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TREATMENT OF PETTY OFFENDERS IN CHICAGO

MAX STERN¹

When compared with persons who have committed more serious offenses, the petty offender has really received but little attention in this country in recent years. It is the offender who has committed a serious crime who engages most of the attention and energy of our criminologists and prison administrators. Yet it is the petty offender who annually contributes the greatest numbers to our confining and correctional institutions. In 1923, the latest year for which comparable federal statistics are available, out of 332,712 persons imprisoned in all institutions in the United States, 52.9 per cent were committed to jails and workhouses—chiefly places of confinement for petty offenders.²

That minor prisons in general are notorious for their insanitation, overcrowding, and for their lack of adequate facilities for the industrial and social rehabilitation of committed persons is well known. A recent study of the Chicago House of Correction once more substantiates these observations.³

The early history of the Chicago House of Correction (1837-1871) follows closely the experience of other forms of social welfare for this period in that the local political authority was in complete control.⁴ The organization and management of this institution from the beginning was placed in the hands of the Common Council whose duty it was to appoint a keeper and pass all necessary ordinances for its regulation.⁵ Failure of this type of bridewell administration was practically inherent in the local and political character of its controlling and managing body. A keeper once appointed by the City

¹Jewish Social Service Bureau of Chicago.

²U. S. Census, *Prisoners: 1923. Crime Conditions in the United States as Reflected in Census Statistics of Imprisoned Offenders.*

³This study entitled *The Chicago House of Correction: A History and Examination of Recent Statistics Regarding Persons Committed to It* was made possible by the Local Community Social Science Research Council, University of Chicago. The study was directed by Dean Abbott and Professor Breckinridge of the University of Chicago School of Social Service Administration. Valuable criticisms and suggestions were received from Mrs. Sarah B. Schaar, Supervisor Legal Aid Department, Jewish Social Service Bureau of Chicago.

⁴See S. P. Breckinridge, *Public Welfare Administration in the United States*, University of Chicago Press, 1927.

⁵*Private Laws of Illinois, 1837*, section 28 (34), p. 59.

Council remained in office as long as the political party that claimed his allegiance maintained its majority in the council, irrespective of his fitness or efficiency. He was there not by virtue of his ability and insight but rather because of the excellence of the service rendered by him to the party of his faith.

The abuses to which bridewell prisoners were subjected in terms of inhuman living quarters, degrading conditions of work, inedible food and punitive and repressive disciplinary measures brought strong protests from interested citizens. So vehemently and openly did newspaper editorials⁶ of the time attack the maladministration of the bridewell by an unscrupulous keeper and obviously self-seeking political body who were responsible to no one, that by 1871 the state legislature was forced to act to correct the situation in some measure.⁷

Under the new legal arrangements a new institution was built and its management and administration was taken from the Common Council and placed under the direction of a board of three inspectors who were to be appointed by the mayor with the consent of the council. The mayor appointed the superintendent with the consent of the board of inspectors, but the nomination of the subordinate officers, guards, and other employes was left solely with the board. While some administrative powers were given to the superintendent the law was so constructed as to completely subordinate him to the board of inspectors.

It need hardly be pointed out that the legislature in providing for the management of the bridewell by this board did not escape the evils which generally characterize local administration of this type of public institution. While it is true that the management of the institution was a great deal more centralized by this act, it remained local and political in character because the selection of the managers, namely, the board members and the superintendent, was still left in the hands of a local political authority. Political allegiance, therefore, and not fitness and ability to serve the inmates of the institution dominated the choice and continuance in office of such managers.

The law passed in 1871 governing the establishment and management of the house of correction remains basically unchanged to the present day. The type of administration that has characterized the Chicago House of Correction since 1871 differs little from the type

⁶See *Chicago Daily Journal*, June to November, 1851, and *Chicago Tribune*, June to August, 1871.

⁷*Laws of Illinois*, 1871, pp. 481 and ff.

of administration experienced prior to 1871 in terms of far-reaching efforts at "correction" and rehabilitation. The annual reports of the superintendents and boards of inspectors eloquently testify to the fact that for the most part the Chicago House of Correction has had untrained and unscientific though sometimes well-intentioned leadership and administration.

One exception is worth noting perhaps in order to indicate what might be accomplished under an administration guided by an experienced and well trained person with a sympathetic understanding of the imprisoned man and the ability to apply progressive techniques for his rehabilitation. Such a man was John L. Whitman, superintendent of the Chicago House of Correction from 1907 to 1917. It took Whitman approximately two years to overcome the hostility of his board of inspectors and to win them over to a forward looking and enlightened program.⁸

Whitman understood the psychology and needs of prisoners. He knew that they would respond much better to a kindly, instructive, and educational discipline than to a harsh and punitive one.⁹ He felt that the presence of alcoholics, dope fiends, and other sick persons required an "up-to-date" medical department with greatly expanded facilities for proper treatment.¹⁰ In keeping with his belief that many persons committed to a correctional institution probably are mentally or emotionally sick, Mr. Whitman very early saw the need for a psychological clinic; its establishment was finally secured in 1915. The aim of this clinic was to individualize the inmates between seventeen and twenty-one years of age with a view to their ultimate vocational adjustment in the institution and more particularly upon their release.¹¹ The work of integrating and coordinating the various services offered to the inmates into a real social work program¹² ended abruptly in 1917 when Mr. Whitman left to accept the post of Superintendent of Prisons in Illinois.

Following Whitman's departure, the Chicago House of Correction again became merely a place where petty offenders are sent to "work out" fines. Most of the reforms instituted by Whitman

⁸*Reports of the House of Correction, 1907-1909.*

⁹See *Proceedings, National Prison Association, 1907*, p. 259.

¹⁰*Ibid.*, 1913, p. 322. See also *Journal of the American Medical Association*, March 13, 1915.

¹¹See *A New Departure in the Treatment of Inmates of Penal Institutions*, by Samuel C. Kohs, Publications of the Research Department, Chicago House of Correction, Bulletin No. 1, July, 1915.

¹²*Ibid.*, pp. 9-10. See also Whitman's article in *Proceedings of the American Prison Association, 1914*, pp. 310-12.

were swept away by the new administration putting an end to services representing "new-fangled" ideas in prison management and restoring the "sane and tried" methods in use prior to Whitman's administration.

The outstanding fact discovered in an analysis of recent statistics relating to persons committed to the Chicago House of Correction was that the majority of commitments were made for non-payment of fines.

Fining as a method of punishment may represent two purposes. Fines may represent a method of punishment by imprisonment for a short period, or by deprivation of funds. Commitments on quasi-criminal charges, bastardy excepted, can be made only on failure to pay a fine, and as a result, judges frequently impose a fine with the purpose in view of having certain offenders committed. The judges very often feel, for example, that certain drunkards might benefit from a term in a minor prison, even if only for a very short period. In many instances their last dollar was spent on drink so that imposition of a fine meant certain commitment. In such cases detention is actually contemplated in the first instance and a fine is imposed as a means of imprisonment only because of peculiar legal limitations. There can be no question but that for special short term cases of various types such as drunkards, prostitutes, and other offenders in need of specialized treatment, this may be a valid purpose if the detention quarters provide thoroughly adequate facilities and surroundings for treating these persons while in detention.

In most instances, however, fines represent a method of punishment by deprivation of material things which a money forfeit would provide. By forfeiting a sum of money—the amount depending on the seriousness of the offense—the offender atones for his anti-social or asocial conduct; at the same time he contributes toward the cost of maintaining the justice dispensing machinery which his undesirable conduct has made necessary. Obviously, the purpose of imposing a fine in these cases can only be served when collection of the fine is effected.

When collection of the fine is not immediately possible, in most instances the offender is committed to the bridewell and this amounts to no less than imprisonment for poverty. Perhaps a concrete example might clarify this statement somewhat. Let us assume that A and B are two persons who are found guilty on a disorderly conduct charge, and each receives a fine of \$25.00 and costs. A pays his fine and is set free. B, on the other hand, has been unemployed for some

time with the result that he is unable to pay his fine. If he is in Chicago, he is thereupon committed either to the county jail or the house of correction to "work out" his fine. Both A and B violated a law; A, however, was in a position to pay for the privilege of breaking that law, while B did not have the wherewithal to pay for such a privilege. It is obvious, therefore, that the determining factor in B's imprisonment is not his crime but his poverty. On this basis a total of 155,852 persons were imprisoned in the insanitary minor prisons—the jails and workhouses in the United States in 1923. This number represents approximately half of all persons imprisoned by the courts in that year.¹³

The practice of imprisoning men because at the moment of conviction they were too poor to pay their fines raises the question as to whether we have entirely purged our social and economic system of the supposedly extinct and vicious practice of imprisonment for debt. It challenges the credulity of one who sets out to measure the waste in human values incurred in terms of the degradation of the men themselves and in terms of the suffering and privation caused to their families.

Aside from all these considerations the added load that the practice of imprisonment for non-payment of fines puts on the shoulders of the already overburdened taxpayer is also worthy of note. According to figures recently obtained from records at the Bridewell, the net cost to the taxpayers of maintaining the inmates in 1930 was \$373,933.24 or 55.67 cents per man per day. This amount does not take into consideration the cost of depreciation of buildings and equipment. It represents an increase of approximately 40 per cent over the year 1913 in the net cost of maintenance of bridewell prisoners.¹⁴ These data do not bear out the common belief that persons committed to the Chicago House of Correction to "work out" their fines at a given rate per day actually earn their "board and keep" by their labor in the institution.

Attention was first called to this enormous waste of the taxpayer's money by the City Council Committee on Crime in 1915. In their report for that year it was found that more than 80 per cent of the commitments to the House of Correction from 1910 to 1913

¹³U. S. Census, *Prisoners: 1923. Crime Conditions in the United States as Reflected in Census Statistics of Imprisoned Offenders.*

¹⁴In 1913 the net cost was \$226,624.27 or 35.06 cents per day per man. See *Prison Labor and Management House of Correction*. Report by the Civil Service Commission, City of Chicago, 1914, pp. 15-16 and 60. Cited by Edith Abbott in Part I, p. 38, of the *Report of the City Council Committee on Crime of the City of Chicago* (1915).

were for non-payment of fines.¹⁵ In commenting on this situation the statistician for the Committee said "that this system, which virtually sends men to jail because of their poverty, is not only unjust but demoralizing to the individual and costly to the state is now becoming widely recognized." Extensive quotations are made from a number of court reports to prove the success of the so-called instalment fine system as it was operating in various cities at that time. The conclusion reached was that Chicago would not be making a hazardous experiment if she released 85 per cent of the offenders in the house of correction, who are there for the non-payment of fines, under the supervision of probation officers. This would enable such offenders to go back to work and to pay back their fines in small instalments, at the same time relieving the taxpayer of the burden of maintaining them in institutions.¹⁶

The committee's recommendation that poor persons unable to pay fines be given an opportunity to repay their fines in small instalments was approved by the legislature on June 28, 1915. The adult probation law was amended to permit the release on probation of persons unable to pay fines and provision was made for the collection of fines in small instalments through the Adult Probation Department.¹⁷

Statistics which might show directly the extent to which judges are making use of the instalment fine system are not available. However, in a follow-up survey of the problem of imprisonment for non-payment of fines made in 1921 it was pointed out that the number of persons "still committed not for their crimes, but their poverty," was as great as obtained before the enactment of the instalment fine system amendment.¹⁸

The statistics that follow bring the problem of the extent and character of imprisonment for non-payment of fines down to the present time. An attempt is made to present a statistical picture of the problem over a period of thirty years. The data which are presented in five year averages from 1902 to 1931 were prepared from published and unpublished reports of the house of correction.¹⁹ These

¹⁵*Report of the City Council Committee on Crime of the City of Chicago* (1915), p. 37. Charles E. Merriam, chairman; Edith Abbott, statistician.

¹⁶*Ibid.*, pp. 43-44.

¹⁷*Laws of Illinois*, 1915, Section 4, p. 378.

¹⁸*Journal of Criminal Law and Criminology*, XIII, No. 3 (November, 1922), p. 346.

¹⁹The house of correction has not published a report since 1921. In the meantime the data for the years 1923 and 1926 have been lost, according to the chief clerk at the bridewell. The courtesy of the present officials in permitting the use of records is gratefully acknowledged.

statistics again confirm the fact that the great majority of the commitments to the house of correction are for non-payment of fines.

Table I shows the number of persons committed annually to the house of correction by quinquennial averages and the reason for commitment; that is, how many and what percentage were imprisoned for non-payment of fine, sentenced to imprisonment and fine, or sentenced to imprisonment without a fine.

This table shows that the average annual number of persons committed to the house of correction for the five-year period ending in 1931 was 16,865. Only a very small part of this number, 4.2 per cent, were committed on a straight sentence, while about one-fifth were committed on both sentence and a fine. The remaining 12,630, which comprised 74.9 per cent of the total commitments, were imprisoned in the house of correction solely because of non-payment of fines.

TABLE I

COMMITMENTS TO CHICAGO HOUSE OF CORRECTION BY QUINQUENNIAL AVERAGES, 1902-31, BY DISPOSITION. NUMBERS AND PER CENT DISTRIBUTION*

Quinquennial Periods Ending	Total No.	Commitments to House of Correction: 1902-31					
		Imprisoned for Nonpayment of Fine		Sentenced to Imprisonment and Fine		Sentenced to Imprisonment without Fine	
		No.	Per Cent	No.	Per Cent	No.	Per Cent
1906	8,669	8,129	93.8	23	.3	517	5.9
1911	12,149	10,266	84.5	789	6.5	1,094	9.0
1916	14,089	11,315	80.3	1,857	13.2	674	6.5
1921	9,005	6,280	69.8	1,867	20.7	858	9.5
1926†	16,468	13,258	80.2	2,387	14.6	823	5.2
1931‡	16,865	12,630	74.9	3,520	20.9	715	4.2

*Data does not include children committed on indefinite sentences by the Juvenile Court. Practice of committing children to Bridewell was not discontinued until 1916.

†Averages based on 3 years only. Data for 1923 and 1926 not available.

‡Averages based on 4 years. Data for 1931 not yet available.

It should be noticed that there is very little variation from one period to another in the percentage of persons committed for non-payment of fines. The outstanding exception for this series is the quinquennial period ending in 1906, in which 93.8 per cent of all commitments to the house of correction were for non-payment of fines. There are several possible explanations of this variation. The fact that most of the commitments to the house of correction were made by police magistrates and justices of the peace prior to 1906 may be one reason, since these petty officials for the most part de-

rived at least part of their salary from fines paid for violations of city ordinances.²⁰ Another reason may be that in more recent years there has been an increase in the number of commitments on reduced criminal charges which usually carry with them both a fine and sentence. The percentage of persons sentenced to imprisonment and fine rose from .3 per cent in 1906 to 20.9 per cent in 1931.

For the period ending 1921, 69.8 per cent of the total commitments were for nonpayment of fines. While this figure is not unusually low, as compared with previous years, it seems low enough to require some explanation. This quinquennium included the period of the war when a considerable number of the male population were overseas. For those remaining at home there was a tendency on the part of police officials to overlook many petty offenses which in average times would have led to an arrest and a fine. Lastly, a larger share of those who received fines had the means with which to pay them because of the general economic prosperity that prevailed.

In general, however, it should be noted that the percentage of persons imprisoned for nonpayment of fine has remained consistently high during the entire thirty-year period. In every quinquennium the percentage of the house of correction population imprisoned for fines has been more than two-thirds of the total number committed. An unwillingness on the part of responsible public officials to see the wastefulness and cruelty of this system characterized not one period but all of them.

Table II shows that the overwhelming majority of commitments to the house of correction for nonpayment of fines are for fines of small amounts. For the quinquennium ending in 1931, 12.9 per cent of the total commitments for nonpayment of fines were for nonpayment of a fine of five dollars or less, 16.0 per cent for a fine of ten dollars or less, 37.2 per cent for a fine of fifteen dollars or less, 54.8 per cent for a fine of twenty dollars or less, and 58.0 per cent for inability to pay a fine of thirty dollars or less. A glance at the figures for the entire thirty-year period shows relatively little variation in the percentage of persons imprisoned for nonpayment of fines of various amounts. An average of the entire thirty years reveals that approximately 57 per cent of the commitments for nonpayment of fines were for non-payment of fines of twenty dollars or less, while for the same period 65 per cent were imprisoned for failure to pay fines of thirty dollars or less.

²⁰The municipal court established by law on July 1, 1905 (*Laws of Illinois*, 1905, p. 159), took over the functions exercised by these petty courts over quasi-criminal cases.

TABLE II

COMMITMENTS TO CHICAGO HOUSE OF CORRECTION FOR NONPAYMENT OF FINES OF
SPECIFIED AMOUNTS, BY QUINQUENNIAL PERIODS, 1902-31.
CUMULATIVE PERCENTAGES

Amount of Fine	Cumulative Percentages for Quinquennium Ending					
	1906	1911	1916	1921	1926*	1931†
\$ 5.00 and under.....	4.8	3.8	8.0	6.9	11.5	12.9
10.00 and under.....	18.1	20.7	17.7	17.4	23.6	16.0
15.00 and under.....	38.0	40.4	36.1	39.2	51.7	37.2
20.00 and under.....	46.1	59.2	55.0	57.3	68.8	54.8
30.00 and under.....	71.9	67.2	60.7	60.8	71.8	58.0
40.00 and under.....	73.2	82.8	77.5	75.2	83.7	80.1
50.00 and under.....	73.4	84.5	78.0	75.4	83.9	80.2
75.00 and under.....	86.2	92.0	86.5	82.8	89.1	89.3
100.00 and under.....	93.7	94.3	87.7	83.2	95.2	95.9
Total	100.0	100.0	100.0	100.0	100.0	100.0

*See footnote to Table I.

†See footnote to Table I.

It is evident that for the past thirty years the taxpayers of Chicago have been forced to contribute to the support of thousands of men and women too poor to pay a fine of as much as thirty dollars or less. It is also clear from the data presented that the instalment fine system has not been made use of sufficiently. Judges have apparently never taken the law seriously because if they had, at least half the commitments to the house of correction in the last fifteen years would have been obviated.

The problem of imprisonment for nonpayment of fines has been dealt with effectively and humanely in Great Britain since the enactment of the Criminal Justice Administration Act of 1914. In fact the problem has been handled so efficiently that from 1914 to 1929, twenty-five out of fifty-six local prisons in England and Wales have been completely shut down and abandoned.²¹ This remarkable achievement was accomplished by the intelligent use of the instalment-fine system upon which Chicago judges have placed little reliance.

Before 1905 all British persons unable to pay fines were committed to local prisons. In 1905 the British courts received the power to give certain offenders a specified period of time to pay their fines. With the enactment of the Criminal Justice Administration Act of

²¹*Report of the Commissioners of Prisons and the Directors of Convict Prisons for 1928.* (Cmd. 3607), p. 42. The results of the British Criminal Judicial Administration Act of 1914 were summarized by Edith Abbott in 1921 as part of the report of the Cook County Jail Committee. See "Recent Statistics Relating to Crime in Chicago," *Journal of Criminal Law and Criminology*, XIII, No. 3 (November, 1922), pp. 347-48.

1914 it became mandatory upon British judges to give an offender a certain amount of time to pay a fine assessed against him. The first section of this act²² specifies that in all cases time must be given for payment of fines and this time further must be "not less than seven clear days." At the expiration of this period more time may be allowed by the court. Also if it is desired, payment in instalments may be allowed. Another important section of this act provides that in fixing the amount of any fine imposed on an offender the court is asked to take into consideration "the means of the offender so far as they appear or are known to the court." Reasonableness is thus injected into the amount of fine ultimately imposed.

The remarkable results of the Act of 1914 may be found by examining the Criminal Judicial Statistics of England and Wales. In the report for the year 1925²³ may be found an illuminating statistical comparison of commitments for nonpayment of fines for the years 1899, 1913 and 1925. To this series the data for the years 1919 and 1928 are added:

Year	Number Fined	Commitments for Non-payment of Fines	Percentage of Total Number Fined
1899	563,378	83,855	14.9
1913	502,659	75,152	14.9
1919	398,716	9,303	2.3
1925	493,325	14,542	2.9
1928	490,275	13,260	2.7

In the data here presented attention should first be drawn to the fact that there are no regular intervals between the years represented in the table. It was not possible to present a regular series as the method of keeping Criminal Judicial Statistics in Great Britain has changed frequently and moreover for some years data pertinent to the problem under discussion were not available at all. Having recognized these defects, certain inferences may be drawn, nevertheless, from the data presented for this odd series of years.

It should be noted that the Act of 1905 giving British courts discretionary power in the matter of allowing persons time to pay fines did not reduce commitments for nonpayment of fines. Although there were approximately 8,000 fewer commitments in 1913 as compared with 1899 the per cent of commitments remained at approximately

²²*Great Britain, The Law Reports, The Statutes (1914), 4 and 5 George V, Chap. 58.*

²³*Criminal Judicial Statistics for England and Wales for 1925. (Cmd. 2811), p. 11.*

15 per cent. The noticeable drop in both numbers and per cent came after 1913 when the Act of 1914 which made it mandatory for judges to give time for payment of fines was already in operation.

The earliest statistics showing the beneficial results of the Criminal Judicial Administration Act of 1914 were published in 1919. In that year out of a total of almost 400,000 persons fined fewer than 10,000 or only 2.3 per cent were imprisoned for nonpayment of fines. In 1925 and 1928 although the number of commitments for nonpayment of fines was greater, the per cent of commitments as compared with the total number fined remained practically the same. It should also be pointed out that of the total number of persons committed for nonpayment of fines in 1925, 3,464 were given time to pay their fines but were unable to raise the required amount within the time allotted them. Likewise in 1928, time was given to 4,480 of the 13,260 committed.

The reports of the Prison Commissions of England and Wales may also be cited to show the beneficial results of the Act of 1914. The instalment fine system has not only been a convenience to the offender but it has also been a great saving to the taxpayer. By giving the offender a chance to pay his fine he not only contributes to the maintenance of the courts but saves the taxpayer the cost of maintaining him in an insanitary prison. Exactly how the British were able to close twenty-five local prisons since 1914 is indicated by the figures showing the great reduction in the number of persons committed to prisons for nonpayment of fines as compared with the total number of all commitments. The data are for England and Wales for 1909-10, 1919-20 and 1928-29:

Year	Total Number of Commitments	Number Committed for Nonpayment of Fines	Per Cent of Total Commitments
1909-10	181,506	90,753	50.0
1919-20	35,781	9,303	26.0
1928-29	40,449	13,260	32.0

This table²⁴ shows that before the enactment of the Criminal Justice Administration Act of 1914 commitments for nonpayment of fines comprised 50 per cent of all commitments to British prisons. By 1919 this act had operated so efficiently that poor persons unable to pay fines comprised only 26 per cent of the total commitments. This figure rose slightly in 1928 but this increase must not be attributed

²⁴Data from *Report of the Commissioner of Prisons and the Directors of Convict Prisons* for year ending March 31, 1920. (Cmd. 972), pp. 9-10 and the report for 1928 (Cmd. 3607), p. 7.

to a reduction in the use or efficiency of the instalment-fine system, because, as was seen in data presented from the reports of the Prison Commissioners, the per cent of commitments for nonpayment of fines in relation to the total number fined has remained at a constant low level since 1914.

It is interesting to note that the total commitments to the British prisons fell from over 180,000 in 1909 to approximately 40,000 in 1928. While a large part of this drop can be attributed to the intelligent use of the instalment-fine system, another factor undoubtedly was the virtual abolition of the short sentence which was effected by the enactment of the Criminal Justice Administration Act of 1914. This fact is brought out clearly in the Criminal Judicial Statistics of England and Wales for 1928 in which evidence is presented to show that since 1911 there has been a reduction of 65 per cent in the number of prison commitments on sentences of one month and under.²⁵

In summarizing the data relating to nonpayment of fines a number of outstanding facts should be emphasized. Statistics covering commitments to the house of correction for the past thirty years show that a very small percentage of the large number of persons annually committed were for sentences only, a slightly larger percentage were committed on both fines and sentences, while the great majority of commitments, a group totaling well over 80 per cent on the average, were for nonpayment of fines.

It was shown that the taxpayers of Chicago have been contributing enormous sums of money annually to support persons who for the most part were too poor to pay fines of relatively small amounts. For the entire thirty year period the average annual commitments for the nonpayment of fines of twenty dollars or less is 57 per cent, while 65 per cent of the commitments are for nonpayment of fines of thirty dollars or less.

While only half-hearted and ineffective measures were adopted in Chicago in 1915 to correct the vicious practice of imprisoning persons virtually for their poverty only and at great expense to the taxpayer, other communities have dealt more effectively with this problem. In Great Britain the entire problem was swept away by making it mandatory on the courts to give a man time to pay a fine. By an intelligent enforcement of this policy the British have not only effected a great saving to the taxpayer, but have prevented the de-

²⁵*Criminal Judicial Statistics for England and Wales, 1928.* (Cmd. 3581), p. 25.

moralization of thousands of poor persons and their families. They have closed twenty-five local prisons since 1914 and have swept away the last remnant of the old evil of imprisonment for debt. They have done more than this. By giving the common man "a square deal" they have rekindled in him a wholesome respect for the British machinery of justice.

So much for the problem of imprisonment for nonpayment of fines as such. The data that follow identify the courts making commitments to the Chicago House of Correction and the offenses on which these commitments are based. Statistics showing the extent of recidivism will also be discussed. The data presented are for single years from 1922 to 1930.

Table III shows that the overwhelming majority of commitments to the house of correction are made by the judges of the Municipal Court.

TABLE III
COMMITMENTS TO CHICAGO HOUSE OF CORRECTION BY SPECIFIED COURTS
MAKING COMMITMENTS, 1922-1930*

Year	1922	1924	1925	1927	1928	1929	1930
TOTAL: ALL COURTS.....	11,818	15,496	22,023	18,221	16,432	15,840	16,938
Municipal Court:	11,026	14,775	21,084	17,089	15,602	15,134	16,275
Quasi-Criminal	8,413	11,440	16,618	12,288	10,238	10,494	11,244
Criminal	2,613	3,335	4,466	4,801	5,364	4,640	5,031
Criminal Court of Cook County	514	486	734	796	554	459	441
Federal Courts	80	48	2	44	64	18	15
Park Commissions	125	106	100	136	100	95	60
Cook County Outside Chicago	73	81	103	156	112	134	147

*Data for 1923 and 1926 not available.

In 1930 the total number of commitments to the house of correction was 16,938. Of this number 16,275 were committed by the Municipal Court of Chicago. This last figure represents more than 96 per cent of the total commitments made in that year. It will be seen that the Criminal Court of Cook County contributed only 441 persons or 2.6 per cent of the total. Persons sent to the bridewell by the federal courts, park commissions, and Cook County towns and villages outside of Chicago together make up only 1.3 per cent of the total commitments for 1930.²⁸

²⁸Power to enter into contractual relations for the care of prisoners at the house of correction with federal and county authorities was granted to the City Council of Chicago by the legislature in 1871. Violators of ordinances passed by the various boards of park commissioners are cared for at the house

It should be pointed out that of the 16,275 persons sent to the house of correction by the Municipal Court in 1930 only 11,244 were committed on quasi-criminal charges. The remainder, a group totaling over 5,000 and representing approximately 30 per cent of the commitments by the Municipal Court, were committed for criminal offenses.

Table IV shows the type of sentence made by the various courts from which the bridewell population is drawn. As was to be expected the overwhelming majority of commitments to the house of correction for nonpayment of fines were made by Municipal Court judges.

TABLE IV

COMMITMENTS TO THE CHICAGO HOUSE OF CORRECTION FROM 1922 TO 1930,*
SHOWING THE TYPE OF SENTENCE BY THE COMMITTING COURTS

Year	1922	1924	1925	1927	1928	1929	1930
TOTAL	11,818	15,564	22,023	18,252	16,432	15,840	16,938
FINED	9,250	12,568	17,955	13,534	12,240	11,895	12,852
Municipal Court:							
Quasi-Criminal	8,413	11,440	16,618	12,288	10,238	10,494	11,244
Criminal	632	937	1,131	948	1,788	1,172	1,401
Criminal Court	7	4	3	6	2
Park Commissions	125	106	100	136	100	95	60
Cook County Outside							
Chicago	73	81	103	156	112	134	147
FINED AND SENTENCED.....	1,696	2,388	3,078	3,769	3,546	3,424	3,341
Municipal Court	1,329	1,950	2,403	3,016	3,022	3,018	3,037
Criminal Court	367	438	675	753	524	406	304
SENTENCED ONLY	872	608	990	949	646	521	745
Municipal Court	652	516	932	868	554	450	593
Criminal Court	140	59	56	37	28	53	137
Federal Court	80	33	2	44	64	18	15

*Data for 1923 and 1926 not available.

Of greater interest, however, is the fact that the great majority of persons committed for nonpayment of fines by the Municipal Court were petty offenders committed on quasi-criminal charges. In fact, it can be seen from Table IV that almost all commitments made by the Municipal Court are on quasi-criminal charges where assessed fines were not paid. This group represents approximately two-thirds of all the annual commitments to the bridewell.

It should be noticed that although the number of persons who were committed to the bridewell by the Municipal Court on criminal

of correction under agreement between the city council and park boards. Power to make such agreements were approved on May 25, 1907. (See *Laws of Illinois*, 1907, p. 440.)

charges has increased steadily from 2,613 in 1922 to 5,031 in 1930 the number of such persons imprisoned for nonpayment of fines is comparatively small and has varied little since 1922. The great majority of persons committed on criminal charges received both a fine and a sentence while the number committed on a straight sentence is comparatively small. From 1922 to 1930 the number of criminals committed on a fine and sentence by this court increased from 1,329 to 3,037. The number committed on straight sentences was 652 in 1922 and 593 in 1930.

This table shows further that practically all of the persons committed to the bridewell by the criminal court receive either a straight sentence or both a fine and a sentence. It is known that persons tried in the criminal court are not very often given the privilege of buying their freedom by payment of a fine. The majority of men serving very long terms at the house of correction come from the criminal court.

The offenses for which persons were committed to the house of correction are presented in Table V. This table shows that the majority of commitments to the bridewell were made for comparatively trivial offenses. In 1930 more than 10,500 persons were imprisoned for disorderly conduct. This figure represents approximately 62 per cent of the total commitments to the house of correction for that year. The remaining 38 per cent of commitments for 1930 were made on a large variety of charges.

Imprisonment for offenses against property numbered 2,369 or 14 per cent of the total commitments in 1930. Of this number 1,962 were committed on a plea of petty larceny. Persons imprisoned for offenses against sex morality numbered 1,276 and constituted 7.5 per cent of the total commitments to the bridewell for 1930. It should be pointed out that the great majority of this group is made up of women charged with soliciting to prostitution or of being inmates of a house of prostitution. The men to whom these women sell themselves and who, in the opinion of many, are equally guilty of anti-social or asocial conduct, rarely have charges placed against them.

It is interesting to note that there is comparatively little variation from year to year in the distribution of offenses for which commitments were made to the house of correction since 1922. The outstanding exception appears to be in the offenses against sex morality. The per cent of total commitments for these offenses rose from less than one per cent in 1922 to 7.5 per cent in 1930. The gradual rise in the number of commitments for this group of offenses may per-

haps be accounted for in two ways. First, during the earlier years of this series the judges assigned to the Morals Court may have been more lenient than the judges sitting in this court in more recent years; and second, because of pressure from various civic organizations the police may have been stirred to greater activity resulting in more frequent raids on houses of ill-fame, and in a greater number of "pick-ups" of women soliciting to prostitution on the streets.

TABLE V

COMMITMENTS TO THE CHICAGO HOUSE OF CORRECTION BY CLASSIFIED OFFENSES, 1922-1930.* NUMBER AND PER CENT DISTRIBUTION

Year	1922	1924	1925	1927	1928	1929	1930
	Number						
ALL OFFENSES	<u>11,818</u>	<u>15,496</u>	<u>22,023</u>	<u>18,221</u>	<u>16,432</u>	<u>15,840</u>	<u>16,938</u>
AGAINST SOBRIETY, GOOD ORDER AND PUBLIC POLICY							
Disorderly Conduct	<u>8,487</u>	<u>11,733</u>	<u>16,813</u>	<u>12,374</u>	<u>11,355</u>	<u>10,704</u>	<u>11,328</u>
Other	<u>7,955</u>	<u>10,852</u>	<u>15,586</u>	<u>11,362</u>	<u>10,525</u>	<u>9,507</u>	<u>10,538</u>
Other	<u>532</u>	<u>881</u>	<u>1,227</u>	<u>1,012</u>	<u>830</u>	<u>1,197</u>	<u>790</u>
AGAINST PROPERTY	<u>1,582</u>	<u>1,669</u>	<u>2,284</u>	<u>2,855</u>	<u>2,045</u>	<u>2,531</u>	<u>2,369</u>
Larceny	<u>1,367</u>	<u>1,443</u>	<u>1,961</u>	<u>2,179</u>	<u>1,563</u>	<u>2,060</u>	<u>1,962</u>
Other	<u>215</u>	<u>226</u>	<u>323</u>	<u>676</u>	<u>482</u>	<u>471</u>	<u>407</u>
AGAINST SEX MORALITY....	<u>89</u>	<u>298</u>	<u>662</u>	<u>520</u>	<u>697</u>	<u>788</u>	<u>1,276</u>
Prostitution†	<u>40</u>	<u>195</u>	<u>495</u>	<u>415</u>	<u>565</u>	<u>603</u>	<u>1,044</u>
Other	<u>49</u>	<u>103</u>	<u>167</u>	<u>105</u>	<u>132</u>	<u>185</u>	<u>232</u>
OTHER	<u>1,660</u>	<u>1,796</u>	<u>2,264</u>	<u>2,472</u>	<u>2,335</u>	<u>1,817</u>	<u>1,965</u>
	Per Cent Distribution						
ALL OFFENSES	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>
AGAINST SOBRIETY, GOOD ORDER AND PUBLIC POLICY							
Disorderly Conduct	<u>71.8</u>	<u>75.7</u>	<u>76.3</u>	<u>67.9</u>	<u>69.1</u>	<u>67.6</u>	<u>66.9</u>
Other	<u>67.3</u>	<u>70.0</u>	<u>70.8</u>	<u>62.4</u>	<u>64.1</u>	<u>60.0</u>	<u>62.2</u>
Other	<u>4.5</u>	<u>5.7</u>	<u>5.5</u>	<u>5.5</u>	<u>5.0</u>	<u>7.6</u>	<u>4.7</u>
AGAINST PROPERTY	<u>13.4</u>	<u>10.8</u>	<u>10.4</u>	<u>15.7</u>	<u>12.4</u>	<u>16.0</u>	<u>14.0</u>
Larceny	<u>11.6</u>	<u>9.3</u>	<u>8.9</u>	<u>12.0</u>	<u>9.5</u>	<u>13.0</u>	<u>11.6</u>
Other	<u>1.8</u>	<u>1.5</u>	<u>1.5</u>	<u>3.7</u>	<u>2.9</u>	<u>3.0</u>	<u>2.4</u>
AGAINST SEX MORALITY....	<u>.8</u>	<u>1.9</u>	<u>3.0</u>	<u>2.9</u>	<u>4.3</u>	<u>5.0</u>	<u>7.5</u>
Prostitution	<u>.3</u>	<u>1.3</u>	<u>2.3</u>	<u>2.3</u>	<u>3.4</u>	<u>3.8</u>	<u>6.2</u>
Other	<u>.5</u>	<u>.6</u>	<u>.7</u>	<u>.6</u>	<u>.9</u>	<u>1.2</u>	<u>1.3</u>
OTHER	<u>14.0</u>	<u>11.6</u>	<u>10.3</u>	<u>13.5</u>	<u>14.2</u>	<u>11.4</u>	<u>11.6</u>

*See footnote to Table III.

†Includes soliciting to prostitution and patrons and inmates of a house of prostitution.

As was previously pointed out, persons are committed to the house of correction not for their crime but for their poverty. Charges or offenses are the technical bases for commitment while inability to pay a fine constitutes the real basis for imprisonment.

Of course, it is not known what effect the court expects a short term in an insanitary prison to have on a man committed for inability to pay a fine. Perhaps the court looks upon these persons as "criminals" and feels that a prison term will help to prevent them from committing further anti-social acts upon their release. On the other hand, it is possible that the court expects these persons to be "corrected" in their social and industrial habits during their stay at the house of correction, so that upon committing another minor folly after their release, they will not again face the embarrassment of poverty in a courtroom.

Whatever the original purpose of commitment to this institution may have been, it can be agreed that recommitment to it is most undesirable and should be prevented at all costs. As Table VI shows, efforts to prevent recidivism have failed so miserably that nearly 10,000 persons or about three-fifths of all persons committed to the house of correction in 1930 had a record of prior commitment to that institution.

TABLE VI

TABLE SHOWING RECIDIVISM AMONG PERSONS COMMITTED TO THE CHICAGO
HOUSE OF CORRECTION FROM 1922 TO 1930*

Year	Total	Previously Committed		Not Previously Committed	
		Number	Per Cent	Number	Per Cent
1922	11,818	4,933	41.7	6,885	58.3
1924	15,496	6,221	40.1	9,275	59.9
1925	22,023	10,560	48.0	11,463	52.0
1927	18,221	6,810	37.4	11,411	62.6
1928	16,432	7,516	45.7	8,916	54.3
1929	15,840	6,955	43.9	8,885	56.1
1930	16,938	9,711	57.3	7,227	42.7

*Data for 1923 and 1926 not available.

Of the 9,711 committed persons who admitted previous commitments to the house of correction, 4,259 or 25 per cent admitted one prior commitment, 9,959 or 11.6 per cent admitted two prior commitments, 1,026 or 6 per cent admitted three previous commitments, and the remainder, a group totaling 2,467 admitted having been committed four times or more prior to their imprisonment in 1930. A total of 554 persons claimed to have been previously sent to the bridewell ten times or more. As a matter of fact, a small number of this group claimed a hundred or more prior commitments. Most of the latter claims must be discounted and attributed either to bitter

sarcasm or a sense of humor on the part of the prisoner, since no effort is made by bridewell officials to check the statements of any of the prisoners.

This table shows further that out of a total of nearly 17,000 commitments in 1930 only 7,227 or approximately 43 per cent were committed to the house of correction for the first time. These figures probably have considerable error in them for the reason just stated, namely, that no attempt is made to check the statement of the prisoners. The probability is that a large number of prisoners having previous records of commitment to the bridewell do not admit this when asked the usual question—"Ever been here before?" In January of 1932 the acting superintendent at the bridewell estimated that about 75 per cent of the prisoners then present in the institution probably had a record of at least one prior commitment.

The averages for the nine year period show that about half of the persons annually sent to the bridewell admit having been previously committed. So that even on the basis of the present inadequate data which probably understates the problem considerably, it can be concluded that the present policy of treating minor offenders unable to pay a fine has been wholly inadequate.

This study suggests the need for a redefinition of our attitude toward the petty offender. Certainly petty offenders who are fined for the purpose of depriving them of a small amount of money as punishment, and who are unable to pay their fine at the moment of conviction, should be given an opportunity to pay it, and if necessary by instalments. They should not be permitted to serve time in lieu of payment. At least until their fines are paid in full, they should be placed under the supervision of well selected probation officers.

Under this plan of treatment, disorganization of the economic and home life of such petty offenders is prevented. Support of these persons in prison by tax collected funds is obviated. In Great Britain the use of the instalment fine system has been largely responsible for the complete shut-down of twenty-five minor prisons since 1914. Another important point to be considered is that under this system the object of imposing the fine is accomplished, namely, the fine is collected thereby punishing the offender at practically no cost to the taxpayer. Of course, the justice of preventing the imprisonment of a man for his poverty need scarcely be mentioned.

The most effective way of achieving this objective is to secure

legislation designed to make it *mandatory* on judges to give petty offenders time to pay fines assessed against them.

To procure a more constructive program for persons requiring commitment to the bridewell, it might be well first to remove the administration of this institution from the pitfalls of local politics by placing it under the direct supervision of the State Department of Public Welfare.