

Summer 1934

Problem of Women in Penal and Correctional Institutions

Ellen C. Potter

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

Ellen C. Potter, Problem of Women in Penal and Correctional Institutions, 25 *Am. Inst. Crim. L. & Criminology* 65 (1934-1935)

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.

THE PROBLEM OF WOMEN IN PENAL AND CORRECTIONAL INSTITUTIONS

ELLEN C. POTTER, M.D.¹

Let us grant that woman has always constituted a problem since the days of Eve. We admit that she did violate a local ordinance and that she did set up a tempting situation with which her masculine companion was not able to cope and that there resulted a violation of law on a 50-50 basis, male and female. Let us agree, if you will, that even-handed justice was meted out to the offenders and that discrimination was not shown in the penalty imposed upon each sex, expelled as were both of them from the Garden of Eden.

I think you will admit that the penalty imposed did not prove a deterrent to other offenders for the incomplete criminal records of that time show that the next major felony was committed by a male and the score of recorded crime stood with 33⅓% attributable to the female sex.

That this was an early manifestation of a continuing trend is, I believe, borne out by present-day criminal statistics, which are, by the way, still incomplete and more or less fragmentary.

The figures as reported by the Bureau of the Census show that the percentage of women offenders committed to federal and state prisons and reformatories has dropped to a "new low" of 4.3% of total commitments or in actual numbers to 2,913, out of a total of 66,384 commitments in the year 1932.

This fact of the relatively small number of women committed to federal and state penal and correctional institutions constitutes one of the basic problems with which we have to deal. This relatively small number is again subdivided by the 50 units of jurisdiction—the 48 states, the Federal Government and the District of Columbia, so that in any one state the actual number of women in care in state prisons and reformatories is small and creates a real problem in the economics of administration as well as in the treatment field.

We should either have more or we should have fewer women committed to our state correctional institutions if we are to solve the

¹Director of Medicine, Department of Institutions and Agencies, Trenton, N. J.

problems of the women's institutions or if we are to solve the problems of the woman in prison, which is quite a different matter.

May I ask you to consider the basic facts which contribute to these problems? In certain respects they are identical with those encountered in institutions for men. In certain localities the presence of women in prison considerably increases the difficulty of administration in the institution for men, since they occupy space badly needed by the males. In still other particulars their problems are peculiar to women and to the institution specifically created for their care.

The problem which the woman offender creates, if she is apprehended, involves herself and the taxpayer, and this is equally true of men.

The taxpayer has set up his scheme of statute law; the police; the prosecuting and judicial machinery; the institutional system for custody and treatment and in addition a system, more or less imperfect, of aftercare.

These agencies and facilities are applicable alike to men and women, but they vary in the provision made and the administration throughout the 48 states, the District of Columbia and under Federal jurisdiction. The administrators of correctional institutions have many problems in common, whether their wards are men or women, but to the warden who must handle men *and* women in the same institution additional factors of difficulty are imposed; while on the other hand, for the woman prisoner in an institution conducted primarily for men, added limitations in training and treatment are imposed because of the small numbers in any given institution and this makes her lot more difficult.

Now let us look at the facts. According to the census of 1930 there were in the United States 43,881,021 males and 42,837,149 females, fifteen years of age and over. Almost a 50-50 relationship between the sexes with males slightly in excess.

At the close of 1930 there were in State and Federal prisons and reformatories 114,462 men and 4,382 women, the women constituting slightly more than 3% of the total prison population.²

During the same year 66,013 prisoners were received from the courts, and of these 3,056 were females or 4% of the total. In certain states only one or two women were received; in only eight states were more than 100 received, and these were provided with separate

²Census 1930, Report Table 1, Page 2.

institutions for women. It must be obvious that the small numbers of commitments create a problem for the woman as well as for the warden, in the institution which cares for both sexes.³

The figures do not tell the whole story of women in prison and one must turn to the last available statistics which are those of 1923. These figures include returns from county jails, workhouses, chain gangs, etc., as well as State and Federal prisons and reformatories and this is the story they tell:

There were present in these various prisons January 1, 1923, a total of 109,075—103,883 male and 5,192 female (or 4.8% female).⁴ This population was scattered as indicated below: (Census 1923, Table 19, page 47).

	Total	Female	
In Federal Prisons.....	4,664		
State Prisons	61,825	1,371	2.2%
Reformatories	14,446	1,837	12.7%
Jails and Workhouses.....	28,140	1,982	7.0%

It is evident that on a given day the women in the workhouse and jail constitute at least one-third of the total woman's problem but when measured by *commitments* the women in the jail and workhouse far exceed the women in all other correctional institutions.

The total commitments for the first six months of 1923 were 166,356, scattered as follows: (Census 1923, Table 128, page 194).

	Total	Female
Federal Prisons	2,003	0
State Prisons	12,290	474
Reformatories	4,787	724
Jails and Workhouses (county and municipal).....	147,276	12,142

Commitments estimated for twelve months were 357,493 and of these 26,680 were women; and of the women 24,284 were in the jail or workhouse, or 90%.

Put another way, the ratio of commitments per 100,000 population of the same sex and age was for:

Females	55.3
Males	610.1 ⁵

or eleven times as many males committed as females in proportion to the same sex and age grouping.

It should be apparent then, that numerically, the maximum job

³Census 1930, Table 8A, Page 6.

⁴1923 Census, Table 17, Page 44.

⁵Census 1923, Table 18, Page 46.

in relation to women in prison is to be found in the jail and workhouse; eleven times as many women flow through them as contrasted with state and federal institutions, but flowing at such a rapid rate, with short term sentences, that no constructive good is accomplished for the woman, while the taxpayer meets an enormous bill for a non-productive enterprise.

Seventeen states in 1930 had provided separate institutions for women, almost all of them administered by women superintendents. Three of the seventeen state also had "co-educational" institutions. The federal institution for women had also been opened.

Thirty-four states had men and women in the same institution with the census for women ranging from two in New Hampshire, North Dakota and Nevada, to 171 in Georgia, with Florida and Alabama running close. Nineteen of these had less than fifty women in residence.

The type of program of work, training and treatment suited to men, who predominate in all of these "co-ed" institutions, is ill adapted to the women; the matron who is responsible for them rarely measures up to the type who finds her place in the woman's reformatory; the warden with the best intention in the world rarely, if ever, has the imagination to plan a training program calculated to rehabilitate his wards and so the woman "serves her time" and goes back into the world with little to show in the way of improvement for the period in custody.

To recapitulate on this point:

First: The woman in state prisons creates a problem in the institution in which men are also in custody, occupying as she frequently does space sorely needed by the male prisoner.

Second: Her small numbers in the individual institution makes it impossible for those in authority to plan an adequate rehabilitative program for her at a reasonable cost.

Third: The matrons responsible for her custody and care, as a rule, lack those personal qualities of culture, imagination, and sometimes of character which will serve to promote the rehabilitation of their wards.

Last, but by no means least, the sex tensions which are bound to occur in an institution run for both sexes, even when segregation is the policy, creates difficulties. When, as has occurred, an unscrupulous deputy or guard takes advantage of his position in relation to the woman in prison a situation is created which is intolerable.

Commissioner of Corrections Paterson, of England, states that "It is now accepted as essential that women should be kept in a building separate from that used for male prisoners and that no communication between the two sexes should be allowed." In the United States we have taken a long step in advance of this position by the establishment of our women's reformatories in eighteen states. There are however thirty states which have not met the situation squarely.

Sex Morality vs. Sex Crime

The second set of problems in the woman's prison is created by the type of woman who is committed, and also the lack of discrimination shown by many courts in their final determination of sentence. Of women committed to prisons, jails and workhouses in the first six months of 1923 their offenses (of 1,000 or more in one classification) in order of frequency were:

Disorderly Conduct	3,178
Drunkenness	2,088
Fornication and Prostitution.....	1,612
Vagrancy	1,443
Larceny	1,003

These offenses, of course, predominate in the workhouse and jail and because of the short term sentence undoubtedly represent repeated offenses. It is evident that a high standard of decency does not prevail in this group of women.

Limiting our consideration to the offender in state and federal institutions only, the offenses for which women were committed in order of frequency were, in 1930:

Sex Offenses	611
Larceny	412
Liquor law violations.....	330
Homicide	247
Narcotic law violations.....	189
Forgery	157
Assault	132
All other	963
Total	3,041

Sex offenses are prominent in the history of women committed to prisons, constituting 20% of commitments to state and federal institutions. Granting that there is every reason to wish drastic punishment for the women who runs a disorderly house, what do we

really accomplish by committing the prostitute and other types of sex offenders?

We cannot legislate morality any more successfully than we legislated sobriety. In European countries the type of offense which we have legislated into the criminal law is not so regarded, nor are women sent to prison on such charges, and I have never heard that the women in European countries were less moral than are we. Neither are men in our own country committed to prison in any large numbers for similar offenses.

If we choose to say that the purpose of committing women to prison for sex offenses is to control venereal infection then let us be honest with ourselves and undertake a hospitalization and clinic program which will reach the much larger number of women in jails and workhouses and the still larger number of men who are in need of similar treatment and are not receiving it.

Is the present situation which creates more than 20% of the present load in our correctional institutions for women a hang over from our Puritan ancestors immortalized in *The Scarlet Letter*? If so, the time has come for reconsideration of the problem.

(a) *The Problem of the Child Born to the Woman in Prison*

There is another problem created for the woman's institution which requires special mention. Wherever such institutions exist the courts are tempted, as the easiest way out, to commit women and girls who are pregnant and even mothers with children clinging to their skirts, to the correctional institution, instead of developing the social agency and plan for handling the problem in the interest of mother and child in the community.

The superintendent of Clinton Reformatory, New Jersey, states that in recent weeks every commitment has been either pregnant or leading a child by the hand.

(b) *Selective Sterilization and Illegitimacy*

In this field we have a problem which demands serious consideration. Shall we be content to provide good obstetrical care for those who are committed by the courts or shall we consider the whole problem of the control of the propagation of the unfit with its ever mounting costs to the taxpayer and with the inevitable addition to the population of correctional institutions?

Let me give you some facts which developed in a classification meeting called on September 30, 1931, for the purpose of relieving overcrowding in the maternity unit of one well-known institution for women.

Twenty-four infants and young children were up for classification, the offspring of twenty-three mothers committed by the courts. With these mothers there entered the institution ten small children. To them were born fourteen infants. Of these 24 children:

5 were legitimate
19 were illegitimate

The following recommendations were made as to disposition of the cases:

16 were recommended for care under the State Board of Children's Guardians—certainly during minority, perhaps for life in an institution for the feeble-minded
2 recommended for care by private agencies
6 recommended for care by relatives

Of the twenty-three mothers:

14 were feeble-minded
3 were of inferior mentality
2 were mentally ill
4 were normal

But—more disturbing than all these facts was this, that the twenty-three mothers in addition to the twenty-four cases in the institution had brought into the world forty-four additional children of whom seventeen were illegitimate.

Can we afford to let this kind of thing go on? Is a correctional institution the proper place in which to lodge this service, as contrasted with an institution for the feeble-minded? In addition, has the time not come for serious consideration of selective sterilization, as one method of social control of the propagation of the unfit, and thereby the elimination of one of the serious problems in a woman's prison?

(c) *The Problem of Child Development in Prison*

Another problem which grows out of the practice of the courts and the predominance of sex offenses among women, is the need for proper care and development of the child who is born in the institution or who enters it with its mother.

This implies adequate nursery facilities; a good paediatric service; a program of adult education in child care and more than all else a consistent program of child study and development in the hands of the professional staff so that the unfortunate child may have a maximum opportunity for development.

This costs money and adds to the already high per capita costs which the relatively small size, of even the largest woman's reformatory, carries as compared with those for men.

The Problem of Per Capita Costs

This bugbear of "per capita" is another problem much more acute in the woman's institution than in the institutions for men. The overhead costs when spread over 1,000 inmates becomes infinitesimal as contrasted with the same spread in an institution of 300, and there is but one woman's institution with more than 300 capacity. The woman superintendent is put to excessive strain to keep costs down. Frequently this results in unreasonably small salaries for superintendent and staff and frequently a ratio of employees to inmates which means overwork and sometimes serious risks. Training programs and recreational projects are of necessity curtailed although in the majority of women's institutions these undertakings even on a limited budget show more imagination and successful execution than in many male institutions.

The training program—industrial, vocational, cultural, academic, in a woman's institution has many limitations which no amount of imagination can overcome.

The trades open to men are many and various and can be successfully applied to institutional maintenance and integrated into a general school program. I do not need to enumerate them, but for women, hand and power sewing; the laundry, hand in small institutions, commercial in the large; housekeeping; cooking, and household arts provide most of the training outlets with the farm, poultry, dairy and canning the major auxiliary undertakings.

The Problem of Parole

This very fact creates another problem in relation to parole of women offenders. It is hard enough to secure parole opportunities for men but it is infinitely more difficult to secure them for women.

It is inherent in the sex. A man will "take a chance" on a man. A woman "cannot afford" to take a chance on a woman, as witness

the difference in the conduct of men and women in the dressing rooms of a Pullman. The solemn silence of the lady dressers is in sharp contrast with the cheerful chatter which streams out of the green curtained smoking room. When one considers that the major outlet for the girl or woman on parole is to domestic service in the home of a woman; and that for the most part the girl of today does not wish for, nor enjoy, house work, it is easy to realize that success on parole placement will require a tremendous amount of character development on the part of the parolee as well as much sympathetic understanding and firm supervision on the part of the woman parole officer.

It is especially true with the younger woman so that it becomes almost essential that her first parole placement should be in a family home. She must have a point of departure, a "reference," a social setting if she is to be able to stand on her own. This makes a much more delicate task of adjustment for her than is the case with men. It is a prerequisite to success that her parole advisor be a woman.

The Problem of Personnel

The problem of securing adequate personnel for any penal or correctional institution, male or female, is a very real one. It is particularly difficult in institutions for women, and in the "co-ed" institutions the type of woman officers leaves much to be desired.

In the institution exclusively for women one encounters special difficulty. The farsighted woman superintendent knows that the success of her administration depends upon securing women of fine character, native intelligence, with good cultural background, with imagination, courage and if possible not less than a high school education.

The superintendent is as a rule able to offer a very small salary--frequently as low as \$45 per month with maintenance; for that she offers a twenty-four hour a day job; a life in the midst of her charges; no personal life; frequently only a bed room with no auxilliary facilities, and two days off every two weeks with a two weeks' vacation during the year.

This is not tempting bait to a woman of ability and when one also considers the fear, which any normal woman may be expected to have, of entering "prison employment," because of the physical risks she thinks she may run, it is a marvel that women's prisons recruit such able matrons and staff members. The movies and *Anne*

Vickers do not help in popularizing this line of work as a career.

That there is little opportunity for a career is based on the fact that there are so few institutions exclusively for women; that so few *assistant* superintendencies are open; that these assistants are often poorly paid and that in addition, in the "co-ed" institutions there is no future for the woman of ability since she may never rise even to the rank of deputy in the woman's division of the prison. (Maryland is perhaps just opening an opportunity in this field.)

With all these limitations however the missionary and humanitarian zeal of scores of women have made of the Women's reformatories of the United States models for the world.

May I call your attention to this fact, contrasting the service required of staff and officers in women's institutions and those for men?

The guard in a man's prison does not have a 24 hour responsibility; he does not have to live in the midst of his charges; if he has a family he may live with them and he daily has many hours of waking time when "he may be himself."

On the other hand the woman warden or matron has a 24 hour responsibility; she lives in the midst of her "girls"; she has no family life; and in her waking hours she has small chance to "be herself"—even to the point of lipstick or rouge or a cigarette!

The marvel is that she keeps her balance. She does, however, largely because of the skill, vision and ingenuity of the skillful superintendent.

The Forgotten Woman in Prison

And last may I speak of the problem of the "Forgotten Woman" in the woman's prison, the Superintendent—forgotten, that is, unless she has an alert Board of Managers with imagination.

In the woman's prison and the reformatory group of institutions she is there, as a rule, not because of politics; not working for a pay check; but because she sees a challenge to undertake and put through a constructive social task of rehabilitation.

Because the institution to which she comes is small, rarely over 300 capacity her salary is small as compared with those of men carrying equivalent responsibilities. This places a distinct limitation on what she may do or where she may go outside her institution.

Usually she lives in the midst of her staff, eating with them, sharing recreational facilities with them.

She may have no family life, for the authorities who consider budget matters recognize no normal family appendages for the woman superintendent while the man superintendent has wife and children, up to 21 years of age, with little question.

She has no "safety valve" through which to blow off petty problems which a family provides!

She may not have personal friendly relations with subordinate members of her staff without running the risk of unpleasant criticism and without jeopardizing disciplinary relationships within the institution.

The community in which the institution is located offers, very rarely, any hospitable recognition of a new personality which has entered its circle, and years go by before the woman superintendent becomes part of the world in which she lives.

And she too has no chance "to be herself"—*she becomes* her institution—someone has said that "an institution is the lengthening shadow of a man."

So these women's institutions are the lengthening shadows of the able women who are participating in their development. Not until all our states have set up a sound program for the rehabilitation of woman offenders, should this Congress be content.

We should help to solve the problems presented:

By a careful review of the whole question of sex morality as it relates to the commitment of women to prison;

By promoting the development of other types of social and health agencies in every state, for the care of the unmarried mother; the illegitimate child; the venereally infected man and woman; the care of the feeble-minded; and selective sterilization of the unfit;

By advocating the elimination of short term handling of the woman offenders in the jail and workhouse, and by proper selection merge the type of women offender now found there with the women in our prisons and reformatories in the states where they now exist; creating these women's institutions in the 30 states where they do not now exist and so establishing a unit of such size as to be capable of economic administration, while at the same time providing maximum rehabilitative results;

And last, help by every means at our command to provide for better personnel practice in relation to women superintendents, officers and staff who are *with* the women in prison but *not of them*.