

STATE OF NEW YORK

THE EIGHTIETH ANNUAL REPORT

OF THE

Prison Association of New York

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1924



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P R E F A C E

This is an official report of the Prison Association of New York to the Legislature of the State of New York, which has been made annually since 1845, and constitutes the eightieth of the series.

Paragraph 6 of Article XI of the Act incorporating the Prison Association of New York provides that "the said executive committee" (of the Prison Association), "by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect and examine all the prisons of the State, and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline."

The State law further provides for the printing of 500 copies of this annual report at the expense of the State. Additional copies are purchased from the State printers, at the expense of the Association, for distribution to its contributors and many others, not only in New York State but in many other States and in foreign countries.

THE PURPOSES
OF
THE PRISON ASSOCIATION OF NEW YORK

1. The protection of society against crime.
2. The prevention of crime, and especially of juvenile delinquency.
3. The reformation of the criminal.
4. Protection for those unjustly accused.
5. Parole and probation, when suitable.
6. Improvement in prisons and prison discipline.
7. Employment, and when necessary, food, tools, shelter and other assistance for released or discharged prisoners.
8. Necessary aid for prisoners' families.
9. Supervision for those on probation and parole.
10. Needed legislation.
11. Publicity in prison reform.
12. Research and advice.

[4]

TABLE OF CONTENTS

	PAGE
Preface	3
Purposes of the Organization	4
Officers for 1924	7
Standing Committees for 1924	8
Letter of Transmittal to the Legislature	9
The Prison Association in 1924	11
Crime and Criminals a Scientific Problem	11
Urgent Need of a Clinic at Sing Sing	11
County Jail Reforms	13
Female House of Detention	13
Foreign Visitors	14
Federal and State Legislation	15
Prison Sunday	16
Recommendations to the 1925 Legislature	18
Probation Bureau	22
Parole Bureau	27
Bureau for the Relief of Prisoners' Families	32
Employment Bureau	37
Bureau of Inspection, Investigation and Legislation. (Introduction)	42
Progress in the Administration of the Department of Correction, New York City	44
Desirability of Central Control of all Criminal Prisoners in New York City	49
A Study of the Prisoner Transportation in and from New York City	54
Extracts from a Study of Conditions in Prisons on Welfare Island	64
Our Biggest Tax—The Cost of Crime	64
Grand Jury Presentment to Honorable William Allen	68
Report of Special Committee, August Panel of the Grand Jury of New York County	80
The Penitentiary, Welfare Island	84
The Inadequate Number of Cells	88
Bad Consequences of Poor Location of Penitentiary Buildings	89
Correction Hospital for Females	90
Riker's Island, the First Choice	91
Plans of Department of Street Cleaning for Developing Riker's Island	95
Plans of Commissioner Wallis for Developing Riker's Island	98
Hart's Island, the Second Choice	99
Summary of Findings of Special Committee	101
Recommendations	104
Acknowledgment of cooperation by the Prison Association	106
Broad Powers of the Criminal Courts of New York State to Suspend any Part of a Sentence	113

[5]

	PAGE
Examples of Prison Sentences.....	114
Objections to Certain Forms of Commitment.....	111
Legislative Activities of the Law Committee During 1924.....	119
Acknowledgments by the Law Committee.....	120
Bills Considered by the Law Committee.....	120
Types, Capacities, Control, etc., of Juvenile Institutions.....	130
Prison Labor Legislation.....	131
Table Pertaining to Commutation and Compensation.....	136
How New York Fights Crime, by George W. Wickersham.....	139
The Public's Attitude to Crime.....	139
A Criminal Record Suggesting the Need for Systematic Coordination of Agencies.....	141
Factors in the Cycle of the Administration of Criminal Justice.....	142
What Happens to a Child or Adult who Breaks the Law.....	143
Two Principal Groups of Detention Places.....	143
Constructive Suggestions Applicable to the Correctional System of New York City.....	147
Constitution and By-Laws of the Prison Association.....	150
Treasurer's Report.....	158
Contributions.....	160

THE PRISON ASSOCIATION OF NEW YORK

OFFICERS FOR 1924

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EUGENE SMITH	DECATUR M. SAWYER	C. C. AUCHINCLOSS

CORRESPONDING AND GENERAL SECRETARY

E. R. CASS

VICE-PRESIDENTS

ROBERT W. DE FOREST	GEORGE W. KIRCHWEY
WALTER B. JAMES, M. D.	MORGAN J. O'BRIEN
GEORGE W. WICKERSHAM	

EXECUTIVE COMMITTEE

GEORGE W. WICKERSHAM, *Chairman*

CLASS OF 1925	CLASS OF 1927
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ALEXANDER M. HADDEN	FULTON CUTTING
MRS. H. HOBART PORTER	WILLIAM H. GRATWICK
WILSON M. POWELL	HENRY G. GRAY
DEAN SAGE	HENRY E. GREGORY

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CLASS OF 1926
R. ODGEN CHISOLM
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EDWIN O. HOLTER
RICHARD M. HURD
FRANK D. PAVEY
MORTIMER L. SCHIFF

CLASS OF 1928
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GEORGE BLUMENTHAL
JOSEPH E. DAVIS
MRS. ROBERT F. HERRICK
GEORGE PRATT INGERSOLL
MRS. MARSHALL FIELD

[7]

STANDING COMMITTEES FOR 1924

COMMITTEE ON LAW

SAGE, CUTTING, GRAY, PAVEY, POWELL, INGERSOLL

COMMITTEE ON FINANCES

AUCHINCLOSS, HURD, SABIN, SAGE, SAWYER

COMMITTEE ON DETENTIONS

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POWELL, MRS. PORTER, BARROWS, CHISOLM, DAVIS, HURD,
SABIN, SAGE

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KIRCHWEY, MRS. CURTIS, MRS. HERRICK, MRS. PORTER, CHISOLM,
HURD, JAMES, PAVEY, POWELL, SAGE, SCHIFF

[8]

EIGHTIETH ANNUAL REPORT OF THE PRISON
ASSOCIATION OF NEW YORK

HON. SEYMOUR LOWMAN,

Lieutenant-Governor of New York:

SIR.—In accordance with chapter 163 of the Laws of 1846, we have the honor to present the Eightieth Annual Report of the Prison Association of New York, and to request that you will lay the same before the Legislature.

Respectfully,

THE PRISON ASSOCIATION OF NEW YORK,

By EUGENE SMITH, *President.*

GEORGE W. WICKERSHAM, *Chairman, Executive Committee.*

E. R. CASS, *General Secretary.*

[9]

CHAPTER I.

THE PRISON ASSOCIATION IN 1924

Crime and Criminals a scientific problem. For centuries criminals were regarded as religious outcasts, as people who wilfully denied God and all the laws of a well regulated society. In early Christian days they were regarded as possessed of the devil, and by pagans as possessed of the evil spirit. They were imprisoned with the idea that torture or forced penance would awaken them to righteousness. They were beset with religious and emotional appeals to right themselves. Today we tend to treat prisoners differently.

The rapid strides of science, especially in medicine, during the past two generations have led to an entirely new conception of crime and its treatment. Much crime can be attributed to physical and mental defects. Only by scientific study and treatment can many criminals be helped — if at all. That they are not adequately treated as scientific subjects today is due to the reluctance of a vast percentage of the public to abandon the age old conception of law violators. Many basic laws dealing with criminals and prisons are rooted in these ancient conceptions of crime and criminals, and only by enlightening and arousing public opinion to the new scientific study and treatment of criminals can proper revision of criminal and prison laws be secured.

Today such words as psychologist, psychiatrist, penologist and criminologist have a definite place in the public vocabulary and are associated with the treatment of crime and criminals. The result is, the public in general is beginning to indorse, if not to demand, scientific treatment of prisoners. The public is beginning to realize that no amount of religious appeal will turn some criminals from crime and that only through scientific examination into their mental and physical condition, with a view to proper treatment of discovered disabilities, can such criminals be cured, or aided to a better and useful life.

Urgent need of a Clinic at Sing Sing. The biggest fight the Prison Association of New York has carried on during 1924 was for a clinic at Sing Sing Prison and for the continuation of the construction of the new prison, incorporating all features necessary to the scientific classification and treatment of all prisoners. The establishment of a complete clinic at Sing Sing will mean a practical revamping of the prison's entire administration system. Con-

sequently such a revolutionary step requires patience and a vigorous campaign to enlighten state legislators and the public in general.

A Clinic. With the establishment of a clinic, every prisoner admitted to Sing Sing would receive a thorough examination upon entrance. Not only would his body be examined and reported on, but his mentality and morality as well. Sincere and able examiners are the first requisite to a sound clinic. Their appointment and work should not be hampered by political considerations. While under the State Prison Department the records of their activities should be accessible to the State Hospital Commission and possibly to the American Medical Association as well, and outstanding specialists should be induced to cooperate in the clinic. Too great care in choosing the doctors, surgeons and psychiatrists for the clinic cannot be taken. They in turn must make a careful, exhaustive examination of the new prisoners and recommend what sort of work and possible treatment of mind or body the prisoner should have. Under such care in prison a criminal should be cured—if cure is possible—of disabilities that make him a criminal. Then prisoners who are criminals because their environment was bad and their early training such as made criminality inevitable, should enjoy such environments in prison as would raise them above their old standards and make possible right living once their sentence is served.

It is thus evident that many who come under a prison clinic will be found hopeless; that is, they will be found to possess incurable mental or body defects which forever render impossible proper mental processes and consequent usefulness in life. These cases will have to be provided for in a manner not now general within the United States. Farms or institutions must be created to care for people found to be perpetual criminals because of defective bodies or minds.

Clinics feared and not understood. When the Prison Association first started its campaign for a Sing Sing clinic, it met with universal opposition from the State legislators. They either totally failed to grasp the significance of the proposal or saw enough of it to

realize that it was chock full of things demanding ultimately a complete revision of the State Prison System. These latter turned from the measure in fear. Through circulars and personal contacts with state officials and legislators in both houses of the State Legislature, representatives and officials of the Prison Association have tried to win supporters for the Sing Sing clinic. Some headway has been made and it is certain that interest in the subject has been made paramount at Albany. Every possible effort will be made by the Association to get through the 1925 State Legislature an appropriation providing for the Sing Sing clinic.

Prison Association resolution. The following resolution was passed on January 17, 1924, by the Prison Association Executive Committee and transmitted to the Governor of New York and to the chairman

and members of the Finance Committee of the Senate and to the members of the Ways and Means Committee of the Assembly:

BE IT RESOLVED, That the Prison Association of New York earnestly request that such legislative and administrative action be taken by the government of the State as may be requisite to put promptly in use the new receiving and classification prison at Sing Sing; be it further

RESOLVED, That the necessary appropriations be made by the State to ensure the fulfillment of the plans for the new Sing Sing Prison.

Mr. George W. Wickersham, Chairman of the Executive Committee of the Prison Association, made a personal call upon the Governor at Albany and urged action with respect to the above resolution.

County Jail Reforms.

The Prison Association continued its keen interest in the activities of the Committee to Work Out a Jail Program for New York State. (Chapter III—1923 Report.) The evils of county jails are familiar to any one who has interested himself in prison work. Owing to the long intimacy of members of the Prison Association staff with the jail problem in this State they were able to furnish much enlightening data to the Committee to Work Out a Jail Program. It will be urged upon the Governor and the 1925 Legislature to appropriate \$5,000 to \$10,000 for a special committee to study jail reform measures with a view to placing before the State government complete recommendation for the construction of new jails, the abolition of inadequate and foul jails, and the proper distribution and treatment of county jail prisoners.

Fight Against Female House of Detention on West 30th Street. During the month of July the Prison Association used every means at its disposal to arouse the public of New York, especially the women, to the undesirability of erecting the new House of Detention for Women on a site on West Thirtieth street, New York city.

Letters of appeal were sent to representative women of the city, urging them to oppose the erection of the house on the proposed site. It was pointed out that Thirtieth street is one of the busiest thoroughfares in the city, and that owing to the erection of tall buildings on two sides of the proposed structure, with the probability of another on the third side, little or no privacy would be permitted for inmates desiring exercise in the court yard. Furthermore, the noise of excessive traffic, it was pointed out, would seriously impede the deliberation of the court. But above all, the site, one hundred feet square, is too small. No adequate building with a proper court yard for exercise and recreation, could possibly be erected on this site.

Despite the earnest efforts of the Prison Association no serious opposition to this scheme could be aroused. We regret that it has been determined to go ahead with the project as planned, but feel that time will prove our objections correct.

Foreign Visitors.

An increasing number of foreign visitors have come to the Prison Association during the past year. Many were familiar with the work we have carried on for more than eighty years, and called for further information and a better understanding of our activities. Japanese visitors gave particular attention to almost every phase of our work and expressed themselves as extremely anxious to establish a like organization in their own country. Some of their representatives have paid repeated visits to the Prison Association and every effort to familiarize them with our organization and its ramified activities has been made. During 1924, visitors have been received from the Philippine Islands, Porto Rico, Japan, Siam, Holland, Mexico and several South American countries.

Many foreign appeals for our literature and reports have been received. A complete information bureau is maintained and numerous requests have been received by it, not only from abroad, but from many states in the Union. Students and professors in many universities throughout the country are calling upon us more and more for details of our work, prison and court work generally, and statistics as to crime and criminal jurisprudence. The Association, through its personnel and its information service, has sent out voluminous information bearing upon such subjects as capital punishment, prison labor, segregation, classification, prison construction, probation, parole, etc.

Capital Punishment.

While the Prison Association has not definitely gone on record for or against capital punishment, members of our Executive Committee, by personal contributions, materially defrayed the costs of publishing "Man's Judgment of Death" by Warden Lawes of Sing Sing Prison.

Legislative Activities.

The analysis of proposed state and federal legislation with respect to crime and its punishment, for the purpose of determining whether or not such proposed legislation is on the whole desirable, has ever been one of the principal duties of the Prison Association. With the increase of public interest in crime and a growing demand for revised and scientific treatment of crime and criminals this phase of the Association's work becomes increasingly more important. It is the policy of the Association's Law Committee, headed by Mr. Dean Sage, and staunchly supported by the distinguished jurist who heads our Executive Committee, Mr. George W. Wickersham, not to recommend or condemn proposed legislation until a thorough first hand study of it has been made.

Federal Legislation.

In accordance with this policy several important federal measures received our attention during the past year. Once our complete reports on proposed legislation were ready and recommendations appended, they were sent to the head of the Federal Prison Department, to high officials of the Department of Justice, to House and Senate Committees charged with the pending bills and to members of the American Prison Association. During the year the Association went on record favoring the following Federal legislation: The establishment of a Boys' Reformatory; a Women's Reformatory; Federal Prison Industries and the Federal Probation Bill.

We feel that our efforts contributed materially to the passage of the bills providing for a Federal Reformatory for Women and for the development of Federal Prison Industries.

We will carry our fight for the Federal Probation bill into the present session of Congress when it comes up for consideration. We are urging the President to sign the bill which has been passed by both Houses of Congress providing for the establishment of a Federal Reformatory for Boys and Young Men.

State Prison Legislation.

In many respects 1924 was a banner year with the New York State Legislature. Many measures sponsored or advocated by the Prison Association aroused widespread interest and many were enacted into laws. Foremost among these was a bill making it mandatory that all apparently insane prisoners in Greater New York be transferred to psychopathic wards in city hospitals, and that all such prisoners in other counties of the State be transferred to psychopathic wards in State hospitals. Such a law means that insane prisoners will be examined and treated accordingly and not left to suffer under ordinary prison treatment, which in their case frequently amounts to torture.

Another important bill to become a law which had the whole-hearted indorsement of the Prison Association of New York, was one providing for the bonding of probation officers. It further provided that each county in the State should have at least one salaried probation officer.

A bill to amend the penal laws generally, which provided among other things for a State Superintendent of Prison Industries, the creation of a Prison Industries Board, and the payment of wages to inmates from earnings of the industries, ultimately received the support of the Prison Association and became a law. A full history of this bill, of the fight to defeat it in its original form, and to see that it was passed in its final form, is given in Chapter XI.

One of the principal bills, opposed by the Prison Association, to become a law, was one providing for an increase in the number of Kings county deputy sheriffs. It was felt that this bill was drafted for no other purpose than to foster political patronage.

The Prison Association was successful in its fight to prevent the

passage of bills abolishing the State Probation Commission and the Children's Court in certain counties.

A full account of our activities with relation to State legislative measures will be found in Chapter XI. Our recommendations to the 1925 Legislature are contained in Chapter II.

The American Prison Association.

The Association continued its support of the American Prison Association, an organization which owes its being to the efforts of Dr. E. C. Wines, General Secretary of the Prison Association of New York in 1870, and others prominent in prison work at that time. The purpose of the American Prison Association is to provide for the annual gathering of all persons in the United States engaged in the study of crime and its treatment for the purpose of discussing their work, with a view to stimulating and improving it. Its activities throughout the year are supervised mainly by the General Secretary of the Prison Association of New York.

Prison Sunday.

In 1884 over 300 clergymen of all religious denominations from all parts of the State met with officials of the Prison Association with the object of discussing the relations between Christian churches and the criminal. At that meeting a resolution was passed heartily indorsing the work of the Prison Association and recommending that one Sunday of each year be set aside and that on that day "the churches throughout the State in their services and sermons, give prayerful consideration to the duty of Christian people toward the criminal classes, both those who are in and those who are out of prison."

The National Prison Association in 1889 indorsed this old established custom of the Prison Association of New York. Last year special efforts were made to have all the churches give more attention than in previous years to Prison Sunday, which is the last Sunday in October. Some churches very kindly turned over all or part of their donations to the funds of the Prison Association in addition to holding prayers and discussions in accordance with the earlier resolution establishing Prison Sunday. Efforts will be made to make Prison Sunday for 1925 the banner Prison Sunday for all time.

The work of the various bureaus of the **The Association's Various Bureaus.** Prison Association has given great satisfaction during 1924. While the staff was not enlarged a considerably greater amount of work has been done, thanks to the faithfulness, energy and devotion of its members.

Nearly 900 men were interviewed and assisted by the Employment Bureau, over 40 per cent of them being placed in positions which permitted them to support themselves and to lead honest, industrious lives.

Over 655 men and women were cared for by the Parole Bureau, and of that number 201 received their absolute discharge. Only

92 violated their parole; that is, about 1 in 7 failed to fully satisfy their parole requirements, which would seem to indicate that the general outcry during the year as to the conduct of men on parole is not justified to the extent, so far as the Prison Association's experience goes, that the press would lead the citizens of this city to believe. (See Chapter IV.)

Over 200 prisoners' children were given a Christmas celebration by the Bureau for the Relief of Prisoners' Families, and over 1,000 visits were made to the homes of prisoners. More than \$6,000 was expended to insure prisoners' families against want and to aid them to self support and usefulness during 1924. (See Chapter V.)

The Bureau of Inspection, Investigation and Legislation continued its varied activities in an effort to improve the administration of institutions in the Department of Correction, State prisons, county jails, and court procedure. Details of the activities of this bureau are presented in Chapters VII to XI inclusive.

A conspicuous service of the bureau was its cooperation with the August Term of the Regular Grand Jury of New York county in the preparation of a report on the conditions in the prisons on Welfare Island, New York city. The important parts of the report are presented in Chapter IX.

The Prison Association was a pioneer in probation work in the State of New York. The first probation law in this State, enacted in 1900, was drawn by the late Dr. Samuel J. Barrows, General Secretary of the Prison Association. Convinced that probation, when wisely applied and administered, is superior to a prison term in the treatment of offenders, the Association has never relaxed its efforts in its fight to extend probation.

Mr. D. E. Kimball, General Agent and Probation Officer of the Association for thirty-eight years, conducts the Association's probation work in the Court of General Sessions, New York city. His predecessor, Mr. Stephen Cutter, acted in a similar capacity for thirty-four years. No organization in New York city has as long and as distinguished a record in prison visitation and probation work as the Prison Association. The report of the bureau's activities for the year 1924 will be found in Chapter III:

CHAPTER II.

RECOMMENDATIONS TO THE 1925 LEGISLATURE

1. *Funds should be provided to make for the opening and operation of the clinic at Sing Sing Prison.*

The need for this clinic has been urged in previous reports of the Association and in other writings, and the State definitely committed itself to the idea in legislation passed in 1916.* The plans for the new Sing Sing in their general scope represent unquestionably the greatest advance yet made in any prison in this country, and possibly in the world, for the proper housing and study of prisoners. The clinic building has been completed for two years, but as yet no staff has been provided, nor has there been worked out a definite plan for its operation, not only in the matter of examining into the mental, physical, and moral difficulties of prisoners, but in the carrying out of special treatment in the prison proper in an effort to remedy where possible the difficulties found as the result of examinations made in the clinic. There are many phases of the whole program centering about the work in the clinic that need to be worked out, and which cannot be properly gotten under way until the clinic begins to function. Therefore, it is incumbent upon the State of New York to cease the lagging which has been so evident in this matter for too many years, and which has raised the query, not only in the State of New York, but in other States in the Union, and abroad, to wit, "When will the long-talked-of clinic at Sing Sing begin to operate?"

2. *Provision should be made so that additional construction necessary to the completion of the new Sing Sing Prison can be undertaken.*

As stated above, as a result of legislation passed in 1916 plans for a new Sing Sing were made. Only two buildings have been completed, and, in addition, part of a wall. The new cell building accommodates only 283 prisoners, and in the light of recent changes to the effect that Sing Sing shall not only serve as a reception and clearing house prison, but also as a prison for the permanent detention of certain types of prisoners, necessary construction should not be further delayed.

3. *Legislation intended to improve the county jail system in this State should be enacted.*

The glaring defects and abuses that exist in our county jail system have been described again and again in the reports of the

Prison Association of New York. The county jails should be under the control of a State Department of Correction. Constitutional restrictions make this difficult as an immediate change, but it is possible to effect by legislation the commitment and custody of sentenced prisoners in the jails. They could be sentenced to the county penitentiaries, which should be taken over by the State and placed under the jurisdiction of a State Department of Correction. The county penitentiaries can be made places of reformation, but so long as they are under county management there is little chance for the development of systematic industry and reformative influences. There will be presented to the Legislature a resolution urging the appointment of a legislative committee to investigate the several county penitentiaries of the State, to determine the feasibility of their being taken over and operated by the State as State industrial farms for misdemeanant prisoners, and the best localities for industrial farms. This resolution will be presented and urged by the committee* which has been at work for several years to develop a jail program for New York State. The resolution has the whole-hearted support of the Prison Association of New York, which organization has had the privilege of participating in the work of the Jail Committee, the chairman of which is Mr. George W. Wickersham, chairman of the Executive Committee of the Prison Association of New York.

4. *Legislation providing for the full time service of the State Prison Parole Board should be enacted.*

The recommendation of the Prison Association for a number of years that the State Parole Board should be reorganized, the members thereof to give their full time service to the work, still holds. Attempts to bring this change about through legislation have not as yet been successful. There is need for a parole board to be made up of the best citizens obtainable, who should be selected because of their interest in the work and their willingness to give the necessary time to the important task of determining in the interests of society the fitness of the inmate of a State prison for parole.

The Parole Board at present is made up of two salaried members and the Superintendent of Prisons ex-officio. The salaried members receive \$3,600 each for their services and give one week each month, eleven months of the year, to actual presence in the prisons and to judgment at that time of cases coming up for parole. Nothing less than the full time service of two members, together with such time as can be given by the Superintendent of Prisons, or his delegate, is enough for the adequate treatment of this important duty. One of the chief criticisms of the operation of the indeterminate sentence in this and other States is that the release of prisoners on parole seems to be to a great extent automatic.

The theory of the indeterminate sentence, with minimum and maximum, was not written into the law that prisoners might with

* Chapters I, II, and III—73d Annual Report of Prison Association.

* Chapter III—79th Annual Report of the Prison Association.

great regularity be released at the expiration of the minimum, but that they should be released, if in the judgment of the parole authorities they were fit, at some time between the expiration of the minimum and the expiration of the maximum sentence. It lay also in the theory of the indeterminate sentence that great care should be exercised in each individual case in determining all the factors prior to release.

The value of full time service of parole commissioners is recognized in the statute creating the New York City Parole Commission. This commission consists of three salaried members and two ex-officio members, representing the Police Department and the Department of Correction.

5. *Legislation creating a State Department of Correction should be enacted.*

This subject has been dealt with exhaustively in previous reports of the Association. However, the situation still prevails wherein there exists a certain specialization of institutional administration. There are five different bodies exercising jurisdiction over correctional institutions: Superintendent of Prisons; boards of managers of State institutions; boards of managers of private institutions, sheriffs, and the commissioner of correction in New York city. State and city funds are used wholly or in part for the support of these institutions. The impossibility of a systematic, coordinated program of administration for correctional institutions is obvious.

6. *Legislation should be passed to provide for the continuation of the Prison Commission or a similar body, to function as an independent group in the inspection of State Prisons, Reformatories, Penitentiaries, Jails, City Prisons, and Village Lockups.*

In legislation passed in 1923 proposing an amendment to the State Constitution, provision was made for the establishment of a State Department of Correction, and that the chairman of the State Department of Correction should act as the chairman of the State Commission of Correction, which body is established in the proposed amendment to replace the State Commission of Prisons. This in practice would mean that the Commission of Correction, which is authorized to inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors, would visit and inspect the institutions under the direct jurisdiction of the head of the Department of Correction, thereby automatically placing the head of the Department of Correction in a position to influence the visitation and inspection of institutions under his direct control. This is contrary to the principle underlying the establishment of the State Commission of Prisons, and makes possible the defeat of impartial investigation, visitation and inspection of institutions under the

direct jurisdiction of the chairman of the State Department of Correction.

7. *The Legislature should give attention this year to the present operation of the Sage Law, Chapter 358, Laws of 1916, as it applies to prisoners under definite sentence—those who have been previously convicted of what amounts to a felony—and to prisoners serving indeterminate sentences or those who have never before been convicted of a felony.*

Prisoners under definite sentence can earn both compensation and commutation of sentence, whereas prisoners under indeterminate sentences can only earn compensation of sentence. Therefore a prisoner with a long criminal record who is sentenced to 20 years under a definite sentence can be released in 10 years, 1 month, and 25 days, whereas a so-called first offender given an indeterminate sentence of not less than 20 years must serve 14 years, 11 months, and 10 days, or 4 years, 9 months, and 20 days longer than the second offender. Further comparisons can be found on page 136 of this report. Legislation should be enacted which would remedy what now seems to be an injustice to the first offender felon who is committed to a State prison, and there should be set up instead of the present commutation and compensation law a statute which will allow equal chance for all prisoners to earn their release through good conduct, satisfactory industrial, vocational and book school accomplishments, progress in religious training, and a reasonable certainty of good behavior subsequent to release.

8. *Legislation should be enacted which will restore to the State Commission of Prisons the power to examine plans for the alteration or construction of village lock-ups, city lock-ups, police stations, county jails, county penitentiaries, and State prisons.*

This power was unwisely taken from the State Commission of Prisons when the Governor signed a bill which became chapter 601 of the Laws of 1924.

9. *A legislative committee should be appointed to make an exhaustive study of the penal statutes in preparation for a codification, simplification wherever possible, and standardization of punishments prescribed to meet existing social and economic conditions.*

10. *See recommendations embodied in special article constituting Chapter XII, page 147 of this report.*

CHAPTER III

PROBATION BUREAU

The Prison Association's probation work in New York city during 1924 came in for considerable public recognition. For 80 years a representative of the Prison Association has daily visited the city prison (the Tombs). Since 1900, when the first probation law came into effect, thanks to the persistent efforts of the late Dr. Samuel J. Barrows, then general secretary of the Prison Association, a fair portion of the probation work of the Court of General Sessions has been carried on by the Association's probation bureau.

While never relaxing in the performance of this work the Prison Association feels that it is a definite city responsibility and should be taken over by the city, as is the case in the Children's Court, the Magistrates' Courts, and the Court of Special Sessions. The Association has favored and urged this absorption by the city for the last fifteen years. There has been opposition which has centered mainly around the contention that the work should be carried on along denominational lines. This the Association has held, and continues to hold, as not sufficiently substantial to allow the city to shirk its responsibility. It is felt that the denominational requirements can be adequately provided for in the selection of a sufficient number of Catholic, Protestant and Jewish probation officers, who should be in the employ of the city. This method is employed in the designation of probation officers in the three courts mentioned above, the New York City Parole Commission, and State supervisory units. For the Prison Association or any other organization to carry on the probation work indefinitely, with all the extensive machinery that is necessary for the administration of the best kind of work, is a burden too great for the taxpayers of this city to expect. The plain statement is this: the city has recognized and assumed its responsibility in the matter of probation administration in the Children's, Magistrates' and Special Sessions Courts—now, why shouldn't it assume the same responsibility in the Court of General Sessions? There is no answer to this that will hold. The Association consequently will continue to urge that the city take over the probation work, and at the same time will painstakingly and faithfully continue its own share of the work until the city assumes its just responsibility.

Mr. D. E. Kimball, the general agent and head of the Probation Bureau of the Association, reports that the work of the Court of General Sessions continues to increase and that today it is divided into nine parts with as many judges. The staff of the prosecutors in the district attorney's office has been correspondingly increased,

but, as Mr. Kimball points out, the number of probation officers who serve the court, without any financial aid from the city or county, remains little more than in former years. It is thus clear that the city alone can properly meet the demand for probation officers.

The total number of cases investigated by the Prison Association's Probation Bureau in 1924 was 758, as against 582 in 1923. The number released on probation remained practically the same, 103 being released in 1924 as against 106 in 1923. Robbery cases increased during the year from 29 in 1923 to 67 in 1924, and only two were released on probation in each year. The increase in robbery cases is attributed to the vast number of unemployed throughout the greater part of 1924.

One of the most lamentable conditions noted by the Probation Officer of the Prison Association is the apathy and unconcern of first offenders, for the most part boys in their teens and young men in their early twenties.

A visit to Part I of the Court on any morning cannot fail to startle the caller. It is here that all prisoners must plead to instigate the grand jury charging them with various crimes: the prisoners being lined up against the wall behind a wire netting, and as each one comes out to answer guilty or not guilty of the crime charged the visitor will wonder if all crimes are committed by youths or boys. None seem to be frightened or repentant, but rather indifferent or nonchalant. All prisoners must be represented by counsel, either paid or assigned, before a plea is entered: if the plea is "not guilty" he is returned to the prison pen downstairs for trial by jury at a later date, but in the event of the plea being "guilty" his fingerprints are taken and the case is adjourned for a week for judgment by a probation officer who reports in writing to the judge on the day of sentence.

The probation officer visits the prisoner in the City Prison and obtains from him the usual information as to age, religion and social condition; names and addresses of employers, duration of employment, etc., all of which are carefully checked up. While obtaining this information the officer notes the apparent physical and mental condition of the subject. Many of the persons examined show evidence of mental deficiency. Some of them are unable to tell connected stories or to give facts concerning their past that would react to their benefit. In nearly every case necessary data must be fairly dragged out of them by persistent cross-examination. Most of them, as might be expected, have concocted, with the assistance of other prisoners, excuses for the crime to which they have pleaded guilty, or say they pleaded guilty because of their prison records, or that they were "framed-up" by the police. For the examination of those suspected of being mental cases there should be available as a part of the court machinery one or more psychiatrists. This has been urged by the Association for years. At the present time it is necessary for the probation officers of the Association, and of other organizations doing probation work in

the Court of General Sessions, to refer such cases, with the permission of the court, to outside psychiatrists, or to Dr. Gregory of the Psychopathic Ward of Bellevue Hospital.

It has been the practice of the Association for twenty-five years to supplement the activities of the Probation Bureau with those of other bureaus of the Association in obtaining employment for those placed on probation, in giving all kinds of help to the mothers and children of men who are being detained in the City Prison prior to the disposition of their cases, and often in helping the families subsequent to the man's release until they are able to carry on of their own accord. The agents in the Bureau for the Relief of Prisoners' Families, Employment Bureau, and Parole Bureau are frequently called upon to assist in some form of investigation relating to pending cases. This system of flexibility of activity on the part of the members of the various bureaus is necessary in the interests of economic and efficient service.

The following cases are typical ones in which the judges have granted probation:

L. S., a chauffeur working for a prominent banker of this city, was charged with robbery. He went into a second-hand clothing store to buy a suit of clothes, leaving his employer's limousine just around the corner. He said he had no intention of committing any crime at the time he entered the store. He was suddenly impelled to hold up the clerk with a revolver, but before he could carry out his intention of cleaning up the place a policeman followed by detectives came upon the scene and they beat him so severely that he had to be treated by an ambulance surgeon. His past record was so excellent and his employer had such confidence in him that he employed an expensive lawyer to defend him. As his conduct was so erratic he was examined by two of the foremost alienists in the city; the first said he was clearly of the opinion that at the time the crime was committed the man was in an abnormal mental state and did not realize the nature and consequences of the act he was committing. The second alienist, who is the foremost in his line in Bellevue Hospital, reported him as a weakling. His individual friends and former employers sent letters to the court urging the maximum of mercy and made promises to look out for his future.

The judge kept the case under advisement for a long time and finally decided that in as much as the young man had a good Army record, a good working record, and that his wife and baby would be left destitute if he were sent to prison, he would place the fellow on probation on condition that he obtain employment elsewhere than in New York. Friends provided means to send him to Kentucky where he immediately secured employment in a steel mill. He communicates with Mr. Kimball as probation officer at stated intervals and letters received from him indicate that he is making good. He is advancing steadily in his new work and is confident that he can get along.

Another case is that of a man who became disgusted with a nagging wife. He was clearly a feeble-minded man and says he got sick and tired of the violent strife at his home. He ran away and secured employment in Vermont where he remained for about a year before his wife located him and made a complaint to the District Attorney. He was placed under arrest charged with abandoning his two children in destitute circumstances and when he was brought into court he pleaded guilty. Investigation showed that he always worked and the manner of the lady in the case clearly indicated that there was some truth in his statement that she was not the weaker vessel. The judge placed him on probation for two years and ordered him to pay \$8.00 per week toward the support of his children. Much to the surprise of the probation officer the pair made up their differences and the man's brother, who is superintendent of a large factory in the Bronx, offered him immediate employment. The wife says that she could not ask for a better husband. If he had been sent to prison she and the children would have continued to starve. Probation solved this difficulty.

Restitution continues to be a feature of the probation work and during the year the Association received on such account about \$8500, and on account of the support of children about \$1100.

One man has been paying \$15.00 per week steadily since June 1919. Another has been making monthly remittances since June 1917, and altogether about twenty persons are making such payments with more or less regularity.

One colored man who organized a society, known as the Order of Turtles and Turtle Doves, collected money from his friends to incorporate this benevolent order but applied the money to other purposes and is now painfully making good in small installments.

Statistics for Probation Bureau

Cases investigated in city prison (Tombs) for judges	758
of Court of General Sessions	103
Released on probation	86
Released on suspended sentence	184
Sentenced to State Prison	174
Sentenced to Penitentiary	46
Sentenced to Elmira	20
Sentenced to City Reformatory	49
Sentenced to Workhouse	6
Sentenced to Bedford Reformatory	47
Sentenced to City Prison	10
Sentenced to House of Refuge	1
Sentenced to Napanoch	3
Plea Withdrawn	1
Discharged	2
Fined	25
Insane	2

Office Work

Number on probation December 31, 1923.....	126	
Received on probation to December 31, 1924....	103	229
Discharged with improvement.....	67	
Discharged without improvement.....	20	
Arrested and sentenced.....	8	
		95
On probation December 31, 1924.....		134
Money received on account restitution.....	\$8,487 65	
Money received on account children's support.....	1,088 00	
Total	\$9,575 65	
Personal reports at office.....	2,677	
Mail or telephone reports.....	705	

CRIMES OF PERSONS WHOSE CASES WERE INVESTIGATED BY PROBATION DEPARTMENT

Felonies

Grand Larceny	146
Forgery	30
Burglary	54
Robbery	67
Assault	64
Manslaughter	11
Bigamy	10
Abandoning child	3
Receiving stolen property.....	3
Other felonies	51
Total	439

Misdemeanors

Petit Larceny	149
Assault	97
Unlawful Entry	48
Other misdemeanors	25
	319

CHAPTER IV

PAROLE BUREAU

During the year 655 men and women were on parole to the Prison Association of New York. Of this number 383 were cases continued over from 1923, the remaining 272 cases having been received during 1924. Of this number 201 were discharged. These figures have been particularly gratifying to the Parole Bureau, for they indicate that about 30 per cent. of the total number handled have been placed on a self-supporting basis and have shown themselves capable of good and useful conduct. It is felt that these people, and most of the 362 still on parole, will no longer be a menace to society and that they will lead useful, happy lives.

Of the total handled only 92 have been reported delinquents, which means that only one in seven placed in charge of the Prison Association Parole Bureau has proven himself unworthy or incapable of the reformation sought by the Bureau.

In addition to caring for these men and women the parole officer has visited each of the State prisons in New York once a month during the year. It is felt that these visits netted incalculable results in that Mr. A. L. Bohn, Chief of the Parole Bureau, has been able to bring prisoners in touch with their families and often paves the way for reconciliations between dear ones who had been separated by the shock of a prison sentence. The sympathy and understanding the Parole Officer can give to a prisoner before he is released on parole frequently lays the foundation for the necessary reformation in the prisoner's character. It furthermore creates hope within the prisoner, and once a prisoner has hope his path to future usefulness is much easier.

Visits to the homes of prisoners for the purpose of studying their families and the conditions prevailing are made almost daily by the Parole Officer. By acting as liaison officer between a prisoner and his family, home ties are held intact. Frequently the advice and sympathy of the Parole Officer has saved from irreparable wreckage homes that were rapidly going to ruin once the head of the family had been withdrawn in disgrace to a prison. In the preservation of homes, the basic unit of a happy and proper society, the Parole Officer of the Prison Association has performed one of the most valuable services it falls to the Association to undertake.

The following are exemplary cases handled by our parole officer:

When L. M. had served the required length of time in State Prison, he was paroled in the custody of the Prison Association. Previous to his trouble he had been a clerk. He was anxious to

again take up that line of work. He made application to a number of business houses, but in each case he was asked for a reference. He could not give this. The man became discouraged and told the parole officer he must have money. He further stated that he did not care how he got it. Through personal contact the parole officer secured a position for this man as clerk at a small salary. In the beginning he found it hard to get along but he plugged away and finally was given a raise. His employer took an interest in him and placed him in a still better position. He is now drawing a very good salary and has found it possible to establish a home for himself and family. At Thanksgiving he called at the office and gave \$10 towards purchasing a dinner for the family of a prisoner. This man attributes all his happiness to the help given him by his parole officer.

For some time previous to the release of a certain young man from one of the State Prisons, his father had called at the office of the Prison Association. He spoke to the parole officer about his son and said it would be impossible to do anything with him. The young man was paroled in the custody of the Prison Association and it was arranged to have his father meet him in the office. Through the efforts of the parole officer he agreed to go home and try to do what was right. He remained there for a short time and then disappeared. Within a week he returned, and fearing he would be sent back to prison, refused to see the parole officer. However, the parole officer went to see him. A position was secured for the man and he was kept under strict supervision. He was on parole for one year and during most of that time retained one position. His attitude towards his family has changed and he is trying to do what is right. About one month ago he was granted an absolute discharge and the last time he called at the office informed the parole officer it was worth while carrying out his instructions.

After serving his time, H. E. came into the custody of the Prison Association. His only relative was a widowed mother. While her son was away she tried to support herself by doing day work. Of course this woman had very little to offer her son on his return home. Our parole officer referred the case to the employment department and work was secured for the man. After working steadily for six months, he expressed a desire to go into the tea and coffee business. The Prison Association advanced the young man a small loan which helped him to get a start. He worked diligently for a year and at the end of that time had a list of customers numbering one hundred and fifty. His income was a fairly good one and he found it possible to pay back the loan which he borrowed from the Prison Association.

A short time ago a woman was released on parole to the Prison Association. She had come from a fine family in Canada who did not know anything about her trouble. She was a nurse but on account of her conviction had lost her license for practice in

New York State. When released she called at our office and informed the parole officer she did not know where to go, nor to whom. All that she had was the little money she received when leaving prison. Through the combined efforts of our parole and relief agents a home was found for the woman and two weeks' board paid. A position was secured for her with a private family who have taken a kindly interest in her welfare. She is willing to continue in this kind of work until such time as her parole expires, after which she will return to the home of her people. She calls at the office every month and on a number of occasions stated that it was the interest taken in her by the Prison Association that helped her to lead the right kind of life.

A young colored woman, on parole to the Prison Association, had been complaining of ill health. Her condition became serious. Our parole officer called and was informed by members of the family that a doctor suggested an operation on the throat. The young woman kept putting off the operation because she did not have the funds to pay for same. The parole officer got in touch with a city hospital and made arrangements for the operation. As soon as she was able to get around, she was sent to the country for a period of two weeks. She has returned to the city and is now able to attend to her daily work. She states it was the kindness and encouragement given her by the Prison Association that has brought all her happiness, especially the return of her good health.

When J. G. was released on parole, he had one obstacle to meet. A good paying job was offered him in his trade, but he did not have the tools with which to work. He mentioned this fact to our parole officer who took up the matter with the proper department and the necessary funds to buy tools were furnished. Through the untiring efforts of the parole officer this man was again reinstated in the union to which he belonged prior to his trouble. This went a great way toward helping the man get better and steady employment. At the time of his monthly visits to the office he always states that it was the interest taken by the parole officer and the help given by the Association that enabled him to rehabilitate himself.

After J. M. had been released from prison he seemed to have a great deal of trouble finding suitable lodging, also employment. Previous to his trouble he had been a soldier in the World War, and from the time of his return to this country, seemed to cultivate a hatred for everyone, always claiming everybody was against him. The parole officer soon learned that the young man was in poor physical condition, and arranged to have him treated at a certain hospital. Within a period of a few months the young man was restored to good health. Through the cooperation of the Association's Employment Bureau a position was secured for him and better living quarters. It seems as though a miracle has been worked upon this man. He has changed his attitude towards his

fellowmen and claims he is anxious to work and try to make good. His one ambition is to rehabilitate himself and again become a law abiding citizen.

The following are a few of the letters received by the Parole Officer from men who have been discharged from parole:

DEAR MR. BOHN.—I am very happy to acknowledge receipt of your kind letter of May 14th accompanying my discharge from parole. The making of my parole certainly has been very pleasant and I know that your friendly influence over me has been a source of encouragement to me.

Because I am released, please do not forget me. I shall always be glad to receive a call from you whenever you can conveniently make it.

You can be sure that whenever I am near your office I will take advantage of your kind invitation to call. With very best wishes to you, I am

Sincerely yours,
E. H.

DEAR MR. BOHN.—The discharge and your most kind and welcome letter received recently, and needless to say my pleasure knew no bounds. In view of the fact that you have been so kind to me and so unselfishly interested in my welfare, I feel that your well wishes for my future success were more than just sincere.

At present I can do no more than to thank you earnestly and hope that some day soon I may again have the pleasure of meeting you.

Sincerely and appreciatively,
C. J.

The following letter was received from a young colored girl after she received her discharge:

DEAR MR. BOHN.—Yours was received on the 15th, and I was very glad to get my discharge. I don't know how to thank you and to let you know how much I appreciate all that you have done for me. I am going to be a better girl and live a better life in the future.

May your's be a long life and much success in your parole work.

Sincerely yours,
H. S.

The writer of the following letter was given financial help and a position was found for him:

MR DEAR MR. BOHN.—On behalf of my wife and self, we are enclosing herewith a contribution, while small, but nevertheless will make some unfortunate's family happy on Thanksgiving, as I for one realize what sufferings exist by the dependent of those that run about of the Law.

If it were not for you, the interest which you took in me, securing for me the position which I now hold, God only knows what the outcome may have been. You may rest assured that anytime I can help some unfortunate, as it was my case, I will call on you, also, if at anytime I can be of service to you, it is my wish that you call on me.

After my parting with you at the termination of my parole, does not mean that we will not see one another again, but as often as the opportunity permits, I shall visit you. Also there is "Welcome" written on our door mat for you and yours at all times.

Words cannot express my appreciation to you for what you have done for me, in what appeared to be the darkest moments of my life, which like magic you turned to sunshine, and it will always be my desire to place sunshine in some unfortunate's way, or dependents, by both action and means, which may be in my power.

I remain,

Yours respectfully,

M. L.

Statistics for Parole Bureau—1924

Total number cared for.....	655
New cases (men).....	264
New cases (women).....	8
Hold over cases (men).....	362
Hold over cases (women).....	21
	655
Number discharged (men).....	187
Number discharged (women).....	14
Delinquents (men).....	91
Delinquents (women).....	1
Total number on parole December 31, 1924.....	362
	655

Percentage of paroled prisoners dismissed and believed to be making good.....	about—30 %
Reported delinquent.....	about—14½ %

CHAPTER V

BUREAU FOR THE RELIEF OF PRISONERS' FAMILIES

Business methods widely acclaimed and practised by the American people are tossed in the scrap heap when it comes to the handling of prisoners. Annually many thousands of prisoners are held in partial or total idleness throughout the country. There are some prisons where the prisoners are put to work, but their earnings are held to an absurdly small amount, utterly inadequate to permit helping their families. The families, whose main support the prisoner generally has been, are left to shift for themselves once their breadwinner has been placed behind the bars. More often than not the dependents, the family, consist of an overworked and undernourished mother and small children utterly incapable of caring for themselves. Thus the family is not only deprived of its source of supply, but is, in addition, handicapped by the disgrace of the breadwinner. This condition is perhaps the most unfortunate resulting from crime.

The Prison Association feels that relief given to such people should in no way depend upon disciplinary measures. The wife and children of the criminal are certainly unfortunate and generally innocent victims. Charitable institutions must look after them; they are dependent upon the bounty of their fellow beings with whom they have little or nothing in common for the barest necessities of life. Such a social condition is a canker in the body politic. The only way to heal it and prevent it from undermining and disorganizing the whole political structure of the country is to provide prisoners with occupations that will enable them to work and earn; the earnings to be applied to the support of their families. No such general system exists in the country, and until an adequate industrial system for prisoners has been worked out one of the most unfortunate and menacing conditions in American national life will exist.

The Prison Association will lose no opportunity to fight for the eradication of this condition, but this fight we cannot carry on to the neglect of those who today are innocent victims of that condition. Charity should not be the handing out of alms and the providing of the necessities of life to people who are prohibited from receiving them in a right and proper fashion. Such charity while essential today, in view of the lack of an adequate prison industrial system, merely smooths over, merely camouflages a defective criminal system.

The Bureau for the Relief of Prisoners' Families during 1924 cared for 332 families of prisoners and expended more than \$6,000

in their behalf. The Association was also the means of distributing money, gifts of clothing and food to these same families. It was only through the motherly attention, cheerful and optimistic advice and unconditional assistance rendered by Mrs. A. F. Hore, Chief Relief Agent of the Association, that many families were saved from total ruin. The work of this department constitutes one of the principal spheres of activity of the Association, and in spite of all that it has done, much that might have been done has had to be passed up because of the limitation of the supply of funds, clothing, food, etc.

Among the more important cases cared for by this department during the past year are:

The father of a family sent to prison for a long term, left a fairly comfortable home for his wife and three children. The wife, a woman of weak character, found her burden too onerous and became a drunkard. She neglected her children, causing the death of the youngest. The relief agent called at this home and tried in every way to help the woman, who would not listen to her. At last the matter was placed before the Society for Prevention of Cruelty to Children and the little ones were placed in charitable institutions. The mother disappeared. Numerous efforts were made to find her without success. When this news reached the husband in prison it added to his worries. He had always been a good father and he was greatly devoted to his children. He asked the Prison Association Relief Agent to visit one of his sisters to see if she could take the children into her home. This was done with the result that this sister offered to take the oldest child, a boy. The other child, a little girl, was eventually placed in the home of another aunt. This father's heavy heart and many prison hours were thus lightened and his little daughter and son given the chance to live more normal lives. It has been arranged that our relief agent will see the little girl at least once a month so that a report on her condition can be made to the father when the agent makes her monthly visit to the prison.

A mother, whose only son was an inmate of a State institution and whose daughter was of the wayward type, was compelled to seek employment as janitress. She received but seven dollars a month for her services and out of this small amount she found it impossible to buy food. The case was brought to the attention of our relief agent, who called at the home and found that the woman had been without food for two days. A supply was purchased for her and arrangements were made whereby she would receive a small allowance from the Prison Association each month until the time when her son would return. The daughter was sought out and interviewed. In the beginning she refused to accept any offer of employment, boldly stating she would not work. After talking to her and pointing out the injustice she was inflicting upon her stricken mother, the girl promised to work if employment could be found. A position was secured for her. A short

time thereafter the relief agent called at the home of this family and to her gratification learned that the young girl was making good. About six months ago the son was released on parole. He secured work in a factory and together with his sister is doing everything possible to make his aged mother happy.

Mrs. L. was the mother of three children, ranging in age from five weeks to six years, when her husband was sent to prison for forgery. He said that he committed this crime to get sufficient money to give his wife and children all that they asked for. For a time the wife went to see him and occasionally wrote him a letter, telling him about the children, etc. Later the letters decreased in number and the visits grew less frequent. At last he heard nothing from home. On one of our relief agent's visits to the prison this unhappy man asked her to call on his wife and find out what was the trouble. A visit was made to the home where it was learned that the young wife was being influenced by her family to abandon her husband. An allowance of fifteen dollars a month was given to help pay the rent, and the relief agent tried in every way possible to change the woman's attitude toward her husband. The woman was obdurate and added to her husband's sorrow by having a deportation warrant filed against him. She alleged that he was not a citizen of the United States and the man was at sea as to how he could prove the contrary. He asked our relief agent to call at his home and ask his wife for his citizenship papers. These the woman refused to show, nor would she give any information that would help prove his citizenship. The relief agent then took the matter up with the Department of Immigration, and after a thorough investigation it was proven that the man was an United States citizen. The warrant for his deportation was then withdrawn. The wife has no desire to cooperate in bringing about her husband's rehabilitation. Urged by her family she is doing everything possible to harm him. Despite his failings, the man has a great love for his wife and children. The Prison Association will continue its interest in the case, and when the man is released on parole will do what is best for him.

A short time after her husband was sent to prison J. W. became despondent and started drinking to excess. Her small children were very often left without the guidance of a parent. Their grandmother in despair took the children to her home but she soon found that her small earnings would buy food but not clothing for them. The case was brought to the attention of the Prison Association and our relief agent called at the grandmother's home. The children were greatly in need of heavy clothing and winter shoes which the Association purchased for them. For the past year these little ones have been properly clothed and attended school regularly. The grandmother's meagre earnings have been supplemented by a small allowance from the Prison Association every month.

Mrs. M. called at the office with her three small children. She said she and her husband had been caretakers of a farm near a small town, but that he had become dissatisfied with conditions, and without saying anything to her had run away. The first she heard of him was when a month later she received a telegram advising her of his arrest in New York city. She sold her furniture and came to New York. In New York she rented a furnished room for herself and children but within a short time her funds were exhausted and she was asked to vacate for non-payment of rent. It was at this time she called at the office of the Prison Association. She asked that her children be placed in institutions and that she be assisted to find work. The poor mother was undernourished and unable to work. Our relief agent arranged to care for the little family for two weeks at a home. After a week of proper rest and good food the mother succeeded in getting a position with a former employer. As the children were well cared for during the daytime in the home the mother went to work with a contented mind. Our relief agent called at the home a short time ago and found the mother very happy as well as the children, all of them expressing thanks for the help the Prison Association had extended to them when they came friendless to New York city.

Statistics for Relief Bureau

Total number of families cared for in 1924.....	332
Families under care January 1, 1924.....	155
Families received during 1924.....	167
Old cases reopened in 1924.....	10
	<hr/> 332
Cases closed during 1924.....	204
Cases on hand December 31st, 1924.....	128
	<hr/> 332
Visits made to families by Mrs. Hore during the twelve months' period.....	1040
Number of men interviewed by Mrs. Hore during the twelve months' period, at the penitentiary at Blackwell's Island, Hart's Island, and in Sing Sing Prison.....	400
Women referred to hospitals for general examinations.....	7
Women referred to Bellevue Hospital for treatment.....	3
Women referred to Mt. Sinai Hospital for treatment.....	5
Women referred to Women's Hospital for treatment.....	1
Women referred to Post Graduate for treatment.....	1
Women and children referred for examination, Eye and Ear Hospital.....	5
Glasses furnished.....	2
Women sent to the dentist.....	2
Children referred to Mt. Sinai Hospital for tonsil and adenoid operations.....	4

Women referred to Lying-In Hospital for treatment.....	2
Mothers provided with Thanksgiving dinner.....	82
Children provided with Thanksgiving dinner.....	219
Mothers provided with Christmas dinner.....	92
Children provided with Christmas dinner.....	200
At Christmas time clothing, shoes and toys were given to 200 children.	
Women referred to the Board of Child Welfare, eligible for allowances for their children, under the State Law.....	19

CHAPTER VI

EMPLOYMENT BUREAU

One of the most trying problems confronting the Prison Association of New York is that of employment for discharged prisoners. There is no favorable angle from which to attack this problem: ignorance and prejudice on the part of most employers and the grievous handicaps naturally a prisoner's, render it discouraging from any angle. By a campaign to educate and soften the hearts of employers and by personal and sympathetic interest in every released prisoner who presents himself to the Association, great results have been achieved during the past year.

Few of the men who present themselves to the Prison Association of New York possess stability or intelligence to any appreciable degree. They are, for the most part, the dregs of prisoners. The better class men released from prison usually have friends to help them, or are themselves able to find a new way to a better life. But the social misfit, physically sub-normal, frequently diseased, and generally without a friend to his name, must find some one to lessen his burdens and give him a fresh and promising start.

Every effort made for such men and every dollar spent in their behalf constitutes one of the best insurance premiums society can spend on itself; for these men are potential criminals with all odds against them and without help they are doomed to become public charges if not public menaces. As a result of efforts made by the Prison Association Employment Bureau many New York employers have interested themselves in these men. The personnel manager of one of the largest manufacturing concerns in Greater New York with whom the Association is on most friendly terms, has taken a very keen interest in our work during the past year and has placed several released prisoners in his shops. Most of them have made good and have become useful citizens, and to a great degree this is due to the kindly and intelligent interest he has taken in the men sent to him. Such an employer is a public benefactor of the first magnitude and his benefactions cannot be computed in dollars and cents alone, for he contributes as much to the spiritual welfare of a community as he does to its civic and material prosperity. To make more employers like this particular manager is one of the most constructive fields of work now attracting the Employment Bureau of the Prison Association.

Recently a new policy has been instituted in the Employment Bureau and its fruits have been immediately realized. Many men who come to us have lost their personal initiative. By contrasting

themselves with their more successful fellows, with whom they daily rub elbows, ex-prisoners grow to pity themselves and to hate society. Unconsciously they are led to declare war on organized society. When one rebuff after the other greets them they grow dangerous for they lose pride and hope. One of the best ways to resurrect dead pride and re-ignite hope is to make a man accomplish something for himself. This can best be done by sending men guilty of minor offenses to reliable employment bureaus to get jobs for themselves. Ex-prisoners who seek work with only the endorsement of the Prison Association have slim chances of success for most employers, and society in general, are wary of them. They are damned untried; and "once wrong, always wrong" seems to be the unwarrantable label society places on its offenders.

Therefore if a man can get himself a job independent of the Prison Association his chances are brighter for future prosperity. But most ex-prisoners are badly clothed and penniless. They have neither funds to sustain themselves in the barest necessities of life nor to pay the commissions demanded by employment agencies. By providing these the Prison Association Employment Bureau best serves deserving ex-prisoners who want to secure positions for themselves. Recently many men have taken a renewed interest in life and in themselves because they understood that the Employment Bureau of the Prison Association was willing to stake them to agency fees, as well as to a few days board and lodging and needed apparel. Thus without the embarrassment of having their past damn them untried and through the conscientious aid of the Prison Association they have been placed on their feet.

But the very meanest and most helpless ex-prisoner cannot be materially assisted by this kind of treatment. Only men in whom there is still a spark of pride and a gleam of ambition are to be benefited by this method. The meanest and most grievous cases offer little hope. The only way to make such men at all useful and at the same time prevent them from becoming a menace to society is to get them menial jobs under sympathetic surveillance. If these jobs can be secured through employers who are familiar with the past of such men and above all sympathetic to them and to the problem they are to society, so much the better for all. In short, to create and cultivate benevolent employers, who are anxious to help and become interested in the problems and work of the Employment Bureau of the Prison Association, is the present aim of the Employment Bureau.

The following constitute the more interesting cases handled during the past year:

J. J. R. came to us toward the end of the year. He had held a high position in an adjoining state and had been convicted of embezzlement and sentenced to two years in the state penitentiary. There is every reason to believe that he was made the scapegoat for unscrupulous politicians. A man past middle age, intelligent and a capable auditor, he faced a future without hope. Coming to New York he got in touch with the Prison Association. Realiz-

ing his superior worth and being impressed with his integrity, the Employment Bureau of the Prison Association sent J. J. R. to a reliable agency. His fees at this agency were paid personally by the Employment Secretary and at no time was it known that J. J. R. was a protégé of the Prison Association. He was advanced for the Association a considerable amount of money. He rendered an exact account of this money, lived most modestly, and upon securing employment as an auditor in a large New York firm began repayments of the amount advanced. The Association feels that in putting this man on his feet it performed one of its most useful services during the year 1924. It even went so far as to secure desirable lodgings in a proper environment for J. J. R. and at the present writing the indications are that New York is to have a very worth while citizen in this protégé of the Prison Association.

W. L. first came to the Prison Association in December of 1923. He had served two prison terms for vagrancy, one for stealing an automobile, and another for grand larceny. Over four of his twenty-four years were spent in prison. W. L. is a young man of pleasing appearance and intelligent, but in conversation and facial appearance he reveals a lack of character and of good and refined training. Undoubtedly his crimes were in large part due to the bad bringing up he had received. For almost a year he was a periodical visitor to the Association and from time to time was given a night's lodging and a small hand-out. Each time he returned he seemed to be seedier. With the initiation of the new policy referred to in the introduction it was decided to take a chance on W. L. He was given a new suit of clothes, some money to buy an overcoat, letters to an employment agency with the promise that his fees would be paid should he secure himself a job. He was also provided with a letter to the benevolent employer referred to in the introduction. Once these things were done for W. L. he seems to be transformed. His attitude toward life changed, he seemed to be hopeful and put forth many an honest effort, rendering exact and truthful reports as to his conduct and as to the expenditure of the small funds given him. He was given employment in the manufacturing establishment of the Association's friend and the indications are that he will meet success and repeatedly gain promotions.

W. R. came to us toward the end of the year. He had served five months in a State Penitentiary for passing a worthless check. He was an engineer of skill, but owing to his prison sentence lost caste and the friends that he had. For a few months after his release he tried to make his way alone, but he finally succumbed to bad luck and presented himself to the Prison Association. His attitude immediately impressed the Employment Bureau and special efforts were made in his behalf. For several days he followed up leads furnished him and although he secured no work favorable reports were returned by people to whom he was sent. As a last

resort he was sent to the benevolent employer previously referred to and received immediate employment. The funds advanced him he offered to have taken out of his salary until they had been fully repaid, but both his employer and the Employment Bureau of the Prison Association felt that his attitude was such as to justify the greatest leniency on our part and the matter of the repayment to the Prison Association was left entirely to him. It is fair to say that he has put forth honest efforts, is meeting by the installment plan his obligations and will undoubtedly make good in his new work.

J. W. K. a man of 60, after serving 33 years under four sentences in a New York State prison, was released and came to us on St. Patrick's Day 1924. His long confinement had wrecked his body and soul. He could not look at one in talking to them and seemed to be trying to run away from himself. He bore a letter from the foreman of the shop where he had worked during his eight years in prison. He was introduced to one of the directors of the Prison Association and a menial job was obtained for him in Staten Island. During the second day at work he collapsed and was sent to Bellevue Hospital where he died a few days later. His case is mentioned because of the hopeless despair of the man who seemed unable to regain a hold on life after being so long in prison, despite the kindly attitude and beneficence of people who took a friendly interest in him.

N. H., a member of a distinguished Massachusetts family, came to us shortly after his release from Massachusetts penal institution. He said that he had found it impossible to get on his feet because of the prominence of his family, who apparently had turned against him. He was given clothes and care and sent out to trace down several possible positions. He finally landed a job as a handy man in a boarding house in Harlem. Although he felt the humiliation of his position he smothered his pride, remembering that his past had been an offense to his name, and by honestly and hard work made good.

L. L. is one of the most interesting characters who presented himself in 1924. He was a very religious French-Canadian who had served 30 years in a western prison for first degree murder. He impressed the Prison Association as desirous of getting on his feet and breaking all ties with his past. It was felt that he desired to make a useful citizen of himself and to go straight in the future. Through the Employment Bureau of the Prison Association he secured a position in one of the foremost hospitals of New York City, paying \$55 a month and room and board. For two months

he worked here and won the respect and commendation of the hospital authorities. Suddenly he disappeared leaving no trace of himself. It is believed that he was offered some position, possibly secured through a patient in the hospital whom he had served, and that he took this position hoping to lose complete trace of his past.

While the Prison Association knows nothing of him today those of it who had to do with L. L. feel certain that he is making good wherever he is.

STATISTICS FOR THE EMPLOYMENT BUREAU
January 1, 1924 to December 31, 1924

Total number of men interviewed	899
Total number of times men placed in jobs.....	423
Total number of times relief was given.....	1,200
Total number of meals provided	3,228
Total number of lodging provided	657
Total amount of cash advanced.....	\$711.84

CHAPTER VII

BUREAU OF INSPECTION, INVESTIGATION AND
LEGISLATION

(1) INTRODUCTION

The functions of this Bureau have an official status in that the charter granted by the State requires the Prison Association "to visit, inspect and examine all the prisons of the State and to annually report to the State Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline."

In view of the thorough routine inspection of the prisons of the State carried on by the State Commission of Prisons, this Association has, during the last two years, inspected penal institutions with a view to determining outstanding needs, which form the basis for constructive plans to guide the Legislature and city and State officials.

In our 1923 report, for example, studies were outlined and plans were submitted for a Central Bureau of Information, Identification and Records; for a consolidation of institutions under the Department of Correction; and for a study of Sing Sing Prison to show the progress made since the report of the Prison Survey Committee in 1920. The data in these studies has been utilized in various ways, as, for example: the Central Bureau has received unanimous approval and promises to become effective in 1925; the Commissioner of Correction has consolidated three institutions in his department; and legislation affecting the industries of State prisons was enacted along the lines suggested in our 1923 report.

Last year we reported that apparently insane prisoners were being kept in a city prison. We made a thorough investigation of the handling of insane prisoners and, with the cooperation of officials, we were able to secure legislation providing for the transfer of all apparently insane prisoners in the Greater City to psychopathic wards of city hospitals.

Inspections made during 1924 showed overcrowding in one city prison and that one court had adopted procedure whereby persons are sentenced to a city prison for a period of one year, but are required to serve only 20 to 30 days of this period in the prison after which they are released on probation. This led to an exhaustive study of the related laws and opinions rendered by the Attorney-General and the Court of Appeals and repeated consultations with interested officials. The result is we have accumulated data which shows that this procedure is legal but that it has many very unsatisfactory results, and that the only remedy is

an amendment to the law restricting the powers of the courts to interrupt an imprisonment once begun by suspending a part of a sentence (see Chapter X on page 113). We will attempt to have this law amended during the 1925 session of the Legislature.

As a result of recent inspections and inquiries relating to the transportation of prisoners between the courts and the prisons in the Greater City and Sing Sing Prison, it was discovered that a large number of deputy sheriffs were simultaneously transferring prisoners from the five counties of the Greater City to Sing Sing. This means unnecessary expenses to taxpayers (see Chapter VIII, page 54).

Many inquiries have been received during 1924 and previous years relating to criminal statistics in the Greater City. It has never been possible to answer these inquiries fully because the records collected in the Greater City relating to crime and the operation of criminal justice are so scattered. With this in view we have made a study of the seven published reports dealing with criminal statistics and drafted a plan for consolidating these records.

In making inspections we have frequently noted that the Department of Correction has no jurisdiction over criminal prisoners held in the Bronx and Richmond county jails. Realizing that this consolidation is very necessary for the purposes of economy and efficiency and for the centralization of records, we made a study of the laws and arrived at the conclusion that a simple amendment to section 695 of the City Charter by the Municipal Assembly would make this consolidation possible (see Chapter VIII, on page 49).

In August, 1924, the Commissioner of Correction, Hon. Frederick A. Wallis, communicated with us asking that we cooperate with the August Panel of the Regular Grand Jury of New York County, who then had under consideration a study of the penal institutions on Welfare Island. We acted as working agents for this panel of the Grand Jury for four months, making available our library and verifying detailed information, etc. When the report was completed the Executive Committee authorized the General Secretary of the Prison Association to make provisions for financing its publication, being assisted by the Association of Grand Jurors of New York County.

During 1924 we have investigated the evils of bail bond and have already arrived at one definite conclusion. It is a well known fact that professional criminals are successively released on bail under different charges by various courts, so that it sometimes happens that the same person is free on bail fixed by two or more courts. The reason for this is largely that the person is not necessarily identified before being released on bail, because the law does not provide for the taking of finger prints before conviction. It is obvious that if the professional criminal were identified by fingerprints at the time of arrest the magistrate could make the bail

almost prohibitive, thereby eliminating one of the worst evils of bail bond.

The activities of the Bureau, under the direct supervision of the General Secretary and the Law Committee of the Association, have been conducted by Mr. M. P. Lane, Assistant Secretary.

(2) DEVELOPMENTS INDICATING PROGRESS IN THE ADMINISTRATION OF THE DEPARTMENT OF CORRECTION, NEW YORK CITY, DURING THE YEAR 1924

During the year 1924 there has been not only a marked improvement in the morale of the uniformed force through the installation of the eight-hour day, but the thirty odd wardens of institutions, heads of bureaus and supervising officials have probably been brought in closer cooperation with each other than ever before. At the same time the Commissioner has kept in close contact with the various institutions under his jurisdiction not only by personal visits but through the monthly meetings held in his office. The Deputy Commissioner, the Secretary of the Department, the warden of all institutions, the purchasing agent, the personal director, the heads of the Bureau of Light, Heat and Power, Registration and Passes, Identification, etc., regularly attended these monthly meetings.

Heretofore the warden of an outlying institution, some of which are as far as sixty miles from the central office, have forwarded a requisition for blankets, sheets, clothing or equipment, which was considered an urgent necessity. Somewhere along the line this request was held up, possibly because the articles were not on hand, or because the funds were not available for their purchase, or because there was a difference of opinion as to the merit of the request. In any case there was a delay which was embarrassing to the warden, or a reply was sent from the head office stating that the requisition could not be filled. As a result there has always been ample grounds for misunderstanding and the feeling that the head office did not fully realize the problems and difficulties of the executives of the institutions.

At the Commissioner's meetings the opportunity is given for open discussion of every such complaint. Each matter is threshed out on its own merits and responsibility is definitely placed. At the same time there is incorporated in these discussions the experience of wardens and officials who have been in the Department for twenty years or more so that matters are approached from all angles.

For example, the head of one institution who was charged with 5,000 blankets on the books of the Department stated that actually he had only 1,000. He said the inmates of his institution with only one blanket apiece were suffering from the cold and these were often infested with vermin because there were no extra ones available and sterilization was not always possible. The Commissioner asked for an explanation as to the disappearance of the

4,000 blankets which appeared on the books, and it was shown that they had been torn, worn out or burned, but had never been written off the books. He then addressed the supply officer and asked if there were any blankets available to supply this and other institutions. The supply officer stated that there were not and the auditor informed him that there were no funds with which to purchase any. The Commissioner then instructed the auditor to transfer funds from other accounts for the purchase of blankets. The result is the inmates now have two blankets apiece and there is a sufficient extra supply so that they can be sterilized.

It was brought up at one of these meetings that there were not sufficient sheets for inmates, because the sheets had been torn up for handkerchiefs. The Commissioner asked why there were no handkerchiefs and was informed that the institution had never been supplied with them. Various suggestions were offered. Paper handkerchiefs were mentioned but ruled out as impractical. It was suggested that cheese cloth handkerchiefs were being successfully employed by garage workers. The cost of this material was compared to that of ordinary handkerchiefs which require washing, and it was found that cheese cloth handkerchiefs could be supplied at less than one cent each and that they could be burned after being used. As this was found to be more economical than regular handkerchiefs, the supply officer stated that there was a sufficient quantity of cheese cloth on hand to provide an initial supply. One warden offered to have the inmates of his institution cut the cheese cloth handkerchiefs for other institutions and in this way the handkerchief problem was solved.

A complaint was made by one official that the woolen dresses of his inmates had shrunk to such a degree that the women had to go about in dresses above their knees. Another warden supplemented this statement with the same complaint about the woolen underclothes and trousers used in his institution. The opinion was expressed that the fabric was at fault, but this was not accepted. Another explanation was to the effect that the washing solutions were too strong. It was found possible to lay these matters over until the next meeting when a laundry expert was invited to attend and give expert advice. He showed that neither the fabric nor the solution were at fault, but that improper rinsing was responsible for the shrinkage. He also gave expert opinions of a general character relative to the practical operation of laundries.

Another example of the results obtained from these monthly conferences was when the annual report was discussed. It was found that the printing of this report would be very costly. Commissioner Wallis, at one of the meetings, asked members of his staff why this report could not be printed by inmates. He was informed that the department did not have the necessary equipment. The Commissioner sent one of his officials to the prison departments of other States to investigate, among other things,

the printing industry. He also instructed the purchasing agent to get bids for the necessary printing machinery. The department will acquire a printing equipment for about the cost of publishing one annual report, and in the future will not only print its annual reports but do other printing work as well.

- (a) *The beginning of the operation of the plan for providing useful employment for idle prisoners and for developing Riker's Island with prison labor.*

In November, 1924, the Commissioner of Correction transferred 200 idle able-bodied prisoners from the penitentiary on Welfare Island to the municipal farm on Riker's Island. These men have already laid one and a half miles of water mains which connect with the two unloading plants of the Street Cleaning Department. Mayor Hylan has already approved of the assignment of prisoners to the unloading and spreading of ashes and refuse on Riker's Island, which is being carried on by 100 paid day laborers.

By arrangement between the Commissioner of Street Cleaning, Hon. Alfred A. Taylor, and the Commissioner of Correction, Hon. Frederick A. Wallis, it has been agreed that the paid labor is to be replaced by prison labor during the early spring of 1925. At that time it is the intention of Commissioner Wallis to request that the budget appropriation allowed for day laborers now employed by the Street Cleaning Department be transferred to the Department of Correction for the purpose of beginning the construction of the new penitentiary on Riker's Island.

- (b) *Inmates' Commissary fund of the Department of Correction.*

In the prisons and institutions of the department there are established commissaries which provide food stuffs, tobacco, stationery, toilet articles, newspapers and miscellaneous articles for convicted prisoners, and which prepare and serve extra meals to accused persons detained in the city and district prisons. These commissaries, except in two prisons, are operated by the inmates' commissary fund, which is under the control of the Commissioner of Correction and a committee appointed by him. Sales are made at prices a little lower than the current retail rates. Practically the only overhead expenses are the salaries of the manager, assistant managers, and wages for waiters and kitchen help.

The profits have accumulated year by year until the capital fund now amounts to about \$150,000. This Association has for a long time strongly urged that the inmates should be made to benefit directly from this fund. It is gratifying to state that during 1924 Commissioner Wallis has initiated the policy of utilizing the profits made during the current year for the welfare of the inmates of the prisons.

One of the most urgent needs has always been the lack of adequate clothing for discharged prisoners. For example, a person

committed to prison in summer and released in winter is obviously without suitable clothing and vice versa. To meet this need there was expended from the commissary fund during the first ten months of 1924, \$1,772. This procedure has been continually urged by the Prison Association. It is most gratifying to note that Commissioner Wallis has initiated this plan and we earnestly hope that it will be continued and more broadly applied.

- (c) *The newly established vocational training bureau of the Department of Correction.*

In February, 1924, Commissioner Frederick A. Wallis appointed Mr. John H. Schroeder, inspector of light and power of the department, to take over the additional duties of director of vocational training activities. Mr. Schroeder was chosen because of his qualifications and experience in teaching young men which were recognized by the Y. M. C. A. which employs him as one of the vocational instructors in their East Side branch.

Mr. Charles Ammon, keeper, with a knowledge of a skilled trade, was appointed as assistant to Mr. Schroeder. One instructor, Mr. Joseph A. Ryan, a wood working instructor, has been loaned from the Department of Education, and Mr. Edwin Smith, a keeper, with a knowledge of a skilled trade, was assigned to this new bureau as an electrical instructor.

Five thousand seven hundred and seventy-five dollars were appropriated from the prisoners' commissary fund of the department to install radios in various institutions, as follows: Five sets in New Hampton farms, one set in Correction Hospital, one set in Greycourt, one in Warwick farms and one in the Brooklyn city prison. At the Municipal Farm, Riker's Island, a master receiving set has been set up with a microphone located in the warden's quarters with nine amplifying horns distributed in nine dormitory buildings. In this way it is possible for the warden to speak to the entire inmate population through the microphone and to connect and disconnect at will the amplifying horns in the different buildings. It is said that this is the first time that a radio has been in use in an institution in this way and that the morale of the inmates has been greatly improved by the two radio programs given weekly.

Before the radio is connected the warden gives a talk to the inmates and tells them that any disturbance will result in the immediate termination of the program. The warden at first was not enthusiastic about the results, but he now states that on the nights the radios are connected for the benefit of the inmates the discipline is 100 per cent better than on other nights. It must be understood that the municipal farm inmates are mostly all drug addicts, housed in dormitories containing about sixty men each. This arrangement does not ordinarily lend itself to the best discipline.

(d) *The newly established electrical school.*

About \$4,500 was appropriated from the prisoners' commissary fund for the purchase of equipment to instruct inmates in electrical work. In April, 1924, this school was started in a room of the old industrial building of the penitentiary and twenty-four young men between the ages of 18 and 22, who were serving a sentence of more than one year, were assigned to it. The complete course mapped covers a period of one year and includes electrical wiring and installation, and will train men while in prison to fill positions of electrical helpers, maintenance men and storekeepers of electrical equipment after their release.

In December, after the boys had been attending this school for nine months, they were transferred to various prisons and detention places of the department for the purpose of removing electrical violations which result in fire hazards, which are constantly developing, as the life of wire installation is approximately ten years, after which the defective portions must be removed. The city cannot afford to hire outside labor to do this work, as the wages of an electrician are \$10.50 daily and for each helper \$7.50. As there are seventeen detention places and prisons in the department it would require at least five journeymen electricians, in addition to the help of inmates, which would cost the city an additional \$19,000 yearly. It is the plan to have these inmates later returned to the school to complete their course. At the present time there is only one electrical instructor, Mr. Edwin Smith, who is a keeper with a knowledge of a skilled trade, in this school.

(e) *The newly established woodworking school.*

About \$2,000 was appropriated from the prisoners' commissary fund for the purchase of woodworking equipment and tools.

In April, 1924, this school was established at the New York City Reformatory, New Hampton farms. Mr. Joseph A. Ryan, an instructor loaned from the Department of Education, was placed in charge.

The course mapped out lasts one year. There have been on an average of twelve boys assigned to this course, although it might be possible to enlarge the class at any time to about double the present number of students. The course consists of the preparation of working drawings from job sheets and then constructing the actual equipment. In this way each student becomes acquainted with all the tools used in the woodworking trade. This instruction is applied in a practical way for the benefit of the institution, inasmuch as panel doors and household furnishings, such as book stands, cabinets, tables, etc., are constructed, which does away with the need for purchasing this furniture on the open market. Upon discharge these inmates will be able to fill positions as helpers to cabinet makers, carpenters, etc. Recently the State Department of Education made an inspection of this school and the report submitted, it is said, comments very favorably upon it.

CHAPTER VIII

BUREAU OF INSPECTION, INVESTIGATION AND LEGISLATION (contd.)

- (1) ONE OF THE IMPORTANT HANDICAPS TO THE OPERATION OF THE DEPARTMENT OF CORRECTION OF NEW YORK CITY WHICH MIGHT READILY BE OVERCOME BY AMENDMENT TO SECTION 695 OF THE CITY CHARTER BY THE ACTION OF THE MUNICIPAL ASSEMBLY.

There are five separate counties within the boundaries of the Greater City. The average citizen knows that these five counties are divisions of the State and that each has its respective district attorney, sheriff, judges and other county officers elected according to State laws and responsible to the State government, but financed through the City budget.

In relation to the Department of Correction we have only to consider the sheriffs and the sheriffs' jails. The functions of the sheriffs and their deputies in relation to the transportation of prisoners charged with felony is covered in another part of this report (page 54), so we will refer only to the county jails, of which there are five in the Greater City operated and under the control of the sheriffs who are elected for different terms ranging from two to four years. We are particularly interested in this connection with the county jails of Bronx and Richmond, which receive criminal as well as civil prisoners; the county jails of New York, Kings and Queens counties receive only civil prisoners. Therefore the divided authority relating to the custody of criminal prisoners in the Greater City is due to the fact that criminal prisoners in the county jails of Bronx and Richmond are under the jurisdiction of county sheriffs instead of the Department of Correction. The material on this subject is set forth in separate exhibits, as follows:

Exhibit 1

If section 695 of chapter 14 of the charter of the City of New York is so amended that it will apply to New York, Bronx and Richmond counties in the same way that it now applies to Kings and Queens counties, certain constructive results will be accomplished, among which are:

1. The consolidation of the custody of all criminal prisoners in the Greater City under the jurisdiction of the Department of Correction.

2. The consolidation of the administration of all prisons receiving criminal prisoners in the Greater City under the Department of Correction, will result in more economy and efficiency in the operation of prisons financed by the Greater City.
3. It will make possible the conversion into city prisons of the two county jails of Bronx and Richmond. The Sinking Fund Commissioners will automatically be empowered to designate and set aside portions of these proposed city prisons as sheriffs' jails for the custody of civil prisoners.
4. A partial consolidation of the separate transportation systems now operated by the sheriffs of New York, Bronx and Richmond counties with the van service of the Department of Correction.
5. Provide authority for the abolishment of the Ludlow Street Jail and make possible the designation of the upper tiers of the vacant annex of the Tombs by the Sinking Fund Commissioners as the sheriff's jail of New York county for the custody of civil prisoners.
6. Consolidation of the sheriff's personnel now assigned to the Ludlow Street Jail, about twenty-two employees exempt from civil service, and the ten guards of the sheriff now assigned to the Tombs for transferring prisoners, which will make it possible to reduce the total number of sheriff's employees by about fifteen.
7. The consolidation of the jurisdiction of criminal prisoners which will eliminate an important obstacle now existing in the proposed operation of the Central Bureau of Identification, Information and Criminal Statistics in the Greater City.

Exhibit 2

The plan proposed by the Law Committee of the Prison Association of New York is to submit to the Board of Estimate and Apportionment and the Board of Aldermen, as the upper and lower branches of the local assembly, an amendment to section 695 of chapter 14 of the charter of the City of New York so that it might be made applicable to New York, Bronx and Richmond counties in the same way that it now applies to Kings and Queens counties.

THE CHARTER OF THE CITY OF NEW YORK

Institutions under the jurisdiction of the Commissioner of Correction. (Chapter 14, section 695.) The Commissioner shall have jurisdiction over and it shall be his duty to take charge of and manage all institutions for the care and custody of criminals and misdemeanants and for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings

which belong to or shall be hereafter acquired by the City of New York, except the House of Refuge, the Brooklyn disciplinary training school for boys, incorporated societies for the prevention of cruelty to children and such places for the detention of prisoners or persons charged with crime as are by law placed under the charge of some other department, board or officer. The buildings now used as jails in the counties of * Kings and Queens are hereby placed under the control and authority of the Commissioner; and all prisoners other than those detained by civil process, who by law are committed to the custody of the sheriffs of the counties of * Kings and Queens, respectively, are hereby placed in the custody of the Commissioner. The Commissioner shall have power to transfer prisoners from any prison or correctional institution under his control to any other prison or correctional institution under the jurisdiction of the Department of Correction. The Commissioners of the Sinking Fund shall, as provided in section 205, designate and set aside any portion of these buildings or any other suitable buildings as common jails for the accommodation of prisoners detained by civil process held in the custody of such sheriffs, and such portions of buildings or other suitable buildings so designated and set aside shall be and remain under the separate control of the respective sheriffs of the counties aforesaid. Each and every warden, deputy warden, jail keeper, van driver, matron, assistant matron, cook, assistant cook, laundress, cleaner, bookkeeper, jail physician, and orderly, who on the first day of January, nineteen hundred and twelve, was, in accordance with the provisions of the law, employed as such in and about such county jails, and who shall continue to be so employed at the time of the transfer of said jail to the Department of Correction of the City of New York by virtue of this section; and who shall prior thereto have successfully passed a civil service examination under the Civil Service Law in accordance with the rules and regulations prepared by the municipal or State Civil Service Commissioner, shall be retained and assigned to perform service in the institutions of the Department of Correction. The Commissioner shall also have charge of such other institutions belonging to the city as have been or may be hereafter placed under his jurisdiction by the Board of Aldermen, the Board of Estimate and Apportionment or by statute. Whenever the State authorities shall have caused the inmates of the lunatic asylum on Hart's Island to be removed elsewhere and shall have vacated the buildings now on said island occupied by said asylum, the said buildings, with the grounds thereto appertaining, shall become and be under the charge and control of the Department of Correction; provided, however, that the burial of deceased paupers shall be continued under regulations established by the joint action of the Department of Public Charities and of Correction, or in case of

* The amendment proposed is to add the words "New York, Bronx and Richmond" before the word "Kings."

disagreement between said departments, under such regulations as may be established by the Mayor of the city. The Police Commissioner shall transfer to the Commissioner of Correction the control and management of the House of Detention of Witnesses. It shall be the duty of all magistrates, when committing witnesses in default of bail in criminal proceedings to continue committing them to places heretofore provided by law for the purpose; provided, however, that the Commissioner of Correction shall have power in his discretion to discontinue the use of the House of Detention of Witnesses for the confinement of witnesses and to detain them in like manner and in places similar to those provided by law for the detention of witnesses in counties other than New York county and to transfer them from one such institution to another such institution upon the recommendation of the District Attorney. [As amended by Laws of 1916, chapter 492.]

Exhibit 3

Resolved, That pursuant to the provisions of section 205 of the amended Greater New York Charter, the Commissioners of the Sinking Fund hereby designate the building known as the New York City Prison, on Centre Street, between Franklin and Leonard streets, in the borough of Manhattan, commonly known as the Tombs, as the common jail of New York county, for the confinement of all persons charged with crime or offenses against the Government of the United States or committed to the Sheriff of New York county or to a county or common jail of said county, upon criminal process issued by a court or officer of the United States; be it further

Resolved, That a duly certified copy of this resolution be transmitted to the Sheriff of New York county, the United States Marshal for the Southern District of New York, the Warden of the City Prison, and the Warden of the Ludlow Street Jail in New York county.

This resolution to take effect September 15, 1904.

A true copy of resolution adopted by the Commissioners of the Sinking Fund, August 25, 1904.

N. Taylor Phillips,
Secretary.

Exhibit 3

Resolved, That pursuant to the provisions of section 205 of the amended Greater New York Charter, the Commissioners of the Sinking Fund hereby designate, as the common jail of New York county, for the confinement of all persons committed to the common jail of said county, or to the custody of the Sheriff of said county, upon criminal process, the building known as the new City Prison, on Centre street between Franklin and Leonard streets, in the borough of Manhattan.

A true copy of resolution adopted by the Commissioners of the Sinking Fund, June 14, 1904.

N. Taylor Phillips,
Secretary.

Exhibit 4

Extracts from Mr. Wickersham's second memorandum of law on certain constitutional phases of program for State control of all convicted persons which has an important bearing upon the proposed amendment of Section 695 of the amended Greater New York Charter.

1. "The custody of county jails cannot be taken from the Sheriff."

"However, the sheriff is not the custodian of convicted persons unless they are sentenced to county jails."

2. "In *Bronx v. People*, 75 N. Y. 437 (1878) The prisoner was found guilty of assault and battery and sentenced to the Kings County Penitentiary. He claimed that the legislature in passing the statute under which the sentence was imposed (L. 1874, c. 209; now Prison Law Sec. 320, without substantial change) acted beyond its power, and that the only place where he could be lawfully confined was the Richmond County Jail. The court was therefore compelled to inquire into the legislature's power to select places for the confinement of convicted persons; the fact that the Court permitted county lines to be ignored is (though such a point was not specifically raised) consistent only with the doctrine that the Sheriff's control of county jails is not unconstitutionally impaired by a statute taking away from him the custody of certain convicted persons."

Exhibit 5

A summary of Mr. Wickersham's opinion suggesting that the Municipal Assembly is empowered under the Home Rule Act to extend the provisions of Section 695 of the Greater New York Charter to make it applicable to the counties of Bronx and Richmond in the same way that it now applies to Kings and Queens.

The general grant of legislative power is contained in section 11 of the Home Rule Act, and extends to the adoption and amendment of local laws relating, among other things, to the protection of the "property, safety and health" of the inhabitants of the city.

Provisions of section 695 of the Greater New York Charter places the buildings (at the date of enactment of the Charter) used as jails in the counties of Kings and Queens, under the con-

trol and authority of the Commissioner of Correction, and enacted that all prisoners, other than those detained by civil process, who by law were committed to the custody of the Sheriffs of the Counties of Kings and Queens respectively, were placed in the custody of the Commissioner of Correction.

Probably having regard to the constitutional prerogatives of the Sheriff, that same section directed the Commissioners of the Sinking Fund to designate and set aside any portion of those buildings, or any other suitable buildings, as common jails for the accommodation of prisoners detained by civil process, held in the custody of the Sheriffs, and such portions of buildings or other suitable buildings, so designated and set aside, it was declared, "shall be and remain under the separate control of the respective Sheriffs of the Counties aforesaid."

By resolution adopted September 15, 1904, the Commissioners of the Sinking Fund designated the New York City Prison, commonly known as "The Tombs," as the common jail of New York county for the confinement of all persons charged with crimes or offenses against the Government of the United States, but committed to the Sheriff of New York county or to the county or common jail of said county upon criminal process issued by a court or officer of the United States. Thereby that building was brought within the operation of section 695, and was made subject to the jurisdiction of the Commissioner of Correction, except as to that portion of it set aside and designated as common jails for the accommodation of prisoners detained by civil process, held in the custody of the Sheriff—if any such were committed to the jail.

Mr. Wickersham sees no apparent reason why, in the exercise of the powers conferred by the Home Rule Act, the local Legislature may not amend section 695 precisely as the State Legislature might previously have done, by extending its provisions to the additional counties above mentioned.

The existing legislation applicable to New York and Kings is carefully framed so as to respect the assumed constitutional prerogatives of the sheriff. There appears to be no reason why the new legislative power should not modify that legislation in the particulars mentioned, acting with the same precaution. This reservation, of course, brings forward for consideration a question which is discussed in the opinion which Mr. Wickersham prepared for the Jail Committee respecting the assumed constitutional powers of the sheriff.

A STUDY OF THE PRISONER-TRANSPORTATION IN AND FROM THE GREATER CITY AND A PLAN FOR CONSOLIDATING THE TRANSFER OF FELONS AND MISDEMEANANTS IN THE GREATER CITY AND OF FELONS FROM THE CITY TO SING SING PRISON.

Adequate and expedient transportation of criminal prisoners operates as a safeguard to the public, is a protection and benefit to arrested persons and promotes the smooth operation of the Police Department, the courts, the jails and prisons.

The transportation of criminal prisoners in and from the Greater City is costly, because there are in all seven separate systems operated respectively by the Police Department, the Department of Correction and the five sheriffs in the Greater City. This complicated organization and duplication is due to the fact that the sheriffs of the five counties are county officers who are not under the control of the city government, although they are financed by it. In each of the five counties of the Greater City there is a county jail with an independent prisoner transportation system in addition to the prisoner transportation bureaus of the Police Department and the Department of Correction—the latter city departments covering much the same field as the sheriffs.

To thoroughly describe the transportation of prisoners in the Greater City it is necessary to outline separately the seven systems as they operate in the different counties whereby arrested persons are transferred between the police stations, the courts, the jails and the prisons. It is also necessary to describe separately: (a) the transportation of arrested persons before conviction, (b) sentenced prisoners, (c) prisoners charged with misdemeanors and (d) prisoners charged with felonies.

In addition to the transportation of criminal prisoners in the Greater City it is important to analyze the various systems of transportation whereby prisoners are transferred to Sing Sing prison, Matteawan and Dannemora State hospitals, Elmira and Bedford Reformatories, and the Female Prison at Auburn. The transfer of prisoners to Sing Sing, Matteawan and Dannemora are made by city or county officers, whereas Elmira and Bedford Reformatories and Auburn Prison send transfer officers to the Greater City, which is a much more economical and efficient method.

It is a fact that the transportation of prisoners in the Greater City can be largely consolidated. Some constructive changes might be brought about by the Board of Estimate and Apportionment, under existing laws, by following precedents established in certain counties, but other necessary changes will require special legislation by the Local City Assembly and the State Legislature.

The Prison Association's investigation and reports show that a number of prisons in the Greater City could be eliminated and others consolidated. A number of suggestions to this end, made by the Prison Association, have been followed with excellent results, but as the number of prisons are reduced, a proportionate increase in transportation of prisoners between the prisons and courts results. In Manhattan and Bronx, for example, there are district prisons attached to most of the Magistrates' courts, many of which should be abolished. Additional transportation, however, would have to be arranged for. In reducing the number of prisons devoted to the custody of prisoners awaiting trial, a stricter vigilance and discipline could be enforced. Also a closer control of the narcotic traffic, and over the operations of profes-

sional bondsmen and their runners, could be maintained. The maintenance of discipline in prisons used for the custody of persons awaiting trial is more difficult than in the workhouse and penitentiary, because these prisoners have many privileges which they forego if convicted; such as the right to purchase their meals from outside restaurants, to keep money and valuables in their personal possession, and to daily communicate with their families, friends, lawyers, etc.

There is no doubt that the economical and disciplinary advantages of consolidating prisons are greater than the disadvantages of increasing transportation.

A person arrested is accompanied by the arresting officer in a police patrol to the police station. The desk lieutenant arraigns the prisoner and records in the journal of the police station the complaint, name, address, history of the prisoner, etc. If the arrest is made within the time that a court is in session, the arresting officer proceeds to the Magistrates' Court of the district with the prisoner. Once an arrested person is arraigned in court the police jurisdiction ceases. However, in New York county, and, in some instances in Bronx county, prisoners awaiting trial are kept in the Manhattan City Prison (the Tombs) or in district prisons.

In Kings and Queens counties prisoners awaiting trial are held in the respective city prisons under the jurisdiction of the Department of Correction. In Bronx county, in most instances, prisoners awaiting trial are kept in the sheriff's jail. In Richmond county all prisoners awaiting trial are kept in the sheriff's jail.

Persons arraigned for misdemeanors are transferred between courts and prisons by vans of the Department of Correction in New York, Kings and Queens counties, and in some instances in Bronx county. Persons arraigned for misdemeanors in Richmond county, and in most instances in Bronx county, are transported by guards and vans of the sheriffs of these counties.

Persons arraigned for felonies are transported between the prisons and the courts by guards and vans of the sheriffs in New York, Bronx and Richmond counties. In Kings and Queens counties, the vans of the Department of Correction transport felons to and from the courts for the sheriffs.

Persons convicted of misdemeanors in New York, Kings and Queens counties and in some instances in Bronx county, are transported by vans of the Department of Correction to district and city prisons, and to the workhouse. In Richmond county, and in most instances in Bronx county, persons convicted of misdemeanors are transported to county jails of the sheriffs or to the workhouse by vans and deputies of the respective sheriffs.

All male felons sentenced to a State prison are transported to Sing Sing Prison by deputies of the respective sheriffs of the five counties of the Greater City.

Persons charged with misdemeanors who are found to be apparently insane by the courts, are transferred to the psychopathic

wards of city hospitals for observation and if then diagnosed as insane they are committed to Manhattan State Hospital, to Wards Island Hospital, or Central Islip State Hospital, Central Islip, L. I.

Persons charged with felonies who are found to be insane by the courts, are committed directly to Matteawan State Hospital, being transferred there by deputy sheriffs of the county in which the person is arraigned.

Male felons diagnosed as insane after commitment to the New York County Penitentiary are transferred from the penitentiary to Dannemora State Hospital, by keepers of the Department of Correction.

Motor Transportation for Transferring Prisoners in the Greater City

There are about 22 police vans, each one manned by a driver who is a patrolman. The salaries of patrolmen are about \$1,769 to \$2,500 a year. The arresting officer accompanies the prisoner in the police van, which releases the driver of custodial responsibilities. The transportation of prisoners by the police will not be described in detail as this outline is devoted to details of organization and recommendations affecting transportation of the sheriffs and the Department of Correction.

In the Department of Correction there are 12 vans, with special steel bodies, divided into two compartments separating males and females. In 1923 there were about 50,000 persons transported in these vans. Each van has a capacity of 12 prisoners; and weighs about three tons when fully loaded. In 1923 it cost \$29,114 to operate these 12 vans, which included the salaries of the drivers and of the Superintendent of Transportation.

A Superintendent of Transportation and 17 van drivers are provided for the transportation of prisoners by the Department of Correction. The salaries of the drivers range from \$1,320 to \$1,578, and the superintendent receives \$2,400 a year. No allowances are made for extra time or meals. These salaries are in contrast to the salaries of van drivers of the sheriff, viz.: Two van drivers of the sheriff of New York county at \$1,769 yearly, 2 van drivers of the sheriff of Bronx county at \$1,610 yearly, and 1 van driver of the sheriff of Richmond county at \$1,610 yearly. The van drivers of the sheriffs have short hours, especially in New York county, in marked contrast to the van drivers of the Department of Correction.

The vans of the Department of Correction are manned by one driver, who not only acts as chauffeur but is also held responsible for the custody of the prisoners in his van, some of whom are held under bail ranging from \$25,000 to \$75,000.

The sheriffs of New York, Bronx and Richmond have their own vans. A new van was purchased for the sheriff of New York

county, which is superior in type and construction to any van in the Department of Correction.

The vans of the Department of Correction are in use for about ten hours a day, and one in Brooklyn not only serves the day courts but is also operated in connection with the night court. Of the twelve vans of the department two are usually in the repair shop, which means that the other ten vans must also cover the routes of the disabled vans. In contrast to these overworked vans of the Department of Correction, the armored van of the sheriff of New York county is not in use more than one or two hours a day. The sheriff's vans are also not only manned by a driver, but are accompanied by two to three deputy sheriffs for the safeguarding of prisoners.

It is obvious that one of the two most important prisoner-transportation systems in the Greater City is that of the Department of Correction, and that the vans of this department are operated under the greatest handicaps, which would be overcome if the prisoner-transportation of the sheriffs of the five counties of the Greater City were consolidated with the transportation of the Department of Correction.

It is reasonable to state that if the funds now expended by the city for the transportation of county sheriffs' prisoners—upon which sheriffs also could depend—were used to improve the van service of the Department of Correction, prisoners could be transported with greater safety and economy and the courts and prisoners could be served more promptly and adequately.

Transportation of Felons in and from the Greater City

Sections 11, 12, 13, 14, and 15 of Article 2 and section 322 of Article 12 of the Prison Laws relate to the transfer of felons by the county sheriffs to the county penitentiaries and state prisons. Section 12 sets forth an itemized list of fees payable by the State Comptroller, to which the sheriff is entitled for transferring prisoners as follows: Twenty cents a mile for conveying one prisoner; 35 cents a mile, per prisoner, for conveying two prisoners; 40 cents a mile, per prisoner, for conveying three prisoners; 12 cents a mile, per prisoner, for conveying four or more prisoners.

Under the provisions of section 12, the sheriff is entitled to \$1.00 per day for meals for each prisoner.

The wording of section 12 specifies that the above fees are in full of all charges and expenses in the premises.

In spite of the provisions of section 12, practically each sheriff of the five counties of the Greater City receives expenses from the city budget under "carfares" and "contingencies" for transportation of felons in addition to the amount provided by the State.

The distance of the Tombs Prison from Sing Sing Prison is about 33 miles. The deputy sheriffs who use the city rapid transit from the Tombs to the Grand Central Station and the railroad from Grand Central Station to Ossining are paid by the City

Comptroller. They use automobiles, also paid for by the City Comptroller, from Ossining to Sing Sing and for the return of the deputies to the station, which is really not necessary as the prison is within ten minutes walking distance of the station. The one-way railroad fare is \$1.10, which is amply covered by the fees paid by the State Comptroller.

If one prisoner is transferred from the Tombs to Sing Sing, for example, accompanied by two deputy sheriffs, the provisions of section 12 allow about \$2.00 more than the actual expenses. Added to this surplus is the carfare, railroad fare, and expenses for meals for the deputy sheriffs, which are paid by the City Comptroller to the sheriffs.

At the same time, the expenses incurred by the sheriffs and charged to the city are more elastic than the expenses allowed under the provisions of section 12, paid by the State, because the number of deputy sheriffs considered necessary to accompany a prisoner is decided at the discretion of the sheriff.

It is said that the sheriffs of the Greater City who operate under the fee system make refunds to the City Chamberlain of funds received from the State Comptroller for the transfer of prisoners, but the refunds made include many kinds of fees which, it is said, are not itemized. In any case it would seem that the system of receiving expenses from both the city and State Comptroller for transportation of the same prisoners, even if refunds are made, results in an unnecessary and undesirable duplication and complication of the accounts, and waste.

One Example of the Frequent Duplication of Transportation of Felons by the Sheriff

On January 17, 1923, seven prisoners were transported to Sing Sing from the Greater City by deputy sheriffs of Kings county, one prisoner by deputy sheriffs of Bronx county, and one prisoner by deputy sheriffs of Queens county. The number of deputies that accompany prisoners from the Greater City is entirely at the discretion of the sheriff of the county, based upon established customs and the number of deputies available. On an average there are two deputies sent with each prisoner transported to Sing Sing. Prisoners sent there from the Greater City, under life sentence, are usually accompanied by about four deputies. At the same time a prisoner in Sing Sing, who has been sentenced to death and is returned to a court in the Greater City, is only accompanied by one Sing Sing guard.

The employees of the City Police Department and the Department of Correction, who transport prisoners, are appointed under City Civil Service rules and requirements, and the employees of Sing Sing and other State Prisons are employed under State Civil Service and are assigned to duties more permanently than sheriffs' employees, who are appointed by each sheriff elected to office.

When prisoners are transferred from Sing Sing to Clinton prison, which is a distance over nine times greater than from the Greater City to Sing Sing, a private car is used and about four Sing Sing guards accompany from 45 to 60 prisoners, who usually have been committed under long sentences and are in need of the strictest discipline.

It is said that practically all the deputy sheriffs accompanying prisoners to Sing Sing Prison from the Greater City leave Grand Central Station at 11:35 a. m., and arrive at 12:32 p. m. at the Ossining station, which is about five minutes from Sing Sing Prison by automobile. The deputy sheriffs leave Ossining usually at 1:42 p. m., and arrive at Grand Central Station at 2:53 p. m. It seems to be the custom for deputy sheriffs who make the trip to Sing Sing Prison to consider the trip a day's work.

The lack of standardization of methods and the lack of fixed responsibility in accounting for the transportation of felons by the sheriffs is in marked contrast to other systems, such as the transportation of misdemeanants and felons by the Department of Correction, the transportation of felons from Sing Sing to Auburn Prison by Sing Sing guards, and the transfer of female prisoners from the Greater City to Auburn Prison and Bedford Reformatory, and of male prisoners to Elmira Reformatory, carried out by employees of these respective institutions.

It costs the city and State approximately 300 per cent more than is necessary for the transportation of felons by the sheriffs of the Greater City, which is largely responsible for the inadequate development of the transportation system of the Department of Correction, the importance of which should be realized in its relation to the efficient operation of the criminal courts, prisons and jails of the Greater City.

Transportation of insane persons to Matteawan State Hospital, located at Beacon

In 1923 there were 50 insane persons transferred from the courts of the Greater City to Matteawan State Hospital by the sheriffs of the five counties, and about 64 insane prisoners were transported to Matteawan State Hospital by employees of the Department of Correction. Beacon is 59 miles from the Grand Central Station. It costs the city about \$6.50 for every prisoner transported to Matteawan.

Transportation of Prisoners to New Hampton Farms and Grey-court by the Department of Correction

The New York City Reformatory, at New Hampton Farms, is about 64 miles from Jersey City. The Department usually transfers about 25 to 30 boys at one time. The vans of the Department transfer them to the station. A private car is used and the Department pays \$1.68 for each prisoner transferred. The Superintendent

of Transportation and two keepers accompany the prisoners to New Hampton. The total cost of transporting each prisoner, including the round trips of the three employees of the Department, is about \$2.10, which is in marked contrast to the cost of transfer of prisoners from the Greater City to Sing Sing which is only half the distance.

The Women's Farm Colony at Greycourt is 54 miles from the station at Jersey City. Two matrons and the Superintendent of Transportation of the Department accompany these prisoners. The railroad fare one way per person amounts to \$1.49. As a rule about 20 female prisoners are transferred at one time and the total cost amounts to about \$1.74 per person.

Some laws which provide for the more efficient and economical transportation of prisoners from the Greater City

Section 295 of the Prison Laws—Transportation of Convicts to Reformatories.

Under this section a reformatory is authorized to send a transfer officer to collect prisoners, upon being advised by the sheriff or warden of the prison having custody of the person sentenced to the reformatory.

Section 97 of the Prison Laws provides for the commitment of women convicted of a felony and sentenced to a State Prison, whereby the clerk of the court imposing sentence must immediately notify the agent and warden of Auburn Prison. A matron and guard are sent from Auburn Prison to transport the prisoner.

Recommendations

1. To consolidate the systems for the transportation of misdemeanants and felons in the Greater City.
2. To ultimately place the responsibility for the expedient, safe and economical transportation in the Greater City of prisoners held under criminal charges now being transported by five sheriffs in the Greater City upon the Commissioner of Correction.
3. The immediate reorganization of the transportation of felons in New York County. The 10 sheriffs' guards and 2 van drivers and vans of the sheriff of New York County, now assigned to the Tombs, are largely unnecessary as they duplicate the work of the Department of Correction. The procedure is unwarranted whereby the sheriff transfers persons charged with felony across the street to the Criminal Courts Building, and convicts felons to the County Penitentiary on Welfare Island.

The vans and van drivers of the Department of Correction handle felons for the sheriffs of Kings and Queens counties, which establishes a precedent for New York county as the Department of Correction has jurisdiction over the custody of criminal prisoners in these three counties.

4. There are State laws which limit the powers of the Board of Estimate and Apportionment in reducing the number and salaries of the sheriffs and their deputies, but it is quite possible that there are no laws restricting the powers of the Board of Estimate in reducing the number of guards and consolidating the van service of the sheriff of New York county with that of the Department of Correction. Practically the only functions remaining for the sheriff of New York county in the transportation of criminal prisoners would then be the transfer of felons to Sing Sing Prison and insane prisoners to Matteawan.
5. That all felons now being transferred to Sing Sing Prison by the five sheriffs of the Greater City be transported weekly, according to a definite schedule, to enforce efficiency and economy. If there had been in operation in 1923 a consolidated system of transportation it would not have been necessary to have made more than 50 trips to Sing Sing Prison, instead of the 173 trips made by deputy sheriffs of the five counties in transporting 799 felons. As a result there would have been an estimated 300 percent saving for the City and State, as well as stricter discipline.
6. That an amendment to the law be considered which would reverse the existing system of transferring prisoners from the Greater City to Sing Sing Prison. If additional guards were made available for the Warden of Sing Sing Prison he could send them to the Greater City for the transfer of prisoners to Sing Sing. In this way the transportation of felons to Sing Sing could be improved to an even greater extent than under any procedure possible under existing laws.
7. To transfer the jurisdiction over criminal prisoners in the counties of Bronx and Richmond to the Department of Correction. This can be accomplished by a simple amendment to section 695 of the City Charter, which will make this section apply to Bronx and Richmond counties in the same way that it now affects Kings and Queens counties. The Law Committee of this Association has studied this matter and is of the opinion that the Local Assembly of the City of New York has the power to enact this legislation. It will be impossible to fully consolidate the transportation of prisoners in the Greater City until the jurisdiction over criminal prisoners is centralized.
8. Every van in the Department of Correction should be manned by a guard in addition to the driver. Extra guards should be

provided for these vans for the protection of the public and for safeguarding the lives of persons being transported.

9. The salaries of the drivers and the Superintendent of Transportation of the Department are most inadequate and are not in proportion to the salaries paid to drivers in other city departments. It is strongly recommended that provisions be made in the 1925 budget for increased salaries for these employees.

"There is surely no well-informed merchant in the country, operating in those lines that robbers commonly attack, who doesn't

CHAPTER IX

BUREAU OF INSPECTION, INVESTIGATION AND LEGISLATION (contd.)

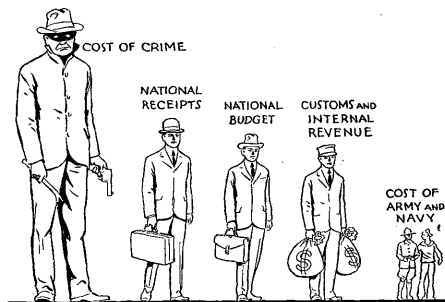
Extracts from a Study of the Conditions which have Accumulated under many Administrations and now Exist in the Prisons on Welfare Island, New York City, with a Plan for the Erection and Economical Financing of a New Penitentiary Elsewhere, by a Special Committee of the Regular Grand Jury, August Term, 1924.

INTRODUCTORY

OUR BIGGEST TAX — THE COST OF CRIME*

Crime, it is startling to learn, piles up such a staggering loss to the country every year that it costs more than our Army and Navy, more than our police systems, more in fact, than any other item in our national ledger. It is the biggest drain that business is forced to meet. We have frequently discussed crime from the religious standpoint, and it is not without interest, and certainly not without concern to us all, to view it as a bookkeeper would look at it at the end of the fiscal year — from the standpoint of profits and loss. Most people think of crime cost as a slight and incidental burden on the State and national revenues. But it is a drain on every man's purse, as certain and unavoidable, under the circumstances, as the income tax or the cost of bread and shoes. The total annual levy which crime places on the country is probably not less than \$10,000,000,000, writes Edward H. Smith in *Business*, a magazine described in its name, published in Detroit. This sum, he tells us, is about three times the amount of the national budget for 1923, two and one-half times the total ordinary receipts of the nation for the same period, more than three times the customs and internal revenue receipts, and at least twelve times the annual cost of the Army and Navy. "If, as has been repeatedly estimated, the total income of the country is from sixty to seventy billions a year," says the writer, "it is clear that a sixth or seventh of our total earnings is wasted, directly or indirectly, on crime." The strangest feature of these staggering facts, we are told, is that so few men, even of those most alive to great issues, ever take much account of crime as an economic problem or have any adequate idea of its menace to business. But, goes on the writer:

* An article published July 5, 1924, by and reprinted with the permission of the *Literary Digest*.



THE CRIME COST TWELVE TIMES THE PRICE OF PEACE

As the diagram shows, the country's crime cost, about \$10,000,000,000 annually, is two and a half times the total ordinary receipts for 1923, three times the national budget for the same year, more than three times the customs and internal revenue receipts, and at least twelve times the annual cost of the Army and Navy.

know that he must compete constantly with the underworld. Burglars, bandits, fraudulent bankrupts, credit trimmers, common thieves, dishonest employees, corrupt truckmen, package and bundle snatchers, railroad thieves, harbor pirates, and many other criminal families take not less than five or six hundred million dollars' worth of goods every year, and turn this huge bulk over to fences and professional disposers, who then vend the stolen merchandise to dishonest or ignorant retailers in all parts of the country. In certain lines, like drygoods, silk underwear and women's apparel, silk shirts, linens, woolsens, shoes, gloves and other leathers, furs, laces, men's clothing, haberdashery, and even in some grocery lines, this competition of subterranean with legitimate commerce has grown to be a national evil."

A well-known Philadelphia manufacturer of silk stockings, we are told, could not understand for more than two years the complaints that came to him that he was being undersold in his own goods. It developed, after long investigation, that a jobbing firm located near his own factory, was the ringleader and disposer for a gang of fake bankrupts and credit manipulators who sent out men to various parts of the country and got them to open dry-goods stores and run up credits with manufacturers, always including the

Philadelphia manufacturer. After they had built up their credits, these fake retailers obtained big orders, and then disappeared or went bankrupt. In either event all their valuable stock found its way, by circuitous routing, to the Philadelphia jobber. He was finally caught, and he and his gang were sent to prison. But the vast bulk of stolen goods of this kind, says the writer, is still being disposed of by enormous fencing and disposing organizations in New York and other great distributing points. Says Mr. Smith:

"These fences, who are men of means and influence, secretly buy vast quantities of stolen merchandise from all manner of property criminals. They pay, almost without exception, 25 per cent. of the wholesale value of the stolen goods. The thieves get this proportion in cash. The fence takes all subsequent risks. He sends out underworld salesmen to merchants whom he knows to be prone to the arguments of prices well under the market. Such salesmen are a regularly constituted order. There are scores of them in New York, who never in all their lives have sold a dollar's worth of honest stuff. They deal in stolen values only, and penetrate to all parts, disposing of what cannot be offered in one city by putting it on the market in another."

The figures showing the vast losses from crime have been gathered by Mr. Smith over a period of several years from authoritative sources. He names as these sources Seymour L. Cromwell, president of the New York Stock Exchange; William B. Joyce, chairman of the board of directors of the National Surety Company; Henry H. Reed, of the marine agency of the Insurance Company of North America; Hugh Smith, secretary of the National Vigilance Committee of the Associated Advertising Clubs of the World; C. W. West, chief investigator for the National Association of Credit Men; H. J. Kenner, manager of the New York Better Business Bureau; the police departments of New York, Chicago, Philadelphia, San Francisco and other cities; and the Association of Railway Executives. Of this information Mr. Smith writes:

"Bucket-shops, board-of-trade swindles, land swindles and other confidence games having to do with stocks, bonds and futures cause the largest loss. Mr. Cromwell estimates the annual total at \$1,000,000,000. Mr. Smith, of the Associated Advertising Clubs, had figures to show a total of \$3,000,000,000. It seems certain that the annual loss may be placed at \$2,000,000,000.

"Mr. Joyce, after consultation with the heads of the thirty-one surety companies in the country, estimated the annual embezzlement loss at \$125,000,000 and the burglary loss at \$525,000,000.

"In the big-scale class, also, one must include forgery. The total annual loss from all forms of forgery and check raising is not less than \$100,000,000.

"The National Association of Credit Men places the total loss through fraudulent bankruptcies and all forms of creditor trimming schemes at \$400,000,000

"Bad debts to wholesale and retail merchants pile up another \$150,000,000.

"Worthless checks cashed by merchants rise to the annual total of \$100,000,000. Many authorities say that this figure is too conservative.

"Political graft, looting of the public domain, thefts from the Government and from the states are listed by the best authorities at \$200,000,000 yearly — which figure also has been attacked as being far too low.

"To indicate how some of these estimates were computed — the Harvard Business School, in 1921, examined 119 department stores, which sold a gross of \$318,000,000 worth of goods. These stores were found to charge off two-tenths of 1 per cent of sales volume for uncollectible debts. The school examined the books of 727 retail stores and found bad-debt losses of \$815,235.

"The Retail Credit Men's Association of St. Louis became interested in the problem of bad checks some time ago and conducted an inquiry among its membership and among credit associations in other cities. From its findings the St. Louis association estimated that the annual bad-check loss of the average retailer is about \$150. To arrive at an estimate of the national total, you can multiply that \$150 by 600,000.

"Thus, be as skeptical as we like, we are faced with an annual loss to criminals — by direct stealing — that totals in the neighborhood of \$3,500,000,000."

However, this direct property loss through criminal operation, says the writer, is only the beginning of the story. The indirect mael is much greater. To begin with, the cost of prevention, detection, prosecution and punishment of crime, and the cost of the police systems, their wages and expenses, have been estimated by penologists and social investigators at \$1,000,000,000 annually. To this add the cost of courts, of prisons, penitentiaries, jails, reformatories, and asylums, of the feeding and pay of their inmates, and the cost of guards, jailers, wardens, matrons, etc. Ex-Governor Frank Lowden of Illinois, we are told, said in a recent speech that the expenditure for housing, feeding and attending the criminal and charitable charges of the various states now amounts to between one-third and one-fourth of the states' total incomes. Nor, says the writer, does the matter end here:

"Penologists and criminologists estimate that in one sense or another from 1 to 1½ per cent of the population is criminal. At all times about 200,000 persons in the United States are under lock and key. But these 200,000 represent less than one-fifth of the active criminal population — men, women and children who are definitely anti-social and certain: to be charges of the State for some part of their lives. Not only does this great army of offenders steal \$3,500,000,000 annually, not only does it require about as much more of public money for policing, imprisonment, feeding and attention; but it is an unproductive force, a great economic

waste. If the annual productiveness of the individual be estimated at the conservative sum of \$1,500, it will be seen that \$1,500,000,000 must be set down on the crime bill as industrial wastage.

"Still other items remain to bring the total up to the estimated ten billions. These include the operations of criminals not of the stealing classification, such as slayers, fire-setters, smugglers, bootleggers, counterfeiterers, coiners and many others, the sums spent on investigations and prosecutions, the net loss through commercial bribery and many other stray headings.

"What's the answer? Do you ask for a miracle — an overnight transformation of human nature? There is no single answer, unless it be education — education of the victim of crime to the end that he may protect himself more efficiently and more economically, and education of the criminal and prospective criminal to the end that he may know that, not even for him, does dishonesty pay."

Presentment of the August Grand Jury of New York County to Judge Allen, Relating to the Penitentiary for Males and Correction Hospital for Females on Welfare Island.

New York, October 15, 1924.

HON. WILLIAM ALLEN,
COURT OF GENERAL SESSIONS,
Franklin and Center Sts.,
New York City, N. Y.

SIR.—The Regular Grand Jury, when starting to serve its term in August, 1924, was furnished by the District Attorney with printed instructions for its guidance. Appended to these were printed for reference Sections 252 to 267 inclusive, of the Code of Criminal Procedure. For present purposes we quote Section 260, which reads as follows:

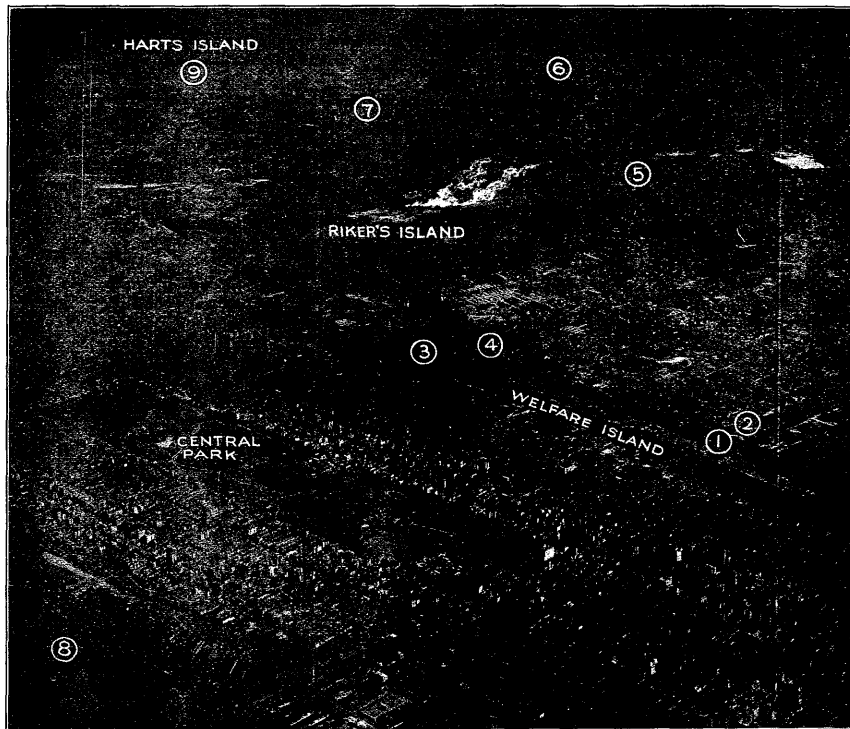
"The Grand Jury *must inquire*:

1. Into the case of every person imprisoned in the jail of the county, on a criminal charge, and not indicted.
2. Into the condition and management of the public prisons of the county: and
3. Into the wilful and corrupt misconduct of public officers of every description in the county."

Recognizing the mandatory wording of the law just quoted we endeavored within the extent of our ability and the time at our disposal, to live up to not only the letter but the spirit of the law.

The daily routine imposed upon us to meet the first mandate required us to sit daily from 11 A. M. to 1 P. M. to hear the cases presented to us by the District Attorney of persons "imprisoned in the jail of the county and not indicted." We care-

AN AIRPLANE VIEW OF WELFARE, RIKER'S AND HART'S ISLANDS.



Reproduced by permission of the Committee on a Regional Plan for New York and its Environs, owners of this plate.

- | | |
|---------------------------------------|-----------------|
| 1—QUEENSBOROUGH (59TH STREET) BRIDGE. | 5—FLUSHING BAY. |
| 2—LONG ISLAND CITY. | 6—FORT TOTTEN. |
| 3—HELL GATE. | 7—THROGS NECK. |
| 4—ASTORIA, L. I. | 8—HUDSON RIVER. |
| | 9—CITY ISLAND. |

fully investigated and conscientiously disposed of all the cases so presented to us, in number 127.

In order to fulfil the second mandate we began early in the term to consider how we should "inquire into the condition and management of the public prisons of the county." We found it necessary to devote time to this consideration entirely outside of the hours stipulated by the Court.

To begin, we had learned from history, as taught in our school days, that there were some very old penal institutions belonging to the City, and as we have grown older we have read in the daily press and weekly and monthly magazines and annual, decennial, quarterly and semi-centennial reports, and intermittent recurrent accounts, of efforts on the part of various City departments to keep these old institutions in habitable repair, to modernize them against fire hazard and insanitation, and to adapt them to the increasing demands of the City, due to its growth and improvements in methods of the custodial treatment of prisoners for their moral welfare and social, intellectual and industrial improvement.

Our Secretary was deputed to secure the latest reports from the Department of Correction, having jurisdiction over the City Prisons, and from the Fire Department and the Department of Buildings, which have supervision over certain phases of the physical safety conditions of these buildings, and these reports were furnished in sufficient numbers to enable all our members to take them home and study them. It then became evident that we could very easily become involved in an investigation which, if attempting to include "the condition and management of *'all'* the prisons of the county," would have to be extended indefinitely, accompanied by the assistance of experts in many fields, all of which would manifestly be impracticable as our panel was constituted. It was decided, therefore, to adopt a selective program limiting our inquiry and concentrating it upon the conditions affecting some specific situation which in the time at our disposal we could study and, if the conditions we should find would warrant our criticisms, we might, perhaps, offer some recommendations for betterment of a constructive nature.

In order to make that selection intelligently, we invited the Commissioner of Correction, Hon. Frederick A. Wallis, who has charge of the City prisons and other penal institutions of the county, to a conference on the subject. This invitation he cordially accepted, and he not only answered our inquiries fully and satisfactorily, but laid before us the principles to which his administration is committed and the problems which he has met and overcome and those which still confront him.

We soon agreed that with the time and facilities at our command we would have to be limited in our inquiry into the "conditions and management of *'certain specific'* public prisons of the county," and we asked him if he would point out to us those

having the most urgent needs and suggest to us how we could be of the most assistance to him in meeting them.

He then stated that in the early part of the last century there were several prisons which were originally established in the villages which were becoming merged into the growing city, and it was decided to erect one prison in a favorable location and remove to it the inmates of all the others. It was in accordance with this decision that about 1832 what became known later as the Penitentiary was built on Blackwell's Island and was placed under the Department of Charities and Correction. In 1852 the Workhouse, for the incarceration of those guilty of misdemeanors, was built there also.

Views of these two old buildings are shown in illustrations on page 15. Later the City Hospital and the City Home, or Almshouse, were added, and an insane asylum built about 1824 on the north end of the Island, which more recently became the Metropolitan Hospital. As the City continued to grow many other eleemosynary and penal institutions were built and added to the Department.

In the course of years the citizens began to realize that the conditions in the old buildings constituting the Penitentiary and Workhouse were getting to be neither safe as regards the fire hazard, nor sanitary, and efforts were made to have them overhauled and modernized, and in 1893 a bill was passed by the Legislature at Albany authorizing their reconstruction, but no actual work was started.

In 1895 the Department of Charities and Correction were split in two, and there were formed from it the Department of Public Welfare, having jurisdiction over the hospitals, almshouses, etc., of the City, and the Department of Correction, having jurisdiction over the penal institutions. The latter Department now includes three City Prisons, one being in each of the Boroughs of Manhattan, Brooklyn and Queens; eight District Prisons, in the Boroughs of Manhattan and the Bronx; the Traffic Detention Room in the Borough of Manhattan; the New York County Penitentiary and Workhouse for Males, commonly designated the "Penitentiary"; the Correction Hospital for Females, formerly designated the "Workhouse," the two latter being on what was Blackwell's Island and is now called Welfare Island; the Municipal Farms on Riker's Island; the Reformatory Prison on Hart's Island; the New York City Reformatory at New Hampton Farms, with a subsidiary institution at Warwick Farms, which are about 65 miles from the City, and the Women's Farm Colony at Greycourt, in Orange County, which is about 55 miles from the City.

Although nothing was done immediately in the direction of carrying out the intent of the bill passed by the State Legislature in 1893, to reconstruct the old Penitentiary and Workhouse, nevertheless, the matter was not allowed to drop. In the draft-

ing of the Charter of the Greater New York in 1898, Section 696 provided for the removal of the inmates of these two buildings from Blackwell's Island altogether and transferring the buildings and the land appertaining thereto to the Department of Public Charities. (See *Appendix B* on page 108.)

In May, 1907, during the administration of Mayor George B. McClellan, Hon. John V. Goggye, then Commissioner of Correction, invited five of the most representative firms of architects in the City to a competition on plans for a new Penitentiary, offering \$500 to each for preliminary drawings. The five firms invited and which competed were: Heins & LaFarge, Warren & Wetmore, Trowbridge & Livingston, Hoppin & Koen, and Henry Rutgers Marshall.

The jury appointed by Commissioner Goggye to pass upon the competition were: Mr. William R. Mead, of McKim, Mead & White of this City, and Messrs. Walter Cook, of Babb, Cook & Willard, and Robert S. Peabody, of Peabody & Stearns, both of Boston, Mass. The successful competitor was the firm of Trowbridge & Livingston.

As under the new Charter authority to act on such matters was transferred from the State to the City, the Board of Estimate and Apportionment, on October 2, 1908, authorized "an issue of \$200,000 corporate stock of the City for the purpose of providing means for the payments of architects' fees in the preparation of plans and specifications and for the supervision of the work of construction of a new Penitentiary, to be located on Riker's Island." The first contract with the architects was made December 5th, 1907. This was followed on December 18th by the approval of "an issue of corporate stock of the City to an amount not exceeding \$2,250,000, to provide means for the erection of" certain of the buildings included in the plans.

Many changes were then advocated in the plans which had to be redrafted several times before they were acceptable to the Department, and on October 29, 1909, the Commissioner, after securing the approval of the plans by the State Commission of Prisons, the Art Commission and the Department of Buildings, asked for authority to proceed with the execution of a contract to carry out the accepted design. On November 3rd the Board of Estimate and Apportionment approved the revised plans and specifications. Then there was a change of administration from Mayor McClellan to Hon. William J. Gaynor, with Hon. John J. Barry, Commissioner of Correction, and the resolution which was adopted, authorizing a new Penitentiary, was rescinded on June 3rd, 1910, and nothing further has been done in the matter from that day to this except to spend money on the upkeep of the old Penitentiary buildings. The architects were paid the sum of \$76,500 for their work on the plans, and the latter are now the property of the Department of Correction. Commissioner

Wallis showed us these plans. They are in excellent condition and we were assured that with slight alteration they would be acceptable for present use. It would seem to be most desirable to utilize these plans, which were the result of so eminent a competition and subsequent study and revision by competent experts for several years and are now, after the expenditure of a large sum of money on them, the property of the City. We show photographs of these plans. (See illustrations on pages 76 and 90.)

In 1921 the name of the Department of Public Charities was changed to the Department of Public Welfare, and Blackwell's Island became Welfare Island. Blackwell's Island had always been known as a prison island, which cast a stigma upon the hospitals located there, and this can be entirely overcome only by removing the prisons from it, but the change of title has been helpful.

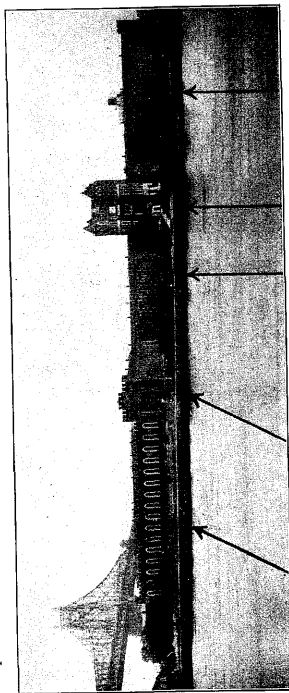
In 1919 a fire partially destroyed the old Workhouse, causing a damage of \$139,808, after which \$145,000 was appropriated for its reconstruction and the entire south wing was remodeled and converted into a hospital. It is now called the "Correction Hospital for Females" and serves as a combined workhouse, penitentiary and hospital for women prisoners.

The Commissioner stated we could not be expected to make a survey of all his institutions, but that if we would confine our "inquiry into the conditions and management of" these two "prisons" on Welfare Island, of which there has been so much and very just criticism for the past half century, and consider his plans for removing their inmates and relinquishing their possession of the buildings and turning them over to the Department of Public Welfare for hospital or other use, in accordance with the specifications of the City Charter, we would be doing all that could be expected of us, and if we should find ourselves able to endorse his plans to carry out what he considered to have long been the mandate of the public, or could offer suggestions to better his plans and help him to attain the end he had in view our time would be well expended. He invited us to visit these two old penal institutions on Welfare Island and the sites on Riker's Island and Hart's Island, both of which had been, by general agreement, selected by successive administrations and referred to in the City Charter as suitable ones for the new Penitentiary. We append a photograph of the architects' drawing, showing a bird's-eye view of the new building as it would appear on the proposed site on Riker's Island. (See illustration on page 76.)

THE PENITENTIARY FOR MALES ON WELFARE ISLAND

As seen from Manhattan looking eastward—now serves as the receiving and classification center, Workhouse, Penitentiary and Hospital for men and boys sentenced to the Department of Correction.

Note: The East River in front and the main thoroughfare situated along the eastern border of the Island which leads up to the Penitentiary entrance, and also connects with the Bridge elevators and the hospitals.



THE NORTH WING
Completed in 1891
Erected in 1891

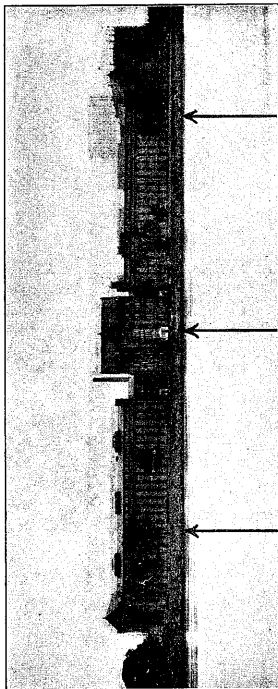
THE WEST WING
Erected in 1898

THE CENTRAL PORTION AND
ENTRANCE
Erected about 1882

THE SOUTH WING
Completed in 1891
Converted to the south of this
Wing is City Hospital)

THE CORRECTION HOSPITAL FOR FEMALES ON WELFARE ISLAND

(The old Workhouse formerly used for men and women.) The building as seen from Manhattan looking eastward.
 Note: This institution now serves as the receiving and classification center, the Penitentiary, Workhouse and Hospital for women sentenced to the Department.



THE NORTH WING
 which serves as a prison for women
 under sentence—erected in 1877
 (Just to the north of this wing is
 the Metropolitan Hospital)

THE ADMINISTRATION BUILDING
 (Erected in 1877)

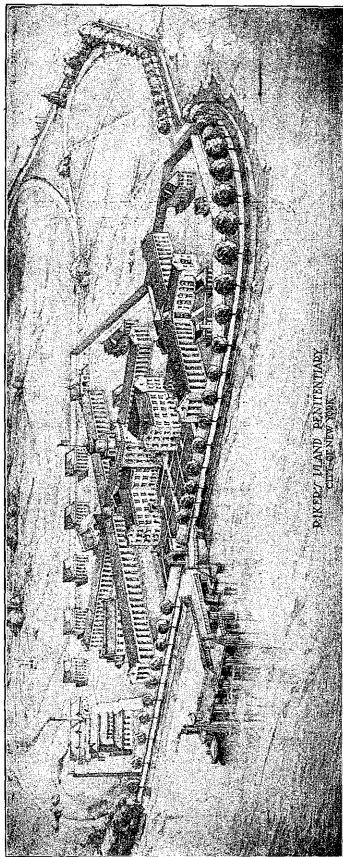
THE SOUTH WING
 Erected in 1877, but recon-
 structed and changed into a
 hospital in 1919.

To assure ourselves, in advance of any action on our part, that we would be working in harmony with the Department of Public Welfare, which shares the occupancy of Welfare Island with the Department of Correction, in a desire to obtain possession of the two prison buildings under discussion, our Secretary interviewed and obtained from Hon. Bird S. Coler a letter which favored the plan and settled our determination to accept Commissioner Wallis' invitation. This letter is appended. (See Appendix C, on page 109.)

Finding it impracticable, as well as unnecessary, for all the members of the Grand Jury to make in person the proposed inquiry, it was decided by unanimous vote that the foreman should appoint a Committee of three members to make the inquiry as thorough as possible and submit a report upon their findings. The foreman then appointed as the Committee Messrs. Thomas J. Bannon, William P. Meyer and H. F. J. Porter, our Secretary.

This Committee devoted one whole day to a visit to the New York County Penitentiary and Workhouse for Males (the old Penitentiary) and the Correction Hospital for Females (the old Workhouse) on Welfare Island, and the site on Riker's Island, which is one of those where it is proposed that the new Penitentiary shall be located. They did not have time to visit the other site on Hart's Island.

Commissioner Wallis was appointed to office January 1, 1923, succeeding Hon. James A. Hamilton, who had been made Secretary of the State of New York. Promptly on assuming office he laid out a comprehensive plan of reorganizing the administration of his Department, proposing a rearrangement of the handling of prisoners in the old buildings and the building of new ones, and on September 21st of that year submitted his recommendations to the Board of Estimate and Apportionment. He then requested Hon. George W. Wickersham, who had long been interested in prison affairs and is Chairman of the Executive Committee of the Prison Association of New York, to study them. Mr. Wickersham appointed a Joint Committee to consider the plans of the Commissioner of Correction to determine what constructive changes, relative to fire hazards, and unsuitable conditions of the prison buildings, might be favorably received and acted upon by the City administration. At a meeting held December 28th in Mr. Wickersham's office it was decided to make a complete survey of the prisons and ask an expert in penology to make a study of the suitability of the location and structure of the buildings now being used as prisons. The report has not been completed, but we have had the privilege of learning in a general way from the Commissioner what they have considered, so far.



PRISONER ISLAND PENITENTIARY,
NORFOLK ISLAND, NEW ZEALAND.

A PHOTOGRAPH OF THE NEW PENITENTIARY. ACCORDING TO THE COMPETITIVE PLANS OF THORNBURG & JAYNGSTON, COMPLETED IN 1890, THE LOCATION OF WHICH WAS TO HAVE BEEN ON THE VIRGIN SOIL AT THE NORTH END OF RUKIA'S ISLAND.

The project has been the subject of a long and protracted investigation, and classification seems to be possible to divide the cases into three main categories, namely, those of the sane, those of the insane, those of the honest, immoral, illiterate, mentally defective, or have simply committed a crime due to a sense of bravado and a wrong set of standards.

The Grand Jury recommend that only one wing be constructed and that this should be completed before any other permanent construction is attempted. In this way the original surveys and ground plans can be utilized and the plans of the building modified to meet present conditions.

Our Committee has completed its report, which is attached hereto. After carefully considering it in the light that has been thrown upon it by the various sources of information above mentioned, our members have given it their approval and wish me to offer it to you as part of this presentment. It is apparent that the conditions in these old buildings have been a disgrace to the City and a by-word all over the country for half a century and more, and that administration after administration has tried to eliminate them but for one reason or another has failed. It would be a further disgrace to let these buildings round out their century, which will occur in about five years, and with proper diligence they may be eliminated and new substitutes finished within that time.

The time seems to be propitious for this administration to make a name for itself for accomplishment with its various interested departments favoring and working together for betterment and economy, by taking the matter under serious advisement not whether to do it or not, but the quickest way to do it and for the most benefit to the City and its criminal wards.

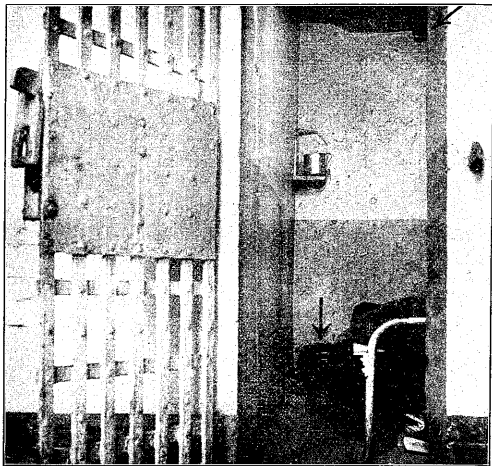
With these thoughts in mind we present our complete report to you in the hope that you will place it before the Mayor, the Board of Estimate and Apportionment and the Mayor's Committee for the Conservation of Life and Property, and any other body which you think would be interested, for their consideration.

Before closing I should touch upon the third mandate which the law imposes upon us as quoted in the first paragraph of this letter. In this connection I should state here that we have had no "wilful and corrupt misconduct of public officers" brought to our attention. Our personal contact has been close with one officer, however, the Commissioner of Correction, Hon. Frederick A. Wallis, and we should be remiss in our duty if we did not express our feeling that he is serving the City intelligently, efficiently and earnestly as an official. He is devoting his time and energies to the interest of both the public, of which he considers himself the servant, and the involuntary helpless and unfortunate wards of the City who are placed in his custody by the Justices of the Criminal Courts of the Greater City, of which honorable body you, sir, have recently become a member. You, therefore, should be personally interested in his endeavors and we hope you will co-operate with us in the manner above suggested to make them effective. We appreciate the courtesies which he has extended to us, without which we would have been helpless to perform one of our duties, but with them and your help we hope we may be able to offer some constructive suggestions to the City Administration for their consideration.

All of which is respectfully submitted by

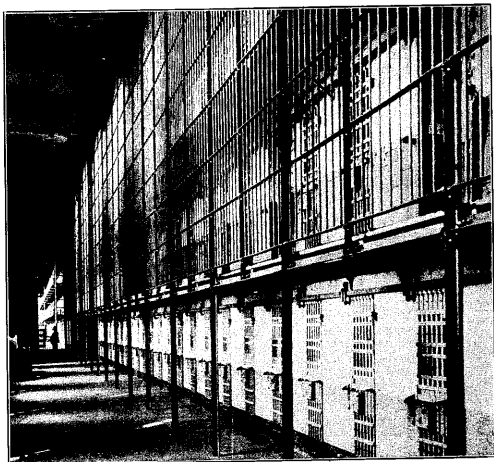
Yours very truly,

(Signed) HARRY H. GOOD,
Foreman Grand Jury August Term.



TYPICAL CELL IN THE OLD PENITENTIARY

The dimensions of the cell are 7 feet deep, 3 feet, 6 inches wide, 6 feet, 10 $\frac{1}{4}$ inches high, with a door opening 1 foot, 7 inches wide. Note the bucket in the lower left-hand corner and the small hole in the back wall at the upper right-hand corner, supposed to be for ventilation, but actually used as a cubby hole for storing articles belonging to the prisoner.



ONE OF THE CELL-CORRIDORS IN THE OLD PENITENTIARY

Note the distance of the cells from the outside walls and windows and the consequent limitations of light and ventilation, especially needed on account of the absence of toilets in the cells.

When the men are not locked in their cells they are allowed in the corridors or sent in large gangs where the work sufficient for one man is performed by many prisoners.

Report of the Special Committee Appointed by the August Panel of the Grand Jurors of New York County to Inquire into the Condition and Management Existing in the Penal Institutions on Welfare Island, known as the Penitentiary and Workhouse for Males and Correction Hospital for Females, and the Proposed Sites for the New Penitentiary on Riker's Island or Hart's Island.

October 15, 1924.

MR. HARRY H. GOOD,
Foreman Regular Grand Jury
August Term 1924.

DEAR SIR.—Your Committee appointed by unanimous vote of the Panel have been guided by the information secured in advance by the latter, including the following:

1. That the Charter of the City of New York (Section 696) has authorized since 1898 the Department of Correction to remove from Welfare Island the inmates of its prisons for men and women, known respectively as the New York County Penitentiary and Workhouse for Males (the old Penitentiary) and the Correction Hospital for Females (the old Workhouse). (See *Appendix B on page 108.*)

2. That the Commissioner of Correction, Hon. Frederick A. Wallis, desires to bring about the removal of the inmates of these prisons from Welfare Island at the earliest possible moment because the administration of these prisons is continuously hampered by their location and the site and character of the prison buildings, which make it impossible to care for and properly safeguard their inmates, to provide sufficient work to keep them occupied and to prevent drug smuggling and many other evils which now exist.

3. That the Charter of the City of New York (Section 696) has authorized since 1898 the Department of Charities, now called the Department of Public Welfare, to take over the above-mentioned buildings on Welfare Island now used by the Department of Correction. (See *Appendix B on page 108.*)



BUCKETS USED AS CHAMBER-POTS IN THE OLD PENITENTIARY
Two collect-buckets, just emptied in the sewer trough, which are a part of the so-called "bucket system."



A SECTION OF THE BUCKET BRIGADE IN THE OLD PENITENTIARY

About one thousand men and boys must stand in line daily awaiting their turns to empty their chamber-pots after using them in their cells during a period of ten or twelve hours.

4. That the Commissioner of Public Welfare, Hon. Bird S. Coler, is as desirous of facilitating the removal of the inmates of the prisons from Welfare Island as the Commissioner of Correction, so that the Island can be devoted, efficiently and satisfactorily in many other ways, to the care of the sick, needy and aged wards of the City, which the proximity of the prisons with the daily influx of their objectionable visitors prevents. (*See Appendix C on page 109.*)

5. That the Charter of the City of New York (Section 696) has specified both Riker's Island and Hart's Island as suitable sites for new prisons and authorized the Department of Correction to remove the inmates of the old prisons above mentioned to new ones to be erected on Riker's Island, then available, and Hart's Island, when available, and since then the latter has become available and some of the former inmates of the old prisons have for some years been domiciled on both these islands, mostly in temporary accommodations awaiting the erection there of more permanent, habitable and safe structures.

Fortified by the above information and in accordance with instructions received in open session of the Panel, we arranged with the Commissioner of Correction to visit the prisons on Welfare Island and "inquire into their condition and management," and also to visit the proposed site for the new Penitentiary on Riker's Island for the same purpose, and report our findings to you. The time at our disposal was not sufficient to extend our visit to Hart's Island. The information obtained during these visits is respectfully submitted herewith:

On Friday, August 29th, we met the Commissioner of Correction, Hon. Frederick A. Wallis, and two members of his staff, Mr. Charles C. Hughes, one of the trustees of the Prison Commissary Fund, and Major S. W. Brewster, one of the Deputy Wardens of the Department, and, accompanied by Acting Warden Joseph A. McCann, we inspected the New York County Penitentiary, of which the latter official has charge. A detailed physical description of this building is attached. (*See Appendix D on page 110.*)

The main building, with the exception of a west and north wing added respectively in 1858 and 1897, was built nearly 100 years ago, the exact date seems to be lost in the darkness of the past. It was modeled after Sing Sing Prison, which was built some years earlier and which has long been condemned as antiquated, unfit for human habitation, and is now being replaced by modern structures.

Our Nation's forefathers had the prevision that this country would grow and when they framed our Constitution provided for amendments to that document to meet future requirements, but our City Fathers, whose prevision of the growth of their domain did not extend to the back of the City Hall, framed the Peniten-

tiary to meet the needs of the then young City of New York of only 200,000 people, and made it so rigid that it could never be altered to meet future advances in civilization. Somehow their calculations have gone awry and this building in 1923 had to accommodate the modern needs of a City with a population of 5,927,617 people.

The Penitentiary, Welfare Island.

Among the many changes that have taken place affecting the disposition of criminals in the Greater City has been the consolidation of prisons and the expansion of their functions. In this way the population of the Penitentiary has greatly increased in recent years, due, for example, to the transfer of prisoners to it from the old Kings County Penitentiary when it was abolished in 1908.* And again in 1919 the men under Workhouse sentences were transferred to the Penitentiary from the old Workhouse, at the time when it was converted into the Correction Hospital. Then, a most important function was added to the already crowded Penitentiary in 1917 when the State Legislature designated the former Industrial Building as a classification center for the Department of Correction. Whereas, the purposes of this law were excellent, yet it has never really become operative because this Industrial Building, on account of the crowded condition of the Penitentiary, has had to be used to make room for the overflow from the latter of Workhouse prisoners.

Let us consider what was the object of this classification center and how it was supposed to function. To begin with, when the growth of the City increased, the number of prisoners to be cared for in the old Penitentiary became greater and the latter was found to be inadequate to accommodate them, and two wings, one in 1858 and the other in 1897, were added. Then the indiscriminate herding of the healthy with those affected by contagious diseases, the young first offender with the hardened criminal, the mental defective and degenerate, etc., were found to be developing a veritable school of crime, and it was decided to establish a system of preliminary study of each criminal and place him where he would be benefited rather than contaminated. This was instituted as well as possible with existing facilities, but it is far from satisfactory. At the present time, all convicted male persons who are sentenced in the Greater City to the Penitentiary, New York City Reformatory, and the majority of those sentenced to the Workhouse for a period longer than five days, are transferred from the three City and the eight District Prisons and two County Jails to the Penitentiary. Here it was intended that each prisoner should be classified on the basis of a doctor's examination, personal interviews by prison officials and parole Commissioners and a study of their recent and

* The Kings County Penitentiary was erected during the period 1846 to 1848 and was abolished during the years 1907 and 1908.



THE OUTDOOR EXERCISE FIELD PROVIDED FOR PRISONERS IN THE PENITENTIARY ON WELFARE ISLAND

The Penitentiary enclosure is situated on the west side of the north wing. The Queensborough Bridge can be seen in the background.

The illustration shows about 1200 men and boys, who have been convicted of every kind of crime, getting an hour's fresh air.

The casual observer will note in the above at least two striking evils that now exist in the Penitentiary, due to its poor location, inadequate size and its limitations of structure as follows:

1—75% of these able-bodied men and boys spend most of their time in idleness.

2—Commingling of prisoners, which means that there is close daily association of men and boys, drug addicts, pickpockets, traffic violators, thieves, embezzlers, forgers, vagrants, highwaymen, etc.

It is obvious that these two evils are responsible for the development of amateur into professional criminals, and for broadening the criminal knowledge of prisoners, who thus become more resourceful and learn how to effectively baffle the police and avoid future convictions when arraigned in Court.

past criminal records and personal histories, in order to find, if possible, the probable causes for his criminal acts, whether they be bad associates, vicious habits, illiteracy, defective mentality, etc. It was then intended to determine to which one of about ten institutions the prisoner should be transferred, what work or institution might be of benefit toward changing the prisoner into a law-abiding citizen after his release from prison, etc. On account of inadequate facilities the designation of the Penitentiary as a clearing house for the Department of Correction has brought about conditions which are just the reverse of what was intended. The very fact that the great majority of men and boys sentenced to the Department of Correction pass through the Penitentiary is responsible, under existing conditions, for making professionals of amateur criminals, and for the perversion of the morals of dishonest men and boys, and the teaching of criminal acts of a dishonest character to men who have previously been guilty of immorality only. It would hardly be practical to attempt to thoroughly classify prisoners, under present conditions, and there is so little work available and so few facilities for instruction that the majority of the prisoners must spend their time in idleness. Opportunities are thus offered for retailing to each other the details of their exploits, enlarging upon their experiences, which glorify some as heroes in the eyes of others and tend to form associations which are maintained after release. There can be little doubt that many of the hold-ups and robberies now constituting a veritable crime carnival in this City were planned in the laboratories of this institution. The indirect cost of the latter to the citizens of this community must run up into millions of dollars annually, and it is increasing. (See *Our Biggest Tax—The Cost of Crime*, on pages 64 to 68.)

The turnover of prisoners in the Penitentiary is undoubtedly much larger than in any penitentiary, workhouse or State prison in the United States, because it serves as the combined Male Penitentiary and Workhouse for the five Boroughs of the Greater City, and as the male clearing-house for the Department of Correction.

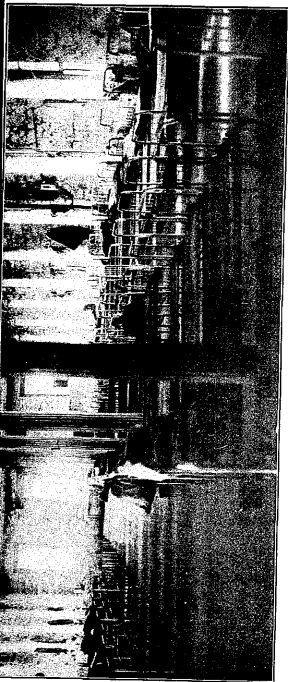
According to a recent report of the Prison Association the turnover of prisoners in the Penitentiary in 1922 was:

7929 prisoners committed under workhouse and penitentiary sentences.

5422 prisoners transferred from the Penitentiary to other institutions of the Department.

4577 prisoners returned to the Penitentiary from other institutions, for reclassification or discharge.

Attention is called to the attached physical description of the Penitentiary building (*Appendix D*). It should be noted that all the walls are of stone $2\frac{1}{2}$ feet thick, the cell walls are $1\frac{1}{2}$ feet thick and the floors are 6 inches thick, which has made it impossible to remodel the building to any appreciable extent to adapt it to



ONE OF THE DORMITORIES IN THE OLD THREE-STORY INDUSTRIAL BUILDING OF THE PENITENTIARY WHICH WAS BUILT IN 1857 AND IS SITUATED TO THE EAST OF THE NORTH WING. THIS BUILDING WAS DESIGNED BY LAMAR HOWLAND, ARCHITECT, AND WAS THE ORIGINAL CENTER OF THE DEPARTMENT IN 1917. THE OLD WORKHOUSE WAS CONVERTED INTO A DORMITORY IN 1918. IN 1921, THE BUILDING WAS DEMOLISHED AND REBUILT AS A PENITENTIARY. THE BUILDING HAS BEEN USED FOR DORMITORIES TO HOUSE THE OVERFLOW OF WORKHOUSE PRISONERS IN THE PENITENTIARY.

1—Note the wooden floors and rafters and the wooden window sashes.
2—The only partition in the far right-hand corner is in front of the three toilets and two urinals which open into the wash sink can beatory.

Take note of the fact that at the end of the center aisle. The beds are in one dormitory and that the beds are very close together.

In each of these dormitories there is a large group of men personally acquainted with every kind of crime who are suffering from physical illness, but this does not mean that the master minds are not devising ways and means of exploiting their physical infirmities for their release, and enlisting the aid of fellow prisoners as confederates during their imprisonment in these cells. There is certainly a short-sighted policy not to provide an adequate number of cells and to utilize the available man-power as a future safeguard to the public and a benefit to the individual prisoners.

The sanitary arrangements most inadequate, but there is a decided fire hazard in this three-story building are the sanitary dormitories. The windows and exits are barred and there is only one narrow wooden staircase leading from the two upper floors, which would ordinarily have to be used by about 200 men in case of fire.

existing needs. The art of plumbing did not exist when it was built and the plumber has been unknown there since, except when incarcerated. The lack of plumbing in the 1120 cells, which are occupied by prisoners 10 hours a day and on Sundays and holidays for longer periods, is responsible for a bucket system of excrement disposal and other conditions affecting the health, moral standards and habits of the prisoners, and the morale of the keepers. In fact, the cells are daily saturated with odors and the flies in the walls and crevices of the cells and dormitories are infested with vermin, which vigilance cannot eradicate. (See illustrations on pages 78, 86.)

The size and structure of the penitentiary limits the warden in effectively separating prisoners, as there are only four wings, each composed of four double tiers of cells, by which to classify and segregate prisoners. All this means that the penitentiary, with its large criminal population and crowded conditions, starting as a school of crime, has become a university. The city, instead of developing a method of prevention, is fostering a system of cure and furnishing raw material for the rapidly growing legal profession to thrive on.

The lack of segregation in the penitentiary is appalling. The only segregation that can be enforced throughout, and this with the greatest difficulty, is with sexual perverts who not only are kept in a separate section of the south wing, but are also exclusively assigned to work in the laundry and are given their meals in a separate part of the dining room and their out-of-door exercise in a separate yard fenced in around the laundry. On the other hand, although the boys are kept in separate tiers of the south wing, it is necessary to make use of the adjacent tiers for adults, and the boys necessarily commingle with the men at meal time during their recreation in the field, which is enclosed with a wire fence to the west of the north wing. (See illustration, page 84.)

Furthermore, the poor arrangement of the cell-blocks, the bad location of the dining room, the limited amount and character of the work causing idleness, result in the commingling of boys and men, drug addicts, moral degenerates, pickpockets, traffic violators, thieves, embezzlers, forgers, vagrants, highwaymen, etc., together with prisoners infected with tuberculosis, venereal and other contagious diseases.

The classification in the penitentiary, therefore, is practically limited to the assignment to cells, as commingling in working gangs, at meal time, and during recreation, is bound to occur under existing building conditions. The classification that is attempted, but which cannot be enforced, except in the first instance, is:

1. Those prisoners known to be perverted sexually.
2. Those infected with syphilis and gonorrhea.
3. Those having scabies.
4. Prisoners held for mental or other observation.

5. Those needing specially strict discipline.
6. Those sentenced to the penitentiary.
7. Those sentenced to the workhouse.

The Inadequate Number of Cells

On the day of our visit there were 1,132 men in the old cell-blocks and 235 in the dormitory building, making a total of 1,367. The average daily census of the penitentiary, during the year 1924 to date, was 1,250, and the highest census on any one day was 1,431. For this reason it has been necessary at times to place two men in one cell in the north wing, even when the old industrial building is used for dormitory purposes for which, as stated, it is in no way suited. (*See illustration on page 86.*)

The dormitory building, three stories high, was constructed in 1857, with stone exterior walls and an interior composed of rough boards and rafters, and a single narrow staircase. There is an extreme fire hazard in this building as the interior might readily take fire and the flames make such rapid progress that the large numbers of men in it would have no chance to escape by the single narrow wooden staircase leading to the single exit, which is barred and locked, and it must be remembered that, of course, the windows are all barred. Since the Triangle Waist Company fire in 1911, when similar conditions caused the loss of 147 lives and many injuries, laws were passed strictly enforcing fire prevention measures in all factory and business buildings in the State, and now when these laws are not obeyed those responsible for their violation are arrested and punished by fines and imprisonment. Yet when the city officials are guilty of ignoring this law no action is taken. Each day is one day nearer the inevitable holocaust which, when it comes, like the one in the Ward's Island building, will drive the administration responsible for it to definite action by the demands of an outraged public.

The sanitary arrangements in the building are abominable. On the three floors there are 11 water closets, or one for about 27 men, and 9 urinals, which are separated from the dormitories only by wooden partitions about 4 feet high.

Men convicted of all kinds of offenses are housed in these dormitories during their imprisonment, but, it must not be forgotten, that in a few weeks or months they are given their liberty and the public are bound to suffer by the kind of treatment and education they have received, as they become more demoralized and less likely to become law-abiding citizens. It usually is not long before the police and the criminal courts have to deal with them again, and a vicious circle formed, which, to say the least, is a very expensive routine for a supposedly enlightened community to maintain. The public press is replete with accounts of banditry of all kinds and not only are our citizens not safe in the streets, but their homes are invaded and they are robbed and murdered. Paymasters of industrial concerns when transferring their payroll



THE INTERIOR OF THE NORTH WING, OR PRISON SECTION, OF CORRECTIONAL HOSPITAL FOR FEMALES ON WELFARE ISLAND

The absence of toilets in the cells, the free commingling of prisoners and other handicaps exist, similar to those in the Penitentiary for males, due to the limitations of size, location and structure of this prison building.

money from a bank to the work shops do so in armored cars. Banks moving from one building to another select a Sunday or holiday when the streets are comparatively empty and line them with guards armed with machine guns to further protect the procession of armored cars.

It is not our prerogative to analyze the causes for these conditions. Undoubtedly they are many and varied. They extend back to the previous environment of the individual in the City and this the various departments of the City administration, assisted by many civic organizations and private individuals, are constantly striving to improve. Also to the methods of the City Courts, which they themselves, with the Bar Association and other organizations interested in the causes and prevention of crime and the study of the mentality of the criminal, are endeavoring to improve.

We have conceived it to be our duty simply to seize the opportunity presented to us, in the month when we were called upon to serve the City, to study one phase of the complicated problem, and endeavor in what must be a feeble effort, to render aid, by such constructive suggestions as we may offer, toward its solution.

Some of the Bad Consequences of the Poor Location of the Present Buildings of the Penitentiary

The combined Penitentiary and Workhouse for Males is located on Welfare Island just below the Queensborough (59th Street) Bridge. Its proximity to the City Hospital and the Home for the Aged and Infirm, without any intervening walls, presents a constant opportunity for drug smuggling and escape of prisoners, as there can be no absolute control of persons visiting and leaving the Island.

There is little space on the Island for industrial shops and none for farm work, so that most of the employment available for the average population of 1,250 male prisoners is the cleaning and maintenance work of the Penitentiary and of the Correction Hospital for Females, some repair work on the roads of the Island and carting of coal, supplies, etc., for the hospitals, all of which must be done by gangs of prisoners under the close supervision of keepers. There is, therefore, a great waste of man power which could be utilized by the City, and much enforced idleness which is demoralizing to the prisoners. (See illustration, page 84.)

In addition to the above objections the location is also responsible for a tremendous financial loss to the City, as the 1914 report of the Department of Correction states that the land and buildings represent an investment of \$7,800,000 from which the City is deriving few benefits, although annually spending increasing sums of money on upkeep and for which many past City administrations have been severely criticized. On the other hand, if the Penitentiary buildings were torn down some of the materials could be utilized in the construction of a new Penitentiary, on Riker's or Hart's Island, but preferably on Riker's Island, and the present site could be prepared for future park purposes, so urgently needed.

Correction Hospital for Females on Welfare Island.

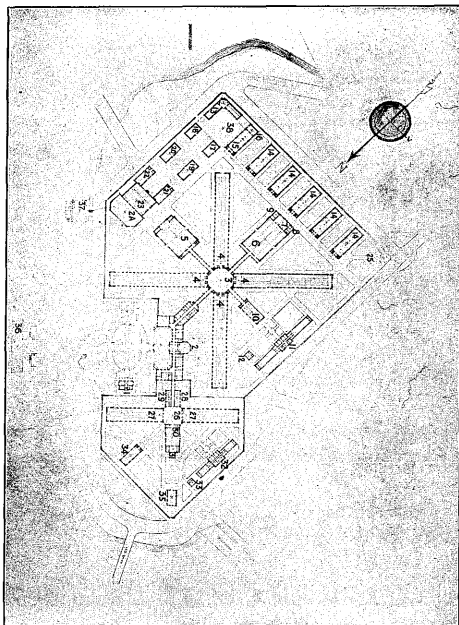
Nor is Welfare Island confined to the site for a seat of learning for the higher courses in vice and crime for males only. A visit to Correction Hospital for Females, formerly called the Workhouse, a building erected nearly three-quarters of a century ago, disclosed practically the same conditions as exist in the Penitentiary. Fortunately, the existence of separate buildings for these institutions, one at each end of the Island, prevents co-education.

However, the same conditions exist in this institution as in the Penitentiary. Its location at the north end of the Island, adjacent to the Metropolitan Hospital, and the road traversing the Island, which is used by all the visitors and employees on the Island, is responsible for keeping the women indoors. The women prisoners are even more strictly confined in Correction Hospital than the men in the Penitentiary, because women prisoners naturally attract more attention than men and are more apt to be subjected to the tormenting gaze of inquisitive people. The limitations of the structure of the building do not at all meet the needs of this institution, which serves as the Workhouse, the Penitentiary, the Classification Center and Hospital for women sentenced to the Department of Correction. The hospital occupies the entire south wing and is of major importance because, it is said, that about 80 per cent. of the women received require hospital attention—mostly for venereal diseases and drug addiction.

The commingling of women in this institution is as bad as in the Penitentiary, but the results are even worse, in some ways, as the moral degradation of women previously guilty of dishonesty only becomes a most serious menace to the public. A woman once committed to Correction Hospital under sentence too frequently returns under succeeding sentences. In a recently published report of the Prison Association it is shown that about 63 per cent. of the women sentenced to this institution in 1923 had been there before, and one-third of the total number sentenced during the first five months of 1923 had been committed to Correction Hospital from 5 to 51 times.

We will not attempt to describe, in the same detail as with the Penitentiary, the conditions of and the different factors affecting Correction Hospital. The removal of this institution from Welfare Island depends, however, upon certain other developments, most important of which are:

1. The development of the plans for the Women's House of Detention, for which purpose the City has already appropriated \$700,000, and how far this proposed institution can be utilized for the housing of short-term prisoners who cannot profitably be transferred to the distant Women's Farm Colony at Grey-court.
2. The future hospital policy of the Department of Correction, whether the present system of medical examination and treatment of women prisoners held in the City and District Prisons



COMPETITION FOR PENITENTIARY, RIKER'S ISLAND, NEW YORK

General Ground Plan

Scale 1/64 in. to 1 ft.

- | | |
|---|--------------------------------------|
| 1. Warden's House. | 20. Lie-House. |
| 2. Administration Building. | 21. Engine Room and Pumping Station. |
| 3. Men's Central Guard House. | 22. Electric Plant. |
| 4. Men's Cell Houses. | 23. Police House. |
| 5. Men's Chapel. | 24. Coal Yard. |
| 6. Men's Mess Hall. | 25. Crematory. |
| 7. Men's Provision Storage. | 26. Women's Central Guard House. |
| 8. Men's Butcher's Shop, etc. | 27. Women's Cell Houses. |
| 9. Men's Bath House and Dark and Padded Cells. | 28. Women's Dark and Padded Cells. |
| 10. Men's Bath House and Dark and Padded Cells. | 29. Women's Bath-Room. |
| 11. Men's Hospital. | 30. Women's Mess Hall and Chapel. |
| 12. Men's Isolating Ward. | 31. Women's Cook-House, etc. |
| 13. Stable. | 32. Women's Hospital. |
| 14. Men's Work Shop. | 33. Women's Isolating Ward. |
| 15. Store-House. | 34. Women's Work Shops. |
| 16. Shipping Department. | 35. Women's Laundry. |
| 17. Bakery. | 36. New Dock. |
| 18. Flour-Storage. | 37. Supply Dock. |
| 19. Laundry. | 38. Service Court. |

Note: Some of the features of the above plus which were completed in 1909, are cell houses which are joined at the center and projected outwards in four directions. The purposes of this arrangement are to provide the maximum of light and ventilation without sacrificing compactness, economy and efficiency in keeping guard over the prisoners. The supervision of the latter may be kept by guards in the central guard house. The supplementary institutional buildings are placed between and grouped around the radiating wings.

The original plans include a separate section for female prisoners, shown at the right of the above plans, which would have to be eliminated or re-adapted for the use of male prisoners.

awaiting trial, by the doctors of the Board of Health and the City Hospitals, will be extended so that sentenced women will be treated in prison wards of regular City hospitals, similar to the prison ward of Bellevue Hospital, or whether the Department of Correction is to maintain and further develop its hospital system, which is now one of the four separate hospital systems operated by the City.

3. The future development of the Women's Farm Colony at Grey-court, which was opened only this year. The present capacity of this institution is about 200, but to date only a small number of women have been transferred to it as it is still in the experimental stage.

For a physical description of Correction Hospital, see *Appendix E, page 111*.

Riker's Island, the First Choice as the Proposed Site for the New Penitentiary

The plans for new buildings to house the inmates of the New York County Penitentiary and Workhouse, which the Commissioner of Correction showed to the Grand Jury, were made by the firm of Trowbridge & Livingston, Architects, of this City, in 1908, 16 years ago. The Commissioner says that with certain modifications, which are advisable, due to improvements in prison practice since they were made, the plans for which about \$80,000 were paid and which are in his possession will be perfectly satisfactory for present use. It was proposed at the time these drawings were made that the buildings should be erected on Riker's Island, one of the sites specified in the City Charter, which is situated just above North Brothers Island, about opposite 143d Street, in the East River. Surveys were made for their location, which are still available.

We visited Riker's Island, went around it in the Department launch, and inspected the proposed site for the new Penitentiary and the institution known as Municipal Farm, which is devoted to the care and treatment of persons sentenced to the Department for drug addiction.

This Island, originally consisting of 62.9 acres of virgin soil, was purchased in 1884 for \$180,000. Since then it has been added to by filling, from City excavations, ashes and street sweepings, so that it has now an area estimated at about 284 acres. The map of the Harbor Line Board of the U. S. Government gives the area within the bulkhead lines as 360 acres, but the Warden of the Municipal Farm on Riker's Island is of the opinion that the acreage of the Island and the area within the bulkhead lines are much larger than that shown on various maps. From the nature of the fill the made land is poor in quality and the farm, except the part on virgin soil, can hardly be called productive. If top soil would be added it could in time be made more so. Such soil, the U. S.

Engineers say, could probably be pumped up from the river bed. It is on the virgin soil at the north end of the Island where it is proposed to locate the prison. A photograph is appended of the architect's drawing of a bird's-eye view of the buildings on the site. (*See illustration, page 76.*)

The present buildings of the institution called Municipal Farm, which, as we have stated, are located on the virgin soil at the north end of this Island, are of frame structure and temporary character, with the exception of one permanent structure which was originally intended as a disciplinary building, but is not now being used. There are eight wooden barracks, measuring 35 x 110 feet each, which contain open dormitories with a total capacity for about 350 inmates. There are smaller buildings for the warden and attendants, a chapel, dining room, kitchen, store room, boiler house, etc. (*See illustration, page 93.*)

There is practically no fire protection and a fire once started, in connection with a good breeze, would sweep all the buildings away, as the water mains connected with the Island do not provide sufficient water pressure to effectively combat fire, as was demonstrated when the buildings of the piggery burned a couple of years ago. We understand, however, that a pump is to be installed soon which will lessen this danger.

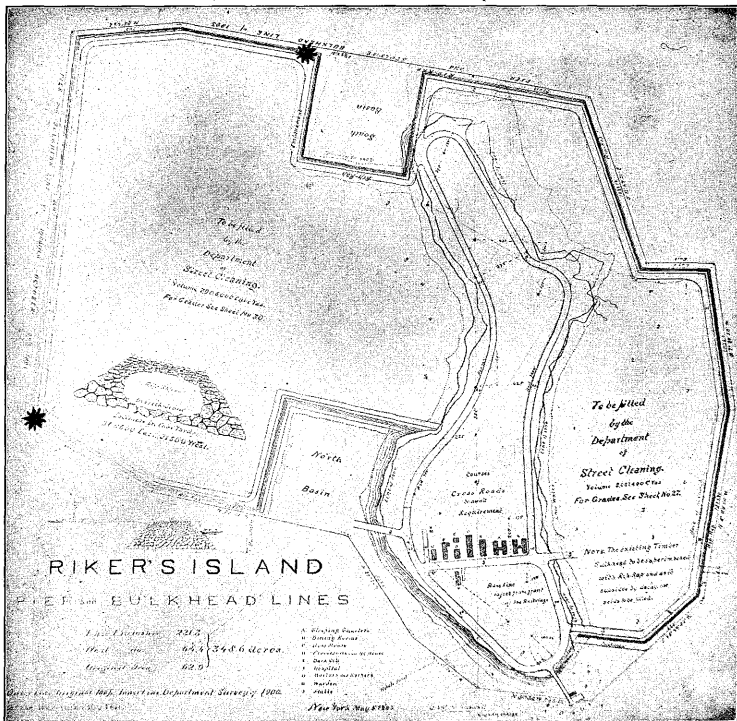
The eight barracks are one and two-story frame buildings with barred windows and doors, but the inmates could probably escape with their lives in case of fire if the doors were unlocked in time by the prison keepers, who are constantly in attendance within the buildings.

In 1923 there were sentenced to the Workhouse in the Greater City 1292 persons charged with using, possessing or selling drugs. Of this number there were 427 persons who voluntarily committed themselves for drug "cures." Of the total number only those addicted to drugs were transferred to Riker's Island.

All persons sentenced to the Workhouse for drug addiction have a past record of a "cure" or some past criminal record, as it is possible for any drug addict who has no history of a previous "cure" and has no past criminal record to be sent to a City hospital for treatment, by provisions of a special arrangement between the Police Department and the Department of Public Welfare. However, it not infrequently happens that persons are convicted of robbery and other crimes and their drug addiction is not detected until after they are sentenced to prison. As soon as it is found that a male prisoner is addicted to drugs, no matter what crime he has been convicted of, he is transferred to Riker's Island.

In 1923 there were received on Riker's Island 1530 prisoners who were practically all drug addicts with the exception of a very few prisoners who were transferred there as "help."

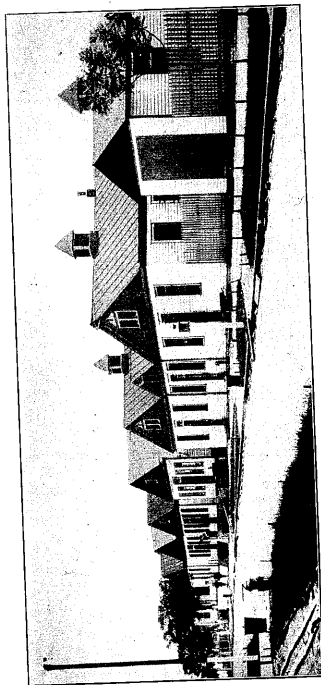
The results of treating drug addiction are certainly most discouraging and the word "cure" is really a misnomer, because most persons after completing their 100-day so-called "cure" and be-



AN OLD PLAN OF RIKER'S ISLAND
(The bulkhead lines are fixed by the Secretary of War.)

Showing:

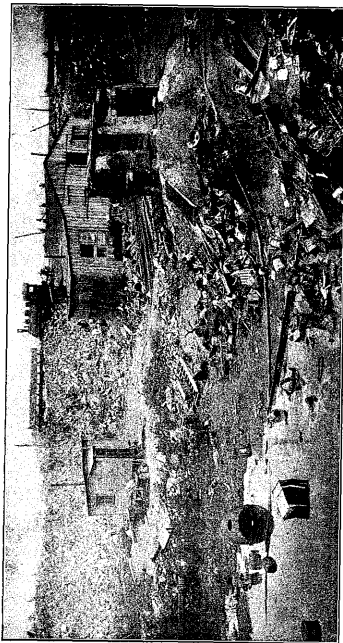
- 1—The original Island at the bottom of the illustration, the narrow elongated portion with the prison buildings plotted on it.
- 2—The two unloading plants now being operated, marked with asterisks, on the northeast and southern borders of the Island.
- 3—The piers and two artificial basins and the projected extent of the fill or addition to the area of the Island.
- 4—It is said that the fill to the right of the illustration, the eastern section, has been practically completed.
- 5—This illustration suggests the need which exists for building substantial sustaining walls to prevent leakage of the fills into the channel.



MUNICIPAL FARM FOR DRUG ADDICTS ON RIKER'S ISLAND

Some of the buildings, mostly dormitories, on the north end of Riker's Island, which are a part of the Municipal Farm for drug addicts.

Note the orderly condition of this section of the Island, a part of the original Island which was composed of 62.8 acres, in contrast to the disorder of the dumping grounds and the unsettled condition of the hundreds of acres of filled ground.



HOW THE CITY CAN SAVE MANY THOUSANDS OF DOLLARS YEARLY WHICH SHOULD BE DEVOTED TO THE CONSTRUCTION OF A NEW PENITENTIARY

One of the unloading sites on Riker's Island showing the extensive work which has been done by employees serving their sentences in the Penitentiary on Welfare Island.

The illustration suggests the great amount of work which is available for hundreds of idle prisoners now assigned to the unloading, separation and distribution of the ashes and refuse from the sews will result in a great economy to the City; it will substitute hard work for idleness and become a strong factor in discouraging the criminal activities of persons who are now repeatedly sentenced to prison.

ing released, soon return to their old environment and former companions, and it is not long before they are returned for another "cure." It would seem that drug addiction is a habit which undermines the will power and that for each successive "cure" a person takes there is so much less chance of his ever breaking the habit. Therefore, it would seem advisable that more attention be paid to the after-care of the drug addicts when they have been taken off the drug. However, to devote a perfectly good Island of about 640 acres exclusively to the care and custody of drug addicts is, to say the least, uneconomical.

The Present Plans of the Department of Street Cleaning for Improving and Developing Riker's Island.

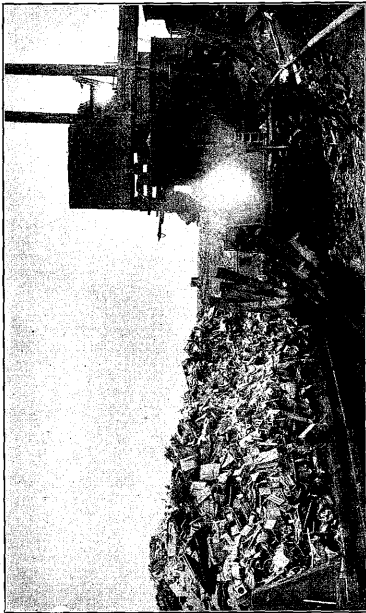
The development of Riker's Island is not only one of the major projects of the Department of Correction, but is also considered to be of the greatest importance to the present plans of the Commissioner of Street Cleaning, Hon. Alfred A. Taylor.

The plans of Commissioner Taylor provide that the Department of Street Cleaning take over the dumping sews and apparatus, so that refuse which has previously been transported to Riker's Island under private contract, at a total expenditure which, it is said, amounted to about \$1,000,000 yearly, will be handled by the Department of Street Cleaning.

In line with this plan the Board of Estimate and Apportionment, in June, 1924, appropriated a sum not exceeding \$216,690 for the purchase of the plant and equipment of the Manhattan Ash Removal Corporation, and authorized the Commissioner of Street Cleaning to reject the bids received in May, 1924, for unloading the sews on Riker's Island during the ensuing year.

Commissioner Taylor not only intends to take over the loading and transportation of the refuse to Riker's Island, which amounts to an average of ten sews daily carrying a total of about 4,000 tons, which contains about 1,200 tons of rubbish, but his plans include the construction of eight incinerators in the City during the next year and a half with a total capacity for converting 2,400 tons of garbage and refuse into ashes daily—each plant will have a rated capacity of 300 tons daily.

Commissioner Taylor has told the Committee that the City has authorized the issue of corporate stock to the amount of \$4,500,000, of which about \$3,700,000 is to be used for eight incinerator plants in the next year and a half. He assures us that during this administration practically all garbage and refuse in the City will be incinerated. This year Commissioner Taylor has already established one plant in Manhattan at 56th Street and 12th Avenue. This plant has been in operation six months, converting 300 tons of garbage and refuse into ashes daily. There is another plant under construction on the Harlem River. There is also one in operation, and another 90 per cent. completed, in Brooklyn. The only reason why more plants have not been established is the fact



ONE OF THE SCOWS LOADED WITH ASHES AND REFUSE AND AN UNLOADING PLANT ON RIKER'S ISLAND

The contents of a scow is about 400 tons and about 10 scows are unloaded on Riker's Island daily. The unloading has been carried on by about 100 unskilled laborers and 30 skilled workmen of private contractors, at a yearly cost to the City of about \$200,000. Recently these plants and employees have been taken over by the Street Cleaning Department. However, the unskilled labor should be performed by prisoners now kept in idleness, and the funds saved by the City should be devoted to the construction of a new Penitentiary.



A SCOW TIED UP TO THE PIER OF THE UNLOADING PLANTS ON RIKER'S ISLAND READY FOR UNLOADING

Next, the miscellaneous character of the refuse which will be largely required to make in daily incineration plants. The City has employed in trimming the heaped rubbish, thereby separating wood for fuel and other materials with profit for themselves and the City.

that it is very difficult to find a site that is desirable, and, at the same time, will not be objectionable to the surrounding property owners.

This plan of Commissioner Taylor will not only do away with the nuisances caused by the dumping of garbage and refuse at sea, which results in its being washed up on the beaches and polluting the water, but will eliminate the serious nuisances which exist on Riker's Island.

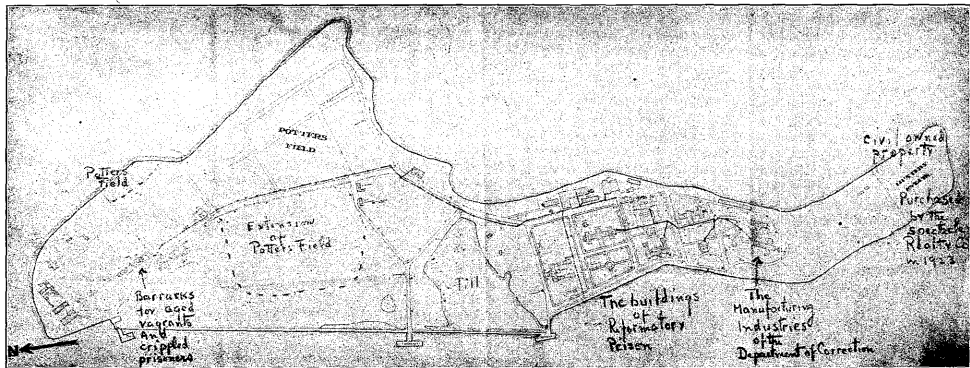
In the future when all rubbish is reduced to ashes before being transported to Riker's Island, the fire hazards caused by dump-fires and the nuisances caused by rats, flies, and the odors of decomposing vegetable and animal matter will be eliminated. This will be of tremendous importance, as it will make possible the use of the large acreage of Riker's Island without further delay. The ashes resulting from the complete incineration of the refuse will provide productive soil, which might even be used by the City for fertilizer purposes. The incineration of the refuse that is now dumped on Riker's Island will result in a more rapid settling of the fills. At present, it is said, the dumps settle from 30 to 60 per cent, but it is a slow process which does not take place until the inflammable matter is burned out and the vegetable and animal matter has decomposed. It is also said that in some parts of the Island where fills have been made the substance washes into the channel, as there appears to be over 100 per cent. settling and repeated dumpings are necessary. Of course, this is a serious matter and most uneconomical, both for the City and the Federal Government, as it results in a cycle which consists of the collection of street sweepings and refuse from the City, loading it onto scows, and dumping it on Riker's Island, after which it is washed into the channel and must be removed by steam dredges operated by the U. S. Government. Therefore, a careful inspection of this matter by the City and U. S. engineers is indicated.

It will undoubtedly be necessary to build substantial sustaining walls to safeguard the channel and to make the fills on the Island permanent. It is work of this kind for which prison labor can be utilized and will provide occupation for hundreds of prisoners who are now spending their terms of imprisonment in idleness.

The Plans of Commissioner Wallis for Developing Riker's Island and Preparing It as a Site for the New Penitentiary and the Industries of the Department of Correction.

The Commissioner proposes to provide temporary housing facilities for possibly 1000 prisoners, who will be assigned to the unloading of refuse on Riker's Island and the salvaging of material, at least until the incinerators reduce the great majority of the refuse to ashes.

The Commissioner estimates a direct saving to the City of about \$200,000 a year by simply taking over the unloading of the scows, and this saving should be considered in connection with the plan



HART'S ISLAND

The second choice as a site for the new Penitentiary is the north end of this island, which is about 40 feet above the rest of the island. This would be suitable for the new Penitentiary if it were not for the Potter's Field which has already been extended to this section of the island.

for financing the new Penitentiary. We append photographs of the loaded scows, which give an idea of the character of this work, and the possibilities for salvaging kindling wood and other materials, which could undoubtedly be operated at a financial profit if carried on by prison labor.

In this way many varieties of work could be made available for men and boys who are now idle during their imprisonment. Not only would they be benefited by the work itself, but they might be credited with a small wage which could be used for their families or given to them at the time of their discharge. In this connection it is well to state that many discharged prisoners and drug addicts, in particular, are destitute and in rags when released from prison, which is partly responsible for their inability to get a job and keep out of further trouble. It is interesting to note that this year a law was passed, Chapter 601 of the Laws of 1924, which makes it possible to pay prisoners a wage, whereas, heretofore there have been restrictions limiting the earnings of prisoners in this State to one and a half cents a day. This is an illustration of how little thought has been given by legislators in the past to the welfare of the family while the prisoner is incarcerated or to giving him a new start in life on his release.

Hart's Island, the Second Choice as the Proposed Site for the New Penitentiary.

Hart's Island is long and narrow, extending about one mile from north to south; its width varies from 500 feet to one-half mile. The Island is composed of about 77 acres at high tide and about 100 acres at low tide. The Island is situated about one-third of a mile from City Island, about two miles from Great Neck and about 18 miles from the 23rd Street docks in the East River.

The Island originally consisted of twin islands, which were used for Federal troops during the Civil War. The island to the north was joined with the island to the south by fills made with ashes and refuse about 35 years ago. The southern portion of Hart's Island was formerly used for housing the insane. About 15 years ago the insane were transferred to Ward's Island, and most of the buildings now used for prison dormitories and the industries were constructed about 50 years ago for housing the insane. The administration building and the hospital are practically the only buildings which have been added since the insane were transferred. Warden Breen states that these were constructed about 15 years ago.

The Island, with the exception of about four acres at the southern end, has been owned by the City since it was purchased from the John Hunter Estate in 1868. The four acres at the southern end were sold by the Hunter Estate to the so-called Spectacle Realty Company in 1923, after it had been offered to the City a number of times in previous years.

The middle part and the portion to the south of the middle of the Island, which is mostly filled ground, have the lowest elevation, being only a few feet above the high-tide level. There is a rise of about ten feet toward the extreme southern end of the Island, which is owned by the civilian company, an elevation toward the northern end is about 45 feet above the level of high tide, and this high portion constitutes about one-fifth of the area of the Island. The wash of the waves has been wearing away this and other sections of the Island, but bulkheads have been built by prison labor protecting parts of the Island.

The Reformatory Prison of the Department of Correction is located on Hart's Island and serves as a branch Workhouse and Penitentiary, as the center of the manufacturing industries of the Department and as a hospital for male prisoners afflicted with tuberculosis.

The buildings constituting the Reformatory Prison are mostly on the lower portion of the Island, that is, on the southern part of the City-owned property. The institutional buildings include the administration offices, nine dormitories, general and tuberculosis hospitals, shops, disciplinary building, the old men's home, chapel, power house, store house, green house, and residences.

The dormitory buildings of this institution have a capacity for about 800. Of this number the barracks on the hill have room for about 100 crippled prisoners and old men, who are committed mostly for vagrancy. The tuberculosis pavilion has a capacity for about 60 patients, but the average number of tuberculosis inmates is about half this. The shop buildings are of frame construction and are about 50 years old, and house the shoe, clothing, printing and brush industries. In the industries it is said that about 300 inmates are employed, but they are undoubtedly over-manned with this number assigned. The inmates are housed in dormitories containing beds approximately 12 to 14 inches apart. The general hospital and dormitories 1, 2, 3 and 4 are fireproof. Dormitories 5 and 6 are of wood construction, and the buildings known as dormitory 8 and mess hall have wooden floors and roofs. The tuberculosis hospital has a concrete floor and wooden rafters. The barracks used for old vagrants and crippled prisoners are of wood construction. It is said that the largest census of the Reformatory Prison on any one day in 1924 to date was 860, and the average census last year, 1923, was 836 inmates.

The City-owned portion of the Island is being utilized partly for prison purposes and partly as a burial ground for the deceased dead of the City poor, known as the Potter's Field. This now occupies almost 20 acres of the central and northern portions of Hart's Island. This cemetery was begun at the time of the Civil War when Union soldiers were buried there. It is estimated that almost 5,500 bodies are buried there yearly, which means that about one additional acre yearly is being devoted for this purpose. In 1923 the records show that 240,173 bodies had been interred on

this Island. The bodies are transported in boxes by boats of the Department of Plants and Structures and are delivered to the prison authorities at the Island docks. Inmates dig trenches and bury about 150 bodies of adults in each trench. Some of these boxes, which are not much longer than cigar boxes, contain bodies of babies, and some of the trenches contain hundreds of these boxes in addition to the larger boxes used for adults.

A Summary of the Findings of the Special Committee Relating to the Unsuitability of the Buildings of the Penitentiary and Correction Hospital and of their location on Welfare Island.

We find:

1. That the location, size, structure and arrangement of the Penitentiary buildings are utterly unsuited and unsuitable to the needs of a combined Workhouse and Penitentiary serving the five counties of the Greater City, and as a Male Clearing House and Hospital for convicted persons committed to the Department of Correction.

That, as a result of the above, there are abominable sanitary conditions, comparatively little work available, and free intermingling of men committed for all kinds of crime, and that the important functions of classification of prisoners cannot be put into effect. That, for these reasons, the Penitentiary serves as a place which breeds professional criminals and is only too apt to instill in men and boys an utter disrespect for law and order and therefore, instead of being a powerful agent in the reduction of crime, it serves to increase lawlessness.

That the cost of making these buildings sanitary by the introduction of plumbing, and safe from fire hazard, in accordance with the orders of the Fire Department, would be prohibitive. Therefore, this institution should be reconstructed elsewhere.

2. That the Correction Hospital for Females, which serves as a combined Workhouse, Penitentiary, clearing house and hospital for women sentenced to the Department of Correction, should be removed from Welfare Island because the existing conditions which are practically the same as in the Penitentiary, are not consistent with its interests.

For instance:

The building is adjacent to Metropolitan Hospital, without an intervening wall, and there is no separation between the grounds surrounding it and the thoroughfare traversing the full length of the Island, which is used by all the visitors and employees of the different institutions on the Island. The result is that women prisoners must be kept indoors practically all the time.

No outdoor work is possible for women inmates, the majority of whom badly need this because of the ravages of venereal diseases and drug addiction.

The structure of the building strictly limits the possibilities for establishing workshops and for the separation of different types of

inmates, such as girls and women, repeaters and first-timers, the immoral and the dishonest. This is largely responsible for the very high percentage of recidivism.

3. That the Penitentiary buildings, which adjoin the City Hospital at the south end of the Island, and the buildings of Correction Hospital, which are adjacent to the Metropolitan Hospital at the north end, although unsuitable as prisons, may be adaptable to the hospital program of Hon. Bird S. Coler, Commissioner of Public Welfare. The hospital which has been developed in the south wing of Correction Hospital could be used without much alteration by the Department of Public Welfare. The cellblocks in the north wing of the Correction Hospital for Females, and in the various wings of the Penitentiary, could be torn out and some of the material used in the construction of a new Penitentiary for the Department along the same lines followed recently by the Superintendent of State Prisons when Wingdale Prison was turned over to the State Hospital Commission. The walls of the buildings of both these institutions are in excellent condition, so that by installing the necessary interior equipment the buildings could possibly be converted to hospital service, if needed.

It is a question, however, if, instead of trying to adapt old prison buildings to modern hospital use, it would not be less expensive to raze the buildings altogether and apply all the materials to the erection of the new Penitentiary, which would save a good deal of expense in constructing the latter, and then if the Department of Welfare should need more buildings for their use to build new ones suitable for their purposes. There has, however, long been the feeling that Welfare Island should in time be relieved of all its buildings and become a park, and if these two prison buildings were torn down as not needed their space could be prepared for future park purposes and greatly improve the present hospital surroundings.

4. That Riker's Island is the most suitable site for the new Penitentiary because:

(a) It was chosen for this purpose in 1908, at which time a survey of the virgin soil, at the north end, was made and plans were completed for a new Penitentiary, after a competition of some of the best architects had been held, for which the City paid \$80,000. These plans are still available and can be used at the present time after being duly modified.

(b) The improvement and development of Riker's Island has become a major project of both the Departments of Correction and Street Cleaning. The plans of the Commissioner of Correction propose to utilize the man-power of hundreds of inmates, who are now idle, to take over the work now being performed by the employees of private contractors in dumping fill on the Island, which is said to have been costing the City about \$200,000 yearly. He also intends to employ prisoners in building retaining walls to prevent the leakage of refuse from the dumps into the channel, in separating the inflammable material and the wood and metals,

which might be salvaged profitably by inmate labor, and in preparing the filled ground for future uses—new buildings and agriculture.

(c) The Commissioner of Street Cleaning has already been authorized by the Board of Estimate and Apportionment to take over the scows and equipment of private contractors for the transportation of ashes and refuse from the mainland to the Island. The authority has also been given for the issuance of corporate stock amounting to \$4,500,000, most of which is to be used for the construction of eight incinerator plants to be operated by the Department of Street Cleaning for the reduction of all the garbage and refuse in the City into ashes—the total daily capacity of these incinerator plants will be the reduction of 2400 tons of garbage and refuse into ashes.

A number of incinerator plants have been and are being installed this year and within three years, according to Commissioner Taylor, all the rubbish will be separated and reduced to ashes before it is transported to Riker's Island. Therefore, the flies, rats and other pests, and the odors, will be eliminated from Riker's Island and it will thereby become habitable, which should be considered in relation to the objections now made against the immediate use of this Island for the construction of the new Penitentiary.

5. That there are serious obstacles to the immediate use of Hart's Island as a site for the new Penitentiary.

There have been a great many old, abandoned burial grounds in the City which have been utterly forgotten since they have been utilized for other purposes. For example, Washington and Union Squares and Bryant Park were formerly Potter's Fields. However, it takes years for the public to realize the necessity of abandoning a cemetery and to use the property for other purposes. It is becoming increasingly difficult to find vacant land which might be used for a Potter's Field and it is now a practical necessity to consider the establishment of a City cemetery in the near future. Whereas, the solution of this problem on Hart's Island will undoubtedly take years to definitely settle, the need for a new Penitentiary is of the utmost importance as an immediate necessity for the reduction of crime.

Another obstacle to the use of Hart's Island is a very serious one, but this it is possible for the Board of Aldermen to immediately remedy. The four acres of civil-owned property at the south end of the Island is being developed by the so-called Spectacle Realty Company into an amusement place for the negro residents of Harlem. A number of shacks have been constructed and a large frame building, supposedly a dancing pavilion, is under construction. The Board of Estimate and Apportionment and the Department of Finance have strongly recommended that this property be acquired by the City.

As the matter now stands the City has no control over this civil-owned property, in spite of the fact that the prison adjoins it with-

out any intervening wall. A number of escapes have occurred through this property during the last year and two prisoners escaped very recently by taking one of the boats drawn up on this property. The present owners make no provision whatsoever to assist the prison authorities in preventing the escape of prisoners.

Recommendations

1. That His Honor, Mayor John F. Hylan, give serious consideration to the long-standing needs for the new Penitentiary, bearing in mind that there is now possible an economical method of financing which will, if adopted, be a permanent credit to his administration and of immediate benefit to the taxpayers.

2. That the Mayor and the Board of Estimate and Apportionment accept Riker's Island as the only readily available and practical site for the new Penitentiary, and because it was the virgin soil at the north end of this Island that was carefully chosen in 1908 for this purpose. It must be borne in mind that in 1908 a competition was held of some of the best architects in the City, and that the plans which were finally accepted and paid for by the City were the best available at that time. In the last 25 years, to the best of our knowledge, the important changes in prison architecture which have been adopted, the worth of which has been proven beyond the experimental stage are: less monumental and more economical construction; the sanitary features, including toilets and wash bowls in the individual cells, the outside cell construction which provides better light and ventilation, and the abolishment of the dark or punishment cells.

3. That it will be possible to make Riker's Island sanitary and habitable in the near future as within three years, according to Commissioner A. A. Taylor, of the Street Cleaning Department, all the rubbish will be converted into ashes by incineration before it is transported to Riker's Island. Furthermore, that the employment of a large number of prisoners on the dumps as a substitute for the small number of employes of private contractors will make it possible to immediately reduce the nuisances now existing on Riker's Island.

4. That prisoners be assigned to the work of unloading scows, separating and leveling the material on Riker's Island, which would not only save the City an amount roughly estimated at \$200,000, but will make it possible to keep the dumps in an orderly fashion and to make the rest of the Island more habitable.

5. That serious attention be given to the salvaging of boxes and other materials that might be utilized if collected by prison labor. It is our opinion that this salvage work could be done profitably by prison labor, whereas it would not be practical with paid labor. In the collection of salvageable materials it would be possible to separate much of the inflammable debris and, now that municipal incinerators are being established in the City, incinerate it before it is transported to the Island at great cost, only to be partially

burned and allowed to rot. This would also do away with the deep-seated fires which are burning continuously and would eliminate the odors and pests on these dumps. A considerable amount of the wood now transported at considerable expense and buried could be disposed of to the woodyard of the Society for Improving the Condition of the Poor, or at a profit as kindling wood elsewhere. (See photographs, pages 96 and 97.)

6. That consideration be given to the alternative available site for the new Penitentiary on Hart's Island.

7. That prison labor be employed in the digging of foundations and in the construction of the new Penitentiary, whether the location is to be Riker's or Hart's Island, to a large extent in order to reduce the cost of construction and give employment to many prisoners who are now idle and to instruct them in the building trades. Of course, it was intended to use prisoners in the construction of prisons when the laws relating to the State-use system of prison labor were enacted, with the hearty endorsement of the Unions. (See Appendix F, page 112.)

8. We were informed by the Commissioner that he had conferred with the Sheriff in regard to taking over the housing and custody of the latter's prisoners and the release to the City for other purposes of Ludlow Street Jail. We did not have time to look into this matter, but if such an arrangement could be effected it would seem desirable that the Mayor and the Board of Estimate and Apportionment put into effect the abolishment of the Ludlow Street Jail, and that they instruct the Commissioner of Correction to remodel the two upper tiers of the vacant annex of the Tombs as a substitute for housing the civil prisoners of the Sheriff. In this way it will be possible to dispose of the Ludlow Street Jail property, which is assessed at \$200,000, and to save about \$40,000 a year by the more economical procedure of assigning the vacant annex of the Tombs Prison, Manhattan, to the Sheriff instead of requiring him to operate a separate jail, which is about four times larger than is necessary and requires a greater number of employes than there are prisoners. Furthermore, that an amount equal to the proceeds of the sale of this property and the amount saved in the future operation of the Sheriff's jail should be devoted to the construction of the new Penitentiary.

9. That the studies, which we understand have already been made by the Board of Estimate and Apportionment and the Commissioner of Accounts, of the industries operated by the Department of Correction should be continued and special attention should be given to the expansion of the existing industries and the development of other industries, all to be carried out under the direction and supervision of a competent engineer, as has recently been done by the State in its prisons, in order to provide the City with many products which are now purchased on the open market. In this connection the City Purchasing Agent and the Director of the City Budget could offer many suggestions, but

by far the most important factor in this matter is the realization by the City authorities that *any expenditure made in the prison industries should be considered as a wise and profitable investment*, which will not only bring material benefits to the City and country at large, but it will aid in giving work to idle men and train prisoners to make their livelihood after they are discharged, thereby ultimately tending to reduce crime.

Conclusion.

In this report we have endeavored to keep within the restrictions which were given to us by the Grand Jury. It was manifestly impossible within the allotted time and with the facilities at our disposal to make a study of the fields of criminology and penology sufficiently to equip ourselves to be experts and offer suggestions such as can be made by persons who have had long experience in these directions. We have, therefore, been compelled to depend upon information supplied from the best sources available, realizing that our statements will be subjected to the scrutiny and searching investigation of experts and officials with the necessary data in their possession to confirm or refute our assertions. To Commissioner Coler and Commissioner Taylor we owe our thanks for this information.

We desire to express our sincere appreciation of the help extended to us by the Commissioner of Correction, Mr. Wallis, and his staff, and the staff of the Prison Association of New York, without which it would have been impossible for us to have complied with the instructions of the Grand Jury.

Respectfully submitted,

(Signed) THOS. J. BANNON,
WM. F. MEYER,
H. F. J. PORTER,
Secretary.

APPENDIX A

LETTER FROM THE COMMISSIONER OF CORRECTION

The Immediate Plans of the Commissioner of Correction for Beginning the Construction of a New Penitentiary and Providing Occupation for Hundreds of Idle Prisoners.

MR. H. F. J. PORTER,
New York City.

October 3rd, 1924.

DEAR MR. SECRETARY:

Supplementing my statement before the Grand Jury, I would respectfully state that in the event of a new Penitentiary and Industrial Buildings being authorized to be built at Riker's Is-

land by the City, that the work could be started with a relatively small appropriation, probably not exceeding \$250,000.

This appropriation would be used something like the following:

(a.) To revise the plans of Trowbridge & Livingston. This cost to be a nominal one.

(b.) For the employment of a civil engineer, draftsmen and skilled mechanics, to supervise and direct the work. The entire work to be done by inmates confined on the Island.

(c.) The employed mechanics will include: carpenters, cement foremen, foremen iron workers, foremen plumbers and brick layers, etc.

(d.) Materials: cement, lumber, pipe, steel, etc.

(e.) Tools: shovels, carpenters' tools, concrete mixers, tracks and cars, such teams and dump wagons as may be necessary.

After the initial appropriation is made, no other appropriations will be probably required, except, to complete the buildings, for necessary materials, which would cover a period of three years.

The new Penitentiary and other buildings will be in this way constructed at a tremendous saving to the City.

Upon the completion of a modern Penitentiary and Industrial Buildings, the Correction Department of the City of New York would be enabled to give eight-hour labor to the four or five thousand inmates of our institutions, thus not only employing their time and their talent and strength and incidentally teaching many of them trades, but would manufacture such articles as are generally required by the City in its various institutions throughout the Welfare, Medical, Correctional, Street Cleaning, Police, Fire and other departments of the City administration.

In other words the Department of Correction, through the employment of idle inmates, could manufacture office and certain school furniture, beds, brooms, shovels, ash cans, manhole covers, park benches and park and street signs and peddlers' licenses, and many other articles of this nature.

Furthermore, its prison industries could manufacture for the City all blankets, sheets, underwear, socks, towels, pillow cases, bed tickings, shoes and clothing, and the other necessary personal, physical outfits.

The manufacture of the above articles would run yearly into millions of dollars and would place the Department of Correction eventually on a basis that may be altogether self-supporting.

Apart from all the physical benefits that would accrue to the City through this policy, the moral and educational and economical values would far transcend the material.

Respectfully yours,

(Signed) FREDERICK A. WALLIS,
Commissioner of Correction.

APPENDIX B

Excerpt from the Charter of the City of New York

CHAPTER XIV.—DEPARTMENT OF CORRECTION

SEC. 696.—Transfer of inmates to Riker's Island and Hart's Island.

The Commissioner, whenever, in his judgment, it is expedient and practicable to do so, may cause to be removed to Riker's Island, and in case Hart's Island shall have been placed under the charge and control of the Department of Correction, as in Section Six Hundred and Ninety-five of this act provided, then also to Hart's Island, the inmates of the Workhouse and of the Penitentiary on Blackwell's Island; and he may direct such removals to be made, from time to time, as accommodation for the said inmates may be provided upon Riker's Island and Hart's Island or elsewhere within the City of New York. And whenever in consequence of such removals or otherwise any of the buildings theretofore occupied or used for said Workhouse or Penitentiary shall have become vacant, such building or buildings, with the grounds thereto appertaining, shall be transferred to the Department of Public Charities. And whenever any of the said buildings or grounds shall have been so transferred, the Commissioner of Correction shall have no further rights, duties or obligations in respect to such building or buildings or grounds, but it or they shall hereafter be included in and appertain to the Department of Public Charities of the City of New York, and shall be under the jurisdiction of the Commissioner of Charities. Each portion of the additions to Riker's Island formed by the deposit of rubbish, street sweepings, waste matters, ashes and other fill, shall be placed under the jurisdiction of the Commissioner of Correction whenever the Commissioner of Street Cleaning accepts on behalf of the City of New York each such portion as completed work under the terms of the contract with the private contractor or contractors. Portions heretofore accepted by the City as completed work are hereby placed under the jurisdiction of the Commissioner of Correction, provided, however, that when such additions shall have been placed under the jurisdiction of the Department of Correction, the Board of Commissioners of the Sinking Fund shall have the same power with respect thereto as said Board now has over other property of the City of New York. The correctional institution upon such island shall be known as the Municipal Farms of the City of New York, whose short title shall be 'The Municipal Farm.'

NOTE: On Hart's Island at this time was located a State Insane Asylum which was about to be evacuated.

APPENDIX C

LETTER FROM THE COMMISSIONER OF WELFARE
CITY OF NEW YORK

Department of Public Welfare
Municipal Building, Tenth Floor

August 26, 1924.

MR. H. F. J. PORTER, Secretary,
Grand Jury, New York County,
Criminal Court Building,
Center Street, N. Y. C.

DEAR SIR:

The Grand Jury of New York County, I understand, feel that it would be more advisable to remove the City Prison from Welfare Island, rather than make expensive changes to the buildings in order to take away the fire hazards from same. Such a recommendation by the Grand Jury would have considerable weight and be a step forward.

I have always been very strongly in favor of the making of Welfare Island a real center and home for the sick poor and aged destitute of the City of New York. The fact that the Island is so accessible to Manhattan, Brooklyn and Queens and is capable of being made an attractive garden home for the sick poor, with fresher and purer air than would be found in the City proper, is so obvious that every effort should be made to accomplish this at an early date.

The removal of the Workhouse and the City Prison from Welfare Island would bring this about, as Section 696 of the New York City Charter reads as follows:

"And whenever in consequence of such removals or otherwise any of the buildings theretofore occupied or used for said workhouse or penitentiary shall have become vacant, such building or buildings, with the ground thereto appertaining, shall be transferred to the department of public charities. And whenever any of the said buildings or grounds shall have been so transferred, the commissioner of correction shall have no further rights, duties or obligations in respect to such building or buildings or grounds, but it or they shall hereafter be included in and appertain to the department of public charities of The City of New York, and shall be under the jurisdiction of the commissioner of charities."

As the Commissioner of Public Charities is now known as the Commissioner of Public Welfare and all the powers of the Commissioner of Public Charities transferred to the Commissioner of Public Welfare, the vacating of these buildings by the Department of Correction will immediately place them under my de-

partment and make the creation of this hospital center an accomplished fact.

Hoping that the Grand Jury will lend its aid in making this possible, I remain

Very truly yours,

(Signed) BIRD S. COLER,
Commissioner.

APPENDIX D

PHYSICAL DESCRIPTION OF THE PENITENTIARY

(Extract from an Annual Report of the Prison Association of New York)

The Penitentiary proper consists of the cellhouse and administration building. The cellhouse consists of two original wings, built some fourscore years ago, and two cellblocks added later. These wings are on either side of the administration building. The two other cellblocks, built as later additions, extend to the north and to the west respectively of the older cellblocks; three of these cellblocks run north and south, and one east and west. The two original cellblocks contain 240 and 256 cells respectively. The west extension contains also 240 cells. The northernmost, or the latest, addition contains 368 cells. The cells in the original blocks are 7 feet long, 3 feet 6 inches wide, and 6 feet 10 inches high. The cells in the North Wing, or latest addition, are 8 feet long, 4 feet 8 inches wide, and 7 feet high. The cells in this block, therefore, would be preferable to the other cells, were it not for the fact that the population always exceeds the capacity of the Penitentiary, so that doubling-up is necessitated.

In the Administration Building are situated the offices on the first floor; the hospital, schoolrooms and chapel and some employees quarters on the floors above. All the other buildings of the Penitentiary are situated to the east of the cellhouse so that they are not visible when crossing from Manhattan to the Penitentiary.

The buildings containing the mess-hall and kitchen adjoin the cellhouse immediately west of the Administration building. Two buildings contain storerooms, storage department, the messhall and kitchen for helpers. Another building close by contains the boiler room, engines and dynamos. A little north of this group is the bathhouse containing the shower compartments. The coal bin, a number of sheds used for various purposes and the place for emptying the cell-buckets are grouped to the north of this set of buildings. The northernmost building formerly contained the industrial shops, but now the three floors are used as dormitories for workhouse prisoners.

APPENDIX E

PHYSICAL DESCRIPTION OF CORRECTION HOSPITAL

(An Extract from a Report of the State Commission of Prisons)

The Women's Correction Hospital and Workhouse is the old New York City Workhouse, erected in 1857 and formerly used for men and women. It is a huge stone building having a central structure for administration and utility purposes and two large wings containing outside cells or rooms.

The north wing continues, as formerly, to be used for the confinement of women. The south wing, formerly the men's cell hall, forms the main part of the Women's Correction Hospital. The north and south wings are similarly constructed. A skylight is over a large central court in each wing. Galleries four tiers high run around the court and the cells or rooms open on the galleries and courts in the workhouse section.

While many repairs and improvements have been made, the building retains essentially the original construction. The north wing, or workhouse section, contains 104 outside cells or rooms. Each room is about 13 x 10 x 8 feet with a large outside window. None of the rooms contain toilets or lavatories. The old unsanitary bucket is still in use.

More than one woman are at times confined in a cell. This commingling tends to make the inmates more depraved. An attempt is made at classification, but it is not very successful when the inmates mingle in the central court, on the galleries, or are doubled up in the rooms.

Large toilet and wash rooms furnish sanitary toilet and washing facilities during the daytime, but are of no avail at night when the inmates are locked in their rooms. The beds fold against the wall in this section; they should be removed and one single iron cot substituted.

The Hospital Section

The entire south wing and a part of the central structure is used for hospital purposes. Wards are provided for various kinds of diseases and classes of prisoners; drug addicts, venereal diseases, tubercular cases and surgical cases have different wards; young offenders and recidivists are treated in separate rooms.

The first floor is used for examination, clinical and diagnostic work and for temporary confinement of inmates; the second for venereal wards; the third for drug addicts, surgical cases and feeble old women; and the fourth for psychopathic and overflow cases.

Former Detention Quarters

A portion of the south wing was fitted up for the detention of women pending trial, but it is no longer used for this purpose.

APPENDIX F

AN EXAMPLE OF THE USE OF PRISON LABOR IN THE ERECTION OF NEW BUILDINGS IN THE DEPARTMENT OF CORRECTION, WHICH IS A USEFUL PRECEDENT AND SHOULD BE FOLLOWED IN THE CONSTRUCTION OF THE NEW PENITENTIARY.

Reformatory Inmates, New Hampton Farms

(Extract from the 1916 Annual Report of the Department of Correction)

As stated in our 1915 report, the plan adopted for the building of a new reformatory at New Hampton was to utilize the labor of inmates as far as possible and to utilize the construction work for educational purposes. To this end instructors of industry were appointed in place of guards. These instructors were efficient in the various fields, such as digging, carpentry, concrete work, electrical work, painting, plumbing and steamfitting, road building, tailoring and the like. The instructor in carpentry taught the boys how to build frame buildings, including wainscoting, lathing, shingling, the making of forms for foundation walls and the general branches of carpentry work. Several squads have been instructed in the proper mixing of concrete, and have become sufficiently efficient to have no difficulty in securing employment in this line on the outside. The electrical instructors have taught the inmates how to install wires, use of generator, charging of current, how to maintain telephone and electric light lines, and the simple branches of electrical repair and the like. The instructors in machine work have taught the inmates how to operate the deep well, river and farm pumps, the engines utilized in connection therewith, how to operate the stone crusher, the concrete mixer and the out-fitting machine for the shops. The installation of the sewage and water systems and of the plumbing necessary for the installation of sanitariums, wash basins, and shower baths has afforded ample opportunity for the instructors in plumbing and steamfitting to give practical demonstration in this class of work. The building of roads has given the instructors the opportunity to show the inmates how properly to grade, drain and construct the various roads to be built upon the premises.

CHAPTER X

BUREAU OF INSPECTION, INVESTIGATION AND LEGISLATION (contd.)

A Feature of the Broad Powers of the Criminal Courts of New York State to Suspend any part of a Sentence under Section 2188 of the Penal Law, Sections 483 and 470-a of the Code of Criminal Procedure and after interrupting such an Imprisonment once begun that the Court can also Specify in the Original Commitment that the Convicted Person is to be Released on Probation under Section 11-a.

The data submitted herewith relating to section 2188 of the Penal Law and section 483 of the Code of Criminal Procedure shows that the procedure of interrupting a sentence once begun by a suspension of sentence and release on probation, although permitted by the broad provisions of the above sections, is really inadvisable as it complicates and interferes with the various departments which administer criminal justice. It is therefore suggested that these sections should be amended so that the powers of the courts to suspend "any part" of a sentence be restricted.

- EXHIBIT I. Examples of commitments to prisons for a term of one year and ten years, respectively. In each of these instances the commitment specified a term of imprisonment, but after a fraction of this imprisonment was to be served the sentence was to be suspended and the person released on probation (page 114).
- EXHIBIT II. Copy of Section 2188 of the Penal Law and an extract of Section 483 of the Code of Criminal Procedure as it relates to suspension of any part of a sentence (page 115).
- EXHIBIT III. Extracts of official opinions expressed which upheld the legality of a commitment providing for the interruption of an imprisonment once begun by a suspension of sentence and release on probation (page 116).
- EXHIBIT IV. Some of the undesirable features of a commitment which provides for imprisonment followed by a suspension of sentence and release on probation (page 117).

EXHIBIT I

Examples of prison sentences in which the commitment specifies imprisonment followed by a suspension of sentence and release on probation.

T. H.—July, 1922. Indicted for burglary third degree as a second offender—was convicted by verdict of a jury and sentenced to the State Prison at Sing Sing for a term of ten years, the execution of five years of which was suspended by the said judgment. It was further ordered in the said judgment that after the expiration of five years in the said State Prison at Sing Sing, the prisoner be returned to the jurisdiction of the County Court of Kings County, New York, to be placed on probation for the remaining period of five years upon condition that he leave the State of New York and remain away permanently therefrom; and that in violation of the said condition of probation he be returned to the said State Prison to serve the balance of the said ten-year sentence.

D. M.—January, 1924. Convicted of petit larceny and sentenced to one year in the City Prison. After three months imprisonment he was released on probation. Three months after being released he violated his probation and the judge then recommitted him for violation of parole.* As a result of this complicated procedure it was practically impossible for the warden to determine a fixed date for final release.

G. H.—June, 1924. Indicted for grand larceny first degree which was reduced to petit larceny. Convicted and sentenced to one year in the City Prison but in the original commitment it was specified that 20 of the 365 days should be spent in jail, after which there was to be a suspension of sentence and release on probation. This same person was indicted for grand larceny in 1923 and this was likewise reduced to petit larceny. At that time he was also released on a suspended sentence without any imprisonment and placed on probation for a two year period. His probation record in this instance was poor. It is obvious that this person was on probation at the same time under two different convictions.

D. J.—June, 1924. Charged with burglary in the third degree which was reduced to petit larceny. Convicted and sentenced to one year in the City Prison, but after serving thirty days imprisonment the commitment called for his release under a suspension of sentence and probation for the balance of the year.

J. P.—June, 1924. Charged with grand larceny but reduced to attempted grand larceny, second degree. Convicted and sentenced to one year in the City Prison, but after serving one month to be released under suspended sentence and placed on probation for the remaining 11 months.

* This is probably an erroneous use of the term as applied generally.—E. R. Cass.

F. F.—June, 1924. Charged with burglary in the third degree but allowed to plead to petit larceny. Convicted and sentenced to one year in the City Prison, but after serving 20 days to be released under a suspension of sentence and placed on probation for the balance of the year.

C. J.—June, 1924. Convicted and sentenced to serve one year in the City Prison, but after serving 60 days to be released and placed on probation in spite of the fact that he at that time was charged with another crime for which a warrant was lodged against him by another court.

EXHIBIT II

Section 2188 of the Penal Law.

Duty of court to sentence; suspending sentence; suspending execution of judgment; probation. The several sections of this chapter which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court or magistrate authorized to pass sentence to determine and impose the punishment prescribed; but a court or magistrate authorized to impose sentence upon conviction of any crime not punishable by death or life imprisonment, or in any case of juvenile delinquency, or in any other proceeding of a criminal nature, whether the defendant has been previously convicted of a crime or not, may suspend sentence or impose sentence and suspend the execution of the whole or a part of the judgment and may in either case place the defendant on probation in accordance with the provisions of section eleven-a of the code of criminal procedure. No provision of this chapter or of the code of criminal procedure or of any general statute shall be construed to prevent the court or magistrate authorized to impose sentence from exercising discretion to suspend sentence or suspend the execution of the whole or a part of the judgment or to place on probation as hereinabove provided. If sentence shall have been suspended or, if sentence shall have been imposed and execution of the whole or a part of the judgment shall have been suspended, at any time thereafter within the longest period for which a defendant might have been committed in the first instance or if the defendant is on probation and the period of probation exceeds the period for which the defendant might have been sentenced, at any time while the defendant remains on probation, the court or magistrate having jurisdiction may issue process for the rearrest of the defendant, and when such defendant is arranged may, if sentence shall have been suspended, impose any sentence or make any commitment which might have been imposed or made at the time of conviction or may, if sentence shall have been imposed and execution of the whole or a part of the judgment suspended, revoke the order suspending execution of judgment and order executed the judgment or the part thereof the execution of which shall have been suspended or may modify the judgment so as to provide for the imposition of any punishment which might have been imposed at the time of convic-

tion. Provided, however, that the imprisonment directed by the judgment, shall not be suspended or interrupted after such imprisonment shall have commenced.

EXHIBIT II

Extract of Section 483 of the Code of Criminal Procedure.

Section 483. Probation; fine; restitution; transfer from Supreme to County Court. After a plea or verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment; and where there appear to be circumstances in mitigation of the punishment the court shall have power, in its discretion, to place the defendant on probation in the manner following:

1. The court upon suspending sentence or suspending the execution of the whole or a part of the judgment, may place such person on probation during such suspension under the charge and supervision of a probation officer, in accordance with the provisions of section eleven-a of the code of criminal procedure.

EXHIBIT III

Extracts of official opinions expressed upholding the legality of a judgment or commitment which imposes a sentence and at the same time suspends the execution of a part of the sentence, after imprisonment has begun, by the suspension of sentence and release on probation in accordance with Section 2188 of the Penal Law and also Sections 483 and 11-a of the Code of Criminal Procedure.

A judgment or commitment of a court of criminal jurisdiction, which imposes a sentence in a State prison for a term of ten years and therein recites that the execution of five years of the said sentence, is thereby suspended, is legal, and the term of imprisonment in State prison thereon for five years.

A judgment or commitment of a court of criminal jurisdiction, which imposes a term of ten years in a State prison and suspends the execution of five years thereof and directs that after the service of five years imprisonment the prisoner be returned to the county of original jurisdiction and placed on probation for the remaining five years, upon condition that he leaves the State of New York and remains away permanently therefrom, it is a legal direction for five years probation upon the aforesaid term.

At the time the sentence is imposed and before the imprisonment begins not only the term of imprisonment must be definitely fixed but also the final disposition of the defendant after his sentence is to be suspended and he is to be returned to the court. In other words, any disposition modifying the judgment at a time after the imprisonment has commenced is forbidden under section 2188 of the Penal Law, but the provisions of this law do not prohibit

the interruption of a sentence once begun if such interruption is specified in the original commitment. Therefore in the case of the People ex rel Paris vs. Agent and Warden of State Prison, Comstock, N. Y. 201 A. D. 573, a judgment was entered in the County Court in the county of Bronx directing the imprisonment of one Joseph A. Paris for an indeterminate period of two years and six months to five years in State prison and the judgment then added:

"After serving one year of the aforesaid sentence, the defendant is to be returned to the County Court of Bronx County for final disposition."

After the expiration of one year a writ of habeas corpus was sued out before Hon. Justice Angel in the Supreme Court of Washington County, New York, and the writ was sustained and release of the prisoner ordered. An appeal was then taken to the Appellate Division of the Third Department where the decision of the lower court was reversed, the writ of habeas corpus dismissed and the prisoner remanded to serve the full balance of the term imposed upon the ground that the judgment therein was contrary to the provisions of section 2188 of the Penal Law.

The Appellate Division in its opinion held:

"The added clauses make no other or further disposition as to length of the term, but simply provides that the defendant shall be returned to the County Court of Bronx County for final disposition; that is for a disposition to be made one year after imprisonment has begun.

And Further:

"Under the record here it must be held that at the time the sentence was imposed and before the imprisonment began, there was no modification of this judgment affecting the term of imprisonment imposed, and that any other disposition which could be made in the County Court of Bronx County on producing the defendant there would be a disposition modifying the judgment at that time after the imprisonment has commenced. Such action we think is forbidden by the amendment."

EXHIBIT IV.

Some of the objections to commitment of prisoners under sentence which provide for imprisonment followed by suspension of sentence and probation.

1. Judicial responsibility is placed upon the warden of the prison to determine how much time the person should serve before his imprisonment is to be interrupted by suspension of sentence. There is no precedent established which might serve as a guide to the warden in determining what deduction for compensation and commutation of sentence to make from the term of imprisonment before releasing the prisoner on a suspension of sentence.

2. The probation officers must accept persons on probation after their imprisonment has been interrupted by a suspension of sentence. In this way probation officers really function as parole officers whose duty it is to supervise released prisoners. In one instance a released prisoner who violated his so-called "probation" was recommitted to a prison for a so-called "violation of parole" by a judge of a county court, which is an example of how complicated this procedure is.

3. The court in passing sentences of this kind complicate the operation of the "suspended sentence," and confuse both the application and operation of probation.

A commitment calling for imprisonment followed by a suspension of sentence and probation is contrary to, and interferes with, the purpose of Chapter 579, Laws of 1915, as amended by Chapter 287 of the Laws of 1916, and known as the *Indeterminate Sentence and Parole Law* under which the New York City Parole Commission operates, and interferes with the operation of section 2189 of the Prison Laws affecting the parole of persons committed to State prisons.

CHAPTER XI

BUREAU OF INSPECTION, INVESTIGATION AND LEGISLATION (contd.)

LEGISLATIVE ACTIVITIES OF THE LAW COMMITTEE DURING 1924

The Constitution of the United States gives broad powers to each state to enact its own laws. Again in 1924 New York State has kept well apace of other states in this regard, for during the session of the Legislature, from January 1 to April 10, 1924, there were introduced 1,633 different bills in the Senate and 1,834 bills in the Assembly.

The primary interest of the Law Committee of the Prison Association is to initiate constructive legislation and to follow legislation proposed, which is within the scope of the Association's activities. The work of the Law Committee is not confined to the session of the Legislature, but is extended throughout the year for the purpose of collecting and studying information. The scope of the Law Committee includes measures for the prevention and reduction of crime; measures governing the practical administration of all departments which administer criminal justice; methods and measures applied to the accused and convicted person by the courts in passing judgment after conviction, whether it be imprisonment, release on suspended sentence, or probation; bills affecting the organization and administration of prisons and the operation of parole.

The Law Committee in considering a legislative bill not only studies its conformity to law, but attempts to analyze its practical administrative features before taking any action upon it. The policy of the committee is to accomplish results to avoid destructive criticism and to encourage cooperation from officials, committees and individuals of other organizations, who might unite in the promotion of a constructive measure or join in the opposition to any proposed legislation which seems to be impractical, defective or ill advised. The practice of the Law Committee is to seek information relating to pending legislation from officials, city and State departments and bureaus, citizens and organizations interested and qualified to understand the good and bad features of a bill.

The routine followed is to forward information that has been collected relative to various bills to members of the Law Committee. The chairman then calls a meeting of the committee, which is occa-

sionally attended by officials and representatives of other organizations, for the purpose of discussing the merits and defects of legislative bills which have been introduced. The committee then definitely decides upon the approval or disapproval of each bill considered, setting forth the precise reasons for the action taken. Following each meeting an outline is made of the legislative bills considered, including a brief analysis of their contents, setting forth the action taken. Mimeographed copies are made and distributed to legislative committees, prior to or while they are considering these bills, interested officials, civic organizations, and citizens.

A daily check is made of bills introduced and amendments made to bills already considered. Daily communications are maintained, by personal interview, telephone and letters with city and State officials and their staffs and representatives of civic organizations in relation to the movements of the different bills in the Legislature.

The Law Committee wishes to acknowledge the helpful cooperation it has received during the 1924 session of the State Legislature from various officials and organizations, especially the following.

Association of the Bar, New York City.
 Commissioner of Correction, New York City.
 Commissioner of Public Welfare, New York City.
 Corporation Counsel, New York City.
 Chief Justice of the Court of Special Sessions, New York City.
 Chief City Magistrate, New York City.
 Committee on Criminal Courts of the Charity Organization Society.
 Chairman, Penal Institutions Committee of the Assembly.
 State Attorney-General's staff.
 State Commission of Prisons.
 State Probation Commission.
 State Hospital Commission.
 Secretary of the State Parole Board.
 Superintendent of State Prisons.

The following bills were considered by the Law Committee during the 1924 session of the State Legislature. viz.:

Assembly Int. No. 480, by Mr. Berg.—Proposing an amendment to section five of article four of the Constitution, in relation to the pardon of persons convicted of murder in the first degree.—**Defeated.**

Disapproved by the Committee. The Governor's pardon is seldom granted upon proof conclusively establishing the innocence of the offender. The verdict of the jury will have settled the guilt, and the affirmation of the judgment by the Court of Appeals would reduce the number of cases where innocence could be established to an infinitesimal percentage. Executive clemency comes into play because of reasons which cannot be considered by the court.

Senate Int. No. 15, by Mr. Reiburn.—To amend the labor law, in relation to hours of employment of certain state, county and municipal employes.—**Defeated.**

The principle of this bill is approved by the Committee, but the wording of the bill, which makes it apply to any regular employes of penal institutions in cities of the first class, will interfere with the operation of Home Rule. The Board of Estimate and Apportionment of New York City has considered an eight-hour day for the keepers and matrons in the Department of Correction, and are about to approve a plan submitted by the Commissioner of Correction which will put the eight-hour day in operation at once, for keepers and matrons.

The wording of this bill makes it apply to wardens and deputy wardens who are executive and administrative officers, but at the same time employes. It is not practical to establish eight-hour shifts for administrative officers in penal, or other institutions, or in any organization.

The bill in its present form is disapproved.

Senate Int. No. 214, by Mr. Thayer.—To amend the Children's Court Act, as it applies to counties having one hundred and fifty thousand or less inhabitants.—**Defeated.**

This bill was disapproved by the Law Committee last year, as it was contrary to the Children's Court Act, which centralizes Children's Courts in each county. The Children's Court Act has only been in operation about two years, which is not sufficient time upon which to estimate results and to consider such changes as will be of benefit and will not conflict, or interfere, with the operation of this Act. An amendment of this kind would tend to nullify the entire Act.

The bill is opposed.

Assembly Int. No. 215, by Mr. Gedney.—To amend the Code of Criminal Procedure, in relation to appeals by the people.—**Defeated.**

In practically every criminal case of any importance a motion is made to inspect the minutes and, if it is granted, a motion to dismiss the indictment upon the Grand Jury minutes is made, and that motion is not infrequently granted. When an indictment is dismissed in this way questions of law of great importance may be decided against the people, in that they lack the power to have them reviewed by the Appellate Court.

The principle of this bill is considered sound and is approved.

Senate Int. No. 91, by Mr. Higgins.—To amend the prison law, in relation to the number of the members of the State Prison Commission, its powers and duties relating to the parole of prisoners, and abolishing the State Probation Commission.—**Defeated.**

It has long been held by this Association that the members of the Parole Board should receive adequate salaries and should devote their full time to these duties. The members of the Prison Commission are appointed without salaries and are not able to give their full time to this work. The bill is contrary to the Governor's program, which was submitted to the Legislature in a message under date of January 21, 1924, which called for the creation of a Prison Industries and Parole Board, the members of this Board to be composed of the Superintendent of Prisons, Superintendent of Prison Industries and a Deputy State Comptroller—in other words, persons who are directly responsible for the administration of the prison industries and State fiscal control.

In the Governor's reorganization program of State departments, the State Prison Commission is to be abolished and a Commission of Correction substituted. The duties of the proposed Commission of Correction are in no way intended by the Governor to include the large functions proposed by this bill, but to limit it largely to the inspection of penal institutions.

The possibilities of combining the functions of the State Probation Commission with those of the Prison Commission and the Parole Board is doubt-

ful, because about 46% of the persons handled under the jurisdiction of the State Probation Commission come from the Family Court, being charged with non-support. Also about 25% of the persons placed on probation are charged with juvenile delinquency. Therefore, the administration of probation offers entirely different problems than those encountered by the Parole Board and the Prison Commission.

The bill is opposed.

Assembly Int. No. 286, by Mr. Howard.—To amend the general city law, in relation to the salary and expenses of wardens of city prisons, district prisons, penitentiaries and workhouses in cities of the first class.—**Defeated.**

This conflicts with the text of the proposed amendment to Article 12 of the State Constitution relating to Home Rule. It provides for a salary of \$5,000 and maintenance allowances equally for wardens of all prisons in cities of the first class, which is the same salary as provided for the warden of Sing Sing, for example.

The duties of the warden of the District Prisons in New York City are not to be compared with the duties of the warden of the City Prison, Manhattan (the Tombs), for example. The duties of the warden of Queens City Prison are not as great as the duties of the warden of the Tombs. In the New York County Penitentiary and Workhouse, a deputy warden has fulfilled the duties of the warden for the last few years. The responsibilities of administering this institution are greater than any other institution in the Department of Correction, as it is the male clearing-house for the Department. Likewise a deputy warden has been in charge of the Reformatory Prison, Hart's Island, one of the most important and difficult institutions to administer in New York City. There is certainly need for increases and standardization of salaries and allowances for maintenance of the wardens, deputy wardens, and the keepers and matrons in the Department of Correction. Standardization of salaries, wages and allowances for maintenance will have to be carried out by the Board of Estimate and Apportionment in accordance with plans submitted by the Commissioner of Correction.

The bill is opposed by the Committee.

Assembly Int. No. 128, by Mr. Hearn.—To amend the penal law, in relation to increasing the punishment for carrying and use of dangerous weapons.—**Defeated.**

In 1922 there were 1,346 persons arraigned in the Court of Special Sessions, who were charged with unlawfully possessing a pistol, dangerous weapon, etc. This was about 1% of the total number of cases handled by this Court. If this offense were made a felony, instead of a misdemeanor, these cases would have to be handled by the Court of General Sessions and the County Courts. The Judges of the Court of Special Sessions are unable to dispose of many of these cases in one day, but if there was a jury trial the higher courts would be overloaded, the procedure would be more costly, there would be more delays, and fewer convictions.

The bill is opposed by the Committee.

Senate Int. No. 402, by Mr. Love.—To appropriate \$3,000,000 for site and construction of new State prison building and provide for sale of State lands at Auburn Prison.—**Defeated.**

In the Governor's message delivered to the Legislature under date of January 21, 1924, there is a paragraph devoted to the need for new buildings in the State penal institutions, and mention is made of Auburn Prison.

No recommendations are made except that a thorough survey should be made of the need for new buildings, by studying the matter from all angles. It is considered premature to consider the abolishment of Auburn Prison until the new clearing-house at Sing Sing has been put into operation, which will determine the needs for developing a new Auburn Prison. It is also considered untimely to propose a new Auburn Prison before the State Depart-

ment of Correction, as proposed by the Governor, has been created, which will bring about a centralized control of the State penal institutions and will make it possible to consider a new Auburn Prison in relation to the needs of the entire State. Auburn Prison is the only State prison where women are received, and most of these women are committed from New York City. Since the Department of Correction has recently opened a new institution for women prisoners, and are developing other plans relating to women prisoners, it would be necessary to study the future needs of Auburn Prison along these lines before an attempt is made to abolish it.

Assembly Int. No. 460, by Mr. Gavegan.—To amend the Code of Criminal Procedure, in relation to furnishing defendant copy of indictment and minutes of Grand Jury.—**Defeated.**

This bill is opposed by the Committee because it is considered necessary that the minutes of the Grand Jury should not be disclosed at the time of the indictment. To make public the Grand Jury minutes would invite possible interference with witnesses and obstruct the work of the District Attorney in preparing evidence.

Senate Int. No. 324, by Mr. Twomey, Pr. No. 328.
Assembly Int. No. 441, by Mr. Taylor, Pr. No. 443.

Amends Chapter 705, Laws of 1901, by increasing from 8 to 16 number of deputy sheriffs and assistant deputy sheriffs, Kings county.—**Assembly No. 441 substituted and passed by the Senate. Approved by Governor. Chapter 667, Laws of 1924.**

The total 1924 budget for the sheriff of Kings county is \$122,815, of which \$115,265 is for personal service. In 1922 the sheriff's jail of Kings county cost about \$33,436 to operate. Only 209 males and 15 females were received during the entire year, with an average daily census of 12 males and 1 female. The last official estimate of the daily per capita cost of operating the sheriff's jail in Kings county was made by the Board of Estimate and Apportionment in 1921, and this estimate closely approximates the present cost. The daily cost of maintaining each prisoner in this jail was estimated at \$9.37, or more than six times the average daily per capita cost in all the institutions of the Department of Correction. At the same time the sheriff receives light, heat and power from the adjoining Brooklyn City Prison, under the Department of Correction, which is furnished to him without cost.

It has long been held by this Association that there is no reason why much of the personal service in this jail cannot be eliminated and the jail operated at a much reduced cost.

The employees of the sheriff are appointed by the sheriff without any Civil Service requirements. The sheriff is elected for only two years in Kings county. To provide 8 additional deputy sheriffs and assistant deputy sheriffs each time a new sheriff is elected, would simply be an added cost to the city amounting to \$28,000. There would also be much less opportunity of bringing about an economical administration of the sheriff's jail in this county if this bill is passed.

The bill is opposed by this Committee.

Senate Int. No. 515, by Mr. Hastings, Pr. No. 531.
Assembly Int. No. 412, by Mr. Reich, Pr. No. 414.

Adds new section 25, Prison Law, authorizing transfer to nearest public hospital having ward for insane, of any prisoner in an institution not equipped with a hospital department, declared by a physician to be insane.—**Defeated.**

This bill is introduced to meet the critical situation in Brooklyn, where apparently insane prisoners are held in a padded cell in the main cellblock pending the appointment, sitting and decision of Examiners in Lunacy Commission, which often results in weeks of delay before the prisoner can be transferred to a hospital.

This abuse in Brooklyn was investigated by this Association in 1922. Page 122 of our 1922 Annual Report was largely devoted to the wording of section 836 of the Code of Criminal Procedure as applied in New York and Kings counties. This section provides that only apparently insane misdemeanants can be transferred to a psychopathic ward for observation. Nevertheless, the precedent has been established in New York county where if the doctor attached to the Tombs makes an affidavit, outlining the apparent insanity of an inmate, the judge commits the prisoner to the Bellevue psychopathic ward for observation. While the procedure followed in Brooklyn may comply with section 836, it conflicts with section 87 of the Insanity Law which expressly prohibits keeping insane prisoners in a jail or lock-up.

The Committee disapproves of this bill, but would approve an amendment to section 836 of the Code of Criminal Procedure which would provide for the transfer of apparently insane felons in New York, Kings and the other counties of the Greater City, as well as misdemeanants, from a prison to a psychopathic ward of a hospital.

Senate Int. No. 657, by Mr. Mastick, Pr. No. 689.

Assembly Int. No. 877, by Mr. Goodrich, Pr. No. 915.

Amends Section 220, Labor Law, providing guards in State Prisons and reformatories shall not be required to work more than 48 hours in 6 days except in case of emergency, and appropriating \$177,800.—Defeated.

This is the third bill in this session that relates to the eight hour day for employees of penal institutions. It is the only one that carries with it an appropriation. The purpose of the bill is a good one, but the distribution of the additional guards provided for by the appropriation of \$177,800 is not fully understood. For example, increasing the number of guards in the New York State Reformatory from 81 to about 102 will make the ratio of guards to inmates, with the present census, about one to nine, which does not include about 25 instructors in this institution.

The present ratio of guards to inmates in Clinton Prison is about one to twelve, which is a smaller percentage of guards than in Great Meadow, Sing Sing and the New York State Reformatory, but no provision for additional guards is made for Clinton Prison.

There are many reasons to be studied in relation to the number of guards needed, and the ratio of guards to inmates alone is not sufficient data upon which to estimate the needs of any one institution. When walls surround an institution and there are other safety factors of construction, etc., fewer guards are needed. Until 1920 the Prison Law provided that the percentage of guards to inmates in a State Prison could not be more than one guard to fourteen prisoners. Under Chapter 37 of the Laws of 1920 this provision of the law was amended so that now there are no restrictions relating to the percentage of guards to inmates.

It is conceded that even guards should be given the eight-hour day and a weekly day of rest, but the supervision of prisoners is no longer merely a matter of custodial care. Prisoners should be given a maximum amount of instruction and vocational training in order to enable them to become useful citizens after release. It is most desirable that additional guards employed in prisons should have other qualifications than aptitude for police duties. It is therefore recommended that this bill be amended in such a way as to provide, at least in part, for guards with a knowledge of a skilled trade. It is said that at one time the State Civil Service Commission engaged guard-carpenters, guard-plumbers, guard-mechanics, etc. In the Department of Correction, New York city, there is a definite grade established for a "keeper with a knowledge of a skilled trade" which has worked out very well. Of course, some additional incentive should be offered to persons with a knowledge of a skilled trade to qualify as guards. Therefore, if this bill is amended it would probably mean that the same appropriation would not provide for the same number of skilled guards as it would for ordinary custodial guards.

The principal of this bill is approved by the Committee, but the bill in its present form is disapproved.

The following data relates to the above bill:

	Average daily census	Approximate number of guards at present	Ratio of guards to inmates
Clinton	1336	108	1 to 12.37
Great Meadow	549	50	1 to 10.98
Auburn	1279	98	1 to 13.05
Sing Sing	1269	107	1 to 11.86
New York State Reformatory	900	*81	1 to 11.11
			Proposed number of additional guards
Clinton			0
Great Meadow			17
Auburn			20
Sing Sing			19
Danmora			50
N. Y. State Reformatory			21

Assembly Int. No. 1085, by Mr. Goodrich, Pr. No. 1171.—Amends Section 46, Prison Law, by empowering State Prison Commission to close any county jail which is unsanitary or inadequate for separation of prisoners.—Passed—Approved by Governor. Chapter 298, Laws of 1924.

This measure is intended to extend the authority of the State Commission of Prisons to close a county jail which is unsanitary or inadequate to provide for the separation and classification of prisoners as required by law. The measure is necessary because there are a number of unsatisfactory jails which cannot be adequately improved by alterations or otherwise for the proper detention of prisoners. These jails have been criticized and condemned from time to time by the State Commission of Prisons and also the Prison Association of New York, and little good has been accomplished. Court action initiated by the State Commission of Prisons has in most instances resulted in defeat of the end sought.

The county jails in the State of New York are on the whole superior structurally and administratively to those of any other state in the Union. However, there are a number of bad jails that should be replaced by new ones, and the chances for this are remote unless additional legislative power is given the State Commission of Prisons.

The bill has the unanimous approval of the members of a special committee that has been considering the county jail problem in this State during the past two years.

This bill is approved by the Committee.

Senate Int. No. 83, by Mr. Antin, Pr. No. 83.

Assembly Int. No. 151, by Mr. Mandelbaum, Pr. No. 151.

Adds new section 101, Education Law, requiring Commissioner to prescribe courses and giving him control of instruction and vocational training of inmates of State institutions other than State prisons.—Passed in the Senate but defeated in the Assembly.

This is the same bill as the Antin bill of last year. One of the principal purposes of this bill is to give more importance to the educational work in

* This does not include 25 instructors.

correctional and penal institutions of the State, to provide a separate and adequate budget for educational work, to obtain the best qualified teachers and to raise the school standards in these institutions.

At the present time the Commissioner of Education has the power to make a perfunctory inspection of State correctional and penal institutions but has no power to enforce any standardization of school work.

Opposition to this bill has been expressed by administrative officers of various correctional and penal institutions who feel that it is an encroachment of one State department upon the administration and authority of another department and that the present provisions of the Commissioner of Education in handling boys and girls, and young men and young women, do not qualify him for the educational and vocational work of correctional and penal institutions. The Committee feels that the Commissioner of Education would be able to set standards to meet the needs of these institutions. The provisions of this bill, which give the Commissioner of Education the power to enforce rules and regulations governing the qualifications of teachers and instructors and of preparing estimates and desired appropriations, are especially opposed by the controlling boards and administrators of some correctional institutions.

While this Committee fully realizes the disadvantages of divided authority and of having one department enter into the work of another department, yet it has been found that the schools in most of the correctional and penal institutions do not under the present system receive the attention that they are entitled to. This holds good for State Prisons, as well, although State Prisons are excluded from the provisions of the bill.

This bill is again approved by the Committee.

Senate Int. No. 1078, Pr. No. 1178, by Mr. Downing.—To amend the State Charities Law, in relation to industries and a capital fund therefor, at the New York State Reformatory, at Bedford, and making an appropriation therefor.—Passed—Approved by Governor. Chapter 137, Laws of 1924.

At the present time the industries at Bedford consist in the making of clothing for girls in the institution and for those going out on parole, also garments for babies, some fancy work and rug weaving. Some work is also

The proposed capital fund of \$5,000 will provide for other industrial done with white goods, making sheets, pillow cases, etc., for institution use. work which will be of great benefit to the inmates and the administration.

The bill is approved by the Committee.

Senate Int. No. 1079, Pr. No. 1179, by Mr. Downing.—To amend the State Charities Law, in relation to transfers to the division of mentally defective, delinquent women of the New York State Reformatory for Women at Bedford.—Passed—Approved by Governor. Chapter 191, Laws of 1924.

Defective delinquent women over 30 years of age certainly need care and custody in an institution quite as much as those under 30, and society should be protected from them if they are in need of such care.

In restricting the transfer of women under a first or second conviction, the recidivists, who have had many convictions and who are particularly the ones who should be cared for more or less permanently, are not provided for. There are three important factors underlying this matter, namely, the rehabilitation of the individual, the protection of society and the protection of the individual against herself. Whereas, the older types of offenders cannot be rehabilitated, they are quite apt to spread venereal diseases and to become the prey of criminal individuals and are in need of more or less permanent custodial care.

Until such time as provision is made for the care of the older defective delinquent women and those who are repeated offenders, it is not considered advisable to exclude them from Bedford.

The bill is disapproved by the Committee in its present form.

Assembly Int. No. 1418, Pr. No. 2196, by Mr. Goodrich.—To amend section 114, of the Code of Criminal Procedure, in relation to probation officers.—Passed—Approved by Governor. Chapter 606, Laws of 1924.

The two important points in this bill are (1) the bonding of probation officers and (2) the appointment of at least one salaried probation officer in each county of the State.

The need for bonding probation officers is suggested by the fact that in 1923 there was \$2,294,968 collected directly by probation officers, throughout the State, from non-supporting husbands, fines paid in installments and for restitution. In 1923 there was also \$877,617 paid directly to beneficiaries by order of the Courts, and these payments were made under the supervision of probation officers. As probation officers of the State handle about \$3,000,000 a year, directly and indirectly, and as they are not bonded and their accounts are not audited systematically, there is always the possibility of a discrepancy that might not be discovered for many months, as happened in an up-state county recently. Therefore, for the protection of the probation officers themselves and for the best interests of the probationers, such bonding and accounting should be made a routine procedure for all probation officers who handle funds.

In 57 up-state counties 41 now have public salaried probation officers. The only up-state counties without the services of public salaried probation officers are Albany, Allegany, Cattaraugus, Chenango, Greene, Genesee, Livingston, Orleans, Otsego, Putnam, Rensselaer, Schoharie, Sullivan, Tioga, Wyoming and Yates.

The bill makes no reference to salaries; therefore, probation officers might be appointed on practically a voluntary basis.

In the five counties composing Greater New York, only Kings and Richmond have services of publicly salaried probation officers.

In Kings county there are five salaried probation officers attached to the County Court, but all the preliminary investigations are made by county detectives who are assigned to probation work at salaries exceeding the salaries of probation officers. County detectives are appointed without Civil Service examination and may have no qualifications for doing probation work. Therefore, in supplementing the staff of probation officers of the County Court, in this way, is a handicap to probation work and is an unjustifiable expense to the county and city.

In Richmond county there is one salaried probation officer.

In Bronx there are two county detectives assigned to probation work exclusively. While the results are more satisfactory than in the other counties where detectives do probation work, the salaries paid to the detectives are in excess of the salaries paid to qualified probation officers appointed through Civil Service.

In Queens county, one of the county detectives is assigned to do probation work, but this is said to be incidental to his other duties.

This bill is approved by the Committee.

Senate Int. No. 634, Pr. No. 660, by Mr. Love.
Assembly Int. No. 916, Pr. No. 960, by Mr. Burhill.

Amends section 22, Prison Law, by providing that children born in prison must on reaching the age of two years be placed in an asylum or under the custody of some relative or proper person.—Passed but vetoed by Governor Smith.

At a meeting attended by representatives from a number of organizations it was the general opinion that this section of the law needs amending, but that proposed amendments are defective in the following points:

1. The provision that a child born to a woman prisoner shall return to the reformatory, jail, penitentiary or State prison and shall remain two years might be undesirable for the child. The mother might be tubercular or unfit

to care for the child and the child's health might suffer. This provision is mandatory, it would seem, and no discretion is left to the committing agency.

2. Owing to present conditions in county jails and penitentiaries it is quite doubtful whether at the present time it is desirable to include these institutions among those to which a child may be sent with its mother.

3. The amendment does not correct the provision of the present law that the warden or superintendent of the prison shall commit the child to an institution or give its custody to some fit person. This is in conflict with Article 16 of the State Charities Law, passed in 1923, which allows only child caring agencies authorized by the articles of incorporation or license for that purpose by the State Board of Charities to place out children. Since the passage of the Children's Court Act it would seem illegal for a warden of a prison to commit a child to an institution.

4. No provision is made for the nursing child born previous to the commitment. The amendment undoubtedly meant to cover this point.

The question of the desirability of the child returning to a State prison, jail or penitentiary, and of its length of stay there, is one about which there is much difference of opinion.

This bill in its present form is disapproved by the Committee.

Senate Int. No. 902, Pr. No. 975, by Mr. Higgins.
Assembly Int. No. 1393, Pr. No. 1542, by Mr. Eberhard.

To amend the Prison Law, in relation to the number of the members of the State Prison Commission, its powers and duties, and abolishing the State Probation Commission.—Passed Senate but defeated in Assembly.

It is considered that the proposed merger of the State Probation Commission and the State Commission of Prisons would be a mistake for the following reasons:

1. The duties and functions of the State Probation Commission are distinctly different from the duties and functions of the State Commission of Prisons. In this instance there is no overlapping or duplication of work.

2. The transferring of the work of the State Probation Commission to the State Commission of Prisons will not result in either efficiency or economy.

3. The plan of supervising probation work by a prison commission has been tried in Massachusetts and proved a failure.

4. The proposed merger of these two unrelated commissions is not constructive.

At the present time the duties of the State Commission of Prisons and the State Probation Commission are not a duplication, nor do they conflict in any way. They operate in entirely separate fields. The personnel of the office of the State Commission of Prisons is unfamiliar with probation work. Moreover, the State Commission of Prisons has not a sufficient staff to allow the taking on of added work or responsibilities, so that if the interests of probation are to be protected and continued in this State it would mean transferring the present Secretary of State Probation Commission together with whatever assistants he has. Any economy might show itself only in the saving of rent of office space. However, this possibility is offset by the fact that in the proposed combining of the commissions the membership of the State Commission of Prisons would be increased from seven to eleven, and that therefore instead of providing \$1,000 a year for seven commissioners, it would be necessary, for the sake of consistency, to provide \$1,000 a year for eleven commissioners, making for an increase of \$4,000 a year in the cost of maintaining the State Commission of Prisons.

This bill is disapproved by the Committee.

Assembly Int. No. 1419, Pr. No. 1568, by Mr. Goodrich.—To amend the Code of Criminal Procedure, in relation to confinement of convicts pending execution in capital cases.—Passed—Approved by Governor. Chapter 263, Laws of 1924.

In 1921, before the new building for condemned prisoners was constructed in Sing Sing, section 491 of the Code of Criminal Procedure was amended to allow the transfer of condemned women prisoners to Auburn Prison because there were no suitable quarters in Sing Sing.

The amendment proposed herewith will make it possible to keep women prisoners in the new building at Sing Sing prison.

This bill is approved by the Committee.

Senate Int. No. 1367, Pr. No. 1887, by Mr. Love.—Adds new section 197-b, State Charities Law, providing for transfer of inmates of State Agricultural School at Industry to the House of Refuge or New York State Reformatory.—Defeated.

Note: See data set forth under Assembly Int. 1223.

Assembly Int. No. 1687, Pr. No. 1861, by Mr. Nugent.—Adds new section 197-a, State Charities Law, providing for transfer of inmates of House of Refuge, New York city, to New York State Reformatory.—Passed—Approved by Governor. Chapter 336, Laws of 1924.

Note: See data under following bill.

Assembly Int. No. 1323, Pr. No. 1945, by Mr. Steinberg.—To amend the Penal Law, authorizing the commitment of male felons between the ages of 16 and 18 to the House of Refuge.—Passed—Approved by Governor. Chapter 479, Laws of 1924.

The proposal to transfer male felons between the ages of 16 and 18, except those punishable by death or life imprisonment, to the New York House of Refuge is based, so it is said, upon the fact that the intent of the boy who commits a felony is sometimes less criminal than the boy who is guilty of a misdemeanor. In support of this bill the following statistics were submitted by the House of Refuge, viz.:

During the 17 months ending February 29, 1924, there was received on new commitments two hundred and nineteen (219) boys.

Of the two hundred and nineteen (219):

Ninety-one (91) or 41.5% were received from the Children's Courts. One hundred and twenty-eight (128) or 58.5% were received from other courts.

Thirty-seven (37) of those committed from the Children's Courts committed offenses which if committed by an adult would be a felony.

Thirty-six (36) of those received from other courts were arrested for felonies but were convicted or allowed to plead guilty to misdemeanors.

Total originally arrested for felonies, seventy-three (73) or 33.3%. The average age of the two hundred and nineteen (219) at the time of commitment was sixteen years, three months and twelve days.

In connection with the three preceding bills a brief study was made of the capacity, census and budgets of the male reformatories and industrial schools of the State to better understand the present situation. The following data has not been fully verified, because of the short time available for the Law Committee to act upon this bill.

Note the low census related to the capacities and the overlapping of the ages and types of boys received in the different institutions. Also note the number of different Boards of Managers.

NAME OF INSTITUTION	Jurisdiction under which it operates	Age and types of inmates received	Approximate capacity	Approximate average census	Approximate budget provided by city or State
New York State Reformatory, Elmira.	Board of Managers	Felons and second offenders—minimums—ages 18 to 30.	1450	Under 900 for 1923.	\$428,762 from State.
New York City Reformatory, New Hampton Farm	Commissioner of Correction, New York City ¹	Misdemeanants—ages 16 and 20.	250 (originally planned for about three times that capacity)	295 (Calendar year 1923)	\$225,000 from City.
N. Y. House of Refuge, Randall's Island.	Board of Managers	Juvenile delinquents and misdemeanants—ages 16 to 18 years of age.	1000	402 (last only year).	\$254,496 from State.
State Agricultural and Industrial School, Industry.	Board of Managers	Boys under 16 years of age.	753	643	\$337,250 from State.
Children's Village at Dobbs Ferry.	Board of Managers	Boys under 16 years of age.	500 in 28 cottages.	325	\$135,000 from City.
Catholic Proctery.	Board of Managers	Boys under 16 years of age.	1900	1250	\$775,000 from City.
Jewish Proctery at Hawthorne, N. Y.	Board of Managers	Boys under 16 years of age.	450	263	\$129,500 from City.
Berechre, Industrial Farm, Canaan, N. Y.	Board of Managers	Boys under 16 years of age.	110	110	\$71,954

Western New York Society for Protection of Destitute Children, Buffalo, N. Y.

¹ Inspection by the State Commission of Prisons.

² Inspection by the State Board of Charities.

³ The New York City Reformatory receives commitments only from the Greater City. There is no State institution that receives first offenders, misdemeanants from 18 to 30 years of age.

During the last fiscal year ending June 30, 1923, according to the records of the State Commission of Prisons, there were:

- 572 boys between the ages of 16 and 21 received in the Erie County jail.
- 572 boys between the ages of 16 and 21 received in the Onondaga County Jail.
- 70 boys between the ages of 16 and 21 received in the Westchester County jail.
- 172 boys between the ages of 16 and 21 received in the Monroe County jail.
- 168 boys between the ages of 16 and 21 received in the Albany County jail.
- 100 boys between the ages of 16 and 21 received in the Albany County jail.

The above figures suggest the number of minors received in the other 58 county jails of the State.

During the same fiscal year there were:

- 183 boys between 16 and 21 years of age sentenced to the Erie County penitentiary.
- 55 boys between 16 and 21 years of age sentenced to the Onondaga County penitentiary.
- 59 boys between 16 and 21 years of age sentenced to the Westchester County penitentiary.
- 49 boys between 16 and 21 years of age sentenced to the Monroe County penitentiary.
- 5 boys between 16 and 21 years of age sentenced to the Albany County penitentiary.

During the last fiscal year there were:

- 97 boys between the ages of 16 and 21 sentenced to Sing Sing prison.
- 23 boys between the ages of 16 and 21 sentenced to Auburn prison.
- 17 boys between the ages of 16 and 21 sentenced to Clinton prison.

During the same fiscal year there were:

- 121 boys between 16 and 21 years of age sentenced to the New York County penitentiary.
- 285 boys between 16 and 21 years of age sentenced to the New York County workhouse.

The Law Committee disapproves the three bills but strongly recommends that a thorough and impartial study be made of the male industrial schools and reformatories of the State in order to devise a plan to coordinate them and determine the needs for development and specialization. The Committee firmly believes that if the different Boards of Managers, the Commissioner of Correction, the State Board of Charities, the State Commission of Prisons and the city and State officials would cooperate, constructive results could be accomplished.

Assembly Int. No. 1236, Pr. No. 2296, by Mr. Hackenburg.—To amend the State Finance Law in relation to Deputy Superintendent of Purchase to market prison-made goods.—Passed—Approved by Governor. Chapter 268, Laws of 1924.

The available market for the sale of prison-made products under the State system is by no means fully developed. For example, there were 14 towns and 442 towns and villages in New York State that had not made any purchases from the Sing Sing industries in at least three years, previous to July, 1923.

There is now a State Superintendent of Purchase, an office provided for by law, which has been in operation about two years. The purpose of this office is to centralize the purchasing for the entire State. This centralized purchasing system has been rapidly developing. In Sing Sing, for example, there were 100 different articles of food and general supplies that were being bought under contracts made by the Superintendent of Purchase in July, 1923. There is no reason why the Superintendent of Purchase should not make contracts for the advantageous purchase of raw materials for the prison industries and market the prison-made products with State offices, institutions, departments, etc. It is obvious that a Deputy Superintendent of Purchase would be in the best position and best qualified to develop the market for prison made goods.

This bill, page 2, lines 8 to 10, provides that the Deputy Superintendent of Purchase shall transmit all orders to the Superintendent of Prison Industries. There is no Superintendent of Industries provided for under the existing law. Such office, however, is created by the pending Love-Hackenburg bill "To amend the Prison Law, generally." Should the latter bill not pass the wording of the present bill must be changed so that orders would be transmitted by the Deputy Superintendent of Purchase to the Superintendent of Prisons.

Laws relating to the manufacture and sale of prison-made products.

Section 175 of the Prison Law states that convicts in State prisons, reformatories and penitentiaries shall only be employed for the State, or a political division thereof, in productive industries, or in public institutions, owned or managed and controlled by the State or political divisions thereof.

Section 182 of the Prison Law states that no articles manufactured in State Prisons, reformatories and penitentiaries, which are in excess of the amount needed in these institutions shall be purchased from any other source, for the State or public institutions of the State, or the political divisions thereof, etc., unless the State Commission of Prisons shall certify upon such requisition, and no claim therefor shall be audited or paid without such certificate.

The bill is approved by the Committee as per the above comments.

Senate Int. No. 919, Pr. No. 992, by Mr. Love.

Assembly Int. No. 1295, Pr. No. 1396, by Mr. Hackenburg.

To amend the Prison Law, generally.—Passed by Senate in original form but practically redrafted before being passed by the Assembly under an Emergency Message from the Governor. Chapter 601, Laws of 1924.

The Prison Association is in sympathy with every conscientious effort to improve the industrial system in the State prisons, provided, however, such

efforts are not carried to the extent of overshadowing many other important features of the prison administration.

The Committee takes exception to the bill in its present form for the following reasons:

1. The Parole Board should be an entirely separate group made up of highly qualified persons who can give full time service.
2. Too much emphasis is laid on the improvement of the industrial system in the prisons, without necessary consideration of the growing demand for the individual treatment of the delinquent. The part that the contemplated clinic at Sing Sing is to play in the administration of the prison system in the State is not shown in the proposed measure.
3. The language of the bill in several instances makes for serious administrative difficulties. There is question of conflict between the jurisdiction of the Superintendent of Prisons as provided by the State Constitution and by subsequent legislation, and the jurisdiction of the proposed Superintendent of Industries.
4. The bill seems overweighted with the idea of increasing the industrial output and making possible the payment of a wage. Noticeably absent is emphasis on the need and provision for vocational instruction, trade training, and further, the possibilities of book school training in the development of the prisoner. The whole tone of the bill reflects the idea of making the prison a manufacturing and money making unit, and not necessarily a man-making or training unit.

At a conference in the office of the Superintendent of Prisons on Thursday, March 29, attended by the General Secretary of the Prison Association, it was shown that the bill was so drawn that it would not be administratively practicable, and contained other features that were not in accord with prison developments as advocated during recent years. The drafters of the bill consented to revise it in accordance with the many suggestions offered by those present at the conference.

A brief outline of the more important provisions of the Love bill, Senate Int. No. 919, Print No. A. 2322.

Creates a Superintendent of Prison Industries, to be appointed, and removed, by the Superintendent of Prisons, with the advice and consent of the Governor, with duties outlined as follows:

1. He shall be in charge of all prison industries and prison labor and shall receive an annual salary of \$7,500 and necessary expenses. Such salary and expenses shall be paid out of the Prison Capital Fund, after being approved by the Superintendent of State Prisons. He is to be under bond similar to that of wardens and agents.
2. He shall have general supervision and control over all industries now existing or hereafter established in all prisons of the State. He shall be in direct charge of all prison production shops, farm work, and of the development and improvement of manufacturing methods and of the upkeep of machinery and equipment.
3. He shall employ in the industries, as he deems advisable, all convicts certified to him by the warden as physically able and capable of working and as not necessary for custodial or maintenance work, but nothing herein contained shall in any way interfere with the disciplinary powers of the warden of each prison.
4. He shall make an estimate and detailed statement for each prison relating to the materials, fixtures, tools, etc., and the cost thereof, which he considers necessary for carrying on the labor of the prisoners and the industries at each prison for the ensuing month.
5. He shall make recommendations to the wardens of State prisons, and the manager, or other authorities, of other penal institutions, relative to expenditures for machinery, tools, etc., to be made from their appropriations.
6. He may change or dispose of the present plans and machinery of the industries of State prisons, subject to the approval of the Superintendent of State prisons.

7. It shall be his duty to confer with the Prison Industries Board and to submit recommendations concerning wages and employment.

8. He shall carry out his duties under the supervision of the Prison Industries Board and according to recommendations of this Board.

Creates a Prison Industries Board which is composed of the Superintendent of State Prisons, Superintendent of Prison Industries and the State Superintendent of Purchase, who are to serve without additional salary and to perform the following duties in addition to their regular work:

1. Meet once a month and make such examinations, investigations and inspections as may be required, etc.
2. In case of absence or disability of any member of the Board their deputies can act for them, or they can designate their representatives.
3. To determine the general policy of all matters affecting prison industries in State prisons.
4. To undertake rehabilitation of prisoners by preparing them for useful industrial service.
5. To have final determination of all recommendations allowing wage compensation under this chapter before they are reported to the Governor.
6. To make a careful study of an inmate's industrial performance when he applies for parole, and submit it through the warden to the Parole Board.
7. To fix the styles, patterns, designs and qualities of all articles manufactured in State prisons, reformatories and penitentiaries in the State which are not required for use therein except where the same have been fixed by the Bureau of Standards of the Board of Estimate and Control. The above duties were transferred from the Board of Classification which has been abolished by this law.
8. To devise and furnish to all institutions a proper form of requisition.
9. To approve requisitions submitted by the State, or the political divisions thereof, permitting the purchase of manufactured products on the open market if these requisitions cannot be filled by the State industries.

Note: These above powers of the Industrial Board relating to State Prisons are transferred from the State Council of State Prisons, but the Council retains the power to control the requisitions and grant releases for products manufactured in penitentiaries and reformatories.

10. To fix and determine the prices at which all labor is performed and all articles manufactured in the penal institutions of this State and furnished to the State, or political divisions thereof, except in the case of charitable institutions controlled by the State. Each charitable institution shall create a Board which, with the approval of the Superintendent of Purchase, shall fix the prices at which prison products are to be purchased from the prison industries.
11. To classify buildings, offices and institutions owned or managed and controlled by the State, or political divisions thereof, except in the case of charitable institutions.
12. To fix wages of inmates on basis of current month's showing in the industries.
13. To fix the salary of the deputy superintendent of industries and other civilian employees with the concurrence of the Board of Estimate and Control.
14. The Board may reserve, at its discretion, from the earnings, a cumulative reserve which will overcome the former handicap of turning back all surplus to the Prison Capital Fund, the use of which is much restricted by law.
15. Payments fixed by the Board are to be credited to the accounts of the inmates affected.
16. To determine schedules of paid and unpaid workers with the number of men in each classification on the basis of recommendations made to it by the warden and superintendent of prison industries, subject to revision from time to time, and to prepare schedules and adjust miscellaneous wage questions which might arise.

17. To include in the rules provisions for the establishment of a credit system for each prisoner and the manner in which the value of such earnings shall be paid to the prisoner or held in trust for him until his release.

18. To fix prices at which prison-made goods are to be sold, subject to concurrence by the State Superintendent of Purchase.

19. To submit an annual report of proceedings of the Industrial Board for the calendar year to the Superintendent of Prisons.

Earnings of Prisoners.

Every prisoner in State prisons, subject to the rules and regulations of the Prison Industries Board, and every prisoner confined in a reformatory, penitentiary or county jail, at the discretion of the managing authority, can receive compensation from the earnings of the institution in which he is confined.

The Prison Industries Board shall adopt rules, subject to the approval of the Governor, for establishing in all State prisons a system of compensation to the prisoners confined therein.

Inmates of State prisons meeting the requirements established by the Board shall be paid wages from the net earnings of the industries of the prison in which the inmate is confined. The prisoner is only to receive compensation after deduction of the total operative costs of the industries and after 30 cents a day is repaid to the State from the earnings so that each inmate worker will have to pay his board. Prisoners employed outside the prison walls must reimburse the State in full for the cost of their maintenance and the State also is to receive 30 per centum of the remainder of the net earnings, and 70 per centum of the earnings is to be distributed among the inmates holding these paid positions. Compensation for labor performed by inmates of State prisons, reformatories, penitentiaries and county jails, outside of the institution, for the State, or divisions thereof, is to be paid for at a rate not to exceed \$1.50 per day, and the labor of prisoners in the construction of State institutions and State buildings is to be paid for from the appropriations for such work. Payments to be made into the Capital Fund of the prison.

Transfers of Prisoners.

The Superintendent of State prisons shall take into consideration, so far as practicable, the adaptability of the prisoners to the industries in the prisons to which they are transferred.

The Parole Board must take into consideration the industrial record, submitted by the Prison Industries Board, of inmates applying for parole.

The Law Committee disapproved the bill in its original form, but approved the bill as amended in accordance with the suggestions made at the conference referred to below.

At a conference in the office of the Superintendent of Prisons on March 20, attended by the Secretary of the Prison Association, the exceptions to the bill were discussed and the drafters of the bill agreed to amend it to meet the objections made, which were briefly outlined in the minutes of the Law Committee meeting of March 24th.

The bill as amended includes a revision of twelve sections, the elimination of eight sections and the addition of three sections, as follows:

The sections relating to the Parole Board, parole, commutation of sentence, etc., included under sections 210-a, 210-b, 211-a, 212, 214 and 235, were stricken from the bill. Sections 188 and 192 were also eliminated.

The following sections of the bill were revised, viz.: Sections 137, 150, 170-a, 175, 181, 182, 183, 184, 188, 191, 193 and 210.

The following sections were added: Sections 200, 201 and 202, to outline the duties of the Prison Industries Board, which was substituted for the Prison Industries and Parole Board included in the original draft of the bill.

Senate Int. No. 1337, Pr. No. 1508, by Mr. BYRNE.—To amend the Code of Criminal Procedure, in relation to wayward minors.—Passed—Approved by Governor—Chapter 339, Laws of 1924.

In amending the Wayward Minors bill last year, it is said there was a serious omission from the wording of the former bill. The result is that Magistrates presiding in the Women's Court are now obliged to turn out and discharge delinquent and incorrigible girls, who otherwise need custodial oversight. The purpose of this bill is to meet this need.

The amendment this year provides that "any female between the ages of 16 and 21 who is willfully disobedient to the reasonable and lawful commands of parent, guardian or other custodian and is in danger of becoming morally depraved may be deemed a wayward minor."

The bill is approved with the following amendment: The words "habitually and" should follow the word "is" on line 9.

Senate Int. No. 1552, Pr. No. 1837, by Mr. LOVE.—Amends section 230, Prison Law, by extending provisions for compensation and parole to include inmates of county jails, and making other changes affecting prisoners in county penitentiaries and State Prisons.—Passed by the Senate but defeated in the Assembly.

Opposed by the Committee—read the data under the following bill.

Assembly, Int. No. 1886, Pr. No. 1960, by Mr. NUGENT.—Amends section 230, Prison Law, by extending provisions for commutation or diminution of sentences to include inmates of county jails.—Passed but vetoed.

On May 1, 1916, the Prison Law relating to compensation and commutation of sentence in State prisons and county penitentiaries of this State was amended so that section 230 of the Prison Law, now commonly called the Sage law, named after the author of the 1916 amendments, provides that prisoners committed to State prisons and county penitentiaries can earn for good work and conduct, diminution of their sentence by so-called compensation and commutation.

This law is very complicated and it is said that there are only a few judges in the entire State who know offhand what proportion of the sentence passed by a Court must be served by the prisoner under the provisions of this law. At the time this law was enacted there was much dispute about the interpretation of time off each 30-day period, whether the time should be deducted after or before the 30 days are served. The discussion really amounted to this: should a prisoner be allowed the 10 days off his sentence for each 30 days served, or should it be 10 days off each 40 days served. The Courts decided that the interpretation of the Superintendent of Prisons, 10 days off 40 days, was correct.

The above law simply adds the words "or county jail" so that the provisions of the Sage law that now apply to prisoners in State prisons and penitentiaries may also become applicable to county jail prisoners.

The fact that prisoners under sentence in county jails or jail farms can earn commutation of sentence at the rate of 5 days for each month served was practically ignored in the above bill, but this bill would add provisions of compensation of sentence for county jail prisoners for efficient and willing performance of assigned duties, not to exceed 10 days in any 30-day period.

This bill would complicate and confuse the computation of sentences of county jail prisoners. Therefore, it is likely that the personnel of sheriffs who are appointed every two, three and four years, would hardly be able to compute the sentences of county jail prisoners under the Sage law correctly, because the employees of State prisons and county penitentiaries, who are employed under Civil Service regulations and are more or less permanent employees of the State, now have great difficulty in computing sentences under this law.

The bill is defective in that it would extend the provisions of commutation to county jail prisoners for more than one year of sentence because prisoners are not committed to county jails for more than one year. It is also defec-

tive in that it would make applicable the provisions of the Sage law to county jail prisoners under the jurisdiction of the Parole Board, whereas no prisoners are sentenced to county jail under indeterminate sentences. Finally, the provisions of the existing Prison Law, section 250, for commutation of sentence of county jail prisoners are considered adequate. The available work for prisoners in county jails at the present time is so limited that no additional incentive is needed to promote efficiency and willing performance of duties.

This bill is disapproved by the Law Committee.

Attention should be given this year to a study of the present operation of the Sage law as it applies to prisoners under definite sentences — those who have been previously convicted of what amounts to a felony — and to prisoners serving indeterminate sentences, or those who have never before been convicted of a felony. In the following table the first column shows the sentence in the term of years, the second column shows the minimum length of time the prisoner, under an indeterminate sentence, must serve and the third column shows the length of time that a prisoner, under a definite sentence, must serve.

SENTENCE OF COURT	COLUMN 2			COLUMN 3		
	Minimum time that must be served by a prisoner under an indefinite sentence (so-called first offender)			Minimum time that must be served by a prisoner under a definite sentence (an inmate with a known past criminal record)		
	YEARS*	Years	Months	Days	Years	Months
1.....	0	0	0	0	8	10
2.....	0	0	0	1	4	29
3.....	2	3	0	2	0	29
4.....	2	3	0	2	3	10
5.....	3	9	0	3	3	29
6.....	4	9	0	3	11	9
7.....	4	9	0	3	5	0
8.....	6	0	0	5	0	29
9.....	6	0	0	7	0	10
10.....	7	6	0	6	1	10
11.....	10	0	0	10	0	0
20.....	14	11	10	10	1	25

Prisoners under definite sentences can earn both compensation and commutation of sentence, whereas prisoners under indeterminate sentences can only earn compensation of sentence. Therefore, a prisoner with a long criminal record who is sentenced to 20 years, under a definite sentence, can be released in 10 years, 1 month and 25 days, whereas a so-called first offender given an indeterminate sentence of not less than 20 years must serve 14 years, 11 months and 10 days, or 4 years, 9 months and 20 days longer than the old offender.

Commutation of sentence can be earned by good conduct, while compensation of sentence is supposed to be earned by efficient and willing performance of duties assigned to the prisoner, but they are really interpreted as being the same thing. As a matter of fact instead of being earned by the prisoner they are awarded in a perfunctory way so that prisoners expect to get the maximum time of their sentences as a matter of routine.

Commutation of sentences is allowed to a prisoner under a definite sentence at the rate of two and one-half days for each month for a period of less than one year; not to exceed one month each for the first three years; not to

*Compilation was kindly furnished by the staff of the Supt. of State Prisons.

exceed two months each for the fourth, fifth and sixth years; not to exceed three months each for the seventh, eighth and ninth years; not to exceed four months each for the tenth, eleventh and twelfth years; not to exceed five months each for the thirteenth, fourteenth and fifteenth years; not to exceed six months each for the sixteenth, seventeenth and eighteenth years, and not to exceed seven months each for any subsequent year.

Commutation of sentence can be earned by prisoners both under definite and indefinite sentences at the rate not to exceed 10 days in any 30-day period.

A discussion of this bill and the Love bill, Senate Int. No. 1592, which also attempted to amend the Sage law, but was defeated in the Assembly with the Superintendent of Prisons, the Secretary of the State Parole Board and a representative of the Attorney-General's office, resulted in the unanimous opinion that the Sage law should be amended in such a way as to equalize the application of its provisions so that prisoners under indefinite sentences might earn at least as much time as those who are prisoners under definite sentences. At the same time it was agreed that the law in its present form providing for both compensation and commutation of sentence is most confusing to the judges, the Prison Department, the Attorney-General and the clerical staffs of the County Penitentiaries. Further, it was agreed that commutation and compensation of sentence amount to the same thing and that if commutation of sentence were eliminated from the law then all prisoners could earn the same amount of compensation of sentence, much satisfaction and injustice would be eliminated and everyone who had to do with this law would be better able to understand it.

Finally, if the Sage law, as it related to compensation, is to be extended, prisoners under indeterminate sentences should be able to earn more compensation than the old offenders under definite sentences.

Assembly Int. No. 1690, Pr. No. 1964, by Mr. Schoffel.—To amend the Code of Criminal Procedure in relation to proceedings when person in confinement appears to be insane.—Passed—Approved by Governor. Chapter 337, Laws of 1924.

A careful study of the bad features, reasons and responsibility for keeping insane prisoners in the Brooklyn City Prison was made by the State Commission of Prisons and the Prison Association of New York in 1922 and 1923.

Efforts were made to persuade the judges of Kings County Court to follow the precedent established by the Court of General Sessions, New York County, in transferring alleged insane persons charged with a felony from a jail to a city hospital, but without success.

It was then decided to have this section amended to meet the situation. The substance of this amendment is to broaden the application of the provisions of this section so that it will apply equally to a felon as it has heretofore applied to a person charged with a misdemeanor, in order that all apparently insane prisoners may receive the benefit of medical observation and treatment in a hospital instead of being kept in a prison or jail awaiting the appointment by the Court, and sitting of examiners in lunacy.

Not only will this amendment be of benefit to an alleged insane prisoner but it will save the city thousands of dollars yearly. At the same time this economic procedure will result in increased efficiency, as the services of qualified alienists on the staffs of the city hospitals would be utilized instead of permitting the courts to appoint two examiners in lunacy who are not required by law to have any qualifications or experience as alienists.

As this proposed amendment will destroy the system of patronage which has long been established in the appointment of examiners in lunacy, the objections made to it are without foundation. In order to clarify certain disputed points the following data is set forth:

1. In the first instance, if the judge is of the opinion that the person is malingering, he does not have to accept the certified statement of the doctor and the warden of the prison relating to the alleged insanity of the prisoner

and can proceed with the trial without transferring such a person to a hospital.

2. Under no circumstances can an irresponsible person be tried, according to the provision of Section 1120 of the Penal Law, even if it is alleged that the person was sane at the time the crime was committed. However, the provisions of this section do not in any way relieve criminal responsibility for the alleged act committed and as soon as the person becomes mentally responsible he must be returned to the court for trial forthwith.

3. Section 836 has nothing to do with the determination of the guilt or innocence of an alleged insane person.

4. It does not attempt to determine the mental state of the person at the time the alleged crime was committed.

5. The provisions of this section do not apply to an accused person who makes a plea of insanity, as Section 658 of the Code of Criminal Procedure, empowers the court to appoint a lunacy commission in such an instance.

CHAPTER XII

HOW NEW YORK FIGHTS CRIME

An Outline of Some of the Methods and Agencies in the Greater City.

By GEORGE W. WICKERSHAM.

Chairman, Executive Committee, Prison Association of New York.

THE PUBLIC'S ATTITUDE TO CRIME

The interest displayed by citizens and business men, in particular, in the administration and operation of the New York Police Department is in marked contrast to their lack of interest in the economic importance of the courts, probation, the administration of prisons and parole. It should be realized that the police alone cannot reduce crime. It is not fully understood that a person convicted of a crime and sentenced to a prison, returns to society in a comparatively short time. It is said on good authority that the average time served by persons who are sentenced to State prisons in New York State for the more serious offenses, is two and one-half years. If this estimate is correct then it is certain that persons sentenced to the New York County Penitentiary serve on an average of less than one year and a half. It should also be noted that too frequently the person arrested today for a petty offense is often arrested shortly thereafter for a more serious crime and vice versa. The idea that the length of time alone that convicted persons are deprived of their freedom will inhibit them from committing other crimes after their release is wrong. The fact is that there are no two persons convicted of the same crime and sentenced to prison for the same period who are benefited or punished to the same extent.

The purposes of probation, imprisonment and parole are to change convicted persons into future law-abiding citizens by discipline, moral, religious and trade training which should be applied with wise discrimination as to individual needs.

A criminal is a person who commits a crime, and nothing is a crime which is not so made by law. New crimes are made by law each year. A crime has certain elements. It harms society. It is defined by law. It is punishable. The penal law of the State of New York says:

"A crime is an act or omission forbidden by law, and punishable upon conviction by (1) death, or (2) imprisonment, or

(3) fine, or (4) removal from office, or (5) disqualification to hold any office of trust, honor or profit under the State, or (6) other penal discipline.'

The New York penal laws divide crime into felonies, the more serious, and misdemeanors, the less serious. Such crimes as homicide, burglary, robbery, arson, grand larceny, are felonies. A felony is described as a crime which may be punishable by death or imprisonment in a State prison. Any other crime is a misdemeanor. Not all persons convicted of felony in New York State are necessarily sentenced to a State prison, as there are about 40 of the 200 or more penal statutes, applying to felonies, under which the court can also sentence felons to a county penitentiary.

The above distinctions between felonies and misdemeanors are legal distinctions. For example, one statute describes petit larceny, a misdemeanor, as the stealing of property or money of the value of \$50, or less, which is punishable by imprisonment in a penitentiary, workhouse or county jail, with or without a fine; whereas, grand larceny is defined as the theft of property or money exceeding \$50, punishable by a maximum penalty of ten years in a State prison.

Moral distinctions, questions of intent, are partially recognized in criminal law by the provisions that there may be degrees of the same crime. For instance, the laws in this State provide that one who kills another deliberately and with premeditation is guilty of murder in the first degree. The penalty is death. But, if the same crime is committed with design to effect the death of the person killed, or another, but without deliberation or premeditation, it is murder in the second degree, punishable by life imprisonment. Or, if the person who kills another is less than seven years of age, he is not legally responsible for his act. Or, if at the time he kills another person he is insane, he is not punishable.

The penal law is filled with definitions as to the degree of crime. The more modern systems of probation and parole have been legalized for the purpose of administering the penalties outlined in the penal statutes, which do not take fully into consideration the complex variety of motives and the attending circumstances in the commission of crime.

Probation is a form of conditional release, granted at the discretion of the court, whereby convicted persons can be placed under the supervision of probation officers for a period of not more than two years for a misdemeanor or five years for a felony.

The indeterminate sentence is a modified form of sentence, under which convicted persons serve an indefinite time in prison and for the remainder of the period of their sentence are conditionally released on parole under the supervision of parole officers.

A CRIMINAL RECORD WHICH SUGGESTS THE NEED FOR SYSTEMATIC CO-ORDINATION OF THE AGENCIES INVOLVED.

B. S. in 1903 was convicted of robbery and sentenced to Sing Sing for 25 years.

In 1914 he was sentenced to Sing Sing for burglary for 5 years. In March, 1915, he was convicted for possession of narcotics, and sentenced for 3 months.

In 1916 he was convicted of burglary in the third degree and sentenced to the County Penitentiary under an indefinite sentence.

In January, 1917, he was convicted of attempted burglary in the third degree, and sentenced to two years and 6 months in State Prison.

In 1919 he was convicted of petit larceny and sentenced to the County Penitentiary under an indefinite sentence.

In 1920 he was convicted of burglary and sentenced to State Prison for 3 years.

In 1924 he was arrested for petit larceny and sentenced to the Penitentiary under an indefinite sentence.

The list of sentences of "B. S." indicates that information and records relating to his crimes and the action taken by the various city and state departments and agencies in dealing with him, exist in the separate files of the Police Bureau of Information and Identification, in various Magistrates' Courts, the Court of Special Sessions, the Bronx, and other County Courts, in the Bureau of Identification of the City Magistrates, New York County Penitentiary, the Bureau of Registration and Passes of the Department of Correction, New York City Parole Commission, State Prison Department, Sing Sing and Auburn Prisons and the State Parole Board.

These are facts taken from the records of one of the bureaus of identification in the Greater City. What is not disclosed is how "B. S." came to be at large after his first commitment and at the times when he was subsequently sentenced anew.

A brief analysis of the above record, and others like it, suggests that weak links do exist because life and property have not been adequately safeguarded, the measures employed were not successful in changing this man into a law-abiding citizen, and each time he was released and returned to society he was as serious a menace as before.

Notwithstanding that the above record is very incomplete it suggests the key to a system of vigilance and control which can only be organized after a central clearing-house for identification and information data has been established. These records are not being systematically consolidated on a city-wide, state-wide or national basis. In the Greater City, for example, there are three separate bureaus of identification operated by the police, city magistrates and Department of Correction. Not one of these bureaus receives all the fingerprints taken of convicted persons in the Greater City, and none of them receive fingerprints, as a matter of routine, of

persons sentenced to the county jails of Bronx and Richmond, or persons sentenced to county penitentiaries and State prisons from counties outside of the Greater City.

In addition there are various bureaus of criminal statistics and information in this city, which are operated under different titles by different city departments. Not only is the data in these bureaus not consolidated but it is not co-ordinated or based upon the verified identification records contained in the various fingerprint bureaus.

A penal statute exists in this State which provides for longer sentences for persons who are convicted two or more times. A person who commits a felony for a second time, for example, can be sentenced as a second offender, and committed to a State prison for a period at least equal to the maximum sentence provided for the same offense committed for the first time. Another statute exists which provides that a person convicted four times for a felony can be sentenced to a State prison as an habitual criminal under a life sentence, under the provisions of which he can be paroled but never absolutely released from parole supervision during his lifetime.

At the same time a person frequently convicted of crime is protected by the law which states that he must be indicted as a second offender or habitual criminal to receive the longer sentence, but the District Attorney is powerless, as a rule, to use the defendant's fingerprints or photographs to prove his prior convictions.

SOME FACTORS IN THE CYCLE OF THE ADMINISTRATION OF CRIMINAL JUSTICE IN THE GREATER CITY OF NEW YORK

1. The police: prevention and detection of crime and the arrest of persons suspected of committing crime.

2. A City Magistrate sitting in a District Court, in which The People are represented by an assistant district attorney, arraigns persons charged with crime and can sentence or dismiss a person charged with certain misdemeanors or violations of city ordinances. The magistrate examines and holds persons charged with felonies and some misdemeanors for the Court of Special Sessions and the higher criminal courts.

Three justices sitting as a Court of Special Sessions, decide the guilt or innocence, and sentence persons convicted of certain misdemeanors.

The Court of General Sessions in New York County, and the corresponding County Courts in the four counties of the Greater City, and the criminal branches of the Supreme Court, constitute the higher Criminal Courts, and have jurisdiction over the trial and sentence of felons, and in certain instances of misdemeanors.

3. It is the function of the five district attorneys of the Greater City to prepare evidence for the prosecution of a defendant, charged with a felony, and present it to the Grand Jury, and if

an indictment is found, to prosecute the defendant if he pleads not guilty.

4. It is the function of the Grand Jury to investigate the complaints, relating to persons charged with crime, practically always felonies, and to indict the persons or dismiss the complaints.

5. A petit jury hears the evidence and is the sole judge of the facts in the trial of a felon who pleads not guilty. The court instructs the jury as to the law applicable to the particular case before the court, but the jury alone decides the guilt or innocence of the defendant.

A felon who pleads guilty, or who is found guilty by a jury can, at the discretion of the court, be given a suspended sentence, placed on probation, or sentenced to an institution under the provisions of the penal statutes.

WHAT HAPPENS TO A CHILD OR ADULT WHO BREAKS THE LAW

A child more than seven and less than sixteen years of age who commits any act or omission which, if committed by an adult would be a crime not punishable by death or life imprisonment, is charged with juvenile delinquency, which is not considered a crime.

The Children's Court of the Greater City has jurisdiction over the trial of children between the ages of seven and sixteen charged with juvenile delinquency; and special proceedings involving children in danger of becoming morally depraved; disorderly or ungovernable; truancy; improper guardianship, and children held as material witnesses.

A law was passed this year which gives the Court jurisdiction over the adoption of children and over parents who do not fulfill their duties with respect to their children.

The Children's Court commits children to about 75 different institutions, most of which are operated under private management and are supported by private and city funds. The list also includes some city and State institutions.

The House of Refuge, Randalls Island, New York City, receives boys charged with juvenile delinquency, and boys between the ages of sixteen and eighteen, convicted of misdemeanors and felonies, who are committed not only from the Greater City but from different parts of the State.

Almost all of the above 75 institutions are operated under separate Boards of Managers and practically the only co-ordination possible in their development is through the inspections made by the State Board of Charities and in some instances by the State Commission of Prisons, but the powers of inspection of these State Departments does not give them the authority to control the separate policies and plans for expansion and development of these various institutions.

Girls and women arrested in New York County and held for trial are kept in Jefferson Market District Prison, under the De-

partment of Correction—this prison is now really a women's City prison as the male prisoners were recently transferred to the Tombs.

In some instances women arrested in New York County, and female material witnesses, are kept in Florence Crittenton League, a private institution; females arrested in Bronx County for certain offenses are transferred to the Jefferson Market District Prison, while others are kept in the Bronx County Jail, which is under the sheriff; women arrested in Richmond County are kept in the Richmond County Jail, under the sheriff; women arrested in Kings and Queens counties are kept in the respective city prisons, which are under the Department of Correction.

Females convicted of felonies in the Greater City can be sentenced to Correction Hospital, Auburn State Prison, or the State Reformatory for Women at Bedford.

Females convicted and sentenced for misdemeanors can be committed to Correction Hospital or the institution at Greycourt, which are under the Department of Correction; the Bedford Reformatory or to one of the various institutions for women, which are under private management, as Inwood House, Houses of Good Shepherd and the House of Mercy.

Males between the ages of 16 and 30, convicted of misdemeanors in the Greater City, can be sentenced to the New York City Reformatory, which is under the Department of Correction.

Males between the ages of 16 and 30, convicted of a felony, or two or more times of a misdemeanor, can be sentenced from the Greater City or any part of the State to the New York State Reformatory at Elmira.

Males and females convicted in the Greater City of a misdemeanor can be sentenced to the County Jails in Richmond and Bronx Counties, or to a city prison in New York, Kings and Queens Counties, or to the New York County Workhouse from any of the five counties of the Greater City.

All male persons who are convicted in the city of New York of a felony and sentenced to State prison, are committed to Sing Sing, which is being developed as a central clearing-house for the State prisons.

However, a person convicted of felony under certain statutes in the Greater City can be sentenced to the New York County Penitentiary.

Persons found to be mental defectives at the time of trial or after commitment to an institution in the Greater City, or any part of the State, may be committed to the State Institution for Mental Defectives at Napanoch.

Persons held for misdemeanors, who are found to be insane by the courts, are committed to Manhattan State Hospital on Wards Island, or to Central Islip State Hospital, Central Islip, L. I.

Persons charged with felonies, found to be insane by the courts, are committed to Matteawan State Hospital, Beacon, N. Y. These

transfers are made by the respective sheriffs of the five counties of the Greater City.

Persons found to be insane after conviction of a felony are committed to the Dannemora State Hospital, Dannemora, N. Y., and persons found to be insane after conviction for a misdemeanor, are committed to Matteawan State Hospital. These transfers are made by the Department of Correction.

THE TWO PRINCIPAL GROUPS OF DETENTION PLACES, JAILS AND PRISONS IN THE GREATER CITY, AND SUGGESTIONS WHICH HAVE BEEN RECENTLY ACTED UPON.

The detention places, jails and prisons operated under the administration of the Greater City, can be considered in two distinct groups as follows:

1. Those lock-ups, detention places and institutions that handle prisoners held under criminal process, but who are not yet convicted and sentenced, together with those institutions which receive prisoners held under civil process.

A—Police lock-ups and City Prisons of the Boroughs of Manhattan, Brooklyn and Queens, which are under the jurisdiction of the Department of Correction—most of the Federal prisoners held for examination are kept in the city prisons of Manhattan and Brooklyn.

B—The eight District Prisons and the Traffic Detention in Manhattan, which are under the Department of Correction—there are really only two District Prisons, as the other six are used for the temporary detention of prisoners only.

C—The sheriffs' jails in Bronx and Richmond Counties, which receive both criminal and civil prisoners, and the sheriffs' jails of New York, Kings and Queens Counties which receive civil prisoners only.

NOTE—The exceptions in this group are prisoners who are sentenced to less than 5 days, and those whose commitments specifically designate a city prison or a county jail where the sentence is to be served.

2. The second group of institutions, to which persons are sent to serve sentences, are situated on islands in the East River and Long Island Sound and in the outlying counties, as follows:

A—The male Penitentiary and Workhouse at the south end of Welfare Island, which serves as a clearing-house, classification center and general hospital for sentenced male prisoners committed to the Department of Correction.

B—Correction Hospital, at the north end of Welfare Island, the combined Workhouse, Penitentiary and Hospital for female prisoners in the Department.

C—Municipal Farm, Rikers Island, where drug addicts are treated, both under sentence and self-committed, with a history of a previous drug 'cure' or crime.

D—Reformatory Prison, Harts Island, where there are the manufacturing industries of the Department, the pavilion for prisoners with tuberculosis and special barracks for old and crippled prisoners, and Potters Field for burying the destitute dead of the city.

E—New York City Reformatory, New Hampton Farms, in Orange County, for boys and men between the ages of 16 and 30, convicted in the Greater City as misdemeanants.

F—Warwick Farms, in Orange County, which is operated as an honor camp of the New York City Reformatory.

G—The institution and farm at Greycourt, Orange County, was recently opened and receives a limited number of female prisoners transferred from Correction Hospital.

The Prison Association of New York submitted to the Mayor in May, 1923, and to the Board of Estimate and Apportionment and the Commissioner of Correction, a plan and suggestions for consolidating and simplifying the handling of prisoners in the Greater City. It was pointed out that practically all of the duplication and unwarranted cost exists in the institutions of the first group, i. e., those handling civil prisoners, and criminal prisoners awaiting trial or under short sentences.

On September 7, 1923, Frederick A. Wallis, Commissioner of Correction, in accordance with the above suggestions, brought about a consolidation of male and female prisoners in the Tombs Prison and Jefferson Market District Prison, respectively, thereby freeing about nine keepers and matrons for other institutions, and greatly increasing the efficiency of these prisons. On May 27, 1924, he abolished the House of Detention for Material Witnesses, and remodeled a part of the 53rd Street District Prison for these material witnesses, with a saving of about \$6,000 a year, and an increase of efficient administration.

Commissioner Wallis on June 15, 1924, converted the Harlem District Prison into a transfer station. This consolidation of prisoners has not only resulted in saving a few thousand dollars a year, but will make possible the closer control of arrested persons awaiting trial—it is in many ways more difficult to control persons in which arrested persons are held while awaiting trial than prisons receiving convicted persons, because persons not convicted are still innocent and must be accorded many liberties which they forego after conviction.

On February 21, 1924 Commissioner Wallis installed the eight-hour day for matrons and keepers of the Department of Correction, which resulted in reducing the hours of duty from two to four hours daily for over 300 employees. This has greatly improved the morale in the prisons of the Department.

The transfer of male and female prisoners to the Tombs and Jefferson Market respectively, the abolishment of the House of

Detention and District Prisons, were included in a plan submitted by the Prison Association, but there are still a number of important recommendations which have not been carried out.

SOME CONSTRUCTIVE SUGGESTIONS APPLICABLE TO THE GREATER CITY, SUBMITTED BY THE PRISON ASSOCIATION OF NEW YORK.

The following suggestions have been incorporated in various studies recently made by the Prison Association of New York, in the promotion of which your moral support will be most helpful.

1. The consolidation of the three bureaus of identification in the Greater City which will result in material economy and much greater efficiency.

2. The consolidation of the various bureaus of information and statistics relating to lost and stolen property, drug addicts, missing persons, convicted persons, etc.

If these separate bureaus and functions, which are now scattered in different city departments, were consolidated into necessary separate sections of a central bureau of identification and information it would result in the compilation of complete data which could be verified by the records of the different sections of this bureau.

A study and tentative plan for organizing the central city bureau was submitted to the Board of Estimate and Apportionment by the Prison Association of New York in November, 1923. The Board made an investigation and submitted a report on this matter to the Special Committee of the Mayor for the Safeguarding of Life and Property, which submitted its report to the Hon. Murray Hulbert, President of the Board of Aldermen.

3. To extend the central city bureau of identification and information on a State-wide basis, thereby converting it into a State bureau, which will incorporate the present functions in the Bureau of Identification in the office of the Superintendent of Prisons, the Capitol, Albany, and which will receive identification records from over 60 sheriffs of the State which are not being systematically taken.

One section of the State Bureau will receive criminal statistical data now submitted by the sheriffs to the State Commission of Prisons, and by the County Clerks to the Secretary of State, which will make it possible to eliminate the present duplication and will make available verified criminal statistics based upon identification.

4. That an exhaustive study be made of the penal statutes in preparation for a codification, simplification wherever possible, and a standardization of the punishments prescribed to meet existing social and economic conditions.

5. That the law be amended permitting identification of persons arrested by fingerprints and photographs at the time of indictment, with the necessary provisions for the return of this data to persons who are found not guilty, which will make it possible to better control the use of the suspended sentence, bail bond, and

make more effective the statutes applying to a second offender and an habitual criminal.

6. The development of a clearing-house at the New York County Penitentiary which was authorized by law but has never been fully or adequately developed. The purpose of the clearing-house is to study each prisoner committed under sentence to the Department, his individual character, peculiarities, and the probable causes of his criminal career, in order to determine whether the institution in which he is kept or to which he is transferred, and the work to which he is assigned, provides the best available possibilities for developing in him the habits of a useful and law-abiding citizen.

7. To devise and establish a merit system for prisoners as a substitute for the present marking system which operates in a perfunctory way. A plan should be made operative whereby prisoners will have to earn by merit their release on parole.

8. To set aside a part of one of the prisons or jails in the Greater City as a detention place exclusively for boys charged with crime where they are to be held pending the final disposition by the court, and if sentenced to the New York City Reformatory to be transferred there directly, without passing through the County Penitentiary as at present. Upon their discharge from the New York City Reformatory they should be sent to this boys' prison before being finally released, or placed on parole, instead of being returned to the Penitentiary.

9. The construction of a new county penitentiary and work-house for males, because the buildings now used are antiquated and no longer can serve the purpose for which they were originally constructed. In addition, the location of this institution on Welfare Island has serious disadvantages which are a handicap to the administration. At the same time the property on Welfare Island, being so close to the center of the city, makes it more useful and available for other municipal purposes.

10. The adoption of a plan for development of institutions and industries of the Department of Correction, and, by all means, the co-ordination of this plan with the plans of the State Prison Department and other State institutions. This relates in particular to the industries of the State prisons and the Reformatory Prison of the Department of Correction.

11. To transfer the surgical and medical work now being carried on by the Department of Correction in two prison hospitals on Welfare Island to prison wards which could be established in either of the two hospitals operated by the Department of Public Welfare on the same island, or Bellevue and Allied Hospitals. In this way it would only be necessary for the Department of Correction to operate dispensaries instead of hospitals, and the funds saved by this procedure could be devoted to the development of the moral, religious and trade instruction and the expansion of the industries in the prisons.

12. That funds now paid from the city budget for the care and custody of prisoners under the sheriffs of the five counties of the Greater City be materially reduced and devoted to the necessary development in the Department of Correction.

13. To abolish the Ludlow Street Jail in New York County and to use a part of one of the institutions of the Department of Correction as a substitute, thereby saving about \$40,000 a year.

14. To amend Section 695 of the City Charter through the local Assembly by making this section apply to the counties of Bronx and Richmond in the same way that it now applies to Kings and Queens Counties, thereby transferring the jurisdiction over criminal prisoners in these counties to the Department of Correction, which will result in the control over criminal prisoners being vested in one city department and will make possible the operation of a centralized system of records and identification of convicted persons and a centralized system of transportation of prisoners.

15. To consolidate the transportation of criminal prisoners in and from the Greater City under the Department of Correction, thereby eliminating the present useless duplication and a wasteful system whereby sheriffs' deputies and vans transfer persons arrested for felonies between the courts and prisons, and transport convicted persons to the County Penitentiary, to Sing Sing Prison and insane prisoners to Matteawan State Hospital.

There is no standardization in the care, custody and transportation of prisoners in the Greater City at the present time.

16. To amend the laws to make it possible to consolidate the civil prisoners in the five counties of the Greater City, of which there is an average total of less than 50, in one instead of in five jails. The sheriffs' jails are operated by employees appointed by the sheriff, without Civil Service requirements. The sheriff in New York County is elected for four years, in Kings County for two years, in Bronx County for four years, in Queens County for 3 years and in Richmond County for 3 years. They cannot succeed themselves in office. Whereas the institutions of the Department of Correction are operated by employees under Civil Service requirements. The cost of the care, custody and transportation of prisoners in the Department of Correction is less than one-third of the sheriffs' expenditures for these items.

17. To change the system whereby the number of county detectives and deputy sheriffs appointed in the different counties of the Greater City are authorized by special State legislation, although their salaries are paid from the City budget. For example, about four of the seven county detectives assigned to the Kings County Court are appointed as confidential employees and not subject to Civil Service, and are then assigned to do the work of probation officers. Attached to the Kings County Court are five regularly appointed probation officers who receive salaries from \$500 to \$1,600 less than the county detectives.

Another example is the special State legislation of 1924 permitting the sheriff of Kings County to appoint 16 deputy and assistant

deputy sheriffs, whose salaries must be paid by the City in spite of the fact that recent investigations have shown that instead of additional deputies being needed the number might have been reduced.

Constitution and By-Laws

AN ACT to incorporate The Prison Association of New York. Passed May 9, 1846, by a two-thirds vote. (As subsequently amended.)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All such persons as are now and hereafter shall become members of the said association pursuant to the constitution thereof, shall and are hereby constituted a body corporate by the name of The Prison Association of New York, and by that name have the powers that by the third title, of the eighteenth chapter, of the first part of the Revised Statutes, are declared to belong to every corporation, and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation, provided that such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purpose than those for which the corporation is formed.

§ 2. The estate and concerns of said corporation shall be managed and conducted by its executive committee, in conformity to the constitution of the said corporation; and the following articles that now form the constitution of the association shall continue to be the fundamental laws and constitution thereof, subject to alterations in the mode therein prescribed.

ARTICLE FIRST

The objects of the association shall be:

1. The amelioration of the condition of prisoners, whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline and the government of prisons, whether for cities, counties or states.
3. The support and encouragement of reformed convicts after their discharge, by affording them the means of obtaining an honest livelihood, and sustaining them in their efforts at reform.

ARTICLE SECOND

The officers of the society shall be a president, vice-presidents, a recording secretary, a corresponding secretary, and a treasurer, and there shall be the following standing committees, viz: a finance committee, a committee on detentions, a committee on prison discipline, a committee on discharged convicts and an executive committee. The number of the executive committee shall consist of not more than thirty-five, of whom not more than ten shall be officers of the

society, and not more than twenty-five shall be persons other than officers.

ARTICLE THIRD

The officers named in the preceding article shall be ex-officio members of the executive committee, who shall choose one of their number to be chairman thereof.

ARTICLE FOURTH

The executive committee shall meet once in each month, and keep regular minutes of their proceedings. They shall have a general superintendence and direction of the affairs of the society, and shall annually report to the society all their proceedings, and such other matters as shall be likely to advance the ends of the association.

ARTICLE FIFTH

The society shall meet annually in the city of New York, at such time and place as the executive committee shall appoint, and at such other times as the president, or in his absence, one of the vice-presidents, shall designate.

ARTICLE SIXTH

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars shall constitute an honorary member of the association for life, and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may, from time to time, be appointed by the executive committee.

ARTICLE SEVENTH

A female department shall be formed, consisting of such females as shall be selected by the executive committee, who shall have charge of the interest and welfare of prisoners of their sex, under such regulations as the executive committee shall adopt.

ARTICLE EIGHTH

The officers of the association shall be chosen annually at the annual meeting, at which time such persons may be elected honorary members as shall have rendered essential service to the cause of prison discipline.

ARTICLE NINTH

Any society having the same objects in view may become auxiliary to this association by contributing to its funds and co-operating with it.

ARTICLE TENTH

The executive committee shall have power to add to any of the standing committees such persons as, in their opinion, may be likely to promote the objects of the society, and shall have power to fill any vacancy which may occur in any of the offices of the association, intermediate the annual meetings.

ARTICLE ELEVENTH

This constitution may be amended by a vote of the majority of the society at any meeting thereof, provided notice of the amendment has been given at the next preceding meeting.

The officers elected for the current year, under the constitution shall continue to be the officers thereof until others shall be duly chosen in their places.

And it is hereby further enacted that no manager of said society shall receive compensation for his services.

§ 3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion, to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons in said city as the Court of General Sessions of the Peace, or the Court of Special Sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the almshouse may deem proper objects, and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

§ 4. The said executive committee may, from time to time, make by-laws, ordinances and regulations, relative to the management and disposition of the estate and concerns of said association and the management, government, instruction, discipline and employment, of the persons so as aforesaid committed to the said workhouse, not contrary to law, as they may deem proper, and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and expenditures of said executive committee, and generally all such facts and particulars as may exhibit the operations of the said association.

§ 5. The said executive committee shall have power, during the minority of any of the persons so committed to the said workhouse, to bind out the said persons so being minors, as aforesaid, as apprentices or servants, with their consent during their minority, to such persons and at such places, to learn such proper trades and

employments as in their judgment will be most conducive to their reformation and amendment and future benefit and advantage of such persons.

§ 6. The said executive committee by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect, and examine, all the prisons in the State and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section, of title first; chapter third, part fourth of the Revised Statutes are invested in inspectors of county prisons and the duties of the keepers of each prison that they may examine shall be the same in relation to them, as in the section aforesaid, are imposed on the keepers of such prisons in relation to the inspectors thereof; provided, that no such examination or inspection of any prison shall be made until an order for that purpose to be granted by the chancellor of this State, or one of the judges of the Supreme Court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons, members of the said association, by whom the examination is to be made, and the time within which the same must be concluded.

BY-LAWS

1. There shall be a stated meeting of the executive committee on the third Thursday of each month, and special meetings shall be held on the requisition of the chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting. The annual meeting shall be held on the third Thursday of January in each year at half-past three in the afternoon at the office of the association.

The number of members composing the executive committee exclusive of the officers of the association, is hereby fixed at twenty-four, and divided into four groups or classes as follows. At the election held at the annual meeting of the year 1916, there shall be elected, to serve from that date, six members for the term of one year, six for the term of two years, six for the term of three years, six for the term of four years. At each annual meeting thereafter six members shall be elected for the term of four years in place of those whose terms of office then expire. Any vacancies in the membership of the committee by death, resignation or otherwise, may be filled either by the association at any annual meeting or, in interims between the annual meetings, by the executive committee.

II. At every meeting of the executive committee five members shall be necessary to constitute a quorum.

III. The order of business at the annual meeting shall be as follows:

1. Election of chairman and secretary.
2. The reading of the minutes of the last meeting.
3. Report of committee on nominations.
4. Election of officers.
5. Report of corresponding secretary on the work of the year.
6. Annual report of the treasurer.

IV. The order of business at every other stated meeting shall be as follows:

1. The reading and approval of the minutes of the last preceding meeting.
2. Report of treasurer.
3. Reports from standing committees.
4. Reports from the corresponding secretary.
5. Reports from special committees.
6. Report from the general agent.
7. Miscellaneous business.

At a special meeting no other business shall be transacted than that for which the said meeting was called.

V. The chairman shall appoint all standing and special committees and decide all questions of order, subject to an appeal; and the rules of order shall be those embodied in Cushing's Manual, so far as they are applicable.

VI. The recording secretary of the association shall be the secretary of the executive committee; and it shall be his duty to keep the minutes of the proceedings of said committee, to record them in a book provided for that purpose, and to give due notice of all meetings of the committee.

VII. The corresponding secretary shall conduct the correspondence of the executive committee and of each of the standing committees; and shall act as the general financial agent of the association, and shall report at each stated meeting of the committee.

VIII. The treasurer shall have charge of the funds of the association, and shall give such security as the executive committee may require. His duties are more fully defined in by-law X.

IX. There shall be at least the following standing committees: executive; finance; law; detention; nominations; probation and parole; prison administration. Such committees in addition to any powers or duties conferred by these by-laws shall severally possess the power and be subject to the duties designated from time to time by the executive committee. Furthermore, the committee on probation and parole shall function as the committee on discharged convicts mentioned in the constitution, and the committee on

prison administration shall function as the committee on prison discipline mentioned in the constitution.

The duties of the above named committees, not otherwise provided for in the constitution or by-laws, are as follows:

It shall be the duty of the committee on detentions to inquire as far as may be practicable or necessary into the causes of commitment of persons held in institutions of the Department of Correction of the City of New York, and, when deemed desirable, to adopt available measures for procuring the discharge or providing for the defence of such as shall appear to be entitled thereto. It shall further be the duty of the committee, when arrangements are made therefor, to extend its work to jails, penitentiaries, reformatories and prisons outside of the City of New York and within the State of New York.

It shall be the duty of the committee on nominations to consider the qualifications of persons available for election as vice presidents or available for membership on the executive committee of the association, and to make recommendations thereon to the executive committee for final action.

It shall be the duty of the committee on probation and parole to be associated with the operation of the probation, parole, and employment bureaus of the association, and, from time to time, to make recommendations in respect thereto.

It shall be the duty of the committee on prison administration to consider the internal organization and management of county jails, penitentiaries, reformatories and state prisons, and the welfare of persons confined therein.

X. The committee on finance shall be charged with the duty of raising and caring for the funds.

The funds of the association shall be divided into three parts to be known as:

1. The endowment fund.
2. The reserve fund.
3. The general fund.

The Endowment Fund.—The endowment fund shall consist of such contributions as shall be given with the restriction that the income only shall be used for the purpose of the association, and all legacies.

The Reserve Fund.—The reserve fund shall consist of such sums as may be set aside from the general fund from time to time by the executive committee for investment. Whenever any part of the reserve fund shall be appropriated by the executive committee, such sum shall be immediately transferred to the general fund. The endowment and reserve funds shall be under the immediate direction and control of the committee on finance, and all investments of these funds shall be ordered by the Committee. The treasurer of

the association shall be a member and act as the treasurer of the committee on finance, and shall be responsible for the safe-keeping of the sureties of the endowment and reserve funds.

Any uninvested balance of the endowment and reserve funds shall be kept each in separate trust companies in the name of the association, subject to check of the treasurer, and shall, whenever possible, bear interest. All income from the endowment and reserve funds may be transferred to the general fund as soon as received.

No part of the reserve fund shall be used for any purpose except by resolution of the executive committee, and whenever any part shall be appropriated by the executive committee, it shall immediately be transferred to the general fund.

The General Fund.—The term "general fund" shall cover all receipts of the association not constituting a special fund or specified for the endowment fund, the intention being that all the income, except legacies, including donations for general purposes, and income from endowment and reserve funds, shall be credited to the general fund to which the authorized disbursements of each activity of the association shall be charged at the close of the fiscal year.

The treasurer shall notify the corresponding secretary at once of all transfers of income from the endowment and reserve funds to the general fund.

The treasurer shall notify the corresponding secretary, immediately on receipt by him of any sum for the account of the association that such receipt may be entered at once to the credit of the proper account on the books of the association.

The corresponding secretary shall be the general disbursing agent of the association, the object of the provision being to keep in the central offices of the association all receipts for payments by him for the association of any kind, nature or description, and to have in the central offices immediate record of all his disbursements. This provision shall not apply to the endowment and reserve funds.

All donations received by the corresponding secretary shall be entered by him upon the proper books of the association and then deposited in such bank as directed by the treasurer to the credit of the association. Whenever the executive committee shall make an appropriation out of either the reserve or general fund, the corresponding secretary shall send to the treasurer a copy of the resolution making the appropriation, certified by the recording secretary, which certified copy shall be the treasurer's authority for transferring the appropriated amount to the corresponding secretary.

The treasurer shall keep an account covering the general fund in the name of the association, subject to his check as treasurer in such bank as may be selected by him and approved by the committee on finance. Such account shall be separate and distinct

from those accounts opened for the uninvested balance of the endowment and reserve funds.

The corresponding secretary shall keep a bank account in the name of the association, subject to his check as corresponding secretary for current disbursements, and shall deposit to the credit of said bank account all moneys he may receive from the treasurer drawn from the general fund.

The committee on finance shall audit and report upon accounts of the treasurer and of the corresponding secretary.

At each regular meeting of the executive committee the treasurer shall make a detailed statement of the receipts and disbursements for the preceding calendar month. He shall make a statement showing investments and the receipts and disbursements of the endowment and reserve funds; he shall make, at the annual meeting of the association, a detailed statement of receipts and disbursements for the fiscal year.

XI. It shall be the duty of the committee on law to examine and report from time to time upon the penal legislation of the State, with their suggestions for the amendment thereto, to consider questions relating thereto which are under discussion in the press or the legislature, including pending bills, and report their views and conclusions upon them, also to care for the law business of the association.

XII. One or more agents may be appointed by the executive committee to assist the standing committees in their duties.

XIII. The president, chairman of the executive committee, and corresponding secretary shall be members, *ex-officio*, of all the standing committees.

XIV. No alteration shall be made in these by-laws except upon notice of the proposed amendment given at a previous meeting of the executive committee.