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## EFFICIENCY VS. REFORM IN PRISON ADMINISTRATION

BRYANT SMITH<sup>1</sup>

If 75,000 men, mostly unskilled, but the majority of them able at all times to do good work, were at your disposal and you had absolute control over their employment and the proceeds thereof, your only outlay being to supply them with ample food, clothing, and shelter, and to see that they had the humane care and consideration to which all laboring people are entitled—if you were in this position and all the income over and above what it took to maintain these men were your own, you would think yourself an exceedingly poor business man if within a very few years you were not independently wealthy, would you not? If, in addition to these men's labor, you also had given to you gratis the use of 135,000 acres of land worth \$30,000,000; buildings, industrial and non-industrial, valued at \$65,000,000; and \$4,000,000 worth of machinery and tools, the only condition to the gift being that you use the land, buildings, machinery, and tools in the judicious employment of your 75,000 men, you would think that within 25 years few men, indeed, would be able to boast a larger fortune than you, would you not? And yet, with some more or less material qualifications, such has been the situation of the penal institutions in the United States for more than 30 years, and, far from being a source of profit, they have been sinking money for the federal and state governments at the rate of from \$7,500,000 to \$10,000,000 a year.

Conceding at the outset that the primary function of a penal system is to protect society and reform the criminal, and that the interests of the taxpayer must remain subordinate to this higher concern, there are, nevertheless, reasons to believe that losses occur in prison administration, the discontinuance of which would not only not interfere with the processes of reform and social safeguard, but which would even help these processes along.

It can easily be shown that the principal sources of loss in prisons are unemployment, money expended for non-industrial employees, chiefly guards, and the inefficiency of convict labor. Remove these and you make prison labor profitable. Remove these and how do you affect the prisoner's reform?

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It is a trite saying that idleness is the devil's workshop and equally trite that honest labor is the most efficient agency of reform. That all able-bodied prisoners should be kept at work needs no proof. That armed guards may be dispensed with is not so generally conceded. But the success of the honor system has been demonstrated in Washington, Oregon, California, Colorado, Idaho, Montana, Arizona, New Mexico, Nevada, Ohio, and at Great Meadows in New York. Every state has adopted the honor system to the extent of selecting certain convicts as "trusties," and in Arkansas the use of these "trusties" as guards has proved safe as well as economical. The third source of loss, the inefficiency of the convict, is still more difficult. A part of it is inherent in the criminal class. But the very methods that are most advocated to increase the prisoner's efficiency—more care in the selection of the job for the convict, better working equipment and more scientific management, and offering inducements to greater exertion rather than inflicting punishments and attempting to coerce—these methods are also urged by others with equal force to stimulate his self-respect and assist his reform.

Not only are the measures conducive to efficiency also conducive to reform; but it so happens, according to the Report of the Commissioner of Labor for 1905, that the occupations at which prisoners are most efficient are the most reformatory occupations. By this report, over 75 per cent of the convicts gainfully employed at the time were engaged in ten occupations. Their efficiency in each occupation, as compared with free labor, the report estimates as in the following table. The estimates are "based on the experience of prison officials and contractors and lessees, and the statements of employers of free labor on like work":

TABLE I

Occupation	Efficiency of Convicts
Farming .....	75%
Boot and Shoe Manufacturing.....	60%
Manufacture of Clothing.....	53%
Manufacture of Chairs, Tables, etc.....	45%
Road Work .....	99%
Manufacturing Brooms, Brushes, etc.....	50%
Building Trades .....	52%
Coal Mining .....	75%
Stone Quarrying .....	40%
Lumbering .....	107%

Of these ten occupations, mining, stone-quarrying, and lumbering are necessarily restricted to those localities where mines, stone quar-

ries, and timber are to be found. Boot and shoe manufacturing, the manufacture of brooms and brushes, chairs and tables, and of clothing are objectionable because they are exclusively indoor work, because they compete with free labor, and because in none of these industries does the efficiency of the convict exceed 60 per cent of the efficiency of free labor. The building trades should be, and, for the most part, are, limited to the construction and repair of public buildings. This leaves farming and road work as the two occupations that have been extensively used, that are almost universally adaptable, to which the objection of competition with free labor applies least, and at which the prisoner's efficiency approaches that of the normal workman.

But it is well known that outdoor work is more reformatory, both in mind and in body, than work indoors. This is especially true of farm labor. The percentage of crime is lowest among agricultural laborers, and both crime and recidivism increase as we go from agriculture to manufacturing. In 1914, at the Auburn Prison in New York, the prisoners, theretofore, locked in their cells at 4:30 p. m., upon the completion of the day's work, were given permission to exercise in the prison yards one hour each afternoon, where music and games of various kinds were provided. Not only were the health and morale of the inmates greatly improved, but it is suggestive to note that, whereas 50 of the inmates were transferred to the Dannemora State Hospital for the Insane during the preceding year, only 20 were so transferred in 1914, the first year of the experiment.

That work, as against idleness, assists both efficiency and reform none will deny. That rewards, given in the form of wages, the indeterminate sentence, conditional parole, the grade system, "good time," operate better than coercion as stimulants to both efficiency and reform, not many will question. That the honor system and the employment of "trusties" is more economical than hiring armed guards is certain, and that it is more reformatory, if practicable, is not open to grave doubt. Its practicability is limited, however, probably, according to those who have tried it, to about 50 per cent of the prison population. That outdoor occupations are more reformatory is equally clear, and that prisoners are more efficient at them is the verdict of the commission of investigators under the Commissioner of Labor.

There is one respect, however, in which reform and efficiency, apparently, do not co-operate. This is in the matter of private interest in the employment of prisoners. The possibility of private individuals making money from prison labor has been a fruitful source of scandal,

hardship to the prisoners, and corruption in prison administration. On reformatory grounds it is indefensible. One would expect to find that the elimination of private profits would contribute to the profits of the state. If the state can hire prisoners to a lessee or contractor on such terms that both the state and the contractor make a profit, it would seem that if the state itself should work the prisoner at the same, or an equally profitable, occupation the state could increase its remuneration by the profits theretofore pocketed by the private person. But figures show that this is not the case. Under private superintendence of production convicts are worth nearly \$100 more a year per capita than under public superintendence. Whether this difference is caused by private persons working the prisoners longer hours or tasking them more heavily, or whether by the notorious inefficiency of state as compared with private methods of administration in business affairs, it is not possible to say. Neither is it possible to say whether or not this disparity is necessary. It ought not to be. It ought to be more economical for the state, with its own labor, to produce goods for its own consumption, than to sell its labor to private enterprise and buy its goods in the open market.

But whether exclusive public control is necessarily less efficient or not, we must have public control. Efficiency will have to make this concession to reform. Private profits must be eliminated from prison administration.

#### RECENT TENDENCIES

It is interesting to note, in connection with the foregoing observations, the changes taking place in prison administration. By comparison of the reports of the wardens, superintendents, and boards of control of 50 state penitentiaries for the years 1914-1917, which we shall refer to as 1915, with the reports of the same institutions by the Commissioner of Labor for the years 1903-1905, which we shall refer to as 1905, a number of interesting facts appear. The 50 institutions compared represent every state except Montana, Oklahoma and Kansas. For Montana and Oklahoma no report was made in 1905 and for Kansas no bulletin could be obtained for a more recent period. Two institutions each are given for Illinois, Kentucky and California, and three for New York. The report of the Texas penitentiary is for 1911. With this exception the later reports are all for some year between 1914 and 1917.<sup>2</sup>

<sup>2</sup>A later period than this is not taken for the comparison for two reasons. First, a later period would introduce the disturbing influences of the war on

No reliable conclusion can be drawn concerning the tendency with respect to unemployment. Individual cases appear where prisoners, heretofore in idleness, are now at work; but not enough information is available to justify a general conclusion. The older reports antedate the honor system which is now in successful operation in 11 states. Sixteen states have maximum and minimum sentence laws, leaving it to the prisoner, within these limits, to determine the length of his sentence. Nearly all states have a scale established by law whereby the prisoner's term is reduced, cumulatively in most cases, for good behavior and satisfactory work. In 20 states and in the District of Columbia the prisoners are paid something in the form of a wage, or overtime, or as a bonus for exceeding their task. In 12 other states the prisoners are given a payment of money upon their discharge. The subjects of this paragraph do not appear in the older reports so as to make a comparison possible, but they are inserted here as illustrations of the tendency, as Lincoln expressed it, to "substitute hope for the rod."

#### TENDENCY TO ELIMINATE PRIVATE CONTROL

The maintenance of convicts is attended to by private persons under the lease system of employing prisoners, and by the civil authorities under the contract, piece-price, prison account, state use, and public works systems.<sup>3</sup> Production by convict labor is subject to private control under the lease system, to mixed control, part private and part public, under the contract system, and to exclusive public control under the piece-price, prison account, state use, and public works systems. Consumption of prison-made goods is by the state under the state use and public works systems, and private under the lease, contract, piece-price, and prison account systems.<sup>4</sup>

During the 20-year period from 1885 to 1905 the number of convicts working under the publicly controlled systems of production increased from slightly less than one-third to more than one-half of the total number gainfully employed. The comparison of institutions in 1905 with the same institutions in 1915, to which comparison we have referred, shows that of the total of 50 institutions compared, five were leasing prisoners in 1905 and only one in 1915; that seven were

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prison industries, and second, for a later period it would be impossible to get reports from so nearly all the states, since in some states only quadrennial reports are made.

<sup>3</sup>A brief word in explanation of these systems may be in place.

<sup>4</sup>By private consumption is meant that the goods are sold on the open market.

working prisoners under the piece-price system in 1905 and only one in 1915; that in 1905 twenty-one of the institutions were working their prisoners under contract and 18 in 1915. The lease and piece-price systems in these institutions are now almost non-existent. The contract system hangs on longer, but the tendency for it to follow the other two is manifest.

These changes are affecting not only the control of production by convict labor, but the control of their maintenance and the consumption of prison-made goods as well.

In 1905 the maintenance of the convicts was under civil control in 45 of the 50 institutions, under private control in two, and under mixed control in three. In 1915 maintenance was under civil control in 49 of the institutions and under mixed control in one. Production in 1905 was under civil control in 22, private in two, and mixed in 26. In 1915 it was under civil control in 30, private in one, and mixed in 19. Consumption of prison-made goods in 1905 was exclusively by the state in six of the institutions, private in seven, and mixed in 37. In 1915 consumption was by the state in eight, private in five, and mixed in 37. These facts will appear more graphically from the following table:

TABLE II  
CONTROL IN INSTITUTIONS

	Civil		Private		Mixed	
	1905	1915	1905	1915	1905	1915
Maintenance of Convicts.....	45	49	2	0	3	1
Production of Goods.....	22	30	2	1	26	19
Consumption of Goods.....	6	8	7	5	37	37

#### TENDENCY IN OCCUPATIONS

We have referred to the ten occupations at which more than 75% of the prisoners were engaged in 1905. Of the 50 institutions compared, 29 had convicts farming in 1905 and 38 had convicts so employed in 1915. In 1905 five of them were working convicts on roads and in 1915 twenty-three of them were building roads with convict labor. The tendency toward these two occupations, it will be seen, is quite decided. The number of institutions employing convicts in the manufacture of chairs and tables, brooms and brushes, in lumbering, mining, and stonecutting, is approximately the same for the two periods, while there has been a falling off of substantially 50% in the number engaged in the manufacture of clothing and 66% in the manufacture of boots and shoes. The following table shows the changes in each of the occupations:

TABLE III

Occupation	Number of Institutions Employing Convicts in the Occupation in	
	1905	1915
Boot and Shoe Manufacturing.....	28	9
Manufacture of Clothing.....	38	19
Manufacture Chairs, Tables, etc.....	3	3
Manufacture Brooms, Brushes, etc.....	16	16
Building—including railways and levees.....	20	4
Mining.....	3	2
Stone Quarrying.....	12	11
Lumbering.....	3	2
Road Construction.....	5	23
Farming.....	29	38

The figures in this table with respect to farming and road work are, we believe, substantially correct. But it should be stated that, as a whole, this comparison is not nearly so reliable as that with respect to the changes in control. The report for 1905, published by the Commissioner of Labor, covers the smallest items. If one man mends shoes for the inmates of the prison that is included as a part of the prison's industries. The figures for 1915, on the other hand, compiled from the reports of wardens, superintendents, and boards of control, are not nearly so much in detail, only those items being mentioned which form a more or less substantial part of the prison's industries. The terms in the later reports also cover different kinds of work in different prisons. Does "furniture" include chairs, tables, etc.? Does "clothing" cover hosiery, shoes, shirts, etc.? What kinds of work are covered by "stonecutting"? These and other questions it is in some instances impossible to answer. However, although the comparison may be unreliable in some details, for the purposes of the present discussion it shows a marked tendency toward the outdoor occupations of farming and road work and a corresponding, though less determinate, tendency away from manufacturing.

#### TENDENCY TO BE SELF-SUSTAINING

Of the tendencies we have discovered, that away from private toward public control should, according to the Commissioner of Labor, increase the deficits in the state treasuries, while the tendency toward farming and road work, as well as the tendency to offer inducements to encourage the convict to greater effort, should reduce the deficits. The composite result, a result in which these tendencies are, of course, not the only factors, is in favor of the budget. Of the 50 penitentiaries in 1905 eight showed a profit. In 1915 sixteen showed a profit and one other was self-sustaining, notwithstanding there were seven states in



which no allowance was made for labor on public works, work which was credited to the prisons in 1905, and a cane freeze in Texas made a loss there, whereas otherwise there would have been a profit.

Two institutions that were on a profit basis in 1905 are in 1915 shown to be running at a loss. These are the penitentiaries of Missouri and Georgia. Missouri's loss, however, is small, and is probably more than offset by the labor on public works and ways for which no credit is given in the report. In Georgia in 1905 nearly all the men were leased at a profit of \$100 per capita. In 1915 nearly all the men were working in road camps from which the prison got no direct income. If the labor expended on public roads were valued at prevailing prices, as is done in the Colorado report, and as is done in all the 1905 reports, the prison would show a large profit.

In addition to these changes, nine of the institutions showed larger profits or smaller deficits by \$75 or more per capita, and five showed larger losses or smaller profits by \$75 or more per capita.

For the 50 penitentiaries taken as a whole the comparison shows a material advance toward a self-sustaining basis.

#### THE IDEAL SYSTEM

The following plan, always under civil control and for state use, we believe to be the most happy compromise between the demands of efficiency and reform.

1. Employ all the best physical specimens that can be safely worked outside prison walls on the public roads.
2. Place all those left behind who can be worked outside prison walls on a state farm, either owned or leased, preferably owned, by the state. Work them on honor, both here and on the roads, if possible; if not, then use guards, preferably "trusty" convicts who are unable to do heavy work, to save the expense of hiring guards.
3. Employ all who cannot be safely worked outside the prison, or who for any other reason cannot be used on the roads or farm, at some kind of manufacturing for state consumption.

The most serious objection to this system is that the work is mostly unskilled. But more than half of the prisoners are unskilled workmen, and the others follow such a variety of occupations and are changing all the time so that to suit them all in each prison would necessitate an impossible diversity of industry.

This arrangement is conducive to the prisoner's physical health and moral reform; it minimizes competition by isolating the state from both the producing and the consuming ends of the open market; it gets

the confidence of the prisoner to work for the state that is concerned about his welfare rather than for a private person to whom the prisoner is so much energy to be utilized for selfish purposes; it eliminates private control and makes a less fruitful field for political corruption. And, finally, it is more profitable to the state.

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1. Under the contract system the work is done behind the prison walls, but for private contractors who pay the state so much a man per diem, the contractor furnishing all the material, the machinery, and the foreman to oversee the work, the state merely feeding, housing, and clothing the prisoners.

2. The piece price system is a modified contract system. Under it the work is done behind prison walls under the supervision of prison officials for private persons who furnish the raw material and pay the state, as is indicated by the name, so much a piece for the finished product.

3. The lease system is the contract system at its worst. The state releases all control to the lessee who removes the convicts from prison and employs them usually at mining, or at railway or some other kind of construction work. The brutalities practised under it have become notorious. When prisoners are leased now the civil authorities usually reserve the right of visitation and inspection.

4. Under the prison account system the state goes into business on its own account, installs the necessary machinery, supplies the raw material, superintends the work, puts the goods on the market, and credits the proceeds to the prison.

5. The state use differs from the prison account system only in the fact that, instead of the products being disposed of on the open market, they are used for state consumption.

6. The public works and ways system is really a branch of the state use system, differing from that system only in the nature of the work. Instead of producing goods for state consumption, they construct public buildings, work on public parks, or build roads.