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THE JOLIET (ILLINOIS) LEGISLATIVE INVESTIGATION

Committee:

Representatives LITTLE, THON, McCASKRIN, IGOE and BRAY

The Committee was appointed on March 12, 1931. On March 14, there was a riot in the dining room at the old Penitentiary. At the suggestion of the Chairman, all members of the Committee visited the Penitentiary on March 15, talked to the officials, and viewed the scene of riot. No testimony was taken or any formal work of investigation had on that day.

On Friday, March 20, the Committee returned to Joliet and on that and three succeeding days they interviewed a large number of witnesses and took their testimony. On March 27 and 28 further testimony was taken and again on April 3 and 4.

The Committee could not interview Arthur Weise, on account of his being in the hospital, until April 21, when he came to Springfield and was interviewed. It seemed desirable to secure further testimony from members of the Pardon and Parole Board, and it was not found possible to interview them until May 5. Certain members of the Committee insisted upon having statements from the managing officer of the Illinois Reform School of Pontiac, and the Warden of the Southern Illinois Penitentiary. These gentlemen appeared and were questioned on May 12.

DEATH OF JOSEPH COAKLEY

The particular event which called for the investigation, and which the Committee was especially enjoined to investigate, was the death in the penitentiary shortly prior to March 12, of an inmate by the name of Joseph Coakley.

The Committee examined all the officials of the penitentiary who had any knowledge of this death, and all those who in any way are charged with responsibility for the care and discipline of inmates and, furthermore, secured all information possible concerning Coakley prior to his death, including statements of doctors and hospital attendants who had seen him or had to do with him in the weeks immediately preceding his death, and those who examined him and knew

of the circumstances surrounding his death and immediately afterward.

All evidence indicates that Joseph Coakley died while in solitary confinement and that the cause of his death was an attack of heart disease; that such heart attack was not induced by his punishment in solitary confinement, but would have been probable in any circumstances. The testimony indicated that no officer or employee of the penitentiary is subject to any criticism on account of any act of commission or omission in connection with the death of Joseph Coakley.

“METHODS OF PUNISHMENT—SOLITARY CONFINEMENT”

In this connection the whole question of methods employed in preserving discipline naturally arises and the investigation disclosed that solitary confinement is the principal method of punishment employed for serious infractions of rules. Solitary confinement as administered in this penitentiary means that the offender is placed in a room approximately seven feet by twelve feet. The floor is of stone or concrete. The walls are plastered and painted in brown and tan colors. These rooms are heated by steam heat and secure outside light and ventilation through one window some eight feet above the floor, the window being approximately sixteen inches by forty inches in size. At the inside of the wall adjacent to the corridor is a barred steel door. At the outside of the same wall (the wall being about eighteen inches thick), is a solid wooden door in which is a small door which can be opened so that the attendant can see into the room or communicate with the occupant without opening the large door. In practically all cases it is the custom in this penitentiary when a man is placed in solitary to handcuff or shackle him to the barred steel door. The offender extends his hands through between the bars, and handcuffs, with a chain about six inches long between them, are placed about his wrists. The forearm is extended approximately horizontally at elbow height. There was no indication that any prisoner is compelled to extend his arms above his head or that such a practice ever has been followed.

The offender under the present management is shackled to the door for four hours in the forenoon of each day and four hours in the afternoon of each day. He is also placed on a bread and water diet. The prison physician visits each person in solitary every day and if any complaint is made conducts an examination, and if in the judgment of the physician, the punishment is injurious or likely to be injurious to the health of the offender, the physician gives such orders as he sees fit either to refrain from shackling, to change the

diet or to remove the inmate to the hospital. The physician is a regular practitioner who comes in from outside and is not a regular full time employ ee of the institution. The investigation showed that the physician's orders with respect to men in solitary were always followed implicitly.

The inmate is furnished with blankets and in the old prison sleeps on boards which are raised from the stone floor, and in the new prison, he sleeps upon a ledge or table which has a cork covering.

No person is placed in solitary confinement except upon written complaint, which is then heard by the superior officer, either a deputy warden or one acting in his place in his absence. Daily reports of all men in solitary are made to the Warden and a copy of such reports are daily sent to the Department of Public Welfare in Springfield.

Every person interviewed, including all prisoners, agreed that solitary confinement was an absolutely necessary form of punishment and that the prison would not be safe for other prisoners or for officials unless some such punishment were provided.

"THE SCREENS"

Another form of punishment used to some extent is to place offenders in what is called "the screens." This is simply a group of cells in the regular cell house which are surrounded by a wire netting and in which offenders are kept without being allowed to leave their cells for meals or to communicate with other prisoners not in "the screens." It is apparent that this form of punishment is not used to a great extent, and is not generally considered as severe as the solitary punishment.

OTHER FORMS OF PUNISHMENT

The only other forms of punishment are to take from a man certain privileges or to lower his grade which affects to some extent his possibility of appearing before the Parole Board, and may cause him to serve a longer sentence than he otherwise would, or in other words deprives him of what is known as progressive-merit-time or time which is deducted from his sentence on account of good behavior. This is not to be confused with what is commonly known as statutory good time, which under the rules adopted by the Department of Public Welfare cannot be taken from any man in any case except by the Warden. The Committee was informed that in a great many years no warden had ever undertaken to take from any prisoner his Statutory good time.

It is the recommendation of the Committee that shackling of prisoners in solitary confinement be abolished by statute and that the feeding on bread and water be limited to the period of ten days at any one time with one full meal at the end of such time, and that the bill introduced by Representative McCaskrin with this provision become a law in this State.

In investigation of the death of Joseph Coakley is disclosed a set of circumstances which might indicate that the penitentiary guard in charge of the solitary confinement quarters has been in that position for such a length of time as perhaps to cause him to become hardened and out of sympathy with the different situations presented in that department of the penitentiary. The Committee believes that it would be for the best interest of the institution if that particular official were transferred to some other duties in the penitentiary and a different man placed in the position that he occupies.

CARE OF PRISONERS AND GENERAL MANAGEMENT OF PRISON

The Committee found the food to be of excellent quality, well prepared and served in a palatable form. There was no complaint by any prisoner interviewed so far as the food is concerned. The institution from all appearances seems to be managed in a very business-like manner with the interest of the inmates and of the general public always in mind.

Warden, Major Henry C. Hill, is an excellent gentleman of more than ordinary administrative ability, high-minded, with the welfare of the prisoners at heart, actuated by an ideal that prisoners should be so treated as to accomplish reform and to return them to society as good citizens. He recognizes that discipline and respect for authority are absolutely necessary and demands such discipline and respect.

The investigation shows that the Warden has the confidence and respect of all the officials and employees and of the prisoners as well. The State and the public is to be congratulated in being able to secure the service of a man of the type and quality of the present Warden.

The above would seem to cover completely the purpose for which the Committee was originally appointed. However, after the Committee was appointed and before any investigation was started an out-break or disturbance occurred on March 14, beginning in the dining room of the old prison, and on March 18, another out-break which resulted in very serious destruction of property occurred at the new prison.

“RIOTS”

These out-breaks seemed to the Committee to call for an investigation to determine, if possible, what was the cause of these riots and this occupied a large percentage of the time expended and testimony taken.

It is impossible to assign any one definite controlling factor as the cause of these out-breaks. Complaint was made against the Parole Board. Other suggestions were that resentment had been aroused by reason of the killing of three men in an attempted escape on February 22; that there was lack of employment and that there was overcrowding.

THE PAROLE BOARD

The Committee found not only among prisoners but among guards and officials a great deal of criticism of the Parole Board. Among prison officials there was not the slightest doubt or question as to the integrity, honesty and good intention of the Parole Board, but there seemed to be some feeling that individual cases had not been given the sympathetic attention that they might have been given and that individual prisoners were kept in the penitentiary by the Parole Board after they could have been safely released.

Among the prisoners there was a general feeling that prisoners were not released on parole in as short a time as would be for their welfare. This feeling on the part of the prisoner is only natural and should not be given any considerable weight unless supported by other evidence.

Viewing the evidence as a whole, we believe that the present Parole Board is composed of persons of unimpeachable integrity, high purpose, of unusual ability, possessed of the proper qualifications for service in such capacity, having a sympathetic interest in the welfare of each individual prisoner who comes before the Board, but having a sound and sane understanding of all elements involved in such problems. While the Board members have a human interest and sympathy in individuals whose cases they are considering, they recognize the interest and welfare of society and that society must be protected from its enemies and that sympathy must not be allowed to override judgment.

The Board recognizes that there is a psychological time when every prisoner is best fitted to again take his place in society and at which time the possibilities of his making good are greatest. We be-

lieve that it is the ambition and ideal of the present Board to determine that time and at that time to release prisoners on parole if eligible to parole under the law. This problem of determining that proper time is the most difficult question in relation to dealing with law violators and in any event is a matter of opinion. The opinions of different individuals are likely to differ, and when an opinion is arrived at there is always the danger that it may be a mistaken one.

We found among some persons a belief that the whole policy of the indeterminate sentence was unwise and that the policy of definite sentences, with fixed time off for good behavior are to be preferred. We believe that the theory of indeterminate sentence with power of parole is in the best interest of society and that, with the right kind of a parole board, backed by an intelligent public opinion, the problem of dealing with law violators can be handled to the better interest of society than any other method would accomplish.

The public should recognize that it is only natural that a prisoner will find cause for complaint whether it is justified or not. Due to the manner of life and largely to the lack of employment the prisoner has much time to consider his situation and to convince himself that he is the victim of unfairness and inequitable treatment. From the slightest rumor the prisoner can and does quickly convince himself that his treatment is different from that accorded other prisoners committed for the same technical offense and that he is being discriminated against and that the Parole Board is acting from prejudice, influence, or some other improper motive. From stories which from time to time have been repeated in newspapers and otherwise, indicating that paroles have been granted as the result of improper influence, the prisoners generally jump to the conclusion that the Parole Board and all other Parole Boards are corrupt. We believe the feeling against the present Parole Board not justified, but that this present Board is the victim of an accumulation of rumor, suspicion and ill-feeling which has developed over a period of years extending far back of the period of service of the present board.

One contributing circumstance which has aroused ill-feeling on the part of the prisoners and which is directed at the Parole Board, but with which the present Board had nothing whatever to do, and which it has no power to remedy or relieve, results from a holding by the Supreme Court that no prisoner is eligible to parole until he has served the full minimum sentence prescribed by law. This holding has affected particularly those who are convicted of robbery with a gun. The sentence was for many years fixed by the Statute at from

ten years to life. It was later changed to imprisonment from one year to life. Before it was changed a number of prisoners had served six years and three months. It had been assumed that such prisoners when entitled to Statutory good time for that sentence, would be entitled to parole, and many of them were released on parole at the end of six years and three months, which was the time remaining for a ten year sentence, when good time was allowed. The Supreme Court held that this was a mistake, and that such prisoners must serve the full ten calendar years. This situation left some six hundred inmates of various prisons who felt that they had been unjustly dealt with, in that other prisoners under the same sentence as theirs, had been released in six years and three months, while they must serve the full ten years, and in that prisoners convicted for the same crime after the law was changed are eligible to parole after serving one year. These prisoners have evidently been a disturbing element and have fostered a spirit of hatred and resentment in the prisons among all prisoners, which feeling has been directed against the Parole Board for want of any other person or institution against which to direct it.

This is a situation for which the present Parole Board is in no way responsible, which it cannot correct, and which the Legislature cannot correct, because the Court seems to hold that a legislative body cannot change the judgment of a Court when once judgment is entered.

We suggest that the officers and guards within the penitentiary should be very careful not to criticize the Parole Board. It may easily be that such criticism on the part of the officers or a feeling on the part of the prisoners that the officers sympathized with them in their feeling against the Parole Board has accentuated the spirit of unrest, and has been an important contributing element in the feeling which culminated in the riots. We do not believe such criticism was prompted by any improper motives, or that those who made such criticism realized that the results might be harmful to the discipline in the institution. However, it must be appreciated that regardless of motive or purpose the results were bad.

The function of the officials in the prison is to keep the men committed to their care. The function of the Parole Board is to determine within the limits fixed by law, how long men must remain in custody. These functions in the nature of things must be kept separate and distinct, and must be performed by different persons or bodies. Criticism of one by the other can lead only to harm. Each should keep entirely within his own field.

While the Committee makes no criticism of the personnel of the present Parole Board, there is doubt as to whether the present form of organization for the administration of Paroles is the best that could be devised. While it may be going somewhat beyond the intent of the resolution under which this Committee was appointed, and while the Committee as a whole does not feel qualified to make a definite recommendation, we do submit that the question of a reorganization is worthy of consideration. Possibly a smaller Board of five members, possibly three, instead of ten as at present, might be an improvement. A small board might be able to sit as a unit at all times, going from institution to institution, the members giving full time to their work. A small Board would be less cumbersome and should prove more efficient.

THE ATTEMPTED ESCAPE

Another situation which the Committee was advised had had some influence on the men within the prison was the killing of three men on February 22. These men had escaped from the penitentiary. Two of them were shot after reaching the ground outside of the wall and one was shot on top of the building. The officers who did the actual shooting were simply obeying orders but it is the opinion of this Committee that the killing of these convicts was unnecessary and could have been avoided.

EMPLOYMENT

As to the lack of employment, it is agreed that prisoners ought to be kept employed not only to preserve discipline while incarcerated but for their own physical, mental and social well-being, while in the penitentiary, and more particularly when discharged.

It is agreed that there has not been sufficient means of employment at the Illinois State Penitentiary. This Committee is not able to make definite recommendations as to what steps should be taken to furnish such employment. The problem is very complicated, and a joint committee of the House and Senate has made special investigation of this problem and this Committee approves its suggestions. The department and officials in charge recognize the need for more employment and are better able to view the whole problem than a committee charged with simply a brief investigation, and we believe that it is not the province of this Committee to attempt to make specific recommendations as to how the employment situation should be remedied.

OVER-CROWDING

It is agreed by every one at all acquainted with the facts that the Illinois State Penitentiary is over-crowded as are other State institutions. A new cell house at Stateville to accommodate approximately one thousand prisoners is under construction and to some extent will relieve the situation now existing. The whole problem of relieving this crowded situation is a complicated one and solution may be found in various ways. Among the suggestions are the building of additional cell capacity, the building of a new prison, building of additional quarters for certain types of prisoners of low mentality or who for other reasons can be kept in a less secure place than the present penitentiary, the improvement of probation and paroles which would lessen the numbers being sent to the penitentiary or shorten the time of confinement and gradually relieve the congestion.

We think the present Department of Public Welfare is fully alive to all the problems suggested and is actively interested in furthering the solution. We think it much more competent and able to arrive at a solution because it is actively and continuously engaged with this problem while this Committee's consideration must necessarily be brief and cursory. The department furthermore has a general view of the whole welfare problem of the State, and can approach it from all angles, and take into consideration the needs of all the wards of the State, the funds available, and can apportion the finances of the State to the places most in need, while this Committee can view but one small part of the problem and cannot go into the matter of the finances of the State.

HOSPITAL FACILITIES

We find the hospital facilities at the Illinois Penitentiary limited and in need of expansion.

In addition to the recommendation herein contained it is the opinion of this Committee that much progress in the treatment of convicts would be had if a definite policy aimed towards the segregation of the different classes of prisoners now confined in the penitentiaries of this State were brought about in an intelligent manner and that provision for carrying out the above suggestions should be made by the Department of Public Welfare.

DISCIPLINE OF EMPLOYEES

There was some suggestion that the discipline among the guards and officers was not all that it should be and that there were jealousies

and lack of loyalty among the members on the force. Such things cannot be countenanced and the only recommendation that we can make in that respect is that the Warden and the Department be given a free hand to discharge such officers as are not loyal or as do not cooperate with the management and with other officials. We recommend that the Department and the various wardens be given a free hand to devise ways and means to secure a better class of guards and provide better training. The hours of employment are long and salaries are not high. Shorter hours and higher salaries might be instrumental in obtaining a better class of guards.

We have unlimited confidence in the Director of the Department of Public Welfare and those under him and in the Warden of the Illinois State Penitentiary and we believe that the State and the people of this State are to be congratulated on the character of the supervision of this institution. And we recommend to the Speaker and the House that these officials be supported by the Legislature and that they be given a vote of confidence in the full belief that if given such support and backed by the sentiment of the people of the State they will conduct the Illinois State Penitentiary, as well as other state institutions, in the best interests of the inmates and the people as a whole.