

UNITED STATES PRISONERS IN COUNTY JAILS

REPORT OF THE COMMITTEE OF THE
AMERICAN PRISON ASSOCIATION ON
LOCKUPS, MUNICIPAL AND COUNTY
JAILS

Together with

SUGGESTIONS FOR GRAND JURY SUR-
VEYS OF CONDITIONS UNDER WHICH
FEDERAL PRISONERS ARE KEPT IN
COUNTY JAILS

BY

The Chairman of the Committee

HASTINGS H. HART

Consultant in Delinquency and Penology
Russell Sage Foundation



NEW YORK
RUSSELL SAGE FOUNDATION
1926

Dept. of Delinquency
& Penology.

Tablet pub. no. 1

AMERICAN PRISON ASSOCIATION

COMMITTEE ON LOCK-UPS, MUNICIPAL AND COUNTY JAILS, 1925

HASTINGS H. HART, *Chairman*, Russell Sage Foundation, New York.
CARL H. BARNETT, Connecticut Federation of Churches, Madison, Conn.
HUGH N. FULLER, Director, Jail Inspections, State Department of Public Welfare, Atlanta.
JOSEPH C. HUTCHESON, JR., Judge, United States District Court, Houston.
MRS. J. E. KING, Chairman, State Penitentiary Board, San Antonio.
CHARLES N. LATHROP, Secretary, Department of Christian Social Service, Protestant Episcopal Church, New York.
MISS MAUD LOEBER, Member, State Board of Charities and Corrections, New Orleans.
F. EMORY LYON, Superintendent, Central Howard Association, Chicago.
CHARLES PARSONS, State Secretary, Society for the Friendless, Des Moines.
MIAL H. PIERCE, New York State Commissioner of Prisons, Gouverneur, N. Y.
ALBERT H. VOTAW, Secretary, Pennsylvania Prison Association, Philadelphia.

COMMITTEE ON JAILS, 1926

HASTINGS H. HART, *Chairman*, Russell Sage Foundation, New York.
GLENN ANDREWS, State Prison Inspector of Alabama, Montgomery.
MISS CAROL BATES, Secretary, Missouri Welfare League, St. Louis.
SANFORD BATES, President, American Prison Association, Boston.
D. S. BLOSSOM, Director of Public Health and Welfare, Cleveland.
AMOS W. BUTLER, Former Secretary, Indiana Board of State Charities, Indianapolis.
E. R. CASS, General Secretary, American Prison Association, New York.
MRS. J. E. KING, Chairman, State Penitentiary Board, San Antonio.
CHARLES N. LATHROP, Secretary, Department of Christian Social Service, Protestant Episcopal Church, New York.
MISS MAUD LOEBER, Member, State Board of Charities and Corrections, New Orleans.
HARRY MARTIN, Warden, City Jail, Baltimore.
JOSEPH R. NOEL, Chairman, Committee on New Cook County Jail, Chicago.
E. J. PARKER, Prison Secretary, Salvation Army, New York.
CHARLES PARSONS, State Secretary, Society for the Friendless, Des Moines.
B. L. SCOTT, Director, Bureau of Restoration of Pennsylvania, Harrisburg.
JOHN F. TREMAIN, Secretary, State Prison Commission, Albany.
AUGUST VOLLMER, Chief of Police, Berkeley.
ALBERT H. VOTAW, Secretary, Pennsylvania Prison Association, Philadelphia.
FRED WARD, Superintendent, City Workhouse, Duluth.

COPYRIGHT, 1926, BY RUSSELL SAGE FOUNDATION

PREFACE

The report of the Committee on Lock-ups, Municipal and County Jails of the American Prison Association, entitled "United States Prisoners in County Jails," submitted by its Chairman at the fifty-fifth congress of the Association at Jackson, Mississippi, on November 10, 1925, contains information of a sort never before compiled with reference to United States prisoners boarded out by the federal government.

In 1924 more than 900 jails and workhouses were used by the United States government for this purpose. It is estimated that about 65,000 federal prisoners were confined in these institutions in the course of the year, the average number being about 6,300. In addition, some 2,600 federal prisoners were boarded out in state institutions in the course of the same year, the average number in these institutions being about 640. A very small number of federal prisoners were also boarded out in private institutions.

The statistics presented were compiled by permission of the Department of Justice from the quarterly vouchers of the United States Marshal.

The facts revealed in the report are of importance to every citizen, especially to judges of United States courts who commit prisoners to the jails; to the county sheriffs and county boards who are responsible for their care; and to the members of Congress and of state legislatures who have the responsibility of enacting laws that pertain to the courts and to the protection of society.

Accompanying the report are an illuminating paper delivered at the meeting by Hon. Joseph C. Hutcheson, Jr., Judge of the United States Court of the Southern District of Texas, entitled "United States Prisoners in Jails," and two papers written by inmates of the United States Penitentiary of Atlanta, entitled "The County Jail from the Prisoner's Point of View." These were included when the report was first printed in No-

vember, 1925. Since then both text and tables of the report have been revised and three more statistical tables added. Additional new material will be found at the end of the pamphlet, entitled "Suggestions for Grand Jury Surveys of Conditions under Which Prisoners Are Kept in County Jails."

In view of the recommendations of the committee, printed on pages 31-32, the Association adopted the following resolutions:

1. That the federal government should at this time give careful consideration to the establishment of a jail system of its own, each jail to cover districts where the number of federal prisoners is large or where the local jail accommodations are inadequate, beginning with the borders of Canada and Mexico.
2. That in connection with our federal penal systems there be established a training school for prison officers similar to that maintained by the British government, in which both preliminary and advanced training be provided.
3. That this organization appoint such committee or committees as may seem advisable to further the realization of the suggestions contained in this resolution.

It is hoped that the facts revealed in these pages may contribute to radical improvement of methods for the care of United States prisoners awaiting trial, as well as those convicted of minor offenses.

HASTINGS H. HART.

TABLE OF CONTENTS

	PAGE
MEMBERSHIP OF THE COMMITTEE ON LOCK-UPS, MUNICIPAL AND COUNTY JAILS, 1925	2
MEMBERSHIP OF THE COMMITTEE ON JAILS, 1926	2
PREFACE	3
UNITED STATES PRISONERS IN COUNTY JAILS—REPORT OF THE COMMITTEE	7
Origin of the Boarding-out System	7
Congressional Action	10
Three United States Penitentiaries	11
Federal Reformatories	13
United States Prisoners Boarded Out	15
A Hopelessly Unsatisfactory System	23
Difficulties of Reforming the County Jail System	29
Recommendations	31
UNITED STATES PRISONERS IN JAILS, BY HON. JOSEPH C. HUTCHESON, JR.	33
THE JAIL FROM THE PRISONER'S POINT OF VIEW, BY TWO PRISONERS . .	45
SUGGESTIONS FOR GRAND JURY SURVEYS OF CONDITIONS UNDER WHICH FEDERAL PRISONERS ARE KEPT IN COUNTY JAILS, BY DR. HASTINGS H. HART	51

LIST OF TABLES

1. Federal Prisoners in State, County, City and Federal Institutions in One Quarter of 1924	17
2. Average Number of Federal Prisoners Boarded Out in Jails and Workhouses in One Quarter of 1924, by States	18, 19
3. Amounts Paid for Boarding Out Federal Prisoners in Jails and Workhouses in One Quarter of 1924, by States	20, 21
4. Rates Paid for Boarding and Housing Federal Prisoners in Jails, Workhouses and Other Institutions in One Quarter of 1924	23
5. Ratio of Federal Prisoners in Jails and Workhouses to the General Population in States Bordering upon Canada and Mexico in One Quarter of 1924	28

UNITED STATES PRISONERS IN COUNTY JAILS

REPORT OF THE COMMITTEE ON LOCK-UPS, MUNICIPAL AND COUNTY JAILS OF AMERICAN PRISON ASSOCIATION

Submitted at Jackson, Mississippi, on November 10, 1925

At the beginning of the current year your Committee on Lock-ups, Municipal and County Jails decided to undertake a study of the care of United States prisoners in county jails, workhouses and houses of correction, together with the comparatively small number of prisoners who are boarded out in state and private institutions.

ORIGIN OF THE BOARDING-OUT SYSTEM

In a very remarkable charge to the grand jury of the Southern District of the state of Texas, March, 1925, Hon. Joseph C. Hutcheson instructed the jury to make a constructive study of the jail of Harris County, Texas, "not with the idea of finding out whether the floor is dirty or whether there is some small ground of complaint against individuals." He said: "We want the grand jury to examine the whole arrangement and structure of the jail as to arrangements for prisoners to have access to the open air, to have employment, to have books to read, to have a library; as to permanent arrangement for personal sanitation and decency; for privacy; for the maintenance of self-respect; for the opportunity at least to see from the windows of their cells the open light of day, especially in the light of the fact that so many of these prisoners are mere violators of positive laws and not of any moral laws. . . . Let me suggest to the grand jury that they appoint a subcommittee and authorize that subcommittee to make the report to this court of conditions in the jail, and what can be done to approximate ordinary modern conceptions of humanity, decency and justice in the incarceration of prisoners."

In this charge to the grand jury Judge Hutcheson explained the origin of the custom of farming out United States prisoners as follows:

Congress, at its first session on September 23, 1789, adopted a resolution requesting the legislatures of the several states to pass laws making it the duty of the keepers of their jails to receive and safely keep prisoners committed to their charge under the authority of the United States; the United States to pay for their keep.

Most of the states, in fact, I believe all of them, have acceded to this request and there is upon the statute books of the United States the following law:

“Whenever any criminal, convicted of any offense against the United States, is imprisoned in the jail or penitentiary of any state or territory, such criminal shall in all respects be subject to the same discipline and treatment as convicts sentenced by the state or territory in which such jail or penitentiary is situated, and while so confined therein shall be exclusively under the control of the officers having charge of the same under the laws of the state or territory.

“Prisoners confined to state prisons, whether under sentence of the federal or state courts, are subject exclusively to the rules and regulations prescribed by the several states.” (Attorney General’s Opinions, Vol. XVII, p. 565.)

Section 10527 provides:

“In any case where any person convicted of any offense against the United States is sentenced to imprisonment for a longer period than one year, the court by which the sentence is passed may order the same executed in any state jail or penitentiary within the district or state, the use of which is allowed by the legislature of the state for that purpose.”

Judge Hutcheson further called attention to the fact that the United States government has no control over the management of its own prisoners. He said:

Bearing these laws in mind it will be seen that the federal court is strictly limited in its authority over jails, and outside of the right to require that the prisoners be safely kept, is entirely dependent for improvement in jail conditions upon the consent and acquiescence of the county authorities, who in turn are dependent entirely upon public sentiment in their communities to provide the funds to make the improvements necessary for humanitarian progress in jail conditions.

The reason for the adoption of the boarding-out system in 1789 was that when the government was first organized the

United States had no prisons and it had no money with which to build prisons; it was therefore constrained to appeal to the generosity of the state governments in view of this emergency. For a great many years offenders against the laws of the United States were all sent to state, county or municipal institutions.

The plan of boarding out United States prisoners in state penitentiaries became increasingly unsatisfactory, both to the federal government which did not have control of its own prisoners, as Judge Hutcheson has pointed out, and also to the state governments which found their prisons overcrowded with United States prisoners for the care of whom they were receiving less remuneration than the cost of maintenance.

At the annual meeting of the American Prison Association held at Nashville in 1889, E. C. Foster, general agent of the Department of Justice at Washington, presented the subject of United States prisoners, as follows:

We have some 1,200 prisoners . . . but we have no prison of any consequence in this country. Think of this great nation, with its wealth, and that, after a man has been arrested by a United States marshal, after he has been indicted by a United States grand jury, tried in a United States court, sentenced by a United States judge, he is then turned over to the states and sent, perhaps a hundred or a thousand miles away, to be confined in some state prison! It is the desire of the Department of Justice to have, centrally located in this country, two model prisons . . . to which shall be committed all United States prisoners.¹

General Roeliff Brinkerhoff, a chairman of the Ohio State Board of Charities and a noted prison reformer, followed Mr. Foster. He said:

I have given considerable attention to the subject of United States prisoners . . . They are persons convicted of offenses against the United States laws . . . When I inquired of the Department of Justice, at Washington, as to the number of these prisoners and where they were located, to my surprise I could not ascertain anything. They sent me a report of the Attorney General of the United States, but that did not answer my question . . . The next year I went to the Department of Justice, and there I did get some information; but I could not find out where these prisoners were. It took me three or four years before I got at the facts, and then only through the report

¹ National Prison Association, Proceedings of the Annual Congress, 1889, p. 70.

of a committee of Congress. These 1,200 prisoners . . . are scattered all over the country. . . .

Here are 1,200 citizens, or men who have been citizens of the great government of the United States, under the control of persons who are not appointed by the government . . . over whom the government has no control and they are at the tender mercies of officers of whom the United States knows nothing, except, perhaps, once a year, through the hasty visit of an agent, sent out by the Department of Justice. Is that right?

More than that: many persons are convicted for offenses under United States law who are misdemeanants only, and they are sent to the jail of the district. . . . There they consort with the other prisoners in the jail; and the condition of these men is worse at the end than at the beginning. United States prisoners as a class are men of intelligence. They are not rough and ignorant. They are largely young men who have committed some offense against the revenue laws or the customs laws.¹

The subject was further discussed at the Nashville meeting and the following resolution, moved by Mr. Foster, was adopted:

WHEREAS, The government of the United States is now compelled to confine its prisoners, arrested, indicted, tried, convicted and sentenced by United States authorities, in the different state penitentiaries and reformatories throughout the country, because it has no reliable prisons of its own, and, therefore no direct control over its own convicts,

Therefore, be it resolved, by the National Prison Association, in congress assembled at Nashville, Tennessee, that we do favorably commend for action by the United States Congress the erection of two United States prisons, situated at convenient centers.

This Association hereby pledges to the Department of Justice a hearty co-operation in every step taken to bring about this result.²

CONGRESSIONAL ACTION

A year later, in 1890, a bill was introduced in Congress for the establishment of a federal prison system which became a law on March 3, 1891.³ This act provided:

That the Attorney General and Secretary of the Interior be . . . authorized to purchase three sites . . . and cause to be erected thereon suitable buildings for the confinement of all persons convicted of any crime whose term of imprisonment is one year or more at hard labor.

¹ *Ibid.* pp. 71-72.

² *Ibid.* pp. 304-305.

³ Statutes at L., Vol. XXVI, p. 839.

An appropriation of not exceeding \$500,000 was made for each institution and one of \$100,000 for workshops, providing that only supplies for the use of the government should be manufactured and without the use of machinery. The control and management of the three institutions were vested in the Attorney General.

THREE UNITED STATES PENITENTIARIES

The Leavenworth Penitentiary

No further steps seem to have been taken until March 2, 1895, when the following provision was made in the Sundry Civil Bill:¹

The Military Prison at Fort Leavenworth, Kansas, including all buildings, grounds and other property connected therewith, is hereby transferred from the Department of War to the Department of Justice, to be known as the United States Penitentiary, and to be used for the confinement of persons convicted in the United States courts of crimes against the United States and sentenced to imprisonment in a penitentiary, or convicted by courts martial of offenses now punishable by confinement in a penitentiary, and sentenced to terms of imprisonment of more than a year . . . providing that the convicts in the said United States Penitentiary shall be employed only in the manufacture of articles and the production of supplies for said penitentiary and in the manufacture of supplies for the government, and said convicts shall not be worked outside of the Fort Leavenworth Military Reservation.

On June 10, 1896, a law was enacted,² providing

That the Attorney General is hereby authorized and directed to select . . . a site for a penitentiary, and to erect buildings, walls and workshops for the employment of United States prisoners . . . said penitentiary to be of the capacity to accommodate at least 1,200 convicts.

The Leavenworth penitentiary was gradually constructed under the Act of 1896. For some years the prisoners were housed in the United States Disciplinary Barracks and went back and forth to work on the construction of the new penitentiary. The first congressional appropriation for the maintenance of prisoners was made on March 3, 1901, and the new structure was first occupied in 1902.

¹ Statutes at L., Vol. XXVIII, p. 957.

² Statutes at L., Vol. XXIX, p. 380.

The Atlanta Penitentiary

The United States Penitentiary at Atlanta, Georgia, was ready for occupancy in January, 1902, as shown by annual reports of the United States Attorney General. The sum appropriated was sufficient to provide for 500 prisoners only, but the plans were drawn in such a way as to permit the expansion of the institution to hold at least 1,200 prisoners.

The Attorney General's report for 1901 reads as follows:

The plans for the construction of the penitentiary at Atlanta, Georgia, have been carried out and the buildings will be ready for occupancy about the first of January, 1902. The plans, as approved, provide for a complete prison with accommodations for about 500 prisoners. . . . While this is all that could be accepted within the limits of the appropriation, the plans are prepared with a view to the addition, at any time the Governor may deem requisite, of a main building large enough to accommodate altogether 1,200 convicts at least. . . .

The report of the Warden of the penitentiary for 1902 shows that prisoners began to arrive on January 30, 1902, and that the number received up to and including June 30 was 350.

The McNeil Island Penitentiary

In the absence of suitable places where United States prisoners could be boarded in the North Pacific states, Congress passed an act in 1867 providing for a United States prison in the state of Washington. A site was acquired at McNeil Island in 1870. The United States Marshal at Tacoma became warden ex officio of the new prison. For many years the prison received both prisoners awaiting trial and those serving sentence; but since 1892 it has been used only for those serving sentence.

In 1903 the McNeil Island Prison became a United States penitentiary like the penitentiaries at Atlanta and Leavenworth. A warden was appointed and the United States Marshal was relieved of responsibility for the new penitentiary.

The report of the Attorney General for 1908 contains the following statement:

The institution has heretofore been used only for the confinement of prisoners convicted in the United States Courts for the District of Washington. Those from the Alaska district sentenced to a penitentiary have heretofore been sent to the Cali-

ifornia State Prison at San Quentin but, in view of the shorter distance and saving in transportation, it will probably be wise to designate the penitentiary at McNeil Island as the place of their confinement hereafter.

The prison population at McNeil Island increased gradually. It was 135 in 1910, 239 in 1915, 242 in 1920, and 618 in 1925.

The first direct appropriation for the McNeil Island Penitentiary was made in 1903. Prior to that time all disbursements for this institution were made by the United States Marshal for the Western District of Washington from the general appropriation for support of prisoners.

FEDERAL REFORMATORIES

The Chillicothe Industrial Reformatory for Men

An act of January 7, 1925, authorized the Attorney General, the Secretary of the Interior, and the Secretary of War to select a site for the United States Industrial Reformatory to be used for the confinement of male persons between the ages of seventeen and thirty years, convicted of offenses against the United States, including persons convicted by courts martial and sentenced for more than one year, except those convicted previously of an offense punishable by imprisonment for more than one year.

Upon selection of a site the Attorney General was to submit to Congress an estimate of the cost of purchasing it, together with an estimate of the cost of constructing suitable buildings, the work to be done by such prisoners confined in the three federal prisons and in the state and territorial institutions as might be eligible for confinement in the reformatory. Control and management were vested in the Attorney General.

Plans and specifications were to be prepared by the Supervising Architect of the Treasury. The discipline was to be correctional, and designed to prevent young offenders from becoming habitual criminals.

The law then goes on to say:

It shall be the duty of the Attorney General to provide for the instruction of the inmates in the common branches of an English education, and for their training in such trade, industry or skilled vocation as will enable said inmates upon release to obtain self-supporting employment and to become self-reliant members of society. For this purpose the Attorney General shall

establish and maintain a common school and trade school in said industrial reformatory, and shall have authority to promulgate all such rules and regulations for the government of the officers of said industrial reformatory and the inmates thereof as he may deem proper and necessary.

Inmates were to be employed only in the production of supplies for the United States.

The Attorney General was authorized to transfer to the reformatory from the federal and state institutions such prisoners as might be eligible.

Two citizens of the United States appointed by the President, together with the Attorney General, the Superintendent of Prisons and the Warden of the new reformatory, were to constitute a board of advisers of the reformatory. The law then reads:

It shall be the duty of said board to devise ways and means looking to the establishment in society of the inmates discharged therefrom, whether by pardon, parole, commutation or expiration of sentence, particularly with a view of securing suitable and remunerative employment for said discharged inmates.

Prisoners were to be eligible for parole and good conduct time the same as prisoners in other federal institutions, and upon their release to be furnished with transportation, suitable clothing and \$10 in cash.

In the fall of 1925 a site was selected near Chillicothe, Ohio. In January, 1926, about 20 prisoners were transferred from the Leavenworth penitentiary to do preliminary work in preparation for the erection of buildings.

The Alderson Industrial Institution for Women

In 1925 Congress passed an act creating the Federal Industrial Institution for Women, a site for which has been selected at Alderson, West Virginia.

Dr. Mary B. Harris who has had long experience as superintendent of the New Jersey State Home for Girls and previously in the Women's Department of the New York City Workhouse, was appointed as superintendent early in 1925 and has been working with the architect in the preparation of the plans for the new reformatory building and has also been making plans for the organization and administration of the institution.

When the two new United States reformatories for men and women are completed, they will provide for all the prisoners now

kept in state adult reformatories and for many who are now sent to the three United States penitentiaries; but any male prisoner who has been previously convicted of an offense punishable by imprisonment for more than one year will not be eligible for the reformatory.

UNITED STATES PRISONERS BOARDED OUT

When your committee undertook the study of the United States prisoners in jails it was confronted by the same difficulty which confronted General Roeliff Brinkerhoff in 1889, namely, the absence of any detailed information with reference to such prisoners. As far as it could discover nobody knew how many United States prisoners were kept in jails, how many jails were used, how much was expended for their care in different states or judicial districts, what kind of discipline was maintained, or what kind of medical service was rendered.

On application to the Department of Justice the Chairman of the committee was referred to the Accounting Bureau of the department, where he was presented with the annual report of the Attorney General for 1924. In this report on page 73 was inserted a large sheet headed, "EXHIBIT NO. 8: STATISTICS RELATING TO UNITED STATES PRISONERS." This statement gave statistics of prisoners committed to the three United States penitentiaries, state prisons, adult and juvenile state reformatories, city and county workhouses and houses of correction, and private institutions, such as Florence Crittenton Homes and Houses of the Good Shepherd: a total of 43 institutions, including exactly one county jail, the Essex County Jail of New Jersey.

The only facts published with reference to United States prisoners in county and city jails were the amounts paid for support of prisoners by judicial districts. On pages 306 to 309 there was a statement showing the amount expended for support of United States prisoners in each of the 84 judicial districts of the United States: total, \$1,791,552.49. There were no statistics whatever as to the number and location of prisoners and no statement with reference to the work of the inspectors employed by the Department of Prisons to supervise the boarding out of prisoners.

Each of the 84 United States marshals in the United States is required to file very elaborate quarterly vouchers for all the jails of his district in which United States prisoners are boarded,

showing the number and sex of prisoners on hand at the beginning and end of each quarter, the number received and discharged, whether they are awaiting trial or serving sentence, the number of days' board furnished, the rate and amount paid therefor, payments for medical services, drugs, clothing, gratuities and so forth. These vouchers are carefully audited in the Accounting Bureau of the Department of Justice, and certain facts are recorded by a card system; but until recently the Superintendent of Prisons has had no adequate clerical force to collate and tabulate these facts, and as far as we can discover no statistics of United States jail prisoners have ever been published. The table already referred to in the annual report of the Attorney General for 1924 covered only prisoners kept in institutions other than jails, with the single exception of Essex County, New Jersey, already noted.

It is a public misfortune that the social information contained in the quarterly vouchers filed by the 84 marshals cannot be reduced to intelligible form for the information of the Department of Justice, the Congress and the people of the United States.

By the courtesy of the Department of Justice, the Chairman of your committee was permitted to employ clerks and to study the contents of the vouchers of the United States marshals that have passed through the Accounting Bureau for a period of a year. This material is being reduced to statistical form and abstracts of the facts already secured are presented herewith.

The magnitude and importance of the boarding out of federal prisoners appears in Table 1, which indicates that about half of the estimated average number of federal prisoners in the year 1924, and about 80 per cent of the estimated total number of federal prisoners during the year, were boarded out in 910 county and city jails and workhouses. The average number of boarded-out federal prisoners during the year was about 6,300, and the total number of individual prisoners so confined about 65,000.

Formerly, all United States prisoners were boarded out in local institutions, many of whom were committed to state prisons and reformatories. In 1924 only 12 state prisons received federal prisoners and at the end of the quarter studied they contained only 173 such prisoners, and 19 state reformatories contained a total of only 470 persons committed by United States courts. With the opening of the new federal reformatories for men and women the number boarded out will be still further reduced.

TABLE 1.—FEDERAL PRISONERS IN STATE, COUNTY, CITY AND FEDERAL INSTITUTIONS IN ONE QUARTER OF 1924

Institutions	Number of institutions	Prisoners on hand at end of quarter	Estimated total number during year	Estimated average number during year
State institutions				
Prisons*	12	173	1,370	175
Reformatories for adults . . .	15	256	850	250
Reformatories for boys and girls	4	214	420	215
Total	31	643	2,640	640
County and city institutions . .	910	6,897	65,000	6,300
Total institutions in which prisoners are boarded out	941	7,540	67,640	6,940
Federal institutions				
Penitentiaries*	3	6,225	11,253	6,000
Hospital for insane	1	154	182	155
Total	4	6,379	11,435	6,155
Grand total	945	13,919	79,075	13,095

* These figures involve considerable duplication because prisoners are transferred from jails to other prisons, also from prison to prison of the same class.

It was not practicable to obtain equally detailed information with reference to the number of these prisoners who are women. The number of women confined during one quarter was as follows:

In state prisons	34
In reformatories for women	40
In county and city prisons	1,460
Total	1,534

The grand total of women prisoners boarded out during the year was probably not more than 5,000.

Number of Federal Prisoners by States

Table 2 presents information concerning the number of federal prisoners boarded out in each state. The comparatively large average number of such prisoners per jail in some states is due in part to the confinement of prisoners from other states. The Stark County Workhouse at Canton, Ohio, for instance, receives a considerable number of women from different states, and the Lucas County, Ohio, jail receives a considerable number of male

TABLE 2.—AVERAGE NUMBER OF FEDERAL PRISONERS
BOARDED OUT IN JAILS AND WORKHOUSES IN
ONE QUARTER OF 1924, BY STATES

State or territory	Number of jails and workhouses used	Average number of prisoners during quarter	Prisoners per jail or workhouse	Prisoners per 1,000,000 population
Alabama	18	97	5.4	39.7
Alaska	31 ^a	131 ^a	4.2 ^b	2,183.3
Arizona	13	217	16.7 ^b	550.3
Arkansas	19	146	7.7	79.6
California	31	303	9.8	77.4
Colorado	7	39	5.6	38.8
Connecticut	3	5	1.7	3.3
Delaware	1	10	10.0	43.0
Florida	14	55	3.9	51.5
Georgia	24	186	7.8	61.4
Hawaii	1	21	21.0	67.1
Idaho	32	120	3.8	249.4
Illinois	19	273	14.4	39.7
Indiana	6	52	8.7	17.1
Iowa	26	61	2.3	24.5
Kansas	10	27	2.7	15.0
Kentucky	50	326	6.5	131.7
Louisiana	17	62	3.6	33.3
Maine	6	49	8.2	62.8
Maryland	5	180	36.0 ^b	118.3
Massachusetts	10	57	5.7	14.0
Michigan	12	349	29.1 ^b	85.8
Minnesota	29	332	11.4	131.1
Mississippi	10	26	2.6	14.5
Missouri	29	251	8.7	72.6
Montana	13	33	2.5	52.5
Nebraska	11	109	9.9	81.1
Nevada	12	96	8.0	1,240.2
New Hampshire	2	27	13.5	60.1
New Jersey	10	155	15.5 ^b	45.0

prisoners from Detroit, Michigan. United States prisoners from New York City are confined in the Hudson County Jail at Jersey City, New Jersey, and prisoners from a number of other states than Michigan are committed to the Detroit House of Correction.

In a number of states the average count of federal prisoners per jail is increased by the number in one or two large jails or workhouses. In Arizona, if we excluded Maricopa, Pima and Yavapai County Jails, the average would be 3.6 instead of 16.7. In Maryland, if we excluded Baltimore City Jail, the average

TABLE 2.—AVERAGE NUMBER OF FEDERAL PRISONERS
BOARDED OUT IN JAILS AND WORKHOUSES IN
ONE QUARTER OF 1924, BY STATES (*Continued*)

State or territory	Number of jails and workhouses used	Average number of prisoners during quarter	Prisoners per jail or workhouse	Prisoners per 1,000,000 population
New Mexico	8	49	6.1	130.4
New York	33	405	12.3	36.9
North Carolina	63	183	2.9	67.2
North Dakota	19	47	2.5	69.2
Ohio	25	472	18.9 ^b	75.9
Oklahoma	22	254	11.5	115.4
Oregon	3	78	26.0 ^b	93.5
Pennsylvania	13	68	5.2	7.4
Philippines	2	20	10.0	1.7
Porto Rico	6	8	1.3	5.3
Rhode Island	1	4	4.0	6.3
South Carolina	30	89	3.0	50.5
South Dakota	8	30	3.8	45.4
Tennessee	55	351	6.4	145.7
Texas	33	362	11.0	72.1
Utah	11	30	2.7	61.9
Vermont	10	35	3.5	99.3
Virginia	26	103	4.0	42.5
Washington	16	145	9.1 ^b	99.6
West Virginia	33	235	7.1	149.1
Wisconsin	9	65	7.2	23.5
Wyoming	13	40	3.1	184.5
Total	910	6,868	7.5	54.7

^a Partly estimated.

^b In some states the average number is affected by the large number of prisoners in one or two institutions; in some, it is affected by the confinement of prisoners from other states.

would be 4.2 instead of 36. In Michigan, if we excluded Wayne County Jail and Detroit House of Correction, the average would be 4.1 instead of 29.1. In Oregon, if we excluded Multnomah County Jail, the average would be 3.5 instead of 26. In Washington, if we excluded King and Spokane County Jails, the average would be 3.4 instead of 9.1.

The average per jail in some states is affected by the number of jails used by the federal government. It used in the period studied 63 jails in North Carolina, 30 in South Carolina, 55 in

TABLE 3.—AMOUNTS PAID FOR BOARDING OUT FEDERAL PRISONERS IN JAILS AND WORKHOUSES IN ONE QUARTER OF 1924, BY STATES

State or territory	Number of jails and workhouses used	Number of days' board paid for	Total amount paid	Amount per prisoner per day
Alabama	18	8,864	\$ 4,435	\$.50
Alaska	31	11,992 ^a	12,300 ^a	1.03
Arizona	13	19,813	18,657	.94
Arkansas	19	13,299	11,507	.87
California	31	27,647	13,692	.50
Colorado	7	3,602	2,705	.75
Connecticut	3	501	214	.43
Delaware	1	902	631	.70
Florida	14	4,988	4,054	.81
Georgia	24	16,926	10,813	.64
Hawaii	1	1,936	1,258	.65
Idaho	32	10,942	8,086	.74
Illinois	19	24,870	13,566	.55
Indiana	6	4,764	2,871	.60
Iowa	26	5,567	4,454	.80
Kansas	10	2,476	1,454	.59
Kentucky	50	29,697	23,463	.79
Louisiana	17	5,679	3,476	.61
Maine	6	4,434	3,042	.69
Maryland	5	16,467	10,489	.64
Massachusetts	10	5,224	3,191	.61
Michigan	12	31,885	27,791	.87
Minnesota	29	30,281	21,148	.70
Mississippi	10	2,382	1,413	.59
Missouri	39	22,937	15,525	.68
Montana	13	2,966	2,529	.85
Nebraska	11	9,985	6,620	.66
Nevada	12	8,721	8,708	1.00
New Hampshire	2	2,451	1,997	.81
New Jersey	10	14,106	10,443	.74

Tennessee, 50 in Kentucky, 33 in Texas, 33 in West Virginia, 33 in New York, 32 in Idaho, and 31 in California. On the other hand, it used only 12 in Michigan, 11 in Nebraska, 9 in Wisconsin, 8 in South Dakota, 7 in Colorado, 6 in Indiana, 6 in Maine, 3 in Oregon, and 2 in New Hampshire. The employment of a large number of jails in the same state increases the work of the United States Marshal, but it decreases the burden upon the local counties and tends to prevent overcrowding.

TABLE 3.—AMOUNTS PAID FOR BOARDING OUT FEDERAL PRISONERS IN JAILS AND WORKHOUSES IN ONE QUARTER OF 1924, BY STATES (*Continued*)

State or territory	Number of jails and workhouses used	Number of days' board paid for	Total amount paid	Amount per prisoner per day
New Mexico.....	8	4,441	\$3,337	\$.75
New York.....	33	36,982	26,499	.72
North Carolina.....	63	16,710	10,425	.62
North Dakota.....	19	4,286	3,643	.85
Ohio.....	25	43,028	31,559	.73
Oklahoma.....	22	23,188	14,472	.62
Oregon.....	3	7,123	4,277	.60
Pennsylvania.....	13	6,229	3,595	.58
Philippines.....	2	1,838	1,042	.57
Porto Rico.....	6	711	158	.22
Rhode Island.....	1	376	188	.50
South Carolina.....	30	8,155	4,084	.50
South Dakota.....	8	2,765	2,623	.95
Tennessee.....	55	32,045	23,527	.73
Texas.....	33	33,058	15,351	.46
Utah.....	11	2,772	2,087	.75
Vermont.....	10	3,161	2,374	.75
Virginia.....	26	9,415	4,999	.53
Washington.....	16	13,236	9,115	.69
West Virginia.....	33	21,482	12,932	.60
Wisconsin.....	9	5,895	3,968	.67
Wyoming.....	13	3,650	2,773	.76
Total.....	910	626,800	\$433,560	\$.69

^a Partly estimated. The sum of \$12,300 covers only "subsistence" of prisoners. The reports of United States marshals in Alaska indicate a total expenditure of \$47,000 for the care of United States prisoners in Alaska during the quarter, including clothing, fuel, medical treatment and miscellaneous expenses.

The final column of Table 2 showing the ratio of boarded-out United States prisoners per 1,000,000 inhabitants indicates the unequal distribution of this burden upon the different states. The number of United States prisoners boarded out in county and city institutions per 1,000,000 inhabitants is 54.7 for the United States as a whole, 1,240 for Nevada, 550 for Arizona, 249 for Idaho, 185 for Wyoming, 149 for West Virginia, 146 for Tennessee, 132 for Kentucky, and 131 for Minnesota. On the other hand, it is only 37 for New York, 33 for Louisiana, 25 for Iowa, 24 for Wisconsin, 17 for Indiana, 15 for Kansas, 15 for Mississippi,

14 for Massachusetts, 7.4 for Pennsylvania, 6.3 for Rhode Island, and 3.3 for Connecticut.

When we remember that these federal prisoners are kept practically rent free and, in the majority of counties, for less than the actual cash cost of board, these figures become significant.

Table 3 concerns the amounts paid for boarding federal prisoners in jails and workhouses in one quarter of 1924. The figures given include only amounts paid for the maintenance of prisoners. They do not include amounts paid for caring for prisoners in hospitals, separate payments for medical service, clothing, transportation and so forth. Practice varies in different parts of the country. Sometimes the medical service is furnished at county expense and sometimes the medical service for United States prisoners is a separate matter, paid for from the United States Treasury. The latter plan seems to be the more equitable one and to secure the best service.

The average number of prisoners for the quarter was 6,868. The amount paid for board during the quarter was \$433,560, which was at the rate of \$1,734,240 per year. The average amount per prisoner per day was 69 cents.

The various rates paid for boarding, housing and guarding prisoners in different institutions are tabulated in Table 4. This table reveals the fact that 44 different rates were paid in one quarter of 1924 for the care of federal prisoners in jails, workhouses and other institutions, ranging all the way from 20 cents a day in five jails of Porto Rico to \$3.00 a day in four jails of Alaska.

The number of different rates paid in certain states was as follows: New York, 11; Ohio, 10; California, 9; North Carolina, 8; Nebraska, 6; Virginia, 6; Illinois, Massachusetts, Michigan, Minnesota, Missouri and Wisconsin, 5 each. In a few states a uniform rate per diem is paid to each county jail throughout the state: in Alabama and South Carolina, 50 cents; Kansas, 60 cents; Vermont and Wyoming, 75 cents. With these exceptions, there appear to be no fixed standards of payment. The rates do not appear to be determined by the quality of the service rendered but to be purely a matter of contract between the government and the local officers, the government endeavoring to secure the lowest rate possible.

TABLE 4.—RATES PAID FOR BOARDING AND HOUSING FEDERAL PRISONERS IN JAILS, WORKHOUSES AND OTHER INSTITUTIONS IN ONE QUARTER OF 1924

Rates per prisoner per day	Jails and workhouses	State prisons, reformatories and private institutions	Rates per prisoner per day	Jails and workhouses	State prisons, reformatories and private institutions
\$.20	5	—	\$.70	43	1
.25	2	—	.71	1	—
.28	1	—	.75	310	10
.30	2	1	.76	1	—
.35	2	—	.80	32	—
.36	2	—	.85	21	—
.40	3	—	.86	1	—
.42	1	—	.87	2	1
.43	4	—	.90	8	—
.45	19	1	.93	—	1
.48	1	—	.95	1	—
.50	179	9	1.00	45	16
.55	9	—	1.09	—	1
.56	8	—	1.17	—	1
.57	1	—	1.25	1	4
.58	1	—	1.34	—	1
.60	147	—	1.50	9	2
.62	1	—	1.52	—	1
.63	1	—	2.00	2	—
.64	2	—	2.25	4	—
.65	41	1	3.00	4	—
.67	—	1			
.675	7	—			
			Total . .	924 ^a	52

^a This total is more than the total number of jails and workhouses previously cited, since more than one rate was paid during the quarter at some institutions.

A HOPELESSLY UNSATISFACTORY SYSTEM

It appears to your committee that the present system of boarding federal prisoners in county jails is hopelessly unsatisfactory from every point of view to all concerned, except to a limited number of county sheriffs or jailers who board prisoners at a per diem rate and who are permitted to retain for their own profit whatever remains after purchasing food.

First, Bad Sanitation

The great majority of the 910 jails and workhouses used are old, badly lighted, badly ventilated and badly arranged. In many of them the plumbing and sewerage are defective and in many the heating apparatus is defective. Very few have any

suitable provisions for hospital care or for clinical work. Under existing conditions it is impossible to conserve properly the health of the prisoners. It is rather the exception when the prisoners are served with a balanced ration, prescribed by physician or dietitian.

Second, Lack of Classification

A very small number of the 910 jails have proper provision for the classification and segregation of prisoners. In most of the southern jails the only groups that can be segregated are white and colored, male and female, and not infrequently the conditions are such that women cannot be completely isolated from men.

For proper jail discipline, prisoners awaiting trial should be completely separated from those who are serving sentence. Witnesses and young and inexperienced criminals should be separated from those who are hardened and vicious. The decent and cleanly should be separated from those who are filthy in their language and their habits. There should be segregation for tuberculous and venereal prisoners as well as for those who are insane.

Even in the largest jails, like the Tombs Prison and the Queens Prison in New York, the Moyamensing Prison in Philadelphia, and the jails in Baltimore, Pittsburgh, Cleveland, Chicago and Denver, there is no adequate provision for classification and segregation. As a result, prisoners who are inexperienced in crime and committed to prison for the first time are forced into intimate association with those of the vilest character. There is made on them an indelible impression of humiliation and degradation. It is a common thing for persons held as important witnesses, accused of no crime, to be kept in association with ordinary prisoners and to receive the same treatment. In 1921 the writer saw a woman in the county jail at Jacksonville, Florida, who had been held as a witness for sixteen months in the same quarters with criminals of all degrees.

It is a fact well known to all who have given careful study to the subject that the county jails of the United States are breeding places and schools of crime, and that there is no more prolific source of crime.

Third, Idleness

The evil effect of jail confinement is aggravated by the fact that in nearly all jails prisoners who are awaiting trial and those who

are serving sentence are kept in absolute idleness, having no other work than the care of their own cells, and even this is usually done in a careless and slovenly manner.

In 14 county jails of Pennsylvania employment at productive work is furnished for prisoners serving sentence. In about half of these jails wages are paid to at least a part of the prisoners. In five or six jails unsentenced prisoners are allowed to work if they so desire.

In a very few other county jails of the United States, like the Penobscot County Jail at Bangor, Maine, simple forms of labor have been provided for sentenced prisoners, and prisoners awaiting trial have been allowed the privilege of working, of which most of them are glad to avail themselves.

In a few other jails, notably Montpelier, Vermont, and also in Dover, Delaware, and in a few Wisconsin jails, the sheriffs have been accustomed to find employment with outside citizens for trustworthy prisoners awaiting trial. Here they earn wages which are available for the benefit of themselves and their families. This kind of employment was expressly authorized by the Huber Law adopted in Wisconsin in 1913.

A limited amount of employment is often furnished in taking care of jail buildings and courthouse grounds. Employment for a portion of the population in many jails is provided in the domestic work of the prison, cleaning, cooking, serving food and so forth. An excellent example is furnished by the Municipal Jail of St. Louis, Missouri, which is well kept, chiefly by the labor of the prisoners awaiting trial. Efficiency is secured by the inspiration of a competent and socially minded warden.

On the other hand, in the Tombs Prison in New York City and the Raymond Street Jail in Brooklyn and in some other large jails, sentenced prisoners are brought in from outside workhouses to do the domestic work of the prison on the theory that prisoners awaiting trial should not work.

It is true that it is a constitutional right of every individual to be treated as innocent until proved to be guilty and that the Constitution provides that slavery or *involuntary servitude* (except for crime) shall not be permitted; but this does not mean that persons awaiting trial may not be permitted to work.

In a good many county jails prisoners awaiting trial are permitted to make beaded bags and other fancy articles or toys, which

are sold for their benefit, either to visitors or to outside people. These products do not come under the ban of convict labor products and such work, under proper restrictions, should be encouraged.

Fourth, Lack of Federal Control

As Judge Hutcheson pointed out in his charge to the grand jury, the federal government absolutely surrenders to local authorities the control of its prisoners. He says: "The federal court is strictly limited in its authority over jails, and, outside of the right to require that the prisoner be safely kept, is entirely dependent for improvement in jail conditions upon the consent and acquiescence of the county authorities." Neither the federal judge who commits the prisoner nor the United States marshal who is the officer of the court has any authority to prescribe the treatment of his own prisoners.

Neither can protect his prisoners from dirt or vermin, ill-treatment or moral corruption. In many jails the sheriff permits prisoners to organize a "kangaroo court" which hazes and fines prisoners at its pleasure. In many jails undue privileges are given to favored prisoners while others are bullied and persecuted. The United States authorities do not and cannot institute any reformatory measures in the jails.

These conditions are aggravated by the ancient county jail system which was inherited from England three hundred years ago and prevails to this day, although long since abandoned by the British government. Under this system the sheriff holds a proprietary right in the county jail, appointing the jailer and turnkeys. These officers are usually selected for the political services which they have rendered to the sheriff in the past and are expected to render to him in the future. They are selected without reference to any special qualifications or training. The sheriff is chiefly occupied with his civil and court duties and often has neither time nor inclination to give close attention to the administration of the jail, which is left to incompetent subordinates.

Many sheriffs are compensated by fees, receiving a per diem allowance for the feeding of prisoners out of which they save whatever they can for themselves. This offers a strong temptation to provide an inadequate diet in order to make a profit for the sheriff. His income, his home and the education of his children

depend upon what he can save from the convicts' rations. This temptation has been removed in many counties by abolishing the fee system.

Fifth, Injustice and Hardship for Local Prisoners

The present system works even more hardship to the prisoners committed by the local courts than to the United States prisoners. The county jails are designed primarily for the accommodation of the prisoners who belong to the county, especially those awaiting trial. With the rapid increase of population, most county jails have been outgrown and have insufficient accommodations for the local prisoners. The county boards are usually anxious to make a record for economy and are hesitant about undertaking new building propositions. Within the past ten years building costs have increased 100 per cent and many county boards have held back, hoping for lower building costs. This hope has now been largely abandoned; but the hesitancy still remains. The building of the new jail usually involves a bonding proposition which requires a favorable popular vote.

For example, the Cook County Jail in Chicago and the Cuyahoga County Jail in Cleveland have not been enlarged in the past forty years though their population has increased sixfold. Two successive proposals for bond issues to build new jails were defeated at the polls in each city. A third one has recently been carried in Chicago by the narrow margin of 19,000 votes. Meantime the old jails have been crowded to the point of suffocation; five prisoners sometimes being kept in cells designed for one in Chicago, while the prisoners are herded in the bull pen in the Cleveland jail like cattle in a stockyard.

The practice of "doubling up" (confining two prisoners in a cell) has become general because of overcrowding and at the present time, owing to increased cost of construction, many of the new jails are being constructed with two bunks in one cell. Prison wardens generally agree that this practice is a direct encouragement of the worst possible sexual vices.

In a western city a new county jail was recently completed with a reported capacity of 1,600 prisoners. The jail contains 800 cells and the capacity of 1,600 is secured by placing two bunks in every cell both for men and women. The county authorities apparently were utterly oblivious of the moral hazard involved

in such construction. This is a fairly good jail for 800 prisoners, but will become a public nuisance if the plan of putting two prisoners in a cell is maintained.

Sixth, Injustice to Taxpayers throughout the United States

The federal government boards out its prisoners in about one-third of the county jails and workhouses of the country, occupying perhaps one-third of their space. These prisons represent an investment of probably not less than \$45,000,000, of which the United States uses at least \$15,000,000 worth, on which a fair annual rental would be not less than 6 per cent or \$900,000. With few exceptions no rental whatever is paid for this property. In most of these counties the amount paid is less than the actual cost of the proper care of prisoners for food, guards, bedding, furniture, heating, lighting and laundry work; so the counties are making an actual cash donation to the federal government.

TABLE 5.—RATIO OF FEDERAL PRISONERS IN JAILS AND WORKHOUSES TO THE GENERAL POPULATION IN STATES BORDERING UPON CANADA AND MEXICO IN ONE QUARTER OF 1924

States	Average number of federal prisoners during quarter	Federal prisoners per 1,000,000 inhabitants
Arizona	217	550.3
Idaho	120	249.4
Minnesota	332	131.1
New Mexico	49	130.4
Washington	145	99.6
Vermont	35	99.3
Michigan	349	85.8
California	303	77.4
Texas	362	72.1
North Dakota	47	69.2
Maine	49	62.8
New Hampshire	27	60.1
Montana	33	52.5
New York	405	26.9
Total, 14 border states	2,473	77.0
Total, 34 remaining states	4,215	53.0

Examination of Table 5 will show that the 14 states which border directly upon Canada and Mexico have a ratio of 77 federal prisoners for each 1,000,000 inhabitants, while the ratio for the remaining 34 states is only 53 per 1,000,000 inhabitants; so the ratio for the border states as a group is 45 per cent greater than that for the remaining states.

Offenses against the Volstead Act, the Drug Act, and the Immigration Laws are especially frequent in the border states and the jail population of some of the southern mountain states is increased at the present time, as for many years in the past, by the practice of moonshining. The result of this situation is that the border states and the other states which carry a high ratio of federal prisoners bear a disproportionate share of the burden of caring for federal prisoners. Many of their jails are overcrowded to the serious detriment of the prisoners committed by the state courts. Some of the counties in each state are furnishing jail room free to the United States government, which makes no pretense of paying rent.

DIFFICULTIES OF REFORMING THE COUNTY JAIL SYSTEM

The evils of the county jail system here depicted have been recognized for one hundred years past, and for fifty years vigorous efforts for the reformation of the system have been carried on by state boards of charities and corrections or state prison associations in certain states, as: Massachusetts, New York, Pennsylvania, Ohio, Indiana, Illinois, Minnesota, Colorado, Virginia, South Carolina and Alabama. These bodies have worked earnestly and faithfully for the improvement of the system, but for the most part with little effect, because the jails are under the control of county boards which are constantly changing, and whose action is largely controlled by considerations of economy. The difficulty has been further increased by the fact already mentioned of the sense of proprietorship on the part of sheriffs.

At the Boston meeting of the National Conference of Social Work in 1911, Dr. Frederick Howard Wines made an earnest and convincing plea for the abolition of the county jail system. A campaign was carried on in the Massachusetts legislature for three successive sessions to place the jails under state control, but it was defeated in each case by the united opposition of the sheriffs and other county officials. Efforts for the reformation of

the system as it stands have been unsuccessful in other states because the jails are fireproof and the system is fireproof and both have resisted all efforts for radical changes.

Dr. Glenn Andrews, state inspector of prisons of Alabama, has an ingenious plan for the reconstruction of fireproof jails but he has not yet been able to devise a plan for the reconstruction of the fireproof system.

Reformation of the Jail System in Europe

From the day of John Howard the same abominable conditions which now prevail in American jails have existed in European countries. These abuses, however, have been for the most part abolished in Great Britain, France, Sweden and Belgium. In these countries jail wardens are selected on the grounds of special fitness and experience in handling men; and turnkeys and guards, while underpaid, are carefully selected and are of fairly good quality. In Great Britain a school has been established for the training of prison employes who not only have to take a preliminary course of instruction but have to pursue it for at least a year after entering the service.

The doubling up of prisoners is practically unknown. Each prisoner has his own cell; but the rule prevails that, in case of temporary overcrowding by an emergency, there shall be three persons in a cell—never two.

In none of these countries is promiscuous association of prisoners allowed. All able-bodied prisoners take daily outdoor exercise either in individual yards or by walking in skirmish line under the eye of an officer.

In all of these countries work is provided not only for prisoners serving sentence but for those awaiting trial. The work is compulsory in the first instance and is voluntary in the second, but most of the prisoners awaiting trial prefer to work; especially as there is a small wage paid which the prisoner may send to his family or expend for his own use.

The industries are usually simple, such as the making of boxes, wooden toys, mail sacks, material for the army and so forth. In some cases prisoners work in their cells and in others they work in groups. In some of the English jails prisoners awaiting trial are furnished with material for making beaded bags

and other fancy articles which are sold for their benefit by a co-operative society.

In most of these prisons the morale appears to be good. The cells are thoroughly cleaned, each prisoner has his own wash basin, eating utensils and toilet articles which he is required to keep in perfect condition.

In England the standard size of cells is 9 by 14 by about 10 feet high, with a good sized outside window for every cell.

These foreign jails have a much larger force of employes than are found in the American jails, usually one officer for every three or four prisoners as compared with one in America for every 10 to 25 prisoners. This promotes much more thorough supervision of the prisoners than is possible with us.

For nearly sixty years systematic efforts have been made to reform the American jail system through state legislation, state supervision, county boards and county sheriffs. These efforts have failed because of the impossibility of uniting all of these forces in an intelligent and practical program.

The practical remedy is centralization of authority, but it is very difficult to secure such centralization in the several states because of constitutional provisions and established customs and traditions.

It is entirely feasible to establish a practical system of United States jails for federal prisoners because the authority is already centralized in the Department of Justice and because the necessary legislation can be established for the entire country by a single act of Congress.

RECOMMENDATIONS

Your Committee Recommends:

First: That the United States government establish a jail system of its own, each jail to cover a district where the number of federal prisoners is large or where the local jail accommodations are inadequate, beginning with the borders of Canada and Mexico.

By the creation of the three United States prisons and the two adult reformatories Congress has definitely established the principle of providing for federal prisoners in federal prisons. This principle was undoubtedly established because of the moral duty

which Congress felt of caring for its own wards and of not subjecting them to the good, bad or indifferent treatment which they would receive in local institutions. But since the state prisons and reformatories as a whole are generally far better than the county jails, a far greater moral duty rests upon Congress to provide federal jails to care for its jail prisoners.

Second: That provision be made by law for the organization of a federal system of combined workhouses and jails to be located at points where not less than 50 United States prisoners of the classes now committed to county jails can be found within a radius of 50 miles; such prisons to be built with two separate and complete departments, one for prisoners awaiting trial and the other for prisoners serving sentence; that the jail system be under the control of the Department of Justice; that the wardens be appointed by the Superintendent of Prisons subject to the approval of the Attorney General; that the subordinate officers be selected under civil service rules but subject to dismissal at the discretion of the wardens; that the rules and regulations be prescribed by the Superintendent of Prisons, subject to approval by the Attorney General.

Third: That a training school for prison officers, similar to that maintained by the British government, be established and that all subordinate officers of federal prisons be required to take a preliminary training course of three months and to pursue a further course of study, after appointment, under direction of the school.

**UNITED STATES PRISONERS
IN JAILS**

A PAPER READ BY HON. JOSEPH C. HUTCHESON, JR.

**JUDGE OF THE UNITED STATES COURT
SOUTHERN DISTRICT OF TEXAS**

At the

FIFTY-FIFTH CONGRESS OF THE AMERICAN PRISON ASSOCIATION

JACKSON, MISSISSIPPI, NOVEMBER 10, 1925

UNITED STATES PRISONERS IN JAILS

BY HON. JOSEPH C. HUTCHESON, JR.

Judge of the United States Court, Southern District of Texas

Jackson, Mississippi, November 10, 1925

Somewhere in the course of his vivid outline of that fearsome skeleton in the world's family closet which we call "History" H. G. Wells says in substance:

Men do not begin to act upon theories. It is always some real danger, some practical necessity that produces action, and it is only after action has destroyed old relationships and produced a new and perplexing state of affairs demanding solution, that theory comes into its own. Then it is that theory is put to the test.

Supported by this statement, the truth of which reading and experience alike confirm, I stand here in lawyer parlance, confessing and avoiding.

Confessing, that at first, finding myself faced with the practical necessity of making some just and adequate disposition of the poor human grist which feeds the mill, where for the United States I take the toll, I groped in darkness for a theory which would reconcile those precious instincts of compassion for frail and erring humanity which link us with the divine, with the practical considerations which a judge administering law, either civil or criminal, must always keep in mind.

Avoiding, by the claim that, vague and dim in its outline, but warm and certain in its impulses, I have constantly felt the urge of finding a theory which would reconcile these apparently conflicting views.

Faced by the hard facts of a new and perplexing state of affairs, through reading, through inquiry and through reflection, I have finally found a theory which I know will work; and ever since I have found it, I have been trying to put that theory to the test, instant in season and out of season.

That theory, briefly stated, is that a prisoner is not an enemy of society, but a child or ward, with all its tremendous implications for truly Christian parental provision and administration. It stands opposed to the vindictive and punitive theories which are cancerously imbedded in our law, are embodied in our jails and prisons and show out in the stark evil of our purposeless, haphazard, shiftless, un-Christian administration of those institutions. Most of you, interested in prison work as you have been, are familiar with and have been supporters of the true theory for years.

Upon me, a civil lawyer by training and experience, raised in a favorable environment on the good old Presbyterian doctrine of individual responsibility, of judgment and the wrath to come; without any experience before I became judge with the criminal docket or the so-called criminal side of life, the idea that society stood to these captive souls, coming before me for judgment, not as an enemy but *in loco parentis*, and that my duty toward them did not end, but in fact largely began, after they came helpless under the power of the law, through conviction or plea of guilty, broke with a great light, and has since dominated my thought, determined my point of view and directed my actions.

The Southern District of Texas runs along the Gulf Coast of Texas for nearly four hundred miles, from Galveston to the Rio Grande. It contains six divisions, includes two Mexican border gateways, Laredo and Brownsville, every gulf port in Texas, except Beaumont and Port Arthur; including also Houston, a city of 200,000 people, itself a port of great importance.

Over this wide border area, with a population of a million souls, the federal government inevitably makes contact with infractors of many kinds, and every year more than fifteen hundred persons are arrested in this district on charges running from misdemeanors under the Volstead Act, through the smuggling of goods and aliens, to the graver felonies, conspiracy to defraud, counterfeiting, bank and postal embezzling.

Out of such a netting it was inevitable that many small fish would find themselves stranded in the jails, too poor and friendless to make bonds, there to languish until their trial comes on, though presumed innocent in law.

Out of such a netting it was inevitable that many would be found guilty, and that some disposition, adequate and just under

the law, must be made of them by the imposition of fines or confinement in jails or penitentiaries, for until March of this year there was no federal probation or suspended sentence law; and, in the face of the decision of the Supreme Court in *Ex Parte United States*, 242 U. S. 27, a downright and deliberate suspension of sentence or admission to probation in the federal courts could not legally occur.

At my first sittings, which happened to be in border towns with crowded jails, I was confronted with the definite and inescapable condition that the process of this court might cause hundreds of men to be in jail in default of bond, and that my judicial word under the wide discretion which the law gave me would send guilty men to jail or to the penitentiary, or impose fines upon them, the non-payment of which would send them there.

It became my imperative duty to go into these jails, and find out at first hand what they were, and what confinement in jail really meant. I found there conditions which, apparently taken for granted by those in charge of the jails, struck me as so medieval and barbarous, and so contrary to the ordinary principles of Christianity, that I was shocked beyond expression; not at any direct and malevolent cruelty toward the inmates on the part of their custodians, but at the very conditions themselves. That men with lungs and hearts, nerves and brains like mine were penned up for months on end without a thing to do; with no access to the open air, no opportunity for any kind of exercise except in the "bull pens" and run-arounds inside of dark walls, no provision made for their occupation or their improvement, and generally, at the heartbreaking, morale-destroying cruelty of society in permitting the maintenance of the system, shiftless, sloppy and destructive to those whom it has taken captive.

Leaving every other thought aside, I was impressed with the economic loss to society of this miserable practice of locking a man up in a cage like a wild animal, and then after a certain time turning him loose on society, still like a wild animal as far as anything society has done to help him. This is not common sense; certainly it is not Christianity.

No missionary work in the world is of a higher order, offers more immediate and full return, or is more directly under the mandate of Christ himself than prison work, and yet I found that throughout this Christian land, teeming with teachers and

preachers for the fortunate and the blest, without laying down any constructive plan for their handling, we were committing the custody of these friendless creatures of God, some wicked and criminal if you please, but all unfortunate and in desperate need of Christian sympathy and help, to men not spiritually minded, ranging from the inexperienced and indifferent to the hard, the cold and the cruel; or though kindly and well disposed, un-equipped by training and temperament for this exacting duty.

I was shocked and amazed at a system which committed its most delicate mental and moral problems to the solution of the most poorly paid, the most inexperienced, the least spiritually minded, and that without furnishing even these poor souls with any chart or compass to go by, at a system the very essential conditions of which deprived the inmates of their sense of personal dignity and self-respect, the preservation of which is necessary to lift man above the beast.

My first reaction to this survey was to avail myself of every legal means to keep out of jail men who ought not to be there. The commissioners of each division were instructed to strive to fix bail so that those charged could make it, and if they could not make any bail, to admit all they believed trustworthy to liberty on their own recognizance.

This emptied the jails of many poor unfortunates awaiting trial. The next step was when only fines were imposed, to give men time to pay these fines, rather than to commit them immediately to jail, and this expedient caused another tremendous decrease in the jail population, and, not having then reached a proper theory of administration, my conscience was for a time satisfied to send to these jails, evil though they were, persons who, I felt, deserved, or rather ought under the law to be imprisoned.

When, however, my horizon had widened by reading and reflection, and I reached the true conclusion that society should use confinement to mold, shape and restore those whom it confined; when I realized the utter wrong of the present purposeless, haphazard, cruel, disgraceful and un-Christian system of caging and uncaging men for brief periods of time without classification based upon their past or provision for their future;

When I realized that a county jail ought to be the most reformatory prison in the state, that the true object of jailing is to convert the anti- or unsocial into the social; when, in short, I came

into the theory which I now hold, that a decent, humane jail for the helpless wards of society is as important to the moral health of a community as its schools and its churches; when I recognized that society must mold its offending wards while it has them in its custody; that its corrective agencies and agents must be animated by that spirit of the parent toward the erring child expressed in the scriptural text, "Whom the Lord loveth, He chasteneth":

I felt it my duty not only to use all legal methods to keep men out of these jails where any other course would satisfy the legal and moral situation, but to do what I could to make the jails the kind of institutions they should be for those who had to go there.

Arrived at this position, I was confronted with the necessity of an entirely new line of action.

When it was merely the matter of the disposition of a man so as to keep him out of jail, there was only to be considered the law and the facts applicable to that case. When it was a matter of changing actual conditions in jails, either of construction or of administration, it became my duty to find out what connection the court had with the jails, and what authority over them.

Investigation of the law on this subject disclosed the following interesting facts:

That prior to 1891 the United States had no penitentiaries of its own, and to this date, outside of the District of Columbia and Alaska, has no jails of its own.

That Congress at its first session in 1789 had adopted a resolution requesting the legislatures of the several states to pass laws making it the duty of the keepers of their jails to receive and safely keep prisoners committed to their charge under the authority of the United States, the United States to pay for their keep; and that most if not all of the states had acceded to this request and passed laws authorizing this use.

That pursuant to this resolution the federal Congress has enacted statutes providing for the use of jails where state authorities permit, and expressly declaring that federal prisoners so confined shall be in all respects entitled only to the same accommodations and subject to the same regulations and treatment as convicts sentenced to them by the courts of the several states and territories, and that while so confined they should be exclusively under the charge of the officers having control of same under the laws

of such state or territory; they being keepers of jails for the United States, and responsible to the federal courts only in cases of overt cruelty or of violation of their duty to safely keep the prisoners committed to them. *Re Birdsong*, 35 Fed. 399; *Ex Parte Shores*, 195 Fed. 625; *Logan vs. United States*, 144 U. S. 163; *Randolph vs. Donaldson*, 9 Cranch 85.

I found the federal government in the position of a purely permissive tenant of the jails, and, due to the higgling, niggling policy pursued by its agents in making contracts for the subsistence and medical care of its prisoners and their arbitrary and dilatory practices in settling and discharging the jail accounts, quite an unwelcome tenant; a position unjust to the counties and states, unjust to the United States, and, I soon found, unjust toward its prisoners.

I found that if I approached the matter of jail conditions in a spirit of complaint I would not only be committing a breach of good manners toward an unwilling and long suffering host, but I would be met, as the Marshal had on several occasions already been met, with the polite but firm answer: "Well, we don't want these prisoners, they cost us money and trouble. We are not properly paid for them though we are giving them as good, if not better, treatment than our own, and if conditions don't suit you, take them out."

Left with no recourse except policy and persuasion, I took the matter up personally, and as a matter of local pride and duty, with the officials of each of the counties having federal prisoners. They all gave most cordial and sympathetic hearing, but encumbered in most of the divisions with antiquated jails and an ancient system of administration through sheriffs, fixed by law and without means for anything but the most temporary and surface changes, they could do nothing without the backing of an aroused and effective public sentiment.

In March, 1925, the federal grand jury at Houston was charged to make an investigation of the Harris County jail, and to return a report thereon, not in a spirit of criticism or of fault-finding with the county officers, but "a real report, constructive, for humanizing the jail according to the modern theory that a prisoner is a ward and not an enemy of society."

In the making of this report the grand jury secured the services of Dr. Hastings H. Hart, a member of your Executive Committee,

and as a result it has produced a report which I take the liberty of saying is the result of the most careful and sympathetic thought, after the employment of the best expert advice. It combines in unwonted measure tenderness and justice, sympathy and common sense, and will repay the most careful reading and study. For while the immediate subject which has produced it is the Harris County jail, it is couched in terms and based upon knowledge and information as broad as the field of constructive penology, and in the most pellucid and illuminating way has presented at once the stark and naked evil and its remedy. That evil is a vicious principle of administration; the remedy, good administration.

In lieu of the present haphazard system this report does not recommend either splendid buildings or mushy and sentimental treatment. It advocates strict, wholesome, kindly and constructive discipline under proper surroundings. It emphasizes the point of view that the object is to convert the anti- and the un-social into the social; that society must mold its wards while it has them, and that it is the spirit toward the task which gives its accomplishment life.

The report was duly sent to the Commissioners' Court, which received the recommendations with favor and interest; but nothing has yet come of it beyond a little washing and painting of the present jail, and a little curing of its most glaring and temporary defects; and I am beginning to wonder whether, so far as changing the conditions of this particular jail is concerned, we shall not have our labor for our pains.¹

I realize the almost insuperable difficulties inhering in the fact that we are not plowing new ground; that we have an established system to entirely uproot and throw away; a sunken investment to completely junk and abandon unless we will agree to put "new wine into old bottles," which will of course foredoom us, for, as we have seen, it is the spirit toward the task which gives its accomplishment life.

What more natural then, that fortified by this report, which through the devoted interest and at the expense of members of

¹ Since this paper was presented, the people of Harris County have voted \$600,000 bonds for a new jail; have enlisted the co-operation of a citizens' committee composed of five members of the federal grand jury of 1925; and have invoked the assistance of Dr. Hastings H. Hart of New York in securing model plans for the new jail.—*Editor*.

the grand jury has been printed, and which under leave of this Association I should like to file as an exhibit to this paper; and speaking in the parlance of the law, aided and abetted, if not entrapped and induced by that same Hastings H. Hart already mentioned, I am come to this convention to propose that you put your hand to this plow, and directing it into new and fertile furrows, put this theory of yours and ours to the test, and bring it into its own.

That you, in short, recommend to the United States that it at suitable points establish jails of its own, to take care, as far as they can, of federal prisoners; but, more important, to stand as an example to which the kindly Christian people of all the states may make their jails conform.

For this action, which I urge you to take, I have but to refer for both a precedent and a happy augury to the fact that on November 20, 1889, at your Nashville meeting, you adopted the following resolution:

WHEREAS, The government of the United States is now compelled to confine its prisoners arrested, indicted, tried, convicted and sentenced by United States authorities in the different state penitentiaries and reformatories throughout the country because it has no suitable prisons of its own and therefore no direct control over its own convicts;

Therefore, be it resolved, by the National Prison Association, in congress assembled at Nashville, Tennessee, that we do favorably commend for action by the United States Congress the erection of two United States prisons situated at convenient centers.

This Association hereby pledges to the Department of Justice its hearty co-operation in every step taken to bring about this result.

And in 1891 the Congress of the United States passed an act entitled "An act for the erection of United States prisons and for the imprisonment of United States prisoners," which prisons in construction, arrangement and administration have served as models of their time and kind.

And so boldly and with confidence I now, thirty-six years after, propose the adoption again of that same resolution altered only by striking from it the word "two" and by substituting for the words "penitentiaries and prisons" wherever they appear, the word "jails."

If you pass this resolution, and as a result "jails" are by the

United States established and administered in the spirit of this attached report, federal judges and prisoners alike may well feel that at last, on this dull earth, "Justice and Mercy are reconciled, and the judge and the brother are one."

While if you pass it, and nothing comes of it but its passing, you need not feel abashed, for like Stonewall Jackson, the mighty soldier and man of God, you can reverently say, "The duty is ours — the consequences are God's."

PRIZE PAPERS
ON
THE JAIL FROM THE PRISONER'S
POINT OF VIEW

BY TWO PRISONERS
IN THE UNITED STATES PENITENTIARY AT ATLANTA, GEORGIA

By permission of the Department of Justice and by the co-operation of Warden John W. Snook, the Chairman of the Committee on Jails was permitted to offer a prize for the three best papers on *The Jail from the Prisoner's Point of View*. There follow Paper No. 1 and a portion of Paper No. 2, which present a graphic and truthful picture of conditions as they exist in many jails in which federal prisoners are confined.

THE JAIL FROM THE PRISONER'S POINT OF VIEW

PRIZE PAPERS BY TWO PRISONERS

IN THE UNITED STATES PENITENTIARY AT ATLANTA, GEORGIA

PAPER NUMBER ONE

"Remanded to the jail in default of bail," thus the judge. A short walk in the brilliant afternoon sunshine, the portals open and close and we are in the County Jail.

After brief identification at the desk on the second floor, a guard raps ringingly on a brass hand-rail, "one coming up for the seventh," and up you go, past six tiers of semi-darkness to the seventh floor of cells. Then along a corridor of practically eternal twilight to an iron cave with a heavy grill front. Not just bars, but metal laths, set facing each other, so that the minimum of ventilation and light can enter. An electric light burns dimly within, morning, noon and night.

The cell yawns as the barred door is rolled back and clamps down as it clangs shut. Two metal bunks, swung from the wall, a wash-bowl and sanitary fixture complete the furnishings. A figure is huddled on the lower bunk, motionless. Peering about in the gloom, you see cockroaches scuttling in and out the ventilator and crawling on the iron walls. Hand marks, streaks of dirt, handwriting and nameless smudges adorn the clammy walls. The wash-bowl is filthy and over all broods a noisome stench of bad plumbing and violent germicides. A reek of human effluvia completes the attack on the olfactory nerves. The great unwashed are here and in their normal state.

As evening wears on a chorus of cat-calls, maniac yells, curses on God and man, and all the filthy outpourings of fetid indecency immured rage from cell to cell, tier to tier, and from ground floor to roof. A three-hour class in vice and indecency holds

forth vociferously until lights are turned off. No effort is made to suppress this torrent of filth and abuse. Contraband of all kinds and dope abound.

Seated on a bunk with a single blanket and no pillow one wonders dully where dinner or supper is. My cell-mate is up at last. He has a twisted tablespoon in one hand and a lighted match in the other. His cooking operation finished, a safety pin is detached from his frayed and filthy clothing. He opens it and lays it handily near. Magically he produces a medicine dropper and draws the contents of the spoon into it. A moment and he has plunged the safety pin into a bared arm and forcing the nose of the dropper against the hole in his flesh, squeezes the bulb. In a few minutes he is walking up and down talking and laughing excitedly. "Want to try a shot—you looked all washed out—makes you feel great."

Only unruly dopesters are transferred to the Annex and there were from six to eight on the federal tier constantly. Many men learn the use of dope while awaiting trial. The strain is great and the supply of antidote is always available through the influx of newcomers, who are neither bathed nor thoroughly searched.

Showers are provided, but are optional. They are not clean and the water supply is inadequate. The same is true of the wash-bowls and sanitary fixtures. Men with vermin ridden clothing are housed in cells with cleanly people who recoil in horror from them, unavailingly. Degenerates are celled with boys and decent men, in two-men cells, with horrifying results. No classification of prisoners is attempted, except a limited number of selected prisoners that are placed in a row of cells dubbed "Broadway." These cells are clean.

The worst features, however, are the intangible things, such as rules affecting visitors and a proper place to see counsel.

The counsel room is too small and disgustingly overcrowded. Attorneys do not like to stay there longer than they can avoid and the prisoners suffer in consequence. Imagine attempting to prepare an intricate mail fraud case, for example, in a room where 12 lawyers and at least as many prisoners are discussing simultaneously murder, arson, rape and robbery cases. Negroes, whites, Chinese, all nations, languages and dialects, the result is bedlam. Lawyers trying to extract more money and clients endeavoring to deceive their lawyers. Threats, entreaties,

prayers, tears, pathos and bathos all intermingled in a mad potpourri of falsehood and villainy.

The interview room almost baffles description. Fifty prisoners side by side, faces pressed to a screen, in a room twilight dark. On the opposite side, another screen—a two-foot lane between. Mothers, wives, sisters and sweethearts in open-backed booths face this far screen. One shouts or screams through this small mesh screen across the intervening lane and through the opposite screen. A prisoner is trying to tell his aged mother to be brave and that he will soon be released, while 10 shout threatening demands to wives or sweethearts as to where they were the night previous. Pleas, demands, curses, tears, the whole gamut of human emotions sift through the bars and build a mad medley whose burden is sorrow and fear, suspicion and hate, love and hope; the sad part being that no one knows if he is heard or understood.

Locked in cells all but two hours of each day and that two hours spent pacing the dim corridors like ghostly shadows. No yard privilege, fall, winter and spring, inadequately fed, the mystery is how and on what those without money in the Tombs live at all. Such conditions would not be tolerated for animals in a zoological garden.

The indictment of the average county jail includes that it is archaic, medieval even, unsanitary, dirty, an abode of vice and a fit place only to teach degeneracy and crime.

PAPER NUMBER TWO

Ignorance as to County Jail conditions, as they really exist in the jails throughout the country, is the greatest stumbling block in the path of real constructive prison betterment. Only a small percentage of the public ever visits the jails in the county in which they live and even those few are invariably personally conducted through the jail by prison officials. The real truth can only be had by actually becoming a star-boarder in one of those "County Hotels."

I make the unqualified statement, based on actual personal experience, that county jail conditions are terrible; of course there are exceptions.

Jailers and their assistants seem to be of a type peculiar to that particular avocation. There is a certain sameness about them

that seems to stamp them indelibly. Most of them are political accidents; their positions secured by the shaking of the "Political Plum Tree" after it has been stripped of its choicest fruit. It is the opinion of the writer that a wonderful stride could be made in jail reformation if a rigid system or method of choosing these officials were applied and an earnest endeavor made to fill these positions with real men, who enjoy a past record of accomplishments instead of failure.

Words are inadequate to correctly portray one's feeling when, for the first time, jail doors clang to and he finds himself shut in. After being received by a "keeper," whose every word is an insult, thrown in a vermin infested cell, and a gruff command to "Shake a leg," he begins to think—"Is it possible that I am still in the United States?" Conditions like this are only supposed to exist in the darkest corners of Russia. But alas! it is true, not a dream but a terrible reality, existing right in your town and my town, and you, Mr. Citizen, are not even interested sufficiently to investigate and find out true conditions.

Every healthy, normal individual is supposed to eat three wholesome meals each day. Why is it that in many jails only two meals are served, and it is certainly a misnomer to call them meals. In most instances liberal appropriations are allowed by the commissioners for the feeding of prisoners, which would amply provide for them if the money were judiciously spent, but unfortunately fully 50 per cent of the appropriation goes into the pockets of jail officials.

The county prisoner is insulted, abused, fed in many jails only twice each day, forced to sleep on a hard iron bunk, covered with a filthy blanket, in a vermin infested cell, with what result? Simply this—no man ever leaves the prison a *better man* by this bitter experience. He is embittered; hatred exists in his heart and he has lost all respect for justice as it is being dispensed throughout the country today.

The *public* is a fair public, always ready to lend a hand toward righting a wrong, when convinced a wrong has been committed, so in behalf of the thousands, now confined in county jails and the millions that will be confined in the future, I ask a fair investigation of jail conditions as they exist today by unbiased citizens with view of bringing about a change for the better.

**SUGGESTIONS FOR GRAND JURY
SURVEYS OF CONDITIONS UNDER
WHICH FEDERAL PRISONERS
ARE KEPT IN COUNTY JAILS**

BY DR. HASTINGS H. HART
CHAIRMAN, COMMITTEE ON JAILS, 1926

SUGGESTIONS FOR GRAND JURY SURVEYS OF CONDITIONS UNDER WHICH FEDERAL PRISONERS ARE KEPT IN COUNTY JAILS

BY DR. HASTINGS H. HART

The object of a survey is to ascertain the conditions under which federal prisoners, both those convicted and those merely awaiting trial, are kept in the county jails of the United States. The survey is not intended to ferret out abuses of prisoners or failure of duty on the part of the sheriff, the head jailer, or the other employes, but simply to ascertain the existing conditions and to discover whether the federal authorities can do anything to improve them.

The suggestions here offered are purposely presented in abbreviated form. More elaborate statements will be supplied if desired.

I. SECURITY.

1. Has the jail a sufficient number of strong, tool-proof cells (perhaps one-third) for jail breakers and prisoners accused of grave offenses? (Minor offenders do not need tool-proof cells.)
2. Is special care taken to prevent escapes by assaults upon turnkeys, especially in opening and closing the outer door?
3. Are keys, firearms, and other weapons kept safely out of reach of prisoners?

II. CLASSIFICATION AND SEGREGATION.

1. Are there separate and distinct departments for:
 - a. Convicted and unconvicted prisoners?
 - b. Men and women?
 - c. Juveniles?
 - d. Sick and insane patients?
 - e. Venereal and tuberculous prisoners?
 - f. Persons held as witnesses, with comfortable rooms?

2. Is there a separate cell for each prisoner; if not, are there cells large enough to accommodate three or more prisoners, in order to prevent the pernicious and demoralizing practice of keeping two in a cell? (The practice of "doubling up" should never be tolerated in any prison because it directly promotes the worst sexual vices.)
3. Is the presence of federal prisoners in the jail a disturbing influence in the maintenance of discipline; does it increase the difficulties and responsibilities of the sheriffs and jailers?
4. Does the presence of federal prisoners produce serious overcrowding; is it such as to make it impossible to carry out the law with reference to classification and segregation of prisoners?

III. SANITATION.

1. Plumbing.

- a. Is there a toilet in every cell; if not, are there sufficient toilets in every department accessible when needed?
- b. Is there a wash basin in every cell; if not, are there sufficient basins in each department?
- c. Is there a shower bath or a tub bath in each department? (For sanitary reasons shower baths are preferable.)
- d. Is there a good supply of hot and cold water constantly available?
- e. Are there drinking fountains in each department; if not, what arrangements are there for supplying fresh drinking water?
- f. Is the plumbing kept clean and in good repair?
- g. Is the pressure of water sufficient to keep the toilets flushed?

2. Supplies.

- a. Are clean face and bath towels furnished weekly to each person?
- b. Is an adequate supply of toilet paper provided? (Newspapers may choke up the plumbing.)
- c. Is an adequate supply of soap provided?

- d.* Are prisoners provided with night-shirts?
- e.* Is underclothing furnished to those who do not have a change?
- f.* Are jail suits provided for prisoners who have not suitable clothing?
- g.* Are sheets and pillow cases provided?
- h.* Are removable mattress slips provided?
- i.* Is there a sufficient supply of blankets to keep the prisoners warm, to permit monthly laundering, and to give fresh blankets to incoming prisoners?

3. Cleanliness.

- a.* Are cells, corridors, windows, and walls kept clean; are floors scrubbed at least twice weekly; are walls and ironwork kept painted a light color?
- b.* Are sheets, pillow cases, mattress slips, night-shirts, and underwear washed weekly in laundry? (Washing by prisoners in sinks and bath tubs is always unsanitary and unsatisfactory.)
- c.* Are blankets washed at least monthly, and are fresh bedding and a night-shirt given to each prisoner on admission?
- d.* Are prisoners required to bathe on admission and at least weekly thereafter; are infested prisoners deloused before being permanently placed in cells? (Temporary cells away from others should be provided for prisoners arriving late at night.)
- e.* Is there provision for sterilizing the clothing of incoming prisoners?
- f.* Is there provision for hair cutting and shaving?

4. Light, Heat, and Ventilation.

- a.* Is there adequate window lighting? (The window area should be equal to or greater than one-fifth of the floor area, and should permit the reading of ordinary print in the cells. If window light is inadequate, sufficient artificial light should be provided during the day.)

- b.* Are the corridors well lighted at all times, and are the cells lighted sufficiently to permit reading without eye strain until 9 p. m.?
- c.* Is the heating plant adequate for all weathers; is the heat regulated so as to prevent over- or underheating?
- d.* Is ventilation by windows only, or is artificial ventilation used; is the air good at all times, especially from 1 to 6 a. m.; are prisoners allowed to meddle with the ventilation?
- e.* Are the kitchen and laundry properly ventilated, especially in hot weather?
- f.* Are the windows screened against flies and also against admission of contraband material?

IV. DIETARY.

- 1. Is there a dietary plan for a balanced ration prescribed by the prison physician or a competent dietitian; if not, who prescribes the diet?
 - a.* Are three meals a day provided, or only two?
 - b.* Are standard qualities of meat, flour, coffee, milk, and other staple food supplies provided? Is there a sufficient supply of fresh vegetables and of fruit, cooked or uncooked?
 - c.* Is there adequate refrigeration and food storage; if not, what precautions are taken to insure a fresh food supply?
 - d.* Is there a competent head cook; is food well cooked in a variety of ways; is it possible to serve cooked dishes hot?
 - e.* Is unconsumed food promptly removed; is the keeping of food in cells and corridors permitted; is there prompt disposal of garbage?
 - f.* Is there a jail garden; if so, how much does it contribute to the dietary?
 - g.* What was the actual daily diet list for the preceding week?

V. MEDICAL SERVICE.

- 1. Is there a competent physician for United States prisoners employed and paid by the government?
 - a.* Does the physician make a limited medical

examination of incoming prisoners within twenty-four hours after admission to detect contagious and infectious diseases?

- b.* Does the physician visit the prison daily, or on call?
- c.* Does the physician provide medicines, or are prescriptions filled by druggists? What precautions are there to prevent the abuse of drugs by prisoners?
- d.* Does the physician have suitable facilities for clinical work?
- e.* Is all hospital work done in the jail, or do grave cases go to other hospitals?
- f.* Is special treatment given to venereal cases and drug addicts?
- g.* What provision is made for nursing patients in the jail hospital?

VI. EMPLOYMENT, EDUCATION, AND PHYSICAL EXERCISE.

The great curse of the jails is the enforced association of prisoners in idleness. Suitable employment, mental and physical, is indispensable if any reformative result is to be secured. In a very few jails simple industries have been established with excellent results. Formerly recreation was deprecated as something intended for the amusement or pleasure of the inmates; but now it is recognized that it is an essential element of normal living and that it is much better for prisoners to spend some time occasionally in that way than to sit in their cells, brooding or concocting mischief.

In some large jails schools have been provided for the younger prisoners. In the New York City prisons in Brooklyn and Long Island City the public library furnishes a direct service for jail prisoners. Good results have followed both methods.

1. Employment.

- a.* Is provision made for systematic employment of convicted prisoners at productive labor (as in the county jails at Bangor, Maine, and in about 14 jails in Pennsylvania)? If so, what form of employment; how provided; how remunerated; does the revenue go to the county, or to the prisoners, or their families?

- b. Are prisoners allowed to make fancy articles for sale (as in certain jails of Pennsylvania); if so, what kinds of articles are made and how is the product marketed?
- c. Are these forms of employment restricted to prisoners serving sentence, or are prisoners awaiting trial allowed to participate in them?
- d. To what extent are prisoners employed in the domestic work of the prison; are prisoners awaiting trial permitted or required to share in the domestic work?
- e. Are the officers of the kangaroo court allowed to compel unsentenced prisoners to work; should this practice be permitted?

(The kangaroo court is a crude organization of prisoners, permitted by the sheriff on the theory that it assists in maintaining good discipline. While in some cases it may be helpful, as a rule it gives rise to grave abuses. It is likely to be controlled by old jail birds of the cruel and domineering type who terrorize the weaker prisoners and curry favor with the jail officers. They compel unconvicted prisoners to do the dirty work of the jail, although the sheriff himself has not authority to compel them to work. They make and enforce their own rules, impose and collect fines, and punish for disobedience or nonpayment of fines.)

2. Education.

- a. Is there a school for the instruction of at least the younger prisoners (as in the jails at Chicago and St. Louis)?
- b. What arrangements for schoolroom and school supplies?
- c. What kind of teachers and how provided?
- d. What branches are taught?
- e. What, if any, manual instruction?
- f. Is there a jail library; if so, how administered; how are books selected and distributed?
- g. Do prisoners receive books from the public library (as in the New York City prisons in Long

Island City and Brooklyn); if so, how distributed and how protected from injury?

- h.* Are magazines and newspapers received; if so, from what sources; what, if any, censorship?
3. Physical Exercise and Wholesome Employment: Is suitable provision made:
- a.* By brisk walking in the prison yard under the eye of an officer (as in English and French jails and a few American jails)?
- b.* By setting-up exercises in the jail corridor (as in the Cook County Jail, Chicago)?
- c.* By various forms of outdoor exercise and games in the prison yard (as occasionally in the Delaware, Pennsylvania, County Jail)?
- d.* By sedentary games (which should not include shooting craps and other forms of gambling)?
- e.* By mass association in idleness in the "bull pen" or in the prisoners' corridor? (This is the plan followed in the majority of county jails; it provides neither exercise nor recreation, but it does provide education in vice and crime.)
- f.* What effort is made by the jailer to secure cooperation of outside clubs and individuals to provide occasional recreation in the form of plays, motion pictures, concerts, and other entertainments, as well as books, periodicals, games, and so forth?

Remark: While objection may be made that giving prisoners motion picture entertainments, concerts, and other forms of recreation is "coddling" them, it should be borne in mind, as already indicated, that today recreation is considered an essential part of every well-balanced life. It should further be borne in mind that many of these prisoners are merely awaiting trial and that a considerable percentage of them will subsequently be acquitted.

VII. DISCIPLINE.

1. What rules are prescribed by the sheriff for the government of the jail? (Obtain copies and attach to Grand Jury Report.)

- a.* When were these rules first adopted?
- b.* Are the rules up to date or are they based on antiquated ideas of prison discipline?
- c.* Do the rules provide sufficiently for the protection of jail officers?
- d.* Do they provide for proper and humane dealing with witnesses, insane persons, women, juveniles, and prisoners inexperienced in crime?
- e.* What forms of punishment are prescribed for violating the rules; are they reasonable, effective, and humane?
- f.* Is the kangaroo court¹ permitted in the jail; if so, what powers and authority are given to its officers?
- g.* Is gambling prohibited?
- h.* Are prisoners required to deposit their money in the jailer's office and to make payments through him; if not, should they be required to do so? Or are they permitted to carry money in their pockets?

VIII. PERSONNEL.

- 1. Is the sheriff intelligently interested in the jail and the prisoners, or does he delegate all responsibility to the head jailer?
- 2. Is the head jailer especially fitted for the job by character, temperament, and education?
 - a.* Is he a man of honor and integrity, firmness and decision, able to meet emergencies; is he fair and kindly, decent in conduct and language; does he recognize that his job means something more than simply holding prisoners in security?
 - b.* Is he personally interested in his prisoners?
 - c.* Does he study incoming prisoners and endeavor to obtain the confidence of those who appear to have possibilities of reformation?
 - d.* Does he endeavor to enlist the co-operation of judicious outside people in behalf of such prisoners and their dependent families?

¹For definition, see page 58.

- e. Does he endeavor to enlist the co-operation of such people to visit and encourage special cases, to provide books, periodicals, and occasional entertainments?
- f. Does he encourage suitable religious services and personal visitation by representatives of different religious organizations; what plan is pursued to exclude injudicious and sensational people?

IX. GENERAL SUGGESTIONS.

- 1. Has the grand jury any suggestions in addition to the foregoing which seem to it to be pertinent to the proper care of the prisoners confined in the jail?
- 2. Does the grand jury consider it advisable for the United States government to establish a system of federal jails and workhouses to relieve conditions where overcrowding is prevalent?
- 3. What does the grand jury consider a fair and reasonable rate to be paid for the care and maintenance of federal prisoners in this jail?
- 4. Should the rate for maintenance be fixed arbitrarily as heretofore, or should it be based on the cost and efficiency of the service rendered? Is the present plan followed by the federal government in fixing the compensation to be paid for boarding prisoners in jails fair and equitable? If not, what changes would the grand jury propose?

X. PAYMENT BY THE FEDERAL GOVERNMENT FOR KEEPING PRISONERS.

- 1. Rate paid for care and maintenance of prisoners.
 - a. Does the compensation include guarding, feeding, medical service, medicine, light and heat, bedding, furnishings, laundry work, rent of jail, miscellaneous expense of maintaining the jail, extra service of jail officers due to the presence of federal prisoners and so forth?
 - b. Is the compensation sufficient to reimburse the county for the actual expense incurred?
 - c. Is the compensation sufficient to cover the service as it ought to be rendered?

2. Cost of caring for prisoners.
3. Instructions for filling out schedule on page 64.
 - a. In practically no instance does the sheriff devote all his time to the jail, as he has a multitude of other duties. An estimate should be obtained from him of the proportion of his time which he does give to it and that percentage of his salary which should be charged against it. For instance, if the sheriff receives a salary of \$3,000 a year and he estimates that he devotes one-third of his time to the jail, \$1,000 should be listed as salary of sheriff.
 - b. A similar plan should be adopted for computing the salary of engineers and firemen if their duties include heating the courthouse, as well as the jail.
 - c. In many counties the physician receives a salary for treating prisoners in the jail, county courthouse, and possibly other county institutions. The same plan of pro-rating the amount of time he estimates he devotes to the jail should be adopted here also.
 - d. A similar principle should be applied to the pro-rating of fuel and light for the courthouse and jail.
 - e. Under "Miscellaneous" should be placed many items of maintenance which are not specifically covered by the other titles.
 - f. If the sheriff or jailer is paid for boarding prisoners by the day or week, the amount paid will represent the cost of feeding under item 2a. Payments made by other counties or by the federal government for boarding prisoners should be included. If the county provides and cooks the food, there will probably be some charge for the service of the steward, chef or head cook, cooking utensils, dishes, and so forth; and this amount should be added to the cost of food.

- g. Under "Total days prisoners were boarded" (item 9), the aggregate number of days for all prisoners for whom board was furnished must be inserted: this means city, county, and United States prisoners either awaiting trial or serving sentence, insane persons, witnesses and debtors.
- h. Under "Cost of jail property" (item 13), give the original cost of the land on which the jail stands and of the jail building. If this cannot be found in the public records, local real estate brokers can probably give an approximate estimate of the original cost. The present value should not be given.

Information with reference to the conditions under which prisoners are kept in jails and workhouses throughout the country and with reference to prices paid for the service, and copies of these suggestions will be furnished on request addressed to

HASTINGS H. HART
Consultant in Delinquency and Penology
130 East Twenty-second Street
New York, N. Y.

Date Due

FE 28 '67

FE 30 '67

**SHOWING COST
JAIL PRISONERS FOR**

(For instructions in fillin

County of.....S

Compiled by.....

and.....

1. Salaries:

Sheriff.....

Jailer.....

Guards..... (Number

Matron.....

Engineers and Fireme

Physician.....

Other salaries and wa

Total salaries.....

2. Cost of feeding prisoner

a. Amount paid sher

board of prisoner **Demco 293-5**
per day.....

(or) *b.* Amount expended for food, ice,
water, and labor.....

3. Bedding, furniture, repairs, and drugs.. _____

4. Fuel and light..... _____

5. Miscellaneous..... _____

6. Total cash expenses..... \$ _____ \$ _____ cts.

**7. Rent (6 per cent on cost of property, see
item 13).....** _____

8. Grand total..... \$ _____ \$ _____ cts.

9. Total days prisoners were boarded..... _____

10. Daily average for the year (No. 9 divided by 365) _____

11. Daily cost per prisoner (No. 8 divided by No. 9) _____ cts.

12. Yearly cost per prisoner (No. 8 divided by No. 10) \$ _____

13. Original cost of jail property..... \$ _____