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THE ENGLISH PRISON SYSTEM AND WHAT WE CAN LEARN FROM IT.

CHARLES A. ELLWOOD.¹

Great Britain has the most law-abiding population of any great nation of the civilized world. The astonishingly low rate of serious crime among its 40,000,000 people is hardly credible when we compare it with even the most advanced States in America. This has usually been credited to the excellent system of criminal law and of criminal courts in Great Britain. But there are many other sides to the question, and among these is the excellent prison system of England. The criminal lawyer and the criminal judge as well as the social worker should be interested in the prison system, for the prison is the institution in which criminal justice is supposed to be executed. It is the chief instrument by which the criminal law is carried into effect, and consequently by which it must be judged. Courts may be scientific, swift and sure, but if the institutions which deal with the more serious criminals are not efficient in repressing and correcting the criminal tendencies of the convict, the problem of crime will be far from solved.

That the English prison system is one of the best in the world has long been a commonplace among scientific penologists. That much of the diminution of crime in England should be placed to its credit should also be more generally recognized. The last official "Report of the Commissioners of Prisons for England and Wales" (1914) says: "We believe that some credit may be given (for this diminution), and is justly due, to the efforts of those working at the prisons themselves." That this modest statement has abundant evidence to support it we shall see as we proceed.

But before taking up the details of the English prison system, let us note some of the general statistics which establish the fact of the diminution of crime in England. In the year ended March 31, 1884, the total number of commitments to prison in England and Wales was 160,836, which was 604 per 100,000 of the population; in 1894, the number was 156,466, or 526 per 100,000 of the population; in 1904 it was 189,888, or 569 per 100,000 of the population, while in 1914 it had fallen to 136,494, which was only 369.5 per 100,000 of the population. It will be noticed that while the fall in commitments

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to prison has not been uniform since 1884 when the present prison system was beginning to take shape, the proportion of commitments per 100,000 population has declined fairly steadily during the last thirty years. It is now only sixty per cent of what it was in 1884. Moreover, during the last nine years, since many new reforms have been introduced into both the criminal law and the prison system, the decline has been even more striking. Since 1905 the absolute number of commitments to prison has fallen 61,517, or 31 per cent.

As regards serious crime, where the practice of the courts is less liable to fluctuate, the showing is equally gratifying. In the five years ended December 1884, the average yearly number of commitments to penal servitude was 1,427 or 5.4 per 100,000 of the population. But in the year ended March 1914, the number sentenced to penal servitude was only 797, or 2.2 per 100,000 of the population. The proportion of such sentences to the population is now, therefore, only 40 per cent of what it was in 1884. During the last few years the decline in penal servitude sentences was even more striking. In 1907-8 the number sentenced to penal servitude was still 1,173, or 3.4 per 100,000; while in 1913-14, as we have just seen the number was only 797, a decrease of 31.6 per cent in six years. Moreover, if we take the total number of commitments to prison after conviction for indictable offenses (which include all the more serious crimes from larceny upward), we find that the number decreased during the decade 1905-1914 no less than 7,209, or 24 per cent, in spite of a ten per cent increase in population. While this decrease was mainly in larcenies, embezzlements and other offenses against property, it may nevertheless be considered a fair index of the increasing law-abidingness of England's population; and it stands in sharp contrast to the conditions in the United States, where crimes against property, both serious and minor have apparently been on the increase.²

While we must be cautious under all circumstances about drawing inferences from prison statistics, yet the conclusion just reached seems fairly warranted when we consider that the movement to provide substitutes for imprisonment has not gone as far in England as in the United States, and that there has been no relaxing on the part of English courts of justice in their strictness in enforcing the criminal law. No doubt this remarkable decrease of crime, both serious and minor, in a population already highly law-abiding, is attributable in the main to improved economic and social conditions, such as workmen's insurance, pensions for the aged poor, higher wages, and

²See JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY. Vol. I, pp. 378-385.

the progress of the temperance movement. This is seen especially during the present war, when the demand for men both in industry and in the field together with the intensification of patriotic feeling has resulted in such an amazing decrease in crime that in certain cities and districts in England the criminal courts have had nothing to do. The statistics cited, however, do not include the war period, and after making due allowance for the improvement of social and economic conditions, the evidence is strong that the English prison system itself has had much to do with the gradual diminution of crime in England.

Let us note the general outlines of the system and see what we can learn from it. In England and Wales there are five different sorts of penal institutions. There are fifty-six Local Prisons (corresponding to our county jails and city workhouses); five Convict Prisons (corresponding to state prisons or penitentiaries for felons); four Borstal Institutions (corresponding to our state reformatories of the Elmira type); two Inebriate Reformatories; and two Preventive Detention Prisons (special prisons for hardened, habitual criminals). In addition, there are of course many institutions for dealing with juvenile delinquents under sixteen years of age, but these are educational in character, are usually under denominational control, and are not included in the prison system.

In the Local Prisons the average daily population for 1913-14 was 14,352. Their sentences varied from a few hours to two years. Strictly speaking, the English Local Prisons bear no resemblance to our county and city jails. They are more like district workhouses, but they are also used as places of detention for the prisoners awaiting trial. They vary in size, from a daily average number of prisoners as low as thirty up to as high as thirteen or fourteen hundred. Practically every English shire (or county) has such a prison, while the county of London has four. They are not however, under county or municipal control, but are under the direct control of the Prison Commission of the Home Office, which has control over all of the prisons of England and Wales. They are, then, what their name implies, local prisons for short term prisoners and for those awaiting trial, forming an integral part of a general prison system under the control of the central government.

On this account, it is not difficult to correlate the work of the local prisons with that of other parts of the prison system. They are under the same central board, and their regime is not unlike that of the Convict Prisons, only adapted to the short term offenders. While they are hampered in their dealing with the offender through

having him in their control often only for a very brief period, yet they provide work and other reformatory influences just as though their responsibility was for a much longer period. If they have control of the prisoner longer than for twenty-four hours, he is set at work in some form of productive labor; for there is no idleness in English prisons and mechanical labor, such as the tread mill, has now been abolished. In men's prisons the offender works for a month alone in solitary confinement before he is set at labor in association with his fellow prisoners, and if he disobeys the rules he is liable to be sent back to solitary labor in his cell. In the women's prisons, the inmates work as a rule in association from the beginning. Even the prisoners awaiting trial work in the English Local prisons. Their work is, of course, optional, and for it they receive five shillings (\$1.20) a week, but most of them prefer work to idleness. The character of the industries in the Local Prisons and their general administration we will note later. It is sufficient at this point to say that their general regime is not unlike the Convict Prisons for felons, and is based upon the Mark System, which is the foundation of English prison administration, but which we can best study in connection with the Convict Prisons.

In the five Convict Prisons the daily average population in 1913-14 was 2,704. Their sentences varied from three years to penal servitude for life. The Convict Prisons of England correspond, as we have said, to our State penitentiaries in the United States, only they are under the control of the central government. The smallest is the convict prison for women at Aylesbury with a daily average population in 1913-14 of 95; the largest is the famous Dartmoor prison with a daily average population in 1913-14 of 944. Their regime we shall notice directly.

Closely connected with the Convict Prison, though entirely separate from them in administration, are the Preventive Detention Prisons for "habitual criminals." They were established by the "Prevention of Crime Act" of 1908, which provides that where an offender is found by the jury to be an "habitual criminal" the Court may pass, in addition to a sentence of penal servitude for a definite term, a sentence which is known as "Preventive Detention" whereby an habitual criminal may, for the protection of the public, be detained for a period not exceeding ten and not less than five years. Such a law is not unlike the habitual criminal acts of some of our states; but very properly England provided separate institutions for carrying it into effect, and in March, 1912, a Preventive Detention Prison was opened at Camp Hill in the Isle of Wight. This had

in 1914 a daily average population of 167. The whole regime of such a prison is necessarily different from that of an ordinary convict prison, being milder, and especially designed to fit the prisoner for conditional liberation at the end of the minimum period of his detention. There is a similar prison for women at Aylesbury.

Let us now note the regime of the Convict Prison. These as we have said, deal only with prisoners who receive sentences for three years or longer. The convict is sent first to a special prison to serve three months of separate cellular confinement. It may be remarked here that the English prison authorities still believe in the salutary effect of solitary confinement of a limited duration. They believe that it has a beneficial effect at the beginning of a term of imprisonment because it gives the prisoner "time to think it over." In the Local Prisons, as we have seen, this period of solitary confinement lasts for only 28 days, but for men sentenced to penal servitude its duration is still 90 days. During this time the prisoner is not allowed, however, to be without occupation. He is given work in his cell (always of a productive character), if he is able to work. He is also permitted to earn marks at the rate of 8 a day for perfect behavior. He must earn 720 marks before he passes out of his probationary stage into the graded service. During all of this time he is carefully watched by a physician. His diet is regulated and the comforts furnished him in his cell are gradually increased. At the end of the three months of solitary confinement the prisoner is taken to one of the regular convict prisons and set at work in common with his fellow prisoners. He enters the lowest grade and is given 8 marks for each day of perfect behavior. After a year, or rather, after he has earned 2,920 marks, he is promoted to the next grade, and after still another year to the highest grade. If he fails to earn his marks, this, of course, prevents his promotion. The privileges and comforts of the prisoner are gradually increased from grade to grade, but the prisoners are no longer allowed, as they formerly were, a gratuity in cash for their work. Instead, the amount of this gratuity is now turned over to the Local Prisoners' Aid Society to be used for the benefit of the prisoner after he is released. By good conduct a prisoner may lessen the term of his confinement by as much as one-fourth of his sentence. In all cases his release from the prison is conditional unless he has completed the full term of his sentence.

Several classifications are carried out in English prisons in addition to the progressive grading of prisoners just described. The most important of these is that all first offenders are put in a

special class by themselves, known as the "star class" and kept entirely separate from the rest of the prisoners. This "star class" has special privileges, and from the first enjoys special instruction in trades. While this classification is carried out in all prisons in which there are first offenders, one entire Convict Prison (Maidstone), is set aside for "star class" convicts. There are also special divisions for long sentenced prisoners and for aged convicts; while epileptics, and prisoners suffering from contagious diseases such as tuberculosis are kept strictly separated from the rest. In every English prison there are hospital wards for the sick in charge of competent medical officers.

Literary education in English Convict and Local prisons is confined to those prisoners who have not the rudiments of a good elementary education. These are required to attend school so many hours each week. In every prison, therefore, there is a schoolmaster as well as a chaplain. Religious and moral instruction is given to every prisoner by the chaplain and his assistants, or by ministers of dissenting denominations, if the prisoner prefers. There is usually a good library of carefully chosen books in every prison and prisoners are allowed to take books freely to their cells. These features of English prisons are much more carefully developed as we shall see, in the Borstal Institutions for juvenile-adult offenders.

Discipline in English prisons is exceptionally good and is maintained almost wholly by the use of solitary confinement, lessened diet, or the taking away of privileges, as punishments. Flogging and other forms of corporal punishment are almost unknown. In England and Wales in 1913-14 flogging was resorted to only ten times in the prisons, although more than 136,000 persons passed through them. The smuggling of contraband articles into prisons is also very rare in English prisons, owing to the strict regulations regarding the visiting of prisoners and to the fact that only officers are concerned in the carrying on of prison industries.

The labor done in the English prison is wholly for the Government. No goods made in prison are put on the open market and sold in competition with goods made by free labor. On the contrary, everything made by the prisoners is used by the Government. The system is to be described as a combination of the State Use System, the Public Works System, and the State Farm System. Agricultural work is still made use of only to a limited extent in English prisons. Both Dartmoor and Parkhurst Convict Prisons, however, employ a considerable proportion of their prisoners in farming. At Dartmoor the convicts have been engaged in land reclamation, and in both

prisons the raising of blooded cattle, sheep, and hogs has been undertaken with success. In the woman's Convict Prison at Aylesbury gardening has been tried with success for the women prisoners.

English prisoners have not to any extent been put at road building, but they engage in many other public works. They not only help to build their own prison buildings when needed, but in some cases they have constructed breakwaters, dockyards, and public buildings. Their principal form of labor, however, is in making supplies for the various governmental departments. The rule is in Great Britain that governmental supplies are made as far as possible by prison labor, the raw materials being furnished by the approved contractors who tender the lowest bid for the material wanted. Thus supplies of all sorts are made for the Post Office, such as mail bags, baskets, mats, rugs, and uniforms. For the Army and Navy are made everything from coalsacks to flags and uniforms. For other institutions are made shoes, clothing, bedding, chairs, screens, and cabinets. Finally at Maidstone Prison there is a complete printing establishment where much of the governmental printing is done.

The object of labor in the English prisons is not so much to render the prison self-supporting, as to secure for the prisoners the disciplinary and reformative effects of labor. All work is done, therefore, under the direct supervision and direction of the officers of the prison. Skilled officers, moreover, are allowed extra pay for teaching trades to the prisoners, though the privilege of learning a trade is in general reserved for first offenders and those serving long sentences. Prisoners are generally permitted, however, to choose the trade for which they are best fitted or have a preference. As the English prison authorities conceive the primary purpose of prison labor to be to discipline and instruct the prisoners rather than to produce a large amount of goods, machines are not numerous in prison workshops. The present war, however, is resulting in a gradual extension of the use of machines in English prisons.

Let us now turn our attention to the four Borstal Institutions which in 1913-14 had an average daily population of 928. These are specially designed industrial reformatories for juvenile adults between the ages of sixteen and twenty-one years. There are now three for males (Borstal, Canterbury, and Feltham) and one (Aylesbury) for females, while another is about to be opened for males at Lewes. They are named after the original institution organized at Borstal in 1902 which proved such a success that an act of Parliament in 1909 extended the benefit of Borstal training to practically all juvenile-adults, convicted of serious offenses. The existence of such separate

reformatory institutions for juvenile adults must not be taken to imply that reformatory methods are absent from other institutions. On the contrary, as we have seen, reformatory methods permeate the entire English prison system. We have already noted that in practically every local and convict prison there is a "star class" for first offenders, who are kept separate from the rest of the prisoners, and given special opportunity to reform; and that one entire Convict Prison (Maidstone) is given up to "star class" convicts. Moreover, in many local prisons, there is "modified" Borstal training given to juvenile adults who are committed upon short term sentences. No less than 2,252 juvenile adults received this "modified" Borstal training in 1913-14. In the Borstal institution proper, however, only juvenile adults are received who have been given relatively long sentences, as a rule over eighteen months in length. This makes it possible to emphasize the educational work of the institution. As has already been said, the Borstal institutions are very much like our reformatories of the Elmira type. They have not, however, the indeterminate sentence, and as yet do not receive youthful offenders above the age of twenty-one. Their work, nevertheless, has been successful from the start, and from the thorough, complete, and methodical records which have been kept since the Borstal Act came into operation in 1909 we learn that out of 1,043 young men discharged from Borstal institutions down to 1914 over 75 per cent have not been reconvicted.

The inmates of the Borstal Institutions are not only taught trades, but special attention is given to their moral and intellectual education and to their physical training, much as at Elmira. At the particular institution which the writer visited (Feltham) the intellectual education was in the hands of two "tutors" who were Oxford graduates. The personal influence of these two "tutors," who were expected to keep in close touch with the boys, would count for much, as it was thought, in their reformation. Besides the ordinary elementary and high school subjects they gave lectures on moral, scientific and patriotic subjects.

When a juvenile adult is released from a Borstal Institution, work is found for him, and he is at once put under the watch-care of the Borstal Association, a voluntary association formed especially to provide after-care for those paroled from these reformatories. This brings us to a further consideration of the Prisoners' Aid Societies of England. As we have seen, the majority of prisoners in England are released conditionally. They are put under the watch-care of the police and of the local prisoners' aid society connected with the prison

from which they come. There are sixty of these Prisoners' Aid Societies in England and Wales—practically one for every local and Convict Prison. In 1911 they aided 41,812 discharged prisoners. They are under the patronage of the Government, the money allowed the prisoner for his labor being turned over to them, as we have seen, to be used by them for the prisoner's benefit at their discretion. In 1913 the combined income of the Societies was in excess of \$120,000.00, of which nearly \$50,000.00 came from the Government. The best of these societies not only find employment for discharged prisoners, and assist them by grants of money and clothing, but also have connected with them industrial homes for ex-convicts where they can receive training which will fit them to re-enter free social life. They thus continue the work of the reformation of the prisoner after his discharge.

A word in conclusion regarding the civil service in English prisons. Subordinate officers are appointed from a list who have passed the examination of the Civil Service Commission, and after an examination by high prison officials into their antecedents which is very searching. They enter the service in the lowest positions, are promoted strictly according to merit, and are not in danger of removal unless they deserve it. Those adapted to the work spend their lives in it, and may retire at a certain age with a pension. In one or two of the larger prisons there have recently been started special schools to train qualified persons for the prison service. The governors, or superintendents, however, of the prisons are appointed upon a different basis. They are usually ex-army or navy officers. Their tenure is for life or during competence, however, and politics cannot be said to play any part in the administration. All of the prisons of England and Wales are under the control of a board of Prison Commissioners, of which Sir Evelyn Ruggles-Brise is at present the competent head. This board is directly responsible for the whole administration of the prisons, and its work is checked up by a separate board of Inspectors of Prisons.

It is not necessary to point out in detail the defects of the English prison system, since our purpose has been rather to see what we can learn from it. Among the more obvious defects are the lack of the indeterminate sentence, the prevalence of short sentences for habitual misdemeanants, and the relatively undeveloped condition of the system of industrial reformatories for first offenders. On the other hand, let us note the following lessons which we Americans might well learn from the English Prison System:

1. That the jails or local prisons of a State should be under state,

and not under local, control, and that they should be coordinated with the other penal institutions by being brought under one common central board of control.

2. That the reformatory spirit, instead of being confined to one or two institutions, should permeate the entire prison system, both for minor and major offenders, expressing itself in the progressive grading and classification of all prisoners, in proper facilities for labor and education in all prisons, and in conditional release.

3. That the prison labor problem is easily soluble, both for local jails and central prisons, by a proper combination of the State Use, Public Works, and State Farm Systems, without appreciable competition with free labor outside of prison walls.

4. That if we want good prisons we must free them from partisan politics, by securing a civil service law which will put the appointment and promotion of their officials strictly upon a merit basis.