

1921

## Selection of Prison Officials and Guards

E. R. Cass

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

E. R. Cass, Selection of Prison Officials and Guards, 11 J. Am. Inst. Crim. L. & Criminology 598 (May 1920 to February 1921)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

## SELECTION OF PRISON OFFICIALS AND GUARDS

E. R. Cass<sup>1</sup>

During the last decade the efforts for prison progress have been principally directed to the matter of the treatment of prisoners, the construction of buildings, prison labor, food and clothing, classification, indeterminate sentence, parole, education and the mental study of inmates.

Comparatively little has been done to improve the methods employed for the selection of officials and subordinates, and practically nothing has been done to provide means for the necessary training of such officers and subordinates. These matters have, indeed, been discussed from time to time, but no more. This angle of the prison problem surely is of no small importance and is as essential to substantial progress as the features enumerated above.

Penal institutions are gradually being looked upon as serving either of two purposes. First, for the reformation of offenders, and secondly, for the permanent detention of those who need custodial care. The public should learn that the supervision and treatment of offenders is essentially a task for persons with certain natural qualifications and specialized training.

It is interesting to note that the New York State Legislature in 1847 enacted a law providing as follows:

"No appointment shall be made in any of the state prisons of this state on the grounds of political partisanship; but honesty, capacity and adaptation shall constitute the rule for appointments, and any violation of this rule shall be sufficient cause for the removing from office of the officer committing such violation."

Time has shown us that both the spirit and the letter of this law have been violated, and if the penalty of imprisonment had followed conviction for every violation, it is probable that many of our prison officials would have found themselves included among those whom they were appointed to supervise. In one of our prisons alone in the space of some seventy years we have had thirty-six wardens. Surely this was not because men increasingly fit for the job were found in such quick succession. A noted lawyer has been quoted as saying that there are two kinds of laws, one kind to be strictly observed and the other to satisfy the reformers. On the basis of experience it would

---

<sup>1</sup>Assistant General Secretary, N. Y. Prison Association, N. Y. City.

seems that the legislation referred to belonged to the latter class. The New York State Legislature in 1883 embodied the principles of appointments on the basis of merit and fitness, and the same idea has been included in the New York State Constitution.

There are two distinct features involved in the appointment of prison employees. One, the method of appointment and tenure of office, and the other the question of their fitness and training. As to the first, the various civil service laws have gradually eliminated the worst aspects of the political spoils system in our state and city prisons and in a few of our county institutions, by bringing the appointment of subordinate employes under the civil service system. But, on the other hand, there is still painful evidence that men are chosen for responsible positions in our penal systems and institutions without adequate experience or fitness.

The county institutions, which are not under the jurisdiction of the State Department of Prisons in this state, stand as the most conspicuous examples of out and out political appointments. Some of these appointments are made by the sheriff who is an elected officer, and others are made directly by the county board of supervisors. The candidate for sheriff is usually chosen because his time has arrived for political compensation. If elected, he is expected to take care of the members of his own party in the distribution of jobs, and it is not at all infrequent to find him appointing members of his own family. For instance, I know of one case where the sheriff appointed his two sons as guards, two nephews to supervise gangs in the stone shed, his wife as cook, and his daughter as matron. From the standpoint of practical politics such methods, of course, are natural, but for the more definite assurance of proper administration of a penal institution it is all wrong. In New York State it is not possible for the sheriff to succeed himself. In most counties the term of office is for three years. Generally at the end of this period the entire jail staff changes, whether good or bad, and another period of experimenting and learning by a new staff follows. So it goes from one period to another with the important work of caring for prisoners passing from the hands of one set of inexperienced persons to the hands of another.

It cannot be denied that appointments on the basis of political merit are largely responsible for the discouraging and unprogressive situations so frequently found. The need of obtaining the right man for the job seems negligible when compared with the importance of paying a political debt. The very first national prison congress in its

Declaration of Principles, adopted and promulgated in 1870, said that :

“The two master forces opposed to the reform of the prison systems of our several states are political appointments, and a consequent instability of administration. Until both are eliminated the needed reforms are impossible.”

In this state when our prison system was under the control of a board of inspectors, a newly-elected inspector would sometimes claim the right to remove one-third of the employees of the prisons and replace them with men of his own selection. This no longer exists, since all keepers are now appointed from civil service lists. However, wardens, superintendents of industries and some employees in the office of the State Superintendent of Prisons are still open to political patronage. It is encouraging to note that a commission appointed by the present Governor of this state in urging the establishment of a state department of correction, recommended the appointments of state prison wardens by civil service examinations. In New York City it was once the practice to have the warden of the penitentiary appointed by the mayor and the keepers by the board of aldermen. Frequently they were of different parties, and discord with all its evil phases followed. All this has been eliminated by the introduction of civil service regulations applying to both wardens and keepers and by placing the institutions under a central control, namely, the City Department of Correction.

A similar situation was brought to my attention recently in connection with a county penitentiary in a near-by state. The warden was appointed by one party and the keeper by another. No effective authority could be exercised by the warden because of the political strength of his subordinates.

Under a system of civil service it is reasonably possible to procure the best persons for positions. The political phase can be almost completely eliminated. Such a system should include a preliminary examination as proof of general intelligence, a probationary period to demonstrate practical qualities of character and fitness and promotion through grades of rank and payment, to encourage men to advance themselves and be faithful to duty. Permanency of office during good behavior and satisfactory service is practically assured. The establishment of such principles as the basis of conducting a correctional system is the one sure way of attracting and holding men of intelligence, character and ability. I do not mean to give the impression that civil service is without fault or entirely free of political interference, but no matter how great the faults may be, the system is bound to be

superior to the old ways. The thing to do is to strengthen weak spots rather than condemn it because of them.

But all this relates to the picking and holding of employees only. How shall they be prepared for their difficult and varied duties? To quote again the first American National Prison Congress:

“Special training, as well as high qualities of head and heart, is required to make a good prison or reformatory officer. Then only will the administration of public punishment become scientific, uniform and successful, when it is raised to the dignity of a profession, and men are specially trained for it as they are for other pursuits.”

There is no way now of training them prior to their appointments, and only the rough and necessarily long “school of experience” on the job, after appointment. The education of prison officers and guards should be made a part of the correctional system in every state. This is essential in support of the policy of admitting only trained and efficient men to the highest positions. In the New York City Department of Correction during the term of Commissioner B. G. Lewis, a correspondence system of instruction for guards was established. This plan was warmly received by the guards and gave very satisfactory results, but was not developed or maintained. The late Professor Henderson tersely states the needs of the situation:

“Within each prison,” he says, “there should be systematic instruction of subordinate officers. The practical and technical training in the duties of each position can be given only by means of the daily routine, under the regulations of warden and board. But theory and practice must go together if we are to secure the highest results. The meeting in council of all the prison officers is a favorable opportunity for considering not merely the actual rules and life of the establishment, but also the principles and reasons which underlie all specific actions. Men who move mechanically, under specific orders, without being taught to consider the reasons, become automatons, lack initiative and invention, and become mere slaves of monotonous routine. Energetic and effective men soon seek escape from this deadly grind, where creative mental activity has no outlet of expression.”

In addition to security of tenure and protection from political changes, the jobs of officers and guards in penal institutions should be made sufficiently attractive in respect to salaries and hours to induce men to enter the service and continue in it. In our New York City Department of Correction, the low pay compels employees to seek other employment. At present the guards of the department are asking pay equal to that of the policemen and firemen. Many good

men are lost by entering other departments for better pay and the prospects of a pension.

Together with a fair compensation there should be a pension system to be supported jointly by state or county and the employees. Another detriment to the service is the long hours of duty. So far as practicable the three-shift plan of eight hours to a shift should be worked. This plan is in operation in a few institutions in New York State, even in some county jails, and has proven a great benefit to the service.

In the State of New York the civil service system applies to all state institutions and to a few county institutions. It is necessary now to extend the system so it will apply to *all* county and municipal units as well. But a training school for prison officials exists nowhere in the state.

There are two things, therefore, that we need, the extension of the civil service system to all local institutions and the establishment somewhere of a training school for officials who might subsequently be appointed in either the state or the local institutions. There are two ways in which we could drive for these results; one is by working independently for the extension of civil service and for the establishment of an independent training school. The other method is the one recently suggested and so generally advocated by many persons and for a variety of reasons, namely, through the establishment of a State Department of Correction. Such a department could automatically both extend and improve the civil service system and also present facilities for the organization of a training school that could easily combine the necessary theoretical and practical training preliminary to appointments and the further training for the purposes of promotion. As a practical matter it may be that the latter plan is the better. It has the support of many persons and many interests. It has advantages for improvement in methods of reformation and custodial care, and would, therefore, enlist the support or interest of those primarily interested in such aspects. Would it not, therefore, be best for those who seek to raise the standards of prison employees to strengthen the movement for a State Department of Correction, which then, in addition to its own advantages, would inevitably result also in improving the status of employees? I feel that this *is* perhaps the most pressing immediate need, and the most hopeful general plan.