

University of Montana

ScholarWorks at University of Montana

Graduate Student Theses, Dissertations, &
Professional Papers

Graduate School

1955

From punishment to rehabilitation some new developments in American penology

Thomas William Cotter
The University of Montana

Follow this and additional works at: <https://scholarworks.umt.edu/etd>

Let us know how access to this document benefits you.

Recommended Citation

Cotter, Thomas William, "From punishment to rehabilitation some new developments in American penology" (1955). *Graduate Student Theses, Dissertations, & Professional Papers*. 9195.
<https://scholarworks.umt.edu/etd/9195>

This Thesis is brought to you for free and open access by the Graduate School at ScholarWorks at University of Montana. It has been accepted for inclusion in Graduate Student Theses, Dissertations, & Professional Papers by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

FROM PUNISHMENT TO REHABILITATION,
SOME NEW DEVELOPMENTS IN AMERICAN PENOLOGY

by

THOMAS W. COTTER

B. A. Montana State University, 1953

Presented in partial fulfillment of the requirements for the degree of
Master of Arts

MONTANA STATE UNIVERSITY

1955

Approved by:

Jordan Brooker
Chairman, Board of Examiners

Gordon D. Kestle
Dean, Graduate School

Mar 29 1955
Date

UMI Number: EP39997

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



UMI EP39997

Published by ProQuest LLC (2013). Copyright in the Dissertation held by the Author.

Microform Edition © ProQuest LLC.

All rights reserved. This work is protected against unauthorized copying under Title 17, United States Code



ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346

TABLE OF CONTENTS

CHAPTER	PAGE
INTRODUCTION	1
I BACKGROUND OF MODERN PENOLOGY	2
II PRISON PERSONNEL AND MEDICAL SERVICE	24
Prison Personnel	24
Medical Service	27
III CLASSIFICATION	37
IV EMPLOYMENT AND EDUCATION	46
Employment	46
Education	59
V RECREATION AND DISCIPLINE	66
Recreation	66
Discipline	72
CONCLUSION	84
BIBLIOGRAPHY	86

INTRODUCTION

America cannot solve her crime problem by locking men in prison. Neither can she adjust men in prison and prepare them for the day of release by dumping them in a great bastille.

It is a well-recognized fact today that a prison experience is apt to bring out the worst in a man and leave its permanent scar upon his personality. Therefore what happens to men in prison will in a large measure determine their attitude upon release. Approximately 98% of those who go to prison return to the community some day. We should be greatly concerned whether they come out soured and embittered against society for having placed them there, or full of hope and new courage for the future because we have afforded them ample opportunities to improve their condition during incarceration.

It is the purpose of this thesis to review past and present methods of penology with particular emphasis placed on modern methods of prisoner rehabilitation.

CHAPTER I

BACKGROUND OF MODERN PENOLOGY

All machinery for punishing criminals rests on a foundation of theories respecting the purpose and nature of punishment. It is necessary to have at hand some knowledge of these theories, in order to judge and classify our methods of punishment, and, if possible, to determine the causes of their success or failures.

Over the selection of the penalty and the determination of the amount a great controversy has arisen, which has presented in a fresh light the whole problem of the prevention of crimes. Early opinion was crystallized into two schools of thought, the classical and the Italian.

The Classical School is the older of the two schools of thought and, while no definite date can be given to mark its beginning, it is usual to point to the publication of Cesare Beccaria's Crimes and Punishments in 1764, as the first indication of a growing revolt against the traditions and practices having to do with punishment which had come down from the dark ages.¹ The movement was also a protest against the cruel and inhuman punishments which were still at that date imposed on criminals, and it called into question the arbitrary power, which judges then possessed, of imposing

¹Louis N. Robinson, Penology in the United States (Philadelphia: The John C. Winston Company, 1922), p. 18.

sentence. Judicial discretion has in it the germ of great abuse, and at that time it had become a crying evil. Fortunately or unfortunately, as one may view it, this was a time when thought was abstract and doctrinaire in the extreme. The matter of punishment appeared, therefore, to the thinkers of the day as something that could be treated apart from the living, breathing human beings involved in it. It took the mathematical guise of a problem in exact justice, and the solution which was finally arrived at bore marks of having been determined by men who knew nothing at all of the real nature of the criminal.² The power of fixing penalties, it was decided, was a legislative power, and as such should not be exercised by a judge. Punishments must be determined in advance, so that all, including the judges and criminals, might know what the will of the people was in the matter. Exact justice as between man and man, and as between man and society, consisted in punishing in exactly the same manner all men who committed the same crime. This movement in the field of criminology was but a part of the greater movement which was taking place in the whole field of political and social thought. In this theory of justice, we see the Rousseau doctrine of equality, and, in the shifting of the power to fix penalties from the judicial to the legislative branch of government, a practical application of the teachings of Montesquieu as to the three-fold division of government and

²Ibid., p. 19.

the proper allocation of powers between them.³

To determine penalties in advance remains a possibility only so long as one is willing to close one's eyes to the fact that there is a criminal as well as a crime. Acts may be alike but not the men that commit them. No doctrine of equality can eliminate the fact that it is foolish to assume that all men who have committed the same crime are equally guilty and deserve the same punishment. Such a theory would place the minor, the insane individual, the first offender and the old offender, all on the same footing.⁴ In no state was the classical theory of punishment actually carried out, although the French code of 1791 was accurately modeled along these lines. It was too abstract to fit in with the everyday facts of life. Juries would not convict. Philosophers might determine with mathematical accuracy the exact equivalent of every crime, but a jury, confronted by a criminal in the court, refused to believe that justice could be considered apart from him. Little by little, codes and laws based on the classic conception of punishment have been adjusted to the necessity of adapting the punishment to the nature of the criminal. Minors and insane individuals were placed in a special category. The notion of extenuating circumstances was introduced and judges were given back a certain amount of discretion which they formerly possessed in fixing penalties.⁵

³Ibid., p. 20.

⁴Heinrich Oppenheimer, The Rationale of Punishment (London: University of London Press, 1913), p. 172

⁵Louis N. Robinson, Loc. cit., p. 24

One interesting development of the classical theory has been the attempt to apportion the penalty to the degree of responsibility of the criminal. This has given rise to what has been called the Neo-Classical School. Briefly, it shifts the question from one of equality to that of responsibility. The equality emphasized by the Classical School assumed a like responsibility of the part of all, and therefore punished all alike who had committed the same crime. This is so clearly opposed to all that science has to say on the subject that the weakness of the classical theory seemed already proven.⁶ The neo-classicists made no denial of the justice of determining the punishment by the nature of the crime, only now the quality of that punishment must be measured out in proportion to the criminal's responsibility for the crime. Without going further into this offshoot of the classical theory, it is sufficient to point out that this newer theory must be likewise regarded as a one-sided view of the matter. Looked at from any other angle than that of a slightly more precise attempt to even up the score, flaws appear in the theory which render the application futile. For example, an irresponsible man would escape punishment but might be very dangerous to society.⁷

⁶ John Lewis Gillin, Criminology and Penology (New York: The Century Company, 1926), p. 317.

⁷ Ibid., p. 320.

The Italian School, unlike the Classical School, began not with a study of punishments but with a study of criminals. Like the Classical School, its beginning may be said to date from the publications of one man, Cesare Lombroso, who in 1876 published a small pamphlet, entitled The Criminal in Relation to Anthropology, Jurisprudence, and Psychiatry. The kind of punishment proposed by this school has little connection with any abstract idea of justice or with any preconceived notion of the proper distribution of power among the branches of government; its form depends not on the crime but on the nature of the criminal as revealed by science. If he is ignorant and unskilled, his punishment should be made such that he will return to society able--through the education which he has received--to keep in touch with the larger life about him, and competent to earn a living by the skill which he has acquired during his term of punishment. If he is ill and weak, he should be sent forth a strong man who can hold his own in the fierce competitive struggle that is waged in the world of freedom. If he is bound to be wayward and undisciplined, he should be moulded by the laws of habit so that he will be fit to live in a world of order. If it is hopeless to expect that he will improve and cease from crime, he should be segregated for all time. This theory is capable of indefinite expansion.⁸ Briefly put, it assumes that criminals are men who, for one reason or another, are not

⁸Ibid., p. 325.

able to live up to the standards of conduct set by the rest of humanity. It, therefore, proposes to subject criminals to treatment. When they have improved sufficiently to warrant their release, they are set free; but until that time, they are wards of the state. The crime does not determine the punishment; it is simply an indication that the man should be punished, or rather, improved in certain respects. This theory of punishment rests undoubtedly on a firm foundation of fact. Crimes of minor importance have been committed by men who never ought to be allowed at large again. But if the punishment is to be determined by the crime, these men would soon be given their freedom. It also seems plausible that men can be so changed by the proper kind of punishment that they can be set free, and society need have no fear of their further depredations.

The adoption of this plan of punishment, however, would scrap most of the machinery of punishment which the world has evolved up to this time, and call for a radical readjustment of our ideas on the subject of punishment. A multitude of perplexing questions arise which, because they are concerned with human nature, are more or less insoluble. What part, for instance, does fear play in determining the conduct of a man? Is it wise, for example, to hang a man not because he stole a horse but because his hanging would prevent others from stealing horses? Is society willing to give up the idea of making an example of a man? Again there is the question of the time that should be given over to the treatment.

Clearly, one man would gain more than another, and yet both men may have committed the same crime. Is there any injustice in detaining the one man longer than the other, as required by a strict conformity with this theory? Then there is the further problem of who is to decide when the man is fit to go forth. What danger to the hard-won liberty of man lies in this seemingly innocent proposal that at the same time undoubtedly offers so much in the way of protection against criminal violence?⁹ Nevertheless, these knotty problems have not prevented progress in substituting this sort of punishment for the opposite kind based merely on the nature of the crime committed. There is too much truth and value in the idea for it to leave no impress on the machinery of punishment. Yet the world has found it hard to follow along the path of the Italian School,¹⁰ giving up the distinction between the sick and the criminal. It harbors no grudge against the sick but it cannot wholly overlook the crime while caring for the criminal. No moral fault is found with the sick, but would not the world be the loser if it should give up the feeling of moral repugnance to the criminal? The Italian School places the criminal rather on a level with the man suffering from a contagious disease. Society must not be further imperiled by him. In making the punishment depend on the nature of the criminal, there could conceivably be some

⁹Ibid., p. 325.

¹⁰Louis N. Robinson, loc. cit., p. 96.

consideration given to the moral guilt of the man, but the Italian School would seem to leave that to the Judgment Day for settlement. It is, perhaps, the wisest thing to do, but moral condemnation is a force that is not without its social significance.¹¹

However, it is perhaps only in the immediate present state of the public mind that a man would be less branded if declared mentally sick rather than criminal. It may be well that, with the progress of the sciences, particularly of heredity, there will grow up among individuals and among family groups a great horror of admitting that they or any relative of theirs has a tendency toward such degeneracy as would require treatment by the state. Criminality and abnormality by any other name would be no better.¹²

It is evident from all that has been said that there are so many angles from which the problem of punishment can be viewed, that no one is justified in claiming his own way of thinking as entirely correct. The hodgepodge of institutions, which are in existence in most states, is a sufficient answer to anyone who is bold enough to assert that his faith alone is the true one, unless he is told enough to deny that these institutions are conscientious attempts to do right as it has been given men to see it. The simple fact is that the problem of punishment is a problem of human nature and,

¹¹W. Norwood East, The Medical Aspects of Crime (Philadelphia: P. Blakeston's Son and Company, Inc., 1936), pp. 97-99.

¹²Ibid., p. 120.

therefore, admits of no easy answer. Socrates said that the proper study of mankind was man.¹³ Many centuries have elapsed and we still are ignorant of the laws of heredity and know next to nothing of the springs of human conduct. Sometimes it would seem that it is only the criminals that know enough of human nature to bend it to their ends. But great swindlers, for example, though practical psychologists, are allowed no scientific standing. Out of the old must come the new, and, before attempting to plan for the future, it is necessary to trace the origin and development of the prison system.

The modern humanitarian feeling is responsible for the rise of prisons. When summary punishment was visited on offenders by the whip, mutilation or death, there was no need of prisons. Nothing but places of detention were demanded by the circumstances of the times. But when humanity came to the place in its ethical development when it reacted against the cruel punishments, then imprisonment was resorted to as a more humane method.¹⁴ Whether such a method of punishment is really more humane or not is hard to say but it was a new method, and people believed that it was more humane. It was adopted and so humanity began one more of its experiments.

There had gradually grown up in the counties and municipalities of England jails or local prisons, not intended

¹³Louis N. Robinson, loc. cit., p. 102.

¹⁴John Lewis Gillin, op. cit., p. 385.

originally to be places of punishment, but for the detention of people awaiting trial, debtors, and those who were to undergo such forms of punishment as whipping, pillory, stocks, and execution.

The British National Prisons were the outgrowth of three movements: (1) the recognition of the evils of the old local prisons, (2) the stopping of transportation to America by the revolution, and (3) the failure of transportation to Australia. Hence, Sir William Blackstone and Sir William Eden drafted a comprehensive bill for the government of the proposed national penitentiaries. In this bill the most novel principle was that of non-intercourse between the prisoners themselves. To secure this it was proposed in the bill that they should be secured in solitary cells at night and so far as practicable should be carefully supervised during the day when they were working or exercising together. Furthermore, the bill provided for measures to secure employment and to encourage the convict on his discharge. Another unique feature of this bill which has had later influence upon prison management is that it stipulated that both officers and convicts should share in the profits of the labor of the prison. This law was passed in 1779 but did not become operative because not a single one of the national penitentiaries therein provided for was actually built and the act was superseded twenty years later by the contract which the government made with Jeremy Bentham for the building of a large

prison. This bill, however, was not without effect on subsequent legislation. As a matter of fact in 1791 an act was passed by parliament applying most of the principles of this bill to all places of confinement in England and Wales. This is called the first General Prisons Act of England. Further progress of prison reform and development was interrupted by the Napoleonic Wars.¹⁵

It was at this time that reports of remarkable success of the American experiments had come to England and were commanding public attention. The Quakers and their allies, who included such non-Quakers as Benjamin Franklin, deserve major credit for the reforms in the criminal codes and in penal procedures that were written into Pennsylvania law in the early 1790's and spread eventually through the new nation. Imprisonment, as a penalty in lieu of corporal or capital punishment, was first used in this country in Pennsylvania during the period following 1789. The Auburn System was the first major plan in the early development of American prison construction and management. This system developed in the State Prison of New York at Auburn after the failure of a Congregate plan, and the failure of the plan which followed of keeping in solitary confinement the worst offenders. It was made physically possible when the northern wing of the prison was completed in 1821. So bad had been the results of allowing prisoners to work and sleep together in the same rooms that something had to be done. The danger of outbreaks

¹⁵Ibid., p. 387.

had become so great that an independent militia company was recommended in the village of Auburn. In 1821 after the wing of cells for solitary confinement had been completed, the legislature ordered a classification of the inmates into three grades in accordance with the plans of the inspectors who had the wing built. The first class was composed of those most hardened criminals, who were to be confined in these cells night and day without work, and thus allowed to think on their misdeeds, a plan which showed the influence of the same ideas which in 1818 had led to the building of the Western Pennsylvania Penitentiary. The second class, composed of the less incorrigible, were to spend part of their time in solitary confinement, and another part in labor as a recreation. The third class composed of the most hopeful men in the prison were to work together in the daytime, but be housed in separate cells at night. Thus, at Auburn there were now tried at the same time three different plans of treating prisoners, although each plan was intended for a different class of inmates. For the first time, however, in the history of penal methods the plan was tried of working men in association by day and absolutely separating them at night. Out of the method applied to this third class in time grew the so-called Auburn or "silent" system. The only way in which industry and silence could be maintained was punishment. No matter how well the inmate behaved himself he could not shorten his time of imprisonment by a day, he

could obtain no privileges above the worst offender against the rules. It was discipline by repression, labor under fear.¹⁶

There is no question that the Auburn system was productive. The fear of the lash under relentless officials accomplished that. To a fair degree the system also prevented contamination by the enforcement of the rule of silence in the workshops and by separate confinement in cells at night. But resting upon brute force it had very little reformation effect upon the inmates.¹⁷

Under the Pennsylvania System at Philadelphia it was provided that each prisoner should occupy a solitary cell without any opportunity to communicate with anyone else except the warden and the chaplain. The intention first was that he was not to be permitted any labor. Because, however, of the disastrous results on mind and body of solitary confinement without labor, labor was introduced. Thus arose the famous solitary or separate system which was believed to solve the problem of contamination of one prisoner by another.¹⁸

The Eastern Pennsylvania prison was authorized by the Pennsylvania legislature in 1821, but did not receive inmates until 1829. It provided for 250 prisoners, each of whom was entirely isolated from every other one. Each cell was large enough to provide room for work. From the beginning of his

¹⁶Ibid., p. 389.

¹⁷Negley K. Teeters, World Penal Systems (Philadelphia: Pennsylvania Prison Society Press, 1944), p. 188.

¹⁸Ibid., p. 189.

sentence to the end, the intention was that the prisoner should never see or communicate with another inmate. The only persons allowed access to him were the warden, the guard, the chaplain, and representatives of some of the Philadelphia organisations interested in the welfare and care of prisoners. In each cell was a Bible, the only reading matter permitted the prisoner. No letters could be written to the man's family or to anyone outside; he was absolutely shut away from the world. In this type of prison there were no whips or other methods of brutal punishment, just mental and social punishment.¹⁹

These two systems of prisons, the Auburn or the Silent System, and the Pennsylvania, or the Separate System, were not so radically different as the controversy which raged over them for so long would seem to imply. The systems were more alike from the beginning than they were different from each other. Both prevented the prisoners from communicating with one another. Both locked the prisoners in separate cells at night. Both believed in the efficacy of labor. The basic difference between the two systems was that under the Pennsylvania system the convicts were separate from each other every moment of their stay in the prison. When they got out no prisoner could be recognized by another because he had never had an opportunity to see him. On the other hand, Auburn prisoners knew each other, although they could not communicate with each other except upon pain of punishment.²⁰

¹⁹Ibid., p. 192.

²⁰John Lewis Gillin, op. cit., p. 366

As the United States grew in population and new states were carved out of the wilderness, the problem of crime forced them to think about prisons.

In Georgia, in January, 1832, a Colonel Mills was asked to take charge of the prison and instituted what was exceedingly rare, if not entirely unique in this period: a system of rewards as well as punishments.²¹ In the penitentiary of Tennessee in 1833 was introduced the method of commutation of sentence, by what is now known as "good time". During the same year Vermont's prison provided compensation for overwork, tobacco for well-behaved prisoners, the privilege of writing letters to friends, and frequent visitors.²²

The Maryland prison in this period was characterized by two important achievements: It was the first prison in which a matron for the female inmates was to be found and in this institution was established the first educational system for all prisoners. All of Sunday was devoted to school except the time spent in church and on week days the prisoners were allowed to read and study after their working hours.²³

The reform movement in prison policies didn't really expand until 1870 when it became obvious that no real system had been worked out to either reform the prisoner or make him penitent. Many people believed this was because of the harsh

²¹Negley K. Teeters, op. cit., p. 196.

²²Ibid., p. 202.

²³John Lewis Gillin, loc. cit.

penal methods employed, especially in the Auburn system. The 1870 Congress called for the development of a penal program which would include rewards for good conduct, industrial training, and numerous other improvements. In particular it stressed the need for specialized training for prison officials. During this period New York opened the Elmira Reformatory for young adult offenders. When it opened in 1876 Zebulon R. Brockway, its first superintendent, accepted the position on the condition that it be an educational reformatory and that all inmates be given an indeterminate sentence and be eligible for parole. After the Elmira institution opened, the reformatory movement spread rapidly and by 1901, eleven states had established reformatories.²⁴ Very soon, however, prisons took over the special features of the reformatories and today reformatories are but little different from prisons. Unfortunately, recent surveys of reformatories have given little reason to be very enthusiastic about any reformation achieved by such institutions.

The industrial feature of the reformatory was the most satisfactory characteristic and this too has been widely copied by prisons. After 1900 practically all prisons established an industrial program; the period from 1900 to 1935 has been designated "the era of industrial programs." Many evils soon arose in prison industry and the penal philosophy that developed during the nineteenth century made little

²⁴ibid., pp. 413-14.

advance. Men were required to work at whatever industry was set up. Other programs were all more or less subservient to the aim of producing goods, which might be sold at a profit. The whole program was shockingly lacking so far as any reference to rehabilitation of the offender was concerned. In short it was "custodial, primitive and industrial."²⁵

Restrictive legislation on prison labor was instituted in 1935²⁶ so prisons were more or less forced to devise ways and means for taking up some of the slack time which the decline in prison employment imposed. Prisoners became disgruntled and the number of riots increased. In consequence some prisons developed extensive recreational programs to keep the prisoners continually occupied. Others developed more constructive vocational and educational projects. On the whole, however, most prisons were not able to keep the men busy and few wardens had either facilities or foresight enough to make any great change in the prison program.²⁷

When World War II broke out the problem of prison idleness was temporarily solved by the prisons' participation in war production. In December, 1941, the War Production Board set up a division known as the Prison War Production Branch. It was given the task of devising ways and means for

²⁵Mabel A. Elliott, Crime in Modern Society (New York: Harper and Brothers, 1952), p. 596.

²⁶Ibid.

²⁷Ibid.

the prison inmates to contribute to the war effort. An administrative staff was set up to let contracts to industries which could use prison labor. Soon the prisoners began to produce uniforms and other clothing for the army and navy. Various prisons made boats, shell crates, ropes, blankets, flags, etc.²⁸

One of the most important contributions of the prisoners' war effort was its impact on prison morale. Men in prison were stimulated to do high grade work and many prisoners received special National Service Certificates for exceeding their quotas of production.

At the end of World War II, there was no longer any legal basis for permitting the production of prison-made goods. Consequently, present-day prison industry is usually restricted to items produced and consumed within the state.²⁹

The post-war restriction on prison labor has created many internal problems and has caused many prison wardens to re-examine their rehabilitation programs. More and more emphasis has been placed upon training the prisoner to do a form of useful labor for which he can find a market when he leaves the prison.³⁰ Out of this has grown a new or modern philosophy of rehabilitation.

²⁸Ibid., p. 597.

²⁹Ibid., p. 598.

³⁰Ibid., p. 599.

The modern philosophy of rehabilitation is put to practical application by the development of the three related and continuous phases of the correctional process: probation, institutional training and treatment, and parole. The basic principles of probation and parole are now quite generally accepted by intelligent and informed citizens, although maladministration of these services leads to sharp criticism. There is no such general acceptance of the idea that the primary function of penal and correctional institutions is rehabilitation. For over 80 years the penologists in the United States have been stating and restating the arguments in support of that idea. By indeterminate sentence, by parole laws, and by helping parole authorities determine when an inmate is ready for release, penologists have sought to terminate an offender's imprisonment as soon as it is in the best interests of society. They attempt to accomplish this by means of the classification process of individualized study, and by medical, psychiatric, psychological and other services in correctional institutions. Progress toward the day when offenders will be imprisoned only as long as it is clearly necessary has been retarded by existing legal provisions prescribing heavy mandatory penalties for certain types of crime and for repeated crimes. The trend since the turn of the twentieth century, however, in spite of the retrogressive wave of legislation during the "crime wave" of

the 1920's, has been increasingly toward greater flexibility in dealing with convicted offenders.³¹

Experienced penologists do not dismiss the idea of punishment. They recognize the fact that being sent to a prison, however humanely it is operated, is punishment in itself. They know that it is impossible to make a prison so pleasant that the prisoners will not consider their imprisonment punishment. They believe it is neither necessary nor justifiable to add to the punishment inherent in loss of liberty, separation from one's family and friends, and the stigma of a prison sentence. Experience has convinced them that efforts to do so tend to reduce the number of offenders who become law-abiding citizens on release and to increase the number who continue in crime. They are certain that emphasis on the punitive theory of imprisonment works against rather than for the protection of society.³²

Penologists in the United States today are generally agreed that the prison serves most effectively for the protection of society against crime when its major emphasis is on rehabilitation. The best thought in what was once called the penal field, and is now significantly called the correctional field, is directed toward developing institutional plants, personnel and programs that will accomplish the

³¹ A Manual of Correctional Standards, American Prison Association (New York, 1954) pp. 8-9.

³² Ibid., pp. 11-12.

rehabilitation of as many offenders as possible and will enable those who cannot be released to adjust as well as possible to the restricted life of the prison. Although prison administrators know that a substantial percentage of adult offenders are not likely to be salvaged by any methods we have thus far developed, they direct their programs of rehabilitation to the presumably incorrigible as well as the probably reclaimable group, and consider only a small minority of prisoners as completely hopeless cases. This may seem to be an impractical and visionary viewpoint, but it is wholly realistic and is based on a clear-cut idea of what rehabilitation is and what it can accomplish.³³

The position taken by the proponents of the theory of rehabilitation may be summed up as follows: They do not rule out the necessity of custodial segregation, but consider custody a means to an end in the vast majority of cases, and an end in very few cases. They do not deny the desirability of achieving a deterrent effect if it can be done without impairing the effectiveness of rehabilitative programs that offer more assurance of good results than deterrence does. In short, they believe, all things considered, the prison that is not geared toward rehabilitation as one of its primary aims stands condemned on its own evidence.³⁴

³³Ibid., p. 14.

³⁴Ibid., p. 16.

Rehabilitation is not a vague, haphazard and loosely defined process. The essential elements of a well rounded correctional program of individualized training and treatment in an institution for adult offenders are presented in subsequent chapters of this work.

The following chapter will deal with a proposed set of standards pertaining to prison personnel and the medical services of a modern penal institution. Subsequent chapters will relate to the other aspects of prison management, classification, employment, education, recreation and discipline.

CHAPTER II

PRISON PERSONNEL AND MEDICAL SERVICE

To make correctional work a career service, with appointment and tenure on a merit basis, and political or other interference reduced to a minimum, it is desirable that the entire correctional system be under civil service and that all personnel from the administrative head to the lowest paid employee be selected from lists of eligibles established by civil service examination. Incumbents at the time the correctional system is placed under civil service should be required to pass qualifying examinations that thoroughly test their fitness. For all positions where appearance, bearing, poise and other qualities of personality are important, oral as well as written examinations should be given. Satisfactory character should be established by thorough investigation.¹

The opinion is held by some authorities in the correctional field that the administrative head of the state system, and perhaps his chief assistants, should be exempt from civil service. There is general agreement, however, that all positions below that level should be under

¹Hastings H. Hart, Training Schools for Prison Officers (New York: Russell Sage Foundation, 1930) pp. 13-18.

civil service and increasing support for the idea that even the chief administrators should be.²

All prison personnel, particularly those whose work brings them into direct contact with the prisoners in a supervisory or instructional capacity, should be required to meet high standards with respect to general intelligence, personality, and character and should, moreover, be required to have the education and the professional, sub-professional, or technical training called for by their particular duties. It should be recognized that correctional work is a highly specialized occupation calling for special training and experience. New appointees should not only be required to meet exacting requirements as to ability and education but should also have had experience in correctional work, or special training for it, or a combination of the two.³

The salary scale for the correctional system should be consistent with that of other state departments and services employing personnel on the same general professional levels. The administrative head and his chief assistants should receive salaries at least equal to those paid heads of other state departments and divisions where professional training is required; wardens and superintendents

²Ibid., p. 23.

³"Not Iron Bars", Newsweek, February 28, 1949, p. 78.

similarly should be on a salary scale comparable to that of heads of other state institutions and services.⁴

It is difficult to prescribe any fixed formula for an adequate salary scale for guards, matrons, and other custodial personnel whose function is to guard and supervise prisoners in quarters, at work, etc. They must be paid entering salaries sufficient to attract persons meeting high standards of intelligence, personality, and character, and the promotional opportunities and other personnel provisions must be adequate to hold persons of this type. During a probationary period of six months a somewhat lower salary may be paid, but it is often necessary to pay the full entering salary to attract good personnel.

Security of tenure as long as one's work and conduct are satisfactory should be protected by law and departmental regulations. There should also be provision for regular increments within the limits of the various salary grades, promotion on merit, retirement on pension, adequate annual and sick leave, reasonable working hours, satisfactory living conditions, and other provisions insuring the working conditions that are essential to good morale and efficiency.⁵

⁴Ibid., p. 80.

⁵Sanford Bates, Prisons and Beyond (New York: The MacMillan Co., 1936) p. 20.

Newly appointed personnel should be given training of the indoctrination, orientation, or basic type, together with specific training in their duties and in the application to their new positions of techniques or skills already acquired. This should be followed throughout the term of service by in-service training. This may take various forms from on the job instruction, required readings, attendance at lectures, and participation in discussion groups to short courses of the refresher type, or courses in which new techniques and procedures are taught.⁶

MEDICAL SERVICE

During the past three or four decades, and particularly in the last two, there has been a notable growth in understanding of the value of medical services, including psychiatric services, in correctional institutions. First considered as having primarily a humanitarian function with some secondary emphasis on the protection of the public from diseased prisoners and ex-prisoners, medical services are now viewed more nearly in their true light. The contribution they can make in co-ordination with other departments of the institution, to the rehabilitation of prisoners and thus to the protection of the public in the social as well as the

⁶Hastings E. Hart, loc. cit.

medical sense is steadily gaining in recognition.⁷

Most laymen accept the fact that the chances that prisoners will make good on release are increased if they are not handicapped by ill health or disabilities and have the sense of well-being that comes from good health. They are less ready to accept the idea that bad mental health is just as certain a handicap as bad physical health, that psychiatrists are needed in a correctional institution as surely as physicians and surgeons, and that services dealing with physical and mental health must work hand in hand. The experience of the armed services and the contribution psychiatry has made during the war, however, have done much to bring about increased public understanding of mental and emotional disorders and of the necessity that they be identified and treated.⁸

Although somewhat fearful of pampering prisoners by providing too much medical service, the public in general accepts the principle that when the state takes away a person's liberty it accepts responsibility for his health, that correctible conditions should be treated, that it is not fair to subject him to contagion or infection by other prisoners with correctible conditions, and that for its own protection society should not release sick persons into

⁷W. Norwood East, The Medical Aspects of Crime (Philadelphia: P. Blakiston's Son & Co., Inc., 1936), pp. 1-7.

⁸Annual Report of the Federal Bureau of Prisons, 1947 (Washington D. C., Department of Justice), p. 130.

the community if their condition is curable. The public recognizes that special institutions are needed for the criminal insane, tuberculous offenders, drug addicts, and others who are a definite menace to the community and is beginning to understand that special facilities and personnel are also needed for the treatment of alcoholics.⁹

The function of an institution's medical services should be the prevention and correction as well as treatment of ordinary illnesses, the services must cover the field of mental as well as physical health, adequate physical facilities and equipment are needed, and competent medical personnel are indispensable.

Prevention of illness is accomplished by admission examinations and periodical reexaminations of all prisoners, immediate provision of whatever treatment is indicated, immunizations, segregation and treatment of those having contagious or infectious conditions, inspections and advisory services with respect to food, clothing and sanitation, health education for both prisoners and personnel.¹⁰

Corrective medical services should include surgery, intensive treatment of degenerative diseases, including deep-seated venereal disease, dental care, treatment of skin ailments, correction of defects of sight, hearing, speech

⁹Ibid., p. 147.

¹⁰Ibid., p. 157.

and posture, provision of artificial limbs, glass eyes, prescription of special diets and exercises, hydro- and physio-therapy, and so on.¹¹

For the treatment of ordinary ailments as well as for the preventive and corrective services cited above, it is necessary to have a variety of well-equipped and well-staffed facilities. Many institutions are not large enough to justify a large medical unit; however, a small institution should have enough hospital and clinical facilities to make diagnosis, to care for ordinary illnesses and injuries, daily sick call, venereal and other treatment of the type that does not necessitate transfer to a medical center, and the segregation of contagious or infectious cases pending transfer or when it is impracticable. An institution of this type that has no large medical center should have facilities for all types of medical service, including surgery, unless satisfactory arrangements can be made with a nearby hospital for operations to be performed there. Many of the state prisons are favorably located and have found it practicable to utilize hospitals in their own or nearby communities for X-ray work, surgery, and other services requiring elaborate facilities and equipment. In such cases, arrangements are made to guard the prisoners, if necessary.

¹¹ibid., p. 160.

All institutions should have a hospital of greater capacity than would be required for an equal number of persons of the same sex and age group in a free community. A prisoner is ordered to the hospital for his own good and the protection of the other inmates, while a free person ordinarily goes voluntarily and only if he is very ill or needs treatment that cannot be given in his home. Many factors govern the bed capacity needed in the hospital of an institution: size of the inmate population, intake and turnover, sex, age range, health situation in area from which prisoners come, predominant economic background, other facilities available for care of the tuberculous, epileptics, drug addicts, alcoholics, mentally ill, senile and crippled, and so on. In planning the size of the hospital one must also consider what personnel will be available to operate it.

Prisoners can be utilized successfully as nurses, but only if they are carefully selected, are well supervised from the disciplinary standpoint, are given systematic training for their duties, and work under the direction of trained nurses. The Federal Prison System and several states have found it practicable to use women nurses of maturity, good judgement, and sound character in institutions for men, and the quality of the nursing service they render is usually higher than that rendered by a staff of male nurses.¹²

¹² Negley K. Teeters, World Penal Systems (Philadelphia: Pennsylvania Prison Society, 1944), p. 185.

There are obvious disadvantages, however, in having women nurses on during the night hours and at other times when most of the medical personnel are off duty. The Federal Prison System utilizes male nurses at such times and also uses a category of employees known as guard-attendants, who are a combination of trained custodial and hospital personnel.¹³

The salary scale of the medical personnel should be substantially the same as that prevailing for professional, technical, and clerical personnel in the state and larger city departments of health, hospitals and mental hygiene, state and city institutions of the medical type, and similar institutions and agencies. If the medical personnel, as they should, are appointed under a merit system, have security of tenure, retirement provision, etc., and have good working conditions, it will be possible to obtain satisfactory personnel at salaries below the probable earnings of the appointee in private practice or employment.¹⁴

In regard to psychiatric services for an institution it must be realized that these services are needed for more than the task of identifying the occasional insane prisoner who requires transfer to the state hospital. Psychiatrists are specialists in human behavior and the correctional institution's function is to influence human behavior in

¹³ Federal Bureau of Prisons Report, 1947, loc. cit.

¹⁴ Sanford Bates, loc. cit., p. 43.

in the direction of better adjustment to life in a free society. If an institution has a full time psychiatrist he can render invaluable service not only in the diagnosis and treatment of insanity and pre-psychotic states, the psycho-neuroses with which the experience of the armed forces has made the public familiar, psychopathic states, homosexuality, alcoholism, etc., but also in planning programs of training and treatment for the so called "ordinary prisoner", whose conduct does not appear to have complex psychiatric implications. The psychiatrist can be one of the most useful members of a classification board, and of equal value as a member of or advisor to a disciplinary board. Full acceptance of the necessity for psychiatric services in correctional institutions will not come until it is realized that the psychiatrist has a contribution to make to the whole program and the entire institution population, not merely to the mentally ill or emotionally maladjusted prisoner.¹⁵

It is a well known fact that few institutions, except those of the Federal Prison System, have medical staffs even approximating the staffs necessary for good results in rehabilitating the prisoners. Many institutions have only one full time doctor and some have only a part time doctor, and no staff of competent, trained nurses. Nursing is generally done almost exclusively by prisoners who have

¹⁵"Who's in Charge Here", Time, October 18, 1948, p. 34.

had no previous training for the work and are not given systematic training or careful supervision in the institution. The need of enough nurses so that at least one is always on duty and the hospital is never left in charge of untrained and unsupervised prisoners is obvious if there is only one full-time physician; it is imperative if there is only a part-time physician.¹⁶

If medical services are recognized as being highly important in a rehabilitation program there is complete justification for a full time physician in all institutions. The services he can render include the usual medical duties of examination of new prisoners, periodical re-examination thereafter, and final pre-parole examination, daily sick call, treatment of ordinary illnesses, venereal treatment, supervision of the institution hospital, inspections and recommendations with respect to food and sanitation, arrangements for the routine services of specialists and for special services in emergencies, care of post-operative cases, arrangements with state hospitals and institutions for the tuberculous for the transfer of prisoners to their care, and so on. In addition to these services a physician of maturity, good judgement, and sound professional training can be a tower of strength to the warden on general matters of policy, and can be of specific value as a member of a

¹⁶Ibid., p. 36.

classification committee or disciplinary board.¹⁷

If it is impossible to secure authorization for a full time physician, the institution should engage the services of a capable local physician on a part time basis, but on an annual salary rather than a fee basis. He should be required to come to the institution at least twice daily, more frequently when an epidemic, a post-operative case, or the critical condition of a patient requires it, and to be on call at all times. He should make arrangements for other physicians to cover the medical service when he is not available. It is a more economical arrangement if he is a surgeon as well as a competent general practitioner.

Arrangements should also be made for the services on a regular schedule and on special call of all necessary consultants and specialists; a surgeon, unless the physician is one, an eye-ear-nose- and throat specialist, etc. Visiting psychiatric services should be arranged through a state hospital or university, or by arrangements with a practicing psychiatrist. The schedule should call for fairly frequent visits on a regular schedule as well as on special call. Arrangements should similarly be made for psychological services through the state department of education, an institution or clinic or otherwise. Dental services should be arranged by securing the services of a local dentist, who

¹⁷ John Lewis Gillin, Criminology and Penology (New York: The Century Co., 1926), p. 333.

should be paid on an annual rather than a fee basis. He should be required to spend as much time at the institution as is necessary to give adequate dental treatment to all who need it, not merely to examine new prisoners, perform extractions, and treat those who are actually suffering. Arrangements for laboratory work should be made with the state department of health, the county laboratory, or a commercial laboratory. X-ray work should be done by the physician at the institution itself or arrangements made with the nearest hospital.

CHAPTER III

CLASSIFICATION

Classification is the organization of personnel and procedures through which the rehabilitative facilities of the institution may be directed most effectively towards a solution of the problems presented by the individual. Classification includes not only diagnosis but also the machinery by which a program fitted to an offender's needs is developed, placed in operation and modified as conditions require.

The purposes of classification are accomplished first, by analyzing the problems presented by the individual through the use of every available technique, such as thorough social investigation, medical, psychological examinations, educational and vocational, religious and recreational studies; second, by deciding in staff conference upon a program of treatment and training based upon these analyses; third, by assuring that the program decided upon is placed into operation; and fourth, by observing the progress of the inmate under this program and by changing it when indicated.¹

Classification as the term is used in correctional work, is primarily a method that will assure coordination

¹American Prison Association, Report of Committee on Classification, 1950, p. 3.

in diagnosis, training and treatment throughout the correctional process. It is not in itself training and treatment; it furnishes a way in which training and treatment can be applied effectively in the individual case. It is not segregation of like or similar groups of offenders in separate, specialized facilities are available for different types of offenders. It is not merely the labeling of prisoners in different categories or types. That may properly be a part of the diagnostic process encompassed by the classification program, but alone it is of little value. Classification may be conceived of as a method for the pooling of all relevant knowledge about the offender, and a method by which all important decisions and activities affecting him are coordinated.²

With this concept of classification, it is obvious that the principle can be applied, no matter how lacking an institution may be in personnel and facilities. Classification does not present the "answers" to all problems of correctional administration. Despite long study and research, the tools for modifying human behavior are still in an imperfect state of development. All that a classification program can assure is that available tools will be utilized as efficiently as possible and that the need for additional tools will be brought to light.

²"Why Convicts Riot", U. S. News, December 19, 1952, p. 18.

The key to the successful operation of a classification program is the quality of the support and leadership given by the head of the institution. The most important instrument to aid him in his work is a classification committee composed of the personnel having important functions relating to administration, diagnosis, training and treatment. For a period following admission to the institution the prisoners should be segregated from the main population to facilitate interviews, examinations and for purposes of orientation. The results of these examinations and interviews are compiled and presented to the classification committee.

After discussion of the findings the committee should decide upon a program for the inmate. Included should be recommendations concerning the custody required and whether the individual should be transferred to another institution. As has already been stressed, the committee's responsibility is to determine those factors which have contributed to the inmate's criminality and to devise an integrated program aimed at correcting his deficiencies and developing his abilities. The program adopted becomes the official program for that individual and no major changes should be made in it without referral to the committee.³

The inmate's case should be referred back to the committee from time to time for reclassification so that the

³"Occupational Adjustment and Crime", Occupations, November, 1950, p. 114.

program may be kept consistent with the inmate's changing needs. This process should continue throughout the time the inmate is confined. Records of all significant developments in the case should be maintained by institution officials and consolidated into progress reports which furnish the basis for reclassification.

Through the knowledge acquired about the individual, the classification committee is in a better position than any one official to determine the security risks presented by an individual offender. Knowledge bearing upon this point may come from his previous history, from medical, psychological and psychiatric examinations and from his attitudes as observed and reported. It is not only that two minds are better than one, but that the classification program brings to bear upon the question knowledge of different kinds and from varied sources. That classification can make a contribution to custodial control has been demonstrated in prison systems where it is in operation. For example, in the Federal prison system the average number of escapes per thousand inmates was 9.1 a year for the four years before the classification program was established and declined to 3.7 a year for the four years after classification was established.⁴

⁴Annual Report of the Federal Bureau of Prisons,
(Washington D. C., Department of Justice), p. 47.

To those who may consider that classification should be restricted to treatment and training and should not be concerned with "administrative" matters such as control, it is wise to remember the fundamental purpose of the correctional system--the protection of the public welfare. Classification is a tool to be utilized in any way that accomplishes that objective. Furthermore, since classification is a continuous process, it is constantly alert to discover changes in the individual's situation which may indicate the need for a change in the type of custody.⁵

For years penal institutions have been concerned in the administration of discipline with the apprehension and the punishment of those inmates who have violated institutional regulations. Classification attacks the problem of discipline through the instrument of prevention. The initial reception program reduces disciplinary problems since it gives men a sound introduction to the life of the institution. Through classification, escape artists can be given adequate custody; agitators and potential leaders of unrest can be recognized and assigned to areas of least influence. Homosexuals can be identified and necessary precautions taken against their activities.

An important result of the classification program is its constructive effect upon the prisoner's morale. Some institutions when introducing a classification program have noticed resistance on the part of the men to the various

⁵ Ibid., p. 53.

interviews and examinations. This hostility is ordinarily short-lived as the results of the program begin to take effect. Most prisoners appreciate realistic opportunity for self-improvement, the knowledge that the institution personnel have an interest in their problems and their future. Although they may resent decisions made by a single official they are less likely to resent decisions made by a committee of staff members who have thoroughly considered all the facts. Then too there is the obvious point that those decisions are more likely to be just and accurate. Job assignments, for example, are made on the basis of abilities, experience, interests and need for training. The suspicion is allayed that an inmate must have "influence", either with the personnel or other inmates to obtain what he desires.⁷ Another aid to good morale is the knowledge on the part of the inmate that if he is dissatisfied with his program, careful consideration will be given to changes. If a classification program is operating properly, the inmates are able to see the results of it in themselves and in their fellows.

All studies of parole failures have shown that the highest percentage of violations occur within the first six months after release.⁸ Many of these failures result

⁷"No Looks on This Prison", Readers Digest, February, 1953, p. 81.

⁸American Prison Association Report by Committee on Classification, 1950, p. 10.

from the absence of preparation of the inmate for adjustment in normal society. Classification procedure has as one of its major aims the utilization of the total facilities of the institution and correctional system in preparing inmates for their return to the community. Adequate studies are not now available which will give an accurate picture of the influence of good classification upon successful release adjustment. It is hoped that such studies will be made in the near future. The present indications, however, point to the fact that there are fewer failures from correctional systems having well organized classification programs.⁹

Another important contribution of classification are the classification reports which may be utilized not only in connection with the inmate's program while he is confined, but for many other purposes. In general, the same type of information is required by the Board of Parole in making its decisions and by the parole officer in supervising the parolees. In a number of systems having well developed classification programs, the Board of Parole depends entirely for its recorded information on the classification reports. This eliminates duplication of work and thereby accomplishes a financial saving to the state. In the hands of the field parole officer, the reports not only give most

⁹Ibid., p. 44.

of the information needed to plan and administer supervision but provide the basis for continuity in treatment. Too frequently, little or no attention has been given by parole officers to what has been planned and accomplished by the institution. And too frequently, the parole officer has not been given the benefit of the information about the inmate known to the institution or a knowledge of the institution plans and accomplishments. The rehabilitation program cannot be fully effective unless there is a continuity in planning and treatment, both during and following confinement.¹⁰

Classification reports also are valuable to other institutions and in other systems in which the inmate may be later confined. As classification develops to a high standard in many systems, the amount of work required in obtaining information will be reduced. There will be no need for an institution to start without information on those inmates who have previously been confined. Continuity in planning and treatment is as essential between correctional systems as within the same system.

Finally the reports furnish source material for research, and research must play an increasingly important part in correctional operations if they are to be more successful.

¹⁰ Walter C. Reckless, The Crime Problem, (New York: Appleton-Century-Crofts, Inc., 1950), pp. 165-168.

Only by analysis of its human material, only by study of its methods and the results of its efforts on behalf of the inmate can a correctional institution devise better methods of dealing with the men sent to them.

CHAPTER IV

EMPLOYMENT AND EDUCATION

The need of providing every prisoner who is able to work and whose time could not more profitably be employed on some other activity with a full day's work requires no argument with those who have had experience in the operation of correctional institutions. They know that prisoners can and will work well in a properly planned and administered program, and that it is a great and needless waste of the taxpayers' money not to permit them to engage in work that is productive and has training value as well. Administrators of correctional institutions are keenly aware of the insidious effect of idleness on the prison community itself, expressing itself in lowered morale of inmates and staff with attendant disciplinary problems ranging from petty scheming to destructive riots.¹ Lack of a properly balanced work program generates a feeling of apathy and finally of contempt toward other rehabilitative programs of the correctional services. By greatly reducing the chances that prisoners will lead useful, law-abiding lives after release, idleness and semi-idleness increase not only

¹"Convicts Bully a Sovereign State", Life, May 5, 1952, p. 27.

the immediate but also the long-range cost and wastage resulting from crime. As President Roosevelt stated when he approved the bill under which the industries of the Federal institutions operate:

"I am glad to approve this bill because it represents a distinct advance in the progress of prison industries. Without any important competition with private industry or labor, the Government can provide increasingly useful work, and to learn that work in itself is honorable and is a practical substitute for criminal methods of earning one's livelihood."²

The public does not fully comprehend these facts, and generally approves of legislation and administrative regulations that restrict the employment of prisoners, on the theory that it is not fair for prison labor to compete with free labor. The restrictions, as a matter of fact, have been imposed under pressure from manufacturing and merchandising interests more often than from labor organizations. The opposition has often been based on purely selfish grounds and has frequently appeared to be trying to destroy rather than regulate productive enterprises in prisons.

It is only fair to say, however, that the selfishness has not been entirely on the side of the controversy. The gradual rise in organized opposition to prison industries which resulted in their drastic curtailment and regulation in various states, and finally in the Federal legislation of 1929 and subsequent years,³ has given strength and impetus

²Annual Report of the Federal Bureau of Prisons, 1942, p. 54.

³"American Prisons Go to War", New Republic, November 22, 1943, p. 14.

by the tenacity with which many states clung to the operation of contract shops, and to other types of employment that were not beneficial to the prisoners but often definitely injurious to them, that did not bring the state a fair return, and that were not fair to competing manufacturers and free labor.⁴ The efforts of far-sighted administrators to put prison production on an equitable basis with proper diversification and defensible standards, came too late to avert action that was little short of disastrous. Whatever measure of blame can be attached to selfish or short-sighted prison officials on the one hand and selfish opponents of prison labor on the other, the fact remains that rigid limitations, amounting virtually to a ban, have now been placed on the sale of prison made goods, not only interstate but intrastate as well. The number of ways in which prisoners can be employed has, as a consequence, been seriously curtailed.

Scattered legislation in various states came to a climax with the passage by Congress of the Hawes-Cooper Act in 1929 (effective in 1934) and the Ashurst-Sumner Act in 1935. The former in effect divested prison-made goods of their interstate commerce character and made it possible for any state to bar such goods.⁵ The Ashurst-Sumner Act

⁴John Lewis Gillin, loc. cit., p. 65.

⁵Digest of Federal Laws Relating to Prisons (Washington D. C., United States Government Printing Office, 1952), p. 14.

prohibits transportation companies from accepting prison-made goods for transportation into any state in violation of the laws of that state, and provides for the labeling of all packages containing prison products in interstate commerce. These acts of Congress were not effective without corollary state legislation, but by 1940 every state had passed some legislation prohibiting the entrance of prison-made goods from other states or restricting the sales of prison goods on the open market.⁶

In 1940 an act was passed, to exclude prison-made goods from interstate shipment and providing penalties for violations. Exceptions are farm machinery parts, farm commodities, goods manufactured for the use of states and political subdivisions, and articles made in Federal institutions.⁷

During World War II, under rulings of the Attorney General, both Federal and state institutions were permitted to enter into contract with the Army, Navy, and other government agencies to supply goods necessary for the prosecution of the war. Contracts successfully carried out totalled over \$138,000,000.⁸ With the termination of hostilities, this work declined sharply and in most institutions has come to an end.

⁶ Ibid.

⁷ Ibid., p. 21

⁸ Annual Report of the Federal Bureau of Prisons, 1946, p. 63.

While it will undoubtedly prove impossible to consolidate all the gains that were made during the war, one all-important gain need not be lost; the public has learned that prisoners can produce high standard goods at a normal industrial pace under proper conditions and incentives. Attempts to establish productive industries should no longer be voted down merely on the ground that "prisoners won't work".

A large percentage of prisoners will work, many as a result of a desire to follow a useful trade or occupation, some to help support their dependents, some as a means of escape from the monotonous routine of their existence. Those who apparently have no desire to work must be made to work as part of the effort towards their rehabilitation.⁹

When the taxpayers realize that their annual contribution toward the custody and support of the more than 170,000 inmates of our state and Federal prisons and adult reformatories is in excess of \$100,000,000,¹⁰ that a large portion of this outlay can be saved through constructive employment of most of these prisoners, and that the vocational training and employment of these prisoners will contribute directly toward their rehabilitation and a reduction in the number who are returned to prison, then the taxpayers will demand

⁹ Ibid.

¹⁰ Annual Report of the Federal Bureau of Prisons, 1950, p. 52.

relief from some of this burden. It is reasonable to assume that a patient, persistent attack on the problem of employment for prisoners, gaining a little more in public confidence and public support each year, will eventually bring our correctional institutions out of the slough of idleness.¹¹

The leadership must come from within the correctional field, however, and not from without, for the employment of prisoners will always encounter powerful opposition. If legislative bodies, trade associations, organized labor and the public will take a forward-looking view, the problem can be solved in the best interests of the people as a whole.

The keynote of any employment program must be diversification, both within the program as a whole and within any of its constituent parts, such as agriculture, industries, public works, etc. Most states, even if they do so for a time, will not for long permit an institutional system to be a one-crop, one product, or one-project system. Even if those who are interested in revenue, moreover, are willing to permit an undue proportion of employment that has no training value for prisoners, more enlightened groups in the population are certain eventually to insist that diversified training for release be stressed in the employment program. The lessons of the past indicate clearly that

¹¹John Lewis Gillin, loc. cit.

institution administrators should not wait to be forced to diversify employment, but should take the lead.¹²

Employment programs obviously must differ in accordance with climate, the size and nature of the institutions that make up the state's institutional system, the potential markets, the types of prisoners, their abilities, interests and training needs, the relative emphasis placed on production and training, custodial factors and a variety of other considerations.¹³

Reformatories for men and women customarily emphasize vocational training, and justify any productive enterprises they conduct on the ground of training. It is a sound principle that on-the-job training in productive work is a necessary corollary to any theoretical training program. Many reformatories would do well to place greater emphasis on this principle than they do now and many small prisons would do well to emphasize organized vocational training of the theoretical type more than they do now.

The task of keeping the population of a correctional institution employed is made somewhat easier by the fact that not all the prisoners are available for work at the same time. Educational and other activities employ a certain number on a full-time and others on a part-time basis, and

¹²"Wartime Production in State Prisons", Monthly Labor, July, 1944, p. 137.

¹³Ibid., p. 138.

that maintenance details employ a substantial number at work which not only must be done but much of which can be utilized for training. However, few officials can truthfully say that more than two-thirds of the prisoners assigned to culinary duties, to laundering and the repair of clothing, to the power and heat generating facilities, to the maintenance and repair of institution properties, and to other activities associated with the care of prisoners are actually employed or even required in these tasks.¹⁴ Many of these assignments are closely related to the welfare and security of the prison and to operating costs.

The smaller the number of inmates assigned to maintenance jobs, consistent with proper execution of the duties, the greater the overall efficiency and economy in operating expenditures. Prison labor is not cheap; it is expensive when allowed to loaf in maintenance shops. The practice of employing inefficient labor, or of overloading assignments, results in inferior workmanship, encourages waste and theft of valuable materials, provides additional loopholes for traffic in contraband, and results in other practices affecting the welfare of other inmates and the security of the institution. It results in a general lowering of the morale of both inmates and of the foremen responsible for their workmanship.

¹⁴"American Prisons Go to War", New Republic, November 22, 1943, p. 14.

In general, maintenance assignments should usually account for the employment of about twenty to twenty-five percent of the total prison population, although the number and the percentage will naturally vary above and below this figure, depending upon the size of the institution, its physical arrangement, the type of inmates cared for, and other factors.¹⁵ The large and compact institutions should not require the services of more than sixteen percent of their prisoners in these activities, while the small women's institutions may employ up to as many as forty percent.¹⁶ Prisoners should be assigned carefully on the basis of their interests, abilities, training needs and trustworthiness, and maintenance work should be organized and conducted so as to provide as much training as possible.

Agricultural employment, as a means of furnishing vocational training to trustworthy prisoners drawn from rural communities, as a means of employing and conditioning others nearing parole, and as a means of economizing in the cost of maintaining correctional and other state institutions, should be given careful consideration in the planning of new institutions and in the development of existing ones. They can supply the needs of their own personnel and prisoners

¹⁵Burdette Lewis, The Offender (New York: Harper and Brothers Publishers, 1917), pp. 168-172.

¹⁶American Prison Association Proceedings of the Annual Congress, 1947.

and develop an additional market, if possible, among other governmental institutions. It is generally not considered wise to try to dispose of more than surplus products on the open market, except in those states where the institutions produce such major crops as cotton and sugar cane and are authorized to sell their products on the open market.¹⁷

Because of the loss from spoilage and the short growing season in many states, canneries and quick freezing plants are a necessary corollary to an agricultural program, both to preserve food for one's own use and for sale to other institutions. While some canning and preserving projects have failed because of poor management and careless work, they are operated with complete satisfaction in a large number of institutions.¹⁸

To achieve the most satisfactory results from the stand point of both production and training, all agricultural and related activities should be operated along modern lines, with adequate and up-to-date buildings and mechanical equipment, generous budgets for seed, fertilizers, etc., and supervisory personnel that is qualified to instruct prisoners as well as to direct farming, animal husbandry, poultry raising, etc. Close relations should be developed with the

¹⁷"Occupational Adjustment and Crime", Occupations, November, 1950, p. 114.

¹⁸New Republic, loc. cit.

State College and Department of Agriculture, and with Federal agencies, and their advice and help should be constantly sought.

Most agricultural activities have to be carried on by prisoners on a minimum or medium custody basis, but special details must often be sent out under guard when crops are being gathered or at other times. Some states, engaged in agricultural enterprises on a large scale, use prisoners under guard in large numbers.¹⁹ If this is to be done, every effort should be made to select prisoners of the medium custody type and to eliminate questionable methods of preventing escapes. Prisoners should not be used as armed guards.²⁰

Agricultural employment has not, unfortunately, received the attention which it requires. It has in many instances been inefficiently administered, so that the activity is a burden rather than a financial asset to the prison program. This is due largely to improper utilization of land, untrained and inefficient supervision, and a lack of proper cooperation with officials of the agricultural department which the state supports.²¹

¹⁹Occupations, loc. cit., p. 117.

²⁰"Inside Fight to Keep Them Out", Rotarian, November 12, 1952, p. 81.

²¹Annual Report of the Federal Bureau of Prisons, 1948, pp. 66-68.

Studies of survey reports of the Prison Industries Reorganization Administration, of the U. S. Bureau of Prisons, and of other agencies indicate that between twelve and twenty per cent of the inmates of adult correctional institutions could be employed in agricultural activities, the wide variation in estimates being dictated by requirements of prison security and other considerations referred to above.²²

In realizing their fundamental purpose, that of fitting the released prisoner to take his place in society as an industrious citizen by developing in him firm habits of work and self support and giving him the knowledge and skill of a trade, prison industries have, generally speaking, been a dismal failure. Survey after survey has shown the almost total inefficiency of the industrial systems of our institutions: one hundred prisoners crowded into shops where forty to sixty would more than adequately perform the required tasks; two or three hours of work spread over an eight or ten hour day with the balance spent in idleness, unsupervised handicraft activities, and "conniving" against the policies and regulations of the institution; workmanship which would not be comparable to even the poorest quality merchandise; and a financial statement which clearly indicated the waste of materials, equipment, man power, and other resources. Some of our federal and state

²² Ibid., p. 74.

institutions of which this is not true offer an encouraging contrast to the general situation.²³

Reasons for many of these conditions include lack of adequate buildings and equipment, lack of markets for the products, an insufficient staff of trained foremen and instructors, and an almost total lack of organization for proper classification and assignment of prisoners.²⁴ A large part of the blame for these conditions must be placed upon those responsible for determining policies which, over a period of many years, resulted in the development and operation of the shops as factories devoted to the production of specialized competitive products through exploitation of the prisoners, and which finally resulted in the passage and enforcement of restrictive legislation which all but closed down operations in these plants.²⁵ In other instances a lack of foresight in anticipating unemployment and consequent inadequacy of facilities left wardens and industrial supervisors unprepared to meet the problem of providing employment for their prisoners.

That many state prison administrators and supervisors of industries can meet this challenge to one of the most important mediums of rehabilitation is shown by the

²³Ibid., p. 75.

²⁴Thomas Osborne, Society and Prisons (New Haven: Yale University Press, 1916), p. 39.

²⁵John Lewis Gillin, loc. cit., p. 365.

results of their efforts during the war emergency. With supervisory organizations depleted through transfers to the armed services, and with equipment having a nominal productive capacity valued at \$44,000,000, they produced industrial goods and rendered services valued far in excess of this amount.²⁶ Given the proper support today by the public, trade associations, the labor unions, and own state governments, these officials could develop programs which would employ most of the trainable inmates in useful work, and would result in great savings in the cost of maintaining an institution.

Education, including the teaching of elementary and advanced academic subjects to prisoners whose fitness for productive employment is obviously impaired by lack of education, is now recognized as not only being one of the most important direct mediums of rehabilitative treatment, but also as a means of improving the attitude of the prisoner toward his work and his future economic adjustment, and improving the chances of his complete rehabilitation.²⁷

While interest in developing educational programs in correctional institutions has gained in impetus during the past two decades, there is still much to be accomplished in this field. Studies of the prison populations of various

²⁶ New Republic, loc. cit.

²⁷ "Educational Treatment of Prisoners", American Journal of Sociology, September, 1948, pp. 142-145.

states show that between fifteen and thirty-three per cent of the inmates have not received a fifth grade education, although aptitude tests indicate that they should have met this minimum requirement for a proper understanding of instructions in their work.²⁸ The proportion not educated to a point where they can work on production lines or follow skilled trades is much greater.

It is evident that a considerable expansion of educational programs should be undertaken. Money spent in subsidizing an educational program will pay dividends in improved abilities of inmates assigned to productive employment and in their general attitude toward economic and social readjustment.

The program of education in an institution should be planned in accordance with the general capacities, interests and needs of its inmate population and should offer each prisoner the education and training that he needs, can profit by, and is capable of achieving. Among the types of education that should be the definite responsibility are: General (academic) Education, Vocational Education, Special Education (for mentally and physically handicapped), and Physical Education.²⁹ The

²⁸ Ibid., p. 147.

²⁹ "Educational Program in a Prison System", School and Society, August 13, 1949, p. 103.

educational department should cooperate to the fullest extent with the medical department in providing health education, including mental hygiene, with the chaplains in providing religious education, and the librarian in utilizing the educational resources of the library.

Educational and vocational counseling and guidance, making use of standard psychological and achievement tests, should be utilized to avoid waste of the time and energy of both personnel and prisoners. Assignment to educational activities should be by action of the classification committee, on which the educational department is represented.³⁰

Because of its cultural and therapeutic value the prison officials should not always require that the educational work in which a prisoner wishes to engage have demonstrable "practical value". Courses in such subjects as the social studies, for example, may be very effective in improving inmate attitudes toward society. The satisfaction which a prisoner derives from worth while educational accomplishments, even though such accomplishments may be in a limited field only, and the beneficial effect of educational work in

³⁰Ibid., p. 108.

combating the deteriorating effects of confinement have undeniable value. Every effort should be made to arouse the prisoners' interest in education. Compulsion should be used sparingly, although it is generally considered justifiable to require all inmates capable of doing so to achieve literacy on approximately the public school fifth grade level.³¹

The number of teachers and vocational instructors needed depends on the extent and variety of the educational program, the number of courses to be given, the number of students, the hours available for educational work, the physical facilities and equipment available, and so on. The aim should be to obtain authorization and appropriations for the personnel called for by the program the inmates of each particular institution need, not to fit the program and its personnel into a budget that is so limited that a sub-standard educational program alone is possible. It is practicable to supplement the services of the full-time educational staff by part-time personnel, but they should be qualified teachers and instructors in their particular fields.³²

Institution personnel assigned to clerical and

³¹"Prison Commencement", Newsweek, April 7, 1952, p. 39.

³²"Vocational Education of the Prisoner", Industrial Arts and Vocational Education, September, 1950, p. 40.

maintenance details, farm personnel, shop and industrial foremen, etc., may be utilized as vocational instructors, but they must know teaching methods and must be conversant with up-to-date methods and techniques to be fully effective as instructors.³³

Prisoners are now utilized in many institutions as academic teachers and sometimes as vocational instructors.³⁴ Although prisoners occasionally render excellent service in this capacity, educational programs in correctional institutions cannot be expected to reach accepted standards unless the instruction as well as the administration is in the hands of trained civilian personnel. Prisoners, with rare exceptions, should be utilized as teachers and instructors only when it is impossible to secure an adequate number of civilians. They can be used to advantage as assistant teachers and instructors under trained personnel, but must be given close supervision to ensure careful preparation for instruction periods and proper presentation of material. If prisoners are utilized, they should be paid at least as much as other prisoners who are performing important duties in the institution; the educational department should not suffer in competition with the industries, for example.³⁵

³³"Farm Training in Federal Prisons", School Life, June, 1947, p. 28.

³⁴American Journal of Sociology, loc. cit.

³⁵School and Society, loc. cit.

To direct and supervise the educational program, there should be at least a Director or Supervisor of Education and one assistant. The director and assistant should be qualified to teach, to plan and supervise instruction in special education, and social education. They should also be qualified to provide educational counseling and vocational guidance, although an adequate staff would contain a person especially trained to perform this highly specialized service. If possible, the educational staff should be under civil service and should be paid salaries at least equal to those paid in the public schools of the state for similar types of educational services.³⁵

Direct class room instruction should be utilized whenever possible, especially in the lower grades, but it must be highly individualized. Individual cell-study courses, either carried on with reputable correspondence schools or supplied and corrected by the institution's own educational department are practicable, particularly when there are too few students for a particular subject or a teacher is not available. Such courses have the value of enabling the student to proceed at his own pace, but his work should be supervised and help should be available to him when needed.³⁶ Courses on the college or university

³⁵Ibid.

³⁶Industrial Arts and Vocational Education, 100. cit., p. 42.

level are available through university extension departments. Audiovisual aids should be fully utilized on all levels of academic education. In all types of courses and on all levels instruction should be individualized whenever necessary; adult prisoners in any particular course are likely to vary greatly as to background, motivation, attitude, previous education, ability, speed, etc.³⁷

³⁷Ibid., p. 45.

CHAPTER V

RECREATION AND DISCIPLINE

The criticisms once so vociferously directed at prisons that permitted baseball, radio, movies, and other types of recreation, on the ground that they were "pampering the prisoners" are now much less frequently heard than they were twenty-five years ago. While the public still has little real understanding of the value of recreation in the correctional program, it accepts more readily than it formerly did the idea that correctional institutions exist primarily for the rehabilitation of the prisoners, and that this is not likely to be accomplished unless the prisoners' health and morale are maintained.¹

In the minds of experienced institution administrators there is no doubt of the value of recreation, or that its full value can be derived only when it is well organized, staffed, equipped and financed. Particularly in the last two decades, recreation has been increasingly recognized as a vital part of the rehabilitative process. It has proved itself of value as a disciplinary control measure, as a positive factor in the mental and physical health of inmates, as a wholesome outlet for energies that might otherwise find

¹Kenyon J. Scudder, Prisoners are People, (New York: Doubleday and Company, Inc., 1952), pp. 12-13.

destructive outlets, as a means of instruction in cooperation and teamwork.²

There are, however, some prisons today where recreation is still kept at a minimum, usually because the officials lack the interest or the ingenuity to expand the program. In these institutions recreation often consists of a twenty minute walk around a "grinder" or outdoor walk in good weather, together with motion picture shows on Sundays and holidays. Institutions in this category usually have low morale, reflected in general unrest and occasional disturbances.

The experience of the Army and Navy in maintaining the morale and health of millions of men and women provides convincing proof of the value of recreational programs operating under trained and qualified leadership. Recreation is not a luxurious privilege. It is a vital necessity in the life of every human being, and particularly in the lives of persons in confinement. The thousands of men in our armed forces who spend many dreary months as prisoners of war can bear special testimony on that point.³

Recreation should be recognized as a necessary element in the training of a prisoner for his ultimate release. The emphasis competitive sports give to the necessity of good sportsmanship and fair play and an understanding of team

²Ibid., p. 18.

³Austin MacCormick, The Education of Adult Prisoners (New York: J. J. Little & Ives Company, 1931), pp. 27-28.

work cannot be too strongly stressed. Moreover, recreation of all types puts prisoners in the state of mind where they are more receptive to good influences, more interested in making progress, and more likely to make it. Recreation, therefore, in a broad sense has a definite place in the program of training and rehabilitation in a correctional institution.⁴

Because of its general value and particularly its effect on morale and discipline, experienced administrators would not attempt to operate a correctional institution without recreation. Nevertheless, they recognize that it should have its proper place in the program and no more. There should be a balanced ration of work, training, and recreation. Recreation in a prison that is an idle house will produce bogus morale and surface discipline only. Recreation should be a corollary of work, not a substitute for it. It is most appreciated and has the greatest morale building value when it is earned by conscientious application to work and training assignments.⁵

In many small institutions it would be difficult to employ a full time recreational director so the responsibility should be given to a carefully chosen custodial officer or teacher. He should be sent to a summer school for special training, and a representative from a school

⁴Ibid., p. 45.

⁵Ibid., p. 48.

of physical education should be requested to make a survey of the institution and plan a well-rounded recreational program.⁶

Prisoners can and should be used as instructors and leaders in the recreational program, but it is not wise to turn the entire program over to them. Some institutions have found inmate athletic councils helpful; others permit the prisoners to participate in planning recreation, especially holiday and special event programs.

Adequate funds for recreation should be included in the regular institutional budget and the program should not depend on the uncertain income from welfare funds, visitors' fees, etc.

An institution should have space for every outdoor activity appropriate to its population. There should be space not only for the softball games which it now has but also for horseshoe pitching, handball, etc. The outdoor recreation space should be sufficiently secure (wall or fence, guard towers, etc.) so that it will not be necessary to restrict the recreation program seriously for custodial reasons.

In addition to the outdoor facilities, there should be adequate facilities for indoor recreation. The main need is for a gymnasium or other room where basketball and other games can be played during the winter or rainy months or in the evening hours when outdoor recreation is not practicable.

⁶Ibid., p. 64.

The practice of permitting prisoners to have radios is still the subject of public criticism, but institution officials recognize a properly regulated radio system as having value from the educational and recreational standpoint, and as being an invaluable aid in maintaining morale. An institution should have a central receiving set with several channels, and the programs should be carefully controlled with due regard for the prisoners' preferences. There are places, such as dormitories and outdoor recreation space, where loud speakers are satisfactory, and they are sometimes set up in various parts of the institution for such special occasions as a world series game or championship fight. The best system for reception within the cells is a head-phone for each prisoner. This method ensures better reception, a quieter institution, and an opportunity for those who wish to read, write, or study to do so.

Considerable emphasis and importance should be given to the establishment and functioning of an adequate library as a recreational as well as an educational facility. Quality, quantity, accessibility, and skilled direction are important points with which to be concerned.⁷

The necessity for providing books for prisoners was recognized long before most other aids to rehabilitation

⁷MacCormick, loc. cit.

were admitted behind prison walls. By the turn of the century there were few correctional institutions that did not have some sort of library, usually established and replenished with books discarded by public libraries and well-meaning citizens. But it is only in comparatively recent years that the full value of an institution library has been understood.

A good institutional library is not merely a miscellaneous lot of books on a set of shelves. A really good library, either in an institution or in the world outside, means a collection of books and periodicals sufficiently complete and well rounded to meet, within reason, the many and varied needs and interest of the community it serves, replenished regularly and systematically by new purchases. It means, moreover, expert supervision by a person trained in library work and thoroughly familiar with standard methods of selecting books, preparing them for circulation, circulating them efficiently, stimulating use of the library, and guiding readers so that they get the books they need and want. The trained librarian also knows how to make full use of state and local library resources.⁸

The function of an institution library is more than mere recreation in the time-killing sense. It provides recreation of the most wholesome type. It helps combat

⁸"Ignorance is Not Bliss", Colliers, June 10, 1950, p. 86.

the deteriorating effect of long hours of lonely monotony and promotes mental health. It broadens the prisoner's horizon and increases his social understanding.⁹ Well organized and fully utilized, with a proper proportion of up-to-date non-fiction books and pamphlet material, it is an invaluable agency of direct and indirect education. The library should be accessible to the prisoners' living quarters and conveniently located with reference to the educational department. It should be secure enough to permit its use in the evening hours and on weekends. The federal institutions and some state and local institutions provide well-lighted and attractively furnished reading rooms in connection with their libraries, and permit cell houses or dormitories in rotation to use them. Properly safeguarded, this has proved an entirely practicable and desirable procedure.¹⁰

DISCIPLINE

The term "discipline" in a correctional institution is commonly thought of in a rather narrow sense as referring only to the process of preventing misconduct, disturbances, escapes, etc., and punishing them when they occur. A realistic definition of discipline is much more

⁹Ibid., p. 88.

¹⁰Ibid., p. 126.

inclusive. It includes the maintenance of proper standards of work, education and sanitation, for example, and not merely standards of conduct in the narrow sense of the term. It is concerned with good order in the sense that individuals and groups proceed punctually and in an orderly manner to places where they are supposed to be, carry out their work or other assignments satisfactorily and, in all parts of the institution and all activities, maintain the standards of orderly conduct that are reasonable and necessary when large numbers of people are living and working together in a community, whether it is an institutional community or an ordinary community. In short, institution discipline is concerned not merely with preventing knife fights, perverted practices, riots, and escapes, but with the reasonable regulation of everyday institution life so that the institution will be an orderly, self respecting community.¹¹

Discipline with the immediate aim of good order and good conduct, moreover, must look beyond the limits of the prisoner's term of confinement. It must seek to insure carry-over value by inculcating standards which the prisoner will maintain after release. The ultimate aim of institution discipline is self-reliance, self-respect, self-discipline: not merely the ability to conform to institutional rules

¹¹"Prisoners on Strike", U. S. News, May 2, 1952, p. 20.

and regulations, but the ability and the desire to conform to accepted standards for individual and community life in free society.¹²

Although the ultimate goal of discipline is a somewhat distant and idealistic one, the methods by which it is achieved are highly practical and include some of the most ordinary day by day procedures. The good disciplinarian is one who never loses sight of his lofty goal but knows that he will not reach it without many a painful plodding step on the lower levels. To illustrate, if an institution head wishes his prisoners to believe a high standard of honesty is workable and wishes to break down their characteristic cynicism on that subject, he and his staff must take the most detailed and painstaking precautions to prevent petty graft by employees, theft of food, possession of contraband, special privileges to favored inmates, and the many other dishonest practices where bad effect on the institution population is out of all proportion to their seeming importance.¹³

To illustrate further, if one wishes prisoners to accept the idea that there is satisfaction in an honest day's work well done, he and his staff must work hard, day in and day out, to prevent the institution's work program from becoming one in which there are careless or bought

¹²"World Within Walls", Coronet, February, 1952, p. 65.

¹³U. S. News, loc. cit.

and paid for work assignments, loafing on the job, low quality and quantity of production, incompetent foremen and instructors, and theft or wastage of materials. Even if he seems doomed to defeat in the fight against enforced idleness and semi-idleness, he must at least keep on fighting and refuse to gloss over the true picture. Hit-or-miss methods of making work assignments, filling work details without regard for the prisoner's qualifications or needs, and favoring influential or scheming inmates are far easier than fair and careful assignment on the basis of a classification board's findings, but such methods do not prepare prisoners to take their places as self-respecting, competent workers in the outside world.

In short, high standards, worth carrying over into free life, are not likely to become reality without honest, painstaking work on the part of the institution heads and staffs to see that the standards are adhered to in actual practice in the daily activities of the institution.¹⁴

The discipline is best that disciplines least, to paraphrase another saying. Rules and regulations that cover every minute detail of a prisoner's daily activities, specifically prohibiting everything that any prisoner in the whole history of the institution has ever thought of

¹⁴ Proceedings of the Eighty-third Annual Congress of Correction of the American Prison Association, 1953 (Toronto, Ontario, Canada, 1953), p. 119.

doing, are certain to produce infractions in a vicious circle. Restriction imposed chiefly to remind prisoners that they are "doing time" defeat work and training programs, put a premium on scheming and conniving, and are the poorest sort of preparation for release. Punishments out of all proportion to the offense, employing inhumane and archaic methods, and dictated by brutality coupled with ignorance, incompetence, fear and weakness, are brutalizing to inmates and staff alike and substantially increase the chances that the prisoners will continue in crime after release.¹⁵

Laxity in discipline, permitting undue privileges, and other mistaken practices of weak or ignorant prison officials are so indefensible as to need no comment. Moreover, most prisoners of normal mentality, especially those who have long sentences, do not like an overlax institution. They get along best when discipline is firm but fair, when it is not vacillating and whimsical but consistent and predictable, when an inmate can tell what he can count on if he behaves himself or if he does not; and especially when he gets what he deserves and the officials play no favorites. This is particularly true in new institutions or in those under new management. If one must err in a new institution, it would better be in the direction of too great strictness for a while. It is easier to

¹⁵Colliers, loc. cit.

relax discipline that is too strict after an institution has been operating for a while than to tighten up discipline after the prisoners have become conditioned to laxity.¹⁶

It is not enough to have discipline consistent, reasonable, firm and based on good morale. It must be, as far as possible, on an individual basis, especially when infractions of the rules are involved and punishment must be meted out. This involves full use of professionally trained personnel and of medical, psychiatric, psychological, and social data, as well as of non-professional staff members and their contributions.

This does not mean that when a man comes up on report for punishment one should read his social history and let him off with a warning because he had a drunken father and a miserable boyhood. It means that we examine social and other data carefully to see with what sort of man we are dealing, what we can reasonably expect from him, what punishment or other methods will straighten him out. We need to know everything possible about every individual we hope to know.¹⁷

Despite the most sincere, intelligent, and painstaking efforts by capable officials to maintain good discipline based on sound morale, disciplinary problems will arise in

¹⁶"America's Toughest Prison", Saturday Evening Post (October 27, 1951), pp. 38-39.

¹⁷Ibid.

any prison. If there are group problems such as racial conflicts, strikes, near-riots, they must be dealt with firmly and without hesitation or vacillation. The capable and experienced official stops most outbreaks of this sort before they get started. One does it by constant correction of conditions that cause bitterness and unrest, by spotting and segregating ringleaders and agitators who are fomenting trouble, by convincing the prisoners by attitude and action that one is as quick to act for their welfare as to take vigorous action against misconduct or disorder. Individual as distinct from group misconduct calls for individual treatment on the basis of all pertinent data on the man concerned.

There are various forms of punishment and disciplinary practices, such as beatings and other physical abuse, which are condemned by the most capable and experienced officials in the correctional field, not only on the ground that they are inhumane but also because experience has proved them to be less effective than the more defensible methods, and in the long run destructive of the good discipline they are designed to establish and maintain. Some of these practices were in fairly general use in the not too distant past but are now used in few institutions. Those who still use them ordinarily do so surreptitiously and deny rather than defend their use. Those who resort to disciplinary practices which are now generally considered archaic often do so because of the brutality of their natures, but it is probable

that they more often do so because of weakness, ignorance, inexperience and incompetence than because of innate brutality. Sometimes the head of an institution does not believe in practices which his subordinates are carrying on but is not courageous enough to stop them. Occasionally the institution head is virtually powerless to stop them because his hands are tied with respects to appointments and discharging offending employees. In such cases, there is nothing for a self respecting person to do but to resign and make a public and explicit statement of his reasons.¹⁸

The use of force is never justified as punishment. It should be used sparingly even in emergencies that justify its use and only to the extent that it is absolutely necessary. Indiscriminate and unwarranted use of clubs and fists by inexperienced, injudicious, short-tempered, or brutal guards is an ever present source of danger in an institution. The danger of public scandal is only part of the picture but an important one nevertheless, for it is demoralizing to have a good record of constructive effort destroyed by one incident of the use of unwarranted force. The safeguards thrown around the use of force by our leading prison administrators are not put there primarily because of fear of scandal, however. They know that violence begets violence and that the use of force except when

¹⁸Handbook on Classification in Correctional Institutions, American Prison Association (New York, 1947), pp. 78-79.

absolutely necessary has repercussions that may not be felt for a long time but almost inevitably come. If guards use clubs indiscriminately, it is not long before prisoners are waiting for the day when they can retaliate against some individual guard or guards in general.

Inexperienced prison personnel cannot be trusted to use force with judgment and self-control. If a certain amount of unjustified force is permitted or blinked at, it is not long before it gets out of hand and rises to dangerous proportions. The regulations of well-run prisons usually provide, in effect, that force may be used only when necessary to protect one's self or others from injury, or to prevent escape, serious injury to property, such as by fire, and so on. Only as much force is authorized as is necessary to bring the person against whom it is directed under control. The more dangerous the prisoners, the greater insistence on this rule is necessary. At Alcatraz for example, the unwarranted use of force is cause for summary dismissal.

A type of punishment that is very commonly used in varying degrees and forms is variously called isolation, segregation, solitary confinement, etc. This punishment is subject to serious abuse but, if proper safe guards are thrown around its practice and are carefully enforced, it can be safely used by a humane person with good judgment.

This type of punishment is generally found effective with normal prisoners.¹⁹

Segregation for punishment should be for the shortest period that will accomplish the desired result of making the inmate amenable to discipline and will have a sufficient deterrent effect on other inmates. With most prisoners and for most infractions a period of a few days on restricted diet proves sufficient. Excessively long periods in segregation for punishment defeat their own purpose by embittering and demoralizing the inmate. If he needs to be segregated for a long period, he should not receive punitive or isolated punishment but rather restriction to his room in the cell block where he can converse with fellow prisoners but at the same time be separated from them. The types of inmates whom it is often necessary to segregate indefinitely include chronic trouble-makers and agitators, uncontrollable perverts, especially of the aggressive type, homicidal or suicidal prisoners who cannot be adjudged insane, "escape artists" who have used or planned to use extreme violence in escaping. If at all possible they should be quartered in a building or wing by themselves which in effect would be an institution within an institution.²⁰

¹⁹Ibid.

²⁰"Life In Prison", Commonweal, March 6, 1953, p. 57.

Discipline is not accomplished by punishment alone, by the disciplinary officials alone, by any one part of the program or any one member of the staff. It is accomplished by the program as a whole, by the whole staff. There are, to be sure, processes and procedures that give the prisoner better insight into his attitudes and actions and help him to improve them. There are professional personnel, such as the psychologist, who have special training in the study of human behavior and techniques of modifying it. It is only common sense to use these procedures and personnel to the fullest possible extent, but it is also common sense to insist that the procedures be kept on a sound basis, that they fit into their proper place in the whole program, that the professional personnel keep their feet on the ground, and that they fit into their proper place in the whole program.

It is a mistake to think that such methods as are used by professional specialists in human behavior are the only things that bring about improvements in prisoners' thinking. If the medical services, the educational and vocational training, the work, the recreation, the religious program, and the social services are well organized, well staffed, and well executed, they become potent factors in the gradual, often almost imperceptible, development of self-understanding and self-discipline. It is teamwork,

the coordinated effort of the whole staff, that produces the good discipline that is the mark of a good institution, and accomplishes the rehabilitation that is the end and aim of its endeavors. The least important and least articulate guard as well as the best trained and highest ranking official has his contribution to make to discipline and to rehabilitation.

CONCLUSIONS

The prison is a special kind of community closely guarded from contact with free society. Its members are denied liberty, shut away from friends, relatives and all the usual associations of family and free community life. There is no homelife, and very few of the motives which play upon the man in free society operate upon them.

Moreover, it is a peculiar community. The members of it are there against their wills, desirous of getting out as soon as possible. They are stamped by judicial action with a social stigma. They comprise a great variety: hardened criminals and chance delinquents, normals and those with personalities warped intellectually, emotionally, and habitually. All of them have broken some law intended for the protection of society. They are supposed to be self-supporting, yet in most prisons are deprived of the usual economic motives. Instead of working for money, they work so that they will not lose privileges or be punished.

Furthermore, one of the purposes for which they are there is to be trained for social life, yet they must be silent, must observe many rules which seem intended to make life as much unlike that outside the prison as possible. They get none of the social intercourse common to those on the outside. There, in the prison community

you have the queerest combination of diverse personalities without the social and economic motives usually depended upon to move men for the better in free society, and yet it is the task of the warden to guard, feed, clothe, house, keep at work, treat when sick, discipline when unruly, and so deal with these men that the institution will be as little a burden as possible to the taxpayers and yet turn men back into society better fitted to live there than they were before.

It is the purpose of this thesis, by use of the ideal-type method, to give aid to the prison administrator in formulating policies for better management and rehabilitation programs.

The proposed set of standards for a model prison program that are contained in the body of the text may seem too idealistic or impractical. However, it must be remembered that the primary objective of the prison system is to treat the prisoner in such a way that he will return to society as a useful member instead of a social menace. To accomplish this goal new methods must be tried and only time can prove them just or unjust.

BIBLIOGRAPHY

A. BOOKS

- Bates, Stanford, Prisons and Beyond. New York: The Macmillan Company, 1936. 327 pp.
- Burdette, Lewis G., The Offender. New York: Harper and Brothers Publishers, 1917. 382 pp.
- East, Norwood W., Medical Aspects of Crime. Philadelphia: P. Blakiston's Son & Company, Inc., 1936. 425 pp.
- Elliott, Mabel A., Crime in Modern Society. New York: Harper and Brothers Publishers, 1952. 625 pp.
- Gillin, John Lewis, Criminology and Penology. New York: The Century Co., 1926. 873 pp.
- Hart, Hastings H., Training Schools for Prison Officers. New York: Russell Sage Foundation, 1930. 70 pp.
- MacCormick, Austin A., The Education of Adult Prisoners. New York: J. J. Little and Ives Company, 1931. 314 pp.
- Oppenheimer, Heinrich, The Rationale of Punishment. London: University of London Press, 1913. 320 pp.
- Osborne, Thomas Mott, Society and Prisons. New Haven: Yale University Press, 1916. 238 pp.
- Reckless, Walter C., The Crime Problem. New York: Appleton-Century-Crofts Inc., 1950. 364 pp.
- Scudder, Kenyon J., Prisoners are People. New York: Doubleday and Company, Inc., 1952. 325 pp.
- Taylor, Winifred Louise, The Man Behind the Bars. New York: Charles Scribner's Sons, 1914. 302 pp.
- Teeters, Negley K., World Penal Systems. Philadelphia: Pennsylvania Prison Society, 1944. 220 pp.
- Wilson, Margaret, The Crime of Punishment. New York: Harcourt, Brace, and Company, 1931. 330 pp.

B. PERIODICAL ARTICLES

"American Prisons Go to War", New Republic, 109:14-17,
November 23, 1943.

Barra, J. R., "Educational Program in a Prison System",
School and Society, 65: 103-16, August 13, 1949.

"Convicts Bully a Sovereign State", Life, 32: 27-29,
May 5, 1952.

Cowdry, E. V., "Wartime Production in State Prisons",
Monthly Labor, 57: 137-9, July, 1944.

"Educational Treatment of Prisoners", American Journal of
Sociology, 185: 142-5, September, 1948.

"Farm Training in Federal Prisons", School Life, 69: 28-31,
June, 1947.

Lehman, Milton, "Ignorance is Not Bliss", Colliers,
125: 86-89, June 10, 1950.

Lockwood, John, "Life in Prison", Commonweal, 79: 57-60,
March 6, 1953.

"No Locks on This Prison", Readers Digest, 162: 81,
February, 1953.

"Not Iron Bars", Newsweek, 34: 78, February 28, 1949.

"Prison Commencement", Newsweek, 39: 37-41, April 7, 1952.

"Prisoners on Strike", U. S. News, 32: 27, May 2, 1952.

Ragen, Joseph, "America's Toughest Prison", Saturday Evening
Post, 224: 38-39, October 27, 1951.

Shearer, John, "Occupational Adjustment and Crime",
Occupations, 24: 114-121, November, 1950.

Simer, P., "Inside Fight to Keep Them Out", Rotarian, 81:
43-48, November, 1952.

"Who's in Charge Here", Time, 52: 34, October 18, 1948.

"Why Convicts Riot", U. S. News, 39: 18, December 19, 1952.

"World Within Walls", Coronet, 54: 65-68, February, 1952.

C. PUBLICATIONS OF LEARNED ORGANIZATIONS

Handbook on Classification in Correctional Institutions, 1947. New York: American Prison Association, 1947. pp. 78-79.

Proceedings of the Seventy-Seventh Annual Congress of the American Prison Association, 1947. New York, 1947. p. 64.

Proceedings of the Eighty-third Annual Congress of Correction of the American Prison Association, 1953. Toronto, Ontario, Canada, 1953. p. 119.

Report of Committee on Classification, 1950. New York: American Prison Association, 1950. p. 63.

D. FEDERAL GOVERNMENT DOCUMENTS AND REPORTS

Annual Report of the Federal Bureau of Prisons, 1946. Washington D. C., United States Government Printing Office, 1946. p. 63.

Annual Report of the Federal Bureau of Prisons, 1947. Washington D. C., United States Government Printing Office, 1947. p. 130.

Annual Report of the Federal Bureau of Prisons, 1948. Washington D. C., United States Government Printing Office, 1948. pp. 66-68.

Annual Report of the Federal Bureau of Prisons, 1950. Washington D. C., United States Government Printing Office, 1950. p. 52.

Digest of Federal Laws Relating to Prisons. Washington D. C., United States Government Printing Office, 1952. p. 14.