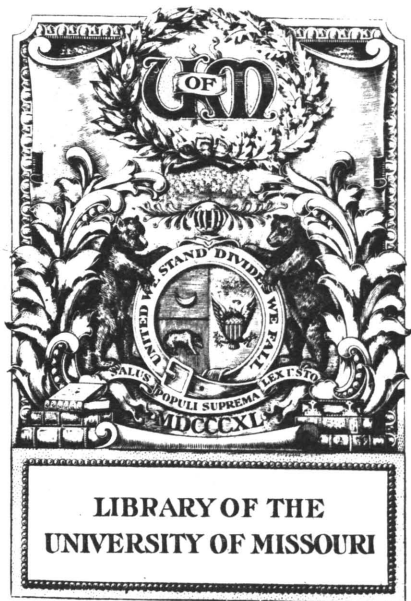


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THE PRISON SYSTEM

OF

MISSOURI

by

Edward Byron Reuter, B.S., A.B.

1882

SUBMITTED IN PARTIAL FULFILLMENT OF THE

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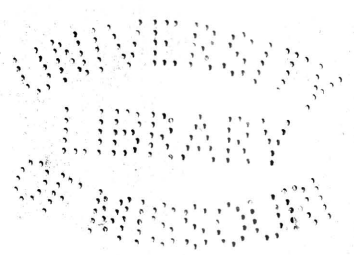
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Approved:
B. A. Ellwood

PREFACE

Missouri has no prison system in any strict use of the term. The state has a number of relatively unrelated institutions dealing with certain phases of the problem of crime. These institutions the present paper undertakes to discuss, pointing out their excellencies and their deficiencies, and showing in how far they are adequate and to what extent they fail to meet the needs of the situation. The paper further attempts, in a brief, schematic way, to indicate what needs to be done in the way of reform of the present institutions, to show what should be developed in the way of new institutions and to indicate what must be done in the way of organization and co-ordination of existing and prospective institutions in order that the state may develop a consistent and effective system; a system adequate to deal with the problem of crime. In other words, the paper attempts an examination and criticism of the prison system - in so far as the state may be said to have one - with special reference to present conditions and to present and future needs.

Chapters one and two are merely a brief restatement of generally accepted theory. For this an extended citation of authorities did not seem to be called for and have been given only for disputed points. Whatever new matter the paper contains appears in the three following chapters which, for the most part deal with the existing situation. On this phase of the subject, excepting one or two studies of the jail situation, there is nothing in print that represents anything more than an expression of opinion, of prejudice or of policy. Reference has been made, either in the body of the paper or in foot-notes, to this material wherever it has been used and usually when the present writer has arrived at different conclusions from a study of the same or other facts. The concluding chapter is a brief, and for the most part argumentative, statement of the needs of the state in the matter of prison development.

3/12/1912 ad.

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THE PRISON SYSTEM OF MISSOURI

CHAPTER 1

THE ELEMENTS OF A GOOD PRISON SYSTEM

Purpose-

The primary purpose of any prison system is the protection of society. Whatever may be the avowed - the proximate - end, it implies the making secure the lives and the property of good citizens. For a society as for an individual the first law is that of self preservation. The state must establish its own authority and protect the rights of its members else it has failed in one of its prime essentials. To reach this end society is justified in the use of any means, provided that only such means be used as are essential to secure the safety and the social well-being. It may deprive a man of his property, his liberty, possibly even his life; but there is no justification for its using needless severity. The standards, then, by which any system or any measure is to be judged is whether it adequately protects society and whether it furnishes such protection at the least possible amount of suffering on the part of the evil doer consistent with the social welfare. The system that does this is ideal. In so far as it fails to measure up to such a test, just so far does it fall below the ideal of a telic civilization.

But this has not for long been recognized as the purpose of criminal treatment, nor is it so recognized to-day by any considerable proportion of the community. The means

employed are the concrete and tangible things and in the thinking of the ordinary man, they themselves come to be the end. He does not look beyond the punishment inflicted to ask the purpose of it all. The man on the street thinks and speaks of the criminal as a creature somehow different from himself and requiring mastery and punishment as a matter of course. The newspapers speak in much the same vein. The old legal codes are all founded on the idea of retributive justice; the attempt to adjust suffering to guilt. In fact the common ideal, in so far as such may be said to exist, and in so far as it may be gotten at, is to find a punishment to fit the crime. In the thinking of the common man that is most enlightened common sense: he feels that there at least he has struck rock bottom on absolutely axiomatic truth. There is no thought of the results produced on the character of the evil doer: the question of the criminal's needs has no place in the common thought. The thing that stands out with perfect distinctness is that this man has violated the law and he must pay the penalty.

All of which is in perfect keeping with the popular conception of the freedom of the will. So long as one holds to the idea of man as a free moral agent the punishment of the offender to meet the ends of justice seems the right and logical - indeed the only thing to do. He was free to choose and should be held responsible for his acts. He chose to do wrong and should, therefore, be punished for his willful violation of society's edict.

But man is not free to act otherwise than the way in which he does. His choosing is nothing more than the response of his organism to some sort of stimuli. His organism is what it is as the result of inheritance, chance variation and early environment: the stimuli are not under

his control. His acts are the inevitable reaction of his peculiar organism to a given set of stimuli.

But aside from this a system that has punishment for its end and aim fails in the all important object of a criminal code - the protection of society - and it works an injustice to the individual. That it does not adequately protect society centuries of failure most conclusively prove. It does not even have that end in view. It looks to the past and not to the future and seeks to avenge a wrong already committed by inflicting an equal or a greater amount of punishment and suffering upon the perpetrator of that wrong. Failing in the first test then it must of necessity fail in the second and subsidiary one. Its very purpose is to inflict suffering. Now to inflict penalties of this kind in a spirit of vengeance is a thing no longer to be thought of. To cause the criminal to suffer for no other reason than that he has committed a wrong is pure barbarism. It is a harking back to the old Mosaic law of a tooth for a tooth which is contrary to the elementary principles of a Christian civilization. More or less of suffering may be incidental, perhaps unavoidable, in all cases of imprisonment but that is not the object: it is a distinctly undesirable corollary.

Following in time the idea of punishment as a treatment of crime came the idea of repression. Here was forward looking, the prevention of offenses. The idea was to deter others from the commission of anti-social acts by witnessing the suffering of those who had transgressed the social will. But the idea was not to do it at the least amount of suffering compatible with the social good. It was rather to make the punishment inflicted so brutal and terrifying as to frighten others into an obedience of the law. The punishment might or might not be more severe than strict justice would demand.

That was not the question: the object was to make the punishment such that the example should not be lost upon others. Now this was nothing more or less than vicarious punishment: the making of one offender suffer imprisonment for the possible offenses that may be committed by another. No human power has the right to assess a penalty on a man for offenses that have not been committed.

But even if the principle were defensible it fails miserably to get results. Centuries of diabolic repressive legislation carried out with a thorough going exactness that no modern civilization would allow, go to prove that the deterrent influence upon others of the suffering of the offender has been greatly exaggerated. It is idle to expect results from such measures. They act feebly in their deterrent effects upon the very classes of evil doers they are meant to intimidate - those lacking in prudence and forethought and the inability to appreciate future pleasure and pain - the habitual and instinctive criminals and the criminals of passion. Their actions are controlled by impulse and not by reason. Remote contingencies influence their minds far less than present active passions and wants. The professional criminals deliberately take chances: they commit their crimes in the belief that they will avoid detection or at least escape conviction. Moreover, the sight of suffering hardens and brutalizes the individual and society; blunts the moral sensitivities, lessens the regard for human life and rights, and thus leads to an increase rather than to a decrease in the amount of crime.

Since punishment does not seek and deterrent measures fail to eliminate the criminal, neither is an adequate solution of the criminal problem. But society must protect itself against the anti-social individual and the only choice remaining is between reformation and permanent segregation.

In many cases, doubtless, the hope of reform is chimerical: the elimination, the permanent isolation of the offender is the only sane course to pursue. But aside from the hopeless cases the interests of society are best served when the criminal ceases to be such: when the anti-social individual is changed into a friend of the social order: when the destructive force has been eliminated or has been converted into a constructive one. To the extent to which this is done is society freed from danger. In accomplishing this end punishment may be involved. But the only punishment to be used is the loss of liberty for such time as may be necessary to cure the wrong doer of his evil tendencies. Failing a cure the system provides for his permanent segregation and thus prevents his becoming a further burden and danger to the community.

It would seem then that the principle of reformation is the right basis for a prison system. It alone furnishes adequate protection to society and it does it without unnecessary suffering on the part of the offender capable of reform. It effectually eliminates the congenital - the habitual - the hopelessly, incurably anti-social individuals by providing for their permanent detention. It involves punishment - the deprivation of liberty - and exercises the greatest deterrent force inasmuch as it increases the certainty of punishment. And it does not defeat its own end by brutalizing society by harsh measures, and thus inciting to the commission of further crime.

The Classification of Prisoners-

With the protection of society as the end to be reached, and the reformatory treatment of the offender as the means for reaching that end, it next becomes necessary to determine what an attempt to carry the plan into execution requires in the way of institutions.

Obviously the first thing necessary is an accurate and adequate classification of prisoners. There must be a just and humane estimate of the prisoner and his degree of responsibility if the methods of treatment are to fit the individual. To be sure, if punishment was the end of the system and the effort was only to make the punishment fit the crime, the individuality of the prisoner would be a matter of no concern. But reformation is an individual matter and all modern methods emphasize the necessity of recognizing the human element in the case and centering the interest there rather than on the particular offense for which the man may have been arrested. Thus the purpose to be served determines the classification that must be made. The purpose and the classification necessary to best serve that purpose give a point of view from which to estimate the value of the methods now in use in our penal institutions and it will also determine our judgment of measures that may be proposed.

It not infrequently happens that crimes are committed by persons who are mentally irresponsible. In the ages when madness was a crime and the insane were treated as criminals it was obviously of little matter where the line was drawn between mental responsibility and irresponsibility. The punishment was the same in either case. But in these latter times the uselessness and the inhumanity of inflicting

suffering upon the mentally deficient has been recognized in the distinct provision for their care.

After the irresponsibles have been eliminated those remaining are by no means a homogeneous class. They are all men who have failed to make a harmonious adjustment to the conditions of life under which they must live, but this maladjustment is due to different causes in different cases. In a large general way the condition is either the result of hereditary defects of the criminal himself or caused by the defects of his environment.

Each individual inherits some thousand unit characters from one or more of his more or less distant ancestors. The instincts are somehow coupled with and accompany in transmission these unit characters. In hybrids - and all modern races are hybrids - only chance - the laws of probability - determines the characters with which any individual will be endowed. Some receive one complement of characters with their accompanying instincts and others receive a different combination. Consequently some will be well and others poorly equipped, but every individual will vary in one way or another from type. In an extreme case the variation passes the limit of tolerance and we have a moral imbecile - the so called "instinctive criminal".⁽¹⁾ The unsocial acts of such an individual, whatever form they take, are traceable to the inherent defects of hereditary endowment.

If it be permissible to assume that the prison population of Missouri does not differ materially from that of prisons where studies are made - and this does not seem a vio-

(1) Some writers object to the term instinctive in this connection. Dr. Maurice Parmelee says, "It is hardly accurate to speak of an instinctive criminal for there is no instinct of crime, but many commit acts which are called criminal because of characters they have inherited and their criminality is therefore hereditary in its origin. Some of these are moral imbeciles tho not all necessarily."

lent assumption - from a tenth to a sixth of the convicts in our prisons are of this class. But whatever be the exact percent a quite appreciable number of these congenitally abnormal individuals exist and their recognition is the first step toward a system of classification upon which a rational prison treatment can be based.

A second class is represented by the individual whose anti-social nature is traceable to the defects of his environment. His hereditary endowment is normal; his predilection toward crime is acquired. This tendency may be due, as it is in approximately seventy five per cent of the cases, to prenatal causes, or it may be the result of arrested development, caused by disease, malnutrition or what not. Or it may be the result of poverty, of lack of early training, or of pitiable home surroundings where, in infancy and early childhood, he acquired his vicious habits. Whatever be the cause he is deficient, probably in body and certainly in training. He has not been taught a trade at which he can obtain or retain employment; he is illiterate and possibly has had direct training in vice. He is simply out of adjustment to a complex civilization because of the defective functioning of the agencies of adjustment. These social mis-fits constitute approximately fifty per cent of the criminal population.

There remains a third fairly distinct class - the so-called "single offender." He is a relatively normal individual whose criminality is limited to a single anti-social act. Most likely he is a criminal of passion; a man who, under some exceptional provocation, has responded in a way not sanctioned by the group within which he lives. Or he may be a man whose moral fiber was not sufficiently strong to stand the strain of some unusually enticing temptation. In either case his act is an unique response to a sudden stimuli and,

once the emotional state has changed, is followed by feelings of horror and remorse.

Unless these facts are recognized and some such classification made ⁽¹⁾ there can be no intelligent understanding of the needs of the various delinquents and no rational application of reformatory treatment. In Missouri this has not been done except in the most crude and limited way. In some of the institutions the younger are kept more or less separated from the older offenders. Some of the courts are beginning to recognize the existence of a class of young first offenders, presumably of the accidental type, and to apply in some of these cases a form of the suspended sentence. Beyond this the classification has not been carried. The existence of different classes has not been recognized by the law to the extent of providing separate institutions to meet their varying needs. The law and, in general, the courts go almost entirely upon a classification of crime rather than upon a classification of criminals.

(1) The classification here followed is that suggested by Dr. Drachmas and consistently worked out by Professor Ellwood. The criticisms directed against it seem to be mostly as to matters of terminology. The best statement of the question is in an article on "The Classification of Criminals" by Prof. C. A. Ellwood in the Journal of the American Institute of Criminal Law and Criminology, Nov. 1910.

Institutions necessary-

To deal in a reformatory way with the different classes of offenders requires several distinct classes of institutions.

(1) A separate hospital is required for the care and treatment of the convict and criminal insane.

(2) There must be provided local institutions for the detention of persons held as witnesses, for suspects awaiting trial and for convicted criminals awaiting transportation to the institutions for their care and treatment. This is the work of the city and the county jail.

(3) Delinquent juveniles, in general, require treatment not suited to adults. Improper associations or wrong treatment very quickly confirms them in criminal ways. On the other hand they respond more easily and to milder measures than do adults. Industrial schools should be provided for their care and training.

(4) A reformatory is necessary for the treatment of young offenders guilty of a first crime. Often the single offender can be best treated in the open.

(5) A penitentiary is necessary for the permanent segregation of the congenital criminals and for such of the habitual and professional type as have criminal habits so strongly fixed that they cannot be adjusted to a social life.

(6) Vagrants, inebriates and prostitutes require special institutional treatment of a reformatory nature. Workhouses, farm colonies and the like should be provided for these classes.

The elements then of an adequate prison system for a state are three. (1) Its purpose must be the protection of society through the reformation of the criminal. (2) It must proceed upon a classification of criminals rather than upon a classification of crimes. (3) There must be provided at least six separate classes of institutions to deal with the different classes of the criminal population.

CHAPTER 11

PREVENTIVE AGENCIES

In-as-much as the purpose of a prison system is the protection of society a consideration of the agencies calculated to prevent crime is of first importance. A system of prevention, if adequate, would very largely do away with the need of prisons and reformatories by preventing all but the few, who because of accidental variation are congenitally deficient, from becoming violators of the law. So every anti-social individual, not hopelessly so from birth, points to a maladjustment or to an improper development of the agencies for socialization. The education, the training, the social and economic environment and the like are matters of public concern. By a failure to properly control them or by allowing their misdirection the community is generally at least as guilty as the criminal for the criminal's anti-social acts.

Prevention deals with causes so must begin by recognizing and understanding the phenomena it would prevent in order that the methods used and the measures applied may deal with them and not with their manifestations. Now crime is the result of a complex of causes to be found in the heredity, the environment and in the individual himself. If substantial headway is to be made these causes must be discovered and removed.

In any complete system of prevention the control of heredity must play an important part. The child of bad ancestry inherits a defective body or mind which later shows itself, in one way, as criminality. The criminals, the paupers, the defectives, more often than not, are products of an un-

fortunate ancestry and it is idle to expect an untainted offspring from their union. The offspring of the defective and the unbalanced will themselves be abnormal in perfectly definite and predictable ratios, and among these incapables will appear a certain proportion of the criminally disposed. An efficient regulation of marriage would reduce the birth-rate of defectives and, therefore, potentially criminal. And so much at least it would be an easy matter to accomplish. When a person has proven his unfitness to be the head of a family - when, through his enmity to law and order or because of mental or physical defects, he has become a prisoner or a patient in the hands of the state - it is inexcusable social negligence to allow him to burden future generations with a tainted progeny. There is no reason why the marriage and the multiplication of such should not be prevented and every reason why it should. To the present, however, the state has not seen fit to take any action and private agencies are all but powerless to accomplish anything in this, the most important line of preventive work.

A second cause of delinquency is defective training either in the home or in the school.

The family will always rank as the fundamental institution making for law and order in any community. It is in the home that the individual forms, and usually in early infancy, all those habits of thought and conduct which are the strongest force tending to keep him from the formation of bad habits. The good home helps the child to overcome anti-social tendencies, present to some degree in all healthy children, which must be eliminated in order to fit him for good citizenship. It is from defective homes that the great majority of criminals come. Two thirds of all the children

under the care of the probation officers of St. Louis come from homes broken by death or separation.⁽¹⁾ Over fifty percent of the penitentiary population are from such homes,⁽²⁾ and the commitments to correctional institutions show a yet larger percent. The family as an institution cannot be bettered directly but anything that tends to its elevation or increases its stability is a true preventive of crime.

So long as there are defective homes there will exist the need of agencies for the care of unfortunate children. In every densely populated community there are many neglected children who, unaided by state or private charity, stand ready to recruit the criminal lists. These children have a right to all that any child has. They are not responsible for being here. So long as society allows them to be born into its midst it has the duty of seeing to it that they have the care and training that will make them useful men and women. This cannot be done in almshouses and on poor farms. Scientific charity has long since discarded such a plan as unworthy of modern times. But the scientific rejection of it has not always led to the adoption of something better. The recent report of the State Board of Charities and Correction shows seventy one children in these institutions in Missouri. Beyond this the work of caring for homeless and so potentially delinquent children is almost wholly in the hands of private charity.

Next to the home the school is the most important agency in our civilization for the right training of children. It is directly under the control of the state and can be developed to a high state of efficiency. It should furnish moral and intellectual training and should also provide for the industrial needs of the children by an adequate system of

(1) R. N. Baldwin: Bull. 2, St. Bd. of Char. and Cor.

(2) Page 15: Bien. Rep. Mo. Pen. 1909-1910.

industrial training that will prepare the child of the poor and others to earn an honest living. Medical inspection of the schools has shown that a large number of children need medical treatment. If the physical defects are not discovered and removed the child becomes stupid and backward and at times unmanageable and possibly criminal. Some unrecognized defect is most often the cause of truancy and truancy is the first step toward criminality. It has been shown to be so in over ninety per cent of the cases. The child should have the right treatment from the start in order to check the first tendency toward wrong. At present there is no law that requires parents to see that the child has proper medical attention, and boards of education are not compelled to provide any sort of medical inspection for school children. The state has a compulsory education law. Some medical inspection is being provided in some of the better schools of the state, and some school systems have provided truant schools, classes for the sub-normal and the like. Each of these is an extension of the school system which increases the adequacy of the training provided and to that extent lessens juvenile delinquency.

While defective heredity and training are among the chief causes of crime a large number of environmental conditions work in the same direction. The various forms of child labor and the increasing extent of it in Missouri is a prolific source of juvenile delinquency and of adult crime. The state has done little to relieve the situation. The law regarding child labor has applied to only five of the cities of the state. The recent legislature, however, passed a measure extending its operation to include all cities with a population of five thousand or over.

Poverty is a cause of crime and any measures calculated to improve the economic condition of the poor will lessen its amount. A reform in criminal procedure, making

law enforcement more certain and impartial would be a preventive of crime. The locking up together in the jails and elsewhere of young and old offenders is a cause of criminality whose remedy is obvious. Intoxicating liquor brings a host of men to prison and at least a partial remedy is at hand so soon as society sees fit to use it. The tramp is a prolific and entirely unnecessary source of criminality. A great number of other individual and environmental causes of crime might be enumerated but this is not the place to discuss all the things necessary to a complete system of prevention. The intention is only to make reference to a few of the more obvious and important. In brief, we may say that anything that interferes with a normal adjustment of the individual to the conditions under which he must live is a cause of crime, and that anything which goes for a harmonious adjustment and for a right formation of character is a preventive of crime.

Juvenile Court and Probation Work-

From the standpoint of adult crime the juvenile court and probation work connected with it are works of prevention. Therefore, in considering the preventive agencies, a few words concerning them will not be out of place.

There are six juvenile courts in Missouri- one each in St. Louis City, St. Louis, Jackson, Buchanan, Jasper and Green counties. The present law provides that in counties of one hundred thousand or over of population one branch of the Circuit Court shall be known as the Juvenile Court. The Buchanan County Juvenile Court, however, is an exception in this respect. By special provision it is made a branch of the Criminal Court.

In these districts all cases dealing with neglected or delinquent children under the age of sixteen must be brought before the juvenile court and the offending child brought and placed under the care of a probation officer. No child within the juvenile court area shall be placed in a jail or police station. Detention homes must be provided for the temporary care of such children as it may seem best to detain. If found neglected in the meaning of the law the court has the power to commit the child to a suitable institution or to put him under the care of some person. The disposition made is the one that seems most likely to meet the requirements of the law which provides that, "The purpose the custody and discipline of the child shall approximate as near as may be that which should be given by parents not as a criminal, but as a misdirected and misguided child needing aid, encouragement, help and assistance." (1)

(1) R.S. of Mo. Sec. 4120

The following tables^{are} gotten from reports received by the State Board of Charities and Corrections from the different courts. They are defective in many respects owing to the incomplete condition of the reports received from some of the courts. However, they are sufficient to indicate in a general way the amount and the nature of the work being done by the six courts.

Court Cases: Monthly Average:

Delinquent children:

	St. L. City	St. L. Co.	Jack- son Co.	Buch- anan Co.	Green Co.	Jasper Co.	Total
Placed on:							
probation	38	3	34	2	6	4	87
Committed to							
institutions	43	1	14	2	1	3	66
Fined or Costs							
assessed	17	1	3	1	1	2	25
Discharged or							
dismissed	24	1	3	3	1		32
Other							
dispositions	3	1	3	1			8

Neglected Children:

Placed under							
supervision	24	1	13	1	2		41
Committed to							
Institutions	17		5	1			22
Committed to							
individuals	5	1	7	1			14
Dismissed	1		1	1	1		4

Average Number in Care of the Probation Office per Month.

	Delinquent	Neglected
St. Louis City	751	417
St. Louis County	27	7
Jackson County	320	178
Buchanan County		
Green County	4	
Jasper County	15	
Total	1117	602

Average Monthly Number Removed from the Care of the Probation Office.

	Delinquent	Neglected
St. Louis City	54	10
St. Louis County	4	1
Jackson County	46	
Buchanan County		
Green County		
Jasper County		
Total	104	11

The six courts already established deal with approximately four hundred cases each month. The object of the court is not so much to punish because of violations of the provisions of the law as to improve the child. The state is looked upon as a parent to take charge of the child who has gone astray - whose natural parents have failed to train him to good citizenship. No punishment is fixed by statute; nothing is left to the untrained judgment or caprice of a jury,

but the entire problem of handling the delinquent child is left to the discretion of the judge assisted by his probation officer. As a consequence the child is treated as an individual. An effort is made to ascertain the cause of the trouble, to remove it by the use of any means at hand and to overcome the evil effects upon the child. What is best for the child is the whole matter in question. The child, the home, the parents, the antecedents and the environment are investigated and upon the basis of such an investigation the court makes disposition of the case.

It is here that probation - the chief thing of value in the juvenile court idea - finds the largest field for its work. Without it there would not be much to the juvenile court legislation. The whole proceeding goes on the assumption that no child is wholly bad and that to develop the good in any child the best place is a home and preferably, if it be at all possible, the child's own home. Usually, however, the child who has reached the juvenile court stage of delinquency is so far out of adjustment with society that something more is needed to again establish right relations. Here the probation officer becomes essential to success. He is the officer of the court and the friend of the child. He stimulates the child, supplies friendly interest and paternal feeling of which the child is so much in need. Probation does not always succeed in doing all that the enthusiasts hope for, but it is fairly certain not to make the child worse. It is equally certain that the former methods of treatment by a jail sentence never produced any good.

The juvenile delinquent is not confined to the large cities but the six juvenile courts of the state are. The delinquent boy of the country and the small towns should be equally entitled to the best methods of restoration to a

normal life. This is the greatest problem confronting the movement - the applying it to the rural districts where the delinquents are too few to allow the employment of a special judge and probation officer and where the courts sit in separate districts and distant from where the offense was committed and where there is no detention home save a county jail. But whatever the difficulty the juvenile court idea seems likely to be extended to all parts of the state and a suitable system for handling and supervising delinquent cases devised that will be applicable to the rural counties. Other states have succeeded in doing this: New Jersey has had such a system for a decade. To the present this phase of the work has been neglected in Missouri.

Adult Probation-

From one point of view adult probation should also properly be classed as a preventive measure, inasmuch as it is as important to prevent a second offense as to avoid a first one. Adult probation is an adaptation of the prison treatment to offenders in the open. The system assumes that offenders are capable of reformation; some with and some without being deprived of their liberty. It is to this latter class that the trial court applies the principle of parole; of placing the offender on probation. This is a period of trial. Strictly used the term probation means a case where, a prisoner having been found guilty by the trial court, the judge withholds sentence or postpones his decision. It differs from parole in that the prisoner has not been in prison; from the suspended sentence in that the sentence has not yet been pronounced. It gives a period in which to determine the character - an opportunity to observe the behavior of the person when at large - so as to form a right estimate as a basis for his treatment or classification. The power to do this rests with the trial judge: the prisoner so treated is on probation.

The present law of Missouri gives the courts power to place prisoners on probation either by withholding judgment and continuing the case or by suspending sentence. But so far the machinery necessary to a proper working of the plan has not been provided. No officers are provided to investigate the cases, and no adequate provision made for the oversight of prisoners placed on probation. Few courts - doubtless wisely under the circumstances - have seen fit to make any large use of the power.

The system is the logical outgrowth of the modern

theories regarding the treatment of the law breaker - the recognition of the duty of the state to reform and reclaim the offender. If reformation be the point in mind it is necessary that the decision of the judge be based upon something more enlightening than the facts that may be brought out at a criminal trial. The system accepts the crime for what it is worth, but merely as one of the many factors in the problem that the court must solve in order to determine the right method of treatment for a particular offender. Formally it was the controlling one.

If the system is to be used and not abused - since not all cases are susceptible to this form of treatment - it is absolutely essential that the judge have accurate information upon which to act. It is unsafe to place anyone on probation without adequate investigation into his past history and home surroundings. The whole success of the system rests upon the investigations regarding past character and conduct, surroundings, associations and tendencies. The court must ascertain, too, what family the offender has; whether he works regularly and supports those dependent upon him, whether he has habits which lead him into criminal ways and a whole mass of such information. All these things and many more must be known to the court before it can intelligently pass upon questions relating to the disposal of a criminal case.

Besides these investigations to determine the susceptible cases, there must be an adequate supervision of the probationer. He is being treated and close observation of his conduct is necessary to ascertain if he is leading a moral or at least a lawful life. A form of parole might be applied by any court but without adequate investigation and faithful supervision its use is ineffective and demoralizing.

Of course the chief result sought in cases of probation is the moral reformation of the probationer. Where the system has been tried this has been accomplished in a surprisingly large number of cases. But it can also be successfully used as a method of collecting fines and making restitution. The defendant unable to pay a fine at the time of the trial instead of being committed to a jail or a work-house may be released on probation with the requirement that he pay his fine in small weekly or monthly installments. This way of collecting fines certainly deserves to be greatly extended. If fines are imposed they should be impartially collected. Sending a man to a jail or a work house for non-payment of fines amounts to little more than imprisonment because of poverty. It is not for the offense committed but because the man is too poor to pay the fine assessed.

Probation keeps a man in right relations to his family. He is not relieved of the obligation to support them as is true in the case of imprisonment. It avoids the contamination impossible to avoid in prison and does not develop the evil tendencies that are developed there. The probationer is required to avoid evil resorts and demoralizing associations while on probation. The system avoids the stigma of the prison which comes to the offender and his family and thus makes the innocent suffer with the guilty. It avoids the prison acquaintances which are so great an obstacle to a man's restoration after imprisonment. It saves a man to work as a useful member of society. It saves the cost of commitment and support. It protects the community by a rational restraint of one who, if left entirely free, is likely to repeat his offense. It puts a man in a favorable attitude and situation to reform. It takes away some of his rights; some of his

liberty of action. He sees that by his action he has separated himself from those rights enjoyed by other men. The supervision is friendly; the probation officer gives him assistance and encouragement.

Surely probation does not always succeed; it is not always rightly used. Some men are unbalanced, abnormal, criminally inclined; with such the plan cannot succeed; it is not meant to apply to such cases. But the application of the system to persons susceptible to such treatment - first offenders; accidental criminals for the most part - will result in good to the individual so treated and to society at large. It is truly preventive in that it demands evidence of a change of character before it is discontinued. It does not emphasize what a man has done but what he will do. The man may be either better or worse than his act would indicate. Probation deals with character, seeks to improve it and saves the offender from the disgrace and demoralization of prison life and associations. Rightly used it will equally benefit society. Some men can and some cannot be safely treated outside of prison walls. It is to the social advantage that those who can be left at liberty. Doing this will diminish the prison population and will change its character by sifting out the better class - those who are susceptible to reformation without prison treatment.

CHAPTER 111

LOCAL PENAL INSTITUTIONS

The County Jails-

The county jail is the lowest and the least specialized of the institutions dealing with the problem of crime. It is made to serve as a catch-all for all cases not otherwise provided for and for many of the ones that are. In the first place it serves as a place of custody for prisoners incarcerated for some criminal offense but whose trial is yet to come. These men are presumably innocent; merely under detention awaiting trial and in other respects are to be treated as honest citizens. The jail is used as well for the incarceration of those convicted of crime and sentenced to serve a term of imprisonment there. Some others are convicted men awaiting transportation to other institutions. Still other of the inmates are admittedly innocent men who must be held as witnesses. Insane men are often held there until such time as they can be transferred to a hospital for treatment. These different classes include individuals of both sexes and of all ages.

The situation is well shown by the following table, from the second bulletin of the State Board of Charities and Corrections, based upon returns from eighty four jails. The returns are for the first day of January 1910.

Awaiting trial	175
Serving sentence and working out fines	234
Awaiting transportation to penitentiary or Tr. Sch.	9
Under sentence to hang	1
City prisoners	7
Insane and feeble minded awaiting transportation	2



In Missouri at the present time there are one hundred and thirteen of these county jails. The two counties, Morgan and Taney, which have no jails, keep their few prisoners in the neighboring counties of Pettis and Christian respectively.

The United States Report of the Census for 1904 gives the number of prisoners in the jails and workhouses of Missouri at four hundred and fifty. The State Board of Charities and Corrections, in a better position to get reliable reports, estimates the number of prisoners in the jails alone to be five hundred and seventy five on the first day of January 1910. This estimate is on the basis of reports from eighty five of the one hundred and thirteen counties in the state having jails. The following table adapted from a table in the second bulletin of the State Board of Charities and Corrections shows the number and distribution of the prisoners on the first day of January 1910.

	Under 17	18-35	Over 35
White			
Male -----	17	196	71
Female -----	0	12	5
Total -----	17	208	76
Colored			
Male -----	5	85	10
Female -----	0	7	4
Total -----	5	92	14
Total of males ----- 384			
Total of females ----- 28			
Grand total ----- 412			

In age and condition there is a wide difference among the jails of the state. Some of them are of recent erection - eleven having been built within the past six years - and are more or less modern in construction and arrangement. But some of the structures are very old - nineteen were built over thirty five years ago and four over sixty years ago. The average cost of construction of these buildings was approximately seven thousand dollars, but many of them were built forty or more years ago and would require an appreciably larger outlay to duplicate today. Of course this seven thousand is only a mathematical average and does not represent a typical cost. The actual costs show a range all the way from three hundred to one hundred thousand dollars. A few of these buildings are described as fire proof; others have indifferent protection; something over fifty per cent have no provision against fire. The larger number are fairly secure so far as preventing jail breaking is concerned though only a few have any special provision against it. Brick figures in the construction of the larger part of them, a few are of stone or concrete or of some combination of these with other materials and a small number are frame buildings. In approximately two thirds of the counties the jail proper is a part of the sheriff's residence, in the remaining one third no residence quarters are attached.

With relatively few exceptions, but with considerable variation in details, the jails are built on one uniform plan. (Speaking broadly they consist of one large room with an iron barred cage of cells in the center with a narrow corridor surrounding the cage of cells. The cage is frequently two stories in height and one or both may be further divided by a corridor through the center from which

grated doors open into the cells. Eight cells to the cage is probably the most usual number though some have more and some less. Approximately one fourth have no more than one or two cells to the room. Most of the older jails contain one or more dungeen cells. The cells are ordinarily about seven feet long by five wide. The furniture is extremely simple; outside of the cells there is usually none; within the cells are iron frames hinged to swing against the wall and serving as bunks. There is often a series of these in each cell, usually two or four. In many of the more crowded jails the number is often larger. Some considerable number of the jails, mostly of the older type, consist only of "strong rooms" without the steel cage. In these of necessity there are as many beds to the room as there are prisoners confined.)

The County Court represents the people in making regulations governing the care of public buildings of which the county jail is one. They are elective officers and so reflect the popular opinion of the county. The sheriff is also a political officer elected by the people. He has the direct care and oversight of the jail and is responsible for the care and the safe keeping of the inmates. The plan of support depends somewhat upon the county. In some the sheriff receives a stated salary; in others he is paid by fees - so much per day for the board of prisoners confined in the jail and fees for other duties. The rule is that the sheriff is also the jailer. In some of the more populous counties he is provided with or employs one or more deputies and jailers. As a rule these assistants are on a salary basis, but not so in all cases. The remuneration of the sheriff's office is not sufficient as a rule to attract a very highly trained man, and the term of office is too short and uncertain to develop experts.

In general there is no medical care provided for the

prisoners. The county physician sometimes has the jail persons in his charge, sometimes not. If a prisoner be sick a physician may be called and paid by the county, or the prisoner himself may bear the expense. In six of the counties the county physician comes to the jail on call. Some three of the jails have special apartments for the sick prisoners. In one county they are taken to the city hospital.

Every degree of cleanliness and lack of cleanliness is to be met with in the county jails. In general the corridors and the walls are in a fairly decent condition. The corridor floors, walls and the halls leading to the jail are under better control of the jailers and these parts are most often kept clean. As a whole the buildings are usually found in a fairly decent condition so far as one can see by passing observation. But this is by no means always the case, and not so much can be said for the jail interior. There real cleanliness seems to be rare. In some the construction and condition of the building makes a scrupulous condition of cleanliness extremely difficult. In one of the large jails of the state for example, the steel floors of the cages and of the cells are so rusted through in many places that sweeping them is almost an impossibility. The only thing that seems possible to the jailer is a liberal use of disinfectant as was done in this case.

This use of disinfectant, which is so nearly universal in the jails of the state, is itself a signal that there is something wrong. In one jail visited the jailer stated that a gallon of disinfectant was used daily in and about the jail. And the fact was fairly evident at a considerable distance from the building. Within the prisoners were in a semi-stupor from the effects of its constant inhalation.

In an other jail an unused cell was found filled with a pile of straw and the discarded clothing of prisoners. A second cell in the same jail was used as a coal bin. In another jail the water for the use of the prisoners was supplied from a tank on the top of the cage of cells, which in turn was filled from a spout leading from the gutter on the house. A recent rain had filled the tank to overflowing and puddles of stagnant water filled the depressions on the roof of the cage and the ~~2222~~ floor of the room.

The water supply and the sewerage connections are most often such as the city affords. In a number of jails, however, they are not thus served; the water must be carried in by means of buckets and drainage secured by other means. Some have private flushing systems; in others cell buckets are in use.

Partly as a result of imperfect water and sewerage connections the bathing facilities are very inadequate. Showers are found in only a very few of the jails, in others the tubs are in use. Whether bathing is done at all is most frequently left to the pleasure and the peculiar fancy of the prisoner.

In the county jails of the state the prisoners wear their own clothing. Whatever the prisoner enters the jail with does service for the entire time of his detention unless he has friends or money to furnish him with a change or unless it becomes so absolutely tattered and filthy as to be unfit for even the society of a jail. Usually it becomes soiled very quickly even if not already so at the time he enters the jail. The fact that the term of the men sent to the county jail is supposed to be brief, and the fact that

there are many in confinement awaiting trial determines the attitude toward clothing. There is no thought of uniforms. There is no uniform custom as to supplying or not supplying the underclothing. In general the county furnishes it when imperatively demanded for the purposes of health and decency the prisoners are required to furnish it when able to do so. Naturally the jail managements differ considerably in generosity as well as in their judgments of what decency demands.

As with the clothing the general rule is that the bedding is supplied by the prisoner. Generally a considerable amount of this accumulates as generations of prisoners come and go so the prisoners are usually supplied. The jail furnishes a cot, in some cases with in some cases without a mattress. In the jails visited the mattresses are in an unspeakably dirty condition. The prisoners are frequently found in the habit of covering the mattresses with old news papers before lying down in order to avoid coming in contact with them. Some of the jailers require the prisoners to wash the bedding but this seems to be by no means a general rule. Where it is allowed or required it can seldom be done in a satisfactory manner because of the lack of proper facilities.

In very few of the jails - only seven - is there any provision for ventilation. There is only such change of air as the windows provide. In general these are not large and are most likely to be kept closed especially during the colder months of the year. Such air as enters from these windows does not pass directly into the cells but only into the corridors surrounding them.

It is a very rare jail indeed in which any sunlight ever reaches the cells of the prisoners. These are parts of a room within a room. The windows, usually small and gener-

ally high, admit little direct sunlight and only imperfectly light the corridor. The cells themselves receive light from this imperfectly lighted interior and sometimes only from a corridor within the cage. In one jail visited no sunlight ever reaches the cells or even into the jail room. At the time of the visit, one o'clock in the afternoon on a bright day in early September the room was very dark, it being impossible to see one's way about when the outer door was closed. Within the cage the darkness was intense and it was only by means of an artificial light that anything at all could be distinguished.

The sheriff supplies the food for the prisoners in the county jails and for this service he is paid so much per day, usually fifty cents per prisoner. Some of the counties serve but two meals a day but in general the rule is that three meals a day are served. In amount the food served seems amply sufficient. Bread, meat, beans or potatoes and coffee is the usual fare though many of the jailers omit the vegetable and serve a regular diet of bread, meat and coffee. It is ordinarily served by passing it through an opening in the door to the prisoner.

On the subject of crowding the jails in the separate counties differ so widely that general statements are difficult. All stages of occupation are to be found from the rural jails, often empty and seldom with more than one or two prisoners, to the jails of the more urban districts where there is usually a large number in confinement. On the first day of 1909 there was approximately five prisoners to each jail in the state but this is little more than a mathematical average. The maximum average is about eleven to the jail something more than twice the number at the above date. Jasper county is a good example of a crowded condition. On Sept. 13, 1910

there were sixty one men in the jail. The room in which these sixty one men were confined is 24 X 27 X 14 feet. This gave approximately 171.4 cubic feet of air space per man. The jail has no means of ventilation. But it is to be further noted that this does not represent a crowded condition of the jail in that county. As the jailer said, there is frequently over a hundred men in the jail at one time.

In most of the jails exercise is not possible beyond that gotten by walking about the corridors. In no case is there a yard provided where the prisoners can exercise in the open air. In some cases the trustys get some exercise on the lawns and at other outdoor work. A few minutes exercise a day is provided the prisoners in making beds and cleaning the floors where it is the custom to have these things done. There is nowhere any provision for diversion. No jail in Missouri has a library. Card playing is the almost universal resource for passing of the waking hours.

Any kind of productive labor is exceptional. It is said to be required in five of the counties, optional with the prisoner in forty three and none ever furnished in twenty five. In possibly one fifth of the counties some sort of employment is provided but none of a systematic sort. The rock pile is found in a few cases but it is usually a make shift and a make believe. A few counties work their prisoners intermittently on the county roads. In some others a few trusties do certain chores about the institution. Idleness is the rule.

A complete classification is not attempted in any county jail in the state. Usually the only separation is that of the sexes and this in some cases is not complete. A few jailers make a separation according to color. Some sep-

arate juveniles from adult inmates. The general rule is no classification attempted except that on the basis of sex. The prisoners mingle freely in the corridors. The crowded condition often found to exist together with the open type of jail structure in use makes a complete separation almost impossible.

It is a fairly safe generalization to say that the average county jail in Missouri has made little advance in forty years. The structure is somewhat improved. The discipline and the management have also shown some change for the better. The jailers themselves are improved very little. The sheriff is a politician and the institution is in politics and politics of a very low order. Progress has been impossible. Take the average county jail in Missouri. It is probably provided with some sort of water and sewerage system. Probably it has some sort of a bath. Sometimes - though rarely - it allows a very little sunlight to enter some of the cells. It may be cleanable and sometimes is kept fairly clean. But it is so arranged as to give no privacy and afford no protection from loathsome, contagious disease or moral debasement. It is frequently crowded to the point of suffocation. It furnishes no work and makes no provision for exercise. It allows of no separation of the inmates but herds together and treats alike the innocent and the guilty. From the standpoint of reformation its value is something below zero.

The reason why this sort of situation has been allowed to continue is not far to seek. The popular idea that no one ever sees the inside of a jail except those who are confined there is not very wide of the truth. The ordinary citizen is ignorant of the institution he pays taxes to support. If he is fairly law abiding he never has occasion to visit the jail. No public or private interest takes him there. In a vague general way he knows that such an institution exists, but

as to how the prisoners are cared for he has no faintest glimmer of an idea. It is a disagreeable place but not sufficiently so to be morbidly fascinating. He further considers - if he have occasion to think of it at all - that only the dregs of humanity are confined there and that, however bad it may be, it is likely better than what they have been used to. The public is not informed of the condition. The American people have not been slow to remedy such conditions when they have known of their existence. The trouble lies then, not with the supposedly penurious tax payer, but with those whose function and duty it is to inform the public and direct their action.

The whole county jail system is radically wrong. In the first place nothing good can be said for the short term sentence. It protects society only during the term of imprisonment and the convict comes out more skillful in avoiding detection and better trained in crime. The deterrent effect of such sentences is not great: they are often sought by tramps in bad weather. There is no reform possible in the short time. They have all the faults and none of the virtues of the indeterminate and the long time sentence. "They rob of self-respect, brand the man as a jail bird, and bring the man in contact with hardened criminals."

The first reform then that is needed is a substitute for the short term sentence. And substitutes are ready at hand. The first is that of probation. This has already been discussed and nothing further need be said here. The other thing that is demanded is a system of fines and reparation. It simply demands that the offender who has been fined be released on probation or under suspended sentence, if he has not the money to pay the fine and make reparation to his victim, and be allowed to work out the fine and the reparation. Sufficient has already been said on this point.

In the second place the jail is used for two inconsistent purposes. One the humane and easy detention of a man who may or may not be guilty, until such time as he be put on trial. The other is the incarceration of prisoners who have been convicted and sent to jail for the purposes of satisfying the demands of justice. It is absurd to expect the same institution to serve two such utterly different purposes. The attempt to do it punishes the innocent man and does little more than furnish a fairly pleasant home for the tramp and the loafer.

The man who is held as a witness or awaiting trial is presumably innocent. He is entitled to humane and reasonable comfort; to be kept from unnecessary exposure to disease or danger to person, health or morals; to be provided with the best possible conditions for defending and vindicating himself. All of which means that he is entitled to a decent, healthful, spacious cell for his own use; that it be away from the corrupting, degrading contact with criminals, and that he be allowed and provided means for such communication with friends and legal advisers as may be necessary for defending himself of the charge for which he is held; that he should not be herded with others, innocent or guilty; that he should not be made to suffer unnecessarily or have his comfort disregarded and that he shall not be deprived of any means of defense or defense that may be deemed necessary to establish his innocence. There is no call for luxury but there is for decency.

The convicted criminal is there, presumably, to receive a course of treatment. If this is to be effective in accomplishing good either to the man or to society it must send out a better man than it received. If this is to be done he must be kept from idleness and from association with others of his kind. Regular habits must be formed. The discipline

must be strict, the fare plain and the work hard. In other words he is there to serve a regular prison or reformatory sentence with a view to his physical and moral betterment.

Now what is done is to confine these men under exactly the same conditions. They are kept in the same room, the same cells; they receive the same treatment and the same care; they mingle together on terms of absolute equality and spend their time in the same sort of demoralizing idleness. This is exactly what the tramp likes. Given a comfortable fire in the winter, society of others like himself, a pack of greasy cards and plenty of tobacco - there is nothing lacking for his comfort. If he is turned out on a stormy day he is likely to go down town and steal something in order to get back in. The other man, if he is innocent, and many of them are afterwards so declared by the courts, is the one who is punished. He must associate with the vilest of the population ~~of the population~~ and on terms of impartial equality. It is barbaric to force upon innocent men conditions such as prevail in more than fifty per cent of the county jails of Missouri. It is punishing the man who is supposed to be merely held in an easy and humane manner and affording an entirely satisfactory situation from the point of view of the man who is supposed to be receiving bitter punishment and reformatory treatment.

The remedy for this situation is easy just so soon as the desire comes to have the condition remedied. This desire will come whenever the voters who control the situation understand the condition and realize their effects. This they will not do so long as white wash is made to serve the place of publicity. But sooner or later the county jail must go out of use as a place for the punishment of convicted prisoners and will be used solely as a place for the detention of prisoners awaiting trial. Prisoners who are found guilty and who

are not fit subjects for parole will go to a prison or to a work house under state control. They will not be returned to jail.

In the meantime the physical and health conditions and the like demand attention. For example, it would seem fairly evident that the matter of dietary should be in the hands of a medical commission with power to fix and enforce standards of diet suited to the climate, season, the activity, the age and the sex of the prisoner. If this cannot be done surely it should be in the hands of a county physician rather than left to the whim of the jailer or other county officials. Excellent gentlemen these, but not usually competent to pass upon a prison dietary. The system is further interfered with by the custom of allowing visitors to give food to the prisoners. This is dangerous as well as being bad hygiene. The authorities should furnish suitable and sufficient food and then tolerate no outside interference. And the present method of serving the food is revolting, demoralizing and often dangerous to health. The prisoner's food is generally shoved to him through a hole in the wall, in an old rusty tin pan, very much in the manner in which a cur is fed. It seems not too much to demand that the food be served on dishes and either in a dining room or in the prisoner's cell.

The disastrous effects of crowding in some of the jails - Jasper County, as already referred to, for example - should receive attention. That men should be locked up for months in an unventilated building with an amount of air space per prisoner of from say eighty five to one hundred seventy five cubic feet and live seems hardly believable. That such a condition is too bad for a stable or a cow shed any sane man will readily agree. Men insist that their live stock at least

have standing room. But the standard of judging of a crowded condition is wrong. It will not do to assume that a place is spacious enough, so long as a man can find room for a bunk and the corridors not too crowded to allow of movement of the crowd of men. The modern scientific standard insists that there is crowding ~~when~~ in the hygienic and the moral sense when there are two men together. Physically the rural jails are not likely to be often crowded but in the moral sense they are likely to be the ones most crowded; they are among the worst for vile familiarities of association.

So if the jail is not to be a place where those who are held are to be trained in vice and crime it must cease allowing them to hold intercourse with each other. All that need be done is very simple. The men and the women should be separated; the old and the hardened criminal and the young and the inexperienced; the black and the white; the witnesses, the insane, the suspected and the guilty. And the best plan for doing this is one that can be as easily applied by the most ignorant sheriff as by the most enlightened warden. That is - separate confinement. It not only simplifies the management but it is the very best treatment for the short term prisoner. The innocent will desire it; the guilty need it.

Police Stations and Holdovers-

The municipal institutions will be treated more briefly since what has already been said concerning the county jails applies almost equally here. Their need comes from the fact that modern man lives under artificial conditions to which many individuals are ill adapted owing to imperfections in the agencies for their socialization. Conflicts constantly arise; individuals violate the will of the group as expressed in the laws and the ordinances. The more artificial the conditions, that is to say the more urban, the greater will be the number of unadjusted, the more frequent will be the occasion for conflicts and the more numerous will be the transgressions. It follows that every community of sufficient density of population to have a municipal organization must provide some means for the temporary detention of these offenders. Persons who have violated the peace, or who are suspected or have been found guilty of committing acts forbidden by the ordinances must be held for trial or treatment. So in every town, city or village is provided a place for their safe keeping.

Whether styled "Lockups", "Calabooses", "Police Stations", "Holdovers" or what not, these local prisons all have much in common. They are generally on a back street, more often facing on an alley than on a street. In the larger towns they are frequently in the basement of the City Hall. There is no law requiring standard conditions, no one is given power to condemn unsanitary and improper structures; each municipality provides such accommodations as the needs of the situation imperatively demand. As a consequence the sort of accommodations provided vary widely in different communities. The buildings are usually small, frequently unsafe; often they are fire traps, and seldom

so constructed as to make escape impossible. Usually there is no provision for the separation ~~for the separation~~ of prisoners. The sanitary conditions are often bad. The buildings are nearly always poorly lighted and illy ventilated.

The management depends almost exclusively upon the jailer; the citizens rarely take any interest in the institution or its management and there is no provision for inspection. As a consequence the jails are usually dirty, wretched and neglected. Sometimes they are full; sometimes empty. Generally there is little attempt at classification and separation of prisoners and frequently there is none at all and no provision made for it.

Vagrancy, drunkenness, assaults and breaches of the peace are the offenses that lead to most cases of imprisonment in these institutions. Some are suspects awaiting trial; some have been found guilty and are serving sentence. The former are generally retained only a short time - seldom over twenty four hours. The latter are mostly serving the customary sentence: ten, thirty and sixty days being the favorite police judge sentences. Remunerative employment is the exception. A rock pile is occasionally provided; sometimes the prisoners are made to work on the city streets.

The police stations of the larger towns are usually built with a better understanding of the needs of the situation and generally have better care. But this is by

no means always the case. One observer⁽¹⁾ describes the condition of the Kansas City Police Station, on the day of the visit some years ago, as containing thirty two bunks and sixty prisoners; being poorly lighted; illly ventilated; wreaking with filth; giving forth a horrible stench that was foul and sickening. While this description no longer applies to the situation in Kansas City it does apply to the present situation in some of the towns of the state.

Possibly as good an idea ~~can be given~~ concerning the nature of these institutions can be given by describing one or two typical cases as by any other means. There is so little uniformity in their construction and arrangement that these will illustrate only two extremes, one of a fair-good holdover and the other the opposite extreme. They are selected from innumerable others for the reason that they show two pretty widely varying types of construction and of management. Neither is an extreme case.

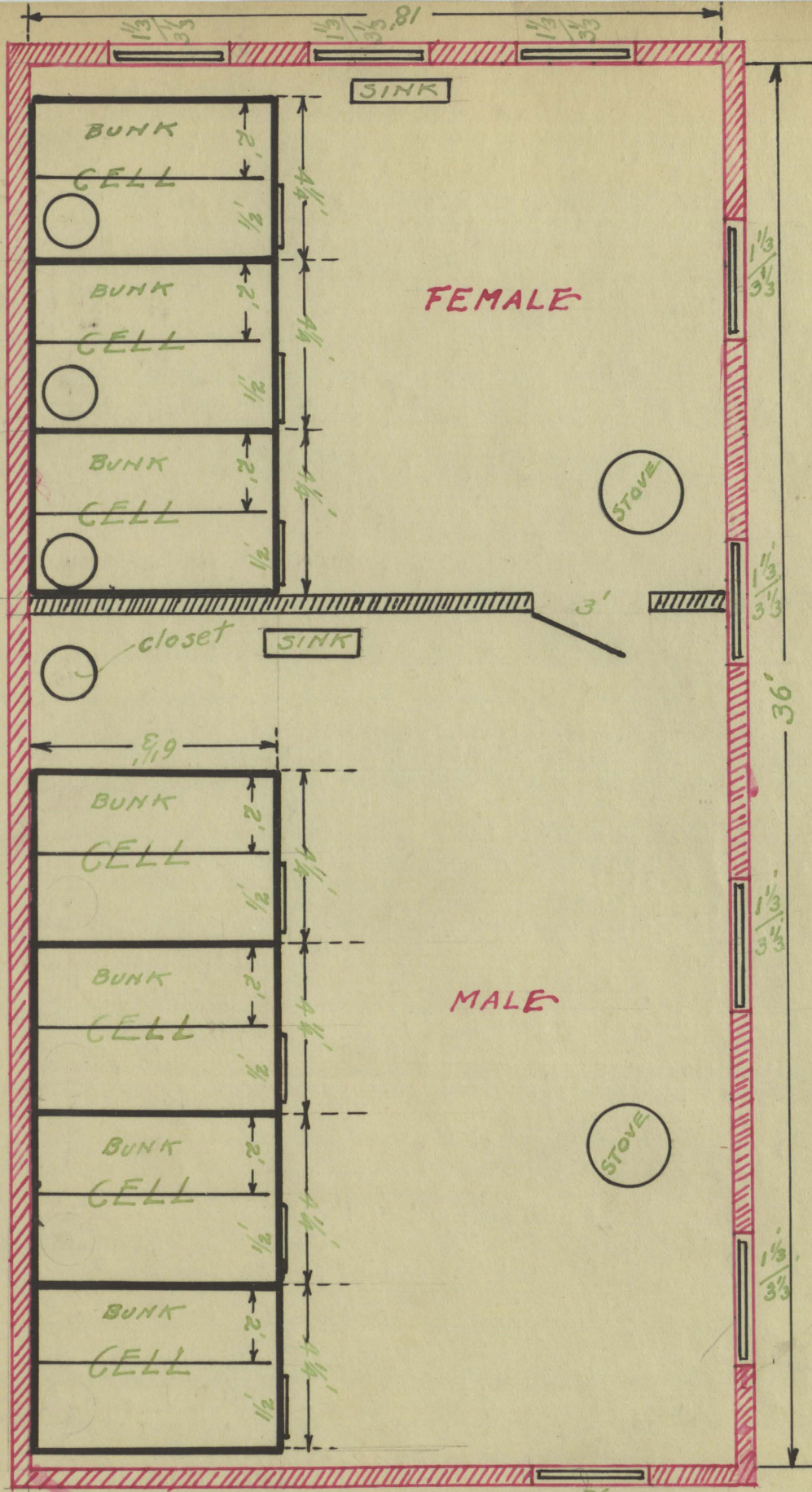
The city jail of Columbia is a good example of the better sort of holdover. The burning to death of two young men in the old wooden jail some years ago aroused the people of the town to a point where they demanded ^{that} adequate provision be made for the care and protection of the city prisoners. The jail now used consists of two similar rooms; one for men and one for women. The men's room is slightly the larger

being approximately twenty two by eighteen by twelve feet. Three windows each three and one half feet wide and sixteen inches high and placed horizontally at the top of the north wall light the room fairly well. The cage of four steel cells side by side occupies the south side of the room. The cells of this cage open into a common corridor ten feet wide. The cells which are four and one half by six and one half by seven feet contain two bunks each. There is a stool and sewer connections in each cell as well as in the common corridor. The room is heated by a stove. There is no artificial ventilation. The woman's room differs from this only in the dimensions of the room and the number of cells.

The jail is fairly clean and without offensive odor. The sewer connections are good. The jail is free from vermin. The natural dampness, unavoidable in a room with stone walls and floor and without provision for sunlight or circulation of air is counteracted by over-heating the jail.

No classification or separation of the prisoners is made. The cells of the cage are used as sleeping quarters only. During the day the prisoners are allowed the freedom of the jail corridor, passing the time at card games or in any manner they see fit. A jail yard and rock pile are provided but infrequently used. At times certain of the prisoners are worked on the city streets. As a rule, however, the prisoners are not employed.

The construction and the arrangement of the jail are shown by the accompanying diagram.



NOTE
 RED-INDICATES BRICK
 BLACK-INDICATES WOODWORK
 IRON WORK, ETC,
 BUNKS-DOUBLE DECK.

PLAIN
 OF
COLUMBIA CITY JAIL
 SCALE 1/4"=1'

Of the more inferior kind of city jail the institution at Jefferson City is a fairly typical example. The original part of the structure is of stone built sheer against the north bluff of the Capitol Hill. The jailer's residence is a delapidated one story building built on the top of the jail. The tracks of the Missouri Pacific rail road pass a few feet in front of the building.

Inside the jail is divided into two connecting sections - one for men, one for women. Each section has a five foot corrider extending along the north side. In the men's part of the jail there is a stove in the corrider; there is a toilet in the corrider of the part reserved for the woman prisoners. The cells open into these corriders. The cells are of solid masonry, five feet wide, seven feet long and with an arched ceiling about seven feet high. The only opening into each of these cells is a doorway about two feet and one half wide and three feet and one half high. These have solid doors of sheet steel so that when the doors are closed the cells are absolutely dark. They are without furniture, and have no means of ventilation or lighting or sewerage connections. They are simply solid masonry vaults with a low narrow door. The woman's part differs only in that it has three cells instead of four, and in that two of these have been thrown together into one by breaking out the partition between them. This large cell contains two double decked cots without mattresses. None of the other cells in this part have any furniture at all. The smaller cell in the woman's quarters has a bath tub that may be filled from a hydrant in the corrider.

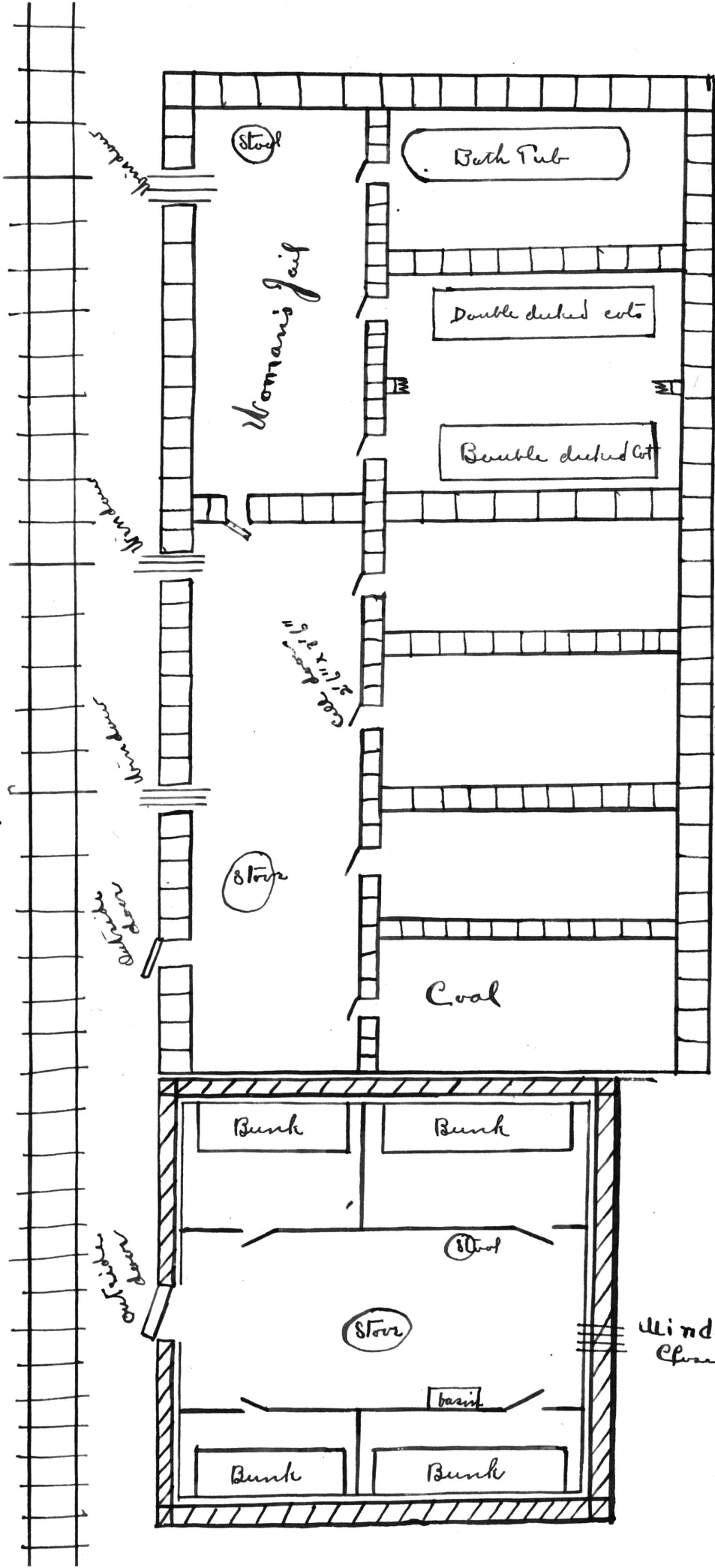
The newer section of the jail is a brick shell with a sheet iron interior. The whole is sixteen feet square, contains a main corridor and four cells. Like the cells in the older part they are dungeon cells, five feet wide, eight feet long and seven feet high. Each contains a bunk hinged to swing against the wall. In the corridor is a stove a basin and a toilet.

The diagram on the following page shows the ground floor plan of the jail.

The newer part of the jail is the old county jail moved here to afford more room for city prisoners when the county provided itself with a new jail. It is used for the detention of such prisoners as are sent by the police courts; prisoners who are to be locked up and held for trial or as a punishment. The older section for the most part is kept open to the public and is well patronized by the tramp fraternity. During bad weather as many as thirty to forty are nightly supplied with lodgings. The jailer naively remarked that in pleasant weather not so many came; they seemed to prefer to sleep out of doors.

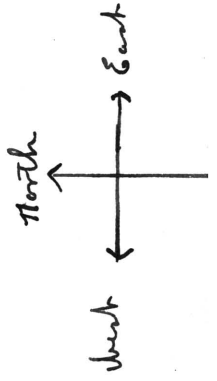
And this is not surprising considering the condition of the lock-up. One cell is used for a coal bin. The bath tub is filled and almost completely buried beneath a choice assortment of decaying mattresses, boat oars, broken iron beds, discarded clothing, and pretty densely inhabited by various sorts of unclassified insect and other animal life. It has not to the knowledge of the present jailer ever been used. The remaining parts of the institution are in no better physical shape. The accumulated dust and dirt of years covers the floors, walls and bunks. The mattresses in the newer and supposedly better part of the jail are black with dirt and falling to pieces under the combined attack of continued dampness and the swarms of vermin.

Missouri Pacific Railroad



Jefferson City
City Jail

Limestone
Bluff



Window

Window

Window

Window

Window

Stove

Stove

Stove

Stove

Bath Tub

Double decked cots

Double decked cot

Coal

Bunk

Bunk

Bunk

Bunk

basin

Window 3x4
Closed with sheet iron

Coal door 2' 6" x 3' 6"

The two jails described are fairly typical examples of town jails and give, perhaps, a better idea of the situation than would any amount of generalized description. The city jails are distinctly local institutions, always neglected and generally mismanaged. They are open to criticism on two grounds; the unhealthful physical conditions and the lack of provision for the separation of prisoners.

In every community of any size such an institution is necessary in order to hold in safety those awaiting trial. This period is always short, seldom over one day. So all that can or should be expected of the city jail is that it be a clean, healthful and safe place of detention, and that it adequately provide for the complete separation of each prisoner.

But in some cases this institution, like the county jail, receives prisoners who have been found guilty and are sentenced to a certain number of days or months of confinement as a punishment for the offense or because of inability to pay the fine assessed. In this case the same criticism holds as in the case of the county jail. The jail should never be used for that purpose. The short term sentence of ten, thirty or ninety days cannot be expected to be reformatory. So far as possible there should be substituted for it a system of fines to be collected from the prisoner's wages or worked out on the city streets or public works. Where this is not deemed practical he should be sent to an institution of a type suited to his needs.

But if the institution is to serve the needs of convicted men, and in so far as it is made to serve this purpose, it should conform in structure and management to the needs of the situation. Jail treatment cannot be expected to be reformatory, but it need not have the degrading effect upon a man's character that is now so often the case. But if it is not to further injure the man two things are necessary. A strict classification of prisoners must be made, preferably a complete separation. In the second place each man must be provided with labor of a productive sort.

Workhouses -

It has been pointed out that the county jails are used for two distinct purposes - detention and prison treatment. The city jail, especially in the large cities, is primarily a place for temporary detention. There remains a third type of local penal institution - the workhouse - whose exclusive purpose is the treatment of persons convicted of minor offenses. At the present time there are two of these workhouses in the state - one in Kansas City, the other in St. Louis.

In Kansas City in the closing days of 1908 an ordinance was passed and approved by the mayor providing for a Board of Pardons and Paroles. This board was to consist of three members serving without pay and they were to be assisted by a salaried secretary. The purpose of the board was to inquire into the nature of the cases brought before the municipal and police courts of the city. They were given unlimited power in the granting of paroles to misdemeanants either before or after they had been placed in the city workhouse, when they deemed such action wise. The paroles may be revoked at the discretion of the secretary and the man returned to the workhouse. The board was also given the power to recommend pardons for some individuals, but the pardons must be granted by the mayor. The powers and the duties of the board have been further extended in succeeding ordinances and its name changed to the Board of Public Welfare. Its membership has been increased to five members.

The control and management of the workhouse and all penal institutions of the city are now vested in this board. They recommend and virtually control the appointment of all officers and make the regulations concerning the management of the workhouse. As a result of the change of control the institution has recently undergone much change and the management has been made more efficient and humane.

The workhouse itself was built some twelve years ago. It is a stone building, constructed by the prisoners of stone quarried by them on the grounds. It is modern in construction and is the best arranged of any similar institution in the state. Since the recent renovation the sanitary and health conditions are good. The percentage of idleness has been greatly reduced by the new management and more industries introduced.

At the institution is a department for sewing and the manufacture and repair of clothing, a shoe shop, a rock quarry, a rock breaking department. Besides the prisoners do all the necessary work of caring for the buildings and grounds and the work of preparing and serving the meals. The class of inmates in the workhouse is such that their work cannot be expected to be of much value. For example, of twenty six hundred prisoners the offenses of eleven hundred and seventy one was vagrancy, over one hundred were prostitutes and over nine hundred were drunks and disorderlys.

The most distinct advance that has been made in the treatment of the city's prisoners was the establishment of the Municipal Farm for certain classes of workhouse prisoners.

This farm of one hundred thirty seven acres is some miles from the city and was originally intended as a site for a house of correction and a tuberculosis hospital. But no adequate provision was made for its care. As a consequence it was in poor condition when the Board of Pardons and Paroles asked and received permission to send certain prisoners there. The ones sent are selected cases and they are usually sent directly from the court and not from the workhouse. The management and the discipline is as little as possible like that of the ordinary prison colony. The work is mostly in the open air. The object is to prepare the men for probation leading to their ultimate restoration as good and useful citizens. The first step toward this is considered to be the building up of the physique by means of regular habits of work and sleep supplemented by a substantial and wholesome diet. After a period at the farm they are paroled to positions previously found for them. The plan has lessened the population of the workhouse and the number of police cases, and is said to have decreased the amount of drunkenness and petty crime in the city. The successful working of the plan with the men prisoners has led to its extension to include the women prisoners as well. It is claimed that the farm plan has worked with them equally as well as with the men. Very great claims are made for the success of the farm colony but the whole plan is yet in the experimental stage; its final form and degree of success remains to be seen.

St. Louis is the other town in the state having a workhouse. The institution is located off South Broadway. It is, for the most part, an old structure being mostly built in 1873. Two of the buildings date back twenty years earlier.

The buildings are of stone and steel with wooden interiors. One cell house, recently built at a cost of thirty five thousand dollars, is of modern type and in good repair. It is the only one of the buildings that is fire proof.

The workhouse yard is very small and the whole is surrounded by a stockade to prevent the escape of prisoners. Safety is further secured by the guns and guards always on duty. But in spite of both the guns and the stockade prisoners very frequently escape from the prison.

The ventilation and the heating are fairly good especially in the new cell building. The lighting is bad in all the buildings. The new cell house is a large shell with interior tiers of cells so of course receives no direct sunlight. The buildings are kept clean except for the vermin and these are partly kept in check by the large quantities of disinfectant. The institution is provided with shower baths and bathing is compulsory once a week. Toilets and drinking water are in each cell but the sewerage and plumbing in most of the buildings is very poor.

The prisoners are sent to the institution either on direct sentence for offences less than felony or on failure to pay fines assessed. Vagrancy, drunkenness, disorderly prostitution and the like make up the bulk of the commitments. The institution receives prisoners sent from the criminal courts as well as from the police courts. All are sent up for relatively short terms.

The work provided is insufficient to keep the convicts constantly employed. There is some little repair and construction work always being done which occupies the time of a few men. The others are for the most part engaged in rock breaking, the broken stone being used by the city. But this is not sufficient to keep the men constantly employed. For example, during the year 1909 for fifty three days running the men were idle from lack of work. When work is furnished the men are required to labor for nine hours a day. They are up at five thirty and are sent to bed at seven. When not at work in the quarry the prisoner spends his time in his cell.

The dietary is monotonous, seldom varied from day to day. Meat is usually served once a day. The following is the regular menu of the institution:

Breakfast	Dinner
Coffee	Soup
Oatmeal (?)	Meat
Bread	Bread
Molasses	Vegetable

Supper

Coffee

Beans

Bread

So far as reformatory conditions are concerned the institution could not be much worse. There is no classification of prisoners and no direction of any sort. There is no supervision of the institution or of its management. It does not do and does not pretend to do anything more than afford mere negative treatment. That is, keep the man out of trouble for the time of his confinement.

These two workhouses - the Kansas City institution, modern, progressive, successful; the one at St. Louis a failure in every respect - are the only institutions in the state concerned exclusively with the treatment of minor offenders. Outside of these two cities men convicted of misdemeanors serve a term of demoralizing idleness in the county or city jails. The bulk of these offenders are vagrants, inebriates and prostitutes, and each is a pretty distinct class requiring a special course of treatment if they are to be restored to good citizenship.

For their care the state should provide the necessary institutions - hospitals surely for the treatment of the inebriates, special reformatories possibly for prostitutes and farm colonies probably for vagrants - and

assume control of their treatment. Such a course must be followed if the jail problem is to be rightly solved. All convicted persons should be removed and a provision on the part of the state to properly care for the different classes usually confined there will make possible the removal of convicted persons from these local institutions. This is necessary if they are to receive reformatory treatment. Such treatment is never and cannot ever be expected to be given in the local county and city jails. So some such set of institutions under state control should be provided for the proper and humane care and treatment of the unfortunates and in order to adequately protect society from these classes of offenders by securing their reformation and restoration through a scientific course of positive discipline.

CHAPTER IV

STATE INSTITUTIONS FOR THE CARE OF
DELINQUENT CHILDREN

The Training School for Boys-

The home, the school and the other socializing institutions do not succeed in adjusting every boy to the environment in which he must live. The failure may be due to some inadequacy in the institutions or it may be the result of inherent defects in the boy himself. But wherever the responsibility is to be placed the boy very early comes into conflict with the forces of law and order. If he lives in one of the more distinctly urban counties of the state a further effort for his adjustment will be made by the officers of the juvenile court. But a stage in the boy's career may be reached when the efforts of the court and probation officers can no longer be relied upon, or the child's place of residence may be outside the jurisdiction of a juvenile court. In either case the next step toward his reclamation is to place him in a school where he may be given special education and training.

For this purpose the state provides the institution known as The Missouri Training School for Boys. This institution is located on a high rolling tract of land lying just beyond the city limits of the little town of Boonville. The original tract of one hundred and eighty one acres has been added to by three subsequent purchases. At present the body of land comprises approximately five hundred acres extending from the city limits on the west for one and three quarter miles to the Missouri River on the east. The Boonville and

Roachport road, passing along the south of the original purchase, divides the present farm into fields of unequal area. This body of land is broken by deep ravines which divides the property into fields of uneven contour and indifferent fertility. (1)

The institution was established in 1887 and some two years later was opened for the reception of boys. Since that date there has been a rapid and pretty regular increase in population. The last two year period, however, has shown a marked falling off in the number of commitments from that of the preceding two years, but this is due to a change of attitude on the part of the present management. Formally the growth was stimulated by a persistent advertising of the institution as a military and industrial school. This practice has for the present been discontinued and one result is seen in the marked decrease in the number of commitments from the preceding biennial period. The population present at the close of each biennial period from the date of the first report to the present, together with the total enrollment to each date and the number received during each biennium is shown by the following table adapted from a similar table appearing in the eleventh biennial report of the institution.

(1) "The entire tract consists of Missouri River hill land of great natural fertility," 11th Bien. Rep. page 5.

Date	Total Enrollment to date	Present on date	Number Received during Biennium
Jan. 1, 1891	138	105	138
" " 1893	244	135	106
" " 1895	401	167	157
" " 1897	749	333	348
" " 1899	1 199	442	450
" " 1901	1 556	322	367
" " 1903	1 967	337	401
" " 1905	2 504	411	537
" " 1907	3 190	491	686
" " 1909	3 907	528	717
X " " 1911	4 539	483	632

The growth of the plant has been approximately parallel with the increase in population. The school opened in 1889 with but a single building. Others have been added from time to time until at present there is a total of thirty three different buildings.⁽¹⁾ These include the original administration building, the superintendent's residence, a chapel, a hospital building, six cottages or buildings used as such and a congregate dining hall; as well as other buildings used as shops, stables, barns and the like. All are brick structures, mostly two stories high, constructed of a native brick manufactured by the boys on the farm. The buildings, together with the orchards and the brick plant are near the western end of the school farm. Unfortunately the growth of the institution has not followed any well planned arrangement, and as a consequence, the location of the various buildings is neither artistic nor convenient.

(1) 11th Bien. Rep. p. 5

The school is under the control of a board of managers composed of five members appointed by the governor of the state.⁽¹⁾ The act establishing the institution gives this board full power of control and management. They adopt such rules and regulations as may be deemed proper so long as these are not inconsistent with the law. They elect the superintendent and the other officers of the institution who hold their offices during the pleasure of the board. The immediate direction of the affairs of the institution is in the hands of the superintendent. All the educational, domestic and industrial affairs of the school and the officers and employees are subject to his direction and control.

The school is supported in part by the state and in part by the tuition fees of the boys committed.⁽²⁾ Each session of the Legislature makes appropriations for specific purposes, in general for the erection or repair of buildings, the purchase of equipment and the payment of salaries. Besides this source of revenue the City of St. Louis and each of the counties pay a monthly fee of ten dollars for each boy sent from the county. The state pays a like rate for the boys transferred to the school from the Penitentiary. The United States Government pays at the rate of forty five cents per day for each boy committed by a Federal Court. These tuition fees are used to cover the cost of food and clothing and other minor expenses not provided for by the legislative appropriations.⁽³⁾

Boys under the age of eighteen, when convicted of a crime which in an older person would be punishable by death

(1) R. S. of Mo. Sec. 7755-6

(2) R. S. of Mo. Sec 7771

(3) 11th Bien. Rep. p. 11.

or a term of ten or more years of penal servitude, may be sent to the Training School for a term of not less than five years.⁽¹⁾ If convicted of another felony such a boy is sent to the school for not less than two years nor longer than until he is twenty one years of age. Boys pleading guilty or convicted of misdemeanors may be sent to the school at the discretion of the court under the same conditions as to length of sentence. The governor of the state is also given power to transfer to the school from the penitentiary offenders under twenty one years of age. Incurrible boys under sixteen may be committed by the probate court of the county upon complaint in writing of the parent or guardian.

The following table adapted ~~adapted~~ from a similar table in the eleventh biennial report of the institution shows the ages at which boys were committed to the institution with the number of commitments in each case. Taken in connection with the three tables immediately following it gives a fairly adequate idea of the type of boy with which the institution has to deal.

The ages of boys received as determined by the courts of commitment.

Under 15	-----	238
15 - 16	-----	128
16 - 17	-----	132
17 - 18	-----	104
Over 18	-----	30
Total	-----	632

(1) R. S. of Mo. Sec. 7759-61

Offenses for which boys were committed during 1909-1910

Delinquency cases-----	263
Burglary and larceny -----	80
Burglary -----	73
Grand larceny -----	64
Petit larceny -----	24
Incorrigibility -----	24
Violation of the postal laws -----	22
Forgery -----	17
Robbery -----	13
Assault -----	10
Assault to kill -----	10
Manslaughter -----	5
Carrying concealed weapons -----	5
Felony (not specified) -----	4
Counterfeiting -----	3
Rape -----	3
Sodomy -----	3
Arson -----	1
Murder -----	1
Receiving stolen goods -----	1
Total -----	632

The social condition is given as follows:

Both parents living -----	362 X
Both parents dead -----	73
Father living, mother dead -----	89
Mother living, father dead -----	144

The table on "Nativity" shows the following:

American -----	455
German -----	72
Irish -----	70
Jew -----	10
Italian -----	8
Polish -----	8
Indian -----	5
Russian -----	4

The institution is on the cottage plan. The boys are divided into nine companies with separate dormitories and living quarters. One of the companies is composed exclusively of negro boys, the other eight of the white and indian boys. The companies average about forty or fifty members. X That composed of the negro boys is, however, larger containing one hundred and thirty nine boys on the first day of the present year. The plan, however, is not to keep the companies entirely separate. They have a common dining room and also mingle more or less freely in their work and play.

The physical condition of the institution is fairly shown by taking the dormitories as an illustration. On August 31, 1910 there were nine companies ranging from forty five to one hundred twenty eight members. The dormitory space occupied by the nine companies was as follows:

Company	Cubic Contents	Boys	Cubic Feet per Boy
A	28937.23	44	634.98
B	19182.68	42	656.73
C	34903.00	128	272.68
D	26954.29	41	657.42
E	25017.00	44	568.56
F	21766.95	47	467.38
G	26106.59	46	567.53
H	23077.67	43	536.68
K	21766.95	49	444.24

The air space per boy is thus seen to be from one fourth to one half what is allowed as sufficient in the modern prisons and reformatories where there is a constant change of air by means of intake and exhaust fans. Cottage C however has only about a fourth to an eighth as much as is deemed necessary in the modern institutions. These dormitories are not provided with artificial means of ventilation, and until recently cleats were so placed over the windows as to prevent their being raised more than six or eight inches. This of course was a precaution against escape. On the point of cleanliness the different cottages vary widely. The mattresses and bedding are in most cases old and soiled. All of the dormitories are infested with vermin.

The strictly intellectual training is confined to the smaller boys. The institution employs no professional teachers so the instruction is by the guards or more often

by one of the larger boys of the company who acts as an aid to the officer in charge. It is entirely by rote. At no time during the past two years has more than four school rooms been in use. There is practically no school equipment or appliances.

Industrial training is given incidentally in a few trades. The clothing worn by the boys and the uniforms of the officers are made in the tailor shop. Some fifteen or twenty boys are employed more or less constantly at this work. Some twelve of fifteen boys are kept detailed for the shoe shop where the shoes worn by the boys are made. They learn with some degree of thoroughness the different steps in the making of a shoe. The blacksmith shop uses four or five boys, the printer uses three or four, the baker one or two, the brick maker twenty or thirty at certain seasons of the year. Others are occasionally used on building and repair forces. These seem to be all the trades carried on in which the boys can get a training that will be of any future value to them. In all possibly one hundred of the five hundred boys in confinement are employed more or less regularly in some such trade. The object in each case is the making of some article for use or sale; the training the boy gets is secondary but by no means always over-looked.

With regard to physical training there is nothing done in a systematic way. There is no physical director employed by the institution. The military training has been practically discontinued. The basement of the chapel, built in 1908, contains one large room for use as a gymnasium and armory but to the present it has not been equipped to serve either purpose. Three play grounds are provided and here

such of the boys as are not kept away by household tasks or as a punishment go for play for an hour or so each fair day. The boys engage in such games as their limited equipment allows and their fancy suggests. The school furnishes no equipment; such balls and other things as are used are the property of the boys and are provided by them. No attempt is made to supervise or direct the play; the boys are allowed absolute freedom in the matter. ⁽¹⁾

There is no chaplain connected with the institution, and so far as training in religion or morals is concerned there is none. On some Sunday afternoons an hour of religious service is held in the chapel and ministers of the various city churches preach. There is some sort of a schedule followed in the matter, the ministers taking turns and receiving five dollars for the service. At least this was the former custom. During the warm months of the past summer the services of the ministers were dispensed with and either no service at all or an occasional half hour song service held. No Sunday School is conducted nor is there any private meeting of the minister and the boy. It is merely a formal sermon addressed at the boy and possibly worth the five dollars.

(1) This was the situation to September 1910. The recent report of the institution, however, states that, " Besides the customary field sports, baseball, football, athletic contests, military competitive drills, dress parades, sham battles, general play hours are given every pleasant Saturday or holiday and each evening after supper during comfortable weather, and there have been numerous indoor entertainments provided." 11th Bien. Rep. p. 18

No provision is made for the more important matter of moral training and discipline. Such as the boy receives is incidental. The influence of some of the officers is for good. Some are conscientious and exert themselves to influence the boys to better things; others are indifferent or hardened: some see good in every boy and others look upon them all as hopeless criminals. This is to be expected in a force of fifty untrained and for the most part uneducated men.

Punishments are frequent and are relied upon by most of the officers to keep the boys in proper subjection. There seems to be at least five different forms of punishment in use. The main reliance is placed upon the whippings which number probably fifty a week. "Losing time" is another mode of punishment. The boys come to the school under a definite sentence. If their conduct is satisfactory they are paroled at the end of eighteen months. For certain forms of misconduct in the institution the boy is made to serve more than this minimum. Another form of punishment is to deprive the boy of his play time. He is made to stand with folded arms at the edge of the play ground and watch the others at their play. Sleeping on the floor instead of in a cot is a fourth form. Finally the wearing of chains is resorted to for the punishment of certain cases.

The boys come to the institution under a definite sentence which provides for their release after so many years or upon their reaching the age of twenty one. The board is given the power⁽¹⁾ to grant conditional releases, subject to return on violation of the terms of the parole, after a period of eighteen months of good conduct within the institution.

(1) R. S. of Mo. Sec. 7764-5

The boys released go to their parents or guardians or to some person who agrees to act as such and to provide the boy with work. Both the boy and the guardian make monthly reports to the institution. A probation officer is provided to look after this work. His report ⁽¹⁾ for the eleven months from January first to December first 1910 is as follows:

Number of boys visited	100
Number of boys returned	9
Number of boys returned on new charges	20
Number of boys paroled during 1910	296
Number of boys on parole at the end of the year	480
Number of boys who reported during December	72
Average number reporting each month	60

The boy who gets into a condition requiring institutional discipline is, more often than not, a child of the slums habituated to a life of debauchery and neglect. He needs to be taken from these surroundings and to be placed in a situation where his whole mode of life will be changed. He should be placed amidst surroundings where he will receive such love and care as every child has a right to receive who is allowed to be born into a modern civilization. The first thing that a school of this character should provide, and without which it cannot be a success, is elevating, homelike conditions.

The child further is in need of education and the surroundings that a life in the open country will afford. This the school must furnish if it is to measure up to the needs of the situation. It should give the child a thorough intellectual training for the schooling of these children is

(1) 11th Bien. Rep. p. 43

generally neglected. The child is also undeveloped physically and so should have complete physical training. Manual training and trade education are essential for the two fold purpose of developing the child and of fitting him to earn a living when paroled. That religious and moral training are needed for the delinquent child as well as for the child outside the institution probably no one will question.

Not one of these things is adequately done by the institution at Boonville.

First with regard to the home conditions. The institution is supposed to be on the cottage plan. But that form of institution requires a colony of say twenty, at the utmost thirty, boys in a cottage, separated from others and under the care, direction and influence of a woman who acts as a mother to the boys in the cottage. At Boonville the companies range from forty five to one hundred and thirty boys. There is no intentional separation of the boys of one cottage from those of another. They work, play and dine together. With the present inadequate equipment it is out of the question for the institution to be on the plan intended. That would require twice the present number of cottages and four times the number of women now employed.

The school of letters in such an institution should be presided over by a man who ranks with the best educators in the state, and he should be supported by a corps of teachers with capacity to carry forward successfully such plans as are mapped out by the management.

In point of fact the most charitable account of the school work done cannot make it appear other than farcial.

The building designed and presumably once used for a school X has been transformed into a dormitory. While each cottage has a room fitted with the conventional school desks systematic instruction is given to only a fraction of the boys. It is given to these only at such times as their labor cannot be used advantageously elsewhere, and by men who are without a pretense of professional training. The superintendent says that the labor of the larger boys has prevented to a large extent their school work. (1) The youngest company of boys has had continuous school work for a part of the year and "three other school rooms have been in more or less steady operation during the greater part of the period." This is the best that is claimed by the management of the school and we may fairly assume that it is not under-stated. Elsewhere (2) it is stated that there are five regularly employed teachers "for the most part instructors of maturity and long successful experience". It is to be noted that these are regular officers of the institution who are on active duty fourteen hours each of seven days of the week. No man can do any work worthy to be dignified by the name of teaching whose hours of service are fourteen a day.

But even if the other conditions were favorable the lack of equipment would make any real school work out of the question. The school is without maps, globes or other appliances. The total number of school books on hand December 31st was 988 and there were 483 boys present on that date. One hundred forty five slates had somehow to supply this number of boys or as many of them as were actually attending school. In part at least the texts supplied are such as are no longer in use in modern schools. One is forced to summarize the situation by saying that little school work is attempted, and

(1) Bien. Report 1910-1911 p. 6

(2) Bien. Rep. Report of the Prin. of School: p. 37

that what is done is of such a nature as to be valueless. X

It is not too much to expect that every boy sent to this school shall go away trained in some industrial pursuit. The work of the most practical trades should be taught and taught well. The shops should be in the charge of competent tradesmen who have the ability and the personality to instruct boys in the trades they elect. The trade the boy is taught should be one suited to his environment and station in life, as well as one suited to his physical needs. But at present the assignment of work to the boy is on a far more simple plan. He receives no medical examination, his wishes are not consulted, his previous or future environment is not considered. He goes to the work where his labor promises to be of most service: it may be kitchen or household drudgery, work in the shops, stables or on the farm. There is work to be done and the places vacated by the outgoing boys must be filled by the new arrivals.

But worst of all is the moral situation. The new boys coming to the institution receive the same treatment regardless of what they are committed for or what their physical, mental or moral condition. The good boy and the bad, the pure and the unspeakably diseased, the honest boy and the thief, the boy from the rural home and the city slum are treated with an appalling sameness. Their classification is bewilderingly simple: according as they are large or small they are assigned to the companies which, because of recent discharges, have less than the usual number. Here the boy is herded with from forty to one hundred thirty other boys without the slightest regard for his power for good or evil, and without inquiry as to his previous training or neglect.

While the lack of religious and specific moral training is indefensible the more important thing on the moral side X is the matter of motivation and personal touch. The first essential is to throw the boy on his own responsibility in working his way out of the institution. And this can be done under the present form of sentence if it be applied with that end in view. All that is needed is to change the point of view. The boy is subject to parole at the end of eighteen months if his conduct within the institution has been satisfactory. He is given to understand that if he violates rules he will be made to serve full time or at least longer than eighteen months. That is, the remainder of his sentence is held over him for a year and a half as a threat to frighten him into proper prison behavior. It would be far more effective as well as humane to change the attitude of both the boy and the management toward this plan of parole by allowing the boy to start in to serve his entire time and win a shorter and shorter sentence by good behavior and application to work and study. The present attitude of rebellion, secret scheming to escape, the tense attitude of distrust and opposition between officer and boy would give place to a friendly feeling of cooperation when both began working toward the same end.

The further the school gets away from the old prison ✓ methods of punishment the better will be the results. No good can be accomplished by humiliating the boy; on the contrary it arouses his animal nature and tends to make him an enemy to order and law, a disturber within the institution and without. The whole idea of the punishments as at present inflicted is X fundamentally wrong. The whole idea is intimidation and repression. If the institution is to be a success it must be by enlisting the hearty and active support and cooperation of the boys by appealing to them on the basis of human nature which is much the same on the inside of the institution as it is on the outside.

The depressing thing is the fact that the institution is really a prison and not a school as it should be. The dining room is a typical example. In a school for boys, conducted on the cottage plan, one would naturally expect that the boy would sit before a table with a clean cloth and clean dishes, and be taught the more important table manners. This is of the very highest importance: he should learn to be clean and tidy in person, and he should learn to be courteous and gentlemanly in his intercourse with others. It is exactly these things, small and apparently trivial, in which the boy needs constant and practical training. But instead we find one large congregate dining room where the boys march in files and take their places at rude board tables without cover. A part of them have specially constructed benches all facing one way in true prison fashion and in full view of the guards who are always present to see that the rules are obeyed. The whole idea is fundamentally wrong. The institution as it is now managed is out of harmony with the best thought of the age.

The institution is called a reform school. But it does not leave the boys entrusted to its care in as good condition as when received. It does not teach them to obey. By herding boys of all ages, sizes and degrees of impressionability in a few great divisions, it teaches vice alike to the innocent and the vile. It does not seek to provide occupation alike for the hand and the brain: but teaches a trade or a part of a trade - sometimes. It mars the boy; it does not make him.

The state's whole policy with regard to this institution has been a most miserable failure. The institution is called a school but it is not a school in any sense of the word, and if at times boys released from it have lived honorable lives, it only goes to prove that even criminal youths are not wholly bad, and that the good in human nature may triumph over the debasing conditions in a mismanaged institution.

The State Industrial Home for Girls-

Previous to 1887 the state made no provision for the special care or training of girls who had inherited evil tendencies or who had acquired bad habits from vicious associates or surroundings. There was no effort on the part of the state to save to society the class of girls unable to control themselves. If convicted of an offense they were incarcerated in the jails or penitentiary in contact and association with hardened criminals. This form of treatment, of course, merely aggravated the trouble. Any girl without a home or surrounded by bad and vicious associations, even if she be a normal girl, is likely to very quickly drift into habits of crime and immorality, and the longer she is allowed to continue an evil course the more difficult she is to restore. What little was done for these girls previous to 1887 was entirely by individual effort and with no aid except voluntary contributions. However well intentioned these efforts may have been they were inadequate to cope with the situation. As population became more dense and the number of such girls more numerous the need of an institution, reformatory in character, that would provide an opportunity for the removal of this type of unfortunate girl from vicious associations to a place where she could receive a careful physical, intellectual and moral training and come under the refining influences of a good home became more and more apparent.

On March third 1887 the General Assembly of the state passed an act which authorized the establishment of such an institution to be known as the State Industrial Home for Girls. The act further established the procedure for committing and releasing girls and the method of managing the

institution. Fifty thousand dollars was appropriated for the purpose of buying land and erecting and furnishing buildings. The town of Chillicothe through its Board of Trade offered a donation of five thousand dollars to secure the location of the institution at that place. The donation was accepted and the institution located on a tract of high rolling land three fourths of a mile distant from the city square of the town.

The corner stone of the first building designed to accommodate about forty girls was laid June fifteenth 1888 and the building completed and declared open for the reception of inmates the following year. The first girl was received some three weeks afterwards and for some months was the only inmate of the institution. For two or three years very few girls were received and this was at first a source of considerable surprise and worry to the officers and friends of the institution. The home seemed on the point of failure for the reason that no girls were sent to be trained, though the plant and the officers had been provided.

There were two immediate causes for this state of things. In the first place the law regarding commitment to the institution was too stringent. The girl, in order to be committed to the home had to be convicted of a criminal offense. There is a prejudice among the people against taking a girl to an institution even to save her from the vilest of associations. It is the discovery rather than the offense to which the disgrace attaches. The public condones the offenses of girls and is slow to punish them. The grand juries usually take no notice of their offenses, and the courts are always slow to attach the stigma of crime to a girl's name. So the law of commitment was not applicable to a girl's institution.

It defeated the purpose of the establishment of the home which was to save to society and to themselves the girls liable to become vicious as well as those already tainted by a criminal conviction.

The other reason was the cost. It was not made a strictly state institution and the amount to be paid by the local authorities was considered exorbitant. The county from which the girl was sent was required to pay one hundred and fifty dollars a year for food and twenty five dollars for clothing. This was the sum that was estimated to be sufficient for the support of the inmates but it proved to be burdensome to the counties. They refused to send girls to the institution and at the end of two months only a single girl had been committed and after twelve months the institution had only received seven. The institution was subjected to a storm of criticism and ridicule.

But the Legislature of the following year changed the law governing admission so that a girl had no longer to be convicted of a crime in order to be admitted to the school, and allowing - subject to being first approved by the Probate or Circuit judge - any court or magistrate to commit a girl to the home. The cost to the counties was lowered to seventy five dollars a year. The school at once began to grow in numbers. More girls were received in the following nine months than had been received in the preceding two years and five months of the institution's history. The succeeding growth has been slow but it has been continuous and shows that the home and the work that it is attempting is being understood and appreciated.

From time to time serious difficulties have been

encountered by the management. The people and the Legislature have sometimes misunderstood the needs of the school and its scope for doing good. The recommendations of the board have not always been followed. The Legislature has persistently ignored the recommendation to put the institution entirely on state support. The appropriations have not always been sufficient to allow the plant to grow rapidly enough to meet the needs of the situation. For example - to name only one - in 1895 thirty four girls were turned away because of lack of room and force to care for them, and this in spite of the fact that a circular had been sent out saying that no more girls could be received. The institution was so crowded as not to be able to do the best work with those it had on hand. These conditions were due to the fact that the Legislature had failed to give the needed support. But in spite of the scanty support and the consequent crowded conditions the home has, in general, been managed with less friction and more success than any other institution in the state. An intelligent understanding of the needs of the home and of the girls has been a marked feature of its management and today the home, more than any other institution in the state, commands the respect of the people.

The general management of the home is vested in a board of control appointed by the governor of the state. The board is composed of six members, four men and two women, who serve without pay except that they receive necessary, actual expenses. The term of service is six years. This board has the general oversight of the institution and directs its general policy. They make such rules and regulations as seem necessary to enforce discipline and ensure the health and proper physical, intellectual and moral training of the

inmates. They choose the officers of the institution who serve for one year terms. The immediate control of the institution is in the hands of the woman superintendent, who, subordinate to the board, has general control of the property, the employees and the inmates. She is supported by an assistant and a corps of women officers. (1)

The home is for girls from seven to seventeen convicted of being vagrant, or of any offense not punishable by death or life imprisonment, unless the girl be deemed so incorrigible as not to be able to profit by the training of the school. The commitment is until she reaches the age of twenty one years, the girl's age being determined by the trial court at the time of commitment. The commitment may be made by a court or magistrate, the latter to be approved by the the circuit or probate judge before commitment. At present the larger per cent - about two thirds - are committed by the juvenile courts, the remaining one third by justice, circuit and police courts in the order named. In 1908 they were committed as follows:

Police	-----	6
Circuit	-----	19
Justice	-----	39
Juvenile	-----	149

No insane, idiotic or girl afflicted with incurable disease may be sent to the institution, nor any girl so incorrigible as not to be probable of reform. If such be sent the institution may refuse to receive them. Only white girls are received.

(1) R. S. of Mo. Sec. 5760-5770

The following tables adapted from similar tables appearing in the tenth biennial report of the institution show in some detail the type of girl with which the home has to do. The figures are totals for the biennial period.

Age of the girls when committed

Nine years of age -----	2
Eleven years of age -----	1
Twelve years of age -----	7
Thirteen years of age -----	22
Fourteen years of age ----	41
Fifteen years of age ----	59
Sixteen years of age ----	63
Seventeen years of age ----	4
Ages unknown -- -----	12
Total -----	212

Education of the girls committed

Advanced as far as the eighth grade-----	13
Advanced as far as the seventh grade ----	18
Advanced as far as the sixth grade -----	11
Advanced as far as the fifth grade -----	27
Advanced as far as the fourth grade -----	21
Advanced as far as the third grade -----	33
Could read and write -----	62
Could neither read nor write -----	33
Total -----	212

Social conditions of the girls committed

Orphaned -----	7
No father -----	5
No mother -----	8
Deserted by father -----	3
Deserted by both, -----	1
Insane mother -----	2
Step father -----	8
Step mother -----	3
Adopted -----	2

Parentage of girls committed

American -----	113
German -----	7
German/American -----	4
Irish -----	4
English -----	1
Scotch -----	1
English/American -----	1
Polish -----	1
Roumanian -----	1
Swede/American -----	1
Unknown -----	78
Total -----	212

Charges on which girls were committed

Delinquency -----	68
Neglected -----	59
Incorrigible and immoral --	33
Vagrancy -----	18
Petit larceny -----	10
Open, gross lewdness -----	8
Prostitution -----	3
Disturbing the peace -----	2
Walking and tramping around	2
Grand larceny -----	2
Common assault -----	2
Violation of city ordinance	2
Fornication and whoredom --	1
Stealing -----	1
Severance for incest -----	1
Total -----	212

The home is on the cottage plan and is kept in splendid physical shape. Each of the cottages is in charge of a cottage manager, who is the head of her family and who makes the cottage as nearly as may be like a well regulated home. The girls are allowed as much liberty and pleasure as possible. There is little punishment and no severity. While the government is kind it is at the same time firm: order and obedience are maintained but with a minimum of punishment. The idea of the institution management is that the only sort of government that is of any value is that which teaches the girl self-control. Severe punishments are not found necessary. There are no bars and comparatively few

restrictions. Isolation in their rooms is usually all that is necessary for the unruly girls.

The prominent feature of the management is the thorough training in the various branches of domestic work. The act of creation provides that this shall take precedence over trades. A part of each day is thus spent by the girls, and in turn each girl is taught to do all sorts of domestic work, no one remaining detailed for one sort of work for a period longer than three months. At the end of that time she is detailed for other work until she has mastered in turn all the different kinds of domestic industry. Under instruction the girls do all the house work of the institution. They are trained in the cooking and the serving of food, the making, washing and ironing of clothes, in plain and fancy needle work, and in the lighter sorts of out-door work such as milking and butter making, the caring for poultry and the lighter kinds of garden work. The intention is that they shall be so trained as to be able to support themselves well and honorably when they leave the institution. In this purpose the institution has succeeded excellently well.

A school of letters is conducted for eleven months of the year and each of the girls attend one half of each day, some in the forenoon and the remainder in the afternoon. Three teachers are employed. At present there are two primary rooms, two intermediate, one grammar and one high school division. Instruction is also given in book-keeping and stenography. Most of the girls lack training at the time they enter and many of them have never been to school before. They soon become interested and try faithfully to learn.

In all the work of the home there is a constant ef-

fort made to inculcate correct ideas of truthfulness, honesty, purity and uprightness in all things. The effort is not so much to give the girl specific religious training as to instill principles of good morals and gentle manners - persuade them to do right. Religious services are conducted each Sunday by one of the ministers of one of the city churches. In pleasant weather they attend services at one of the city churches. Sunday School is held each Sunday at the school and a regular Thursday night prayer meeting.

The school has a fair permanent library of some twelve hundred volumes. The girls are allowed to receive papers from their own homes. From time to time certain girls are allowed to attend entertainments in the city with one of the officers of the institution. Music is another factor for the entertainment and refinement of the girls and is no doubt a factor for good. Each cottage has grounds of its own and in pleasant weather the outdoor games and recreation add much to the contentment of the girls.

The law provides that the board of control shall be allowed to liberate girls when they are deemed to have been reformed. The girl may be placed with any suitable person who agrees to provide for her education and to instruct her in household work or a trade, or she may be returned to her parents or guardian if they be of good moral character and such a course be deemed best, or she may be placed with any other resident of the state. The board is thus given a pretty wide discretion as to the placing of a paroled girl, and they always provide a suitable home for a girl before she is discharged.

The school has no visiting probation officer and finds it difficult to follow discharged girls or investigate properly the homes to which they are to be sent. The work is done as well as may be by the State Board of Charities and Corrections. Some five hundred have been received and discharged since the home was established, serving an average term of about five years before being paroled. The after care extended the influence of the home over a yet longer time as well as giving a chance to try their firmness and the girls a chance to prove themselves while yet under the protection of the home.

Of course the final test of the efficiency of any correctional institution is the effect upon character. It is to be tested by the after lives of the inmates. And in this the results are good. From sixty to seventy per cent of the girls are said to be reformed⁽¹⁾ and to live good and decent lives after their release. In this connection it is to be remembered that the girls with which the institution has to deal are distinctly not normal, that they are usually not sent until all other means have been exhausted, and further that five out of every seven homeless girls, if not properly treated, drift into vice or crime. The showing is an extremely favorable one. In spite of the many things about the institution that are disagreeable, the good accomplished, the reformatory work it succeeds in doing is very satisfactory and far exceeds the anticipations of the Legislature which established the home.

However, the home is in need of certain extensions and of improvements in certain ways if it is to do the best:

(1) 10th Bien. Report.

(1) 10th Bien. Report.

work of which it is capable. The plan of support is not satisfactory. At present this comes in part from the state and in part from the counties from which girls are sent. This should be so changed as to make the home a strictly state institution. The recent Legislature made a distinct and regrettable backward step when they increased the tax on the counties from which girls are sent from seventy five to one hundred and twenty dollars a year. (1)

Not only is the source of the support not satisfactory, it is also not sufficient. The same work is expected from this institution as from the Boy's Training School but the necessary appliances are not furnished. The girls cannot erect buildings and the Legislature has always been slow in providing those necessary. The school is frequently filled to its limit - as it is at the present time - and unable to accept many girls who are committed, and the best or even a proper classification cannot be made of those in the institution. More cottages are needed; the appropriations for the home should be increased and its facilities for caring for girls should be enlarged.

The institution has no hospital so no satisfactory means of isolating such inmates as may be suffering from infectious diseases. There is no provision for giving special treatment in cases of tuberculosis. It would seem that no institution can do its full duty by its wards which does not adequately supply the means for caring for their physical health. Such a building would serve as well for the temporary segregation and study of new girls sent to the institution. A study cannot now be made before the girl is

(1) House Bill 919 46th Gen. Assembly.

placed in one of the families: a classification must now be made on the basis of age and this is unsatisfactory since the younger girls are not infrequently the most vicious.

The school is badly in need of a well equipped gymnasium. Physical training is quite as essential in the case of girls as of boys. Vigorous exercise, carried to the point of real fatigue, is necessary to the physical health of the undeveloped child. Of course out of door games are best but out of door games are not possible at all times. Besides the health conditions there is no greater character building force than games. The spirit of cooperation, loyalty, self-control and the like are developed there as no where else.

The parole features need to be further developed. The lack of provision for a parole officer makes it impossible to keep a close oversight of the girls - some thirty in number - paroled from the home, or to adequately investigate the homes to which girls are to be sent. At present the work is being done by the State Board of Charities and Corrections, but if the best results are to be gotten it is needful that special and more adequate provision should be made for it.

Of course the great need of the institution is to be fully and rightly understood by the people of the state. The whole duty to these girls is not done when they are merely housed, fed and clothed. They are in the institution to be trained and not simply herded and restrained. They are to be helped out of their wrong habits and wrong ideas of life. The institution is a school and a home; it is not a prison. A fuller understanding of this and a better knowledge of what the school is accomplishing will mean a greater willingness to give it adequate support.

The State Industrial Home for Negro Girls-

The Industrial Home for Girls at Chillicothe was intended and is used for the care of white girls. No separate accommodations have been provided for negro girls and it would be impossible to keep them separate from the white girls with the present accommodations. To allow an intermingling of the races would inevitably result in a demoralization of the white girls and would virtually put an end to any reformatory influence the home is able to exert. It would result in the home being transformed into a prison. Besides this, the law does not permit the intermingling of the races in the schools of the state. With a full understanding of the situation the board has wisely and consistently refused admittance to the negro girls that have from time to time been sentenced to the institution.

But the need of some provision for the incorrigible negro girls is no less pressing than in the case of the white girls and the forty fifth General Assembly of 1909 made provision for an institution for their care. The act provides for the establishment and erection of an institution to be known as "The State Industrial Home for Negro Girls". Twenty thousand dollars was appropriated for the purchase of a site and for the erection and furnishing of suitable necessary buildings.

The act further provides that the institution shall be under the control of a board of five commissioners at least two of whom shall be women. These commissioners are to be appointed by the governor of the state and known as "Managers of the State Industrial Home for Negro Girls". They serve with-

out pay except that they shall be reimbursed for necessary traveling and other expenses. They are given the same rights, powers and duties with regard to this institution as the managers of other state eleemosynary institutions are with regard to the institutions which they manage.

This institution is now in the process of organization: a site has not yet been agreed upon.

CHAPTER V

THE MISSOURI PENITENTIARY

The state prison of Missouri is the largest penitentiary in the United States in number of convicts confined. Each of the other states whose criminal population approaches that of Missouri has provided two or more prisons. In Missouri all are confined in the one great institution at Jefferson City.

The prison was created by a general act of the State Legislature in 1833; a site was selected at Jefferson City and the construction work begun at once. The first building was practically completed and the first prisoners received some three years later. Since that time it has grown in numbers until in 1898 there was two thousand three hundred and twenty six prisoners in confinement. This is the largest number that has at any one time been in confinement there.

The law creating the prison stated its purpose as the "confinement, reformation and punishment of criminals", and this purpose, in at least so far as the law is concerned, has not since changed.

(The prison property occupies a site of some acres at the city limits of the State Capital. This property, except the quarries and farm which lie just to the east and south, is surrounded by a twelve foot stone wall. Within this enclosure are the cell buildings, shops, ware houses and other buildings. In general these are of brick and two stories in height.

The management of the prison is vested in a board of three inspectors - the State Treasurer, the State Auditor and the Attorney General - who are members of the prison board by virtue of their office. By law they are supposed to fix the administrative policy of the institution, to fix and restrict the powers and the duties of the officers in actual, immediate control. These inspectors are required to make monthly visits to the prison, and more frequent visits if they be deemed necessary. Their duties while there must be largely perfunctory. So their main duty is to approve of appointments made by the governor and the warden and determine the general policy upon which the institution shall be conducted. They exercise a cursory oversight over the conduct of its affairs and make such such recommendations regarding the prison as they deem pertinent. For their services they each receive a yearly wage of two hundred and fifty dollars.

The Warden is appointed by the governor of the state for a term of four years and may be removed upon recommendation of the inspectors. He has general, direct and personal control over the government and police regulations of the institution. He is the organizer, the financier, the actual managing head of the institution and upon his fitness depends very largely the success of the institution. With the consent of the inspectors he appoints all officers and assistants except the physician. He may discharge employees at pleasure.

From eight hundred to one thousand prisoners are received each year, and an approximately equal number discharged or paroled. Since 1894 the number in confinement has never been less than two thousand. The number at the beginning of the present year was 2186; the average for the past twenty years has been 2175, and the total since the opening of the institution has been 33 414. Certain facts of immediate

interest are shown by the following tables derived from more general tables appearing in the Biennial Report of 1909-1910. The numbers in each case represent the total for the two year period.

Sex and Color of Convicts Received, 1909-1910

Men, white	-----	1 105
Men, colored	---	629
Total men	---	1 734
Women, white	---	8
Women, colored	---	50
Total women	---	58
Grand total	---	1 792

Ages of Convicts Received, 1909-1910

16 to 20	-----	285
21 to 25	-----	535
26 to 30	-----	396
31 to 35	-----	207
36 to 40	-----	144
41 to 45	-----	63
46 to 50	-----	63
51 to 55	-----	35
56 to 60	-----	36
61 to 65	-----	13
66 to 70	-----	13
70 and upwards		2
Total	-----	1 792

Educational condition

Read and write	-----	1 524
No education	-----	268
Total	-----	1 792

Conjugal condition:

Single -----	1 288
Married -----	504
Total -----	1 792

Parental relations:

Father living -----	811
Father dead -----	981
Mother living -----	882
Mother dead -----	910

Habits of Life:

Temperate -----	488
Intemperate -----	1 304

Commitments:

First term -----	1 552
Second term -----	169
Third term -----	52
Fourth term -----	15
Fifth term -----	4

Sentences Received:

2 -----	961
2 1/4 -----	1
2 1/2 -----	17
3 -----	245
3 1/2 -----	2
4 -----	83
4 1/2 -----	1
5 -----	241
6 -----	27
7 -----	25

8	-----	13
9	-----	6
10	-----	56
11	-----	2
12	-----	13
14	-----	2
15	-----	15
17	-----	1
18	-----	3
20	-----	11
23	-----	1
24	-----	1
25	-----	13
28	-----	1
30	-----	3
35	-----	6
40	-----	5
45	-----	1
50	-----	4
55	-----	1
60	-----	1
99	-----	4
Life	-----	25

In the seventy eight years of its existance the Missouri penitentiary has had a varied and more or less consistently disgraceful history. In 1843 the prison was leased for a term of ten years for the sum of fifty thousand dollars. Five thousand of this was spent on improvements and the remaining forty five thousand was turned into the state treasury. For the ten years the prison was run as a purely money making institution. The end of the lease found the prison in exact+

ly the condition that one would expect. The buildings were delapidated and unrepaired; one part of the premises was used for a slaughter house and a filth heap had accumulated in another. The cells were dark and unclean and unfit places for human beings. The bedding was filthy and insufficient, and the prisoners were clad in dirty rags.

A period of the state system under indifferent management followed. In 1859 provision was made to again lease the prison; during the preceding years it had not proven entirely self-supporting. For the period up to 1867 the plan was followed of hiring the prisoners to contractors for so much per day. Even at the low rate paid - thirty five cents per day - it proved a financial success. One contractor took all the prisoners at this rate and sub-let them to other contractors. At the expiration of this lease the plan was adopted of hiring the prisoners directly to the minor contractors. Sixty five cents a day was received and for a part, at least, of the succeeding ten years the prison was more than self-sustaining.

A change in the law caused the prison to again be leased as a whole in 1873. It was sub-let the following year, and in 1875 the lease was abandoned. During this period it had proven a failure in every respect. The leesees were without money or credit, honesty or ability. They did not furnish suitable or sufficient clothing for the prisoners; there was a lack of food and that furnished was of poor quality; they refused to supply medicine or proper food for the sick. Discipline could not be maintained: the prisoners mutinied and twice were in open rebellion.

The prison fell back into the hands of the state and since that time the prisoners have been employed by a direct lease - the contract system. At the present time there

are nine main leesees, five of them being shoe firms. The state leases the prisoners to the contractors for seventy cents a day. The contractors carry on their work within the prison walls, the state furnishing the buildings and the power and each contractor his own machinery.

The only exception to the contract system is the binder twine plant established by an act of 1902, with the intention of furnishing bindertwine to the farmers at the cost of production. Here the state account system is in force. The plant has been in operation since 1904 and furnishes employment for about thirty men when running in full capacity. For the past year the plant has not been in operation because of the supply of finished product on hand waiting to be disposed of.

The Missouri penitentiary is organized wholly on the congregate plan, there being no separate confinement except as a punishment for the infraction of the rules. The prisoners work together during the day under a rule of silence not strictly enforced. At night they are confined in cell rooms that contain from two to four prisoners each.

The state constitution - Sec.8, Art.1 - gives the governor of the state the right to grant pardons and commutations under such limitations as he may think proper. That any extensive use of the pardoning power is unwise seems hardly to need argument. The governor is not elected for the purpose and is usually not fitted to administer the criminal law. Political influence almost always enters as a factor in the exercise of the power and this and every other thought except the good of society and of the prisoner should be left out of consideration.

Latterly the custom of granting pardons has been

almost entirely discontinued, and a constantly increasing exercise made of the power to grant commutations. This commutation is made to take the form of a parole and is at present being applied to young first offenders. In spite of the obvious objections to and dangers of an extensive exercise of such a power by the state executive, the results of the system are not unsatisfactory and, in view of the existing circumstances, deserves to be extended rather than curtailed.

Since 1872 the so called three fourths rule has been in force. This is the provision that a convict may be discharged at the expiration of three fourths of his sentence provided his conduct in the prison has been satisfactory. In the twenty nine years it has been in force 23 555 prisoners have been discharged under it; 1833 pardons have been granted and 348 have served full time. At the present time practically all prisoners are discharged under it or are pardoned by the governor. In twenty years sixty full terms have been served, 974 pardoned and 15 742 liberated under the three fourths rule. In so far as it goes the measure is certainly a good one. It is a measureable approach to the indeterminate sentence. However the criterion used to judge whether the law shall or shall not be applied to a particular case is conduct within the institution rather than fitness for life outside.

The place occupied by a particular institution in a system determines the requirements to which it must conform. In a comprehensive prison system the penitentiary is for old and hardened criminals. It is a prison of last resort which receives instinctive and habitual criminals and perhaps others, such as murders, who have small hope of again being restored to society. It is thus mainly a place for segregation, not for reformation except incidentally. Those who have not committed serious crimes and young offenders who are guilty of a first

offense should not be sent there. So the main purpose of a penitentiary should be to supply a place where the older and relatively hopeless criminals may be safely detained, humanely treated and made to at least earn their own support.

But the state prison of Missouri does not present this simple problem. It receives prisoners of all ages and classes. The majority of them are yet in the formative stage of life and over ninety per cent of them are returned as first offenders. If the institution is to measure up to the needs of the situation it must provide adequately for the different classes it undertakes to treat. The management is confronted by a reformatory as well as by a penal problem.

Some of the things the situation seems to require if the institution is to measure up to the standards - if it is to do its part toward protecting society through the reformation of the offender and do it without unnecessary suffering to the individual - are:

First, That it shall be secure and sanitary: prevent escapes and protect the health.

Second. That it shall provide productive labor that will make the institution, in part at least, self-sustaining.

Third. That there shall be a careful and progressive classification of prisoners.

Fourth. That all prisoners who are to be released at any future time be trained intellectually, morally, physically and industrially.

Other things, too, are necessary but these at least everyone will admit are essential. Let us note the existing situation in so far as it bears upon these points.



In regard to security the institution is not fairly open to criticism. Escapes are comparatively few - sixty in the last twenty years. Even this small number is due to the fact that a large number of trustys are allowed to do teaming and other work outside the walls.

The sanitary conditions are not good. Some of the buildings are very old and at least three of them unfit for use. Some have no plumbing and no means of ventilation. The bathing facilities are inadequate. Governor Hadley states (1) that at the time he became governor of the state there was only one bath room and tub in the institution. This was in the woman's part of the prison so was not accessible to the men, and was so exposed to view that the women could not use it. Latterly shower baths have been installed in one of the cell houses and a bath house built in the hospital yard. Yet most of the buildings are still without adequate facilities for bathing. So far as cleanliness is concerned the institution is kept in as good condition as the circumstances allow.

At the present time practically all the prisoners in the institution are regularly employed. The per cent of idleness, except in the case of the sick and the insane, is very small.- considerably below one per cent. The objection to the labor situation is on the other side; the idea of economy is carried to an undue extreme.

(1) In a speech before the faculty of the Kirksville State Normal School, August 1910.

The first and controlling aim of the management is and always has been to make the institution a financial success. With this end in view the thought has always been as to how the labor of the prisoner could be used with the greatest prospect of money return. There is no intention to imply that the prisoner should not work and work at a gainful industry. That the convict should labor at some productive employment is not a debatable question. Labor must be included as one of the essential elements of a prison sentence. Rightly used it is of a great reformatory value, conduces to the health of body and mind and may be remunerative to the state and thus reduce the expenses of caring for the prison population. Under a rightly conceived penitentiary system most of the time should be given to labor and this labor should be of a sort to make the convict at least partly self-supporting. It is only the mis-use and the abuse that anyone can rationally object to. It should not be for the enrichment of a third party.

It is out of the desire to make a profitable use of the prisoner's labor - the wish on the part of the management to make a good financial showing - that the profit and loss account has been allowed to assume a prominence out of all keeping with its actual importance, and the worst abuses in connection with the penitentiary management have grown up. The institution has been transformed into a machine for making money, not for the state or for the support of the prisoner's family or to repair the injury which his crime may have done, but for the contractor. The state follows and for the better part of seventy five years has followed the policy of surrendering for a trifling sum the labor of her convicts for the enrichment of contractors. The system is so profitable and has become so firmly rooted and its political pow-

er is so strong, that nothing but a direct appeal to the voters of the state can be relied upon to overthrow it. The fact that every employee of the institution has for years contributed a certain per cent of his monthly salary to a political slush fund is as notorious as it is disgraceful. (1)

There is no particular classification of prisoners. Even the desirability of it has not been at all generally recognized by the management. Young first offenders are received and mingle with the old and hardened. It has even been the custom of the institution to intentionally place young first offenders with old experienced criminals as cell mates: the reason being that the old, experienced, long-time men were the best prisoners and the first offender learned from them most quickly how to adjust himself to prison life and conditions. A rational classification is absolutely fundamental to any system that is to work for the criminal's welfare. Without a proper separation of different classes and grades of prisoners all schemes of education, mental, religious, industrial or what not will fail and fail hopelessly.

Most important and almost completely lacking is training in trades. If there is no intention of a man being released there is no particular need for this sort of education. But for all but life prisoners there should be well equipped shops for manual training accompanied by trade training suited to the mental and physical abilities of the prisoner, in order that he will be able to earn an honest living when he wins freedom. No man should be released until he is equipped with a means of earning a livelihood, and it should be a trade suited to his station in life. There is no opportunity at present for such training. Incidentally the prisoner may acquire some knowledge of an industry, but for the most part it

(1) The recent Legislature passed a law providing for the gradual abolition of contract labor beginning Jan. 1913.

is a knowledge of a certain step in an industrial process. It is to the contractor's interest that the man be employed at a particular machine and not spend his time in learning the other steps in the process.

In a large majority of cases the criminal is an abnormal person, defective in one or more important particulars. To be of any value towards correcting these defects and so fitting him to adjust himself to social conditions, the institution and the discipline must be suited to the needs of the individual. The physically defective should be put through a course of military drills, exercises, physical training and labor suited to their powers of endurance. It is of the utmost importance from a social standpoint that this be done, if there is any prospect of the man being liberated at any future time. It stands to the discredit of the past and the present management of the institution that this is not and never has been done.

Not only should the prison discipline look to the industrial and the physical welfare of the man, but there should also be a no less carefully organized system of instruction in all the elementary branches of a good English education. Nearly all convicts are densely ignorant. So, while the course of study would of necessity be very elementary, its function should be not only to instruct illiterates who have not had the advantages of public school training but to train the moral judgment as well. To this end the main reliance cannot be placed alone upon the teaching of the man to read and write. So far as they go these are good, but the main good will come from such subjects as history, civics, practical ethics and the like which furnish the man with food for thought and give him a wider outlook. Without such supple-

mentary reading and study the elementary work will be of little permanent or practical value. This work should be under the direction of a professional man trained in the best of modern methods.

At present the provision made for the school education of the prisoners committed and held in confinement is very meager. The only provision for strictly intellectual education is that the chaplain is allowed to teach young and illiterate criminals who desire instruction during certain of their leisure hours. This he is not prepared to do and cannot do to any extent directly. The work is different from that of the chaplain and calls for different methods and the services of differently trained men. Besides the chaplain has sufficient to do in his own field of spiritual and inspirational work. However, he provides them with text books and not infrequently they are helped by their own cell mates. Beyond this there is no provision for the instruction of the illiterates; there is no regular school system in operation and no teachers employed. There is a fairly adequate library for the use of the prisoners and the extent to which it is used argues most strongly for more and better opportunity for its use, and for opportunity to use it in connection with a well planned course of mental training.

Properly organized and conducted the prison ^{school} would be one of the strongest reformatory influences. There is no greater stimulant to pride than education. It is a source of shame to any man that he can read and write only with difficulty or not at all. To give the man a chance to improve will do much to change the anti-social individual's attitude toward society. It will show him that he is not forgotten by and abandoned, but that society looks to a time when he can

again be welcomed into its midst; it will show him that life still holds a future for him. Pride and hope, thus developed through education, will help change his tastes, companionship and habits and to start him on a decent life of industry and usefulness.

While it is doubtless true that the best moral training comes incidentally by contact with the prison staff, and that the value of chaplains and sermons are easily over estimated, it never-the-less remains true that religious appeals may be very effectively used to supplement other agencies of reform.¹ Of course it goes without saying that this should never be in the form of emotional appeals, since one of the most marked characteristics of criminal character is an emotional instability which deprives him of the self-control necessary to a life in society, but in the form of a rational appeal to better living.

At present there is a chaplain connected with the institution. Unfortunately he is burdened with other duties, being responsible for the prisoners' mail, acting as librarian and being in charge of such education as is given. He holds two religious services each Sunday; one for the men in the forenoon and one for the women in the afternoon. Attendance is not compulsory but over fifty per cent avail themselves of the opportunity. The chaplain is also expected to visit each prisoner in his cell once a month and give mental, moral and religious training. At the present time there is a Christian Mwn's League which manages its own affairs and elects its own officers from among the convicts.

Though the law creating the prison and under which it works states that the reformation of the prisoner is one of

(1) Note on next page

Note to page 104.

The punishments for infractions of rules, aside from failure to become eligible for release under the three fourths rule, seem in the main to be of three sorts. Some offending prisoners are required to wear stripes. These, for the general prison population, having been discarded mark the offender in a conspicuous way. Contrary to the popular impression the whipping post is still in use for certain offenses or offenders. The use of this form of punishment is defended by the management on the ground that it is humane and effective and does not, in most cases, keep the man from work for very long. Other offenders, so far as one can learn those not sufficiently robust to stand the shock of physical torture, are placed in bare dungeon cells on bread and water diet. There seems to be a tendency recently and in some cases to carry this form of discipline, accidentally or otherwise, to a point endangering the life of the prisoner. A case of this sort during the Summer of 1910 created a considerable degree of suppressed excitement in the prison circles of the state. The reports of the institution neglect to make mention of the forms of discipline in use and to the present no one with authority has made an investigation of the situation or at least has not seen fit to make public the findings of such an investigation.

its purposes, the prison has probably never served this purpose. It must be confessed that the idea of reformation is not and never has been the controlling factor in its management. The first direct reference made to the moral reform of the prisoner is in the report of 1860. There Warden Hughes protests against the idea of making reform secondary to that of revenue. Ten years later another warden speaks in stronger terms: the idea of reformation is not made the paramount thing and, as a consequence, the prison "is little better than a school for rogues". The system in vogue is based on the two ideas of punishment and revenue. The law does more to make good prisoners than to make good men." Again in 1887 we find that the warden thinks that the prison is making criminals and not reforming them.

It would perhaps be difficult to say whether, as a rule, the prisoners are better or worse when they enter prison or when they leave it, and, intentionally or not, there is a careful avoidance of all records that would enable anyone to find out. It probably depends upon the administration. There have been times, undoubtably, under the same laws and conditions, when they were made worse. In fact one warden has said - blissfully innocent of the reflection upon himself and his management - that he never knew a man to go out better than he came in. And this is exactly what one would expect. There is no effort or adequate provision made for reformation either in labor, in mental, moral, physical, industrial or economic training and education or in classification.

We have described the situation and pointed out some of the most glaring defects of the prison. In conclusion let us call attention to some of the most pressing needs of the institution so far as these have not already been pointed out.

The first great mistake in the general administration

of the institution is that it is not removed from political influence. The inspectors are of necessity a partisan board. The warden, appointed by the governor and serving for four years, goes out of office at the same time. One could hardly fail to accurately deduce the resulting condition even without the empirical knowledge. Appointments are made and patronage continues to be given as a political favor regardless of original or acquired competency. The office is looked upon as one of the most luscious plums at the disposal of the chief executive's office and a change is made with every advent of a new governor or fluctuation of politics.

The first thing necessary is to remove the institution from the realm of party politics, select a trained and experienced penologist as warden and make his tenure in office practically permanent. The other officers and guards should be selected on a civil service plan and hold office during good behavior and continued competency.

The contractor must be eliminated from the affairs of the institution. The letting of a third party come between the state and the offender is calculated to negative any reformatory or uplifting ^{measures} that can be applied. This plan of labor will be done away with and a state account system inaugurated just as soon as the political element is eliminated and the institution placed under proper and competent control. At present the convict is a helpless victim of an unholy alliance between political ambition and pecuniary greed.

The ten or twelve hundred first offenders should be removed and placed in an institution adapted to their needs. This point will be discussed in a later section.

Until such time as this can be done there needs to be instituted a complete system of mental, moral, physical and industrial training. As at present conceived it is not solely an institution for the permanent segregation of confirmed criminals. The great majority of them will sooner or later be restored to society, and the institution fails in its main purpose - the protection of society - if they are not trained to earn an honest living and to respect the law before their release.

As already pointed out there should be adopted a careful and complete system of classification according to sex, color, age, character and mental and moral condition. This is absolutely necessary if all efforts looking to the man's reformation are not to be miserable failures.

There must be provided an institution for the care and proper treatment of the criminal insane, and all of this class of persons taken out of the prison proper. This point will be treated in a later section.

In brief the institution needs to be transformed into a modern prison, which rightly understood and rightly administered is essentially an educational institution. It should be made a place where men of defective training and misdirected energies are taught the lesson of life. It should be engaged in the process of making men of those who are now out of adjustment because of lack of self-control, forethought or discipline. Because of a lack of these things they have been unable to adjust themselves to modern competitive society. The prison must train them if they are to go out again into society, or failing as at present to give them either training or trade, we can expect them to remain a menace to the public and a charge to the state.

The Criminal Insane

Formally it was thought that the large number of cases of insanity arising in prisons was due to the confinement and the prison discipline, and the prison management reporting a large number of insane among its population was looked upon with suspicion. Such a condition was considered sufficient evidence of a faulty administration. More recently, however, the attitude has changed. With a better understanding of the situation it is seen that the discovery of numerous cases of insanity among the population of a prison is evidence, not of mismanagement, but of more careful study of individual prisoners and is considered a part of good administration. The cases existing are simply found and reported. Without individualized treatment many of the insane are not discovered. Doubtless many of these persons were insane at the time of their conviction. The prison life did not cause their insanity, it existed before they entered. To discover these cases is not a reflection upon the prison management; not to discover them is a most serious one.

At the penitentiary at Jefferson City eighty nine insane persons are reported. At the different hospitals for the insane in the state are at least seventy five others. The terms of many of those at the penitentiary have expired but they must still be held because there is no provision made for their disposal.

The convict and criminal insane are a class distinct from the innocent insane and cannot be properly cared for in a hospital planned and managed for that class of unfortunates. It is not right to compel the unfortunate but innocent inmates of a hospital to associate with those convicted or

guilty of crime. A hospital cannot and should not be made in part a prison. The organization of the two institutions is radically different and should be kept so. A prison has certain necessary peculiarities of organization and these ~~cannot~~ cannot be tolerated in an institution for the insane if the innocent inmates are to have humane care and treatment. Every hospital superintendent who has some of this class in his custody would gladly be released of the responsibility for their care. These superintendents simply recognize their inability to properly provide for the criminal element without doing an injustice to the innocent patients under their care.

On the other hand the insane cannot humanely be held in the strict discipline of a penal institution. They cannot be tolerated there. It is useless to maintain them in a separate department of the prison and a separate wing of the prison hospital is not the proper place for them. The plan has been tried and it is not satisfactory. A hospital for the insane cannot properly be made a part of a prison. No one wants them cared for in the prison except the hospital superintendents who would be relieved of the custody of a class that they cannot successfully care for. No warden wants the increased responsibility their care involves. Their care requires a larger force than does the care of the innocent insane. Now the usual compensation of the hospital employees is much below that of the prison guards. With the institution for the criminal insane in connection with the prison the cost of maintenance becomes excessive because of the larger number of attendants necessary, and the higher salaries paid.

If any provision is to be made for the insane criminal and the insane convict it should be a separate and distinct institution constructed especially for the care of these

classes and separate and apart from any civil hospital or penal institution. The present compromise should not be further extended. In the prison the inmates are sent for a definite term. An indefinite term is absolutely necessary in the treatment of the insane whether innocent or criminal. The prisoners are held to the expiration of their terms and then released. The insane cannot be released at the end of a fixed term and neither should they be held in the prison when mentally deranged. They should be detained in a separate institution provided specifically for the care of this class of patients and retained there in safe custody and under scientific treatment until fit to be returned to society. Prison efficiency requires that they be removed from the prison, and justice to the man demands it.

Quite apart from the care of these unfortunates it is worthy of note that the existence of such an institution would have a very wholesome effect upon certain abuses so frequently existing in criminal trials. It would do away very largely with fake pleas of insanity in the hope of commitment to an asylum where the opportunity for escape is more favorable or from which they hope to soon be released as cured. If the alternative of prison was a safe hospital for the criminal insane there would be nothing to be gained by fake pleas of insanity.

CHAPTER VI .

FURTHER DEVELOPMENT NEEDED :

The Indeterminate Sentence-

A wider recognition of the fact that to rule by exciting fear is to degrade and brutalize the man whose actions we seek to guide is effecting a change of methods in the treatment of offenders. As an inducement to industry and obedience appeal is being made more and more to hope and less and less to fear: rewards for good conduct are coming to replace punishments for wrong action. One indication of this change of attitude is seen in the shortening of the terms of prisoners as an incentive to good conduct. The three fourths rule in force at the Missouri penitentiary is an expression of it. The plan of parole from the Training School is of much the same character. Wherever such a system has been given a fair trial the immediate effect has been to make the discipline comparatively easy and to largely do away with the occasion for harshness. The recognition of the good results wherever tried coupled with and supported by the success of the system of conditional liberation in dealing with juvenile offenders prepared the way for the indeterminate sentence.

Strictly speaking an indeterminate sentence has not been authorized anywhere in the United States. It is logically a sentence imposed by a court of law without the court fixing, at the time it is rendered, a definite period of imprisonment, but simply directing that the convicted person be imprisoned or placed in charge of the prison officials.

for such time as may be necessary to bring him to a proper attitude of mind concerning his offense and to afford him an incentive to reform; that is, for such time as may be necessary to effect his readjustment to the social conditions under which he must live. It differs from the definite sentence in that the length of the imprisonment is not fixed in advance, and that the period of its termination is not decided by the trial court.

Of the fourteen states that have authorized indeterminate sentences each has placed some one or more limitations upon its application. Each one has seen fit to place a maximum limit, and ten also a minimum limit, for sentences to state prisons, and three have fixed both for sentences to the state reformatories. As thus applied it provides that the convicted person be placed in the hands of the prison authorities, to be held for not less than the minimum nor more than the maximum time fixed by law for the offense for which he is convicted. For example, suppose that for a given offense the criminal code prescribes a sentence of not less than two nor more than ten years. Now a prisoner receiving a sentence under the minimum and maximum rule would have to be held for two years and could not be held for more than ten. If there be a maximum but no minimum limitation he might be held for the full ten years but no longer, or he could be conditionally released at any time when he had earned parole by complying with certain conditions stated in the indeterminate sentence act or otherwise provided. At some later date, if he did not in the meanwhile violate the conditions of his parole, he would receive an absolute discharge.

If we grant the object of imprisonment to be the protection of society, we are forced to grant also that it should be continued as long as the convict is dangerous to society. When a man shows that he is not fit for social life and must be confined, his confinement should continue until he is no longer a menace, that is until he can live peacefully with other people, be an honest citizen and a respecter of the laws. The act that he has committed is of no help in determining the length of time this will require. It only indicates in part the kind of treatment of which the man is in need. In the segregation and the care of an insane person the kind and length of treatment depends not at all upon his previous acts. No more should it with the criminal. The purpose is not in either case to make the unfortunate suffer for the wrong he has done - at least it should not be - but to afford an opportunity for treatment that will restore him to normality. The criminal should be sent to prison in the same spirit and for the same purpose that an insane man is sent to the hospital, to be studied, treated, cured if possible, and if not cured retained where he can no longer work injury to his fellows.

At present the law does not do this. It proceeds on the theory of revenge; of punishment for crime. Further than that, it attempts to make a nicely adjusted system in which the guilt of the offender may be weighed against the exact amount of revenge to be administered; for a certain amount of crime, a like amount of punishment. The undertaking of this impossible thing is very largely what has brought the whole system of criminal procedure into disfavor. No man nor any number of men can determine the guilt of a criminal by the mere fact of his crime. These things are beyond the ability of man; reserved for a higher power than a criminal judge.

With the state holding to a fixed criminal code with maximum and minimum penalties the sentences will vary in severity from court to court and even in the same court for identical crimes. The people to whom the laws are applied have differences of temperament and character according to the source from which they come. No one can estimate the inheritance, early training, effects of environment, the influences of others and the results of unforeseen circumstances. Yet no system is satisfactory which does not recognize that violators are unlike in training, character and disposition to do wrong. The trial court is certainly not in a position to discover the psychological facts necessary in determining either the real guilt or the needs of the criminal. The courts recognize the situation and practically ignore the whole psychological problem. The law requires that the courts fix a definite term of imprisonment and in doing so they confine themselves almost wholly to the crudest possible set of facts in each case. They deal with the crime and not with the criminal.

However expert the courts may be in bringing to light the facts relating to the past, they can hardly be relied upon to forecast the future. A definite sentence is an attempt to do this very thing. Criminals are usually weak men who need training. Some of them can be made self-supporting, safe citizens, but how long a time will be needed to accomplish a reformation can never be told in advance. The work of the judge and the trial jury should be done when they have established the fact of guilt or innocence. They should have no discretion in imposing of the sentence for of necessity such a sentence must be based upon the crime and not upon the criminal's needs. The necessity of prescribing in advance is the weakness of a system of fixed

imprisonment. But at present the law requires that a definite term be fixed and the conscientious judge does the best he can. Injustices are constantly being done under such a system and it is difficult to prevent or correct them.

An indeterminate sentence is the only real common sense disposition of the question. It is more sensible and practical to commit the convicted men on the indeterminate plan, place them under the care and personal observation of earnest, intelligent men who have acquired skill by devoting their entire time and energy to studying prisoners. They are in a position to study the offender, after having learned all that is to be known of his career, heredity and past environment, and to make recommendations as to what is best to be done with him.

This form of sentence should be applied not merely to young first offenders but to all criminals. The purpose of the law should be to insure the proper treatment of the criminal as in that way only can the good of the community be secured. If this protection of society be the motive - and none other is defensible - the criminal should be separated from society and given appropriate treatment with a view to his restoration. So soon as he is rid of his criminality he should be released. If it is found impossible to restore him into a social being and it is deemed unsafe for him to be at large, the good of both the defective individual and of society requires his continued segregation. The desire^{is} to protect society and this is most effectively done by removing the source of danger through the reform of the offender. His permanent detention is an undesirable but sometimes a necessary alternative.

The application of the indeterminate sentence changes the attitude of the prisoner and puts him in the best frame of mind for his own restoration. The present method of fixing the amount of punishment often works such palpable injustice that the prisoner feels that he is the victim of injustice or unlucky chance. His attitude is one of bitterness and of hatred toward the law. If this attitude be not changed he is confirmed in his anti-social habits instead of being cured of them. But an application of the indeterminate sentence ends all this. There is no longer any ground for complaint when all are sentenced in the same way and have the same opportunities of reducing their stay within the prison walls. It shifts the responsibility for the confinement to the prisoner himself.

Moreover it does away with the hope which every prisoner now has that some lucky turn of the wheel of fortune will bring him an unconditional pardon. He sees that the date of his release is not dependent upon the laws of chance but that to an extent he is master of his fate. The responsibility for his confinement is shifted to himself. He sees that the officials are his friends, that they desire his release and he is ready to cooperate with them in the things that are necessary before he can secure it. The hope of an early restoration to freedom stimulates him to diligence and good conduct. It disposes him to do as required and soon the habits of industry and obedience become fixed and by that time he is usually sufficiently trained and changed as to be ready for conditional release.

The effect upon the prison is often no less marked. When the idea of punishment is replaced by the idea of reformation the institution undergoes a radical change. The

very necessity of the case causes men of higher character, broader culture and better education to be put in charge. One reason that strictly penal institutions are so often the plaything of party politics is that no very high degree of ability is required for their management and men of marked ability are not attracted to positions where the opportunity to accomplish results are so limited. But in a reformatory institution they have a new responsibility, a higher and nobler work. Better men are attracted, and men already present rise to meet the new responsibilities.

The one objection to the indeterminate sentence worthy of serious consideration is the difficulty of telling when a man is reformed. There is no doubt that this is sometimes a difficult thing to do, and that it involves a responsibility from which anyone may well shrink. The objection, however, does not apply to the indeterminate sentence as a method but to all methods of restraining criminals. If there is to be any imprisonment at all there must be some one to say who shall be imprisoned and how long the imprisonment shall continue. If we allow that a system of imprisonment is necessary there is no way but to allow fallible human minds to administer it. The objection applies with far more force to the traditional form of sentence than to a scientific system. If trained men in daily contact with the criminal and giving constant study to the question are likely to be in error, it is utterly impossible to expect the judge and the jury who see the man only at the time of the trial, and whose knowledge is limited to the circumstances of the single act for which he is being tried, not to be at fault in a far larger percentage of cases. So the objection, when analyzed, becomes one of the strongest arguments in favor of the indeterminate form of sentence.

The claim that it would shorten sentences and thus turn loose on the community an increased number of unreformed men is not borne out by the facts. Statistics show that under the indeterminate form of sentence the average period of detention has proved to be longer than under the definite sentence. And this is exactly what one would expect to be the case. The plan requires that men be held until, in the opinion of the constituted authorities, they can be safely released to society. This means in practice that the hardened repeaters are held to the maximum limit, and it is this fact that increases the average length of detention under the indeterminate plan. Even if no greater per cent of reform was gotten, the longer detention of this more vicious element would of itself make the plan furnish a better protection to society.

The plan may not succeed in all cases. It is hardly to be expected that it should. Granting the reformatory institutions and discipline which the system presupposes, the sentence must be administered by a human agent and so cannot be expected ever to reach perfection. Mistakes will be made. The man may be paroled too soon, he may succeed in deceiving the officers as to his degree of reform, the home or the employment secured for him may not be suitable, the oversight may be indifferent - all these things and others may happen in any system administered by human agency - so some of the men will no doubt relapse into crime.

All this may be admitted and dismissed as beside the point. The only question that can fairly be raised is as to whether or not it would be beneficial; whether, on the average and in the long run, it would furnish a better protection to society and do it at a less expense of human suffering

than the present system does. On this point the testimony of those best able to judge is uniformly in the affirmative. The number of recommitments is every where lessened. And where there is a relapse into crime and a recommitment it is quite as certain that the result would not have been otherwise under a definite sentence.

That there should be opposition to this as to any other reform is to be expected. It comes largely from ignorance, prejudice and self-interest. Incompetent prison officials do not want it; it imposes an added duty from which they shrink. Prison contractors oppose it; it deprives them of labor at a time when that labor has become of most value to them. Politicians do not favor it. Corrupt police officials prefer the present plan. Of course there is an honest opposition to it. But the fact remains that incompetence and corruption do not take kindly to this or any other reform. They do not desire the reform of prisoners, and especially they do not desire the reform of prisons.

The Need of an Adult Reformatory-

If the interests of society are to be best served - by the transformation of the offender into a useful citizen - the necessary institutions must be provided. The state is provided, inadequately, with institutions for the care of juvenile offenders. The Boys' Training School and the Girls' Industrial Home stand for the accomplishment of this work. They are intended, and their management should be such as, to provide education and training suited to the needs of boys and girls to the age of sixteen, possibly eighteen years. At the other extreme in caring for the state's criminal population stands the state prison at Jefferson City. It is intended for the safe keeping of the adult offenders. To it should be committed those offenders past the reformatory period of life and those who by repeated criminal acts have shown themselves to be confirmed enemies of the social order.

But between these two classes, the juvenile delinquent on the one hand and the adult, persistent criminal on the other, stands a large part of the state's criminal element - roughly speaking those between the ages of sixteen and thirty years - for which no provision has been made. They are beyond an age to profit by the training suited to boys and girls who have not passed the period of adolescence. They have not yet reached the period of life when habits are completely formed - character fixed; there is still a reasonable hope for their reclamation. It is the needs of this class of offenders that Governor Hadley has in mind when he pleads for the establishment of an institution which will occupy a middle ground between the existing penal institutions. At present they are held in part in the Training School for Boys at Booneville and in part in the Penitentiary at Jefferson City. In

the one case it is to the detriment of the institution and the demoralization of the boys the institution is intended to serve; in the other it is to their own ruin.

In the Training School are some seventy five boys above the age of seventeen; over one third of them are above the age of sixteen. For the most part they are above an age when they are susceptible to the methods of treatment suited to the younger boys. Some of them are already hardened criminals and their presence is one of the things that has helped to defeat the original purpose of the school. The family plan of government and the milder methods of teaching and training are not adapted to their needs. This contingent of youthful criminals should be removed from contact with the younger and the more impressionable and tractable boys if the school is to accomplish anything for good with these younger boys who make up the bulk of the population and for whose training the institution was intended.

Among the population of the great state prison at Jefferson City are some twelve hundred men and boys under the age of thirty years; of an average age of about twenty. They are at an age when character formation is still going on. Some of them are no doubt congenitally and hopelessly criminal, but the great majority of them are not so and should be removed from contact with the older and for the most part habitual criminals of the convict population; the young and possibly redeemable first offenders should not be kept in association with the professional type of law-breaker. Most of them are there no doubt because of lack of training that would enable them to adjust themselves to the complex conditions under which modern man must live. Statistics are inadequate, but such as we have indicate that fully ten per cent are wholly illiterate and probably seventy five per

cent are not advanced beyond the third grade of a public school education. That is, eighty five per cent of them are without education sufficient to conduct their own affairs. They are unskilled to even a larger per cent, and physically and morally they are undeveloped.

That the present treatment at the penitentiary where the most of this class of offenders are in confinement is disastrous no one so far has had the temerity to deny. The number of reformations is distressingly small. True no one can say just how small. Unfortunately it has never occurred to anyone that statistics on this point would be of interest or value. What these first offenders are in need of is education; a training that will reach them mentally, morally, physically and industrially. The state should provide a great industrial and technological school where it can give these men an industrial and trade training that will fit them to earn a living; where a strict obedience to rules together with physical culture and military training will develop a strong physique; where library facilities and a strong school of letters will arouse into activity their sluggish mentality and where, by percept and example, religious and moral truth may be inculcated and that side of their nature aroused and made to function. They need to be brought to a realization of the situation in which they stand.

It has been urged⁽¹⁾ that this reformatory when built be located on the property now owned by the state at Boonville and that the two institutions be combined under one name - the Missouri Training School being the name suggested. The arguments advanced in support of this combination of the

two institutions are (1) economy of construction, since the state owns sufficient land and has a brick plant in connection with the Training School and has limestone rock close at hand; (2) economy of management, since the rail road and river connections are good; and (3) the presence of a second institution would serve as a warning to the boys of the Training School.

Now the crying need of the state is for an additional institution and not for an extension of the present one. An industrial school for juveniles should be a school in the strictest sense of the word. The management should be on the cottage plan and its methods formative rather than reformatory. The children in such a school do not need to fear another institution; like other boys it only makes them vicious to hold a threat continually over them. A reformatory is a very different institution. It deals with adults and not with juveniles. Its management and discipline should be reformatory. A combination of the two under one management means that both would be penal institutions. Grant that it would save in cost of construction and management - though this seems fairly dubious - it would be indefensible from the point of view of the good of the inmates.

A bill introduced into the recent Legislature providing for the establishment of an indeterminate reformatory was killed in spite of the fact that it was recommended by the governor and its passage urged by all the reform forces in the state.⁽¹⁾ But the need is so imperative and so generally recognized that it cannot long be denied. When established it should be freed for all time from the banal influence of party

(1) House Bill Number 846. 46th Gen. Assembly

politics which has touched like a blight almost every other institution in the state. It should never come into the hands or under the control of any but trained men. It should not be a penitentiary but a reformatory in the full sense of the word. Its aim should be to remodel the young men that it receives. To this end it should operate under an indeterminate law with an adequate parole feature; the guardianship should be continued until the men are proven fit subjects for social life.

The After Care of Prisoners-

In the reformation of a man who has been sentenced to serve a term of years in prison there is no more critical time than the date of his release. It is then that the efficacy of the whole system of prison training is put to the supreme test. The man must virtually start life anew, and upon how he does it depends his whole future success or failure. He may be vicious or he may not, but certain it is he is unaccustomed to the ways of life and consequently helpless to adjust himself to them.

The treatment a man receives in prison does not fit him to at once stand alone when he goes out. It may be entirely good and necessary but it unfits as well as fits a man for life among his fellows. It fits him by taking away his old vicious habits. But habits are changed only by the substitution of the new for the old, and the new set of habits formed in the prison will not work outside; they are not suited to free life in society. In prison the man learned to act under direction and control. There things are provided, the rules laid down, his choices made for him and he has learned to do as ordered. He has been controlled by others; he has not learned to control himself. He must either form new habits or relapse into the old ones that brought him to the prison.

He comes out of prison with five dollars, a railroad ticket and a new and distinctive suit of clothes. He is without occupation, friends or character. If he goes back to his former home his acquaintances distrust and avoid him. The police hold him under suspicion. He may have no home or be unwelcome in it. He is at a loss where to go or what to do unless he accepts the dangerous hospitality of

his former companions in crime.

If he is sincere in his desire to reform he will seek to lose himself in the community - drop out of sight. He hopes in this way to be able to recover some measure of his self-respect. He goes to a strange place. In order to live he must have work. But he very soon discovers that most of the paths leading to honest industry are closed to him. If he has a trade he must have references but references from his prison employers would be an added disadvantage. He is not in the union. He needs tools. He must pay board in advance. He must have immediate aid if he is to make a respectable appearance and get a new start.

The attitude of society is one of hostility, at best of indifference. Society is not charitable. People no better than the exconvict, except they have been more successful in keeping their deeds from the knowledge of the officers of the law, join in making his life as hard as possible. Even better people avoid a man who has been detected and punished. He is an outcast; friendless, and must associate with those who do not ask references. The haunts of vice and crime are always open to him; too often they are the only places that are. His friends are those of a questionable character, and a man's associates and friends make him what he is. He already has a streak of unreliability in him; every man who goes out of prison has. It is little to be wondered at that so often he returns to ways of crime; the wonder is that he so often keeps from doing so.

Ex-governor Charles P. Johnson summarizes the situation thus: (1)

(1) Missouri Conference of Charities and Corrections 1904.

"There is something peculiarly pathetic in the discharged convict of the Missouri penitentiary. The majority of them go to St. Louis which furnishes nearly one half of the inmates. When the convict serves his time, from that period on he is under the official ban and the surveillance of the Police Department. In society he is like a hunted beast. If he be from St. Louis, his arrival is noted in police circles, and he is considered an enemy of society. It matters little what the effect of the punishment has had upon him, whether for good or evil, and no examination is made into the question - he is still considered as a convict. He can associate with no one; he has no associates. If he seeks company, he can only find it among the lowly, and perhaps the outcast and those of questionable character. His fate is usually to be arrested and thrown into the holdover, held for the chief, ordered to leave the state or reported for idling, thereupon is likely to spend six months or a year more of his miserable existence at the workhouse which is worse and more degrading than the penitentiary.... .."

This is not protecting society. Besides it is doing a great injustice to the man to allow him to go out without oversight and guidance until he becomes fixed in a new set of habits; adjusts himself to the new situation. He should not be left to his own devices, but should be kept well in hand. The man at this stage of his life needs help. He needs someone who will provide him a helpful environment, and who will secure him employment of some kind and thus afford him an opportunity to lead an honest life. It is the duty of society to see that this thing is done. Whatever the nature of his wrong he has now been restored to society and so should be given a chance to adjust himself to it.

At present the whole matter of aid to the ex-convict is in so chaotic a condition that it is difficult to discover just what is being done, and impossible to determine the value of what is attempted.

The state maintains no supervision over discharged prisoners and does not find employment for them. They are released at the prison. By the state law when a man is discharged from the penitentiary he is given a twelve dollar suit of clothes, five dollars in money and whatever may be due him for extra work. He is also given sufficient money to buy a rail road ticket to the county from which he was sent up, and twenty four hours to get out of town. This is as far as the state goes in its aid to discharged prisoners.

The principal private agency attempting this work in Missouri is the Society for the Friendless. This society was originally started in a small way in Topeka, Kansas. It grew in scope and in 1902 it was extended to include Missouri in its territory. It is a purely voluntary society evangelistic in aim drawing its support from private contributions. No knowledge is available as to the amount the society expends for salaries or in its work or the extent or success of the work. Its work seems to be in part good and in part questionable. The society procures employment for some who doubtless would not have been able to secure it without assistance. Surely the discharged convict should be aided to attain honorable self-support and an upright living. And it provides after care; a temporary home being a feature of the society. Here the prisoners are received who cannot go to work directly, cared for if sick, encouraged and allowed to return if they do not succeed in making their way. So far good.

But the present tendency seems to be to develop this home into an essential part of the plan, and to include in it industries and agriculture and horticulture, and to make one large central institution. Ventures of this kind have been tried and have proven failures - and under good management. Besides there is great objection to the collecting of discharged prisoners in one locality: it is much better that they be distributed in society. If discipline is to be maintained among the restless spirits collecting in such a home some management similar to that of a prison would have to be adopted. Either the hospitality of such a home would be abused or else the atmosphere of the refuge would approach that of a prison.

It is passing strange that the church as an institution seldom or never concerns itself with this problem. Surely in such work religion cannot be left unconsidered and it would seem that such a work would strongly appeal to those who accept the teachings of the man who said, "I was in prison and ye visited me....." Yet the fact is the ex-convict is not wanted and the more religious the community the harder it is for the ex-convict to get employment, recognition and a just consideration.

The state should make more adequate provision for the needs of the released prisoner. The test of the reformatory influence of any correctional institution is the willingness of the prisoner to do honest work when he comes out. His willingness to do this is the very best proof that he is reformed. But too often he is unable to secure work, and organized society should see to it that this obstacle to his restoration is removed. Con-

genial work should be secured for the prisoner before his discharge and he should go directly to it. And it should be in a helpful neighborhood, never in a place where the good people of the community are unalterably opposed to his coming. The two things that he most needs are employment and friendship and both of these the state can provide by sending him to work in a suitable environment.

A Central System of Administration-

Wm. T. Cross in the tenth Report of the State Conference of Charities and Corrections says: "..... Missouri at present has no system of charities and corrections - if, in using the word, system, we mean a body consisting of clearly related and interdependent parts. We have thirteen state created and supported institutions laboring on the great problem of degeneracy in our population. To this we add over two hundred county jails and almshouses and a large number of municipal institutions receiving public support. But these do not constitute a system. Our Missouri charity and correctional agencies are practically unrelated and only resemble one another in so far as they are affected by common laws creating them. To alleviate these manifestations of degeneracy in our population..... certain institutions have been created. But the second step - the correlation of the institutions - has not been taken..... "

What is here said of the whole applies with equal force to a single part of the situation. There is no comprehensive plan; no head to the system; no man or board responsible for the working of the whole. The officers of the separate institutions are entirely independent of each other. Each institution has a separate board of local managers who appoint the chief officer or officers of the institution, direct its general policy and exercise a general oversight over the institution.

This system of management of local boards grew up quite naturally. The institutions were created at different times to deal with special problems demanding attention.

The governor's other duties making it impossible for him to manage them except by delegated authority, the system of local boards under the direction of the chief executive's office came into being. The result is that few of the institutions have ever been out of politics. The chief administrative offices have been regarded as legitimate political spoils to be distributed among the faithful as a reward for their services during the campaign.

A necessary corollary of this situation is that the standard of efficiency in the management is not of a kind to command the respect of good citizens. The chief offices are usually filled by each new administration and the experience gained during a term of office counts for nothing. The state is constantly being served by inexperienced men who are replaced, about the time they begin to be fairly efficient, by a new set as inefficient as the old. All this is doubtless good politics but it is fairly hard on prison efficiency. It is hardly to be expected that institutions should make any notable advance under this state of affairs.

However it may have been in the past, the present unrelated condition of the institutions is distinctly unsatisfactory. They are each dealing with a phase of one large general problem. No one of them can cope with the situation alone and, without the friendly cooperation of the related institutions, not adequately with its own special phase of the problem. As the state increases in population and in the complexity of its civilization the problem of crime becomes more and more threatening; the working of a decentralized system becomes increasingly inadequate and the constantly increasing and unnecessarily heavy burden on the tax payers more pronounced. The divergence cannot

continue indefinitely. Sooner or later the exigencies of the situation will force action. The failure will become so pronounced that an attempt to deal with the problem in a serious and rational way can no longer be avoided, and the state will take steps looking to the establishment of an administrative agency capable of dealing with the situation. Possibly the state as represented in the Legislature may become sufficiently enlightened to make the necessary provisions for placing the prison system upon a permanent and professional basis before the action is forced. But be that as it may, it is fairly certain that action cannot be postponed indefinitely; it cannot even be postponed for long.

When this time arrives, if the experience of other states and the principles of scientific penology be used as a guide, it will be seen that institutions dealing with phases of the same problem can get the most valuable results when they are organized into a harmonious system, each part of which supplements every other part, and all the forces dealing with the problem will be organized under the control of one responsible and competent body. The system will be strongly centralized for the sake of efficiency and economy and will be under the supervision of a State Board of Charities and Corrections. The members of the controlling authority will be selected for their peculiar fitness for the work and into their hands will be committed the entire control of the prison system. Their duties will be large and their responsibilities great. This commission will itself be controlled by laws requiring civil service examinations and regulations in order to secure nonpartisan appointments, suitable examinations, probation tests and security of tenure.

Such a system will take the institutions out of politics. There is no reason apparent why positions in the correctional institutions should be used to pay party obligations. These institutions are supported by public taxation: their purpose is the protection of society. It follows that they should be managed by officers chosen on the basis of merit and fitness for the work. Whether or not the present plan of appointments has secured some good and thoroughly capable men is entirely beside the point. The plan is inherently and hopelessly wrong, and even if its results were less consistently bad that would be no adequate defense for it. Political ingenuity has never yet been able to advance the faintest suspicion of an argument in support of the plan of excluding competent and efficient men from the service in the public institutions because their political convictions do not agree with the vagries of the party in power.

In the second place a centralized system would contribute to the economy of management. It would be freed from local considerations and influences and, by unifying the system of purchasing supplies and disposing of surplus product, would make a distinct gain on the business side.

It would make possible an improvement in the condition of the local prisons. The notorious and persistent moral and physical evils that exist in local city prisons and county jails are incurable under the present conditions of local control. When prisoners are sentenced under state laws the state should provide the plan of administering the penalties. So long as this is not done there will continue to be as many systems as there are individual

jailers. The present method of treating drunks and other minor offenders who are ground through from month to month, is at best farcial. A centralized system would make possible a way in which these local prisons could be brought under state control and their inmates be given adequate and rational treatment.

At present there is no plan followed in the placing of prisoners in one institution or another. If the treatment is to accomplish the greatest good it is necessary that the offenders be rightly placed. What this is cannot be told at the time of the trial, mistakes are made and they are difficult to correct. A central commission would make possible a plan of ready transfer and thus provide for the correction of mistakes.

A central system would make possible a system of identification. Nothing in this line is now done except a bare beginning at the state penitentiary.

Finally it would make possible an adequate oversight of paroled and released offenders. At the present time this is either inadequately done or not attempted at all. The Training School has one officer to look after five hundred paroled boys. The Industrial Home has no provision except that temporarily supplied by the State Board of Charities and Corrections. The penitentiary and the local prisons attempt nothing at all. To look after all these discharged prisoners in an adequate way under the present decentralized system would involve a needless expense from the duplication of officers. With a centralized system a single set of officers could do the work in a more efficient way and at the least expense.



**BOOKS MAY BE RECALLED
BEFORE THEIR DUE DATES**

DUE	RETURNED
Jan 24 '64	JAN 21 1964
May 8 '64 INTERBRANCH	APR 29 1964
<i>Subject to recall</i>	FEB 5 1974
	APR 16 1972
JUN 10 1976	APR 6 1976
	DEC 7 1980
	FEB 10 1981
AUG 22 '85 MU	AUG 23 1985 MU
SEP 20 '85 MU	
FEB 28 1986 MU	JAN 8 '86
DEC 04 1987	NOV 29 1987
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