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Questions and Answers

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QUESTIONS AND ANSWERS

Walter M. Wallack (Guest Editor)

(The following questions were answered by a jury composed of Walter M. Wallack, Warden; John J. Sheehy, Guidance Supervisor; Norbert J. Henzel, Education Director; Osborne Budd, Chaplain; Walter Byrnes, Central Guard School, N. Y. State Department of Correction—all of the Wallkill Prison Staff.)

Question 1: What are some of the reasons why the public is either apathetic or antagonistic toward modernization of penal practices?

Answer:

A number of reasons may be advanced to explain the attitude of the public toward prisons and prisoners. The following seem most pertinent:

1. The fact that progress in penal management has been exceedingly slow may partly explain the attitude of indifference on the part of the public toward penal institutions. Compare the progress of penology with that of science, medicine, public health, sanitation, mental hygiene and fire and accident prevention. The results of research and discovery in these fields have contributed magnificently to the welfare of mankind and the public is deeply conscious of the benefits which have accrued from them. Penal practice, on the other hand, has, except in every recent years, continued to operate as it did one hundred years ago. It may well be, therefore, that the attitude of the man-on-the-street toward penal institutions is but a natural reaction toward a system which has failed to progress.

2. If we are to elicit a more humane, more enlightened public attitude toward correctional institutions, penologists should be more concerned with interpreting their policies to the public. People must be aroused to the tremendously important fact that ninety-five out of every one-hundred men who are imprisoned and then forgotten are to emerge again some day to resume life as their neighbors. What happens to these men while imprisoned should be a matter of deep concern to the public. Such aroused public interest in institutional management can only develop from adequate knowledge. It appears that most prisons function apart from the people who support them. Only when "the lid blows off" is the man-in-the-street reluctantly "let-in" on the manner in which these public agencies operate. On such occasions the public is regaled with sensational news items many of which are only half true and all of which serve to obscure the saner, more constructive phases of prison life. If it is not practical to throw open the prison doors to public scrutiny and criticism, at least adequate information concerning policies and objectives should be made available to the public by those best qualified to supply such information.

3. Usually, only sensational or trivial aspects of the prison scene are revealed to the public while vital, fundamental questions are exposed only in obscure journals or professional magazines of limited circulation. We may berate the tendency of the press to play up the sensational phases of institutional life. What this or that killer was served for dinner before his execution always commands space. But if prison adminis-

trators continue to feed to the public only information of this type, to the utter neglect of constructive news, how can we expect an informed, sympathetic public attitude toward progressive penology? Given an opportunity to get at the facts the average publisher or editor is invariably interested in representing public institutions in a progressive light. The point here is that we have failed to present our case in the best light to the public.

4. A further explanation of the attitude of the public toward delinquents was offered some years ago by Austin MacCormick when he wrote: "The public is not fundamentally brutal in its attitude toward the type of person who finds his way into our jails; like the prisoner, it is non-social rather than anti-social in its thinking on the subject and it does not think very much about jails anyway. Politicians run the jails because they do think about them, and because they work harder between elections than the rest of us."

Question 2: What type of instruction should be given to prison personnel?

Answer:

Any practical course of instruction must be based on an analysis of duties to be performed. Courses of instruction centering around custody and good order within the institution might be grouped under the heading, "Routine Functions and Duties of Prison Personnel". This section of the curriculum would include the use of firearms and gas, instruction in departmental and institutional regulations, boxing and rough-and-tumble fighting, training in report writing and such other courses as may be appropriate.

In addition, however, to instruction in specific phases of his job, the prison worker should be equipped with basic or background information to enable him to function more effectively, regardless of the type of institution in which he is employed. Included in his training should be a course of study in elementary psychology to acquaint him with the basic motivations of human conduct, and to enable him to apply a rational approach to problems of behavior. An understanding of the sources of human conduct will not of itself insure intelligent supervision but such knowledge will enable a prison worker to conduct his relationships with inmates more objectively and will assist him in resisting the process of mental deterioration to which all prison workers are subject.

Such a course might well be followed by another dealing with inmate attitudes and behavior arising out of their living in an abnormal environment. All elements of this environment should be studied and characteristic behavior patterns likely to result therefrom charted. From such an analysis the prison worker will be prepared for the kind of thinking and behavior he will encounter on the job.

Another section might deal with the history of penology, culminating in a comprehensive study of modern treatment programs. Certainly, some phases of criminal law and court procedure should be taught, and parole as an aspect of correctional treatment also should be included.

Whatever subjects for study may be selected, the ultimate objective should be the establishment of the employee as a responsible public servant whose function is the protection of the public through the safe custody of inmates and, equally important, their preparation for satisfactory living in a free community.

Question 3: What is meant by Medium Security confinement as opposed to Maximum Security or the conventional type of imprisonment? What have been some of the accomplishments of Medium Security confinement?

Answer:

The conventional prison where convicted felons are housed is well-known. High walls surrounding the property, wall towers with armed guards, armed pickets accompanying labor gangs and supervising their daily work tasks, an atmosphere of strained tension and complete regimentation of the daily lives of its inmates are some of the common characteristics of a maximum security institution.

In medium security confinement the features aforementioned are absent. No walls surround such an institution, guards are not armed, and work groups travel to and from their daily tasks without armed escort. The absence of these rigid restrictions contributes to a relaxation of the kind of tension inherent in prisons and a more normal relationship between personnel and inmate develops. Those who believe in "old-school" penology regard this type of confinement as conducive to lax discipline, disorder and escape. That this conclusion is unwarranted has been demonstrated by the successful operation of a number of medium security prisons.

New York State established a medium security institution, known as Wallkill Prison, in 1932. After 12 years of operation it has been shown that the number of men returned to prison for technical violation of parole rules and the number of men who commit new crimes are considerably below the figure for similar groups paroled from maximum security prisons. Contrary to general expectation the number of escapes has been small. Of 3400 inmates who have been confined during a period of 12 years only 25 have escaped, and nearly all of these have been captured within a few hours! This is at the rate of seven-tenths of 1 per cent, a record which compares favorably with and probably surpasses that of many maximum security prisons.

In medium security confinement it is possible to conduct an extensive system of classification, guidance, vocational training, general education, constructive recreation and medical and religious programs, all co-ordinated to meet the needs of individual inmates.

Question 4: (a) What is the purpose of classification of inmates? (b) What are the essentials of an effective classification procedure?

Answer:

(a) With the introduction of the theory that the function of prisons should be the rehabilitation of the offender as well as his custody, prison officials adopted a policy of analyzing the individual and then attempting to prescribe possible treatment. Classification of prisoners as we know it today embodies the use of all diagnostic services including psychological, psychiatric, medical and other sciences which serve to give a portrait of the individual as he is, for whatever assistance it may supply in prescribing for his needs in terms of the future.

(b) The elements of the institution program which should be a part of the classification procedure are:

1. Vocational training through shops and work activities.
2. Academic schools which include related, elementary and general educational courses.

3. Recreation which includes athletics, sedentary activities, dramatics, hobby shop, musical activities and other diversified forms of leisure time occupation.

4. Medical services both diagnostic and remedial.

5. Psychological examinations.

6. Psychiatric diagnosis and possible therapy.

7. Religious services, activities and individual counsel from the chaplain.

8. Case work services in the establishment of adequate case histories and a counselling service.

While the institution program may be able to supplement this list with additional activities and services, the prison administrator should utilize any and all sources available that might become an integral and functioning part of a classification procedure.

Question 5: The percentage of felons in prison convicted by trial jury is very small in comparison to those convicted on a plea of guilty. What are some of the facts and the observable effects on attitudes of prisoners?

Answer:

Crime statistics for the year 1942 as released by the New York State Department of Correction show that of 7969 convictions, 7271 were obtained through pleas of guilty and only 698 were jury verdicts. Ninety-one per cent resulted from pleas of guilty of which more than 50 per cent were pleas to a lesser degree than charged in the indictment. Only 9 per cent of the convictions were obtained through jury verdict.

A study of 500 inmates confined in Wallkill Prison discloses that 88 per cent are serving sentences following pleas of guilty while 12 per cent are the result of jury verdict.

The prison worker hears many stories from inmates intended to show that the judicial procedure is a corrupt, inefficient, intimidating process. Bargaining with prosecuting officials is claimed to be commonplace. Promises of leniency in order to induce men to plead guilty are often broken, it is charged. Court-appointed counsel comes in for especially bitter denunciation for failure to protect the interests of their clients. All this residuum of real or fancied injustice suffered at the hands of the prosecuting officials shapes the attitude of prisoners generally. It plays a leading role in determining the prisoners' acceptance of constructive prison programs.

While admittedly the acceptance of pleas is an economical and time-saving procedure, the whole judicial process would be immeasurably enhanced and dignified if much of the now secret deliberations were made a matter of record. In the State of New York the following statute contributes to the objective in point:

Sec. 342-a, Code of Criminal Procedure:

In any case where the court, upon the recommendation of the district attorney, and in furtherance of justice, accepts a plea of guilty to a crime or offense of lesser degree or for which a lesser punishment is prescribed than the crime or offense charged, it shall be the duty of the district attorney to submit to the court a statement in writing in which his reasons for recommending the acceptance of such plea shall be clearly set forth. Such statement shall be filed by the court with the other papers in the case and shall be a public record subject to inspection by any person. (Added by Laws of 1936, Chap. 23.)

Those who are in daily contact with prisoners know that most all protestations of double-dealing, persecution and the like are pure fabrications to impress others and to compensate for frustrations and inferiorities. On the other hand, prison workers would be strengthened in their tasks of correcting misconceptions and misstatements if authentic information of the type mentioned above were made available to them.

Question 6: What is the difference between "traditional" and "modern" penology?

Answer:

When confinement in prison was substituted for torture and execution as punishment for crime, the concept of prevention through fear still remained. Prisons were regarded as places of atonement, the theory being that given a sufficient period for reflection under conditions most repressive, a criminal would change his mode of life for the better. During this period of incarceration, justice could be vindicated and at the same time society would be safeguarded from future deprecations. The traditional prison was, therefore, characterized by a deadening routine, mass repression and often unbridled brutality.

So-called "modern" penology is an outgrowth of a realization that traditional measures were failing to attain the results desired. Years of confinement and the abnormal conditions mentioned above so conditioned men that they were unfit to take their place in a normal community. It therefore became apparent to progressive thinkers that unless reformation was achieved prior to release of men to the community, imprisonment as an instrument of social protection was a costly failure.

The emphasis of modern penology is, therefore, on individual treatment of prisoners, through the use of time-tested, constructive agencies such as religion, medicine, vocational, academic and social education, guidance, recreation and the newer psychiatry. All these are utilized following a period of case-study and diagnosis. The institutional system most likely to attain maximum results will be co-ordinated with a post-institutional agency such as parole.

It should be added that few institutions have as yet put into practice all the principles implied in the philosophy of modern penology. Social progress has always been a slow process.

Question 7: Is the indeterminate sentence practical?

Answer:

If one grants that the function of a prison embraces reformation as well as custody, the indeterminate sentence is not only practical but essential. A program of individual treatment cannot be carried out without the co-operation of the inmate. Such co-operation cannot readily be obtained if men know that their date of release is in no way dependent upon their institutional career or their post-institutional prospects of adjustment.

A term in prison under an indeterminate sentence is regarded by penologists as a period of preparation for return to the community under parole supervision. The whole structure of modern penal treatment rests upon the assumption that it is possible to alter human behavior. Since no one can predict in any individual case how long this process of change may take, release dates arbitrarily fixed in advance through the imposition of determinate or definite sentence may nullify the treatment prescription. The indeterminate sentence, on the other hand, gives to

the releasing authorities the power to decide the most acceptable time for release on parole. Properly administered, the indeterminate type of sentence promotes the best interest of the prisoner as well as the community to which he will return. It is an essential element of modern penological practice.

Question 8: What part should religion and the prison chaplain play in modern scheme of correctional treatment?

Answer:

Sanford Bates, a member of the Parole Commission of the New York State Division of Parole, states in his book, "Prisons and Beyond":

"In prison administration, moral force should be relied upon, with as little admixture of physical force as possible, and organized persuasion be made to take the place of coercive restraint, the object being to make upright and industrious free men, rather than orderly and obedient prisoners. Brute force may make good prisoners; moral training alone will make good citizens. To the latter of these ends, the living soul must be won; to the former, only the inert and obedient body.

"Of all reformatory agencies, religion is first in importance because most potent in its action upon the human heart and life."

What men in prison inevitably reach for is anchorage, some solid foundation upon which their daily lives and their futures may be built. Religion supplies this foundation. It is the most potent force today to break through the cynicism and disregard of others, which underlie most of the offenses against society.

Any plan or scheme for the rehabilitation of men that does not take their spiritual rehabilitation into account is foredoomed to failure.

Care must be taken that the proper man be chosen as a prison chaplain. The post should no longer be considered as a sideline of the local pastor, but should be the work of a specialist in this field. Common sense, intelligence, and an adequate education are necessary. The requirements of the Federal Department of Prisons, four years of college, three years of seminary, and one year of clinical training, should become the normal standard for chaplains in all prisons. The chaplain must be a man who can win the friendship of those he is to serve. He must be ever ready to help any man to meet the personal problems which constantly arise. He must be friend, adviser and helper. He must meet men of all sorts upon equal footing and he must win and hold their respect.
