

1914

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Recommended Citation

Edwin M. Abbott, Employment and Compensation of Prisoners, 4 J. Am. Inst. Crim. L. & Criminology 549 (May 1913 to March 1914)

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EMPLOYMENT AND COMPENSATION OF PRISONERS.¹

EDWIN M. ABBOTT.

The enactment in the State of Pennsylvania of the Probation, Parole and Indeterminate Sentence system, has worked a great transformation in the dispensation of justice. The results of this system are incomparable. During the last 2 years of operation, the Report of the Eastern Penitentiary shows that 78.6 per cent of paroled prisoners have made good; while in the Western Penitentiary, the ratio has been even higher—as 85.8 per cent have become law-abiding citizens and are now successfully taking their stand among their fellowmen. This proportion of success will be still greater when those ready for parole are better equipped, as will be provided in this new plan.

However, with all the advantages secured to the derelict who has drifted away upon the sea of crime, rejuvenation has not as yet reached its complement. The final adjunct to the present system can be found in one word “work.” In many states organized labor has influenced legislation to the detriment of efforts to give the prisoners satisfactory employment. The banishment of idleness from our jails and penitentiaries would be the greatest antidote for most of the ills now existent within the walls of public confinement.

At the present time, in this state, not more than 40 per cent of the inmates of any institution are permitted to labor during incarceration, and not over 20 per cent may follow the same occupation. This has had a most injurious effect both with regard to discipline and the health of the prisoners during confinement, and also follows the convict into the world after his discharge.

The development of tuberculosis and insanity and the dissipation of ambition have so indelibly left their mark upon the prisoner, that at the expiration of a term of imprisonment he has either met an early death, been transferred to an insane asylum, or suffered an early relapse to the pathway of crime.

The effect upon the state has been the great burden of sustaining the costly machinery of prosecuting offenders, of providing for the sustenance of prisoners and maintaining the institutions in which they are confined, all with little or no remuneration.

The community at large has been compelled to assume this burden through the development of enormous systems of taxation, and the de-

¹Read at the third annual meeting of the Pennsylvania Branch, May, 1913.

pendents of the criminal have had to contend with a dissolution of the family relation, disgrace, oftentimes poverty and finally additional crime on the part of those reduced to dire distress.

To adjust this condition, it is now proposed to establish a system of employment for all the inmates of all penal institutions, to pay them for their services, to utilize the result of their labor, and thus to raise the standard of morale within the institutions, within the individuals and to establish a method of reimbursement to the state for the heavy expense necessary for the protection of communities from the results of crime.

In other words, the project must benefit the prisoner physically, mentally, financially, industrially and socially. To do this, there must be no contract labor system. Such a system means low wages, and the open door to fraud. A well-known writer has advanced three material objections to this system. He says (a) "In making such a contract, the state abdicates the very position which gives it the right of relationship as a police power; (b) it uses the sovereign power of the state to encourage unfair competition with its own citizens; (c) it loosens control over the integrity of the prisoner as a workman, and the power of dictation over the integrity of his work."

There should be no employment upon the highways where the prisoner might be subjected to the scorn and ridicule of the public. The widest latitude, however, must be given to employment in the open air. Farming, horticulture and floriculture are to be encouraged to the fullest extent, and with the erection of hot-houses, this system could be conducted not only in the open season, but throughout the winter months as well.

The erection or repairing of the state institutions by penal labor could be conducted in such a manner as would be highly beneficial to all concerned. The manufacture of clothing, utensils, furniture and other necessary paraphernalia used in the penal and charitable institutions of the state, could be encouraged. The various trades of plumbing, bricklaying, masonry, plastering and the like would be taught. For the women, sewing, weaving, knitting, carpet making and various other useful employments would be fostered. In this manner, every one would be given an opportunity for continuous employment and thus take their minds away from themselves. At the conclusion of a day's work, the body being physically spent, would seek rest instead of turning in idleness to devilish methods to employ one's time. Self abuse by criminals has been the greatest evil prevalent in all penal institutions, and the resultant effect has been the enormous amount of insanity. This would be obviated by the present plan.

EMPLOYMENT OF PRISONERS

We are now brought face to face with most serious objections that would be advanced against the development of such a system. What scale of wage would be paid for such services, and what disposition would be made of the products of this labor? In answer to the first query, it is well to remember that although under duress, the laborer is worthy of his hire. "What profit hath he that hath laboured for the wind?" Whether the same remuneration should be paid a convict as is given others, is problematical. However, a sufficiently fair wage must be meted out for all work done. In many of the occupations, piece work must be the criterion; in others, pay by the hour would be the rate. This income would be placed to the credit of the prisoner weekly, and a fund would soon be established to his credit, the distribution of which will be fully set forth hereafter.

As to the disposition of the products of this labor, there should be little difficulty. Goods must never be marked "Prison Made," but no such goods at any time should be sold in the open market. Everything raised or made in any penal institution could be carried to any point in the state in less than 24 hours. Every charitable and penal institution has need for everything that could be raised or made.

At every session of the Legislature large appropriations are meted out to the penal and charitable institutions for maintenance for the ensuing two years. It is now suggested that appropriations for maintenance be divided into two heads—*first*, for salaries, and *secondly*, for supplies. The appropriation for supplies should not be paid to the institutions to be benefited thereby—but instead, each institution would receive credit upon the books of a state official having the matter in charge, and the institution should be given the privilege of requisition upon that official for supplies corresponding to the amount of the appropriation. The said official immediately upon receipt of such a requisition would transmit that request to the penal institution, which would honor the request, and upon filling the requirements of the order, the penal institution would then be credited with the amount of money equivalent to the value of the goods supplied. This, then, would resolve into a system of bookkeeping. The schedule of prices for all goods and products must always be on file at the state official's office, and must correspond approximately with the price at which the same article could be purchased in the open market. Thus would a fund be supplied from which the convicts would receive their compensation, and would require no additional appropriation on the part of the state.

Organized labor would have no further ground for objection, as the results of convict labor would never reach the open market, and the only

effect such a disposition of their products could make would be in the infinitesimally small amount of goods which these institutions would no longer purchase from the products of non-convict sources.

Now, that the prisoners have been provided with a system of compensation for their services, and a market for their wares, we must evolve the system of application of their income, to the best advantage of all concerned. First, the county or the state would be reimbursed the costs of prosecution; secondly, the state or county would be compensated for the daily cost of maintenance of the convict. This is readily ascertainable, as every institution in the state today can tell per capita the cost of maintenance for each prisoner. These costs cannot be taken from the bank account of the prisoner in the aggregate, but must be apportioned weekly from his income, so that a fair percentage will always be left to the credit of the prisoner. This must necessarily be so (1) to support his dependents outside, and (2) to establish a fund which he will receive at the expiration of his term, when he shall again return to liberty.

The method of providing for the support of dependents is another matter that has been considered. This will be regulated from the home county of the convict. An order would be made upon the prisoner's income, but in a somewhat different manner than the support orders are now made upon husbands or fathers or children not in custody. Instead of a stipulated sum, an order of $\frac{3}{5}$ or $\frac{4}{5}$ or some other amount would be awarded from the income of the convict, after the other costs have been approximated and deducted in a like manner weekly. In this way something would always remain towards establishing a sum to be turned over to the prisoner at discharge. Upon the issuance of the order at the home county, a certified copy of the order would be sent to the official in charge of the penal institution, and there kept of record. The return to the order would be regularly made to the solicitor for the guardians of the poor or other proper official in the home county, and applied to the sustenance of the dependants.

This system would effectually solve the problem of desertion and non-support, and open the door for a way to compel husbands to support their families. At the present time these delinquent husbands are supported by the state, which provides for them in costly institutions, while their dependents are thrown upon charity or supported by "Mothers' Pensions" or some other system. Such men must be compelled to work and support their families, even if within prison walls, and once having felt the majesty of the law, will more easily be persuaded to fulfill their obligations upon release.