

STATE OF NEW YORK

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THE EIGHTY-FOURTH ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1928



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## P R E F A C E

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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 eighty-fourth 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 additional 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 other States and in foreign countries.

## THE PRISON ASSOCIATION OF NEW YORK

### PROTECTS SOCIETY FROM CRIME

By

Saving men and boys from crime

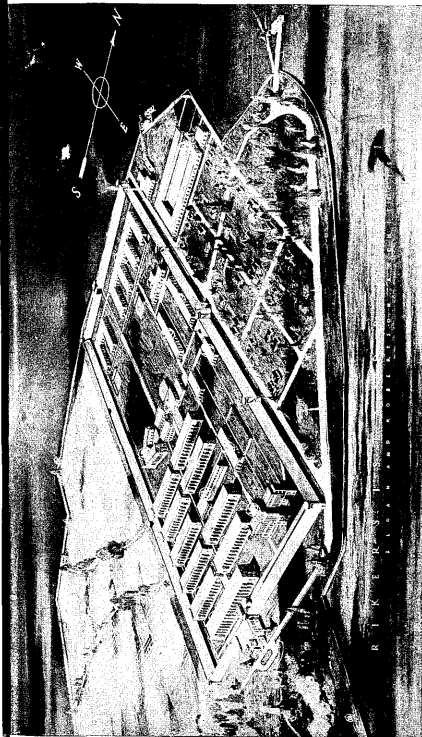
Helping to reform those who have  
become criminals

Supervising the discharged prisoner,  
and helping him to lead an honest life

Guiding and helping the destitute mothers,  
wives and children of men in prison

Making prison conditions humane and  
effective

Securing legislation to improve court  
procedure and the administration of  
institutions.



- Proposed New York County Penitentiary, to be located on Riker's Island.
- |       |                               |     |                          |
|-------|-------------------------------|-----|--------------------------|
| 1.    | Administration Building       | 22. | Departmental Store House |
| 2.    | Receiving Building and Clinic | 23. | Power Plant              |
| 3.    | Detention Building            | 24. | Industrial Building      |
| 4.    | Workshops                     |     |                          |
| 5.    | Bath Houses                   | A.  | Warden's House           |
| 6.    | Cell Houses                   | B.  | Physician's              |
| 7.    | Cell Houses                   | C.  | Assistant Warden's       |
| 8.    | Cell Houses                   |     |                          |
| 9-11. | Cell Houses                   |     |                          |
| 12.   | Cell Houses                   |     |                          |
| 13.   | Mess Hall                     |     |                          |
| 14.   |                               |     |                          |

## TABLE OF CONTENTS

	PAGE
Preface .....	1
Purposes of the Association .....	2
In Memoriam — Eugene Smith .....	7
Officers for 1928 .....	9
Standing Committees for 1928 .....	10
Letter of Transmittal to the Legislature .....	11
Introduction — Crime and Punishment .....	15
Theories on Cause of Crime .....	15
Shifting Responsibility .....	16
An Example of Inconsistency .....	16
Does America Lag? .....	19
Responsibility Decreased .....	20
A Distinguished Jurist Speaks .....	23
Recommendations to the Legislature .....	27
Our Eighty-Fourth Year .....	33
Juvenile Institution Needed .....	33
Old Sing Sing Passes .....	34
The New Sing Sing .....	37
Classification of Prisoners .....	39
Report of the Activities of the Classification Clinic, Sing Sing Prison .....	41
The New State Prison, Attica, Wyoming County .....	42
The Indeterminate Sentence and Parole .....	45, 75
Association Ends Parole Supervision .....	46
Lunacy Commissions .....	47
County Jails .....	49
Reduced Felonies .....	50
Compensation to Prisoners .....	52
Control of Prisoners in New York City .....	54
Police Methods .....	56
Bail Evils .....	58
House of Detention for Women .....	60
New York City Parole Commission .....	63
Psychiatric Service, Court of General Sessions .....	64
Judge or Crime Board? .....	65
Annual Census .....	66
Lawyers and Clients .....	68
Property of Prisoners .....	69
Pay for Guards .....	70
The New County Penitentiary .....	71
American Prison Association Congress .....	72
Causes of Crime .....	73
Law Enforcement vs. Law Observance .....	73
Moral Standards and Judicial Views .....	73
Probation .....	74
Viewpoints Abroad and at Home .....	74
Convict Labor — County Jails .....	74
Prevention .....	75
Prison Methods, United States and Canada .....	76
Statistics and Methods of Control .....	77
State Crime Commission .....	77
Prison Sunday .....	78
Federal Legislation; Narcotic Farms .....	78
Bureau of Advice and Information .....	79
Foreign Visitors .....	79
Bureau Activities .....	79
The Centralization of the Magistrates' Courts of Manhattan .....	80, 81

	PAGE
Objections to the Plan Discussed.....	84
Counsel and Defendants.....	87
Admission of Attorneys to Visit Clients Held in Prison.....	91
Department of Correction, New York City.....	93
Medical Service, New York City Department of Correction.....	95
Progress, New York City Department of Correction.....	96
Needs, New York City Department of Correction.....	97
Employment and Relief Bureau.....	99
Relief Bureau for Prisoners' Families.....	103
Legislation in 1928.....	105
Constitution and By-Laws.....	113

## IN MEMORIAM

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In the passing of Eugene Smith, in his 90th year, The Prison Association of New York lost its oldest and one of its most valued friends and workers. For fifty-one years he was a member of its Executive Committee. In 1904 he became its President, and served in that capacity until his resignation in 1926. On the occasion of the 70th anniversary of the Association, when he so impressively reviewed the first seventy years of its existence, he referred to his election to the Executive Committee as "an honor to which I have clung ever since."

Holding sacred his obligation to the Association, he availed himself of every opportunity to preserve its rich traditions, and to add to them and to its usefulness.

A kind disposition, a scholarly mind, a lucidity and forcefulness of expression, an unusual keenness and alertness, a genuine conception of and devotion to loyalty and friendship, a well-balanced attitude toward the protection of society and the treatment of the criminal, all of these enviable qualities were his.

His numerous addresses and writings on criminology and penology will endure as a living monument and a lasting tribute to his exceptional ability.

The Prison Association of New York mourns his passing, with profound sorrow and regret. It takes pride in the knowledge that for many years he was its staunch friend and guide, and that under his leadership it moved forward to a position of enlarged prestige and usefulness.

THE PRISON ASSOCIATION OF NEW YORK

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MOORE, PAVEY, SAGE, SCHIFF, MRS. HERRICK, CHISOLM

[10]

EIGHTY-FOURTH ANNUAL REPORT OF THE PRISON  
ASSOCIATION OF NEW YORK

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FEBRUARY 4, 1929.

HON. HERBERT H. LEHMAN,

*Lieutenant-Governor of New York:*

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

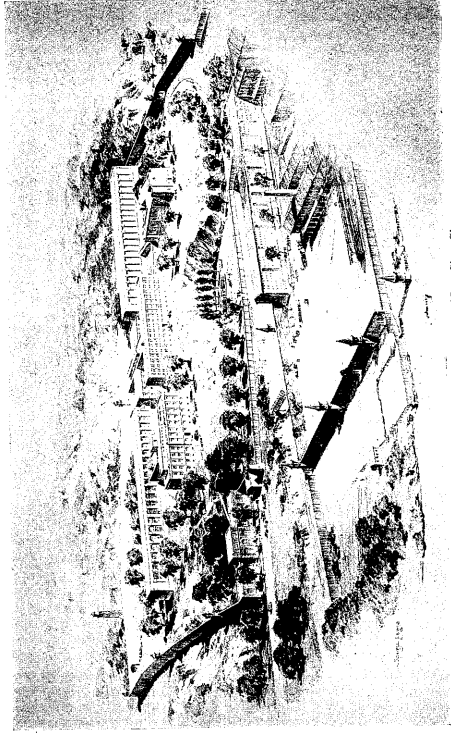
Respectfully,

THE PRISON ASSOCIATION OF NEW YORK,

By EDWIN O. HOLTER, *President.*

E. R. CASS, *General Secretary.*

[11]



Revised Lay-out of Buildings for the New Sing Sing.



## INTRODUCTION

### CRIME AND PUNISHMENT

At first sight the problem of crime and the treatment of the criminal seem to have very little relation to one's personal life. Crime and criminals are regarded as ugly—something to be avoided. But there is another side which may immediately appeal to personal interest. You do not go to bed at night without locking your door, fastening your window, perhaps hiding the silver. You feel that although there are a great many men in prison who are barred in, it is also necessary to bar out from your home those who are not in prison. You have policemen on the street to protect your life and property. You are taxed to support judges and courthouses and the administration of the agencies for punishing crime. Some energetic persons attempt to give in terms of dollars and cents the annual cost of crime in the United States. The latest figure is thirteen billion dollars. However, the cost of crime can never be accurately determined, and it should not be difficult to understand that crime is very costly in more than one way. All this appeals to you because it is for the protection of society, and this is an aim which must never be lost sight of. Society, of which you are a part, must be protected against the criminal.

Yet this is only one side of the question. You will find, when you come to examine it, that there is another side which is just as important to consider, and that is the treatment of the men or women whom you have for a time excluded from society. There are approximately 100,000 men and women—only a small percentage of them women—in the prisons of the United States. That does not include the vast armies that we send to our institutions for misdemeanants, but simply those who are sentenced as felons. In less than five years from now many of them will be free again, and it may be necessary, perhaps, for you to bar your doors against them. It is very important, therefore, to consider what you are going to do with them during the year or more they are imprisoned, whether they are coming out armed against society and thirsting for revenge, or whether they are coming out to amalgamate with society, to be adjusted to its laws, and to live peaceable, honest and righteous lives. So these two questions, the question of the protection of society, and of the treatment of the prisoner, go hand in hand.

### THEORIES ON CAUSE OF CRIME

Interesting to note are the various theories on the cause of crime. It is held to be due to economic conditions, heredity, environment, mental abnormality, lack of religious influence, an old-fashioned and otherwise defective school system, lack of parental control, broken homes, unemployment, and so it goes to an almost

interminable list. Some of these contended specific causes have developed their proponents into ultra-enthusiasts. Yet the cold fact is that crime is complex and there is no sweeping cause or cure. It would not be difficult to find persons who have experienced some of the above contended causes of crime and yet have escaped becoming criminals. It is further true that one or more of the above listed contended causes might be found in any one individual who comes into conflict with the law.

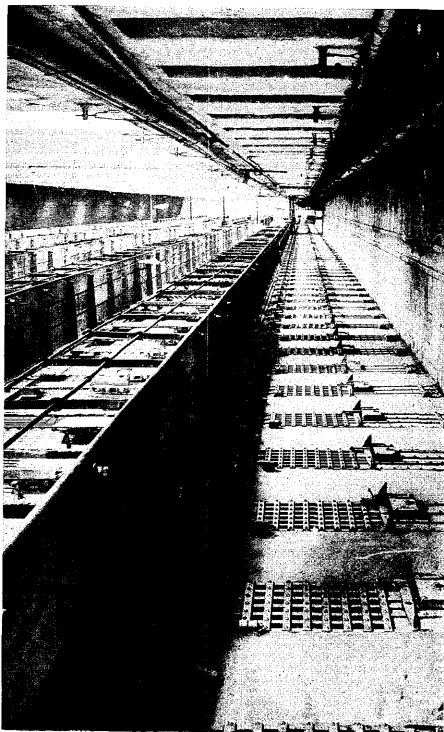
There are many who think that the crime problem can be easily solved. A prominent citizen, speaking at a national gathering, said, "I do not know just what anybody else thought at the time, but my first impulse was that the nine or ten of us who met in New York would soon solve the crime problem and dispose of the whole matter." This distinguished member of the Bar has since changed his mind considerably.

#### SHIFTING RESPONSIBILITY

Perplexing, as has been frequently emphasized by the Prison Association of New York, are the attempts to definitely fix responsibility for the crime situation. Campaigns have been conducted by the public press, and a multitude of utterances have been made by the police, the courts, prosecuting attorneys, probation and parole officers, and others, some in an attitude of self-defense, or in an attempt to definitely place the responsibility. Many of these statements have been misleading, inaccurate, distorted, and otherwise unfair. Some have disclosed an appalling lack of reliable knowledge or information, and unfamiliarity with procedure, on the part of those who attempt to reliably enlighten the public. There have been glaring examples of inconsistencies in speech and practice, that is, some of those advocating severity, and who are in a position to put their beliefs into practice, fail for reasons best known to themselves, and political perhaps more than anything else, to take advantage of the power given unto them by the law.

#### AN EXAMPLE OF INCONSISTENCY

To illustrate, here is the record of commitments, for a period of two years, eleven months and nineteen days, by a former judge, who, while on the bench and since, indicates in his statements to the press and otherwise an abhorrence for the alleged mild treatment and so-called coddling of prisoners, and in every way an extraordinary desire to protect the lives and property of our people by the administration of stern, good old-fashioned and courageous justice. Total number sentenced, not including five men sentenced to death, 283. Of that number 154, or 54 per cent, were first offenders, the balance, numbering 129, or 46 per cent, had previous criminal records. Of these 283, 214 pleaded guilty to their crime, and 69 were found guilty by a jury. A study of the sentences imposed shows many striking variations. Sentences in the more important crimes, such as robbery, burglary, grand larceny, assault,



Old Sing Sing cell blocks in use since 1825, and now to be abandoned.

arson, etc., show startling fluctuations, some extremely severe, some ridiculously light for the same crime, and nothing apparently in the record, at least, to justify the wide variation. Of the 214 who pleaded guilty, a majority pleaded guilty to a crime of lesser degree than that charged in the indictment. Of the 154 first offenders committed only 30, or 19 per cent, received the maximum sentence for the crime charged, and of the 129 offenders with previous criminal history, only 16, or 12.4 per cent, received the maximum sentence for the crime charged.

It should be noted that the acceptance of a plea to a crime of lesser degree is not allowable except by permission of the court on the written recommendation of the district attorney. This practice is sometimes explained as follows: it saves the expense of trial, increases convictions, and relieves congestion of court calendars. Yet there is reason to believe that it is used too often for accommodation and favoritism, and in some counties of New York State seemingly to avoid a life sentence for fourth offense felony. It is further noteworthy, and for reasons best known to himself, but certainly not in accord with his public utterances, that the judge dealt very leniently with a large number of first offenders, and extremely so with a large number of second offenders. The conduct of this judge is not an exception, and the experience of crime studying bodies, publicly or privately recorded, will support this statement.

#### IS THIS TOO GENERAL?

A careful and impartial observer recently reported on a part of the judicial system of a large city as follows: "As matters now stand a judge must yield to influence of a very dangerous, if not improper, character or risk his official position. Some are able to keep their self-respect, and, because of their strength with the voters, keep their jobs. Others refuse to yield and find themselves thrust from office.

"Still others, not strong enough to withstand political pressure, and not courageous enough to face the consequences of loss of official position, yield unwillingly.

"A still different group, apparently growing larger every term, does not wish to maintain high standards. The members of this latter group are themselves a part of the machine. To an increasing extent the court is coming to harbor not only judges who take orders from political machines, but judges who are a part of the organization itself.

"The Assistant State's Attorney is usually lounging against the bench like a barroom loafer. He knows little of the cases coming up and contributes little to the proceedings. His work is careless in the extreme and permits the escape of many felons."

#### DOES AMERICA LAG?

The student of social problems finds in this country evidence of a deep-seated, persistent, and often thoughtful study and treat-

ment of the manifestations of delinquency and crime. Yet, there is a noticeable lack of keeping abreast in practice with much that is urged in special studies and literature generally. America industrially is known as a "doer," whereas America in treating its sociological problems talks more freely than it performs.

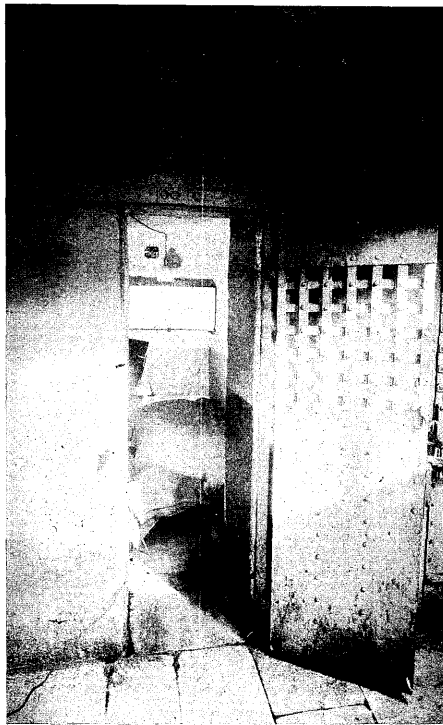
#### RESPONSIBILITY DECREASED

Widespread is the feeling that lawlessness has increased, and that the sense of civic and social responsibility on the part of many persons has decreased. There is loud clamor for a reversion to more punitive forms of treatment for lawbreakers. This has resulted in some States in the passage of legislation increasing the length of sentences and other measures providing for more severe forms of punishment. The advocacy of the whipping post as a part of the prison regime, the discontinuance of probation, the indeterminate sentence and parole, and the urging of substantial reductions of privileges within the prisons and other institutions, are but a part of a public hysterical view that too great leniency and too great sympathy for the criminal have been manifest, and that the time has come to make a change. Those who have appeared before legislative committees, crime commissions, and other crime studying bodies, know the difficulty of combatting the many proposals for the destruction of these systems and practices, and the embarrassment caused by the absence of indisputable proof of their successful operation.

#### A WISE COURSE

Therefore, the problem before legislatures and intelligent public opinion is to act wisely and not with headstrong impulsiveness in endeavoring to meet today's conditions. The extremes of highly sentimental leniency and illogical treatment of the inmate within the institution, or of the released inmate again at liberty, must be avoided. Man's conduct is channeled in general along lines to be recognized and forecast to a considerable degree by those who have given greater study to the problems of human behavior. Radical deviations from probable lines of conduct can hardly be expected, and therefore such methods of dealing with prisoners as are based upon enthusiastic expectations of exceptional results will in the end necessarily lead to disappointment and failure.

There is a wide difference between the adoption of *principles* and the successful working out of *methods*. Placing a law upon the statute books does not ensure its successful application. The legal recognition of reformatory and preventive methods, to be applied to the problems of crime, has not meant in all instances the successful working out of the purposes of the laws. Indeed, the time is now ripe for frank recognition that to a deplorably large extent, our methods of administration of sound reformatory principles like the indeterminate sentence, parole and probation, have been weak, often trivial, and even wretchedly automatic.



Typical old Sing Sing cell. Dimensions, 3'4" x 6'7" x 7'.

We ought, especially at present, to face our faults and our failures. We have too long complacently praised our progress. We have too long allowed ourselves to believe that because we are doing many things well, and are ingenious in experimentation, we are doing all things well, and that all our experiments are successes. Fine results have been achieved, but in comparison with what needs to be achieved, they are inadequate.

To make for real progress, we must *know more about the law-breaker and those influences which affect his conduct*. To this end the psychologist, the psychiatrist, the social worker, and others must be wisely and cautiously employed. Specific forms of treatment must be gradually developed, so that there will be available remedial treatment which will, to some extent, keep abreast of the discovery of causes. There must be avoided individual or group exploitation of technique and findings. Extravagant claims and extremes in procedure must likewise be avoided, as well as the dressing up of procedure in high sounding terms suggesting a lofty intellectualism and a professional exclusiveness. High standards of true and thorough scientific research must prevail and the findings must be brought as truthfully and as clearly as is possible to "the man in the street." Only in this way can essential public understanding and confidence be had.

Some American courts, correctional and penal institutions, are becoming laboratories, instead of simply places for trial and the deprivation of the liberty of human beings. It is from such laboratories that the newest facts are coming, statistical, psychological, and physiological, facts extricated from the complex personalities of prisoners, after long and sympathetic study. To the laboratories the courts and the institutions of the past have rarely gone. Therefore, these agencies must come closer together, not with the idea of one gradually displacing the other, but very clearly with the idea of working together, shoulder to shoulder, for the fulfillment of their responsibility to society, to wit, its protection.

#### A DISTINGUISHED JURIST SPEAKS

Chief Judge Benjamin Cardozo, of the Court of Appeals of New York State, speaking at a meeting of the New York Academy of Medicine, predicted in the not far distant future a transformation of the system of punishment for crime to be brought about by the teachings of bio-chemists, behaviorists, psychiatrists and penologists. He said that the retention of the death penalty might seem to the next generation "an anachronism too discordant to be suffered, mocking with grim reproach all our clamorous professions of the sanctity of life."

The present punitive system, he declared was often stern when it should be mild and mild when it should be stern, and was a survival of the time when punishment for crime was thought of as a substitute for private vengeance with its sequel of private war.

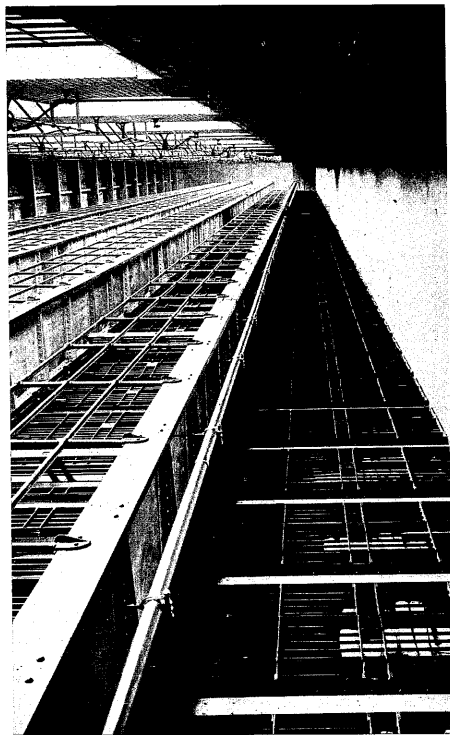
"If the ignominy attached to certain crimes through the sanctions of the criminal law were withdrawn," Judge Cardozo said, "the horrors of them might be dimmed in the minds of many who have no thought of crime. Yet, even so, the present system, in the view of many, is as irrational in its mercies as in its rigors. The casual offender expiates his offense in the company of defectives and recidivists and after devastating years is given back an outcast to the society that made him. The defective or recidivist goes back to renew his life of crime, unable to escape it without escaping from himself.

Adjustment of some sort there must be, if we are to fulfill our duty to defective fellow-beings. Run your eyes over the history of a man sent to the chair. There is a story of a Rake's Progress more implacable than any ever painted by Hogarth. The correction school, the reformatory, Sing Sing, and at last the chair. The hand of doom was on his head from the beginning. The sin, in truth, is ours, the sin of a penal system that leaves the victim to his fate when the course he is going is written plainly in the files of the courts and the stigma of mind and body.

"Your hands (referring to the members of the academy and the medical profession as a whole) must hold the torch that will explore the dark mystery of crime, the mystery, even darker, of the criminal himself in all the deep recesses of thought and will and body. Here is a common ground, a borderland between your labors and our own, where hope and faith and love can do their deathless work.

"I think the men of your academy might well emphasize the need for a restatement of our law of homicide, and in particular of the distinction between murder in its two degrees. I think they might well emphasize the definition of insanity when viewed as an excuse for crime. The present distinction (between the two degrees of murder) is so obscure that no jury hearing it for the first time can fairly be expected to assimilate and understand it. I am not at all sure that I understand it myself. Upon the basis of this fine distinction with its obscure and mystifying psychology, scores of men have gone to their death.

"I think it is time for you who speak with authority as to the life of the mind to say whether the distinction has such substance and soundness that it should be permitted to survive. Some appropriate committee there should be in the Bar Association, on the one hand, and in this academy, on the other, whereby the resources of the two professions can be pooled in matters such as these, where society has so much to gain from cooperative endeavor."



New Sing Sing inside cell block.

## CHAPTER I

### RECOMMENDATIONS TO THE LEGISLATURE

#### I

That there be provided in the southern part of this State a modern institution, financed and controlled by the State, for the treatment and education of delinquent boys, thereby providing an institution similar in its purpose to the State Agricultural and Industrial School at Industry, which now serves the western part of the State.

#### II

That the Legislature give serious attention to the devising of ways and means of providing funds to effect necessary renovations, repairs, and other structural needs in the penal and correctional institutions of the State. A survey made by the State Department of Correction, in 1927, outlined important needs which cannot be satisfied through the usual annual appropriations. Special financing similar to that which helped the State hospitals should be considered. Further, in this connection, there should be considered by the Legislature the need for the development of a somewhat definitely stated ten-year program of improvement, both structural and administrative, relating to the institutions of the State Department of Correction and the treatment of their inmates.

#### III

Legislation should be enacted giving a definite status to the reception and classification unit at Sing Sing prison, commonly referred to as the psychiatric clinic, and, in addition, legislative provision should be made which will require that all commitments to a State prison be made directly to the receiving and classification unit at Sing Sing. At the present time, except for Great Meadow, prison commitments are made according to judicial districts. It is estimated that about 70 per cent of those committed to State prisons are first received at Sing Sing, while the others are received at Auburn, or Dannemora prisons. However, in order to make for the proper functioning of the reception and classification clinic, and the more intelligent distribution of the prison population, it is essential that all commitments be made direct to the Sing Sing clinic.

#### IV

The staff of the receiving and classification clinic at Sing Sing should be increased. The State has long been committed to the idea of a receiving and classification prison at Sing Sing, and unless an adequate staff is provided no satisfactory advance or demonstration can be made. As urged in previous recommendations, at least two additional psychiatrists and one psychologist, and three field workers, to be known as investigators, should be provided.

## V

The need for a better classification of the inmates of our penal and correctional institutions is imperative. To effect a better classification and allow for a concentration of effort on the more hopeful material in the population of the prisons, it is urged that Sing Sing prison be used as a receiving prison for all those committed to the State prisons, and that in the process of distribution of prisoners to the institutions under the control of the State Department of Correction there be retained at Sing Sing mainly those prisoners who, after thorough examination, suggest the most likelihood of reformation.

## VI

In the re-drafting of the Prison Law there should be omitted any existing provision of law which interferes with the direct control and responsibility of the head of the State Department of Correction in matters relating to the administrative affairs of the institutions of the Department, thereby conforming with the recent constitutional amendment, which, among other objectives, includes the centralizing of authority and responsibility.

## VII

Appropriate sufficient funds to provide adequate compensation and an adequate number of parole officers, so that the State can take over the supervision of those released on parole or otherwise from its prisons and reformatories. The salary of parole officers should be fixed at a minimum of \$2,000 and a maximum of \$2,500 or \$3,000. One parole officer should be provided for every 75 persons on parole. The parole personnel of the various institutions in the Department of Correction should be placed under the direct administrative control of the Division of Parole in the central office of the State Department of Correction.

## VIII

Improve through legislation the present undesirable condition with respect to the examination of persons awaiting disposition by the courts, in accordance with the provisions of Sections 658 and 836 of the Code of Criminal Procedure. This relates to those who are suspected of being insane or otherwise mentally ill and the present practice of appointing lunacy commissions. The determining of the need for the appointment of numerous commissions, the personnel constituting the commissions, and the enormous amounts involved in the payment of fees to the members of the commissions, warrants prompt and thorough attention.

## IX

The Legislature should register with Congress a protest at the use of county jails and city prisons in various parts of the State for the housing of Federal prisoners. At present a Congressional Committee is making an investigation. New York City has refused to continue housing Federal prisoners in the New York City Tombs, after March 15th, 1929, and therefore it is timely that

Congress be made fully aware of a situation that requires its attention.

## X

That increased funds be made available to allow for the expansion and development of the Bureau of Criminal Identification and Information, which is a part of the State Department of Correction. At the present time the bureau is undermanned, and is lacking in equipment. If it is to satisfactorily co-operate with the Federal Bureau of Criminal Identification in the Department of Justice in Washington, D. C., and if it is to serve as a valuable adjunct to the reception and classification unit at Sing Sing, and to the district attorneys, the police officials, and others, in this and other States, it must be more than a bureau for the receiving and filing of finger prints and Bertillon measurements, but, in addition, must be a storehouse of all possible information relative to prisoners, such as criminal activities, family history, school history, work history, medical and mental history, etc.

## XI

Legislation intended to improve the county jail system in this State should be enacted. The glaring defects 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 administrative control of the 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 the 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.

## XII

That legislation be enacted which will provide that a person convicted two or more times of a major misdemeanor, when for the first time convicted of a felony, may, in the discretion of the trial judge, be sentenced as a first offender felon, and thereby receive an indeterminate sentence, or as a second offender, and thereby receive a definite sentence.

## XIII

Legislation should be enacted which will provide compensation for prisoners who are permanently disabled, through no fault of their own, while engaged at work in a prison industry.

## XIV

That the amount of cash provided now for men released from State prison be increased to a sum not exceeding \$25.00.



**XV**

That the State Commission of Correction be given the same jurisdiction over plans for new State prisons, or renovations to old State prisons, as it now exercises with respect to plans for county, city, and village institutions.

**XVI**

Through legislation discontinue the sheriff's control of prisoners in Bronx and Richmond counties, and also in the handling of prisoners between the New York City Prison (the Tombs) and the Criminal Courts Building, and transfer the control of prisoners in transit to the courts to the sole jurisdiction of the New York City Department of Correction. Further, provide for the placing of the complete control of prisoners between the New York City District prisons and the Magistrates' Courts under the Department of Correction of the City of New York. The above proposals, if effected, will make for economy, the elimination of duplication, security, and the centralization of responsibility.

**XVII**

That the legislature request the State Crime Commission, or appoint a special committee, to investigate the complaints of police brutality commonly referred to as the "third degree." The frequent reports of such brutalities and their denial, and at the same time the appearance of prisoners after their contacts with the police, suggest that an investigation would be desirable in order to establish the truth or falsity of the complaints.

**XVIII**

That the Prison Law be amended to provide a severe penalty for guards or other employees of a State reformatory or a State prison who are found guilty of aiding a prisoner to escape, or who smuggle contraband into a reformatory or prison, or who aid a prisoner in violating the rules of a reformatory or prison.

**XIX**

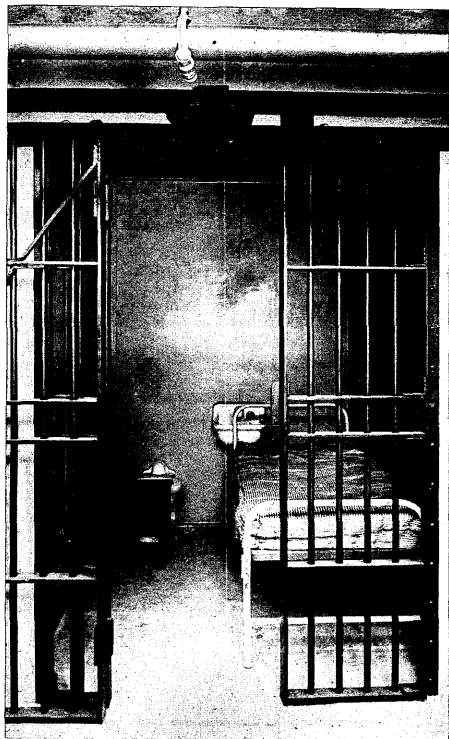
That legislation be enacted which will eliminate the present difficulties of obtaining a conviction for the escape or attempted escape of prisoners from an institution, or while in the custody of an officer of an institution outside of the buildings or grounds of the institution.

**XX**

That the legislature instruct the State Crime Commission, or appoint a special Committee, to inquire further into the administration of the bail bond system and certain undesirable practices identified with it. For example, the loaning of bail to persons under arrest is, regardless of the recent bail legislation, a form of licensed business which embraces questionable practices.

**XXI**

That the Women's Prison at Auburn be discontinued, and that provision be made on the site of the New York State Reformatory at Bedford for the care and treatment of women prisoners of the State who have heretofore been sent to Auburn.



Typical inside cell, new Sing Sing. Dimensions, 5½' x 8' x 8'.

## CHAPTER II

### Our Eighty-Fourth Year

#### Juvenile Institution Needed

The need in the southern part of the State for a school type of institution, for the education and treatment of juvenile delinquents, has been increasingly recognized. At present the need is partially fulfilled through the facilities offered by institutions privately financed, and by the House of Refuge on Randall's Island. Repeated criticism has been directed toward the housing facilities at the House of Refuge, and in a recent report to the Governor of the State these unsatisfactory conditions were emphasized.

The House of Refuge receives from the courts boys of all races and creeds, under the age of sixteen, convicted of juvenile delinquency, or any other offense within the meaning and jurisdiction of the Children's Court Acts, or boys over the age of sixteen and under the age of eighteen, who have been convicted of any offense, including disorderly conduct or other misdemeanor, or of felony of a degree not punishable by death or life imprisonment, or as a wayward minor. Under the law all boys committed to the New York House of Refuge remain subject to its jurisdiction during their minority.

Increasingly the House of Refuge is being used to care for those who are not acceptable at some of the privately financed institutions. Its affairs are watched over not only by State officials, but by an unusually active and high class board of managers. The buildings, constructed in 1854, are non-fireproof, and in their general equipment and arrangement are wholly unsuited to conform with modern methods of housing and treatment.

#### THE STATE HAS LAGGED

About twenty years ago the legislature passed a bill directing the Governor to appoint a Site Commission for a State institution for juvenile delinquents, to provide facilities in the southern part of the State such as are now provided for the western part through the State Agricultural and Industrial School at Industry. The site was selected, buildings were constructed, and then the project was abandoned because of the protest that the New York City water supply would be polluted because of the proximity of the proposed institution to the watershed. There the matter stopped. The House of Refuge has gone along with its old buildings. In recent years the question has been raised as to the use of State funds in support of the institution, since it is really the institution of a private society incorporated under the title, The Society for the Reformation of Juvenile Delinquents. However, regardless of all technical discussion relating to finances and control, the fact remains that the House of Refuge, considered from the standpoint of buildings, is far from being an up-to-date institution.

## A RESOLUTION

To emphasize the urgent need and to again awaken the State to its responsibility in the matter of providing suitable housing quarters and treatment for young boys who come into conflict with its laws, the Executive Committee of the Prison Association of New York adopted the following resolution, which was transmitted to the Governor of the State, the Lieutenant-Governor, the leaders in the legislature, the members of the legislature, the budget authorities, and the press.

WHEREAS, The condition of the buildings of the House of Refuge on Randall's Island, due to their age, makes it inadvisable for the State to make extensive expenditures to remodel and rebuild them, and,

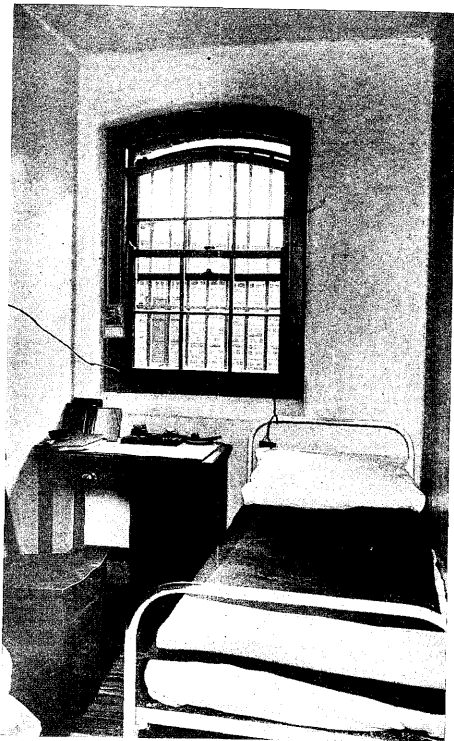
WHEREAS, the need existing in the southern part of this State for a modern institution, controlled and conducted by the State, for the treatment and education of delinquent boys, is imperative,

*Be It Resolved*, That the Prison Association of New York recommend to the Governor and the Legislature, that legislative enactment and appropriation be provided for the construction of a modern institution for juvenile delinquents near the City of New York.

It is gratifying to note that the movement for a new institution, in which the Prison Association wholeheartedly joins, is, at this writing, making headway, and there is reason to believe that before the 1929 legislature adjourns substantial provision will be made for a new institution, to be located near the city of New York. Regardless of all outside preventive activities, even the most optimistic cannot hope for a time when institutions will not be needed. Therefore, the great State of New York should always be in the position of having institutions that can reasonably measure up to the important responsibility and task of treating the young offender, and, so far as is humanly possible, halt his criminal career.

#### Old Sing Sing Passes

In 1916 the Prison Association of New York launched a renewal of the campaign, initiated in 1906, for the abolition of the long complained of Sing Sing cellblocks, under the slogan "Sing Sing Must Go." The campaign gained strength with the earnest aid of State official bodies and interested workers and individuals, and finally, thanks to the prestige, interest and vision of State Senator Henry M. Sage, Chairman of the Senate Finance Committee, resulted in the State of New York committing itself, through legislative enactment and appropriation, to the abolition of the Sing Sing cellblocks. The new prison was to be a receiving and classification prison, and some of its buildings were to house the psychiatric staff and equipment necessary to provide a better method of classification and treatment, based on the long discussed but unpracticed theory of the individual treatment of the offender.



Typical outside cell, new Sing Sing.

Governor Smith, in laying the cornerstone of the so-called clinic building, heralded a new day in the treatment of the offender, and prophesied the leadership in penology of New York State among the States of the Union.

Thus, as far back as 1906, and again in 1916, the State awakened to a realization not only of the need for a new Sing Sing, but a better method of dealing with those who come into conflict with its laws, and are to be isolated from the population within its boundaries. Years passed, plans were altered, delay after delay occurred. However, the latter part of 1928 saw the completion of the new buildings on the hill, and within a short time the prisoners will be removed from the remaining old cellblocks into the cells of the new building.

The scientific staff is slowly getting settled in the so-called clinic building. Therefore, after many years of agitation, and one year of concentrated effort, the proposition to which the State committed itself twenty-two years ago, has become, particularly so far as a decent type of cells and cell buildings is concerned, a gratifying realization. The citizens of the State are to be congratulated on the fact that the old Sing Sing cells are soon to be a matter of history.

#### THE NEW PRISON

The new Sing Sing consists of three cell houses. The first completed, and in use for some time, has 280 cells, known as outside cells, that is the backs of the cells are built against the outside walls of the building, and each cell has a window. The other two cell buildings have interior cellblocks, one providing 704 cells, and the other 680. The cells are  $5\frac{1}{2}' \times 8' \times 8'$ , as contrasted with the old stone cells which measured  $3' 4'' \times 6' 7'' \times 7'$ . The total cell capacity of the new cell buildings will be 1,780. Included also in the new buildings are the hospital and reception clinic building (has temporary detention quarters consisting of 83 outside cells), an administration building and an auditorium and chapel. Most of the buildings are connected by enclosed arcades.

Even the casual observer in visiting the State penal and correctional institutions is quickly convinced of the need for more adequate housing facilities and modern equipment generally. Crowding in the State prisons, as pointed out by the State Department of Correction, and in our previous annual report, continues. It is remarkable that with the many additional administrative problems it presents there have not been more serious occurrences. Auburn prison was opened in 1817, and in many ways its cells are just as objectionable as those at Sing Sing (opened in 1825) which were condemned and are now to be abandoned. Clinton prison, which was opened in 1845, has equally objectionable cells, and with the exception of the cells at Great Meadow prison, opened in 1911, and of course the new cells at Sing Sing, the cell construction of the

#### Adequate and Modern Facilities Required

penal and correctional institutions of the State of New York is antiquated and offers nothing in the way of housing conditions of which the Empire State can be proud.

Regardless of all the just criticism of the county jail system, it is true that generally speaking the cells and general construction of the county jails in the State of New York are far superior to the cells of our State prisons. The period of detention in county jails is usually brief, but in State prisons it is at least a year, and since 1917 the average commitment term for minimum sentences has increased from two years and six and three-quarter months to six years and two and one-half months.

Aside from the character of the cells, antiquated, stone-vault like, as they are, the overcrowding which makes necessary the maintaining of improvised dormitories and the placing of prisoners in cots, some of them double-decked, in the corridors of the cell houses, is a situation which demands public attention. It is not a question of making the prisons attractive places in which to live, it is a question of making the prisons decent, healthful, and sufficiently well equipped that such important elements as health and classification can be given adequate attention. Prisoners broken in health, prisoners contaminated through the absence of adequate housing and classification, are apt to continue as public burdens.

The survey of the congestion in the prisons, made available by the State Department of Correction in the early part of 1928, has not been acted upon, except that plans are under way for the new State prison mentioned in that survey. However, the decision for a new prison was arrived at prior to the making of the survey, and even with the added accommodations to be provided, through the new prison, it is shown in the survey that congestion will continue unless suggested renovations and improvements are made. It is idle to expect that these changes can be made through the usual annual appropriations. Some special financing provision must be made, and to that end Recommendation No. 2 (Page 27) is made a part of this report. Further, as suggested in the Recommendation, there should be considered by the legislature, the need for the development of a somewhat definitely stated ten-year program of improvements, both structural and administrative, relating to the institutions of the State Department of Correction and the treatment of their inmates. This program should be made as fixed as is legally possible, so as to prevent its abandonment, or its harmful alteration, through change of personnel or administration. The frequent changing of plans and the juggling of a multitude of suggestions and ideas in the years past has in part been responsible for the present unsatisfactory condition. Until the State of New York decides upon a program, and adheres to it until its fulfillment, there will be no worth while advance.

### Classification of Prisoners

The Association continues its warm interest in the need for the development and broadening of the scope of the receiving and classification unit at Sing Sing prison, generally referred to as the psychiatric unit. This unit is really a hospital psychiatric clinic. The legislation in 1916, which marked the beginning of the new Sing Sing, carried with it the idea of those who sponsored it, that Sing Sing would serve as a receiving and clearing house prison for all the prisons of the State. The need for a distributing station has been long recognized, and Sing Sing was regarded as the logical place for that station because approximately 70% of those who are committed to the State prisons are first received there. Yet, in the year 1928, there is not written into law, nor is there definitely stated as a State Department of Correction plan or policy, just to what extent the clinic at Sing Sing is to serve, and whether or not the idea which prevailed in 1916 is to be put into practice. As our previous reports will show, the clinic was not always a favorite addition to the prison system. It is only recently that some of those who probably opposed its development are voicing approval of its merits and urging its advancement. It is clear therefore, that there is something of an uncertainty, and the Prison Association desires that a provision be written into law which will definitely establish the psychiatric unit at Sing Sing as a receiving and classification station for the prison system of the State, so that, gradually, there can be a redistribution and reclassification of our prison population, and, further, that the scope of activity of the clinic will not depend solely upon the views or whims of whoever might be in charge of the affairs of the State Department of Correction. The obvious soundness of the idea of having a receiving and distributing station for the entire prison system of the State defeats at once any argument as to its being too theoretical or being possessed of too many practical disadvantages. If the State of New York is ever to make any headway in the scientific treatment of the inmates of its penal and correctional institutions, there must be a receiving and classification unit to determine the make-up of those who have offended against the laws of the State, and also, so far as knowledge will permit, the kind of treatment they need. All of this cannot be done in one institution, because the make-up of the prisoners varies considerably, likewise their needs, and therefore the other institutions of the Department of Correction must be designated and utilized in accordance with the type of offender they are to receive from the central station, and the kind of treatment they are equipped to provide.

There are, of course, various theories as to the classification of prison inmates. The State of New York has not as yet fixed a suitable classification of its prison population. The present system depends mainly upon the prisoner's conduct, some of his personal habits and the state of his health, also overcrowding in one or another prison, and industrial needs. That is in general the basis for distribution and classification at present. It is not enough. It has no particular scientific background. Because of the present system young and old, experienced and inexperienced,

are thrown together, and certainly no one will question the assertion that contamination through indiscriminate association in the prisons is a handicap to efforts at reformation. It is bad association that has brought many prison inmates to their downfall, and so far as is humanly possible that cause of downfall should be minimized, at least during the period of imprisonment.

On December 1, 1928, there were at Sing Sing prison 1,154 first offender felons, at Auburn 908, at Clinton 838, and at Great Meadow 681. The classification as first offender felon does not necessarily mean that it is the first time that the prisoner has been convicted for a violation of the law. However, it does mean that it is the first time that he has received a conviction that resulted in his commitment to a state prison. In this large number of those who were imprisoned on that day as first offenders there were undoubtedly a substantial number who, because of their first offense, or brief experience in crime, are deserving of special effort and care in the interests of public protection. By that is meant chiefly that it is a mistake to bring all these men in contact with so many other prisoners who have had previous convictions and longer experience in crime. On the same day Sing Sing had 388 second offenders, Auburn 671, Clinton 570, and Great Meadow 290. Those having three or more previous convictions for a felony numbered at Sing Sing 172, at Auburn 92, at Clinton 154, and Great Meadow 162.

The large number of first offenders in the various prisons should be noted, and while it is not urged in the plea for a better classification of the inmates of our State prisons that the classification be determined solely on the basis of the number of convictions, it is nevertheless urged that special attention be given to the prisoners who constitute the large number in the various prisons regarded as first offender felons, with a view to bringing the most promising of that group together in one institution, probably Sing Sing. In the classification and distribution of the prison population many factors of course must be considered, and in any procedure to determine distribution the case of each prisoner should be considered separately and thoroughly to determine the advisability of giving to him, in the interests of the protection of society, the best concentrated effort that the Department of Correction can give to make for his reformation. Therefore, with a view to the development of the Sing Sing classification clinic, and a better classification and distribution of the inmates of our penal and correctional institutions, the Association makes Recommendations Nos. 3 and 5 (Pages 27-28). In making Recommendation No. 4 (Page 27) the Association realizes the need for an enlargement of staff, if the clinic is to function as above suggested, that is not only for those committed to Sing Sing, but for the entire prison population, and, furthermore, as emphasized in our 1927 report, as a laboratory for a study of the causes of crime and the treatment of the criminal. The clinic at Sing Sing should be the biggest and most important crime studying laboratory in the United States. That thought was in the minds of those who made for its beginning, and the vision and experience which prompted their efforts should not be lost.

#### REPORT OF THE ACTIVITIES OF THE CLASSIFICATION CLINIC AT SING SING PRISON

For the Calendar Year Beginning January 1, 1928 and Ending December 31, 1928

By DR. AMOS T. BAKER, Director

New cases examined .....	1043
Cases re-examined .....	196
Total number of cases examined.....	<u>1239</u>

#### Sources from which new cases were taken for examination:

	Per cent.
Referred by the Board of Parole.....	418—40.08
Referred from the Reception Company.....	361—34.61
Referred by the Board of Parole (parole violators)	92—8.82
Referred by the Chief Clerk for executive clemency reports .....	90—8.63
Referred by the Principal Keeper.....	30—2.88
Referred by the Warden.....	28—2.69
Referred by the Medical Department.....	10— .96
Referred by the Commissioner of Correction.....	8— .77
Referred by the Chief Clerk.....	4— .38
Referred by a prison officer.....	1— .09
Referred by an outside agency.....	1— .09

#### Classifications made of new cases examined:

Psychopathic personalities (including the inadequate, the emotionally unstable, those with marked criminal tendencies, the alcoholic and the drug addict).....	461—44.20
Normal.....	278—26.65
Mentally defective.....	182—17.45
Dull normal.....	60—5.75
Psycho-neurotic.....	14— 1.34
Insane.....	13— 1.25
Borderline defective.....	11— 1.05
Potentially psychotic.....	10— .96
Unclassified.....	6— .58
Cerebro-spinal syphilis.....	6— .58
Epileptic.....	1— .095
Senile.....	1— .095

The personnel of the clinic at the close of the calendar year was as follows:

Dr. Amos T. Baker, Director.  
 Dr. Harry J. Crawford, Assistant Psychiatrist.  
 Mr. William Proctor McElroy, Psychologist.  
 Mr. Philip J. Kraemer, Field Investigator.  
 Mr. Philip P. Ferguson, Field Investigator.  
 Mr. Millard E. Servis, Secretary.  
 Mr. Arthur T. Ferling, Assistant Secretary.

On November 26, 1928, the records of the Clinic were moved from the old quarters previously occupied to the new Clinic building, and since that date the secretarial force has occupied these new quarters. Examinations of inmates are still being conducted in the temporary quarters in the rear of the Warden's lower office, but it is expected that in the very near future examinations will be conducted in the new Clinic building.

The twelve hundred and thirty-nine cases examined during the year does not represent the entire work of the Clinic staff. In addition to the above examinations, many prisoners were seen for various reasons, some at their own request. Many of these prisoners were advised regarding alleged difficulties in prison or out of prison.

A member of the Clinic staff visited daily the inmates confined in the Idle or Observation Company and, likewise, the inmates in the Reception Company.

Each session of the Assignment Board was attended by a member of the Clinic staff for the purpose of giving advice regarding the placement of inmates in the various shops or other work about the Prison.

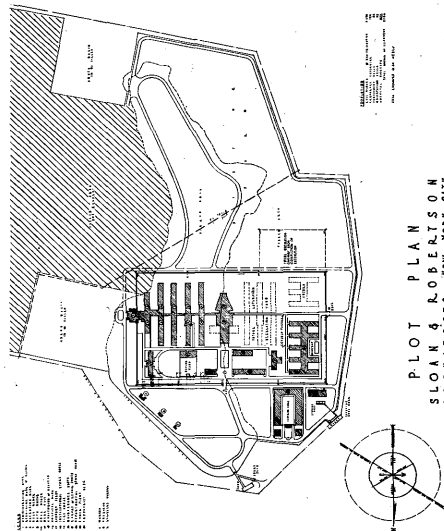
A site of 900 acres has been secured in Attica, Wyoming County, for the new State prison. During the year a number of plot plans were drawn, and the Association had

opportunity to examine them and register its comments. The State Commissioner of Correction wisely adopted the procedure of getting the benefit of opinions, not only from administrators of the institutions of the Department, but from members of their staffs, and other interested persons. The Association gave careful study to the various lay-outs and registered frank and full criticism. The last plot plan examined, No. 11, seemed to be the most satisfactory, and that opinion was registered with the Commissioner of Correction in the following communication:

Dr. R. F. C. KIER,  
 State Department of Correction,  
 Albany, New York.

DEAR DOCTOR KIER:—

Thank you for yours of the 13th instant, enclosing a preliminary plot plan for the proposed new prison at Attica. I am glad to have the opportunity to examine what is probably the result of a combination of your basic thoughts and the suggestions and criticisms that have been brought to your notice in connection with the previously drawn ten plot plans, the last



Plot plan, proposed New York County Penitentiary, Riker's Island.

dated October 30th. I mention ten because the last one I saw was numbered 10, and that was at the time of my visit to your office on November 9th.

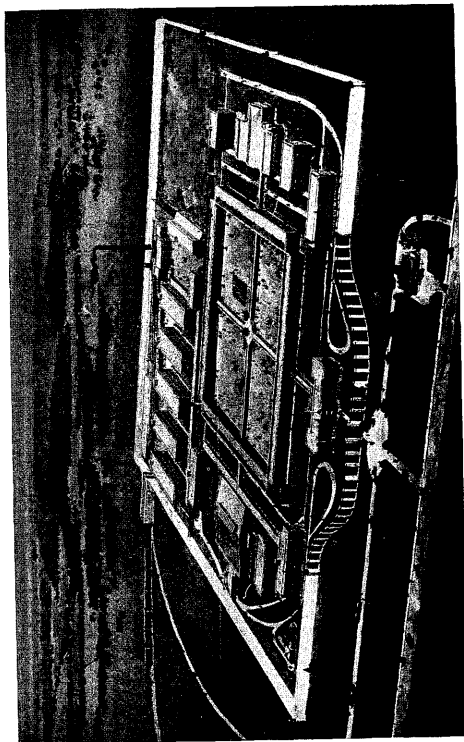
I have been trying to visualize the various plot plans for the Attica prison which I saw, and I feel that the one which you are now submitting is the most acceptable. I am glad to note that it contains some of the features that were embodied in the sketch which I drew for you at the time of my November visit to your office, and which I have before me now. To me it is a very wise arrangement that includes an arcade connection between the administration building, Unit No. 1, and the industrial office, Unit No. 20. Further, in this connection, I like the idea of an observation tower at the intersection of the central arcade and the arcade that connects Units 18 and 19 and Units 14 and 15.

Since it is apparent that you do not like the so-called gridiron or telegraph pole arrangement, and that therefore the block house design of the inmate cell housing quarters is to be retained, I repeat that in my opinion the plot plan which I now have before me, and which accompanied your letter of December 13th, is the most satisfactory arrangement of its kind that I have had the opportunity to observe.

Sincerely yours,  
(Signed) E. R. CASS,  
*General Secretary.*

The gridiron or telegraph pole arrangement is that used in the Riker's Island lay-out (Page 5), but it does not square with the views of Dr. Kieb. However, the Riker's Island plan was worked out by the firm of Sloan and Robertson after visiting institutions in various parts of the country, observing old and modern institutions, and others under construction, and conferring with experienced administrators. Frequent meetings were held at the office of the firm, and these meetings were attended by Commissioner R. C. Patterson, Jr., of the New York City Department of Correction, representatives of the Prison Association, wardens of the city institutions, and other interested workers. The Riker's Island lay-out meets with the approval of the Prison Association, and it is regretted that the new Attica prison will not be planned on similar lines. In some respects the Riker's Island lay-out is similar to one developed by Mr. Alfred Hopkins, an architect who prepared a lay-out of a model prison structure for the Prison Association of New York in 1916, when there was discussion for a new prison to displace the old Sing Sing.

The Attica plan favored by Dr. Kieb is a quadrangular structure flanked on the outside by various other buildings, such as messhall, school, hospital, laundry, etc., and the various units are connected by enclosed arcades. The proposed lay-out for the Attica prison is different from any arrangement in the State, and if it is finally carried out time will, of course, prove its superiority, or its shortcomings. The perfect prison structure has not yet appeared in any State, but in the light of what has thus far been constructed, or is contemplated, the Prison Association leans favorably toward the lay-out of the proposed penitentiary on Riker's Island. (See following page for view of Attica State Prison.)



Proposed State Prison — Attica, Wyoming County  
William J. Beardaby  
Architect  
William E. Haugard  
State Commissioner of Architecture



**The Indeterminate Sentence and Parole**

The Association, because of its early identity with the indeterminate sentence and parole in this State, naturally continued its interest in their operation during the year.

It is gratifying to report that under the guidance of the Commissioner of Correction, Dr. R. F. C. Kieb, the improved condition over what existed prior to his incumbency continues. By that is meant that greater care is exercised in determining fitness for parole of the various cases coming under the jurisdiction of the Parole Board, and that judicial and political, and all other outside influence and pressure is being ignored when it is determined by Dr. Kieb and his associates that such influence is contrary to the best interests of society. It is just that kind of courageous independence and determination that has been needed for a long time. As pointed out in our previous report, the Parole Board meetings consume considerably more time than meetings in days gone by, considerably more effort is made to bring to the notice of the Board various kinds of information relating to the prisoner who is asking release on parole. Further, medical and scientific contributions are being made for the consideration of the Board, and it is pleasing to state that such information receives attention. This is contrary to experience in the past. Now, it should not be understood that the Prison Association believes that the parole system is perfect, that is the part of the system that has to do with the determining of fitness for parole, but what the Association means to bring out is that it is so superior to what has existed for many years in this State, it deserves public recognition and unqualified support for further demonstration.

One serious weakness continues, and that is the absence of adequate supervision of those released on parole. Parole, after all, is a testing period for the man who has been imprisoned, and during that testing period he should be under the conscientious, sympathetic, and yet firm observation and guidance of the right kind of parole officer. The work of the parole officer is an important function, and therefore parole officers should be high grade men, men of unquestionable honesty, of good judgment, who understand human conduct, and who, by reason of their own conduct and mode of living, are deserving of the respect of those in their charge, men who, because of their virility and inspiring personalities, encourage others less fortunate to try for better living. It is slowly being recognized that any Tom, Dick, or Harry is not suitable for the position of parole officer. Too frequently the position of parole officer has been the objective of the man who has failed in many ways, or who has had some kind of political encouragement, or who is on in years, with the result that the best kind of person has not always been available.

The 1928 legislature made provision for additional parole officers. This became effective July 1st, but, because of some administrative delays, which, it is earnestly hoped, will soon be eliminated, the personnel has not yet been provided. Even with the addition of

eight or ten parole officers the staff will be seriously inadequate. A parole officer should not have more than seventy-five persons in his care. Further, in order to get the type of parole officer described above, an attractive compensation must be allowed. Men who have the qualities to do the work that needs to be done are not attracted because they can get better compensation in other fields, and that has been responsible for turning away some very excellent men. Therefore, in Recommendation No. 7 (Page 28), we urge a minimum of compensation for parole officers, and further urge in the interests of central control, uniform procedure, economy and the elimination of overlapping of activities, the merging of all the parole work of the State penal and correctional institutions under the control of the Division of Parole in the central office of the State Department of Correction. That Division, headed by one who has leadership, force of personality, courage, vision, and administrative qualities should make for substantial improvement.

#### **Association Ends Parole Super- vision**

That supervision of parolees from the State prisons is a State function has been the Association's belief for many years. Therefore, in accord with a resolution of the Executive Committee, the Association discontinued the work of supervising those released on parole from the State prisons of New York State on July 1, 1928. Opportunity for this change was conveniently offered by the transfer to the employ of the State Department of Correction of Mr. A. L. Bohn, who for sixteen years was a member of the staff of the Association.

The Association desires to commend Mr. Bohn for his many years of unusually conscientious effort and success in his work as its Chief Parole Officer. For those responsible for the administration of the affairs of the Association it was always comforting to feel that work assigned to Mr. Bohn would be promptly and well performed. It can be said with certainty that the State of New York has taken into its employ one who will prove faithful and efficient.

The giving up of the work of parole supervision does not mean that the Association will cease to render service to men released on parole, or otherwise, from the State prisons and reformatories of this State. The Association will continue to give relief and whatever other assistance is necessary so far as its means will permit, to worthy applicants, and to this end cooperate with the State parole officers. The State does not provide funds for cash loans, or for food, lodging and clothing, and these are very essential requirements in the after release period of many prisoners.

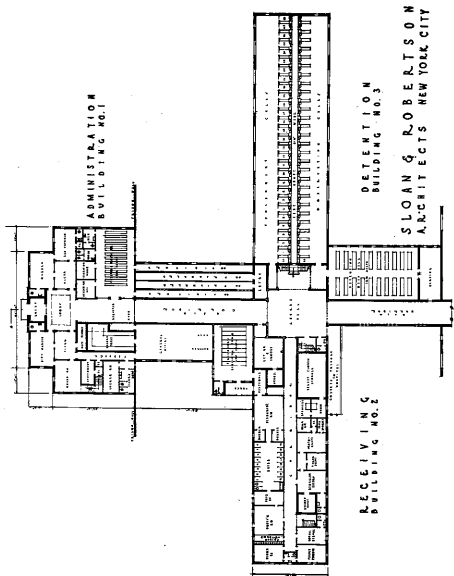
Although the Association ceased to supervise men on parole from the State prisons, it, however, continues to give office space to Mr. Bohn in his capacity as a State employee, and has made available for him secretarial and other assistance until such time as the State provides a complete personnel. Further, the Association cooperates in the matter of supervising women released on parole,

by giving the services of its Family Relief Secretary. The reason for this is that the Association believes that the supervision of women on parole is distinctly a woman's work, and until such time as the State takes care of this need the Association will be glad to cooperate to the best of its ability.

#### **Lunacy Commissions**

Regardless of the failure of the joint efforts of the State Committee on Mental Hygiene of the State Charities Aid Association and the Prison Association to win the support of the State Crime Commission and the legislative committees for legislation, sponsored by them, to curb what appears to be costly abuse which is possible through the exercise of judicial power under Sections 658 and 836 of the Code of Criminal Procedure, interest was continued during the year, observations made, and plans formulated for the continuance of the effort during the 1929 legislature. Strangely, it has been difficult, in the campaign to make for a change in the system, to enlist even the support of the newspapers. This was particularly noticeable when legislation was attempted during the 1928 session. That the press is timid in helping a campaign which involves the judiciary, or that some of those identified with the press are benefiting by the present system, might be the answer to the difficulty of getting newspaper support. It was encouraging, however, during the close of the year 1928, to note that the State Crime Commission was beginning to take notice of the situation which had been brought to its attention, and was considering legislation. That legislation will probably not go so far as was intended in the legislation proposed by the State Committee on Mental Hygiene and the Prison Association, but if enacted into law will make for improvement. The reader is referred to pages 29, 30, and 31 of the Eighty-Third Annual Report of the Prison Association (for the year 1927) for a detailed statement of the situation relating to the appointment of lunacy commissions and the legislation which was attempted during the 1927 session; also for a very interesting statement as to the cost of the present system to the taxpayers and the results of examinations made by the various commissions. Briefly, the figures for a period of five years indicate that it cost \$607,300 for the examination of 743 persons. Further, the results of the examinations show that in one county, particularly, a large percentage of those examined were found to be sane. At this writing the figures for the year 1928 are not available. However, it is reliably stated that they will not show any improvement from the standpoint of a tremendous cost to the taxpayer. In other words, the situation as described for the year 1927, and which is partly given in the figures above, continues.

During the year one striking case was that of the prisoner commonly referred to as "Red" Moran. Of the three members of the commission, in that case, two were physicians in the employ of the State. When the examination was completed the three members submitted a bill of \$12,000 for services, that is \$4,000 each. The



Administration, clinic, and detention buildings, proposed New York County Penitentiary, Riker's Island.

bill was approved by the court which appointed the commission, but payment was refused by the City Comptroller. The matter was taken to the courts, and, finally, an attempt was made to sue out a writ of mandamus to compel the Comptroller to pay. This was denied by Supreme Court Justice Stephen Callaghan. Settlement was finally made by the payment of \$800 to each examiner, a saving of \$3,200 per examiner by the city. The Prison Association commended Justice Callaghan on his refusal to issue the writ of mandamus, and in acknowledgment of that commendation he wrote the following letter, which expresses his appreciation and his interest in the movement for a change in the system of examining those who are suspected of being insane or mentally ill.

"Your letter of September 24th, was duly received and I am very grateful to you for your commendation on my decision in the matter of fees for physicians appointed to examine Moran.

"One of the unpleasant features of the position such as I hold is that we always hear adverse criticisms of our acts and seldom have one of approval or in commendation for what we do.

"I am very familiar with the bill which was sponsored by your organization and introduced in the last legislature. At the time of its introduction, I had the occasion to study it because some of my friends asked me for my opinion as to the way it would work out. It seemed to me then that it was very workable and that it would tend to curb an abuse of long standing and which threatens, if continued, to create scandals in various parts of the state. I am so much in favor of your bill that I should be very glad to do anything I can to help its passage, if again introduced but I do not want to unnecessarily project myself into the situation.

"(Signed) STEPHEN CALLAGHAN."

The Prison Association does not hesitate to prophesy that unless the present practices are curbed by legislation, or by the judges themselves, the day is not far off when the newspapers will be compelled to take notice of them, and there will result a disclosure that will parallel ambulance chasing, bail bond evils, and other recent revelations relative to the administration of civil and criminal justice.

### County Jails

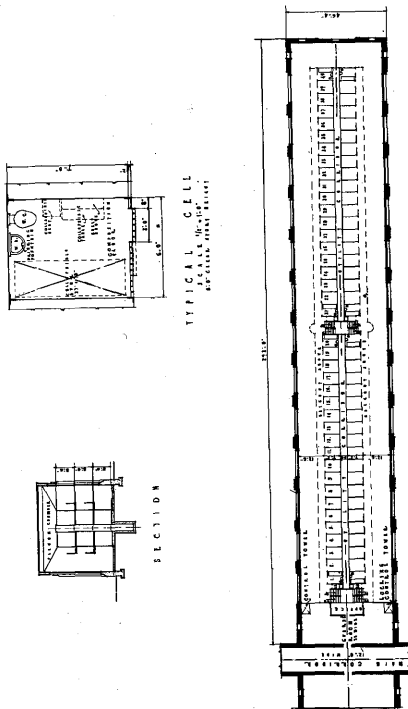
The county jail system in this State, stripped of many of its former evils, outstanding of which were the fee system, whereby sheriffs were paid so much per prisoner for board, and wretched housing conditions, still require the serious attention of interested workers, and especially the legislature. Idleness among prisoners in the county jails, and especially sentenced prisoners, is a gross evil. Those who have not been convicted for crime in accordance with the law cannot be compelled to work, but those who have been convicted of a crime, and are serving a sentence in a county jail, can be made to work, and should be. However, this one evil cannot be satisfactorily eliminated so long as the county jails continue to house sentenced prisoners. The county penitentiaries, to which are sent some of those sentenced to the county jails, should be taken over by the State and maintained as State institutions, and to these should be sent those who are serving sentences of five days or more in the

county jails. Repeated short sentences for the same offender should be discontinued, and legislation similar to that which prevails in the City of New York, and which allows for the commitment of repeated offenders on an indeterminate sentence, with a maximum of two or three years, should be enacted. The county penitentiaries, under State ownership and control, could 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 reformatory influences. It has been difficult to interest the Legislature in this proposal, which was emphasized in a special study (published in 1925) of the jail situation made by a co-operative committee, the chairman of which was Mr. George W. Wickersham. Repeated requests to the Legislature will probably in time bear fruit.

The practice of housing Federal prisoners in the county jails and city prisons should be discontinued. The City of New York has taken a lead in this respect by refusing to house Federal prisoners in the New York City Tombs after March 15, 1929. The result of this determined stand was that the Federal government, during the year 1928, acquired a building in New York City and began to prepare it for use as a jail for its prisoners. In support of the stand of the New York City Commissioner of Correction, Richard C. Patterson, Jr., the Prison Association was glad to join with others in making for the discontinuance of a system whereby the Federal government avoids its responsibilities and depends on city or county or State institutions. A Congressional Committee has had under consideration, during the year 1928, the boarding of Federal prisoners in State prisons, city and county jails, and it is anticipated that this committee will recommend to Congress that the Federal government provide, to some extent, its own jails, and thereby discontinue the use of the boarding out system.

### Reduced Felonies

It is too frequently noted that prisoners committed the first time to a State prison have previous records for lesser crime (misdemeanor) convictions. In some instances this means that the previous crimes were misdemeanors. Then, again, it means that previous indictments for felonies have been reduced to misdemeanors and usually a plea accepted. First of all, a prisoner who has been convicted of a number of misdemeanors, or reduced felonies, should not be recorded as a first offender. The degree of crime very frequently has no definite bearing on the personality and the criminal tendency of the offender. There are cases where those who have been repeatedly convicted of misdemeanors are a greater menace to society than those who have been convicted of one or perhaps two felonies. Further, in cases where a felony indictment has been reduced to a misdemeanor, the reduction is not always based upon the uncertainty of the prosecution getting a conviction for a felony, or a desire to save time and expense for the county, but sometimes to satisfy



Typical cell block unit, proposed New York County Penitentiary, Riker's Island.

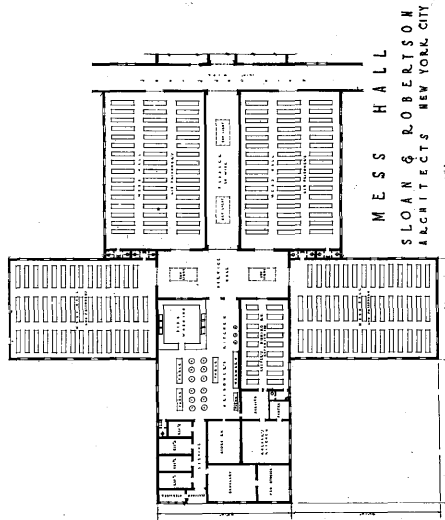
political pressure or certain influences that are not primarily designed for general public good. Therefore, it is recommended (Page 29) that legislation be enacted which will provide that a person convicted two or more times of a major misdemeanor, when for the first time convicted of a felony, may, in the discretion of the trial judge, be sentenced as a first offender felon and receive an indeterminate sentence, or as a second offender felon and thereby receive a definite sentence. The discretionary power will allow a judge to give a longer sentence to a repeated misdemeanor offender than he would probably be required to serve as a first offender felon. For example, a person convicted for the first time of grand larceny could not be sentenced for more than five years minimum to ten years maximum, and would be required to serve at least five years. The same man, having been convicted five times for petty larceny prior to the first conviction for grand larceny, could, under the proposed change, be sentenced for ten years, and could not be released except through executive clemency until he had served eight years and four months.

This recommendation is not to be interpreted as a departure from the advocacy of the use of the indeterminate sentence, but as an effort to make for more consistency in the attitude toward offenders. It does seem absurd to regard as a first offender the man who finally goes to State prison after having been convicted many times of crimes of a lesser degree, and under circumstances as described above, particularly in respect to the reduction of a felony charge to a misdemeanor. Further, it is true that the reducing of felony charges to misdemeanors is one way to defeat the fourth conviction felony act, which carries with it a life sentence.

#### Compensation to Prisoners

The Prison Association urges that provision be made in the law to provide two kinds of payment to prisoners, first, by increasing the amount of cash which is now given to discharged prisoners, second, by providing some means of compensation to a prisoner who is permanently disabled through no fault of his own, while employed in the industries of the State prisons.

At the present time a released prisoner receives a certain amount of clothing, transportation to the place of his conviction, and \$10 in cash, together with what little he has earned while in prison. The amount earned in prison is almost nil. While it is true that some of the prisoners are earning considerably more than a cent and a half a day, yet the fact is that a cent and a half a day is the prevailing wage in the State prisons of this State. Some of the prisoners employed at the industries at Sing Sing, Auburn and Clinton earn as high as twenty-one cents per day, but they are comparatively few as compared with the entire inmate population of the prisons, and even at that increased rate the amount earned at the end of the year is very small. Therefore, a large number of prisoners released from State prisons are in need



Kitchen and mess halls, proposed New York County Penitentiary, Riker's Island.

of some kind of help, and the \$10 now provided by the State does not go very far. Room rent, some change of clothing, food and laundry costs until the man is able to earn for himself soon use up the amount of cash received at the time of release. Therefore an increase from \$10 to \$25 is urged.

Now, as to the second suggestion of payment, the Association has had several cases of men who lost an arm or were otherwise disabled while employed in a prison, and in two cases it seemed clear that the injury was caused through no carelessness or design on the part of the prisoners. In one case effort was made through special legislation to obtain reimbursement, but, because of a technicality based on the drafting of the legislation, the Court of Claims of the State finally rejected the request. It was found by the Association that this type of legislation was not popular, and the bill introduced several years ago was passed only after much persuasion had been employed. The man in outside industry who loses an arm or a leg is well taken care of, but the man who works for the State,—and it is the State that insists upon the compensation of the man in outside industry who is injured,—cannot be compensated for his physical impairment.

Therefore, it is urged that in the interests of plain justice provision be made for such cases. This does not mean that large sums of money need to be paid, nor that they be paid in full, but a system of compensation over a period, to enable the man to secure an artificial limb and get himself adjusted subsequent to his release, seems only fair to expect.

### Control of Prisoners in New York City

As pointed out in previous reports, prisoners within the five boroughs constituting the city of New York are under the control of sheriffs and the Department of Correction. It has been urged by the Association that the sheriffs' control of prisoners in Bronx and Richmond counties be discontinued, and also the handling of prisoners between the New York City Tombs and the Criminal Courts Building, and that that control be transferred to where it belongs, the New York City Department of Correction. The details of this situation are set forth fully in our Seventy-ninth Annual Report (1923), and it was gratifying to the Association to have its suggestions concurred in by Mayor Walker's Committee on Plan and Survey, in its report made available during the year 1928.

It is further urged by the Association that the control of prisoners between the New York City District prisons and the Magistrates' Courts be given over to the New York City Department of Correction. The recommendations of the Prison Association were at various times submitted to the Board of Estimate and Apportionment, but no definite action occurred. The Association began the year 1928 by again calling the attention of the New York City Board of Estimate and Apportionment to the need for the consolidation of the control of prisoners. On Decem-

ber 5th there was a shooting affair in the Criminal Courts Building, New York City, which occasioned considerable publicity and alarm. The following letter was addressed to Mayor Walker:

December 7, 1928.

"The recent shooting in the Criminal Courts Building, which resulted in the killing of a prisoner and the injuring of two court attendants by the prisoner, who possessed a revolver, brings out conspicuously again the need for an improvement in the system of handling prisoners between the Tombs and the Criminal Courts Building, and in addition reviews the proposal for the transfer of the jurisdiction of prisoners in Bronx and Richmond counties wholly to the Department of Correction in the City of New York. If the prisoner in the recent shooting had not been stopped by the prompt action of one of the court attendants, there might have resulted further injury and loss of life, and one of the judges of the Court of General Sessions might have been a victim.

"On January 19, 1928, I addressed a communication to the members of the Board of Estimate and Apportionment, urging that the authority of the Department of Correction in its field of responsibility should be as absolute and undivided in the five boroughs as is that of the Police, Fire and other Departments of the city. The present duplication or division of this work adds to its expense, but not always to its efficiency. May I refer you again to that communication (copy of which is herewith attached), which was referred to the Committee of the Whole, and that Committee subsequently directed that it be restored to the Calendar, with the recommendation that steps be taken to draft necessary legislation.

"The Prison Association is not alone in the recommendation that the Department of Correction be given sole jurisdiction over the care and custody of prisoners while awaiting trial and while awaiting disposition of their cases before the Court. The plan urged by the Prison Association was indorsed and urged in the report of the Mayor's Committee on Plan and Survey.

"It is earnestly hoped that you and your colleagues on the Board of Estimate and Apportionment, will take prompt action to ultimately bring about the simplification of the present system of dealing with prisoners, and thereby make for the saving of money, the establishment of efficiency, and the centralization of authority.

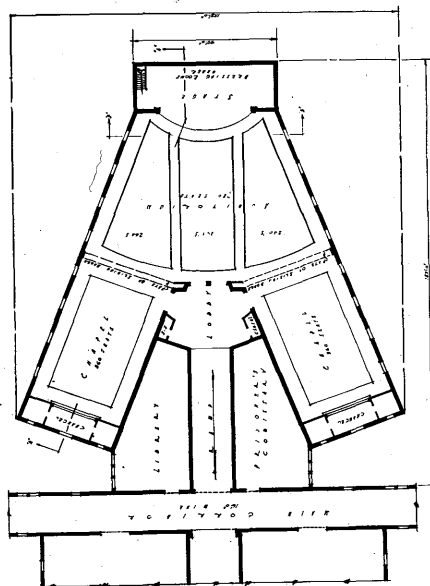
"The shooting on last Tuesday makes it necessary to inquire of the Department of Correction, the Sheriff's office, and the court attendants to fix responsibility. All three agencies, according to statements so far made public, claim that these agencies took proper precautions. However, what happened does not altogether support these statements, and there was a laxity or carelessness somewhere. If the responsibility were wholly in the hands of the Department of Correction, the employes of which Department are under civil service, it would be much easier to proceed in determining the cause for the unfortunate and alarming happening of Tuesday."

The result to date is that legislation is being drawn to bring about the suggested consolidation. Just what will come out of this legislative effort cannot, of course, at this time be stated. However, like many suggested improvements no serious action is taken until there is some serious happening. It is the belief of the Prison Association that the Criminal Courts shooting affair would not have occurred if there had not been divided control and responsibility for the prisoners between the New York City Tombs and the Criminal Courts Building.

### Police Methods

A police officer who gained considerable notice said that there was considerable law in a nightstick, and that one full armed punch, skillfully directed, was worth a dozen warrants. There is probably some truth in both statements, but in recognition of this there must not be permitted or even countenanced the making of punching bags of persons suspected of minor or serious offenses. New York has had experience with the above stated theory, and each time the public learns quickly that far too many policemen are not to be trusted with the punching or clubbing privilege to any great extent. Representatives of the Association who frequently visit the Tombs have noted too often the battered condition of prisoners who tell of their rough handling at the hands of the police. The representatives of the Association, because of their years of experience, are not inclined to accept every statement of every prisoner as being the truth. On the other hand, it is not fair to assume that every prisoner is a prevaricator or an out and out liar. In taking up a number of these cases with the police there is, in some instances, complete denial. In other cases it is stated that the prisoners attempted to assault the officers, or that they attempted to escape, or that they conducted themselves in such a way as to require restraint. It is interesting to note at times a prisoner of small stature, who, it is claimed by six-foot detectives, had attempted to do them bodily harm by the courageous use of his small fists. Disturbing it is to notice prisoners whose faces are battered, arms and shoulders badly marked, and clothing bloodstained, who claim that because they would not confess to a crime, or reveal the identity of others, they were severely dealt with by detectives or other police officers in the back rooms of station houses, or at police headquarters. Cases of this kind are referred to as victims of the "third degree." They do not always represent the gangster type, or the kind of prisoner who delights in quarreling with the police. The delicate handling of one of the persons arrested in connection with the recent murder of a notorious gambler, going so far as not to record his arrest on the official police records, suggests that the police do use a certain amount of caution. If this particular person had been dealt with according to the way described by some of the prisoners who claim to have been beaten by the police, there would perhaps not be so much delay in unraveling the mystery of the murder. This point is made, not as advocating the procedure, but rather as an inquiry as to why the exception if the alleged brutal methods are essential.

The above general statement is made because the Prison Association has not been able to its own satisfaction to clear up the complaints that have been brought to its notice as to brutal treatment at the hands of the police, and in this report the Association urges that the State Crime Commission, or a special committee of the legislature, go into the matter of police brutality, to determine the truth or the falsity of the too frequent complaints.



Auditorium and chapel, proposed New York County Penitentiary, Riker's Island.

**Bail Evils**

Continuing its interest in the bail system, the Prison Association joined with other organizations\* in addressing the following communication to Senator Caleb H. Baumes of the New York State Crime Commission. It is the hope of the interested organizations that the Crime Commission will take notice of the existing abuses and make the requested investigation.

"The loan shark facts revealed at the Baumes Commission hearing at the Bar Association on October 15th are convincing on the point that the widespread abuses of the bail lending business in New York City are closely similar to the dishonest salary and chattel loan practices. They are further accentuated by the evils of solicitation by bondsmen for certain criminal lawyers and by their opportunities for attempted corruption of court, police and prison personnel.

"Whatever is said in this letter refers to prevalent conditions in the bail lending business, but it does not apply to the entire group engaged in it. As in the case of ambulance chasing, it is the public duty of all reputable individuals and companies engaged in the bail bonding business to aid in its constructive reorganization so that the community and our courts might be afforded an honest system of bail lending.

"The loaning of bail to arrested persons is a licensed business which today is almost as *permeated with dishonest practices* as it was before the Baumes laws were passed, although these laws are very effective in restricting or denying bail to persons accused of serious offenses who have past criminal records.

"Most persons who borrow bail must deposit bank books, jewelry and pledges as collateral, with the exception of those who are unquestionably good risks by reason of their well established position in the community or of their powerful connections in the underworld. Thus the majority of bail business is transacted as a money lending business, as even the bail agents of surety companies usually demand pledges when depositing bail with courts. Although the surety corporations themselves may not be the holders of such indemnity, the lending of bail secured by collateral is very different from risk-taking insurance.

"Professional bondsmen, acting as individuals, who deposit with the court cash or real property as bail, and bail agents of surety companies who deposit company certificates as a cash equivalent, make their own verbal contracts with arrested persons, their families or friends. Such contracts are made binding upon the borrower but rarely upon the lender. No other money lender has such broad powers over the person of the borrower as the professional bondsman or bail agent of a surety company. At any time

\*The Association of Grand Jurors of New York County, the Voluntary Defenders' Committee, the New York Board of Trade and Transportation, the National Jewelers' Crime Commission, the New York Credit Men's Association, the Fifth Avenue Association, the Women's Prison Association, the Citizens' Committee Against Fraudulent Claims, and the Committee of Fourteen.

of the night or day the bail may be surrendered and the person imprisoned on the initiative of the bail lender, while the loan shark merely can garnishee his victim's wages or seize the furniture mortgaged to him, but he cannot deprive him of his liberty.

"The founders of this country bitterly opposed the old English law of providing imprisonment for debtors, but here is a type of lender who has this power over the body of his debtor.

"It is obvious that where such power is vested in persons of low character many evil possibilities could result, as the threat of prison to men, women and girls would be a powerful argument to make them accept any terms.

"Neither the legal limitation of the bail bonding interest rate at 3% nor the compulsory licensing of those persons, as insurance brokers, who lend bail to two or more persons in one month, has effectively regulated the evils. Licensed bail bondsmen are not prohibited from employing runners nor from acting as runners for criminal lawyers. They are not required to keep books of account nor to give proper receipts to clients for the premium paid them nor for the pledges of bank books, jewelry or other collateral. The State Insurance Department is not equipped with staff or budget to inspect activities nor to properly investigate complaints made against bail lenders in much the same way that the State Banking Department is unequipped to investigate and regulate the salary buyer and chattel lender under the Personal Loan Law.

"Where some of the evils of bail bond lenders are in common with those of loan sharks, *other abuses are similar to ambulance chasing*. Section 270 of the Penal Law prohibits any "natural person . . ." to make it a business to solicit employment for a lawyer. . . . Unfortunately bail lending is the business of the bondsman and the solicitation of clients for criminal lawyers is incidental, but so remunerative that some lawyers complain of the "cuts" they must pay bondsmen. As the arrested persons need the services of a bondsman before needing a lawyer, the bail lender is in a strategic position to make his own terms in referring cases to lawyers, comparable to successful ambulance chasers.

"The business affiliations between certain criminal lawyers and laymen licensed as bondsmen, who often share the same or adjoining offices, should be investigated and revealed to the public in the same way as the combinations of runners and negligence lawyers were exposed and are now being prosecuted.

"Many an unfortunate arrested person who has hired a bondsman and then engaged the lawyer "recommended" to him by the bail lender is never able to prove what portions of his savings were extorted for bail and what for legal services. At least the New York Penal Law under section 274 prohibits and provides punishment for any lawyer who solicits civil actions but it omits all mention of lawyers soliciting criminal cases.

"Our interest in ambulance chasing originated in our studies of chasing by bail lenders. Where the ambulance chaser pro-



motes claims against insurance and public service corporations and other influential interests in the community, the bondsman contents himself with the exploitation of unfortunate arrested persons who obviously are so situated that whatever protests they are willing to make are ignored.

"Neither the bail lending or small loan businesses are conducted satisfactorily in New York State. *In both there is clandestine extortion by the illegal methods of the lender and the helplessness of the borrower.* Neither of these has been placed upon an economically sound basis to attract adequate legitimate capital to meet public demands. The restriction of the interest on bail loans fixed by law in New York to 3% and of the small loan 2% a month, plus fees, apparently is not adequate.

"Many licensed bail brokers are as much of a menace to arrested persons who borrow bail as the unlicensed loan sharks are to the small salary and chattel borrowers. The operations of surety corporations are, of course, under the direct supervision of the New York State Insurance Department, but there is little supervision over the activities of surety agents and none whatever over the activities of individual professional bondsmen.

"The urgent public demands for honest lenders of small loans and bail should be supplied, and also, as many of the fundamental problems and solutions are common to both businesses, the regulation of these persons should be jointly considered.

"At this time we are not discussing the courts' duty to make available to the public the fixing and admitting to bail at all hours of the day and night, instead of only during six to nine hours out of the twenty-four, thus placing a bootleg premium on the price of bail loans out of regular hours.

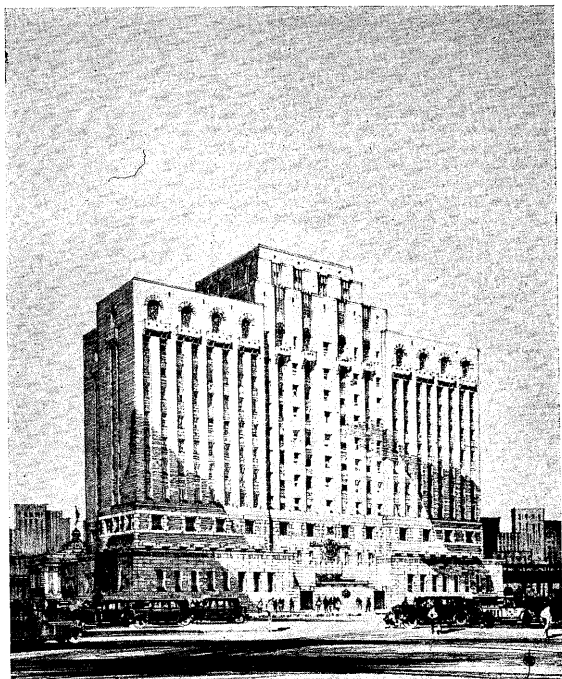
"We feel that this situation is deserving of your attention and that of the Legislature and State Departments concerned."

### **Central Magistrates' Court**

During the year the Association, with other organizations, was active in furthering the proposal for the centralization of the Magistrates' Courts in the Borough of Manhattan. A leader in this movement is Magistrate Joseph E. Corrigan, and it has been gratifying to the Association to work closely with him. When the matter was formally brought to the attention of the Mayor and his colleagues on the Board of Estimate and Apportionment, the Mayor expressed a keen interest and requested that a brief be prepared, outlining present conditions and the merits of the proposal for the centralization of the courts. The essentials of that brief are set forth on pages 81 to 86.

### **Women's House of Detention**

In previous reports mention is made of the Women's House of Detention in New York City. The need for it has long been recognized, conflicting opinions existed, various plans were made, locations were selected and discarded, and funds appropriated. All of this has been over a long period, and while



HOUSE OF DETENTION FOR WOMEN IN THE  
CITY OF NEW YORK

BENJAMIN W. LEVITAN - ARCHITECT  
ERNEST R. ROBERTSON - ASSOCIATE ARCHITECTS

the year 1928 did not see the erection of the Women's House of Detention, very definite steps were taken. The necessary funds were appropriated. The Jefferson Market site was formally transferred to the Department of Correction, and there was called into service a high class firm of consulting architects, who are now at work on the detailed plans. There does not exist any good reason why the early part of 1929 should not see work actually under way for the construction of the Women's House of Detention. The present Commissioner of Correction, Richard C. Patterson, Jr., is to be commended for his live interest and determination, and it has been a pleasure for the Prison Association to work closely with him, and with the architects, and over so long a period with the numerous other organizations and individuals interested in providing in the City of New York a detention place for women that the city can look upon with satisfaction. A view of the New House of Detention is opposite page 60.

#### New York City Parole Commis-

The Association was identified with the legislation in the year 1916 which established the New York City Parole Commission, and when a vacancy in the chairmanship of that Commission occurred in the early part of this year the following letter was addressed to Mayor Walker:

"The resignation of Mr. Bertram deN. Cruger, as Chairman of the Parole Commission of the City of New York, makes a vacancy which we think requires your serious consideration in filling. The law under which the Commission operates gives it broad powers, and is in many respects different from the usual type of parole law.

"There is frequent and widespread criticism of parole. Crime investigating bodies in the various States have criticized it. However, upon more thorough investigation, their conclusions generally have been that parole is sound in theory, but has suffered because of poor administration.

"Therefore, in order to make for good administration, it is important to have the highest type of personnel. The Parole Commission of the City of New York will function satisfactorily only to the extent that the Commissioners desire it to. As they go, so will the Parole Commission.

"We urge you to exercise utmost care in the selection of Mr. Cruger's successor. He should be a man who will be free of political ties, who will have vision and courage, and a desire to devote himself fully to the duties of his position. The Parole Commission is established for public protection and its members should be men who will be able to say 'No,' and emphatically so, when it is a question on one hand of public protection, and a question on the other hand of yielding to outside pressure. The Parole Commission that recognizes outside pressure in preference to general public good will sooner or later bring about its own downfall, reflect unfavorably on the one responsible for its personnel, and discredit what are recognized as the two best means of dealing with the offender who is committed to an institution, namely, the indeterminate sentence and parole.

"Governor Smith made a bold and characteristic move when he selected Dr. R. F. C. Kieb as head of the State Department of Correction. The Governor is reliably quoted as saying to the Doctor, that he wanted him because he knew his business, and because he was not interested in politics. What has been the result? The State Department of Correction and the parole system of this State is in better shape today than it has been for many years, thanks to the wisdom and courage of the Governor.

"You can do a similar service with respect to the Parole Commission of the City of New York, and we hope that you will."

The Mayor appointed Mr. John C. Maher, a young man who has not had any previous experience, but who seems to be taking his work seriously. Time, of course, will be the best test as to whether the advice contained in the above letter was wisely weighed by the Mayor in the appointment of a man of his own choice.

#### Psychiatric Service, Court of General Sessions

The Association zealously labored with other organizations and individuals, during the year, to establish a separate psychiatric service for the Court of General Sessions in the City of New York. It was soon recognized that the work of the well organized and directed probation bureau of the Court of General Sessions, as an agent of the Court, could not be done thoroughly without scientific help in the form of the psychiatric examination of those coming under the jurisdiction of the court. The psychiatric procedure is not restricted to the determining of whether an offender is responsible for criminal conduct, legally insane, or mentally defective. Psychiatry aims to understand the living forces and factors, constitutional and environmental, which have influenced the criminal act, and attempts to plan constructively for the ultimate adjustment of the lawbreaker, either within society or in an institution. To understand and know more about the offender before attempting to dispose of the problem which he presents is becoming increasingly recognized as essential to wise judicial procedure. Physical, mental, and psychiatric examinations, however, must be a vital and integral part of the service of probation, if its investigations are to inform judges thoroughly in their disposition of offenders, and guide the treatment and rehabilitation of persons released on probation.

The above is, briefly, the basis for the request of psychiatric service for the Court of General Sessions. It is obvious that certain information can be brought to the notice of the court by the police, by friends and neighbors of the defendant, by the district attorney, and by the probation officer, but there is, in addition, necessary the kind of information which only a psychiatrist can give, and that information relates to the detection and understanding of the forces which underlie human conduct. Psychiatry, as thus far developed, has not of course been able to fully explain human conduct, or to prescribe for its treatment, but, on the other hand, psychiatry has disclosed information concerning human conduct which is worthy of consideration, and, as a matter of fact, essential in the impartial and intelligent administration of criminal justice.

The plan proposed was to have a psychiatrist and psychologist, and other necessary staff as a part of the personnel of the court, but, unfortunately, as the proponents of this plan became more active they discovered that it conflicted with a plan that was being developed for the city authorities, which had as its objective the centralization of the control of the city hospitals and of the

psychiatric service for the city. The city authorities finally adopted legislation which ignored the request for separate psychiatric service. It therefore appears at present that, if the Court of General Sessions is to have psychiatric service, it will need to depend upon the central bureau which will be established as a part of the activities of the Psychopathic Pavilion at Bellevue Hospital. That, in practice, would mean that a psychiatrist would be assigned from the Bellevue Pavilion for the use of the courts. This is not acceptable to the judges, nor is it held as at all satisfactory by the proponents of the plan for the separate psychiatric service for the Court of General Sessions. The possibility of divided responsibility between the director of the Psychopathic Pavilion at Bellevue and the judges of the Court of General Sessions is held as an objection, and then there a question of obtaining the right kind of personnel.

The Prison Association, therefore, regrets the failure of the campaign for a separate psychiatric service, because it feels keenly that there has been lost an exceptional opportunity for a worthwhile demonstration of the value of psychiatry as an aid to the Court of General Sessions, which has business of large volume and wide variety.

#### Judge or Crime Board?

At the time of his appearance before the State Crime Commission in Albany, in December, 1927, Governor Smith suggested for consideration by the Commission, among other things, that the power of sentencing be taken away from the judges entirely, and that the period of imprisonment be determined by a commission of experts. The Governor gave various reasons for this suggestion, among them being the inequality of sentences for crimes of the same character, and the need for the individual study of each prisoner. Of course the Governor did not offer this as an original proposal, being aware that an examination of the literature on the subject of crime and its treatment would show that the idea of the individual study and treatment of the offender, which is the real basis of the proposal, had been urged at various times in the past. Over one hundred and twenty-seven years ago Franz Joseph Gall wrote:

"The measure of culpability and the measure of punishment cannot be determined by a study of the illegal act, but only by a study of the individual committing the act."

During the year 1928 the State Crime Commission, at its public hearings, and by circular communications, invited comment on the Governor's proposal, and the Prison Association was one of the organizations requested to express its views. At a meeting of the Executive Committee of the Association, held in October, the following resolution was adopted:

"The Executive Committee of The Prison Association of New York, at its regular monthly meeting, held on October 18, 1927, gave consideration to the proposal that the power of sentence be taken away from the judges entirely and that

the period of imprisonment be determined by a commission of experts, and desires to be recorded as not favoring the proposal at the present time."

For the more complete information of the Crime Commission, as to the action of the Executive Committee, the following letter addressed to the chairman, Senator Caleb H. Baumes, accompanied the resolution:

"The proposal was very earnestly discussed at a well attended meeting. It was evident from the discussion that the members had no desire to depart from what has heretofore been urged by the Association in its annual reports to the Legislature and otherwise, relative to the more intensive and scientific study of the offender. The members of the Committee are anxious to have the scientific approach to the treatment of the criminal given a fair trial, and of course the scientific approach involves very largely what is frequently referred to as psychiatry or the mental and social study of the individual offender.

"While anxious that the scientific approach be given a trial, the Committee was not at all willing, at this stage, to wholly place the responsibility of determining the period of imprisonment in the hands of psychiatrists or others who might constitute the proposed commission. The Committee feels that psychiatry can do much, that it has a definite future, but that it has not been sufficiently developed to take upon itself, at this time, so great a responsibility.

"The Executive Committee favors psychiatric personnel and procedure in the courts. It is anxious for the further development, through increased personnel and broader activity, of the clinic at Sing Sing, and it is extremely anxious to have the operation of the indeterminate sentence and of parole strengthened through conscientious and thorough procedure and adequate personnel."

While the Crime Commission, at this writing, has not formally announced its decision with respect to Governor Smith's proposal, it seems likely that because of the numerous objections that have been received from all parts of the State the proposal will not be approved. Regardless of this it is true that Governor Smith rendered a service in offering the suggestion. Considerable discussion resulted and interest developed. It is now evident that many of those who have had no sympathy for the scientific approach to the criminal problem are urging that it, within reasonable limits, be given a trial.

#### Annual Census

As has been stated in our reports, and in other documents, one of the outstanding needs is the availability of reliable statistical information relating to crime and criminals. Recently organized crime fighting bodies soon discovered this need, and have emphasized it in their public statements and otherwise.

Yet there have been those, and the Prison Association is happy to be included, active with the Bureau of Census of the U. S. Department of Commerce in an effort to bring about the taking of an annual census of the inmates of our penal and correctional institutions. Those identified with that movement of course recognize that what information can be thus obtained will not be all that is desired statistically about crime and criminals, but it will fill considerably the existing gap, and make available reliable and important information. The recent disclosures by crime fighting bodies, such as crime commissions, citizens' committees and the like, as to the absence of statistical information, and the treatment of such statements by the press and otherwise, as if a brand new discovery had been made, simply serves to remind the well informed of the "oldness of much that is claimed to be new." Old and experienced organizations like the American Prison Association, the Prison Association of New York, the National Committee on Mental Hygiene, the Russell Sage Foundation, and others, have been urging national statistics for years. Finally, through co-operative and concerted effort, and a willing desire on the part of the Bureau of Census, under the direction of its director, Mr. William M. Steuart, plans were made for the taking of an annual census. The Census Bureau reports that it was successful in securing at least summary reports for 1926, covering 96 of the 99 Federal and State prisons and reformatories, and that detailed information concerning the prisoners received and discharged during the year 1926 was obtained for 92 institutions. This information has been tabulated and will be published in a printed report which will soon be available. Preliminary summaries have already been published. In September, 1928, the Census Bureau reported that it had received census reports, covering the year 1927, for 73 prisons and reformatories. Most of the institutions furnished their reports more promptly for the year 1927 than for 1926. This shows the increasing interest of the institutional administrators and their recognition of the value of the movement. With the early reception of reports from the remaining institutions work can be started for the completion of the 1927 tabulation.

#### REASONS FOR CONCERN

In addition to the good news from the Census Bureau, briefly referred to above, comes also the disconcerting news that unless Congress makes satisfactory provision the Bureau cannot continue making the annual census. This would be a serious setback. At the time of the American Prison Association Congress the appeal of the Census Bureau was brought to the notice of that body, and the following resolution adopted:

#### AMERICAN PRISON CONGRESS, OCTOBER 5 to 11, 1928

Whereas, One of the outstanding accomplishments of the American Prison Association in recent years has been along the lines of uniform institution statistics, and at the instance of the

Association and other national bodies, the United States Government, through its Bureau of the Census, has, with a remarkable degree of success, arranged for the annual collection, compilation and distribution of such prison statistics, and

*Whereas*, It now appears from a letter from William M. Stewart, Director of the Census, that there is danger that this useful work by the Census Bureau may not be continued owing to the lack of sufficient appropriations, now, therefore,

*Be It Resolved*, That the American Prison Association Congress records its hearty approval and support of the Bureau of the Census in the work of gathering prison statistics, and expresses its strong and earnest conviction that the welfare of the country and the success of the present effort to combat crime depends in part upon the continuation of such statistics, and therefore urges upon the Congress of the United States that sufficient financial support be given to this project.

*Be It Further Resolved*, That the Committee on Criminal Law and Statistics of the American Prison Association be authorized to take such proper action as will carry out the intention of this resolution, to appear before the appropriate committee or committees of Congress to draft or approve any Federal legislation necessary in the premises, and to take other proper action, and

*Be It Further Resolved*, That a copy of this resolution be sent to all national organizations concerned with the reduction of crime, that they be urged to join with the American Prison Association in securing the necessary legislation and appropriations, and, further, that a copy of this resolution be sent to each member of the House and Senate at the appropriate time.

The Prison Association of New York because of its long identity with the matter of criminal statistics, its close relations with the work of the American Prison Association, and its warm understanding of the desire of the Census Bureau to do an important work, joined wholeheartedly in the effort to induce Congress to make an appropriation to continue the annual census of the inmates of penal and correctional institutions. Happily, other organizations and interested persons joined in the movement, and the success of this combined effort is earnestly awaited.

#### Lawyers and Clients

In their frequent contact with prisoners in the Tombs and other institutions of the city and State, the representatives of the Association gather information from prisoners relating to their dealings with lawyers. Of course all these statements cannot be accepted as true, but in their number there are so many of the same tone that the Association has made it a special point during the year to be particularly alert. On pages 91-92 of this report there is material relating to the unrestricted visitation of lawyers to persons in custody whose cases have not yet been disposed of by the courts, and also the treatment of

prisoners by lawyers assigned to them by the courts. These cases are highly suggestive of practices that are not worthy of public approval.

#### Property of Prisoners

To center official attention on complaints received from prisoners that their property, including watches, rings, money, and other personal belongings, is not returned to them in full, or at all, by the police, the following communication was directed to the Police Commissioner:

"Complaints have come to us from time to time that some officers of the Police Department of this City have taken money, and other valuables, from persons whom they have arrested, for which they made incomplete returns to the property clerk's office in Police Headquarters. Inquiry has disclosed that it is the practice throughout the Police Department for officers to remove valuables from persons at the time of their arrests without giving them an official receipt.

"A man, Max Lerner, arrested by Officer McClellan of the Sixth Precinct, on September 22, 1928, asserts that the officer took some \$212 in money from him at the Station House, 321 East 9th Street, New York City. The amount credited to this man's account in the property clerk's office is \$112.18. It is stated that no receipt was given to him. We consider that this is unbusinesslike and unfair to the officer as well as to the man arrested. The case history of this man is known to us to some extent. It is possible that in the excitement of his arrest his knowledge of the amount of money in his possession may have been inaccurate. If his statement with regard to the money is wrong the officer is accused unjustly, if it is correct the man has little chance of redress.

"Sound business practice demands the issuing of receipts upon the transfer of money. Prisoners held in the Tombs City Prison, the New York County Penitentiary, and the State Prisons of this State, receive official receipts for valuables taken from them, and the responsibility for repayment is definitely fixed upon some official of these institutions.

"In order to protect honest officers from unjust accusations, and arrested persons from exploitation, the Prison Association of New York urges that a system be instituted in the Police Department of this City which will require that an official receipt be issued immediately to an arrested person from whom valuables are taken."

This does not represent an unusual case. A request by prisoners for the return of their property might suggest rather an anomalous situation, but the fact is that all prisoners are not charged with thieving, and whether or not that is true, a respect for law and justice cannot be cultivated in the lawbreaker if he finds that those who are supposed to uphold the law are themselves questionable in their acts. As is usual, a matter of this kind, brought to the attention of the police, meets denial. However, the Prison Association on the basis of its careful check-up is convinced that the police do not as a matter of routine, although they are supposed to, give a receipt for property belonging to prisoners. For example, if a prisoner has \$50 in his possession at the time of arrest, in accordance with the rules of the Department, as stated by the officials, a receipt is supposed to be given by the arresting officer or the lieutenant booking the prisoner, and then the money is turned over to the property clerk at Police Headquarters. However, investigation discloses that there is no

such thing as a regular form of receipt in the Department for the procedure which the rules of the department prescribe. Frank and informal statements by police officers who were asked about the observance of the rule were to the effect that receipts are not given. Therefore, when it is a question of whether or not the prisoner had \$50 or \$100, or more, at the time of his arrest, and as to how this amount compares with the sum on deposit in Police Headquarters, there remains nothing as a rule but the policeman's word to settle the question. That is an unsatisfactory situation. A businesslike procedure is essential, not only for the protection of those placed under arrest, but even more so for the protection of the arresting officer.

### Pay for Guards

For years it has been recognized that one of the essentials to the satisfactory administration of an institution is the character of its personnel. The right kind of personnel cannot be had unless satisfactory compensation is provided. Guards or keepers of penal and correctional institutions are generally underpaid. They have long hours, their work is hazardous, and is of character that is peculiarly taxing on their physical and mental make-up. The State Legislature has given some recognition to the need for better payment for the guards of the State prisons and reformatories, but the City of New York has done practically nothing in the last ten years for the guards employed by the New York City Department of Correction. Not only are these guards poorly paid, but there does not exist a satisfactory system to determine the amount of their compensation. It is a matter largely in the hands of the heads of the institutions and the Commissioner of Correction, within, of course, certain limits allowed by the budget authorities of the city. During the year the Association addressed the following communication to the Board of Estimate and Apportionment, and that communication was referred to the Director of the City Budget.

"Some years ago the salaries of prison keepers and matrons of the Department of Correction of this City were on the basis of a definite increase to a maximum after a stated number of years in the employ of the Department. Unfortunately about ten years ago this method of recognition of continuous loyal and efficient service was discontinued. The worth of such a system of salary increase is attested by its satisfactory use in other departments which employ a large force of men. Patrolmen and firemen in this City are increased to a maximum salary at the end of five years, and guards in State prisons of this State are advanced to the maximum rate at the end of four years of service.

"At present twenty-eight per cent of the prison keepers receive \$1,560 per annum; thirty-seven per cent \$1,620; seven per cent \$1,740; four and one-half per cent \$1,800; two and one-half per cent \$1,860; four per cent \$1,920; seven per cent \$1,980; while only ten per cent receive \$2,040 per annum, the maximum. Analysis shows that some keepers have been in the service for many years (as high as twenty-five) and do not receive the maximum. No adequate system of promotion is in force.

"It is clear that present salaries are inadequate for the responsibility of the position and to provide a living for the keepers and their families. They are not in line with those paid for similar work in other departments

of the City and State. These keepers have in their custody the same desperate prisoners who are arrested by the Police Department and guarded at the State prisons. Their work is hazardous, demanding alertness at all times and courageous action in a time of stress. They should not be forced to expend energy in their outside employment after their regular hours, as many are, in order to earn support for their families. The added physical and mental tax decreases their fitness as keepers.

"The Prison Association considers this false economy and poor management and urges your consideration, and the adoption by the Board of Estimate and Apportionment, of the plan for an increase in salary for prison keepers and prison matrons as recommended and requested by Commissioner Patterson in a communication to the Secretary of the Board of Estimate and Apportionment under date of September 22, 1927, namely, three grades be established—first grade at \$1,769 per annum for three years; second grade at \$2,040 per annum for four years, and third grade at \$2,500 per annum thereafter.

"The adoption of this proposed plan would certainly increase the morale and efficiency of the prison staff of this Department."

However, it is disappointing to state that in the making up of the budget for the year 1929 no increases were allowed for those in whose interest the communication was presented. This, of course, makes for a continuation of the dissatisfaction and the hardships experienced by the employees of the department. The situation cannot be disposed of by the city authorities who say that if the men are not satisfied with the pay they are getting they should get another job. Many of those who are deserving of more pay have given years of faithful and valuable service to the City and deserve better recognition than the flippant remark above quoted. The Commissioner of Correction is dependent upon the personnel of his department for the level of efficiency in that department. Unless he has a satisfied and high grade personnel he cannot fulfill his own best desires and efforts. In the long run the City loses.

### The New Penitentiary

A new penitentiary, to displace the overcrowded and antiquated institution on Welfare Island, has long been urged by the Prison Association, and has been discussed in our annual reports for several years. However, the proposal is of such magnitude that its attainment cannot be speedily had. At times the outlook was hopeful, but the fact remains that we still have the old structure on Welfare Island. Yet there is no reason to be especially discouraged. During the latter part of 1927, and all during the year 1928, the matter of a new penitentiary has been a live subject not only with a number of interested organizations, but with Commissioner Patterson of the Department of Correction of the City of New York and a high grade firm of architects. The Prison Association, together with other organizations and individuals, gave liberally of its time and experience in working with the architects, and they, very wisely, added to their knowledge by visiting institutions in other parts of the country and conferring with various administrators. As a result, they have developed plans which have met with the approval of those most intimately aware of the problem and who are

genuinely interested. Those plans in part are set forth on pages 5, 43, 48, 51, 53, 57.

At the time of this writing effort is being made to obtain legislative authorization in Albany for an amendment to the New York City charter which will allow, with the approval of course of the city authorities, the raising of special revenue for the construction of a new penitentiary. It is hoped that the year 1929 will see the matter nearer to a satisfactory conclusion than it has been at any time in the past.

#### American Prison Association Congress

As has been previously stated, the origin of the American Prison Association can be traced largely to the efforts of Dr. E. C. Wines, General Secretary of the Prison Association of New York. Dr. Wines was the leading spirit in the movement which resulted in the first congress of the American Prison Association, in 1870, and which was presided over by Rutherford B. Hayes, who later became the nineteenth President of the United States. The American Prison Association is solely an educational organization. In the many years of its existence it has aimed to acquaint not only the courts, the administrators of institutions, and social workers, but the public generally, with the best thoughts and methods on the treatment of crime and the criminal, and an examination of its Proceedings will show a wealth of contributions to the subject of crime treatment, and numerous outstanding definite accomplishments. The membership of the Association is made up in the main of those who are in daily contact with the problem of crime and the treatment of the criminal. All through the years of the existence of the American Prison Association, the Prison Association of New York has been identified with its affairs and a number of its general secretaries have each for years held the office of general secretary of the national organization. Of special gratification to the Prison Association of New York was the election of its present general secretary to the presidency of the American Prison Association for the year 1928. The 1928 Congress was held in Kansas City, Mo., and for several reasons was an exceptional success. First, because of the high grade character of the program, and because all but two of those scheduled to make addresses were present to give their message. Second, because of the unexpected large attendances and wide representation, there being forty-one States, the District of Columbia, the Philippine Islands and Canada recorded. Third, because of the faithful attendance and live interest shown at the various meetings of the Congress.

Space will not permit a detailed review of the splendid addresses at the general sessions, but it seems well to remind those who were present of the splendid treat that they will again enjoy in the complete Proceedings, and to call to the attention of those who were not so fortunate as to be there, that they have something very substantial to anticipate.

#### CAUSES OF CRIME

On the first morning, Mr. William L. Butcher, a member of the New York Statutory Crime Commission, referred to generally as the Baumes Commission, presented the findings of an exhaustive survey on "Community Causes of Crime." His address gave every evidence of thorough investigation and careful preparation. He was followed by Dr. C. R. Shaw of the Institute of Juvenile Research, Chicago, who gave a very illuminating picture of juvenile crime in Chicago. The morning session was closed by an address on "The Fence" (receiver of stolen goods) by Mr. Thomas S. Rice, also of the New York Statutory Crime Commission. What Mr. Rice had to say was of unusual interest and informative value.

#### LAW ENFORCEMENT VS. LAW OBSERVANCE

At the evening session on Saturday Dr. George W. Kirchwey, former Dean of the Columbia University Law School, for a time Warden of Sing Sing Prison, and for many years identified with research work and special investigations, and now head of the Department of Criminology of the New York School of Social Work, explained "The Relation of Law to Human Behavior" in a way that held the undivided attention of his listeners and gave much for earnest thought and enlightenment. He was followed by Professor E. H. Sutherland of the University of Minnesota, who spoke on "Crime and the Conflict Process." Dr. Sutherland is noted for his sound, practical and clarifying statements, and his address, therefore, was of considerable value to his listeners.

#### CONGRESS SERMON

The Congress sermon on Sunday morning was preached by the Rev. Robert Nelson Spencer, rector of Grace and Holy Trinity Church, and the large number attending were refreshed, inspired, and otherwise strengthened for the discharge of their respective activities. It was evident that Dr. Spencer was sympathetic toward the work of the Association, and was possessed of a well rounded view of the crime problem and its treatment.

#### MORAL STANDARDS AND JUDICIAL VIEWS

Chancellor E. H. Lindley, of the University of Kansas, gave a very remarkable address at the Sunday evening session. His masterly presentation of his subject, "The Shifting Moral Standards," added considerably to its value. With unusual skill he reviewed attitudes and thoughts of the past and compared them with developments of the present, and gave wise counsel relative to present day problems. The evening session was closed with an address by the Hon. Marcus Kavanagh, judge of the Superior Court of Cook County, Chicago. Judge Kavanagh selected as his subject, "When the Door Swings Open," and presented it with dexterity as to the application of gentleness and severity in the treatment of the criminal.



## PROBATION

The Monday morning general session, devoted to the subject of Probation, included an address on "The Changing Status of Probation" by Mr. Charles L. Chute, General Secretary of the National Probation Association, an address on "Raising Probation Standards" by Mr. William J. Harper, State Probation Officer, Rhode Island, and "The Preventing of Crime Through Family Adjustment" by Hon. James Austin, Jr., judge of the Court of Domestic Relations, Toledo, Ohio. Mr. Chute's and Mr. Harper's presentations were of a high order, and served not only to win support for probation as a means of dealing with the delinquent, but gave the sound guidance that is needed to strengthen its administration. Judge Austin described, on the basis of a wide opportunity for observation, the weaknesses existing in the life of the individual and of families which contribute to crime. He very carefully explained methods of procedure which, in the hands of the right kind of personnel, result in the adjustment of some of these weaknesses. Judge Austin is known for his skill and success in the Family Court, and his first hand knowledge, supplemented by his electrifying presentation, was invaluable to those whose work brings them in contact with family difficulties.

## VIEWPOINTS ABROAD AND AT HOME

Professor J. L. Gillin of the University of Wisconsin, fresh from a trip around the world, during which he devoted considerable time to the study of the treatment of the crime problem and the criminal, gave an interesting and enlightening address on experiments and methods in far off lands. While it is true that some of the methods observed by Professor Gillin could not very well be applied in this country, nevertheless their basic theories and application are worthy of the notice of earnest workers in our States. The evening session was closed by what is held by many as the best address ever made before a Prison Congress by Mrs. Maud Ballington Booth of the Volunteers of America. Mrs. Booth selected as her subject "The Shadow of Prison Life," and presented it with an oratorical skill that only she can employ in discussing crime and prison problems. Her address was well balanced and she could not be accused of sentimentalism. Her many years of practical experience and first hand observation protect her against this weakness. Those who were fortunate to hear her had not only unfolded for them a wider picture of their duties and responsibilities, but also received an inspiration which should fit them better for their work. It can be said without partiality that she won the admiration and good will of her audience.

## CONVICT LABOR—COUNTY JAILS

The Tuesday morning general session was devoted to a study of "Convict Labor in the South" by Mr. William B. Cox of the National Society of Penal Information, a report of the Committee

on Jails by Dr. Hastings H. Hart, Chairman of the Committee, an address by Warden S. W. Brewster on "The Training School for Prison Guards in New York City," and finally by the discussion of "Two Model New Jersey Plans—Ancient and Modern," by Captain George J. Giger of the Department of Institutions and Agencies of New Jersey. Here again the audience received the benefit of the observations of those who were fortunate to be in close touch with the conditions.

## PREVENTION

The Tuesday evening general session received a very interesting report from the Chairman of the Committee on Prevention, Mr. Charles W. Wilson of Vermont. The report stressed the need of making early trained contact in the home, school and community with those children whose behavior suggests mental or physical difficulties. The subject of the evening being Prevention of Crime, the Committee report was followed by a very fine address on "What Policewomen Can Do to Prevent Crime," by Miss Helen D. Pigeon, Executive Secretary, International Association of Policewomen, Washington, D. C. It was quite evident that Miss Pigeon knew her subject and that she was able to convincingly present it to her audience. As a personality, and as an earnest worker, she made a very pleasing contribution to the evening. Mr. Lee F. Hamner, of the Russell Sage Foundation, New York city, explained in a carefully prepared address, and with the aid of lantern slides, "The Relation of Recreation to Delinquency." To those who were fortunate to hear Mr. Hamner it was quite clear that considerable of what he said was of sound and practical value. Dr. Herman M. Adler, State Criminologist of Illinois, made a very frank, modest, and inviting talk on "What Psychiatry Can Do to Prevent Crime." Dr. Adler is known for his sound and cautious procedure, and his desire to avoid dangerous extremes in promoting the utilization of psychiatry. His address was of a kind that would give the layman a better idea of what it is hoped to accomplish through psychiatry and win it this necessary support.

## THE INDETERMINATE SENTENCE AND PAROLE

The Wednesday morning general session was devoted to the subject of "Pardon and Parole," and a report on the developments in some of the States was submitted by the Chairman of the Committee, Mr. John P. Brammer of New York city. Professor Andrew A. Bruce of the Northwestern University Law School, President of the American Institute of Criminal Law and Criminology, and formerly Chief Justice of the Supreme Court of North Dakota, made an excellent address on "The Indeterminate Sentence and Parole." Judge Bruce's long years of careful observation and his recent activity in a study of the indeterminate sentence and parole in the State of Illinois well qualify him to speak on the subject of his choice. It was unquestionably the opinion of his audience that

he gave the most convincing and the strongest defense of the indeterminate sentence and parole that had come to its notice in many years. One of the strongest points in his address was, that after all is said and done, most of those who go to a reformatory or a prison are at some time to be released, and the question is whether they are to be released without any kind of supervision or guidance, or whether they are to have the benefit of sympathetic yet firm and understanding supervision. The judge believes that the latter is the only way if the best interests of society are to be served, and it is felt that any one who gives careful consideration to the problem in its many phases will agree that he is right. The prisoner without supervision, guidance and help immediately after release is apt to be a danger to society. The prisoner with the right kind of supervision and help can be made an asset. The morning session closed with an address by Dr. Walter B. Martin of Joliet, Ill., on the subject of "Predicting Parole Success or Failure Through Behavior Studies of Criminals," based on a large number of cases studied at the Joliet Prison. It was clear from what Dr. Martin stated that a more thorough and scientific study of the individual offender at the time of commitment, and prior to release, will do much to protect the interests of society.

#### PRISON METHODS, UNITED STATES AND CANADA

The Wednesday evening meeting was addressed by General W. S. Hughes, Superintendent of Penitentiaries, Ottawa, Canada, and Warden Oscar Lee, President of the Warden's Association for the year 1928, and head of the State Prison at Waupun, Wis. United States Senator Harry B. Hawes, who was to speak on the subject of "Prison Labor" was unable to be present because of the press of work in connection with the presidential campaign, but his address was sent in advance and read and made a part of the record. It was especially gratifying to hear from General Hughes, who gave, with the aid of lantern slides, a very enlightening picture of the treatment of prisoners in Canadian prisons. The general's address and the pictures very agreeably contradicted the statements by those in the United States who have been trying to give the impression that severity is the keynote of all treatment of prisoners in Canada, and that Canada has practically eliminated crime because it treats the prisoner "rough." What General Hughes did show was that Canadian methods are not at all sentimental, that they are humane, intelligent, progressive, and well-rounded in their application, to wit, good housing, employment, education, religious training, after care and other essentials that go to make for a forward-looking system. Warden Lee, in his characteristic way, gave a frank and intelligent statement on the prison problem and the treatment of the prisoner. His subject was "After Prison—What?" It is to be regretted that most of the wardens do not take upon themselves the projecting of views similar to those held by Warden Lee.

#### STATISTICS AND METHODS OF CONTROL

On Thursday morning the session was opened with a report by the Chairman of the Committee on Criminal Law and Statistics, Hon. Sanford Bates of Massachusetts. This was followed by an address entitled—"The Road to Prison," by Arthur V. Lashly, Director of Survey, Illinois Association for Criminal Justice. Suffice it to say at this time, that if any one desires a well-rounded picture of the crime situation, he should write to Mr. Lashly for a copy of his address. It is the kind of material that should be more in general distribution in this country, instead of much of the unfair, distorted, and otherwise misleading information. Mr. Lashly is to be commended on the way he sees the problem and the manner in which he approaches it. The closing address of the morning was by Mr. Paul W. Garrett, Executive Secretary, National Society of Penal Information, on the subject of "Present Tendencies in Institutional Control." Mr. Garrett has the benefit of having visited recently practically all the institutions in the United States and therefore what he had to say was on the basis of first hand observation. It would be to the interest of those in the various States who are contemplating a change in their systems of control, to consult the material which Mr. Garrett has been able to gather and analyze.

The above brief summaries relate only to the morning and evening general sessions of the Congress. It is not possible at this time to state in any detail the luncheon meetings and afternoon section meetings, except to say that they were well attended, and that the speakers were persons who knew their subjects and possessed the ability to present them.

#### Legislative Activities

The Legislative Committee of the Association was active during the session promoting good legislation and opposing bad legislation, and was represented in Albany by the General Secretary. This phase of the Association's work is regarded as extremely important, and is one to which the Association gives close attention. For further details see pages 105 to 112.

#### State Crime Commission

The Association continued to actively support and cooperate with the State Crime Commission. Through personal contacts with its members and the giving of testimony at hearings, and through personal service during the legislative session, the Association gave freely of its views based on years of wide experience, and its intimate knowledge of some of the phases of the crime problem.

The Association takes this opportunity to publicly record its high regard for the efforts of the State Crime Commission, and to further commend the broad program of its activities. The Commission has wisely sensed that the problem of crime cannot be solved by directing attention to only one phase, but that it must

be approached in a broad way, and with well-balanced understanding and reliable knowledge.

The State Crime Commission, more commonly referred to as the Baumes Commission, because its able chairman is Senator Caleb H. Baumes, is known mostly because of the passage of the fourth offender felony act, which carries with it life imprisonment. This measure has attracted more nation-wide attention, perhaps, than any other achievement of the Commission. However, the Crime Commission has done much more. It has aroused public attention to the many phases of the crime problem; it has strengthened court procedure, the administration of probation, the indeterminate sentence and parole, and has made reports and conducted special studies which have been original and distinctive in their value. A few of these are: *Reports: On Statistics; on Courts; on Police; on Penal Institutions; on Adjustment of Sentences, and a special report on the Proceedings of the Commission in Canada. Studies: Of 201 Truants in New York City Schools; of the Relation of the Daily Press to Crime and the Administration of Justice; of Delinquency in a District of Kings County; of Delinquency in Two Rural Counties.*

#### Prison Sunday

Consistent with its practice, the Prison Association, as a part of its educational activities, kept alive the idea of Prison Sunday, which was born in 1844, when over three hundred clergymen of all religious denominations, from all parts of the State, met with officials of the Prison Association of New York, with the object of discussing the relation between Christian churches and the criminal. For the year 1928 the work of previous years was duplicated and a special letter was addressed to the administrators of all penal and correctional institutions in the country, to a large number of clergymen in the States of the Union, and to churches and publications, urging the observance of Prison Sunday, not only as a Christian duty, but, in addition, as a distinct public service. Again about 80 per cent. of the institutional administrators responded, stating that Prison Sunday would be fittingly observed, and over 2,000 clergymen indicated their interest and their desire to co-operate. Many of them asked for literature and other references, which were provided.

#### Federal Legislation; Narcotic Farms

The Association was requested to express an opinion on pending Federal legislation, which had as its purpose the establishment of two so-called Narcotic Farms, by Mr. Porter, Representative from Pennsylvania, and Mr. H. D. Brown of the United States Bureau of Efficiency. The purpose of the legislation is to relieve the congestion in the Federal prisons and also provide special treatment for drug addicts. The Association agreed that there was need for legislation to relieve the congestion in the Federal prisons, and also to make for the more intelligent treatment of those known as drug addicts. However,

a careful development of a well rounded program was counseled, it being pointed out that the acquisition of a farm was not the solution. The farm itself, without a very detailed plan of operation, both from the standpoint of medical treatment and employment and general treatment of the addicts, would be of little value. It was further pointed out that there was no well established and definitely known treatment of drug addiction, and this opinion was based on intimate knowledge of the earnest effort to cope with the drug problem in the State of New York, and particularly in the city of New York.

The bill was finally passed by Congress, and has been approved by the President. Authorization has been given to purchase sites, and the bill in a general way provides procedure as to the care and treatment of the inmates. The outcome of this attempt on the part of the Federal government is awaited with interest,

During the year the Association continued **Bureau of Advice and Information** to render valuable service in the matter of analyzing and suggesting legislation, and making known experiments and achievements in one community to those in another who are working for progress. Numerous inquiries have been received, touching upon subjects anywhere from the size of cells and windows to the ever-present question of capital punishment. Those who inquire are anxious to obtain opinion, to be put in touch with authorities, and to learn of reliable literature. These many inquiries give considerable work, but it is very definitely held that this form of service is quite within the scope of the Association's activities, and is highly beneficial. The inquiries come not only from the various States of the Union, but from workers and students in other countries, from legislative committees, and an almost endless number from university students and the teachers and pupils of high schools.

#### Foreign Visitors

The Association continues to be a place of contact for those from various countries who come to this country to study court procedure, and the administration of penal and correctional institutions. Most of these visitors are officially designated by their respective governments, and it is gratifying to the Association to be able to give them helpful information and guidance. In some instances schedules are arranged for their tour of the United States and Canada, and necessary letters of introduction to judges, heads of State departments, superintendents and wardens of institutions are provided. Visitors during the year came from the following countries: Austria, Hungary, Holland, Norway, Germany, South America, Japan and the Philippine Islands.

#### Bureau Activities

The work of the Association, as stated in previous reports, is divided as follows: Educational, supervisory, relief and legislation. The educational activities are discharged through publicity, for the improvement of methods of dealing with the lawbreaker, in

the form of specially prepared newspaper and magazine articles, and the frequent guiding of representatives of the press, who seek reliable information bearing upon the crime problem and the administration of criminal justice; also through public addresses before city, State, and National conferences, clubs, and other gatherings.

The Association again this year has been active in arousing business men to the need for their help in dealing with the many problems relating to crime.

The supervisory activities embody inspection of the penal and correctional institutions of the State, which is possible through legislative authority held by the Association. In this connection inspections have been made of some of the prisons, jails, and reformatories in the State, and particularly of the institutions of the New York City Department of Correction.

The Association continued during the year the policy of singling out particular needs for improvement and working co-operatively with the officials directly responsible, and others, in an effort toward improvement.

The supervisory and relief activities are carried on through the Parole, Relief for Prisoners' Families, and Employment Bureaus. Details of this work are set forth on pages 46, 99, and 103 respectively.

## CHAPTER III

### THE CENTRALIZATION OF THE MAGISTRATES' COURTS OF MANHATTAN\*

#### The Proposal for Centralization is Not New in Principle

The principle of the centralization of cases in the magistrates' courts in Manhattan is in practice at present in the seven special magistrates' courts which serve the entire population of the borough. The other seven magistrates' courts are district courts. The centralized courts are the Traffic Court—two parts, the Men's Night Court, the Homicide Court, the Municipal Term, the Family Court and the Women's Court. In 1927 the special courts tried 176,265 cases, or about 65 per cent of all the magistrates' court cases tried in Manhattan. Twelve of these fourteen courts, located below 59th street, in 1927 tried 89.5 per cent of the total number of cases.

The fourteen courts are located in nine different buildings widely separated, and in connection with them there are maintained court detention cells supervised by court attendants, and various district prisons administered by the Department of Correction. The motor van service of the Department of Correction must transport prisoners between these scattered courts and overnight detention prisons.

#### FEATURES OF THE PROPOSED CENTRALIZATION

It is now suggested that these scattered courts and prisons be concentrated in one building to be erected in some place convenient to all parts of the city, with a view to

- (1) Improving and expediting the service rendered
- (2) Reducing the expense of operation to the city

This building would contain not only all the magistrates' courts in Manhattan and the administrative plant required by them, but also a central detention prison, a central bureau of identification and information, a central probation bureau, central interpreters' bureau, a bail bureau, a central stenographic service, together with offices for the Chief Magistrate.

In such a building and under such centralization of the courts, the procedure would be somewhat as follows:

- (1) The court would function through as many parts as necessary.

\* Extracts from an address by Magistrate Joseph E. Corrigan.

- (2) One or two parts would dispose of overnight cases by trying those of minor importance and assigning the others to the proper parts for trial, and would also take bail bonds.
- (3) One part would try the adjourned felonies and possibly the adjourned misdemeanors, another would function as the Court of Domestic Relations, another as the Homicide Court, another as the Municipal Term, which could probably include the cases started by police summonses instead of by arrest, except the traffic cases to which two parts would be devoted.

#### CENTRAL COURT ELIMINATES MONOPOLY

Under the present system there is at each court a small group of lawyers with their bondsmen and runners who practically control the business of that court. They are able to do this because they have established friendly relations with the personnel of the court, and with the police of the precincts embraced in the court district.

With the central court no lawyer or group of lawyers could monopolize the business of certain precincts, because, except in the special courts, no one could foretell to what part a given case or the cases from a given precinct would go and no lawyers or bondsmen could establish close relations with the entire force.

#### HOURS OF TIME SAVED FOR POLICE

A central court would mean a saving of time for the police force in general, and the detectives in particular. So far as the precinct officers are concerned, those who have adjourned cases to try would get an immediate hearing instead of having to wait an hour or more while the overnight cases are being disposed of. So far as the detectives on the Inspectors' Staffs, and those from Headquarters are concerned, the saving would be even greater.

Court districts and Police Inspection districts do not have common boundary lines so it often happens that one of the Inspector's men has to appear in two courts on the same day. This involves a waste of time in travel. The men operating from Headquarters who have a roving commission are even worse off because of the necessity of appearing in cases in several different courts on the same day with the result that much time is spent in transit. Moreover, as their cases are usually adjourned on the day of arraignment and tried later, they would not be obliged to wait around for an hour or more before their cases are called.

#### THE LINE-UP

There would also be an added saving of time for police officers who attend the line-up at Police Headquarters before conveying

prisoners to the district courts. With the proposed central court one or two patrol wagons would take all the prisoners from the line-up to the court where there would be a prompt arraignment and later a trial in a part devoted exclusively to felonies.

#### TIME SAVED FOR COMPLAINANTS AND WITNESSES

The same reasoning would apply to complainants and witnesses. All witnesses are subpoenaed for 9 o'clock and are obliged to wait until the short cases have been disposed of and frequently for an hour or more, until the officer who has been attending some other court appears. In the proposed plan most of this delay would be avoided.

#### INTERPRETERS AVAILABLE WHEN WANTED

It often happens that the interpreter attached to a court does not speak the language required in a given case, necessitating a postponement until the required interpreter can attend. In a centralized court interpreters would be readily available.

#### BAIL IDENTIFICATION FACILITATED

Those who are compelled to give bail must now, unless they have been taken to Headquarters before arraignment, have their fingerprints taken in the District Court, have a copy of these prints sent to headquarters by a police officer and wait to have bail fixed until his return. In the plan here suggested a central bureau of identification, closely co-ordinated with that of the police, would be maintained in this Central Court House.

#### BETTER BAIL SUPERVISION

An important function of the magistrates' courts is releasing on bail those entitled to be so released.

In the central building suggested there would always be, except for the short time between the closing of the Night Court and the opening of the Day Courts, a judge and clerk available, together with the necessary forms and the District Attorney's list of unfit bondsmen, so that anyone entitled to bail would be released with a minimum of trouble and expense, and certain undesirable practices would be minimized.

#### CONGESTION LESSENED BY BALANCED DISTRIBUTION

Some of the courts are idle at times when others are overworked. Under a plan of distribution of cases in a centralized court this would not prevail. The slack parts would help out the busy ones, as is now done in the Supreme Court.

## ITEMIZED ECONOMIES

The economies of money are as obvious as the economies of time.

- (1) Instead of the upkeep of a number of different buildings and district prisons, each with its separate and generally antiquated power plant, and its separate staff, there would be one modern, adequately planned building, with an up-to-date detention prison, for those awaiting a hearing in the court, instead of scattered prisons as at present. The keepers and matrons now employed in these institutions, some of whom only care for a few prisoners a day, could then be released for general work in other institutions.
- (2) It would save the upkeep and expense of the prison vans now used to convey the prisoners from their place of detention to and from the court.
- (3) Instead of sending a police patrol wagon from each precinct having prisoners, one or two wagons could make the rounds and gather in those arrested during the night.
- (4) Under our present system a copy of each set of finger prints taken must be sent to each court. Under the proposed central court plan this would be unnecessary.
- (5) At present the District Attorney assigns assistants to each court, and has little opportunity to check up on their hours, as they appear as a rule only in the more important cases. In the centralized court so many would not be needed, and those who were there would be more directly in touch with the District Attorney's office.
- (6) No addition to the staff would be needed for many years, even with a substantial increase in the volume of cases.
- (7) The Saturday and Sunday business now transacted in seven courts could be disposed of by one or two parts, thereby releasing on these days part of the court personnel and reducing present operating costs.

## OBJECTIONS TO THE PLAN DISCUSSED\*

## NEIGHBORHOOD COURTS

Objection has been made to the proposal on the ground that it is necessary to continue the district courts as neighborhood courts—first, because the public looks to the local court for redress and protection, and secondly, because in that connection it is possible to render certain social and perhaps educational service in connection with our institutions which might not be possible in a consolidated court.

\*A statement prepared by George Z. Medallie, member of the New York Bar.

Reference to the map of the Borough of Manhattan with respect to the location of district courts fairly establishes that there is *no such thing as a neighborhood court*. Most people attending the district courts are subjected to serious inconvenience and in most instances are compelled to spend exorbitant fares to reach them. It is also the fact that very few people, until informed by some official or by some process, have any idea of the location of these district courts or their availability.

## PETTY CASES

It is claimed that in petty cases the district court performs an important function in the settlement of petty disputes and in virtually educating the public, many of whom are of foreign origin, into a respect for our governmental and judicial processes. In this class are included the cases heard on summonses, usually neighborhood disputes and violations of municipal ordinances, such as the janitor's leaving an ash can uncovered. Experience discloses that very little time is spent on these cases in the district courts, though a large number of summonses are issued. The fact is also that in a very large number of these cases neither party makes any appearance after the summons is issued. Because of the pressure of other business very little attention is given to these summons cases, with the net result, because of the haste and impatience commonly displayed in them, that the parties leave the courthouse with a poor opinion of American justice. It is submitted that in a centralized courthouse, with one or more parts assigned to the hearing of such cases and with the aid of the District Attorney's centralized office for the magistrates' courts, magistrates assigned to this work would no longer regard it as an intrusion upon the regular business of the court and would have the time, opportunity and probably the inclination, to give the cases more generous attention. Agencies of the various philanthropic societies interested in the magistrates' courts could doubtless increase their usefulness by attendance at one courthouse where now their activities are necessarily scattered.

## WOMEN'S COURT AND FAMILY COURT

The centralized magistrates' courthouse is objected to also on the ground that the proposal includes the Women's Court and the Family Court. It has been said that the Family Court ought not to be a part of the magistrates' courts and in fact ought not to be a criminal court at all. We have no quarrel with this position. If that is the view of the Family Court, though it is at present housed in a courthouse with a district magistrates' court, we see no objection to setting it up as a non-criminal tribunal, separate and apart from all of the existing criminal courts. Insofar as the Women's Court is concerned, segregation from the other criminal courts, because of the special problems involved in the class of offenders concerned is undoubtedly desirable. It seems

to be generally believed that the detention prison for women should in no way be connected with the detention prison for men, but that both the Women's Court and the women's detention prison should be housed together in accordance with the plans now filed for the erection of such a building on the site of the present Jefferson Market Courthouse and Prison. We see no objection to this. The carrying out of this plan need in no way interfere with the separate housing of all of the other functions of the magistrates' courts as outlined above.

#### HOW TO FINANCE THE PROPOSAL

If an objection to the proposal is its initial cost, this objection can be met by the argument that the sale of the present city owned property now occupied as magistrates' courts and detention prisons would contribute substantially toward the cost.

## CHAPTER IV

### COUNSEL AND DEFENDANTS

#### THE DEFENSE OF NEEDY DEFENDANTS

A needy defendant who appears for arraignment without counsel in this State must be asked if he desires the aid of counsel. If he replies in the affirmative the court must assign counsel. (Code of Criminal Procedure—Section 308.) However, the law does not provide payment for assigned attorneys except in a case in which the offense charged in the indictment is punishable by death.

It has been observed by the Prison Association that this legal requirement for public defenders attracts many lawyers, of a certain type, to the courts for the purpose of being assigned to the defense of defendants whose financial condition does not permit them to secure counsel of their own choosing. Investigations have disclosed that the usual procedure of many of these public defenders, following the assignment of cases to them, is to interview the defendants more for the purpose of ascertaining the possibility of securing fees from them, or their friends, than for the purpose of obtaining information which will assist in the defense of their clients. These attorneys then proceed to get in touch with relatives or friends of the defendants and by making promises, some impossible of fulfillment, to secure the release of the prisoners, or by painting untrue pictures of long prison sentences which these prisoners may face unless fees are given, they endeavor to secure money from these poor people.

If the fees are not secured, and often if they are secured, these attorneys do not properly prepare and present the defense of the defendants. Not long ago the case of two defendants, in which the Prison Association was interested, was tried in the Court of General Sessions by an attorney who is very often assigned to cases by that Court. When this attorney was interviewed and asked for his opinion as to the outcome of this case he gave assurance that the case of the complainant against the defendants was weak and without doubt they would be acquitted. The attorney made no effort to interview the relatives, and others, who might give assistance or testimony for the defense of the clients. The case was tried and the defendants convicted. When they appeared for sentence, the attorney was not present and the Court was required to request an attorney, who knew nothing about the case, to formally represent the men in order that certain legal requirements might be fulfilled. After hastily conferring with them, causing a delay in the proceedings, he made a formal motion that

the verdict be set aside. This motion, of course, was denied and the defendants were given mandatory sentences of forty years in State prison.

Later when an investigator called at the office of the attorney he was told that the attorney was very seldom at this office, and when a request was made to secure information from the files about the case it was stated that the attorney had no files of this case, nor of any cases, in the office and that any information which he secured about his cases he carried with him in a loose-leaf pocket note book. For a six months' period this attorney had been assigned more than fifteen per cent of all the cases assigned to individual attorneys in the Court of General Sessions.

The passage of recent laws increasing the sentences for many felonies, and depriving judges of discretion in the imposition of certain sentences, has increased the responsibilities of attorneys who accept the cases of these defendants. These cases should be prepared thoroughly as to facts as well as to law. Many of the attorneys who are assigned as public defenders are inexperienced in the practice of law and most of them have no staff of investigators to assist in the proper preparation of the defense of these cases.

At times when these attorneys fail to secure fees and find that the cases cannot be easily disposed of by securing pleas of guilty before the Court, they readily consent to sign a release as attorney of record in the case, and permit the defense at a jury trial to be taken in charge by the attorneys of the Voluntary Defenders Committee, a branch of the Legal Aid Society, organized in 1917 to help solve the problem of defense of needy defendants in the Court of General Sessions.

An analysis of the cases assigned during a certain period shows that many of them are disposed of by the acceptance of a plea of guilty to a lesser degree of crime than that charged in the indictment, or by dismissal because of insufficient evidence. In fact only about fourteen per cent of the cases were actually brought to trial before a jury. The record also indicates that during a period of four months twelve per cent of the cases assigned to individual attorneys by the Court of General Sessions were released by these attorneys, and the trial of the cases was conducted by attorneys of the Voluntary Defenders Committee. Therefore, from this comparison it is observed that the assigned attorneys do not often actually defend their clients in a jury trial.

The procedure of an attorney appointed by the court in a certain case was to interview the defendant and tell him that he would take his case for \$250. It should be noted that this was after he had been assigned by the court. Upon learning that the defendant had parents in a nearby city, the attorney proceeded to interview the father and make a request from him for the \$250 fee. As the father was unable to pay the fee, and the attorney could not secure it otherwise, he signified his willingness to be removed as attorney of record in the case. Another attorney, who over a period of time was assigned about fourteen per cent of all the cases assigned to

individual attorneys in the Court of General Sessions, during his first interview with one of these clients told him that he did not work for love. When he was asked how much he desired as a fee he said \$200. The man told him that he was a poor man with a family of eight children and had no money but that he would take the matter up with a friend. This friend secured another attorney who consented to take the case on the promise that a fee would be paid following the man's release. In this case the attorney assigned by the court certainly used the Court as a "runner," and as he failed to make a deal he willingly withdrew from the case.

A recent case which came to the attention of the Prison Association was reported to a judge of the Court of General Sessions. This case is not given with the belief that the efforts of the attorney assigned by the court to secure a fee is particularly outstanding. It is just a typical case. The Prison Association's complaint was as follows:

Complaints have come to us from time to time against some attorneys appointed by the courts to defend prisoners who, because of their financial condition, are unable to employ attorneys for their defense. In general, the charges are that some of these attorneys use more time and energy in attempting to secure fees from these defendants than they expend in defending them, and if they fail to secure fees they do not give their best efforts to their clients who are dependent upon them for a proper defense. A recent case is that of a boy, . . . . . whose case has come before the Court of General Sessions. He was arrested on July 26, 1928; indicted for grand larceny, and was assigned . . . . . as his attorney by Judge . . . . . The boy's story, which is without substantiation by witnesses, is as follows:

During the first visit of this attorney he questioned the boy about a fee and was told that he had no money, and that his relatives live in a foreign country. On a later date he showed the boy a copy of a letter which he had written to the boy's aunt in . . . . . stating that unless she could send \$50 immediately the boy might be committed to prison for a term of twenty years. When the boy asked him why he requested so much money, about \$250, he replied that this amount was necessary for his services, for a payment to the arresting officer, and to make restitution to the complainant.

On August 20th, when the boy was in the court pen with . . . . . the co-defendant in this action, the man suggested that if he would take the responsibility for the guilt as charged in the indictment, that he, co-defendant . . . . . would pay him a sum of money. Attorney . . . . . upon being informed of this conversation replied that if co-defendant . . . . . would pay six hundred dollars that he would accept one hundred dollars as his fee, and deposit five hundred dollars to the boy's account in a certain bank. Two days later Attorney . . . . . advised against this action saying that



the attorney for the co-defendant was a "rat," and that the suggested plan could not be continued.

When the boy and co-defendant ..... were in the court pen on August 24th, ..... attorney for co-defendant ..... told the boy that it could be arranged that a plea of petit larceny would be accepted from him. The boy consented to take this plea, but later when Attorney ..... appeared he objected to the suggested plea being taken by the boy at that time, saying that he had not received his fee. Co-defendant ..... then asked Attorney ..... if he would permit the boy to accept the plea if he, co-defendant ..... promised to pay him one hundred dollars on a certain date. After some discussion Attorney ..... accepted the offer.

The court records show that the boy pleaded guilty to petit larceny, and that co-defendant ..... pleaded not guilty, and that on the motion of District Attorney ..... he was dismissed by the court on his own recognizance.

It is not our purpose to enter into a discussion of the guilt of either the boy or co-defendant. The report of the Probation Department of the Court undoubtedly will attend to that side of the case. But if the boy's statements about the attitude of Attorney ..... toward the case are true, in whole or in part, his methods would appear to be on a par with those of "ambulance chasers" and bail bond runners about which there recently has been some investigation by the courts, the department of correction, and other organizations, and much publicity by certain newspapers.

If, after consideration of these statements, you believe that Attorney ..... has abused his privilege of attorney in this case, we feel sure you will take some action to prevent further exploitation of these defendants by this attorney.

Upon the order of the court an official investigation was made of the methods employed by the attorney. The statements of our complaint were substantiated not only by the admission of the attorney but also by some responsible witnesses. It was disclosed that the conduct of the attorney had been questionable and he was cautioned in open court about the manner in which he had practiced as assigned counsel.

It would seem that the remedy for the abuses which are now practiced by many of these assigned attorneys is to have the defense of most of these needy defendants assigned to the Voluntary Defenders Committee of the Legal Aid Society, or some similar group, which has a social viewpoint and no financial interest in the cases.

## ADMISSION OF ATTORNEYS TO VISIT CLIENTS HELD IN PRISON

One of the purposes of the Prison Association is the protection from exploitation of prisoners awaiting trial. Complaints have come to us from time to time of exorbitant fees which have been paid to attorneys by poor people for their own defense or for the defense of their relatives or friends. An investigation showed that there was a lack of uniformity in the practice of admitting attorneys to visit clients held in the detention prisons of the Department of Correction. It was evident that the admission of attorneys to visit prisoners in certain prisons before they had been certified as attorneys of record by the courts gave opportunity for the exploitation of inexperienced prisoners still unnerved by their recent arrest. With a view to the improvement of the method of admitting attorneys to visit clients in the prisons a report of our investigation was made to the Commissioner of the Department of Correction. It included a complaint from a prisoner. The report was as follows:

An investigation which we have made indicates a lack of uniformity in the practice of admitting attorneys to visit clients held in the detention prisons of the Department of Correction.

In Manhattan an attorney who shows proof that he has been retained may file a notice of appearance in the case in the clerk's office of the court. He receives therefrom a certification of attorney in the case which is recognized by the prison officials as his permit to see his client in the prison. In the Court of General Sessions, an attorney may be changed only by the sanction of the Court. In Brooklyn, an attorney may see a prisoner held in the Brooklyn City Prison by filing a notice of appearance in duplicate at the prison. The duplicate is sent to the District Attorney's office. A second attorney may see a prisoner in this prison upon certification by the prisoner that he wishes another attorney in addition to the attorney already in the case. An attorney may see a prisoner held in the Queens City Prison upon his filing notice of appearance in the case at the prison, and if he is retained he also files notice of appearance at the Queens County Court.

A case has recently come to our attention of a prisoner held in the Brooklyn City Prison. This man, ———, was arrested on July 16, 1928, on a charge of having a revolver in the rear of his barber shop. His statement is as follows:

"I was approached in the prison on July 17th by Attorney ——— who promised to effect my immediate release upon the payment of a sum of money. I had \$340 in savings banks and gave Attorney ——— three checks of \$100 each, and the keys to my shop which permitted him to secure the bank

books therefrom so that the checks might be cashed. My release was not secured by the attorney in the \_\_\_\_\_ Police Court on July 23rd, in accordance with the attorney's promise, and I became angry and wrote Attorney \_\_\_\_\_ a sharp letter accusing him of not conducting the case in accordance with the agreement and stated that I no longer desired him to continue as my counsel. I appeared in the \_\_\_\_\_ Court on August 2nd, without counsel and upon being questioned by the judge explained my case to some extent."

Following an investigation by the court, Attorney \_\_\_\_\_ is still continuing in the case but not to the satisfaction of \_\_\_\_\_ who feels that he is not giving his best efforts in his behalf. The man stated that *he did not know the lawyer, nor did he know who sent him, but as he was admitted to the prison to see him, he believed that he must be reliable.*

It would appear that the practice of admitting attorneys to interview prisoners in the Brooklyn and Queens City Prisons before they have been properly certified by the court would lead to the exploitation of some inexperienced prisoners by unscrupulous lawyers. It is certainly true that all attorneys who interview prisoners in the Queens City Prison do not file notices of appearance in the court.

We believe that after consideration of these facts you will adopt, as uniform practice throughout the detention prisons of the Department of Correction, a method of admission to attorneys which will adequately protect prisoners from unscrupulous exploitation.

Following a further investigation of this condition by the Department of Correction, the subject was handled in a straightforward, courageous manner by the Commissioner, Richard C. Patterson, Jr., and the general order, which follows, was added to the "Book of Rules, Regulations and Procedure" of the Department. If this order is adhered to strictly in practice, a very wide improvement will result.

#### To Heads of Institutions:

The book of Rules, Regulations and Procedure of the Department is hereby amended as follows:

Page 33, under Paragraph 9, a sub-paragraph to read: "Lawyers shall not be permitted to interview prisoners until they have filed a notice of appearance issued by the Clerk of the Court as evidence that they are attorney of record in the case. In addition to filing the notice of appearance lawyers will be required to sign a lawyer's book which will state the time of the visit and the prisoner's name."

## CHAPTER V

### DEPARTMENT OF CORRECTION—NEW YORK CITY

RICHARD C. PATTERSON, JR., COMMISSIONER

The Department has jurisdiction over two groups of prisons in the Greater City. The first group includes the Tombs City Prison, the Seventh District Prison and the Jefferson Market Prison for Women in Manhattan, the Brooklyn City Prison and the Queens City Prison, in which prisoners awaiting trial are held for overnight detention, and eight small prisons adjacent to courts in which prisoners awaiting call before the court are held. The other group receives certain prisoners who are sentenced from the Greater City. These prisons are New York County Penitentiary and Workhouse, and Correction Hospital on Welfare Island, Municipal Farms, Riker's Island, Reformatory Prison, Hart's Island, New York City Reformatory, New Hampton, Orange County, and the Women's Farm Colony at Greycourt, Orange County, N. Y. (For a description of these prisons see reports of the Prison Association—1927 and other years.)

#### ADMINISTRATION

Each of these prisons is directly under the supervision of a warden or superintendent and a staff of keepers and matrons who are supposed to be appointed from civil service lists. Because of the fact that the salary provided is inadequate for the responsibility of the position, and to provide a living for the keepers and their families, it has been difficult for the Department of Civil Service to supply qualified men to the Department. This has necessitated the appointment of some forty temporary keepers. These temporary keepers are interested in the job merely to fill in the time until they can secure other work. It is bad for the morale of the prison, if not at times hazardous, to permit so many temporary keepers to have access to and supervision over prisoners. It is regrettable that the salaries of these prison keepers and matrons are not on a basis of a definite increase to a maximum after a stated number of years, as are those of patrolmen and firemen of the city, and guards in State prisons of this State.

#### EMPLOYMENT

A great need of sentenced prisoners is to have definite employment during their period of imprisonment. Productive industry is a definite aid in the development of habits of labor which might be continued after release. Inmates sentenced to the New York County Penitentiary are provided with no employment except that

which is necessary for the maintenance of the buildings and the surrounding grounds. Many of the 1,600 prisoners at that institution are placed in the miscellaneous group, which means that they are kept in their cells except at stated times when they are permitted to exercise in the prison corridors or in an enclosed yard. The Prison Association and other interested groups have long advocated the removal of this institution to Riker's Island.

Some five hundred prisoners are housed in barracks on Riker's Island, where, in addition to institutional maintenance work, they are employed at farming, pig raising, the unloading of sews of refuse, and of earth and rock from subway excavations which is used in the development of the Island and the building of sea walls.

Hart's Island houses some eight hundred and fifty prisoners. About two hundred of them are engaged in the shops in the manufacture of clothing, shoes, beds, brooms, benches and other articles used in the institutions of the Department of Correction and other city departments. A printing shop provides for the needs of the Department of Correction. Other prisoners are employed in the upkeep of the Island and the prison buildings, farm work and gardening, and in the digging of graves in the city cemetery on the Island.

The best market for the products of the New York State Prison industries is the departments of New York City. However, the industries of the New York City Department of Correction are not able to take advantage of this large market with the result that hundreds of its prisoners are idle and to satisfy the needs of the New York City departments the city must purchase from the State Prison industries. The added cost to the taxpayer is obvious.

The inmates of the City Reformatory are employed at farm work and maintenance work of the institution. Certain groups are assigned to the plumbing, electrical, tailoring, carpenter and painting shops, in which they receive instructions in these trades and perform the necessary repair work of the institution. Some are assigned to the bakery, laundry, canning factory, roadwork and housework. During the summer many inmates work on the farm and a few are constantly employed at the dairy barn.

This institution receives only first offender misdemeanants between the ages of sixteen and thirty. Prisoners of this type should be given the most expert kind of reformatory treatment. Modern methods of psychology and psychiatry should be used to classify them, and industrial shops and a school of letters should provide for their training and education. At the present time it would seem that behavior while at the institution, instead of a change of attitude and industrial and educational accomplishment, is used by the New York City Parole Commission in determining the date of discharge.

The women prisoners sentenced to Correction Hospital or transferred to the Women's Farm Colony are generally employed at housework. A few are taught sewing and knitting and at Grey-

court, in the summer, a small group of women take care of the garden.

It is apparent that the employment of these sentenced prisoners is a problem yet to be solved. Doubtless the fulfillment of the suggested program for the construction of an industrial penitentiary with a classification unit at Riker's Island will be a great step forward.

#### MEDICAL SERVICE

The Penitentiary and Correction Hospital have well-equipped hospitals with operating rooms and a medical staff. The other institutions have the services of a resident or visiting physician. Cases of serious illness or those requiring surgical attention are transferred to a nearby hospital or the hospitals of the institutions on Welfare Island. Drug addicts are given the reduction treatment at Correction Hospital. After several months of experimentation at Bellevue Hospital in the use of narcosis as a cure for drug addiction, a committee of experts which was appointed at the request of the Commissioner of Correction rendered an adverse report. The use of that preparation has been discontinued in the Department.

Prisoners who have tuberculosis are housed in a large one story dormitory building at Hart's Island. This building was designed as a storage house and is not suitable for a hospital. It is not possible to segregate patients who are in the advanced stages of the disease, or even the dying, from those who are recovering. A better place should be provided for these patients.

#### RELIGIOUS SERVICES

Religious services are provided weekly for inmates of Catholic, Protestant and Jewish faiths by chaplains or by clergymen from nearby churches.

#### RECREATION

Very little recreation is supplied for the inmates of these institutions. Baseball games are organized at Riker's Island and the New York City Reformatory and there are inmate bands at Hart's Island and the New York City Reformatory which give occasional concerts. Most of the penal institutions have libraries from which books and magazines can be secured by the prisoners.

#### DIVISION OF AUTHORITY

For a number of years the Prison Association has urged that the authority of the Department of Correction should be extended to include the detention prisons in Bronx and Richmond counties. This Department also should have jurisdiction over the transfer of prisoners from the Tombs City Prison to the Court of General Sessions, and of all prisoners sentenced in New York County for felonies to the penal institutions of the Department. This transfer service is at present done by sheriff's deputies. Warnings have

been given from time to time of the danger which might arise from the handling of desperate prisoners by untrained and inexperienced deputies and guards. The shooting affairs in the Bronx County Jail in which two guards and a prisoner were killed, and in the corridor of the Court of General Sessions in which a court attendant was wounded and a prisoner killed, is positive proof of the need of a better system of supervision of these prisoners. The supplementary systems of transfer and transportation, operated by the sheriff in New York County to that of the Department of Correction, makes for wastefulness and inefficiency.

#### PROGRESS

The fact that the penal institutions of the Department are antiquated or structurally incomplete makes it difficult to employ modern reformatory methods in the treatment of prisoners. However, Commissioner Patterson and his associates have attempted to make the best possible use of the equipment at their disposal. Preliminary architectural plans for the construction of a new penitentiary on Riker's Island have been given much thought and attention. (See page 5.) Sea walls are being constructed on the north side of that Island and the north basin is at present being filled in with earth and rock from subway excavations. The test borings into the soil foundations for the proposed new penitentiary buildings have been completed and it is reported that no unusual foundation problems have been found. A new ferry slip has been constructed which will permit direct deliveries between the Island and the City.

New construction work and repair work is also in progress at Reformatory Prison on Hart's Island. Building number four which a few years ago was destroyed by fire is in the process of reconstruction. As soon as it is completed it will be occupied by the old men who are now housed in wooden shacks. The outside walls of the hospital buildings have been pointed and painted. It is planned to remove the showers and the visiting rooms from the administration building in order to provide more dormitory space. A sea wall 500 feet long and a new ferry slip have been built, and a certain amount of cement sidewalks and streets have been constructed.

A temporary mess hall and kitchen has been constructed at New Hampton Farms to replace the mess hall and kitchen, a wooden building, which was destroyed by fire on March 2, 1928. Former reports of the Prison Association noted that that structure was unsafe and unsatisfactory. It is regrettable that no marked progress has been made toward the construction of a proposed dormitory, nor toward the completion of the institution as originally planned.

Needed repairs have been made in some of the detention prisons.

Some marked improvements have been made at the Tombs. Warden Robert Barr has shown himself to be alert and efficient in the discharge of his heavy responsibilities. The first floor has

been repainted throughout and new office furniture has been installed. A composition floor has been laid in the kitchen. New plumbing has been installed throughout the Fifty-seventh Street Jail.

At present architectural plans are being prepared for the construction of a house of detention and hospital for women on the present site of the Jefferson Market Prison for Women. (See page 61.)

Without doubt the greatest immediate progress that has been made in the Department is the organization of a school for prison keepers in conjunction with the training school of the Police Department. All of the new keepers, and many keepers who have been on the prison staff for several years, have been required to take this training. The course, in addition to teaching ways and means for protection from physical attack, includes talks on the handling and searching of prisoners and lectures by penologists and wardens.

#### NEEDS

The primary needs of the Department are:

- (1) Better physical equipment which will provide for proper segregation and do away with the necessary overcrowding which is now the practice in nearly all the prisons for male prisoners.
- (2) Classification units in charge of experienced psychiatrists, psychologists and physicians, who will examine and classify all prisoners sentenced to New York City Reformatory, New York County Penitentiary and Workhouse, and Correction Hospital.
- (3) Productive employment and industrial training which will awaken in the prisoners the ambition to develop habits of thrift and labor, and qualify them to earn a living upon discharge.

These needs can be largely met for the penal institutions by the construction of the proposed penitentiary on Riker's Island, the building of additional dormitories and an industrial and school building at New York City Reformatory, the construction of the proposed house of detention and hospital for women on the Jefferson Market site, and the completion of the Women's Farm Colony at Greystone.

As the proposal for the centralization of the magistrates' courts in Manhattan includes the construction of a central detention prison, the carrying out of this proposal would relieve the bad condition of overcrowding and lack of segregation now existing in the Tombs City Prison, and the Seventh District Prison in Manhattan. It would make possible the closing of approximately all of the smaller detention prisons and abolish the present dangerous practice of transporting desperate prisoners to and from the magistrates' courts in prison vans. Also it would reduce

materially the expense of the Department by releasing several keepers and matrons for service elsewhere. (See page 84.)

The figures from the Brooklyn City Prison indicate that the average daily census of that institution has increased more than twelve per cent in 1928 over 1927. It is evident that the normal increase in the population of that borough will soon make demands for more prison space. With a view to providing for this need the relation of this prison to the courts of Kings County should be studied, and any plan which is considered for a new prison should also take into consideration its relation to the courts, and the relation of the courts to each other.

## CHAPTER VI

### EMPLOYMENT AND RELIEF BUREAU

The chief concern of prison administrators might well be to give practical instruction in some trade to prisoners during the time of their imprisonment. Productive industry is an indispensable instrumentality for the reformation of the convict. Without this aid it is impossible to awaken in the prisoner the ambition to develop habits of thrift and labor, to qualify the convict to earn an honest living after his discharge, or to create within him either the desire or the capacity to abandon his life of crime. To discharge a prisoner while he remains unchanged in character and purpose, and unable to support himself by gainful labor, is to release upon society one who may again become a menace.

However, the industrial and educational program of the prisons of our State, and other States, does not consider to any great extent the development of the men in prison. Many of these prisoners, especially those who have served a long term, find themselves bewildered upon their release when they must engage in employment following a long period of idleness or of work which has given them little training that will be of benefit to them in civilian life.

The Prison Association through its Employment Bureau aims to give advice and direction to released prisoners which will enable them to secure employment and become readjusted to civilian life. It is well known that a prison record often is a handicap to a person seeking employment. Many firms, especially large corporations, exclude ex-prisoners from employment. Some are excluded because they cannot secure bonds or an automobile license. For these reasons many ex-prisoners are forced to accept work that requires longer hours at a lower scale of wages than they were accustomed to before their imprisonment.

Released prisoners are advised to accept any position available with the hope that they will receive promotion as they prove their sincerity and ability. It is regarded as most important that a released prisoner should be employed as soon as possible, as nothing will encourage him more toward right living than the knowledge that he is self supporting. This fact is recognized by many Boards of Parole which do not release prisoners on parole until offers of employment officially investigated have been received.

In conjunction with our Employment Bureau is operated a Bureau of Relief for Released Prisoners. The law of this State requires that prisoners discharged from State prisons shall be given transportation, clothing and ten dollars in money, but no provision is made by law for those discharged from penitentiaries, workhouses and county jails.

A report of the New York County Penitentiary and Workhouse shows that during the year 1927 inmates were discharged as follows:

Workhouse .....	6589
Penitentiary .....	1875
	8464

Through the courtesy of the Board of Trustees of the Inmates' Commissary Fund, all needy penitentiary inmates are supplied with clothing upon their discharge. Destitute prisoners, that is prisoners who have no money on deposit at the prison, are given twenty-five cents as carfare upon release. It is indicated that about forty per cent of the total number discharged are without funds and a reasonable conclusion is that most of these men are without friends and that they are in need of being held over until they can earn for themselves.

Many of the men released from workhouses and county jails are short term prisoners who have been in and out of prison several times. The practice of sentencing persons repeatedly for from ten to thirty days for vagrancy, panhandling and disorderly conduct is wasteful and farcical. They are released no better—more often worse than before their arrest. They soon fall again and are returned for another short term. Such cases should be held in penal farm colonies where they could be treated, strengthened, and compelled to labor and eventually be released with improvement.

By special arrangement needy cases from the New York County Penitentiary are referred to our Relief Bureau by the New York City Parole Commission. Ex-prisoners in need of help often are referred to us by welfare agencies, or by interested individuals. Also many applicants come of their own accord.

The experience of our Employment Secretary, Mr. Joseph E. Dayton, and his knowledge of the prison administrators, or the physical structure of the prisons of the State and nation, enable him to distinguish actual ex-prisoners from others who may be semi-professional seekers after aid. The budget of the Prison Association provides liberally for meals, lodging, clothing and other things which are needed by released prisoners until such time as they can become self-supporting.

The following letters are illustrative of the appreciation which has been expressed by some men who have received aid and advice through this department:

D. J. was released from State Prison following the completion of a term of five years on a charge of burglary, as a third offender. He was without funds and without the prospect of a job. Both financial assistance and clothing were given to him and after he was located in a suitable position the following letter was received:

Mr. DAYTON:

It was very kind of you to help me as you have that I might get a new start in life. I am not able to think of words suitable to express my feeling, gratitude and appreciation for your kindness. It is just your acts of kindness to me that make me seem determined to do right.

Thanking you with all my heart, I am,

Yours respectfully,

D. J.

D. C. came to us following the completion of a Workhouse sentence and was given temporary assistance. He wrote as follows:

My DEAR SIR:

Kindly accept my thanks and appreciation for the gentlemanly reception, and funds with which you helped me over the week-end. If all the welfare and charitable organizations would place such men at the heads of their bureaus, there would be more fairness in dealing with the poor and depressed of our community.

Sincerely yours,

D. C.

An important work which the Prison Association has done since it was organized eighty-four years ago is that of visiting prisoners in the Tombs City Prison. By means of a large card which is posted on the bulletin board of each of the tiers of that prison, advice is given to the prisoners. They are told that if they are without friends they should not confide in fellow prisoners but should tell their story to the agent of this Association who will advise them as to all their rights without charge. Scores of prisoners upon reading the card write to us annually requesting advice and assistance. Our agent assists them with advice about their cases, makes contacts with their relatives in distant cities, or with their former employers, and does many other important services for them. A few of the requests which are received from these prisoners follow:

DEAR SIR.—I am writing for advice. I have been arrested for riding in a stolen car and have no means of securing a lawyer. Please give me a helping hand.

S. J.

DEAR SIR.—As I am alone and have no friends, will you please come or send some one to see me? Thanking you many times, I am

Very truly yours,

W. E. P.

DEAR SIR.—I beg to have an interview with you concerning my case. I am awaiting extradition to Toronto, Canada, on a frame-up charge. I hope you can give me an interview as soon as possible because I want to act right away on the matter.

D. G.

DEAR SIR.—I am the father of four children and am the only one in the family who can work for my dear mother and sick wife. I have been locked up since Monday for violating traffic laws. The officer treated me like a dog and a criminal. Will you please advise me about how I can arrange for \$500 bail.

M. W.

## STATISTICS FOR THE EMPLOYMENT BUREAU

January 1, 1928, to December 31, 1928

Men interviewed .....	3,184
Men who applied for employment .....	1,228
Men placed in employment .....	946
Meals provided .....	3,569
Lodgings provided .....	1,045
Men receiving clothing .....	585

## CHAPTER VII

## RELIEF BUREAU FOR PRISONERS' FAMILIES

The effects of a criminal act are far reaching. Not only are those against whom the crime was directed affected, but the people of the community, the offender himself, and usually his family.

The Association regards as a crime preventive activity the providing for and guiding of mothers, wives and children of men in prison. Eliminating entirely the person who commits the crime, the cold fact is that included very often among the innocent sufferers is the family of the lawbreaker, that needs to be dealt with if society is not to be further harmed and burdened. The man who is robbed of \$100 can usually stand that loss, and is satisfied when he sees the person who robbed him sentenced to prison. But the family of the man in prison is usually left in a helpless condition. Unless these families are given help and guidance they are apt to fall into crime or become public charges. The man in prison is unable to aid them. If he is made to work the compensation which he gets from the State—the prevailing rate being one and one-half cents a day—does not enable him to discharge the responsibility of providing for his wife and children.

This phase of the cost of crime is not presented because of its sentimental aspects, but as a statement of cold facts.

Mrs. A., for example, is the mother of three children. Her husband, a chauffeur, worked steadily, and earned \$35 a week, but it took all of that to provide for the family. One day he listened quite foolishly to a plan for the theft of some cloth. The result was that he and three others were apprehended and sent to prison, and his wife was left without means to provide the necessities of life (food, lodging and clothing) for herself and her children. The man, of course, saw too late the folly of his act. As a good father it was a crushing experience for him to have not only the disgrace of imprisonment, but to realize the difficult situation in which he had placed his wife and children. The wife was stunned by the unexpected happening and the darkness of the future. It is just at this point that the Association very often is able to help. The family was assured for a reasonable period of the payment of rent and of money for food. Employment was found for Mrs. A. and arrangements were made with a nursery to take care of her two youngest children. The third child was enabled to continue in school and arrangements were made with the director of a community centre in the neighborhood to watch over him until his mother returned from work.

If it were not for the encouragement and advice given to this mother, and the contacts made in the interests of her and her children, it is not difficult to imagine how they might have come to evil.

The above case is not an exception, but one of frequent occurrence. There are others where the mother is in such physical condition that she cannot work. Such cases, of course, present a more difficult problem and require not only the best efforts of the Association, but the cooperation of other organizations and agencies. The Association does not attempt in its relief work for prisoners' families to make it easier for the man in prison, or to treat the families of prisoners as unfortunate and injured persons, but does aim to help these families help themselves, in the direction of right living and self-support, and concentrates particularly on the children of the families, all in the interests of crime prevention and the protection of society.

The material needs of these families vary. In some instances only the payment of rent is required, in others the obtaining of employment for the mother, and in others the providing of food, clothing and medical attention.

Often it is required that our relief secretary, Miss Stella E. Packard, give only wise counsel to the family, resulting in a readjustment of their mode of living. When it is found that young boys are running the streets after school, or not attending school, effort is made to bring them back into the school, and to provide for their free time recreation periods. To this end community centres, neighborhood clubs, the churches, and other agencies, are brought in touch with these children. The Association aims not only to give relief when it is necessary, but to improve the family so far as is possible. Such activity embraces crime prevention effort and community protection.

The files of the Association contain many letters from the families of prisoners, expressing appreciation for the help given them, and also letters from the men in prison.

The following statistics are for the calendar year, 1928:

Total number of families cared for in 1928.....	257
Families under care January 1st, 1928.....	133
New cases received during 1928.....	93
Old cases reopened in 1928.....	31
	257
Cases closed during 1928.....	125
Cases under care December 31st, 1928.....	132

As has been the custom for many years the Association provided Thanksgiving and Christmas dinners for the families of men in prison. Thanksgiving dinners were provided for 110 families, representing 356 persons. Christmas dinners were provided for 114 families, representing 368 persons, and in addition, through the kindness of friends of the Association, who, for the past several years, have sent donations of money or toys, a Christmas tree was set up in the office and around it were grouped dolls, roller skates, trains, balls and other toys, which, on Christmas Eve, were distributed to the children.

Through the cooperation of organizations maintaining summer camps for boys and girls, arrangements were made to send 152 children of families in the Association's care to these camps.

## CHAPTER VIII

### LEGISLATION IN 1928

As in previous years, the Association functioned through its Law Committee and a representative in Albany. While the Association does not condone crime, or want to make it easier for the offender, it, nevertheless, during the session used its best efforts to defeat legislation which it held as being wholly reactionary, and which would serve only to appease public alarm on the crime situation. In opposing such legislation the Association kept clearly before it the attitude of the public mind and legislative action in similar periods. The continued policy of the Association, therefore, has been to adhere to sound principles and to fight for the retention of methods and systems that time has shown to be reasonable and effective. Bills of sufficient importance, requiring active support or active opposition, were so dealt with through the representative of the Association, either with individual members of the Legislature or at the time of committee meetings.

The yearly appearance of the Association in Albany on legislative matters has developed an earnest recognition of its views and recommendations, with the result that frequently the Association is asked for advice prior to the introduction of bills, or while bills are before the Legislature, by members of the Legislature.

The Association, through its Law Committee, considers all bills within the Association's scope, and communicates its opinions to members of the Legislature, either by direct representation or through correspondence. Further, in important bills, the Association acquaints organizations and individuals directly or indirectly interested in the treatment of the crime problem, and urges their co-operation in opposition to, or in support of, legislation.

The following is a statement of the more important bills which held the Association's interest during the 1928 session:

#### BILLS APPROVED BY THE ASSOCIATION

##### Assembly Int. No. 178, Pr. No. 2000.

Amends section 408, State Departments Law, by establishing in Department of Correction a division of parole. Passed by Legislature. Signed by Governor. Chapter 490, Laws of 1928.

This bill embodies to some extent the idea of a full time service parole board, which has been urged by the Prison Association since 1916. However, the makeup of the board, as provided for in this bill, differs from that urged by the Association in that two of the members are already in the employ of the State Department of Correction, one the warden of the prison in which the candidate for release is held, and



the other the Commissioner of Correction, whereas the Prison Association has always urged a board to consist of three full time members who would not hold any other position in the Department of Correction. The bill, as finally passed, that is Assembly Pr. No. 2000, and which now constitutes chapter 490 of the Laws of 1928, continues the warden of the prison as a member of the parole board, and instead of having a director of parole a member, it provides that the Commissioner of Correction shall be a member, and further provides that instead of an expert penologist, as required in the original draft of the bill, the third and full time member of the board be the Second Assistant Commissioner of Correction. In other words, the present arrangement carries out the idea of full time service on a one-third basis, since the bill is only one full time member provided, and since the other two members, one the Commissioner of Correction, and the other the warden of the prison, have many duties and responsibilities in addition to parole.

**Assembly Int. No. 179, Senate Pr. No. 1469.**

Repeals article 8 of the Prison Law, and adds new article 8, defining powers of Parole Board, general basis on which parole shall be allowed, and giving board access to prison records, and making other changes. Passed by Legislature. Signed by Governor. Chapter 485, Laws of 1928.

**Assembly Int. No. 180, Pr. No. 1408.**

Amends sections 405, 409, State Departments Law, repeals article 3, State Boards and Commissions Law, by establishing a division of probation in Department of Correction, headed by director, Probation Commission being continued with addition of Correction Commissioner and Probation Director. Passed by Legislature. Signed by Governor. Chapter 313, Laws of 1928.

This bill aims to strengthen, and otherwise improve, through a form of State supervision, the administration of probation work in this State.

**Assembly Int. No. 181, Senate Pr. No. 1450.**

Adds new sections 927 to 939 and repeals section 11-a, Criminal Code, and authorizes courts of criminal jurisdiction, as well as children's courts, to appoint probation officers and relative to subject of probation generally. Passed by Legislature. Signed by Governor. Chapter 460, Laws of 1928.

The bill in its original form was disapproved by the Association, and very strongly by the judges of the Court of General Sessions, on the grounds that it would interfere with the rule-making power of the judges of that court, and interfere with the administrative activities of its well established probation bureau. Amendments were offered and adopted, which removed the objection to the rule-making powers, and in the consideration of the amendments the Association made it a special point to have retained the part of the bill which would allow for the physical, mental and psychiatric examination of those in the custody of the court. In its final form the bill was approved by the Association.

**Assembly Int. No. 182, Senate Pr. No. 1836.**

Amends section 2188, Penal Law, relative to sentence and probation. Passed by Legislature. Signed by Governor. Chapter 841, Laws of 1928. The bill was characterized by the Association as an unfortunate mixture of good and bad features. It tends to some extent to the suspension of sentences and probation, but in view of certain abuses which prompted the drafting of the bill, the Association at this time gives its approval.

**Assembly Int. No. 572, Senate Pr. No. 1838.**

Amends section 555, Criminal Code, by denying bail to fourth offenders or to defendant convicted of felony while armed with weapon. Passed by Legislature. Signed by Governor. Chapter 829, Laws of 1928.

The purpose of the bill is to make for a more cautious use of the bail system in the interests of public protection.

**Assembly Int. No. 573, Pr. No. 1793.**

Adds new section 1694-a, Penal Law, providing a person admitted to bail in connection with charge of felony and failing to appear is guilty of felony. Passed by Legislature. Signed by Governor. Chapter 374, Laws of 1928.

The obvious purpose of the bill is to improve the bail system by imposing a penalty for those who heretofore have found it too easy to "jumpy bail."

**Senate Int. No. 390, Pr. No. 414.**

Amends section 393, Criminal Code, by striking out provision that neglect or refusal of witness to testify does not create any presumption against him. Failed of passage.

**Assembly Int. No. 576, Pr. No. 583.**

Amends section 1048, Penal Law, by providing minimum punishment for murder, second degree, shall not be less than 20 years. Passed by Legislature. Signed by Governor. Chapter 32, Laws of 1928.

**Assembly Int. No. 577, Pr. No. 584.**

Amends section 17, article 6, Constitution, by providing powers or duties in criminal matters exercised by peace justices may be transferred by law to inferior local courts of criminal jurisdiction. Failed of passage.

**Assembly Int. No. 578, Pr. No. 1939.**

Relates to sale and use of firearms and other dangerous weapons. Failed of passage.

**Assembly Int. No. 579, Pr. No. 586.**

Adds new section, 1899-s, Penal Law, providing presence in any vehicle of any instruments or pistols defined in section 1896 shall be presumptive evidence of possession by every person in vehicle at time. Failed of passage.

**Assembly Int. No. 840, Pr. No. 1674.**

Amends section 1308, Penal Law, by providing dealer, collector, or agent who does not ascertain by reasonable inquiry that person selling or delivering property to him has legal right to do so shall be presumed to have purchased or received such property knowing it to have been stolen. Passed by Legislature. Signed by Governor. Chapter 354, Laws of 1928.

This bill is generally known as the "fence" bill and received considerable opposition in the Legislature, particularly during the 1927 session.

**Senate Int. No. 593, Pr. No. 631.**

Adds new section 1308-a, Penal Law, providing where person is charged with criminally receiving stolen goods, person selling them to him shall not be deemed his accomplice and his testimony shall be considered by jury. Passed by Legislature. Signed by Governor. Chapter 170, Laws of 1928.

**Assembly Int. No. 60, Pr. No. 60.**

Amends section 1838, Penal Law, to conform to State Departments Law, relative to prison officers who shall not be interested in prison contracts. Passed by Legislature. Signed by Governor. Chapter 146, Laws of 1928.

**Assembly Int. No. 67, Pr. No. 67.**

Amends Highway Law, to conform to State Departments Law, relative to employing convict labor on roads. Passed by Legislature. Signed by Governor. Chapter 167, Laws of 1928.

**Assembly Int. No. 145, Pr. No. 145.**

Adds new section to New York City Inferior Criminal Courts Act, empowering magistrates to hold material witnesses to bail. Failed of passage.

**Senate Int. No. 1403, Pr. No. 1855.**

Amends Code of Criminal Procedure in relation to identification of criminals and to criminal records and statistics. Passed by Legislature. Signed by Governor. Chapter 875, Laws of 1928.

**Senate Int. No. 1518, Pr. No. 1909.**

Appropriates \$50,000 for plans and specifications for a new state prison. Passed by Legislature. Signed by Governor. Chapter 633, Laws of 1928.

**Senate Int. No. 1530, Pr. No. 1942.**

Makes appropriation for the department of correction for personnel in division of identification and statistics, division of probation, division of parole, and maintenance and operation. Passed by Legislature. Signed by Governor. Chapter 625, Laws of 1928.

**Assembly Int. No. 1514, Pr. No. 1712.**

Amends section 2130, Penal Law, by providing prior to imposing sentence a certificate shall be given to judge by officer having custody of defendant showing length of time spent by him in a prison or jail prior to conviction. Passed by Legislature. Signed by Governor. Chapter 608, Laws of 1928.

This was a much needed change.

**Assembly Int. No. 57, Pr. No. 57.**

Amends section 132, General Municipal Law, to conform to State Departments Law, relative to detention room and examination of persons suspected of being insane. Passed by Legislature. Signed by Governor. Chapter 134, Laws of 1928.

**Assembly Int. No. 792, Pr. No. 814.**

Authorizes the creation of a State debt, and make appropriation for the construction of certain State buildings. Passed by Legislature. Signed by Governor. Chapter 71, Laws of 1928.

The sum of \$300,000 was appropriated in the bill for construction at the State prison at Auburn.

**Senate Int. No. 1072, Pr. No. 1215.**

Amends chapter 460, Laws of 1926, by extending to March 1, 1929, time for final report of special commission on crime, and appropriating \$50,000. Passed by Legislature. Signed by Governor. Chapter 521, Laws of 1928.

**BILLS OPPOSED BY THE ASSOCIATION****Senate Int. No. 131, Pr. No. 131.**

Amends the Prison Law in relation to released convicts. Failed of passage.

This bill was considered by the Executive Committee of the Association. It was held that there is no need for the specific requirement being written into the law, to the effect that the police be notified of the release of prisoners, The Prison Association was the first organization in the State to take over the responsibility of looking after persons released from prison (1844). That responsibility gradually developed into parole work, and the Association has in its custody, and has had for years, a large number of released prisoners. In this respect it functions as an agency of the parole board.

Interesting to note is the fact that the Association, while an agency of the parole board, has nevertheless for many years been an outstanding critic of its procedure and of the inadequacy of parole supervision. In this respect it stood practically alone.

The Association was prompt to praise the administration of the indeterminate sentence and parole as it observed it during the year 1927.

It has always been the practice of the Association to give the police any information they desired about released prisoners, when it was felt that they

were justified in seeking the information. There is perhaps not a day that goes by but that representatives of the police department call at the office of the Association, or seek information by telephone. The men in the detective department know that they can get information from the office of the Association when they are well intentioned in their efforts. In a recent murder case, detective work which received much praise was made possible by information which the Association alone possessed, and which was given to the detectives. This information was given solely in the interests of public welfare.

An adequately staffed and well-organized parole system is the only answer to the supervision of those released from prison, and there is no doubt that the police will always be able to get information from the central office controlling such a parole system whenever it is shown that they require it. The police can now get all the information they need.

The experience of the Association suggests that there is a very definite element of injustice in a measure such as is proposed in this bill. Punishment for crime does not end when the man leaves the prison, but too often only really begins. The prisoner upon his release generally meets with public hostility, indifference, suspicion and coldness. This statement is not made on any sentimental basis, but on the basis of years of first hand observation. The proposal in the bill, due to the fact that it will make for the advertising of the release of a prisoner, is unjust and will not add sufficiently to public safety to outweigh the amount of injustice. After all is said and done, it should not be overlooked that most prisoners go back to the communities from which they came, and it does not take very long for alert police to note the return of those who are well seasoned in criminal experience.

**Senate Int. No. 132, Pr. No. 132.**

Adds new section 645, Penal Law, requiring every convict other than one subject to jurisdiction of parole board, who is released from State prison before full term expires, to present himself to police of district in which he intends to reside and report at least once each month. Failed of passage.

This bill received the special attention of the Executive Committee of the Prison Association and was strongly disapproved. The following is a statement of the Association's position after consideration of the bill:

"That there should be supervision of all persons released from State prisons or correctional institutions, but does not believe that that supervision is a police function, but instead the function of the parole system of the State.

"At the present time the class of prisoners for whom you are attempting to set up police supervision is given over to the care of the organizations and individuals who are looking after the indeterminate sentence prisoner placed on parole. We, of course, are not attempting to give the impression that that supervision is what it ought to be. Our annual reports for more than ten years show definitely where we stand in this matter. However, if the State will once come to the point of realizing that there will be no satisfactory parole work or supervision of prisoners until there is made available an adequate staff of parole officers, and a compensation which will invite a better type of parole officer, we will then make a worth while advance.

"Most of those released from prison go to largely populated communities, and in most of those communities there can be arranged for representatives of a State parole bureau, who would be required

to look after not only the indeterminate sentence prisoners but others.

"The fact should not be lost sight of that parole involves something more than simply keeping track of prisoners. When properly done it embodies the same essentials as case work for family relief and improvement. It requires a varied application of effort toward improvement, not only for the man who is released from prison, but also for his family, and that need exists generally about the same for prisoners whether they are first offenders, or second, or third. Our experience over many years has taught us that.

"It should also be kept in mind that police work mainly consists of crime detection and the apprehension of the criminal. You have probably heard the objection to the bill, to wit, that the police will hound men who are released, and while in individual cases there is probably some exaggeration in this respect, nevertheless those of us who have had opportunity to observe procedure and methods for years do believe that there is ground for this complaint. Sometimes the practice referred to as "hounding" is due to overzealousness, other times curiosity, and then again to personal reasons.

"Since you have been closely studying the problem of crime you have heard considerable of course about the system prevailing in England. May I call to your attention that in England, where they do have police supervision, there does exist among many substantial and reasonable thinking persons the feeling that it is not the best system, and that there does exist what we refer to in this country as "hounding."

"However, there is to be noted a very marked departure from the system of police supervision in England in the case of the so-called recidivists or hardened offenders. They are not given over to the police, but to the central association, a voluntary association subsidized by the government for the aftercare of convicts. Sir Evelyn Ruggles-Brise, for twenty-five years head of the English prison system, a world known authority on crime, and certainly not one who would be referred to as a sentimentalist, or in favor of coddling the prisoner, writes on the subject of police supervision in his celebrated book as follows:

"The Police license may be described as negative in character, viz.: it only prescribes that a man shall abstain from crime. The license to the Central Association is positive, as prescribing that, under careful and kindly shepherding and supervision, a man shall actually work where work is found for him, and shall remain at work under the penalty of report for failing to observe the conditions of license. The difference between the negative and positive forms of license has been the subject of much discussion in the United States of America, where the English methods, as prescribed by the Penal Servitude Acts of last century, have been ruled out of court by a strong public opinion, which insists that for

many of the crimes for which men are sentenced to penal servitude, it is neither necessary nor reasonable to inflict a long period of segregation under severe penal conditions. It is felt there, as it is by many people in this country, that a comparatively short period, followed by discharge on *positive* license, with liability to forfeiture on relapse, would restore many men to normal conditions of life before the habit of hard work had been blunted by imprisonment, and family and other ties broken, and would save large sums of public money now spent on imprisonment."

"In conclusion, allow me to repeat, that the Prison Association of New York believes in supervision of all persons released from penal and correctional institutions, but *believes* that that supervision should be conducted by an adequate State parole staff, and that staff should be of a high grade personnel. It is the Association's feeling that the matter of supervision can be well taken care of if your Commission can impress upon the finance authorities of the State the need for more parole officers.

**Assembly Int. No. 230, Pr. No. 230.**

Amends the Penal Law by making punishment for arson, first degree, death, instead of imprisonment for not exceeding 40 years. **Failed of passage.**

**Assembly Int. No. 404, Pr. No. 404.**

Amends section 5, article 4, Constitution, by empowering Court of Appeals judges, by majority vote, instead of Governor, as at present, to grant reprieves, commutations and pardons. **Failed of passage.**

**Assembly Int. No. 452, Pr. No. 455.**

Amends State Charities Law, by permitting commitment to industrial school at industry, by children's court of a male juvenile delinquent over 12 years old. **Failed of passage.**

**Assembly Int. No. 480, Pr. No. 483.**

Amends Penal Law by fixing a minimum penalty of five years for having narcotics in possession. **Failed of passage.**

**Assembly Int. No. 495, Pr. No. 503.**

Authorizing city magistrate to refuse bail tendered because property pledged is in a county other than one wherein arraignment or examination is held. **Failed of passage.**

**Assembly Int. No. 545, Pr. No. 553.**

Suggests an amendment to the Constitution, prohibiting the Governor from granting reprieves and pardons in case of murder, first degree, where judgment of conviction has been affirmed unanimously in Court of Appeals. **Failed of passage.**

**Assembly Int. No. 624, Pr. No. 636.**

Amends Penal Law, by permitting sentence on fourth conviction for felony, for term not less than twice the longest term prescribed on first conviction. **Failed of passage.**

**Assembly Int. No. 333, Senate Pr. No. 1912.**

Amends Penal Law in relation to labelling and marking of convict-made goods. **Passed by Legislature. Signed by Governor. Chapter 806, Laws of 1928.**

The Prison Association registered itself as follows on this bill:

Re Assembly Int. No. 333, Senate Pr. No. 1912, by Mr. Goodrich.

Hon. ALFRED E. SMITH, Governor of the State of New York, The Capitol, Albany, New York:

DEAR SIR—This bill relates to the labelling of convict-made goods. Its purpose is to check the sale in New York State of articles manufactured in the prisons of other States.

Whether or not such goods are labeled will not affect the market now available for goods manufactured in our own State prisons, except, of course, in cases where a release is given by the proper authorities, and the recipient of the release is free to purchase in the open market. In such a case it is possible that the purchase of articles manufactured in another State, and offered for sale through a company operating in this State, can be made. That is about the only way that the potential market for the New York State prison industries can be affected. On the other hand it is true that considerable of the products of prison labor of other States is marketable in the State of New York. If restrictions such as are proposed in the bill are imposed, the sale of those articles will undoubtedly diminish, and the result will be that idleness will develop or increase in the various penal and correctional institutions in other States. That of course suggests the question: Why should we worry about the conditions in the institutions of other States? However, that also suggests this question: Whether the whole prison problem should be considered on a State or National basis? If it is to be considered solely on a State basis, then, in this instance, that is, relating to the bill in question, although the prison industries of New York State will not be affected, the bill should probably be signed. On the other hand, if it is to be considered on a National basis, the matter should be very carefully weighed. There is now a bill before Congress known as the Hawes-Cooper bill, which has as its purpose the restricting of the distribution of prison-made goods. Certainly it will serve to prevent considerably the distribution of prison products. However, it will not contribute helpfully to the solution of the nation-wide prison labor problem.

The Prison Association urges that you give serious thought to the bill before you.

Respectfully yours,  
(Signed)

E. R. CASS,  
General Secretary.

## 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 alteration 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 of 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 country 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 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

I. 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. 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 defense 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 surties 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.