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STATE ORGANIZATION FOR PENAL ADMINISTRATION¹

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THE PROBLEM OF ORGANIZATION

It is the purpose of this study to determine the form of organization which is best adapted to the administration of a state penal system. The study involves a survey of the forms of organization now existing in the several American States and some evaluation of the effectiveness of each form. It is concerned principally with the administration of penal institutions and only incidentally with the system of state charities. It has to do mainly with administration, with the actual management and direction of the prison system and only secondarily with supervision, i. e., with organization for visiting and inspecting institutions and reporting on their work. The inquiry is directed, finally, toward the discovery of the form of organization best suited to the uses of the State of Pennsylvania in the administration of its penal institutions.

No effort has been made to test the various forms of organization by determining how far states which are organized in different ways have succeeded in accomplishing the reformation of offenders. Such a study would have great value. But it would present almost insuperable obstacles. It could be made only by the expenditure of a great amount of time and money. It would go far beyond the scope of the present report. The evaluation of the various forms of organization which is attempted, then, is not a scientific statistical procedure, but is merely a matter of common-sense judgment.

It is realized, of course, that quality of personnel is vastly more important than forms of organization in determining the quality of a state's reformatory treatment. Able workers, to be sure, can achieve great results in spite of the most cumbersome forms of organization. And no type of machinery which man can devise can guarantee the appointment of an honest, skillful staff. But organization is important, nevertheless. Poor forms of organization handicap the state in ob-

¹A report prepared for the Pennsylvania Committee on Penal Affairs, Philadelphia, and published here through the courtesy of Dr. Louis N. Robinson, chairman.

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taining a trained personnel. They prevent an able staff from making its work as effective as it otherwise might be. The state should endeavor to adopt that form of organization which will make it as easy as possible to obtain an able staff and enable the staff to make its work as widely effective as it can be made. A good staff working through a good organization will do better work than a good staff working through a poor organization.

The Pennsylvania Penal System

Pennsylvania has nine state correctional institutions. The three penitentiaries are the Eastern State Penitentiary at Philadelphia and at Gratersford, the Western State Penitentiary at Pittsburgh, and the Central Penitentiary at Rockview. There are two reformatories, the Pennsylvania Industrial Reformatory, for men, at Huntingdon, and the State Industrial Home for Women, at Muncy. Two institutions care for criminals who are mentally defective: the Farview State Hospital for the Criminal Insane, and the new Cumberland Valley Institution for Male Defective Delinquents. The other two institutions are for juvenile offenders. The Pennsylvania Industrial Training School at Morganza is owned entirely by the state. The Glen Mills Schools are semi-state institutions.

Each of these institutions is governed by a board of trustees of nine members. Each member is appointed by the Governor for a term of four years. They serve without pay. The board of trustees has "direction and control of the property and management" of the institution. With the approval of the Governor, it appoints a warden or superintendent "who shall, subject to the authority of the board, administer the institution in all its departments." Subordinate employees are nominated by the warden or superintendent and appointed by the board. The board fixes their salaries, subject to the approval of the State Executive Board. Penitentiary and reformatory boards also possess the power of releasing prisoners on parole. Formally their paroles are presented as recommendations to the State Board of Pardons. Practically they are made effective as a matter of routine.

The State Department of Welfare also has authority over the correctional institutions, which is in part administrative and in part supervisory. The Secretary of Welfare is appointed by the Governor and serves as a member of his cabinet during his term, at his pleasure. The department carries on most of its correctional work through its Bureau of Restoration, which is directed by a bureau chief appointed by the Secretary.

The department's administrative authority over the prison system is confined to the management of prison labor. This work is performed by the Division of Prison Labor in the Bureau of Restoration. This agency has the power to establish, maintain and carry on prison industries. It may determine what kind of work is to be done and what machinery is to be erected in each institution and purchase necessary machines, material and equipment. It may hire executives to direct industrial operations and pay their salaries. It may also pay wages for inmate labor. It is instructed to sell the products of prison labor on the states' use plan. Where the department is unable to provide sufficient employment for all the inmates of an institution, it may permit their trustees to introduce other industries by which to keep them occupied.

The department's other powers over the state penal system are supervisory. It can "inquire and examine into" the methods of all the state's charitable and correctional institutions. It is required to visit all such institutions annually and inspect their "methods of instruction, discipline, detention, imprisonment, care or treatment, the care, treatment and government of their inmates . . . the official conduct of their officers (and) the buildings, grounds, premises and equipment." Where any condition is found which is "unlawful, unhygienic or detrimental to the proper maintenance and discipline" of the institution and the care of its inmates, the department may "direct" its officers "to correct the said objectionable condition." No penalty is prescribed by law for failure to comply with such directions. The Bureau of Restoration has two field representatives who make one visit for inspection and one follow-up visit to each institution under its jurisdiction each year. Where undesirable conditions are found, the department merely writes to the officials concerned requesting their rectification.

The law also states that the by-laws, rules and regulations made by boards of trustees for institutional management are "subject to the approval of the Secretary of Welfare," and gives the department power to "recommend and bring to the attention of the officers" of the several institutions "such standards and methods as may be helpful." These powers, again, are purely advisory and their effectiveness is dependent upon the development of cordial personal relations rather than the possession of mandatory authority. The department has a technical staff, which includes an engineer, an accountant, an expert in institutional management, an agricultural supervisor, psychologists and consultants in nutrition, nursing and social service. All charitable

and correctional institutions are free to call on this staff for advice. But they cannot be compelled to ask it or to accept it.

In certain particulars, however, the department's authority goes beyond mere inspection and advice. The law gives it the power to determine the capacity of the various state institutions, to designate the types of persons to be received by each of them and the geographical districts from which they are to be taken. It may also require the transfer of inmates from one of the state's institutions to another. Plans for the erection or substantial alteration of any institution must be submitted to the department for approval and contracts for such work are not valid unless they bear the signature of the Secretary of Welfare. The Department, finally, has the power to pass upon institutional budgets. Budget estimates and appropriation requests are prepared by the individual institution and submitted to the department which works them into a consolidated statement which it presents to the state's budget secretary. Requisitions are issued by the department to the Auditor General of the state for the payment of the expenses of administering, operating, maintaining and developing the institutions under its supervision. The department thus possesses certain indirect means through which it might affect the methods of institutional administration. But it cannot appoint or discharge the institutional trustees or officers or change the methods of treatment which are in use. With reference to most vital matters, final authority is decentralized. The Department of Welfare does not have the power which would enable it to build an integrated penal system for the state.

The department can require reports from magistrates, police, sheriffs, district attorneys, judges, etc., on crime and criminals and may compile statistics and make public reports.

In addition to its work with state penal institutions, it has certain power over county prisons, workhouses and houses of correction. It regularly inspects these institutions and where it finds conditions which are "unsuitable" to the proper maintenance and training of their inmates, with the consent of the courts which committed them, it may require their removal to any other penal institution in the state which has facilities to receive them. Plans for the construction and alteration of local as well as state penal institutions must be approved by the department.

The principal work of the department is the administration and the supervision of the various charitable activities of the state. It inspects hospitals, almshouses, children's homes, maternity homes and

homes for the aged. Both state institutions and those which receive state aid must be visited at least annually. The department establishes rules and prescribes minimum standards for state aided institutions. It issues requisitions for the payment of state funds to the private institutions which meet these standards. Appropriations reimbursing private institutions for the free care of the indigent and afflicted must be approved by the department before they can be paid. The department is primarily concerned with the care and treatment of dependents; children, the aged, the sick, and the insane. It administers the state Mothers' Assistance Fund, the Council for the Blind and the Alcohol Permit Board. It is expected to promote the organization of county councils of social agencies and county welfare boards. The department's policies are considered by an advisory Welfare Commission, consisting of the Secretaries of Welfare, Health and Labor and Industry and six citizens appointed by the Governor.

Management of the penal institutions, as has been seen, lies with separate boards of trustees. Administration of prison labor and general supervision is vested in the Department of Welfare. There remain a few other of the functions of penal administration which are located elsewhere in the state government. Construction work at any of the institutions of the state involving the expenditure of more than \$10,000 must be directed by the Department of Property and Supplies. The institutional trustees and the Department of Welfare approve the plans. The Department of Property and Supplies appoints the architect, subject to their approval, passes on the specifications, approves the contracts and contract payments and supervises the actual work of construction. All materials and equipment used in any institution, with the exception of fuel and perishable food, must also be purchased by the Department of Property and Supplies.

Until 1929 the supervision of prisoners on parole was done by the individual institutions from which they had been released. The legislature in 1929 provided for the centralized administration of parole supervision under a State Supervisor of Paroles in the Department of Justice. This officer is appointed by and responsible to the State Board of Pardons. The supervision of probationers is carried on under the direction of the county courts. The state government has no control of any sort over this work.

The organization for penal administration in Pennsylvania, in summary, is this: (1) management of institutional care and treatment by separate boards of trustees, (2) management of prison industries by the Department of Welfare, (3) purchasing and construc-

tion largely by the Department of Property and Supplies, (4) parole supervision in the Department of Justice under the Board of Pardons, (5) probation supervision subject to no central control, and (6) the power to inspect and advise vested in the Department of Welfare.

PENAL ORGANIZATION IN THE AMERICAN STATES

The forms of state organization now used in penal administration may be divided into six main groups: (1) the rudimentary, ex-officio type of organization which is used by some of the smaller states, (2) the control of institutions by separate local boards of trustees, (3) management of the prison system by a state prison commission or similar agency, (4) administration by a State Board of Control, (5) administration by a state department, and (6) the New Jersey or non-political department type.

1. *Rudimentary Ex-Officio Organization*

The ex-officio type of organization persists only in states where the population is small and where the institutions are therefore few in number and small in size. Here the governor with two or more other state officials or appointed members constitutes the board which controls the prison. In Idaho, Montana and Nevada this board consists of the Governor, the Secretary of State and the Attorney General, and its jurisdiction extends only to penal institutions. In Arizona, Wyoming, Oklahoma, and Florida, the board administers all state institutions. The Arizona board consists of the Governor, the State Treasurer and one citizen appointed by the Governor. In Wyoming, the State Board of Charities and Reform includes the Governor, Secretary of State, Treasurer, Auditor, and Superintendent of Public Instruction. In Florida, the Governor's cabinet forms a Board of Commissioners of State Institutions. Usually the warden of the prison is appointed directly by the Governor, but the members of the Board are required to visit the institution periodically and inspect its work.

This form of organization, in the opinion of Paul W. Garrett of the National Society for Penal Information, has occasionally led to good administration where Governors have been interested in the penal problem and have given it their serious attention. Usually, however, other matters press for the Governor's consideration and the prison is disregarded. Generally the warden's term of office is the same as that of the Governor. As a result there are frequent changes in administrative personnel which prevent the adoption of a continu-

ous, constructive penal program. This form of organization is one which is clearly unsuited to the management of the penal system of a populous industrial state.

2. Institutional Boards of Trustees

In eleven states we find the penal institutions administered by unpaid local boards of trustees which are appointed by the governor. In South Carolina and in New Mexico there is but one penal institution and therefore only one board of this sort. Two or more administrative boards, exist, however, in each of nine other states: Arkansas, Connecticut, Delaware, Indiana, Maine, New Hampshire, North Carolina, Pennsylvania, and Utah. The five smaller states have relatively few institutions and a small penal population. Arkansas, New Hampshire and Utah each has two boards of trustees, one for its prison and one for its industrial school for juvenile offenders. In Maine there are three boards, one for the penitentiary, one for the men's reformatory and one for the women's reformatory. In Delaware, the New Castle County Workhouse serves as the state prison. This institution is governed by a board of five trustees which is appointed by the president judge of New Castle County. The state owns two other institutions, a reform school for boys and an industrial school for girls, which are administered by their separate boards.

There are only four states, then, which are undertaking to administer large penal systems through the medium of unpaid local boards of trustees. These are Connecticut, Indiana, North Carolina and Pennsylvania. In Connecticut the prison, the reformatory, the state farm for women, the school for boys, the Long Lane Farm and each of the charitable institutions operates under its own board of trustees. Each of the charitable and correctional institutions of Indiana, including the prison, the reformatory, the state penal farm, the boys' school and the girls' school, is run by a separate bi-partisan board of four trustees. North Carolina has three industrial schools, each managed by a separate board of directors. The state prison system, which comprises a prison, two prison farms and a number of road camps, is operated as a department of the State government. The department, however, is managed by a board of seven directors which is appointed by the governor. The members of this board serve on a part-time basis and are paid only four dollars a day and expenses. They appoint the warden, who actually administers the prison system. The North Carolina organization, therefore, is essentially one of un-

paid institutional boards. Pennsylvania, of course, must be included in this group.

These institutional boards range in size from three members, as in the Utah Prison, to eleven members, in the industrial schools of North Carolina, and twelve at the Connecticut School for Boys. Their membership is usually non-partisan rather than bi-partisan. Members may be appointed for the same term as the governor, or for overlapping terms which provide for some continuity of policy. They may be paid on a purely nominal per diem basis, or may receive merely their necessary expenses. Generally they exercise functions similar to those of the directors of any corporation. They determine policy, appoint officials, and manage institution affairs.

In the four large states which employ this decentralized type of institutional administration, an attempt is made to attain some co-ordination through the medium of central state agencies possessing powers of inspection and advice. Connecticut and Pennsylvania have state departments; Indiana and North Carolina have unpaid supervisory boards, whose powers are principally visitorial. In Indiana, the Board of State Charities consists of the Governor, as chairman, and six citizens appointed by him. It appoints a paid secretary to carry on its work. It visits, inspects and reports upon the work of both charitable and correctional institutions, but has no actual administrative authority.

The North Carolina State Board of Charities and Public Welfare consists of seven members who are appointed by the Governor with the consent of the General Assembly. They serve without pay for overlapping terms, each appointment being for a term of six years. The Board is required to employ "a trained investigator of social service problems who shall be known as the Commissioner of Public Welfare." The Commissioner is appointed for an indefinite term and acts as executive head of the board's work. This agency is required to inspect county jails, county homes, prisons, prison camps and all other penal or charitable institutions, to grant licenses to agencies for child-care, to place and supervise dependent children, and to study the causes of insanity and "the subject of non-employment, poverty, vagrancy, housing conditions, crime, public amusement, care and treatment of prisoners, divorce and wife desertion, the social evil and kindred subjects." It is empowered to issue bulletins and to recommend necessary legislation. Each county in the state has a county Board of Public Welfare and in the larger counties these boards appoint county Superintendents of Welfare. The State Board

supervises this work in the counties. It operates through six bureaus: (1) County Organization, (2) Child Welfare, (3) Institutional Supervision, (4) Mental Health and Hygiene, (5) Education and Publicity, and (6) School Attendance. The Board's relation to the penal system of the state is supervisory rather than administrative. It cannot classify prisoners, determine the institution to which they are to be committed or transfer them from one institution to another. It has no authority to veto construction plans or appropriation requests. The control of appointments, salaries, tenure, purchases, budget accounts, construction, appropriation requests and the care and treatment of inmates in the several penal institutions is in the hands of their separate boards. North Carolina also gives to its State Board of Health certain powers of supervision over its penal institutions. The agency establishes sanitary regulations for prisons, jails and county camps with which the administrators of these institutions are required to conform.

The Connecticut Department of Public Welfare is headed by a Board of five members who are appointed by the Governor. The board appoints a paid secretary, who serves as head of its Bureau of Adult Welfare. This Bureau inspects each county jail once in six months and recommends improvements to the County Commissioners, who are in charge. It inspects each of the State correctional institutions every three months. An inmate in any of these institutions may write directly to the Department to make complaints concerning his treatment and the Department may interview inmates privately and adjust matters with the heads of the institutions. The Department also inspects state aided hospitals, almshouses, homes for the aged, public and private mental institutions, children's institutions and licenses foster homes for children and boarding homes for the aged. The Board also appoints a commissioner to head its Bureau of Child Welfare which investigates all applications for commitment to county homes and places children in foster homes. Further co-ordination in the work of the penal institutions is attained through the medium of a voluntary society, known as the Connecticut Society of Executives, which has meetings at various institutions in the state once in three months. This Society, writes George G. Erskine, Superintendent of the Connecticut Reformatory, has developed "a very friendly spirit of co-operation that I have not observed even where all the institutions are under a common board."

The Pennsylvania system, like that in Connecticut, Indiana and North Carolina, vests the principal administrative authority in local

boards of trustees and establishes a central state agency whose powers are mainly supervisory. The work of the Pennsylvania Department of Welfare has already been described.

3. *State Prison Commissions*

The third group of state organizations, which has been listed as the State Prison Commission type, is really a miscellany. It comprises all those forms of organization which do not fit into any one of the other five quite definite agencies of control. All of the mechanisms in this category, however, have certain features in common. They are administrative rather than supervisory in function. They are not departments of the state government, but they are central rather than local in character. Their jurisdiction in each case extends to two or more penal institutions. Generally they are concerned not with charitable administration, but with penal administration alone.

Several southern states fall in this class. The prison systems of Georgia and Mississippi are managed by boards which are elected directly by the people. The State Prison Commission of Georgia is composed of three commissioners who are elected for six year terms, one being elected every two years. Each commissioner is paid \$3,500 per year and expenses. They have no control over the State Industrial Schools for boys and for girls, which are under their separate boards of trustees. They have complete control, however, over the penitentiary system. They appoint the Superintendent of the State Farm and the wardens of the county convict camps, and manage their affairs. The Mississippi prison system comprises five plantations. A board of three trustees is elected at each general election. One trustee is chosen from each Supreme Court district. They serve for a four year term and are paid \$2,000 per year and expenses. The board directs institutional policy and administers the business of the system. It makes all purchases and sells all products. It inspects each of the state farms monthly to pass on its sanitation and the feeding and treatment of inmates. The Superintendent of the system, however, "an experienced farmer of known executive ability," is appointed directly by the governor. He appoints subordinate employees and fixes their salaries, subject to the approval of the Board of Trustees. He is responsible to the Governor, rather than to the Board. The plan thus creates an awkward division of authority. It is only in Georgia and in Mississippi that we find an elective prison administration.

The Louisiana State Penitentiary consists of a receiving station and two plantations. It is administered by a General Manager who is

appointed directly by the Governor with the consent of the state Senate. He serves for a four year term at an annual salary of \$6,000. He appoints a warden, purchasing agent, auditor and all other subordinates and has full executive authority. In Alabama, the Governor appoints the two members of a State Board of Administration which manages the state's six prisons. This board recommends candidates to the Governor for appointment as wardens and can discharge wardens with the Governor's consent. It superintends the management of all convicts, can order the transfer of inmates from one institution to another, makes all purchases and appoints subordinate employees. Alabama has a State Prison Inspector who is appointed by the State Committee of Public Health but may be removed from office by the Governor. This official is required to inspect and report on all local penal institutions, including county jails and city prisons. When counties choose to work their convicts instead of transferring them to the state, he must investigate the county convict camps. In this portion of his work, he is under the direction of the State Board of Administration.

Maryland has a State Board of Welfare, whose seven members are appointed by the Governor for over-lapping terms. The Chairman of the Board is designated as Director of the Department of Welfare and renders full time service for a salary of \$4,000 per year. The other six members of the board are on a part-time basis and serve without pay. The Board has "full power" of "management, control and supervision" over the Maryland Penitentiary and the Maryland House of Correction. It creates the policies for the administration of these two prisons, appoints the wardens, makes all contacts and issues rules governing employees and prisoners. The Director is required to inspect the county jails of the state annually and report to their wardens, sheriffs, county commissioners and to the State Board of Welfare. The Board also has the power to inspect the state hospitals for the insane. These institutions, however, are administered by their own boards of managers.

The prison system of Virginia, consisting of the penitentiary proper, the penitentiary farm, the penitentiary road camps and the State Farm for Defective Misdemeanants is managed by a Board of Directors of five members who are appointed by the Governor. This Board appoints the Superintendent of the system and the surgeon. All other officers and employees are appointed by the Superintendent subject to the approval of the board. The Board has full authority over discipline, educational, vocational and medical treat-

ment, prison industries, budget estimates and general management. Virginia also has a Department of Public Welfare under a Commissioner who is appointed by the Governor. This Commissioner serves as Chairman of three managing boards, one over the industrial schools for white children, one over the industrial schools for colored children and one over the four hospitals for the insane and the colony for the epileptic and feeble-minded. The power of the Department of Public Welfare with reference to the prison system, however, is merely that of visitation.

In Missouri there is a Department of Penal Institutions which is headed by a Board of Commissioners of Penal Institutions. The five commissioners are appointed by the Governor and confirmed by the Senate for terms of four years each. One member, who is designated as Director, receives a salary of \$4,000. The others are paid \$3,500 each. One member is made Commissioner of Farms, a second is made Warden, a third is made Superintendent of Industries, and the fourth becomes the Commissioner of Pardons and Paroles. This board has full authority in the administration of the penitentiary, the reformatory, the Industrial Home for Girls and the Industrial Home for Negro Girls. Missouri has a State Board of Charities and Corrections, but this agency has no power of inspection or supervision over the penal institutions.

The management of California's two penitentiaries, San Quentin and Folsom, and the supervision of adult parole in that state is in the hands of a State Board of Prison Directors. This agency was created by Article X of the California Constitution. It consists of five members, appointed by the Governor, with the advice and consent of the Senate, to serve without pay for overlapping terms of ten years each. The board appoints the wardens who in turn appoint all the other officers and employees of the prisons. The board prescribes rules and regulations for the government of the prisons, passes on budget estimates and appropriation requests, fixes salaries, makes monthly inspections and submits annual reports to the Governor. The detail of prison administration are in the hands of the wardens. The California legislature in 1929 created a Department of Penology, headed by a Secretary, to be appointed by the Governor and to serve as a member of his cabinet. The department comprises five divisions: (1) Criminal Identification and Investigation, (2) Pardons and Commutations, (3) Narcotic Enforcement, (4) Criminology, and (5) Prisons and Paroles. The State Board of Prison Directors constitutes the Division of Prisons and Paroles. Its constitutional

supremacy in prison administration is in no wise impaired by this arrangement. Neither the Department of Penology nor the Board of Prison Directors has any jurisdiction over charitable institutions or institutions for juvenile offenders. These agencies are administered by the Department of Institutions, under the Director of Institutions who is a member of the Governor's cabinet. This division of authority can be ended only by a constitutional amendment.

In Texas, also, the charitable institutions and the institutions for juvenile offenders are managed by one board; the prison system, by another. The State Board of Control, consisting of three members appointed by the Governor, administers the Juvenile Training School, the Girls' Training School, three schools for defectives, two orphanages, and seven hospitals for the insane, feeble-minded, and epileptic. The prison system consisting of one receiving prison and nine farms is administered by the Texas Prison Board. This body consists of nine members appointed by the Governor for overlapping terms of six years each. They are paid on a per diem basis, with expenses. The board appoints a General Manager at a salary of \$8,000 per year, who in turn appoints the warden of the prison and the managers of the farms, subject to the consent of the Board. The Board sells the products of the farms, handles budgetary matters and, in general, possesses the powers of a board of directors.

Two other states, Michigan and Colorado, are to be included in this class. Each has a form of organization which is unique. Michigan has a State Welfare Department with a Commissioner of Welfare at its head. The department operates, however, through a series of commissions, each of which has jurisdiction over a different group of institutions, taking the place of the earlier institutional boards of trustees. The State Hospital Commission operates seven state hospitals and may visit and inspect privately owned institutions in the state. The State Institute Commission runs the State Public School, the School for the Deaf, the School for the Blind and the Institute for the Employment of the Blind. The State Corrections Commission governs the Girls' Training School, the Boys' Vocational School and the State Training School for Women. The State Prison Commission manages the State Prison, the Michigan Reformatory and the State House of Correction. Each commission consists of five or seven members appointed by the Governor. They are paid ten dollars per day and expenses. The commissions recommend candidates for the superintendency of the various institutions to the Governor who makes the appointment. The boards meet monthly for the conduct of busi-

ness. Warden Charles Shean of the Michigan Reformatory writes that "Each institution is run separately and has no connection with the others." The Prison Commission governs prison labor, has power to classify, transfer and segregate inmates and establishes rules for conducting the institutions. The State Welfare Commission, a fifth Commission within the department, has the power to visit and inspect the county jails. The Michigan system represents an unusual attempt to effect a compromise between centralized and decentralized control.

Colorado is the only state in which the members of the board governing the penal institutions are required to pass Civil Service Examinations. The Colorado Board of Corrections consists of three members, one from each of the state's three judicial districts, who are appointed by the Governor and confirmed by the Senate, subject to the approval of the Civil Service authorities. They serve on a part-time basis and are each paid \$1,200 per year. The board manages the state penitentiary, the state reformatory, and the state hospital for the insane. The board directs prison industries, purchases supplies and submits budget estimates and appropriation requests. It appoints all employees save the wardens, who are appointed by the Governor. All appointments, including those of the wardens, must be approved by the Civil Service authorities. Educational, vocational, medical, and disciplinary work are directed by the wardens, subject to the approval of the Board. The Board of Corrections has no jurisdiction over the juvenile or charitable institutions of the state. There are two industrial schools, which are managed by the state Board of Control.

4. *Boards of Control*

Nine states use the Board of Control form of organization. Of these, seven are neighbors in the mid-west: Wisconsin, Minnesota, Iowa, Nebraska, North and South Dakota, and Kansas. The two outsiders in the group are Oregon and West Virginia. The typical Board of Control consists of three members appointed by the Governor and confirmed by the state Senate, for overlapping terms of six years. In Wisconsin, Minnesota and Nebraska, one of the members must be a woman. Usually the board is bi-partisan. In Nebraska, however, the provision is made that the members must belong to the same party as the Governor of the State. This provision may often necessitate the removal of a competent board member. In Minnesota the tradition is established that board members shall be reappointed where they have proved to be efficient. Members are expected to devote their full time to their work and are paid salaries which range from \$3,000 in

North Dakota and \$4,000 in Iowa and Nebraska, to \$6,000 in West Virginia. South Dakota, which pays the members of its board \$1,500 each for part-time work is to be noted as an exception.

The Board of Control usually administers all the charitable and correctional institutions of its state, including prisons, reformatories, correctional institutions for juvenile offenders, homes for orphans and veterans, schools for the deaf and the blind, hospitals for the insane, the feeble-minded, the tubercular and the like. The Minnesota board controls eighteen such institutions; the boards in Wisconsin and Nebraska, seventeen each; the Iowa board, fifteen. In Kansas, North Dakota and West Virginia, the jurisdiction of the board extends to educational institutions, as well. The Kansas Board of Administration controls the state university, the agricultural college, the agricultural experiment stations and the state teachers' colleges. In North Dakota, the Board of Administration governs the university and the normal school. The authority of the West Virginia Board of Control includes the financial and business administration of the university and other state educational institutions.

The general outlines of organization described above apply to six of the nine states which use this form of control. The organization differs somewhat in the other three. In Kansas, the Governor serves as ex-officio chairman on the Board of Administration along with his three appointees. In North Dakota, the Commissioner of Agriculture and Labor and the Superintendent of Public Instruction serve with three gubernatorial appointees on the Board of Administration. The Oregon State Board of Control consists of the Governor, the State Treasurer and the Secretary of State. They, however, appoint a Secretary and Purchasing Agent who acts as the executive officer of the Board and handles its business affairs. The Board, through this officer, manages twelve correctional and charitable institutions. The Oregon System, therefore, is not to be included under the purely ex-officio, rudimentary type of organization described in Group One, above. The South Dakota Agency, although it is called the State Board of Charities and Corrections, is really an administrative rather than a supervisory body and fulfills the functions of a board of control.

In general, these boards of control determine institutional policy, appoint wardens and superintendents, fix salaries, direct the care and treatment of inmates, purchase supplies, manage prison industries, prepare budget estimates and appropriation requests, direct new construction and otherwise manage and administer the charitable and correctional institutions of their respective states. The Board of Con-

trol type of organization involves no division of authority. Through the overlapping terms of its members it usually guarantees continuity in the policy of institutional administration.

The Minnesota state government was placed on a departmental basis in 1925 and the administration of charities and corrections was brought under a Department of Public Institutions. The change was only a nominal one, however, since the Board of Control, with unchanged composition and powers, was placed in charge of the department. The Minnesota board carries on its work through nine bureaus: Children, Soldiers, Insane, Tuberculosis, Prevention of Cruelty, Purchases, Construction, Inspection and Research. In Minnesota and Wisconsin the boards administer the supervision of parolees. The Wisconsin Board also supervises probationers. Both boards inspect state-aided charitable institutions and local charitable and correctional institutions. Like other boards of control, they fulfill many of the functions which other states require of their Departments of Welfare.

5. *The State Department Type*

The departmental form of organization has been adopted by seven states. It is known variously as the federal system, the bureau system or the cabinet system. Under this plan the state's entire penal system is administered by a central department, headed by a member of the Governor's cabinet. This official, who is known variously as a Secretary, a Commissioner or a Director, is appointed by the Governor to serve during the Governor's term of office, usually for two or four years. These officials are paid \$4,000 in Vermont, \$5,000 in Tennessee, \$6,000 in Washington and Massachusetts, \$6,500 in Ohio, \$7,000 in Illinois, and \$12,000 in New York. Generally they appoint or recommend to the governor for appointment all subordinate officials, save in New York and Ohio where the wardens are under the Civil Service. The plan thus provides for one-man control, with a military line of authority.

In five states, Illinois, Ohio, Tennessee, Vermont and Washington, the department governs both correctional and charitable institutions. In two states, Massachusetts and New York, it controls the correctional institutions alone. The federal penitentiaries are also on the bureau plan, being controlled by the Attorney General, who manages them through the Superintendent of Prisons, whom he appoints. The office of the Superintendent of Prisons is handled as a bureau in the Department of Justice.

These state departments have managerial rather than supervisory

functions. They make the rules which govern prison administration, direct the care and treatment of inmates, manage prison industries, prepare budgets and handle finances and, in the absence of separate state departments for purchasing and construction, make all purchases and direct new construction.

Illinois reorganized its state government in 1917. It was the first state to adopt one man control of its charitable and correctional institutions. Its Department of Public Welfare is headed by a Director who is appointed by the Governor. It manages twenty-one charitable and five penal institutions, including three prisons, a reformatory and a state farm. It has on its staff a Fiscal Supervisor, a Superintendent of Charities, a Criminologist, a Superintendent of Prisons, and a Supervisor of Paroles and Pardons. Each of these officials is appointed directly by the Governor for a four year term. The Superintendent of Prisons is the administrative head of the penal institutions. The Supervisor of Paroles is Chairman of the Parole Board and directs the work of parole supervision. The State has an unpaid Board of Welfare Commissioners, which acts in a purely advisory capacity.

In Ohio the Department of Public Welfare is divided into six divisions. The Institutional Division has charge of twenty-two state institutions, including eight hospitals for the insane, one for epileptics and one for the feebleminded, a sanatorium for the tuberculous, a school for the blind, a school for the deaf, a home for soldiers and sailors, and one for their wives, widows and mothers, two industrial schools for correction and four penal and reformatory institutions. The total population of these institutions is over 25,000. There is also a Bureau of Juvenile Research which studies children sent to it by the courts and makes recommendations for their treatment. The Manufacturing and Sales Department undertakes to provide employment and industrial training for the inmates of the penal institutions. The Ohio Board of Clemency, consisting of two members, passes on applications for pardon and parole. There is also a Bureau of Criminal Identification, a Commission for the Blind and a Division of Charities. The latter division inspects the county infirmaries and county jails, licenses and inspects child caring institutions, places dependent children in foster homes, and provides hospitalization for crippled children. Divisional and bureau heads and other subordinates are appointed by the Director with the consent of the Governor.

The Massachusetts Department of Corrections governs only the correctional institutions for adults. It administers the State Prison, the State Prison Colony, the Reformatory, the Reformatory for Wom-

en, the State Farm, Prison Camp and Hospital. It includes the Board of Parole and administers parole supervision. It has supervisory powers over all county jails and houses of correction. The department includes a division of Criminal Identification. It manages prison industries. It also has a division which provides for the home care of prisoners' dependents. The Commissioner has the appointment of his two deputies and other subordinates. The industrial schools for juvenile offenders are under the control of the Department of Public Welfare. The administration of probation is under a separate state Probation Commission. There are also a Department of Public Health which governs four institutions and a Department of Mental Diseases which has charge of fifteen. The Massachusetts system thus distributes the usual responsibilities of a Department of Public Welfare among five independent agencies. It provides for centralized administration of similar institutions but for separate administration of institutions which are unlike in nature.

The reorganization of the New York State government, which took effect in January, 1927, created eighteen civil departments one of which was a State Department of Correction. This department administers only the penal institutions of the state. The hospitals for the insane are managed by a Department of Mental Hygiene. The other hospitals, almshouses and other charitable institutions are under a Department of Charities. The latter department is headed by a Board of Charities, consisting of twelve members appointed for eight year terms by the Governor, which in turn appoints a Director of Charities who manages the charitable enterprises of the state.

The Commissioner of Correction is appointed by the Governor and confirmed by the Senate for a two year term. He appoints the Assistant Commissioners and other subordinates and names wardens and superintendents, subject to the approval of the Civil Service authorities. The deputy commissioner is the head of the Division of Administration and has "general supervision over the custody and discipline of all prisoners and over the maintenance of all institutions." The department manages four state prisons; two hospitals for the criminal insane, three reformatories and the Institution for Defective Delinquents at Napanoch. The first assistant commissioner is head of the Division of Industries which manages prison labor. There is a Division of Criminal Identification, Records and Statistics under a bureau chief who is "skilled in statistical work." There is a Division of Probation, headed by a State Probation Commission, consisting of seven members who serve without pay, which selects a Director of

Probation who promulgates rules regulating the methods and procedure used in the administration of probation and exercises "general supervision of probation throughout the state." The department originally included also a Division of Parole under a State Board of Parole. This agency was abolished by the legislature in 1930 and a new Parole Board with machinery for parole administration was set up in the Executive Department. The Department of Correction now has no authority in parole administration.

There is, in connection with the department, an advisory State Commission of Correction, consisting of the Commissioner of Correction and seven citizens appointed by the Governor who are paid ten dollars per day and expenses. This Commission is required to visit and inspect the state prisons and local institutions such as county jails, penitentiaries, and police lock-ups. It may investigate matters of sanitation, prison labor, and institutional management and advise their improvement. It has the power to "close any county jail, city jail, or police station, town or village jail or lock-up, which is unsafe, unsanitary, or inadequate." The Commission employs a paid secretary to carry on its work.

The former managing boards of the state reformatorys are retained as boards of visitors, with powers of visitation, inspection and advice.

6. *The New Jersey System*

The New Jersey type of organization has been referred to as providing for a "non-political department." No government department, to be sure, can be entirely removed from political influence. But the New Jersey plan, it is believed, provides an organization which is as nearly non-partisan as is possible within the existing frame of government.

New Jersey has seventeen state correctional and charitable institutions. There are two hospitals for the insane, four institutions for the feeble-minded, a village for epileptics, a tuberculosis sanitarium, two soldiers' homes, two institutions for juvenile delinquents, three reformatorys, a state prison and a prison farm. In addition there is a Board of Children's Guardians and a Commission for the Blind. The administration of all these activities is centered in a Department of Institutions and Agencies at Trenton.

This Department is under the direction of a State Board of Control of Institutions and Agencies. This is a board of nine members, the Governor, and eight citizens who serve without pay. One mem-

ber is appointed by the Governor each year for a term of eight years. The composition of the body, therefore, changes but little from year to year and its work will be continuous. Since no Governor can serve more than one term, no man ever has an opportunity to appoint a majority of the members of the board. The body is consequently freed from the fluctuations of party politics. The Board of Control appoints a Commissioner who acts as the executive head of the Department. Essential administrative control is thus placed in the hands of one man. This official need not be a resident of the state. He is appointed for an indefinite term and his salary may be equal to that of the Governor. The present remuneration of the position is \$12,000 per year. During the twelve years since the adoption of the plan there have been but two incumbents in this office. Each of the state institutions has its individual board of trustees. The members of these boards, however, are appointed by the central Board of Control. The system is a centralized, not a decentralized one. These several boards appoint the superintendents of their respective institutions, save in the case of the state prison. The state constitution requires that the "keeper of the prison be appointed directly by the Governor." In practice, the advice of the Commissioner and the State Board is sought with reference to these appointments. The Commissioner appoints the central office staff from the list of Civil Service eligibles, subject to the approval of the State Board.

The work of the department is carried on by seven divisions: Classification and Parole, Medicine, State Use and Institutional Employment, Architecture and Construction, Administration, Inspection and Legal Settlement, and Research. The Division of Classification and Parole includes a Bureau of Children, which investigates child-caring institutions; a Bureau of Education and Classification, which examines those committed to institutions so that they may be properly placed and treated; and a Bureau of Parole which supervises parolees from state reformatories and juvenile homes. The Medical Division inspects private charitable institutions and advises with regard to the medical administration of state institutions. The Division of State Use and Institutional Employment conducts institutional industries and markets their products under the State-use plan. The Division of Architecture and Construction has charge of the design, building, construction, or alteration and repairing of all state work except that of the public school system. The Division of Administration supervises institutional accounts and assists in the preparation of budgets. The Division of Inspection and Legal Settlement inspects county and

municipal jails, workhouses, penitentiaries, lock-ups, almshouses, sanatoria and hospitals, and checks upon all claims for state support. The Division of Research makes studies of specific welfare problems and carries on the statistical work of the department. The central department establishes the general policies of welfare administration and supervises institutional management. It is the sole authority in the preparation of budget estimates and appropriation requests, and has power to pass upon the expenditure of each institution. It has developed a uniform cost accounting system and a common plan for the classification and promotion of employees. Its functionalized staff offers the several institutions expert advice on matters of diet, medical care, vocational education, farm management and the like. Through bi-weekly conferences of institutional superintendents it accomplishes a pooling of experience and a free interchange of ideas. The state office has broken down the barriers between the individual institutions and encouraged the ready exchange of personnel and services to their mutual advantage. In the words of the law, the State Board has "complete and exclusive jurisdiction, supreme and final authority and the requisite power" to provide for the uniform and continuous development of all institutions and agencies so that each "shall perform its function as an integral part of a general system." Its "rules, regulations, orders and directions" must be "accepted and enforced by any Board of Managers."

A similar type of organization is to be found in two other states, Kentucky and Rhode Island. In 1920 the responsibility for the administration of the charitable and correctional institutions of Kentucky was given to a State Board of Charities and Corrections. This is a bi-partisan board of eight members appointed by the Governor for overlapping terms of four years each. The members serve without pay. No Governor is able to appoint a majority of the members of this board. The board appoints a Commissioner of Public Institutions for an indefinite term, fixes his salary, and may remove him from office at its pleasure. The Commissioner selects the heads of the various institutions and recommends them to the Board for appointment. The board fixes the number and the salaries of subordinate employees, but appointment is entirely in the hands of the institutional superintendents. It is illegal for a board member to contribute to political party funds, to engage in political activity or to suggest individuals for appointment to positions in the department or its institutions. The Board appoints a Receiver for each institution who purchases all supplies. This official is independent of the

Superintendent, reporting directly to the Commissioner and the Board. The central office has complete fiscal control. "The results achieved," says the Report of the Efficiency Commission of Kentucky, "have surely satisfied all reasonable expectations."

Rhode Island has a State Public Welfare Commission of three members, appointed by the Governor, who serve without pay. This Commission has "full oversight, management, control and supervision of" the penal and charitable institutions of the state and "full authority and power to provide for the control, discipline, care, education, and employment" of their inmates. It appoints a Director of State institutions, who need not be a citizen of the state, to serve as chief executive of the system. The Director nominates the heads of the eight institutions. The Board appoints them, fixes their salaries and makes rules and regulations for the government of their institutions.

Present Forms of Organization—Summary

In the vast majority of states we find some form of centralized administration of the penal system. Only four states, Connecticut, Indiana, North Carolina and Pennsylvania, are attempting to manage large numbers of institutions through decentralized administration by separate boards of trustees. Every other state with a large penal system has centralized its management. This is the case in Massachusetts, New Jersey, New York, Ohio, Illinois, Michigan, California and every other state which has a problem of penal administration which is comparable to that of Pennsylvania.

In thirteen states we find the actual details of administration in the hands of some sort of a paid board of two or more members, a multi-headed executive. All the Boards of Control fall in this class, as do also the elective prison boards of Georgia and Mississippi and the appointed prison boards of Alabama, Colorado, and Missouri. In the majority of the states, however, either the individual institution or the entire system is under one-man control. This single administrator is selected in one of three ways. In eight states he is appointed by some sort of an ex-officio board. In eight other states he owes his appointment directly to the Governor. This is the case in Louisiana and in the seven states which use the departmental system. Nineteen states, either in the selection of the superintendents of individual institutions, or in the appointment of the head of the entire penal system, use the mechanism of an unpaid board of citizens, which serves in the capacity of a board of directors. This is true of the eleven

states, including Pennsylvania, which use the institutional board system, of the prison commission type of organization in California, Maryland, Michigan, Texas and Virginia, and of the three states organized on the New Jersey plan, described above.

The forms of organization now most prevalent among the American States, therefore, are: (1) centralized administration; (2) one-man management, and (3) the unpaid citizens' administrative board.

HISTORICAL DEVELOPMENT OF ORGANIZATION FORMS

The earliest type of organization used in the administration of American penal institutions was that of local institutional boards of trustees. These boards were composed of citizens who served without pay for overlapping terms. They selected the sites of the early state institutions, superintended their construction and appointed their executives. This was the typical form of organization up to the time of the Civil War.

As state charitable and correctional institutions increased in number and in size, the need for co-ordination of their activities asserted itself. This need was first met by the establishment of State Boards of Charities and Corrections. These bodies consisted, also, of citizens appointed by the Governors to serve without pay. Their powers were purely supervisory. They could visit the several institutions and suggest improvements to their trustees, but they had no power to enforce their recommendations beyond that of public criticism. It was their function to reassure the public concerning conditions in the institutions, not to administer them. Actual management was left to the local trustees.

The first of these supervisory boards was established in Massachusetts in 1863, followed by New York and Ohio in 1867, and by Illinois, North Carolina, Pennsylvania and Rhode Island in 1869. The movement toward central supervision was widespread and swift. Twelve such agencies had been created by 1885. In Pennsylvania the Board of Public Charities was empowered to "look into and examine the condition of all charitable, reformatory or correctional institutions within the state, financial or otherwise," and report their findings. The New York and Illinois boards had jurisdiction over charities alone. The others had both charities and corrections within their purview. It is the opinion of students of the subject that these boards generally improved the standards of institutional service.

These central authorities, once created, however, did not long remain purely advisory in their powers. As new problems arose,

their duties were increased. Where local authorities would not cooperate, they were given some powers of enforcement. In Indiana, for instance, the supervisory Board of State Charities is required to select the sites and approve the building plans for certain public institutions, to license maternity hospitals and child-caring institutions, to deport non-resident paupers and to supervise the county work for dependent and neglected children. These advisory boards were thus given administrative functions until, by 1887, nine of the twelve boards then in existence had ceased to be merely supervisory in character. Today it is often difficult to determine the relative proportions of supervisory and administrative functions exercised by the surviving agencies of this type.

From the central advisory board to the central administrative board was a logical step which was soon taken. New York, as early as 1847, had created an elective board of three inspectors for the administration of its three state prisons. Rhode Island, in 1869, had given its Board of State Charities and Corrections the "entire charge and control" of its penal and charitable institutions. And Massachusetts, in 1879, had established a separate Prison Commission of five members and empowered it to make rules and regulations for the conduct of the prison, reformatory, jails and houses of correction, to pass judgment on the warden's appointments, to fix certain salaries and to audit institutional accounts.

It was not, however, until the turn of the century that the movement toward central administration really got under way. This came with the creation of the State Boards of Control. Wisconsin created its Board of Control in 1891; Iowa followed in 1898; Minnesota in 1901; Kansas in 1905; West Virginia in 1909; Ohio in 1911; and Nebraska in 1913. The Board of Control carried farther the centralization of authority which had been initiated by the establishment of the Board of Charities and Corrections. In some states it supplanted the older body. In others, the two continued to exist side by side; the one, administrative; the other, supervisory.

The departmental form of organization was the last to develop. It is an outgrowth of the movement for government reorganization which has taken place during the last twenty years. Efficiency and Economy Commissions have been called on to investigate the organization of more than a third of the state governments since 1911. Such Commissions reported in Massachusetts and New Jersey in 1912, Iowa, Pennsylvania, New York and Minnesota in 1913, and in a number of other states thereafter. Governor Lowden of Illinois gave a

great impetus to the movement following the report of the Illinois Efficiency and Economy Committee in 1915. Government reorganizations followed in Illinois in 1917, in Massachusetts in 1919, in Ohio in 1921, in Idaho, Nebraska, New York, Pennsylvania and elsewhere in the years which followed.

The reorganization movement attempted to bring all these agencies which were performing a common function into a single department. It undertook to set up a small number of departments and to place one responsible official at the head of each department. This officer was appointed by the Governor for the duration of the Governor's term of office and served as a member of his cabinet. A military line of authority was thus established. The department head was directly responsible to the Governor for the administration of the institutions and agencies over which he had control. The Governor, in turn, was responsible to the people. The plan, it was believed, simplified the machinery of government and made it more directly responsible to popular control. The impetus for the establishment of Boards of Charities and Corrections had come from a desire to apply more intelligently humane treatment to the wards of the state. The impetus of the movement for government reorganization came from the desire to attain business efficiency.

The movement led to the establishment in a number of states, as has been seen, of Departments of Welfare or Departments of Corrections with final authority in penal administration. It is the last step in the progress toward unified control. Throughout the evolution of the various forms of state organization for penal administration, the trend has clearly been away from decentralized toward centralized control.

AN EVALUATION OF ORGANIZATION FORMS

Centralized versus Decentralized Control

Many arguments are advanced in support of the system of control by institutional boards of trustees. This system, it is contended, interests the best citizens of the community in the work of the penal institutions. It secures to the state the knowledge and advice of honest and able lay minds. The autonomous board, with the overlapping terms of its membership, protects the institution from partisan politics. It guarantees the appointment of more able superintendents. It makes it possible for a single institution to experiment with advanced methods of treatment. It gives the control of an institution into the hands

of those who are most familiar with the problems which are peculiar to it. Under this form of organization, institutions are directed by persons who are in intimate contact with their work.

Centralized control, on the contrary, it is argued, would turn the penal system over to the political machine. It would introduce the spoils system where it had previously been unknown. By the establishment of complicated administrative machinery, it would introduce the methods of bureaucracy. The red tape of requisitions, correspondence and reports would make the warden a mere clerk. Dictation from the state capitol would discourage him in his work. He would cease to feel himself responsible for the condition of his institution.

The institutional board, however, is often tempted to look on the prison or reformatory as a local rather than a state institution. It is necessarily more concerned with local interests than with broad considerations of state welfare. It may allow the institution to fall prey to local business men and may easily favor local persons in the selection of personnel. The system makes the institutions rivals in their struggle for state appropriations. One may gain at the expense of the other. There is no provision for the uniform development of the system as a whole. The citizen members of local boards, although honest and painstaking, are seldom experts in welfare administration. They do not necessarily select capable executives or introduce the best methods of penal treatment. One institution may forge ahead; but others will lag behind. Archaic methods will inevitably persist. There is no way to force the adoption by all the institutions of the improved practices initiated by some of them. The penal system will be consequently uneven in its development. It is only through centralization that a co-ordinated, progressive penal program may be achieved. And centralization, although it may sometimes deliver the state's institutions over to the mercy of political spoils-men, does not always and necessarily do so, as the New Jersey system, among others, stands witness.

The movement toward centralization in administration is not peculiar to the penal problem. It has been seen in tax administration, in public health administration, in school administration, throughout the whole province of government. It has occurred in European as well as in American States. It is a trend which the Committee on Supervision and Control of Penal Institutions of the National Prison Association as long ago as 1903 characterized as "logical, inevitable and beneficial." Today there is practical agreement among

all groups that a state's penal system should be administered by some central authority. Each of the dozen leading authorities in the fields of penology, of welfare administration and public administration, in general, who were addressed in connection with the present study, assented to this proposition without question.

Considerations of economy and efficiency in administration demand centralized control. It eliminates the duplication of clerical routine, reduces the staff required for many services and thus cuts overhead costs. It improves fiscal methods, establishes uniform accounts and provides for central audit. It reduces purchasing costs by requiring uniform specifications and expert testing of materials. It makes possible a common policy for the employment, classification, payment, promotion and retirement of personnel. It is absolutely essential to the development of prison industry. The central office can enable the individual institution to specialize in the production of certain goods by marketing the products of its labor under the plan of state use. Centralization makes possible the more effective supervision of prisoners on parole. It requires uniform records, facilitates the collection of data and the preparation of criminal statistics and consolidates and simplifies institutional reports.

But centralization is not to be justified on grounds of business efficiency alone. It increases the expertness of penal administration. The central agency is always on the job. It is not hurried in its work. Its responsibility is not intermittent. It is continuous. It is able to employ scientific knowledge. It can develop a staff of technical experts in the various phases of penal treatment: a dietician, a psychiatrist, an educator, a vocational director, an agricultural expert, a factory manager. These professional specialists will set up standards and introduce methods which will apply, not to a single institution, but to the system as a whole. Wardens and superintendents are usually too busy with the routine of management to study new methods of care and treatment. The central department can supply them with this specialized knowledge. It will so liberate them from business details that they will be able to devote their time to their principal task, the rehabilitation of the offender.

In a large state with several correctional institutions, it is possible to divide convicted offenders into a number of quite distinct classes, and to adapt one or more institutions to the specialized treatment of each class. Placement might well be by expert classification based upon scientific study rather than by sentence of the court. Prisoners might be transferred from one type of institution to another during

different phases of their treatment. But such functionalization cannot be attained until control is centralized. The State must run its penal system as unit, must plan its development as a co-ordinated whole, if it is ever to make its reformatory program truly effective.

The Board versus the Single Executive

The Board of Control form of organization has shown itself in practice to possess certain advantages. The overlapping terms of the members render the board fairly independent of politics, generally give it an experienced majority in its membership and enable it to carry on a continuous program. A board, however, divides authority and responsibility. It cannot act swiftly and decisively. It may be dominated by a single member. Or it may waste its time in a conflict of interests and purposes. None of the recent developments in organization place the actual details of management in the hands of a board. Contemporary opinion is not favorable to the many headed executive. Experts in government now agree that efficient administration is best attained under a single executive who is held strictly accountable for the conduct of his subordinates. Big business enterprises are run by single men, not by triumvirates. It is the proper function of a board to adopt general policies, to select a capable executive and to hold him responsible for the work which is done. In all the more recently organized systems, in New York, New Jersey, Massachusetts, Ohio and Illinois, we find a single executive control.

Political Responsibility versus Continuous Professional Administration

Penal administration should be centralized. It should be directed by a single executive. On these points there is general agreement. When we come to ask how that executive should be appointed, however, we meet a difference of opinion. The government research group, specialists in administrative technique, favor the departmental plan, appointment directly by the Governor. The social work group, specialists in welfare problems, favor the mechanism of the unpaid citizens' board with overlapping memberships which appoints the executive, the New Jersey plan. This plan, according to the government research experts, prevents the Governor from really functioning as the chief executive. It relieves him of all responsibility for the condition of the penal institutions. The Governor cannot interfere with the work of the penal institutions, it is true. But he is also powerless to do anything to improve that work, if he is so disposed. Since he has no power, the people cannot hold him accountable. Responsi-

bility for good penal administration is hidden from them. If conditions are bad, they can do nothing about it. So the argument runs. "We take the position," writes Dr. Carl E. McCombs, Manager of the National Institute of Public Administration, "that, since our government is a democracy, any plan of organization which relieves the chief executive of the government from direct responsibility for the administration of any part of the government, is unsound." And W. F. Willoughby, Director of the Institute for Government Research, writes as follows:

"I am not at all in sympathy with the effort to break up the unity of the administration of a state into separate services which will be taken from under the general responsibility of the Governor. The whole attempt to take administrative work 'out of politics' is one with which I have no sympathy. It does violence to the principle of looking to the Chief executive as the responsible head of the administration. We have a situation where the Governor is nominally elected as head of the administration, but in point of fact has little or no actual powers and responsibilities in respect to important categories of the administration of the state's affairs. I believe that the directors of the several departments should be appointed by the Governor and be subject to removal by him and that it should be made perfectly clear that he is responsible for the selection and for the manner in which the affairs of state are conducted by his selectees."

Gubernatorial appointments, however, have proved, in practice, to offer no guarantee of efficient administration. In many cases they have introduced the spoils system into the state's penal institutions. The statesman's opportunity, is also the spoilsman's opportunity. In Missouri, for instance, according to the Missouri Crime Survey, every change in the party controlling the state administration brings a heavy turnover in the staff of officers and employees at the reformatory and the penitentiary. Says the Survey:

"The penitentiary staff tends to be changed irrespective of whether it is bad or good, whenever the party in power in state administration is changed, and another set of inexperienced persons comes in for a period of wasteful experimenting. When this set of officials and employees has been in office barely long enough to learn the elementary principles of correctional work, the management and administration is again taken out of their hands to be placed in the hands of another set of inexperienced officers and employees. . . .

It has become a matter of party practice and tradition to reward party politicians and political bosses for their services to the party with jobs in these institutions. This means that party loyalties and promises rather than fitness for office tend to determine appointments and the length of tenure of office. It means that a spoils system rather than a merit system prevails in our correctional work and this work can never

be lifted to the level of a profession where men of high calling, and trained men, will be in control."

Under the department plan, also, the penal executive is appointed only for the duration of the Governor's term. In New York and in Ohio this gives him an appointment of only two years. It is impossible to get a professional expert to leave other work to accept employment for such a short period. The position is but a temporary one. The tenure is uncertain. Usually the Governor appoints a citizen of his own state, although many outsiders might be better qualified for the place. Usually the appointee will be a local politician. He is a person who utterly lacks technical competence. During his short term he is unable to familiarize himself with the work of his department before he finds himself out of office. Another novice takes his place. Any policies which he may have instituted are dropped by the new incumbent. The system makes the adoption of a constructive, continuing program of institutional development tragically impossible.

In Ohio, the Director of Public Welfare has twenty-two state institutions in his department. He is required by law to visit each of these institutions monthly. Their superintendents report directly to him. He comes into office entirely ignorant of the department and its work. He is plunged directly into the details of a business which involves the expenditure of over \$6,000,000 a year and requires the solution of human problems of baffling complexity. He scarcely comes to understand the department's problems before his term is up. Even if he is able to work out constructive policies of his own, he gets no opportunity to put them into practice. "As long as the present organization exists," says the Ohio Institute, "nothing can be looked for but routine administration, chiefly relating to physical properties. No genuine advance in dealing intelligently with the more difficult social questions can be hoped for."

Many groups in Ohio, indeed, are working for the adoption of the New Jersey plan. In 1924 the Ohio Council of Churches, the Federation of Women's Clubs, the League of Women Voters, the Council of Religious Education, the Y. M. C. A., the Y. W. C. A., the Christian Endeavor Union, the State Grange, the State Medical Association, the Public Health Association, the Hospital Association, the Ohio Welfare Conference and other groups joined hands to work for the abolition of the one-man Department of Public Welfare and the substitution of a lay board with the power to appoint a Welfare executive. Director Harper in his 1924 report himself stated that

it was impossible to develop a continuous policy under the existing form of organization and recommended a change. There was introduced in the legislature in 1925 a bill creating the board and executive form of organization and providing that "The Director of Public Welfare shall be a person well trained in social science and who has had at least five years of experience in social or welfare service." It was hoped that, under this plan, the director would continue to serve year after year so long as he was doing the job well, regardless of what political party was in power at the state house. In 1927 the legislature appointed a Joint Committee on Economy in the Public Service to investigate the operation of the Administrative Code of 1921. This Committee in its report in 1929 again urged the desirability of creating an unpaid, unpartisan board, appointed for overlapping terms, which would control the department through an executive chosen by it and responsible to it. Ohio's experience has clearly shown that it is impossible to get continuity of policy under the departmental system.

The dogma that public administration should be directly responsive to democratic control does not apply with equal force to all departments of government. For those public functions on which the people are relatively well informed and in which they are directly interested, the principle is undoubtedly a sound one. But where the public is ignorant and indifferent, the responsibility of the executive becomes nominal rather than actual. Taxation, education, the police, the streets are directly under the public eye. The prisons are not. They care for a group of persons who have no opportunity to assert their own interests. The average citizen does not understand the methods of penal treatment. He cannot judge their results. They are, of necessity, subtle processes which cannot readily be weighed or measured. Welfare administration, in all its phases, is remote from the people. It consciously affects the average voter but slightly. Elections do not turn upon issues concerning the treatment of the state's wards. To overturn the prison administration of a state every time the voters register their opinions on prohibition, taxation, highway construction, public utility regulation or other pressing public questions, is not good government. It is pure caprice.

Welfare administration differs in its nature from other departments of government. It deals in intangibles. It demands professional processes as well as economical management. It must be carried on by technical experts, scientists whose responsibility is professional rather than political. Scientific method can be applied only where

there can be continuity in policy and in personnel. It must be protected from the vagaries of political change. We do not change our municipal Superintendent of Schools every time we elect a new mayor. Prison management should be no more dependent upon popular election than is the presidency of a state university. Dogmatic insistence upon political responsibility ignores the realities of the situation.

The unpaid, overlapping term, appointing board of private citizens serves as a buffer between the professional penal administrator and the fortuitous fluctuations of political favor. It represents the diverse views of different community interests. It supplies the conference of minds which is so essential to welfare administration. Its intimate knowledge of institutional work and its unquestioned prestige enables it to interpret this work to the general public, to secure for it the support of informed opinion. Under the New Jersey plan, the state can offer security of tenure to the personnel of welfare administration. It will be able, therefore, to demand expert qualifications, to develop professional standards, to introduce scientific methods of treatment. By establishing a tradition of political non-interference in charitable and correctional work, it can adopt and carry through a consistent and continuous policy of institutional care and social rehabilitation.

The success of the system, it is true, depends upon the character of the personnel of the board. Certain qualifications for membership may be written into the law. The governor's appointments must be carefully scrutinized and criticized by informed persons. The law may give the Governor the power to remove for cause, stated in writing, any member who fails to meet his responsibility. It is possible that such a board might come in time to consist of a majority of uninformed and indifferent persons who would be slow to introduce improved methods of care and treatment. In such a contingency, the people still hold in their hands the final remedy of legislative change.

A Welfare Department or a Department of Corrections?

It will be recognized that the foregoing discussion of what is useful and desirable in welfare administration applies with equal force to the management of both correctional and charitable institutions. The question must now be considered as to whether the prison system of a large state might better be administered as a part of a state Department of Welfare or by a separate state Department of Corrections.

In practice the several states are about equally divided between separate and joint administration of charities and corrections. About half of the states are organized to control the two fields in common. The other half directs each type of work by itself. New Jersey, Ohio and Illinois, and all the states using the Board of Control form of organization manage charities and corrections together. New York, Massachusetts and California, among the larger states, administer the prison system apart from their charitable work.

In favor of a common administration it might be argued that the problems presented in the direction of both charitable and correctional institutions are largely the same. Matters of accounting, budgetary administration and fiscal control would be the same for both groups. The direction of institutional industry and the sale of products on the state use plan might better be accomplished under common management. A common plan might be adopted for the classification, payment and promotion of employees. The functional experts on the staff of the central office can advise the executives of both types of institutions on matters of nutrition, sanitation, farm management and so forth. Not only in the administration of business affairs should the approach be a common one. The whole problem of treating the defective and delinquent groups of the community is a single one and should be treated as such. Many of the inmates of the penal institutions are persons who are mentally defective. The medical viewpoint, it is urged, should be applied to the administration of the prisons as well as to the hospitals and the asylums.

It must be remembered, however, that charitable and correctional institutions differ in their nature and purposes. The care and treatment of convicts, their education, vocational training and supervision on parole, present problems of a peculiar nature which require expert attention. The common administration of charities and corrections, as it exists, for instance, under the Board of Control form of organization, tends to over-emphasize the purely business aspects of management and to neglect the more difficult and subtle problems of institutional treatment and social rehabilitation.

Perhaps the form of organization best adapted to any particular state depends upon the size of the state, the number and variety of its institutions, their population, that is, upon the magnitude of the administrative task involved. The institutions of a large state may well be numerous enough to provide ample work for two administrative departments. The Efficiency and Economy Commission of Illinois in 1915 took the position that the state was too large for the common

administration of its charitable and correctional institutions. A single department, it said, would have too many employees and would be confronted with too many problems properly to care for each type of work. It seems certain that the executive head should not be overloaded with too great a number of diverse tasks. In Ohio, for instance, the combined care of the indigent, the insane, dependent children and the state's prisoners has proved to be too great a responsibility for a single administrator to shoulder. There are few men of the stature requisite to meet the demands of such a managerial position.

It might be contended that the correctional and charitable agencies might be conducted by separate bureaus under a common head. It is not likely, however, that an administrator of the same calibre could be obtained to serve as a bureau chief as the man who might be selected to head an independent department. Where the heads of bureaus are paid \$5,000 per year and the heads of departments as much as \$12,000, this difficulty is increased. Professor Sophonisba Breckenridge of the Graduate School of Social Service Administration of the University of Chicago regards this as a conclusive argument for separate administration. She writes:

"As a matter of fact, I should suppose that you would get a higher grade man at the head of a department than you are likely to get at the head of a bureau in a department with other bureaus. If the heads of departments wish to co-operate they can easily find ways of doing so; and if they do not have the habit of co-operation, being in a single department does not bring them together. As I understand it, up to the present time, in our department in Illinois, there has been substantially no unity in the administration of charities and of prisons."

Where charities and corrections are under a common head, moreover, it is likely that the executive in charge will be more interested in one branch of the work than in the other and that the one will consequently be relatively neglected while constructive plans for the advancement of the other are being developed and put into operation. In Pennsylvania, for instance, the Department of Welfare is primarily concerned with the care of dependents, with the sick, the aged, children and the insane. Prison administration and supervision is a relatively minor concern of the state's welfare administration. It should be the major responsibility of a high executive who should devote all his efforts to it.

The factor of community support must also be taken into account. In Pennsylvania, at least, charitable administration is looked upon as being work which is largely kindly and sentimental. Prison manage-

ment, on the contrary, it is felt, should be a severely practical affair. Even though a scientist might approach both from the same point of view, it must be recognized that the public does not. The poor and the sick, it feels, deserve our tender solicitude. The convict, on the other hand, deserves no mercy. He has broken society's laws. He should be handled with a hand of iron. Any program of reorganization for the state's penal system must command popular confidence. The frame of mind of Pennsylvania, it is certain, would render abortive any attempt to centralize penal administration in the present Department of Welfare. Proposals for the establishment of a state Department of Corrections, on the contrary, might well enlist widespread popular support.

Where charitable and correctional administration is separated the question arises as to which of these agencies should administer the state's institutions for juvenile offenders. The practice of other commonwealths offers no sure answer. In one large group of states the same authorities which manage the prison system also run the correctional institutions for children. In another group, equally large, these institutions are separately administered. The several Departments of Welfare and Boards of Control, of course, manage the juvenile reform schools. But in such large states as New York, Massachusetts and California, these institutions are made a part of the charitable system rather than the prison system. Logically, perhaps, a Corrections Department should manage the institutions for juvenile, as well as adult, lawbreakers. But here again, community sentiment must be considered. Generally the people will be reluctant to entrust the care of child offenders to the executives of the prison system, but willing to have them controlled by the welfare authorities. Here it is probably wise as well as expedient to bow to the popular will.

Functions of Penal Administration

The head of the state prison system must, of course, have supreme authority in directing institutional administration. This involves the management of the business of the institutions: accounting, budget making and the handling of funds; the control of personnel: employment, classification, payment, promotion and retirement. It includes also the adoption and initiation of a program of care and treatment which comprises the administration of sanitation, nutrition, agricultural operations, medical work, education, recreation, vocational

training, all pointed toward reformation. These are the primary responsibilities of institutional management.

Business management includes the purchasing of supplies and the direction of new construction and repairs. In the majority of the states the prison management does its own purchasing. Some twenty states, however, Pennsylvania among them, have centralized this function in a state purchasing office. The Department of Public Welfare in Illinois, for instance, must buy all the supplies for its institutions through the Department of Public Works and Buildings. Indiana, which has no central penal administration, has centralized purchasing through the creation of a Joint Purchasing Committee for its twenty institutions. Each board of trustees appoints one of its members or its superintendent to membership in the Joint Committee. This committee employs a paid secretary to carry on its work. Under its direction, he makes joint purchases for two or more institutions. By this device, the state is attempting to secure one of the advantages of centralized administration. Repairs, additions and new construction are generally under the penal authority, although in California, Illinois, Ohio and Wisconsin, as in Pennsylvania, they are supervised by a separate department which controls all public works. It seems clear that purchases and construction should be administered by a central authority, either within the correctional department or under a separate department of the state government.

The management of prison labor is left in the hands of the individual institution in most of the states. In a number of the larger commonwealths, however, prison industries are administered by the central department. This is the case in Massachusetts, Minnesota, Nebraska and Wisconsin and in New Jersey, New York and Pennsylvania, where separate bureaus are devoted to the direction of prison labor. Institutions which operate under the rapidly disappearing contract system of labor, may be able to get along under local management. Central administration, however, is necessary for the successful operation of industries under the more recent plan of manufacture for states' use. It is only through common direction that industries may be properly allocated to the various institutions of a state and the products of prison labor marketed in satisfactory quantities.

Parole administration, too, should be a responsibility of the central penal authority. In 21 of the states which grant paroles, selection for parole release is made by the same authority which directs the institution. This is the case, of course, where the parole power is vested in local boards of trustees as in Connecticut, Indiana and

Pennsylvania. This conjunction of powers also obtains under the Board of Control form of organization in Minnesota and Wisconsin and under the central departments of Illinois, Massachusetts, Ohio and New Jersey. In two of these states, however, the paroling authority is only partly subordinated to the executive of the prison system. In Massachusetts, the Board of Parole is in the Department of Corrections, but its chairman is appointed directly by the Governor and is not responsible to the Commissioner of Corrections. The Illinois Parole Board is located in the Department of Public Welfare, but its head is appointed directly by the Governor and the Board's decisions are not subject to review by the Secretary of the Department. In 23 states there is a complete separation of paroling power and administrative direction of the institutions. Iowa and Nebraska, unlike Minnesota and Wisconsin, have boards of parole which are independent of their State Boards of Control. In New York, the Board of Parole was a part of the Department of Corrections until 1930, when the legislature set it up as a separate entity in the Executive Department.

Few states have made much provision for the actual supervision of prisoners who are on parole. Where such provision is made, the work is generally included as a function of prison administration. Parole supervision is directed by the Boards of Control in Minnesota and Wisconsin, by the departments in Illinois, Massachusetts, New Jersey and Ohio and by the State Board of Prison Directors in California. A few states have set up independent agencies for supervision. In Michigan this work is the responsibility of a Commissioner of Pardons and Paroles who is appointed directly by the Governor and is outside the Department of Welfare. In New York, parole supervision as well as parole selection is now located in the Executive Department and is entirely independent of the Department of Corrections. Pennsylvania, because of the decentralized administration of its institutions, has been driven to centralize parole supervision in its Department of Justice.

The period of parole is properly to be regarded as a mere continuation of the period of reformatory treatment outside the walls of the institution. The prison program should be directed toward preparation for parole. Release should be made conditional upon the achievement of certain definite objectives in institutional work. Revocation of parole and reincarceration should follow promptly upon non-fulfillment of parole promises. Institutional administration, parole selection and parole supervision must be thoroughly integrated and

co-ordinated if a genuine program of social rehabilitation is to be carried through. Parole is not properly to be placed in the category of executive clemency. It must be regarded as an essential part of the reformatory process if it is to be made effective in the protection of the community.

Probation, in the majority of states, is not included in the prison system. It is carried on in complete independence of penal administration even in states possessing strong central departments, as in Illinois, Massachusetts and New Jersey. Massachusetts, to be sure, has provided for the central supervision of probation, but has not entrusted this work to her Department of Corrections. Here the Chief Justice of the Superior Court appoints the five members of the Board of Probation. The Board, in turn, selects the state's Commissioner of Probation. This plan of organization, in the opinion of Herbert C. Parsons, the present Commissioner, is greatly to be preferred to the inclusion of probation supervision in a penal department. He writes:

"As matters now stand in the public mind and, generally speaking in the official mind, the design of the probation service is so different from the penal that it needs to be separately organized. It is my observation that decidedly better progress is made and higher efficiency attained where the interests of the probation work are not subordinated to the general penal administration. It needs to develop along judicial rather than punitive lines and if it is in a department having for its main purpose the administration of penal institutions it is bound to become regarded as a feature somewhat penal in nature, the very thing that is not its true nature . . . I am positive in my opinion that the supervision of the service by a bureau under any department is an unfortunate subordination. The principle underlying the service is distinctive as well as important and deserves a specialized authoritative attention only to be secured by a commission or official with a view to fitness for this task and recognized as having an original and not a secondary authority."

A few states, however, have included probation as a function of their penal administration. This is the case in New York, Rhode Island, Vermont and Wisconsin. The Wisconsin Board of Control supervises adult probation. New York has a Division of Probation in its Department of Corrections. There is a Probation Commission, consisting of seven members, including the Commissioner of Correction, the Director of Probation, four members appointed by the Commissioner and one appointed by the State Commission of Correction. This body acts in an advisory capacity. The Director of Probation, who heads the division, is appointed under Civil Service rules. This division exercises general supervision over the administration of probation throughout the state. It promulgates rules governing the investigation

of defendants, methods of case work and record keeping and these rules are binding on all probation officers, having the effect of law. The Division can inquire into the conduct of probation officers and report upon their work and it may recommend to the proper authorities the removal of an officer who is negligent or unfaithful.

It would seem that the probation work of a Department of Corrections might be so organized as to meet the objections raised by Mr. Parsons. A bureau head appointed by a department head who was in turn appointed by the Governor to serve at the latter's pleasure during his term of office, might have a precarious tenure. The political nature of the control of the department, moreover, might make the appointment of an able administrator to this post unlikely. Under the New Jersey form of organization, on the contrary, the relatively permanent professional department head might well choose a trained executive to administer the probation work and promise him a reasonably long tenure. The payment of an adequate salary might help to obtain the proper type of person for this work. The co-operation of the courts might be obtained, also, by granting them some representation on the department's directing board, by creating a judicial advisory board for the division or by giving the courts some voice in the appointment of its director.

There would be much to be gained, it would seem, from the supervision of probation by the state penal authorities. Probation, like parole, is merely an alternative method of reformatory treatment. The development of an adequate probation service might go far toward lessening the institutional problem. The techniques of probation supervision and parole supervision have much in common and both might gain from the co-operation which might be induced in their administration in a common department. The development of criminal records and statistics might be expected to profit by collection in a common center. In all this, the ideal of probation work should not suffer. It should become but one phase of a whole process of treatment which should all be dominated by the concept of social rehabilitation.

Another function of penal administration is the supervision of local penal institutions: county jails, work houses, houses of correction, city jails, prisons and police lock-ups. Dr. Louis N. Robinson has outlined the work done by the various states in this field in an article on "The Relation of Jails to County and State" in the *Journal of Criminal Law and Criminology* for November, 1929. He finds that one-third of the states, 16 out of the 48, have no control whatever over local institutions. Two-thirds, 32 in number, have the right to inspect

these institutions periodically and make public reports on their findings. It is impossible to tell how extensively this right is exercised. The inspection, where made, may be superficial and infrequent. If it stops with a public report, it may be quite ineffectual as a means of improving conditions. Inspection can be truly effective only where it is carried on for the purpose of determining whether the local institutions have conformed to certain standards which the state has set up and has the power to enforce. In half of the states, however, little real enforcement power exists. The central authorities can inspect, report, recommend and advise, but compliance is to be brought about only by the pressure of public opinion. In 11 states the state government can compel improvements in structure and in 8 it can demand improvements in jail management. In 21 states the local officials must submit plans for new jails for approval and in 20, plans for alterations in existing structures. Other elements of administrative authority are given to state governments in varying degrees. Eight states can select the sites for new jails. Nine may specify the number of cells to be provided. Eleven may specify the prison diet; 6 may control education; 10 may specify what clothing shall be provided; 9 may direct the provision of exercise; 6 can control the labor of jail prisoners; 11 may require definite medical care and 8 have power to regulate punishments inflicted on inmates. State authorities may require reports from local officials on inmates in 22 states and on finances in 19. Eighteen can compel the keeping of uniform records of prisoners and 13 can require uniform financial records. In only 8 states do the state authorities have the power to remove prisoners from one local institution to another when their requirements have not been met. In the opinion of Dr. Robinson, the control of local penal institutions is really effective in but 8 states of the 48, namely, Alabama, Colorado, Michigan, Minnesota, New Jersey, New York, Rhode Island and South Dakota. The Minnesota Board of Control can condemn jails which are unfit for use. The New York Commission of Correction can close any jail which is "unsafe, unsanitary or inadequate." The New Jersey department can institute legal proceedings against negligent local authorities. In Alabama the State Committee of Public Health appoints a Prison Inspector, who must be a physician "learned in the science of sanitation, hygiene and ventilation". This official can formulate rules for county jails governing hygiene, feeding, health and management, these rules having the same force and effect as law. Where local officers do not conform to these regulations he has

the power to condemn their jails, forbid their further use and transfer their prisoners to jails in other counties.

Dr. Robinson suggests that each state government should be given the following powers over local penal institutions:

"(a) To inspect and make public its findings; (b) to require uniform accounting and making of prescribed reports; (c) to compel local authorities, whether county or municipal, to submit for approval all plans for new institutions, including location, or for the operation of old ones; (d) to prescribe a regime, not necessarily uniform for all institutions, covering food, clothing, exercise, work, and cellular accommodations; (e) to transfer prisoners from one institution to another at the expense of the local unit where the prisoner or prisoners were first incarcerated; (f) to close an institution on account of inability to maintain a reasonable regime and (g) to develop specialized local institutions through exercising the power of transfer."

One final function must be maintained as an essential responsibility of state penal administration. That is the work of collecting data on crimes and criminals, compiling statistics, making research studies, and preparing public reports. Any approach to the problem of crime prevention, any program of penal treatment must be based on accurate knowledge which is to be obtained only in this way. It is through the central administrative agency that this work is most effectively and most economically to be done.

Independent Inspection of Administration

The earliest of the central state agencies in the correctional field, as has been seen, were the State Boards of Charities and Corrections. These bodies had the power to watch, examine, criticize, advise and recommend, but they could not enforce their recommendations. It was their function to bring new knowledge to the attention of institutional administrators, to point out to them the wider social implications of their work, and to mould public sentiment in the support of progressive methods of care and treatment. Of these boards, the one in Indiana has been outstanding. It has done much, during its life, to improve conditions and raise standards in the institutions of that state. To its effectiveness is to be attributed the failure of Indiana to provide for any form of centralized administration. The work of this board, among others, has justified the early provision for central supervision.

Such boards of inspection once existed in a majority of the states. Today only eight states still have boards which are required to inspect and report on all their charitable and correctional institutions. These

agencies are the following: Connecticut Board of Public Welfare, Delaware State Board of Charities, Georgia Board of Public Welfare, Illinois Board of Public Welfare Commissioners, Indiana Board of State Charities, North Carolina State Board of Charities and Public Welfare, New Hampshire Board of Public Welfare and South Carolina State Board of Public Welfare. Six other states retain supervisory agencies which are somewhat different in their composition or their jurisdiction. Oklahoma has an elective Commissioner of Charities and Corrections who has powers of visitation and recommendation. The New York Commission of Correction reports on correctional institutions alone. The Maine State Board of Charities and Corrections may inspect all institutions except the state prison. In Maryland, the Board of Welfare administers the prisons, but supervises the hospitals and the jails. In Virginia, the Board of Public Welfare, which stands in an executive relation to charitable institutions, has the power merely to inspect the prison system. In Pennsylvania, too, the Department of Welfare, is partly administrative, partly supervisory, in its authority over the correctional institutions of the state. The majority of the surviving supervisory agencies, however, unlike the earlier State Boards of Charities, function as advisory bodies in connection with established departments of the state government.

The manner in which the supervisory boards of many of the states evolved gradually into administrative boards or departments has already been shown. A few states endeavored to maintain a dual system, with two state agencies, one for administration and one for supervision. Such a plan obtained in Wisconsin from 1881 to 1890. But this division of authority has generally proved to be unworkable. The administrative agency has increased in power and the supervisory board has had less and less to do and has finally been discontinued. The advisory board in Illinois is practically a dead letter. No appropriations are made to support its work. Minnesota abolished its Board of Visitors in 1929. "The peculiar supervisory function of the earlier state authority", says Professor Breckenridge, in her "Public Welfare Administration in the United States", "has almost been abandoned as hopeless of accomplishment". As state inspection grows into state management, the function of investigation and criticism disappears.

Some of the students of welfare administration regard this as an unfortunate development. State administrative authorities, they say, cannot be expected critically to appraise their own managerial work. Executive action should be subject to the check of independent inspection. The public, the legislature and the governor should be guided

by the detached, impartial judgment of persons who are free of administrative responsibility. This is the position of Amos W. Butler, who for years was the Secretary of the Indiana Board.

Other authorities differ. Sanford Bates, Superintendent of Prisons, in the federal government, writes as follows:

"I do not believe that it is necessary to provide for an independent inspection of the work of administrative agencies in this field. A wise institution administrator invites interested people into his institutions to see his work and comment upon it. The legislature undoubtedly has a committee whose duty it is to visit institutions, and some form of expression for the inmates might be provided whereby abuses can be more readily discovered and grievances aired. I do not think then any other inspection service would be necessary."

Dr. William J. Ellis, Commissioner of the New Jersey Department of Institutions and Agencies, likewise questions the desirability of providing for a state visitorial body in addition to the existing administrative authority. The New Jersey State Board, although an administrative body, in the sense that it determines policies and can appoint and remove the commissioner, nevertheless actually does inspect the work of the department, he says, just as a corporate Board of Directors oversees the administrative activities of its General Manager.

A central state authority, moreover, may well combine administrative powers in certain phases of its work with supervisory powers in others. Many state boards and departments, for instance, manage state penal institutions and inspect and supervise local workhouses and jails. An agency which manages parole supervision may be given powers of investigation and advice over the probation work of the local courts. There seems to be no reason for believing that such work should be carried on by a separate body possessing powers of inspection alone. It is only by combining the management of state prisons and reformatories with the supervision of local jails and probation, that a unified and integrated state correctional system may be built up.

Some states have attempted to check on the management of their penal institutions through local boards of visitors, giving of separate unpaid lay body the power to inspect and report on the work of each institution. The institutional boards in New Jersey have powers which go beyond this, appointing their own wardens and superintendents and adopting rules and regulations for institutional management. In New York, however, following the establishment of the

State Department of Corrections, the former managing boards of the reformatories were continued as boards possessing merely powers of examination and advice. In Ohio, too, the plan advanced by several social groups for the reorganization of penal administration contemplated the establishment of local visitorial boards.

The weight of authority seems to be against the use of such agencies. Their members, it is urged, are generally persons who lack any special qualifications for the work. They cannot well judge the condition of a single institution when they lack a knowledge of the others. Able citizens will not be willing to devote their time to the work of a body which is utterly lacking in authority. If inspection is provided at all, it should be inspection by experts, made on a state-wide basis. Professor Breckenridge writes:

"I am not hopeful of the unpaid local board. It has been nominal in Illinois for a long time. It has never meant anything in the way of really constructive contribution."

Professor Leonard D. White, author of "Public Administration" agrees. He writes:

"I doubt very much whether anything important is gained by calling upon the local community to inspect the work of state institutions. This inspection should be technical and professional to be of importance, and it seems to me that such inspection can better be secured through other means than lay local boards appointed by the governor and subject to possible political influence."

Professor Harvey Walker of Ohio State University takes the same position:

"I am convinced that these local boards of visitors only embroil the administration in petty political fights and tend to encourage competition between interests for appropriations. The travel of these boards which have jurisdiction over more than one institution is largely a junket."

This point of view is shared also by Robert W. Kelso, director of the St. Louis Community Fund and author of "The Science of Public Welfare", Mr. Kelso writes:

"A board of visitors will tend to be a figurehead, missing more and more meetings, until it finally ceases to exist, except on paper."

The local visitorial board, however, may enlist public interest in the correctional problem and serve as a medium through which community support may be gained for the reformatory program. Although it may often prove ineffective, it can never interfere directly in institutional administration and might in some cases offer criticisms

of constructive value. As Mr. Kelso says in his letter, "These tendencies are not fatal. They can be offset by energetic action. Some of the Massachusetts visitorial boards are vigorous engines for the use of public opinion".

There remain other agencies which may be called upon to inspect the penal institutions of a state. The grand jury, although often ineffective, occasionally makes an able and useful report. The investigation of the Eastern State Penitentiary of Pennsylvania by a Grand Jury headed by Mrs. J. Willis Martin is a case in point. The state legislature is always free to appoint an investigating committee to report and advise. The work of the various state crime commissions, particularly that of the Baumes Committee in New York, is well known. Pennsylvania has had a series of such Commissions. It appointed a Parole Commission in 1925, a Crime Commission and a Commission on Penal Institutions in 1927, and continued the latter Commission in 1929. Investigations directed by the governor sometimes reveal abuses and point the way to improvement. In New York, Commissioners appointed under the Moreland Act have examined and reported upon many of the activities of the state government. George W. Alger, as Moreland Act Commissioner under appointment by Governor Smith, made an extremely able report upon the parole system of that state. Great services have been rendered, also, by strong private societies which have built up a non-partisan professional prestige. The Prison Society of New York is required by law to report annually upon conditions in the penal institutions of that state. The Ohio Institute, the Pennsylvania Committee on Penal Affairs and similar bodies have made valuable studies and pointed the way to useful reforms. Even where there is no state agency formally charged with the duty of inspecting the prison system, investigations are made and reports regularly appear. Penal administration is not carried on in the dark.

A Plan of Organization for Pennsylvania

The considerations advanced in the preceding sections seem to point to the conclusion that a large state should organize its penal administration according to a plan which may be somewhat dogmatically outlined as follows:

1. Centralized control.
2. Direction by a single executive.
3. Selection of the executive by an unpaid, revolving lay board.
4. Separate administration of charities and corrections.

5. The functions of the central authority to include:
 - a. Institutional administration,
 - b. Management of prison labor,
 - c. Purchasing and construction, where not centralized in another department,
 - d. Administration of parole,
 - e. Supervision of probation,
 - f. Inspection of local penal institutions,
 - g. Research, statistics and reports.
6. Inspection of state administration to be provided by
 - a. Grand juries, committees of the legislature, investigations by the Governor,
 - b. Private societies possessing professional prestige,
 - c. The state board of directors, and, possibly, by
 - d. Local boards of visitors.

These principles, if applied to the penal system of Pennsylvania, would require an organization of the type outlined below:

The Pennsylvania prison system should be administered as a unit by a single central authority. Responsibility for its administration should be vested in a Board of Trustees of the State Prison System. This board should consist of nine members. Each member should be appointed by the Governor for a term of nine years. The terms of the members should be so arranged that the term of only one member would expire and only one appointment would be made in any one year. Provisions should be written into the law describing the experience and qualifications governing eligibility to membership. Members should serve without salary but should be paid for expenses necessarily incurred in the work of the board. The body would act as a board of directors or managers for the entire penal system. This mechanism is in no way a novel one. It merely applies to the system as a whole the form of organization which the state has long used in the administration of each of its institutions.

The board should appoint a Superintendent of Penal Administration to act as executive head of the system. The law should specify the minimum training and experience necessary to qualify a person for appointment to this post. The Superintendent should be appointed for an indefinite term and might be removed by the board at its pleasure. He would be responsible to the board for the management of the system.

The prison system might be fitted into the frame of state administrative organization by regarding it formally as a department of the state government and by recognizing the Superintendent as the

head of a state department, equal in rank to the Secretaries of the other state departments.

The Superintendent of Penal Administration would appoint, with the consent of the Board of Trustees, the bureau chiefs and other employees of his own office and the wardens and superintendents of the correctional institutions under his control, namely, the Eastern State Penitentiary, the Western State Penitentiary, the Rockview Penitentiary, the Pennsylvania Industrial Reformatory, the State Industrial Home for Women, the Fairview State Hospital for the Criminal Insane and the Cumberland Valley Institution for Defective Delinquents. The wardens and superintendents of these institutions would appoint their own subordinates with the consent of the State Superintendent. The State Superintendent and the Board of Trustees would fix the salaries of the several employees of the system subject to the approval of the State Executive Board.

The department should include the six following divisions: (1) Institutional Administration; (2) Labor; (3) Parole; (4) Probation; (5) Inspection and (6) Criminal Statistics.

The Division of Institutional Administration should establish standards for institutional administration, make rules and regulations for the management of the prisons, reformatories and other institutions under its control and prescribe methods to be used in the care and treatment of inmates. It would direct their medical, recreational, educational and vocational programs. It would include in its staff a Dietician, a Psychologist, a Vocational Director, an Educational Director, a Farm Manager, an Engineer and other functional experts. It would have complete fiscal control, prescribe accounting methods, audit accounts, prepare budget estimates and submit appropriation requests. Purchasing and new construction would continue, as at present, under the control of the Department of Property and Supplies.

The Division of Prison Labor would continue the work of the Division of Prison Labor of the Bureau of Restoration of the Department of Welfare, with the same powers and duties and organization which it now has.

The Division of Parole would administer the state parole system. It would include a State Board of Parole of three members which would pass on applications for parole from the state prisons and reformatories, taking over the work of parole selection which is now done by the boards of trustees of the several institutions. It would also take over the machinery of parole supervision now located in the Department of Justice. The State Supervisor of Paroles would be appointed by the Superintendent of Penal Administration instead of,

as at present, by the Board of Pardons. This division would supervise parolees from local correctional institutions who had served sentences for penitentiary offenses, as well as parolees from state penal institutions. The department might find it possible to functionalize the state's correctional institutions, to classify the penal population and to segregate the various classes of prisoners in different types of institutions for specialized treatment. Judges should commit convicted persons to imprisonment in the state prison system rather than to a particular institution. The work of classification and placement would be done by the Division of Parole.

The work of these three divisions: Institutional Administration, Labor and Parole, is administrative in nature. The authority of the Divisions of Probation and of Inspection would be only supervisory.

The Division of Probation would advise the judges and probation officers of the state with respect to probation and judicial parole. It would devise probation dockets, suggest record forms, collect statistics, receive and make reports on the administration of probation in the state. At the request of individual judges, it might study and report on the probation methods in use by their courts. This division might be assisted in its work by the appointment of an advisory commission on probation.

The Division of Inspection would continue the work now done by the Department of Welfare in inspecting county jails, work houses and houses of correction. It would retain the present powers of transferring prisoners from one institution to another and the power of passing on plans for new construction or alterations.

The Division of Criminal Statistics would be an agency for research and the preparation of reports. It should be under the direction of a trained statistician. It would collect information, reports and data on crime and criminals from district attorneys, Justices of the Peace, police magistrates, Chiefs of Police, sheriffs, penal institutions and elsewhere, compile statistics and prepare public reports. The state might also consolidate under this division its work of criminal identification.

The Boards of Trustees of the several state correctional institutions in the system might be continued as Boards of Inspectors. As such, they could be given the power to visit, inspect and report on conditions existing in each of the institutions. This duty would safeguard the state against the negligent administration of these institutions by the state system.

The Department of Welfare would continue its manifold activities with respect to the administration and supervision of the state's charities.