

REPORT OF THE COMMITTEE
ON TREATMENT OF PERSONS
AWAITING COURT ACTION AND
MISDEMEANANT PRISONERS

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REPORT OF THE COMMITTEE ON TREATMENT OF PERSONS AWAITING COURT ACTION AND MISDEMEANANT PRISONERS

IMPORTANCE OF THE SUBJECT

This Committee holds the opinion that no subject to be considered by this Congress is of more importance than the treatment of persons awaiting court action and misdemeanor prisoners. In the first place they far outnumber all other persons who come under the consideration of the penologist. The census of 1910 shows that about 92 per cent of all sentenced prisoners were misdemeanor prisoners committed to county jails, workhouses, and houses of correction. This makes no account of prisoners awaiting trial. The United States Census Bureau did not deem it necessary to enumerate this important class of prisoners. In the second place, the two classes of prisoners considered by this Committee presumably include those who are most reformable, because it includes those who are imprisoned for the first time.

We believe that society ought to expend its most earnest efforts in behalf of those who are not yet hardened in crime. Everyone recognizes the difficulty of reclaiming those who have become fixed in criminal habits. The hope of reforming a beginner, in the early stages of wrongdoing, is five times greater than the hope of reforming one who has become experienced in crime.

In 1833, nearly ninety years ago, De Toqueville published his book, *The Penitentiary System in the United States*. In commenting on American jails he says (pages 153-154): "Prisons were observed, which included persons convicted of the worst crimes, and a remedy has been applied where the greatest evil appeared; other prisons, where the same evil exists, but where it makes less fearful ravages, have been forgotten; yet to neglect the less vicious, in order to labor only for the reform of great and hardened criminals, is the same as if only the most infirm were

attended to in a hospital; and, in order to take care of patients, perhaps incurable, those who might be easily restored to health were left without any attention. The defect, which we mention here, is felt in America by some of her most distinguished men.

"Mr. Edward Livingston attacks this defect with great force: 'After condemnation, there can be no association but of the guilty with the guilty; but, in the preliminary imprisonment, guilt is associated with innocence.'"

On page 155 he speaks of a prison in Baltimore where "in order to be humane toward prisoners they are allowed to corrupt each other."

The conditions which De Toqueville and Livingston criticised ninety years ago still prevail in most of the county jails of the United States.

The prisoner usually has his first experience behind the bars in a jail, and that is the time of greatest opportunity for his reclamation. He has received a shock; he realizes for the first time the inevitable consequences of his reckless course. That is when the sheriff, the jailer, the doctor, the psychiatrist, the social worker, the religious teacher, and the prisoner's aid society should unite their wisdom and their efforts for his redemption.

These propositions seem to the Committee self-evident, yet for fifty years past penologists and philanthropists have expended their efforts chiefly upon state convict prisons and felons convicted of high crimes and misdemeanors, and have almost unanimously neglected the prisoner awaiting trial and the short term prisoner.

This fact is illustrated even in the most recent and hopeful movements for jail reform. The state of Indiana no longer sends misdemeanant prisoners to county jails except those serving sentences of thirty days or less; but thus far has developed no program for the improvement of the unconvicted prisoners who are still confined in county jails. An active campaign is being prosecuted in Massachusetts to have the state take over the control of all misdemeanant prisoners who have heretofore been sent to county jails, but the proposed law makes no reference to the prisoner awaiting trial.

There are honorable exceptions to this indictment. We recall such names as the older and younger Wines, Z. R. Brockway, Warren F. Spaulding, General R. Brinkerhoff, Dr. A. G. Byers,

A. O. Wright, Alexander Johnson, Amos W. Butler, and Charles R. Henderson, and we recall the active efforts of the state prison associations of Massachusetts, New York, Pennsylvania, and Maryland; yet the fact remains that only a fraction of our endeavors have been expended upon this most hopeful field.

SCOPE OF THE COMMITTEE

This Committee deals with the treatment of two distinct classes: first, persons who are detained awaiting the action of the courts, and second, persons sentenced to short terms of confinement for minor offenses against the law. These two classes are both assigned to this Committee, not because they belong together but because for generations the American states have been accustomed to consign them to the same prisons and subject them to the same treatment.

ACCUSED PERSONS TO BE TREATED AS IF INNOCENT

[Under the Constitution and laws of the United States and of the several states, persons awaiting court action are either actually innocent or presumed to be innocent, for it is a well-established principle of American jurisprudence that every person accused of crime shall be deemed to be innocent until he is proved to be guilty. As a matter of fact, a large number of the persons awaiting court action are actually innocent of crime. In many cases their innocence is plainly proved in court and they are acquitted of the charges made against them. Among the innocent are included witnesses, who are held for the benefit of the community in order to insure their testimony in important cases; insane persons, who are simply sick persons and who ought to receive hospital treatment; and debtors of whom, notwithstanding the general prejudice against imprisonment for debt, a small number are still found in the jails of a number of our states.

The multitude of persons awaiting court action includes also a great number of children awaiting action of the juvenile court. Most of these children await their trial in their own homes or in special detention homes for children; nevertheless, a considerable number of children under sixteen years of age are still found in county jails, notwithstanding the fact that the laws of most of the states prohibit the confinement of such children in any prison or other place where adults are confined.

The principle that persons awaiting court action are to be treated as if they were innocent is by no means a legal fiction. It is taken very seriously in some of its aspects; for example, it is universally recognized by sheriffs and jail officers that persons awaiting trial cannot be compelled to labor. In the New York City jail, known as the Tombs Prison, 600 or 800 prisoners awaiting trial are kept in idleness, and 60 or 70 prisoners are transferred to the Tombs Prison from the House of Correction to do the domestic work at the Tombs, while the prisoners awaiting trial are kept in demoralizing idleness, though a few prisoners awaiting trial are allowed to do domestic work by their own request.

The principle that persons awaiting court action are not to be regarded as criminals is demonstrated by the universal practice of releasing such prisoners, except those accused of very grave crimes, on bail, usually in a moderate sum not exceeding \$1,000. This bail is furnished in the form of credit. A friend of the prisoner, or a bonding company, simply executes a bond agreeing to pay this sum in case the prisoner shall fail to appear when his case comes up for trial. When such a bond is given the prisoner goes at large and transacts his ordinary business until the time of his trial; but if he is unable to give bail he has to go to jail.

Commissioner Sanford Bates, of the Massachusetts Department of Correction, in reviewing this report writes: "As a practical matter I think it should be observed that the necessity for detaining persons in jail today is nothing like what it was when the jail system was inaugurated. The improved methods of identification, the practice of releasing respectable suspects on their own recognizance, has diminished the number of decent people who are obliged to stay in jail. Fewer men who would really be contaminated have no friends or interested persons who will not go surety for them. One practical suggestion for the solution of the problem of the persons awaiting court action might be the liberal extension of the bail system."

THE MISDEMEANANT CONVICT NOT TO BE TREATED AS INNOCENT

The misdemeanor prisoner stands in a very different relation to society from the prisoner awaiting trial. He has been convicted of a crime and is sentenced to punishment. He is subject to labor without compensation and to such reformatory discipline as the law may provide. It is the intention of the law that his

treatment shall be such that he shall feel that the way of the transgressor is hard and shall be deterred from future wrongdoing.

While it is true that the misdemeanor prisoner is a convict, sentenced to punishment, nevertheless the law discriminates sharply between the felon and the misdemeanor. The felon is sentenced ordinarily to a state prison for a term ranging from one year to life. The misdemeanor is regarded as a petty offender and is sentenced to a jail or a house of correction, usually for a period extending from one day to sixty or ninety days, and seldom exceeding one year. Moreover, and more important, the sentence of the misdemeanor prisoner is often alternative between a fine and imprisonment. He is ordered to pay a cash fine of \$5, \$10, or more—usually less than \$50. This fine may be paid from his own pocket, from the earnings of his wife, or by some employer who desires his services, but in any case he goes free, without prejudice. If he is unable to pay his fine, he must serve his prison sentence.

It appears, therefore, that the misdemeanor who is sentenced to "fine or imprisonment" is in reality a prisoner for debt, confined simply because he cannot pay a small sum of money. It appears reasonable, therefore, that while his brief imprisonment should be sharp and deterrent, it should be less severe than that of the individual who has been guilty of a grave crime.

The United States Census of 1910 reported misdemeanor prisoners serving sentence as follows:

In county jails	19,861
In workhouses and houses of correction	9,968
Total	29,829

It appears, therefore, that exactly two-thirds of these misdemeanor prisoners were found in county jails, where they were confined usually in immediate contact with prisoners awaiting trial, living under identical conditions, eating the same food, breathing the same air, and associating in idleness with the same individuals.

PAROLE LAWS FOR MISDEMEANANT PRISONERS

Mr. E. R. Cass, Assistant Secretary of the Prison Association of New York, a member of this committee, has recently made a

summary of all of the parole laws of the United States. From this summary it appears that nine states have parole laws which may be applied to misdemeanor prisoners; though, as far as we can discover, in most of these states the privilege of parole is largely restricted to felons and, apparently, the parole of prisoners sentenced to county jails for misdemeanors is almost unknown. In Wisconsin a small number of prisoners have been released from county jails on a quasi parole under the Huber law.

The following statement indicates how the parole laws are applied to misdemeanants in these nine states:

In Connecticut, misdemeanants may be committed to and paroled from the state reformatory.

Idaho has an indeterminate sentence law, with a year for the minimum for almost all crimes. After serving the minimum period a parole may be granted at any time.

In Illinois, misdemeanants may be committed to and paroled from the state reformatory.

In Iowa, misdemeanants may be committed to and paroled from the state reformatory.

In Kansas, the governor has power to parole "in any case of crime," from any place of imprisonment, upon condition that application shall be made to the governor and notice of hearing published for thirty days . . . in the official paper of the county from which the prisoner was sentenced.

Massachusetts has special parole rulings for the state farm, prison camp, and hospital.

In Michigan, misdemeanants may be committed to and paroled from the state reformatory.

In New Jersey, misdemeanants may be committed to and paroled from the state reformatory.

In New York, misdemeanor females, between the ages of sixteen and thirty, may be committed to and paroled from the state reformatory for women at Bedford or the Western House of Refuge at Albion. The Elmira Reformatory receives male prisoners committed the second time for a misdemeanor with a maximum term of three years and opportunity for parole after serving about thirteen months.

The city of New York has an indeterminate sentence law under which misdemeanor prisoners committed to the city penitentiary, workhouse, or reformatory may be paroled at any time after being sentenced. This power rests in a parole commission of three salaried and two ex-officio members.

Apparently these nine states are the only ones in which authority to parole misdemeanor prisoners exists. In the states of

Delaware, Vermont, and Wisconsin there are laws permitting sheriffs to find employment for prisoners at wages outside of the walls of the county jail; but these are not properly parole laws.

THE PARADOX OF THE COUNTY JAIL

There is an extraordinary paradox in the conditions of the county jail: given the same building, the same room, the same surroundings, the same food, the problem is to make the confinement for one inmate a humane and easy detention, and for the other a severe and bitter punishment. ^{we} You say, it cannot be done; but it is done every day in the county jails throughout America. The trouble is that we give the humane and easy detention to the wrong prisoner, and we give the severe and bitter punishment to the wrong prisoner. The tramp, the vagabond, the petty thief does not mind bad air, filthy floors, or even verminous bedding. Give him, in winter, a warm room, plenty of food, a pack of old greasy cards and the society of others like himself, and he is entirely happy. He may even steal to get back into these comfortable conditions. But take a man of cleanly, decent habits, with some remnants of self-respect. Confine him in a steel cage where he is exhibited like a wild beast in a menagerie; give him no change of underclothing (as in the Cook County jail in Chicago; and the New Haven jail in 1917); lock him up from dark until daylight with five other prisoners in a cell 6½x10 feet; compel him to listen day and night to the vilest language in the thief's dialect, and to associate in idleness with the worst criminals in the county. Can you conceive of a worse punishment for a fairly decent man this side of perdition? Yet this is the prisoner who is entitled to humane and comfortable detention.

SOME TWENTIETH CENTURY JAILS

Such conditions are not simply exceptional and occasional, they are found in hundreds of jails in all parts of the United States.

PHYSICAL CONDITION OF JAILS.—As we have previously remarked, the efforts to improve the physical conditions of jails have thus far reached only a part of the county jails. One reason for this is the fact that most of the jails are built of stone, brick, iron, and steel—enduring materials. County commissioners have

been very unwilling to tear down a solid fireproof building and erect an entirely new structure.

Another obstacle in the way of improvement of jail architecture has been the fact that very few architects have made a specialty of jail planning. Jail architecture has fallen very largely into the hands of a few professional jail-building firms. Some of these firms have had a sincere desire to build good jails, but they have been compelled to bear in mind constantly the commercial side of the business—what kind of a jail can be sold.

In the minds of the sheriffs the chief point has been security—what kind of jail construction will hold the prisoner most securely with the smallest amount of watchfulness on the part of the jailer. The ingenuity of jail builders has been expended upon tool-proof material, locking devices, double doors, and steel cages, all of which are expensive. County commissioners have demanded low costs, and these have been secured by arranging for two to six prisoners in each cell, by constructing inside corridors three to six feet wide, and by minimizing bathrooms, hospitals, departments for women, and rooms for witnesses.

Intelligent sheriffs and inspectors have urged the location of cells against the outside walls, but they have been vigorously opposed because of increased cost of construction and greater liability to escape.]

NEW YORK JAILS.—In the state of New York, where the State Prison Commission and the Prison Association of New York have worked for fifty years to improve jail conditions, the State Prison Commission recently classified the jails as follows: "good, 39" (of which 4 are classified as "very good"); "fair, 18"; "bad, 9." From this statement it appears that 59 per cent of the jails are classified as "good," while 41 per cent are classified as "fair" or "bad." The Commission has been hampered by the dilatoriness of the county authorities in making changes which it has recommended. In some cases the Commission has instituted legal proceedings to secure such improvements.

IN ILLINOIS the State Board of Charities endeavored for fifty years to improve the condition of the jails, and every two years they published descriptions of the jails, setting forth their bad construction, their lack of classification, their lack of discipline, and their demoralizing and destructive influence. In 1920, at

the end of fifty years, the State Department of Public Welfare made a careful and elaborate study of the county jails of the state and they reported as follows:

Begin
Illinois has 20 county jails which may be classified as good; 19 as fair; 41 as very poor or bad; 21 as unfit for use. The inspector remarked: "With 39 as good or fair, and 62 as very poor or unfit for use, it is easy to see that a man sent to jail has few chances of being detained in a decent place."

The inspector described the Hamilton County Jail as follows:

The Hamilton County Jail is a disgrace to the county, to the state, to the country, and to modern civilization. . . . The outside layer of this dungeon is an old brick building. Inside of the brick building is a smaller, one-story building constructed of steel (or iron) plates. . . . It was found impossible to get around without penetrating cobwebs of many years' accumulation, and it was very evident that no one ever pretended to go around the filthy narrow passageway. . . . There is a small space between the bare ground and the iron floor of the jail. This is where the sewage of the jail goes and where it stays. . . . There is a hideous high board fence built around the windows, enclosing a small, disorderly, weed-grown yard. There was one prisoner in the jail, June 20, 1919, . . . destined to be detained in this indecent place for several months.

The Hamilton County Jail divided the honors as the "worst jail in the state" with the jail of Union County, which was described as follows:

It is dark, damp, unsanitary, inhuman. . . . It had been fumigated two weeks previously to try to rid it of body lice. . . . The stone floor was very dirty. In one corner is a funnel-shaped hole that is used as a toilet. The men sit all day on the beds in this dark cell. . . . The prisoners are not allowed to burn the electric light except at meal time or when given special permission. . . . A narrow barred slit that is cut near the ceiling in the thick stone wall lets in a flicker of light and air.

Of the Cook County Jail, in Chicago, the inspector said:

Except for the high standard of cleanliness of the woman's department it is difficult to find any good points about the Cook County Jail. It is recognized as an insanitary, dark, overcrowded institution that is a disgrace to Cook County. It could not be made a decent place to keep men. . . . Cook County does

not furnish jail clothes for prisoners. They may have access to laundry tubs once a week. . . . Men who have relatives or friends on the outside have change of clothing brought to them. Those who do not manage the best way they can. They may wash their clothes, dry them, and put them on again. They may also borrow from cell mates. . . . There are two or three men in each small cell. It is impossible to distribute the men according to their habits of cleanliness or decency. Twenty hours of each twenty-four must be spent locked in the insanitary, dirty, crowded cell.

The boys' schoolroom is a large corner room on the top floor of the building where boys under 19 spend the four hours that they are not locked in their cells. . . . One guard is in charge of this room. . . . As it is impossible to classify these boys except as to age or by the exclusion of one known to be especially vicious, the companionship fostered in this place is a very bad influence in the lives of these boys. But the use of this place as an "exercise room" is preferable to putting them in with other prisoners. . . . Here as in every other part of the jail—and as in every county jail of the State—is seen the greatest evil of the jail system, the absolute idleness enforced upon prisoners by the law of the State.

INDIANA JAILS.—In Indiana an efficient Board of State Charities has labored for the improvement of county jails for the past thirty years, but some bad conditions still exist. For example, the Board of State Charities, in 1899, described the Brown County Jail as follows:

This is the last surviving remnant of the log jail architecture of the earlier pioneer times. It is two stories, built of hewed logs, and the entrance is by stairway to the second floor.

In the 30th annual report of the Board, in 1919, we read:

The Brown County Jail is a log building but no longer used except in emergency until prisoners can be transferred.

The report says further:

The County Jail is the oldest institution in the State. Many of the buildings are old, poorly planned, and insanitary, making it possible for them to be a menace to the health and morals of prisoners confined therein.

Twenty-five jails are named as belonging to this class. The report continues:

Several jails are without the modern facilities for bathing.

. . . Sheets and pillows are provided in some institutions. Where the latter are used the beds and bedding are usually better cared for. The wasteful practice of allowing bedding to become filthy and then burning it is not uncommon. . . . Prisoners are fed upon a per diem allowed the sheriff. . . . The larger jails have separate kitchens, and sometimes the food is poorly prepared and insufficient in quantity. . . . Prisoners are required to wear whatever clothes they have on unless friends or relatives supply others. . . . The prisoner who on leaving the jail must wear clothing he has worn during confinement is often seriously handicapped because of insufficient, badly worn, often ill-smelling clothing.

Idleness, vice and immoral practices are common in county jails because supervision is exceedingly limited and no employment is furnished. . . . Fortunately, the law now requires all misdemeanants having a sentence of more than 30 days to be sent to the State Farm. Others with shorter sentences may be sent there at the discretion of the judge. Proper employment is provided for them there. The law requires that women whose sentences are for more than 90 days . . . shall be sent to the Correctional Department of the Women's Prison. The confinement, care, and supervision of women in the jails is usually poor. . . . The care and supervision is often left largely to the jailer. A few of the larger jails have a woman officer in charge of the woman's department.

Except in the more modern jails there are limited facilities for classification of prisoners. Young men are confined in the same department with hardened criminals. . . . The jail should not afford an opportunity for the education of the young in immorality, vice, and crime. Attention is called to the practice of confining insane persons in jails. Patients were found in 20 jails. In Madison County Jail there were nine insane at the time inspection was made. Two of these had been confined there for more than two years, one for 20 months, two for one year, and four from one to three months. . . . The care of insane patients in the jails is poor. Such institutions are not meant for the care of sick people. . . . The state should secure a more sane and humane method of caring for these unfortunate sick patients pending their admission to state hospitals.

MAINE JAILS.—In Maine the report of the State Board of Charities for 1915 contained the following statement relative to the Penobscot County Jail at Bangor:

Conditions are decidedly bad. . . . There were on the day of the inspection 106 prisoners, necessitating the placing of three or even four men in some of the cells . . . and none

of them should have more than one. There are two women's cells, properly provided with lavatory and hopper, each of which might comfortably care for two women, but on the day of inspection they contained five women each. The women's cells are so located that they are inaccessible without going through the men's corridors. This is given as one reason why the jail is without a matron; that it is difficult to get the right kind of woman to traverse these corridors.

The report stated that the use of striped prison uniforms for all prisoners had been discontinued, but a gray uniform had been substituted.

CALIFORNIA.—Dr. Stuart Alford Queen, Secretary of the California State Board of Charities, published a book in 1920, entitled "The Passing of the County Jail." We make the following quotations with reference to California jails:

"Imperial County Jail consists of one room with a single cage of four cells, each about 7x9x7. There are four bunks in each cell, accommodating in a very crowded manner 16 prisoners. However, we have counted 30 men in this cell room, and are informed by the sheriff that it has held as many as 44 at one time. There is one toilet in the corner. This was stopped up at the time of our inspection and sewage was running over the floor. . . . Most of the prisoners sleep on the floor or on top of the cage.

"San Joaquin County Jail . . . is fireproof but not sanitary. The windows are narrow slits, completely covered with armor plate steel, through which are bored round holes about an inch in diameter. The light is so poor that it is practically impossible to read even in the middle of the day. The vermin, instead of being kept out by examination of incoming prisoners, are sprayed with anti-germine, the odor of which pervades the entire jail. The law regarding segregation is not complied with. Witnesses, men awaiting trial, and those serving sentence are sometimes kept together in the basement cells where there is not even a particle of furniture, not even the conventional wall bunks. They sit and sleep on the cement floors, over which are spread dirty mattresses and blankets.

"Bad as the physical conditions in county jails may be, they are less of a problem than that aspect of the situation which might be referred to as prison discipline. One key to the difficulty lies in the fact of enforced idleness. . . . The great majority of convicted men are simply locked up in cages like wild animals. They may twiddle their thumbs, they may exchange stories of criminal experience, they may gloat over perverted justice, they may brood over wrongs done them by society, or

they may sit in pious penitence. In 1916, only 15 out of 58 county jails provided anything like regular work. . . .

"This enforced idleness combines with a crude congregate system of handling prisoners to make discipline a farce. As an abstract proposition who would think of locking a lot of men in an empty room and expect them not only to behave but to improve themselves? Yet this same impossible result is presumably supposed to come from a jail sentence. As a matter of fact, something very different happens. . . . Where women prisoners are handled by male officers and where male 'trusties' are given access to the women's department, there is at least no assurance that immoral practices are not indulged in.

"Another feature of jail life is the 'Kangaroo Court.' This is an organization of prisoners for the purpose of holding mock trials. As a form of self-government and as a means of enforcing cleanliness and order in congregate jails, it is not altogether bad; but it has possibilities of injustice which make it an institution to be condemned. Following are two of the eight 'Rules of the Kangaroo Court' of Kern County, California: 'I. All persons entering here shall be searched by the sheriff of the Kangaroo Court. II. The judge has the power to fine an inmate from one to five dollars, to be used for tobacco and sugar for inmates.'"

Glenn ALABAMA.—Alabama has a "State Prison Inspector" whose special duty it is to improve the condition of county jails, and who has power to condemn any jail which does not conform to proper standards. Under this system the condition of the Alabama jails has been greatly improved. In his report for 1918 State Inspector Glenn Andrews, M.D., says:

"During the time covered by this report . . . the sanitary condition of the jails generally has been found better than ever before. It has, however, been necessary to criticise a number of the sheriffs for their lack of attention to the jails."

Dr. Andrews reports 16 jails out of 75 as "not conforming to the requirements of the law" and therefore condemned; he reports also eight "jails conforming to the requirements of law in some respects but for good and various reasons should be condemned." This means that one-third of the jails of the state were or should have been condemned in a state which has made marked improvement in its jail conditions.

Dr. Andrews called attention to the remarkable decline in the jail population. The average number of prisoners in county jails, during the years named, was as follows: 1915, 1,413; 1916,

1,102; 1917, 898; 1918, 600. This represents a decrease of 58 per cent in three years, upon which Dr. Andrews remarks:

"Several reasons are assigned for this, viz.: prohibition, improved methods of court procedure, emigration of a large number of Negroes, the army draft, enforcement of the vagrancy laws, thus dispelling idleness, farmers and others making bonds for prisoners in order to procure their labor, etc."

SOUTH CAROLINA.—The State Board of Charities and Corrections, about five years ago, adopted a scoring system for county jails, chain gangs, and almshouses, at the same time instituting a campaign for the improvement of the jails. Under this plan there has been a marked improvement in the condition of the county jails of the state. Out of a possible 1,000 points, the average scores were as follows: 1917, 640; 1918, 659; 1919, 671. In 1919, out of 45 jails, seven jails scored about 750 points and nine scored below 600. Twenty jails scored above the average and 23 below it.

Notwithstanding the recognized improvement, the secretary of the State Board of Charities and Corrections reported in 1919:

"A great need in most of our South Carolina jails is a better arrangement for the separation of adult and juvenile prisoners. The Act . . . of 1912 distinctly requires that no juveniles shall be incarcerated in the same room with adult criminals, but this law is disregarded at will by at least 60 per cent of our county officers. . . . Recently we saw eight or 10 adult Negro men, one white man, a Negro girl about grown, and a little Negro boy about twelve years of age, all in one room, grouped around the only fire in the building. . . . We have seen numbers of jails containing adults and juveniles together in the same room, and we have actually seen this mingling allowed in one or two jails that had entirely separate quarters provided for boys. . . .

"There are 17 jails in South Carolina which may be classed as 'fire traps,' and several others in which the fire risk is more or less serious. . . . It is criminal to house human beings in such dangerous plants.

"We have a number of jails which are totally unfit to house human beings for long periods of time. There are three or four of them in which it is necessary to burn a light in the day in order to read a newspaper, and several of them are ventilated by narrow slits in the walls rather than by windows. We have two jails which were built in 1823."

The foregoing instances, which might be duplicated in many states of the Union, are given to illustrate that, notwithstanding

the efforts of prison reformers for the past fifty years, and notwithstanding the great improvement of conditions in many county jails, the county jail system of the United States, as a whole, continues to be disgraceful, and that it is generally true throughout the United States that prisoners awaiting trial, all of whom are either actually or constructively innocent, are subjected to conditions far more severe than those which prevail in most of the state prisons and state reformatories for convicted felons; that their health is endangered; and that they are often exposed to the most disagreeable and sometimes indecent conditions.

But the worst reproach of the jail system is that prisoners awaiting trial, many of whom are young and inexperienced, are exposed to the most debasing and corrupting influences, and are kept under such conditions as destroy their self-respect and subject them to blackmail and persecution by prison associates after they are discharged.

ELIMINATION OF ENFORCED ASSOCIATION IN IDLENESS

The real crux of the jail question is how to obviate the pernicious effects of the enforced association of prisoners of all sorts and descriptions in idleness. Secretary A. G. Byers, of Ohio, for many years advocated the separate detention of each jail prisoner in his own cell, on the ground that the evils of separate confinement were infinitely less than the evils of corrupt association. He secured the enactment of a law compelling the separate confinement of prisoners in the jails of Ohio whenever the construction of the jail would permit, and he secured the erection of at least 10 or 12 jails with this end in view. A similar law was enacted in the state of Minnesota. The separate confinement of prisoners prevailed in a good many individual jails in different parts of the country. There is much to be said in favor of this plan, but it is practically impossible to secure its enforcement because of the popular prejudice against solitary confinement.

THE VERMONT PLAN

Sheriff Frank Tracy, of Montpelier, Vermont, will describe in this congress the plan which has been pursued in Vermont for the last thirteen years, under which the sheriff finds outside jobs for nearly all of his prisoners—both those awaiting trial and those

serving sentence—in the vicinity of the jail and usually with farmers, but often with other employers. The prisoner goes to work in the morning with his dinner bucket, does a day's work, and returns at night to sleep in the jail. He remains constantly in the custody of the sheriff, who collects his wages, deducts one dollar per day to reimburse the county for his keep, and pays the remainder to his dependent family, or, on discharge, to the prisoner himself.

Under Sheriff Tracy's plan multitudes of prisoners have paid their way, earned money for their families, and have made good after discharge. The number of escapes has been negligible—less than one-fourth of one per cent. The plan is approved by the community.

IMPROVEMENT OF JAIL CONDITIONS

Faithful and persistent efforts have been made for more than fifty years for the improvement of jail conditions by such organizations as the prison associations of Boston, New York, Philadelphia, and Baltimore in the East, together with such organizations as the Central Howard Association and the Society for Friendless in the West. Similar efforts have been made by the state prison commissions of Massachusetts and New York, the Department of Public Welfare of Illinois, the State Prison Inspector of Alabama, and the State Board of Public Welfare in South Carolina. Jail conditions have improved greatly in the states of Alabama and South Carolina.

The improvement, however, has been for the most part along lines of physical and sanitary conditions, but thus far little has been accomplished in the way of organized reformatory work for non-convicted prisoners.

INSTITUTIONS FOR MISDEMEANANT PRISONERS

The subject of county farms and chain gangs for misdemeanor prisoners will be covered by the papers of Mr. H. C. Brearley, Assistant Secretary of the South Carolina State Board of Public Welfare, and Mr. Charles A. Clark, Chairman of the Board of County Commissioners of Jacksonville, Florida.

Mr. Sanford Bates, Commissioner of Correction for the state of Massachusetts, will discuss the proposed legislation in that

state for the abolition of the jail as a penal institution and the substitution of district workhouses under the care of the state.

WOMEN AND GIRLS AWAITING COURT ACTION

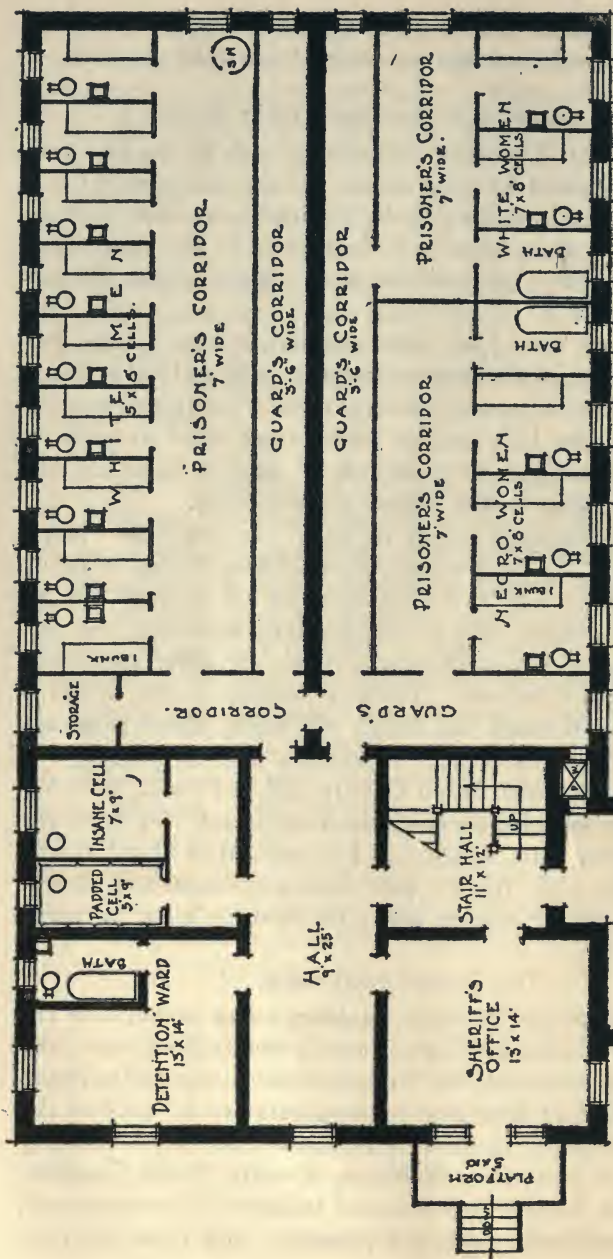
The confinement of women and young girls in the common jail has been a scandal for generations. It was the general practice to keep female prisoners under the exclusive care of male officers; and for young girls to be locked up in the same compartment and often in the same cell with vicious, depraved, and diseased women.

In recent years laws have been enacted in most states forbidding the keeping of girls under sixteen in jails, and jail matrons have been provided in most of the large cities. Yet it is a common thing in the smaller jails (and in some larger ones) to have no jail matron. Sometimes the matron is off duty at night and the jailer carries the keys to the women's department.

Many recent instances might be cited. In the New Haven County Jail, in 1917, forty women associated in idleness without any classification. The two matrons went off duty at 8 P. M. and a woman prisoner was in charge until morning. In the Penobscot County Jail at Bangor, Maine, in 1918, two small cells contained ten women. The only access to the women's department was through the men's cell room where prisoners were visible in various degrees of undress and no matron was employed. In the Palm Beach County Jail in Florida, in 1919, a Negro woman occupied an unscreened cell in full view from the entrance corridor. Mrs. Martha P. Falconer, Miss Maud Miner, and Mrs. Mina Van Winkle will discuss modern and decent methods of caring for women and girls awaiting court action.

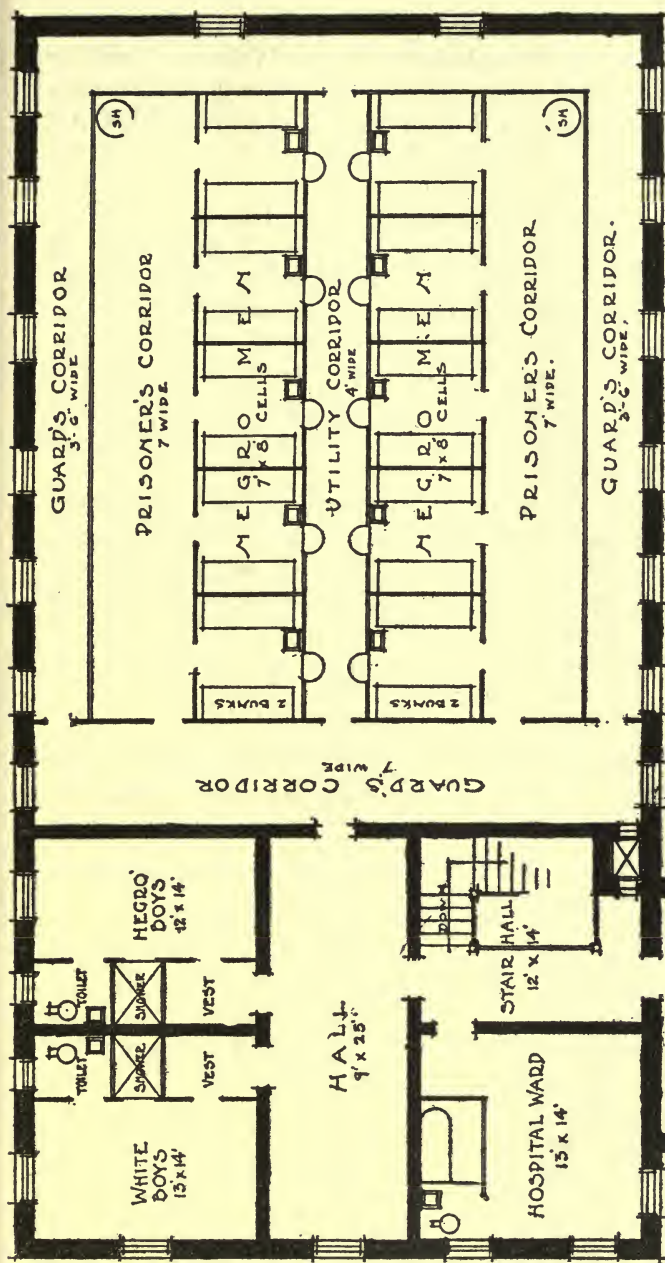
THE NEGRO OFFENDER

The problem of the prisoner awaiting court action and the misdemeanor prisoner serving sentence is complicated, especially in the southern states, by the disproportionate number of Negro prisoners. If proper classification is maintained it involves the creation of a number of distinct departments. This difficulty has been met in the jail of Newberry County, South Carolina, by making nine distinct departments, in order to separate men, women, sentenced prisoners, sick prisoners, and those awaiting trial.



JAIL PLAN, NEWBERRY COUNTY, S. C.

First Floor



JAIL PLAN, NEWBERRY COUNTY, S. C.

Second Floor

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The subject will be discussed by Secretary G. Croft Williams of the South Carolina State Board of Public Welfare. It will be discussed incidentally in the discussion of county jails, county farms, and chain gangs by Mr. H. C. Brearley, of South Carolina, and Mr. Charles A. Clark, of Florida.

CHARACTER BUILDING IN JAILS

Mr. J. F. Wright will discuss the possibility of organized work among jail prisoners for character building, setting forth some practical efforts in this direction which are being made by the Pathfinders of America.

In the past the American Prison Association has dealt with this subject only occasionally. The subject was omitted from the program of the Association at one time for nine years and at another time for five years.

Your Committee respectfully recommends that there be a standing committee on the Care of Persons Awaiting Court Action and Short Term Prisoners; the scope of this committee to include jails, lock-ups, police stations, detention homes, and institutions for short-term prisoners.

Your Committee offers for consideration the following:

OUTLINE OF A JAIL PROGRAM

1. The elimination of political control of county jails. This may be done by relieving the county sheriffs of responsibility for jail administration and making the jails state institutions administered by a state board; by making jailers and turnkeys state employees, selected under civil service rules solely on account of fitness; and by establishing schools for their training.

2. The exclusion of all sentenced prisoners who are sick people, insane patients, debtors, and children from county jails, and committing misdemeanants to state farms or district farms under state control with reformatory discipline and a state parole system. The state probation system should be extended to misdemeanor convicts as well as felons.

3. Use the jails exclusively for prisoners awaiting trial and provide suitable day employment, either in the jail, as is done in some of the jails of Massachusetts, New Hampshire, and Pennsylvania, or by finding employment by day at normal wages outside of the jail but near at hand so that the prisoner shall

return each night and sleep in the jail, and shall be under the constant supervision of the jailer, in accordance with the Vermont plan which has been successfully pursued for fifteen years by Sheriff Tracy at Montpelier, and has been followed with some modification with a fair degree of success in Windham County, Connecticut, Newcastle County, Delaware, and Rock County, Wisconsin. The prisoner awaiting trial cannot be compelled to work, but should be permitted to work under the conditions above suggested. Those who decline to work should be separately confined in their own cells, as is required by law in Minnesota and Ohio, in order to prevent corrupt association.

4. Development of rational plans for the intellectual and moral improvement of jail prisoners in such ways as were developed twenty years ago by the John L. Whitman Improvement Association, composed of prisoners in the jail in Cook County, Chicago. It is suggested that such plans might be developed by trained jailers through co-operation with such local organizations as the Salvation Army, the Young Men's Christian Association, the Young Women's Christian Association, the Knights of Columbus, the Young Men's Hebrew Association, the churches, or other similar organizations.

5. By provision for suitable religious services and recreational plans, which should be directed by intelligent and judicious people approved by the jailer.

6. By systematic and adequate plans for obtaining employment for discharged prisoners.

Respectfully submitted,

HASTINGS H. HART,
Chairman.

