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CRIME TREATMENT IN NEW JERSEY—1668-1934

EMIL FRANKEL¹

“The penal, correctional and reformatory institutions of the state are only a part of the system of criminal administration—the policy and methods of the warfare against crime—which the state has developed. They cannot therefore be studied nor can remedies for their defects wisely be proposed without some consideration of the purposes which they are intended to serve. The policy of the state with reference to criminal wrong-doing as expressed in its penal legislation must be reviewed and the soundness of that policy, tested by the principles of modern penological science, must be considered.”

These words indicate clearly the statesman-like approach to the problem of crime by the Prison Inquiry Commission created by the New Jersey Legislature in 1917, with the late Senator Dwight W. Morrow, as chairman; the other members being Seymour L. Cromwell, Henry F. Hilfers, John P. Murray and Ogden H. Hammond.

The Commission, therefore, not only investigated the prison conditions then needing immediate attention, but under the direction of Dr. Harry E. Barnes made “a detailed history of the penal system of the state, covering not only the actual experience of the legislature, the courts and the correctional administration in dealing with the problem of crime, but also the efforts that have been made from time to time, officially and otherwise, to reform the admitted defects of the system.”²

Population Influences

A backward glance at the composition and characteristics of the population of New Jersey in the seventeenth century throws considerable light upon the approach to the treatment of the penal

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² Report of the Prison Inquiry Commission, Volume II, A History of the Penal, Reformatory and Correctional Institutions of the State of New Jersey—Analytical and Documentary, by Harry E. Barnes. Lecturer in History, Columbia University (Trenton, N. J., MacCrellish & Quigley Co., Printers, 1917).

The author gratefully acknowledges his indebtedness to Dr. Barnes for drawing freely upon the monumental report compiled under his direction in the preparation of this article.

offender in those early days. When the Province of New Jersey was divided in 1673, West Jersey was the larger portion in area, embracing 4,595 square miles, as compared with 2,981 square miles for East Jersey. East Jersey was the more thickly populated, and by the beginning of the eighteenth century had a population of about 10,000 or three times that of West Jersey.

The original population of East Jersey was extremely heterogeneous. In what is now Bergen County, the Dutch were predominant. In Essex and Middlesex counties, Puritan New Englanders from New Haven colony, Connecticut, constituted a majority of the population. They brought with them the democratic political institution of the town-meeting. Quakers and Baptists from Long Island settled Monmouth county, while Scottish immigrants populated the region around Perth Amboy in Middlesex county. Many Germans settled around New Brunswick in Middlesex county. The population of West Jersey was more homogeneous. There were a few Swedes, but the mass of the population were middleclass Englishmen, at first mainly Quakers.

Criminal Codes of Colonial New Jersey

A criminal code was enacted in May, 1668, by the first general assembly of New Jersey meeting at Elizabethtown. This code was reenacted with very little change on December 9, 1675, and constituted the basis of East Jersey criminal procedure.

This criminal code was a characteristic expression of the severe Puritan conceptions of criminal justice which had been brought into New Jersey by the settlers from the New Haven colony. It is an exceedingly interesting document as it illustrates not only the severity of the criminal codes of the time, but also the comparatively small part that imprisonment played in theories of punishment at that time.

The punishment prescribed for the various crimes took the form of death, mutilation, branding, the stocks, or whipping. The idea of imprisonment as a generally accepted mode of punishment, which later developed, was derived partially from the European institution of the workhouse, which was in process of development from the middle of the sixteenth century, and in part from the Quaker experiments in penal institutions which were worked out in West Jersey and Pennsylvania. The Quakers, on the other hand, were far less dominated by the sentiments of the Levitical code than the Puritans, and their reluctance to employ the death penalty led them

to look with favor upon imprisonment at hard labor as a relatively humane and effective mode of punishment.

In the East Jersey Criminal Codes of 1668 and 1675 the death penalty was prescribed for murder, perjury, buggery, sodomy, abduction, rape, witchcraft, assault by children upon their parents, conspiracy, the third offense of burglary and robbery, and the fourth offense of thievery.

Arson. Punished by compelling the offender to make full satisfaction to the injured party, or suffer death or such other punishment as the court might prescribe.

Burglary or Robbery. Offender was compelled to make full restitution for the first offense and to be branded with a T on the hand, doubtless signifying "Thief." A second offense required restitution and the brand of an R on the forehead, signifying "Robber." Death was prescribed for the third offense.

Theft. Treble restitution was prescribed for the first offense; treble restitution and such punishment as the court might dictate for the second and third offenses; and death for the fourth.

Adultery. Punished by divorce, corporal punishment, banishment, any or all at the discretion of the court. Fornication required compulsory marriage, fine, or corporal punishment, as the court might decree, and security for the care of the potential offspring.

Drunkeness. (Described as "that beastly vice.") Guilty party was fined one shilling for the first offense, two for the second, and three shillings six pence for all subsequent repetitions. On default of fine, corporal punishment was ordered and the stocks were decreed for unruly drunkards.

Swearing. Punished by a fine of one shilling, one-half of which went to the public treasury and one-half to the informant.

Curfew. Those who could not furnish a satisfactory explanation of their absence from home after nine o'clock in the evening were to be punished according to the discretion of the court.

Resistance to the Public Authorities. Punished by fine or corporal punishment as the court might decree.

The Puritan influence in East Jersey was further manifested in the Law of October, 1677, forbidding the profaning of the Sabbath. Householders or tavern-keepers who allowed drinking, tipping, or disorderly conduct on their premises on the Sabbath were to be punished by a fine of ten shillings for the first offense and of twenty shillings for each succeeding offense. All disorderly persons found on the premises were to receive two hours in the stocks.

The growing Quaker influence made itself strongly felt in the new criminal and civil code drawn up for East Jersey in 1682. The penalties exacted for criminal offenses were less severe and jails

were provided for confinement, but this method of punishment was mainly employed in the case of debtors.

With regard to West Jersey, the first provisions for the administration of justice are embodied in the famous constitution of the province drawn up by the Quaker proprietors in 1677 and entitled "The Concessions and Agreements of the Proprietors, Freeholders, and Inhabitants of the Province of West Jersey in America." As contrasted with the East Jersey codes of 1668 and 1675 the juridical provisions of this Quaker instrument of government were remarkably mild and advanced. The penalties were mild and elastic, the mode and degree of punishment usually being left to the discretion of the court to fit the circumstances. Absolute freedom of "opinion and worship" was decreed, and equally remarkable for that period, the imprisonment of honest debtors was forbidden.

Shortly after 1680 Puritan immigration increased into West Jersey from East Jersey, from New England, and from England itself. Their influence was reflected in the increasing severity of the criminal legislation. Thus it came about that the criminal code of West Jersey, which began as a mild expression of Quaker ideas of justice, had by the close of the seventeenth century begun to take on many of the characteristics of the severe criminal procedure of the code of Puritan East Jersey.

Criminal Codes of the United Royal Province, 1702-76

There were no marked changes in the criminal code after the union of East and West Jersey in 1702. The harsh and severe Levitical code of Puritan East Jersey and the mild Quaker code of West Jersey were gradually assimilated through mutual interaction and interpenetration of the social forces which brought them into being and were carried over into the united province and perpetuated throughout the colonial period. Toward the end of this period the criminal codes were forced to readjust themselves to curb vices inherent in a more developed society and to escape the expense connected with an unwise detention of debtors and petty offenders, for whom imprisonment was not intended or adapted as a punishment.

Reminiscent of more recent days was the enactment in 1748, of a law for "the more effective preventing of lotteries, playing of cards and dice, and other gaming for lucre of gain; and to restrain the abuse of horse racing within this colony for the future." That these "evil tendencies" were not easily curbed may be gathered from

the passage of a more stringent law in December, 1761, "effectually to prevent horse racing and gaming in the Province of New Jersey."

Penal Institutions in Colonial Period

New Jersey is noteworthy in the history of penal institutions, in that it shared with Pennsylvania the distinction of being the first definitely and consistently to employ the Quaker practice of utilizing the workhouse as the basis of the penal system. Being extremely averse to the wholesale employment of capital punishment and the cruel methods of physical torture then practiced, the Quakers naturally fell back upon the alternative of imprisonment at hard labor as the chief agency in protecting society from the criminal and in effecting the punishment and reformation of the latter.

The workhouse system, developed in New Jersey in the eighteenth century, was modeled largely after the European practice of employing the workhouse for the suppression of all pauperism and disorderly conduct, rather than as a basis of the penal system. The law of December 16, 1748, creating the first workhouse in the county of Middlesex throws considerable light upon the contemporary opinion as to the nature and purpose of the workhouse system:

"Whereas, Divers of the Inhabitants of the County of Middlesex have humbly certified to the General Assembly by their petition that the numbers of poor people have of late years very much increased within the said county, and that, for the better regulation and government of the said county, it is highly necessary that a poorhouse shall be erected within the same for the maintenance and employment of such poor persons as may become chargeable to the several cities and townships within the said county, and for the educating and bringing up of poor children in some honest and industrious way; as also a workhouse and House of Correction for setting to work and punishing all vagrants, vagabonds, and pilferers, and all idle and disorderly persons, servants, and slaves within the limits of the said county, and the depressing of vice and immorality."

Instances of jail-breaking were quite numerous as is evidenced by the newspaper notices preserved in the volumes of the New Jersey Archives. Two samples may be given:

"Broke out of the Gaol of Burlington in New Jersey, a certain man, named John Crues, of middle stature, hollow-mouth'd (that is) his Nose and Chin inclined to meet, a Weaver by Trade, but pretends to be a Quaker-Preacher; he took with him two Coats, one a light colour'd Camblet or Duroy, the other a brown homespun Stuff, both very plain, a Searsucker Jacket and Breeches, and a pair of patch'd leather Breeches,

two fine Shirts, and a half worn Beaver Hat, thread Stockings, and peek'd toe'd Shoes, his Garters have his name wove at full length; he had also with him a pair of Saddle Bags. He's suppos'd to be gone to New-England near Boston, to Preach again where he has Preach'd before.

Whoever takes up and secures the said Man, in any Prison, giving notice to Charles Tonkin, Under Sheriff of Burlington aforesaid, shall have three pounds Proclamation Money as a Reward, paid by me.

Charles Tonkin, Sub.-Sheriff."

(From the Pennsylvania Gazette, August 4-11, 1737.)

"Eighty Dollars Reward

Essex County Two Persons escaped from Jonathan Hampton, New-Jersey. ss. High Sheriff of Essex County, as they were going to Baskin-Ridge, where they lived, to get Bail for the Actions they were then taken upon, not known to the Sheriff to be for Felony and Foergery, as they since appear to be, which the Persons then knew, viz.: William Hamilton for Sheep-stealing, at the Camp on Staten-Island, born in Ireland, about 50 years old, a lusty, dirty, slouching Butcher, much sun-burnt, wears a cut wig, seldome combed; has an impudent Boy his Son, about 14 years old, with him; he had several other Actions against him, for which Sylvester Cole became special Bail, and unless he is soon taken, must pay the Debts and Costs. His Wife and Children are since gone to him.

John Barclay, for forgery, born in Ireland, about 50 Years of age, a short chunky Fellow of sandy complexion, full of Palaver when drunk (which is as often as he can), talks thick and quick, is a Clothier by Trade. They both went to the southward last Spring, were at Pequea last July, and would have been taken there if one Andrew M'Gown had not helped them to escape and secreted them, well knowing they had left me, as above; M'Gown lately went from Baskin-Ridge also.

Barclay's Wife and some of her children went in the stage to Philadelphia and Lancaster about two Months ago; she is exceeding much Poch-marked, very brown, named Catherine, about 40 Years of age, but looks much older, a very neat little women. It is thought they are somewhere between Pequea and Will's Creek, but most likely about Sasquehannah; but if they are further southward, even to Carolina, it is hoped they will be apprehended, as such Villains ought not to be countenanced. Whoever apprehends and secures them, so that I may have them again, or brings them to me, or my Gaol keeper, shall have for Hamilton Fifty Dollars, and for Barclay Thirty Dollars and all reasonable Charges, paid by

Jonathan Hampton, Sheriff.

N. B. A Letter sent by Post, will immediately come to me."

(From The Pennsylvania Gazette, No. 1810, September 1, 1763.)

Origin of First State Prison

The history of penal treatment from the end of the eighteenth century to the middle of the nineteenth century essentially is the

history of the development of the State Prison. The first move towards the erection of a state prison for New Jersey came on March 1, 1797, when Jonathan Doan was commissioned by the Legislature to purchase from Peter Hunt a tract of six and one-half acres of land in the town of Lambertton now in the city of Trenton, as a site for the new state prison. All prisoners sentenced to a term of imprisonment longer than six months were to be transferred from the county jails to the state prison within twenty days of their conviction, while those sentenced to a term of less than six months were to be confined in the jails.

The prisoners confined in the state prison were to be "employed at labor of the hardest and most servile kind." If any of the prisoners proved especially industrious and the products of their labor exceeded the costs of prosecution and maintenance, they were to be given one-half of the excess profit thus created. The keeper was also stimulated to additional vigilance and energy by being allowed a percentage of five per cent on all sales of prison-made products.

In spite of the crudities of this early state prison from the standpoint of both architecture and scientific penology, the fact must not be overlooked that it marked a very great advance over the previous system of confining the condemned in the county jails. It provided for that very necessary differentiation between the treatment of those accused of crime and of those convicted. It made provision for the employment of the inmates, thus eliminating in part, at least, that demoralizing idleness which has from the first characterized the county jail system.

Prison Investigation of 1829-1930

It was clear by 1829, thirty-two years after the establishment of the state prison, that any adequate system of discipline was impossible in the old state prison, and that the old prison system was quite as much a failure from the economic standpoint as from the disciplinary. A committee of the Legislature found that "Solitary confinement, on a scanty allowance of bread with cold water, is much used. The period of time not unfrequently extends to twenty and thirty days, and this too in the winter season in cells warmed by no fire. The suffering in these circumstances is intense; the convicts lose their flesh and strength and frequently their health; they are sometimes so far broken down, as to be unable to work, when they are discharged into the yard, and to require nearly as

much time in the hospital, to recruit them, as they have had in the cells to break them down.

“Besides punishments, in this mode, the records show, that chains are much used; sometimes with a fifty-six attached to them, and sometimes for the purpose of chaining the prisoner to the place where he is at work. A number of the prisoners, at the present time, have chains upon them, and the committee saw one, twelve or fourteen years of age, who had on, an iron neck yoke, with arms extending 18 or 20 inches each way from his head, which was said to be not for punishment but to prevent his getting through the grates.”

An inquiry into the principal articles of food consumed at the state prison and the cost revealed the following picture:

“Bread stuffs	44,699 lbs.	cost	\$594.01½
Meats	12,450 lbs.	cost	451.87½
Molasses	39,424 gills	cost	428.16½
Potatoes	13,392 pints	cost	53.12½
			\$1527.18
Other and smaller articles of food.....			66.01½
			\$1593.19½

The proportion of each article, which this would give to each man daily, estimating the number of men at ninety, is

1 lb. 4 oz.	3-10 bread stuffs
6 oz.	2-10 of meat
1 gill	2-10 of molasses
1 gill	6-10 of potatoes”

To this the legislative commission makes the following comment:

“It will be observed, that the molasses costs almost as much as the meat, and eight times as much as the vegetables. The committee are satisfied, that this is out of all just proportion. That the molasses should be diminished from one gill and 2-10 to ½ a gill, which would save on the molasses two hundred and thirty-nine dollars 76 cents annually. That the sum thus saved on the molasses, be expended for beef, so far as to make the ration of beef one-half more than it now is. The allowance of beef the last year has been only three ounces to each man per day, the cost of which was one hundred and ninety-seven dollars, 16 cents. The change we recommend is, that out of the two hundred and twenty-nine dollars 70

cents, saved on molasses, one hundred and ninety-seven dollars 16 cents, be expended to purchase beef, which will give six ounces of beef instead of three ounces. This diminution of molasses, and increase of beef, will enable the men to work with more strength, and we shall still have forty-two dollars 60 cents saved on the molasses."

Second State Prison

In his message of January 11, 1833, Governor Samuel L. Southard carried on the campaign of his predecessors against the old state prison. He insisted upon the imperative necessity of building a new prison. He recommended that the old prison be converted into a state arsenal, the arms and ammunition of the state having hitherto been deposited in the State House, which was, in the opinion of the Governor, a dangerous practice. The new state prison opened in 1836 provided for solitary confinement as this was expected to have a special reformatory influence upon the individual prisoner.

"It is found by experiment, indeed it is a part of the philosophy of our nature, that the most powerful agent in the work of individual reformation is solitude.

"In this position the mind of man is necessarily cast upon itself; its powers, passions, habits and propensities are all before it.—The mass of his life is surveyed with a scrutiny that it never encountered before; and conscious as in his prison house he must be, that escape is hopeless, he continues the unwelcome task of self examination, till his obduracy is subdued, his disposition humble and teachable, and he, prepared to receive with gladness such moral and religious instruction as may be best adapted to his circumstances.

"These instructions frequently discover to the guilty tenant of the cell, what seems often not to have occurred to him, the simple fact, that he has a spiritual nature, and that he is not the mere animal which his habits and hitherto uncontrolled propensities would indicate. And this is a discovery which alone may and does effect a great change in a man's whole character. He feels that he is a being superior to what he had thought himself, and that he is regarded as one having higher powers than he had supposed. This first step in the part of improvement is a prodigious one; a new ambition is awakened, and the encouragement of it is the principal thing now needed. This encouragement it is a part of the system to give."

By 1838 the reports of the prison officials showed unmistakable signs of a decline in that exuberant optimism that had characterized the period of the construction and opening of the new prison. In his annual report of 1838, the keeper admitted that the newly

adopted system of solitary confinement apparently had little influence in decreasing the amount of crime committed within the state. And his annual report for 1839 contained an admirable analysis of the fundamental defects in the system of solitary confinement. He pointed out the deteriorating effect of solitary confinement on the physical health of the prisoners through the impossibility of taking normal methods of exercise. But even worse was its effect upon the mental health of the prisoners, it leading to solitary vices and mental degeneration. The choice between the congregate and the solitary type of confinement, he held, was fundamentally the problem as to whether vicious association is more to be deplored than mental and physical deterioration.

Prison Reform Movements—1836-1860

The first prison reform organization in New Jersey was the Prison Instruction Society, organized in 1833, which was composed of such eminent men as Governor Southard, L.Q.C. Elmer, Professor John Maclean, of Princeton, and Keeper Joseph Yard, of the state prison.

"The chief object of this society shall be, to extend to the convicts in the Prisons of this state the benefits of the Sabbath school system of instruction, and also to furnish them with preaching.

"In connection with the foregoing objects, provision shall also be made for inquiring into the relative efficiency of different modes of prison discipline, and of different modes of instruction."

In the same year, 1833, was organized, the New Jersey Howard Society, named in honor of the English prison reformer, John Howard, its chief purposes being to attack the barbarous practice of imprisoning debtors, which still persisted in New Jersey, and to urge better provision for the care of the insane and the reformation of delinquent minors. The next movement toward prison reform in New Jersey centered around the efforts of Miss Dorothea L. Dix, to secure adequate provision for the insane and idiotic inmates of the county jails, almshouses, and the state prison.

The most pretentious organization for penal reform which was developed during the middle of the nineteenth century, was the New Jersey Prison Reform Association organized in Trenton in 1849. This association included among its members many of the most prominent citizens of the state. Daniel Haines was president of the society, Ex-Governor Vroom was vice president, and the Rev.

Samuel S. Starr, Moral Instructor of the state prison, was secretary. The views on penal affairs by the Rev. Starr are especially interesting:

"That day of the work is past in which it has been soberly supposed, and by Christian writers, too, that a criminal, because he is a criminal, is forever to be abandoned and shunned as a hopeless outcast from the world. Nothing can be weaker or more false than that sickly sentimentality which would sympathize more with the culprit than with the community whose rights he has injured, and whose safety he has wickedly invaded. At the same time, to reclaim the erring and draw back the lost to the ways of virtue, is always a work which claims the earliest sympathy of every Christian citizen. This is due to society, as truly and directly as to the guilty individual. It must be remembered that the inmates of our prisons are soon again to be free men and to be actively mingling with the busy scenes of the world; and just in proportion as they can be made to understand the folly of dishonesty and violence, will be the prospect that society will be no further harmed by their crimes."

Prison Tendencies—1860-1911

An excellent commentary on the situation existing at the state prison in the middle of the last century may be gleaned from some of the rules governing the daily administration prevailing in 1853-54:

"1. They are to labor faithfully and diligently; to obey all orders promptly, and preserve unbroken silence.

2. They are not to exchange words with each other under any pretence, nor to communicate any intelligence to each other in writing; they are not to exchange looks or laugh with each other, or make use of any signs except such as are necessary to convey their wants to their keepers.

3. They must approach their keepers in the most respectful manner, and be brief in their communications; they are not to speak to them on ordinary topics, nor address them except when it becomes necessary in relation to their work or their wants.

4. They are not at any time or under any pretence (without leave) to speak to any person who does not belong to the institution, nor receive from them anything whatever without permission.

5. They are not to suffer their attention to be taken from their work to look at visitors."

It is not surprising therefore that movements for prison reform continued, among the most important of which was the provision of a state reform school for juvenile offenders. Governor Joel Parker, in his annual message of April 6, 1865, declared:

"Some place other than the State Prison should be provided for the incarceration of youth. In many instances the disgrace of confinement

in the Penitentiary, and the evil communications which unavoidably attend the least contact with hardened offenders, prevent reformation. The object of imprisonment is to reform as well as to punish, and the State owes it to the youthful criminal to place him in circumstances that will tend to soften his pliant nature rather than render him more obdurate."

It was in great part the recognition of the failure of the state prison as an institution for reforming offenders that produced the agitation leading to the establishment of the reform schools for boys and girls in New Jersey in 1865 and 1871, and to the vigorous but unsuccessful agitation in the decade of the "seventies" for an intermediate prison, or, in other words, for a reformatory for adult delinquents.

The general failure of the prison system in New Jersey during the period of the Civil War, along with the growing impetus of the movement for prison reform, culminated in the appointment by the Legislature in 1868 of a Commission to examine the various types of prison administration and management in the United States and to report on desirable improvements in the prison system of New Jersey. The report of this commission which was submitted on January 22, 1869, is regarded as one of the most important and enlightened documents that has appeared in the history of the penal institutions of the state of New Jersey. The superior nature of this report was to a large degree due to the type of individual who served as members of this commission. They were Daniel Haines, George F. Fort, and Samuel Allinson, the first two of them ex-Governors, and all prominent citizens of New Jersey and leaders of their generation in prison reform in that state.

The history of the state prison during the period 1885-1911 is reflected in the work of two exceptionally able principal keepers, John H. Patterson (1886-1896) and George O. Osborne (1902-1912). Mr. Patterson secured the adoption of a workable parole law; established a successful night school; abolished the archaic and humiliating custom of sending out discharged convicts in coarse suits of uniform design, which made the ex-convict as easily detected as though he retained his stripes; and strongly urged the provision of an indeterminate sentence law, the adoption of a system of pecuniary rewards for industrious convicts and of systematic aid to discharged prisoners and the use of the Bertillon system of identifying criminals. Mr. Osborne, whose accession as keeper was described as having "brought in a new and better order of things" in prison

administration, succeeded in doing away with those relics of barbarism—the convict's stripes, the short haircut, and the lock-step.

The year 1906 marks the introduction of electrocution as a substitute for hanging. Hitherto the death penalty had been inflicted by the sheriffs of the several counties at the county jails. The law of April 27, 1911, provided for the erection of a separate hospital for the criminal insane on the grounds of the state hospital at Trenton and for the transfer of the criminal insane to this institution.

Morrow Prison Inquiry Commission—1917

The creation of the Prison Inquiry Commission in 1917 marks a new epoch in the care of the penal offender in New Jersey for it led to the establishment of the "classification system" permitting effective individualization in rehabilitative treatment. The philosophy that must underlie any correctional system is well stated in the report of the Commission:

"The first consideration in any system of penology would seem to be clearly the protection of society, but protection of society means not only the temporary withdrawal from society of those who have broken its laws, but the preparation, so far as possible, of the withdrawn members for a position in society when they return to it. To this end every practical measure should be adopted to insure the maintenance of high standards of health and physical development.

"So far as possible systematic school and vocational courses should be conducted, and wherever practical prisoners should be trained in occupations which will enable them to become self-supporting on their discharge. While the state should be relieved as far as practicable from the burden of maintaining the prisoners, and to this end the profitable employment of the prisoner is desirable, we believe that greater stress should be placed upon the future advantages to society of having the prisoner leave the institution strong in health, capacity and character than upon any temporary profit which can be secured from the use of his time while in prison.

"The improvement of the prisoner in character and capacity depends not alone upon the physical conditions that surround him, but primarily his own will to improve. The creation or inducement of this will to improve must always be one of the most important tasks."

Classification ("Man-Analysis") System

The New Jersey Classification ("Man-Analysis") System³ inaugurated by Burdette G. Lewis, Calvin Derrick, Edgar A. Doll

³ E. A. Doll, *Classification of Defective Delinquents* (Journal of Criminal Law and Criminology, November, 1921); *Classification of Prisoners for Purposes of Training, Work and Parole* (Journal of Criminal Law and Criminology, May, 1923).

W. J. Ellis, *Experience in Classifying Defective Delinquents and Some Results*

and William J. Ellis may be considered as having three points of emphasis. These are: (1) a comprehensive study of all persons committed to correctional institutions; (2) an administrative procedure for putting the resulting recommendations into effect; (3) the development of institutions of specialized facilities for the treatment of different types.

The prime purpose of the classification plan is the separation of the young from the old, of the definitely anti-social individual from the mentally or physically handicapped person, of the curable mentally or physically handicapped from the incurable, and of the tractable from the intractable.

To achieve this each institution has a classification committee, composed of the superintendent, physician, psychologist, teacher, head of the industries, chaplain, disciplinary officer, psychiatrist and the like, who secure the necessary information concerning the abilities, disabilities, needs, peculiarities and general characteristics of the individuals being treated.

Thus the institution disciplinary officer interviews each inmate for the purpose of getting acquainted with him and of forming a judgment of his amenability and trustworthiness under institutional discipline. The resident physician examines the man from the standpoint of his physique, health, and physiological constitution. The psychiatrist makes an examination which covers the condition of the inmate's nervous system, personality make-up, and sanity, pointing out the contributing influences of any pathology and making recommendations for corrective treatment. The psychologist tests and interviews the inmate from the point of view of his intelligence, aptitudes, character and emotions. The chaplain interviews the inmate to determine his religious attitudes, standards and responsibilities. The director of education inquires into the inmate's previous educational history, his knowledge and educability. The industrial supervisor is responsible for a report on the inmate's previous occupational history, present trade and industrial skill, and his industrial capabilities and interests. While these examinations are going on in the institution, the personal and social history is being investigated by field workers.

The classification committee pools all this information concern-

Effected by Transfer from Correctional Institutions to Hospitals and Institutions for the Feeble-minded (Proceedings of the Forty-Eighth Annual Session of the American Association for the Study of the Feeble-minded, 1924); Problem of Mentality While in the Institution (Proceedings of the National Conference of Juvenile Agencies, 1924); Classification as the Basis for Rehabilitation of Prisoners (News Bulletin, National Society of Penal Information, February, 1931); The New Jersey Plan of Classification for Correctional Institutions (Hospital Social Service, 1931).

ing the individual, sets up the initial program of training, periodically reviews the individual's institutional progress and submits recommendations concerning release and parole.

Differentiated Penal and Correctional Institutions

Resulting from extensive surveys of the needs of the individuals who pass through the state's penal and correctional institutions, it seems necessary to provide for six different classes of offenders.

1. The largest group includes those who fall within the normal range mentally and physically and who are amenable to institution discipline. Economy in building and effective rehabilitation demands that this group be housed in medium or minimum security units.

2. The second largest group is that made up of the habitual criminals and anti-social individuals who are dangerous to society when at large and a menace to the institution when they are confined. Prisoners of this group are likely to escape, incite riots, deal in dangerous contrabands and otherwise endanger the safety of the prisons. This group is a dangerous minority because of its tendency to arouse the more suggestible of the tractable group. Maximum security must be available to care for this group.

3. There are always a few senile and incapacitated prisoners whose senility, chronic diseases and crippled condition make them typical institutional cases, although they are unlikely prospects for social rehabilitation. The majority of such inmates do not need maximum security detention; in fact, they are definitely harmed by being required to live in cells. Colony units with occupational therapy facilities are needed here.

4. Similarly every penal institution has a number of persons suffering from nervous or mental disorders. The insane, the epileptic, and the markedly psychopathic should be removed from correctional institutions to special hospitals where they can undergo intensive treatment under maximum security conditions.

5. In addition to the psychiatric types just described, there is always a group of relatively stable, simple feeble-minded prisoners whose delinquency is secondary to their mental deficiency. These "delinquent defectives" are not primarily custodial or disciplinary problems. They need a long period of institutional training, but the minimum security conditions which prevail at the modern training schools for non-criminal feeble-minded are adequate for their custody.

6. The defective delinquents must be differentiated from the simple feeble-minded. The defective delinquents are offenders whose mental subnormality is coupled with mental instability and psychopathic trends. The experience with this group at Napanoch has proved that they are by no means hopeless from the point of view of social readjustment. However, the combination of feeble-mindedness and instability which characterizes these inmates, makes it necessary to provide maximum security housing during the institutional period.

To provide for these different types of individual offenders, there is at present available the following system of differentiated institutions:

The State Prison: Maximum security⁴ detention for older and more serious offenders with poor records and long sentences.

Leesburg Prison Farm: Minimum security detention for older men of the common labor group of ability.

Bordentown Prison Farm: Minimum custodial conditions for men of the better type and inmates with good records, nearing the time of discharge from the prison.

Rahway Reformatory: Maximum and limited security for the industrial type of male prisoner under 30.

Annandale Reformatory: Minimum custodial security for men under 30 suitable for intensive training in vocational and agricultural pursuits.

Clinton Reformatory: Minimum custodial conditions for all women offenders over 17 years of age with cottages for segregation and classification.

Criminally Insane: Maximum security for psychotic and psychopathic inmates from all penal and correctional institutions provided in the criminal division of the Trenton State Hospital.

State Home for Boys and State Home for Girls: Conducted as educational institutions where the child with conduct or behavior difficulties is considered not as a penal offender but as an immature individual in special need of study, treatment, care and training.

Penological Research

The facts gathered in connection with the system of individualized treatment in vogue in New Jersey penal and correctional institutions, involving as it does continuous studies of the offender as an individual, and current evaluation of his adjustment to the treatment and training plan, offer a most fertile field for gathering significant data concerning the characteristics of the individual offender, his social background, and the effectiveness of the treatment program. Moreover, they present the basis for comprehensive research on the problem of causation in anti-social and criminal behavior.⁵

⁴ Maximum security implies confinement at all times behind a wall. Limited security implies that the inmate may be allowed to work outside the wall under guard but must be returned to maximum security at night. Minimum security implies that the inmate is suitable to be sent out to live and work in an open institution.

⁵ E. Frankel, *Statistics and Research in the New Jersey Penal and Correctional System* (Proceedings of the Sixty-Third Annual Congress of the American Prison Association, Atlantic City, October, 1933); *Statistics and Research: New Jersey Penal and Correctional System* (*Journal of Criminal Law and Criminology*, May-June, 1934).