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CHARITABLE AND PENAL ADMINISTRATION.¹

JAMES W. GARNER.²

IN STATES OTHER THAN ILLINOIS.

1. *Central Boards of Control*—In the majority of States the charitable and penal institutions are under the management and control of separate boards, one for each institution. There is, however, a marked tendency toward the abolition of local boards and the substitution of a single central board for the control of all the institution, or for the control of those of each class. This movement began about forty years ago, although it was not until recently that its progress became marked. The indications now are that this movement will continue and that the central board system is destined to become the general method of institutional administration throughout the United States.

Kansas (1873) was the first state to the vest management of its several State charitable institutions in the hands of a central board; and recently it has adopted the same system for the management of its penal institutions. New York, as early as 1877, consolidated the management of the State prisons and the hospitals for the insane criminals in a single authority—the State superintendent of prisons—in 1889 partial control of the other insane hospitals was entrusted to a commission in lunacy, and in 1902 this control was made more complete. In the latter year the office of fiscal supervisor was also created, and given an extensive control over the financial and business affairs of the charitable institutions. Wisconsin, in 1881, created a single central board of control for the management of its charitable and penal institutions. Arizona followed its example in 1895, Iowa in 1898, Washington in 1900, Minnesota in 1901, West Virginia in 1909, Ohio and North Dakota in 1911, Rhode Island in 1912, and Nebraska and New Hampshire in 1913. Arkansas and Kentucky, in 1905, each created a single board for the control of its charitable institutions, and Illinois did likewise in 1909. In 1911, California created a central

¹From "A Report on Charitable and Correctional Institutions" prepared for the Efficiency and Economy Committee of the State of Illinois. The section of the report relating to Illinois institutions will be published later.

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board with powers of inspection, supervision and a limited control over all the charitable, penal and other institutions of the State. In 1913, Vermont passed a law providing for the centralization in a single authority of the purchase of supplies for the various institutions of the State. Plans for a more centralized system of administration of charitable and correctional institutions have also been proposed in Massachusetts and New York.

The various types of central control may be classified as follows: *First*, that under which all (or nearly all) the State charitable institutions are subject to the full management and control of a single board, while the penal and reformatory institutions are under the management of a separate and distinct board. *Second*, that under which the management of the penal and reformatory institutions, but not the charitable institutions, is vested in a single central board. *Third*, that under which only the financial operations (such as the letting of contracts, the purchase of supplies, etc.) of the charitable and penal institutions are managed and controlled by a central authority. *Fourth*, a mixed system under which certain classes of institutions are subject to the control of a central board, while others are managed by separate boards or which are subject to the control of a single central authority only in respect to certain matters. *Fifth*, finally, there is the system under which the management and control of all the charitable, penal and reformatory institutions (and in some States even the higher educational institutions, for certain purposes) is vested in a single central board, there being no separate board of managers for any institution.

The States falling in the *first group*, that is, those in which the charitable institutions (or certain of them) are under the management and control of a single State board, the penal institutions being placed under the control of another central board and under local boards are Alabama, Arkansas, Kentucky, Kansas and Virginia. This is also the class to which Illinois belongs.

In Alabama the hospitals for the insane are under the management of a single board; but the other charitable institutions and also the penitentiary are each under the management of separate boards.

In Arkansas the schools for the blind, the deaf and the dumb, together with the asylum for the insane, were all placed under the management and control of a single board of trustees in 1905, and in 1911 the Confederate Soldiers' Home was added to the list. The board consists of seven members, each of whom receives compensation at the rate of \$5 per day, plus traveling expenses.

In Kentucky, the three insane asylums and the asylum for the

feeble-minded are under the management of a board entitled the board of control for the charitable institutions (created by an Act of 1908). The board consists of four members, appointed by the governor for a term of four years. Two members must be taken from the majority political party in the State. The salary of each member is \$2,500 per year, plus an allowance for their traveling expenses. The board has "full and complete management and control" of the several institutions mentioned.

In Kansas all the State charitable institutions, including the hospitals, schools for the deaf, the blind and the feeble-minded, the orphans' homes, etc., are under the "management, government and control" of a central board created in 1905, and consisting of three members appointed by the governor for a term of four years. Each member receives a salary of \$2,500 per year. At present there are seven (7) institutions under the control of the board, and two others will soon be completed. The total number of inmates in the institutions is about 5,000. The board has also the power of visitation, inspection and supervision over private asylums, children's aid societies and all charitable and all semi-charitable institutions receiving State aid. The penal and reformatory institutions were excluded from the control of the board, and were left under the management of separate boards until 1913, when the legislature placed them under the management of the State board of corrections. At the same time the industrial schools for boys and girls, which had formerly been under the board of control, were placed with the penitentiaries under the State board of corrections. No institution of Kansas at the present time is under the management of a separate board.

In Virginia each of the hospitals for the insane is under the management of a separate board; but the several boards together constitute a central board of control for the appointment of superintendents, the oversight of expenditures and certain other matters for all the hospitals.

The States belonging to the *second group*—those in which the penal institutions are put in a separate class from the charitable institutions and are under the management of a single central board, are California, Kansas, Kentucky, Tennessee and Texas. In each of these States there is a board of prison commissioners which is charged with the management of the several State prisons and reformatories.

In 1911 the legislature of California created a State board of control, with power to examine the books of the State prisons, reformatories, State hospitals and other institutions, commissions, bureaus and offices. It is required to visit at least once each year every public institution maintained wholly or in part by the State, and to ascer-

tain the conditions prevailing therein and its needs; to visit public buildings in course of construction and to ascertain whether the provisions of the law and the contracts relating thereto are being complied with; to exercise equal supervision over all the State institutions in respect to their financial and business policies; to institute court proceedings to conserve the rights and interests of the State; all contracts entered into by State officers, board and commissions must be submitted for its approval; reports of all supplies purchased by the State or any institution thereof must be made to it; no supplies may be purchased in the open market without its approval; it performs the duties of a court of claims and its approval is necessary before any claim against the State may be paid; it is charged with investing school funds; bond sales by cities, counties and other local authorities must be notified to it; it is empowered to sell or exchange property belonging to the State; it is required to establish a system of uniform accounting and of keeping records in all institutions and offices; and it performs all duties formerly exercised by the various State boards of examiners. With all its varied powers it is not, however, a board of control in the sense that it is charged with the actual management of the institutions; it is rather an inspectional and supervisory authority. The board consists of three members appointed by the governor and they are required to give all their time to the discharge of their duties. Each member receives a salary of \$4,000 per year.

In the *third group* belongs Rhode Island, which has a board of control and supply composed of five (5) persons, appointed for a term of five years (salary \$3,000 per year for the chairman and secretary, \$2,000 for the other members) with control over purchases and supplies. It makes all contracts for the State Charitable and penal institutions; it oversees the construction and equipment of buildings, and is charged with establishing a uniform system of accounting among the various institutions subject to its control. In 1914 the governor recommended that the entire administrative and financial management of the institutions be placed under the board. In this group might also be placed the State of Vermont, which in 1913 created the office of purchasing agent for the various institutions (except for the soldiers' home).

In the *fourth group* are New York and Massachusetts, where there is a combination of the local and central board systems. The institutions of New York are divided into three classes: First, the charitable institutions; second, the hospitals for the insane; and third, the State prisons.

1. In New York each of the nineteen charitable institutions is in

charge of a board of local managers appointed by the governor, and there is a State board of charities with powers of visitation and supervision over the several charitable institutions (now twenty-four in number) and with power to inspect, supervise and license certain private institutions. The board is composed of twelve members, appointed by the governor, and they receive a salary of ten dollars a day for attendance at the meetings, provided that the total allowance for each member shall not exceed five hundred dollars (\$500.00) per year. The financial and business affairs of the charitable institutions, including the approval of estimates for supplies, are in the hands of an officer called the *Fiscal Supervisor*. He is appointed by the governor for a term of five years and receives a salary of six thousand dollars a year.

2. Each of the State hospitals for the insane (with fourteen in number, 6,000 employees and over 32,000 patients) is under the control of a board of managers appointed by the governor, but there is also a commission in lunacy, which has power to appoint and discharge superintendents subject to the approval of the local boards of managers. The two hospitals for the criminal insane are under the jurisdiction of the superintendent of State prisons. The commission also visits and inspects the insane hospitals, formulates policies regarding their management, and controls their business and financial operations.

3. The State prisons and the two State hospitals for insane criminals, including the State farm for women—eight institutions altogether, with a total population of about 6,000, are under the control of a State superintendent of prisons, who has power to appoint and remove wardens and has control of the financial and business operations of the several institutions under his jurisdiction. The reformatories are under separate boards of managers.

There is also a commission of prisons of seven members, with powers of inspection and advice; a board of parole of three members, two of whom are appointed by the governor, and the commission on new prisons, consisting of five members.

Finally, there is a board of classification, consisting of the fiscal supervisor of State charities, the State commission of prisons, the State superintendent of prisons, and the lunacy commission—in all, twelve members.

This New York system has been criticized for its cumbersomeness and expensiveness. The machinery of administration seems needlessly complicated, and those who have studied its workings are of the opinion that it does not work smoothly and expeditiously.

A committee of inquiry appointed by Governor Sulzer in 1913

recommended that all of the boards and officers having to do with penal institutions be abolished except the State superintendent of prisons and the commission of prisons, the latter, however, to consist of three members instead of seven and to be given all the powers now exercised by the bodies proposed to be abolished. This committee also urged that the State institutions ought, in some way, to be consolidated.

The Massachusetts system is also mixed and complicated.

1. There is a local board of managers for each institution.
2. There is a State board of insanity having supervisory, visitatorial and directorial power over the institutions for the insane.
3. There is a State board of charities with essentially the same powers over the charitable institutions.
4. There is a board of prison commissioners with complete control over the four reformatories and State prisons, but not the State farm, except as to its industries, and general supervision and inspection of jails and houses of correction. The board consists of five members, two of whom must be women. They are appointed by the governor for a term of five years. The chairman receives a salary of \$4,000 per year in addition to traveling expenses. The other members receive only their necessary expenses. The number of inmates of the State prisons, reformatories and prison hospitals is about 3,000 and the county jails and houses of correction contain about the same number.

The Massachusetts Economy and Efficiency Commission in 1914 recommended a radical reorganization of the machinery of control for the charitable, penal and reformatory institutions. It proposed two alternative schemes for the consideration of the legislature and accompanied its proposals with drafts of bills for carrying out its recommendations. The first of the two plans proposed to vest in a single board of five commissioners, paid \$1,000 a year each, general supervision and direction of all the State hospitals, asylums, colonies, sanatoria, industrial schools for delinquent boys and girls, the school for the feeble-minded, the State Prisons and reformatories, and the State farm—together twenty-nine institutions, with a population of over 20,000 inmates. This commission should be charged with the promotion of general policies and plans in regard to the management of the institutions and with the general oversight of their administration. The proposed plan contemplates that the active administration of the institutions shall be vested in a director appointed for an indefinite term by the commission, to whom he is to be held responsible. He is to have authority to appoint executive secretaries (one for each of the three groups of institutions), superintendents and other subordinate

officers, to see that all inmates are properly cared for, to organize a central purchasing agency for all the institutions, to install a uniform system of accounting, etc. Provision is also to be made for the appointment of a business agent, one of whose duties is to purchase supplies for the institution, and for an unpaid board of three visitors for each institution.

The second plan proposed by the Economy and Efficiency Commission vests the supervision and administration of the institutions in a board of five commissioners, to be chosen with particular reference to the nature of the several problems involved, the numbers of the board to give all their time to the discharge of the duties of their offices.

The first of the proposed plans is preferred by the Economy and Efficiency Commission as the one which best provides the means for determining the responsibility necessary for the successful administration of the institutions, although it admitted that each plan has certain advantages over the other. Of one thing the commission was convinced, namely, that under the present system of divided authority (the total number of trustees and commissioners who are concerned with the administration of the institutions is 136) economy and efficiency in the management of the institutions is impossible and that the remedy lies in the abolition of a large number of the existing separate boards and commissioners and the substitution of a central authority having full power and responsibility.

The commission found that there appeared to be no standard in the various institutions for determining the number of employes to do the work required, the amount of the salaries paid and the official titles which they bore. In one hospital there was one employe to 3.38 patients; in another, one to 5.75 patients, while in the asylums the ratio ranged from 1 to 4.20 to 1 to 5.45. Salaries of superintendents ranged from \$2,500 to \$5,000 per year among the different institutions, and so with the salaries of subordinate officers and employes. In regard to financial methods, including the purchase of supplies, the commission found the same lack of uniformity and want of system; and it expressed its conviction that under the present method it was impossible to control the affairs of the institutions from the accounting standpoint so that any accurate record could be presented of the actual expenditures for any particular purpose. One of the most important advantages to be derived from the proposed reorganization, said the commission, might come through the installation of uniform and proper accounting methods, so that the State might have an accurate record of its permanent investment, a better knowledge of its maintenance and cost, a more efficient management of its purchases

through a central agent and a more business like handling of finances by the State treasurer's department.

In the *fifth group*, that is to say the group of States in which all the charitable, penal and reformatory institutions are under the control and management of a single board are to be found the States of Arizona, Iowa, Minnesota, New Hampshire, North Dakota, Ohio, South Dakota, Washington, West Virginia, Wisconsin and Wyoming. If to these we add those States in which the penal institutions, though not under the management of the same authority as the charitable institutions, yet are under the control of a single board of superintendence (California, Kansas, Kentucky, Massachusetts, New York, Rhode Island and Tennessee), we have eighteen States at the present time in which the penal institutions (where there are more than one in a single State) are under the centralized control.

In Arizona all the charitable, penal and reformatory institutions are under the management and control of a board consisting of the governor, the auditor and one citizen appointed by the governor for a term of two years.

In Iowa all the State hospitals, prisons, reformatories, soldiers' homes, schools for the deaf, industrial schools for boys and girls, etc.—fifteen altogether, with a total population of about 9,000 inmates—are under the management, government and control of a bi-partisan board of three persons appointed by the governor, with the consent of two-thirds of the senate, for a term of six years (salary \$3,000 a year). This board has also power to investigate the State university, the normal school and the college of agriculture, and the power to inspect and regulate county and private institutions in which the insane are kept and homes for friendless children. In general, it has the same powers over all the charitable, penal and reformatory institutions that the Illinois board of administration has over the charitable institutions.

Minnesota, since 1901, has had a State board of control consisting of three persons appointed by the governor for a term of six years (salary \$3,500 each), charged with the management of all the charitable, penal and reformatory institutions, including training schools, the industrial school for girls and the tuberculosis sanitarium—sixteen altogether, with a total population of about 6,500 inmates. It also has a certain authority over the educational institutions in respect to the erection of new buildings, the purchase of fuel and the placing of insurance. The board has charge of the financial and business affairs of all the charitable and penal institutions, selects superintendents, fixes the salaries of employes, prescribes the system of accounting and investigates local prisons, jails, hospitals and asylums. The members

of the board are required to give their whole time to the discharge of their official duties. At the time this central board of control was created the State board of charities was abolished, but the need for some inspectional machinery, independent of the board whose work is to be inspected, led shortly afterward (1907) to the creation of a State board of visitors, which is little more than the old board of charities under a different name. The board is bi-partisan in composition and is composed of six persons appointed by the governor for a term of six years. Its members receive no compensation other than traveling expenses. It is charged with the visitation and investigation of all charitable and correctional institutions.

In New Hampshire there is a board of control (created in 1913) consisting of the governor, the secretary of the State board of charities, the purchasing agent, and two other persons appointed by the governor. The purchasing agent is appointed by the governor and receives a salary of \$3,000 per annum. He has power to make contracts and to purchase all supplies for the eleemosynary institutions and for the various departments of the State government. The board of control acts with him in the matter of constructing and repairing buildings.

In North Dakota there is a board of control of State institutions (created in 1911) with "full power to manage, control and govern" the State hospitals for the insane, the State penitentiary, the asylums for the blind, the deaf and dumb and the feeble-minded, the State reform school and such other charitable and penal institutions as may be created in the future. The board is vested with all powers formerly exercised by the separate board of trustees which were abolished by the Act of 1911. It is required to inspect at least once every six months all institutions subject to its jurisdiction and to visit the hospitals for the insane once each month; to prescribe a uniform system of records and accounts for the several institutions, to prepare plans and specifications for new buildings and improvements; to appoint superintendents, wardens, and other institution officials and to fix their salaries; to make a biennial report to the legislature and to recommend the enactment of such legislation as in its judgment is necessary or conducive to the improvement of the institutions. The board consists of three members, appointed by the governor for a term of two years, not more than two of whom shall be taken from the same political party. Each member receives an annual salary of \$3,000.

In Ohio all the charitable, penal and reformatory institutions, nineteen (19) in number, with an aggregate number of inmates of over 20,000, are under the management and control of a board composed of four persons, not more than two of whom shall belong to the

same political party. They are appointed by the governor, with the consent of the senate, for a term of four years, and they may be removed by the governor for cause after a hearing. They receive a salary of \$5,000 per year and necessary traveling expenses. There is also a secretary who receives a salary of \$3,000 per year, and a fiscal supervisor who receives a salary of \$4,000 per year. The board succeeded to all the rights and powers of the several boards by which the institutions were formerly managed. It appoints the superintendents or other chief officers of the several institutions, determines the number and salary of employes, prescribes methods of accounting, purchases supplies for all the institutions (it is required to purchase by contract from the lowest bidder), visits and inspects the institutions and acts as a board of parole for the release of prisoners from the penitentiary and reformatory, and for the release of boys and girls from the industrial schools. The managing head of each institution is required to present to the board monthly estimates of needed supplies. These are reviewed by the fiscal supervisor, who then lays them before the board for its approval. The State treasurer is the custodian of all funds under the jurisdiction of the board, except that each institution is allowed to keep on hand a small contingent fund.

In South Dakota the management and control of the penitentiary, the insane hospital, the deaf and dumb school and the reform school are in the hands of the State board of charities and corrections, composed of five members, salary \$3.00 per day, the total not to exceed \$300.00 per year. The board is required to visit the institutions subject to its jurisdiction and it has charge of the financial management, the purchase of supplies, etc.

Wisconsin, since 1891, has had a board of control for the charitable, penal and reformatory institutions—eleven (11) in number, having a total population of about 6,600 inmates—with power to “maintain, govern, supervise and direct” the same. It is composed of five persons appointed by the governor (salary \$2,000 per year and expenses) and they are required to give their entire time to their official duties. They appoint superintendents and managers, purchase supplies, visit and inspect institutions and act as a board of parole and probation. In addition to their control over the regular State institutions, they are authorized to “investigate and supervise” all charitable and correctional institutions aided in any way by the State, and all industrial schools and all county insane asylums, poor houses, jails, city prisons and houses of correction. They make annual visits to every county jail, quarterly visits to the county insane asylums and semi-annual visits to the soldiers’ home. They grant licenses for the erection of county asylums and approve plans for the same, as well as

for jails, poor houses, and houses of correction. They also have the power to audit the accounts of the county insane asylums.

Washington, since 1901, has had a State board of control of the charitable and penal institutions, with full power to manage and govern the same. It is required to purchase supplies for the twelve institutions—nearly 4,000 inmates—under its control, as well as for the five (5) state quarries and the State capitol, and whenever practicable to purchase the same by contract. The board consists of three persons, appointed by the governor for a term of six years (salary \$3,000 per year and expenses). With the warden, it acts as a prison board for terminating sentences and releasing prisoners in pursuance of the indeterminate sentence law.

In West Virginia the charitable, penal and reformatory institutions, twelve (12) in number, with about 5,000 inmates, are under the "management, direction, control and government" of a board of control, consisting of three persons, each of whom receives a salary of \$5,000 per year. The board also has control of the financial and business affairs of the twelve (12) higher educational institutions and the appropriations made for various boards, commissions, schools and associations are expended at the discretion and upon the approval of the board. The purchase of supplies for all the institutions, including the educational institutions, is made by the board.

In Wyoming the charitable, penal and reformatory institutions, except the poor farm, are under the management of a board consisting of the governor, secretary of state, the state treasurer, the auditor and the superintendent of education. The board appoints officers, fixes salaries and makes rules regarding the purchase of supplies and the care of the inmates.

Michigan is the only State that, having once tried the central board of control system, abolished it and returned to the separate board system. In 1891 the legislature abolished the separate boards of managers of the several institutions and established two central boards, one for the management of the prisons and the reformatories, the other for the charitable institutions. In 1893 the legislature abolished the two central boards and re-established the local boards.

Of these several methods, the single board system is, of course, the simplest and, on the whole, seems to be the one best adapted for securing economical business management and efficiency generally. But the doings of a board with such large powers over so many widely separated institutions should be subject to the inspection and criticism of an independent body of experts or disinterested public-spirited citizens, as is the case in Illinois and Minnesota. In the States where this system is in force there is general satisfaction with the results and

the indications are that it will be introduced into other States in the near future.

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2. *Boards of Pardon or Parole*—State boards of pardon are now found in about two-thirds of the States. From the point of view of their constitution, they may be grouped into three classes:

1. Ex-officio boards, that is, boards composed wholly of members who are at the same time State officers.

2. Non ex-officio boards, that is to say, boards composed of members who do not hold other State offices.

3. Mixed boards, or those composed partly of ex-officio members and partly of members appointed from private life.

In the first group are to be found the pardon boards of Alabama, California, Georgia, Massachusetts, Maine, Minnesota, Montana, Nevada, Oklahoma, Pennsylvania and Wyoming. In Tennessee the governor is authorized to refer to the prison commissioners for investigation and report applications for pardon; and in Vermont the governor may request not more than three judges of the Supreme Court to sit with him and to advise him in the exercise of his pardoning power.

Pardon boards in this group are usually composed of three or more State officers, among whom the attorney general and secretary of State are nearly always included. Occasionally, however, the auditor, the lieutenant governor, and in one State (Oklahoma) the superintendent of public instruction and the president of the State board of agriculture are members. Not infrequently the chief justice of the Supreme Court is a member, and occasionally all the Supreme Court judges are added. In Georgia the prison commission serves as a board of pardons; and in California the board of prison directors are required to report to the governor the names of all prisoners who, in their judgment, ought to be pardoned. In Wyoming the State board of charities serves as a board of pardons. In Maine and Massachusetts the executive council advises the governor in respect to the granting of pardons. In Missouri there is a pardon attorney who examines applications for pardons and makes reports to the governor. In the United States government, applications for pardon are examined and reported on by a pardon attorney in the Department of Justice.

The States which have "mixed" boards are Colorado, Connecticut and North Dakota. In Colorado the board is composed of the governor and three persons appointed by him; in Connecticut it is composed of the governor, one judge of the Supreme Court, and four other persons appointed by him; in North Dakota, of the attorney

general, the chief justice and two other persons appointed by the governor.

The States which have pardon boards composed wholly of non ex-officio members are: Illinois, Indiana, Kansas, Michigan, Ohio, South Carolina and Texas. The Illinois board is composed of three members, each of whom receives a salary of \$3,500 a year. The Indiana board is composed of three members, each of whom receives a salary of \$300 per year and in addition an allowance for traveling expenses. The Kansas board is composed of three members with salaries of \$5 per day and their expenses; that of Michigan, four members at \$5 per day and their expenses; that of Ohio, four members at \$10 per day for time actually employed, the total amount not to exceed \$75 per year; that of South Carolina, three members at \$4 per day, the total not to exceed over \$80 per year; and that of Texas two members at \$2,000 per year. The functions of the boards of this class are advisory in character; that is to say, their powers are limited to the investigation of applications for pardons and the making of recommendations to the governor, in whom the actual pardoning power belongs. Some of the boards composed of ex-officio members, however, especially when the governor is a member, have the full power to grant pardons and not merely the power to recommend.

Generally, where pardon boards exist, they have the same powers in respect to parole that they have in respect to pardons, but there are a good many exceptions. In Illinois the board of pardons is charged with investigating applications for release on parole from the two penitentiaries and with making recommendations thereon; but the power to release on parole from the reformatory belongs to the board of managers thereof. In some States, like Kansas, Kentucky, California and Georgia, the board of commissioners or managers of the penitentiary serves as the board of parole. Several States have separate State boards of parole. This is true of New York, Indiana, Iowa and Minnesota. In Indiana it consists of the warden of each penitentiary, the board of directors thereof, the chaplain and the physician. That of New York consists of the State superintendent of prisons and two other persons appointed by the governor, who receive salaries of \$3,600 per year and their expenses. That of Iowa is composed of three members appointed by the governor, each of whom receives a salary of \$10 per day for the time actually employed, the total amount not to exceed \$1,000 per year and their expenses. That of Minnesota is composed of the senior members of the State board of control, the warden of the State prison at Stillwater, the superintendent of the State reformatory and one non-official member, who receives a salary of \$10 per day. In several States where there is a central board of

control of all charitable and penal institutions (as in Ohio, Wisconsin and Washington), this board serves as a board of parole. The United States parole board consists of the superintendent of prisons in the Department of Justice, together with the wardens and physicians of the several penitentiaries.

OPINIONS ON THE CENTRAL BOARD SYSTEM.

Success in Other States—In States where the central board system of managing the charitable and penal institutions prevails, the system so far as can be ascertained, is regarded as a great improvement over the old system under which each institution was managed by a separate board, and there seems to be no sentiment in favor of reverting to the old system.

The secretary of the Arizona board of control, in a letter dated January 28, 1914, says:

There is no desire in the State to return to the old system of a separate board for each institution. The board of control plan is so old in this State, dating back to 1895, that I have no information as to how it works as compared with the arrangement which preceded it. However, we find a great saving can be made by having a purchasing department for all State institutions and departments, and are inclined to believe that increased efficiency results from a central authority, and that experience gained in one institution can be used to advantage in the management of another. In other words, it provides a board of experts on institutional management and also is an advantage in that it is able to adjust differences, and arrange for co-operation among the institutions.

The chairman of the Iowa board of control, in a letter of January 31, 1914, says:

We are confident that the managing of State institutions by a centralized body, such as our board, is preferable and more economical than under the old trustee system. Under the old plan there was more or less politics in the selection of trustees, while the law creating our board of control made it non-partisan. The board of control of Iowa is required to come in close contact with the inmates of the various institutions and with the prisoners in the reformatories and the penitentiaries. In this way we become students of character and it aids materially in knowing how to manage and control the wards of the State and, I think, enables us to take our place in the front rank of the progress that has been made in handling derelicts and dependents on the State.

In a letter to a committee of the Illinois Legislature in 1908, the same gentleman said:

We are in the office, when not visiting State institutions, every morning at 8 a. m., remaining until 5 p. m., and we have practically abandoned all our own private interests, with the result that all criticism in regard to the board of control has long since ceased, and I doubt if there is a single person in the State of Iowa who would advocate going back to the old trustee system.

Instead of purchasing for each institution as formerly, under the trustee system, we make all our purchases for the fifteen institutions under our control at one time. We have a list of manufacturers and dealers in all the supplies required by our State institutions, and schedules with specifications are printed every quarter (of late semi-annually) and samples are submitted. All purchases for all of the institutions are made by us in our office in the capitol in Des Moines, and when making awards no bidder is allowed to be present. We examine the samples and note the prices, and in all our purchases goods are delivered f. o. b. the city nearest to where the institution is located, so that we have nothing whatever to do with freight rates or claims for damages if any article is injured in transit, the shipper being responsible for the safe delivery of the goods.

In purchasing articles as tea, coffee, canned fruit, etc., we have samples submitted, and when goods are delivered each institution sends us a sample of the article as received, and it is compared in our office with the sample on which the award was made. If the article is not equal to the sample on which the award was made, the shipper is notified that the goods are subject to his order, as they will not be accepted. We have no friends in the business, and it is a cold-blooded business transaction from beginning to end, with careful attention to the most minute details and securing of the best that can be had at the least possible price.

When the goods are received, the institution makes a voucher and this is forwarded to the shipper for execution, and after being certified to by the chief executive officer of the institution that the articles have been received in good order, the voucher is forwarded to us and, when approved, an abstract is made and furnished the auditor of State, who makes his warrant on the State treasurer, who sends check direct to the party furnishing the goods.

We handle no money whatever, and no money is handled at the institution except that provided for in the payroll and a small amount for contingent, not exceeding \$250, which is left in the hands of the superintendent to provide against any emergency whereby loss to the property of the State might be sustained. Due reports of all expenditures from this fund are made to our office every month and we also require a weekly statement of the disbursements of all articles at the State institutions, whether it is a paper of pins, a carload of flour, a carload of sugar, or a ton of coffee, our books being an exact duplicate of the books of the disbursing officers at the State institution.

In an address before the National Conference of Charities and Corrections in 1902, the president of the Iowa board of control stated further that "When each institution had a separate board, the members met once a month or once a quarter to look after the affairs of the institution, taking their own business with them, and, of course, hurried home as soon as possible, the real management devolving upon the executive officers of the institution. Now there are three men in session every working day of the year from 8 o'clock until 5, and again in the evening, devoting their entire time to the interests of those entrusted to their care." Under this system, he adds, there was a saving of \$175,000 during the first year and this notwithstanding the fact that the inmates of the institution received better care and a higher quality of food and clothing.

A member of the West Virginia board of control, in a letter of February 9, 1914, writes:

Before 1909 each public institution of the State was under the management and control of a board of directors or of regents. The State board of control has full control and management of all the State institutions except the educational institutions, and of these it has control of the business management, while the State board of regents has control of the educational side. We find the change most beneficial. There have been very large reductions made in the cost of maintaining these institutions, while their efficiency has been increased. There is no desire whatever to return to the old system of separate boards for each institution.

A member of the board of control of the State of Washington, in a letter of February 2, 1914, says:

The State board of control, composed of three members, has entire charge of all reformatory institutions in the State, also insane hospitals, soldiers' home, school for the deaf, school for the

blind, institution for the feeble-minded, and the State penitentiary. We feel that it is a general conclusion in this State that one central board is far superior to having individual boards for each of the institutions, and that it has been satisfactorily established that there has been an improvement in the efficiency with which the institutions are managed since this change took place, some fourteen years ago.

The secretary of the Wisconsin board of control writes January 29, 1914:

The centralized board system has been in operation in this State since 1881, more than thirty years. All of the State, charitable, reformatory and penal institutions are managed by the centralized board system in Wisconsin, and all those institutions have been managed by a central board of control since 1881. I assume that the reason why your penal institutions were not put under the management of the board of administration of Illinois was that it was thought by the legislature that there would be too many institutions for one board to manage.

I am of the opinion that your reformatory and penal institutions should also be managed by your State board of administration, but I think that the next best thing to do would be to create one board for the management of those institutions. The difficulty is that when institutions are managed by different boards of trustees or commissioners, there is a lack of uniformity in business methods and in accounting methods, and there is also a lack of uniformity in the policies which govern the institutions. I am a great believer in centralized power and centralized authority. If a board is to be created in your State to manage the reformatory and penal institutions, I believe that a centralized department should be created in the capitol and that the members of the board should be obliged to devote all their time to the management of the institutions. It may be argued that there will not be sufficient work for the members of the institutions, but I believe that if efficiency is to be produced and better methods to be employed, that it will require the time of a board of at least three members. A centralized board ought not only to take care of the present needs of the institutions, but should also formulate policies for the future and things should be planned ahead.

It would be difficult to show what reduction has been made in the cost of maintenance in Wisconsin by the State board of control. You understand that any comparison of cost in the last five or six years as compared with any previous period would not mean anything because the cost of the different supplies has so

materially advanced. We know to a certainty that the institutions under the control of this board are much more efficiently managed and that they are producing better results than when they were managed by the boards of trustees. There is no sentiment in Wisconsin to abolish the present board and go back to the old system. In fact I have never heard that advocated by anybody since I have been in this department and I have been here for more than eighteen years.

"Under the old system," says another witness, "each institution (in Wisconsin) was the prey of local business men; there was little or no competition in the purchase of supplies; there was a popular idea that the institution existed for the benefit of the locality. Under the present system the per capita cost of maintenance has been steadily reduced in spite of the increased price of supplies and the expense of improvements made through the use of surplus acquired by economy."

EXPERT OPINION IN FAVOR OF CENTRALIZED CONTROL OF PENAL INSTITUTIONS.

In 1902 a committee of the National Prison Association, consisting of Professor Charles R. Henderson, Dr. F. H. Wines, Professor Francis Wayland and Eugene Smith, Esq., made an investigation of the methods of supervision and control of penal institutions in the United States and Europe. Among the questions considered was whether all the penal and reformatory institutions of a State should be placed under a single board of commissioners with powers of direction and control. The committee sent out a questionnaire to a number of penologists and officials of penal institutions, and of those who replied twenty-eight expressed an opinion in favor of a central board of control and ten were opposed. After an elaborate examination of the systems of penal administration in this country and Europe, the committee expressed the conclusion that all penal and correctional institutions should be placed under the control of a single administrative agency, which might be either a commissioner or a board of commissioners, or there might be a division of authority between the two. Central administrative control, said the committee, is the only method by which the people of the commonwealth can be assured of a unified system of equitable execution of penalties and it is the best way of securing a uniform system of purchases of supplies and a uniform and reliable system of records and accounts. As a permanent agency, it would accumulate information within the State and be able to learn the lesson of experience throughout the world. This is the system in the most enlightened countries of Europe, where the administration of the penal institutions has attained a high degree of efficiency.

This recommendation is in line with present-day tendencies and it represents the views of a majority of penologists and administrative officials who have had practical experiences in the management of penal institutions. The State superintendent of prisons in New York, in a letter of January 29, 1914, to the Illinois Committee on Efficiency and Economy, says: "The four large prisons for men, the State prison for women and the two State hospitals for the criminal insane are under the jurisdiction of the superintendent of State prisons. They have always been under one central authority and I do not see how they could be otherwise operated without great loss to the State."

Dr. William A. White, superintendent of the Government Hospital for the Insane, Washington, D. C., writes in reply to a request for his opinion in regard to the advisability of consolidating the management of the penal and reformatory institutions of Illinois in the hands of a single board:

As to the general proposition of the advisability of placing the penal and reformatory institutions under the same board of control as head of the charities system of the State, on general principles it would seem to me a perfectly proper arrangement. I am a great believer in concentrating and centralizing both authority and responsibility. I can see objections, however, to such an arrangement, as from the present way of looking at things, these separate classes of institutions are doing separate kinds of work. However, from the broader humanistic standpoint they are all dealing with the inefficient in the community who have to be cared for, and if it is realized that so-called crime is as much a result of the inefficiency of the individual to measure up to the social standards as so-called insanity, and that the so-called criminal should be treated by the State with the object of returning him to good citizenship, just as the so-called insane person is treated by the institution with a similar end in view, then it would seem eminently proper and a step forward to group them all together under a single board of control. If that were to be done, however, I should want to feel that the moving principle back of the whole arrangement was one of progress making for higher ideals which were essentially humanistic and that the control would be in the hands of broad-minded, generously disposed men. If this can't be done it would perhaps be better to have the penal institutions separately conducted from either the charitable on the one hand or the hospitals for the insane on the other. In any event such a board would of course be a representative one, the representatives of each varying interest being present to look after their separate needs.

Of course I do not know from your letter what your problem is. Apparently your committee has been created to cure certain existing, or presumed to exist, evils and no intelligent advice can be given as to how to proceed with the cure, unless the diagnosis has first been made. I, therefore, feel at a loss to make any suggestions to you because I do not know what you are trying to do. From the standpoint purely of economic administration the consideration of building and the furnishing of supplies I should think it would be an eminently proper thing to group all the boards and have a central purchasing committee who would look after the supplying of all of the public institutions of the State from a central point. This could be made to have undoubted economic advantages although naturally it would have its great dangers because the board would have in their control large sums of money with all the consequent possibilities of trouble that might ensue.

Warden James B. Smith of the Southern Illinois penitentiary at Chester, in a letter of April 4, 1908, addressed to Hon. J. W. Hill, chairman of a legislative committee appointed to investigate conditions in the State institutions, advocated the placing of the penitentiaries under the control of a single board. He said:

I believe that the State should have a board of control and then the warden and superintendent should give their whole time, or as much as possible, to looking after and making a study of every man who is confined in the institution of which they are the head. In regard to the board of control I will say that I am familiar with the systems used in the various States and am more favorably impressed with that adopted by the State of Ohio than any other.

CRITICISM OF THE SYSTEM OF CENTRALIZED ADMINISTRATION.

A comprehensive and careful investigation has recently been made by Mr. H. C. Wright for the State charities aid association of New York of the fiscal methods of institutional administration in the states of Iowa, Indiana and New York. In Iowa all the fifteen charitable, penal and reformatory institutions are under the management of a central board, which purchases supplies and controls the finances of the institutions. In Indiana each separate institution is under the control of a board of managers, which purchases the supplies for its own institution and controls the financial administration of the institution without being subject to the control of any central authority. The Indiana and Iowa systems are, therefore, directly opposite in character. In New York the institutions are divided into three classes:

(1) The prisons and hospitals for insane criminals are under the control of the State superintendent of prisons; (2) the other insane hospitals, which are under the control of a State commission in lunacy, and (3) the charitable institutions, whose fiscal operations are subject to the control of the State fiscal supervisor. The managing officer of each institution is required to prepare estimates of the supplies needed by his institution and to transmit these to the central officer or authority (the State superintendent of prisons in the case of prisons; the fiscal supervisor in the case of the charitable institutions), who has power to grant or refuse the supplies asked for, or to decrease or increase the amount of the estimated price. Nothing can be purchased by an institution except upon approval of the estimate by the supervising authority. In practice, the superintendent of prisons seldom refuses the estimates or alters the estimated prices. The fiscal supervisor, however, frequently reduces the prices in the estimates of the charitable institutions.

Mr. Wright calls attention to the advantages of the estimate system and the common purchase of supplies for all the institutions; but at the same time he points out several disadvantages, one of which is to make the superintending office merely an administrative agent of the central department. The kind and quality of the supplies he uses are determined at Albany. He is told how and where he may purchase them; and he may be told, and in some cases is, just how he shall dress the inmates. He is told how many teachers he may have in the school. The fiscal supervisor controls absolutely the finances of the charitable institutions and practically dictates every feature of their management. Even the medical department, we are told, which falls more directly under the supervision of the State board of charities, is practically controlled by the fiscal supervisor, since he can dictate the number of medical officers which the institution may have. He is, in short, the sole arbiter of the management of the charitable institutions.

This dictation from Albany, says Mr. Wright, of minute details tends to destroy initiative on the part of the superintendents and to make them indifferent as to the results that they may attain. In the various institutions visited, there was an atmosphere of discouragement and a tendency to throw the responsibility of everything upon the controlling officials at Albany.

The requirement that no articles may be purchased by the superintendents or wardens except upon estimates approved by the proper authority often handicaps the managing officials and interferes with the good administration of the institutions. On one occasion, for example, the superintendent of one of the institutions wrote to the

fiscal supervisor asking for the privilege of purchasing, in advance of estimating therefor, three lengths of stove pipe to replace a rusted-out one. The fiscal supervisor gave him permission to purchase the said stove pipe, but cautioned him against oversight of this kind in the future. On another occasion the fiscal supervisor refused to approve an estimate for a bottle of ink desired by one of the institutions on the ground that the estimate did not specify the size of the bottle.

While in general the estimate system tends to prevent extravagance in the purchase of supplies, it does not permit superintendents to take advantage of a low local market. Thus local farmers often offer potatoes, cabbage, fruits and other articles of this character at rates considerably below the market prices at which they could be purchased from wholesale market men. An example was afforded by the following case:

One of the institutions desired to purchase a stack of hay from a neighboring farmer but it was necessary for the superintendent to get permission from the fiscal supervisor at Albany. As there was a delay in granting the permission, the superintendent took the liberty of purchasing the hay, trusting that his action would be approved. In fact, however, it was disapproved and severely criticised and it was only after considerable correspondence that the fiscal supervisor would permit payment for the hay.

In regard to the joint purchase of supplies, Mr. Wright declares that under the New York system butter has cost more than when purchased by separate institutions; that ninety (90) per cent of the butter was below contract specifications; that the same was true of the beef supply and other articles.

Mr. Wright criticises the methods of the fiscal supervisor, who, he says, has so administered his office as to lessen the attention and strength which the superintendents would otherwise be able to give to the care of the inmates. The necessity of almost daily argument on the part of the superintendents with the fiscal supervisor's office by means of correspondence, telephone and telegraph, to secure small articles of daily need has left little time to be devoted to the larger needs of the institutions.

His policy seems to have been to appear to save by reducing the prices permitted for any and all articles wherever possible, regardless of the insignificance of the article or the amount of the reduction. The result has been that what in a great many cases appears to be a saving was an actual loss, due to the substitution of an inferior article or due to the necessity of paying an amount of freight or express.

The New York estimate system, he says, is very expensive, amounting to about \$30,000 a year in the fiscal supervisor's department and

\$19,000 a year in the lunacy commission. In fact, the cost of operating the supervising offices in New York is out of all proportion to the expense of maintaining the institutions. Thus the cost of operating the offices of the superintendent of prisons, the lunacy commission, the boards of managers, the fiscal supervisor, the board of charities and the State architect amounts to \$238,488 per year, whereas in Indiana the cost of supervision amounts to only \$30,000 and in Iowa \$37,510.

Mr. Wright defends the Indiana system, where each institution is under the management of a separate board. He finds that the institutions there are economically administered and the welfare of the inmates carefully looked after. Supplies are purchased as cheaply under the Indiana system as under the New York or Iowa system. But he admits that conditions in Indiana are somewhat exceptional, due to the fact that the State has had for many years men with very unusual qualifications upon its institutional boards. In conclusion, he makes the following suggestions:

(a) An institution with an inmate population of 400 or over can ordinarily secure as low prices as can a central body with power to contract for larger quantities.

(b) Superintendents and stewards and boards of managers exercise as discriminating and reliable judgment in the selecting and contracting for supplies as is now exercised by central bodies.

(c) Institutions, whether operating independently without central control, or up to the present time with central control, do not meet as efficiently as seems desirable, some of the larger problems of institutional management which require expert knowledge.

(d) In those institutions which seem to do the best work and seem to care for the inmates most satisfactorily, the superintendent is given, under the general direction of the board of managers, a large degree of liberty with a corresponding responsibility.

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IN FOREIGN COUNTRIES.

IN ENGLAND.

Care of the Insane.—The administration of the asylums for the insane has been definitely centralized by a recent Act of Parliament (3 and 4 Geo. V., ch. 38, 1913). Prior to the enactment of this law the asylums were administered by county councils committees, subject to some supervision by commissioners in lunacy, who are aided by local visiting committees. The Act of 1913 substitutes a central board of control composed of fifteen commissioners appointed by the Crown, of whom not more than twelve are salaried, and of whom four must be barristers at law and four practitioners of medicine. At least one of

the paid commissioners must be a woman. The staff of the board includes a secretary and a number of inspectors. In general, the powers of the board of control embrace the functions of supervision, protection and control over defectives; supervision of the administration of the local authorities in so far as they are charged with duties in relation to defectives; supervision and inspection of homes and institutions for the care of defectives; and the establishment and maintenance of institutions for dangerous and violent defectives. The commissioners in lunacy, the Lord Chancellor, the judges or masters in lunacy, and the local authorities retain certain powers in relation to defectives which were not transferred to the board of control by the Act of 1913.

Penal Institutions—Prior to 1898 the prison administration of England, although very definitely centralized, was nevertheless divided between two authorities, those in charge of the convict prisons and those in charge of the ordinary prisons. Both sets of authorities, however, were under the control of the Secretary of State for Home Affairs, which gave the system a unified and centralized character. By an Act of 1898, both bodies were consolidated and their powers vested in the prison commission. This commission is composed of not more than five members, appointed by the Crown upon the advice of the Secretary of State of Home Affairs. It is vested with the superintendence of prisons, appoints subordinate officers, makes contracts, releases offenders upon probation from the Borstal institutions, and performs such other acts as are necessary for the maintenance of the inmates of prisons subject to their control. The commission is required to visit and inspect all prisons within its jurisdiction, not only in respect to the welfare of the prisoners, the state of the buildings, etc., but with reference to their financial operations, earnings of prisoners, expenses and other like matters. In the discharge of these duties the commission is aided by a staff of inspectors and auditors, who make reports to the commission and keep it informed in regard to the condition of the several prisons. The financial supervision of the prisons is exercised by two officials of the commission, who bear the title of store accountants. In addition to the inspections made by the prison commission, the law provides for inspections by visiting committees of justices of the peace, one annually appointed for each prison. They are charged with hearing complaints from prisoners and they make reports to the Secretary of State concerning abuses which they find, and in regard to other matters which, in their opinion, need attention. Finally, any justice of the peace having jurisdiction in the locality in which a prison is situated or in the community where the offense for which the prisoner is confined was committed, may enter in the visi-

tors' book any observation which he sees fit to make in respect to the condition of the prison or any abuses therein, and it is made the duty of the jailor to call the attention of the visiting committee at the time of their next visit to such entry.

The Borstal institutions—reformatories in which offenders between the ages of 16 and 21 years and also incorrigible adults not guilty of any particular crime are confined—are subject to the same administration as the other prisons and reformatories. The administration of certain other institutions of a reformatory and industrial character, for the confinement of offenders under 16 years of age, is less centralized, although they are under the supervision of the Secretary of State for Home Affairs, who exercises his powers through inspectors.

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IN FRANCE.

Prison Administration—Until very recently the administration of all penal institutions was in the hands of the minister of the interior of the central government. In 1911, however, after long agitation, it was transferred to the ministry of justice. The prisons are divided into three classes, (1) the departmental, or short sentence prisons, including houses of correctional justice and houses of detention; (2) the central houses of detention and correctional justice; (3) the colonies for juvenile delinquents. The minister of justice stands at the head of the service for the administration of prisons. Within the ministry is a department or "direction" of penal administration, and it is subdivided into three bureaux:

- (1) A bureau having charge of the execution of sentences;
- (2) A bureau which has charge of general matters, statistics, etc.; and
- (3) A bureau having charge of establishments for juvenile offenders, parole, etc.

The inspection of prisons, however, remains with the authorities (in the ministry of the interior), which have charge of the inspection of the charitable institutions. Reports of the inspectional authorities are made to the minister of justice. In harmony with the well-established principle of French administration of associating a consultative council with each important administrative authority, there is a superior council of prisons created for the purpose of giving advice to the administrative authorities and for criticising proposed policies and measures. It is composed of thirty-six members, of whom twenty-four are ex-officio members and twelve are non-official persons who are chosen because of their special knowledge of penological matters. It holds two meetings a year for the purpose of considering matters

relating to the construction and repair of prisons, rules for the internal administration of prisons, the distribution of subventions, classifications of penal institutions, etc.

In addition to the superior council of prisons, there are a number of committees and commissions created for the purpose of consultation in respect to various special and more or less technical matters relating to the administration of the prisons.

Local prisons, detentions, reformatories and similar institutions, although locally administered, are under a more or less strict central control and supervision. Private institutions, which are partly educational, partly industrial and partly reformatory in character, are under the general supervision of the state, which also appoints the director by which they are actually managed. Both public and private reformatories and penal colonies are under the surveillance and inspection of a council composed of various official and non-official members, one of whom is appointed by the prefect.

IN GERMANY.

Poor relief in Germany is regulated by imperial laws which apply to all the states of the empire with the exception of Bavaria. For the purpose of local administration there are two sets of authorities: the local poor unions and the general poor unions, the greatest part of the relief being administered by the former. Unlike the English and French systems the administrative control of the state over poor relief is not very strict. Disputes between local poor unions are, however, settled by the judicial authorities and disputes between unions of different states are determined by the "deputation of home affairs," with the right of appeal to the Imperial Home Office.

Charitable Institutions.—The administration of charitable and reformatory institutions is, in Prussia, a part of the administration of poor relief. They include such institutions as workhouses, and asylums for the insane, for epileptics, for the blind, and for the feeble minded, all of which are under the supervision and control of the state. As a rule this control is actually exercised by the provincial and communal diets through superintendents chosen by the diets. Regulations adopted by the local assemblies for the government of charitable and reformatory institutions, however, require the approval of the minister of the interior. It is by this means that the state is enabled to exercise an effective control over the institutions.

In the other German states all such institutions are supported directly by the state and are therefore under the more immediate control of the state.

Penal Institutions.—In Prussia the penal institutions are divided

into three classes: (1) penitentiaries; (2) ordinary prisons; and (3) fortress prisons. Those of the first two classes are under the administration of the civil authorities; the fortress prisons are under the administration of the military authorities. Of those which are civilly administered, the penitentiaries and certain of the larger ordinary prisons, the sentences of whose inmates exceed three months, are under the ministry of the interior; the others are under the ministry of justice. The official who exercises direct authority over the prisons of each province is the *ober präsident*, an appointee of the king and the representative of the central government in the province. His acts require the approval of the minister, who appoints the chief administrative officials and issues regulations for the government of the prisons. The management of the prison is in the hands of a director or superintendent who is advised by a board though its advice is not binding upon him.

Outside of Prussia the prisons are usually under the ministry of Justice and there is a rigid system of inspection of all prisons.

SUGGESTIONS AND RECOMMENDATIONS RELATING TO PENAL AND REFORMATORY INSTITUTIONS.

The system of penal and reformatory institutions, each of which is under the management and control of a separate board, would be improved by either of the following changes:

They might be placed under the existing Board of Administration along with the charitable institutions, as is the case in the states of Arizona, Iowa, Minnesota, New Hampshire, North Dakota, Ohio, South Dakota, Washington, West Virginia, Wisconsin and Wyoming. The bill of 1909 as originally introduced so provided, and in this form it was favorably reported by the Senate committee to which it was referred. The inclusion of the penitentiaries and the reformatory under the Board of Administration was urged by the State Conference of Charities and Corrections and was advocated by many charity and penological experts in and out of the State; but the provision was stricken from the bill on the floor of the Senate, chiefly on the ground that owing to the large number of institutions in the State the placing of them all under the management of a single board would impose upon it a task so large that it would be difficult if not impossible for the board to give proper attention to all the institutions.

Since the board has now effected a permanent organization, developed the necessary administrative machinery, and its staff has acquired more or less familiarity with the problems connected with the administration of the institutions, the objection has less force than it had in 1909. Members of the board have declared that the addition

of another member to the board or a slight increase in its clerical staff would provide it with the necessary machinery for managing the other three institutions.

Undoubtedly the board could purchase supplies of twenty-two institutions as easily as it can purchase for nineteen, and there are other services which could be performed with equal ease and efficiency for both classes of institutions as for the one class. Nevertheless, it is obvious that the more the number of institutions under the jurisdiction of the board is multiplied the less care and attention will it be able to give to each particular institution. The addition of the two penitentiaries and the reformatory to the institutions under the control of the board will bring under its jurisdiction and control more than 300 additional employees and more than 3,000 inmates, to say nothing of the increased business and financial operations, due to the operation of extensive industries by these institutions. Other states, it is true, have consolidated the management of all their charitable and correctional institutions in the hands of a single board and with good results. But no one of these states has so large a number of institutions as has Illinois. If we add to the number of institutions already under the management of the board, the three institutions that have been provided for but which have not yet been constructed, and the penal and reformatory institutions we shall have a total of twenty-five, with an aggregate population of more than 20,000 inmates.

In view of these facts the wiser plan would appear to be to create a separate commission, composed of three members, for the management and control of these three institutions. This was the solution proposed in Senator Manny's bill in 1909 and it is the plan that has been adopted in a number of states where there is more than one such institution. Among these states are California, Kansas, Kentucky, Tennessee and Texas.

Whichever of these two plans is adopted, whether the management of both groups of institutions shall be centralized in a single board or whether each group shall be under the control of a separate board, upon one point there can be little difference of opinion, namely the desirability of abolishing the existing separate boards by which each of the penal and reformatory institutions is managed and the consolidation of the administration in a single authority.

It may be said that the duties of such a commission would not be sufficiently numerous and important to occupy their entire time; but even if this be admitted, the objection has little weight since the aggregate salaries of the three proposed commissioners would be less than the amount now being paid in the form of salaries to the existing

commissioners. There is little doubt that such a commission would find its time fully occupied. In case the separate boards were abolished provision would have to be made for devolving the duties of the board of prison industries upon some other authority. This authority would naturally be the new board of prison commissioners. The duties of the board of prison industries in several other states are performed by the central board which has control of the penal institutions. Thus in California they are performed by the state board of prison directors, and in Minnesota, Ohio and Wisconsin (states which have a central board of control for all charitable and penal institutions, they are performed by the board of administration.

Further, the board of pardons should be abolished and its duties as well as the duties in respect to parole now performed by the board of managers of the reformatory devolved upon the proposed board of prison administration. The members of the present board of pardons receive a salary of \$3,500 per year and the total cost of maintaining the board and its clerical staff amounts to about \$18,000 per annum. The actual work involved in the investigation of applications for pardons and for releases in parole does not seem sufficiently large to justify the employment of a salaried board on full time. In most states which have boards of pardons such boards are wholly or largely ex officio, that is, they are composed of certain state officers who receive no extra compensation for their services. In but six states (Indiana, Kansas, Michigan, South Carolina and Texas) besides Illinois, do we find salaried pardon boards composed of persons who are not at the same time holders of other state offices; and in but few of them does the salary attached to the office exceed several hundred dollars a year (in Indiana, \$300 per year; in Kansas and Michigan, \$5 a day; Ohio, not more than \$75 per year; South Carolina, not more than \$80 per year; Texas, two members at \$2,000 per year).

In California, Georgia and Kentucky the board of prison commissioners serves as the board of pardons, while in Ohio, Wisconsin and Washington the board of control of state institutions performs the duties in relation to parole (but not in respect to pardons). With but three institutions under their control, the proposed board of prison commissioners would have ample time to perform all the duties now imposed by law on the board of pardons, and thus an economy of \$18,000 per annum would be effected.

It is worth considering whether in case a separate board for the management of the penitentiaries and the reformatory is created, it would not be desirable to extend the authority of the fiscal supervisor of the charitable institutions over the penal institutions, so that the twenty-five charitable and penal institutions of the state, although

under two separate boards for purposes of administration, would nevertheless be subject to the fiscal supervision of a single authority. This would be a means of securing uniformity of financial and business operations in respect to both classes of institutions which in our judgment is very much to be desired.

Whether the penal and reformatory institutions are managed and controlled by a single board or by separate boards, as they now are, they should be subjected to the visitorial, inspectional and investigative jurisdiction of the State Charities Commission. The Hay, Manny and McKenzie bills, of 1909, all provided for the inspection of these institutions by a board of charities and corrections. As has been said, the charitable institutions are subject to the inspection of three different bodies; but the penal and reformatory institutions are subject to no supervision or inspection other than that of their own local boards. That is, each board of managers and it alone, has power to inspect its own work. This is an anomalous situation. These boards have under their care more than 3,000 prisoners and they control the expenditure and disposition of more than two million dollars annually, yet their methods of dealing with prisoners and their financial operations are not subject to the inspection or supervision of any authority. Before 1909 the reformatory was subject to inspection by the State Board of Charities, but this power was not given to the present charities commission.

Finally, there are two provisions in the act creating the reformatory that need to be altered in the interest of more effective discipline and punishment. The first of these provisions is section 12 which authorizes the courts to sentence to the reformatory offenders between 16 and 21 years of age who have not been previously sentenced to the penitentiary. The supreme court has held, in the case of *Henderson vs. the People*, 165 Ill., p. 607, that this section did not apply to a person under 21 years of age who had been previously sentenced to the reformatory. A reformatory, said the court, must be distinguished from a penitentiary; that a sentence to the penitentiary implies infamous punishment and involves consequences to a convict of a much more serious character. It matters not therefore how many times an offender under 21 years of age may have been previously sentenced to the reformatory he cannot be resented to the penitentiary. The result of this decision is to compel the reformatory to receive criminals who may have already served one or more terms in the reformatory, and whose presence therein is dangerous to the welfare of the institution, and who ought properly to be confined in the penitentiary. The difficulty occasioned by the supreme court decision can be removed by inserting the words "or reformatory" after the word "penitentiary" in the fourth line of said section and by inserting the

same words after the word "prison" in the eleventh line. In this form the section would be similar to the corresponding provision in the Minnesota law in respect to the reformatory.

The other provision which needs amendment is section 15 authorizing the board of managers of the reformatory to transfer to the penitentiary incorrigible prisoners whose presence in the reformatory is deemed to be detrimental to the best interests of the institution and of its inmates. The supreme court, in the case of the People vs. Mallary, 195 Ill., p. 582, held this provision to be unconstitutional on the ground that it conferred judicial power on the board of managers. Such an act by the board of managers said the court is not merely a determination of the conditions of circumstances under which the prisoner may be committed to the penitentiary but it is the exercise of judicial power which the Legislature can not confer upon such a body. Nevertheless the court suggested that legislation might be so framed as to make the order of transfer from the reformatory to the penitentiary a mere determination of the conditions on which the prisoner could lawfully be transferred from the one institution to the other, but section fifteen (15) as it now stands can not be so construed.

The objection raised by the court might be removed by amending section 15 to read as follows:

Whenever in the judgment of the board of managers or the proposed board of prison commissioners, any inmates of the reformatory between the ages of 16 and 21 years persistently violates the rules of the institution in regard to the discipline and good conduct of the prisoners or otherwise becomes incorrigible, so that his presence therein is detrimental to the best interests of the institution and its inmates, the board of managers may file a petition before the circuit court in the district in which the reformatory is located stating the causes upon which the application is based and asking that an order be issued for the transfer of the said offender to one of the penitentiaries. After notice has been duly served upon the said offender and after a hearing at which he shall have the right to be represented by counsel the court may, if satisfied of the truth of the charges alleged in the petition issue an order for the transfer of such person to the penitentiary. Whenever, in the judgment of the board of commissioners of the penitentiary to which he has been transferred his return to the reformatory would not be detrimental to the best interests of the reformatory the board may in its discretion retransfer him to the reformatory.

This in substance is the procedure in New York for transferring incorrigibles from the reformatories to the penitentiary. Or the of-

fender might be sentenced in alternative either to the penitentiary or the reformatory, it being understood that he would as a matter of course be committed to the reformatory, leaving the board of managers (or the board of prison commissioners in case such a board is created) to transfer him to the penitentiary upon the happening of certain conditions specified in the law.

Comparative Expense.—At present the aggregate salaries of the fourteen members of these boards is \$25,000 per year, not including expenses and salaries for clerical assistance which amounts to about \$5,000 per year, making a total cost for salaries and clerical help for the three boards, \$30,000 per year. This sum would provide a salary of \$5,000 for each of three proposed commissioners and leave a balance of \$15,000 a year for clerical and other expenses. With this salary the commissioners could be required to give their whole time to the discharge of their official duties instead of a small portion as is now done by the members of the existing boards. In addition to securing uniformity in the administration of the several institutions the efficiency of the control exercised by such a board would undoubtedly be vastly increased; and the cost of maintenance reduced.

Summary of the salaries for administrative officers under the present and proposed organization of correctional institutions:

Present Organization.

	Per Year
3 Commissioners Illinois State Penitentiary @ \$1,500.....	\$ 4,500
3 Commissioners Southern Ill. Penitentiary @ 1,500.....	4,500
5 Managers Illinois State Reformatory.... @ 1,200.....	6,000
3 Members State Board of Pardons..... @ 3,500.....	10,500
1 Clerk to Board of Pardons..... @ 2,000.....	2,000
Total	\$27,500

Proposed Organization.

3 Members Board of Prison Administration @ \$5,000.....	\$15,000
1 Pardon Clerk @ 2,000.....	2,000
Total	\$17,000
Reduction under proposed organization.....	\$10,500

There should also be a further direct saving in clerical and office expenses, by concentrating the purchase of supplies and business management of the institutions in one office. The most important results should appear in the reduced cost of maintenance and operation. As already noted, if the penitentiaries and reformatories were maintained at the same per capita cost as institutions under the State Board of Administration there would be a saving in ordinary expenses of more than \$200,000 a year. The same should be true of prison industries.