequate site to share expensive service installations in common.

There is agreement among penologists that a prison cannot be economically smaller than 250 or larger than 1,000 to 1,200 and

[1] *The Survey*, vol. LXVI, pp. 305, 306, June 15, 1931; *The Architectural Record*, January, 1930 (reprint).

that 500 is the ideal size. In general the following security requirements may be expected:

	Per Cent
Reception unit—unclassified	10
Maximum security	20
Limited security	40
Minimum security	30

Figures may vary as much as 10 per cent either way.

A typical state with a prison population of 2,500 might have seven institutions:

A reception unit	250
A maximum security	500
2 limited security	500 each
3 minimum security	250 each (farms)

The Survey, vol. LXVI, pp. 305, 306, June 15, 1931.

After the prison riots at Auburn and Dannemora in New York in 1929, a commission was appointed to investigate prison administration and construction. This commission reported that the state will have sufficient cell-block provision for many years, when the remodeling and construction work now in process is completed. It calls attention to the fact that "experience, both in this state and elsewhere, has demonstrated that the cell block should be used only for certain groups of prisoners and is not required for the whole prison population."

On the other hand, the commission noted that there was no provision, aside from temporary road camps, for the prisoners "who should be housed in the more open type of prison in order to promote their rehabilitation and save cost to the taxpayer." The commission, therefore, recommended "the immediate building of a medium-security type of prison, manned by a high-grade personnel to afford specialized training adapted to the needs of individual prisoners."

In the opinion of the commission, "three classes of prisons are now generally recognized, the maximum security, medium security, and minimum security:

"The maximum security is the walled, fortress-like prison with steel cells and every known appliance to keep the prisoners from escaping. The existing prisons of New York State all practically fall into the maximum-security class." This statement applies to the penal institutions in most of the states.

"The medium-security prison provides single rooms for the inmates instead of steel cells; it is well guarded at night, and the windows are protected to make escape difficult, but there is no wall surrounding the buildings. The exercise yard is enclosed by what is known as a cyclone fence, in place of a wall. The prisoners work on farms and in other outside activities under the supervision of guards. Prisoners are selected for this medium-security institution who can be trusted and who will benefit by the greater opportunity for individual intensive training.

"The minimum-security prison is somewhat similar to the housing at road and reforestation camps and resembles very closely an army cantonment. Only prisoners who can be trusted to the highest extent are selected" for this type.

After a careful survey of the prison population, the commission concluded that for housing purposes the inmates may be grouped into five general classifications:

1. Colony group: Qualified for road camps or other types of housing under minimum supervision or with night supervision; men best housed in minimum- and medium-security prisons or colonies.

2. Temporarily restricted group: Housed mainly in single rooms inside prison walls; working in industries within prison walls or in groups under supervision outside.

3. Prolonged-restricted group: All within prison walls; 15 per cent in single rooms, 85 per cent to be housed in cell blocks.

4. Psychiatric: In special institutions or in special sections of general institutions.

5. Hospital: Requiring special housing facilities, aged, infirm, and tubercular.

The following percentages are given for each of the groups:

	Per Cent
Colony	24.5
Temporarily restricted	34.7
Prolonged restricted	22.4
Psychiatric	16.2
Hospital	2.2
	100.0

Report of Commission to Investigate Prison Administration and Construction, state of New York, 1930, 1931.

There are in the United States about 100 institutions used for the long-term confinement of prisoners. If we exclude the

women's reformatories and some of the Southern institutions, there remain some eighty institutions of the Auburn, or fortress, type. "Of the sixty-seven prisons, eight still in use were built more than 100 years ago and include among them some of the largest institutions in the country. Of this type are Auburn, N. Y., and Charlestown Prison in Massachusetts. Fifteen of the sixty-seven prisons are between seventy and one hundred years old. That means that well over a third of all prisons in the country still in use were built over seventy years ago. Only seventeen prisons were built since 1900. The older prisons were constructed before modern sanitary systems were developed; before the importance of light and ventilation were properly appreciated; before modern ideas of segregation, classification,

AGES OF 26 AMERICAN PRISONS, BY STATES

Virginia	1797	Michigan	1837
Kentucky	1799	California	1850
Massachusetts	1805	Wisconsin	1852
Vermont	1809	Iowa	1853
Maryland	1811	Illinois	1858
New York	1816, 1825	Indiana	1860
Maine	1821	Nevada	1862
Pennsylvania	1826, 1829	Kansas	1864
Connecticut	1827	West Virginia	1866
Ohio	1835	North Carolina	1866
Missouri	1836	Nebraska	1869
New Jersey	1836	Oregon	1871

State and National Correctional Institutions of the United States and Canada, American Prison Association, 1936.

recreation, and education were accepted, and reflect the absence of these ideas in their structure."

The men's reformatories had their origin in the eighties when Elmira Reformatory in New York was established. Ten of these institutions were built more than thirty years ago, and their type of construction is the same as that used in the prisons. In some instances prisons have been converted into reformatories.[1]

It is not surprising, therefore, that with the age of our prison buildings an obstructive stereotype has developed which impedes progress in prison administration. The conviction has become firmly established that the safe custody of criminals depends on

[1] *Report on Penal Institutions, Probation and Parole*, pp. 7, 8, National Commission on Law Observance and Enforcement, June 23, 1931.

building prisons like fortresses and upon surrounding them with high walls. Not only do we believe that we must have a fortress or bastille with walls, but we are equally convinced that we must have a garrison of heavily armed guards.

A few of our states and the Federal Bureau of Prisons are experimenting with new types of institutions. We have already quoted from the report of the New York Commission. The Federal Prison Administration has recently completed a new prison in Pennsylvania along new lines, and Massachusetts is developing a new state prison colony. These institutions are important as experiments pointing to better prisons for the future.

The age of a considerable number of state prisons is indicated by the date of establishment as given in the list on page 37.

CHAPTER III

SOME NEW TYPES OF PRISONS

Prison architecture belongs to a penological era that is past. Solitary confinement was suggested by the medieval monastery and was also a reaction from the promiscuous mingling in old English jails. Old theories of penitence, from which we derive the word penitentiary, gave us the cell prison, of which John Howard was the exponent in England during the years 1773 to 1790. The psychology of penitence combined with the doctrines of free will and individual responsibility led the reformers to believe that if criminals had nothing to do but to think of their sins, they would repent and sin no more. The theories of the old introspective psychology in regard to solitary confinement survive in the cell prisons in the United States, modeled upon the Auburn Prison inside-cell block, constructed in New York more than one hundred years ago and still in use.

Cell prisons are expensive and ill adapted to the intelligent handling of criminals. The prison riots of a few years ago were symptoms of the failure of the prison system. Among the causes were the conditions in the prisons due to the crowded cells intended for one person and frequently occupied by two and sometimes more. Antisocial persons are made more antisocial by being compelled to live under abnormal conditions. Preparation for life in ordinary society after release is made impossible in crowded cell prisons. Good prisoners are not trained to become good citizens. One can hardly imagine a worse preparation for life in the world at large than the routine and rigid regulations to be found in the average cell prison of the present day. Socialization of the inmates of a prison community is most important, but it is almost impossible under existing conditions in our penal institutions.

Differential treatment involves different types of institutions or the opportunity for different kinds of treatment within one institution. Individual case study has shown the existence of

different types of criminals and the consequent need of individualization of treatment. Different types of criminals cannot receive individual treatment in one type of prison. During the last century we have eliminated all punishments for crime except the death penalty, imprisonment, and fines. Our humanitarian feelings allow us to use capital punishment only in a limited number of particularly atrocious murders. Fines are applied only to minor offenders who suffer imprisonment in place of a fine if they are unable to pay the fine. Practically we use one method, imprisonment, in dealing with criminals, varying the treatment by making the sentences longer or shorter to fit the seriousness of the offense or to satisfy the feeling of vindictiveness in regard to the offender.

Penal treatment may be compared with medical practice when bleeding the patient was the regular method in all cases of illness. We are still in the stage of emotion rather than of intelligence in the infliction of punishment. Our penalties are very similar to the reflex actions that occur when we stub a toe or hit our shins on an obstruction. As Professor Faris declares, we punish because we do not know anything else to do. We imprison just as the doctors of Washington's time bled because they did not know how to use any other methods. Modern medical practice has developed during the last century, but penal treatment has continued to use one remedy, and that one developed under very different conditions.

Increase in the number of prisoners has compelled the building of larger prisons. The universal acceptance of maximum security as a necessary standard in prison construction has made the cell prison seem inevitable, and its great cost has made it difficult to build cells fast enough to meet existing needs. The type of institution has tended to increase congestion because of the large appropriations required. Large numbers compel mass and uniform treatment. Such prisons as those in New York, Pennsylvania, and Michigan, planned to house 5,000 inmates, are enormously expensive and are unfitted to deal with prisoners in anything but a formal and routine way. Individualization and socialization require smaller institutions. Five to twelve hundred inmates have been estimated by experts in Europe and the United States as representing desirable numbers to be dealt with in a single institution under one administrator.

Northeastern Penitentiary

Recently plans have been worked out to meet the needs indicated by the more scientific study of prisoners. The administration of the U. S. Bureau of Prisons under Sanford Bates developed designs for a group of institutions to meet the problem of congestion in federal prisons resulting from the great increase in numbers of federal prisoners following the adoption of prohibition and the addition of other new federal offences.

The Northeastern Penitentiary at Lewisburg, Pa., is modeled upon the best prisons in Europe. It is "unique in this country because it abandons almost entirely the old conceptions of how a prison should be constructed. The planners have not assumed that every inmate is to be a wild beast who must be placed in a steel cage and removed entirely from any contact with air and direct sunlight. They have concluded rather that there are different kinds of prisoners just as there are varying types of individuals. It is upon this premise that the new prison is constructed.

"It will not be a big house with row on row and tier on tier of steel cages into which men may be locked away and forgotten while the prison officers and the rest of the world 'continue their regular routine.' It will have nothing in common with the first Pennsylvania type of prison, nor will it follow the Auburn plan of an inside-cell block so universally used in American prisons.

"The new federal prison is built in accordance with the policy which prescribed that it should be so planned and constructed as to facilitate the proper classification and segregation of prisoners according to their character, the nature of the crime committed, their mental conditions, and such other factors as should be taken into consideration in providing an individualized system of discipline, care, and treatment.

"The new penitentiary is to have a small inside cell block for hardened or habitual offenders, strong outside rooms for prisoners whose deportment and record indicates they will not spend their time planning how to escape, dormitories for prisoners who can live peacefully with their fellows, smaller dormitories subdivided into wards for those who show greater improvement of character, and honor rooms, which are substantially the same as the living

quarters of normal persons, for the most advanced prisoners in character and self-discipline."

The most modern facilities for diagnosing the prisoner's mental and physical ailments are provided. The federal administration believes that the least it can do toward seeing that the prisoner is discharged in a better condition than when he was received is to remove his physical handicaps and build up his physique so that he can earn an honest living if he wishes.

A prisoner upon admission will be housed in a receiving building until he can be examined, physically and mentally. He will be placed in quarantine until the medical authorities are certain that he has no contagious or infectious disease. If he has a defect that can be corrected by the surgeons or doctors, he will be removed to the hospital. If he seems normal physically and mentally, he will be placed in one of the stronger types of housing until he demonstrates that he can be trusted in the dormitories. He will be graduated through the various kinds of environment until he is at last sent out again into the community. During his stay in prison he will be given an opportunity to attend school and vocational training classes and to work in the industries or on the farm.

Despite the diversified facilities, the prison cost only about $3,000,000 and will accommodate about 1,200 prisoners. It will provide absolute security yet will give sufficient freedom to develop self-reliance and self-respect.[1]

Construction work on the Northeastern Penitentiary began early in 1931. Because of the need of the greatest possible speed, and to give work to as many unemployed as possible, the institution was not built by inmate labor. The architect was Alfred Hopkins of New York, and the contract for construction was given to the Great Lakes Construction Company.[2]

The institution was formally opened in November, 1932, and soon after received its first prisoners by the transfer from Atlanta of a group of men originally committed from the northeastern section of the United States. Other prisoners were later transferred, and the penitentiary began to receive men committed directly by the courts. The prison has a maximum capacity of

[1] Adapted and quoted from the *News Bulletin*, National Society of Penal Information, 114 East 30th St., New York, February, 1931.

[2] *Ibid.*, February, April, 1931.

nearly 1,500 prisoners, although it is planned to keep its population as nearly as possible to the standard level of 1,200 inmates.

Two aims of the federal prison authorities, adequacy of facilities and economy of construction, have been achieved in this institution. No prison in the country has more nearly adequate facilities for safe custody and for scientific treatment of prisoners, both of which are essential to the protection of society. At the same time the cost of construction has been only $2,000 per inmate as compared with $4,000 to $5,000 per inmate in the erection of the old American prisons of the bastille type, which provide few of the facilities necessary for the rehabilitation of offenders.

The buildings occupy an area of about 30 acres surrounded by a wall 20 feet high. The whole prison reservation comprises approximately a thousand acres, much of which is excellent farm land.

Major Henry C. Hill, formerly warden of the Illinois State Penitentiary at Joilet, is the superintendent, and the custodial force is composed of graduates of the federal training school for prison officers in New York City.

This prison was the first major institution to be completed under the building program of the U. S. Bureau of Prisons authorized by Congress in 1930.[1]

The institution faces south, and the administration building is in the center directly back of the entrance building. This building has two wings, one for the library and one for the school. Directly behind it across the corridor is the mess hall with a laundry building and guard's dining room on the right and left sides. Still farther back are the kitchen, storage, and factory buildings. The corridor runs east and west and gives access to and connects all the buildings by covered passages.

At the east end is the hospital building with receiving and hospital wings. Adjoining this building are three cell blocks and the disciplinary building. At the west end of the corridor are four dormitory units and an honor dormitory and honor-rooms building. The last two buildings are at the extreme west end of the corridor.

Brick with cast-stone trimming is used in the construction. The brickwork follows varying designs which relieve the monotony

[1] *Ibid.*, February, April, 1931, December, 1932.

of the walls. Cement blocks of different sizes are used for inside finish without plaster. The effect is pleasing, especially as shown in the auditorium.

The disciplinary building has inside cells with steel fronts similar to those in use in most prisons. The three cell blocks have outside windows, one block having small, high windows; and the other two, larger and lower windows. The four large or typical dormitories can house a hundred or more persons in single beds. There is open iron grillwork at the corridor entrance for observation. The honor dormitories are arranged for four or five men in separate wards. The honor rooms are ordinary rooms with locked doors.

As has already been indicated, the buildings have been planned to provide maximum, medium, and minimum security in living quarters of a half-dozen different types. The plant therefore lends itself to scientific classification and segregation and provides a sufficient number of steel cells of modern construction.

The work of preliminary classification will be carried on in the combined hospital and receiving building, which is fully equipped not only for the diagnosis and treatment of medical cases but also for the analysis of the individual prisoner's needs and capabilities on the basis of social and scientific data.

The facilities for educational work are the most complete to be found in any American prison. There is also a large library stocked with a carefully selected and well-rounded collection of 6,000 books.

Adequate provision has been made for industries that will manufacture goods for government use and will give vocational training for the inmates. The farms and dairy will also be operated for training as well as production.

Trained personnel directs the program of rehabilitation and carries on the administrative work. The medical department is composed of officers of the U. S. Public Health Service. The staff includes a psychiatrist and a psychologist as well as general medical and dental officers and consultants in a variety of specialties. Experts in both general and vocational education direct the educational work. There is a civilian librarian, as in the other federal institutions. A unit of trained social workers assists in the individualization of treatment on the basis of case

studies of prisoners and attends to family relief work and similar problems.[1]

New York Medium-security Prison

Riots in New York prisons a few years ago led to the appointment of a commission to investigate prison administration and construction in that state. In its report to the legislature the commission proposed a prison policy in the following terms:

"A prison system which will protect society from the criminal and his evil deeds by endeavoring to reeducate and retain the men and women in prison so that they may be fitted, upon release, to become useful members of the community. This is imperative because 92 per cent return to society within a comparatively short period of time after their incarceration.

"To be effective, the training and education given a prisoner must meet the special needs and be adapted to the capabilities of that individual prisoner. It is, therefore, necessary that the prisoner should be studied by competent specialists in order that an understanding may be reached as to the personality and ability of each individual, the defects which led to crime and whether or not the individual can, through treatment and training, be helped to correct or cure these defects."

In brief, the prison policy proposed was the "replacement of mass treatment and routine organization by a system of constant personal study, individual treatment, and training of every prisoner."

The commission recommended that there should be two receiving and classification prisons for male prisoners—Sing Sing for the eastern part of the state, and the new Attica for the western. It concluded that New York had ample cell room for male prisoners who required maximum security but that a medium-security prison was needed as soon as it could be built. It therefore proposed that a medium-security institution should be constructed as soon as a site could be selected and plans drawn. The first medium-security prison at Wallkill was opened in 1932.[2]

[1] *Ibid.*, December, 1932.

[2] *Ibid.*, April, 1931; *Report by Commission to Investigate Prison Administration and Construction*, state of New York, Feb. 15, 1931.

Wallkill is a farm prison, and the housing is devised to provide individual and separated units. The cell blocks are symmetrically arranged about a central court, and the location of stairways is such that each cell block has a separate entrance as well as a separate stairway. The stairways run to the basement where a corridor connects every cell block with the congregate mess hall and auditorium, schoolrooms, and shops. Undercover connection, therefore, is provided for, and yet the cell blocks are quite as distinct as if they were built as separate buildings. The plan has the advantages of the cottage system without several inherent difficulties in regard to supervision, access to general institution rooms in bad weather, and great expense in building and heating.

The first floor is raised well above the ground so that the light basement areas serve excellently as shops. In addition, two shop buildings provide the usual shop area. The mess-hall building with the auditorium above occupies a central position opposite to the administration building in the central court. No reception quarters are required, for the inmates will have gone through the reception routine at the classification institution.

The plan of Wallkill is designed for the purpose of caring for a general group of 500 men selected from the various institutions of the state, segregated in groups of about forty inmates, and housed in a type of building which will be reasonably economical in cost.[1]

At Wallkill the construction is almost entirely of concrete with a minimum use of brick. The double walls of concrete block are exposed on the outside and inside, and a further economy is being effected by exposing the reinforced concrete ceiling throughout almost the entire institution. All the concrete slabs are designed to be exposed, and the ceilings are attractive and economical.

The buildings are three stories high and have red-tiled roofs. The state owns about a thousand acres of land, which is farmed, and the surplus products sold to other state institutions. Because of the different character of the prison, there is no wall as at Lewisburg. It is designed to care for only one type of prisoner instead of for a number of types as in the federal penitentiary. The architect was Alfred Hopkins, who also planned the Northeastern Penitentiary.

[1] *News Bulletin*, National Society of Penal Information, October, 1931.

There are four cell houses three stories in height with twelve distinct and separated units of forty-three inmates each. The cells are really rooms with wooden doors and barred outside windows. Their dimensions are 6 by 9 feet. There are central wash- and toilet rooms, and each room has a bell to summon the guard when necessary. Recreational areas and rooms for the guards are also provided. The construction of the rooms is stronger than appears, for the iron rods or bars used in construction are covered by concrete. As already indicated, the institution is planned for the type of prisoner who is selected because he requires only medium security.

Only the outer doors of the cell houses are locked. Cell doors are not locked. After supper until eight o'clock there is freedom within the buildings. Eight mounted guards patrol the grounds. There were only nine escapes among 900 men from the opening in 1932 to the summer of 1934.[1]

State Prison Colony, Norfolk, Mass.

The first buildings of the old State Prison at Charlestown were erected in 1805. Most of the cells were constructed more than fifty years ago, and the general architecture of the buildings belongs to a penological era irrevocably past. It is one of the oldest plants in the country still in use. Entirely surrounded as it is by the city, its location has long been recognized as undesirable in every way.

In 1877 a new prison was built at West Concord and was occupied as a prison from 1878 to 1884. The old institution at Charlestown was again reoccupied in 1884, and the name of the new prison at Concord was changed to Massachusetts Reformatory.

In his annual report for the year 1920, Commissioner Sanford Bates made the following comment on the State Prison at Charlestown: "It is antiquated, out of date, and hard to keep clean. It is in a congested and dirty location. There are no adequate hospital facilities. There is no congregate dining room, with the result that men are obliged to eat all their meals in their cells. This is unhygienic, wasteful of food, and conducive to unclean conditions. The absence from the cells of any kind of plumbing makes necessary the obnoxious and unhealthy 'bucket system,'

[1] The institution was visited by the author in 1932 and in 1934.

and in general the cell-block construction is not conducive to health."[1]

In 1921 the Commission on State Administration and Expenditures reported that "the State Prison at Charlestown is obsolete, and there appears to be no question that it should be abandoned as soon as it is practicable to do so. The property on which the prison is located has a value for other purposes which has been estimated between $750,000 and $1,000,000."

The same year a joint special committee of the legislature on county government made a similar reference to the State Prison in its report: "In conclusion the committee wishes to say that no human being is bad enough to deserve confinement in such a place or dangerous enough to need it. Many of the conditions which continue to put the brand of the prison on the inmates are undoubtedly due to the survival of the bastile type of prison architecture which is so well exemplified by the State Prison at Charlestown. No reforming influence, however humane and generous, would long survive in the atmosphere of such a place.

"Hence the committee is a unit in recommending that the present prison site be immediately abandoned and that a modern prison be erected on a more suitable site."

In his annual report for the year ending November 30, 1930, Commissioner A. Warren Stearns stated that he had been over the plant at Charlestown with a competent engineer. His opinion was "that it would be entirely impractical to try to restore, modernize, or reconstruct the Charlestown property. Naturally, if the physical plant at Charlestown is not worth saving, the location is certainly undesirable for a prison. Certainly, the present structure should be abandoned as rapidly as possible. However, with the present tendency on the part of courts to use prisons more and more and to give longer sentences, it seems likely that the plant at Charlestown will be in urgent demand for several years."[2]

It is apparent that the need of a new prison to replace, or at least supplement, the ancient institution at Charlestown furnished the immediate impulse to the establishment of the State Prison

[1] *Annual Report of the Commissioner of Correction*, Massachusetts, 1920; *The New Prison at Norfolk, Massachusetts*, a pamphlet privately printed in November, 1930, by Lewis Parkhurst, Winchester, Mass.

[2] *Annual Report of the Commissioner of Correction*, Massachusetts, 1930.

Colony at Norfolk, Mass. Fortunately there has been developed there not a traditional prison of the accepted type but what Prof. E. H. Sutherland correctly described as "in many ways the most interesting and promising piece of pioneer work in penology that is being carried on in America."[1]

Finally in 1927, as a result of the efforts of Senator Lewis Parkhurst, Commissioner Sanford Bates, and Governor Fuller, an appropriation of $100,000 was made for the purchase of land in the open country and for the erection of a wall. For five years preceding, Senator Parkhurst had waged a campaign for the location of a new prison outside the urban areas. He prepared his first bill in 1922 while a member of the state senate, but it was opposed by the political leaders and received only three votes. Senator Parkhurst continued his efforts by the publication of a letter to the press and by advertisements in the leading newspapers. For four years he had his bill introduced into the legislature. As he was not a member, the bill could not be pushed successfully. In 1927 Governor Fuller recommended that a beginning be made at Norfolk, and the appropriation, referred to above, was made.

The same year (1927), the land and buildings upon the present site, which had been abandoned by the dipsomaniac colony, were transferred to the Department of Correction. This property is located 23 miles from Boston, 3-miles south of Walpole, and the same distance north of Wrentham, near the main road to Providence. It comprises about 1,000 acres of land, together with a group of seven wooden buildings, constructed for the women committed to the dipsomaniac colony. The colony was not a success and was abandoned before the World War. After the war the buildings were rented to the federal government and used for a short time as a rehabilitation camp for sick and wounded soldiers. This group of buildings, known as the Oval because of the arrangement of the structures, was used as a construction camp for the prisoners while the wall was being built and the first dormitory and other necessary buildings inside the wall were being erected.

Early in June, 1927, three officers and twelve inmates from Charlestown arrived and began to repair the buildings in the

[1] *The New Prison at Norfolk, Massachusetts*, a pamphlet privately printed in November, 1930, by Lewis Parkhurst, Winchester, Mass.

Oval. They also cut and burned the brush along the line of the proposed wall. Two months later actual work was begun on the wall. Progress was slow until the spring of 1928 when the number of men was increased to seventy-five.

The bulk of the work on the wall was done from March 1 to December 23, 1928, when the main wall was completed. During the spring of 1929, the guard towers and the coping were constructed. The actual cost of the wall, exclusive of grading, lighting, and heating, was approximately $94,000. The cost by contract would have been $180,000, based on actual estimates submitted by private corporations for an equal amount of materials and for furnishing labor and supervision. The inclosure is 35 acres, and the height above ground level is 20 feet. It is built of reinforced concrete with steel so placed as to form a double metal fence within the concrete.

The renovation of the old buildings into living quarters for inmates and officers was accomplished under the direction of the officers by the inmates themselves. Small plumbing, paint, electrical, and carpenter shops, and a sewing room were set up in the basements. The usual programs for night school, church services, athletics, and entertainments were developed by the cooperation of officers, inmates, and the citizens of the neighboring towns and cities. This temporary construction camp was known as the Oval, as already indicated, because of the arrangement of the buildings. During five years 536 men were quartered there. Thirty-one escaped, but twenty-five were returned, leaving only six at large.

The men living at the Oval built the wall, powerhouse, kitchen, and first dormitory building. With the arrival in May, 1931, of the first men to live within the wall, a group of Oval men volunteered to take up their residence inside with these men to acquaint them with the routine at Norfolk. From time to time men were transferred from within the wall to the Oval, although some of the men preferred the advantages of the new buildings inside. The houses in the Oval are now used entirely for officers' quarters.[1]

During the construction of the wall a very simple civilian organization was needed to handle the carpentry and concrete finishing, but on beginning the construction of the first dormitory

[1] *The Colony*, June 15, 1932, published at the State Prison Colony, Norfolk, Mass.

it became necessary to build up a construction organization capable of handling any phase of building operations. Such an organization was developed, providing for the cooperation of organized labor and of civilians and inmates in carrying out the building program.

In the summer of 1933, twelve permanent buildings were completed and occupied. Ten of these were inside the wall; one, the gatehouse, adjoined the wall, and the farm colony was outside. The gatehouse furnishes, as the name suggests, an entrance to the institution and provides headquarters for the custodial department. It houses the offices, guardroom, receiving cells, arsenal, rifle range, and living quarters for the watch officers. Here also are located the post office and telephone and emergency systems.

Immediately back of the gatehouse within the wall is the administration building, forming the central portion of a combined structure, one wing used as a receiving building and the other wing housing the hospital. Through the administration building all personal access to the inside of the institution is made. After passing the inspection of the officer on duty at the entrance to the gatehouse, the visitor goes through the pedestrian trap at the rear of the gatehouse, emerging in front of the administration building. At the rear of this building two doors in charge of a watch officer give access to the yard.

The receiving building contains 105 outside cells, three shower rooms, two dining rooms, three serving rooms, three guardrooms, and two workrooms. It is the maximum-security building of the institution. It houses newly arrived and unclassified cases while they are being studied by the casework division and their programs are being arranged. House officers are in charge of the men in this building with the assistance of watch officers.

The hospital has accommodations for seventy-five inmates and rooms for four officers. The equipment is complete and up to date. The roof is used for tubercular cases.

The first dormitory has quarters for 150 inmates, divided into three units of fifty each. It is of fireproof construction without bars or special security devices. Each unit contains twenty-five single outside rooms and twenty-five dormitory cubicles—space for the beds separated from larger rooms, about five to each group. There are also two officers' rooms and bath, a toilet

and shower bathroom on each floor, a common room, dining room, a barbershop, a locker room, and a basement workshop. This dormitory is a minimum-security building, and there are no doors to the inmates' rooms and no devices for segregation or locking up men singly or in groups. The rooms have no washing or toilet facilities.

The second dormitory is similar to the first in its general plan. There are three units for 150 men divided into three groups of 50 each. Each unit has fifty inmate bedrooms. There are toilet and washing facilities in each room. There are shower bathrooms on each floor. The general rooms in both dormitories are much the same. The dormitory portions are divided into small sections by steel grilles, and each room has a door that when closed can be opened only from the outside. Freedom within the units can easily be restricted, making it possible to convert this dormitory into a medium-security building. Actually it is used as minimum-security quarters the same as the first dormitory.

The farm colony outside the wall is housed in a building much like the inside dormitories in the interior arrangement but different in its exterior appearance. Instead of three units or sections it consists of a central section with two wings, providing a connecting porch and an open court between the two wings on one side. Each wing forms a unit with the administrative center between these units. The building is two stories with basement and will house 116 men and seven officers. Each unit has thirteen single rooms and thirty-seven beds; dining, serving, and living rooms; barbershop; bath and toilet facilities on each floor; work- and locker rooms in the basement. There is also a store for the inmates. There is a store for inmates living inside the wall which is located in the kitchen building. A farm is in process of development, and the essential farm buildings are already constructed. The farm colony will supply part of the necessary food for the institution and will act as an honor camp for the most trusted inmates. The experience of other penal institutions and the use of the Oval as a construction camp for five years have shown that a considerable number of inmates may be depended upon not to escape from such an open colony. The farm colony also provides an opportunity to test men who are soon to be paroled or discharged under conditions of comparative

freedom. It furnishes a contrast to the very high degree of security that exists within the wall.

The remaining buildings, such as the powerhouse, kitchen, supply, laundry, and utility buildings, are industrial in their uses and are utilitarian in planning and construction. Some parts of these buildings were temporarily used for office and administrative purposes.

One important feature of the construction of the plant consists of the series of tunnels connecting underground all the buildings within the wall. These tunnels form part of the system of security, making possible quick transfer of watch officers from one point to another in case of need, and they are also used for the transportation of food from the central kitchen to the different dormitory units where it is served.

The wall, tunnels, one dormitory, and the powerhouse, kitchen, supply, utility, and laundry buildings were constructed by inmate labor with a limited amount of civilian supervision and direction. The remaining buildings—administration, receiving and hospital, gatehouse, the second dormitory within the wall, and the farm colony outside—were constructed by contract. A third dormitory was in the process of construction by inmate labor during the summer of 1933.

As already indicated, the cost of construction of the wall by inmate labor was less by $86,000 than its estimated cost by contract. The completed cost of industrial building No. 2 built by inmate labor was $57,194.14. Its cost by contract was estimated by a reliable firm of engineers at $110,000 to $120,000, a saving of over $50,000.

The ordinary type of cell block costs from $3,000 to $5,000 per inmate. At Norfolk there are three types of housing inside the wall: outside cells in the receiving building, medium security in one dormitory, and minimum security in the other dormitory. The cost per inmate in the three classes of building was as follows:

	Per inmate
Receiving building	$1,925
Dormitory II	1,330
Dormitory I	990

The Norfolk plan contemplates the careful classification of prisoners and their division into small groups of not over fifty men each, each group to be housed and fed separately under

the direction of a house officer and an assistant. It proposes that for each man a definite program shall be developed for the period of his confinement and carried out under the direction of his house officer who shall act as a resident caseworker. To make this possible, in addition to shops for as large a variety of industries as practicable, it is planned to have a modern hospital, a school, and a social center within the institution in charge of specialists who shall direct the activities of their respective fields. There will also be a "jail" for those who cannot be trusted to live in an orderly manner within the wall and a police force to guard the wall and preserve order. The wall will be guarded day and night with all the known devices for preventing escapes, and the guardhouse outside the wall will be headquarters for the police reserves of the institution.

A beginning of the group system was made in four houses in the Oval in 1928. From thirty to thirty-five inmates were quartered in each house under the direction of two house officers. In so far as possible each house was a unit within itself, administered by the officers in charge. Since on the whole only the most trusted men were sent to the Colony, there was no special classification as between houses. The use of a congregate dining room also prevented complete separation of the groups. Although only two bases were used in choosing these men—safety and willingness to cooperate—the groups contained all types of criminals.

The greater ease in understanding and handling inmates and their problems in small groups has been demonstrated, and the plan of having house officers live with their men has had a most desirable effect. In some respects the difficulties of close association have increased, but these are more than offset by the greater understanding and control that have developed.

As a direct outgrowth of the group system, an inmate organization, called the Council, has developed and together with the staff constitutes the community government of the institution. This is not to be confused with the strictly *penal* administration of the Colony, which is in the hands of the superintendent and his assistants. Also in contrast to inmate organization in some institutions founded on the principles of self-government in the hands of inmates only, this community organization operates on the principle of joint responsibility in which both officers and inmates take part.

Not only does the group system make possible the development of community activity and responsibility on the part of the inmates, but it also enables the staff to institute a program of casework to a degree that would be difficult under any other system of housing. A number of state prisons in the United States have developed case studies of each man entering prison. These studies cover the history and condition of the man when he enters, and they form an excellent basis for the diagnosis of the case. But they stop right there and almost inevitably, because it is impracticable to work out programs to meet individual needs where all men are housed in cells and under a system designed to safeguard the worst criminal, and also because the staff is not intimately in touch with the men except at work or sufficiently familiar with their personal lives to be able to understand and help them.

The significant feature of this program is the development of a concrete and specific plan of *treatment* for each inmate during his term of imprisonment and the intimate personal contact with each inmate on the part of his house officer which is essential to any successful carrying out of such a plan. In most prisons it is possible for a shop foreman, a guard, the prison doctor, the schoolteacher, or the chaplain to become interested in an inmate and do something to help him; but unless someone is responsible for a coordinated and unified program, the effect is apt to be dissipated, and the results disappointing. To meet these needs personnel officers have been developed in our prisons. At Norfolk by combining the functions of personnel officers with those of house officers under the group system it is possible to conduct casework not only during formal interviews or during work hours but when the men are most themselves—during the hours of relaxation and in moments of unguarded natural reactions. One cannot live with a man day and night without coming to know him pretty well. It is impossible to maintain the typical prison mask twenty-four hours a day. Such close personal relations may break down some of the traditional principles of prison life, but they also bring about greater knowledge of the problems actually dealt with by both men and officers.[1]

[1] A fuller discussion of the organization formed and the methods used at Norfolk will be found in the next chapter, entitled A Community Prison. This one has been concerned primarily, as its title indicates, with new types

Years of experience will be needed to determine the success or failure of these experiments. The Massachusetts State Colony is the oldest and has been in process of development since 1927. The Northeastern Penitentiary was formally opened late in 1932, and it is too early to judge its possible results or to express any opinion upon the soundness of the plan. The New York Medium-security Prison was also opened in 1932.

If these experiments succeed, the nation will have won the opening battle of a new campaign to reduce crime. If they fail, they can be used to carry on the work of "punishing" offenders in the old unprofitable and inefficient ways with which we are familiar. The cost of these new institutions has been less per inmate than that of other penal institutions in the country.

The question at issue is really a human one. All depends, as Director Sanford Bates has pointed out in regard to the new federal penitentiary, "on the response of the prisoners themselves, on the seriousness with which the public accepts the idea, and on the courage and devotion of the men chosen to put the idea into effect."

The older type of prison has failed. The new types are presented "as representative of the best thought of some of the most progressive minds in the country." They are "adventures in penology," hopeful efforts along new lines when old methods have been found futile.[1]

Two other institutions have now been added to the institutions just described. These are the Bordentown Prison Farm in New Jersey and the Federal Industrial Reformatory at Chillicothe, Ohio. These institutions have been in operation since 1928 and 1926, respectively, in temporary wooden buildings. The temporary quarters have now been replaced by permanent structures of a modern character and suitable for classified treatment of the inmates.

With the transfer of 153 inmates from the State Prison at Trenton to the Bordentown Prison Farm during the summer of 1937 the permanent plant at that institution was opened with

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of construction. Information for this chapter was gathered by the author during a stay of a month at Norfolk in August, 1933. See also the *Annual Reports of the Commissioner of Correction*, Massachusetts, for the years 1927–1933; the description covers the developments up to 1933; as is indicated in the next chapter, the building program is now completed.

[1] *The New York Times Magazine*, Jan. 15, 1933.

336 prisoners housed there. The capacity of the new buildings is 600. Prior to 1937 about 180 prisoners were maintained there in a number of wooden barracks. The new brick and stone buildings cost $1,250,000 and are so constructed that other wings can be added if it becomes necessary.

These new structures are designed primarily for medium-security use, although there are some maximum- and minimum-security accommodations. Their construction rounds out the program that New Jersey has developed to provide classified types of institutions for its adult prison population.

The old cell-block type of structure has been abandoned, and different kinds of accommodations have been provided for the inmates. Strong rooms with outside windows replace the inside cells so generally used in American penal institutions. There is no wall surrounding the buildings, although there are locked doors and careful guarding of the inmates. This institution is an excellent example of what can be done in the construction of buildings for correctional purposes when experienced officials and trained personnel are in charge. Instead of the old stereotyped structures which were designed many years ago, this new institution is modern in appearance and arrangement. It embodies in its construction the results of recent experimentation in prison building.[1]

The Federal Industrial Reformatory at Chillicothe, Ohio, was established in 1926 in a group of abandoned cantonment buildings at Camp Sherman. The institution continued to occupy these buildings until 1933 when the new buildings were occupied by the inmate population. These comprise a group of some thirty buildings of considerable size.

The plant consists of two divisions—the prisoners housed in cell blocks and those housed in dormitories. There are four cell blocks, of which two have inside cells and two outside cells—one of the cell blocks is used for the reception of new prisoners. These cell blocks accommodate about 400 inmates. They comprise the maximum-security section of the institution. There is a separate dining room for this group of prisoners.

There are six dormitories, of which four are two-story buildings with large open dormitory accommodations and two are three-story structures with single rooms. One dormitory houses

[1] *News Bulletin*, the Osborne Association, August, 1937; the institution was visited by the author in August, 1937.

125 inmates who are maintaining and operating it through their regularly elected representatives. No officers are in charge of this dormitory. There are three counts of the men daily. About a thousand men are housed in the dormitories. There is no wall, and during the year ending August, 1937, there were no escapes.

This institution, like the Bordentown Prison Farm, represents the application of modern ideas and experience to the problem of prison construction. It is the second federal correctional institution to be constructed along the lines of recent developments in penal treatment. Only by such experiments can we test the value of the proposals made for the rehabilitation of offenders. Old and obsolete buildings make impossible any adequate test of new methods of treatment. It is to be hoped that the example set by Massachusetts at Norfolk, by New York at Wallkill, by the Federal Bureau of Prisons at Lewisburg and Chillicothe, and by New Jersey at Bordentown will be followed by other states until the American prison system is modernized in its buildings and its methods. The replacement of eighteenth century stereotypes still existing in the twentieth century is long overdue. At long last the object lessons noted above should be widely followed, and a new era in prison building developed.[1]

[1] *Federal Offenders*, 1934–1935, pp. 65–94. U. S. Bureau of Prisons. Observations of the author at the time of a visit made to the institution Sept. 1, 1937.

CHAPTER IV

A COMMUNITY PRISON

In his annual report for 1931 Superintendent Howard B. Gill of the State Prison Colony at Norfolk, Mass., suggested that the institution "is not just another prison with a somewhat modified program combining security and treatment but rather a different type of prison—*a supervised community within a wall.* Perhaps it may be called a *community prison.*"

The distinguishing feature of the Norfolk State Prison Colony lies in the great emphasis laid upon the restoration of the inmate to normal and the reduction of his criminality by education and special treatment. Within the wall men live and work in as near normal relationships as practicable. There are two advantages: the unfavorable reaction to ordinary confinement is decreased, and the inmate is better equipped for his eventual return to society.

The physical elements of the community at Norfolk include "group housing, a diversity of industrial shops, a hospital, a school, a social and religious center, recreation areas, a town hall, a police station, a jail." The activities of the community are organized into divisions under the direction of responsible heads and with a definite assignment of functions to each division. There are nine divisions in addition to the administrative, which have to do directly with the inmates; and two special divisions, research and construction, whose extraordinary functions are obvious. Four divisions cover the professional fields (medical, family welfare, industrial, educational); three, the more strictly institutional (maintenance, custodial, financial); and two have to do with the other seven in making their activities count toward *individualizing* and *socializing* the whole program (casework and community service). "The recognition of these two objectives in every activity of the community has so completely changed the tone and nature of the institution as to justify the feeling that a new type of prison is emerging."[1]

[1] *Annual Report of the Superintendent of the State Prison Colony, Norfolk, Mass.*, for year ending Nov. 30, 1931.

Admission to the colony is only by transfer. The majority come from the State Prison at Charlestown, and a few are transferred from the Reformatory at Concord. The selection is in charge of the director of the Division of Research in the Department of Correction. The men are chosen on a "basis of custodial risk and physical and mental fitness for a favorable response to special treatment." Apparently selection is sometimes influenced by the need of room at the State Prison. It seems to the outside observer to be a mistake to use the facilities at Norfolk for cases largely custodial in character.

Administration and Discipline

The administration and discipline of the institution are in the hands of the administrative and custodial divisions, consisting of the superintendent, deputy superintendent, the chiefs of the various divisions, and the captain of the watch. A division consists of a group of workers concentrating upon a single, particular phase of colony activities. A unique feature of the administration is the distinction between *house officers* and *watch officers*. The duties of the former are to assist a senior house officer in the care of a group of inmates housed together in a dormitory unit; to assist in the promotion of the adjustment of the inmates to institutional programs; to assist in investigating the need for changes in the programs and to report thereon to the senior house officer; to keep daily records of contacts with inmates. Senior house officers serve as liaison officers between the superintendent, the staff, and the inmates. They act largely as assistant administrators, relieving the superintendent from personally adjusting many of the minor questions that arise in the course of the day's routine.

Watch officers guard the wall, police the grounds, and are generally responsible for the safety and security of the institution. A force of twenty watch officers was established May 1, 1931, with a special headquarters and barracks similar to those occupied by any unit of the state police. The group is organized on a semimilitary basis and includes a large number of ex-service men. These officers are trained in the use of firearms, tear gas, and the usual police procedure and are on call day and night. The age limits are from twenty-five to forty; they enlist for three years only and are housed in barracks. It is hoped that these

officers will be "energetic young men who wish to undertake police work as a profession and after one or two enlistments will graduate to more active and permanent positions in the police departments of cities and towns." As complete security as is humanly possible is provided by this expert group devoted to watch or police service in connection with as strong a wall as exists in any penal institution. Such security makes understandable and reasonable the very considerable amount of community freedom within the wall.

In addition to maintaining a watch in the wall towers and at the gates day and night, the watch officers patrol all buildings hourly from 9 P.M. to 6:30 A.M., maintain an hourly check on all inmates day and night (during the day checks are made by house officers and reported to the office of the captain of the watch), issue and check all passes to visitors and workmen, inspect all traffic entering or leaving the grounds, have charge of the transportation of all prisoners, handle all mail and bundles, and are responsible for any contraband or any attempt to escape.

Both house and watch officers obtain their positions by means of civil service examinations, the requirements of which vary in certain respects. House officers are expected to have "at least an elementary knowledge of the history of penology, such as may be found in any of the recognized textbooks." Watch officers must be not less than twenty-one or over forty years of age, not less than 5 feet 7 inches in height, and weigh not less than 135 pounds. House officers must be not less than twenty-one years of age—height and weight are the same for both groups. All employees are under civil service, except the superintendent and the medical, domestic, kitchen, and trade groups (working foremen).

The house officers are the resident caseworkers of the institution and spend a part of their time in working out the problems of the men under them with their supervisors. Of the sixteen house officers on duty in September, 1931, eleven were college-trained men, and eight had had previous experience or training in casework. These men have charge of carrying out the program of treatment developed for each inmate. They represent a new type of personnel in penal administration—mere guard duty being reduced to a minimum by transfer to the watch officers.

The security afforded by the wall and the services of the watch officers form an essential basis for a real community within the wall. Norfolk is a model for other penal institutions as a combination of security, individualized and socialized treatment, and community life. The distinction between house officers and watch officers is not only unique but also extremely important.

Case Work

According to Superintendent Gill, "a distinction should be made between the apprehension and prosecution of the criminal *before* conviction and treatment of the criminal *after* conviction. . . . To catch a criminal and to prove his guilt requires a strategy, an aggressiveness, sometimes a method the nicety of which must be justified by its results; to treat a convicted man and return him to society better than before requires the insight of a diagnostician and the skill of a physician. However, in most of these great social hospitals which we call prisons, today, two facts are outstanding: (1) No one knows what is the matter with any of the patients; and (2) no one is doing anything about them. It is not enough to know that a man has committed murder or robbery or rape; that is the symptom, not the trouble to be cured. It is not enough to herd criminals in groups of hundreds or thousands at some task and think that we are thereby doing something about their maladjustments. Neither is it sufficient merely to gather statistics of crime; such data are valuable for the student who wishes to speculate on the nature of crime and its place in society. The need is to establish institutions designed to discover *why* men do not live decent, orderly lives in the community and to teach them *how* to do so—in a word a community prison."[1]

The casework program in some prisons is regarded as something apart from the administration of the institution. It has little or nothing to do with the daily routine. The chief development in the casework program at Norfolk is its extension into every division of the institution, including the administrative, and consequently its increased responsibilities to the inmates for planning their lives on constructive lines. Discipline, room assignments, transfers from job to job, attendance at educational classes, proper medical care are the concern of the casework

[1] *Ibid.*, for year ending Nov. 30, 1932.

division and must be related to the casework program in each individual case before final action can be taken by any other division.

The casework division at Norfolk prepares case histories, individual programs, and pardon and parole summaries. It continually checks the application of its diagnoses and revises the individual programs as developments in institutional experience occur. The case histories are based upon careful study of the individual and his environment, and individual programs are prepared only after the new inmate has been interviewed by members of the family welfare, educational, industrial, medical, community service, and custodial divisions. Each of these divisions reports its findings, and these reports are incorporated into an individual program for the inmate, which is discussed with the man and his house officer to insure full understanding. The house officer then assumes responsibility for the supervision of this program.

The institutional phase of casework has to do with the initiation and development for each inmate of those activities which bear upon his particular needs and recording them for consideration in connection with his release. In the administration building a room has been set aside, known as the *chart room*, in which a system of charts, showing the main activities in which men may engage while in the institution, is placed. The room adjoins the quarters occupied by the casework division and the central case files. It is used by the house officers on casework days and for case conferences and other meetings of house officers and staff. By the use of three sets of colored pins, activities needing attention, now under way, or completed in each man's program give a graphic view of his status at all times. Each house officer is responsible for twenty-five men. Thus provision is made against the "forgotten man."

Among the activities listed on these charts are included the following items:

Preliminary and final programs; classification; medical and dental examinations and treatment; physical recreation; educational work, academic, vocational, and avocational; mental recreation; industries and occupations; family welfare, comprising family relations, sponsor, personal problems, home and work, and community activities.

These programs are supplemented by a system of daily reports. Reports upon significant contacts with inmates by members of the staff are sent to the central files. The work foremen report once a week on each man in their gangs; the librarian reports on books read; the educational director reports periodically on progress in academic, vocational, or avocational training; the medical staff report regularly on treatment prescribed or athletics engaged in; the family welfare division reports on important family contacts; the community service division, on participation in cooperative or community activities; the custodial division reports any breaches of good conduct; and the administrative division, subsequent disciplinary or other action taken relative to any inmate. These *daily report slips* are also charted to show each month what reports are being received on each man—another safety device for the protection of the forgotten man.

During 1932 there were received at the central files 42,109 daily reports on the entire population of 500 inmates, all of whom were included in the casework program. From time to time the house officers use these reports, together with their observations, to compile a chronological institutional history of each inmate. These histories record the inmate's problems, progress, and change and form the basis for parole or pardon summaries. These summaries are used by the board of parole in the determination of their action upon paroles and in the formation of their recommendations in regard to pardons. The summaries undertake to give the board of parole an objective and professional estimate of the inmate as a community risk. In cases of parole they are also valuable as an aid to the parole agents in their contacts with the man in the community.

The development of the Personnel Division at Charlestown, and the preparation of adequate histories there, has made it possible to devote less time at Norfolk to case histories and to give more time to making individual programs and pardon and parole summaries. During 1932, 41 case histories, 187 new programs, 41 pardon summaries, and 141 parole summaries were prepared, and casework undertaken with each of the entire population of 500.

Another means used for the extension of the casework program during 1932 and 1933 was a weekly casework conference

between members of the Casework Division, the house officers, and the chiefs of the different divisions. At these conferences individual cases were presented and discussed. In the development of the casework program the house officers occupy a strategic position. They are familiar with the case histories of the men under their charge; they live in close contact with them; and consequently they know them better than any guard or official in the ordinary prison can know the inmates. They become interested in the men and work with them to carry out their programs. Frequently a house officer acts as a link between the man and the staff in a matter of discipline or in the achievement of some reasonable change in an individual program. Such relations remove much of the abnormality of conditions in a prison and train the men for life outside in the community where they will live. Everything affecting an inmate "from pants to parole" is the business of the house officer.

The aim of the *treatment* program at Norfolk is threefold: (1) a decent routine, (2) opportunity for constructive normal development, (3) reduction of criminal tendencies. A decent routine is assumed to be essential. It is futile to expect a human being to react except with bitterness, antagonism, and hatred or complete loss of self-respect when housed in a cage and subjected constantly to an oppressive system of restraint. A decent routine implies "a decent bed, proper clothing, sufficient wholesome food, plenty of light and air, opportunity for exercise and recreation, reasonable contacts with relatives and friends through letters and visits, adequate medical care, and regular daily work." These minima constitute a basis for the beginning of rehabilitative work, but they will not solve the problem of the criminal.

If criminal tendencies are to be supplanted with social qualities, there must be an opportunity for the development of the latter. The second objective of a treatment program, therefore, is to give a chance for constructive normal development. Such a program includes an opportunity to "strengthen home and social ties; develop vocational, educational, and avocational skills; increase healthy recreational interests; build health; and speed maturation processes through participation in the general community program; and a personal program to dissipate personal conflicts through self-knowledge and emotional catharsis by

means of helpful personal contacts, discussion clubs, special reading, and the arrangement of external situations to reduce inner conflicts."

A decent routine and normal development may not achieve the real aim of the prison which is to reduce the criminal tendencies in any man. Such a reduction must quite obviously be the result of "special emphasis given to those particular points in the general and personal program of normal development which are peculiar to any particular case." To *initiate* and *undertake* a program looking toward a constructive objective is the first step in rehabilitation.

During the last five years the Norfolk program has developed through three stages out of the old punitive system of penology. There was first the establishment of a decent routine, then the beginnings of normal life, and finally the emphasis on a positive reduction of criminal tendencies. These three objectives form the basis for an understanding of the entire Norfolk system. Without such an understanding the program appears as merely a scheme for "coddling criminals"; with understanding observers it becomes "a conscious experiment in human engineering."[1]

Community Service

Casework represents the individualization of the problem of the prisoner, whereas community service has for its objective the socialization process in the prison program. It aims "to promote the cultivation of normal social relationships through supervision of the organized community life of the colony."

In the summer of 1933 the Council consisted of sixteen inmate members, two elected from each unit of the inside dormitories and from the farm colony. The elections are for periods of four months.

The Council elects its own chairman who presides over its meetings. During these sessions the head of the Community Service Division sits beside the chairman in his capacity of intermediary between the Council and the staff. The inmate chairman also represents the Council at the regular staff meet-

[1] The materials for this description of the Norfolk program were obtained from the report of Superintendent Gill for the year ending Nov. 30, 1932; from the *Manual* in manuscript form; and from observations during a month's residence at Norfolk in the summer of 1933.

ings to report upon matters passed by the Council that require staff action. Both staff and Council hold weekly meetings. The Council acts as a central clearinghouse for all community activities and provides means for participation in them as in a normal community. Strictly official matters and discipline are excluded from its consideration.

Each unit is organized with a house chairman and a secretary. The member receiving the largest number of votes in the election of members to the Council automatically becomes chairman; the other successful candidate in the same way becomes secretary. House meetings are held weekly. The house officer on duty is present at these meetings and represents the administration, as does the director of community service at the Council meetings.

There are twelve standing committees of the Council which largely parallel the divisions of the institution. The chairman of each of these committees is a member of the Council. Inmate members from outside the Council and staff members are appointed by the superintendent. The list of standing committees is as follows:

1. Construction.
2. Executive.
3. Medical.
4. Education and library.
5. Food.
6. Entertainment.
7. Maintenance.
8. Family welfare.
9. Sports.
10. Store.
11. Paper.
12. Avocational.

A formal constitution under which the Council operates was approved by the superintendent and staff December 16, 1931, and was ratified by a two-thirds vote of the inmates during the following week. Announcement of the vote was declared in the Council meeting December 23, 1931.

The Community Service Division acts as a unifying factor in the work of the Council and its committees. It also has an important part in the organization of each new Council. It continues while councils change. It supervises nominations and elections, helps in the appointment of committees, assists in the mapping out of programs, and keeps records of Council and committee action.

Each committee meets once a week. Where Council sanction is necessary, recommendations are made to that body for their action. A report of each committee meeting is read at the

Council meeting and filed with the minutes. The week before the end of the Council term all the committees meet with the Council, and reports of their work for the term are read. At the same time the superintendent and members of the staff attend. This augumented final Council meeting gives an opportunity for a survey of the accomplishments in the institutional community for the preceding four months which is of great value both for the officers and the inmates who take part in the proceedings.

At first the Council consisted of three members from each house in the Oval. In the latter part of April, 1931, when the first dormitory unit was completed, 125 men were transferred from Charlestown and housed in the new building. The Council voted to add six new men, two from each unit, to represent the men inside the wall. The representation from the Oval was cut from three to two men from each house. The new arrangement became operative for the July term. Oval councilmen acted as temporary unit chairmen for the conduct of the election. On June 30, 1931, the Council held its first meeting inside the wall.

In July, 1931, the community program, under the joint supervision of the staff and the Council, was placed in the charge of a director devoting full time to the work. This more conscious direction of community activities increased the social value of every activity of the institution.

The following accomplishments suggest the character of the work done. Construction programs were planned weekly and completed ahead of schedule 48 out of a possible 52 weeks. A special work program for November and December, 1931, was planned and finished on December 24, and the colony given a week's holiday as a reward. Sales in the stores amounted to about $8,000. Part of the profits were used to buy curtains for the first dormitory, 25 per cent was contributed for helping inmates' families in distress, and the balance used to build up the reserve funds. The bimonthly newspaper was increased from four to eight pages, and its paid subscribers to 150. The print shop run in connection with the paper handled eighty jobs, or more than 200,000 pieces, free of charge for the institution. Religious services were maintained weekly, and Sunday evening programs were presented frequently. Five discussion groups

were conducted by members of the staff and others. Weekly moving pictures and other entertainments were provided.

The success of the community service program is evident, both in the material results and in the morale of the men. Not only have grievances been aired and adjusted before they became acute, but constructive measures initiated by the staff or by the inmates have been carried out with much greater success than would have otherwise been possible.

Any interested observer must be impressed by the free discussion that takes place in the Council meetings. The importance of the food problem is indicated by the very considerable amount of talk that it occasions, but in this way matters are brought to the attention of responsible persons who are in a position to remedy them before they produce serious consequences. Frequently inmates who are in close contact with the officers in charge of the department under criticism can explain the situation and satisfy the critics more completely than would be possible for members of the staff. The responsible attitude assumed by the officers and members of the Council is proof that that body is really a training school for inmates in social and individual responsibility.

Apparently the idea of joint responsibility of the staff and inmate council is developing in a satisfactory manner. Its limitation to community affairs, with the reservation of purely administrative matters and discipline to the staff, seems to be sound. Any suggestion of "self-government," except in a merely nominal form, is rather absurd in a penal institution, but there is a real community life in which every inmate has a share, and in which he must function. The existence of the Council provides machinery for such functioning in a regular manner instead of in secret and devious ways.

The plan does not always give the best men the leadership, but responsibility frequently converts hotheaded and impulsive members into earnest and trustworthy supporters of institutional policies. Cooperation of the Council and the staff produces results that could not be obtained by either body working alone, and the very concrete advantages thus derived for the men convince the bold and unscrupulous of the working value of the arrangement. Politics and wire pulling by individuals are eliminated as much as possible by holding the Council to the

consideration of general policies and programs. Matters affecting individual house groups are settled by the house officers with the inmates. Other individual matters are settled between individuals.

In several crises the question of the continuation of the Council has been raised, and it has been answered in the affirmative because of the belief that both staff and men can operate more satisfactorily with it than without it. Neither officers nor men give up their independence or their responsibilities, and each checks the other to insure square dealing; but both agree that cooperation works better than opposition where men must work and eat and live together.

The writer spent a month in the summer of 1933 as an observer at Norfolk, and in his judgment the joint-responsibility plan there is the most promising experiment of the kind in operation at the present time. It is neither an honor system nor self-government but fits the needs of such a community as Norfolk better than any other organization yet devised. It developed at the Oval, moved within the wall later, and is now growing inside with the additional dormitories and increased population.[1]

Family Welfare

Another significant development at Norfolk is the welfare work with inmates' families and the related problems arising out of the confinement of the inmate at the institution. Beginning in 1930 as the population at the colony increased, most of the work was in the nature of relief, financial or otherwise, and consisted largely in meeting current needs. Cooperation with existing agencies and personal contact constituted the chief methods of procedure. The prompt, sympathetic, and effective treatment of these problems has an important influence upon the morale of any penal institution.

In January, 1931, the Family Welfare Division was established and since that time has been carried on by a full-time social worker. At first it was maintained with the aid of private

[1] The same sources of information have been used for community service as for preceding sections. In addition, *The Colony* for Feb. 1, 1932, printed the report of the Community Service Department for 1931 in which there is a brief historical account of the growth of the Council.

funds. The division undertakes to deal with questions of financial aid to dependent families, as just indicated; to adjust strained relationship problems; to find suitable homes and jobs for men about to be paroled; and to put men in touch with responsible citizens who will assist them especially in making a new start.

No program of rehabilitation can accomplish very much if a man is excessively worried about the financial condition of his family. Because of the unusual demands upon all agencies for aid during the depression, local agencies have needed more assistance from the Family Welfare Division than would ordinarily be required. The preservation of home ties and, if necessary, their stabilization is essential to the stabilization of the inmate himself. Sometimes personal problems, apparently trivial to an outsider but important to a man shut up in prison, are in need of attention if normal cooperation in his institutional program is to be expected. A most essential undertaking is to secure a job and if necessary a home for a man before release. In 1931, in spite of the depression, jobs were found for every one of the sixty men paroled, fifteen with the aid of the Family Welfare Division.

One of the most significant accomplishments of the division has been the development of the so-called *sponsorship* plan. Although the idea is not new in social work or in correctional work, it has been very little used in connection with the problem of adult crime. The plan is really the adaptation to correctional work of the Charity Organization Society's idea of the "friendly visitor." Something of the sort has been used much more widely in England than in this country.[1] In a general way "the plan is to find at least one socially minded person in the community who will assist in the rehabilitation of at least one inmate at Norfolk by becoming a friend to him and his family during the term of incarceration and for such time as may be necessary after release. If a man sincerely desires to make a new start and is willing to cooperate, a very real contribution to his rehabilitation can be made by bringing him and his family under the influence of some well-balanced person in the com-

[1] GILLIN, *Taming the Criminal*, p. 239, The Macmillan Company, 1931; WILSON, *The Crime of Punishment*, pp. 320–325, Harcourt, Brace & Company, 1931.

munity who, knowing the facts in the case, is willing to stand by and advise, in friendliness and understanding."

Certain specific points are of interest in connection with the plan. (1) It enables people who are interested in crime prevention to do definite work along that line. (2) Sponsors are not expected to render financial aid, as this is ordinarily taken care of by the proper public or private agency. (3) Sponsors undertake an assignment only after careful study of the case in cooperation with the Family Welfare Division. Plans are made to meet the varied needs of the family after consultation with the inmate, in which the sponsor also has an active part. (4) The man and his family need to be visited frequently to establish a

Problems	Completed	In process
Financial aid	67	30
Relationship	36	74
Placements	20	20
Personal	141	117

basis of friendly confidence. Sometimes a man has no other visits, and often only through the help of the sponsor is his family able to visit him at the Colony.

By November, 1932, there were seventy-five active and twenty-five prospective sponsors, but more important than the number is the type of sponsor that has become interested in the plan. In addition an "advisory committee" was formed made up of persons all of whom had had experience as sponsors and who were thoroughly familiar with social service work. Through the work of this committee a number of representatives of service clubs became interested and plan to take on sponsorship as one of their major activities. The importance of these developments is that the best type of mind and attitude in the state is gradually being brought to bear upon colony problems.

Another phase of the family welfare work—visiting—made significant progress during the year 1932 as a result of the opening of new quarters in the administration building. Here a man's family can visit him under comfortable and congenial surroundings without the restrictions imposed in many penal institutions. Visits under pleasant conditions are often productive of important

results. The visiting room is adjacent to the offices and records of the division, and consequently control and supervision of visits is easily accomplished. Such a relationship is very necessary because of its importance in prison treatment.

Some idea of the normal activities of the Family Welfare Division are given in the statistical summary shown on page 72.

In addition there is a Cooperative Aid Society, an organization of the staff and Council, to aid inmates' families in immediate need. During the year ending August 31, 1932, the receipts were $480.21, and the expenditures were $415.74. Fifty-nine families were aided; the average amount expended for each family was $7.41; the lowest amount paid to any one family was $1.50; and the highest amount was $25.[1]

Construction and Industries

As a matter of course, construction was the major activity of the colony from 1927 down to the completion of the building program. During the years 1927 to 1929 construction work was confined chiefly to concrete work. By January, 1930, a program was in operation that ultimately involved all phases of building. It became necessary, therefore, to develop a construction organization capable of handling any phase of building operations, and such an organization was set up during the year 1930.

Two features of the building program are worth noting: (1) the cooperation of organized labor and (2) the cooperation of civilians and inmates in carrying it out. After several conferences between representatives of the State Building Trades Council and the superintendent of the colony, a memorandum was drawn up with reference to construction at the institution. This memorandum outlined a basis upon which organized labor agreed to work with prison labor and to help develop conditions in prison industry that would be satisfactory to all. It provided that a proper balance should be kept between civilian and inmate labor working with tools and that credit should be given to inmates for time spent and educational courses completed in any trade.

[1] *Annual Reports of the Superintendent of the State Prison Colony*, for 1930, 1931, and 1932.

Of equal importance has been the cooperation between the civilian workmen and the inmates on construction. Each week a program of work was outlined for every crew on construction by a joint committee consisting of the engineer, the field foreman, and inmates appointed by the Council. Whenever the program was completed by Friday night, the inmates were given a holiday Saturday morning. During 1930 forty weekly programs were completed by Friday night. The success of these programs was due largely to the fine spirit of cooperation between civilian and inmate workmen, together with the efficient manner in which the engineer helped to lay out the weekly schedules.

Obviously the development of specific prison industries has been delayed until the construction of the institution has ceased to be the major industry for the employment of the inmates. This condition has not meant that the problem has been ignored. Investigations have been made, and experiments in small ways undertaken to discover what can be done.

The problem consists of the selection of the "most suitable industries and types of employment for 1,500 convicts drawn from every stratum of society and industry." It has been estimated that 700 would be employed in actual production and that these 700 should earn enough to cover the cost of maintenance of 1,400 men, the remaining 100 to be utilized in farming and to be self-supporting.

Commenting upon the prison labor problem in 1932, Superintendent Howard B. Gill declared that "no prison has ever set out to develop a program of industries after a conscious and scientific study of the problem. Most prison industries have 'just growed' like Topsy. There is an opportunity at Norfolk to develop a plan of prison industries based upon a careful study of the whole problem as it relates to that particular institution."

He pointed out that Massachusetts is committed to a policy of "management by state employees" as contrasted with "management by contractors." Such a policy does not preclude the possibility of the cooperation of free labor and manufacturers with prison men in the management of prison industries. It has been tried in one or two states with success, and in Superintendent Gill's judgment it is "the solution of the natural antagonism which exists between free industries and prison industries."

Besides his comments upon the general prison labor problem, Mr. Gill emphasized the probable need of the consideration of avocational industries to prevent idleness. Special articles may be made by inmates who have or develop special skills or aptitudes. The sale of such products would be limited by the market, but the market might be enlarged by cultivation. In the avocational work, skill would take the place of equipment. One such avocational pursuit already developed at Norfolk is toymaking. An avocational committee has been established by the Council.

The actual employment situation at Norfolk is shown by these figures taken from the work-distribution card for one day in July, 1933:

Construction	170
Maintenance	166
Industries	49
Unclassified	24
Unavailable	46
Unassigned (new men)	12
Farm gang	26
Hospital	48

Assignments are made by the personnel officer who is the liaison officer between the casework and industrial divisions. He keeps the vocational records of all inmates in the industries and construction work. He makes weekly reports to the Casework Division in regard to the aptitude, proficiency, and attitude of all men. Every placement must have the approval of five officers, representing casework, placement, construction, dormitory unit (house officer), and assistant superintendent. The personnel, or placement, officer has supreme power of placing men subject to the check of the construction foreman and the senior structural engineer. He keeps the industrial card files of all workers. He interviews the men, listens to their statements, and makes such adjustments as seem necessary and advisable. A very efficient and smooth-working system of assignments seems to have been developed at Norfolk.

Summing up the general policy so far worked out at the colony in regard to industries, the following points may be noted. The *purpose* is to provide as wide a diversity as possible with due

attention to the abilities of the men and to outside industry. Besides making the investment as much self-supporting as possible, the industrial program provides training for the men by means of a related vocational training course in connection with each shop. Profit is to be the test of efficiency in this program rather than the goal. Conditions of industry are made as nearly as possible parallel to those of modern, up-to-date free industry.

It is also proposed to invite the participation of free labor and manufacturers in the determination of industrial policies. Prices are to be determined by using the wholesale market price of any given article as a basis. The market is limited by law to state, county, or municipally operated or controlled institutions and organizations and to institutions or organizations with charitable functions.[1]

Research

During 1929, the colony program was brought to the attention of the Bureau of Social Hygiene of New York City; and following several conferences and a trip of investigation to Norfolk by Prof. E. H. Sutherland, representing the bureau, a grant of $50,000 was given to the Colony to conduct a five-year experiment in casework and to publish a report on the results.

Work under this grant was begun in September, 1930. Two research workers were engaged to make field investigations and prepare case histories, the family welfare work was placed on a full-time basis, the house officers' program was reorganized and put under the direction of a psychiatric social worker as chief to develop institution case records, and a part-time assistant employed to select cases at Charlestown for Norfolk.

An interesting outgrowth of this research work has been the number of students and college graduates who were attracted to Norfolk, some of whom volunteered their services for maintenance only to aid in the project. During 1931 six such students worked for periods varying from two to six months.

During 1932 the research program was continued. A group of advisory committees in casework, medicine, education, and family welfare was organized; a treatment program was developed for casework; statistical and descriptive reports set up for

[1] *Ibid.*

each division; a history of the development of the colony begun; a vocational program outlined; an industrial study inaugurated; a staff library organized; a group of setup studies in the development of each division and an intensive study of the effect of the whole program on a selected group of cases started. Eight paid workers and consultants were engaged in this work, and fourteen student assistants helped for periods varying from one to nine months.

During the summer a number of graduate students from colleges and universities come to the institution to observe and help in the work for the colony. These "student assistants" gain the same sort of experience and training in the field of sociology that medical students get during the period that they spend as internes in hospitals. It opens a new field to college students, and it will help to raise the personnel standards in our penal institutions. Instead of "guards" there will be trained or semi-professional workers. Something like what happened to nursing a generation ago may well result in prison service—a new field for professional service will develop with its own standards.

The presence of a number of student assistants during the summer of 1932 is noted in the paper published at the colony. These students came from different states and institutions to work under the direction of a Cornell University man who was a regular member of the staff. They worked as volunteers in connection with various departments; one man assisted in the community service department, another in the home and employment service, and others worked with house officers. During the summer a series of talks was given by various authorities for the house officers and student assistants.[1]

In the summer of 1933 a larger number of student assistants spent longer or shorter periods at the colony. One group consisted of theological students who were in residence for two months covering the period from early in July until September. After two weeks of orientation during which they were expected to familiarize themselves with the institution, they were assigned as assistants to the house officers in the units of the dormitories. They were required to compile a notebook of observations and to audit six cases of inmates selected from among those whom they had come to know well.

[1] *The Colony*, June 1, 15, July 1, 15, Aug. 1, 1932.

Several other college students and graduates were also in residence during the summer of 1933, engaged in projects of study or acting as assistants in some phase of administrative activity. Two faculty members from American educational institutions spent the month of August at the colony. Several foreign observers visited the colony during the summer remaining for varying periods. Most of these visitors lived together in one of the houses in the Oval, formerly occupied by the inmates while the wall and first dormitories were under construction. As in the summer of 1932, a series of talks was given by outside lecturers for the staff and the student assistants.

The freedom allowed to observers and student assistants within the institution is another unique feature at Norfolk. It is the best form of educational work in penal affairs to be found anywhere in the United States. It should be continued and developed into a training course for persons contemplating entrance into penal or correctional service. An extension of the methods developed at the colony would revolutionize the penal system and make it possible to do constructive work with prisoners rather than turning out recidivists, as is almost certain under present conditions.[1]

Other Divisions

The remaining divisions of the work at Norfolk do not lend themselves to extended treatment. They are either professional in their character or strictly institutional; the medical and educational divisions cover the professional fields; the maintenance and financial divisions deal with institutional affairs. They are of the greatest importance in penal administration, but they are not unique in their activities and in their relations to penal discipline.

The Medical Division has at its disposal a fully equipped modern hospital with the best facilities attainable at the present time. Very few, if any, other penal institutions are so well provided for. In general there is lack of recognition of the need for the best medical and health service for delinquents. The administration hopes also to make the hospital a laboratory for research in the field of prison health service. By so doing the

[1] *Ibid.*, Oct. 15, 1933. Dr. W. H. Commons was in charge of the theological students at the colony during the summer of 1933.

state will receive the benefit of the services of the specialists who assist in this program.

In addition to the strictly medical work, the medical staff is responsible for the inspection of and instruction in safety measures on construction and for sanitary inspection of the grounds, kitchens, and living quarters, including food handling, water supply, and sewage disposal. The medical division also has charge of all athletics as a part of a constructive program of physical education.

During 1931, two baseball teams were organized and played seventy-five games during the season with outside teams in addition to many intramural games. A basketball team played twenty-five games with outside teams. Three outdoor field days and one indoor track meet were arranged. A skating rink was made by the men and enjoyed by as many as fifteen pairs of skates could accommodate. A handball court, several *boccie* courts, boxing and wrestling, and horseshoes provided other means of outdoor exercise. The value of athletics seems obvious. Furthermore, as many of the men are young, an understanding of them can best be gained on the ball field, and they find in sports an outlet for emotional or animal spirits that might otherwise become a serious problem. A similar athletic program was continued during the years 1932 and 1933.

The Educational Division has been handicapped during the early years by lack of classroom space and equipment. Teaching personnel and time for educational work have also been limited.

In September, 1930, a member of the staff was assigned to devote his entire time to the development of the educational program. He had as assistants in academic work and vocational courses a small group of part-time instructors and a group of volunteer workers. On April 30, 1931, of a total of 181 inmates, 124, or 69 per cent of the population, were taking some sort of academic, vocational, or avocational instruction. Attendance was voluntary, and classes were held in the evening from 6:00 to 8:30 P.M. on account of the heavy construction program.

During the school year beginning September 1, 1931, and ending May 13, 1932, there were 130 enrollments in various academic and vocational classes. Correspondence courses had an active enrollment of 89. In the avocational branches, the enrollment was 148. The total enrollment, therefore, was 367.

Of the average population of 341 inmates, 67 per cent undertook some sort of educational work. The total includes a number who were active in two or more subjects at the same time. With the exception of the elementary academic class, attendance at which is compulsory for the illiterate, participation in educational activities is voluntary.

In addition to a central toyshop, "tinkering rooms" have been installed in the basements of the dormitories. Suitable benches have been constructed, lights provided, and hand tools purchased. A competent manual arts instructor was secured, and with his supervision and direction many useful articles have been made by inmates during their leisure time. A loan fund was established by a friend of the institution to be used as a revolving fund from which small loans might be made to men for the purchase of materials.

Weekly instruction in music was given, and an orchestra and band were organized. A series of three public debates was presented by teams representing the Oval and the Inside. A minstrel show directed by inmates with the aid of the colony orchestra was a great success.

The library in November, 1932, contained 2,700 books which had been catalogued under direction of the Division of Public Libraries of the State Department of Education. From September, 1931, to May, 1932, 6,574 books and periodicals were issued to inmates; of these 666 were nonfiction, 2,906 were fiction, and 3,002 were periodicals. During the same period, 1,080 books were received, of which 74 were borrowed, 87 purchased, 207 donated, and 712 were periodicals. Excellent quarters for reading are temporarily provided in the supply building, and the library is open during the day and evening.

The maintenance and financial divisions are concerned with the purchase and distribution of supplies; the control of expenditures; and the feeding, clothing, furnishing, and maintenance of the institution. With the increase in population has come an increase in the number of inmates' accounts. The growth of the inmate stores has also increased the accounting work.

A tailor shop has been developed, and going-out suits and overcoats are made there. Each man may select the style of suit that he prefers, and the suit or overcoat is made to measure. Men no longer get rid of their clothing as soon as they are released

for fear of being spotted by the police as ex-convicts. Some have returned to visit the colony months after release wearing suits or overcoats that they were given on release.[1]

Developments since 1933

During the latter part of 1933 and the earlier half of 1934, an investigation of Massachusetts penal institutions, more or less politically inspired, resulted in the removal of Superintendent Howard B. Gill. Maurice N. Winslow was appointed acting superintendent on January 30, 1934, and superintendent on September 28 of the same year. As the superintendant himself points out[2] such a change in a growing institution could not but tend to retard and deflect the development of its policies. Progress was of necessity slow owing to the restlessness of the year. Much time was spent in pruning and reshaping the organization and policies of the institution.

The new superintendent had been senior structural engineer and was consequently familiar with the program and policies of the institution. In his first annual report covering the year ending November 30, 1934, he pointed out that "with the physical properties of the institution so far removed from that of a bastille prison, it would be worse than anachronistic to administer it on the basis of an older [penal] philosophy. That way lies disaster. Therefore, it is imperative that we must bend our efforts to continue to develop and administer the policies of Norfolk along the lines of a community prison."

During the year much time was spent on Council matters. For the last few months of 1933 the Council was declared ineligible because of lack of cooperation with the staff in eradicating contraband and escapes. After much discussion and earnest deliberation, it was agreed that inmates would not be required to sign a pledge of cooperation and responsibility for eliminating contraband and escapes. It was found that a lack of straight-

[1] The description of the developments at Norfolk was written after the author had spent a month at the institution in August, 1933. This account undertakes to interpret the ideas in regard to a community prison as they were conceived by the originators of the institution. Superintendent Howard B. Gill embodied these ideas in a personal way, and his resignation in 1934 was a serious loss in the judgment of the writer. The remainder of the chapter is intended to describe the changes and developments since 1933.

[2] *Annual Report of the Superintendent of the State Prison Colony for* 1934.

forwardness and sincerity in the act robbed it of any real significance.

It was also decided that the previous policy of submitting the names of all candidates for the Council to the staff for approval before permitting them to stand for election should be abandoned, owing to the fact that such a system often prevented good men from allowing their names to be proposed and, furthermore, gave the Council members the stigma of being administration pets. The various units would be entirely free to nominate and elect such representatives as the majority might choose, thus putting the entire responsibility for the character and make-up of the Council upon the inmates themselves. It was believed that under this plan a better cross section of the inmate population would be secured than by the old process of weeding.

As Superintendent Winslow stated in his official report: "It was realized that undoubtedly we would have a poor Council to start with under this system, and we were right. The second Council to be elected in this way was worse; but the inmates began to realize that it was their own fault if the Council did not function satisfactorily. They are now telling one another that if they treat the Council as a joke, its failure simply acts as a boomerang upon their own heads.

"As mediocre as the first Council was after this change in plan, it carried more weight with the men than the previous one. And at the present time there is more talk about the value and usefulness of the Council among staff and inmates alike than at any time during the past two years. We anticipate a far better selection of men for Council members at the forthcoming election."

The controversy that raged during the first four months of 1934 in regard to the personnel and policies created echoes within the institution that made administration unusually difficult. Rival camps among the staff and inmates inevitably developed. It was necessary to abolish or alter some of the current policies and procedure and to hold others in abeyance. The objective of the administration was to unite the staff and inmate body "by loyalty to the institution rather than by allegiance to any one individual." Many of the changes did not meet with the approval of organizations that were extremely interested in the Norfolk plan but not always aware of the peculiar problems of

administration that it entails. The plan is new in the field of penology and "demands patience, intelligence, and careful administration for its ultimate success." There is need of the cooperation of all friends of the institution in the development of progressive policies administered in accordance with the principles of modern penology.[1]

Norfolk in 1937

The major building program at Norfolk has been completed. There are six dormitories; a school building; an assembly building; an administration, receiving, and hospital building in three sections; a gatehouse or entrance building; five industrial buildings; a small punishment building; and a powerhouse. These structures are all inside the walls, except for the gatehouse. Outside the walls is a farm colony with a dormitory providing accommodations for 115 men. The other farm buildings are a cow barn, horse barn, piggery, and slaughterhouse. There is a herd of sixty cows, and sixteen horses are used around the institution. The piggery and slaughterhouse were constructed by inmate labor, thus reducing the cost from $15,000 to $7,500. The acreage tilled in 1935 was 75 acres, used to provide ensilage corn for the cattle, truck gardening, and winter rye later to be ploughed under to improve the soil for cultivation.

The population in August, 1937, was 845. Of these, 734 were inside the walls, and 111 in the farm colony. During the same month 27 men were admitted, and 23 were transferred; 14 men were released, 10 being paroled and 4 discharged at the expiration of their maximum sentences.

In the opinion of the superintendent, "as the population increases, the problems presented in administering this community prison are likewise augmented, and it becomes increasingly evident that its housing capacity is excessive. Accumulated experience gained in the eight years of our association with this prison shows very clearly that the effectiveness of individual treatment is seriously impaired when directed to a population in excess of 500. The larger the prison the greater the necessity for closer attention to routine administration and detention,

[1] *Annual Report of the Superintendent of the State Prison Colony*, year ending Nov. 30, 1934.

Employment	Number at school half day	Number
Productive labor:		
Construction	16	90
Farmers	3	115
		205
Industries:		
Brush shop	11	41
Cement shop	3	47
Tailor shop	5	58
Mattress shop	2	24
Metal shop	3	65
Storeroom	1	9
Messengers	..	7
Clerks	..	11
		262
Miscellaneous:		
Cobbler	..	1
Printing shop	..	6
Maintenance repairs	3	49
		56
Clerical:		
Clerks	..	28
Storekeepers	..	4
		32
Maintenance:		
Laundry	3	47
Kitchens	..	52
Medical department	..	31
Housemen and janitors	..	51
Powerhouse	..	13
Library and education	..	12
Barbers	..	7
Filter beds	.	2
Wagon driver	.	1
General maintenance	..	31
Messengers	..	1
Elevator operator	.	1
Light duty	1	3
		252
Sick in hospital	..	34
Unassigned:		
New men not yet assigned	..	15
In quarters unavailable for work	..	2
		17

with consequent atrophication of the rehabilitative functions for which the institution has been designed."[1]

While the construction of the institution was still going on, the larger proportion of the inmates were employed in connection with the building program. With the completion of the main portions of the physical plant, the inmates must be employed in other ways.

In August, 1937, the prisoners were employed as shown on page 84.

The total number of prisoners listed as employed, according to the foregoing, on August 1, 1937, is summarized as follows:

Productive labor	205
Industries	262
Miscellaneous	56
Clerical	32
Maintenance	252
	807

Statement compiled for author at institution.

In spite of the increase of population, the State Prison Colony seems to have preserved its two outstanding characteristics (1) as an institution conducted on a community basis and (2) with an inmate Council that actually functions as an intermediary between the prisoners and the administration. This inmate Council has now been in existence for ten years and antedates all similar bodies in the country.

The functions of the inmate Council were extended in 1935, when it began to operate the kitchen for the inmates. This is the most important undertaking in which joint responsibility has been shared in penal administration. It involves the selection, preparation, and distribution of food for the inmates. The committee in charge of this work is selected by the Council and approved by the deputy superintendent and the medical department. The question of food is one of the major problems that confront the administration of a penal institution and one that it is extremely difficult to handle. The allowance for food is budgeted on the basis of so many cents per day per man, and it is necessary that the most careful planning and economical methods be employed to get the best results from the allowance.

[1] *Ibid.*, Dec. 31, 1935.

Operation of the kitchen by the Council began on January 19, 1935. Twenty-five men replaced a crew of approximately forty. After a trial operation of about a month, the vote in favor of continuing was practically unanimous among the inmates.

After two years of Council operation the administration resumed the control of the kitchen. This action became necessary when the Council forced the resignation of the members of the committee in charge. Under the circumstances the administration had no alternative. A yearly expenditure of $90,000 could not be given into the hands of inexperienced men.

Resolutions passed by the Council led the administration to order a colony vote upon the matter of kitchen operation. On February 20, 722 eligible voters expressed a choice between inmate and staff operation of the kitchen. Final tabulations showed the following results:

Inmate operation	474
Staff operation	201
Blank ballots	30
Improperly marked	17
	722

The Council again assumed the operation of the kitchen on March 17 after a period of staff management that began on February 1, 1937. There was a definite understanding that kitchen committees of the future must be reasonably secure in tenure. The prospects of incoming councils summarily dismissing such committees was recognized as intolerable. The continuance of Council control of the kitchen depended entirely upon the wisdom and discernment of that body. Apparently a major crisis in inmate activity has been successfully passed.[1]

On February 27, 1937, the colony inmates voted to accept a revised constitution. Of the eligible voters, 559 voted favorably, 97 were opposed. Other ballots were blank or defective. The necessary two-thirds vote was obtained.

The new constitution provided for the election of members of the Council for a term of six months instead of the term of four months that had existed previously. Any action of the

[1] *The Colony*, Feb. 1, Mar. 1, 1935, Feb. 15, Mar. 1, Apr. 1, 1937; letter from Superintendent Maurice N. Winslow dated Jan. 9, 1936; observations made in a visit to Norfolk Aug. 18–20, 1937.

Council will become effective when approved by the administration. No action by the Council can limit the authority of the administration at any time. In the opinion of the superintendent the new setup is promising. The Council now has power, with staff approval, to enforce the will of the inmate body in the important matter of kitchen operation.[1]

[1] *The Colony*, Mar. 15, 1937.

CHAPTER V

REFORMATORIES FOR WOMEN

In more than twenty states women prisoners are confined in sections of the state prisons for men. Their number is small in comparison with male prisoners, and they are generally provided for inadequately. Their quarters are restricted, and their opportunities for work or exercise outdoors are more limited than those of the men. Their presence in institutions designed and operated primarily for men, where the control is largely in the hands of male officials, is regarded as a constant source of trouble and danger. Obviously, strict precautions have to be taken to prevent contact between male and female prisoners. The existence of the two groups in near proximity to each other is certain to have a disturbing influence upon both groups, even although contacts are completely avoided. Male officials ought never to be placed in control of women prisoners.

Where the number of women prisoners is too small to make a separate institution practicable, proper provision for them presents a difficult problem. It would be better to give them a separate section in the girls' reformatory than to follow the usual plan of placing them in a men's prison. One suggestion is that they should be attached to state hospitals and employed in the domestic work of such institutions. The actual solution of the problem is probably indicated by what has been done in the states that have established separate institutions for women. Recently, there has been a tendency to remove the age limit and send all adult women to the one institution known most frequently as a *reformatory* but sometimes by other names, such as *industrial institution,* state *industrial farm or home.* This development has been most prominent since 1910.

These institutions represent a real advance in methods of caring for women prisoners. In general they are characterized by a forward-looking attitude and a recognition of their function as that of reformation. Most of them emphasize education in a

broad way. They undertake to give vocational training, especially in domestic occupations, and to select industries that have training value. Many of them can give valuable lessons to the institutions for men. Academic education is more often correlated with practical activity. Some form of inmate community organization has been established in the more progressive institutions. The comparatively small number of inmates has facilitated the adoption of methods made extremely difficult in men's institutions because of overcrowded mass conditions.

Institutions for women usually have good buildings with attractively furnished living rooms and dining rooms, and the inmates have individual bedrooms instead of cells. "The grounds and buildings of the federal reformatory, for example, would be a credit to a fine school or college." Again, these more satisfactory quarters are due to a considerable extent to the smaller population to be cared for in them.

They often have too small staffs and too many poorly paid and trained minor officials. Their appropriations are insufficient. They deal with a type of offender difficult to reclaim. Their paroled prisoners have a harder fight to make good than men. On the whole, however, they are the *most hopeful of our penal institutions.* The women's clubs should give them sustained and intelligent support. They furnish a model after which the institutions for men should pattern.[1]

Federal Industrial Institution for Women

The Federal Industrial Institution for Women at Alderson, W. Va., was formally opened in November, 1928. It is located on a 500-acre tract of hilly, wooded farm land, 200 acres of which were given to the government by the citizens of Alderson. The cottages, two-story brick buildings, built 75 feet apart, form three sides of a square. On lower ground is a similar group which includes the administration and industrial buildings. The chapel is to be built at the point where the two squares join. "These buildings form what is unquestionably the finest group of buildings for any women's penal institution in the country."

It was due to the widespread interest of organized women that the institution was established to provide for the proper detention and treatment of the increasing number of women

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. xxxii–xxxiv.

sentenced in the United States courts. The enabling act, passed in 1924, gave the institution its name, indicating that industry was to be the keynote of the undertaking. It also specified that each woman was to be given training that would fit her to be self-supporting on her return to society.

During the year ending June 30, 1931, the average population was 442 with variations between 394 and 491. There were 420 admissions, of which 169 were violators of the federal narcotic law; 401 were discharged, making a heavy turnover. Such a large turnover results in high medical bills and decreased industrial efficiency, as treatment for physical ills has to continue, on the average, over about a third of the residence period. Intensive educational work has to be done on the academic side for the illiterates and for those for whom commercial training is indicated, as well as along household science lines, for the great majority who will return to their own homes or go into some phase of homemaking work.

A survey made at the institution showed that 341 out of 447 will return to some phase of homemaking or household science occupations. "A few years ago, there was a sentimental outcry against dooming the inmates of correctional institutions to the drudgery of the kitchen and of domestic service." The result of the experience of the superintendent "here and in other institutions has been that most women are grateful for the opportunity to learn how to keep house well. The opportunity to learn the technique of good housekeeping is rare, and we cannot overemphasize the importance of focusing the attention of institutions upon character building and the skills which equip women to make life happier and so lead away from anti-social acts."[1]

There are *typical* cottages and two *decreased-privilege* cottages. Each cottage has rooms for thirty inmates and is a complete housing unit with a kitchen, dining room, storerooms, and a living room. The rooms are equipped with spring bed, chair, and dresser; they are regular rooms and not cells. The two decreased-privilege houses are planned to take care of all discipline cases and all those who do not conform to the spirit and rules of the institution. Punishment consists largely in reduction in grade and corresponding loss of privileges.

[1] *Report of U. S. Bureau of Prisons*, 1930–1931, pp. 85, 86, 89, 90.

In addition to the housing units are an administration and staff building; a receiving or classification building, containing quarantine quarters and clinics; and a small hospital, equipped to take care of surgical and medical cases as well as disturbed mental cases. An industrial building, power laundry, cannery, greenhouses, dairy, garden service, and poultry plant afford practical training and contribute enormously to the physical rehabilitation of the women. Willebrandt Hall, a school building, which contains an assembly hall large enough to seat the entire membership of the institution, is the center of the educational activity. It contains also classrooms, a library, and a room for exercise in bad weather.

The farm buildings are located about a mile from the institution proper. About 120 acres are under cultivation, and 100 more in pasture. The products of the farming operations are used in the institution.

Dr. Mary B. Harris was appointed superintendent in 1925. She holds the degree of Doctor of Philosophy from the University of Chicago and has had teaching and institutional experience in New Jersey and New York. There are two women warders to each cottage. One has general charge of the cottage, and the other supervises the commissary. There are an assistant superintendent, an educational director, a doctor, and nurses, besides the other employees needed for the maintenance of the institution. Eighty-two were on the payroll in 1929.

Assignments to every branch of work, study, and occupation are made by the classification committee, which consists of the superintendent, assistant superintendent, record clerk, head teacher (who is also the psychologist), resident physician, and the head of the cottage in which the person under consideration lives. Each case comes up for a review of her program every three months. At this time the doctor sees the inmate and makes a new report; the teachers and vocational supervisors make a written report; the warder of the cottage makes a verbal report and is present to answer questions. There are also daily conduct and work sheets from every cottage and department. The woman herself appears at these meetings; her program is explained to her and she is permitted part in the discussion of plans for her future. The institution was designed for an elaborate and careful system of classification based upon indi-

vidual programs, and the details are being worked out as the institution develops.

At the last classification meeting before an inmate is to go out, she is asked to present her plan for the future, and help is given when needed. The outgoing inmates are all furnished with a suitable outfit of clothing made in the dressmaking and millinery departments.

During the year ending June 30, 1931, there were 388 admission cases considered by the committee and 889 reviews. The admission cases are usually brought before the committee within a month or six weeks after arrival. In the interval, tentative assignments are made while the newcomer is becoming adjusted. With the drug addicts, the first assignment follows the medical recommendation, which is usually light outdoor work for at least part of the day.

The superintendent believes that "the classification procedure is the most stabilizing and educational feature of the institutional program, that it prevents misunderstandings regarding the treatment of the individuals considered, and that it makes every individual feel sure that her case will be given careful consideration by a group large enough and diverse enough to eliminate prejudice."

Each cottage has a club to which all residents are admitted after probation for three months. The voting members elect an executive committee which chooses its own chairman. The committee has a few more privileges than the others and greatly increased responsibility for the smooth running of the cottage. The warder of the cottage attends all meetings and approves or disapproves the recommendations of the committee, which must all be submitted to the superintendent before going into effect. Each cottage club has a secretary who keeps the minutes in duplicate, one for its files and one for the superintendent. These clubs afford training in parliamentary procedure, and they are invaluable in developing self-control, self-respect, and a feeling of responsibility for the welfare of the group; in the opinion of the superintendent they are "an indispensable feature of the institutional organization." These *cooperative clubs* are correctly named because they provide for a rational cooperation between the governing authorities and the inmates. The inmate

community organization comes from the inmates rather than from above.

The purpose of the institution is education in the broadest sense, and academic work is only one feature of the general program. It varies from classes for totally illiterate Americans and foreigners to courses preparatory to a business career. It is difficult to imagine teaching adult Americans to count, to tell time, and the days of the month and the months of the years. Such cases, however, are numerous among both white and colored. When assigned to care for the chickens, they do not know whether all their charges are gathered in or not. A recipe is of no use in cooking, for they do not know what a half or a quarter is. Many are in the institution only a few months, and there must be quick work if they are to be given a working knowledge of fundamentals. Side by side with them sit women of superior intelligence who have had the advantages of a good education. To deal effectively with such diverse material requires study and constant thought. Furthermore, the work program is so full, especially in the summer, when the farm demands are greatest, that the inmates' time must be carefully watched to be sure that the essentials are not neglected.

An innovation in penal procedure was made, during the year ending June 30, 1931, by the establishment at the institution of a scholarship to enable young women who wish to enter this branch of social work to obtain practical training in the executive management of correctional institutions. The scholarship was established by the Women's Prison Association of New York. The holder of the scholarship receives an appointment from the Prison Bureau providing maintenance and thus has the status of an officer of the institution. The policy was such a success during the year that it will be continued.

The concluding paragraph in the comment upon this institution in the *Handbook of American Prisons and Reformatories* is so pertinent that it deserves to be quoted in full:

"One is likely to be so impressed with the excellence of the institution from the material standpoint and by the fine spirit which pervades it that he will forget the difficulty of the problem. A large percentage of the women are narcotic users. If the women can be kept free from drugs, the problem will still be

difficult. One who has seen federal women prisoners in jails and state prisons must rejoice that the government has at last established an institution of its own and supplied it with a plant and a staff worthy of our resources and our social ideals. It will always need intelligent public interest and support to achieve full effectiveness."[1]

State Reformatory for Women, New York

The State Reformatory for Women at Bedford Hills, New York, was opened in 1901 to take women prisoners from sixteen to thirty years of age, except feeble-minded, for misdemeanors or felonies at the discretion of the judge. The institution is located on hilly ground so that the various buildings are placed on different levels. There are three groups of buildings, allowing for a certain amount of classification and segregation.

The inmates are housed in rooms in the various cottages. Each cottage has its own commissary department. There are about 300 acres in the tract of land, part of which is run as a farm. Besides the dairy products, large quantities of garden produce and small fruits are raised.

All sentences are indeterminate, the maximum being three years with an arbitrary minimum of one year. A division for female defective delinquents was established in 1921. Commitments for this division are for an indefinite period, although the majority of these inmates are required to remain much longer than one year before being considered for release on parole.

The normal inmates of the reformatory are assigned to cottages in accordance with a plan of classification after they have been carefully studied during a period of observation and testing. "The significant thing about this institution is the purpose and the spirit of the administration and the development of a staff

[1] 1929, pp. 8–16; *Report of the Work of the Federal Bureau of Prisons* during the year ending June 30, 1931, pp. 85–98; Harris, Federal Industrial Institution for Women, *The Island Lantern*, U. S. Penitentiary, McNeil Island, Washington, D. C., June, 1930, pp. 61–68; *I Knew Them in Prison*, Viking Press, 1936; in the *News Bulletin*, the Osborne Association, October, 1932, reference is made to fifteen cottage groups in connection with bird and tree clubs formed in the institution in 1932. The aggregate membership was about 350. Membership is conditioned upon identifying ten birds and twenty trees during the summer.

able to carry out its aims. Dependence is placed on personnel rather than on equipment."

The school is only one unit in the program of the institution. After a quarantine period of two weeks, each inmate goes through a preliminary training period of one month in a training cottage. She is instructed in kitchen and dining-room work including elementary cooking and diet planning, in general housekeeping, care of clothing, personal and social hygiene, hand laundry work, home decorating. Some special instruction is given to selected cases, such as prenatal and child care for expectant mothers. The remainder of the sentence is spent in specialized training in the regular work of the institution and in the school.

The only regular industry is sewing, which is on the state-use basis. Approximately forty-five inmates are in the sewing industry. The others are assigned to the various cottage, farm, and maintenance details. Most of the work of the institution has vocational value, and the work is designed to give useful training.

"The chief emphasis in maintaining discipline appears to be put on morale and leadership rather than on punishment." There is a disciplinary cottage which can be used when needed; but when problems arise, the morale officer talks the situation over with the inmates to find out the cause and settles the matter if possible without resorting to punishment. This method of discipline is important because of its value in developing a proper viewpoint toward the acceptance of common responsibility. Such a method results in a large measure of social training and prepares the inmates for release. Incidentally, it probably produces better discipline than could be obtained by more repressive methods. It also approximates to a form of inmate community organization. "Like a few of the other better institutions for women, it is actually working on an institutional policy which combines scientific methods with a fine spirit of human relationship."[1]

"The institution, while not quite modern from a physical standpoint, compares very favorably with the better institutions for women.

"The housing units are somewhat smaller than those usually found in similar institutions, but they offer an unusual oppor-

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 654–663; visit to institution in September, 1929.

tunity for the segregation of small groups and give intimate personal contact between officers and inmates."

There are fifteen cottages located near the administration building, and these constitute the main part of the institution. Two were closed in May, 1931, because of a decrease in the population. There were 204 prisoners at that time—a decrease in the last year of 41 per cent.[1]

Reformatory for Women, Massachusetts

The Reformatory for Women at Framingham, Mass., was opened in 1877 under the name Reformatory Prison for Women. In 1911 the word *prison* was removed. The reformatory, however, continues to receive prisoners of the type sent to the state prison in many states. They are of all ages from seventeen up and are serving indeterminate sentences of one year to life.

Mrs. Jessie Hodder was superintendent from 1911 until her death in November, 1931. She had had one of the longest periods of service in the country as head of a penal institution. She was the sixth superintendent in over fifty years. Before her appointment at Framingham, she had been a matron at the Industrial School for Girls at Lancaster and had been for three years associated with Dr. Richard C. Cabot in social service work in Boston. In January, 1932, Dr. Miriam Van Waters was appointed to succeed Mrs. Hodder. She has had wide experience in work for girls and women.[2]

The plant is old in design and construction, but the buildings are maintained at a high standard, and they provide satisfactory living and working quarters. There is a total capacity of 316 rooms, or beds exclusive of the hospital. The grounds comprise 333 acres, of which about 30 are occupied by buildings.

The discipline is sensible, and reasonable privileges are permitted. Responsibility for the discipline is given to the inmates through a self-government organization, and the effort is made to make good conduct a community responsibility. Women are

[1] *Ibid.*, 1933, vol. I, pp. 748–764. The institution is now known as Westfield State Farm. All women prisoners have been removed from Auburn to Bedford Hills. In 1937 the population was 377. Of these, 160 were in the prison section, and 217 in the reformatory.

[2] *News Bulletin*, National Society of Penal Information, December, 1931, August, 1932.

eligible to become members after about six months. There is a council of five members whose meetings are attended by the assistant superintendent and grade officer. Elections to the council are held every three months; candidates must have a good record for three months and must be approved by the superintendent. The self-government organization appears to be an effective agency in the teaching of the duties and responsibilities of citizenship and of social relations. Membership is a highly coveted privilege.

"The industrial program is the best found in any American institution for women, although only 78 out of the 254 inmates are employed in the shops." The industries are on a state-use basis with some surplus sale on state account. They are well organized, give real vocational training, and produce a substantial profit. A large variety of clothing and other machine or needlecraft products is manufactured. One of the industries is the manufacture of flags, for which a steady market is found in schools and state institutions. Some are sold on the open market. The inmates receive no pay but make articles for sale in their spare time—the material is supplied by a revolving fund started by a woman's club.

Of the other inmates, 156 are assigned to the farm or to maintenance work. The farm, gardens, and dairy employ about a dozen women regularly. All the fruit and vegetables used at the reformatory are raised, and a large amount is canned and preserved for the use of the reformatory and other state institutions. There is a good poultry plant and a dairy herd.

In addition to the vocational training that is incidental to the industries and maintenance, there is an educational program in charge of a trained director. Everybody is required to work half the day and attend school half the day. There is a good library in a very attractive room. Funds for new books are supplied through the reformatory budget. A dozen current magazines are subscribed for. The library is open three nights a week for members of the self-government organization and one night for the second, or probationary, class. Wholesome and worth-while recreation is organized and directed by a competent physical director. There is an excellent gymnasium, and two hours a week of gymnasium work is compulsory. Occasionally lectures are given, and the inmates stage about one show a month.

Recreation in the large yard is permitted every noon in warm weather and for the greater part of Saturday afternoon.

In spite of handicaps of plant and equipment the reformatory ranks among the leading correctional institutions of the country, *particularly in the application to the penal problem of modern scientific thought and social philosophy.* The function of the reformatory is summed up by Mrs. Hodder in one of her annual reports as follows:

"Modern reformatory work is educational, based on psychiatric knowledge of each inmate. It is personal and must keep ever before it the development of the individual. The old thought that punishment 'will teach them a lesson' is obsolete; instead we look upon each woman as a new and interesting problem which we must make every effort to understand and to solve. There is no single trick which will make a bad person good, but helping a bewildered person to see straight goes a long way."

"The results achieved rest on fundamental bases: (1) a thoroughly modern conception of the function of the institution; (2) administrative efficiency; (3) the application of scientific methods to the study and analysis of the individual prisoner; (4) the development of a program of social education including academic guidance and instruction, religious training, directed play, work in well-organized industries, and participation in an inmate community organization that teaches the responsibilities of citizenship by actual practice. There is evidence in this program of a rare combination of scientific knowledge and plain common sense."[1]

Under the superintendency of Dr. Van Waters rapid progress has been made in correcting many of the worst features of the institution. In spite of the reputation of Framingham, built up under Mrs. Hodder, the discipline seems to have been repressive, and harsh methods were used to enforce it.

It has not been possible to make any general changes in the housing situation, but the buildings have been brightened by the use of fresh paint and curtains, and the inmates are allowed greater freedom in the decoration of their rooms.

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 442–448; *Annual Report of the Commissioner of Correction of Massachusetts for* 1927, pp. 48–61, especially pp. 48–50, *Superintendent's Report;* visit to institution Aug. 17, 1932.

All employees are on an eight-hour a day schedule, and only the nurses are uniformed. Several employee-training projects have been introduced. In addition to the regular personnel, several college and university women are working on projects. They have the status of internes in penology and receive maintenance only. In addition to pursuing the special projects, each interne is expected to work as a regular staff member along the lines of her specialty and to act as counselor for a group of inmates. The projects include a study of the industries, a study of the economic background of reformatory women, social casework, a study of racial reactions within the institution, and a study of the emotional effects of punishment.

The greatest change has been made in the field of discipline. Rules and regulations have been liberalized. Distinctive dress for the grades of inmates is being abandoned. Inmates whose records justify it are allowed to go home with an officer for short visits to their families and to make occasional shopping trips to Framingham. As a means of providing additional social contacts, the superintendent has interested a group of women in coming to the institution to visit the inmates, after the manner of the system that has been used successfully in England.

A careful study of punishments is being made. Formerly all punishments were imposed by the deputy superintendent. Now any officer may impose discipline but must make a complete report, giving the reason for punishment, nature of the penalty, and duration of the punishment. The officer must also explain the punishment to the person being penalized. The cells, formerly used for the most serious disciplinary cases, are never used now.

The classification and casework program includes interviews by a social worker with new inmates and verification of the social history by a field investigator. There are psychological and psychometric examinations and, if it is indicated, a psychiatric examination. There is a weekly *vocational conference* attended by the superintendent and those who make the admission examinations. This conference decides upon the school and work program and sets a date for a second consideration. The clinical psychologist carries on a follow-up study and assigns each inmate to a counselor. Each counselor has from six to ten women in her group and reports to the psychologist.

The counselors may take their charges on walking or shopping trips, and they are expected to establish contacts with the family and to have first-hand knowledge of home conditions.

After the vocational conference, each case is also discussed at a *staff conference*, attended by the heads of all departments. The social, medical, psychological, and educational reports are read as well as reports from the deputy, the dormitory matron, the librarian, the recreational director, the counselor, and the work officer. The superintendent then summarizes and discusses the case and outlines a program of treatment. A stenographic record is taken at all staff conferences.

The Central Council Division has not been officially abandoned, but other forms of inmate participation are being developed in its place. The officers of the Central Council Division preside at the monthly general assemblies, but the organization now has no connection with the administration of discipline. Inmate participation in the program of the institution is receiving more encouragement than ever before. This part of the work is being handled chiefly by the superintendent herself and the internes. The superintendent invites groups of inmates to her house for "parties," at which plans for the formation of new groups are discussed as well as matters of general interest.[1]

State Reformatory for Women, Illinois

The Reformatory for Women at Dwight, Ill., was opened November 1, 1930, and is the newest institution of its kind in the country. It is the result of many years of effort on the part of the women of Illinois to provide a separate correctional institution for women in the state. Before the establishment of the new reformatory, the woman's prison at Joliet, a branch of the penitentiary for men, was the only state institution for women offenders.

Miss Helen M. Hazard was appointed superintendent in March, 1930, and took up her duties immediately. She was born at Mendota, Ill., and reared in Rock Island. After she had graduated from the public schools of Rock Island and had two years in Augustana College in the same city, she taught three years in the public schools. Then she went to Columbia

[1] *Handbook of American Prisons and Reformatories*, 1933, vol. I, pp. 357–374.

University for her bachelor's degree. Later she specialized in criminology in the New York School of Social Work and obtained her master's degree from Columbia.

Her practical experience began at the Reformatory for Women at Bedford Hills, N. Y., where she spent one summer. Next she went to Sleighton Farms, Philadelphia, regarded as one of the best reformatories for young girls in the country. From there she was appointed educational director of the Connecticut State Farm for Women, and in a few months she became acting superintendent.

She left that institution for a rest and a tour of the penal institutions of Europe. Before she took her next position, as assistant superintendent of the U. S. Federal Industrial Institution for Women, she had examined prisons in eleven foreign countries. When Dr. Mary B. Harris, superintendent of the Federal Institution for Women, was asked to recommend a superintendent for the new Illinois reformatory, she declared, "I hate to lose her, but I know of no one more capable for your institution than my assistant Miss Hazard."

Miss Hazard's interest in correctional work dates back to her teaching in Rock Island. She found that the so-called incorrigible children were the easiest for her to handle, and she liked to work with them. Her experience led her to think that she might be more adapted for such work than for ordinary school teaching, and consequently she went to Columbia University to prepare for a career as superintendent of women's prisons.

In August, 1931, there were eight cottages, each with thirteen single rooms and with its own kitchen, dining room, living room, and screened porch. Each cottage has its own oil-burning heating plant. The woman in charge is called a *warder*. One cottage was used as a hospital. The other buildings were an industrial building, one end of which was occupied by the laundry with the chapel and recreation room temporarily located at the other end. The administration building in addition to those mentioned comprised the plant in the late summer of 1931. The other parts of the main 100-acre tract of rolling, wooded country is inclosed with a wire fence with barbed-wire top. The visitor approaching the reformatory is reminded of a country estate or of an exclusive girls' boarding school. Another 60-acre tract is devoted to farming. The institution is located

in a natural grove of oak trees. The architecture is French-Norman.

Each new inmate is kept in a receiving cottage until a psychiatrist makes an intimate study of her reactions, a psychologist gives her mental tests, a social caseworker takes her sociological history, and the physician gives her a complete physical examination. She is also fingerprinted, shampooed, and given her new prison clothes, which always include four wash dresses, each in a different color and pattern. These clothes are all made by members of the sewing classes, who also make an entire new outfit for each girl at the time of her release.

Girls are assigned to a certain job for periods of three months after they have been analyzed at the weekly *classification meetings*. Medical, psychiatric, psychological, and sociological information is supplied to the staff for purposes of classification. After the preliminary classification has been made, the girl is brought in, and she is asked for suggestions about the kind of work that she would like to do. Every three months the girl returns to the "classification meeting" and is urged to make any complaints, suggestions, or criticisms on her treatment.

Besides the maintenance work, including housework, laundry, sewing, and kitchen work, there is a shoe-repair shop, and later on it is hoped to have hairdressing. Other kinds of vocational training will be added from time to time. The women work outdoors in suitable weather, one group in the morning and another in the afternoon. They do a large part of the work on the farm.

Educational classes are open to girls who want to go to school. Some who do not want to go are required to do so. Every other Saturday night there is dancing with instruction in folk, ballroom, and tap dancing. On alternate Saturdays movies are shown. On Saturday afternoons the girls from the various cottages compete in athletic games, organizing baseball teams and other sports. On Sunday nights religious programs are held, and community singing and current events occupy Tuesday nights. Monday night is mending night and is not a big success in the opinion of Miss Hazard.

For the year ending July 1, 1932, the commitments were 198; 26 were for petty larceny, 25 for violations of the prohibition law, and 22 were drug cases. In November, 1932, there were 24 in

the institution for crimes of violence—18 for manslaughter and 6 for murder.[1]

All the women from Joliet have been transferred to Dwight, and the women's prison at Joliet was closed June 30, 1933. A new medium-security building was erected for these women, but it has not been used exclusively for them. One wing was converted into a modern hospital which is used as a receiving center. All new women are sent there, and in addition several older women are kept there whose age makes it impossible for them to keep up with cottage life. Still another group of observation cases which the doctor wants more closely under her supervision are also kept in this building.

A study was made of each of the women in Joliet by the Division of the Criminologist before their transfer to Dwight so that they might be properly classified at the time of their arrival there.[2]

State	Year	Name
Indiana	1873	Woman's Prison
New Jersey	1913	Reformatory for Women
Ohio	1916	Reformatory for Women
Maine	1916	Reformatory for Women
Kansas	1916	State Industrial Farm for Women
Iowa	1918	Women's Reformatory
Connecticut	1918	State Farm for Women
Minnesota	1920	Reformatory for Women
Pennsylvania	1920	State Industrial Home for Women
Nebraska	1920	Reformatory for Women
Rhode Island	1925	Reformatory for Women
Vermont	1921	House of Correction for Women
Wisconsin	1921	Industrial Home for Women

"This institution compares favorably with the best women's institutions in the country. The buildings are unusually attractive, and the management is in line with the most progressive ideas. The classification work is more carefully coordinated

[1] *Welfare Bulletin*, Illinois Department of Public Welfare, August–September, 1930, November–December, 1930, November, 1932; *The Chicago Tribune*, Nov. 19, 1932.

[2] *Handbook of American Prisons and Reformatories*, 1933, vol. I, pp. 162, 171.

with the institution program as a whole than it is in other Illinois institutions."[1]

The other states having separate institutions for women and the dates of establishment or opening are as shown in the table on p. 103.

Of these institutions New Jersey, Ohio, Kansas, Iowa, Connecticut, Minnesota, and Nebraska are built upon the cottage plan. Indiana houses its women in one large building. Maine provides for women prisoners in a large, brick building and two wooden cottages. Pennsylvania quarters its women in three stone buildings and two farmhouses which originally stood on the site of the institution. Rhode Island houses its women prisoners in buildings not erected for the purpose but rather effectively adapted to their present use.[2]

INDIANA

Indiana was the first state to establish a separate institution for its women prisoners. The prison was opened in 1873, outside the city of Indianapolis. Now the city entirely surrounds it. The grounds consist of a 15-acre tract inclosed by a fence, with the buildings located in about the center of the plot. The principal building is not of modern construction, but it is exceedingly well kept so that the living conditions are not unsatisfactory. There are 144 rooms, 56 of which furnish accommodations for more than one inmate. In September, 1928, there were 197 prisoners.

The grounds are attractively planted, and seats are placed under the trees for those who wish simply to be outdoors. Sports are provided for the others. Two or three hours in the yard daily are allowed for recreation. The chief industries are gardening, sewing, and maintenance work. The ground space is cultivated intensively, and one part is used for raising poultry. Surplus products may be sold on the open market.

Neither the medical service nor the educational work is so well organized as in many of the other institutions for women.

[1] *Ibid.*, p. 170; visits made Aug. 24, 1931, Sept. 12, 1933, and Aug. 26–29, 1935.

[2] No description of the buildings in Vermont and Wisconsin is given in the *Handbook of American Prisons and Reformatories*, 1929, for which most of the visits were made in 1927 and 1928; these institutions are listed in *Prisoners*, 1923, 1926, U. S. Bureau of the Census.

One of the matrons is a teacher, but the schoolwork is limited to the teaching of reading and writing. A dozen women were enrolled in 1928. Vocational training is not formally organized as at many other women's institutions. There is a library of 2,000 volumes. Eight rooms in one wing are set aside for hospital uses. A practical nurse is employed on a full-time basis, and a physician visits the institution two days weekly as needed. Other medical service is provided by local hospitals and practitioners.

The staff consists of a superintendent, ten matrons, a teacher, a doctor, and a nurse, as stated already. The spirit and morale appear to be good. There is no inmate organization, as in so many of the institutions for women.[1]

New Jersey

The Reformatory for Women at Clinton, N. J., was opened in 1913. The original plan was to send all women offenders in the state to the institution, and many were transferred from the State Prison at Trenton in 1914. In 1928 the decision of the judge seemed to determine in many cases whether women should be sent to the reformatory or to Trenton.

The buildings are scattered over a number of acres, and the institution is unwalled and unfenced. The inmates are housed in cottages planned for thirty-two persons, though they can take forty if necessary. Each unit is complete in itself. The institution farm comprises 340 acres.

In 1928 there were 124 white inmates, 38 colored, and 40 infants. The total number of employees is 41. A part-time physician is in charge of the hospital. Two full-time trained nurses are employed. Two consulting surgeons do most of the major surgical work. The dentist, psychiatrist, and psychologist are from the staff of the State Hospital for the Insane at Trenton.

Daily recreation periods are arranged and additional hours on Saturdays, Sundays, and holidays. Effort is made to give all the women a period of work in the farm and gardens and also training in all forms of housework. Academic work is arranged for each inmate by a classification committee.

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 295–298; 1933, vol. I, pp. 219–226, no significant changes.

A cooperative government plan is the basis of the discipline. It is organized with the cottages as units. For three months after admission the inmates attend meetings but do not vote. Then each one is considered, and her election to the organization is determined by vote of the inmates. Membership means that an inmate may go around the grounds unescorted, enjoy an increase of privileges, and share the responsibility for the maintenance of the standards of conduct in the house and on the grounds. Inmates who fail to live up to the standard are placed in a problem group and wear a special uniform. Under this system the inmates have an unusual share in responsibility for the conduct of the cottage life.

In 1930 all women prisoners were removed from Trenton and transferred to new housing units provided on the grounds of the reformatory. This institution now receives all adult women state prisoners.[1]

Women who are sentenced to prison are taken to the State Prison to be registered. After registration, they are immediately transferred to the classification unit, located on the grounds of the State Home for Girls at Trenton. Here they are given complete mental and physical examinations by members of the staff, and a social history is obtained by field workers attached to the Department of Institutions and Agencies. When these reports are compiled, they are considered by a special Classification Committee consisting of the director of the Division of Classification and Education, the director of the Division of Medicine, the superintendent of the State Home for Girls, the chief psychologist of the Mental Hygiene Bureau, and the supervisor of work with women and girls of the Central Division of Parole. This committee decides upon the institutional placement of the women. They are transferred to the Reformatory for Women, unless some mental or physical condition requires a special type of institution. At the reformatory these women are not segregated from the other women in a special building.

The reformatory, like all others in New Jersey, comes under the general classification program of the state. As is the case with all state institutions, classification and casework studies are used extensively in determining institutional policy and the planning of individual programs for the inmates.

[1] *Ibid.*, 1929, pp. 593–600; *News Bulletin*, National Society of Penal Information, August, 1930, February, 1931.

"This is a most interesting institution. Both in policy and management it is very progressive. The absolute breaking away from old traditions is everywhere apparent, and the almost complete discarding of formal rules, regulations, and routine places the reformatory in the foremost group of modern institutions. Rehabilitation of the inmates is the 'watchword,' and all efforts are directed to this end. One of the most important features in connection with this institution is the fact that the inmates are never locked in."

There were 234 inmates in March, 1931—an increase of approximately 40 per cent in the last three years. Infants who are born in the institution or who are received with their mothers may remain until they are two years old. A separate cottage is reserved for the infants and their mothers. This cottage has nurseries, playrooms, a dining room fitted with miniature furniture for the babies, and a kitchen where mothers are taught to prepare their children's diets. Since April, 1932, a nursery school has been conducted by a young woman especially trained for the work.[1]

Ohio

The Reformatory for Women at Marysville, Ohio, was opened in 1916. The original building was a two-story stone structure built in the form of a hollow square with a corridor running across the middle making two inclosed courts. It is one of the best buildings in the country among penal institutions for women. Later buildings were built of brick and are quite satisfactory, but they do not harmonize with the original structure which is an unusually attractive building. The institution has no walls or fences.

Inmates are housed in cottages and in part of the administration building. Each cottage is a unit in itself. It averages forty-nine rooms. Five corridors in the main building, in March, 1928, were crowded with beds, many of them double deckers; sixty persons were sleeping in the basement. This institution with 475 inmates is the largest one for women in the country. Like the other penal institutions in the state, it suffers from both

[1] *Handbook of American Prisons and Reformatories*, 1933, vol. I, pp. 545–563.

overcrowding and unemployment. "In comparison with the reformatories for women in Pennsylvania, New York, New Jersey, and Massachusetts it must be rated low by any test designed to estimate the effectiveness of such institutions."

There is no inmate community organization, as in so many institutions for women. The lack of industries is met by the development of shops where articles such as rag rugs and patchwork quilts are made. The inmates are also used to an unusual extent on maintenance work; work ordinarily done by men is here done by women.

Like the other Ohio institutions, the reformatory "has the defects that result from a backward state policy rather than from the incompetence or indifference of local officials." More liberal appropriations are required for needed new buildings and for higher salaries.[1]

Since 1929, only women over the age of sixteen who have been sentenced for definite felonies with terms ranging from one year to life are committed here. Other women offenders are sent to the Girl's Industrial School as incorrigibles. A few girls from Delaware, Ohio, are transferred to the reformatory for disciplinary reasons.

The institution was so overcrowded in November, 1931, that fifty-five of the single rooms in the cottages were occupied by two women, and two corridors in the main building were overcrowded with beds, sixty inmates sleeping in the basement. The ventilation was very bad, and the basement was not fit for use as living quarters.

"This institution must be rated as one of the most backward in the country. The responsibility for this condition cannot be attributed to the local officials, who are striving loyally to make the best of inadequate facilities." In 1928 overcrowding, mass treatment, low salaries, and inadequate appropriations for essential services existed, and there has been "no substantial improvement in any of these respects. The state has continued the 'starvation policy' which prevents the institution from ranking with better institutions for women."[2]

[1] *Ibid.*, 1929, pp. 769–776.

[2] *Ibid.*, 1933, vol. I, pp. 796–807; *Sherrill Commission Survey of Ohio Government*, p. 26: "This institution is overcrowded. Fire-fighting apparatus is entirely inadequate. Practically all of the buildings lack fireproof con-

Eight other institutions for women may be grouped as follows and briefly commented upon:

Maine	1916	Kansas	1916
Connecticut	1918	Iowa	1918
Pennsylvania	1920	Minnesota	1920
Rhode Island	1925	Nebraska	1920

Maine

The Reformatory for Women at Skowhegan, Maine, was established in 1916. In actual practice most of the women sentenced for felonies and also for misdemeanors in the state are sent there, and the ages have ranged from seventeen to eighty-six. The population is usually about 100. The institution is located on a 200-acre tract of land on which stand a main building of brick, two wooden cottages, a building used as the administration office and the home of the superintendent, barns, and a detention building, used for disciplinary cases considered too difficult to handle as ordinary reformatory inmates.

About 100 acres are under cultivation, and farm and dairy work constitute a large part of the employment program. A sewing room employs about twenty women making goods for the reformatory and doing work for other state institutions. There are no organized industries that provide systematic vocational training, but much training is given incidentally in connection with the regular activities of the institution.

The buildings are in general in good condition, but there is some overcrowding, and the facilities are not arranged to provide much classification. The system of discipline is not too severe, and a fair amount of recreation is allowed. There is no organized educational work.[1]

Connecticut

The State Farm for Women at East Lyme, Conn., was opened in 1918 over fifty years after the first attempt to secure the establishment of a correctional institution for women in the state.

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struction, and the institution is seriously undermanned. There are no officers on duty at night except the night watchman."

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 395–397, 1933, vol. I, pp. 248–263, latest detailed information.

One thousand acres of land is owned by the institution. The cottage system is used for housing, and the buildings are scattered over a considerable area. No walls or fences surround the buildings.

In 1929 there were 165 inmates, including 65 infants. There is no elaborate system of rules. The inmates are divided into grades based on conduct. There is no formal inmate community organization, but the inmates share in the conduct of the community life.

The institution, when completed, will have the most attractive grounds of any correctional institution in the country. "The policy and program is in line with the better institutions for women. While the program is not so fully developed, due to the fact that the institution is still in the process of making, its spirit, personnel, and aims are quite comparable to those of the better institutions for women."[1]

In June, 1930, a new building known as the State Prison for Women was occupied by the transfer of all women prisoners from the state prison at Wethersfield. There is no difference in the treatment of the state prison inmates and the other women in the institution except in the matter of housing. The state prison building contains rooms somewhat similar to those in the cottages. The building, however, is of heavy construction with barred windows. This structure seems unnecessarily prison-like. Cottages similar to those erected for the reformatory women, with a few maximum-security rooms, would have been preferable. When the women were transferred from the State Prison at Trenton, N. J., to the Reformatory for Women at Clinton Farms, no special building was erected, and the women were placed in the regular cottages. A special disciplinary cottage, as suggested above at East Lyme, would have provided more economically for the few who need it.

During the two years ending June 30, 1928, 244 inmates were received; and during the similar period ending June 30, 1930, 290 were received—an increase of 18 per cent. The institution had a maximum capacity of 230 women and 70 babies in 1931.

There is a Classification Committee, composed of one member of the Board of Directors, the superintendent, deputy superin-

[1] *Ibid.*, 1929, pp. 198–204; *Journal of Criminal Law and Criminology*, vol. XIX, pp. 518–541, February, 1929.

tendent, director of classification, resident physician and her assistant, and four parole officers. The superintendent acts as chairman. The study of each inmate includes a physical examination, psychiatric and psychological tests, social history, and scholastic and industrial records. From these summarized data and a personal interview, the committee makes its assignment to the proper cottage and to suitable industrial training. Reclassification is provided for, and in due time the committee recommends parole, subject to the approval of the Board of Directors.

"This institution ranks among the best and most interesting of its kind in the country. Here is found the unusual combination of progressive policy, a good physical plant, and competent personnel under able and intelligent leadership."[1]

PENNSYLVANIA

The State Industrial Home for Women at Muncy, Pa., was opened in 1920 for women sentenced to one year or more who are sixteen years of age or over.

The institution consists of an administration building, six fireproof stone cottages, and two farmhouses used for institutional purposes. The buildings are substantially built and as a whole well planned. The group forms one of the better penal institutions for women in the country. It has the appearance of a fine girls' school rather than that of a penal institution. It is situated on 535 acres of land.

In the cottages each inmate has a room with an outside window. Rooms are attractively furnished and well equipped. The population was 113 in 1927. Extensive garden and farm operations are carried on. Inmates are allowed on the grounds from five-thirty to dusk during the summer and on Saturday and Sunday afternoons. On Sunday and holidays hiking and picnic parties are arranged. Volleyball, basketball, and other sports are supervised by the gymnasium teacher and matrons.

"Every activity in this institution is consciously directed toward education in the broadest sense, and, to a degree found in few penal institutions in the country, education for life outside is being given." The problem of making the daily activities of a prison for men directly or indirectly educational in nature

[1] *Handbook of American Prisons and Reformatories*, 1933, vol. I, pp. 36–51.

may be more difficult than the same problem in a women's institution, but one is forced to conclude that the institutions for men have much to learn from places of the type of Muncy. "In its buildings, staff, purpose, and program, Muncy is among the better institutions for women in the United States."[1]

Rhode Island

The State Reformatory for Women in Howard, R. I., is one of a group of state institutions located at Cranston about seven miles from Providence. The state prison also serves as a jail for the county. One portion of the institution is designated as a reformatory for men. In 1925 a separate institution for women under women officials was established by the conversion of some buildings erected for other purposes. The reformatory receives all women sentenced to the state prison and county prisoners. It has prisoners awaiting trial and some sentenced for life.

There is a recreation room and also a small yard in which various sports are played. The recreation is superintended by an officer but directed largely by the inmates themselves.

It is a small institution situated among several large ones.[2]

Kansas, Iowa, Minnesota, Nebraska

The institutions for women in Kansas, Iowa, Minnesota, and Nebraska were all opened from 1916 to 1920, and they are all built on the cottage plan. In Kansas the institution is known as the State Industrial Farm for Women, but in the other states the institutions are known as *reformatories.*

The Kansas Farm is "one of the first in the Middle West to develop the cottage type. The spirit and purpose appear to be in line with that of the better institutions for women in the country, but, as in so many other places, the superintendent is not given enough trained assistants."

Until 1918 women prisoners in Iowa were confined in a section of the men's reformatory at Anamosa. The Women's Reformatory at Rockwell City now receives all women prisoners of the state. "The group of stucco buildings, with red tile roofs, connected by a colonnade, forms one of the most attractive groups

[1] *Ibid.*, 1929, pp. 828–835, 1933, pp. 869–880.

[2] *Ibid.*, 1929, pp. 862, 874–876; 1933, Vol. I, pp. 941–947.

of buildings to be found among the penal institutions for women in the country." As in Kansas, the administrative staff is too small to make possible the development of a program such as may be found in some of the older institutions for women.

In Minnesota the reformatory buildings are modern and attractive and present the appearance of an educational rather than a penal institution.

The reformatory in Nebraska is comparatively new and does not seem to have been given "full encouragement and generous support." Appropriations for current expenditures are limited, and the plant is not sufficiently developed to provide for a diversified program. The institution illustrates the difficulty of maintaining a separate institution for women in a state with comparatively small population.[1]

VERMONT

In 1921 the legislature of Vermont voted to remove the women prisoners of the state from Windsor to Rutland and remodel for their use an old house of correction located there. Miss Lena C. Ross, a middle-aged schoolteacher untrained in penology and administration, was made superintendent and has created a woman's prison that has been an extraordinary success. What is now the dining room was a solid cell block. Miss Ross had the concrete hewed away and "made a room with windows, space, air, eye-satisfying proportions, reposeful colors." In the same way a second cell block was converted into a chapel. Bars were removed from another cell block, and the cells were transformed into bedrooms, bright, wholesome, clean, and with individuality expressed in the arrangement. No doors are locked, except on newcomers for their first fortnight in the hospital.

Picnics are arranged at a neighboring lake where a cottage has been given for the use of "Miss Ross's girls." There have been only four runaways in nine years, and all have been returned. When a prisoner arrives she is placed in the hospital for two weeks, and the hospital door is locked. The spirit of the institution is gradually passed on to the newcomer by the older inmates.

[1] *Ibid.*, 1929, pp. 365–367, 339–345, 505–511, 571–575.

The population averages a total of about seventy. It takes about half of them to run the institution, and the rest work in the laundry, which does work for the people of Rutland. Now after seven years the laundry almost pays the expenses of the institution, including salaries, doctor's bills, and so forth. In 1929 there was a deficit of only $1,063. The girls get $3 to $6 a month for themselves, and $1 a month is laid aside for "discharge money."

The spirit of the Riverside-Rutland institution is explained by Miss Ross: "I treat them the way I'd like to be treated myself if I had to come to a place like this." Again she declared that "humanizing conditions are the only ones that'll make human beings. And if you spend a great deal of money and thought to make a place as inhuman as possible, why be surprised that it dehumanizes the folks that have to live in it?

"People have the strangest ideas about prisons, as if going through the door of one turned a man or woman into a griffon or a werewolf. A prison is nothing but a hospital for mind and soul. It should be just as useful to any community as its churches and schools and hospitals and just as much a matter of pride and satisfaction. We talk so much about the sacred, inestimable value of good home life. If we think it's as fine as that, why not give a little of it to prisoners who mostly never had a single minute of it before being convicted?"[1]

Wisconsin

The Wisconsin Industrial Home for Women was opened in December, 1921. It is located in Taycheedah, on the shores of Lake Winnebago, about five miles from the City of Fond du Lac. The farm contains 244 acres of land, of which 176 are tillable, and the remainder a wooded rocky ledge of great beauty. This ledge forms a background, with the blue water and wooded shore of the lake in the foreground. There is no wall, but about 50 acres have been fenced in to keep outsiders from entering the grounds.

The two main buildings are concrete and are practically fireproof. With an inmate capacity of 67, the average daily popu-

[1] *The Survey*, vol. LXVI, pp. 429–434, Aug. 1, 1931; vol. LXVII, p. 404, Jan. 15, 1932.

lation from 1923 to 1930 was as follows: 1923, 49; 1925, 92; 1927, 98; 1929, 83; 1924, 70; 1926, 76; 1928, 99; 1930, 82.

During the years 1926–1928, 210 young women and 33 infants were cared for, an average daily population of 98 or 99 with an inmate capacity of only 67. As a result of overcrowding, proper classification was impossible. No room was available for industrial or academic training, and no appropriations were made for these purposes. Consequently only the household activities, laundry, sewing room, hospital and maternity wards, garden, dairy, and poultry raising could be used for the training of inmates. The urgent needs, indicated in the *Biennial Report* for the period ending June 30, 1928, were for a receiving building, a school building, and a well-balanced library. The library at that time consisted of a miscellaneous collection of books gathered chiefly by donations and supplemented by the services of the State Traveling Library Commission. Many improvements were made during the next biennial period.

From the opening of the institution in 1921 to 1930 there were four regular superintendents, and one acting superintendent for three months. Until 1930, appointments were made for a term of one year.[1]

The state legislature recently directed that all women convicted of misdemeanors or felonies shall be confined at Taycheedah instead of at the State Prison. An appropriation was made to provide suitable quarters for this group, and the new building was completed early in 1933.

The regulations are very simple and consider the welfare of the inmates. When women have served six months of their sentence without disciplinary reports, they are permitted to wear a white collar on their dresses which designates them as honor inmates.

There are no punishment cells. The usual punishment is deprivation of privileges. Sometimes an offending inmate is made to sit in a chair facing the wall. Because of the humiliation involved, this was regarded as a most effective means of punishment. The discipline is not harsh or repressive, and ultimate rehabilitation is the underlying purpose.

[1] *Biennial Reports of the Wisconsin Industrial Home for Women*, 1921–1930.

The only industries, in addition to the farms and gardens, are canning and rug weaving. All of the women are engaged in some form of work, most of them in the laundry, kitchen, or maintenance work. All the work has vocational value, as it offers training in household duties.

All inmates are examined physically and mentally by the psychiatric field service. The institution is so small that individualized treatment is possible without elaborate administrative machinery. The reports of the field service are used in the assignment and training of inmates as well as in connection with parole.

This is a small, well-managed institution giving excellent training in household arts, fancywork, and some of the farming operations that are frequently performed by women.

There is immediate need for additional housing units for the misdemeanant group, and it is doubtful if the accommodations for fifty women will be sufficient to care for all those convicted of felonies.[1]

[1] *Handbook of American Prisons and Reformatories*, 1933, vol. I, pp. 990–999.

INSTITUTIONS FOR WOMEN

Name	Place	Date
Arkansas State Farm for Women	Jacksonville	1920
California Institution for Women	Tehachapi	1933
Connecticut State Farm for Women	East Lyme	1917
Connecticut State Prison for Women	East Lyme	1930
Delaware Women's Prison	Greenbank	1929
Illinois State Reformatory for Women	Dwight	1930
Indiana Women's Prison	Indianapolis	1873
Iowa Women's Reformatory	Rockwell City	1918
Kansas State Industrial Farm for Women	Lansing	1917
Maine Reformatory for Women	Skowhegan	1916
Massachusetts Reformatory for Women	Framingham	1877
Minnesota Reformatory for Women	Shakopee	1920
Nebraska Reformatory for Women	York	1920
New Jersey State Reformatory for Women	Clinton	1913
New York Reformatory for Women	Bedford Hills	1901
New York State Prison for Women	Bedford Hills	1933
North Carolina Farm Colony for Women	Kinston	1929
Ohio Reformatory for Women	Marysville	1916
Pennsylvania State Industrial Home for Women	Muncy	1920
Rhode Island State Reformatory for Women	Howard	1925
Vermont State Prison and House of Correction for Women	Rutland	1921
Virginia State Industrial Farm for Women	Goochland	1932
Wisconsin Prison for Women	Taycheedah	1933
Wisconsin Industrial Home for Women	Taycheedah	1921
U. S. Federal Industrial Institution for Women	Alderson, W. Va.	1927

State and National Correctional Institutions, compiled by American Prison Association, September, 1937.

CHAPTER VI

REFORMATORIES FOR MEN

A number of the older reformatories for men were erected as prisons, and the name was later changed. The Michigan institution was for many years called the State House of Correction and Reformatory. The Massachusetts Reformatory was used as a state prison from 1878 to 1884. The Pennsylvania institution was originally intended as a penitentiary, but the name was changed before it was opened. The Illinois State reformatory was originally established as a reform school in 1872, and the name changed in 1893. The Ohio institution was to be an "intermediate penitentiary," but the name was changed before the opening. The Iowa reformatory was built as a second prison during the eighteen seventies, and it was used under that name until 1907, when it became by law the men's reformatory. The Nebraska institution occupies the plant of a military academy which was purchased by the state.

Practically all the reformatories are walled institutions, the same as the prisons or penitentiaries. Only the Maine reformatory established in 1919 is unwalled. The Colorado reformatory has "a high wire fence similar to those used around industrial plants." Washington has a "plank wall"; and Nebraska, a high fence.[1]

Elmira Reformatory, historically important as the pioneer institution of its kind in the country, was established in 1876. Michigan followed in 1878. Four were established in the eighties, five in the nineties, four during the years 1900–1910, two from 1910 to 1920, and seven since 1920. Of the federal reformatories, Chillicothe was authorized in 1923 and opened in 1926. The Southwestern Reformatory in Oklahoma was opened in 1933. The reformatory movement is more than fifty years old, but less than half the states have such institutions. Ten of the reformatories were built more than thirty years ago.

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 171, 188, 286, 308, 319, 346, 398, 449, 464, 495, 563, 601, 683, 758, 777, 817, 956, 989.

The reformatories do not differ in type of construction from the prisons.

These facts about the reformatories are significant. The reformatory movement was to introduce into the penal field an institution that would take the younger prisoners and save them from contact with the older and more hardened inmates. The reformatory was to be an educational institution placing emphasis upon the reconstruction of character and the rehabilitation of the younger men and their return to society. These early hopes have not materialized. The reformatory does not reform because it is not, generally speaking, a reformatory in reality. One reformatory is spoken of as "a prison with reformatory features rather than a reformatory pure and simple." Even whether it may be described as "a prison for junior offenders" is doubtful. The age of the men in the reformatories overlaps with that of the men in the prisons. A comparison of the admissions into fifty-two prisons and eighteen reformatories in 1928 showed that the group between twenty and thirty years of age constituted 45 per cent of those received by the prisons and 47 per cent of those received by the reformatories. Although the average age of reformatory inmates is lower than that for the prisons, there are men of mature age in the reformatories. Men may be sent to the Massachusetts reformatory up to the age of forty.

The Indiana Reformatory in 1930 had 100 men over thirty years of age. It had 90 men serving flat sentences of ten years or longer. It had 154 men serving minimum sentences of ten years (indeterminate sentences), making a total of 244 men with sentences of ten years or more. These flat-term sentences do not conform to the intent and purpose of a reformatory.[1]

What is true of age is true in a general way of time served. The average time for all prisoners is a little over two years. The average period served in the Massachusetts reformatory for the group studied by the Gluecks was twenty-one months. The Massachusetts Reformatory had one inmate who had served twenty-eight years.

As already stated, the reformatory building is architecturally a typical prison building. Reformatory work has been handi-

[1] *Facts Concerning the Indiana Reformatory*, compiled for Indiana University School of Law, 1930.

capped by trying to apply the reformatory idea "in a prison-like building which emphasizes every day the idea of punishment."

The reformatory is similar to the prison in size. Taking all of our prisons and reformatories, 45 and 52 per cent, respectively, have more than 1,000 inmates each.

What is true of the age of inmates, of time served, and of type of building and number of offenders is also true of education. The schools are "underequipped, understaffed, formal, insufficient, and generally fail to overcome the evil influences of the prison." Many of the teachers are hired as guards and do guard duty after school and on Sundays and holidays. Usually like guards they are politically appointed. The situation in regard to vocational education is similar to that of academic instruction. Nor is the work in the shops diversified enough or sufficient to inculcate the habit of regular work. A fundamental idea underlying the reformatory was that the basic need of the young offender was education or reeducation. To teach him a trade by which he could earn an honest living after his release would largely solve the crime problem. There was overemphasis upon education, and the formal attempts actually made have been almost pathetically inadequate. In addition the increasing mechanization of industry has destroyed whatever was sound in the reformatory theory in regard to the value of education for trades.

There is no real difference between the discipline used in the reformatory and that to be found in many prisons. The methods and the objectives are the same. Deprivation of privileges, loss of good times, confinement in isolation, placing in dark cells, bread and water diet are all used in reformatories as well as in prisons. In reality the reformatory is not a reformatory. It is a prison for a somewhat younger group of offenders. There has been little change in the type of personnel. The prison warden and prison guard both found places in the reformatory and carried over to it the methods in operation in the prisons at the time that the reformatory movement was initiated. Brockway of Elmira had had twenty-five years of experience in prisons when he established the first reformatory. He held progressive ideas for those days, but his training had been that of a successful prison superintendent.

In its *Report on Penal Institutions Today* the Wickersham Commission on Law Observance and Enforcement concludes that "it seems very doubtful whether the reformatory can be saved for the purpose of serving its original objectives. As it stands it is so much of a prison that adaptation to newer methods may not prove feasible. It is possibly true that with a wider extension of probation many of the men who now find themselves in reformatories, especially if they are first timers, will not be sent to institutions at all. It is also probably desirable to make a rather sharp distinction between the young men under twenty and those over that age. That would involve a change in the laws that at present regulate the admission of prisoners to reformatories. But if that were done there would be much doubt of the wisdom of sending men under twenty to the type of institutions which are now classed as reformatories. It seems best to argue for inclusion of the present reformatory buildings within the larger scheme of penal institutions, frankly accepting the present reformatory as a prison and using it as one of the separate units in the distribution of the prison population. If a reformatory system is to be maintained apart from the general prison system, then a very different and distinct type of institution will have to be developed."[1]

In 1926 M. Liepmann, professor of criminology of the University of Hamburg, Germany, made a tour of inspection and study of prison conditions in the United States as a member of a commission appointed by the Hamburg Senate. His comments are interesting and worthy of careful consideration. He states that "the distinction between the reformatory and the penal institution has largely disappeared." He points out that the prison and reformatory have been brought closer together by the adoption by the prison of some reformatory methods and by the stamping upon the reformatory of the character of the prison. He also believes that there is really no qualitative difference between the inmates of a reformatory and those of a prison or jail. He calls attention to the facts, also suggested by the Wickersham Commission, that the ages and offenses of the inmates of the two types of institutions show no essential differ-

[1] *Report on Penal Institutions, Probation and Parole*, pp. 51–55, National Commission on Law Observance and Enforcement, 1931.

ences. His incidental reference to the fact that "the more serious crimes are committed by young people is the alarming feature of the crime situation in America" may be regarded as an indication of the failure of the reformatory to meet the hopes of its founders. Many other factors enter into the development of crime, but at least the reformatory has plainly failed to retard the growth of youthful delinquency. One reason for that failure may well be found in the fact that a great number of reformatories are distinguishable from prisons in name only.[1]

In the opinion of the editors of the *Handbook of American Prisons and Reformatories*, published in 1929, "the real solution of the reformatory problem lies in personnel first, and afterwards in program. In these institutions there is need not only of high-minded and especially trained superintendents, but also of staffs that are composed of intelligent, trained men who are capable of exerting a stimulating and beneficial influence whenever they come in contact with the individual inmate. Experts are needed for the technical problems. The institutions, moreover, have grown to such size that they defeat their own ends; they should be reduced in size or divided into semiindependent units, each adequately staffed. There is no place in the reformatory for either the traditional prison guard or the traditional mass treatment of the prison. Yet both are found in many reformatories for men in the country. Part of the strength of the reformatory for women lies in the fact that they have suffered less from these two evils."

The aim of the reformatories should be education in the broadest sense. Their inmates are as a group undereducated in regard to formal schooling and inadequately trained in vocations. They should not be required to go through the forms of a grade-school education. "A few fundamental subjects should be taught, and the methods should be those of adult education. Reformatory inmates are properly scornful of 'kid' subjects taught from texts designed for children." Ordinary grade subjects can be related to the real interests of the prisoners, and intelligent use of a good library can be made to fill up the gaps in information due to neglects in early education. Instruction in skilled trades should be used with discrimination and adjusted

[1] LIEPMANN, American Prisons and Reformatory Institutions, *Mental Hygiene*, vol. XII, pp. 225–315, April, 1928.

to the actual needs of industry. Its educational value may prove to be more important than its utility as a means of earning an honest living. According to the *Handbook* editors, "there is not a single instance of a complete and well-rounded educational program in the country," although several reformatories have developed some successful educational features. New Jersey, New York, Pennsylvania, Massachusetts, Kansas, Connecticut, and Iowa are among the states in which the reformatories have succeeded in establishing good grade schools or using psychological analysis or correlating academic and vocational instruction or connecting vocational training with actual production and sale of articles.[1]

New York State Reformatory, Elmira

The Elmira reformatory was the concrete manifestation in institutional form of a new method of dealing with young first offenders from sixteen to thirty years of age. It combined the ideas of many reformers in Europe and the United States for the more effective treatment of young criminals. These reformers had lost faith in the old principles of retaliation and punishment for the protection of society. They believed in education as a means for the transformation of young offenders into good citizens. The reformatory was the first institution of its kind in the world, and it was for many years the mecca of penologists from all parts of the world. It was a model for other nations as well as for many of the states in this country. Fifty years ago the reformatory idea of education was as novel as the proposal of Thomas Mott Osborne in regard to inmate self-government or inmate participation in prison discipline is today.[2]

Unfortunately the reformatory buildings were of the same type as those used in the prisons of the day, with the inside cells and big cell block. Such a structure made impossible any individualization in the treatment of the inmates. The discipline was also similar to that of the prisons, with punishment cells, bread and water diet, and similar measures of control. Education was handicapped by failure to provide adequate teaching and reliance

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. xxviii–xxxii.

[2] For a statement of the sources from which the reformatory movement developed see Haynes, *Criminology*, pp. 314–323; McGraw-Hill Book Company, Inc., Glueck, 500 *Criminal Careers*, pp. 13–24, Alfred A. Knopf, Inc., 1930.

upon training for specific trades. Another weakness was in the emphasis upon military drill as a method of strengthening character or for purposes of discipline. The faults in the reformatory system as developed at Elmira were inevitable results of current beliefs and practices. Housed in an ordinary prison building, with the usual forms of prison discipline, individualization and education were well-nigh impossible of successful utilization. Elmira was a beautiful dream but a dream surrounded by a rigid framework of walls and regulations. There was a measure of truth in the malicious remark of a former inmate: "Elmira Reformatory is situated on a bluff (located on a hill) and runs on the same plan." The reformatory idea was a forward step in the development of penological methods, but it never was actually applied, and its setting in an ordinary prison structure doomed it to failure. Its chief influence consisted in modifying the character of the prisons by introducing the educational purpose into those institutions. Although it has brought the prison closer to the reformatory, it has stamped upon the reformatory the character of the prison.[1]

In 1929 the editors of the *Handbook of American Prisons and Reformatories* describe the situation at Elmira as follows: "The plant is ill suited in many respects to the needs of a reformatory; in others it is well suited. It is at the same time impressive and oppressive; the living quarters are particularly prison-like." The buildings and grounds supply sufficient room for every department, for recreation during summer and winter, and for the trade schools. "The trade instruction is more successful than the academic, but much of it impresses one as being comparatively futile." The establishment of a good industry to employ several hundred men seems to be one of the chief needs. Many men benefit more by being assigned to an industry, where they can learn how to do a full day's work at the pace of outside industry and under similar conditions, than by continuance in academic schools or trade schools.

"If Elmira is to assume in the future the importance in the penal field that it has had in the past, it is probable that it must make a more complete break with old concepts." A number of reformatories have broken away from the Elmira tradition and have greatly reduced the emphasis on routine.

[1] LIEPMANN, *loc. cit.*

"Industries to supplement the schoolwork and to occupy the time of many who clog a school system but are able to benefit little by it, less dependence on mere routine as a character-building method and the establishment of some type of inmate organization to give inmates a share in the community activities and an interest in and responsibility for the common welfare, are changes which would increase the effectiveness of this institution."[1]

In a special report of the Commission to Investigate Prison Administration and Construction, presented to the legislature in January, 1932, an educational program for New York State's penal system was outlined together with special recommendations for each institution. For Elmira reformatory the recommendations were as follows:

"Some 24 vocational trades are in progress. The equipment is good, and the shop facilities are wholly adequate. From the viewpoint of plant, this institution compares favorably with any other reformatory in the country. Vocational instruction has tended to become formalized. Certain stereotyped procedures are followed. Each inmate is kept rather too long on fundamental tasks, so that interest tends to lag and the work becomes unnecessarily monotonous. The director is an able man, both as a teacher and as a skilled craftsman in several lines. He is beginning to develop the unit type of instruction followed so successfully at the reformatory at Huntington, Pa. As his courses of instruction are worked out, he will extend the unit system throughout all the shops. Only one shop is functioning in this manner at present, but the system will be complete within the next year and a half. With such a setup, Elmira's vocational program will be considered excellent. A new school building for academic instruction is just being completed. It is urged that teachers be obtained from the Elmira public schools and special instructors from Hobart and Alfred universities, as well as the Women's College at Elmira. Male instructors should be used throughout."[2]

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 692–694; MacCormick, *The Education of Adult Prisoners, A Survey and a Program*, pp. 288–290, National Society of Penal Information, 1931.

[2] An Educational Program for New York State's Penal System, *Special Report by Commission to Investigate Prison Administration and Construction*,

Dr. Walter N. Thayer, Jr., commissioner of correction of New York, in an address at the annual meeting of the Osborne Association on February 7, 1933, referred to "an interesting experiment" being conducted at Elmira as a result of the work of the Lewisohn Commission. He declared that "we are endeavoring to start something that is real in education, both academic and vocational. One of my thoughts about prison education has been that while we force the illiterate to go to school, we have not provided the opportunities that should be provided for men of higher educational levels. I am, therefore, projecting an evening school with the idea of reaching out to near-by high schools and colleges for part-time evening teachers. We are trying to get trained professional teachers to use in addition to our own men in these evening classes so that the curriculum can be made as attractive as possible. The inmate will be out of his cell in the evening a couple of hours several times a week, but we will insist that he make a definite effort to achieve something in these courses and to show progress." Incidentally Dr. Thayer mentioned the fact that he had invited representatives of the Osborne Association to inspect the new educational work and give him their opinion of it.

Dr. F. Lovell Bixby, field and research secretary of the association, gives the results of his observations of the new program at Elmira in the *News Bulletin* for April, 1933. The reorganization at Elmira is a first step toward a better system of education in the penal institutions of the state, being sponsored by the Lewisohn Commission, already referred to in preceding paragraphs. Two basic requirements laid down by Austin H. MacCormick in his *Education of Adult Prisoners* are used in this practical demonstration of effective educational work in a penal institution. These requirements are: (1) Instruction must be individualized, and (2) it must challenge adult interests at various levels of achievement.

The educational work has been closely integrated with the recently reorganized classification clinic. Educational assignments are based on the results of the classification studies. One psychological interne from the clinic has been assigned to full-

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January, 1932, pp. 35, 36; this commission is usually known as the Lewisohn Commission from the name of its chairman.

time duty with the school. He acts as liaison officer between the clinic and the educational department, as well as doing the educational testing connected with classification, interpreting the classification findings to the teaching staff, and carrying on school adjustment work under the direction of the educational adviser.

New inmates are taken on a tour of all the shops and maintenance details during their first week as a means of discovering special interests in the vocational opportunities of the institution. Each man is asked to list his preferences in order, and these are taken into consideration in making his assignment. In addition the data obtained by the clinic, the possibilities of placement after release, the maintenance needs of the institution, and the number already enrolled in any particular vocational group determine the final assignment.

Academic-school placement is decided by the use of psychological and achievement tests. Preliminary to the reorganization of the educational program, an educational achievement survey was made using the full battery of Stanford achievement tests. The survey showed that about 58 per cent of the men have seventh-grade achievement or better. The value of a complete battery of achievement tests is apparent because before this survey only 8 per cent of the men in one group had been placed in the seventh grade, whereas the full survey showed that 34 per cent belonged in that group.

After study of the data obtained in the achievement survey, it was decided to organize the school under three divisions: one includes those whose achievement level ranges from illiteracy to third grade; another includes those of fourth- to sixth-grade achievement; the third division takes in those of seventh-grade level or higher. These divisions are known as *preparatory*, *intermediate*, and *high school*, respectively. The work of reorganization began with the high-school group, as more than half of the school enrollment qualified for this division.

In order to provide individualized teaching, instruction is of the "project" type. The division is separated into eight groups, based on intelligence ratings. It is planned that no group shall have more than twenty-five students. Teaching is in the form of supervision, guidance, and assistance in self-direction. Projects for one inmate may be different from those assigned to another in

the same class depending upon vocational assignment, interests, or needs. Although group work is minimized in the classrooms, socialization is provided for by clubs organized in connection with the schoolwork, where there is opportunity for group participation and group discussion. Among these clubs are a debating club, current social problems club, and vocabulary club.

Vocational education has been organized on a demonstration basis. The revised trade courses provide for a definite tie-up between the academic subjects and the shopwork. The project method is used, and each man advances as rapidly as he can master these projects. The projects are practical and consist of operations and jobs that workmen are required to do in following a particular trade outside the institution. Trade training apart from production may not be the best program for a reformatory, but the revised courses have revitalized the vocational work and made it more practical and interesting.

The Elmira demonstration emphasizes the importance of using modern scientific techniques and trained personnel. There is a tremendous loss of time, energy, and money from the unscientific, rule-of-thumb procedures of assigning men that prevail in most institutions.[1]

In preparation of the 1933 *Handbook of American Prisons and Reformatories,* representatives of the Osborne Association visited Elmira three times. They found the physical plant greatly improved by the new construction and remodeling already completed. New hospital and school buildings and several new shops had been erected. Plans have been made to rebuild the old cell houses, and one of these blocks has been torn out and replaced by outside cells. It is planned to carry the reconstruction throughout the whole institution, taking one cell block at a time.

Under the new state classification plan Elmira is a receiving institution; and a classification clinic, consisting of two psychiatrists, three psychologists, and a sociologist, is maintained. New inmates spend the first month after admission under the supervision of the clinic. They are given thorough physical, psychiatric, psychological, and educational examinations, and social histories are prepared based on data furnished by the inmates and verified by questionnaires.

[1] *News Bulletin,* the Osborne Association, April, 1933.

The results of these examinations are presented at regular meetings of the classification committee, consisting of the members of the clinic and the heads of the major departments of the institution. The director of the clinic presides. In addition to making classifications, the committee makes definite recommendations regarding the assignment of inmates within the institution. The committee does not make the assignments.

A small cell block of fifty-two cells has been set aside for the use of the "special training class." Inmates who are unable to adjust to the regular program are sent to the training class, where a special program of intensive training is carried on. The psychiatrist exercises a general supervision over the training class, which is conducted by an officer particularly qualified for the work. It has been found that the majority of the inmates who are sent to the training class make a successful adjustment when restored to the general population.

"The recent developments in education are particularly interesting. The reorganized academic school promises to be among the most effective in the country. Vocational education, under the new plan, also appears to be greatly improved, although it would be better if the shops were operated on a combined training and state-use production basis. The chief criticism of the vocational-training program now is that it attempts to teach skilled trades to too many men who do not possess the qualifications to absorb such training. There should be one shop where men of the unskilled level of ability could be assigned to learn to do a full day's work at the pace of outside industry and under similar working conditions."

Discipline continues to be administered on a paternalistic basis with rules and regulations too minute in detail. Elmira is one of the few reformatories to continue the military drill that was a part of the original "reformatory idea." Military drill is of doubtful value in preparing men for community life. The habit of immediate, automatic obedience is less important than the habit of personal responsibility and self-direction in socially approved ways. As a character-building method, some type of inmate participation such as that which is in operation at the State Prison Colony at Norfolk, Mass., and at the New Jersey Reformatory at Annandale is preferable to military drill. There is no inmate participation at Elmira, and the same is true in

many reformatories. The United States Industrial Reformatory at Chillicothe, Ohio, has recently introduced inmate participation.[1]

Massachusetts Reformatory

The Massachusetts Reformatory was built in 1877 to replace the state prison at Charlestown and was occupied as a state prison from 1878 to 1884, when the state prison was moved back to Charlestown and the name of the new institution changed to reformatory. The reformatory was opened eight years after the pioneer institution was established at Elmira. The fame of the original reformatory and the "apparent success of industrial schools for juveniles in Massachusetts created the sentiment necessary to establish an adult reformatory institution in Massachusetts."

The Massachusetts Reformatory is one of the best planned prison plants in New England and with the exception of a few industrial buildings was erected as a unit. The buildings form "quite an impressive group." The type of construction is not necessary for the kind of offenders now sent there, but at the period of erection such buildings were used for reformatories, as they still are.

There are three cell houses; two have 400 cells each in five tiers, and one has 150 cells. There is a dormitory containing about fifty beds, but it is used only in case the population exceeds the number of cells. In November, 1927, there were 799 prisoners.

About 22 acres is inclosed by a 25-foot brick wall. The grounds cover 360 acres of land. About 100 acres is under cultivation, another 100 is used for hay and grazing land. The reformatory has its own dairy and piggery. From 35 to 100 men are employed on the farm.

Cloth and furniture making are the major industries, employing upward of 300 men. The industries are on the state-use basis, though the law permits the selling of the surplus on the open market. Most of the inmates work seven hours on four days a week and six on two days. Usually an instructor and

[1] *Handbook of American Prisons and Reformatories*, 1933, vol. I, pp. 662–680.

an officer are in each shop, one acting as a teacher and the other having charge of the discipline. One of the primary objects in the shops is apparently the making of money for the state by production. As a result no definite effort is made to train men by giving them instruction in all the processes of the industry. The great majority of the interviews requested and the letters received from the inmates concern changes of employment.

Besides the industries there are shops that manufacture articles for sale but are operated chiefly as trade schools. The project method is used, and large quantities of toys and useful articles in wood and metal are made largely from waste material. Youths under twenty-one are automatically assigned to the trade schools. The curriculum, however, is deficient in the most promising trades of today. For instance, that of automobile mechanic appeals to young men, and there is a steady demand for men well trained in it. Improvements are being made constantly in the program of vocational training.

Academic instruction is compulsory for all who have not completed the eighth grade. About 400 are enrolled in classes covering the eight grades, and about 100 in voluntary classes in civil government, mechanical drawing, and bookkeeping. School is held four evenings a week from six-thirty to eight-thirty during ten months of the year, and each individual attends at least two evenings. Teachers from the local schools are employed, and the whole educational program is in charge of a director of schools and vocational training. The type of teachers and the methods of teaching could be improved, but the present corps of teachers is the best in the history of the institution. Military drill was introduced in 1920. There are no formal gymnastics, but on four days weekly the men are given a half hour's exercise in the small yard; and on the remaining two weekdays recreation in the form of hockey, basketball, and baseball may be engaged in for an hour and three-quarters. On Sundays an hour is spent in the small yard, and on holidays part of the day is often given over to athletic competition. Recently an organized system of recreational activities has been introduced with the aim of obtaining the participation of as many inmates as possible. The recreation schedule seems rather limited when one remembers that the inmates are to a considerable extent men under thirty years of age.

The reformatory has had the benefit of a continuous policy. The superintendent was appointed in 1921 under civil service; he had been deputy superintendent since 1917 and had had many previous years of experience in the institution and at Deer Island. The deputy superintendent was appointed in 1926 after many years' experience in the reformatory. The superintendent resigned in December, 1932, and the deputy superintendent succeeded him.

In recent years increased use has been made of psychology and psychiatry in the study of the individual prisoner, but there are curious remnants of unnecessarily restrictive rules upon letter writing, smoking, visiting, and outdoor recreation. Little individualized attention is given to the great majority of the inmates when once they have been assigned to their places in the institution.

Some three months before a prisoner is to be released on parole he may be placed at work outside the walls on the farm, provided his record has been good. About 9 per cent are engaged in work outside the walls. This period is intended to give the men a trial under less supervised conditions to test their responsibility. It is an application of Crofton's idea of an intermediate stage between confinement and release into the ordinary outside world.

The Massachusetts Reformatory is generally classed in the better grade of such institutions in the United States; and yet in the study made by Sheldon and Eleanor Glueck, and published under the title 500 *Criminal Careers*, it was found that 80 per cent of the cases studied represented failures to reform. Out of 510 men who left the reformatory during the years 1911–1922, 80 per cent were not reformed five to fifteen years later. This is the first serious effort ever made to find out whether or not our reformatories are really doing what they are supposed to do. During the more than fifty years of existence of reformatories no one has tried to find out whether the results are good or bad. Optimistic statements have been made that four-fifths of the inmates were reformed, but these official reports rested on insufficient evidence, usually being based upon records during the parole period.

In the study by the Gluecks 90 per cent of the men who left the reformatory between 1911 and 1922 were traced and identified in 1926 and 1927. It took nearly three years and cost $11,000 to

carry through this piece of follow-up work. The investigation was aided and encouraged by the commissioner of correction, Sanford Bates. The superintendent of the reformatory showed his willingness to have his institution and its inmates studied impartially. The physician and psychologist also cooperated freely and fully. Ordinarily such a piece of teamwork by private and public agencies would hardly seem possible. The initiation of the research and the funds for its performance came from Harvard University; its actual accomplishment required the active cooperation of state officials.

The results of this study seem to indicate that the reformatory is a conspicuous failure. This is not an indictment of its officers as inefficient or blameworthy. "It means that the methods now carried out in this and in most so-called *reformatories* of the country have not here accomplished their object." And why should these men change all their bad habits and acquire good ones "merely because they are confined for a little over a year in an institution where they are forced to do work in which they have little or no interest, work chosen almost without reference to their future career or to their present tastes, and pursued not principally for its educational value but for its economic results, for which the prisoners care nothing?"[1]

Indiana Reformatory

The Indiana Reformatory is located near Pendleton about 30 miles northeast of Indianapolis. Construction work was started in May, 1922, after a disastrous fire seriously crippled the institution at Jeffersonville, known since 1897 as the Reformatory. As a result the legislature approved the removal to Pendleton and made appropriations for the first units. The last men were transferred from Jeffersonville in November, 1923, although the new institution was far from completed. Certain conditions made the removal necessary.

The contract plan of construction was continued until March, 1924, when, because of the feeling of the superintendent and trustees that the plan was too costly, the contracts were canceled.

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 449–462; Glueck, *op. cit.*, Chaps. III, XX, pp. 25–51, 306–339; MacCormick, *The Education of Adult Prisoners*, p. 286.

This action made it possible to use inmate labor instead of paid free labor. Under the contract plan labor costs were very high. There were 334 men on the contractor's pay roll, and they were being paid about $61,000 a month. Within four or five months after the change this amount had been reduced to $4,500. In the place of the paid laborers, the superintendent developed an organization of inmate workers, forming them into groups for each class of work. These groups were placed under the direction of competent outside craftsmen.

About 70 per cent of the construction work was done by inmate labor. The plant was built rapidly, and the workmanship is good. The cost was reduced, and the inmates were given valuable training. The plant is one of the best in the country, and it is an excellent example of the use of inmate labor for such purposes.

Two of the cell houses each contain 324, and one cell house 300 cells. In the fourth there are four dormitory units in place of cells. The central corridor and cross corridor divide each dormitory into four units. Glass partitions are used to facilitate supervision. The capacity of the dormitories is about 500.

There are 31 acres within the walls. The arrangement of the buildings has been carefully worked out. The cell houses are high enough for only three tiers of cells, and most of the other buildings are only two stories. The comparatively low, red-tile roofed buildings, uniform in type, are more attractive architecturally and less penal in appearance than those in most prisons. They are located around a central open space which gives the effect of a college campus. As a whole they constitute one of the most attractive groups of buildings to be found in any penal institution in the country.

The purpose of the institution, as stated in the official reports, is for "the incarceration and reformation of young men between the ages of sixteen and thirty years . . . the essential features entering into reformation consisting of an education in the school of letters, moral training, and the teaching of some useful trade as taught in the trade schools of this institution, with a view that they may become law-abiding and self-supporting citizens when released on parole."

Most of the industries are on state-account and contract bases. The shirt and underwear shops employ too large a proportion of

the inmates and have no vocational value for men. The construction work has real vocational value.

The educational work is limited to the standard eight grades but shows the result of intelligent and earnest direction. The teachers should be relieved from all other duties except in the case of grave emergencies. There should be no combination of the functions of guard and teacher.

The library is one of the best in the reformatories, and the circulation is unusually high. The school and the library are under the direction of a trained schoolman, and the work of the two is carefully coordinated. Four books and two magazines are allowed a week. Inmates may request special books and may buy them at reduced rates. About 40 magazines are subscribed for, three to nine copies of each being received.

Altogether the Indiana Reformatory is an excellent example of the reformatory equipped with modern buildings and plant. At the same time it is actually a junior prison like all the other so-called *reformatories.* Its inmate construction program and its use of dormitories is a valuable contribution, but it has not departed in other respects from conventional reformatory methods. With accommodations for 1,200, the daily count in August, 1931, was 2,350 men. There are provisions on the farm outside for about 200 men, providing a testing period for men before they are paroled. Reference has already been made to the existence of flat sentences to the reformatory which do not conform to the spirit and purpose of such an institution. The administration has shown its efficiency in the construction of a plant while it had to live in it. The tradition of continuous service exists in Indiana. The present superintendent was appointed in 1923, after nearly twenty years' experience at the old Jeffersonville institution. The faults in the reformatory system are not due to the character of the personnel but are inherent in the system. Reformation does not come from punishment in the form of imprisonment but rather it results and can result only from fundamental changes in attitudes or character. There is little in the routine of the reformatory to bring about such changes.[1]

[1] *Handbook of American Prisons and Reformatories,* 1929, pp. 308–317; *Annual Report of the Indiana Reformatory,* 1930; *Facts concerning the Indiana Reformatory,* 1930 (pamphlet); reformatory visited Aug. 27, 1931.

The United States Industrial Reformatory, Chillicothe, Ohio

The United States Industrial Reformatory at Chillicothe, Ohio, was established by the act of Congress of January 7, 1925, with "the hope that by vocational and academic training novices in crime might be reclaimed for future useful citizenship." In January, 1926, the first group of prisoners was received in the temporary barracks formerly occupied by Camp Sherman at Chillicothe, Ohio. The construction of permanent quarters was begun by prison labor in the autumn of 1927.

By 1930 there were 1,800 men housed in temporary structures. The situation became so acute that the construction of some of the larger buildings was let out at contract, and by January, 1934, the permanent institution was substantially completed.

The plant consists of dormitories of different types; a detention unit containing 108 steel cells and 288 strong single rooms; a hospital, dining room, and kitchen building; a warehouse, school building, and auditorium; six vocational shops; administration and receiving buildings; and farm structures. The cost of the institution was about $2,600,000. The population was about 1,400 in August, 1937. There are no walls, and there are very few escapes.

Ninety per cent of the population are between seventeen and thirty-five years of age, and the main group is between seventeen and twenty-five years. Since the establishment of the Southwestern Reformatory at El Reno, Okla., this institution gets its population from the states east of the Mississippi River. "They come mostly from underprivileged and broken homes. Their habits, ideals, and outlook on life are limited by environment and influenced greatly by superstition and ignorance. They are unskilled vocationally, and many come from a simple rural environment. Recently there has been a material change in the population. Where formerly the majority were from the rural environment of the South and from the mountainous districts, an ever increasing proportion of the population now comes from urban districts. There is no doubt also that a considerable proportion of the population is made up of young, immature, and irresponsible individuals. This condition challenges the efficacy

of the program and the resourcefulness of the staff in a direct manner."

The activities of the institution may be described under the following categories: (1) individual classification of inmates; (2) constructive discipline; (3) suitable facilities for the care of the physical and mental welfare of the inmates; (4) education, academic and vocational, that is thorough and in keeping with the needs of the individual; (5) provision for assisting inmates in social relationship problems; (6) living and recreational conditions as near normal life as can be obtained in an institution; and (7) a procedure of release that will be conducive to normal living.

One of the outstanding features of the reformatory program has been the establishment and successful development of the Inmate Advisory Council. The constitution, under which the council functions, was adopted in November, 1933, when A. H. MacCormick was acting superintendent. The council has passed the experimental stage and is now working along constructive lines. The general attitude of cooperation and assumption of individual responsibility by the inmates has resulted in the establishment of an honor dormitory, in which live 125 inmates, who maintain and operate the dormitory through their elected representatives. The committee in charge is the inmate advisory council group for the dormitory. Admission to this dormitory is by application only and is based upon a record of interest and conduct over an extended period of time in the institution. The paramount aim is the development of the socializing influence of community living and a sense of responsibility on the part of the inmates.

The United States Southwestern Reformatory, El Reno, Okla.

Legislation by Congress in 1930 provided for the establishment of a reformatory similar to the one at Chillicothe in the western part of the country. One thousand acres of land was secured by transfer from the War Department at El Reno, Okla. There is now in operation an unwalled cottage institution of the reformatory type located 30 miles west of Oklahoma City. This institution aims to extend to young or first offenders from the Western states the same facilities now provided at Chillicothe, Ohio.

A cell block houses 200 of the more hazardous risks; and schoolrooms, hospital, shops, and farm buildings complete the plant. The original plans provided for 600 men, but in 1937 the average population was 800. The estimated cost was about $2,000,000. The institution was officially opened in February, 1934.

Fifty-one per cent of the commitments were from Oklahoma in 1936. There has been an increase in the number of commitments for serious offenses, such as bank robbery, kidnaping, and extortion.

The United States also maintains a Reformatory Camp at Petersburg, Va. Four large dormitories house 150 men each and form the sides of a large quadrangle at the front of which is a brick building which houses the offices, guards' quarters, hospital, receiving room, and twelve disciplinary cells. The rear end of the quadrangle is formed by the dining room, kitchen, laundry, and power plant. A brick storehouse and a chapel and school building of the same material complete the plant. In spite of the wide-open character of the institution, escapes are very rare—there was none for the statistical year 1936.[1]

The New Jersey Reformatory

The Reformatory at Annandale was originally started as a unit of the reformatory at Rahway, but in 1929 it was made a separate institution. It has been built entirely by inmate labor under the supervision of skilled civilian mechanics. It receives prisoners between sixteen and twenty-six years of age.

The buildings form a quadrangle, with the administration building at one end, the industrial building at the other, and seven cottages on the sides. They are built of rough stone quarried on the place. The stone is varicolored and gives the buildings the appearance of artistic residences quite unlike the usual institution architecture. The cottages are two and one-half story buildings. The two main floors are used for inmate housing. The top story contains officers' quarters and recreation room. The basement contains shower baths, lockers, and extra toilets. There is an outside entrance to the basement so

[1] Bates, *Prisons and Beyond*, pp. 136–139, The Macmillan Company, 1936; *Federal Offenders*, U. S. Bureau of Prisons, 1934–1935, pp. 65–95, 114–119, 1935–1936, pp. 59–99.

that men assigned to work details may bathe and change before going upstairs to the living quarters. Two cottages are of the dormitory type, and the others each contain fifty-two individual outside rooms. Each floor is planned as a separate unit with its own recreation room. The dormitory units have toilets and lavatories located at one end, and each individual room has its own toilet, wash bowl, and drinking fountain.

A window in each room permits the inmate to control the ventilation. No window guards are visible from the inside or outside. The window frames are of light steel, and outside are steel-alloy guards which match the window frames. The cottages are fitted with storm windows and screens.

The reservation consists of an unwalled area of 747 acres, of which 600 are cultivated. The farm is used for truck gardening and general field crops. There is also a dairy herd numbering fifty-five. The only industry is a small shoe-repair shop on the state-use basis. In addition there are a number of maintenance shops. The building operations, farm, and shops have considerable vocational value.

There is no silence rule. Inmates may smoke anywhere except in their rooms or in the dormitories. Letters and visits are permitted under rather liberal regulations. Two newspapers, selected by the superintendent, are furnished to each cottage. In addition each cottage receives a number of weekly and monthly publications.

A wooden building, formerly used as a construction office, has been converted into a detention barracks. It is purposely crudely furnished. The windows and doors are barred. It is surrounded by a wire fence and has a capacity of twenty inmates. One day in 1933 there were four boys in detention. The inmates are given the same food as the rest of the prisoners, except that they do not receive dessert. They work eight and a half hours a day and perform all the menial work in the institution, or in the absence of such work they break rock. They lose such privileges as letter writing, visits, smoking, moving pictures, and entertainments.

This institution comes under the classification program of the state. One floor in one of the cottages is reserved for new inmates pending the completion of their classification studies. The results and recommendations are submitted to the institu-

tion Classification Committee, consisting of the superintendent, deputy superintendent, psychologist, disciplinary officer, identification officer, and classification secretary. Each case is considered, and a program arranged. All cases are reconsidered according to a regular schedule, and necessary changes are made. The committee advises the Board of Managers when an inmate is ready for parole. Inmates not considered trustworthy for minimum-security housing are transferred to the reformatory at Rahway. The authority to transfer inmates is vested in the commissioner of institutions and agencies.

The recreational program at Annandale is being developed along lines consistent with a philosophy of play that includes every activity of man except those in the category of drudgery. Every movement of man aside from his work should lay emphasis upon the recuperation of the organism and the creative value derived from recreation.

The athletic program is exploited to the utmost with regard to the physical condition of those taking part. There are two football fields and a quarter-mile track. Inmates are free to play in the evening after working hours, Saturday afternoon, all day Sunday, and holidays. Baseball, volley ball, basketball, football, handball, and track sports are highly developed. Recreation is arranged by the physical director, and the expenses are met in part by a state appropriation and the profits of the canteen. Football, baseball, and basketball teams play with teams from the outside, particularly with high-school teams.

During the season, football practice is held four evenings a week. There are usually about thirty-five members of the institutional squad. After these are selected, an intercottage league is organized. Each of the cottage teams wears a different-colored jersey. They play on Saturdays, Sundays, and holidays. There is an institutional basketball schedule with outside teams, and there are also cottage teams. Baseball is similarly arranged for in the season.

A band room and recreation room are located in the gymnasium. Three nights a week are open nights for various athletic activities, and once a week a special gymnasium class is held in the gymnasium. The gymnasium is used for recreation during the winter, as well as the cottage recreation rooms.

Each cottage has its own games, musical instruments, and radio for indoor recreation. The recreation room is also used as a place to read and write, and the boys are encouraged to arrange cottage parties. Recreation is also under the supervision of a trained director, who visits each cottage nightly, stimulating and guiding the activities.

A school for illiterates is held each morning. Grade groups up to the eighth grade are held in the afternoon. School is held in the summer for those taking high-school work only. This group is taught by high-school teachers. employed on a part-time basis, for the vacation period.

The vocational program includes classes in electrical work, woodworking, machinist trade, automobile repair, and mechanical drawing. The majority of the boys have been employed on construction work where they have received valuable training under skilled mechanics. A print shop has been opened and is producing excellent work. About half of the boys receive some definite musical instruction during their stay in the institution. There is a library of more than 1,000 books which are distributed from a central point, similar to the ordinary library outside. The books have been catalogued, and two inmates act as institutional librarians.

There is no formal community organization, but the inmates participate actively in planning and carrying out the recreation program. House committees cooperate with the director of athletics and recreation.

Another form of inmate organization that has been developed to an unusual degree is that of clubs devoted to various activities. Each club meets weekly, and membership is voluntary. They are supervised by a competent instructor who is a member of the staff or by some one from outside whose services have been secured without salary. Graduate students from two near-by universities were selected to lead these groups at first. Some of the clubs are the newspaper, dramatic, harmonica, woodwind, radio, electrical, science, handicraft, carpentry, first aid, and Bible study.

"These clubs are operated both as recreational and educational features with an ultimate aim toward proper rehabilitation. Character building and good sportsmanship are stressed.

"It is the policy of the institution to keep each hour of the inmate's time occupied; at the same time these clubs afford opportunities for the development of talent which might otherwise go unnoticed. It has been found that the conversation pertaining to crime, which is usually prevalent among inmates of a penal institution, has been reduced to a minimum since the introduction of the club program."[1]

This unwalled, minimum-security, cottage-type institution is unique among reformatories for male offenders and represents a noteworthy advance in reformatory policy. Not since the establishment of Elmira in 1876 has any such original plan been developed in adult reformatories.

Missouri

An Intermediate Reformatory, known as *Algoa Farms*, near Jefferson City was opened April 1, 1932. The institution is for young men, who are first offenders, who are between seventeen and twenty-five years of age, and who have been convicted of felonies other than first- and second-degree murder or treason. All sentences are determinate, and in 1937 they ranged from two to twenty-five years.

The original plan was patterned after the New Jersey reformatory at Annandale. In 1937 there were completed and occupied the administration building and hospital, ten residence units, two shop buildings, the superintendent's residence, and the principal farm buildings. The buildings form a large quadrangle and are built of limestone with red brick trimmings and composition roofs. All are fireproof.

The population was 521 on January 1, 1935; 438 on December 31, 1936; and 501 on September 11, 1937.

Since Annandale served as the architectural model for Algoa Farms, a comparison of the two institutions seems quite natural and inevitable. The close resemblance does not extend beyond external appearance. The essential factors in the state situation that make possible the results at Annandale do not exist in Missouri. Algoa Farms "occupies a precarious isolated position in a state notoriously backward in its general public welfare and

[1] *Handbook of American Prisons and Reformatories*, 1933, vol. I, pp. 524-544; *News Bulletin*, National Society of Penal Information, June, October, December, 1932.

institutional program." There is no classification system. The institution does not have "the equipment or personnel to carry on a program compatible with a minimum-security reformatory. The determinate sentence is inconsistent with the role of an institution of this type in a correctional system." Furthermore, Algoa Farms "has suffered from political domination in matters of policy and personnel." Both superintendent and assistant superintendent in office in 1934 had been changed in 1937. All officers and employees are appointed by the commissioners of the Department of Penal Institutions with the consent of the governor. The three commissioners are appointed by the governor to serve coincidentally with the gubernatorial term. Such an administrative setup precludes the possibility of continuity of policy which is essential to the development of a trained personnel and of a systematic institutional program.[1]

New York State Vocational Institution

The New York legislature in 1932 provided for the creation of the New York State Vocational Institution. This institution is to take care of boys sixteen years of age and under nineteen. New York has two training schools for boys under sixteen—one at Warwick and the other at Industry. The new institution meets a need long felt by social welfare authorities for a better classification of juvenile delinquents. Experience has shown that younger and older juvenile delinquents require different treatment.

A site has been selected near Coxsackie, Greene County, containing 751 acres, and plans made for an institution to house 500 inmates. Three principles have been emphasized in the establishment of the institution: (1) that the idea of punishment should be subordinated to that of reformation; (2) that healthful living and working conditions are essential in the care of youthful delinquents; and (3) that a broad program of training is all important as a means of reclaiming a delinquent to good citizenship.

The conclusion was reached that the cottage system of institution was not adequate to care for the older type of delinquent youth. The plans accepted "called for the construction of buildings in units grouped around a central court and connected

[1] *Handbook of American Prisons and Reformatories*, 1938, vol. I, pp. 188, 214, 215, 224–229.

by corridors in a manner assuring a maximum of healthful exposure to light and air, compactness, and accessibility to all functions, and the maximum of supervision with the minimum of personnel."

Beginning with the reception-quarantine period and continuing through the time spent in the institution, facilities will be provided for constructive classification and supervision. The physical welfare of the boys will be carefully observed by a competent and adequate medical staff. More than twenty trades will give a wide range of opportunities for urban boys. The institutional dairy and farm will similarly provide for rural boys. Academic-school instruction will be planned to apply directly to the vocational training of the boys.

In addition to the reception building, there are four dormitories of three floors each. Each floor of two of the buildings has forty-two separate rooms, and each of the other two has accommodations for forty-two beds on each floor. Each floor is equipped with shower and toilet facilities, a large recreation room, and a quiet room, providing excellent classification and segregation and close supervision at night. Ample space for a library has been provided.

A cafeteria-style dining room has a seating capacity of 340. An auditorium seating 600 is located above the dining room. Nine large courts for outside recreation will make possible better classification and segregation. Intramural competition is provided for in a large gymnasium for indoor sports and an athletic field for outdoor sports.[1]

The two federal reformatories, the reformatory at Allandale, New Jersey, the intermediate reformatory in Missouri, and the New York State Vocational Institution are departures from the stereotyped form of institution known as *state*, or *adult*, reformatories. These institutions are in reality junior prisons and differ slightly if at all from the state prisons or penitentiaries. The five reformatories, listed above, have different types of buildings, are unwalled, and deal in some instances with a different type of offender. They represent efforts to meet the needs of young or first offenders along real reformatory lines. They recognize also the need for institutions for young men sixteen to twenty years of age separate from the older young men twenty to thirty years

[1] *News Bulletin*, the Osborne Association, October, 1932, August, 1933.

of age. These two groups can much better be handled in different institutions. The sixteen- to twenty-year group are too old for the training school and too young for the junior prison type of reformatory. This group comprises one of the outstanding new developments in correctional work in recent years. The New Jersey, Missouri, and New York institutions definitely undertake to deal with this need.

The buildings for these reformatories do not follow the traditional pattern for penal institutions. The stereotyped form of inside-cell blocks has been replaced by outside cells, strong rooms, and dormitories. There are no walls, and experience shows that there are few escapes under such open conditions. The institutions at Chillicothe and Allandale have successfully introduced a considerable amount of inmate participation in administration. These new developments indicate that the reformatory system is alive to the needs of the present day and that it is trying to meet the demand for constructive treatment of those needs.

REFORMATORIES FOR MEN

Name	Place	Date
Colorado State Reformatory	Buena Vista	1887
Connecticut Reformatory	Cheshire	1913
District of Columbia Reformatory	Lorton, Virginia	1916
Illinois State Reformatory	Pontiac	1893
Indiana Reformatory	Pendleton (1897)	1923
Iowa Men's Reformatory	Anamosa	1907
Kansas Industrial Reformatory	Hutchinson	1890
Maine State Reformatory	South Windham	1920
Massachusetts Reformatory	West Concord	1884
Michigan Reformatory	Ionia	1877
Minnesota State Reformatory	St. Cloud	1889
Missouri Intermediate Reformatory	Jefferson City	1932
Nebraska State Reformatory	Lincoln	1921
New Jersey State Reformatory	Rahway	1901
New Jersey Reformatory	Annandale	1929
New York Reformatory	Elmira	1876
Ohio State Reformatory	Mansfield	1896
Oklahoma State Reformatory	Granite	1909
Pennsylvania Industrial School	Huntington	1889
Rhode Island Reformatory for Men	Howard	1933
Washington State Reformatory	Monroe	1906
Wisconsin State Reformatory	Green Bay	1898
United States Industrial Reformatory	Chillicothe, Ohio	1926
United States Southwestern Reformatory	El Reno, Oklahoma	1933

[1] *State and National Correctional Institutions of the United States and Canada*, American Prison Association, September, 1937.

CHAPTER VII

MINOR OFFENDERS

In the United States a number of prison systems have developed such as the Pennsylvania, Auburn, and state reformatory plans. These are actually evolutions out of the county jails as they existed at the end of the eighteenth century. The jails themselves were an inheritance from England brought over by English settlers who set up in the new world the forms of local government with which they were familiar in the mother country. The parent form of penal institution, the jail, has remained largely unaltered, whereas its progeny, penitentiaries and reformatories, have absorbed the attention of prison reformers. Institutions have been developed to deal with the more serious state offenders, but the jails and other local penal agencies have been left to care for the minor offenders. State penal institutions usually deal with offenders sentenced to terms of a year or more; shorter terms measured by days or months are served in local institutions.

The fetish of local self-government, or home rule, is largely responsible for the continuance of the lines of division established in earlier centuries when distances and facilities for transportation were entirely unlike those of the present day. Public opinion concerns itself far too little with state penal institutions, but it has almost entirely ignored the local agencies. The prison problem, as it is usually regarded in this country, overlooks the fact that "nearly nine-tenths of all commitments are made to local penal institutions, which as a whole maintain no decent standard of care," and that "it is certainly not wise to confine nine-tenths of our criminals in institutions which merely make imperfect men more imperfect."

We have never seriously tackled the problem of the minor, or short-term, offender. We have allowed crime to be propagated through the jail and similar institutions and have built expensive state prisons to take care of the so-called serious offenders.

We ought to realize that neglect of the minor offenders will result inevitably in their becoming chronic and serious offenders.

The relation of jails to county and state is concisely stated by Dr. Louis N. Robinson:

"There is no dodging the fact that our local penal institutions (jails, workhouses, houses of correction, road camps and stockades) taken together constitute the *most important as well as the most difficult problem of our system of penology.* The total number of these institutions, as nearly as can be determined, is 3,459. The number of prisoners committed to them under sentence during the first six months of 1923 was 145,422, or 86.6 per cent of all commitments." He estimates the total number of commitments to these local institutions for the entire year 1923 at something over twice that figure, or approximately 300,000.

Dr. Robinson quotes Fishman's definition of a jail as "an unbelievably filthy institution" and declares that "all who have worked in the field of American penology have wrestled with this problem. Unfortunately, they have not conquered it. It remains a thing of reproach in the eyes of foreign observers and a standing disgrace to American statecraft.

"Mr. Fishman insists that his description applies to fully 85 per cent of these institutions. Be it remembered now that he was for many years the sole inspector of prisons for the United States government and speaks with the authority that comes from describing what one has actually seen. Dr. Hastings H. Hart, who visited prisons on all possible occasions, agrees with this definition but would add several more counts to the terrible indictment which Fishman has written."[1]

ENGLAND

European countries have handled the problem of the minor offender more successfully than has been the case in the United States. England in 1877, after what Robinson describes as

[1] ROBINSON, The Relation of Jails to County and State, *Journal of Criminal Law and Criminology,* vol. XX, pp. 396, 397, November, 1929; Propagating Crime through the Jail and Other Institutions for Short-term Offenders, *Report to the National Crime Commission,* 1929; *Report on Penal Institutions, Probation and Parole,* National Commission on Law Observance and Enforcement, pp. 56, 57, 1931.

"the hundred years' war to improve the county jails," took over the local jails and made them a part of the central administration of the penal system. This action was the culmination of an effort spread over a century to develop a decent standard of care of the local institutions. It was "preceded by a slow trial-and-error period of legislation which gradually encroached upon the field of local autonomy. Progress was extremely slow owing to the strength of tradition in favor of local government." According to the Webbs, until 1832 there was practically no systematic connection between the local authorities and the central government.

A General Prisons Act was passed in 1791 that applied to all places of confinement in England and Wales. It gave to the justices the authority to appoint jailers, to determine the fees to be charged by jailers, and to grant salaries where the fees were materially reduced. The justices were also given power to make rules for the prisons, including diet, classification, clothing, work, and the punishment of refractory prisoners. They were also to visit the jails and report, at each quarter sessions, their findings as to the state and condition of the jails. But with no means of compelling compliance with these requirements, it was useless to ask the local authorities to take charge of these duties.

By 1823 it was apparent that very few if any of the provisions had been carried out in any considerable number of jails. In that year Parliament passed an "act consolidating and amending all the laws relating to jails and houses of correction." It outlined a uniform regime applicable to some 130 local institutions and laid down an elaborate system of jail administration.

Since there was still no means of enforcing compliance with the standards set up in 1823, this act met the same fate that had overtaken the preceding legislation. Consequently, it gradually became evident that some machinery for securing enforcement would have to be invented. About 1832 the idea of the *grant in aid* was evolved. This is a subsidy payable from the central government to the local government to assist in the performance of duties required by acts of Parliament. It may be a fixed amount or variable according to conditions; it may be an isolated payment but is usually recurrent, or annual.

By 1835 half the expense of maintaining convicted prisoners was being paid out of funds received from the central govern-

ment. In the same year a bill was passed giving the national government power to appoint state inspectors to visit every jail or prison in Great Britain. "The right to inspect the jails was bought by a 'grant in aid' which later was used as a club to secure compliance with the law."

The legislation passed in 1865 is perhaps the most important enactment in the struggle to reform local jails. It set up the prison regime that lasted until the end of the nineteenth century, and it paved the way for the Act of 1877 which finally gave the ownership and administration of all prisons and jails in Great Britain to the central government.

The Act of 1865 demanded that every county and the subdivisions of counties having a separate prison jurisdiction should provide a jail to conform to the standards set up by the law. One of the clauses provided that in case any prison failed to comply with the requirements, the central government could withhold from such defaulting prison the money provided by Parliament for the expense of maintaining any prisoners in that institution—that is, withhold the grant in aid. Any prison failing for four successive years to comply could be closed, and the prisoners transferred at the expense of the defaulting authority to another jail.

Like all preceding legislation, the Act of 1865 failed completely. In order to comply with the requirements, it would have been necessary to rebuild almost every local jail, a reform that would have involved enormous expense. The local authorities were not willing to undertake such extensive rebuilding at the taxpayer's expense. As long as they were the legal owners of the local prisons, they regarded themselves as the final authority, regardless of the rules that Parliament might enact.

Furthermore, the election of 1874 had returned a government pledged to decrease the burden of local taxes. Consequently, the central authorities had their hands tied so far as concerned enforcing the act by compelling the local authorities to bear the expense of rebuilding the jails. Besides, the great waste of public money caused by the maintenance of so many institutions, some of which had only a few inmates, began to be apparent.

The logical and inevitable solution to the situation was the transfer of the whole function of prison maintenance from local to central government. The government was committed to a

reduction of local taxation. It could accomplish it by relieving the county of the entire cost of maintaining prisons. From the point of view of the local authorities, it was a satisfactory adjustment, since each year the number of prisoners was increasing, and the time might come when the requirements of the central government would have to be met at the expense of the county.

The Act of 1877 transferred the ownership and administration of all jails and prisons in Great Britain from local control into the hands of the Secretary of State for Home Affairs. All expenses incurred after the act went into operation were to be defrayed out of funds provided by Parliament. The central government paid no money for the jail buildings. The local authorities considered the exchange to their advantage, since it relieved them of all future expense in regard to offenders.

Local justices retained their rights of inspection and could examine the condition of any prison and its inmates within their jurisdiction. The Secretary of State was empowered to designate particular prisons for different classes of prisoners, a further step in the classification of offenders that has proved wise and practical, and one that could never have been accomplished under local control. The general management of all prisons was placed in the hands of prison commissioners, not more than five in number, appointed by the Home Secretary and responsible to him.

In 1878, when the transfer of ownership was made, 38 of the local prisons were closed as unsuitable or inadequate. By 1894 the number of local jails had been reduced from 130 to 56. In 1926 there were only 31 local prisons.

Several things in the history of the extension of state control over local jails in England are worth noting. The movement required a hundred years for its completion. The first step, made in 1791, took the jails out of the hands of the sheriff and placed them in the control of the county justices, who correspond to our supervisors or commissioners. In nearly all our states our jails are still administered by the sheriff. In 1835 the central government secured the right to send its inspectors into local jails by means of the grant in aid. Mere inspection in this country has not been seriously opposed by any but state-subsidized private institutions which have not been able to maintain their position. The grant in aid was the device that the govern-

ment used in 1865 to force the local authorities to improve their standards of care. Our states have not yet attempted to reduce the burden of government now resting on local authorities by providing funds in support of local work.

Particularly should we recognize the experience of England in insisting on a uniform system of care. This led directly to the transfer of the jails to the central government. It was impossible for all the local authorities to comply with the demands of the central government. American counties and cities would not and could not conform to a rigid set of regulations governing prison life. The only alternative is for the central government to take over the jails and close those least satisfactory to the requirements of prison administration.[1]

The Swiss Colony at Witzwil

Two small countries, Belgium and Switzerland, have been responsible for the introduction of innovations in the correctional treatment of minor offenders. The Swiss experiment is the correctional colony located at Witzwil, about an hour's ride by railroad and motor from Bern; the Belgian contribution is the colony for vagrants at Merxplas, about 30 miles from Antwerp.

The Swiss colony probably owes its origin to the interest aroused in European countries by developments in penology in the United States during the nineteenth century. Efforts for a time were directed to the establishment of an intercantonal institution. After it became apparent that such a plan was not likely to produce results, the cantons separately began to make experiments. Canton Bern found it necessary to remove its prison from the location in the city of Bern to provide a site for a new building for a post office. The magistrates determined to establish an agricultural colony for the less hardened offenders. Their decision was influenced by the success of former attempts to place prisoners upon the land and by the opportunity to purchase 2,000 acres of land from a private company which had tried to establish a colony and had failed.

In 1895, after the necessary buildings had been constructed, the colony at Witzwil was opened with eighty prisoners. At

[1] Robinson, *op. cit.*, pp. 397–407, November, 1929; Gillin, *Taming the Criminal*, pp. 218, 219, The Macmillan Company, 1931.

present it contains 2,400 acres, of which more than four-fifths is peat land. During the World War the peat industry brought in Fr. 100,000 per year. With the close of the war and with coal again available, the peat production was reduced, and it is now used only in the institution.

The first cost of the colony was somewhat more than Fr. 800,000. About Fr. 1,000,000 was spent for buildings, additional land, and pasture land in the mountains. During the first five years, about Fr. 30,000 was needed as an extra allowance. Later this appropriation from the state was increased to Fr. 100,000 per year to provide for necessary buildings and construction. In 1918, Fr. 800,000 was earned by the institution. This surplus was placed in reserve for improvements and new construction. For drainage, streets, and railway buildings no state funds were used. The cost of these improvements were paid out of the earnings of the institution. The entire property is now worth at least Fr. 5,000,000. From 1895 to 1924 a total of Fr. 16,235,711 was earned.

The number of inmates varies from year to year but normally runs between four and five hundred. A continuous stream of prisoners flows through the institution. In 1928, 521 were admitted, and 498 were dismissed. The swift movement in population is due to the fact that the large proportion of the inmates have short sentences. In 1928, 213 had sentences under six months; 203, from six to twelve months; 86, from one to two years; 8, over two years; and 11 received an indeterminate sentence.

A large proportion of the inmates are from the unskilled classes. Only 7 were from the professional classes; 28 were from the skilled artisan class; 217 were factory workers; and 233 were day laborers, ordinary laborers, farm laborers, and other unskilled workers. The educational status shows that only 17 had finished high school, 74 secondary school, and 426 only primary school and that 4 were illiterate.

The institution is primarily an agricultural establishment. The nonagricultural activities are only such as contribute to the necessities of the place. During 1928, thirty-three different industrial activities were listed, but the main emphasis is on agriculture and occupations necessary to it. None of the products of the shops enter the market. They are only for

the purpose of assisting in carrying on the other work of the institution.

During the year 1928 the number of days spent in the institution by inmates was 156,144. Of these 26,323 were not spent in labor, 331 days were spent in punishment, 1,710 days in sickness, and an additional 22,320 days were accounted for by holidays. Of the total amount of time, more than four-fifths was spent at work. More than one-half of this time was spent in agricultural labor and in the care of livestock.

"In spite of the difficulty of so managing the 400 odd inmates as to make each one's work count and to provide development of each person in preparation for his discharge, the institution each year makes a profit." During 1928 the net gain was Fr. 169,912.

"Both land and men have been redeemed. The state is richer for the adventure in penology. Nothing so clearly demonstrates what can be done with right leadership in the handling of useless ground and useless men."

"Could not some of our states learn a lesson from Switzerland in the handling of prisoners? Most of our states have sufficient land, and good land. They have lands to reforest, bricks to be made for buildings needed. They have the prisoners, in many states lying in idleness in the prisons; and in most states, idle by the thousands in jails, degenerating physically and morally. Have we met the leadership of little Switzerland?"[1]

The Colony for Vagrants at Merxplas, Belgium

Belgium has had an interesting history in the field of penology. John Howard found at Ghent a new kind of prison from which many lessons could be learned in regard to the treatment of criminals. There is a strong possibility that the Ghent institution may have given the founders of Auburn Prison in New York their idea of separate confinement at night and work together during the day. At any rate that was the way in which the prison at Ghent was managed. Later the Pennsylvania system was introduced into Belgium and became a dogma which by 1904 had shown itself productive of more recidivism than the old Auburn system that it had replaced.

[1] Gillin, *op. cit.*, Chap. VI, pp. 185–189.

The experiment with beggars and vagrants in Belgium "developed in the European atmosphere of a repressive program which goes back three centuries. The struggle in England with the sturdy beggar is well known. Neither in England nor on the Continent was the policy of repression successful. On the Continent, however, much more than in England, private organizations interested themselves in the problem when repression failed." Out of these efforts grew unique measures in Holland and Belgium. The state colony at Merxplas was the result.

In 1793, while Belgium was under the Hapsburg crown, vagrancy and begging were made misdemeanors punishable by a house of correction sentence of one year. Vagrants on the second and beggars on the third conviction could be transported. In 1808 beggars could be detained in houses of correction, and in 1810 this provision was extended to loafers generally. Public opinion regarded these acts as too severe, and they were relaxed in 1848 with a consequent increase of vagrancy and begging.

As a result of the growing numbers of beggars and vagrants, a severe law was passed in 1866, which imposed heavier penalties on loafers. In this law vagrancy was punished more severely than begging. In 1870 the Belgian government bought the land at Merxplas from the Holland Benevolent Societies and established one central station to take the place of the various departmental *dépôts de mendicité*. When colonists were first sent to Merxplas, the length of the term was from 15 days to 6 months, but it was soon noticed that the same individuals kept returning to the colony. In 1891 a law was passed taking away from these offenses their penal character in order to insure indefinite detention of beggars and vagrants and to organize the various agencies into a unified system.

Begging, loafing, and vagrancy in Belgium are not penal offenses. The whole plan is set up on the theory that the state must prevent the degeneration of these groups, from which criminals are recruited, see that they are given work and, as far as possible, trained to become useful citizens. Persons found begging or loafing or wandering from place to place are taken up and sent to the colony. Able-bodied individuals are put to work, but the sick or handicapped are placed in one of the divisions of the colony where they will be taken care of.

At Merxplas are the workshops and the farm colony for the more serious cases. Also located there is a new correctional institution for youths sixteen to twenty-one years of age engaged chiefly in agriculture. Six hundred were employed in the workshops, and 100 on the land in 1928. The present population is less than half of what it was in 1910. Another division is for old men who cannot work—it is really a home for the aged vagrant. There is also a hospital, or infirmary, filled largely with old men.

About 2,800 acres of land is used for the colony for vagrants and the prison school. The colony cultivates about 400 acres; and the boys in the school, about 200 acres. The remainder of the land is mostly swamp and woods.

A number of different trades are carried on in the workshops. The industries are self-supporting except for the small funds paid by the community from which the men come. The national government makes no appropriation. The buildings have been constructed of brick made by the inmates. Even the plans for the buildings were made by some of the inmates. The entire care of the buildings, grounds, stock, lawns, fences, and roads is in the hands of the inmates. As an industrial colony it has been very successful, but the agricultural side has not been so well developed. Probably the fact that most of the men have not been trained for farm work explains the relative failure of the agricultural side of the colony. Again, since Belgium is so largely an industrial country, if the men were to be prepared to return to civil life and become self-supporting citizens, they must have some kind of trade.

This colony seems to have solved the problem of begging and loafing in Belgium. Although it is not self-supporting, it probably costs the taxpayers less to take care of these beggars and loafers in the colony than it would cost if they were at large. Furthermore, it has put under social control these masses of useless men, most of whom are addicted to drink and from whom the army of criminals is constantly recruited. From the standpoint of reformation, however, the experiment has not been a great success, since at Merxplas 80 to 90 per cent of the inmates are recidivists.

It must be remembered that most of these men are not under penal law; they are committed as we commit persons to poorhouses. If they escape and get a job, they are not brought back.

They may leave at any time that they have $3 in their savings account. The maximum term of detention is a year, but the average stay is only two or three months.

The colony at Merxplas certainly does show what can be done with poor material under skilled direction in the production of economic and social values. Every building on what was formerly waste land was constructed by the inmates; practically all tools and improvements have been made by the inmates. A great variety of trades are also taught.

Belgium has given an example of how the beggar and vagrant can be controlled. It has followed a different plan from that followed in Switzerland. Both countries have shown how one of the admittedly serious problems existing in our modern world can be practically handled with a considerable amount of success. The close relationship between the vagrant and petty criminal ought to be more clearly recognized. Switzerland and Belgium have done pioneer work in dealing with these two closely related fields. We can learn valuable lessons from their experiments.[1]

Massachusetts

The methods used with misdemeanants by Switzerland and Belgium have been tested in the United States, but as yet they have failed to be adopted widely enough to be regarded as an alternative plan of dealing with minor offenders.

In the State Farm at Bridgewater, Massachusetts has an institution that resembles in some respects the colony for vagrants at Merxplas and in other ways the Swiss correctional colony. Until 1919 it was under the control of the State Board of Charity. At that time it was transferred to the then newly organized Department of Correction. In early days there were three state almshouses, one at Bridgewater, another at Tewksbury, and the third at Monson. These almshouses were for the care of the poor who had no town settlement and had to be provided for in a state institution. Shortly after the establishment of the Bridgewater institution, over forty-five years ago, a remarkable man, Captain Hollis M. Blackstone, was appointed superintendent. A few years later the one building, of which the almshouse consisted,

[1] Gillin, *op. cit.*, Chap. VII, pp. 190–215; Kelly, *The Elimination of the Tramp*, Chaps. III, IV, pp. 18–50, G. P. Putnam's Sons, 1908; *American Journal of Sociology*, vol. XVI, pp. 1–20, July, 1910.

burned down, and Captain Blackstone built himself and his ideas into the state farm as it now exists.

The State Farm has several divisions, but these are more or less related to each other. The farm is the least penal of any of the penal institutions. It is designed more for custodial groups. Soon after Captain Blackstone's appointment, there developed an opposition to sending minor offenders to jail or prison. It was felt that a man whose only weakness was drink or only fault that he could not find a job, the typical drunk or vagrant, ought not to be given the stigma of a jail sentence and sent to prison. If a man on the street goes to the Salvation Army headquarters to ask for work or for lodging, he is not a criminal; but if the same man goes to a police station for lodging, he may be committed to jail for the crime of vagrancy.

Gradually through legislation it came about that certain classes of petty offenders could be sent to the State Farm, which was not a prison but a poorhouse, or workhouse, under the State Board of Charity, and those cases were sent there on an indeterminate basis. At the present time the statutes authorize the sending of drunks to the farm for a maximum term of one year, and they serve usually three, four, or five months; and certain groups of petty offenders, such as vagrants, who stay there on a maximum term of two years and ordinarily remain nine months or more as the parole board determines.

Accordingly, the State Farm developed into a combination of poor farm where men were committed through the charity department and also an institution that took court commitments. Not until 1919 was it put under the Department of Correction. About twenty-five years ago, Blackstone decided that he could use other types of labor in reclaiming the land at Bridgewater. At the same time demands were being made that the criminal insane inmates be removed from the institutions for the non-criminal insane. Captain Blackstone offered to take them, and there was located at Bridgewater the state hospital for the criminal insane. There are now 1,400 acres of tillable land which produce about $75,000 worth of farm products a year, and every foot of that land had to be dug out of rock and reclaimed by prison labor, most of which would have been wasted, if it had not been saved by the vision of Blackstone and those who worked with him.

There are still at Bridgewater remnants of the early almshouse cases; about 250 comprise the Department of Aged and Infirm, and to that department are sent occasionally by transfer from the state prison aged or infirm prisoners who because of their age or infirmity are not dangerous. The second department is that of penal commitments, already described. The third is for the criminally insane, or insane criminals, as some writers differentiate them. Another department is labeled as for drug addicts; they are sent without a criminal commitment; they are committed by a court as addicted to drugs; the time varies from three to five months. Two most interesting and successful departments are those for defective delinquents, familiarly known as D.D.'s, one for male and one for female. These provide for a class of feeble-minded who are a constant source of trouble. Permanent custody is the only solution, and they are released only when the medical director certifies to the Parole Board that their condition is changed sufficiently to warrant their discharge without danger to the community.[1]

STATISTICS OF POPULATION AT STATE FARM, BRIDGEWATER, MASS.

Number of inmates	Men	Women
Total population Oct. 1, 1929	2,265	175
Admissions during year ending Sept. 30, 1930	2,573	211
Discharged during year ending Sept. 30, 1930	2,442	203
Number remaining Sept. 30, 1930	2,298	181
Number remaining Sept. 30, 1930:		
Prisoners	921	82
Paupers	135	0
Insane	942	0
Defective delinquents	283	98
Drug addicts	10	1
Inebriates	7	0

Annual Report of the Commissioner of Correction, year ending Nov. 30, 1930, pp. 83–87.

PRISON CAMP AND HOSPITAL

The state of Massachusetts had also a unique institution at West Rutland, 16 miles northwest of Worcester, known as the

[1] University Extension course in Penal Institution Administration and Routine given by the Massachusetts Department of Education in cooperation with the Department of Correction, 1928 and 1929; Lecture VI, Part II, The Administration of Penal Institutions, by Sanford Bates, February, 1929.

Prison Camp and Hospital.[1] During a period of unemployment in 1904 and 1905, a great area of scrubland was pointed out in Worcester County, and it was thought that if some prisoners were put to work reclaiming this land, they could make it into good farm land for the farmers. So in 1904 the Department of Correction established a temporary industrial camp at West Rutland. The plan was to move the camp around over the tract of rough land until all the rocks and stones were taken out. But in 1905 the legislature decided to locate a prison hospital for tubercular prisoners at West Rutland, and the camp was kept there for the purpose of maintaining a tuberculosis hospital.

On top of a hill in a little clearing about 3 miles from Rutland a fine stone building has been built, in which there are on the average thirty to forty men transferred from various houses of correction and the prisons, under treatment for tuberculosis. At the foot of the hill is a group of buildings which house seventy or eighty honor men, also transferred from various houses of correction, whose duty it is to maintain the hospital. There is a fine group of Holstein cattle; five or six thousand hens are scattered over the countryside, and there is a herd of goats which are sold to the foreign residents of Worcester at certain seasons of the year.

Such a camp as the one at West Rutland provides a convenient preparation for parole. It furnishes an opportunity to reward good conduct in the penal institutions. It makes it possible to send a man out into the open air for three, six, or nine months, so that when he goes out to get a job or back to his family, instead of prison pallor, he has a healthy coat of tan and is built up into an efficient physical unit. A large proportion of the men released from prison are released by way of either the Norfolk Colony or the Rutland prison camp. There is a branch camp at Tewksbury which contains about forty men, and they are employed largely in the care of the infirmary grounds.

On May 1, 1933, the hospital was closed, and twenty-three tubercular prisoners were removed to the State Prison Colony at Norfolk. The land and buildings were sold to the Metropolitan District Water Supply Commission, and the entire institution abandoned on November 30, 1934. This institution was

[1] The hospital was closed May 1, 1933, and the entire institution abandoned as a prison Nov. 30, 1934.

generally supposed to be the first prison in the country for the specific treatment of tuberculosis. Having the tuberculosis inmates confined in the State Prison Colony hospital at Norfolk raises many very serious problems.[1]

Other Correctional Farms

During President Theodore Roosevelt's administration, the conditions in the jail of the national capital were exposed by Mrs. J. Ellen Foster, the first woman member of the Department of Federal Prisons. As a result Congress in 1910 provided for a penal farm for the jail inmates of the District of Columbia on 1,150 acres of land at Lorton, Va.

Bars were dispensed with, barrack dormitories were erected by the prisoners, and men who had been confined in cells in the jail in idleness were set to work clearing and cultivating the land. It was a radical change, but it was a success.

An investigation of the institution twenty years later showed the following results:

"Permanent dormitories, mess halls, and shops are rapidly being constructed, by prison labor with prison-made bricks, to replace the wooden structures first temporarily erected. In addition to the colony of misdemeanants, a federal reformatory for felons has also been moved out to the country. Altogether, the two institutions occupy 2,700 acres. Five hundred acres are in trucking, a thousand in alfalfa, hay, rye, corn. There is a fifty-cow dairy herd, a piggery that supplied 29,801 pounds of dressed pork from July to December, 1929. Seven million bricks a year are made. There is an orchard which yielded 1,022 six-gallon cases of apples last year and 91 cases of pears. This canning was done by reformatory men, together with 350 cases of tomatoes and 56 cases of string beans, 28 cases of pumpkins, etc. An 800-unit hennery is being installed, and two more henneries are under contemplation. The last printed report showed that the women's department had made 3,886 garments in a year and repaired 61,813 more, while they laundered 244,637 pieces."

In 1905 Cleveland, Ohio, began to take prisoners from the city workhouse to the city farms on a 2,000-acre tract on which were being established a municipal cemetery, the almshouse, and

[1] *Annual Report of the Commissioner of Correction*, year ending Nov. 30, 1933, pp. 41–42, 1934, p. 6.

the tuberculosis sanitarium. In 1909 the group of buildings of the House of Correction on that land was occupied by the prisoners. In 1930, 650 prisoners were working in the open air there to help support themselves and the city infirmary and tuberculosis sanitarium. The women prisoners were occupying a new building "with sunny, light kitchen, sewing room, and laundry; large grassy courtyard, facilities for cleanliness and for medical attention; above all the absence of cells in favor of rooms —tiny, but neat and well-lighted, and insuring each woman the privacy that will help to restore her self-respect."

Kansas City established a similar institution in 1909. "The *substitute* for the *county jail* is the *modern house of detention* for persons awaiting trial and the *farm colony* under state control for persons serving sentences."[1]

Indiana

The State Farm located at Putnamville, Ind., is probably the most successful example of a substitute for the jail as a penal institution. Offenders sentenced to thirty days or more are sent to the institution, but those given shorter sentences may be sent there at the discretion of the judge. Transportation costs are met by the counties, and maintenance is furnished by the state. This plan places misdemeanants as well as serious offenders under state authority and partly relieves the jails of those serving sentences. Since most of the offenses are violations of state laws, it is reasonable that the state should control the treatment. Moreover, the state can exercise this function better than the local community.

In March, 1913, a bill was enacted providing for the appointment by the governor of four commissioners to select a site for a farm and appropriating $60,000 for its purchase. As a result 1,602 acres was secured on the National Road, one mile west of Putnamville, within easy access of two railroads. It is rolling land, contains a variety of soils, and is underlaid with a pure, hard limestone which is admirable in broken form for road building and in powdered form for use as a soil dressing.

[1] Ettinger, *The Problem of Crime*, pp. 372–374, Ray Long and Richard R. Smith, Inc., 1932; Gillin, *Criminology and Penology*, pp. 572, 573, D. Appleton-Century Company, Inc., 1926.

Preparations for the opening of the new institution were preceded by visits to Occoquan, Va., and to West Rutland, Mass. The Board of Trustees was authorized to make requisition on the state prison and reformatory for prisoners skilled in selected crafts. Twenty-four prisoners arrived at the site November 30, 1914, and were housed in tents while the first building was constructed. That building was begun December 1 and completed December 14. It was 30 by 56 feet, all made out of native timber, except the siding and roof. The doors of the institution were formally opened April 12, 1915. On the same day five prisoners were received. April 30 the daily count was 68 and September 30 it was 604, not including transferred prisoners.

According to law, the prisoners were to be employed in "work on or about the buildings and farm and in growing produce and supplies for its own use and for other institutions of the state; in preparation of road material and in making brick, tile, paving material, and such other products as may be found, practicable for the use of the state or any municipal subdivision therein and for the proper and healthful employment of such prisoners." It was especially stipulated that all building work of the new institution be done so far as possible with prison labor. This latter plan has been consistently followed throughout the history of the farm, effecting a great financial saving to the state.

The original buildings for the institution, built in 1914 and 1915, with the exception of the power plant and a dairy barn, were all of wood construction built for the most part with unseasoned lumber, cut from the farm. These buildings, one by one, on account of the lumber used, began to decay.

Beginning in 1923 it was necessary to replace the dormitories as fast as possible with new buildings and finally the administration building and dining hall. About 1924 the population began to increase very fast, and it was necessary to build still more dormitories. In June, 1924, the building that housed the laundry, clothing department, bathhouse, and canning factory burned, and a new building to replace it was necessary. Later, from 1926 to 1928, several new buildings, including the hospital and an addition to the dining room, were built in order to accommodate the increase in population. It has also been necessary each year to build more cottages to house married

officers and their families. During the years 1923–1928 the institution, built originally to house and feed 600 men, has been rebuilt and enlarged so that it will comfortably take care of 1,100 prisoners.

When confronted with the problem of rebuilding the institution, the governing authorities realized that, with the law requiring the use of inmate labor, the short-term unskilled men would probably be more efficient in the construction of buildings out of wood. But as the timber on the farm itself had been used up, and as a very good grade of brick, hollow tile, lime, and crushed stone was made, and considering the diminished fire hazard of such construction, it was decided to build of brick, tile, and concrete. It also appeared that such "nearly fireproof" buildings could actually be built at a lower cost than to purchase lumber and build of wood.

It was found that with patience in teaching, even the unskilled 60-day men could be trained to do a very good job of concrete, bricklaying, structural-steel work, and carpentry and that it rarely required more than one or two paid men to teach and supervise the work.

The estimated cost of the principal buildings constructed during the five years 1923–1928, had they been *built by contract at existing prices*, would have been:

Five dormitories	$213,000
Recreation building	39,000
Administration building	103,800
Industrial building	66,000
Dining room, kitchen, and bakery	89,400
Dining-room addition	29,500
Hospital building	77,500
Canning factory	9,500
Machine-shop building	29,500
Brick-plant building	32,500
Eight five-room cottages	56,000
Two seven-room cottages	16,000
One eight-room cottage	9,000
Greenhouse	7,500
	$778,200

The total funds used in the construction of these buildings amounted to $127,696.91. The saving to the state was the difference between the cost at contract prices and the amount

of money actually used in construction: the difference between $778,200 and $127,696.91, or $650,503.09.[1]

Early in the history of the institution, in 1916, it was found that some of the land, unfit for other purposes, could grow a good grade of basket willows, a product that at that time was raised scarcely at all in this country. A man who had learned the business of raising willows and making willow products in Germany was engaged to undertake the willow culture and also the education of some of the younger unskilled prisoners in the manufacture of baskets. At first only feed baskets, market baskets, waste baskets, clothes baskets, and hampers were made for the use of the institution and other state institutions. It was found, however, that there were many small willows and willow tips, too small for use in the larger baskets, and so these odds and ends were made into small floral baskets of attractive design.

These floral baskets proved so popular, and the demand for them so great, that more and more willows were used in their manufacture, and even larger willows were split into sizes needed for this style of basket. Some shapes were also designed in floral baskets of larger size in which large willows were used.

It has, therefore, come about that floral baskets, which at first were only a by-product from the large ware, have now become the chief line of basket manufacture.

About 80 acres of land is now devoted to the raising of willows. An average of nearly 200 prisoners are employed in the industry, and the gross sales amount to about $97,000 a year. The net income was about $26,500 after the total cost of production, including maintenance of prisoners engaged, had been deducted. As the total investment, besides the 80 acres of land involved, is only about $3,000, it would seem that the contribution made by the industry had justified its existence.[2]

The plant has now been entirely rebuilt in permanent form and consists of eight dormitories, administration and recreation buildings, hospital, industrial and factory buildings, and farm buildings valued at more than $500,000. The total value of the grounds, buildings, equipment, and supplies was estimated in 1930 at $1,207,700. The institution owns about 2,400 acres of land and rents another 2,000 acres.

[1] *Fourteenth Annual Report of the Indiana State Farm*, 1928.
[2] *Ibid.*

The population averages about 1,200 daily, and a total of 6,000 are received during the year. The larger percentage are arrested for the violation of some form of the liquor laws, motor vehicle laws, nonsupport, and similar minor crimes. The ages range from sixteen to seventy, the largest number being from twenty to thirty, with about as many between thirty and fifty. Only a small percentage are under twenty or over fifty years of age. The sentences range from under 30 to 180 days and over. The largest number are sentenced for less than 30 days. Next in order are sentences for 30 to 60 days.

A foreign observer, writing in *Mental Hygiene* in 1928, describes the Indiana State Farm as "in many respects a model institution for short-term prisoners. The first thing that strikes one is the construction: There are no high walls, no barred windows, no cell blocks. The prisoners sleep in large, well-ventilated dormitories. The equipment of the farm is modern, and the prisoners work mostly in the open air, with very few guards and within no inclosure. Industrial work is also carried on in simple but clean shops, which are equipped with modern machines."[1]

Illinois

Illinois has a State Farm at Vandalia which was established by the legislature in 1917. It was first used as an honor farm for inmates of the penal institutions and reformatory. In 1923 it was made a farm for misdemeanants. As in the case of the Indiana State Farm the first buildings were temporary and of wood. During the administration of Governor Louis L. Emmerson, 1929–1933, a building program was undertaken to replace the old frame buildings with brick buildings, fireproof and attractive in design. The old buildings were located in low land a few miles north of Vandalia, formerly the capital of Illinois; the new are situated on high land about a mile north of the old site.

Five new dormitories were about ready for occupancy in May, 1931, when a riot broke out at Vandalia, which resulted in the

[1] Information about the Indiana State Farm has been taken from the sixteen annual reports of the institution covering the years 1915–1930; in August, 1931, the author visited the institution and observed its operation under the guidance of the assistant superintendent E. L. Arment. Liepmann, American Prisons and Reformatory Institutions, *Mental Hygiene*, vol. XII, pp. 225–315, April, 1928.

burning of the dining hall and four dormitories on the old site. Because of the destruction of the old dormitories it was necessary to "sleep" the men in the new buildings, and they were taken back and forth in trucks. The new dormitories house 500 inmates. The style is collegiate Gothic. The buildings are arranged with courts for exercise and with covered passages or arcades leading from one dormitory to another. Buff-colored brick with "hydrastone" trimmings are used with pleasing effect. The trimmings were made at the farm by the inmates. The construction costs have been exceedingly low, $440 a bed, owing to the employment of inmate labor.

Intensive farming by hand labor is the slogan on the more than 1,200 acres of land. This idea was deeply impressed upon the mind of Superintendent of Prisons F. D. Whipp while in Europe attending the International Prison Congress in 1930. Visits were also made to a number of similar institutions in this country when plans for rebuilding were under consideration.

The act creating the State Farm provides that offenders above the age of sixteen, who are ordinarily committed to jail, may be sent to the farm for sentences of 60 days or more. The record of the crimes committed by the inmates shows that about 44 per cent are imprisoned for violating liquor laws, 30 per cent for larceny, 6 per cent for vagrancy, and 20 per cent for miscellaneous offenses. An educational survey indicates that about 81 per cent have a common-school education; 10 per cent, a high-school education; 2 per cent, college instruction; and that 7 per cent are illiterate. On November 1, 1932, the number of inmates was 516, a decrease of 132 from the number present the year before. There are approximately 1,400 different inmates during the year.[1]

In 1936 six brick dormitories and a detached hospital were under construction which would provide facilities for doubling the population. The inmates in the fall of 1936 numbered 747, and during the year 1937 with the completion of the new building the population will be increased to approximately 1,500.

The main industry is farming, and the institution is self-sustaining in dairy products, vegetables, grain, and meat prod-

[1] *Welfare Bulletin*, Illinois Department of Public Welfare, June, 1931, and December, 1932; institution visited Aug. 25, 1931.

ucts. Surplus supplies are canned in the farm's cannery or are transferred to other state institutions. Surplus dairy products are fed to the hogs. A beef herd is being raised and will soon furnish the institution with enough for its needs and a surplus to other units. Plans are being made to raise sufficient horses to operate the farm.

The population is under commitment for 60 days to one year and a $1,000 fine. An inmate who receives a sentence of one year and a $1,000 fine and who is unable to pay the fine must serve for nearly three years. The fine must be worked out at the rate of $1.50 a day. The records indicate that the average sentence is a little over eight months. The age of the inmates ranges from sixteen to seventy-seven years.

The personnel consisted in 1936 of a superintendent, a deputy superintendent, and 63 employees. Forty-four men are engaged in guard duty or the handling of inmates in gangs. Based upon the population of 700, there is an average of 15.9 inmates per guard. The guards are divided into three shifts of 8 hours each. They are paid $103.50 per month. In addition they are provided with sleeping quarters or houses and are given three meals per day. Men with families are allowed three-fourths commutation which amounts to approximately $18 per month. This is paid in addition to salary.

The majority of guards receive their appointments because of political connections. They are discharged on the recommendation of the superintendent. There are no opportunities for promotion. The qualifications for a guard are "good physical condition; good eyesight and hearing; education equivalent to common school; ability to control persons deprived of their liberty; exercise good judgment; minimum height 5 feet 7 inches; minimum weight 150 pounds."

During the year ending June 30, 1936, the daily average population was 650. During the same period there were 51 escapes, indicating that 8 per cent escaped. The recapture record shows that 44 were returned. From the opening of the institution to the end of the fiscal year 1935 there were 715 escapes who have not been apprehended.

A large amount of the farming land is surrounded by timber and tall weeds. The gravel pit is about 2 miles from the institution, and often as many as 80 to 100 inmates work there with

only three guards supervising them. Thirty-eight men escaped from farm and gravel-pit details during 1936.

Venereal and sick patients are segregated in one dormitory. All colored inmates are housed in one dormitory and are seated at a separate table in the dining room. There is no segregation of youthful from older offenders. Twenty per cent of the population consists of persons between the ages of sixteen and twenty-one years. Over 25 per cent are between the ages of twenty-two and thirty years. At least one dormitory should be set aside for the use of the juvenile inmates, and work assignments should be arranged to keep this group together.

There are no punishment cells in use, but occasionally an inmate is handcuffed to the iron bars of the doors in the dormitory. Physical punishment is also resorted to at times. Minor infractions of the rules are punished by the loss of a good time and of writing and visiting privileges and by clipping the hair. Some inmates have been punished by others with the knowledge, consent, and nonintervention of the administrative officers.

The institution does not have any library facilities. There is no academic or vocational school. The farm, dairy, laundry, cannery, cement-block plant, and band offer opportunities to the men to receive training in occupations that they might use after their release.

Very little in the way of recreation is offered the inmates. Athletics is only slightly developed. There is no motion picture equipment. Occasionally a dance is held in the dining room. The bands supply music at each meal. Catholic and Protestant services are held Sundays in the dining room.[1]

MARYLAND

The Maryland State Penal Farm began operations on March 18, 1931. It is located 5 miles southeast of Hagerstown, Md., on a tract of 865 acres. Temporary quarters for a small staff and twenty inmates were established in one of the farmhouses on the property. A week later the first inmates were transferred from the Maryland Penitentiary in Baltimore. Farming operations were begun and continued on an extensive scale all summer.

[1] *The Prison System in Illinois*, a report to the Governor of Illinois by the Illinois Prison Inquiry Commission, printed by authority of the State of Illinois, pp. 411–454.

During the summer temporary barracks were erected by free labor. These are of the army type and include four dormitories housing fifty men each, dining hall and kitchen, and a powerhouse. They were ready for occupancy on November 12, 1931. In June, 1932, there were 196 inmates.

The winter of 1931–1932 was used to convert farmhouses on the property into an administration building and resident quarters for officers. This work was done by inmate labor under skilled supervision. Inmate labor was also employed to build an additional unit to the temporary barracks to provide space for maintenance shops; offices for the doctor, the dentist, and the assistant superintendent; and storage rooms for supplies.

There is no wall or barrier of any kind around the barracks. The men work under supervision but not under armed guard. All members of the staff are chosen from the list of those who have taken the state civil service examinations for each position. They are instructors as well as officers.

When an inmate arrives, he is interviewed by a committee made up of the superintendent, the assistant superintendent, the farm manager, and the superintendent of construction. This committee assigns him to the type of work from which he can learn the most and that will best fit him to return to society willing and qualified to do some useful service. The policy of the institution is primarily educational.

Under skilled supervision permanent buildings will be erected with inmate labor. Work has already begun on the farm buildings. This program provides constructive work for the prisoners, and it also makes it possible to teach them building trades as well as modern agricultural methods.

The Maryland State Penal Farm is the third unit in the Maryland Department of Welfare. It is being developed under the direction of the state superintendent of prisons, Harold E. Donnell, who has had wide experience in handling criminals and in building institutions for them. He was associated with Thomas Mott Osborne at the Portsmouth Naval Prison, and he feels that many of Osborne's theories were sound. He believes in giving the prisoner an opportunity to do things and to assume certain responsibilities as he proves his worth.[1]

[1] *News Bulletin*, National Society of Penal Information, October, 1930, June, 1932, 1933.

In June, 1933, farmhouses and temporary wooden buildings were being used pending the building of permanent structures. The plans call for nine stone buildings, two stories high, connected by corridors after the style of the new minimum-security prison at Wallkill, N. Y. A limestone quarry on the reservation is being operated and furnishes the stone for the new buildings.

All housing units will have outside rooms, and each will have its separate recreation room and bathing unit. The first pair of housing units, which will be used for grade A prisoners, will have no toilets in the rooms, and the doors will remain unlocked at all times so that the inmates can use the facilities that are conveniently located at the end of the housing unit. In the other units the rooms will have toilets and lavatories. Two dining rooms, kitchen, storerooms, dairy, and laundry will complete the main group of buildings. Shops and powerhouse will be located in the rear of the maintenance buildings. The construction of permanent buildings began in April, 1932.

Men are not directly committed to the Farm but are transferred from the House of Correction or the Penitentiary. The institution is not restricted to any type of offender, and both felons and misdemeanants may be received.

There are no punishment cells, and the usual form of punishment is reprimand or restriction of privileges. For serious offenses men are transferred back to the House of Correction or the Penitentiary.

Individual case studies, consisting of social histories obtained by interviews and verified by correspondence, and examinations by the psychopathologist attached to the office of the superintendent of prisons are made at the institution of original commitment, and a summary is forwarded with the inmate at the time of transfer.

A Placement Committee, composed of the superintendent, the superintendent of construction, the assistant superintendent, and the farm manager, considers each case for the purpose of making work and training assignments.

There is a general committee made up of six inmates: four elected by the general body, one appointed by the superintendent, and one elected by the committee. Their duties are to promote good will and cooperation and to assist new men in adjustment to the spirit of the institution. They consult and offer sugges-

tions to the superintendent on matters concerning the welfare of the men and the institution and assist in looking after the visitors. The general committee meets with the entertainment and recreation committees.

"The whole conception of the Maryland State Penal Farm, as indicated by its location, plans for future development, and the manner of its operation on a temporary basis, places Maryland among those states having a forward-looking and progressive penal policy."[1]

Because of the lack of further appropriations, work on the new buildings was stopped on November 1, 1935. These buildings had been completed only to the first-floor level. During the session of the state legislature early in 1937 a bond issue was approved for the continuation of the work on the main buildings. These bonds were sold, and funds made available on August 15, 1937. Work was immediately resumed, and it is planned to proceed with all possible speed to complete the buildings as soon as possible. The temporary quarters in which the men are now housed have been enlarged, and the population is to be increased to 435 men. As all of the work is being done by inmate labor under the supervision of vocational instructors, more rapid construction will result.[2]

[1] *Handbook of American Prisons and Reformatories*, 1933, vol. I, pp. 318–330.

[2] *News Bulletin*, the Osborne Association, February, April, June, October, 1937; *Prison Labor in Maryland*, a survey by the Prison Industries Reorganization Administration, 1936.

CHAPTER VIII

SOUTHERN PENAL SYSTEMS

The prison systems and conditions in the South are different because of the climate and the existence of the race problem. As a result three systems developed there: the lease, public road, and prison farm. The first two have been largely abandoned because of abuses appearing in connection with them. The prison farm is widely used in the South where climatic conditions make farming the year round a possibility.

In 1929 the prisons of the thirteen Southern states were divided into three groups: (1) the institutions of Virginia, Kentucky, Tennessee, Oklahoma, and Alabama, which are in general comparable to the penal institutions of the rest of the country; (2) the great prison farms of Texas, Louisiana, Mississippi, and Arkansas; Florida and North Carolina have large farms as well as central prisons and road camps; (3) Georgia and South Carolina where the majority of the prisoners are in the custody of the counties.

The institutions in the first group are of the same general character as are to be found in the states in other parts of the country. The farm prisons are natural developments in states where there is comparatively little manufacturing and where the climate permits the employment of men outdoors throughout the year.

In Georgia most of the convicts are turned over to the counties. The heads of the county units are appointed wardens by the state. These officials are paid by the counties. Some of the counties provide fairly satisfactory living conditions, but in others they are thoroughly bad. State inspection of the county units is entirely inadequate. Georgia probably has the poorest prison system in the country.

South Carolina has a central prison, but most able-bodied men are sent to the county units. The situation is probably not quite so bad as in Georgia, but it has many points in common

with it. In both states the penal system is involved in the larger question of the place of the counties in the political structure of the state. The older tradition of local home rule persists in an exaggerated form in Georgia and South Carolina. Little improvement can be hoped for until the state assumes its proper functions in connection with the penal system.

Disciplinary methods in all the Southern states present many contradictions. In many ways the rules and restrictions are fewer and the privileges greater than in other parts of the country. When prison rules are broken, however, the punishment is likely to be unusually severe. The use of the strap in several of the states still obtains. Georgia uses the stocks and sweat box in place of the strap, but the objections to these are as great as to the use of the strap.

There is a lack of standardization of ideas and of information as to the construction and management of penal institutions. There seems to be a willingness to consider the possibility of improvements along many lines. Several of these states have made substantial progress in recent years.[1]

Alabama

Of the states in the first group, Alabama has the best prison plant, Kilby Prison, located 4 miles from Montgomery. All prisoners are received there, and it is both a prison and a clearing-house for the state's prisoners. The institution is similar in a general way to the Minnesota State Prison at Stillwater, after which it seems to have been patterned. Like the Minnesota prison it was built in accordance with a unified plan and constructed as a unit. The interior of the buildings is not finished as well as those at Stillwater, and maintenance of a high sanitary standard is more difficult. Incidentally, it is the only penal institution in the country named for a governor.

In addition to the central prison, there are branch prisons, and large farms being developed since the men were taken out of the mines in the summer of 1928.

The prison system is under the general management of the State Board of Administration, which consists of two members

[1] Adapted and quoted from Haynes, *Criminology*, 2d ed., pp. 291–293, McGraw-Hill Book Company, Inc., *Handbook of American Prisons and Reformatories*, 1929, pp. xxii–xxviii.

appointed by the governor. This board is responsible for the general administration of the prison system. It determines the policy and recommends wardens to the governor for appointment.

There were 2,876 prisoners in the institutions on September 30, 1926. For the four years ending on that date, the financial statement showed a net operating profit of $3,269,098.70. "This is a profit neither equaled nor even remotely approached by any other state. The mines were a big factor in this financial showing, but other departments also showed a profit."

Alabama has made progress in its penal system in recent years. It has built a good prison at Kilby and has provided employment in profitable industries for its prisoners. It has the best road camps in the South. These improvements are balanced in part by the influence of politics on appointments and the use of outworn methods of discipline.

At Kilby, a trusty system exists, and these trusties are permitted unusual freedom of movement inside and outside the walls. A number are allowed to visit Montgomery, where they attend motion picture shows and eat in restaurants. Paroles are given to a considerable number for the Christmas holidays. The governor also grants monthly paroles to men in case of illness or death in the family.[1]

KENTUCKY

Kentucky has two institutions, the State Penitentiary, established at Eddyville in 1884; and the State Reformatory at Frankfort, established in 1798. When the state prison was built at Eddyville the name of the Frankfort institution was changed to *reformatory*, but no change was made in the character of the institution, which has continued to receive men of all ages and for all manner of offenses. A part of the old cell block is still in use. It is probably the oldest prison structure now in use in the country.

Eddyville had in March, 1928, 661 prisoners, whereas Frankfort had 1,649 inmates. At Eddyville the buildings are nearly all old, and several are of wood. There is no plumbing in the cells. The program although not definitely constructive is certainly not destructive. There is sufficient employment, and this fact compensates somewhat for poor living conditions.

[1] *Handbook of American Prisons and Reformatories*, 1929, p. xxiii, 108–128.

Warden J. B. Chilton was appointed in September, 1912, and retained his position until his death in 1929. His term of office was the longest of any prison warden's in the country.

At Frankfort there are only 1,056 cells for over 1,600 inmates. Over 400 men are quartered in dormitories. There is hardly a modern building in the whole plant, but the upkeep is good, and the sanitary conditions are fair in spite of the fact that there is no plumbing in the cells. The dormitories are among the best kept of those in all the penal institutions.

The only part of the inmate community organization remaining are the store and the Inmate Committee which has charge of recreation.[1]

In 1936 the Prison Industries Reorganization Administration (PIRA) undertook at the invitation of the governor a survey of the penal institutions of the state. This was made with the cooperation of the State Planning Commission and the prison authorities. The report was submitted to the President on May 27, 1936. It indicated "deplorable conditions of idleness, overcrowding, lack of sanitation, educational facilities, medical care, or any attempt at rehabilitative work." These conditions were described as "due to the loss of manufacturing industries together with the long neglect of the state to provide modern prison facilities. The report recommended complete reorganization of the penal system; the passage of a state-use law; the construction of receiving, medical, and medium-security units and of a women's institution; the development of road and conservation work for minimum-security prisoners; the establishment of adult probation and parole services and of classification and rehabilitative training."

Under the leadership of the governor a law was enacted prohibiting the sale of prison products on the open market, a probation system established, and an appropriation of about $1,000,000 of state funds made available for construction.

Late in 1937 the building program was well under way. Additional maximum-security housing for about 600 inmates at Eddyville was under construction, and a new medium-security prison at LaGrange, about 30 miles east of Louisville, was being built. The state purchased 2,850 acres for the site, and a federal grant was obtained from the PWA. The old reformatory at Frankfort

[1] *Ibid.*, pp. 368–387.

has been permanently abandoned. Most of the Frankfort prisoners are temporarily housed in barracks on the tract where the new prison is under construction. Plans have been made for a new women's prison, and construction has begun. The plans provide accommodations for 100 prisoners, and the buildings will be modern in every respect. "The survey and recommendations of the PIRA have already led to a remarkable transformation in the attitude of the state towards its prison problem."[1]

TENNESSEE

Tennessee has two penal institutions for adults, the State Penitentiary at Nashville and Brushy Mountain Penitentiary at Petros. The Nashville prison was established in 1858 and moved to its present site in 1895. The state owns 3,500 acres on the outskirts of the city. The Brushy Mountain institution was authorized in 1893, when the state legislature ordered the purchase of 9,000 acres of coal land. At first the men were leased, but serious trouble caused the state to take over control in 1896. The state now owns 11,000 acres of land and was operating two mines in 1937.

At Nashville the main group of buildings is composed of office structures with cell houses on either side constructed of brick. The walls inclose 11 acres. This space is nearly filled with industrial and other buildings of different materials and types of construction erected from time to time. There were 1,624 prisoners in 1928, including seventy women.

The location of the Brushy Mountain Penitentiary was originally determined by the desire to use prisoners in the mining of coal. Wooden barracks were built in 1895 to house the men and a wooden stockade erected for greater security. These buildings were used until 1933 in spite of the fact that better housing conditions were needed. A new concrete building was completed in 1933; it has two wings with administration and hospital quarters between. The capacity of the new accommodations is 640 men. In 1937 the prison population consisted of 581 white men and 359 Negroes. Thirty Negroes and 261 white men were still housed

[1] Prison Industries Reorganization Administration, *Progress Reports*, May 15, Oct. 15, 1937; *News Bulletin*, the Osborne Association, October, December, 1937.

in one of the original frame barracks. All of the remainder of the old wooden buildings have been torn down.[1]

At Nashville the industries are foundries and hosiery and shirt shops. In 1928 there were 302 inmates employed in the foundries, 279 in the hosiery mills, and 513 in the shirt factory. Most of the industries were on the contract basis. The hosiery shops are in an old building several stories high with no adequate fire escapes, constituting one of the most serious fire hazards in the prisons of the country.

In the Brushy Mountain Penitentiary, the only industry is coal mining and coke making. There is little idleness, and men can find employment on release. The industry also has vocational value. The mine is run on the state-account basis. The state institutions are supplied with coal, and a good deal is sold to railroads and shipped to various industrial centers in the South.

Both institutions use the strap as the principal form of punishment. The rules require the approval of the state commissioner but do not limit its application only in the presence of the commissioner or of a prison inspector.

At Nashville there is a school covering seven grades. School is compulsory for those lacking seventh-grade education. Educational work is in charge of the chaplain. There was no school at Petros in 1928, and it seems improbable that a satisfactory educational program can be established in an institution of this type. The isolation of the prison makes unavoidable a considerable degree of monotony for both officers and men.[2]

A survey of the penal institutions of Tennessee was made by PIRA in 1936. The report, sent to the President on March 31, 1937, recommended a far-reaching reorganization of the penal system. The principal items included a "state-use law requiring compulsory purchase by state institutions, the closing of one of the coal mines, an enlarged program of diversified industries, increased farming activities, development of conservation camps for minimum-security prisoners, establishment of classification and rehabilitative training, and of adequate probation and parole services." The report was strongly endorsed by officials, the press, and leaders in the state.

[1] The Prison Labor Problem in Tennessee, a survey by PIRA, 1937.

[2] *Handbook of American Prisons and Reformatories*, 1929, pp. 895–909.

A state-use law terminating all open-market sales in 1938 was passed by the legislature, and a new Probation and Parole Division was also established. The development of state-use industries at Nashville has been begun, and steps have been taken to acquire land for the expansion of farming activities. Classification and educational work are also being introduced.

The legislature appropriated $1,500,000 dollars to carry out the program. Five thousand acres of tillable land in West Tennessee was purchased by the state. Preparations are under way for the construction of permanent quarters for farming hands and workmen in the spring of 1938. It is expected that these farming operations will employ about 750 men. The state has also purchased 2,000 acres in east Tennessee, adjoining the Brushy Mountain Penitentiary, where 950 men are used in the mining of coal. These two farming units are planned to provide all the vegetables used in the state institutions during the year. They are expected to employ about 1,000 out of the state's 3,200 convicts.

The state has purchased a complete metal-working plant, and the plant is now in operation making automobile license plates. It will probably make road signs, and it is equipped to make office furniture of all kinds, filing cabinets, desks, chairs, and shelving. Contracts have been awarded for a complete cotton mill, woolen mill, shoe industry, tobacco industry, and textile plant. A general service building is under construction at Nashville, in which will be housed the dining room, kitchen, and bakery, and on the second floor an auditorium, classrooms, and library.

The minimum-security men will be moved to the farms, and the maximum-security men will be retained inside the main walls and employed in industrial occupations.

Since a recent survey indicates that 48 per cent of the inmates of the state's penal institutions are illiterate, the need of classification and educational training is apparent.[1]

VIRGINIA

Virginia has three state penal institutions for adults: the State Penitentiary at Richmond; the State Farm; and a State Industrial Farm for Women opened in 1932.

[1] Prison Industries Reorganization Administration, *Progress Reports*, May 15, Oct. 15, 1937; *News Bulletin*, the Osborne Association, February, 1938.

The first buildings at Richmond were erected in 1797 in accordance with a plan drafted by Thomas Jefferson. New cell houses were built in 1904 and in 1913. In 1928 the last of the original buildings was demolished. In the space occupied by this building a new commissary has been built. There are about seven acres in the inclosure. Besides the cell houses, there are four-story wooden structures built in 1888, which house the industries. There is no prison farm, but the State Farm supplies a considerable variety of foodstuffs. The plant of this institution is gradually being modernized.

Two industries furnish most of the employment. In 1928 there were 210 men in the shirt and overall factory and 215 in the fiber-furniture shop. These industries were on the contract basis at that time. The population was 684.

The educational work was organized in an unusual way, being turned over to William and Mary College in 1920. A professor of the college serves as educational advisor to the penitentiary board, and there is also a trained full-time educational director. A compulsory school is in operation for those having less than fourth-grade education. There are also special classes correlating academic and shopwork. There is the beginning of an educational program.

Except for the use of the strap, the disciplinary system of the prison is similar to that of others. The approval of the superintendent must be secured before this punishment can be given. There is no reason for the continuation of the use of this outworn form of punishment.

The superintendent of the state penitentiary is responsible not only for the management of that institution but for the 24 road camps of the state, in which there were almost 2,000 men in 1928. Of this number about 550 were jail prisoners. Virginia takes full custody of men serving county sentences as well as of state prisoners. Such a practice standardizes the various camps and avoids many of the problems that develop in states where each county determines its own standards. The practice is also of significance in connection with the jail problem in many states.

In some of the camps permanent buildings of a fireproof nature have been erected. In others a regulated type of portable buildings is in use. These camps remain on rented sites for periods varying from six months to two years.

The State Prison Farm in Virginia is an interesting unit in the state penal system. It is run for convicts whose health, mental or physical, makes farm life preferable to institutional life. A separate section is provided for tubercular patients, and an infirmary for the seriously crippled and disabled. The farm also takes defective and diseased misdemeanants unable to work on the roads. All these groups are under the same management, but the serious offenders are on one bank of the James River, and the misdemeanants are on the opposite bank. In the section for state prisoners the buildings are of brick and reinforced concrete. Wooden buildings are provided for the misdemeanants. The buildings are surrounded by a wire fence.

This institution in 1928 was not only self-supporting but had a sufficient surplus to create a permanent building fund. The buildings for misdemeanants were entirely built by inmate labor from the profits of the farm. They are suitable and convenient in all respects except that they are of frame construction. The sleeping quarters are dormitories.

The general morale of the institution is unusually good. Relations between officers and inmates are harmonious, and punishments are few. The recreational facilities are adequate, and the program provides for a large amount of team play outdoors. No educational work is conducted. A large number of the inmates are illiterate. There is no real vocational training, and the lack of it does not seem to be realized. No provision is made for aid of discharged prisoners.[1]

Oklahoma

Oklahoma has two penal institutions, the state penitentiary at McAlester, begun in 1909; and the state reformatory at Granite, established in 1914. During territorial days prisoners were sent to the Kansas state prison.

The state prison had in 1928 three cell houses. Their capacity is 1,280, with two men assigned to each cell. The population at that time was 2,507. The surplus population was housed in double and triple bunks placed in the corridors, so close together that supervision and ventilation were alike impossible. Many institutions place cots in the corridors of cell houses, and a few

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 939–955.

resort to double-deck bunks, but this institution was unique in its use of triple-deck bunks. It was one of the most seriously overcrowded in the country.

This prison was in 1928 the only one in the country in which all persons entering were subject to search. The practice was established after an attempt was made to smuggle in guns. This was also the only prison in which a patrol of the outer walls was kept up by men on horseback. Additional guard towers were erected to meet possible emergencies. Unusual conditions in the state, due to the existence of a lawless element, were given as reasons for these precautions. The prison was suffering from an "escape complex which was bad for the morale of officers and inmates." The prison cannot meet the modern conception of such an institution until repression is reduced and education, recreation, and other constructive activities are developed. Experience in other states indicates that good morale prevents prison outbreaks and that repression promotes the very things that it seeks to avoid.

A large percentage of the men were employed in the sewing industry on contract. The sewing trades are not suited to male prisoners. A considerable number of men were used on the farms and other details outside the prison. These men are housed in dormitories outside the walls.

The section for women is located about a mile from the men's prison. It is comparatively new and has a fairly satisfactory plant. The building is more like the old-style institution for women than the cottage type found in most states today. In 1928 there were sixty-eight women in charge of a matron and two assistants.

The State Reformatory at Granite was established for offenders up to thirty years of age, but the age limit has not been strictly followed. The site was selected because it was thought that the quarries on Granite Mountain would furnish work for the inmates. Such work has little vocational value and is particularly unsatisfactory as employment for the younger prisoners. The only other kinds of labor are on the farms and in the maintenance units.

In 1928 there were two cell houses—one having two floors of two tiers each, and the other three tiers. The top of the three-tier cell block is a dormitory of 120 beds. The cells were of two

sizes, and the larger ones were used for a number of inmates. There were 796 prisoners in 1928.

From 1927 to 1935 this was the only penal institution for men in the country with a woman as warden. Mrs. Waters had previously been a teacher; her husband was a former warden of the institution. In the opinion of those in a position to judge the facts her administration was "more effective and more forward-looking in its policy than previous administrations have been."

On February, 1935, eighteen prisoners broke out, after killing a tower guard. They scattered over southwestern Oklahoma, plundered homes, and stole automobiles. Armed posses with bloodhounds combed the territory within 50 miles of the reformatory. Mrs. Waters personally directed the hunt, instructing the searchers to "shoot to capture." Governor E. W. Marland removed Mrs. Waters and appointed a man. The comment was made that the position of warden "is no place for a woman."[1]

Oklahoma was among the first states to become interested in the idea of a survey by the Prison Industries Reorganization Administration. The invitation was received in January, 1936, and the report was completed in January, 1937. The state has a large prison population in proportion to its total population. The overcrowded prisons were threatened with idleness as a result of the withdrawal of contract industries and were without classification, parole, or rehabilitative activities.

The report recommended "a compulsory state-use law, the expansion of agricultural and industrial activities with a view to diversification and to meeting the state's needs for products, construction of a medical and receiving unit, introduction of classification with the reformatory at Granite to serve as a maximum-security and the prison at McAlester as a medium-security institution, development of road and conservation camps, improvement of medical and educational work, and the establishment of adult probation and parole services." These recommendations were transmitted to the legislature by Governor Marland with a strong message urging the legislation necessary for their adoption.

As a result of these efforts, $440,000 was appropriated for improvements in the penal system. Governor Marland has

[1] *Ibid.*, pp. 777–796, *Des Moines Register*, Feb. 21, 1935.

undertaken to carry out a program based on the recommendations of the survey. This program includes "agricultural and vocational training for hopeful young prisoners, state-use employment for all prisoners, adult education for those able to profit by it, adequate medical care, and intelligent use of parole."

The legislature abolished the sale of prison products in competition with private industry "with the exception of such goods as are demanded by farmers and which may be sold to nonprofit organizations for distribution to the ultimate consumer."

Besides the institutions at Granite and McAlester, Oklahoma has a penal farm, or subprison, in Atoka County near McAlester with accommodations for 400 prisoners in frame barracks. A brick structure was under construction in 1936. The farm contains 7,897 acres nearly all of which is grazing- and timberland. About 300 acres is under cultivation. There are also two road camps with quarters for 100 inmates in each camp. There is a farm near McAlester of 1,926 acres of which 65 per cent is tillable. On this land is a large dairy, chicken ranch, brick plant, and kennel for bloodhounds.

In 1936 there were 2,822 prisoners within the walls, 474 in a trusty building on the farm near McAlester, 339 on penal farms, and 148 and 113, respectively, in camps. Approximately 3,800 were housed in accommodations for 3,200. The overcrowding is most serious inside the walls, with 250 men in the corridors.

Oklahoma needs room for about 4,800 prisoners. The average population has recently shown a steady climb. Approximately one-third of the inmates are colored and Indian. Housing facilities are described by the representatives of PIRA as "altogether inadequate."

At the time of the survey 2,416 out of 4,490 prisoners had productive employment, and 1,796 had maintenance employment. One hundred and two were listed as sick, and 176 as idle. The maintenance detail was unduly large, constituting 40 per cent of the entire number. There is need of finding work for 800 to 1,000 men idle or engaged in "dawdling maintenance assignments" and of continued diversification of employment and output while preparation is made to expand the market furnished by state institutions and to reduce the open market sales.

PIRA recommended the construction of a *receiving unit* near Oklahoma City as a first step in a classification program. This

unit should be a part of the penitentiary and should be equipped with a modern hospital and facilities for the critically ill. The institution at Granite can easily be made into a *maximum-security prison.* Atoka seems the appropriate place to develop as a *reformatory.* McAlester could be used as a *medium-security institution.* The road camps should be *honor camps* for trusties without armed guards and recognized as a stage on the way to parole and freedom. By this classification of institutions, Oklahoma would have facilities for different types of offenders.[1]

Prison Farms

In the second group of Southern states are the great prison farms of which those of Texas, Louisiana, Mississippi, and Arkansas are the conspicuous examples. Florida and North Carolina also have large farms as well as a central prison and road camps.

These farm prisons are natural developments in states where there is not a large amount of manufacturing. Large tracts of land are available, and the climate permits the employment of men outdoors through most of the year.

An unusual problem of guarding prisoners on these farms is created. In several of the states prisoners selected by the officials perform the customary duties of civilian guards. In field work they are usually mounted and armed. Such methods are likely to result in grave abuses, even when the greatest precautions are taken. Any system of guarding would be severely tested under the conditions inevitably existing in farm prisons for the entire penal population.

Texas

The Texas prison system in 1928 consisted of a central receiving institution at Huntsville, twelve farms owned by the state with a total acreage of 77,910, and four farms of 5,500 acres leased by the state. The farms varied in size from 1,000 to 15,000 acres. They were widely scattered, and the problem of administration was difficult. At Huntsville were located the infirmary of the prison system and several industries that made products for use on the different farms.

[1] Prison Industries Reorganization Administration, *Progress Reports,* May 15, Oct. 15, 1937; *The Prison Labor Problem in Oklahoma,* a survey by PIRA, 1937.

In 1926, a law created the Texas Prison Board, which consists of nine members appointed by the governor, three members being appointed every two years. The members receive a per diem allowance and traveling expenses. The board appoints a general manager, who receives $8,000 a year, and he in turn appoints the warden of Huntsville Prison and the managers of the farm units.

By 1934 one of the twelve farms had been abandoned as impractical for operation and had been sold. Two more were not actively operated as farms but were used as detention camps. At one of these women prisoners were held, and at the other were placed men who were physically defective and capable of only light work or none. Out of a population of 5,400, about 3,800 were actively engaged in farming.

There were at that time nine active farms and nineteen units or camps for housing the inmates. Each farm has a manager, who corresponds to the warden of a prison, and each camp has an assistant manager. The number of guards varies with the size of the farm and the number of convicts assigned to it.

According to W. A. Paddock, chairman of the Texas Prison Board, "farming as an occupation for prisoners has its advantages and its disadvantages. It solves one of the great problems which face all prison executives: there is always work to be done on a farm, and when there is no actual field work, the prisoners can be kept busy improving the property. In the South this business is simpler than in the regions of snow and ice, because we have no closed season on farmers."

Furthermore, from farm crops there may be obtained a definite source of revenue from prison operation. Goods are sold for cash, and the money is deposited in the treasury. In 1933 about $450,000 from the sale of cotton was turned into the state treasury.

"Another economic advantage in farming as an occupation," in the opinion of Mr. Paddock, "is the economy in construction. Prisoners may be housed in much less expensive buildings than the usual walled prison." Concrete buildings are gradually replacing the old wooden structures.

Mr. Paddock also points out the objections to the system of handling prisoners on farms: (1) "because of the great number and widely scattered units, it is almost impossible to do anything

in the way of rehabilitating these men. There are many who are naturally farmers, but there are many others whose natures would lead them into other lines of work if they had that sort of training; (2) the opportunities for escape are too many, and the result is that the records of escape look rather bad compared to the prisons where the men are held inside of walls; (3) the scattered units make it impossible to do much in the way of education or proper segregation of prisoners with reference to character."

Schools are maintained at each unit where prisoners may obtain the rudiments of education under convict teachers, but the great distances between the units make supervision difficult.

At the Central State Farm, 23 miles from Houston, a modern, fireproof dormitory has been built. On this farm there is a modern canning plant for preserving vegetables of all kinds, to provide for the men during the whole year and to be shipped in large quantities to other state institutions.

On the same farm there is a modern packing and refrigerating plant for preserving meats, principally hogs. The canning and packing plants have reduced operating costs. In 1931 $75,000 was paid out for bacon and lard; and for groceries, $120,000—a total of $195,000. In 1933 these items cost only about $100,000, a saving of nearly $100,000 for one year with about the same average population. In addition, canned goods to the value of about $7,000 were supplied to other state institutions. The average total cost per man per year for 1926–1929 was $399.47; and for 1930–1933, $274.79.

Every camp has a good herd of cows, and the use of milk reduces the demand for bacon and makes for better health among the prisoners. About 75 per cent of the food consumed in 1933 was produced on the farms, and the percentage is being increased from year to year. The average total cost of groceries purchased for the years 1926–1929 was $353,043.70; and for 1930–1933, $179,059.96.

The central prison at Huntsville is only one unit in a large prison system which includes farms situated 3 to 125 miles away. The prison was established in 1849. The older buildings were of brick. The administration building in front opens into a central guardroom, on either side of which are the cell houses. The commissary and hospital occupy separate buildings in the prison yard, and in the rear is a group of industrial buildings. The

original walled inclosure contained about 10 acres, but about 25 acres is now inclosed. The industrial activities have been expanded, and about 30,000 pairs of shoes are made each year. A plant for making automobile license plates was completed in 1934. In 1928, 81.45 per cent of the total state penal population was on the farms; the balance, at Huntsville and in the hospital units.

There is little in the physical plant or the industries to justify the retention of the Huntsville institution. If its use is to be continued, it should be greatly improved; it might better be abandoned and replaced by a central prison of a modern type, located near the chief farm units.

It has been proposed to establish one large industrial prison in Texas and to give up the farms. The experience of most states operating industrial prisons under the state-use system does not justify the establishment of one in Texas. The state had better follow the example of Louisiana and Mississippi, which operate large farm areas whose units are contiguous. The Texas farms are too widely scattered. The state should consolidate its farm holdings and, within the reduced area, should build a new receiving prison to replace Huntsville.

The wooden buildings now used for housing men on the farms should also be replaced by fireproof structures. Filled with bunks arranged in three tiers they constitute a tremendous fire hazard.

The whole penal system appears to need a thorough reorganization. Adequate provisions should be made for decent living conditions; education, both academic and vocational; proper medical service; and the other elements of a well-rounded prison program. The preparation of prisoners for free life should be recognized as the function of a penal system.[1]

The Texas Prison Commission at first asked the assistance of PIRA in planning some additional industries for the Central State Farm. This request was later changed to include a general survey of the state penal system, restricting the survey by agreement to industrial and training activities, housing, classification, and probation and parole.

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 910–922; the American Prison Association, 1934, pp. 134–141; *Texas Prison System*, 1849–1934, Huntsville, Tex., small pamphlet distributed at meeting at Houston of American Prison Association, September, 1934.

The report was released in Texas through the press and direct distribution to the members of the legislature and public officials on March 14, 1937. It pointed out that "the prison system, with its concentration on agriculture employing thousands of prisoners on ten large farms, was not properly balanced." It recommended that "an extensive building program should be undertaken in order to provide fireproof dormitories instead of the flimsy wooden firetraps on the farms; that the industries should be extended and diversified in order to withdraw from the farms the large number of prisoners unsuited to agriculture; that the classification work already begun should be continued and further developed; that educational and other training activities should be expanded; and that a modern probation and parole law should be enacted with provision for a supervisory staff."

Texas is building a new institution of the medium-security type at Central Farm. An administration building, mess hall, powerhouse, dormitory unit, and three industrial buildings have been completed. A second dormitory unit is planned, and in addition a hospital and auditorium. The new quarters are overcrowded.

Farm work is still the backbone of prison employment, and the principal crop is cotton. The average number of men engaged in outside production for the year from September 1, 1935, to September 1, 1936, was 4,545. The Texas Commission has adopted a definite policy of industrial development to reduce the emphasis on farming and to provide training for men of urban background.

A program of classification was also adopted by the state board in August, 1935. As there was no provision for funds in the budget for this purpose, the governor suggested that the matter should be discussed with members of the state university faculty. Through Professor W. E. Gettys of the Sociology Department, funds were made available by the Laura Spelman Rockefeller Foundation for the establishment of an experimental classification unit.

The Bureau of Classification was organized in March, 1936, for eighteen months. The grant of funds from the foundation was sufficient for the services of a director and psychologist on full time and for a psychiatrist one day a week. A stenographer

was supplied by the board, and office expenses for correspondence and for filing were also met by the board.

Since it was impossible to study the entire population of 6,000 or even commitments at the average rate of 264 a month, it was decided to concentrate upon white male admissions, which constitute from 50 to 55 per cent of the total male commitments. Men returned to Huntsville from other units were included, and the policy was adopted of calling into Huntsville for classification men entered before March, 1936, who made good records or who became serious conduct problems.

Men come to the Classification Bureau after they have been through the admission routine in the identification office. The interviewer secures as much additional information as possible. All suggestions are followed up by correspondence to check statements and to obtain more information. Each man receives a thorough physical examination. The bureau is located in the hospital building and works in close cooperation with the medical staff. Cases of suspected abnormality are referred to the psychiatrist at his weekly visit. Intelligence tests are given to men who appear to be feeble-minded or of borderline mentality and where intelligence rating is significant for industrial assignment.

The bureau has handled 125 cases a month. During a period of seven or eight months 1,400 men were assigned or reassigned. Of 140 placements for jobs at Huntsville only four or five proved unsatisfactory. It is estimated that thirteen more months will be required to complete the job planned, and the grant has only seven months more—it was from March, 1936, to September, 1937.

Conclusions based on the experiment indicate that the staff should consist of five full-time workers and one on half-time. The psychiatrist should have half time instead of one day a week. Caseworkers for field investigation are also necessary for thoroughly satisfactory work.

In August, 1935, the state board adopted a "policy of rehabilitation through training for all prisoners who show a sincere desire to follow prison discipline and give promise of reform." The state has no reformatory for men or women, but Huntsville, Central, and Harlem farms are designated as rehabilitative units where the most promising men receive training. By the develop-

ment of the plans already established "the equivalent of specialized correctional institutions maintained by many states" can be reached.

There are statutory limitations to an educational program. The hours for instruction are limited to evenings and Sundays. Five hours of instruction a week is required for illiterates, but all other work is optional. The chaplains organize and supervise instruction. The legislature did not appropriate any money for school buildings, educational materials, or salaries. The board appointed an educational supervisor in 1930, but no provision for his salary was placed in the budget for the prison system.

Funds for education and recreation are supplied by the commissary, annual prison rodeo, and visiting fees. The same funds provide equipment for baseball, motion pictures, and orchestras. Radios, pianos, and library books come from the same sources. The salaries of the educational supervisor and recreation director and some extra compensation for the chaplains are paid in the same way.

There are twenty-three units in the prison system, and each unit has a school. There is only one large room for each school. At Huntsville there are 200 to 300 prisoners in one room, divided up into twenty to thirty groups. Textbooks are supplied by the state educational authorities—these books are for children, not for adults. Library facilities are limited.[1]

Mississippi

In 1928 the Mississippi Penitentiary consisted of four plantations or farms: one containing about 16,000 acres; another, 3,016 acres; a third, 1,800 acres; and a fourth, 2,700 acres, a total of 23,516 acres. The administration headquarters were at Parchman, the largest of the plantations, on which there were fifteen units, or camps, for housing inmates. Each unit was inclosed by a strong wire fence with entrance through a gate covered by a guardhouse. Five of the units were of wood construction, and ten of brick. The wooden buildings were being gradually replaced by brick structures.

[1] *The Prison Labor Problem in Texas*, a survey by PIRA, 1937; PIRA *Progress Report*, May 15, 1937.

Each unit had a dormitory and its own commissary. The cooking for each unit was done by its own men. Preparation of food for small numbers has obvious advantages over the usual prison situation where food is prepared in large quantities.

The farms were run on the state-account plan, as in Texas. The principal crop is cotton, and a large amount of corn and other crops is raised. About 75 per cent of the population were employed in field work; the remaining 25 per cent, in maintenance and guardwork.

Administration of the prison system was in the hands of three trustees, elected at each general election, one for each of the Supreme Court districts. Their terms, consequently, begin and end at the same time, making continuity of policy very difficult. The trustees receive $2,700 a year and traveling expenses. They have entire charge of the general business of the prison and determine the general policy, but they do not control the farming or administration of the prison.

The superintendent is appointed by the governor with the approval of the senate. He directs the work of the men on the plantations, but the sale of products is in the hands of the trustees.

Each of the units is in charge of a sergeant, the larger ones having two. Guarding the units and the prisoners outside during working hours is done by trusties.

In 1928 the population was 1,621. The number of women prisoners averaged forty to fifty. They were housed in one of the newer and better units. They were employed in making clothing for the prisoners. The prison uniform was of striped cloth.

For four years ending in 1928 the penitentiary had paid into the state treasury $2,354,260.14 and had in cash and in inventory on cotton and other products awaiting sale $375,687.23. $2,002,-203.54 was withdrawn from the treasury for operating expenses, leaving $727,643.83 for operating profits for the four years.

The administrative organization of the prison system of the state is not planned to give continuity of policy or to fix definitely responsibility for success or failure. The choice of the Trustees by popular election is exceptional; Georgia is the only other state using this method of selection. Division of responsibility results from the appointment of the superintendent by the governor

and the allocation to the trustees of oversight of the welfare of the prisoners and of control of the sale of prison products. The prison system has been a political football for many years. It has produced financial profits, but it is organized on unbusiness-like principles.

The practice of turning over all profits to the state treasury and thus compelling the farms to go to the legislature for appropriations for improvements and expansion is an unsatisfactory arrangement. The establishment of a revolving fund would enable the farms to operate more efficiently and would lead to more steady development and improvement.

The farms of Mississippi are comparable to those of Louisiana, Texas, and Arkansas in extent and importance. The living conditions are decent, and the inmates are given good physical care. There is no educational work, although there is a great amount of illiteracy in the prison population. The state does not concern itself with the rehabilitation of the prisoners or with their preparation for life after release.

Mississippi is one of four states using inmate guards. It also remains with the more backward states in the use of the strap as the major form of punishment. It "lags far behind most of the states in everything but financial returns," in the opinion of the representatives of the Osborne Association.[1]

Louisiana

The state prison in Louisiana consisted in 1928 of a receiving station near Baton Rouge and two plantations, a large one of some 18,000 acres and a smaller one of 3,500 acres. The receiving station had a hospital for the prison system and quarters for a few men employed in manufacturing clothing and shoes for the general prison population. Men are ordinarily held but a short time and then transferred to one of the plantations.

Louisiana prisons are in charge of a general manager nominated by the governor and confirmed by the senate, for a four-year term. The general manager receives a salary of $6,000. He appoints the wardens, determines the policy, and is responsible for the entire management of the prison system.

The warden is responsible for the general supervision of the men on the plantations. Discipline is handled by the warden

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 523–529.

and general manager jointly. Trusties for guard duty are selected by the warden.

Each plantation is in charge of a superintendent, and each camp unit is in charge of a captain and foremen, the number depending on the size of the camp.

The men are housed in dormitories. The units care for an average of 150 men. The cooking is done for each camp separately. Some of the newer units have a large recreation room between the dormitory and the mess hall, which is used for shelter on rainy days and as a recreation room during the evenings.

In 1928 there were 1,687 prisoners distributed as follows:

Angola:	
Eight units for men	1,203
Women's unit	62
Men in hospital	19
Road camp	152
Oakley:	
Plantation	158
Receiving station	93
	1,687

The chief product of the plantations is sugar cane. The cultivation of this crop and the building of levees, running the sugar refinery for part of the year, and construction work provide employment for all the men.

During the four years ending in 1928, the prison paid $100,000 of bonded indebtedness on the plantations and spent $380,000 on improvements. Floods seriously affected plantation earnings.

The Louisiana prison system is very similar to that of Mississippi. The major part of the population is distributed in comparatively small housing units scattered over the plantations. Seven of the housing units are built of brick. The prisoners live under more normal conditions than in great prison plants. There is a good relation between the administration and the men, and there is a recognition of the value of recreation in the development of a good morale.

On the other hand, the use of inmates as guards exists in Louisiana as in Mississippi, Florida, and Arkansas. The dangers of this system are obvious and need no special emphasis. The use of the lash as the major punishment is a method open to

grave abuse. No effective restrictions are provided to avoid abuse. Striped clothing is still worn. There is no provision for education, although there is a high degree of illiteracy among the inmates.

According to the judgment of the representatives of the Osborne Association, "the system of discipline is not unduly repressive, although there is little if anything of a definitely constructive nature in the methods of handling the inmates."[1]

Arkansas

The prison system of this state is very much like those of Louisiana and Mississippi. The prisons are farm units, and the practice of using inmates as guards is followed in all three of the states. The number of acres worked in Arkansas is considerably less than in Mississippi.

There is a receiving station, known as *The Walls*, at Little Rock, the state capital. An appropriation for the establishment of a prison was made as early as 1838, but the institution was only completed in 1910. Only about 100 men were kept there in 1928 for the manufacture of clothing and keeping records. The major part of the prison population was placed on farms. A little over 50 per cent of the prisoners are usually made up of people from the farms. One farm contains 4,380 acres and is used primarily for white prisoners. In 1928 there were three units for 696 white men and one for 119 Negroes. The other farm has 7,000 acres for the 541 Negroes, who are quartered in three units.

The state prison system is managed by a board of five members appointed by the governor for terms of one to five years, the chairman having a five-year term. The chairman devotes a good deal of time to the business problems involved in the large farming operations. In immediate charge of the prisons, there is a superintendent responsible to the board of managers. He has sole authority to employ and discharge help, including wardens. The cause of discharge must be reported in writing to the board. Each farm is in charge of a warden who acts as custodial officer and as farm superintendent. The men are housed in large wooden dormitories, which are quite satisfactory, except for the fire hazard involved in the use of such buildings.

[1] *Ibid.*, pp. 388–394.

Food is prepared for each unit separately, as in Mississippi and Louisiana.

Aside from a few men at Little Rock who make clothing for the prisoners, the only real industry is farming. The chief crop is cotton, though large amounts of corn and hay are raised for farm stock, and garden products for institutional use.

When the present board took over the management there was a deficit of $228,000. In 1928 the deficit was being reduced, and it was expected that the system would soon be operating at a profit.

The beginning of an educational program on one of the farms for white prisoners was made in 1927 with the assistance of the state department of education. The work was voluntary, primarily for illiterates, and extended through the fifth grade. It is planned to extend the work to one of the Negro farms and increase the scope of the work for white prisoners. This educational program has significance for all the Southern states.[1]

As the result of an inquiry from the state planning board and a preliminary conference with the board and with the governor and state leaders, a survey was made by PIRA in 1936. The Arkansas penal system was found to be "unique and almost primitive" in character, "based on agriculture without any of the equipment or methods of the usual modern penitentiary," but it had the "virtues of general employment of prisoners and low cost." It needed "housing, industries, educational activities, medical care, and a probation and parole system."

The recommendations of the survey were "vigorously supported" by the governor and the planning board. The legislature passed much of the legislation needed to make the program effective. In the short time since the survey was made, the state has "prepared the way to make more progress in penal matters than in its entire previous history."

At the time of the survey there were 2,032 state prisoners. Slightly more than half of the population is colored. This is about twice the proportion of Negroes in the state. Of these men 62 per cent were engaged in productive assignments and 33 per cent on maintenance. The large number on maintenance is due to the practice of using inmates as guards and the need of large numbers of men as foremen on open-farm operations. There

[1] *Ibid.*, pp. 138–144.

were 164 inmate guards and 43 "riders," or convict foremen, bossing gangs of men. The problem is to find diversified employment for men who come from the towns and to prepare for future needs. Over 400 men are employed in clearing land and other work that cannot continue indefinitely.

In 1932, 84 per cent of the value of farm output was state account, and 83 per cent of the men productively employed were engaged in raising cotton for state account. Since 1932 there has been an increase in the output of agricultural and industrial products needed for prisoners on the farms with a corresponding decrease of goods for sale in the open market. The state must eventually face the problem of sale on the open market, as about one-half of the states have already prohibited such sales.

Originally, the penitentiary was leased to private individuals and prison labor used by the lessee or subleased to contractors. In 1893 the management of the prison was taken over by state officials. From 1893 to 1913 prisoners were leased by the state to farmers, contractors, and manufacturers. Leasing was abolished in 1913. In 1901 a farm was purchased, and convicted men not needed at the prison were moved there to grow cotton. A second farm was purchased in 1916. One farm was used for white prisoners, and the other for colored men. In 1933 the old penitentiary was abandoned, and the small amount of industrial work carried on there was transferred to one of the farms. Under existing law prisoners may be leased to other state agencies or commissions for "public activities, including building, maintenance, and repair work." Arrangements must be approved by the governor and the attorney general.

In the Arkansas penal system too much emphasis is placed upon punishment, hard work, and profits. No provision for rehabilitation is made except through work. There are no religious services, no vocational training, no athletic equipment, and no library. The hospital facilities are described as "deplorable." The only administrative employes, except deputy wardens and bookkeepers, are a physician at $1,500 a year and a dentist at $900 a year. The budget allowed $360 annually for each of two chaplains, but the allowance was not used during the current biennium (1936).

During the summer of 1937, conferences were held at Little Rock with the governor, the prison board, the planning commis-

sion, the director of the WPA, and the members of the Penitentiary Building Commission, created by the legislature to consider procedure under the recommendations made by PIRA. It was decided to proceed with the erection of the first unit of the new prison as designed for the state by Alfred Hopkins, acting as a consultant for PIRA. This unit is to contain the administrative and receiving quarters, the hospital and classification facilities, and the schoolrooms. Brick owned by the state will be made available for the new institution through a WPA project organized to tear down the walls of the old penitentiary.

Two other developments in the Arkansas program are the setting up of the probation and parole supervisory service as a separate division of the state constabulary and the introduction of a civil service system applying to all state personnel.[1]

Florida

Until 1928 Florida had a farm at Raiford, which was established in 1913, when most of the state prisoners were employed on the highways. It is now the state prison, and all state prisoners are received there and remain or are distributed later to the road camps.

The growth in population resulted in such serious overcrowding in the wooden dormitories that the construction of a regular prison plant was begun. Modern industrial buildings were completed in 1927, and a group of concrete buildings providing for cell houses, commissary, and auditorium were ready for occupancy in the fall of 1928. The new cell house has a capacity of 1,200. Part of the cells are planned for one or two men, but some larger units are included. The old institution was inclosed by a high board fence. The new prison plant is surrounded by a high wire fence.

As in other Southern states, the farm is not merely a part of the prison but is a major industry. The state owns 18,000 acres, of which 15,000 has been fenced, and 3,000 is cultivated or used for gardens or orchards. The products are either used in the institution as needed or sold.

A Board of Commissioners of State Institutions has the general administration of the institution. It consists of the governor,

[1] *The Prison Labor Problem in Arkansas*, a survey by PIRA, 1936; *Progress Reports*, May 15, Oct. 15, 1937.

secretary of state, attorney general, comptroller, and commissioner of agriculture. These officials compose the governor's cabinet and are elected for four years. The superintendent is appointed for an indefinite term, and he appoints the guards. Besides the civilian guards, considerable use is made of inmate guards for gangs working in the fields and for places within the institution.

Colored and white prisoners are housed in separate dormitories, and the women in a separate building. The quarters for women in 1928 were "frightfully overcrowded," and "in no other institution of the country were women prisoners so little separated from the men." There were at this time 1,432 inmates.

The Raiford institution has had the most rapid increase of population of any prison in the country. It is as a result a "curious combination of a farm prison and an industrial prison." The new workshops are for the manufacture of shirts and underwear and for automobile tags. The industries are on state use and contract, and the farm on state-account bases. There is no educational program. Some provision is made for recreation.

Besides Raiford the state maintained in 1928 nineteen state-operated road camps. These camps are crudely constructed and in most instances overcrowded. The inmates are engaged in state-highway construction and maintenance. In addition to state camps, there were at the same time forty county camps and one leased camp. These camps are under state control only to the extent of periodic inspections which are more or less perfunctory. They are far inferior to the state-operated camps. Some are steel wagon cages, and others are stockades. Florida ranks below Alabama, Virginia, and North Carolina in general road-camp conditions in the opinion of the Osborne Association, which recommends legislation compelling all counties to turn their road camps over to the state.[1]

North Carolina

The prison system of North Carolina in 1928 consisted of the central prison at Raleigh, two farms—one of about 6,500 and the other of about 2,600 acres—and numerous road camps. The general direction of the prison system is under a Board of Directors

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 225–235.

of State Prisons composed of seven members. There are a superintendent and a warden of the central prison.

The plant used as a central prison was established in 1869 on a 20-acre plot. The main buildings are castle-like structures of red brick. There are two wings; in one are the cells for whites and Negroes; and in the other, a mess hall and women's quarters. The institution is in numbers one of the smaller units of the prison system. All prisoners are received here before their distribution to the other units, and those physically unfitted for hard work are retained. The best industry is a print shop which employed ten men in 1928. A small number of men were also employed in making concrete culvert pipe for the state highway department. Caning of chairs is another industry selected because men unable to do hard work can be employed in this way; in 1928, 151 were occupied in the industry. The white women are employed at sewing, and the Negroes at laundry work.

Besides the central prison, there are two farms, as has already been indicated. Fireproof barracks have been constructed which are adequate in size and well lighted and ventilated. Cotton, corn, peanuts, and sweet potatoes are the principal farm products. A dairy herd and piggery are also sources of food supply. One of the farms is used for Negro prisoners. There were about 130 Negroes in 1928. Farm work is better for most of the inmates than industrial work. The farms seem to be profitable to the state.

There were fourteen camps in 1928 which were under the general control of the superintendent of prisons and the immediate direction of a supervisor, with a number of guards depending on the size of the camp. Certain camps were run as honor camps without any guards. The buildings were wooden structures covered with tar paper. The camps are ordinarily temporary, and the construction is naturally crude. A wire fence about 12 feet high surrounds the buildings, with guard boxes on the corners. Highway rock, rock quarries, and bridge construction are the usual forms of work. There is little time for recreation, and no educational program.

"The road camps do not compare favorably with those of Virginia or Alabama in their equipment, upkeep, or general program."

"The prison system of the state, as a whole, appears to have made substantial progress in recent years. This is largely in the development of the material side of the prison system; attention should now be given to a better development of the road camps and especially of the activities which have proved their constructive value in other institutions."[1]

GEORGIA

In the third group of Southern states are Georgia and South Carolina, in which the majority of prisoners are in the custody of the counties. In both of these states the penal system is involved in the larger problem of the relation of the counties to the political organization of the state. The concept of local home rule is the most antiquated to be found anywhere in the United States. Little improvement in the administration of the penal system can be expected until the state authorities are given their proper place in the control of state affairs.

The Georgia prison system is under the control of a prison commission of three members, one being elected every two years for a six-year term. They receive $3,500 a year and traveling expenses. They appoint the superintendent of the State Farm and the wardens in each county on nomination of the county commissioners. The superintendent of roads, who is also warden of the county stockade, is the man appointed by the state board as warden for the state prisoners.

When a man is convicted and sentenced, the clerk of the county court notifies the prison commission, which sends one of its transfer agents to take the prisoner to the State Farm or notifies the county warden to transfer him to the camp to which he has been assigned. The state budget covers only the salaries of the board, clerical and transfer officers, and transportation charges. As soon as the prisoner is turned over to the county all expenses are met by the county in exchange for the labor performed.

In 1926 there were 2,945 state prisoners. The budget allowance for the state board for that year was just over $24,000. The expenditures for the State Farm, including the sections for men and women, and for the hospital were about $85,000. All other costs were borne by the counties.

[1] *Ibid.*, pp. 716–727.

The State Farm was established on its present site as long ago as 1850. It is now "the dumping ground of the state prison system." There are three parts; a section for men, a tuberculosis hospital, and the institution for women. The hospital is about a mile distant from the men's section, and the quarters for women are about two miles away. In 1928 there were 201 inmates in the men's section and 61 in the hospital. The buildings are old. The men are housed in dormitories. The only industry is farm work. The women's section is in charge of a deputy warden and his wife. In 1928 there were 70 white and 200 Negroes. The white prisoners are employed in housekeeping and light duties, and the colored at farming.

Road camps have been used in Georgia at least since 1848, for one of the camps has been located on its present site since that year. Most of the able-bodied prisoners are placed in these camps, which are county camps, usually on land owned by the county. Sometimes they consist of only a few acres; in others they are the county farm. The buildings vary from fairly modern concrete structures in a few counties to old wooden buildings and only cage wagons in many others. A few are of brick. The buildings are generally surrounded by high board or wire fences. Living conditions vary in the different camps. In a few of the newer ones facilities have been fairly well provided for, but in many they are quite inadequate. The use of cage wagons is a survival from the time when most of the convicts were Negroes. "Cage wagons have no proper use today unless for exhibition as historical curiosities." The wardens are paid entirely by the county. The selection is based usually on competency to do road work rather than to handle men with a view to preparing them for release. Most of the men are engaged in grading county roads, but in some cases they are used in all kinds of road work.

In no other state is the actual control of the state board over the state prisoners so limited as in Georgia. It is responsible for the transfer of prisoners from the county jail to the county camps. It has authority to inspect, but this power has been rendered futile through lack of sufficient appropriations to cover the employment of a staff of competent inspectors. Furthermore, the counties can and probably would refuse to take state prisoners if standards were raised to a proper level. The state

ought to develop a prison system on a state basis and take the responsibility for the custody and employment of its prisoners.

"There is no state in the Union in which the prison system has so few points of excellence and so many grave defects as in Georgia" in the judgment of the Osborne Association.[1]

PIRA was brought into the Georgia situation by a request of the PWA that the state authorities consult it in regard to industries to be installed in the new prison built for the state by the PWA. As a result, conferences were held with the governor and other state officials in December, 1936, and in January, 1937. In February, 1937, the governor invited PIRA to make a complete study of the Georgia penal system and recommenations for the changes necessary to bring it in line with modern ideas of penology. The report of the survey was completed in November, 1937.

Some of the recommendations made were: (1) the substitution of an appointive, unpaid board with overlapping terms for the existing elective board. This new board to appoint a full-time executive to have complete control of the prison administration. All personnel to be upon a merit basis; (2) the abolition of the existing practice of turning state prisoners over to counties and the development of state camps for prisoners selected for road work; (3) the designation of different units for special types of inmates; (4) the establishment of a receiving and classification unit at the new prison; (5) the development of an educational and vocational program to eliminate illiteracy and to give trade and industrial training to young offenders; (6) the revision of the probation and parole laws.

In September, 1937, Governor E. D. Rivers announced his intention of recommending to the legislature "a complete reorganization of the Georgia penal system, including abolition of the chain-gang camps and the introduction of vocational and school training and a balanced system of state-use employment."

PIRA described this announcement "as one of the most significant developments in recent penological history."[2]

[1] *Ibid.*, pp. xxv, 236–244.

[2] *The Prison Labor Problem in Georgia*, a survey by PIRA, 1937; *Progress Reports*, May 15, Oct. 15, 1937.

South Carolina

The state law in South Carolina provides that the county supervisor and the judge shall decide whether a prisoner shall go to a county road camp or to the state prison. Under this arrangement he is usually sent to the county camps unless sick, aged, or incapacitated for work, when he is sent to the state prison. This institution is consequently a dumping ground, and the population is to an unusual degree made up of sick, injured, aged, and incorrigibles.

The penitentiary is partly very old and partly very new. The buildings date from the establishment of the institution in 1866 to buildings completed in 1928. The main cell house is a curious old structure in which the cells are arranged in five tiers around the outer wall, leaving an open space in the center extending from the floor to the roof. A huge stove in the center was the only heating provided in 1928. Since that time a new heating system has been installed.

In 1928 there were 456 inmates in the penitentiary and on the two farms connected with it. The two farms contain 6,000 acres, and they are located some distance from the prison. They are run as industries rather than as farms for institutional use. Over half the prisoners are employed in the manufacture of fiber furniture. About seventy Negroes are employed on the two farms; 20 per cent of the population is on maintenance details; and the remainder are incapacitated.

A new building has recently been constructed for women by inmate labor. The new quarters will be a great improvement over the old. In 1928 there were ten white and thirty-eight colored women prisoners. They work in a separate factory on certain parts of chair manufacturing.

The penitentiary is under the general control of a board of five members, appointed by the governor for a term of five years. Their terms expire in rotation. Members are given a per diem allowance of $10, not to exceed four days a month. They visit the institution once or twice a month and with the warden make the general policy. The governor is an ex-officio member of the board and keeps in close touch with the institution.

The prison is expected to and does pay its own way, but for many years it has been neglected. A beginning has been made

in bringing it up to modern institutional standards. Appropriations should be made as rapidly as possible to establish an educational system, a library, and adequate medical service.

"In South Carolina the situation is perhaps not so serious as in Georgia, but it has many points in common with it." The state must assume its proper place in the administration of the penal administration.[1]

A recent study of American prisons prior to 1915 devotes a chapter to Southern penal developments and describes the general conditions existing in that section of the country. The author of this study points out that the beginnings of a penitentiary system were "cut short by the Civil War, and the turmoil of reconstruction created social and economic problems and standards of cruelty that have since continued to vilify the penal practices of the South."

The differences resulting from the postwar conditions have not been effaced during the time that has elapsed since 1865. "Practically all the forces and conditions controlling Northern developments were absent in the South." People were occupied with the rebuilding of their homes and communities and consequently did not have time to engage in the humanitarian work that was carried on by prison societies and boards of charities in the North.

The South had "no Auburn tradition of one man to a cell to compel sober consideration of new plans" when increasing prison populations made necessary new institutions. No strong labor organizations opposed the use of convicts in the construction field. The stable political situation in the South prevented effective legislation. The South has been solid in support of its penal methods, as it has been solid in support of one political party.

Race conflicts were aggravated by the experiences of reconstruction and by the rapid increase in the number of Negroes in the criminal population. The lease system, therefore, seemed more suited to the conditions of Southern penology than the more costly institutional systems of the North. Gradually the lease system receded and was replaced by a more wholesome plantation life. The use of adult prisoners on large farms developed first in the Southwestern states. Texas and Mississippi

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. xxv, xxvi, 877–886.

were pioneers in the development of large farms for prisoners. By 1900 the penal plantation seemed to be the growing feature of Southern penology.

In spite of some improvements in the situation, the penal systems in the South "remained strangely isolated from the vital influences active in Northern penology." The great prison farms of Texas and Mississippi were entirely unlike anything to be found in the North. The lack of any clear distinction between state and county offenders was another marked characteristic of the Southern penal situation. Climate, history, and race problems combined have determined that "the Southern states from a penological point of view have never really belonged to the Union."[1]

[1] McKelvey, *American Prisons*, a study in American social history prior to 1915, pp. 172–188, The University of Chicago Press, 1936.

CHAPTER IX

PENAL ADMINISTRATION

In a foreword to a report on *Penal Administration as Related to Job Analysis, Personnel, and Civil Service* former Governor Frank O. Lowden of Illinois states that "a great change has taken place in our ideas of what should be done with criminals. All the new ideas of reformatory treatment have been incorporated to a very great extent in our laws. Our penal administration has not kept pace with our advancing thought. On the contrary, it has lagged far behind, and as a consequence we, as a body politic, are now suffering from that old complaint, common to many weak individuals, of good intentions not carried out. The solution of the crime problem depends on many factors, not least of which, we believe, is the problem of personnel."[1]

Penal administration in the United States is still largely in the stage of political selection of its personnel. As in appointments to administrative positions in other departments of government, the basis of selection is not merit or fitness for the duties of the office but whether or not the person to be appointed votes for the right party at elections. The idea that to the victors belong the spoils of office has survived in our political contests from earlier times when the duties of officials were simple and could be easily learned. Like many other influences, it has come down to the present day from life on the frontier or from colonial times. Rural communities of the first half of the nineteenth century have furnished the pattern for much of the administrative work in the urban civilization of the twentieth century—a cultural lag of great importance. New York and Chicago with all their complex problems are administered by officials who are unconsciously dominated by the methods and ideas of an earlier period. Our state governments also are governed in a similar fashion. Reor-

[1] *Penal Administration as Related to Job Analysis, Personnel and Civil Service*, a report submitted to the National Crime Commission by the Subcommittee on Pardons, Parole, Probation, Penal Laws, and Institutional Correction, 1930.

ganization of state governmental machinery has taken place in only a few states. Most of them have established commissions as the need for them appeared, adding to the total amount of political machinery but not introducing new ideas or recognizing the demand for a new type of trained official to deal with new problems and more complex social conditions. Penal administration is one part of the machinery of state government, and it has shared in the same experience.

The report of the National Crime Commission, just referred to, declares that "there is no more significant trend in modern industry than the movement to increase efficiency through job analysis and the scientific handling of personnel . . . an advance in penal administration can be brought about only through the full acceptance of the business principle of knowing, really knowing, what each job is and of finding and developing the proper man to do it.

"In industry this work is carried on by personnel departments. The nearest thing in public administration corresponding to personnel departments are civil service commissions. We [the commission] believe that these are more essential than the personnel departments of private business concerns. We must remember that any of our forty-eight states or even any one of our numerous large cities or counties is a large business concern, very commonly the biggest single employer in the district, spending large sums of money annually on tasks of huge social significance and having many employees on its administrative staff. In private business the drive for profits is usually strong enough to overcome the pressure to place incompetent men on the payroll. As a rule, there is no such sentry standing guard over public business to prevent the entrance of untrained, ill-adapted, and unfit employees."[1]

What happens in penal administration is described in a report of the National Commission on Law Observance and Enforcement:

"The prison has failed as a business enterprise. With few exceptions our prison system is a costly and dependent institution. We spend on the average $350 each year for the maintenance of each individual prisoner. The prison has failed as an educational institution. No one claims that the men who are

[1] *Ibid.*, p. 5.

released are better equipped to accept an honest role in the world than they were before commitment. The prison has failed as a disciplinary institution. The riots, the fire, the use of cruel and brutal measures of punishment, the persistent recurrence of murder within the prison, the presence of sodomy and narcotics, the frequent atmosphere of hate and bitterness are sufficient evidence.

"In part, at least, the failure is due to the method by which the warden is chosen and to the time he is allowed to hold his position. He is generally a political choice without adequate preparation for his problem. In some Western states the term of the warden begins and ends on the same date as that of the governor, and 'the appointment is primarily a reward for political service rendered.' This is illustrated by the fact that in one prison in the space of seventy years there have been thirty-six wardens—an average tenure of less than two years per warden.

"A classification of the material in the *Handbook of American Prisons and Reformatories*, published by the National Society of Penal Information, indicates that 40 per cent of all the wardens listed had had less than five years' service. There are thirty-four wardens in this group; twelve of these had less than two years' experience; fifteen more of them had less than four years' experience; nearly 60 per cent had served less than seven years; and 75 per cent had served less than ten years. No adequate picture of their previous experience or qualifications is available. The largest proportion give prison work as their background, which probably means that they had earlier positions as guards or deputies. Some 18 per cent of all the wardens had political experience; some 15 per cent more were either sheriffs or police officers."

Perhaps these facts are sufficient "to show that the warden does not bring to the prison the background of training that is required by modern standards of penal administration. In part, at least, this situation is accounted for in that the warden's salary does not attract men who can earn better incomes in other callings. For those prisons and reformatories for which data were available the salary schedule was low. Of the eighty-five wardens whose salaries could be classified, 14 per cent received $2,500 per year or less and only 6 per cent received a salary of over $6,000." It should be noted that almost always the salary carries an addition of house, food, and servants.

"When one remembers the manifold responsibilities that a prison administrator must assume and the aptitudes he must display, this schedule of salaries is an eloquent reason for the comparatively slow progress made in the adoption of scientific methods in the administration of our prisons. But it would be an error to assume that the financial difficulty is the major one in securing the kind of person who needs to be attracted. The greatest difficulty lies in the concept of the function of the prison. The prison is looked upon not as a professional problem of the highest complexity, requiring men of great knowledge and ability; not as an institution having three or four thousand young people needing educational interest and activity; but rather as an institution for the repression and control of the dangerous, and for that purpose the higher type of individual is not available. Not until we recognize that a prison is a great opportunity for broad educational endeavor will we attract the kind of administrator who is needed. That is one of the first needs of the prison—a new type of institutional head, a type of administrator who could be called as the president of a great educational institution."[1]

The position of the guards in our penal institutions is even more unsatisfactory than that of the wardens from the point of view of efficiency and the administration of these institutions in a constructive way. "Appointment is generally by the warden and is often subject to political pull. There are, practically speaking, no standards. And apart from one or two exceptions of very recent origin, no training is either required or given to them." The pay is low, the hours of labor are long, the opportunities for promotion and increase in compensation are small, and days off and vacations are badly arranged or not adequately provided to counteract the excessive strain and abnormal life.

Such information as is available shows that the minimum salary in 64 per cent of our prisons and reformatories is $1,300 or less and that 63 per cent pay a maximum of $1,500 or less; 35 per cent pay a minimum of $1,000; and 28 per cent pay a maximum of $1,100. The poor pay is responsible for a great turnover among prison guards, and one of the greatest problems is to maintain a staff that can be trusted to be honest. In one prison in New York

[1] *Report on Penal Institutions, Probation and Parole*, pp. 41–43, National Commission on Law Observance and Enforcement, 1931.

in 1929 the turnover was 50 per cent. In 1926 the new warden of the Eastern Penitentiary in Pennsylvania said that "a majority of the guards were men who had been given positions for some political work that they had done, or who couldn't be employed elsewhere, and a large proportion of them were corrupt." There were 110 guards when he took charge, and in two months he discharged 95 of them. Men employed under such circumstances can hardly be expected to contribute to the broader purposes of the prison. The need for improvement does not require emphasis.[1]

State Civil Service Commissions

The status of wardens and guards in the prisons indicates the need of better methods of selection as well as larger salaries for better trained men. As Governor Lowden pointed out, the machinery corresponding in public administration to personnel departments in private business is the Civil Service Commission.

There are only ten states out of the forty-eight that have such a state commission. These are California, Colorado, Illinois, Kansas, Maryland, Massachusetts, New York, New Jersey, Ohio, and Wisconsin. The jurisdiction of these commissions varies greatly from state to state.

The Kansas commission has no money nor any real power. The California commission has no jurisdiction over positions in penal and correctional institutions, not even in those owned and managed by the state.

New York, New Jersey, Massachusetts, and Ohio are the only states which have given their commissions any power over appointments to positions in local government. In Massachusetts there is only one civil service body in the state. The state law gives the commission power to fill by competitive examination all offices (except executive posts) in all state and city penal and reformatory institutions, but its authority does not extend to counties and county institutions. The commission in Ohio has jurisdiction over appointments to all state and county institutions but not over municipalities. In Ohio many of the larger cities have their own commissions, although these are under the supervision and responsible to the state commission.

[1] *Ibid.*, pp. 43–47.

In New Jersey, as in Massachusetts, there is only one civil service commission, but only those counties and cities which choose by referendum vote to adopt state civil service control are under the state commission. In 1929, although only a small number of counties and cities had adopted civil service, approximately 80 per cent of all state, county, and municipal employees in the state were under civil service regulation.

New York is somewhat like Ohio in state civil service jurisdiction. The state department of civil service makes appointments to offices in state institutions and in three county penitentiaries but not in county jails. It also has the power to investigate municipal commissions while acting in an advisory capacity.

Of about 3,065 counties in the United States, only 5 have their own county civil service boards—Los Angeles and Alameda in California, Milwaukee in Wisconsin, Cook in Illinois, and Wayne in Michigan. Of these only the first three have jurisdiction over appointments in county penal institutions.

Of the 1,320 cities in the country having more than 5,000 population, only about 200 have any civil service organization. Fourteen claim to possess powers over appointments to offices in municipal jails or workhouses. Of course, many of these institutions have very few inmates, and their importance should not be overemphasized.[1]

Actually only eight states have commissions that can exercise any real power over the selection of personnel in penal and correctional institutions, and in these states the civil service authority is limited in many ways. Two counties, Los Angeles in California and Milwaukee in Wisconsin, both hold competitive examinations for the office of warden in their county institutions. The New Jersey commission gives an examination for the executive post in one or two county workhouses. The St. Louis Efficiency Board holds open competitive examinations for warden of the municipal workhouse, as does the Municipal Commission of New York City.

With these few exceptions, the executive posts in state, city, and county penal institutions in the whole country are exempt from civil service. Appointment to these positions, consequently, is often a matter of political pull.

[1] *Penal Administration as Related to Job Analysis, Personnel and Civil Service*, pp. 6–11, report submitted to the National Crime Commission by the Subcommittee on Pardons, Parole, Probation, Penal Laws and Institutional Correction, 1930.

The examinations in these few instances are indefinite and not comprehensive. Most of the commissions seem to feel that the qualifications of a person to fill an executive post can best be ascertained by personal judgment through an interview. The greatest emphasis is placed on previous experience and training and then on personality and executive ability. No reliable tests have yet been devised to discover the presence of executive ability, and "personality" is a vague term.

In New Jersey the qualifications for warden of a county workhouse as drawn up by the state commission are specific and somewhat more detailed. All applicants must have had a common-school education and be at least thirty-five years old and in sound physical condition. A minimum of ten years' business experience, of which at least three years shall have been in a responsible executive capacity involving the supervision of others, is also required. The candidate must have the ability to direct the administration of the institution, initiate working policies, and be able to handle prisoners as well as employees. The examination is divided into three sections with the following relative weights: experience and training, 5 points; personal and physical fitness, 1 point; special subjects, including questions on duties—either oral or written—4 points.

The Ohio commission does not have a regulation examination for the position of warden. Qualifications and fitness are determined by personal interview. The Milwaukee County Commission follows the same principle in selecting the warden of its house of correction.

In Los Angeles County, the examination for warden of the county farm consists of two parts: the first includes previous experience and general qualifications as determined by a personal interview and the presentation of references and carries a weight of 6 points; the second part consists of a written examination made up of (1) the Otis intelligence test, (2) special questions on duties and a section on arithmetic and carries a weight of 4 points.

The only executive position listed under the Massachusetts commission is that of master of the Suffolk County House of Correction. The examination is in three sections: questions testing the applicant's knowledge of the principles of administration in the state system of correction and of facts relating to the organization of the board of control; his understanding of the problems and theories of penal industries; his knowledge of the legal dis-

tinction between various types of sentences. This section counts 3 points. The applicant's previous training and experience are rated at 4 points; and an interview to ascertain personality and general fitness has a weight of 3 points.

Civil service examinations for guards in Maryland give 3 out of 10 points to education and experience. Wisconsin gives 2½ points; and New Jersey, 5 points. Massachusetts and Ohio boards count 4 points for the same items. Physical fitness ranged in importance from 5 points to 50 per cent in New Jersey to no rating at all in Wisconsin. The written parts of the examinations were made up of practical questions to test the applicant's knowledge of the duties of the position. These questions were of varying length, comprehensiveness, and difficulty. Maryland and Massachusetts gave 3 points to this part of the examination; New Jersey counted it as 4 points; and New York, as 2 points.

In most cases a personal interview was included. Wisconsin gives it a weight of 50 per cent of the total credits. New Jersey allows 3 points; Ohio, 3; Massachusetts, 3; and Maryland, 2.

Most of the state boards have a definite age limit and a standard of height for guards. In general the minimum age is placed at twenty-five, and the maximum at forty-five years. Standards of height vary from 5 feet 9 inches to 5 feet 6½ inches. Weight minimums vary from 135 to 160 pounds.

The requirements of previous education and training are not high. The Maryland qualifications are the equivalent of an elementary-school education, some experience (preferably in police, naval, or military service), ability to handle men, good moral character, and good physical condition. The Wisconsin requirements are very similar, and New Jersey stipulates at least an elementary education. New York state qualifications are detailed and put emphasis on personal characteristics rather than on education and experience.[1]

State Organization for Penal Administration

Quality of personnel is enormously more important than forms of organization in determining the kind of reformatory treatment that will be given to the inmates of penal and correctional institutions. But poor forms of organization handicap the authorities in obtaining a trained personnel. "They prevent an

[1] *Ibid.*, pp. 53–56.

able staff from making its work as effective as it might otherwise be. A good staff working through a good organization will do better work than a good staff working through a poor organization." The form of organization of a state penal administration is consequently a matter of great importance in any study of the actual management and direction of the penal system. The board, commission, or other state agency determines very largely the kind and amount of personnel, the appropriations for the support of the institutions, and the general administrative policies to be followed. The executives of the institutions are usually appointed by and responsible to the state penal authority.

There are six main groups to be found in the forms of organization now used in state penal administration in this country: (1) the ex-officio type used by some of the smaller states; (2) the control of institutions by separate local boards of trustees; (3) management of the prison system by a state prison commission or similar agency; (4) administration by a state board of control; (5) administration by a state department, and (6) the New Jersey, or nonpolitical department, type.

The states in which these six groups are used may be listed as follows:

1. Arizona, Florida, Idaho, Montana, Nevada, Oklahoma, Wyoming (seven states).

2. Arkansas, Connecticut, Delaware, Indiana, Maine, New Hampshire, New Mexico, North Carolina, Pennsylvania, South Carolina, Utah (eleven states).

3. Alabama, California, Colorado, Georgia, Louisiana, Maryland, Michigan, Mississippi, Missouri, Texas, Virginia (eleven states).

4. Iowa, Kansas, Minnesota, Nebraska, North Dakota, Oregon, South Dakota, West Virginia, Wisconsin (nine states).

5. Illinois, Massachusetts, New York, Ohio, Tennessee, Vermont, Washington (seven states).

6. Kentucky, Rhode Island, New Jersey (three states).[1]

The analysis of state organization of penal administration which is given in this chapter is based largely upon the analysis made by Mr. Wilcox in this article. It constitutes the most thorough classification of the types of organization that the author has

[1] WILCOX, State Organization for Penal Administration, *Journal of Criminal Law and Criminology*, Vol. XXII, pp. 56–72, May, 1931.

found. Some changes have been made since Mr. Wilcox's study was completed. Some of these have been noted—Indiana has changed from the separate board-of-trustees system to a state board of welfare. No attempt has been made to bring all the state organizations up to date. The variety of types of organizations in general remains unchanged. No single type of organization has yet been developed in this country.

Ex-officio Organization

The ex-officio type of organization persists only in states where the population is small and where the institutions are few in number and of small size. Usually the governor and two or more state officials or appointed members constitute the board. As a rule the warden of the prison is appointed directly by the governor, and his term of office is the same as that of the governor. Such an arrangement facilitates frequent changes in personnel for political reasons and prevents the adoption of a permanent penal program. This form of organization is unsuited to the management of the penal system of a populous state. Occasionally the governor may be interested in the penal problem and give it serious attention. More frequently, other matters occupy his time, and the prison is neglected.[1]

Institutional Boards of Trustees

Of the eleven states that administer the penal institutions by *unpaid local boards of trustees* appointed by the governor, two have only one such institution and therefore only one board; five other states have relatively few institutions and a small penal population. There are, consequently, only four states that undertake to administer large penal systems by means of unpaid local boards of trustees. These are Connecticut, Indiana, North Carolina, and Pennsylvania. The institutional boards range in number of members from three to twelve. Their membership is usually nonpartisan rather than bipartisan. Members are appointed for the same term as the governor or for overlapping terms which provide for some continuity of policy. They are sometimes paid on a purely nominal per diem basis or receive merely their necessary expenses. Their functions are similar to

[1] *Ibid.*, pp. 56, 57, May, 1931.

those of directors of corporations. They determine policies, appoint officials, and manage institution affairs.

In the four large states using this decentralized type of institutional administration, some coordination is attempted through the medium of central state agencies with powers of inspection and advice. In Indiana there is a state board of charities which consists of the governor as chairman and six members appointed by him. The board appoints a paid secretary to carry on its work. It visits, inspects, and reports on the work of both charitable and correctional institutions but has no administrative authority.

Similar functions are performed in Connecticut by the Department of Public Welfare, which appoints a paid secretary and inspects each state correctional institution every three months. Indiana and Connecticut obtain excellent results from this decentralized form of penal administration, as is shown by the fine conditions existing in the institutions of these states. These results may be partly due to the disinterested services of the public-spirited citizens who serve upon these boards. Of one institution in Connecticut, the Reformatory at Cheshire, the *Handbook on American Prisons and Reformatories* states that "there is no remuneration for members of the board; expenses are allowed, but they are seldom drawn."

In North Carolina the governor with the consent of the general assembly appoints a board of charities and public welfare consisting of seven members. They serve without pay for overlapping terms, each appointment being for a term of six years. The board's relation to the penal system is supervisory. The control of appointments, salaries, tenure, budget, construction, appropriation requests, and care and treatment of inmates is in the hands of the separate local boards.

Pennsylvania has nine state correctional institutions, each of which is governed by a board of nine members appointed by the governor for a term of four years. They serve without pay and have the "direction and control of the property and management" of the institution. With the approval of the governor they appoint the warden or superintendent. The state department of welfare also has authority over the correctional institutions, partly administrative and partly supervisory. The secretary of welfare is appointed by the governor and serves as a member

of his cabinet during his term. The administrative authority is confined to the management of prison labor. The department's other powers are supervisory, including annual visits of inspection to the institutions and the authority to "direct" the officers to correct objectionable conditions. No penalty is prescribed by law for failure to comply with such directions. "The department does not have the power which would enable it to build an integrated penal system for the state."

The *Handbook of American Prisons and Reformatories* states that "it is increasingly clear that Pennsylvania needs to complete the program of centralization or to revert to the board system. The present system fails to secure the advantages claimed for local or for state control and suffers from the defects of a compromise of the two systems. In most of the larger states there is a marked tendency to centralization of authority which has obvious advantages in a state with several penal institutions. The developments in Pennsylvania in recent years give little promise that the present system of control will be successful in coping with the increasingly complicated problem of penal administration."[1]

State Prison Commissions

The third group, listed as the state prison commission type, is really a miscellaneous one. It includes the forms of state organization that do not fit into any one of the other agencies of control. All of them have certain features in common. They are administrative rather than supervisory in function and central rather than local in character. Their jurisdiction extends to two or more penal institutions, and they are concerned generally with penal administration only.

Several Southern states are in this group. The prison systems of Georgia and Mississippi are managed by boards directly elected by popular vote. It is only in these two states that we find elective prison commissions. The Georgia commission is composed of three members elected for six-year terms, one being elected every two years. Each commissioner is paid $3,500 a year and expenses. The board has complete control over the penitentiary system. The results of the method are indicated by the comment in the *Handbook:* "Georgia exceeds in size and wealth

[1] Wilcox, *op. cit.*, pp. 57–60.

most of the near-by states, but its prison system must be placed at the bottom of the list."

The Mississippi Prison Board consists of three trustees, elected at each general election, one from each Supreme Court district. They serve for a four-year term and are paid $2,000 a year and expenses. They all go out of office at the same time, making any assurance of continuity of policy impossible. It is therefore not surprising that the prison system has been a football of politics for many years. The Prison Board directs institutional policy and administers the business of the system, but the superintendent is appointed by the governor and confirmed by the senate. He appoints his own subordinates and fixes their salaries subject to the approval of the prison board. The plan creates an awkward division of authority which is not in line with sound principles of administration. According to the *Handbook* the prison system "lags far behind most of the states in everything but financial returns. Not only does it need administrative reorganization but modernization of its methods of controlling the inmates."

Michigan formerly had a state welfare department with a commissioner as head. The department operated through a series of commissions, each of which had jurisdiction over a different group of institutions, taking the place of the earlier local boards of trustees. Each commission consisted of five or seven members appointed by the governor. They were paid $10 per day and expenses. The commissions recommended candidates for superintendent to the governor who made the appointment. The State Prison Commission managed the three state penal institutions. The Michigan system represented an attempt to effect a compromise between centralized and decentralized control.

Colorado is the only state in which members of the board governing the penal institutions are required to pass civil service examinations. The board consists of three members, one from each of the three judicial districts, who are appointed by the governor and confirmed by the senate, subject to the approval of the civil service authorities. They serve on a part-time basis and are each paid $1,200 per year. The board has the general management of the penitentiary, the reformatory, and the state hospital for the insane. It appoints all employees save the

wardens, who are appointed by the governor. All appointments, including those of wardens, must be approved by the civil service authorities.

The other seven states in this group have a variety of forms of organization for the control of penal institutions. Sometimes the administration is vested in a single official, as in Louisiana where the governor appoints a general manager; more frequently there are boards of welfare, who appoint commissioners or directors for the performance of executive and administrative duties. The patchwork character of much of this official machinery suggests very clearly how far we are from any accepted or uniform type of administration of our penal systems.[1]

Boards of Control

Nine states use the form of organization described as the *board of control type* of penal administration. Seven are neighboring states in the Middle West: Wisconsin, Minnesota, Iowa, Nebraska, North and South Dakota, and Kansas. The other two are Oregon and West Virginia.

The typical board of control consists of three members appointed by the governor and confirmed by the senate for terms of six years, one retiring every two years. In Wisconsin, Minnesota, and Nebraska one member must be a woman. Usually the board is bipartisan—not more than two of the three members can be of one party. In Minnesota the tradition exists that board members shall be reappointed where they have proved efficient. Members are full-time officials and are paid salaries ranging from $3,000 in North Dakota to $4,000 in Iowa and Nebraska and $6,000 in West Virginia. South Dakota is exceptional, paying $1,500 for part-time work.

The board of control usually administers all the charitable and correctional institutions. The Minnesota board controls eighteen; Wisconsin and Nebraska, seventeen each; and Iowa, fifteen. In Kansas, North Dakota, and West Virginia, jurisdiction extends to educational institutions.

The general outline of organization is the same in six states—appointment by the governor, confirmation by the senate, and overlapping terms of six years. Kansas, North Dakota, and Oregon have a somewhat different form of organization made up

[1] Wilcox, *op. cit.*, pp. 60–64.

of ex-officio as well as appointive members. The Oregon plan approximates the ex-officio system with some resemblance to the state commission plan.

In general the board of control determines institutional policy, appoints wardens and superintendents, fixes salaries, purchases supplies, manages industries, prepares budgets and appropriation requests, directs new construction, and manages and administers the institutions of the state. This type of organization involves no division of authority, and through the overlapping terms it usually guarantees continuity of policy.

The Minnesota state government was reorganized in 1925 and placed on a departmental basis. The change was only nominal because the Board of Control was placed in charge of the department. Its composition and powers were unchanged. In Minnesota and Wisconsin the boards administer the supervision of paroled persons. The Wisconsin board also supervises persons on probation. Both boards inspect state-aided charitable institutions and local charitable and correctional institutions.[1]

The board of control plan seems to be satisfactory for states of moderate population and without too many institutions. The board appoints wardens and superintendents and holds these officials responsible for the efficient administration of their institutions. The board members confine their activities to visits of inspection, conferences with the administrative officers, and the general coordination of the business of the separate institutions. Where political influences are reduced to a minimum by the reappointment of board members and the retention in office of capable administrators, the board of control type of organization has established itself as an approved plan of penal administration. Minnesota and Wisconsin have a high standing because of the efficient management of their penal institutions. These institutions are largely self-supporting and are models for other states, particularly in regard to the handling of prison industries. Iowa, although not so fortunate as Minnesota and Wisconsin in the elimination of politics from the appointment of board members and institution executives, has had a reasonably efficient administration under this plan. The major weakness of this type of control is to be found in the fact that it tends to

[1] WILCOX, *op. cit.*, pp. 64–66.

emphasize business efficiency and to neglect the fundamental importance of the rehabilitation of the inmates. The success of prison industries tends to overshadow the recognition of the need of a humane disciplinary policy.

State Department Type

The *state department type* has been adopted by seven states. Under this plan the entire penal system is headed by a member of the governor's cabinet. This official, known as a secretary, a commissioner, or a director, is appointed by the governor to serve during the governor's term of office, usually for two or four years. Salaries vary from $4,000 in Vermont to $12,000 in New York. Generally these officials appoint, or recommend to the governor for appointment, all subordinate officials, except in New York and Ohio where the wardens are under civil service.

In five states, Illinois, Ohio, Tennessee, Vermont, and Washington, the department controls both correctional and charitable institutions. In Massachusetts and New York it administers correctional institutions alone. The federal penal system is also on the department plan, controlled by the attorney general, as a bureau in the Department of Justice. This bureau was reorganized in 1930, and its head became known as the director of prisons instead of superintendent of prisons. The director ranks as an assistant attorney general.

The state departments have managerial rather than supervisory functions. They determine the policies that govern prison administration, manage prison industries, prepare budgets, handle finances, and, in the absence of state departments for purchasing and construction, make purchases and direct new construction.

Illinois reorganized its state government in 1917. It was the first state to adopt one-man administration of its charitable and correctional institutions. The director of the Department of Public Welfare is appointed by the governor. He manages twenty-one charitable and five penal institutions. Other members of the staff of the department are appointed directly by the governor for a four-year term. There is an unpaid board of welfare commissioners, which acts in a purely advisory capacity.

In Ohio the Department of Public Welfare is divided into six divisions. The Institutional Division has charge of twenty-two institutions including two industrial schools and four penal and

reformatory institutions, with a total population of over 25,000. Divisional and bureau heads and other subordinate officials are appointed by the director with the consent of the governor.

The Massachusetts Department of Correction controls only the correctional institutions for adults. There are six such institutions. The department includes the Board of Parole and supervises paroled prisoners. It has supervisory powers over all county jails and houses of correction. The commissioner has the appointment of his two deputies and other subordinates. Massachusetts has also departments of public welfare, public health, and mental diseases and a separate state probation commission. It provides for centralized administration of similar institutions but for separate administration of institutions that have different problems. These five agencies, however, work in close cooperation.

The reorganization of the New York State government in 1927 created a state Department of Correction. This department administers only the penal institutions. There are separate departments of mental hygiene and charities.

The commissioner of correction is appointed by the governor and confirmed by the senate for a two-year term. He appoints assistant commissioners and other subordinates and names wardens and superintendents, subject to the approval of the civil service authorities. The department manages ten institutions. There is a division of probation in the department, but parole was removed in 1930, and parole administration is now in charge of the state executive department. There is also an advisory state commission of correction, consisting of the commissioner and seven persons appointed by the governor who are paid $10 a day and expenses. This commission is required to inspect state and local correctional institutions. It may investigate sanitary conditions, prison labor, and administration and advise their improvement. It has the power to close any local correctional institution that is "unsafe, unsanitary, or inadequate." It employs a paid secretary to carry on its work.[1]

The functioning of the state department type of penal administration in Illinois is described as follows in the *Handbook of American Prisons and Reformatories:* "The director of public welfare is a member of the governor's cabinet and therefore is

[1] WILCOX, *op. cit.*, pp. 66–69.

very likely to change with the incoming administration. The superintendent of prisons is responsible only for the administration of certain parts of the prison system and does not have the degree of authority that is vested in the same office in many states. Illinois might well study the organization of the neighboring states of Indiana, Wisconsin, Minnesota, and Iowa. In these states a very much greater degree of authority is left with the institution heads. In Illinois, for example, the head of each institution has little to do with the prison industries, which are handled from the state office. The psychological work is under the state criminologist, and this important work is not closely related to the other departments of the institution. Neither the warden of the institution nor the superintendent of prisons has anything to do with parole work, which is handled by a separate board. The heads of the various institutions have little if anything to do with the selection of guards. All guards are appointed by the civil service commission, and the civil service system of the state has been turned to a large extent into a political machine. The appointment of guards is another illustration of the too great division of authority that seems to characterize the institutions of Illinois. It is doubtful whether efficient and satisfactory housing for inmates can be secured or an industrial system developed that gives real employment to all prisoners until a reorganization is effected that centralizes and unifies the control of these important institutions. Whether any system of organization will completely eliminate politics may be doubted, but a properly unified organization could minimize political influence.

"A comparison of the penal institutions of Illinois in the matter of general or industrial efficiency with those of Indiana, Wisconsin, Minnesota, and Iowa would show Illinois, the most wealthy and populous of these states, to be at the bottom of the list. This appears to be largely due to the unfortunate organization of the state prison system and the great influence of politics in institutional management."[1]

Ohio, also, has the state department type of penal administration, with a director who is a member of the governor's cabinet and consequently liable to change every two years when a new

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 257, 258, 285, 294; *Journal of Criminal Law and Criminology*, vol. XXII, pp. 483–486, November, 1931.

state executive is elected. The heads of the institutions are under civil service. By the time the director has become familiar with the duties of his office, his term comes to end. Such a method does not give continuity of administration or develop a constructive or consistent policy. In population and wealth, Ohio ranks fourth among the states, following New York, Pennsylvania, and Illinois. It has fewer institutions, and they are more overcrowded than similar institutions in any other state. It has allowed its penal population to get far ahead of its building program. There must be a constructive policy backed by liberal appropriations.[1]

In Massachusetts the state department controls only the correctional institutions for adults. It provides centralized administration of similar institutions, concentrating authority in a commissioner appointed by the governor, the commissioner in turn appointing his own subordinates. The commissioner is a member of the governor's cabinet but is not as a matter of custom changed after every election even though there is a change in party control. Sanford Bates was commissioner from 1919 to 1929 when he resigned to become superintendent of federal prisons. He had previously been commissioner of institutions for Boston. Centralized control of one type of institutions, combined with experience and permanence of tenure, undoubtedly will give the best results in penal administration.[2]

The New Jersey System

The New Jersey system provides an organization that is as nearly nonpolitical as is possible within the framework of popular or representative government. The administration of all of the state correctional and charitable institutions is centered in a department of institutions and agencies under the direction of a state Board of Control of Institutions and Agencies. This board consists of nine members, the governor and eight citizens who serve without pay. One member is appointed by the governor each year for eight years. No governor can serve more than one term of three years, and consequently he does not have the opportunity to appoint a majority of the members. The board is

[1] *Handbook of American Prisons and Reformatories*, 1929, pp. 737, 745, 746, 765, 768, 776.

[2] *Ibid.*, pp. 433, 441.

therefore freed from the changes of party politics and can follow a continuous policy.

A commissioner, who acts as the executive of the department, is appointed by the Board of Control. He need not be a resident of the state; his term is indefinite; and he receives the same salary as the governor. During the years that the plan has been in operation there have been only two commissioners.

Each of the state institutions has its own board of trustees appointed by the Central Board of Control. The several local boards appoint the superintendents of their respective institutions, except in the case of the state prison. The state constitution requires that the head of this institution shall be appointed directly by the governor. In practice the advice of the commissioner and the board is sought in regard to these appointments. The system is a centralized one.

The commissioner appoints the central office staff from the list of civil service eligibles, subject to the approval of the board. The work is carried on by seven divisions: classification and parole, medicine, state use and institutional employment, architecture and construction, administration, inspection and legal settlement, and research.

The central department establishes general administrative policies and supervises institutional management. It is the sole authority in the preparation of budget estimates and appropriation requests and has power to pass upon the expenditure of each institution. It has developed a uniform cost-accounting system and a common plan for the classification and promotion of employees. Expert advice is furnished the institutions on diet, medical care, vocational education, and farm management by the specialized staff of the central office.

Through biweekly conferences of institutional superintendents there is a pooling of experience and an interchange of ideas. The barriers between institutions have been broken down, and the exchange of personnel and services has been encouraged. The state office has authority to provide for the uniform and continuous development of all institutions and agencies, so that each "shall perform its function as an integral part of a general system."

A similar type of organization exists in two other states, Kentucky and Rhode Island.[1]

[1] WILCOX, *op. cit.*, pp. 69–72.

Summary and Conclusions

In the great majority of the states some form of centralized administration of the penal system has been established. As already indicated, only four states—Connecticut, Indiana, North Carolina, and Pennsylvania—attempt to manage large numbers of institutions through separate boards of trustees.

In thirteen states actual administration is in the hands of some kind of paid board of two or more members. This class includes the board of control type. In a majority of the states either the individual institution or the entire system is under one-man control. This single executive is selected in one of three ways. In eight states he is appointed by some sort of ex-officio board. In eight other states he is appointed directly by the governor. Nineteen states, either in the appointment of the head of the entire system or in the selection of the superintendent of single institutions, use an unpaid board of citizens, serving as a board of directors. The most prevalent forms of organization, therefore, are (1) centralized administration, (2) one-man management, and (3) the unpaid citizens' administrative board.

The earliest type of organization was that of local institutional boards of trustees, and this was the typical form up to the time of the Civil War. The creation of state boards of control began in Wisconsin in 1891. Iowa followed in 1898, Minnesota in 1901, Kansas in 1905, West Virginia in 1909, Ohio in 1911, and Nebraska in 1913. The one-man type, or departmental form, of organization was the last to develop, and it is an outgrowth of the movement for the reorganization of state governments. Government reorganization began in Illinois in 1917; Massachusetts came next in 1919; and Ohio, in 1921. Later a number of other states followed their example. The impetus of the movement for government reorganization came from the desire to attain business efficiency. The impulse behind the establishment of boards of control was to bring about economical administration. Throughout this evolutionary process, the trend has been definitely away from decentralized toward centralized control.

Each of these forms of penal organization has its advantages. Institutional boards of trustees interest the best citizens of the community in the work of the correctional system. Such a board, with overlapping terms for the members, protects the institution

from partisan politics. It also secures for public service the knowledge and advice of public-spirited citizens.

The board of control form of organization, with the overlapping terms of the members, makes it fairly independent of politics and usually gives it an experienced majority in its membership. Minnesota is probably the best example of this form of organization. The tradition of reappointment of its members, already referred to, enables it to carry on a continuous program. This form of organization is also highly successful in Wisconsin and Iowa. It is an excellent plan for states that do not have a large penal population and do not need many institutions. It represents a step in the direction of centralization.

Experts in government now agree that efficient administration is best obtained under a single executive. Big business enterprises are run by single men, not by boards. In the more recently organized systems we find a single executive control. New York, New Jersey, Massachusetts, Ohio, and Illinois have a commissioner or director in charge of the penal administration.

There is general agreement in regard to the desirability of centralization, but a difference of opinion as to the method of appointment. The specialists in administrative technique favor appointment by the governor. The social work group favors appointment by a board, as in the New Jersey plan. Appointment by the governor in Illinois and Ohio has not resulted in efficient administration; in Massachusetts because of the tradition of permanence in tenure, gubernatorial appointment has been more successful. The experience of New Jersey with appointment by a board suggests that satisfactory results may be attained by the use of either method. The one essential requirement is the elimination of political influence in such appointments. No mechanism can automatically accomplish such a result. Certain qualifications for appointees to positions may be written into the law. Unfit persons would fail to meet the requirements. Finally, only the development of a sound public sentiment, interested in the efficient conduct of penal administration, can protect the inmates of our correctional institutions from partisan political influences.[1]

In April, 1937, the Illinois Prison Inquiry Commission made a report to the governor in which it recommended "consolida-

[1] WILCOX, *op. cit.*, pp. 72–82.

tion into one administering unit of all factors having to do with punishment—this to include probation, incarceration, parole, and aftercare. The idea is to combine all of the functions now exercised in the operation of the systems concerned with probation, penal institutions, parole, and rehabilitation. Succinctly, the intention is to bring under one authority every factor having to do with offenders from the time of their conviction and sentence by the courts; their probation, if granted; their custodial care; their parole, if granted; and such aftercare as may be considered desirable. It is the intention to provide for a thoroughly competent administrative board, comprehending every phase of welfare work concerning offenders, with properly qualified case-workers, necessary departments of investigation, supervision, research, statistics, and case studies.

"An administrative board should be created to be known as the Illinois Board of Prison Administration, this board to have authority over the entire prison system superseding all other agencies and being responsible for the employment, discharge, and discipline of employees who are to be appointed under a proper civil service authority. It is obvious that its success will be dependent upon a sound civil service law. The spoils element must be abolished, and a revision of the present act undertaken to the end that its weaknesses be removed.

"The plan is to have the proposed board supersede the present parole board; appoint the superintendent of prisons, wardens, and all others necessary to the administration of the prison system; and have full and complete control of all and sundry matters pertaining to prison administration.

"It is proposed that the board consist of five persons appointed by the governor without reference to politics, religion, nationality, or fraternal or other affiliations. The members of the first board to be appointed for terms of three, six, nine, twelve, and fifteen years, respectively; thereafter one member to be appointed every third year for a period of fifteen years. The pay to be sufficient to attract competent persons. No member of the board to have other occupation but to devote his entire time to the work.

"The idea is to prevent a displacement of the personnel of the board whenever there is a change in the political administration of the state and assure the services of men who are willing to

make careers of this type of work. In other words, to provide for career men—men who take pride in their work, who become trained in it and possess the requisites for successful service to the commonwealth, thus perpetuating a sound system of penal administration."[1]

The legislature of Michigan in 1937 created the state Department of Corrections with a director of corrections in charge and placed the prisons and prison industries in a Bureau of Prisons; pardons and paroles in a Bureau of Pardons and Paroles with a Parole Board; and probation in a Bureau of Probation, each bureau being under the executive direction of an assistant director of corrections.

The Corrections Commission constitutes the responsible authority for the administration of the penal institutions, prison industries, parole, and probation of the state. The commission determines all matters relating to the unified development of these agencies.

The commission consists of five members, appointed by the governor with the advice and consent of the senate, not more than three of whom shall be members of the same political party. The term of office of each member is six years. The members receive as compensation $15 per day for each day that they attend regular or special meetings, such compensation not to exceed $180 per annum. The members are entitled to actual and necessary traveling and other expenses incurred while in the performance of their duties.

The commission appoints a director of corrections, "who shall be qualified by training and experience in penology." The director holds office "at the pleasure" of the commission and receives "such salary as shall be appropriated by the legislature together with actual and necessary traveling and other expenses." The director is the chief administrative officer of the commission and responsible to it. With the approval of the commission he appoints the assistant directors in charge of the three bureaus. The salaries of these officers are also determined by the legislature. The compensation of other officers is determined by the commission.

For administrative purposes the state is divided into six districts with offices in six cities and with suboffices in nine other

[1] *The Prison System in Illinois.* Report to the Governor, 1937.

places. In each district office are a district supervisor of probation and a district supervisor of paroles. At the suboffices is located either a field probation officer or a parole officer.

At present all convicted persons in the lower peninsula are sent to the State Prison of southern Michigan adjacent to Jackson, and in the upper peninsula to the Branch State Prison at Marquette. After the inmates have been classified, they are either placed in the receiving institution or transferred to one of the other institutions, where they are given employment, such as they are adapted to, placed in school to be trained along certain lines, or given medical treatment.

The department also supervises and inspects local jails and houses of correction in order to obtain facts pertaining to the usefulness and proper management of these institutions and to assist in promoting proper, efficient, and humane administration.[1]

[1] *Department of Corrections*, state of Michigan, and *Michigan's Corrections Law*, pamphlets issued in 1938 by the state Department of Corrections, Lansing, Mich. The legislative reforms in the penal system of Michigan were submitted by the Osborne Association four years ago in the form of recommendations after a careful survey made by the representatives of the association.

CHAPTER X

CLASSIFICATION

In attacking the delinquency problem New Jersey since 1915 has developed a classification system of prisons and prisoners which places the emphasis upon constructive treatment and training for delinquents during the period of custody.

The work of the Prison Inquiry Commission of 1917, of which Dwight Morrow was the chairman, marks the beginning of the present New Jersey system. Based on the recommendations of this commission, New Jersey has worked out a scientific and common sense procedure.

The classification system provides primarily "for the separation of the young from the old, of the definitely antisocial individual from the mentally or physically handicapped person, of the curable mentally or physically handicapped from the incurable, and of the tractable from the intractable."

In 1918 a clinic was established at the New Jersey State Prison in Trenton and placed in charge of Dr. Edgar A. Doll and Dr. W. J. Ellis, under the general direction of the commissioner at that time, Dr. Burdette G. Lewis. This clinic had the benefit of the advice of Professor E. R. Johnstone and Mr. Calvin Derrick. Its work has been continuous since 1918, and a technique has been developed, and results secured that prove its value. A classification program has been developed, which is now operating in all correctional institutions under the Department of Institutions and Agencies and supervised by the state director of classification.

The popular conception of *classification* seems to be that it is a sorting of prisoners after a complete diagnosis—medical, psychiatric, and psychological. To those engaged in this work it is thought of as a combination of these three types of examinations and also examinations "in the industrial, sociological, religious, and disciplinary phases of the prisoner's life, together with assignment for placement in housing, for treatment, for work,

for training, and the system whereby the prisoner may be guided toward an objective which will assist him better to fit himself for restoration to society.

"It is a continuing process from the moment that the prisoner is committed to the institution to the time he is discharged from parole. It should, in large part, supply the need which the individual has lacked in his previous dealings with society. It should supervise him while he is in prison and should endeavor to correct those deviations from the normal which were the cause of his wrong-doing.

"Upon classification is based the hope of checking the increase of those who, through their prison experience, become professionals in crime. Until the offender who has a remediable ill is identified, and his ailment corrected, and until the accidental and actual first offenders are kept apart from the irretrievable professional in crime, there will be an ever increasing stream of recruits from our prisons to the world of crime."

The classification plan worked out in New Jersey assigns the persons committed to the state institutions into six major groups:

1. The difficult class—constitutional defectives, recidivists, confirmed drug addicts, chronic alcoholics.
2. Better class.
   a. Those serving long terms.
   b. Those not serving long terms.
   c. As in *b*, who are young and of good intelligence.
3. Simple feeble-minded class.
4. Senile and incapacitated class.
5. Psychotic and epileptic class.
6. Defective delinquent group.

In order to determine to which general class each individual belongs and the most appropriate rehabilitative measures to be used in particular cases, a definite classification procedure is used in all the penal and correctional institutions. It is divided into four phases: analysis, or diagnosis; placement, or assignment; guidance, or supervision; and restoration.

The procedure of classification begins with the *reception* of the prisoner, which includes photographing, the taking of his record as he gives it, the review and recording of commitment papers, the accounting of money, the disposition of his clothing, the assignment of a prison number, bathing, the issuance of

prison clothing, and his assignment to quarantine. *Quarantine* is usually for thirty days to allow for the development of any infectious disease and for the observation that is necessary during the *examination period.*

While in quarantine the new arrival receives *examinations* which follow closely the routine at a medical center or a modern clinic. He is examined by the following officials:

Identification officer.
Disciplinary officer.
Physician.
Psychiatrist.
Psychologist.
Chaplain.
Director of education.
Director of industries and training.
Field social investigator.

Each examiner makes his report with recommendations from his professional standpoint. These reports are forwarded to the Classification Department where they are briefed and compiled into what is known as the *classification summary.*

At a weekly meeting of the Classification Committee, which is made up of the officials just enumerated, with the warden as chairman, the cases presented in the summary are reviewed, and tentative programs are formulated. If the reports of the different examiners do not coincide, the classification secretary notes the disagreement and submits them for further discussion to the meeting of the classification committee. If the committee fails to reach an agreement, the prisoner is referred back for further examination, and the case resubmitted to the committee.

Six months after admission the prisoner's case comes up for routine reclassification. This does not mean that no change can be considered during this period of six months. A member of the committee or an officer who has an inmate under his direct supervision may request the committee to reconsider an inmate at any time.

The purpose of the routine reclassification is to check on the carrying out of the recommendations of the committee at the first classification, to determine the suitability of those recommendations, and to decide upon the inmate's objective.

The committee reviews the case under the same headings used at the first classification and makes any changes in the program that seem indicated by the prisoner's institutional record. During the six months' interval, at least two reports of the inmate's progress in his school, industrial, and disciplinary program are sent to the committee. These consist of brief accounts of the inmate's degree of success, attitude toward his work, attitude toward his officers and fellow workers, and a statement of his suitability to continue the assignment. The department heads are responsible for these reports, which are in addition to the daily credit marks which each officer is required to submit. The first report is to be sent in not later than three months after the assignment is made, and the second at least a week before the date set for reclassification. The disciplinary officer sends a report of all violations of rules to the classification secretary with a statement of the punishment assigned for the offense.

As a result of the reclassification meeting, the committee sets a date for a second reclassification, which is the earliest date they are willing to consider the inmate for parole. They also establish a credit goal to be earned by the inmate in accordance with the rules governing the credit markings. The classification secretary enters the findings and recommendations of the committee on the progress sheet.

After the first reclassification meeting, there must be not less than two reports per year in addition to the credit-marking reports. These reports contain statements of the inmate's general adjustment in the institution, progress in the work assigned him, and attitude toward his officers and fellow inmates. All officers having charge of an inmate are held responsible for reporting any improvement or failure of a prisoner that suggests new consideration by the committee.

At the second reclassification meeting the committee considers the inmate's eligibility for parole. If the committee decides that he is ready for parole consideration, the secretary notifies the Central Parole Bureau. This bureau at once makes a preparole home investigation. The secretary requests preparole reexaminations by the physician, psychiatrist, psychologist, chaplain, educational director, director of industries and training,

and disciplinary officer. These examiners submit to the committee written reports containing recommendations for or against parole and also suggest any special conditions for parole which are indicated by their examinations.

If the committee is of the opinion that the inmate is not ready for parole, they make any changes in the program that seem necessary and set a date for a third reclassification. The superintendent explains to the inmate in what respect he is not meeting the requirements of his program and shows him that his release from the institution depends upon his own improvement.

On the date set for parole reclassification, the committee makes a complete review of the case. The committee pays particular attention to the physical and mental health of the inmate, his industrial and educational competency, his social adaptability, and the condition of the home to which he is to be paroled.

As a result of their consideration, the committee makes recommendations to the board of managers. These recommendations may be to defer parole; to transfer to another institution for further treatment or training; to parole under routine supervision; to parole on a three months' trial basis with special supervision; to parole to placement, if the home conditions are unfavorable; to establish any special conditions of parole that seem advisable.

The authority to grant parole is lodged in the local board of managers of each of the several correctional institutions.

Assignment or placement constitutes the second phase of the classification procedure. Diagnosis without suitable action may give valuable scientific data, but there will be no actual benefit either to the state or to the prisoner. To make the system effective, there must be classification of places, treatment, work, and help.

New Jersey divides its prisoners into five groups for housing purposes. The first group requires maximum security and constant custody. It is made up of those members of the difficult class to whom it is not safe to allow any liberty—constitutional defectives, recidivists, confirmed drug addicts, confirmed alcoholics, defective delinquents. These prisoners must be housed in the bastille type of construction, and there must be strong iron bars and adequate guarding.

The second group is made up of the better class prisoners, who, on account of long sentences, are not eligible for minimum

security but who may be eligible for limited security. This group is the backbone of the industrial system and may be assigned to the shops, as the terms are so long that there is ample opportunity for training.

The third group is made up of the better class who would be eligible for minimum security if they were not subject to fines or if detaining warrants were not lodged with the prison administration. They must be kept in strict or limited security until the fines or detaining warrants are removed.

The fourth group is made up of young men under thirty, with no previous prison record, who are eligible for vocational training, and who are hopeful subjects for such training.

The fifth class consists of better class men who are serving short terms, are of good mentality, and, in the opinion of the examiners, are good risks for outdoor work (under minimum security), located on farms or on farms with industrial shops, road camps, public work, and special duty; and the simple feeble-minded, without complications, who in the opinion of the examiners are trustworthy for outside work, and who are capable of doing unskilled manual labor on outside occupations.

The purpose of administrative classification, in relation to housing, is to place the individual in the institution or section of an institution where he may, with safety, profit most by his detention and, at the same time, provide the most economical plan for the state. There is no conflict between these two objectives.

The maximum, or bastille, type of prison is by far the most expensive to build and maintain. The opportunities to rehabilitate an individual in this type of prison are much less than in limited and minimum types of security.

The danger of escape of prisoners is constantly in the minds of administrative officials. It is minimized to the point where it is negligible by the use of an efficient classification system. The experience of New Jersey, over the period 1920–1930, shows that approximately 8,500 prisoners were dealt with during that time. Out of this number there were 104 escapes, and all but 27 were recaptured. This record covers the state prison, two minimum-security farms, minimum-security road camps, and gangs employed on other outside work.

As a result of a careful analysis of the population of New Jersey, and from the experience of a number of the chief administrative

officials of penal institutions, the conclusion has been reached that the great bulk of the prison population not suited for minimum security can be housed in limited security. Limited security consists of a building, a series of buildings, or a section of a building which is strong and ample to keep the prisoner safely at night, and from which men are sent out under guard to work in shops, on farms, and on other outside work during the day. This construction does not require the elaborate guarding of the maximum-security type of institution. A large percentage of the sleeping quarters may be of the dormitory type, which costs about one-third of the cell-construction type. There should be day, or living, rooms where men may read or study for the period between the end of work and lights out. Limited- and minimum-security types make it possible to foster an atmosphere of hope instead of the hopelessness that is usually apparent in the maximum-security type of prison. More normal life conditions will increase the chances of success for the prisoner when he is released. The old idea of solitude and reflection has not proved successful. Long hours in solitary confinement break down the individual. If society is to be protected, resocialization is a saner way than the deteriorating hours of idleness in a cell. Cells or rooms also have their place in limited security. Certain individuals cannot be trusted in a dormitory. Others, who show a desire to study, should be given the opportunity. It has been estimated that between 20 and 30 per cent of the limited-security prisoners should be in cells or rooms.

The minimum-security prison has proved most successful for those who, through examination and observation by the classification committee, prove to be stable and trustworthy, and who are undergoing a comparatively short sentence or have served a part of a long sentence. In the areas around the great metropolitan centers, the percentage varies between 30 to 40 per cent of the entire prison population. Probably this percentage will increase as the distance from the metropolitan areas is lengthened. In addition, many of the simple feeble-minded may safely be placed in minimum security.

The prisoners in minimum-security institutions require little guarding, provided the classification work has been properly done. The guards, with the exception of the night patrols, should have a major function other than guarding. A farmer,

road foreman, carpenter, plumber, or industrial instructor can quickly acquire the necessary information that he will require in this sort of guarding. In this way training and supervision are provided at the same time as guarding. Costs are kept down, and better results obtained with the individual.

Assignment also includes treatment which must be developed along the same lines as those of a modern medical center. Transfers to insane hospital, feeble-minded institutions, or institutions for the epileptic take care of the individuals that are adjudged subjects for such treatment. There remain a great number of cases that require mental treatment who are not subjects for insane hospitals. These must be given treatment within the limitations of the prison. The facilities for the treatment of abnormal cases should be greatly increased in penal institutions. There are indications that there is a large field to be covered in mental treatment and guidance. Mental hygiene and vocational guidance are receiving careful thought. The development of knowledge and technique will make it possible to aid many prisoners toward a more normal and healthy viewpoint. Extensive research and careful study are required in this field.

Every institution has a certain number of senile cases—unable to do any but light work. They are too feeble or incapacitated to run away. Consequently, they can be housed on the farms in a healthful atmosphere, without danger of escape, and where light tasks can be assigned to them.

There is a wide field of research in the various phases of abnormality to be found in the difficult, or strict-detention, group. The removal of a physical handicap has been successful in a number of instances. Certain forms of mental treatment are successful to a limited extent. In the majority of cases in the difficult class little is known of possible methods of treatment. The same situation exists with the mental inferior and constitutional defective. The technique of eliminating drugs from the system is well known to the medical profession, but the elimination of the drug habit is another matter. The solution of these problems constitutes a challenge to medical and mental authorities.

Assignment also includes training which has three general objectives. The first covers elementary subjects, such as reading, writing, and arithmetic. A certain percentage of the prison

population is illiterate in any language. Another percentage is illiterate in English. Every modern prison has a school with classes at least up to the third or fourth grade. If an individual has the capacity to learn the rudimentary subjects, he should be given the opportunity. This assignment to school is a routine matter.

The second objective is the training of a man in habits of work and in some occupation which he may carry on after his release. The individual is of course limited by his mental and physical characteristics. Classification gives an opportunity to assign him to a job within his ability and increases his chance of success. It has been found advisable as far as possible to give him a choice of occupations. The known industries and occupations within a given territorial area determine the kinds of work to be taught. It is very important that the prisoner be given an objective that he can understand is for the purpose of fitting him to make a living after his release. Every institution gives a wide field for training in the maintenance industries. The industrial shops and the road work furnish additional opportunities for training. The use of the trade-training possibilities is the function of the educational and industrial directors, together with the advice and help of the classification committee.

The third object of training is the provision of opportunities for advanced studies by prisoners who are anxious to take such work. The utilization of the facilities of the extension services of state universities has proved most successful. Such aid has been given in New Jersey by Rutgers University. Frequently inmate instructors are available for the supervision of the advance work. There is a wide field for the development of academic and vocational training in penal institutions.

The *final phase of assignment* is concerned with the kinds of work available to the prisoners. From 70 to 80 per cent of the men have no experience above that of unskilled labor. Some can be developed into skilled or semiskilled workers, and in many cases it is advisable that an individual prisoner change his form of occupation. The kinds of industries existing in the prison, on the farm, or on road or other work require careful study and analysis by the Classification Committee. This committee should take first into consideration the probabilities of success of the individual and should also keep in mind the types of work

that may be open to him on release. A man might be trained as a window cleaner; but if he is in prison for burglary, it would be obviously difficult for him to get a job in that kind of work. All these circumstances must be thought of, and common sense must be used in assignment to work.

The *third general phase of the classification system* has to do with *guidance, or supervision.* The Classification Committee should place all the information that it has in the hands of the department heads who are actually handling the administrative work of the institution. The man's background in his home, his educational and religious experience, his ability and his conscientiousness in work before commitment, and the data available in prison are important in guiding and supervising him as he passes through the various activities of prison life.

Certain types of prisoners do not seem to respond to any scientific, educational, and social welfare methods, but supervision is nevertheless important for these men. Changes occur from time to time in men who seem hopeless, as they become persons in whom there is a probability of success.

The greatest field for constructive work lies in the supervision and guidance of the hopeful cases. As experience and knowledge increases, it will be possible to secure better results.

Five functions of guidance or supervision are important:

1. Reexamination at six months and when indicated.
2. Review of reports from:
   a. Disciplinarian.
   b. Educational Department.
   c. Industrial Department.
   d. Chaplain.
   e. Social worker.
3. A new objective when progress is made or lack of progress is indicated.
4. Promotion to grade of less security when indicated.
5. Added responsibility and lessening of security as time for release approaches.

Restoration represents the *fourth general phase of the classification system.* It is or should be the main object of the prison to restore a man to the community better fitted to cope with life than when he was admitted. To accomplish such a result effort should be made to build up his self-respect and a sense of

loyalty and responsibility. If before his parole or discharge he can be given more responsibility and less strict security, he will be more nearly ready to assume the duties and responsibilities of life in the world outside. If a man shows a willingness to try to reconstruct his life, the prison authorities should make every effort to help him in those things that will fit him to lead a law-abiding life on release. Before his release every institution or agency that may aid him should be communicated with. The Classification Committee and the Parole Department should cooperate in every possible way.

The purpose of the prison is to protect the community. To lose sight of the fact that about 90 per cent of the prison population returns to take its place in the free community is to overlook the main function of the prison. If the prison releases persons who are unable to make a living and who are unable to control their desires to commit depredations against their fellows and the property of those about them, the prison system is increasing crime instead of checking it.

Therefore, the main purpose of the classification system is "to correct correctable characteristics, to hold in custody those for whom no corrective means have been found, to guide in a way that will make for possible success on regaining freedom and assisting the prisoner to take advantage of the opportunities which the community offers for his rehabilitation."

It is obvious, of course, that a classification system cannot be practically effective if all types of prisoner must be grouped together in the same institution or in institutions of the same type. For this reason New Jersey has classified its penal and correctional institutions in order to care for the different classes of delinquents.

The State Prison at Trenton emphasizes the custodial feature. The inmates are housed in cells and the institution is surrounded by a heavily guarded wall. Although emphasis is on custody, the prison provides extensive trade and industrial training in the state-use shops and maintenance details.

It operates as a receiving and classification station and retains the older, more serious offenders, whose length of sentence, type of crime, recidivism, or dangerous antisocial tendencies require maximum-security detention.

The Leesburg Prison Farm emphasizes the agricultural colony features. The inmates live in dormitories and work under minimum-security supervision. It receives as transfers from the state prison those inmates whose industrial outlook is toward agriculture or one of the unskilled occupations. All transfers must be suitable for minimum-security detention. Leesburg provides work for men of the common-labor grade of ability.

The Bordentown Prison Farm emphasizes the *opportunity* feature. The inmates live in dormitories under minimum custodial conditions. It is planned to provide trade and industrial opportunities of all levels and to develop all recreational features. Men of the better type, *accidental* offenders, and inmates whose institutional records have been good and who are nearing the time of discharge from prison are transferred to Bordentown. They must be suitable for minimum custody.

The Reformatory at Rahway emphasizes correlated school and vocational training under maximum and limited security. This institution is a branch prison for the industrial type of prisoner. The inmates are housed in cells in a building surrounded by a wall. They may work inside or outside this wall. The school department is organized into two divisions, the elementary and the departmental. The elementary division corresponds to the first four grades of the public school. In the departmental division the inmates pursue studies related to the trades taught in vocational schools. The inmates work half a day in the trade shop and devote the other half day to school subjects essential to the trade.

Rahway operates as a receiving and classification station, retaining those inmates between the ages of sixteen and thirty who are suitable for intensive vocational or industrial training and who require maximum or limited security.

The reformatory at Annandale emphasizes the opportunity features for younger men. It combines the advantages of an agricultural colony with facilities for special vocational and scholastic training under minimum custodial conditions. The inmates are housed in dormitories in small groups, providing for internal classification.

Annandale operates as a receiving station, retaining those inmates between sixteen and thirty who are suitable prospects

for intensive training. It receives as transfers inmates of this type from the State Home for Boys and Rahway. Men who have a good record at Rahway may be transferred to Annandale when they are nearing the time for parole consideration.

The Reformatory for Women at Clinton emphasizes correlated school and vocational training. The inmates live in cottages under minimum custodial conditions. Extensive opportunities are offered for educational training, vocational or industrial training, and recreation.

Clinton operates as a receiving and classification station, retaining those offenders over seventeen years of age who are committed to the custody of the state. The construction of the institution on the cottage plan permits wide opportunities for classification and segregation within the institution itself. It provides for all adult women offenders.

A Clearinghouse for Women Offenders has been erected on the grounds of the State Home for Girls in Trenton in connection with the removal of women from the state prison. All women committed to the prison are registered there and immediately transferred to the clearinghouse, where they remain until classification studies are completed and a special Classification Committee, under the chairmanship of the director of the Division of Classification, decides whether transfer to Clinton, to an institution for feeble-minded, or to a state hospital is indicated.[1]

The State Home for Boys at Jamesburg offers the widest possible oportunities for correlated school and vocational training under minimum custodial security. The school department is equipped to meet the educational needs of every boy from primary grades through high school. A wide range of vocational choices is offered so that every individual may be trained along the line in which he evidences the greatest ability.

Jamesburg operates as a receiving and classification station, retaining those inmates between eight and sixteen who are suitable for scholastic and vocational training. If at sixteen years of age they are not ready to return to the community, they are transferred to Annandale.

The State Home for Girls at Trenton also offers a wide range of scholastic and vocational opportunities under minimum

[1] *Handbook of American Prisons and Reformatories*, 1933, vol. I, pp. 492, 493.

custodial security. Girls between eight and seventeen are received. If at the age of seventeen they are unsuitable for release to society, they are transferred to Clinton.

The criminal division of the Trenton State Hospital provides treatment for the psychotic and psychopathic inmates from all the penal and correctional institutions. The facilities of the hospital are arranged to provide this treatment under maximum-security custody.

How to make the results of professional and scientific studies operative in the daily routine is a major problem of prison administration. Two methods have been developed to meet it. One plan centralizes the compilation and evaluation of the scientific findings in the hands of a trained person who acts as professional adviser to the warden. The second plan places the responsibility in the hands of a committee composed of the examining specialists and the principal executive officers of the institution, with the warden as chairman. In defense of the first plan it is argued that centralization of responsibility makes for greater administrative efficiency and speed. Supporters of this plan regard the committee method as cumbersome and inefficient. Those who have used the classification committee believe that it has advantages that overshadow the objections to it.

An experienced classification committee is more likely to arrive at sound conclusions with respect to the handling of personnel than is a single individual. Group judgments under sound leadership are less likely to be snap judgments and more likely to represent a truly comprehensive view of the problem.

When decisions are made by a committee, it becomes very difficult for an inmate to fix his resentment for fancied injustices upon a single individual. Discipline and morale in the institution are greatly aided by the consequent lack of personal misunderstandings.

New Jersey has been operating for more than a dozen years a classification system, in which the local institution classification committee is the most important factor. In the experience of this state the committee has not proved a cumbersome device. Under the New Jersey plan, decisions are made on the basis of a majority vote. Not more than half a dozen times a year does it become necessary for the chairman to put a question to a

formal vote. With a trained committee under intelligent leadership, routine cases are handled as expeditously as they would be by a single individual. There is not so much probability of special cases escaping notice when six or eight specialists are reviewing them.[1]

The Federal Bureau of Prisons

Since 1929 the Federal Bureau of Prisons, under the progressive leadership of Sanford Bates, formerly commissioner of correction of Massachusetts, has been developing an adequate and efficient system of penal and correctional institutions. As a matter of necessity, attention had to be given first to the provision of housing facilities for the rapidly increasing number of federal prisoners. The situation may be concisely indicated by the conclusion reached by a committee of the House of Representatives after visits to the prisons at Atlanta and Leavenworth. "Not only do these institutions house more than can properly be accommodated, but they have now almost reached their absolute physical capacity, and the committee does not see how any more prisoners can be jammed within the walls."

During the late summer and fall of 1929, it became apparent that the most prompt action by Congress could not remedy the emergency situation that existed in the federal prisons. A demonstration at Leavenworth in August showed that immediate action was necessary. The army barracks at Leavenworth were transferred temporarily to the department of justice for the housing of federal prisoners. In addition a number of work camps were established on military reservations. Not only did these camps relieve the overcrowding in the walled institutions, but the experiment also clearly demonstrated that a large num-

[1] The description of the New Jersey classification system is based on the following materials: Sears, Classification, Assignment, Training and Restoration, *Journal of Criminal Law and Criminology*, vol. XXIII, pp. 249–268, July–August, 1932; Ellis, Classification as the Basis for Rehabilitation of Prisoners, *News Bulletin*, National Society of Penal Information, February, 1931; Bixby, The Classification Committee as an Administrative Device, *News Bulletin*, June, 1931; Lane, Parole Porcedure in New Jersey, *Journal of Criminal Law and Criminology*, vol. XXII, pp. 375–405, see especially pp. 382–394, September, 1931; *Memorandum of Instructions*, Division of Classification of the Department of Institutions and Agencies of New Jersey (for procedure for classification), Nov. 25, 1930.

ber of men, who have previously been placed behind high walls and in steel cells, do not require such restraints. The number of escapes was negligible, and most of those who left the camps were apprehended.

For the years ending June 30, 1931 and 1932, there were, respectively, 1,091 and 1,401 offenders in prison camps. Up to July 1, 1932, a total of 6,678 prisoners had been transferred from other institutions or committed directly to the camps. Of this number 161 had escaped; 141 were recovered, usually after an absence of only a few hours. The fact that only 20 men, or less than 3 per thousand, were missing is an indication not only of the successful manner in which they have been operated but also of the care that must have been used in the selection of prisoners to be sent to the camps.

A program of new construction was approved by Congress in 1930 as a result of the recognition that adequate facilities for caring for the inevitable increase in prison population must be provided. The need is indicated by the growth of the average daily population from 3,760 in 1920 to 11,250 in 1930. The new institutions authorized by Congress were a new penitentiary for the Northeastern section of the country, a reformatory for the Southwest, and a hospital for defective delinquents. Some years previously the reformatory for men at Chillicothe had begun to be reconstructed in permanent form, partly by inmate, partly by free, labor. With the three institutions at Atlanta, Leavenworth, and McNeil Island and the reformatory for women at Alderson, the four new institutions give the federal penal system facilities for handling different types of offenders in the different sections of the country.

Evidently the Bureau of Prisons is working out a routine somewhat similar to that which has been developed in New Jersey. Its construction plan has been aimed at the provision of a number of institutions to house different types of offenders and to meet the needs of the country as a whole. It includes a new prison (Lewisburg), a new reformatory (El Reno, Okla.), a hospital for mentally sick and chronically diseased prisoners (Springfield, Mo.), two institutions for narcotic addicts, and a series of regional jails. Provisions are made for maximum-, medium-, and minimum-security institutions. Furthermore, the extension of parole supervision and the wider use of probation

service in federal courts furnishes additional means of dealing with the more promising kinds of offender. Legislation was also passed in June, 1932, permitting federal courts to forego the prosecution of juveniles and to allow them to be treated by their local communities wherever such handling would be in the public interest.

One of the ideals of the Federal Bureau of Prisons is to give to the inmates of its institutions treatment based on individual needs and capabilities in place of the mass treatment that they receive in most prisons. To coordinate the individualization work, a unit of specially trained men, called *warden's assistants*, has been established in each institution. Their duties, as described in the announcement of examinations of the United State Civil Service Commission, are "to make individual case studies of institutional inmates and to perform other related work as assigned in the program for individualized treatment of adult inmates of penal and correctional institutions." Junior warden's assistants must be college graduates with at least 20 hours in sociology, economics, or psychology. Senior warden's assistants must have in addition at least two years of professional experience under a recognized social agency. In place of one year of this required experience, one year of postgraduate study in social service administration or in social sciences may be substituted.

By 1932 the "routine of making brief social histories of all incoming prisoners had been established. These are added to the findings of the medical department (including the mental ratings by the psychologist), the record clerk, the educational department, and others; and a body of social and scientific data are thus made available to local officials and to the bureau. The next task is to bring about effective use of this information in the individualization of treatment by utilizing the institutional staff-meeting method or a similar device. This step will be undertaken during the coming year in institutions small enough to make the procedure feasible. (Such staff meetings have been used at the Alderson Reformatory ever since it was established.)[1]

During the fiscal year 1932–1933 social service units composed of one to four members were established in all institutions. The work of these units, the personnel of which are known as *warden's*

[1] *Federal Offenders*, U. S. Bureau of Prisons, 1930–1931, pp. 16, 17, 1931–1932, p. 10.

assistants, is (1) to prepare case histories, as already indicated, and (2) to assist prisoners with their personal and family problems. During the year the work of these units was greatly aided by the establishment of staff conferences, or classification boards, at Atlanta, Lewisburg, and Chillicothe. These meetings are presided over by the heads of the institutions and are attended by the deputy warden or assistant superintendent and representatives of the medical, educational, maintenance and industrial, religious, and social service departments.[1]

Experience with the social service units made it "increasingly evident that the treatment of the prisoner in the institution must be supplemented by vigorous efforts to correct the social situation from which he came and to which he will return. In the absence of such efforts the prison finds itself in a position analogous to that of a hospital which cures its patients only to return them to a contact with the original source of infection. Social casework on behalf of prisoners and their families is truly preventive as well as remedial."

The social histories compiled by the social units are extremely useful to the Classification Committees in formulating programs.[2]

One of the major projects of the bureau during the fiscal year 1934–1935 was the organization and development of classification committees in all of the major institutions. The purpose of these committees is "to coordinate the results of the studies made by the various specialists on the staff and work out an individualized program for each inmate."

All trusty selections are made by the Classification Committee, and all recommendations for transfers to farms or other institutions are passed upon by the committee. These decisions are, consequently, the result of a combined judgment instead of being based upon the judgment of one individual.

The operation of these committees lessens the danger of escape, prevents unwarranted special privileges for favorite inmates, and reduces the number of disciplinary problems.[3]

As a result of the policy of the proper grouping of prisoners by the development of classification committees, different institutions have been designated for particular types of prisoners.

[1] *Ibid.*, 1932–1933, pp. 13, 14.
[2] *Ibid.*, 1933–1934, pp. 11–14.
[3] *Ibid.*, 1934–1935, pp. 13, 14.

Alcatraz is reserved exclusively for the more dangerous and difficult prisoners. Leavenworth Annex is reserved for criminal drug addicts or drug sellers. Leavenworth and Atlanta are close-custody institutions with industrial and school activities for the ordinary felony cases. McNeil Island Penitentiary emphasizes farm and educational efforts and more nearly rates as a medium-security institution. Lewisburg penitentiary is being reserved for the more amenable type of inmate. From the several kinds of penitentiaries, the next step is into the Industrial Reformatory at Chillicothe for younger men; the Reformatory at El Reno, Okla., for men of all ages; and the Reformatory Camp at Petersburg, Va. The jails are largely for prisoners serving sentences of less than one year. The camps are for men whose trustworthiness has been demonstrated in other institutions and those who are suitable to be transferred to minimum-security institutions. The Hospital at Springfield, Mo., is adapted to the insane, the tubercular, and the chronically ill.

Within each institution, the classification plan provides for the individual prisoner the type of custody, treatment, and discipline most appropriate to his needs. In the opinion of the director the Classification Committee had become by 1936 "an accepted adjunct of each of the prisons and reformatories. The gratifying feature is that the wardens and custodial officers have become a part of this classification machinery. Thus, we may more truly say that we have achieved a measure of individualization of punishment in the federal institutions."[1]

Classification Technique

The individual study of offenders has been a major interest of the American Prison Association for many years. The development of casework methods and systems of classification resulted in the appointment in 1931 of a committee on casework methods and treatment of prisoners. This committee made a report in 1932 that attracted so much attention and occasioned so much discussion that the committee was continued and enlarged. It reported in 1933 and was again continued so that its recommendations might be consolidated in a handbook of

[1] *Ibid.*, 1935–1936, pp. 6, 7; Bates, *Prisons and Beyond*, pp. 146, 147, The Macmillan Company, 1936.

casework methods and classification for offenders. The committee in 1934 presented its report in the form of a handbook.

During the past fifteen to twenty-five years such states as Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Maryland, Virginia, California, Illinois, and Indiana have developed correlated programs of treatment and training based upon improved methods of casework and classification. These programs represent the results of the study of the offender which date from Lombroso and Ferri. Their researches have been greatly modified by more recent studies in penology and by the developments in related scientific fields. The general principles and methods of procedure and their practical application have been gradually taking shape.

In 1936 a demonstration of classification committee technique formed a part of the program of a general session of the American Prison Association. An introduction to the demonstration was given by Dr. F. Lovell Bixby, assistant director of the U. S. Bureau of Prisons. The demonstration was made by the Classification Committee of the United States Industrial Reformatory, Chillicothe, Ohio. As Dr. Bixby said in his introduction, the Federal Bureau of Prisons is not the only agency that is "doing classification." The bureau inherits "in straight line from the New Jersey plan, and the New Jersey classification plan antedates the very existence of the Bureau of Prisons." The selection was made, he thought, "because the bureau has institutions in all parts of the United States, and its problems are less typically 'local' than are those of a state system."

Dr. Bixby pointed out that "there have been two types of approach to the classification problem. One of these, perhaps the oldest, leaves the job of classification to the professional people. It assumes that individual study and the planning of a rehabilitative program is a job for specialists in medicine, psychiatry, psychology, social work, education, and the like. From the point of view of this approach, the rehabilitative aspect of imprisonment is something separate and apart from the custodial and general administrative aspect."

The second type of approach was to be shown in the demonstration. That type of approach is "based on the assumption that the problem presented by an inmate is a unit; that you cannot separate his custody and discipline from his rehabilita-

tion. It is a mistake to try to divide imprisonment into two things, one punitive and restraining; and the other, rehabilitative and preparing for release."

The second type of approach brings together all the aspects of imprisonment. The personnel of the committee includes the psychiatrist, the chief medical officer, the chaplain, the recreation and education men, the assistant superintendent, the chief of mechanical service, and the superintendent who presides. Professional and lay opinion are brought together on each case.

The classification program of the Federal Bureau of Prisons is based on the conclusion that such a program can be summed up under certain definite headings: (1) custody and discipline; (2) transfer; (3) social service; (4) medical treatment; (5) training program, including employment, education, religion, and recreation.[1]

New York

After the series of riots in the New York penal institutions during 1929 a commission to investigate prison administration and construction was created by the legislature. It was instructed to "make an intensive study and investigation of prison administration and prison construction and formulate and propose a sound prison policy for the treatment, segregation, and classification of prisoners, together with a plan for the expansion of prison industries and a program of prison construction adapted to such policy."

The commission formulated and proposed as a sound prison policy the following:

The development of a prison system that "will protect society from the criminal and his evil deeds by endeavoring to reeducate and retrain the men and women in prison so that these men and women may be fitted upon release to become useful members of the community. This is imperative because 92 per cent of these prisoners return to society within a comparatively short period of time after their incarceration.

"To be effective the training and education given a prisoner must meet the special needs and be adapted to the capabilities

[1] *Handbook of Casework and Classification Methods for Offenders*, American Prison Association, 1934; *Proceedings of the American Prison Association*, 1934; pp. 161–166, 1936, pp. 106–117.

of that individual prisoner. It is, therefore, necessary that the prisoner should be studied by competent specialists in order that an understanding may be reached as to the personality and ability of each individual, the defects which led to crime, and whether or not the individual can through treatment and training be helped to correct or cure these defects.

"In brief, the new prison policy . . . is the replacement of mass treatment and routine organization by a system of constant personal study, individual treatment, and training of every prisoner."

A survey of the prison population of the state led the commission to make the following recommendations:

"First: that the state build no more prisons of the fortress type with impregnable steel cells surrounded by impregnable walls because when existing prisons are remodeled and the construction contracted for is completed, the state will have the maximum number of steel cells which will be required for a long period of years.

Second: that there should be two reception prisons . . . at which a thorough psychiatric examination should be given to each prisoner immediately after his commitment; that each prisoner's case should be reviewed periodically during the time of his incarceration; and that the classification resulting from such examination should be made the basis for his assignment and training while in prison."

The basic principles of a modern prison system are described as follows:

Such a prison system "should include both what are known as medium-security prisons, or prisons without walls, but with provisions for safeguarding which will render escape difficult; and also camps for road and reforestation work to which should be sent only those prisoners who require a minimum of security."

The experience of other states and current experience in New York with prisons of the medium and minimum type of security have demonstrated the advisability and success as well as the economy of this type of housing and this method of handling selected prisoners under the new type of procedure in the prison which supersedes the old monotonous routine.

In the opinion of the commission "the new type of prison administration can only function successfully when based on an

intelligent understanding of the individual prisoner which must be obtained as early as possible after commitment in order that time may not be wasted but real progress secured. The method of arriving at this understanding is known as the *classification system* and is accomplished through carrying over to the prison the methods for diagnosis used in the modern hospital and mental clinic, together with the adaptation of the system of testing industrial fitness through which progressive industries today select their workers and adding thereto a case study of early life and environment of the type which welfare agencies have found effective in their efforts to assist the aged and dependent. Classification of prisoners, in other words, is the practical method of fitting a square peg into a square hole."

Concrete proposals were made by the commission for the organization of the classification boards at the two receiving prisons for male prisoners. (The correctional institutions for women were treated separately.) Each of the boards was to consist of the deputy commissioner of correction, the warden, the principal keeper, the psychiatrist in charge of the unit, the psychologist, the prison physician, a representative of the prison industries, the head schoolteacher, and the prison chaplain.

The full record of a prisoner will be placed before the board for consideration, after which he will appear in person and be interviewed. The board will then formulate its recommendations. A full report on the case will be compiled including the main facts concerned in the assignment of a prisoner to any particular prison community; and if he is transferred, a copy of this report will accompany him.

Six months after admission the case of each inmate will be reviewed to determine whether or not he is making progress and whether or not any change should be made in his assignment. The case of every inmate will be reviewed at least once a year during the term of his incarceration.

The review of cases will make necessary in each institution to which prisoners are transferred a board similar to the classification boards at the reception institutions. A transferred prisoner will have been studied and will be accompanied by a full report on his case. There will be no need for immediate study, but a date should be fixed for his appearance before the local board.

A full record of the main facts in regard to each prisoner will be sent to the central office at Albany and kept up to date. The division of parole will have access to these records and will contribute its share of data.

As already indicated, the commission concluded that the state had sufficient maximum-security accommodations for a long period of years—practically all the institutions were of that type. It therefore recommended the immediate construction of a medium-security prison for 500 inmates.

Additional institutions were recommended by the commission as necessary for the adequate housing of prisoners in the state as follows: a second institution for defective delinquents, as the existing institution provides for approximately half the number to be expected in the prison population; a psychiatric institution for housing about 300 psychopathic prisoners; and a second medium-security prison to be used for selected young men of the Elmira type.

Temporary road camps were opened after the prison riots of 1930. A survey made by the commission immediately after its appointment resulted in the continuance of these camps. The prisoners for these camps were selected with care but without the complete scientific study of each individual that can be made under a classification system. The record for 1930 was as follows:

Total number assigned	765
Average daily number	317
Number of escapes	21
Still at large end of year	3

The commission recommended that the road camps be continued and extended to include all prisoners selected by the classification staff as suitable for that type of housing and work.[1]

These recommendations of the commission, which proposed the reorganization of the prison system of the state and the construction of new institutions, aimed at the development of a prison policy similar to the one existing in New Jersey and also to the one in process of establishment under the direction of the Federal Bureau of Prisons.

[1] *Report of Commission to Investigate Prison Administration and Construction*, presented to the legislature of New York, Feb. 15, 1931.

As a result many significant improvements have been made in the state penal system. The most important achievements are the building of the new medium-security prison at Wallkill and the development of a state-wide classification system.[1]

Massachusetts

Massachusetts has made a very considerable contribution to the study of the composition of the population of its institutions for delinquents and criminals. In 1924 the state passed an act "requiring the psychiatric examination of certain prisoners in jails and houses of correction and providing for the assembling of relevant official information as to such prisoners." The law provided for "a thorough psychiatric examination" for all prisoners "serving a sentence of more than thirty days, except prisoners sentenced for nonpayment of fine and all prisoners serving sentence who have been previously committed upon sentence to any penal institution."

Legislation in Massachusetts already provided for physical and psychiatric examinations of inmates of the state penal institutions. Massachusetts also has a notable law, passed in 1921, requiring the psychiatric examination of a person "indicted by the grand jury for a capital offense or of a person who is known to have been indicted for any other offense more than once or to have been previously convicted of a felony." The examination is made before trial and before the resort to the defense of insanity is decided upon. The examination also becomes a routine procedure and is made by a neutral, unbiased agency and by experts trained and experienced in mental medicine.

Massachusetts also has special state institutions for defective delinquents in addition to the usual correctional institutions and provision for the insane. The State Farm, which began as an almshouse, gradually evolved into a penal institution, first taking misdemeanants and drunkenness offenders. Later the criminal insane were segregated in one department at the State Farm. After 1900 the theory was developed that there were a number of persons in the various penal and correctional institutions and in the schools for feeble-minded who were so mentally deficient

[1] *Handbook of American Prisons and Reformatories*, 1933, pp. 587–589, 600–602, 619, 650, 651, 669, 670, 688, 689, 707, 723, 740, 754, 755; see under Comments, pp. 608, 677, 678, 730, 731, 745, 746, 762, 763.

and criminally inclined that they ought to be separated as a group for treatment and custodial care. In 1922 a department for male defective delinquents was established at the State Farm, and in 1925 a similar department was opened for female defective delinquents at the same institution. At the State Farm there are, consequently, five separate departments—the men's prison, the women's prison, the departments for male defective delinquents and for female defective delinquents, and the hospital for the criminal insane—in addition to a semiseparated drug-addiction department.[1]

The Division of Research was established in 1931 to create facilities and develop methods for the better study and diagnosis of offenders coming to the state penal and correctional institutions. There was an immediate and important need of this information for administrative purposes, both for the institutions and for the Department of Correction. The division has to do with the classification and study of the human material in the institutions. It prepares case histories and coordinates the work in this field of the several institutions.

A division of social investigation and diagnosis under the name of Personnel Department was established at the State Prison at Charlestown. The staff consisted of a director, a psychologist, and two social investigators under the general supervision of the director of the Division of Research.

Beginning with the July, 1921, admissions, a concise and accurate life history has been prepared on every offender committed to the prison. On this basis an attempt has been made to arrive at the problems presented by each case and to suggest what action might be taken by the prison to help the inmate meet these problems. A psychometric examination is given in each case, and every inmate is examined by the institution psychiatrist. The department has also compiled histories of the inmates eligible to appear before the Board of Parole. It has in addition prepared case studies of a number of inmates who have petitioned the governor for pardon.

These case studies furnish the prison authorities with an intelligent basis for assigning men to quarters and to work and for

[1] LOVELAND, The Place of Science in the Treatment of Criminals and in the Prevention of Crime, reprinted from the *New England Journal of Medicine*, Dec. 17, 1931.

the handling of behavior problems. They are used by the commissioner as a basis for classification and transfer to other institutions, by the Board of Parole in considering release, and by the governor in cases referred for pardon. They are used by the parole agents in planning and executing programs of supervision. In time, as copies of these histories accumulate, they will furnish a source of accurate information on criminal offenders to which the courts may refer, thereby eliminating the necessity of much duplication in investigation. As a matter of fact the Division of Research has served in the capacity of what, in some correctional systems, is known as the Classification Committee.[1]

The most significant contribution made by Massachusetts to the individualization of the treatment of the inmates of correctional institutions has been developed at the State Prison Colony at Norfolk, where a distinction is made between *house officers* and *watch officers*. The duties of the former are to care for a group of inmates housed in dormitories, composed of three units with accommodations for fifty men in each unit. These officers assist in the promotion of the adjustment of the inmates to institutional programs and keep daily records of their contacts with them. They are under the direction of a senior, or supervising, house officer.

Watch officers more closely correspond to institutional guards. They serve on the wall, police the grounds, and are generally responsible for the safety and security of the institution.

The plan developed at Norfolk adds one more part to the mechanism by which the individualization of treatment can be put into use in correctional institutions. Case studies and histories are of little value unless there is a definite mechanism for their application in concrete situations. The classification committee is a distinct step in advance, but its usefulness can be greatly increased by means of such an instrument as the *house officer*. This Norfolk invention provides an agent to supervise the programs planned for the individual inmates. It also introduces a higher type of personality and opens a special field for trained men. The distinction between police or guard duty and supervisory training function is an important addition to the technique of penal administration.

[1] *Annual Report of the Commissioner of Correction of Massachusetts*, year ending Nov. 30, 1932.

The security of the institution is maintained by an enlisted uniformed police force. Discipline is maintained by the socially trained house officers. By this separation of functions "routine discipline may become a constructive rather than a negative force. It is too early to predict the success or failure of this innovation. Its success will depend upon the selection of house officers who combine natural qualities of leadership and mature judgment with training in social casework."[1]

Besides New Jersey, Massachusetts, New York, Illinois, and the Federal Prison Bureau, important developments in classification and in the individualization of treatment of offenders are in process in Texas, Indiana, Minnesota, Michigan, Pennsylvania, North Carolina, the District of Columbia, and Georgia.[2]

In Illinois, classification and casework are entirely independent of local administration, and the clinical personnel is under the direct authority of the state criminologist. The division of the criminologist has done some excellent work in the field of individual studies, but the latter appear to have had little or no effect on the management of institutions.[3]

Indiana is setting up a classification system similar to the New Jersey one under a director trained in that state and with the assistance of a man who was formerly at the State Prison Colony at Norfolk, Mass. Classification began to be developed in December, 1936, with the establishment of a state Board of Welfare.

Michigan, under its new Corrections Department, has classification committees in its three institutions for adult inmates. These committees consist of a psychiatrist, physician, educational director, vocational director, chaplain, and welfare director. The psychiatrist is chairman of these committees, and the custodial officers—warden and deputy warden—are excluded. The Classification Committee is asked to help in disciplinary matters, acting as a sort of trial court and behavior clinic.[4]

In 1935 Minnesota established a state Board of Classification composed of the chairman of the Board of Parole and the two

[1] *Handbook of American Prisons and Reformatories*, 1933, p. 420.
[2] Letter from F. Lovell Bixby, June 14, 1938.
[3] *Handbook of American Prisons and Reformatories*, 1933, p. 118.
[4] *Department of Corrections*, State of Michigan, pamphlet issued in 1938.

members of the Board of Control who have had the longest continuous service. All adult males, except those sentenced to life imprisonment, are committed to the reformatory, which is designated as a receiving depot. Once each month the state Board of Classification visits the reformatory, reviews brief reports prepared on each inmate, holds brief interviews, and decides which men shall be transferred to the prison and which shall remain at the reformatory.

This form of classification organization is criticized by the representatives of the Osborne Association as "too narrowly conceived" and "cumbersome and expensive" as compared with the plan used so successfully in New Jersey.[1]

Texas organized a Bureau of Classification in March, 1936. No funds were provided in the state budget; but with the aid of the members of the faculty of the University of Texas, funds were obtained from the Laura Spelman Rockefeller Foundation for the establishment of an experimental unit. The unit consisted of a director and psychologist on full time and a psychiatrist one day a week. Stenographic service and office expenses were supplied by the state Prison Commission.

Since it was impossible to study the entire penal population or even the new commitments, it was determined to concentrate on the white male commitments, which constitute 50 to 55 per cent of the total male admissions. Men returned to the receiving unit from other units were included, and the policy was adopted of calling for classification men entered before March, 1936, who had made good records or who had become serious conduct problems.

Men come to the Classification Bureau after they have been through the admission routine. The interviewer secures as much additional information as possible. All suggestions are followed up by correspondence to check statements of the prisoner and to obtain more information. Cases of suspected mental abnormality are referred to the psychiatrist upon his weekly visits. Intelligence tests are given to men who appear to be feebleminded or of borderline mentality and where intelligence rating is significant for industrial assignment.[2]

[1] *Handbook of American Prisons and Reformatories*, 1938, vol. I, pp. 116, 117, 123–125.

[2] *The Prison Labor Problem in Texas*, a survey by PIRA, 1937.

In Wisconsin, traveling clinics of the Psychiatric Field Service, maintained by the state Board of Control, provide excellent service for the correctional institutions. Individual case studies are made of all prisoners. Although these findings are used to some extent in the assignment and handling of prisoners, their work would have greater value if there were administrative procedure for their application.[1]

There is no formal system of classification in Wisconsin, but the Psychiatric Field Service makes regular visits to the state institutions. This service is also used in connection with parole. It has recently been extended to adult probation which is under state control. There are twenty-five examination points in the state.

The establishment of the Maryland State Penal Farm is evidence of a progressive attitude toward the penal problem in that state. At this institution a beginning has been made in classification and individualizing correctional treatment. A placement committee, consisting of the superintendent, the superintendent of construction, the assistant superintendent, and the farm manager, considers each case for the purpose of making work and training assignments. Individual case studies and examinations by the psychopathologist attached to the office of the superintendent of prisons are made at the time of original commitment, and a summary is forwarded with the inmate at the time of transfer.[2]

The chief psychologist of the Bureau of Examination and Classification, Department of Public Welfare, Ohio, presents an interesting program for a new penal system which includes classification and examination by experts in all institutions.[3]

[1] *Handbook of American Prisons and Reformatories*, 1933, pp. 989.

[2] *Ibid.*, pp. 283, 325.

[3] *Journal of Criminal Law and Criminology*, vol. XXIV, pp. 1093–1097, March–April, 1934.

CHAPTER XI

HEALTH AND MEDICAL SERVICE

In surveys of American prisons made by the National Society for Penal Information, now known as the Osborne Association, its representatives were impressed with the inadequacies of hospital facilities as well as with the lack of uniformity in the use of such facilities as were found. The conception of the possibilities of adequate hospital resources for the treatment of inmates so that they might be returned to society in better physical and mental condition than when they entered seemed to be lacking in a majority of the prisons. No comprehensive survey of the situation had ever been attempted. Apparently the popular opinion in regard to criminals was that they were entitled only to the most elementary methods of medical and surgical care. A part of their punishment should consist in the least expensive and least skilled service. Better methods would be thought of as pampering the inmates and must be avoided for that reason.

After careful consideration a complete survey of the health and medical service in American prisons was decided upon to bring out the deficiences and inequalities existing, to furnish information that might help in the improvement of conditions, and to bring about a standardization of health and hospital practices in penal institutions. The undertaking was made possible by the financial support of the Laura Spelman Rockefeller Memorial and the Bureau of Social Hygiene. The survey was organized with the advice and assistance of an advisory medical commission. The field work was carried out between November, 1927, and October, 1928. Every state and federal prison and all reformatories, with the exception of some very small ones, were visited. One hundred institutions were included. The same person covered the field and collected the data. The results were published by the association in 1929 under the title *Health and Medical Service in American Prisons and Reformatories*,

the author being Dr. Frank L. Rector. Any study of the subject must depend almost completely upon this pioneer contribution. The author wishes to make the frankest possible statement of his indebtedness to Dr. Rector's work in the compilation of this chapter.

The part that physical and mental conditions play in the commission of crime have only recently been given consideration. Investigations reveal a high percentage of both mental and physical defects among the inmates of penal institutions. Similar surveys among other adult groups, such as industrial workers, show the existence of similar conditions. Whether these defects are more numerous among prisoners is not of the greatest importance. Mental abnormalities are of frequent occurrence among penal groups and are of great consequence in their relation to the prison environment. Many prisoners are not in good physical condition owing to unsettled and irregular habits of life before imprisonment. Many times the neglect of minor defects in early life has allowed the development of chronic conditions which have incapacitated the individual for the full use of his natural abilities. The state removes the prisoner from society for the purpose of exacting the penalty required by law. Having assumed such control, the state is under obligation to care for the individual while he is under restraint. Such care includes food, clothing, and shelter as well as care in case of illness or other forms of disability. Furthermore, it is to the interest of the state to fit its prisoners for acceptable living upon release. Reformation is a much greater protection to society than any amount of punishment. Reformation will be aided by the removal of mental and physical defects, where possible, and by medical and surgical treatment that results in improved health for the prisoner.

Another reason for careful attention to the health of prisoners is to prevent the introduction of contagious or epidemic diseases. The housing of large numbers of persons from all classes in congested quarters facilitates the spread of such diseases. When the overcrowding, so prevalent in all penal institutions, is taken into account, the need for rigid supervision of the health of inmates is obvious. The state authorities cannot overlook their obligation without serious consequences to the inmates and the community at large.

The artificial environment of institutional life is often the cause of mental and physical strain. Prison pallor is the most common outward manifestation of the lack of opportunity for outdoor activity. Inadequate ventilation and lighting, as well as monotonous diet, are other influences that require careful handling. The mental aspects are shown by the appearance of various prison psychoses sometimes culminating in insanity.

Health and Imprisonment

General prison conditions are radically different from the environment to which the offender has been accustomed. Inmates are subject to restriction of freedom and movement. They are always under strict supervision by a representative of the state. Their daily routine is established by the prison authorities, and individual wishes or desires can receive very little attention. Freedom of action cannot be tolerated in prison administration.

Long hours must be spent in the cells where movement is very restricted. Reading or writing may alleviate the monotony for some, but to the illiterate such relief is impossible. Conversation with the occupants of neighboring cells is usually forbidden. If only one inmate is assigned to a cell, the lack of communication means virtual isolation for many hours of the day. To the type of person who desires companionship and human intercourse, such conditions are extremely depressing and may lead to mental disorder.

There is also no real privacy for any inmate. Every article in his possession is subject to examination by prison officials, and every movement is subject to supervision by a guard. Even when prisoners are locked in their cells, the guards maintain their supervision. During the night, lights are burning in the corridors, and the inmate must accustom himself to sleeping in semidarkness. The weekly or semiweekly bath must in many prisons be taken in an open room with a group of fellow prisoners.

Methods of administration in penal institutions are necessarily organized on the basis of mass action and mass treatment because of the large number of persons who are confined within a small area. No matter how much of an individualist and nonconformist he may have been outside—and criminals are usually antisocial in their attitudes—the prisoner must adjust himself or become a disciplinary case with the attendant disadvantages.

Disciplinary measures used in prisons may affect the mental and physical health of inmates. Solitary confinement in punishment cells for infractions of discipline is employed in most prisons. Some of these cells are large, well-lighted, and ventilated, but others are small and dark with little ventilation. A prisoner spends in these cells from a few hours to several days, sometimes as many as thirty days, on a diet of bread and water. A board is provided for a bed, and blankets may be permitted. Toilet and washing facilities are usually crude, even if provided at all (buckets are, of course, furnished if there are no toilets). In some prisons unruly prisoners are handcuffed to rings in the wall or to bars on the cell door for the working hours of the day. Discipline must be enforced, but it may also affect seriously the health of inmates subjected to it. In exceptional cases, mental abnormality may be the cause of repeated clashes with the institutional discipline.

Serious overcrowding and lack of employment are twin evils in American penal institutions. Longer sentences and lessened use of probation and parole, as well as the increase in number of offenses committed, have added to the population of institutions, the capacity of which has not kept pace with the enlarged demand on their facilities. In a majority of the prisons, the population is 50 to 100 per cent above the normal capacity. The difficulty of maintaining the health of inmates under such conditions does not need emphasis. Lack of employment naturally results from overcrowding and adds to the difficulty of keeping the health of inmates upon a satisfactory basis. The use of occupational therapy in institutions for the rehabilitation of those suffering from physical and mental injury or illness suggests its value in penal institutions. Normal outlet for energies, mental and physical, is essential, and any conditions that prevent the use of normal outlets give rise to serious conduct problems.

Prison conditions restrict freedom of movement; keep under constant supervision; compel mass action and mass treatment; make necessary a monotonous daily routine; confine inmates in small cells many hours of the day; allow no opportunity for privacy; involve, for violation of the rules, punishments that may injure the health of persons subjected to them; result in overcrowding and lack of employment which only add to the effect of abnormal or unusual ways of living.

Such conditions require intelligence and care if they are not to have serious consequences for the inmates and the community at large. A realization of the nature of imprisonment is necessary for an understanding of the health and medical problems to be found in American prisons and reformatories.

Sanitation and Medical Administration

The sanitation of penal institutions is of prime importance to the well-being of the inmates. A well-kept, clean, and orderly environment has a favorable influence on the discipline and undoubtedly aids in the social rehabilitation of the prisoners. The sanitary standards maintained indicate the efficiency of the administrative staff.

Care of buildings, ventilation, heating and lighting of cells, toilet facilities, beds and bedding, bathing arrangements, clothing, water supply, and sewage disposal are among the problems involved in sanitation. The question of eliminating vermin is one that requires constant attention; sanitary precautions on admission reduce the introduction of vermin and parasitic conditions to a minimum; the inmate's clothing is either destroyed or sterilized; he is given a bath, and a new outfit of clothing is provided. All inmates are shaved regularly, usually weekly, and at least a monthly haircut is given. For the general inmate population, a weekly or semiweekly change of clothing is provided. The weekly bath is the rule in the majority of prisons.

In the general medical administration of penal institutions it seems obvious that at all times a physician should be the responsible person. As a matter of fact in too many prisons he has little to say about the inmate except to direct his remedial treatment. Sometimes the need of medical attention or hospital care is actually determined by the deputy warden or even by a guard.

The prisons of many states are a part of the political spoils system, and the chief administrative officers may change with changes in party control. Such changes frequently include the medical administration and interfere with any constructive program of health and hospital work. In the institutions studied in the survey, the governor made the appointment in fourteen cases, the governing board in thirty-eight cases, and the warden or superintendent in thirty-two instances. In fourteen institu-

tions the physician in charge reported directly to the governing board; and in seventy-five others he was responsible directly to the warden or superintendent.

More physicians were found to be engaged on a part-time basis than on full time—fifty-seven part time and forty full time —in the institutions studied. Four physicians were serving two institutions each. Some of the physicians on a full-time basis were carrying on private practice in addition to their prison work.

Another factor of major importance is that of remuneration. In many cases the salary was set at the time the prison was established and has never been changed. As in the case of other kinds of institutional work, the salary paid to prison physicians is extremely small when compared with the qualifications demanded and the amount of work to be done.

The survey also brought out the fact that there is a dearth of published information about health and hospital work in penal institutions. In only two or three prisons is there any attempt at continued research with publication in professional journals. Many of the annual reports carry little or no information regarding hospital and health problems. Not only do the larger number of prison physicians carry on no work of a research character, but records of their daily hospital work are deficient and in some cases entirely lacking. There is great need for the development of a scientific literature on the health and hospital problems of penal institutions. The medical profession has neglected to make use of the penal institutions for purposes of research and for the training of students. Political control and low standards of service are undoubtedly responsible for the failure to recognize the opportunities offered by such institutions.

Hospitals

The hospital facilities in but few prisons are adequate to meet the needs of present-day hospital care. In many cases the hospital occupies quarters provided at the establishment of the institution. The capacity is also adapted to that period, and in many cases the equipment is equally out of date.

On the day that the survey was made, 60 state prisons, with a population of 72,488, had a hospital-bed capacity of 2,054, a ratio of 2.83 beds per hundred inmates; 29 state reformatories

provided 1,020 beds for their 22,560 inmates, a ratio of 4.52 beds per hundred population. Although the average bed capacity for prison hospitals is above that recommended for the general population, it must be remembered that all inmates must be cared for in the hospital when ill, whereas in free life many cases of illness are cared for in the home. In many prisons the bed capacity is limited so that only emergency cases are sent to the hospital. Less serious cases are treated in the cells. It is doubtful whether hospital facilities in penal institutions ought to be compared with those in communities outside because of the opportunities for the physical rehabilitation of inmates by the removal of handicaps through surgical treatment, and the constant danger of the introduction of communicable disease with the possibility of its rapid spread through the congested population.

Twelve prisons and five reformatories were found without operating rooms in their hospitals, and in four prisons and one reformatory only minor surgery was attempted. With the exception of two prisons, a civilian dentist was serving in professional capacity. Oculists were found less frequently as a part of the regular hospital staff. Seven prisons and ten reformatories had access to the services of a psychiatrist, and four prisons and ten reformatories were served by psychologists. Four prisons had civilian male nurses, and two others had registered female nurses attached to their hospitals. Among the reformatories three male nurses were found in as many institutions, and trained female nurses in eleven others.

The employment of trained nurses in a few prison hospitals suggests the possibility and desirability of extending this service to other states. Where these nurses are employed, their presence in the hospital is reported to have a beneficial effect on the inmates with whom they come in contact. They also render useful service in record keeping, general hospital routine, and supervision of the work of the inmate attendants.

In all prison hospitals the major portion of the daily routine is handled by inmate helpers. Such a situation lends itself to many abuses and cannot be depended upon to give suitable service to those in need of hospital treatment. Needed at all times is the supervision by a person trained in hospital work. Under proper conditions, there is an opportunity for helpers to receive a training that will enable them to secure responsible positions when their

prison terms expire. In one institution during a period of seven years, more than fifty young men inmates entered hospital work after release. There is a growing demand in the medical and hospital field for trained technicians in nursing, laboratory, and X ray.

The sick call is a necessary feature in all penal institutions. In some cases it is held daily or even twice daily; in others, once, twice, or three times weekly. Those attending the sick call are inspired by different motives. Some are affected by the restrictions upon physical activity and the limitations of the dietary; others use the sick call as a means of introducing a little variety into the monotony of prison life; still others suffer from chronic disability; and finally some are acutely ill and require relief from their usual occupation and treatment in the cells or hospital.

Obviously, the handling of these different groups demands the services of a trained and sympathetic physician—in the case of the so-called *malingerers*, some may be fakirs pure and simple; whereas others are so constituted that they hesitate to ask for the attention that their cases require. The effect of prison life upon psychoneurotic persons is sometimes very depressing, and relief from their daily routine for a few days may be sufficient to carry them through their prison life without further damage. Continued experience by a physician enables him to learn many facts about the inmates. He is consequently able to reach a satisfactory decision. It is an interesting fact that whenever there is a change in the prison physician, there is usually an immediate and marked increase in the number of inmates attending sick call. The practice that prevails in some prisons of having a guard or even an inmate hold sick call is not to be commended. Lack of training may lead to disastrous results.

Physical Examinations

The routine physical examination of all persons committed to prison is a procedure of comparatively recent development. Only five prisons reported that physical examinations were not made of incoming prisoners; all but one reformatory reported such examinations. In several prisons the procedure is hastily carried out and superficial in character. In one prison the inmate hospital clerk saw all new prisoners on admission and referred to the physician only those who in his judgment were defective or in

need of medical attention. In another institution the entrance examination was made by a guard without medical training, and he referred only such cases as he thought necessary. The undesirability of having inmates and guards performing services of a professional character needs merely to be indicated. Prison officials may not be to blame, as appropriations may not be made by the legislature to provide for this and other related work.

Although the physical examination of new prisoners is an almost universal practice, only about one-third (thirty-one institutions) examine the inmates previous to release or parole. Where such examinations are made, it is usually at the request of the parole board. About the only time parole is denied for medical reasons is when the inmate is in need of further antivenereal treatment, and the laws require that he be detained until he is noninfectious.

In a few institutions it was reported that periodic examinations were made of all inmates during their stay in prison. This examination does not seem to be very detailed, and at times it is confined to the teeth. Such reexamination is most desirable, but it is not practicable in many institutions because of lack of medical personnel.

It is customary in penal institutions to give the physical examination as soon as possible after the prisoner is received. It may be given the first day, or it may be within the first week or two or at any time during the first month. The more desirable procedure is to place the new inmate in a section of the prison reserved for purposes of quarantine until he has received his physical examination and it has been determined that no contagious disease is present. About one-fourth of the state prisons observe such a quarantine period, and less than half of the reformatories.

Protective measures against smallpox are taken by sixty-five of the prisons and reformatories and by twenty-six against typhoid fever. Six of the reformatories test for diphtheria and administer toxin-antitoxin to those giving a positive reaction to the test. In one prison a man was received suffering from smallpox in the eruptive stage. He was promptly isolated, but it was necessary to vaccinate the majority of the 2,500 inmates, as in the routine of admission he had come in contact with workers in different offices before reaching the medical department where the nature of the disease was discovered.

Nutrition

Few studies have been made in the United States of the dietary needs of prisoners. The aim of prison authorities is to supply a diet sufficient for the needs of the average inmate. In but two prisons visited during the survey was the caloric value of the daily rations determined.

Most of the institutions maintain either farms or gardens or both which supply vegetables and pork. Most of the beef and other meats are purchased on contract, as are such staples as tea, coffee, sugar, and flour. Milk and other dairy articles are obtained from the farms. Many times poultry and eggs are supplied from the farms. Vegetables and fruits are canned for winter use.

In the majority of institutions responsibility for the purchase of food and supplies is vested in a state board or a state purchasing agent. Sixty-six institutions make purchases by that plan; in thirteen others the warden or superintendent is charged with this responsibility.

The importance of the preparation of the food cannot be exaggerated. The necessity of preparing large quantities adds to the difficulty of the problem. The prison law of New York prescribes that the prisoners shall be supplied with a "nutritious but inferior diet." Such a law is hard to enforce in the light of present-day knowledge of food values. Where large numbers are to be served, the matter of keeping food hot is a difficult problem. An example of cold food was seen in one prison where fried eggs were served for dinner. These eggs were cooked and on the plates by 10:30 A.M., although they were not served until 12:00 noon. There was no provision for keeping them warm.

In ten of the hundred institutions included in the survey, food is served in cafeteria style; in the others the men are served at tables in mess halls or dining rooms. The Massachusetts State Prison is unique in its food service—there is no mess hall, and the men must carry their food to the cells.

Monotony of diet is another danger in the serving of food to large numbers. It is the consensus of opinion among prison officials that more serious disciplinary problems arise over dissatisfaction with the food than from any other single cause.

Food costs are dependent on many factors. Two of the principal influences are nearness to good markets and the amount produced on the prison farm. The daily average food cost in the institutions covered in the survey was approximately 24 cents. The menus in most of the women's institutions are more liberal than in the men's prisons, and the daily per capita cost is also higher. In the nine institutions taking women only, the average food cost is 30 cents.

No evidence appeared to indicate that inmates in any of the institutions were receiving an insufficient amount of food. It has been found that the great majority put on weight for the first year following their admission, although there are several reasons for such a gain in weight besides the amount and kind of food.

With but few exceptions a civilian officer was in charge of the commissary and preparation of food. Other workers were inmates. As a rule those assigned to kitchen duty were those inmates who had had similar previous experience. Kitchen assignments are usually regarded as desirable because of the opportunity for increased variety of food.

In ten institutions the chief cook was an inmate who had followed this trade previous to his imprisonment. In only two prisons for men was a trained dietitian employed, and in both places he served also as the steward. As a great majority of dietitians are women, the difficulty of their presence in institutions for men was emphasized by prison officials. They fit into women's institutions as teachers of domestic economy but do not seem to have a place in men's institutions. Their presence would have to be justified by other reasons.

Mental Examinations

Mental or psychiatric examinations of prison groups originated in connection with scientific studies by psychiatrists, criminologists, and sociologists for the purpose of throwing light on the causes and prevention of crime. A helpful secondary benefit has resulted from the discovery that these examinations are also useful to prison officials in dealing with disciplinary problems. They are also of assistance in determining parole.

Two forms of mental examination are usually given: the *psychiatric*, which seeks to discover the state of mental or emo-

tional health of the individual, and the *psychological,* which has two purposes: one to determine the mental age; the other to find out the vocational aptitudes of the person. One examination depends upon the other, for an individual with a low intelligence obviously could not undertake activities requiring quickness of judgment and action. So far little more than a beginning has been made in the study of mental problems among prisoners.

Twenty-nine of the state prisons and reformatories examine all the inmates psychologically; eighteen also provide some psychiatric examinations for all inmates. Apparently a wide discrepancy exists in the method of giving the psychiatric examination, particularly in regard to the time spent on each inmate.

In general it is most desirable that the mental examination and treatment should be closely allied to the work of the medical department. The close association between mental symptoms and physical defects makes it very important that there be full coordination of the medical and psychiatric work. And yet in only eleven institutions was the psychiatric and psychological work a part of the medical and hospital departments.

The survey made inescapable the conclusion that a minimum of use was being made of the mental examinations by administrative officers. Parole boards also fail in most cases to take full advantage of the information available regarding the inmate's mental condition. In but eleven of the twenty-nine institutions utilizing these examinations were the results reported as being used by the parole authorities, and in only fourteen institutions having this service was it used by the administrative officers.

There are many other health problems to be dealt with in penal institutions in addition to those already briefly discussed. Among these services are care of the teeth, eyesight, tubercular infection, venereal disease, sex perversion, and drug addiction. The complexity and difficulty of these problems is apparent to anyone at all familiar with prison conditions. How little is actually being done to solve them is made clear even in this brief summary of Dr. Rector's survey.[1]

[1] As stated at the beginning, this chapter is based mainly upon Dr. Rector's study. The introduction, summary, and recommendations of that study, pp. 1–28, give in very brief form the main results. Much interesting data are contained in the later chapters and also in tabular form in the appendix.

The Federal Bureau of Prisons has set an example of the place that should be occupied by medical care and the hospital in correctional institutions. In 1930 legislation was enacted by Congress through which the United States Public Health Service was given charge of the medical work in the federal penal institutions. As a result there have been installed in these institutions full-time medical officers, surgeons, psychiatrists, psychologists, dentists, and nurses with consulting specialists on a part-time basis. The federal institutions, therefore, have adequate medical staffs with a high standard of professional training. The hospitals at Atlanta, Leavenworth, Chillicothe, Northeastern, and Springfield have been give a grade A rating by the American College of Surgeons. Thorough admission examinations are made, and routine examinations before discharge. Five hundred thousand dollars is annually expended for medical work in the federal penal and correctional institutions.

In May, 1930, Congress authorized the establishment of the Hospital for Defective Delinquents "for the care and treatment of all persons charged with or convicted of offenses against the United States, and who are in the actual custody of its officers or agents, and who at the time of their conviction or during the time of their detention and/or confinement are or shall become insane, afflicted with an incurable or chronic degenerative disease, or so defective mentally or physically as to require special medical care and treatment in an existing federal institution."

The hospital was located at Springfield, Mo., and was opened in September, 1933. Its construction is somewhat similar to that of the hospitals of the Veterans Administration with added features that give it greater strength. There are separate departments for "the acutely deranged, those requiring long continued treatment, the tubercular patients, and the aged, infirm, and chronically sick." The institution is under the joint management of the Bureau of Prisons and the U. S. Public Health Service and has been equipped with the most modern hospital appliances.

In the opinion of Sanford Bates, formerly director of the Bureau of Prisons, under whose administration it was planned and constructed, "there is a distinct purpose behind this Federal Hospital for Defective Delinquents. The trained staff is presented with an unusual opportunity to study the important question of the

relation of physical and mental defects to crime, and it is the hope of the Bureau of Prisons that valuable contributions may be made to the world as a result of clinical and research activities carried on at this institution."

Mr. Bates also points out that the medical care provided for by the federal authorities is "an investment not only in individual rehabilitation but in community protection as well. Every time a prisoner is isolated for tuberculosis and his case is arrested or a man is cured of venereal disease, a source of community infection is likewise removed."[1]

The medical center has been located in the central part of the United States, since it will be the only institution of its kind in the country. It is an institution without counterpart in the United States. Obviously, it is to house types of offenders that in most prison systems are cared for in scattered hospitals or are left to mingle with able-bodied and normal inmates. It is a new type of institution which contributes to the modernization of penal and correctional systems.

At the close of the fiscal year 1935–1936 the staff of the Springfield Medical Center consisted of 7 medical officers, 2 medical internes, 1 dental officer, 7 visiting consultants, 4 female nurses, 12 guard attendants, 57 attendants, 2 reconstruction aides, 1 medical technician, and 1 librarian. The patient population at the beginning of the year was 286. At the close of the year there were 374 patients. Medical service was also rendered to the prison camp which had an average population of 154 for the year. The prison camp is established at the institution to provide trusty prison inmates for certain types of work in connection with the operation of the hospital and improvements in roads, grounds, and mechanical equipment.

Practically all patients admitted to this institution are afflicted with mental and physical defects that are chronic in nature. Special emphasis has been placed on diagnosis, medical treatment, and good nursing care.

The majority of the patients have been able to take advantage of the occupational physiotherapy, library, radio, yard privileges, moving pictures, and other available services. An attempt has

[1] BATES, *Prisons and Beyond*, pp. 140–142, 153–156, The Macmillan Company; *Federal Offenders*, 1930–1931, p. 16, 1931–1932, pp. 9, 10, 1932–1933, pp. 14, 15.

been made to keep all of them occupied the greater portion of the day. Of course such occupation must be compatible with their medical and physical infirmities. The type of occupation is determined by the staff classification committee. Practically all of the routine maintenance work on the inside of the institution is done by the patient population. A limited number of patients are capable of clerical work and act as typists and stenographers. Patients unable to engage in gainful occupations are assigned to the craft shops, where carpentry, painting, rug weaving, basket weaving, and similar activities are directed by the occupational therapy aid. Approximately 39 per cent of the tuberculosis patients, 87 per cent of the chronic infirm, and 84 per cent of the psychotic patients were engaged in some form of work.

At the end of the fiscal year 1934–1935 there were 151 insane, 75 chronic infirm, and 60 tuberculosis patients. Most of the mental and tuberculosis patients are transferred to the center, regardless of the criminal record, nature of crime, length of sentence, or degree of supervision required for safe custody. Consequently, all types of delinquency are represented, the only common characteristic being the mental and physical infirmities. The inmate population, therefore, constitutes a good field for the study of sick prisoners. Eventually it is hoped that definite facts as to the relationship between delinquency and illness may be collected.

Over half of the patients are afflicted with mental disease. Psychiatry has consequently been the major medical activity. A study has been made of 235 psychotic criminals admitted to the institution. The survey was undertaken to ascertain "the major causative and precipitating factors in prison life which produce psychoses." It was found that 130 were psychotic before committing the crime that led to confinement. Twenty showed no evidence of psychosis at the time of their offense but were psychotic at the time of admission. The assumption may be made that most of them became psychotic while in jail awaiting trial. An analysis of the remaining 85 indicated that a large number became ill during the first year in prison. The fact that sixty-two of the eighty-five cases, or about 73 per cent, had definite psychopathic personalities is probably of great significance in the study of mental disorders among prisoners.[1]

[1] *Federal Offenders*, 1934–1935, pp. 128, 129; 1935–1936, pp. 118, 119.

CHAPTER XII

EDUCATION

In his study of *The Education of Adult Prisoners*, Austin H. MacCormick, assistant director of the U. S. Bureau of Prisons, makes the following illuminating statement in regard to the relation of crime and the lack of education: "How much effect education has on character we do not know: whether or not it has the power to create a moral desire or merely to stimulate a desire already existent and to give it something to feed on. We do know, however, that men and women in prison are as a rule undereducated, and, however high or modest our hopes for the result, we should remove that deficiency as we should remove adenoids. If we believe in the beneficial effect of education on man in general, we must believe in it for this particular group which differs less than the layman thinks from the ordinary run of humanity. If on no other grounds than a general resolve to offer educational opportunities to undereducated persons wherever they may be found, we recognize that our penal population constitutes a proper field for educational effort. In brief, we are not ready to make its efficacy in turning men from crime the only criterion in judging the value of education for prisoners. If we were, we should be equally ready to claim that in the main the chances of a criminal turning from crime will be increased if he receives some measure of education while in prison."

Another suggestive comment is made by Mr. MacCormick: "It is true that a man may carry a burglar's kit and a doctor's degree at the same time. It is also true that he may carry a plumber's kit and a doctor's degree. But he seldom does. There is, moreover, a vast difference between the man who turns to crime when he is educated and the man who turns to education when he is a criminal. It is always possible that education may open up to the successful burglar fields more attractive and more secure than burglary. A certain prisoner is one of the best artisans the writer ever met. His skill at making and repairing fine ship models is so great that collectors send valuable models

for repair to the prison where he is confined. If he ever turns from safecracking, at which he is also proficient, it will perhaps be because he is slowly and unconsciously educating himself by attention to his craftsmanship and by reading into which model making has led him."

In the spring of 1927 a grant of funds was made by the Carnegie Corporation to the National Society of Penal Information for a study of educational and library work in American prisons and reformatories and for the formulation of a program that might be adopted as a standard for penal institutions. Mr. MacCormick was engaged by the society to make the study. From November, 1927, to August, 1928, he visited all the prisons and reformatories for men and women in the United States with three exceptions. He had visited the majority of the prisons once before in connection with the collection of the materials used in the *Handbooks* published by the society. The total number of institutions of major importance visited was about 110. "The educational work in the penal institutions of the country was found to be so limited that the investigator soon realized that the major part of his task was not to record what was being done but to formulate a workable program, indicating what might be done with adequate financial support and competent personnel."

As in the chapter on health and medical service, the author's chief reliance in compiling this chapter has been the study, published by the society, containing Mr. MacCormick's findings. Both Dr. Rector's and Mr. MacCormick's studies are pioneer works and the only comprehensive sources of information on the two phases of prison life.[1]

There is a potential student body of over 100,000 individuals in our prisons and reformatories for men and women. In current practice in prisons education is largely limited to the "illiterates" or "those who lack a fifth-grade education" or "those who want to take correspondence courses and have enough money to pay for them." The reformatories for men have gone to the other extreme. In theory all the inmates are included with some important exceptions: those who can convince the school authorities that they have completed the eighth grade; those who are pronounced mental defectives; those who are too "dumb" to bother

[1] MacCormick, *The Education of Adult Prisoners*, The National Society for Penal Information, 1931.

with; those who appear incapable of learning skilled trades; those who succeed in making trouble enough to escape the school; those assigned to details excused from school; and "others in sufficient numbers to bring the actual student body down to 50 per cent of the inmate population or even lower. The reformatories for men, with all their claims of being educational institutions, actually offer education to only a part of their inmates. They require universal education on the one hand and make wholesale and indiscriminate exceptions on the other. This charge, by contrast, cannot fairly be placed against the reformatories for women. However ineffective their educational work may be, practically all of them try to bring one type of education or another to every inmate."

The majority of the inmates of penal institutions are "in the twenty- to thirty-year age group, with a pronounced tendency toward a lower average age in recent years. They are undereducated from the academic standpoint and vocationally unskilled. In mentality they do not differ greatly from the army draft group. They show a somewhat higher incidence of psychopathic trends and emotional imbalances than the general population. Their environmental background is that of the underprivileged groups in our rural and urban communities. A very high percentage came originally from broken homes. Their future is that of the ex-convict, facing a struggle against distrust and prejudice, especially when in search of work. Their attitude toward education is a combination of 'You'll have to show me' and 'Please show me.'

"The penal population does not represent a cross section of the general population, but it is a fair cross section of the lower ranges of society where bad environmental conditions and limited opportunities prevail. The prisoners who are recruited from the upper reaches of the general population represent only a comparatively thin sprinkling, although there is a fairly large number of prisoners who have superior native intelligence."[1]

Conditions in 1927–1928

Basing his deductions on the survey made in 1927–1928, Mr. MacCormick concludes as follows: "Taking the country as a whole, we are tolerating a tragic failure. Of all the fields in

[1] *Op. cit.*, pp. 13–16.

which the American penal institution gives evidence of futility, education very nearly heads the list." In the course of his survey "not a single complete and well-rounded educational program, adequately financed and staffed, was encountered in all the prisons in the country."

"In a number of the reformatories for men elaborate and fairly well-rounded programs were found. In one or two, educational work was fairly successful, but in no instance was it adequately financed or staffed." In spite of the emphasis on education the great majority of the reformatories for men must be described as "comparative failures." Most of the reformatories for women make education in the broadest sense their objective. They are the most encouraging of all our penal institutions.

The situation in the prisons is the worst. Out of about sixty state and federal prisons, thirteen have no educational program. In about thirteen others the educational work makes only a halting and grudging effort to conform to state laws requiring that every prisoner shall be given a third- or fifth-grade education. In less than twelve prisons may the work be described as rising above mediocrity. In the rest of the prisons—about half of the total number—the educational work has little significance in spite of conscientious efforts on the part of those in charge and the inmates.

Not one prison has an organized program of vocational education, although in many prisons the inmates receive such training incidentally in the industries or maintenance work. A few prisons offer vocational courses, usually by correspondence but rarely with sufficient correlation of theoretical instruction and practical application.

There is also little educational opportunity for the prisoner who wishes to advance beyond the lower grades or who has had preparation enough to fit him for advanced study. Little effort is made to provide "nonutilitiarian, cultural education" for the few who desire it. "The educational work of most prisons, in brief, consists of an academic school closely patterned after public schools for juveniles, having a low aim, enrolling students unselectively, inadequately financed, inexpertly supervised and taught, occupying mean quarters, and using poor equipment and textual material."[1]

[1] *Op. cit.*, Chap. IV, especially pp. 38–40.

Reformatories for Men

Reference is made by Mr. MacCormick to the Gluecks' study of the results of the work of the Massachusetts Reformatory. He states that "the educational work of the institution has been greatly improved in the last two years, and it seems probable that it is showing better results today than in the period studied. This period was not a typical one, and the group studied was not typical of reformatory inmates throughout the country. A number of reformatories present evidence of greater success than that of Massachusetts. After the Gluecks' figures are liberally discounted, however, there is every reason to believe that this institution has failed to perform its function of reform and that its failure is approximated in the great majority of the reformatories for men throughout the country."

Four reasons are given for the failure: the difficulty of the task; mass treatment in educational programs; lack of funds; and lack of productive industries.

The difficulty of the task is due to the fact that the reformatory inmate in many ways is a more difficult person to reform than the inmate of a prison. He is likely to be unstable, unresponsive, and apathetic to good influences. He has no conception of the benefits to be derived from hard work and steady application. He is more inclined than the older prisoner to be hostile to education because the recollection of his school days, usually unsuccessful, is fresher. He regards education as just another form of penal routine. His attitude is a combination of "indifference; passive resistance; or reckless, devil-may-care, 'improve-me-if you-can' bravado." The problems presented in the reformatories demand a type of personnel and program rarely found there. The wide use of probation in the more hopeful cases leaves to the reformatories a group from which a large percentage of failures may be expected under the most favorable circumstances.

The failure of the reformatory as an educational institution is due largely to the fact that education has followed mass-treatment methods with a consequent lack of individualization. Academic education is patterned after the standard public-school program and is required unselectively of all inmates who have not completed the eighth grade. Vocational education is also

handled in the same way and is often limited to a few trades without sufficient opportunity for practical application. Too little use is made for training of the practical work of carrying on the institution; too much routine in the educational work destroys interest. There is little correlation between maintenance work and school work. The socialization of the prisoner receives insufficient attention. The general effect of the routine and atmosphere of the reformatory makes the inmates nonsocial if not antisocial.

No reformatory in the country "has ever been adequately staffed with a sufficient number of well-trained and well-paid academic and vocational instructors or supplied with the physical facilities and equipment necessary for the establishment of a complete educational program. No reformatory has ever been given appropriations sufficient for its needs as an educational institution." In only two of the reformatories does the person in charge of either academic or vocational education receive over $3,000 a year. In ten reformatories he receives less than $2,000 a year.

The policy of not having productive industries in the reformatories has prevented the use of one of the best agencies of vocational training and has sent a larger proportion of the inmates into the academic and trade schools than should really be there. Military drill probably would not have survived if it were not a way of occupying a few hours of the prisoner's day.

According to Mr. MacCormick, there are two plans of organization of the reformatory: (1) as a high grade school and (2) as a community of employed young men. The present reformatory is neither one nor the other. As a school it is mediocre. "It is gradually becoming a working community and is introducing industries and other useful enterprises whenever authorization can be obtained, but it does not utilize them as centers of organized training."

Mr. MacCormick believes that reformatories will be more successful if the idea of a school is given up and the institutions are organized as communities of employed young workers. Under such conditions the training would be based upon the actual life interests of the prisoners. Vocational education is stressed because young men are more interested in it than in any other type. Productive industries, the farm, and maintenance work

would all be used for training purposes, and the young prisoner would have a regular job and supplement it with part-time or evening school much as a young worker in life outside the institution. All of his activities would be carefully planned. The aversion to school because of unpleasant memories would be avoided, and the interest in actual work or in doing things utilized. More real education could be given by such methods. Semieducational and recreational activities could be set up in the *working reformatory* as well as in the *school reformatory*. Probably the working-community organization has greater socializing possibilities, for the prisoners are trained in a type of community life more nearly comparable to that into which they will go on release.

Under such an organization the establishment of a variety of productive industries is essential. If the industries are not sufficiently varied and are poorly selected, they can do more harm than good. In the men's reformatory of Iowa 40 per cent of the inmates were engaged in making clothing for women. Among the more desirable industries are shoe shops, furniture factories, metal shops, and foundries.

If the educational program of the reformatory is organized on this basis, it will differ little from that proposed for the prisons. The differences will be largely in degree and emphasis. School work will be easier for the reformatory prisoners because they are nearer to their school work and therefore less rusty. They are, however, more likely to be less interested in academic work. In vocational work their lack of experience will make trade preparatory courses more necessary. Individual analysis and guidance is even more important in the reformatory than in the prison. The younger men have not yet learned how seriously they will be handicapped in life in meeting employment requirements.[1]

Reformatories for Women

From the standpoint of education the reformatories for women are the most promising. They attempt to prepare their inmates "not only for greater competence in making a living but also

[1] *Op. cit.*, Chap. XVIII, especially pp. 273, 274–281, 283–288; it should be remembered that much of this discussion is based on conditions existing at the time of the survey in 1927–1928.

for greater satisfaction and interest in life." A socialized program is usually found in these institutions. Academic and vocational education are closely related to their needs and interests. Individualization of the program is aimed at consciously, and success is made easier by the small number of inmates in most of the institutions for women.

These institutions are fortunate because their maintenance work and industries fit the inmates for the occupations in which they find employment on release. This is especially true of the women who return to their homes or enter domestic service and those who live on or are employed on farms. "Contrary to the usual belief," according to Mr. MacCormick, "domestic occupations contribute the majority of women offenders. Statistical evidence appears to disprove the idea commonly held that the entrance of women into industrial life is responsible for a great increase in female criminality." Such traditional activities of women as housework, sewing, laundry work, nursing, and keeping boarders furnish more than four-fifths of all the female criminals, whereas only about one-tenth come from all the newer occupations—mills, factories, shops, offices, and the professions. A government investigation indicated that nearly three-fourths of the women criminals come from domestic servants and waitresses, although less than one-fourth of the girls and women gainfully employed are in the two occupations.

Practically all the reformatories for women place emphasis upon training for farm life and domestic occupations and are generally successful in this branch of vocational education. Although these must be emphasized, the number of women going into business occupations and into trade and industry is rapidly increasing and cannot be disregarded, especially by institutions near large cities. The difficulty of giving effective training in commercial occupations and in trades and industries undoubtedly accounts for their comparative neglect. The institutions are so small that diversified industries cannot easily be established. The Massachusetts Reformatory operates successful sewing industries on the state-use basis. Hand sewing can also be taught, and a good living can always be earned by a woman who is skilled in needlework. One occupation—beauty culturist—seems to have the same attraction for women prisoners that the trade of automobile mechanic has for men prisoners. It is

well paid, and increasingly high standards are being established for admission into the trade. In California the requirements are so high that they may almost be compared with those for a registered nurse.[1]

Libraries

The library has possibilities for both direct and indirect education in penal institutions. As a direct educational agency it has not yet been utilized to its fullest extent. The possible values of directed reading are extremely great, especially in the field of adult education. In public libraries these values are already appreciated and applied. An adequate library in a penal institution would do more than any other agency to develop a well-rounded program of education.

Institution libraries have never had a chance to show their value in education. Usually, they are very poor, consisting of a "mongrel collection of gift books, many of which are discards from city libraries or the homes of well-meaning citizens." New books rarely get to the prisons. A regular appropriation for new books is unusual. A New York institution with 1,600 inmates spent only $34 in a year for library books. Only about a half-dozen prisons and reformatories for adults have a regular appropriation of $500 or more a year, appropriated specifically for the library and used exclusively for the purpose.

Other weak features of the institutional library are the lack of trained supervision and the lack of reader stimulation and reader guidance. The only effort to remove the last two defects is "an occasional preachy talk by the chaplain, who too often makes reading sound like a mystic rite to be engaged in after fasting and ablutions."

The library in a prison is inaccessible. Readers must select books from catalogues which range from a serviceable printed pamphlet to a torn typewritten list which is passed around until it becomes "more dogeared than the books it lists." Yet prisoners read "persistently and widely." It is not unusual to find circulation figures showing "as high as two books per inmate per month, which is far better than the general average of the free population."

[1] *Op. cit.*, Chap. XIX, especially pp. 292–298.

Not all of this reading is of the lower grades of fiction. One frequently finds men in prisons who have read many books on abstract or unusual subjects. Men having real intellectual interests flounder about without guidance because of a rather pathetic desire for knowledge. Prewar dates in histories, fine type, and unknown authors in philosophy and psychology do not deter them.

The two chief needs for improvement in the prison library are for adequate finances and for skilled supervision. Most libraries in penal institutions should be gone over by a trained person with power to "cull ruthlessly." The next step is to develop a well-rounded collection by one fairly large initial purchase and regular additions afterward of carefully selected books.

An idea of what such a library program may cost is indicated by estimates made for the two 3,500-man federal penitentiaries at Leavenworth and Atlanta. These institutions "already have large but poorly balanced collections of books derived from World War cantonment libraries." They will need at least $2,500 for two years and $1,500 a year afterward. The library in the new Michigan prison at Jackson will cost $6,000. A fair estimate of the minimum amount needed is $1 per inmate per year.

If begging must be resorted to, it should be done intelligently. McNeil Island aroused the friendly interest of publishers and received in 1929 new books worth $2,800. Book reviewers are a possible source of supply, as are selected lists of private citizens. Solicitation should be selective and specific—indicating the types of books, particular books most needed, and books not wanted. Book boxes could be established at railroad stations and other conspicuous points. Such a plan has been used successfully for collecting books for merchant ship crews. Magazines can be obtained almost by the ton for the asking.

Two states, Minnesota and Wisconsin, are doing noteworthy work with their prison and reformatory libraries. Minnesota has an institutional librarian under the state Board of Control. She has supervision over library work in all state institutions, including the penal institutions. Funds are appropriated for annual purchases of new books. The librarian selects the new books, supervises the inmate librarians, and acts as an expert

nonresident librarian. As a result the Minnesota State Prison has one of the best penal institution libraries in the country, and the Reformatory for men is nearly as good. The usefulness of the library at the State Prison is somewhat limited by the rigorous routine, but the results fully justify the plan of a state institutional librarian.

Wisconsin uses a different approach. The state Free Library Commission gives to inmates of the penal institutions the same privileges that other citizens enjoy: securing books if they pay the postage one way. The organizer of field work for the University of Wisconsin frequently visits the penal institutions and acts as the representative of the Library Commission. He gives prisoners advice in regard to their reading and informs the commission as to the educational background and interests of the applicants. No attempt is made to build up complete institutional libraries. The commission tries to have in the local collections books that are in constant demand and supplies the more expensive books, those not in demand often, and out-of-date books from its central collection at Madison.

A combination of the two methods is recommended by Mr. MacCormick for any state undertaking to establish an adequate library service. A relatively small purchase of books with regular additions of new books would be supplemented by loans from the state library. The state institutional librarian should be a member of the staff of the state library or the library commission and should supervise the libraries in the institutions. The work of the institutional librarian should be supplemented by occasional visits from other members of the library staff, members of the faculty of the state university, and teachers from neighboring city schools. In connection with the loan service to prisoners, the whole cost of postage should be paid by the state, as even a few cents may be an obstacle to its use. Postage would amount to only a small sum as compared to the actual purchase of books for the institutional library.[1]

In the judgment of Mr. MacCormick, writing in 1929, "the most significant work in the field of penal education in the country is at San Quentin Prison in California." San Quentin is not a good place for any kind of reformatory undertaking. It is a large prison; it is overcrowded; and there is a good deal of idle-

[1] *Op. cit.*, Chap. X, pp. 150–158.

ness. The educational work is handicapped by lack of civilian teachers and poor quarters.

In 1925 Earle M. Stigers was appointed educational and religious director at San Quentin. He is a trained educator of unusual ability. The University of California Extension Division has for years supplied prisoners with correspondence courses free of charge and has cooperated closely with the prison. Its courses and similar ones developed from them are the basis of the educational work of the institution. About 20 per cent of all the lessons submitted to the university for correction come from prisoners at San Quentin. The university authorities have stated officially that the work done by the students at San Quentin averages higher than that done by outside students.

"The second most noteworthy educational program in the prisons of the country," according to Mr. MacCormick, "that of the Wisconsin prison, is also based on the cooperation of the state university." There is no resident educational director, and the success of the program has been due largely to the attitude of the warden, a former educator, and to the work of Chester Allen, field representative of the Extension Division. Mr. Allen has given a great amount of personal attention to the prison and has established close relations with officials and prisoners. He visits the prison semimonthly, helps men select courses, and spends some time assisting those who have difficulties with their work. There is need of more such follow-up than can be provided.

The significance of the program in Wisconsin rests upon its effectiveness rather than upon its extent. Of the 1,000 inmates only 148 were enrolled in 1929—at San Quentin there were 1,300 out of about 4,000 prisoners. The percentage of completions and the average grade is high. Most of the inmates do a hard day's work every day, and the routine is rigorous. As at San Quentin, the enrollment represents a triumph over local conditions none too favorable to educational work.[1]

Social Education

The ideal result to be hoped for from all types of education is social education. This is also true in regard to educational work

[1] *Op. cit.*, Chap. XIV, especially pp. 218–222.

in penal institutions. We hope for what we call the *socialization of the individual.* It is a high-sounding phrase for what is going on around us all the time. Socialization is an everyday process through which everyone goes, willingly or not, from birth to death. The most effective socialization is not accomplished by any organized plan of training but occurs in the ordinary activities of daily life. A great deal of the socialization is ineffective. Persons exposed to it all their lives remain as egocentric and nonsocial at middle age as when they were infants.

Prisoners are nonsocial rather than antisocial. The number of prisoners who are definitely antisocial is very much smaller than is generally supposed by the public. Socialization can be most effectively brought about indirectly. Such inmate community organizations as were formed by Thomas Mott Osborne are probably the best mechanism for training in socialization—training for group relationships by practicing them. The reformatories for women furnish the best models for inmate community organization. Most of the institutions for men do not offer much social education of this sort, partly because the large number of inmates makes mass treatment almost necessary.

"Occasionally one finds exceptions. Sometimes the inmates of a cell house or dormitory in charge of a superior guard, or a group led by prisoners with natural qualities of leadership, have developed a group morale so that every man takes pride in the fact that he lives in the cleanest section of the prison or that fewer men are put on report from his section than from any other. Prisoners under these conditions are being socialized.

"Curiously enough, this type of morale is sometimes found in a shop that has been designated as the dumping ground for all the bad eggs in the institution. In the foundry of one prison the men take pride in the fact that they are 'the toughest gang in the joint' but that they can turn out more work than any other shop. They are unconsciously being socialized in one direction, at least."

Practice by doing results in what we call socialization. It is more effective than all the textbooks ever written and all the courses in citizenship ever devised.[1]

[1] *Op. cit.*, Chap. XIII, especially pp. 204–206, 208, 209, 213–215.

Education in Federal Institutions

As in the case of medical care and treatment, the Federal Bureau of Prisons has shown leadership in the provision of education for the inmates of its institutions. The foundations for the educational program were laid down by Austin H. MacCormick, assistant director of the bureau from 1929 to 1934. No man better qualified for such an undertaking could have been found. His work has been ably carried on by his successor F. Lovell Bixby.

A trained supervisor of education was appointed in each institution; new classrooms were provided; the libraries were reorganized; considerable money was spent on library books and on textbooks; and a system of cell-study correspondence courses to supplement classroom instruction was established.

The libraries form an integral part of the educational system, as well as agencies of wholesome recreation. Trained librarians have been appointed in the various institutions. These institutional librarians work under the supervision of a librarian, connected with the central office at Washington, who has specialized in work with underprivileged groups. The first two men appointed were the first trained male librarians employed by any American prison system.

The federal program aims at removing illiteracy, giving every prisoner the fundamental education needed in daily life and in further study or vocational training, and giving training for an occupation to as many as possible.

Educational work is closely coordinated with classification and individualization and with that of the psychiatrists and psychologists as well as with the industries. A careful selection of prisoners is made for enrollment in studies. The educational program excells that of any state.

All enrollment for education in the penitentiaries is voluntary. At the reformatory for men at Chillicothe, academic education is on a compulsory, and vocational schools on a voluntary, basis. Every inmate is required to attend day school until he can pass the fifth grade unless he is incompetent mentally to do so. The average time taken to meet the fifth-grade requirement is eight to ten weeks. The prisoner then has an opportunity to enter one of the ten trade schools or is assigned to institutional duties.

Educational work is in charge of trained civilians. The total educational personnel in 1932–1933, exclusive of librarians, was forty-one. A typical staff for the larger penitentiaries is a supervisor of education and two assistants. Chillicothe had a staff of sixteen: a supervisor, assistant supervisor, three academic instructors, ten vocational instructors, and an instructor in physical education. The reformatory for women had eight academic and vocational instructors.

The federal prison system has set a standard for American prisons by appointing trained civilian librarians in the larger institutions, making annual purchases of carefully selected new books with emphasis upon readable nonfiction, and installing standard methods not only for the care and circulation of books but also for the stimulation and guidance of readers.

In 1933–1934 from 60 to 70 per cent of the inmates were enrolled for educational work in some of the institutions. Library circulation during the same year varied from 3.8 to 6 books per inmate per month. About one-third of the total circulation is in the nonfiction class.

During 1935–1936 there was a very satisfactory development of the educational and vocational training programs in all the institutions. This was particularly true in the three reformatories and at the Northeastern Penitentiary.

Major emphasis is given to classroom instruction in the fundamentals of academic education for the large proportion of prisoners who show a low level of educational achievement. For others correspondence courses, evening classes, special-subject classes, and cell-study courses are provided. Many of these courses of study are on a college level.

Recently a supervisor of education has been added to the central staff of the bureau to assist in guiding the development of the education work. The lack of trained civilian teachers remains one of the biggest handicaps.[1]

Educational Problems of Penal Institutions for Youth

In 1933 Governor Herbert H. Lehman of New York appointed a commission for the study of the educational problems of penal

[1] *Federal Offenders*, 1930–1931, pp. 13–15, 1931–1932, pp. 7–9, 1932–1933, pp. 11–13, 1933–1934, pp. 11–13, 1934–1935, pp. 14, 15, 1935–1936, pp. 7, 8; Bates, *Prisons* and Beyond, pp. 149–153, The Macmillan Company, 1936.

institutions for youth. The first meeting of the commission was held at Teachers College, Columbia University, on January 12, 1934. Its final report was made December 26, 1936. This report covers 150 pages and contains "the most detailed treatment of the subject ever issued by a public agency. While many of the recommendations are local to the state of New York it should prove of great value to penologists in all parts of the country."[1]

The basic concepts and objectives of education in correctional institutions are stated as follows:

"Society is at present committed to imprisonment as the major method of dealing with convicted offenders against its laws. Riots and investigations of riot during the past ten years have indicated the ineffective and occasionally pernicious programs of many correctional institutions. There is convincing evidence that the essential difference between the prison of 1830 and that of 1930 is just 100 years."

Gradually people are beginning to ask whether there is any use of sending a man to prison "if he comes out bitter against society and less able to cope with his environment than when he entered. The $52,000,000 spent on correctional institutions each year should return larger dividends to society in remade men than it does at present. Prisons are more sanitary than formerly, the housing and physical facilities are somewhat improved. But these physical improvements, although commendable, cannot solve the prison problem. A new program, a new spirit, and a revivified personnel are necessary if prisons and reformatories are to be more than halfway houses to more crime and more imprisonment."

The social and economic rehabilitation of inmates is declared by the commission to be "the major objective of education in correctional institutions. Delinquents and criminals are socially and vocationally maladjusted. They represent a definite and special problem for adjustment. The maladjustments result from many causes, some of which operated before incarceration and some of which are involved in confinement away from a normal social environment."

[1] *Journal of Criminal Law and Criminology*, Vol. XXVIII, p. 148, May–June, 1937.

The task of correctional education is, consequently, the socialization of the inmates. Such a result includes, "first, to see that as large a percentage of inmates as possible do not repeat criminal acts and, second, to enable the individual to live efficiently and with sufficient interest so that he will adjust and contribute to the welfare of society.

"Socialization is a continuous process of change and development within an individual which is to render him more and more willing and able to fill an acceptable place in society and to contribute to its betterment. Apparently this process is essentially one of social interaction and the expression of desirable interests and activities."

In the case of the delinquent or criminal, the process of socialization has been "faulty and erratic due to insufficient assimilation of social understanding in combination with individual weaknesses. These individual weaknesses many times are emotional in character or in some manner deeply rooted in the personality make-up of individuals. Again, a criminal career may be the natural outcome of concepts formed under the stresses of an unsatisfactory economic environment. The outcome is antisocial attitudes and interests. It appears, then, that correctional education should be, basically, a process involving modification of attitudes, a sublimation of interests, and the development of the necessary skills for acceptable living."

According to the conclusions of the commission, the attainment of socialization involves the following types of activities:

1. "Vocational education which will enable the individual to become a self-maintaining member of society.
2. "Activities leading to clearer understandings of modern social and economic problems in order to bring about revision of undesirable attitudes toward social institutions.
3. "Activities to develop proficiency in essential academic skills.
4. "Activities leading to the stimulation and development of interest and skill in worth-while leisure activities.
5. "Activities leading to the ability to get along with people and live cooperatively as members of approved social groups."[1]

[1] *Report of the Commission for the Study of the Educational Problems of Penal Institutions for Youth*, state of New York, 1936, pp. 61–76.

Some of the major accomplishments of the commission have been as follows:

1. Continuation of the reorganization of education at Elmira Reformatory begun under the Commission to Investigate Prison Administration and Construction appointed by Governor Roosevelt in 1930.

2. The establishment of experimental projects in two institutions. At Wallkill Prison, a *medium-security institution*, as effort was made "to determine the kind of treatment program which can most surely result in the social orientation of prisoners." The other program was conducted at Clinton Prison and was an "effort to bring about such reorganization in a typical *maximum-security prison* as will result in providing an adequate opportunity for the vocational education of prisoners."[1]

[1] *Ibid.*, pp. 31–33, 123–131.

CHAPTER XIII

INMATE ORGANIZATION

In *The Survey* for March, 1926, "the system of training for citizenship by community responsibility," established by Thomas Mott Osborne in Sing Sing and Auburn in 1914, is described as "the most constructive idea injected into prison disciplinary methods in the last twenty years."

In a life of Osborne, published in 1935, the author refers to the same idea as "an experiment that was to become as conspicuous a landmark in the history of penology as the signing of the Magna Charta in the development of popular sovereignty."

The origin of the idea of community responsibility for inmates —so-called self-government, or inmate participation in administration—is due to William R. George, who founded the George Junior Republic at Freeville, N. Y., in 1895. The Republic is composed of boys and girls, sixteen to twenty-one years of age, committed to the care of Mr. George because of delinquency or for other reasons. Self-government and self-support under sympathetic supervision are the basic features. Early experiments with self-government were made in 1824 at the New York House of Refuge and at the Boston House of Reformation from 1828 to 1833.

These experiments were with juvenile offenders. The contribution made by Mr. Osborne was to develop the principle in penal institutions for adults. He was president of the board of trustees of the George Junior Republic for fifteen years, and as a result of this experience he conceived the idea of applying the same method to adult prisoners. His lifelong home (1859–1926) was in Auburn, N. Y., where Auburn Prison is located. Unquestionably, Osborne's interest in penology was determined by the proximity of his home to Auburn Prison.

Osborne's first public utterance in regard to prison reform seems to have been made in 1905 in a public address at Syracuse in which he declared that "prisoners were treated like wild

animals and were kept in cages." He believed that "the system brutalized the men and the keepers." He proposed "a system like that of the George Junior Republic. The prisoner's sentence would be indeterminate. He would work for a living or starve and if diligent would be allowed to save up and purchase luxuries and possibly freedom. He would be self-governing and learn to respect law."

By September, 1906, Osborne's "position as an advocate of prison reform had been sufficiently recognized to bring him an invitation to speak before the Congress of the National Prison Association." At this meeting he elaborated his views and offered three basic principles for the reconstruction of the penal system: (1) "The law must decree not punishment but temporary exile from society until the offender has proven by his conduct that he is fit to return to society." (2) "Society must brand no man as a criminal but aim solely to reform the mental conditions under which a criminal act has been committed." (3) "The prison must be an institution where every inmate must have the largest practicable amount of individual freedom, because 'it is liberty alone that fits men for liberty.'"

In 1909, in the preface to *The Junior Republic* written by Mr. George, he wrote:

"Mr. George opened my mind to the possibility of the same principles [self-government] being used as a basis for an intelligent and reforming prison system—a system which should be a social sanitary drainage—not merely a moral cesspool. At first I laughed at the idea; then I saw the truth."

During an illness in 1912 he read Donald Lowrie's *My Life in Prison.* That book transformed Osborne from "a protestant into a crusader." From this experience he became "militant, preoccupied, almost embarrassingly earnest. He had found his mission."

The first indication of his aroused interest was his effort to get Charles F. Rattigan appointed warden of Auburn Prison. Earlier he had sought unsuccessfully the position of superintendent of prisons. By the appointment of Rattigan he hoped to get a chance to put some of his ideas into operation. Following his success in obtaining Rattigan's appointment, he gave his support to the proposal of Dean George W. Kirchwey of the Columbia University Law School for the creation of a state

Commission on Prison Reform. Governor Sulzer made Osborne chairman of the commission of ten members. Kirchwey became vice-chairman; and Dr. E. Stagg Whitin, secretary. At last Osborne had an opportunity to undertake constructive measures in penal reform.

Osborne postponed a contemplated trip to Europe to give his time to the work of the commission. He also accepted the chairmanship of the National Committee on Prison Labor, which was interested in "substituting character-forming tasks for the traditional chain-gang type of manual labor." He devoted himself, however, to investigations for the commission in the course of which he visited the state prisons and talked with the officials and inmates. A letter from Franklin D. Roosevelt, then Assistant Secretary of the Navy, suggested that he must be having "a delightful time with the cunning little incendiaries who were transferred from Sing Sing to Auburn." He also added that he had a feeling that Osborne "was really enjoying his burglarious business more than if he were taking a trip to Europe."

As a result of his experiences in connection with the commission, Osborne conceived the idea of spending a week in Auburn Prison. Originally he intended to be booked under an alias and to enter in disguise. He was dissuaded from this plan, but he used the Tom Brown alias and tried to keep his experiment from the press until after it was completed. On September 29, 1913, he entered the prison as No. 33,333X and became indistinguishable from nearly 1,400 other inmates. On the preceding day he had addressed the prisoners in chapel and had explained his purpose to them. He told the inmates that he expected to live as they did—"to be housed, clothed, fed, treated in all respects like one of you. I want to see for myself what your life is like, not as viewed from the outside looking in but from the inside looking out."

Furthermore, he realized the doubts that were sure to arise in their minds about his undertaking. He told them that he was "not so foolish as to think I can see it from exactly your point of view. Manifestly a man cannot be a real prisoner when he may at any moment let down the bars and walk out; and spending a few hours or days in a cell is quite a different thing from a weary round of weeks, months, years. Nor is a prison a mere matter of

clothes; they cannot make a convict any more than they can make a gentleman."

The experiences of this week in Auburn Prison Osborne described in *Within Prison Walls*, a day-by-day diary of the period with comment upon the time spent there. Probably a few traces of sentimentality may be noted in his point of view. He showed "the shock of a well-bred man, accustomed to all the creature comforts, when confronted by a primitive mode of living. Having no army experience, Osborne objected to sleeping in his underclothes." Undoubtedly he was predisposed to sympathize with the prisoners, and he was prejudiced against the guards. He did not, however, "lose his perspective in important matters."

Naturally the press made the most of this unusual action of a man of Osborne's position and wealth. The larger number of newspapers seemed to misunderstand his motive and purpose. They described his experiment as "foolish, dilettante, bizarre, quixotic." Such a paper as *The New York Times* declared it to be "well intentioned and yet ill advised." *The New York Tribune* in an editorial referred to it as "a noteworthy experiment" and said that "Mr. Osborne is entitled to the highest credit for trying to get to the heart of the question by viewing prison life from the inside. He does not assume that one brief personal experience will solve a problem of very long standing. Undoubtedly it will help him greatly in his work as chairman of the state commission on prison reform."

In spite of the critical attitude of the newspapers, the week in prison "received nation-wide attention and brought the whole question of the improvement in our penal system to the surface as it had never been before. Osborne became a national figure, and the prison problem a matter of wide interest and discussion."[1]

The Mutual Welfare League

Out of Osborne's week in Auburn Prison came the Mutual Welfare League, first at Auburn, then at Sing Sing, and a little later at the Portsmouth Naval Prison. Probably he had some plan in his mind before he entered Auburn, but he wanted the

[1] Chamberlain, *There Is No Truce*—A Life of Thomas Mott Osborne, pp. 235–260, The Macmillan Company, 1935; Tannenbaum, *Osborne of Sing Sing*, pp. 59–70, University of North Carolina Press, 1933.

initiative to come from the prisoners themselves. His working companion in the institution was Jack Murphy, and it was through his conversations with him that the idea of a good conduct league was proposed to obtain the privilege of Sunday afternoons in the yard without the presence of the guards. The league was to elect its own officers to enforce discipline. The basic principles of the Mutual Welfare League were contained in Murphy's belief in inmate responsibility, based on the selection of their own officers. Osborne's experience at the George Junior Republic aided in the working out of an inmate organization. His voluntary imprisonment gave him the confidence of the inmates.

An election for the purpose of carrying out the idea of the formation of a league among the inmates of Auburn Prison was held December 26, 1913. The delegates, or committeemen, elected to represent the shops assembled on Sunday, December 28, to discuss the question of the formation of the league, to determine a name, to select officers, and to adopt a plan of procedure. For the first time in any penal institution the prisoners were given permission to elect a committee for the discussion of such matters. Each shop was allotted a number of delegates proportional to its size. The ballot was secret. Guards carried the ballot boxes from shop to shop, and each shop was allowed half an hour in which to vote.

The forty-nine delegates met in the chapel. The meeting was called to order by the warden, who informed the men that they had his permission to meet in secret and that no officer would be present. The warden and the guards then retired. Osborne was elected chairman of the meeting, described by his biographer as the "constitutional convention." He was left alone with forty-nine prisoners. It was the first time in over one hundred years in the history of Auburn Prison that "forty-nine men were permitted together without guards and encouraged to discuss in freedom the problems of the institution in which they were confined."

It was decided by the constitutional convention that a governing body of forty-nine delegates was to be elected by popular vote by the different companies on the same basis that the "convention" had been chosen. Of the forty-nine, nine were to be elected by the delegates as an executive committee. The other

forty delegates were to be divided into five grievance committees to act in rotation when any grievance came up. These delegates in addition to being members of the grievance committees were also to act as assistant sergeants-at-arms, the executive committee to select the sergeant-at-arms, who was to be in general control of peace and order among the prisoners, with power to deputize an assistant sergeant in case of emergency. Delegates were to hold office for six months. In case of vacancy, the executive committee could call a special election in the shop that had lost its delegate.

On January 11, 1914, the prisoners were again assembled in the chapel to hear the report of the constitutional convention. After a short discussion, the results of the work of the convention were adopted by a "unanimous vote of acclamation." An election for delegates for the next six months was set for January 15, 1914. A poll list of 1,315 prisoners was made up from membership blanks. Forty-nine delegates were elected from over a hundred who were voted for. Elections were very close, and much interest displayed over the results. Sunday, January 18, 1914, there was a formal installation of delegates and the officers elected by the prisoners. The formal ceremonies included a pledge administered to the delegates by the Warden.[1]

The league gradually extended its scope by gaining the confidence of the warden and asking for one "privilege" after another. It first asked to have Sunday afternoon meetings in the chapel as well as Sunday afternoons in the yard. The marching of prisoners from the cells to meals and to work was also undertaken by the league. Then the guards were withdrawn from the shops, and the prisoners left to their foremen. The powers of the organization were, of course, derived from the consent of the warden and dependent upon his good will. That fact is fundamental in all inmate organization.

Sing Sing

Osborne became warden at Sing Sing in December, 1914. Sing Sing was not a promising place in which to engage in reformatory work. Its buildings were old and overcrowded, and the prison population was a hopeless mixture of young and old

[1] Tannenbaum, *op. cit.*, pp. 71–87; Chamberlain, *op. cit.*, pp. 261–282.

drawn largely from the criminal world centering in New York City, 30 miles away. There had recently been riots in the institution, and the warden had been forced to resign as a result of persistent charges of dishonesty. The situation was further complicated by the organization at Sing Sing of the Golden Rule Brotherhood, suggested by the league at Auburn but introduced from above and without the assumption of responsibility on the part of the inmates. Altogether Sing Sing was one of the last places where reforms such as Osborne believed in seemed to have any chance of success. The political situation was also confused and uncertain.

Osborne had hesitated to accept the appointment at Sing Sing. He had worked at Auburn in a private capacity without the assumption of official responsibility and without the burden of routine duties for which he had little liking. Warden Rattigan of Auburn and a considerable number of the prisoners, whom he characteristically consulted, opposed his assumption of the position. Finally assured of the support of the governor and the cooperation of the inmates, he accepted.

For a time events moved smoothly at Sing Sing under Osborne's guidance. He reorganized the Golden Rule Brotherhood along the lines of the Mutual Welfare League. He had the confidence of the inmates. Riots ceased; escapes, assaults, and fights were greatly reduced; drug taking and vice were severely dealt with by the prisoners; and the output of the industries was increased. The system of inmate cooperation proved itself useful from an administrative and disciplinary point of view.

Soon, however, the various conflicting factors began to make their influence felt. The state prison authorities resented his appointment and were further antagonized by his aggressive attitude. He was unaccustomed to working with official superiors. A man of independent means, his salary was unimportant to him. As a matter of fact, he gave $2,000 of his own $3,500 salary to a "confidential clerk" to relieve him of the business details of his office. He was free in his criticism of the "old" penal system as he called it, and his criticism was resented by the other wardens as aimed at themselves. Osborne prevented the customary graft in connection with contracts for supplies. He was an upstate man and a Democrat. He was holding an office that had always been a perquisite of the local county political

machine. The state administration was held by the Republicans, and his official superiors were his party opponents.

Osborne became warden on December 1, 1914. On December 28, 1915, he was indicted by the grand jury of Westchester County for perjury and for neglect of duty. Of the counts contained in the second indictment, the charges were "for permitting unauthorized prisoners into the death house; for failure to exercise general supervision over the government, discipline, and police of the prison; for breaking down the discipline and thus encouraging crimes; and finally that he did not deport himself in a manner as to command the respect, esteem, and confidence of the inmates of the prison and that he did commit various unlawful and unnatural acts with inmates of Sing Sing Prison over whom he had supervision and control."[1]

At first Osborne refused to resign on the ground that all men are innocent in the sight of the law until proved guilty. Finally a compromise was worked out. He asked for a leave of absence to be free to fight his legal battle with the understanding that his friend Dean Kirchwey would be appointed temporary warden. Of all outsiders Dean Kirchwey was probably most familiar with the Sing Sing administration. He had frequently taken unofficial charge when Osborne was absent, and he understood the situation from Osborne's point of view. He remained in charge at Sing Sing until Osborne's return on July 16, 1916. During his six months of administration, conditions continued to improve. He won the loyalty of the inmates, and the Mutual Welfare League functioned successfully. He was able to answer the moderate critics satisfactorily. He demonstrated that the inmate organization could succeed under any competent and intelligent warden.

The case against Osborne never came to trial but was dismissed by the courts because of the character of the evidence on which it was based. He was reinstated as warden and was honored by a great demonstration at the prison on his return. Exactly three months later he resigned as warden.

Again politics and conflict with his official superiors convinced him that his foes were determined to discredit his reforms. The final straw came when the superintendent of prisons issued an order that no long-term convict should be allowed outside the

[1] TANNENBAUM, *op. cit.*, pp. 232–234; CHAMBERLAIN, *op. cit.*, pp. 304–329.

prison walls. Osborne believed that neither nature of crime nor length of sentence was a true index of character. To differentiate between prisoners on the basis of sentence would make his program unworkable. It meant that every trusty in the administration offices, which at Sing Sing were outside the walls, must be dismissed, no matter how good his record had been. Since Sing Sing was the only state prison in New York in which the offices were not within the walls, Osborne was justified in assuming that the order was aimed at him and was intended to hamper him in his reform program.[1]

PORTSMOUTH

In the autumn of 1916, Secretary of the Navy Josephus Daniels asked Osborne to make a study of conditions in naval prisons. With Harry Bolasky, a "graduate" of the Mutual Welfare League, and Austin H. MacCormick, an instructor at Bowdoin College, Osborne enlisted in the navy and became a deserter. For this offense the three men were imprisoned on an old ship lying at the pier at Portsmouth. After a few days they were transferred to the main prison ashore.

During this week's imprisonment and on subsequent visits Osborne was convinced that the government was making a bad investment. He found that there were hundreds of young men convicted of offenses—most of them minor—lodged and fed at the expense of the government only to be released at the expiration of their terms with a dishonorable discharge. A good naval prison in his judgment should return able-bodied seamen to the navy.

When Osborne submitted his report, Secretary Daniels approved it by asking him to take charge at Portsmouth. Such an offer was most unusual. Never before had a civilian been placed in command of a naval prison. On the first of August, 1917, Osborne was commissioned as lieutenant commander, naval reserve, and given charge of the naval prison. He served until March 17, 1920.

[1] For information in regard to Osborne's work at Sing Sing see HAYNES, *Criminology*, 2d ed., pp. 338–340, 350, 351; TANNENBAUM, *op. cit.*, pp. 103–259; CHAMBERLAIN, *op. cit.*, pp. 283–364; this biography analyzes Osborne's character and shows how some of his characteristics almost inevitably resulted in the partial failure of his reforms.

He stated the purpose of his going to Portsmouth in a letter to the Secretary as follows: "To work out a fundamental change in the purpose of the prison. It has been a prison; you wish me to make it a school. It has been a scrap heap; you wish me to make it one of humanity's repair shops."

In the time Osborne was in charge he handled about 6,000 prisoners without guards within the prison inclosure. When he went there he found 180 prisoners and 190 marines as guards. These were dismissed. A prisoners' organization was formed as in Sing Sing and Auburn. There were no walls, and most of the men lived in hastily erected wooden barracks. The prison building was not large enough to accommodate the increase of prisoners during the war. In the period of Osborne's control only eight men escaped.

One of the important achievements of Osborne's administration was the securing of the consent of the Navy to return to active service men who were deemed worthy of the privilege. Four thousand were sent back to active service while he was at Portsmouth.

Such changes were not accomplished without difficulty. Navy men regarded the innovations with disapproval. A demand for investigation was made. In July, 1918, Rear Admiral Spencer S. Wood made a thorough inspection of the prison and commended Osborne's work to the Secretary of the Navy. Later, in February, 1920, Assistant Secretary of the Navy Roosevelt and two rear admirals were equally enthusiastic about what they saw at the prison. When Osborne resigned, the Secretary of the Navy wrote him, saying among other things: "You have taught the Navy and the country that prisons are to mend men and not to break them."

Osborne was succeeded by a retired naval officer who was sympathetic with his reforms. But the opportunity to continue permanently the type of administration established at Portsmouth was ended by the change of the party in power. With the assumption of office by President Harding, and the appointment of a new Secretary of the Navy, the old regime was reinstituted.

Osborne's retirement from Portsmouth terminated his active career as a prison administrator. He devoted his activities to speaking, writing, making prison investigations, and stimulating reform movements wherever he could find opportunities. As a

part of this work he organized in 1922 the National Society for Penal Information "to help in developing an intelligent, a sustained, and disinterested public opinion." The specific task of the society was to be the preparation of a handbook of American penal institutions, bringing together in one volume the information that promised to be most useful. When planning this organization, he considered calling it the Prison Handbook Society. After his death in 1926, the name was changed to the Osborne Association as a memorial to him. Four handbooks have been published, and the organization has become an important factor in prison reform. It represents the most enduring influence on the American prison system left by Osborne.

His fame had also spread to foreign countries, and he lectured to crowded audiences in England and Scotland. European penologists were interested to hear a man who had not merely formulated a new idea but had tried it out in three institutions.

It was Osborne's genius for personal relationships that accounted chiefly for his success. His influence over prisoners was most remarkable. He had the same influence over those who worked with him in his various prison undertakings. Men associated with him have carried on his work. Paul W. Garrett and William B. Cox have been the two executive secretaries of the Osborne Association. Austin MacCormick is now commissioner of correction for New York City. He was, before holding his present office, assistant director of the Federal Bureau of Prisons, and he collaborated with Garrett and Cox in the collection of materials for the handbooks. Harold E. Donnell is now superintendent of prisons in Maryland.[1]

INMATE ORGANIZATION AFTER 1914

The Mutual Welfare League continued to exist at Auburn until the spectacular riots in 1929. Efforts were made to put the blame on the league, but the investigations did not corroborate this point of view. The league was discontinued, however, after the riots. It had been changed, and it had lost a good deal of its influence. In 1921 the new warden announced new rules in regard to the place of the league in the administration of the

[1] TANNENBAUM, *op. cit.*, pp. 278–290; CHAMBERLAIN, *op. cit.*, pp. 365–382, 396, 398, 399. Osborne's influence resulted in the appointment of Rattigan Superintendent of Prisons and Rattigan appointed Lawes at Sing Sing.

prison. One of these read as follows: "The sergeant-at-arms and his deputies with the other officials [of the league] are inmate underofficers of the institution and are subject to the order of the principal keeper and other institution officers at all times." Inmate officers were not officials of the prison. They were representatives of the men. They were subject to the rules not as underofficers but as prisoners. This principle made inmate government "a farce and an evil."

Tannenbaum, in his *Osborne of Sing Sing*, declares that "It took years to undermine and destroy this institution in Auburn; and when it was so weakened in power and influence that it could serve no useful purpose within the prison, it was blamed for the riots that occurred. It was clear from the testimony of the warden that the league was not responsible for the 1929 Auburn prison riots, but it is also clear that it was so greatly reduced in power and influence that it could not prevent the riots from occurring. If it had functioned as it did in its days of full responsibility and open dealing between the warden and the prison community, the riots at Auburn could not have taken place at all."[1]

At Sing Sing the Mutual Welfare League has survived, but its functions have been considerably curtailed. Osborne was succeeded as warden by William H. Mayer, who had previously been head of the Federal Penitentiary at Atlanta. Soon after he took office, many league privileges were withdrawn, and a number of prominent members were transferred to other institutions. In 1919 Lewis E. Lawes, a young man of thirty-seven, became warden, receiving his appointment from Charles F. Rattigan, superintendent of prisons, who had made possible Osborne's experiment at Auburn. He was the youngest man who had ever held the position, and he has outlasted them all. He continued the league, giving it such power as he deemed advisable. Disciplinary work was to be solely in the hands of the administration. The liberal policy of the new warden has made the existence of the league less essential to the inmates. Tannenbaum observes that "there has been no riot in Sing Sing since 1914 when Osborne first went there. It is also interesting to observe that when there were riots in Clinton and Auburn the warden of Sing Sing refused to accept the extra police force

[1] TANNENBAUM, *op. cit.*, pp. 267–278.

that was offered him. He said that he was not afraid of a riot. Instead he talked to the men frankly and openly about their problems and his own."[1]

As already stated, the Mutual Welfare League at Portsmouth ceased to exist in 1921. Besides these major leagues, there were organizations in a number of other institutions, but these seem to have disappeared after a few years.

The Honor Court at Wilmington, Del., was established in 1921 and continued under two wardens for about ten years. It was composed of eight members, and it dealt with all matters having to do with discipline, recreation, entertainment, and welfare of the inmates. With a prison population of over 400 men, there were only two guards during the day and one at night. Such complete inmate responsibility was attempted in no other penal institution. The experiment raises the question whether or not so many guards are necessary. Such complete transfer of authority to the inmates, however, seems highly questionable.[2]

Recent Experiments

More recently there has been a reawakening of interest in inmate organization as an agency of prison administration. After playing a prominent part in prison management from 1914 to 1919, it declined in importance; and after Osborne's death, it became an almost negligible factor. Four institutions for men have complete inmate community organizations, and several others have inmate committees to work with officials in planning recreation and other welfare activities. The new developments do not include discipline as within the scope of inmate organization. Omission of discipline removes the greatest difficulty encountered in earlier attempts to train inmates for self-government.

The institutions where inmate organizations exist in some form are: State Prison Colony, Norfolk, Mass.; United States Industrial Reformatory, Chillicothe, Ohio; United States Penitentiary, Leavenworth, Kan.; Maryland State Penal Farm,

[1] Tannenbaum, *op. cit.*, pp. 264–267; Chamberlain, *op. cit.*, pp. 389, 396, 410: "Without Osborne there could have been no Lawes. . . . However much he has revised Osborne's program, rejecting here, adding there, translating into practical form to meet the conditions as he sees them, Lawes is building on Osborne."

[2] *Handbook of American Prisons and Reformatories*, 1933, vol. I, pp. 94, 104.

Roxbury, Md.; Annandale Farms, Annandale, N. J.; and several of the leading institutions for women.

The oldest of these newer experiments in inmate organization is the one existing at the State Prison Colony at Norfolk, Mass. It was established during the preparatory period while the institutional wall was in process of construction and while the inmates engaged in construction lived in a group of buildings, known as the Oval, outside the wall. It was moved inside when the first dormitory was completed in 1931. With only temporary interruptions it has continued to function down to the present time. It has no power in connection with discipline which is properly in the hands of the administration. The details of the experiment are considered in the chapter A Community Prison.[1]

An Inmate Council was established at the United States Reformatory for Men at Chillicothe, Ohio, in October, 1933. Sixty-five members, one for every ten of the dormitory population, compose the council. There is an executive committee of fifteen members, three from each of the five dormitories. The officers are a chairman and a secretary. The purpose of the organization is to bring before the administration matters concerning the general welfare of the inmates. The first recommendations ranged from recreation to ways in which the electric light costs could be cut down $100 a month.[2]

The United States Penitentiary at Leavenworth, Kan., also has an Inmate Council. At the American Prison Congress in 1933 the warden, F. G. Zerbst, made a fervent plea for the participation of inmates in the conduct of prisoners. "Coming from one of the younger men, this utterance might not have been so significant; but Mr. Zerbst is the oldest warden in service and is head of a prison which houses criminals of all types. From such a source one might expect extreme conservatism. If the experience of many years has led him to an endorsement of what most persons consider Osborne's most radical principle, who can say that self-government is a dead issue?"[3]

The establishment of an inmate advisory countil in federal penal institutions has become a recognized policy, and such

[1] See HAYNES, *op. cit.*, pp. 353, 354; *The American Year Book*, 1933, p. 589.

[2] *The Survey*, p. 53, Feb. 15, 1934; *News Bulletin*, the Osborne Association, December, 1933.

[3] CHAMBERLAIN, *op. cit.*, p. 411.

agencies are provided for in the Rules and Regulations for the Government and Discipline of the United States Penal and Correctional Institutions. Rule 39 reads as follows: "The chief executive officer of each federal penal or correctional institution is authorized, at his discretion, to establish an inmate advisory council or such other form of inmate organization as may be approved by the director of the Bureau of Prisons, for the purpose of encouraging and promoting the constructive participation of inmates in those activities affecting the welfare of the inmate body as a whole and which do not interfere with proper control by the administrative officers."[1]

In the opinion of Prof. Thorsten Sellin, self-government is "the most promising, yet ill-fated movement in correctional education. Borrowed from the George Junior Republics, the name of Thomas Mott Osborne has become indelibly associated with it. Tried with varying success in a few institutions a decade and a half ago, it is now confined in a modified and frequently emasculated form to a few institutions. That it will be more widely used in our penal institutions as a means of resocialization there is not the slightest doubt, but since it is an eminently delicate training instrument, which requires for its successful employment fine psychological insight and broad pedagogical understanding on the part of institutional executives and their staffs, the greatly increased use of self-government will have to wait until the level of administrative work has been generally raised."[2]

[1] Revised May 20, 1936, p. 13.

[2] *Journal of Criminal Law and Criminology*, May–June, 1933, p. 154; CHAMBERLAIN, *op. cit.*, p. 411.

CHAPTER XIV

PRISON LABOR

The problem of prison labor in the United States developed in the prisons conducted on the Auburn plan. One important reason for the widespread adoption of that system was the possibility of the more profitable employment of prisoners in association in shops than in their cells, as in the Pennsylvania system. The Industrial Revolution and the use of machinery only added to the advantages of the Auburn plan, while it made impossible any profitable employment of prisoners under the solitary confinement system. The problem of prison labor arose in New York in the thirties of the nineteenth century, and it has remained unsolved to the present time. The objections of "the mechanics" of New York City have been maintained by organized labor ever since.

In the opinion of the Osborne Association, "without work every constructive measure in every department of the prison is thwarted if not doomed to defeat, for idleness is an insurmountable barrier to the accomplishment of any sane purpose of imprisonment. The likelihood of a great increase of idleness and the general problems of industries are the most serious of the many problems in the prison situation of the country."

According to Sanford Bates, director of the Federal Bureau of Prisons, "no serious prison riot has yet taken place in an institution where all the inmates have been provided with steady and productive labor."[1]

A careful survey of the prison labor problem in the United States by Dr. Louis N. Robinson, published in 1931, results in the conclusion that "the actual number of idle or virtually idle prisoners probably includes 30 or 35 per cent of the total prison population. Furthermore, the difficulties of the whole prison employment situation are aggravated daily by a steady increase in the number of commitments, an increase noted in all parts

[1] Adapted and quoted from HAYNES, *Criminology*, 2d ed., pp. 296, 297, 361: *Handbook of American Prisons and Reformatories*, 1929, p. xxxviii.

of the country and in almost every state." According to Austin H. MacCormick, the saturation point in employment was reached in 1927–1928, and all population increases since that time have "swelled the idle and semi-idle lists."[1]

Six surveys of prison labor in this country have been made by the U. S. Bureau of Labor Statistics. These surveys were made in 1885, 1896, 1905, 1914, 1923, and 1932. The proportion of prisoners productively employed has continued to decline from 1885 to the present time. The decline is shown in the following table.

Year	Productively Employed, Per Cent
1885	75
1895	72
1923	61
1932	52

The latest survey, conducted in 1932, covered 12 federal and 116 state prisons. There were in these institutions, during 1932, 158,947 persons as against 84,761 in 1923. This constitutes an increase of 87 per cent as compared with an increase of only about 12 per cent in the general population.

The prison labor situation is concisely shown by comparison of the 1923 and 1932 conditions as to prison population, general population, and the number of prisoners employed at productive work. The percentages are as follows:

	Per Cent
Increase in prison population	87
Increase in general population	12
Decrease in prisoners employed	11

In 1933 Sanford Bates stated that "broadly speaking, the prisons of the country seem no nearer a solution of the employment problem than they were in 1923. I think I cannot be successfully contradicted when I say that today there is more idleness in most of the prisons of the country than ever. Those private manufacturers affected are more vociferous and uncompromising in their attitude than heretofore; labor is still unsatisfied; and the public remains uninformed and indifferent."[2]

[1] ROBINSON, *Should Prisoners Work?* pp. 23, 24, John C. Winston Company, 1931.

[2] See HAYNES, *op. cit.*, pp. 381–384.

Systems of Prison Labor

Several systems of prison labor have been developed in the United States. Robinson lists the following: lease, contract or contract labor, piece price, public or state account, state use, and states use. A form of the state use system is the public works and ways, under which prisoners are employed to construct roads or buildings for the state. If any one of three items—the maintenance and discipline of prisoners, the control of employment, and the control of the sale of the products—is in the hands of a private individual or firm, the system is regarded as private. The lease, contract, and piece price are private systems. The others are controlled by the state or public authorities and differ only in the extent of the market. All but the state-use and states-use and the public works and ways systems compete in the open market with goods produced by private individuals or firms. Only four of the systems, *lease*, *contract*, *public account*, and *state use*, are really distinct or independent. The piece price is merely another form of the contract system, and states use and public works and ways are variations of state use. Prison labor under the lease, contract, piece-price, and public account systems comes into direct competition with free industry, with the possibility of affecting prices, wages, and employment. Under the state-use and allied systems, competition is less direct. It should be noted, however, that in the long run any articles produced by prison labor reduce the quantity of such articles to be purchased in the open market. Only the abolition of all prison labor can entirely prevent such competition with free labor. Even maintenance work may logically be regarded as reducing the amount of possible employment of free labor. Such a consideration would, of course, reduce the whole matter of an absurdity.

In 1905 the contract system outranked any of the other systems. Under it was produced 49 per cent of all goods made by convicts. In 1923 it had declined to 26 per cent. There has been a definite shift toward the public account and state-use systems in recent years. In 1905, 80 per cent of the goods made by prisoners entered into the general competitive market; and in 1923, 62 per cent. The 1932 survey showed a continued increase in the state-use system from 26 per cent in 1905 to 65

per cent. The lease system has practically disappeared from use in federal and state prisons.

The prison labor situation in 1926 revealed the fact that the prisons using a combination of state use and state account or exclusively the state account had the most effective industries and the best industrial organization. The prisons on the state-account plan not only gave employment to a much larger percentage of their population than the prisons on the state use basis, but their industries were better organized. In several state-account prisons, most, and in some cases all, of the costs of maintaining the institution were covered by the industries. These institutions had gone farther in the payment of wages to prisoners and maintained wages on a better basis.

In 1926 the Stillwater prison in Minnesota had the best prison plant and the best organized industrial system. It was one of the two or three profit-making prisons in the country. It paid the prisoners $100,000 a year in wages and showed a profit of $40,000 a year.

Of the states using only the state-use plan not one had industries as a whole so effective as the industries in the state-account prisons. The number of unemployed or semi-idle prisoners was much greater, and the wages paid were small and paid to only a part of the prisoners.

Summarizing the situation before the beginning of the depression in 1929, it seems reasonably clear that a combination of the state-use and state-account systems promised the best solution of the prison labor problem. The contract systems were being abolished or reduced in importance. Self-supporting prisons were in process of development in a number of states. The period from the nineties of the last century to the twenties of the present century seemed to indicate a gradual elimination of the more objectionable systems and the substitution of less objectionable plans. The current tendencies seemed to be moving slowly but steadily toward a solution of the prison labor problem as a result of a hundred years of experimenting with it.[1]

[1] Adapted from *ibid.*, pp. 282, 361–373, 381–383; see also *Handbook of American Prisons and Reformatories*, 1926, pp. 18–20; ROBINSON, *op. cit.*, pp. 79–124, 289–302.

Prison Labor during the Depression

The onset of the great depression in 1929 completely altered the prison labor situation in the United States. The unemployment of persons able and willing to work outside penal institutions assumed such proportions as to make the unemployment of prisoners seem a minor matter. All the opposition to prison labor has been enormously increased. The gradual progress toward a solution of the problem was overwhelmed by a tidal wave of unemployment which swept over the country as a result of the breakdown of industry. Efforts to improve minor conditions in the national situation were forgotten in the presence of the disorganization of the framework of our national life. The major crisis of March, 1933, absorbed the attention of the national and state governments and of the people.

Another complication resulted from the passing of the Hawes-Cooper Act in 1929. This was intended to divest of their interstate character goods, wares, and merchandise manufactured or mined by convicts and prisoners. In the past such legislation has been held unconstitutional when it was applied to goods in interstate commerce, but the Hawes-Cooper Act gives the states complete control over prison goods sold within the states, even though made outside. The measure is the climax of the efforts made for a century by organized labor and manufacturers to cripple prison labor. These groups declare that they wish to prevent the unfair competition of convict labor. The actual effect will be greatly to restrict the market for prison goods and consequently to increase idleness in penal institutions.

Five years was allowed during which the states could prepare for the situation under the new legislation. In ordinary times something might have been done to alleviate the difficulties resulting from the passage of such a measure. During these years absorption in the major problems of our national life prevented serious attention to what seemed minor matters. By 1933 the legislatures of fifteen states had passed laws either prohibiting the sale of convict-made goods outside the state or requiring the labeling of such goods as prison made. Even before the law went into effect the contractors were not renewing their agreements, and state authorities were having difficulty in making arrangements for the employment of prisoners. This

legislation undoubtedly has been a factor in the widespread riots in 1929 and since.[1]

Under NRA Administration

Soon after the passage of the National Recovery Act in 1933, the NRA began to receive preliminary drafts of proposed codes of fair competition drawn up by industrial trade associations and other industrial groups. It then became apparent that an attempt was being made by the Cotton Garment Manufacturing Industry, the Retail Trade Group, the Twine and Cordage Manufacturing Industry, the Farm Equipment Manufacturing Industry, and the Furniture Manufacturing Industry to do indirectly what could not be done directly by the insertion of restrictive clauses in their codes. Their objective was to prohibit members of these industries from handling or selling prison-made goods. The Cotton Garment Code contained the following clause:

"No person engaged in the Cotton Garment Industry shall, after November 1, 1933, manufacture or cause to be manufactured or acquire, sell, or distribute in any manner whatsoever any garment or part thereof produced in whole or in part in any publicly maintained penal or reformatory institution, and no person engaged in the Cotton Garment Industry shall, after December 1, 1933, purchase from any such institution any textiles or materials or other such supplies."

Prison executives were familiar with these attempts to place restrictive clauses in these codes and held a meeting in New York City, July 13, 1933, at which they adopted resolutions that pointed out that "the employment of prisoners is absolutely essential to the development of a sane prison program for the protection of society and the rehabilitation of the prisoners." Furthermore, it was indicated that "the burden of taxes now resting on the people will be considerably relieved by the proper employment of prisoners." It was also requested that "in the formulation of the industrial codes proper provision for the employment of prisoners should be adequately considered."

[1] In 1935 the Sumners-Ashurst Act was passed by Congress requiring that prison-made goods transported in interstate commerce be labeled and prohibiting their transportation in violation of any state law.

Four principles were laid down by the prison executives to govern the treatment of prison labor in the formulation of codes under the NRA.

1. "Each industry within the prison shall have the same hours of labor and working conditions made applicable to that industry by its particular code.

2. "All goods, wares, and merchandise manufactured, produced, or mined by prisoners shall have charged into the cost of production the same labor burden as applied to the same industry in the section in which the institution is located.

3. "Each organized industry operating under a code shall make adequate provision for supplying employment opportunities to the men and women in prison in fair proportion to the number of workers employed in that industry.

4. "Goods, wares, and merchandise manufactured, mined, or produced by prisoners in compliance with the code of its particular industry shall have the same access to market as similar goods, wares, or merchandise manufactured, mined, or produced by free labor."

As a result of this meeting Dr. Louis N. Robinson of Pennsylvania, a recognized authority on prison labor, was selected as an adviser to represent the prisons in Washington on all matters relating to the problems of prison labor that were being considered in the formulation of codes.

The July meeting of prison executives was held in response to a call issued by the American Prison Association and the Osborne Association. There had been a previous meeting in May, 1933, of a few of the prison executives and representatives of the Bureau of Federal Prisons.

At this meeting steps were taken to arouse interest in all the states whose prisons manufactured goods for the open market and inform them that the Cotton Garment Industry in anticipation of the passage of the NRA was planning to prohibit the placing of prison-made products on the open market through the use of code provisions. As a result of the May meeting, a second meeting was called for July 13, 1933, inviting prison representatives from all the states to attend.

In August, drafts of codes in the Cotton Garment Industry and Retail Trade containing clauses prohibiting the use of prison labor or the sale of products made in whole or in part in a prison

were under consideration at public hearings in Washington. It consequently became necessary for the prison officials to prepare and submit some form of agreement that would permit prison-made products to be sold on the open market in fair competition with the products of free industry.

Early in September, 1933, another meeting of prison executives was held in Washington at which there were present representatives of thirty-two states and the Bureau of Federal Prisons. It was decided to make application to the President for a code of fair competition for the Prison Industries under the provisions of the NRA. After this proposed Prison Industries Code had been submitted to the NRA, it became evident that such a code could not be considered, because all codes had to include a provision for collective bargaining, and compliance with such a requirement would be impossible on the part of the states. In addition it seemed impractical to ask the governors of sovereign states to subscribe to a code that the President had the right to modify. In the course of the discussion of the Prison Industries Code, it was suggested that the desired objective might be accomplished by a *compact* between the states as provided in Section 10 of Article I of the Constitution. Thus it became necessary to develop a voluntary compact in place of a code.

The Prison Compact

The compact covered products mined, manufactured, produced, or distributed by prison labor in the states that signed it. It provided for the observance of the principles laid down by the prison executives in the resolution adopted at the July meeting. A Prison Compact Authority was established by the compact, consisting of nine persons, six of whom were to be elected annually by representatives of the states that signed the compact, and three to be appointed by the President to represent labor, industry, and consumers. This authority was to administer the compact, make rules and regulations, establish a uniform cost-finding system, and determine the prices below which prison products should not be contracted for. It was also authorized to hear and adjust complaints arising under the compact. These decisions were subject to appeal to the President or the person to whom his functions were delegated.

A meeting of state prison executives was held in January, 1934, to organize the Association of States Signatory to the Compact of Fair Competition for Prison Industries of the United States. Prison officials representing twenty-three states and the Department of Justice were present at the meeting in Washington which resulted in the organization of the proposed association. Six members were elected to constitute a more or less temporary Prison Labor Authority pending the approval of the compact by the President. The elected members selected Colonel John J. Hannan of the State Board of Control of Wisconsin as chairman and James V. Bennett of the Federal Bureau of Prisons as secretary-treasurer.

During the period from December, 1933, to April, 1934, the governors or prison executives of twenty-eight states signed the compact. The President approved the compact on April 19, 1934, and appointed Thomas A. Rickert, Samuel A. Lewisohn, and Thorsten Sellin as members to represent labor, industry, and consumers,[1] respectively.

On May 1, 1934, the formal election of officers of the Prison Labor Authority was held at which Lewisohn was made chairman and James V. Bennett, secretary-treasurer. December 10, 1934, the same officials were selected to carry on for the ensuing year.

From the time of the establishment of the Prison Labor Authority continuous efforts were made through its secretary-treasurer Mr. Bennett and its economic adviser, Howard B. Gill, and the NRA to encourage the allocation and diversification of prison-made products and to prohibit the expansion of prison industries whose products entered the public markets in proportions unfair to competing private industry.

Conferences were also held with the representatives of other code authorities to reach decisions as to prices. The use of labels and insignia were subjects of discussion. After the Supreme Court decision in the Schechter case, the association voted to continue the Prison Labor Authority with such modifications as might seem necessary.

After the Prison Labor Authority was formally organized on May 1, 1934, practically all complaints against prison-made

[1] CLARKE, *The Prison Labor Problem under NRA Administration and the Prison Compact*, Chaps. I and II, pp. 1–16; *NRA Organization Studies Section*, February, 1936, *Work Materials* 40.

goods were adjusted by that agency. As the compact was a voluntary agreement, no cases were taken into court. Seventy per cent of the complaints were based upon the contention that the prisons were selling prison-made goods in competitive areas below the price for which free industry was selling in the same area. Ten per cent of the complaints concerned the sale of prison-made goods in states operating under the Hawes-Cooper Act or under a potential state-use system. Five per cent of the complaints had to do with the improper use of the compact label to hide the identity of the goods. Another ten per cent of the complaints charged various prisons with attempting to increase prison production or contract for new products. The remaining 5 per cent were of a miscellaneous nature. The Cotton Garment Industry Code Authority and the various associations connected with the cotton garment manufacturing industry were most active in entering complaints and protests against the sale of prison-made products on the public market. Eight other industries were outstanding in filing complaints and protests. These were the twine and cordage, marking devices, saddlery and leather goods, farm equipment, furniture, stove and stove casting, crushed stone, and brick, tile and reinforced pipe manufacturing industries. In addition there were other industries affected by prison production, making a total in all of some sixty industries.[1]

The Ulman Committee

In October, 1934, a committee was appointed by the NRA to "investigate the effects of competition between the products of prison labor and sheltered workshops on the one hand and of the cotton garment industry on the other; study the operation of the Prison Labor Compact, especially as to the enforcement of the standards of competition with private industry established therein; and to report not later than December 1, 1934."

This committee consisted of Judge Joseph N. Ulman as chairman, Frank Tannenbaum, and W. Jett Lauck. James F. Davis was selected as secretary to the committee, which came to be known as the Ulman Committee. Hearings began November 7 and continued until November 26, when the committee submitted its findings.

[1] Clarke, *op. cit.*, pp. 23, 26, 27–35, 42–52.

The Ulman Committee undertook as comprehensive a consideration of the prison labor problem as was feasible in the time at its disposal. Sixteen persons representing industry, six representing labor, eleven representing penal institutions, and nine representing the NRA appeared before the committee and answered inquiries. The transcript of hearings made up a stenographic record of more than 1,200 pages of exhibits and testimony. The record seems to have been quite complete in regard to the recommendations and arguments presented by the cotton garment groups. As to the 50 odd remaining industries affected by prison competition, much more evidence could probably have been obtained from both free industry and prison industries had more time been allowed to the committee to complete its investigation.

The arguments presented by the representatives of industry were summarized as follows:

1. The testimony given by the cotton garment industry "is important out of all proportion to its accuracy in detail. A state of mind, whether based on fact, fear, or fancy, is something that must be reckoned with. These manufacturers are determined that competing prison labor must go. They regard the Prison Labor Compact as a means of perpetuating it, of increasing rather than decreasing the competition of prison-made goods with those of their own manufacture. Right or wrong, they are prepared to fight on this issue to the bitter end. In this fight they are working hand in hand with labor, and they have the support of large sections of the distributing trade and the consuming public. Such women's organizations as the Federation of Women's Clubs, the Consumer's League, and others have joined the manufacturers and labor in the dissemination of the thought that goods made in a prison are essentially *wicked goods* that must not enter into commerce. This group favors the state-use system of prison production."

2. Although the prisons produce one-third of the binder twine made in the United States, the twine and cordage industry "seems willing that prison industry in this line shall continue, provided that under the Prison Labor Compact there can be secured equality of competitive prices and provided that each state shall confine its sales within its own borders. It relies upon the Hawes-Cooper Act and the Prison Labor Compact as means

toward these ends, although it complains that a differential in favor of prison labor costs has been set up and that there has been a lack of cooperation with the industry in the fixing of prices of prison-made goods. It makes no charge of bad faith but asserts vigorously that administration of the compact has been inefficient."

3. Witnesses appearing before the committee representing other industries, particularly furniture and school desks, indicated "no immediately pressing questions in these lines. Generally, they object to a labor-cost differential favoring prisons and urge closer cooperation between the Prison Labor Authority and the several code authorities. They favor the state-use system but admit that in some states where that system prevails certain industries have succeeded in curtailing the distribution of prison-made products to state, county, and municipal agencies of government."

The representatives of organized labor took a firm and uncompromising stand. They declared that competition in the open market between goods made in prison and free labor production must cease at once. They said that the Hawes-Cooper Act is sound policy and good law. They expressed the belief that "the prison labor compact had no legal or moral right" to an NRA label. They declared that the label as then used was "a deliberate fraud upon the public and unfair to labor." One of the principal witnesses refused to discuss such questions as to whether the differential allowed in favor of prison labor was so great as to defeat fair competition or what administrative changes might be desirable to bring about a better cooperation between the Prison Labor Authority and the several competing code authorities.

Professor Louis N. Robinson of Swarthmore College, Pennsylvania, was the only witness whose testimony could be described as entirely objective. "In theory he favors the state-use system, but he pointed out that in practice this system not only has failed to reduce idleness in prisons but in many instances has increased it."

The reasons for this result he believed were due to several factors. Most states have passed imperfect laws. A state-use law must prescribe the compulsory purchase by state and local agencies of all classes of goods produced in the penal institutions

that are required by those agencies. Massachusetts was pointed out as the state that has devised and adopted the best statute.

Dr. Robinson questioned the sincerity of some of the advocates of the state-use system. Individual members of a certain organization of manufacturers which is conducting an "educational campaign" for state use tried in states where the system is already established to restrict the purchase of prison-made goods to institutions for the housing of prisoners. Similarly, the representatives of some industries use political pressure to secure the exemption of their particular industry from the operation of the law. Certain labor organizations have been active in similar attempts to restrict the effective operation of the state-use system, in spite of the fact that organized labor indorses the system when it is discussed as an abstraction.

In the opinion of Dr. Robinson "if the state-use system is to become effective in reducing prison idleness, each state employing it must conduct a careful investigation by competent production engineers to determine the needs of the state and of its political subdivisions that can be supplied by the labor of prisoners." Such an investigation must be followed by a thorough reorganization of prison industry, certain requirements being kept in mind. Among these requirements are:

1. "The safe confinement of prisoners.

2. "The provision of real productive work on full time as measured by free industry in like fields.

3. "The diversification of prison products to the greatest practicable degree so that no one product will monopolize the market to the injury of outside industry and labor.

4. "The selection to as great a degree as possible of industries for prison labor that tend to fit the prisoner to make an honest living after his release."

After an analysis of the testimony submitted at the hearings, the Ulman Committee reached the following conclusions:

1. "The prison labor compact has not solved the prison labor problem and will not solve it permanently and constructively.

2. "The prison labor compact is an indispensable part of any larger plan for the real solution of the prison labor problem. But it must be regarded as an interim measure.

3. "The compact was the product of a genuine desire to solve a hard problem. It has been administered fairly by persons

of the highest integrity. Any errors in its administration have been only such as are inevitable in the development of a new instrumentality.

4. "The only true solution of the prison labor problem is one that will effectually remove the products of prison labor from the ordinary channels of competitive trade and commerce. This means the state-use system.

5. "The present and potential competition of prison industry with the cotton garment industry has created a special and acute problem that calls for immediate attention and relief."

The Ulman Committee in its final report to the NRA proposed the establishment of a fund of $50,000,000 by the President through the PWA to help the states "replan and reorganize their industries, removing prison-made goods from the open market and finally bringing to an end the prison labor controversy which has burdened American industrial and political life for so long a time."

In the interim before the reorganization of prison industries can be effected, the committee suggested that the Emergency Relief Administration might be requested to purchase garments from the prisons or utilize the labor now employed on prison-made garments to make other garments as may seem preferable.

The committee recommended that prison-made garments be barred in the public market by the withdrawal of the NRA label or by its modification to read *prison made.*

The committee further recommended that the Prison Labor Authority be continued as the agency in cooperation with which the proposed program is to be carried out.

The committee recommended the establishment of a quota system for all prison industries, "limiting their production for the open market at a point no greater than that which existed at the time the Prison Compact came into existence."

At a joint meeting of the Association of States Signatory to the Compact and the Prison Labor Authority, December 10 and 11, 1934, considerable discussion took place over the merits and demerits of the Ulman Committee report. After a talk by Judge Ulman, a committee was appointed to study and offer suggestions so that the association and the Prison Labor Authority might be in a better position to prepare a reply.

The committee pointed out that if all the financial benefits that accrue to the state, the prisoner, and his family from the employment of the prisoner were left out, it must be remembered that there can be no successful rehabilitation program set up in the prisons that does not rely in large part upon the employment of the prisoners.

This argument cannot be met by a simple statement of the size of the state-use market. It is not the total size of this market that matters but the portion of it that the prisons can win for themselves against the active and unceasing opposition of free manufacturers and free laborers.

The Ulman Committee report seems to assume naïvely that "the adoption of the state-use system means either the elimination of all competition between prison-made goods and those produced by free labor or at least the reduction of this competition to a negligible amount. Actually the taking away from free manufacturers of their present market consisting of state and local official buyers would have practically the same effect on the price structure as the presence in the open market of the quantity of prison-made goods which these official buyers had been accustomed to buy from free manufacturers. The truth is that in practice only lip service is paid to the ideal of state use, namely, the giving up by the prisons of the open market in exchange for a closed market. It is a one-sided contract that the states make when they enact a state-use law. They promise not to sell in the open market, but the free manufacturers and the free laborers make no promise not to invade this closed market set aside for the prison industries."

Before there should be any attempt to force on the states the adoption of the state-use system, the code authorities should insert a clause in their codes forbidding their members to invade the state-use market. If this plan is not feasible, Congress can act. It tried to prevent the appearance of prison goods on the open market; now it can enact a law to keep the goods of free manufacturers out of the state-use market.

The committee expressed the opinion that diversification will have more to do with the elimination of the prison labor problem than will the adoption of the closed state-use system.

The final suggestion was for the NRA to send a committee to the individual states or to a specified group of states to

determine, by observing at first hand the working of state laws and the functioning of the prison labor industries, what should be done in the light of a larger prison labor program. The situation is so different in some of the states that "the uniform adoption of the state-use system would be little short of a calamity."

Using this report as a basis, the Prison Labor Authority undertook a comprehensive reply to the Ulman Committee.

The report specified in detail the necessary features of an adequate state-use law. It recommended a Prison Industries Corporation to carry out the purposes of state-use laws in the different states. It indicated the need of a fund of $1,000,000. It urged the importance of agreements, after consultation with all interested authorities, establishing the limits beyond which prison industries may not sell on the open market. In anticipation of further idleness, constructive penal programs should be developed. The continuance of the prison-labor authority was also asked.[1]

Prison Industries Reorganization Administration

The only permanent result of the report of the Ulman Committee was the establishment of the Prison Industries Reorganization Administration (PIRA) by the President on September 26, 1935. This action terminated the official relations of the NRA with respect to the prison labor problem. The new organization was thereafter responsible for the carrying forward of the constructive attack on the problem originated by the NRA. The account given of the developments from the summer of 1933 to September, 1935, indicates the various aspects of the prison labor situation as they were manifested during the efforts to incorporate prison labor into the larger field of free industry and trade. The attitudes of manufacturers and laborers, the uninformed and uninterested opinions of the general public, and the attempts of the prison representatives to obtain fair treatment all appear in the activities connected with the abortive experiment of the NRA. Constructive plans to root out all the practices that have been used as a basis of complaint against prison-made goods seem to be ignored. It is not a drive to

[1] Clarke, *op. cit.*, pp. 53–75; Bennett, American Prisons—Houses of Idleness, *The Survey*, pp. 99–101, April, 1935.

eliminate unfair competition but a struggle to eliminate all competition arising out of prison production. The campaign ignores the interests of the taxpayers, the protection of the public, and the rehabilitation of the prisoner. It is a bitter attack on any kind of undertaking to provide employment for prisoners. The basis for these assaults is purely emotional and sentimental. Any element of reasonable consideration of the problem would prevent a complete denial of all recognition of the necessity of prison labor.

Although there were many complaints with respect to both prisons and free industry's selling goods at lower than file price or customary market price, it was acknowledged that the efforts made by the prisons to abide by their voluntary compact diminished the dumping of prison goods on the market at lower than fair current rates.

Uniform hours of labor for inmates and for the operation of productive machinery in penal institutions were established under the compact. Uniform sales policies worked out fairly successfully during the period when industry was operating under the codes of fair competition. Only a small amount of diversification of prison industries was accomplished owing to the short period during which the codes were in operation. This phase of the program was never given a fair trial. The concentrated efforts of such groups as the cotton garment industry and others which were continually objecting to the sale of prison-made goods on the open market undoubtedly resulted in some decrease in the total dollar value of clothing produced in prisons. The prisons also reduced their maximum hours per week per man from 40 to 36 hours in the manufacture of cotton garments in accordance with the hours prescribed in the code for that industry.[1]

President Roosevelt appointed Judge Joseph N. Ulman of Baltimore chairman, Louis N. Robinson of Philadelphia, Gustav Peck of Columbia University, Linton M. Collins of Florida, and James P. Davis of Maryland as members of the board of the PIRA and allotted $100,000 for administrative expenses.[2]

[1] CLARKE, *op. cit.*, pp. 53–75, 76–88, 103–106; *The American Prison Association*, 1934, pp. 241–251.

[2] *News Bulletin*, The Osborne Association, October, 1935; *The American Prison Association*, 1935, pp. 169–173.

In September, 1936, the PIRA had worked or was working in Maryland, Delaware, West Virginia, Kentucky, Vermont, Arkansas, Oklahoma, Texas, New Mexico, Wyoming, Oregon, and California.

The survey of the Maryland prisons had been completed, and the report *printed* and submitted to the Maryland authorities and to the President of the United States.

The surveys of Vermont and Kentucky had been completed, and the reports *mimeographed* and submitted to the state authorities and to the President.

The Delaware and West Virginia surveys had been completed, and the final reports were nearly finished.

The field work in Arkansas and Oklahoma had been finished, and the preliminary reports were being written.

Field work was going on in Texas, New Mexico, Wyoming, Oregon, and California.

The PIRA does not work in a state without an official invitation from the governor. The invitation results from contacts between persons in charge of the prisons of the state and the office of the PIRA. A meeting is arranged between the state officials and members of the board at which there is a discussion of the state penal problems and of what can be done by the PIRA for the state. Later a meeting is arranged with the governor, and the official invitation then follows.

After the official invitation has been given, a member of the legal staff confers with the attorney general of the state on laws and judicial decisions relating to the prisons and other tax-supported institutions that may furnish markets for prison goods. In most of the states in which the PIRA has worked, no such compilation has been made, and, therefore, it is necessary to arrange for the collection of these laws and decisions before any intelligent planning can be undertaken.

The next step is to send the field force into the state to collect information on the prison population, on the existing prison industries and supplementary educational activities, on the possibilities of a state-use market, and on the condition of the prison plant.

To keep expenses down to a minimum, the PIRA has availed itself of the help of other divisions of the federal government, such as the Bureau of Labor Statistics and the Procurement Division

of the Treasury Department. The work is done on a reimbursement basis.

In view of the fact that many young first offenders are found in prison and also that in many of the states probation is either poorly developed or practically unknown, arrangements were made with the National Probation Association to use the services of its field director to obtain a firsthand knowledge of the probation work in each state.

For similar reasons, the survey has included a study of existing parole facilities. The National Probation Association has also aided in the study of these agencies. The association shares with the PIRA the belief that in many states the administration of probation and parole should go hand in hand.

The prison labor problem in many states is in part a probation and parole problem. As it is going to be very difficult to employ all prisoners, it seems ridiculous to attempt to provide work within the prisons without considering the fact that some prisoners might better be put on probation or parole. To find work on the outside for some of the idle men is better than to try to employ them all within the prisons.

As the studies develop, conferences are held with state and prison officials to learn their opinions. By the time the report is ready for final shaping up, there is usually complete agreement on what should be done.

As attempt has been made to take to one state the good things picked up in other states. Information upon certain industries now carried on in prisons under the state-use system has been collected. This material now covers some twenty-four industries.

The PIRA has also collected detailed information on management, housing, guarding, kinds of road work, and costs in states that do extensive road work with prisoners. In time this material may be made available in bulletin form.

Knowledge on activities that supplement industrial work is being built up. Under this heading is included general education, vocational training, recreation, handwork, and similar things. It will take time to develop industries; there will always be men who should have education and training; and there will be idle hours that can be used to advantage even after the work program has been reasonably solved.

The failure to provide adequate housing accommodations in places suitable to the kind and character of the persons incarcerated in prisons makes it impossible in some states to employ even a reasonable proportion of the prisoners without first making some rather radical changes in the prison system as a whole. Overcrowded institutions of the old bastille type in yards too small for exercise and relaxation prevent the setting up of industries and the building of new shops. Even if this could be done, there would probably not be a market for all the goods made.

The prison labor problem cannot be solved as something separate and apart from probation and parole, from the prison building program, and from the massing together of unwieldy numbers of prisoners in old worn-out institutions. It cannot be solved without thinking of it as something inextricably interwoven with every part of the entire program for the care and treatment of offenders.[1]

The experience of Kentucky indicates the usefulness of the PIRA. Prison conditions in that state had become acute; public interest had been aroused; and the State Planning Board had begun to study the situation. It was obvious that even if arrangements were made to provide employment for the prison population, there would not be enough state-institution use to consume the products. The only penal institutions are of the maximum-security type—one has been constructed at various times since 1797, and the principal buildings of the other were erected about fifty-four years ago. The penitentiary had 1,241 inmates in August, 1935, with only 540 single cells and no adequate dormitories or other accommodations. The reformatory housed 2,644 male and 54 female inmates in quarters with a capacity for not more than 1,700. According to the records nearly 60 per cent of these prisoners had never been in prison before. Until 1936 the state had no probation and no adequate parole system. There is no opportunity for segregation or classification of prisoners, except an inadequately separated wing for women. Even if the institutions housed only their

[1] Address delivered before the American Prison Association, September 14, 1936, by Louis N. Robinson, chairman of the executive committee of the PIRA and printed in *Proceedings* of the association, 1936, pp. 163–171.

normal capacity, they would fall far short of modern standards. They are in poor repair and lack even minimum sanitary facilities.

With the cooperation of the Governor and the Department of Welfare of Kentucky, the PIRA has made recommendations for a reorganization of the prison system. Beginning with new construction to provide a receiving and classification unit, and later the addition of needed medium- and minimum-security institutions, the Kentucky plan looks toward a real solution of its problems of prison industry and employment, based on a diversified state-use system. State farms, forestry projects, and modern road camps will provide for carefully selected "safe" prisoners healthful and comparatively normal employment. Idleness is fought further in this plan with recreational, educational, and vocational means of employment. Provision of health, psychiatric, and other professional services is taken into consideration.[1]

Maryland has also taken advantage of the opportunities provided by the PIRA to obtain aid in the solution of its penal problems. Since the autumn of 1935 all work has been dispensed with in the Maryland Penitentiary and the House of Correction, except for the regular maintenance details and for a few men employed on state-use industries. As a result of the Hawes-Cooper Act, passed in 1929 and effective five years later, the old shops remain as idle houses.

At the invitation of the governor and the Board of Welfare of Maryland, the PIRA made a survey of the prison labor situation in the state. This federal administrative group concluded that the consideration of prison labor alone was insufficient to meet the conditions and that it can be met only by an entirely changed and revamped prison program. This group also recognizes that three distinct types of institution are necessary for male offenders and that separate institutions for females must be provided as well as receiving stations for all prisoners where proper classifications can be made; also that more care and attention must be given to probation and parole. The Maryland Assembly has shown its interest in the penal problem confronting the state by creating a Prison Labor Commission

[1] LERRIGO, Prisoners Must Work, *The Survey* midmonthly, July, 1936, pp. 195–198; *The Prison Labor Problem in Kentucky*, a survey by The PIRA, 1936.

to study the existing system and report back to the assembly its findings and recommendations. The commission has been actively at work and has conducted a publicity campaign throughout the state to arouse interest in penal conditions. Every member of the legislature will have a copy of the report of the PIRA and the recommendations of the state commission.[1]

In addition to the surveys made in Kentucky and Maryland, surveys have been made and mimeographed reports published by PIRA for Vermont, Arkansas, Delaware, Oklahoma, and Texas. These reports were published in 1936 and the early part of 1937.

Surveys were at various stages of development in ten other states and the District of Columbia according to *Progress Reports* published by the PIRA in May and October, 1937. These ten states were California, Georgia, Indiana, New Mexico, Oregon, Pennsylvania, Tennessee, Utah, West Virginia, and Wyoming.

The character of the work that is being done in the states is shown by results accomplished in such states as California, Georgia, and Tennessee. In California plans were discussed with state authorities for the construction of a new institution in the southern part of the state which should be primarily for the rehabilitative training of reformable young offenders and which would relieve the overcrowding and the mingling of all classes of offenders at San Quentin and Folsom.

In Georgia conferences between the governor and the PIRA resulted in the announcement by the governor that he intended "to recommend to the legislature a complete reorganization of the state penal system, including abolition of the chain-gang camps and the introduction of vocational and school training and of a balanced system of state-use employment." A new penitentiary has been built for the state by the PWA.

In Tennessee the survey recommended "a far-reaching reorganization of the state penal system." The program included a state-use law requiring compulsory purchase by state institutions, the closing of one of the coal mines, an enlarged development of diversified industries, increased farm activities, development of conservation camps for minimum-security prisoners, and establishment of classification, rehabilitative

[1] DONNELL, Maryland's Penal Problems, *News Bulletin*, February, 1937; *The Prison Labor Problem in Maryland*, a survey by the PIRA, 1936.

training, and adequate probation and parole services. A number of the items in this program had already been acted upon by the legislature in 1937.

In the two and one-half years of its existence the PIRA has aided in a far-reaching movement to improve prisons and prison systems. It has dispassionately pointed out deplorable conditions and has indicated appropriate remedial measures suggested by the best experience. It has acted as a source of information and support to those within the states who were seeking improvement. It has been active in eighteen states and the District of Columbia.[1]

The Future of Prison Employment

At the meeting of the American Prison Association at Atlanta, Ga., in October, 1935, Mr. Howard B. Gill outlined the future of prison employment. Prior to his appointment as economic advisor to the Prison Labor Authority (PLA) in May, 1934, he was superintendent of the State Prison Colony at Norfolk, Mass., for six years. Before 1928 he had held several positions with the United States government. In 1925 he was special investigator of prison industries, U. S. Department of Commerce; in 1926, purchasing agent, U. S. Department of Justice; and in 1927, chief investigator of prison studies, U. S. Bureau Department of Efficiency. The actual conduct of the work of the PLA was left in the hands of a man who had had considerable experience in the management of prison industries, investigating penal institutions, and purchasing for such institutions.

According to Mr. Gill, "from an employment program which showed approximately 75,000 prisoners employed in 1932, we have come to the point where 10,000 employed would be a generous guess."

"The present situation is not due to the NRA or to the PLA or even to those vociferous members of certain industrial groups who 'point with pride' to the results of their campaigns against the prisons. It is due to something far more deep-seated and fundamental."

[1] *Prison Industries Reorganization Administration Progress Reports*, May 15, Oct. 15, 1937; Sellin, Research Memorandum on Crime and the Depression, pp. 89, 90, *Social Science Research Council Bulletin* 27, 1937.

Unemployment has become in the United States what it has been in Europe for a long time, a "paramount problem," and it is likely to remain so. The prison labor problem is no longer merely an economic question; it has become a social and political issue. It is not now a logical issue—rather it has become a psychological and emotional issue. This situation explains why prison labor is in a bad way.

Furthermore, the development of the *industrial prison* during the past seventy-five years has resulted in a type of prison in America unlike any other in the world. It is customary to assume that this type of institution is a "permanent element in our penal system and that anything which endangers it threatens the whole structure."

Such as assumption is questionable for two reasons:

1. "Men confuse their opposition to government production and their need for jobs with their traditional hatred of the nonconformist or the criminal. Combine the two, and then drag the issue into politics, and nothing can withstand the pressure long. Except in the agricultural states where special conditions prevail, the industrial prison is on the way out because of this combination.

2. "The industrial prison has not proved a success penologically." The admitted fact that most men leave prison worse than when they entered may not be the fault of prison industries, but it does indicate that "the present emphasis on industries does not produce the desired results penologically."

Compare the usual treatment of a prisoner with the treatment of a patient in a hospital. A doctor diagnoses a case in a hospital and decides from the symptoms the nature of the disease. He maps out a course of treatment, and after the application of the treatment and the recovery of the patient the latter is dismissed. Similar procedure is not usually followed in a prison. On arrival a new prisoner is asked what he did before his arrest. If he says he was a machinist, he is probably assigned to a shop and is employed as a machinist. He is told that if he obeys all the rules and regulations and does not get into any trouble with the other prisoners and is careful to be respectful to the staff, he may be paroled in six months or six years or sixteen years. If he was a highway robber, he would be cured by his employment as a machinist for a certain length of time according to

the nature of his offense, not according to his character as an individual! Is it any wonder that the industrial prison has failed?

Mr. Gill then outlines a proposed plan for the future of prison employment. He does not suggest the abandonment of prison industries. He proposes merely to give up the idea that prison industries are the *only* means of giving prisoners rehabilitative employment. He would maintain prison industries until something better is developed to take their place. He believes that an attempt should first be made to supplement existing industries with additional means of employment. He advocates a diversified program of industries established in cooperation with free industry and free labor.

"If a prison is properly maintained by inmate help (and it will require from 15 to 20 or even 25 per cent of the population to do so), if another 10 per cent are given adequate medical care, if all inmates who have not finished grammar school are required to attend school at least half a day (perhaps 30 per cent), and if another 15 or 20 per cent whose personality difficulties make it impossible for them to succeed in a factory are put at specialized individual tasks, we have found constructive employment, part of the time at least, for approximately 75 per cent of the prison population before considering prison industries at all."

Such a program is based on the provision of means and staff for the adequate study and classification of prisoners before assignment. It presupposes a differentiation in the housing and treatment of different types of prisoners. It requires a small but properly trained personnel in addition to the usual prison guards. It suggests the development of constructive activities of every kind for prisoners as part of a sound prison employment program. Finally, it means the elimination of the haphazard "by guess and by gosh" methods of treatment used in too many of our penal and correctional institutions.[1]

[1] GILL, The Future of Prison Employment, *The American Prison Association*, 1935, pp. 179–185; BENNETT, *Prison Labor at the Crossroads, The American Prison Association*, 1934, pp. 241–251.

CHAPTER XV

ABOLITION OF PRISON SYSTEM

In a report upon *The Prison Problem of America* made after spending four months among the penal and reformatory institutions of the United States, Alexander Patterson, commissioner of prisons for England and Wales, raises the question of why a prison? He notes the fact that we are all in prison. With many people the imprisonment is self-imposed and unconscious. The man who never leaves his home country, the person who reads only one side of a case, and the busy mother who never gets far away from home because of family cares are cited as illustrations.

There is a difference in kind, however, when imprisonment by a court is considered. A man is free within the limits of his economic position until he is sentenced for crime by a court. Then his situation is radically altered. "His movements are restricted to a few hundred square yards within high walls, his daily program must conform strictly to a timetable of overpowering punctuality; his means of communication with friend or relative reduced to a bare minimum, he may be forced into association with a heterogeneous crowd of men whom he would never have chosen for companions. The limitations to his freedom are far more severe than is true of any voluntary imprisonment, save only in the case of monastic orders."

Why have prisons come to be regarded as established institutions in present-day civilized countries? An English judge in the eighteenth century came to empty the prison, whose original function was to keep a man in custody till the court was ready to try him. A prison was not then a place of punishment but an antechamber to the court. The court was not limited to imprisonment as a form of punishment. Death or transportation was used for many offences; mutilation of the body or exposure to public ridicule in pillory and stocks was lawful for crimes of lesser degree.

"Gradually, the public conscience has revolted from inflicting physical pain or loss on the person of the offender. Everywhere

there is a body of opinion protesting against capital and corporal punishment. It must, however, be remembered that a long sentence of imprisonment may for some offenders be a more cruel punishment and may have far more degrading consequences than any infliction of bodily pain upon them. Imprisonment leaves no visible scar to shock the eye, but it may well have done damage to a human character that nothing can repair. There are cases where it is kinder to break a man's neck in a second than to spend twenty years in breaking his heart."

The sentence of imprisonment, and not the treatment in prison, constitutes the punishment. "Men come to prison *as* a punishment not *for* punishment. It is doubtful whether any of the amenities granted in some modern prisons can in any measure compensate for the punishment involved in the deprivation of liberty. It is the length of the sentence that measures the degree of punishment and not the conditions under which it is served. It is therefore possible to have a considerable variety in prison treatment without disregarding the basic fact that a prison sentence is still used by the courts as a form of punishment."

Commissioner Patterson declared that it is the first duty of the prison administration, after securing the safe custody of the offender, to ensure that a man on emerging from prison is not more depraved than when he entered. He points out that "it is unnatural that men should live apart from women and children, unnatural that they should be solitary for so many hours in so small a space, that their movements should be so confined and their daily doings so minutely routined. In such an artificial surrounding it is difficult for men to develop or retain a normal social habit and attitude of mind. They may well become more hardened and antisocial and return to the freedom that must come some day firmly pledged to prey rather than cooperate."

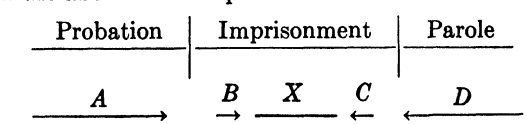
Again, "a more insidious process operates. All initiative and self-reliance are lost; obeying every order, a prisoner comes in time to wait for an order. He develops a desire to please, which makes him furtive and sycophantic. In the external show of order and cleanliness his conduct is model, but in the inner things that matter he is at heart still a thief and a waster, actually more useless and dangerous because he has cloaked his dishonesty with the paint and plaster of a well-behaved inmate."

Furthermore, a prison may do infinite harm "to the casual beginner in crime by forcing him day after day into an association he cannot escape with men whose very speech is mud. It will not be long before he learns their slang, adopts their scale of values, and is infected with their attitude towards authority within and society without the walls. Once he is accepted as a member of a gang, only a miracle will regain him from their clutches."[1]

These statements quoted from a man of wide experience in prison administration lead one to wonder if the whole prison system ought not to be abolished. Of course, there is no possibility of a sudden and complete abolition, and such a change would be undesirable as well. The result must be brought about gradually, just as the conditions that we now have developed slowly and almost imperceptibly. To use a phrase of the Webbs, "the inevitability of gradualism," the manner of emergence of an established system is also the way for its gradual disappearance.

Strange, too, as it may seem to persons who are not familiar with reformatory and penal treatment, methods of abolition of the existing prison system are already developed and widely used. Probation and parole universally practiced would do away with the present-day prison, except for permanent custodial cases—lifers and the small percentage of criminals found to be unable to conform to conditions in ordinary society. The use of prison camps and farms in recent years has also contributed to the actual abolition of the maximum-security institution by showing that a large percentage of criminals do not need such conditions. A prison without walls is an approach to abolition in a different way.

A simple illustration shows how probation and parole naturally result in the abolition of imprisonment:



The arrows *ABCD* indicate the process graphically. The nearer arrows *B* and *C* approach each other the shorter the line *X*, representing imprisonment, becomes.

[1] PATTERSON, *The Prison Problem of America*, pp. 9–12, printed at Maidstone Prison, England, for private circulation, 1934.

The Meaning of Parole

Parole is the feature of the reformatory system that has been most widely copied by other institutions and has become a factor in the routine of prison administration. There is now no state that does not use parole in some form in the release of prisoners from penal institutions. Some states, however, make extensive use of it, whereas others do not use it widely.

Earlier parole laws were limited to special classes, but the tendency is to apply them to all classes of prisoners. Experience with parole has resulted in the recognition that no prisoner ought to be set free with a suit of clothes and a small amount of money. Whether a hopeful prospect for reformation or a hardened offender, the released prisoner needs some supervision and assistance if there is to be any probability of his "going straight."

The two methods of indeterminate sentence and release on parole are generally combined in practice, although they may be, and have sometimes been, used separately. Their combination is essential for the greatest efficiency of either system, and they are theoretically connected as parts of one general scheme of reformatory treatment. In 1922 forty-four states, the territory of Hawaii, and the federal government had the parole system in operation in some form; thirty-seven of these states had some type of indeterminate sentence, and only four were without either the indeterminate sentence or parole.

The outstanding defect of parole work at the present time is the lack of expert knowledge on the part of parole authorities. The obvious remedy for this situation is the placing of parole in the hands of boards of parole, composed of experts devoting their entire time to this function. No politically dominated board, made up of untrained personnel, can ever satisfactorily perform the essential features of an effective parole organization. The comparative failure of parole is due to the ignoring of the fundamental principles underlying a sound system of parole.

"Good parole work should be a positively constructive process of social rehabilitation. It should aim to help the individual to find a place in the community, a place which will enable him to make the most of himself and discharge his responsibilities to those dependent upon him and to the community as a whole. The accomplishment of this purpose requires a continuous

process of helpfulness, guidance, and friendly assistance. The parolee must be encouraged to continue with the education which was begun within the institution. Contacts must be made for him which will bear within themselves the seeds of future regeneration. The prisoner must be protected against the community quite as much as the community against the prisoner. Each must be made to understand the other if the convict is to be reestablished within the society against which he has offended.

"Real parole work, therefore, is undertaken with the object of bringing about the reformation of the offender, and this is done not through any softly sentimental desire to make life easier but for the obvious reason that it guarantees to law-abiding citizens a greater measure of security in the legitimate enjoyment of their lives and property."[1]

The Principles of Parole

At a meeting of the American Parole Association held at Atlantic City, N. J., on October 9, 1933, a Declaration of Principles was adopted. This was the result of the work of a group made up of members of boards of parole, parole commissioners, supervisors, and field and institutional parole agents, who had before them for consideration a tentative declaration, which had been prepared by a committee of the association. A summary of the final declaration follows:

1. "In a formal or legal sense, parole is conditional release from a correctional or penal institution under supervision. Properly conceived and administered, it is not a form of clemency or leniency; it is not employed for the purpose of shortening an offender's term; it is not giving an offender a reward for being a 'good prisoner.'"

There are really fundamentally only two ways in which an offender may be released from an institution. One is complete and final discharge with no subsequent supervision; the other is conditional release under supervision with the authority to return

[1] The *Report of the Pennsylvania State Parole Commission to the Legislature*, Part I, pp. 10–16, 1927; the description of parole that immediately precedes is taken from Haynes, *Criminology*, 2d ed., McGraw-Hill Book Company, Inc., 1935; for a fuller account of the history and principles of parole see Chap. XIV, pp. 390–418, in the same book.

to the institution if the conditions of release are violated or additional crimes committed. The second method of release affords a fuller measure of protection to society. Parole is also a part of the whole process of treatment begun when the offender enters the institution or earlier. It is a period of supervision and readjustment from the extraordinary and artificial life of the institution to the normal life of the community. The distinction between probation and parole must be kept in mind. "Probation is a form of supervision in the community applied by the courts in the place of sentences to institutions; parole is applied to persons who have already served sentences, or parts of sentences, in institutions."

2. "The life led by offenders in institutions, and the activities of such institutions, affect parole beneficially or harmfully"; consequently the association endorsed the Declaration of Principles of the American Prison Association as revised and reaffirmed in 1930.[1]

3. "All offenders leaving correctional and penal institutions should be released by the method of parole. There should be no other form of release, except, of course, for those who are pardoned, recalled by courts, or who leave for some other exceptional or unforeseen circumstance." A period of readjustment and supervision is desirable, both for the offender and for society. The type of the offender or the nature of the offense are not important in the determination as to whether there shall be supervision. Some period of supervision is essential for any released prisoner.

4. "Selection of prisoners for parole, therefore, becomes a matter of choosing the *time* at which release of each offender is most advantageous or beneficial."

5. "It is unfair to hold a prisoner, eligible for parole, in confinement in an institution because no agency or person can be found to whom he may be paroled."

6. "Preparation for parole should begin the moment the offender reaches the institution. It should be a conscious and deliberate part of the policy of the institution to fit the offender for parole." Such a policy involves not only preparation for useful and industrious life outside but also specific instruction in regard to the obligations and opportunities while on parole.

[1] *Proceedings of the American Prison Association*, 1930, pp. 249–256.

7. "Success on parole will depend, to a large degree, upon what has happened to the offender while behind the walls. It is a prerequisite to satisfactory parole work, therefore, that the institution shall have done its utmost to bring about the necessary changes in the health and attitude of the offender. This means a careful study of the needs and personalities of individual offenders and the use of all available resources in such fields as medicine, education, religion, psychology and psychiatry, recreation, vocational training, and social work, to enable the offender to rise to his own potential capabilities. . . . Society gains by the incarceration of offenders in so far as there has been improvement in their habits, attitudes, and behaviors."

8. Preparation for parole should include attention to the offender's family to prevent its deterioration during his imprisonment. The cooperation of appropriate community agencies should be obtained in preparation for the period of parole supervision.

9. The prisoner must be an active agent in the development of all parole plans. He must be frequently informed and consulted about the situation and problems of his family. "Consideration for release upon parole should come up automatically and at intervals not too infrequent in the course of every inmate's residence."

10. The time of release should depend on a number of considerations: Has the institution done all it can for him? Is the offender's state of mind and attitude such that further residence will be harmful or beneficial? Does a suitable environment await him on the outside? Can the beneficial effect already accomplished be retained if he is held to allow a more suitable environment to be developed?

11. "Meetings of boards, committees, or groups at which the release of particular offenders on parole is considered should be confidential and private." Pleas from interested persons—attorneys, friends, relatives, and politicians—should be excluded, but the paroling authority should have power to subpoena witnesses and take testimony. Newspaper publicity should not be given to such hearings. Only persons with a direct and official interest in the proceedings should be present.

12. "Careful preparation of the environment into which the offender is to go is a prerequisite to release and an essential of

competent supervision." Such preparation includes wholesome living conditions, "a neighborhood in which the prospects of successful adjustment are fair," opportunities for work or school, reasonable provision against an immediate period of financial difficulty, and an attitude of understanding and helpfulness on the part of those with whom the offender will come into immediate contact. The attitude of local police and other law-enforcing officials must be free from any "unnecessary attitude of suspicion, persecution, or vindictiveness."

13. The supervising agency or officer should regard the family as a client as well as the offender. Parole supervision is a branch of social casework and should use the same methods and be bound by the same standards as the better class of family welfare organizations.

14. The parole officer should be an active field agent. He should not depend on reports but should visit the offender in his home and should know the offender's habits, his associates, his working conditions and leisure-time activities. He should be an understanding and sympathetic friend of the offender. His supervision should undertake to encourage confidence and self-respect. At the same time he must be ready to discipline the offender when necessary, even if this involves return to the institution for further care.

15. "The primary object of supervision is the restoration of the offender to society as a participating and law-abiding member and as personally happy and socially useful as possible. Competent supervision involves two main aspects: (1) the personal guidance and influence over the offender by the officer; and (2) the use or manipulation of social agencies and community forces in the interest of the offender's rehabilitation and the welfare of his family."

16. "Personnel of a high order is necessary to carry out these tasks. A parole officer should be skilled in social casework, including a knowledge of ways of influencing human behavior and a personality giving him a ready facility in the use of such knowledge. He should have a good education, good habits, and qualities of firmness. His superiors should be persons professionally trained in social casework and of executive ability. The staff should be large enough to insure that competent supervision is done. Throughout the organization there should

be a professional spirit similar to that found among teachers, and politics should play no part in the selection of personnel."

17. The statutes should not make it mandatory to return offenders to the institution in all parole violations but leave it to the discretion of those in charge of supervision as largely as practicable.

18. There should be cooperation between the states and federal government in obtaining information and in supervision. Such cooperation is especially desirable among states close to each other, in connection with the supervision of parolees.

19. Because the moment when an offender leaves a correctional institution is an extremely important one, the study of experiments in some countries, whereby the release from the institution is gradual, is recommended. Toward the close of his stay, the offender is allowed to leave the institution during the day and return at night or to leave for a longer period and then return for a time. Such a plan may be of greatest use in the cases of offenders who have been in the institution for a considerable time.

20. Continuous study and research should accompany parole work and should be conducted in a thoroughly scientific manner and spirit. Research staffs at universities should be encouraged to assist in such work as public servants.[1]

This declaration of principles provides a clear statement of the fundamental ideas underlying sound parole work. It defines parole, carefully distinguishing it from other forms of release and from probation. It urges the use of parole in all cases of release from institutions. It points out the value of parole both for the offender and for society. It declares that parole should form an integral part of the treatment of offenders by institutions. It indicates the relation of treatment in institutions to success on parole. It suggests the sharing of the prisoner in plans for his parole. It calls attention to the importance of the family situation and environment to the person paroled.

The declaration also emphasizes the need of capable and trained personnel. It declares against any political influence in the selection of personnel and in the administration of parole. It urges the consideration of gradual release in the place of a final

[1] *Journal of Criminal Law and Criminology*, vol. XXIV, pp. 788–793, November–December, 1933.

release without any adequate testing of the parolee in outside life. It recommends study of parole work to improve practice.

If this declaration of principles could only be measurably followed in the actual administration of parole, there would be an immense improvement in many of the states. Criticism of parole would largely disappear, because there would be *real* parole in place of the poor imitation that we now have all too generally. We have the knowledge, and we have the leaders, but we need an enlightened public opinion to replace the existing public attitude toward parole based largely on emotion and misunderstanding.

Criticism of Parole

Criticism of parole, even by experienced and intelligent observers, frequently takes the form of an expression of belief in the *theory* of parole, followed by a statement of the faults to be found in its actual practice. Almost inevitably the newspapers feature the faults described and overlook or neglect to mention the faith expressed in the theory. When a man like J. Edgar Hoover of the Bureau of Investigation of the U. S. Department of Justice criticizes the results of parole in connection with his campaign against "public enemies," it matters very little that he declares that he believes in the theory of parole.

A short article by an inmate, published in *The Presidio*, a paper printed at the Iowa State Prison at Fort Madison, Iowa, describes exactly what happens when one parolee fails to make good and his failure becomes public.

"From the misstep of any one man a complete case is made against the parole system, and by judicious propaganda the public is led to infer the entire system has broken down and that penal institutions are nothing but factories where prisoners are turned out hardened criminals and that inmates are being mollycoddled to such an extent criminals look forward to a term in prison as a sort of vacation from the rigors of life on the outside. Not one word is ever said of the thousands who have expiated their crimes and gone on to lives of useful endeavor.

"It behooves the paroled man to watch his step, for if temptation confronts him and he lets go, he then inflicts punishment upon those he has left behind, even though he has no intention of hurting them, because the awaited chance to howl is eagerly

grasped by those who enjoy pointing out the faults of those who have once been convicted of wrongdoing.

"To do this is as unfair as it would be to expect every employee of a business to reimburse the concern for a defalcation of another employee. Such a thing would never occur to any sane-thinking businessman. Neither would a man in the fruit business discard a whole barrel of fruit just because one or two pieces had gone bad. He would remove the rotten and worthless and accept the situation as an inevitable part of the business.

"Why couldn't such a sane view be taken in dealing with imprisoned men? Surely the business of helping a man find and follow the road to right living is just as important as any other. It is not right nor just that so many be kept from their families, be denied the right of earning an honest living because of the few who were released before they should have been."[1]

A Defense of Parole

An address given by J. Edgar Hoover before the International Association of Chiefs of Police at Atlantic City, N. J., July 10, 1935, was made the occasion the following day for a reply in defense of parole by Winthrop D. Lane, director of the Division of Parole, Department of Institutions and Agencies, of the State of New Jersey. The position occupied by Mr. Lane and the remarkable work being done by New Jersey in the field of parole entitle him to speak with authority. His reply is a very clear exposition of parole methods and policies. Certain points made in this address are worthy of careful consideration by all persons interested in the understanding of parole as a part of the reformatory system.

"The prisons and reformatories of this country contain hundreds of thousands of young men besides the Baby Face Nelsons, the Pretty Boy Floyds, the Dillingers, and the Waleys. There is no way of keeping the great majority of these men in prison indefinitely, even if we wanted to; it would take twenty times the present capacity of reformatories and prisons to do it. Since they must come out, the question is simply this: Is it better to release them absolutely, with no continued control over them, or is it better to release them with such control and to protect the public by insisting that they go through a testing period

[1] August, 1935, article entitled The Parolee's Obligation.

before they earn their unconditional release? This is the theory of parole."

Mr. Lane then proceeds to describe the features of what he calls "a bad parole system."

A parole system is bad "if it means the automatic release of prisoners at the expiration of their minimum terms, if it grants releases as acts of favor to prisoners who have given the wardens little trouble or have been so-called 'model prisoners', if political influence touches it at any point, and if it merely accepts written reports from persons on parole and does not keep actively in touch with all such persons and know what they are doing."

It is also bad "if it is staffed by incompetent and unqualified persons, if each parole officer is expected to look after too many parolees, if serious violations of parole are not promptly followed up and the violators returned to the institution or disciplined in some other way, and if the financial support is so meager that there cannot be proper supervision of persons on parole."

Mr. Lane describes a good parole system as "one in which releases are granted only by qualified, honest officials who make this work a profession; one in which the fullest possible information about the criminal is obtained; and one in which the staff is large enough to give real supervision to the persons on parole."

One other point about parole is referred to by Mr. Lane in his address. This is the question of sentences, or "the sacredness of sentences." We are asked "to regard with peculiar sacredness the sentences with which offenders arrive at penal institutions."

How are these sentences determined? The statutes of many states fix penalties—a maximum or a maximum and minimum. States vary immensely in the penalties that they impose for particular crimes. The maximum sentence for manslaughter in Texas is five years; in Indiana it is twenty-one years; and in Vermont it is life. The maximum punishment for bigamy in Pennsylvania is two years; in New Jersey it is ten. For burglary with explosives the legal penalty in Mississippi is twenty-five to forty years; in Louisiana it is five to twenty years. The shortest term in Mississippi is longer than the longest term that can be imposed in Louisiana. In New Jersey the maximum for rape is fifteen years; in Montana, ninety-nine years; in North Carolina, death. Are any of these sentences sacred?

What do we find when we study the sentences imposed by different judges? We know that one judge is severe where another is lenient. Judges sitting in the same districts differ widely in the penalties that they pronounce for the same crimes. The sentence for rape in one county in New York averaged ten years over a long period of time, whereas the sentences for the same offense in another county averaged two years in the same period. Judges in New York City imposed sentences averaging over eight years for burglary in the first degree, whereas judges in large cities upstate imposed sentences averaging thirty years for the same crime.

Mr. Lane asks the serious question "Is it possible to maintain an attitude of deep reverence and awe toward sentences so imposed? Was it not exactly this situation that the Hon. Alfred E. Smith had in mind when as governor of New York he advocated placing the power of sentence in the hands of a properly constituted board and so relieving courts of this most difficult responsibility?"

Actually the board of parole is such a board as Governor Smith described in his recommendation. "It is a board with certain limited powers to determine when a man is fit to be released from prison; and if it does its work honestly and wisely, keeping men under supervision in the community, it is a protection to the public welfare and not a destroyer of public welfare."

Finally Mr. Lane reminded his hearers "that the vast majority of offenders who are paroled commit no further crimes during the period of their parole. United States Census Bureau reports from eighteen states show that out of 35,327 persons on parole January 1, 1931, only 980, or 2.8 per cent, had their paroles revoked during the year for the commission of crime.

"Nor is it true, as sometime stated, that a large percentage of men now being arrested are on parole at the time of arrest. Volume 6 of the *Uniform Crime Reports* (published by Mr. Hoover's own bureau) disposes of that error. Out of 90,000 arrests recorded during the first three months of 1935, as indicated by fingerprint cards which were examined by Mr. Hoover's bureau, only 509 persons were on parole at the time of arrest. These figures show that out of 1,535 arrested for criminal homicide, not a single person was on parole.

"The true facts about parole can be known only by looking at the whole picture, not at isolated cases."[1]

Parole Administration

New Jersey has probably the best organized system of parole administration in the United States. At each institution there is a Classification Committee, made up of the important members of the staff, the purpose of which is to plan programs for treatment for every offender in the institution and also to make recommendations in regard to the time when he should be paroled. The committee supervises the execution of the program and considers whether it is producing satisfactory results or should be changed. At the proper time in its judgment the committee recommends that the offender be paroled.

Parole supervision is under the jurisdiction of the Division of Parole, a bureau of the Department of Institutions and Agencies. Parole officers are employed and are responsible to this division. Civil service requirements prescribe that parole officers must have "an education equivalent to that represented by graduates from colleges and universities of recognized standing, a standard course in social service, two years' experience as social investigator, or education and experience as accepted as full equivalent by the state Civil Service Commission. Knowledge of problems of delinquency, laws governing commitment, care and parole of delinquents; knowledge of approved methods of social case work, investigating ability, thoroughness, accuracy, tact, leadership, firmness, good address."

Assignment of officers is by geographical districts, and all parolees in a district are under the supervision of the officer for the district. All women parolees are supervised by women officers, and all male parolees by male officers. Some of the men officers specialize supervising white or colored juveniles or adults. These officers also supervise persons on parole from other than correctional institutions. Some of them have the use of automobiles provided by the state.

There has been an increase of over 100 per cent since 1919 in the number carried on parole. For the fiscal year ending June

[1] Address by Winthrop D. Lane, director of the Division of Parole, Department of Institutions and Agencies, given before the International Association of Chiefs of Police, Atlantic City, N. J., July 10, 1935.

30, 1919, the number on parole at the end of the year was 2,231, whereas for 1933 it was 4,520. The number paroled during the year fluctuates, depending upon institutional population and parole policies as well as upon general economic conditions. During the period 1919–1933 the number varied from 716 in 1924 to 1603 in 1932. Since 1928 it has remained over 1,000 a year. Since the average annual cost per inmate in institutions approximates $500, whereas that of supervising a person on parole amounts to about $25, it is apparent that the use of parole is more economical than institutional treatment.[1]

A federal parole system similar to the one in operation in New Jersey is in process of development. A new parole board was organized in 1930. The number of federal parolees was 963 on July 1, 1929. On the same date in 1933 there were 3,345 on parole.

Prediction Methods and Parole

In general, fitness for release is accepted by boards of parole in determining what prisoners to parole. As a matter of practice, boards of parole seem to follow personal judgments, or "hunches," very largely in the absence of any really definite data upon which to base their decisions. The nature of the crime, prior criminal record, conduct while in prison, and length of time in prison are probably used most commonly. Massachusetts had as good a method of selection for parole as any state until recent studies were made for the purpose of developing more scientific standards. In a survey of 600 successive successes and failures among persons paroled from the Massachusetts Reformatory before 1924, Professor Sam B. Warner found little correlation between the items used and success or failure on parole. His conclusion was that the board was wrong about as many times as it was right. Probably his conclusion could be safely extended to a very large part of the parole work in the United States.

The need of more exact and scientific standards for estimates as to the probability of success or failure on parole was first recognized by E. W. Burgess and Dr. Sheldon and Mrs. Glueck.

[1] Adapted from Haynes, *op. cit.*, pp. 412, 413; Lane, Parole Procedure in New Jersey, *Journal of Criminal Law and Criminology*, vol. XXII, pp. 375–405, September, 1931; *Summary Report of Department of Institutions and Agencies*, New Jersey, 1923–1933, pp. 31–37.

Their pioneer studies were published in 1928 and 1930. Since that time other studies have been made by George B. Vold in Minnesota and by Clark Tibbitts in Illinois. Mr. Tibbitts was associated with Professor Burgess in his original study and has continued the study by the inclusion of more cases and by some modification in the classifications used. These studies are so recent that sufficient experience in testing them has not been possible, but it seems as though a sound and promising beginning had been made in pioneering a more scientific basis for the selection of persons for parole. New Jersey, Minnesota, and Illinois are using these new methods in parole work.[1]

During 1930 and 1931 George B. Vold applied prediction methods to inmate groups at the Massachusetts State Prison at Charlestown and the State Prison Colony at Norfolk. The cases of 290 inmates at Norfolk and 289 inmates of the State Prison, a total of 579 adult male offenders, constituted the groups studied.

At Norfolk the simple plan was followed of having all responsible officers coming in contact with a man rate him in one of three ways: as among the best one-fourth at the institution, as among the worst one-fourth, as belonging to the middle half.

Since the population was small, it was possible to get ratings on every inmate by three to eight officers. The average of all ratings for each man was taken as his final rating as to desirability as a prisoner. The ratings were then arranged in order of rank for the entire group, and the ranking studied for "natural" breaks or divisions. Case-record information for each man was obtained and made quantitative under appropriate categories and subclasses similar to those employed in parole studies. From this point the familiar parole prediction procedures were followed.

A slightly different procedure was adopted at the State Prison. The practice existed there of having the officers make monthly written reports on each inmate, grading him as A, B, C, or D on such items as attitude at work, industrial proficiency, leisure-time activity, and general ability. These monthly reports were given numerical values, totaled, and averaged to give an individual score, making possible the rating of each man according

[1] For a fuller account see HAYNES, *op. cit.*, pp. 402–412.

to his "desirability." From that point the procedure was the same as that followed at the State Prison Colony.

Prediction tables based on these data gave results "surprisingly similar to the familiar parole tables." Both the Burgess and the Glueck methods of scoring were used with similar results. Whether many factors or a few selected ones were used, the results were "not markedly different."

Professor Vold concludes that "it is clear that a definite relation may be established between items of information in the inmate's record and his conduct in the institution as that conduct is judged by officers who know him well. As soon as the new inmate's case history has been prepared, it is possible to predict his probable reaction to the established institutional routine."

But the question is raised by Vold whether behavior in prison is "the really important or desirable basis to use in classification of prisoners. The answer is probably negative. Treatment programs should be developed by experiments in common-sense ways under the guidance of an intelligent personnel. Prediction methods will have much greater utility as an instrument of verification for such experimentally determined treatment classifications than as a device for discovering these classifications."[1]

In 1933 Illinois employed sociologists to apply the Burgess prediction method to all male prisoners of the State Penitentiary who were appearing before the parole authorities and also to engage in research to improve the basis for prediction by developing factors supplementary to those used in the Burgess scale.

In the search for some method of predicting probability of success on parole that would include an estimate of a prisoner's personality and attitude, the question of the hunches of other inmates was considered. There is a general belief that an inmate can size up another inmate and estimate fairly accurately his future conduct. The official who could analyze an inmate upon the same basis as his fellow inmates do would be enabled to make a more accurate prediction.

There are three aspects of this problem: How reliable are hunches? What are the objective factors on which hunches are

[1] VOLD, Prediction Methods Applied to Problems of Classification within Institutions, *Journal of Criminal Law and Criminology*, vol. XXVI, pp. 202–209, July, 1935.

based? How may an independent investigation determine the presence or absence of the factors?

To determine the reliability of hunches, the cooperation of certain inmates was secured. Two inmates prepared a list of 150 inmates known by them well enough for them to score them on their probable future conduct. No one except the graders knew what inmates were chosen as subjects. The scoring was done very carefully and entirely independently. The scores were then compared statistically, and the correlation was found to be +0.62. Other inmates next were asked to score the list, and again high correlation resulted. The hunch scores were also compared with the Burgess system, and again a correlation was shown to exist, the coefficient being +0.58. Consequently it seemed that a concept *parolability* does exist and that it may be subjected to measurement and expressed quantitatively.

After the 150 men had been scored independently, an attempt was next made to determine what objective factors went into the scoring. In this investigation the discussion method was used. The investigators brought their lists and scores together and debated about each case where there was any difference of opinion.

By means of this discussion, forty-two so-called primary factors were developed. Most of these forty-two factors appeared in the discussion of the first thirty men, and all had appeared by the time that fifty men had been discussed. These facts lead to the conclusion that the list of forty-two factors is fairly exhaustive.

The problem of finding some method by which the *outsider* can analyze a man according to these factors and make a prediction as to his parolability as valid as that of his fellow inmates comes next in order. Obviously, it is necessary to devise a technique by means of which contact can be made with the men in groups and the necessary information secured through some mass method. A questionnaire based on the factors seemed to be the most practicable tool for the purpose. Seventeen hundred questions were formulated and scattered through a four-section questionnaire. Certain *index* questions were included to determine the general veracity of the responses.

The next step was to test the questionnaire by having it answered by a selected group of inmates. This group was used

as a control group when the questionnaire was submitted to the rank and file of the inmates. One hundred thousand responses were obtained and tabulated from the control group, and an equivalent number from inmates in general was treated similarly.

Later the long questionnaire was reduced to one containing only 164 questions—a size adapted to group administration. Scores obtained on this questionnaire correlated 0.70 with hunch scores. This short questionnaire will be thoroughly tested by use with a number of additional groups.

A second method will also be used in connection with the questionnaire. It will consist of a "directed interview," which will aim to obtain information on the factors discovered. This method will be particularly useful in the cases where the men, because of language difficulties or illiteracy, are unable to answer the questionnaire.

A section of the questionnaire has been given to a group of university students and compared with the results obtained from prisoners. Such studies may prove valuable in throwing light on actual attitudes that prevail in restricted types of society. From such information it may be possible to develop programs of institutional treatment and parole supervision to counteract specific convict attitudes.[1]

PROBATION

Obviously probation reduces the number of persons actually imprisoned, and success on probation releases the individual from the consequences of his offense on condition that he shows his ability and willingness to conform to the requirements of the court. Popular opinion regards probation as a release from punishment. As a matter of fact, it means that the probationer must conform to strict regulations and that the sentence may be imposed if he fails in any way to meet the demands of the court.

Probation is derived from the judges' power of continuing cases or of suspending sentences. The necessity for some method of supervision led to the development of volunteer probation

[1] LAUNE, A Technique for Developing Criteria of Parolability, *Journal of Criminal Law and Criminology*, vol. XXVI, pp. 41–45, May, 1935; *Predicting Criminality* (forecasting behavior on parole), Northwestern University Studies in the Social Sciences, 1936.

officers and, later, to their recognition and payment by the community. Probation really only provided formal organization for the informal arrangements under suspended sentences.

Massachusetts originated probation after a period of experimentation under voluntary auspices. In 1878 the Mayor of Boston was authorized to appoint a probation officer for Suffolk County. Two years later a law was passed permitting cities and towns to appoint probation officers and making the system state wide. In 1891 an act was passed making it mandatory for the criminal courts of the state to appoint probation officers.

In 1899 the Juvenile Court of Chicago was established, and provision made for the appointment of probation officers, although arrangement for the payment of salaries was not authorized until 1905. The establishment of the juvenile court in Chicago was followed by the widespread extension of probation throughout the country. By 1934 all the states except Wyoming had probation for children, and all but sixteen had probation for adults.

Although the number of states that have provided for probation is large, it would be a mistake to assume that it has been widely adopted. Most of the laws are permissive and not mandatory. Generally its use is limited to cities. In many of the states where the principle of probation has been adopted, the laws are limited or inadequate. No provision was made in the federal courts for probation until 1925. Since 1930 considerable progress has been made in the development of probation in the federal courts.

Massachusetts and New York are the states in which the most satisfactory organization of probation exists. Both states have unpaid commissions with full-time executive officials in control of the actual administration. The commissions are supervisory in character. They assist in the improvement and standardization of local probation work, provide manuals of instruction and forms, and arrange conferences for the education of workers.

Massachusetts

The Massachusetts Commission on Probation was created in 1908. The development of probation from 1909 to 1923 is shown by the following figures taken from its reports:

1909	13,967	1916	28,953
1910	15,518	1917	30,588
1911	15,887	1918	24,017
1912	17,538	1919	24,537
1913	21,074	1920	18,209
1914	24,714	1921	23,845
1915	27,994	1923	29,763

In 1915 of all convicted offenders, 24.3 per cent were placed on probation; in 1923, 26.3 per cent. The proportion of convicted offenders committed to institutions declined from 16 per cent in 1915 to 5.8 per cent in 1923.

The proportion of probation dispositions is remarkably uniform. It approximates about one-quarter of the total dispositions of the criminal population. Apparently, probation has reached a point of stable equilibrium in the Massachusetts system of criminal justice.

In 1928, at the time of the fiftieth anniversary of the establishment of probation in Massachusetts, it was pointed out that the state had not built "an additional cell in twenty-five years." It has fewer prisoners than it had twenty-five years ago. It has about the lowest crime rate in the country. It has fewer homicides, fewer violent crimes, fewer burglaries than those states which build new jails and rely upon the use of imprisonment as a penalty. Massachusetts saves her taxpayers the support not only of the prison population but of the families of the offenders. The probation officers collect about $2,000,000 annually largely for the support of families. Massachusetts had shown that by the use of probation "the volume of crime is greatly reduced, property and life are best protected, and countless human beings instead of becoming criminals are salvaged to some good purposes."[1]

In 1933 Sanford Bates, director of the Federal Bureau of Prisons, evaluated the success of probation in an address given at the National Conference of Catholic Charities meeting in New York. "For years," he points out, "Massachusetts has averaged four times as many people on probation as in prison. The number on probation in New York substantially exceeds those who are in correctional institutions. The latest report of the Bureau of the Census shows that the average for the whole country of

[1] For a fuller account of the history and development of probation see HAYNES, *op. cit.*, Chap. XV, especially pp. 421–425, 434, 435, 438, 439.

the number of persons per 100,000 in state prisons and reformatories in 1930 was 48.3. This figure for Massachusetts was 22.8, and for New York was 26.5."

The issue of *Uniform Crime Reports* for the period January 1 to June 1, 1933, gives the rate per 100,000 of offenses known to police. The figures for robbery range from 46.7 per 100,000 in the South Atlantic states to 89.5 in the East-North-Central states, whereas in Massachusetts the figure is 10.4, and for New York it is 9.2. The figures for larceny and theft vary from 331.8 in the East-South-Central states to 621.4 in the Pacific states, whereas in Massachusetts there were 197.6 per 100,000, and in New York 177.1. In the opinion of Mr. Bates, "these figures may not be convincing, but at least they have a tendency to offset any claim that the liberal use of probation is accompanied by any increased amount of crime."

The figures for the period January to June, 1935, were as follows:

States	For Robbery per 100,000
East-South Central	66.9
New England	9.8
Massachusetts	11.1
New York	7.7

	Larceny and Theft per 100,000
West-South-Central	637.0
Middle Atlantic	161.7
Massachusetts	210.6
New York	193.4

Probation, April, 1934, published by the National Probation Association; *Uniform Crime Reports*, July, 1935.

In a special report on *Probation in New York State*, the Commission to Investigate Prison Administration and Construction describes probation as "the Lazarus of the correctional system. While vast sums have been spent to erect penal and correctional institutions, proportionately little money has been devoted to the development of probation. Such funds as have been appropriated often have been given grudgingly with a half-concealed suspicion that the money was used for the maintenance of something which came close to being a luxury."

The growing importance of probation as a part of the correctional system in New York is shown by the fact that in 1931 "approximately one-third of the offenders convicted of felonies throughout the state were placed under the supervision of probation officers." Although the correctional institutions, exclusive of county jails, housed 20,918 inmates on July 1, 1932, there were on probation on the same date 22,825 men and women as well as some 6,000 children.

Whereas, the general population of the state increased only 21.2 per cent in ten years, the total prison population increased 75.26 per cent. In the opinion of the commission there must be an extension of the probation system "if for no other reason than the fact that the mounting costs of the construction of penal institutions, and the confinement of inmates therein, must eventually become prohibitive.

"We have learned through long and costly experience that the protection of society cannot be arrived at by the mass treatment of those who violate its laws but must be achieved through the rehabilitation of the individual offender. The recognition of that truism has been responsible for many changes in the internal organization of our penal programs. After placing offenders in prisons, we have endeavored to simulate the natural conditions which they might find in the outside world and have done everything within our power to prevent the incarcerated individual from feeling that he has been cut off from the world and that he will have difficulty in returning again to the orderly ways of life of the law-abiding citizen.

"If it is desirable, through every natural means, to prepare the man in prison for his ultimate release and strive to preserve his individuality, it seems also desirable that we keep out of institutions but under supervision, wherever possible, every individual who violates the law and whose life may be redirected without penal experience."

For the year 1932, with an average of 28,390 persons on probation in New York, the average annual cost of supervision was $54.46 per case. This average does not represent an accurate index of the cost of probation. Using as a basis the counties having well-developed probation service, the cost is estimated to average $97 per case.

The commission concludes that it is economically unsound to commit persons to penal institutions at a cost of $450 a year when the cost of probation supervision is only about $55 a year. Even if the cost of probation were doubled, it would still amount to only about one-fourth the cost of support in institutions. Only in a few instances are probation officers paid more than $3,000. Such an officer could supervise thirty probationers at a cost no greater than the support of between six and seven inmates in a penal institution. If he succeeded in adjusting seven probationers in the community, he would earn his salary and a little more. With 28,390 persons on probation in 1932 the saving is obvious. "An increase in the number of probation officers would make possible an increase in the number of probationers and a still greater reduction in the ever mounting costs of prison administration."[1]

The experience of New York with probation confirms that of Massachusetts as to the economic and social importance of the wider use of this method of treatment of offenders. The two states in which probation has received its most thorough trial offer to other states an example of the possibility of the gradual abolition of the prison by safe and sane means. The increase of crime represented by our crowded prisons can best be reduced by stopping the supply at the source.

The same problem of the selection of individuals for probation exists as in parole. No uniform criteria have been employed in meeting this problem. The files of many probation offices contain information that could be used for this purpose, but little effort has been made to base selections upon these materials even by the best organized and the most progressive agencies.

A beginning of the application of the methods used by Burgess, the Gluecks, and Vold in predicting the outcome of parole in the field of probation has been made in a study published in 1932 by E. D. Monachesi of the University of Minnesota. The case records of 1,515 probationers were utilized. The conclusions reached were as follows: Prediction tables may be constructed by methods similar to those used in parole prediction; the use of

[1] *Report on Probation in New York State,* Commission to Investigate Prison Administration and Construction, presented to the legislature February, 1933.

prognostic tables would reduce the element of chance and make possible a more scientific probation policy.

Monachesi believes that the use of prediction tables would not result in the failure to put on probation individuals regarded as poor probation material. The table would serve as an indicator of the amount of supervision required by any particular individual. Insurance companies take different kinds of risks and charge accordingly. There is no sound reason why probation should not make use of similar methods in dealing with probationers. Much more attention in probation work should be given to the study of scientific methods to be used in the selection of persons placed on probation.[1]

Prison Camps

Another means of gradually abolishing the existing prison system is the use of prison camps or farms with minimum-security arrangements in place of maximum-security institutions so generally regarded as essential at the present time. These camps or farms are really prisons without walls. As already indicated, experience has shown that only a relatively small proportion of the inmates of prisons need maximum-security institutions. Prison farms have been developed in different parts of the country and in Europe, but this type of treatment has not been extended sufficiently to allow it to be regarded as a substitute for the walled prison.

In June, 1929, when Sanford Bates became head of the federal prison system, all the federal institutions were overcrowded. Atlanta and Leavenworth were approximately 100 per cent overcrowded. The prison riots of 1929 called national attention to the situation. Plans were made for building new institutions. Parole and probation were extended. These projects required considerable time for their accomplishment. Steps to afford immediate relief were necessary in 1929.

A series of road camps in army posts was established to relieve overcrowding in federal institutions until new buildings could be constructed. A secondary and no less important reason for these camps was to provide useful and stimulating employment for the idle inmates in federal institutions.

[1] See Haynes, *op. cit.*, pp. 441, 442; Monachesi, *Prediction Factors in Probation*, The Sociological Press, Minneapolis, Minn., 1932.

In June, 1931, there were 1,479 men housed in seven of these camps. The camps have rendered much valuable service to the War Department. They have provided hard manual labor for the inmates. They have furnished an opportunity for "certain selected groups of prisoners to give an honest day's work for the privilege of finishing their terms in somewhat improved surroundings." Although bars or armed guards or bloodhounds were not employed in these camps, escapes have been "remarkably few."

During the three months from April to June, 1932, there was an average of 2,000 men in the camps. The farms operated in connection with the institutions at Atlanta, Leavenworth, and McNeil Island added 650 more men not living behind walls. The reformatories for men and women increased the number by 2,000. About 4,650 long-term federal prisoners were therefore living under minimum- and medium-security conditions. The number comprised about one-third of the total federal prison population.[1]

The New York Commission to Investigate Prison Administration and Construction reported as a result of its inquiries that "12,621 persons, maintained in institutions in twenty-three states, in the Federal Department of Prisons, and in Canadian institutions, were housed in medium- or minimum-security quarters, and the number of escapes reported was negligible. In most cases the number was 1 per cent or under.

"No special precautions were taken to prevent escapes. Instead special incentives, such as extra time off the sentence and increased wage and special recreational opportunities, were introduced and proved sufficient for that purpose. When it is realized that successful escapes numbered under 1 per cent it is evident that the real success of the work is established."

From the information received, it appeared that men in camps had been "self-supporting or practically so as against the enormous cost of construction and maintenance that would have been entailed in keeping such men in traditional 'maximum-security' prisons."

Honorable Alexander Paterson, commissioner of prisons of Great Britain, also told the members of the commission that it is

[1] HAYNES, *op. cit.*, pp. 304, 305; *Federal Offenders*, 1932–1933, p. 2, gives statistics for June, 1933.

planned in the future to build all new prisons in Great Britain without walls.[1]

In New Jersey the various penal and correctional institutions have been planned to provide for the proper custodial care of the various types of offenders. The State Prison receives the older and more serious offenders under maximum-security detention; Leesburg Prison Farm provides minimum-security detention for older men of the common-labor group; Bordentown Prison Farm cares for men of the better type and inmates with good records nearing the time of discharge under minimum custodial conditions; Rahway Reformatory provides maximum and limited security for the industrial type of male prisoner under thirty; Annandale Reformatory receives men under twenty-five suitable for intensive training in vocational and agricultural pursuits under minimum custodial conditions; Clinton Reformatory provides for all women offenders over seventeen years of age under minimum security. In this list it will be noticed that only the State Prison and Rahway Reformatory provide maximum security. The recognition of limited and minimum security by a state penal and correctional system as carefully organized as in New Jersey suggests that the abolition of the maximum-security prison is in process in a thoroughly practicable way. In addition, in 1933, 4,833 former inmates were in the community under the supervision of parole agents. Of this number 3,203 were adult offenders from the prison and reformatories. The average population in the prison and reformatories during 1933 was 3,329.[2]

For many years the Wisconsin State Prison at Waupun provided profitable work for the majority of its inmates and also was able to maintain itself while paying a generous wage to the prisoners. An increase of population in recent years (38.5 per cent from 1928 to 1931) has made it impossible for the prison to continue on a self-supporting basis and has created a serious problem of idleness. The situation has been aggravated by the passage of the Hawes-Cooper Act which went into effect in 1934.

To meet this problem the number of farms has been increased, and reforestation camps have been established in cooperation

[1] *Report of Commission to Investigate Prison Administration and Construction*, presented to the legislature of the state of New York, February, 1931.

[2] *Summary Report*, 1923–1933, Department of Institutions and Agencies, New Jersey.

with the state Forestry Department. Not only do these camps provide employment for prisoners under the best conditions for health and morale, but the reforestation is of great value to the state. "From the point of view of general penology, the development of farms and reforestation camps is particularly important because it again demonstrates the practicability of housing large numbers of inmates under minimum-security conditions."[1]

In commenting upon the prison riots of 1929 and 1930, Prof. Jerome Dowd of the State University of Oklahoma made some suggestive remarks in regard to the abolition of the existing prison system. He points out that "boys who have committed no greater offense than loafing, truancy, or petty theft are sent to institutions where they come into intimate association with moral degenerates. And a large per cent come out with a thorough knowledge of criminal technology. . . . Our federal and state penitentiaries are institutions where men and women are herded, fed, and worked like beasts, and we should not be surprised if they sometimes act like beasts. Nothing can be done in the way of reforming these prisons. . . . The only remedy for these inefficient and expensive institutions is to scrap them and start anew with some other method of dealing with violators of the law."

Professor Dowd declares that if he were "an American Mussolini," he would put into "operation a criminal procedure somewhat as follows:

"First, and as the most indispensable element of justice, I would apply the principle of restitution to all classes of offenders. In every case of theft or injury to a person, the offender should be compelled to make restitution in full or as far as possible and by such means as the court might prescribe.

"Instead of sending a man to prison for theft or other minor offenses, I would have him put under bond and under guardianship until he compensated the party he had wronged.

"This procedure would not be a radical departure from the practice in European countries and in some of our juvenile courts of placing young offenders under a trained probation officer, who, for a specified period, supervises their conduct. I

[1] *Handbook of American Prisons and Reformatories*, 1933, pp. 1001–1003, 1014, 1015.

would place all minor offenders under probation or under bond with the principle of restitution always insisted upon.

"This procedure would simplify the convict problem by doing away with about one-half of the convicts and at the same time prevent the first offenders and minor offenders from intimate association with criminals of the incorrigible type.

"Our present procedure in reference to theft is as ridiculous as possible and as far removed as possible from any principle of justice. Three white boys in Oklahoma robbed several farms of their chickens and were caught in the act of cashing a check for the proceeds. The boys were convicted and sent to the state school for juvenile offenders. The farmers who lost the chickens got no compensation, but they will be taxed to pay for the support of the boys at the state school.

"A Negro boy in Oklahoma was sent to the penitentiary for seven years for forging a name to a bank check. The party defrauded received nothing by way of restitution but will be taxed to help support the Negro for a period of seven years."[1]

In England thirty prisons have been closed since 1900, and the number of prisoners during the same period has fallen from 153,000 to 47,000 in 1935. The reduction of numbers is due to various causes of which the most important was the Criminal Justice Act of 1914, which required the courts to give time for the payment of fines. Probation has also kept many thousands out of prison.

Since 1922 the prison commissioners have been engaged in a continuous, quiet reform of the prison system. The immediate influence responsible for this change was an unofficial inquiry begun by the Labour Research Department in 1919, which resulted in the publication of a "memorable volume" in 1922 with the title *English Prisons Today*. An advance copy of this book was read by Sir M. L. Waller, the then newly appointed chairman of the Prison Commission. He began immediately with his colleagues to change prison conditions, and his successors have continued his work.

Prisoners have been classified. Workshops, gardens, and exercise have been planned. Classrooms have been provided. In a few prisons, meals in association have been arranged.

[1] *Journal of Criminal Law and Criminology*, vol. XXI, pp. 477, 478, November, 1930.

Electric light has been substituted for gas. Windows have been made a little wider. Small payments have been made to the prisoners for work. "Most important of all, they have opened the prison doors to voluntary teachers and prison visitors."

Changes in the Borstal system have provided special units for different types of offender. Near one of the prisons for adults a camp has been carried on for a year. No attempts to escape have so far been made. The old repressive prison system is gradually being transformed, but much remains to be done.

The modification of the English prison system is the result of experience and study. The ideas behind the old system "have been blown sky high by the grim experience of practical administrators and by new knowledge about the working of the human mind and its issue in human behavior. They have taught that bad men do not grow good by the forcible repression of every natural human impulse and that if imprisonment is to serve any useful purpose it must be served in conditions approximating as closely as possible life outside."

In the opinion of those who have followed the changes in the English prison system, "the remedy for present ills is not the building of bigger, better, more expensive prisons. It is a continued policy of emptying the prisons." In other words "the prison system must be broken up." It is the only way by which the handicap of old massive fortress-type buildings in cities and towns can be avoided.

Probation with a personnel doubled and trebled in numbers and trained for its work, with an adequate number of "probation hostels," would take hundreds of short-sentenced men and many of the long-term prisoners. Prohibition of imprisonment of persons under twenty-one would cut off one source of habitual criminals. Provision of opportunities for physical, mental, and psychological examinations before sentence and curative treatment "would relieve the prisons of many whose lawbreaking is their misfortune, not their fault."

There are only two reasons for imprisonment. One is the need for treatment and training, and the other is the need for the permanent segregation of those for whom no treatment is effective. The new prisons should be small; they should give training for careers, not merely for manual labor; and they should vary in type—rough outdoor life in camps, cottage-home institutions

for women, and colonies for the incorrigibles. These colonies should be as far as possible self-governing and self-supporting.

"In the end society will abandon the superstition that loss of liberty makes people fit for liberty."[1]

[1] The Break-up of the Prison System, *The New Statesman and Nation*, vol. XIV, pp. 400, 401, September 18, 1937; HARVEY, The Home Secretary's Opportunity, *Contemporary Review*, pp. 668–675, December, 1937.

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