

**AMERICAN PRISON ASSOCIATION
SEMI-CENTENNIAL, 1870-1920;
COUNTY JAILS "IN THE LIGHT OF
THE DECLARATION OF PRINCIPLES
OF 1870", PP. 3-45 (NOT COMPLETE)**

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**COUNTY JAILS
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OF PRINCIPLES OF 1870"**

ILLUSTRATIVE MONOGRAPHS

- I. Quotations from Declaration of Principles by the Congress of 1870 Applicable to the County Jail.
- II. The Abolition of the County Jail by Frederick Howard Wines, LL.D., 1911.
- III. Report of Special Committee on Jails by Charles R. Henderson, LL.D.
- IV. Report of Special Committee on Jails, Lockups and Police Stations by H. H. Shirer, 1913.
- V. Abstract of Report of Committee on Jails, Lockups and Police Stations by John L. Whitman, 1914.
- VI. Abstract of Report of Committee on Jails, Lockups and Police Stations by William T. Cross, 1915.

**NEW YORK CITY
1920**

COUNTY JAILS

"IN THE LIGHT OF THE DECLARATION OF PRINCIPLES OF 1870"

By HASTINGS H. HART, LL.D.

I gladly consented to discuss county jails at this Semi-Centennial Meeting because I believe that no more important subject will be considered here.

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

Every person here present knows the difficulty of reclaiming those who have become fixed in criminal habits. This is especially true of certain forms of crime, for example, theft and gambling. The hope of reforming a beginner in the early stages of these destructive habits is ten times greater than that of reforming a repeater.

In a paper read before this Association in 1907 I said: "I candidly believe that we have reached the point in the development of prison reform where the National Prison Association ought to address itself systematically and faithfully, for a series of years, to the reformation of the county jail system." This declaration was quoted with approval by the Committee on Jails in their report of 1916.

In this program of one hundred and twenty minutes I am given five minutes—one twenty-fourth of the allotted time. I suspect that this assignment represents the estimate which the Association holds of the relative importance of this subject.

I have examined the 26 volumes of Proceedings from 1883 to 1919. They contain about 14,000 pages. Of these, about 170 pages—a little over 1 per cent.—are devoted directly to the sub-

ject of county and municipal jails. In the nine years from 1888 to 1897 I can find only one page of direct discussion of jails. It is true that the subject of county jails is referred to incidentally in reports on prison discipline and in numerous papers and addresses, but these 170 pages are all that I can find dealing directly with the subject.

Jail papers were presented by Dr. Frederick Howard Wines in 1877; General R. Brinkerhoff, 1884; Mr. Eugene Smith, 1885; Mr. E. A. Meredith, 1887; Mr. Joseph P. Byers, 1898; Professor W. F. Blackmar, 1901; Mr. Alexander Johnson, 1906; and Mr. W. Almont Gates, 1909—all of which have permanent value. Dr. Wines pursued this subject from 1863 until 1912. Almost his last utterance was his splendid appeal, at the Boston Conference of Social Work, for the abolition of the jail system. But these notable efforts, as I have indicated, have represented only a little fragment of the great mass of discussion in this Association.

The United States Census Bureau has treated this subject with the same scrupulous economy which has prevailed in this Association. In the Census Volume on Prisoners and Juvenile Delinquents, 1890, prisoners awaiting trial were included, but in 1900 and 1910 only sentenced prisoners were included, and those awaiting trial were entirely left out of account. Surely the American people ought to be interested in the question of how many prisoners awaiting trial, witnesses, insane people, and young children were confined in the jails of this country, but that information is entirely lacking.

In 1906 a committee was appointed to "investigate the character, methods, and influence of the county jail system of the United States," with Dr. Charles R. Henderson as chairman. This committee made an elaborate study of the entire jail system and accumulated a very large amount of valuable material. Dr. Henderson presented a summary of 20 pages which was published in the Proceedings of 1907, but the general report was never published and its invaluable material was lost to the world.

In 1909 a resolution was adopted for the appointment of a special committee on jails, of which Superintendent Leonard, of the Ohio State Reformatory, was chairman. This committee was renewed from year to year. The special committees on jails submitted three excellent reports: one in 1913 by H. H. Shirer,

chairman; one in 1914 by John L. Whitman, chairman; and one in 1915 by W. T. Cross, chairman.

In 1916 the special committee on jails was not renewed, and I find no mention of jails in the indexes of the annual Proceedings since 1915.

In preparation for this paper I sent a questionnaire to more than 50 students of the prison question. I asked them to give me, in 50 words, their idea of what a jail should be, and then I asked them to mention five jails which reasonably met the standards thus prescribed. One man only, Dr. Emory T. Lyon, of Chicago, was able to mention three "which approximate the better standards in most respects." Not one of these, however, was located in Dr. Lyon's state of Illinois.

All these correspondents agreed that the use of the county jails should be restricted to prisoners awaiting trial; but outside of the states of Indiana, South Carolina, North Carolina, and Alabama, only a few jails conform to this rational and necessary standard. I asked each correspondent to state what improvement had been made in the jail system of his state within the past ten years. With one accord they described improved lighting, heating, feeding, cleanliness, and kindly treatment, but not one of them indicated any intelligent movement for reformatory dealings with prisoners awaiting trial beyond occasional religious services.

Men and women of the American Prison Association, I charge you with fifty years' neglect of the most hopeful and most deserving part of the prison population. I beg you to repent and, from this day forward, to attack the jail problem with the same interest and intelligence whereby such great results have been accomplished in the reformation of convict prisons and the development of the modern adult and juvenile reformatory system.

I suggest that, from this day forward, there be a standing Committee on Jails, Lockups, and Municipal Prisons, and that the first undertaking of this committee be to elaborate a definite program for the reformation of the county jail.

Such a program might include such features as the following:

1. The organization, in every county, of a county jail committee, including a lawyer, an educator, a business man, a representative of the labor union, a Protestant clergyman, a Roman Catholic clergyman, and two women, the duty of this committee to be to provide for the case study of each prisoner committed to the

county jail, and to secure in behalf of each prisoner who is not a confirmed criminal such wise and friendly influences as shall tend to restore him to good citizenship.

2. The elimination of the political control of county jails. This might be done by making them state institutions, administered by a state board, by relieving the county sheriff of responsibility for their administration, by the selection of jail officers under Civil Service rules, solely on the ground of fitness, and by establishing schools for their training.

3. The exclusion of all sentenced prisoners, insane patients, and children from county jails, and committing misdemeanants to state farms, or district farms under state control, with reformatory discipline.

4. The making of public provision for physical and psychological examinations, and medical, surgical, and psychiatric treatment of prisoners.

5. Public provision for thorough case study of the personal, family, and criminal history of each person committed to the county jail as the basis for the reformatory work of the county jail committee and the public officers.

6. Provision of opportunity for outside employment, on the plans now pursued at Montpelier, Vermont, Dayton, Ohio, and Wilmington, Delaware, for such prisoners awaiting trial as may safely be permitted so to work.

7. Securing honorable employment for discharged prisoners.

8. Development of a better type of jail architecture, adapting it for these reformatory purposes.

I submit herewith the address of Dr. Frederick Howard Wines, at the National Conference of Charities and Corrections of 1911, on "The Abolition of the County Jail," together with the report of the special Jail Committee of 1907, prepared by Dr. Charles R. Henderson, and abstracts of the reports of the special Jail Committees of 1913, 1914, and 1915.

I

DECLARATION OF PRINCIPLES BY THE CONGRESS
OF 1870

QUOTATIONS APPLICABLE TO THE COUNTY JAIL

II. The treatment of criminals by society is for the protection of society. But since such treatment is directed to the criminal rather than to the crime, its great object should be his moral regeneration. Hence *the supreme aim of prison discipline is the reformation of criminals*, not the infliction of vindictive suffering.

VI. *The two master forces opposed to the reform of the prison systems of our several states are political appointments, and a consequent instability of administration.* Until both are eliminated, the needed reforms are impossible.

VII. *Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer.* Then only will the administration of public punishment become scientific, uniform, and successful, when it is raised to the dignity of a profession, and men are especially trained for it, as they are for other pursuits.

XI. *In order to effect the reformation of imprisoned criminals, there must be not only a sincere desire and intention to that end, but a serious conviction, in the minds of the prison officers, that they are capable of being reformed,* since no man can heartily maintain a discipline at war with his inward beliefs; no man can earnestly strive to accomplish what in his heart he despairs of accomplishing.

XII. A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended; but how is this possible with his mind in a state of hostility? No system can hope to succeed which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. . . .

XIV. *The prisoner's self-respect should be cultivated to the utmost, and every effort made to give back to him his manhood.* There is no greater mistake in the whole compass of penal discipline than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration.

XX. It is the judgment of this congress that *repeated short sentences for minor criminals are worse than useless; that, in fact, they rather stimulate than repress transgression.* . . .

XXII. *More systematic and comprehensive methods should be adopted to save discharged prisoners by providing them with work and encouraging them to redeem their character and regain their lost position in society.* . . .

XXXI. *The construction, organization, and management of all prisons should be by the state, and they should form a graduated series of reformatory establishments.* . . .

XXXII. *As a general rule, the maintenance of penal institutions, above the county jail, should be from the earnings of their inmates, and without cost to the state.* . . .

XXXIII. *A right application of the principles of sanitary science in the construction and arrangements of prisons is a point of vital importance. The apparatus for heating and ventilation should be the best that is known; sunlight, air, and water should be afforded according to the abundance with which nature has provided them; the rations and clothing should be plain but wholesome, comfortable, and in sufficient but not extravagant quantity; the beds, beds, and bedding, including sheets and pillow-cases, not costly but decent, and kept clean, well aired, and free from vermin; the hospital accommodations, medical stores, and surgical instruments should be all that humanity requires and science can supply; and all needed means for personal cleanliness should be without stint.*

XXXVI. *As a principle that crowns all, and is essential to all, it is our conviction that no prison system can be perfect, or even successful to the most desirable degree, without some central authority to sit at the helm, guiding, controlling, unifying, and vitalizing the whole. We ardently hope yet to see all the departments of our preventive, reformatory, and penal institutions in each state moulded into one harmonious and effective system; its parts mutually answering to and supporting each other; and the whole animated by the same spirit, aiming at the same subjects, and subject to the same control; yet without loss of the advantages of voluntary aid and effort, wherever they are attainable.*