

1923

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### Recommended Citation

Helen Worthington Rogers, Digest of Laws Establishing Reformatories for Women in the United states, 13 J. Am. Inst. Crim. L. & Criminology 382 (May 1922 to February 1923)

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# A DIGEST OF LAWS ESTABLISHING REFORMATORIES FOR WOMEN IN THE UNITED STATES<sup>1</sup>

HELEN WORTHINGTON ROGERS

If a homogeneous group of legislative enactments, considered together with their chronological and geographical distribution, may be interpreted as a barometer of social pressure, there will be, during the next decade a widespread and accelerated demand for the establishment of women's reformatories in the United States.

But with action comes the danger of impulsive legislation, of the modifying of local laws originated for other purposes, of the perfunctory copying of the statutes of other states—any one of which may fail to satisfy local needs—but, above all, there is the danger of overlooking those fundamental principles which should be incorporated into every women's reformatory bill. Each successive act should be a contribution to the movement as a whole, not only by including the best provisions of preceding legislation, but by engrafting those new features advocated by the specialist and ultimately demanded by advancing public opinion.

In its issue for November, 1917, this JOURNAL published a digest of the laws which had established reformatories for women in the United States up to January of that year. Since that time the reprinted enacted and the movement has passed the half century mark.

This would seem, therefore, an opportune time for presenting a revision of the digest. A half-century is a good milestone at which to halt for inventory of achievement and an analysis of new tendencies. The reformatory movement is indicative of the impulse to deal more intelligently, more scientifically and more humanely with the delinquent woman, and as such will go forward. Thirty-nine states are still without adequate facilities; ultimately the sense of community justice will bring these also into action.

The purpose of this reprint, accordingly, is to serve a movement, still young in spite of its fifty-three years, by presenting a brief chronological survey of the legislation as a whole, a classification by topics of the provisions of the individual laws, and a short summary of recent tendencies in relation to the ideal legislation.

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<sup>1</sup>A tabulation of these laws follows this introduction.

Until 1869, statutory provisions for the institutional care of women convicted of violations of the law were limited to the state prisons in cases of felony and to the jails and houses of correction in cases of misdemeanors. In that year Indiana established a separate prison, managed and officered by women, to which all women prisoners confined in the state prison were transferred (1873). Although this institution was a reformatory-prison rather than a reformatory in the more recent understanding of the word, the principle that the problem of the delinquent women is to be differentiated from that of the delinquent man had for the first time been incorporated into the written law of the nation. Massachusetts followed in 1874, New York in 1881, 1890 and 1892, after which there was no further legislation of this type until 1900—the beginning of a new century. These thirty-one years, between 1869 and 1900, might aptly be designated as a pioneer period—one during which only three states took action and only four institutions were created. During this same period, however, certain other legislation affecting the movement was taking place. In 1877 New York passed the progressive law which created the Elmira Reformatory. With this there began a series of similar enactments establishing not only correctional institutions for young men in other states, but industrial schools for boys and, later, industrial schools for girls, until by 1915 all but twelve states had provided by statute for the custodial care and education of delinquent girls. This movement doubtless ultimately accelerated the demand for an institution for women intermediate between these industrial schools on the one hand and the state prisons and jails on the other, but in the beginning probably retarded it. Certainly it had little or no effect on legislation during the first decade of the new century, for Iowa, in 1900, was the only state to establish a reformatory between 1900 and 1910.

With 1910, the second decade of the twentieth century, there began what might be called the period of acceleration. Thirteen states joined the movement between 1910 and 1920—New Jersey in 1910; Ohio in 1911; Pennsylvania and Wisconsin in 1913; Maine and Minnesota in 1915; Connecticut, Kansas and Michigan in 1917, and Arkansas, California, Nebraska and Washington in 1919. Vermont in 1921 and Rhode Island in 1922 are the only two states taking action since the beginning of the third decade. Comparing the number of reformatories established during the last thirty years of the last century with the first twenty-two of this—three against sixteen—the movement shows acceleration, but a retarded acceleration. For, contrary to first expectations, the local, state and federal activities during the war had

no great influence on the establishment of institutions of the reformatory type. Of the <sup>3</sup>seven measures proposed for the control of venereal disease by the Senate Committee on Military Affairs all but one were concerned with the medical aspects of the problem, and that one, assisting "states in building reformatories . . . for hygienic, social and economic redemption and restoration of venereal disease carriers," was ultimately abandoned and activities concentrated on the control of conditions surrounding the training camps, detention hospitals and research work in chosen laboratories. It is true that between 1917 and 1921 practically all the states either enacted new laws or passed more stringent regulations relating to the prostitute class, but these provisions stressed the detection, treatment and quarantine of disease and well, with few exceptions, non-institutional in character: In other words, the war legislation, in so far as it affected delinquent women, emphasized the old conception of the self-preservation of society, albeit in modern terms. Reformatory legislation of the newer type, on the other hand, recognizes the necessity of medical treatment and custodial care until cure, but emphasizes it merely as a means to the moral and industrial construction of the individual woman.

#### THE DATA

Statutory provisions for the institutional care of delinquent women outside of jails and penitentiaries show comfortable variation. Practically all of the states permit commitment to private institutions, a few contract with other states, a number extend the age limits of the girls' industrial schools, and a more recent group establish institutions for a special class. A clear cut definition, therefore, becomes even more imperative than it was in 1917. A reformatory for women, for the purpose of the present study, is an institution established, maintained and controlled by the state, to which delinquent women, over the age of commitment to the industrial schools for girls, may be sentenced by the courts having jurisdiction over their offenses, for the purposes of care, treatment, training and reformation. According to this definition, the Nebraska statutes establishing the Industrial Home for Women, an institution to which the inmates commit themselves, is eliminated because of the voluntary clause. The group of states—Idaho, Michigan, Nevada, New Mexico, Wyoming and the District of Columbia—

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<sup>3</sup>P. 8, Manual for the Various Agents of the United States Interdepartmental Social Hygiene Board. \*\* P. 19, *ibid.*

providing for its delinquent women by proxy, has been omitted as not within the boundaries of the definition. Alabama (9-25), Maryland (16-21), North Carolina (-21), Oregon (12-25), and South Carolina (18-20), permit the sentencing of women to their state training schools for girls beyond the usual age of commitment, i. e., 16-18. Three principles of separation should distinguish the women's reformatory, not only the separation of men from women, and women from girls, but its separation from custodial institutions established primarily for quarantine and medical care. For obvious reasons this group was omitted. So, too, the statutes establishing the State Detention Home for Women in Colorado, and the State Sanitorium for Women in Illinois, on the ground that they were hospitals and not reformatories. The states whose statutes were finally selected as coming within the scope of this study, are as follows: <sup>2</sup>Arkansas, <sup>2</sup>California, <sup>2</sup>Connecticut, Indiana, Iowa, <sup>2</sup>Kansas, Maine, Massachusetts, <sup>2</sup>Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, <sup>2</sup>Rhode Island, <sup>2</sup>Vermont, <sup>2</sup>Washington and Wisconsin.

The data presented in the following pages are compiled from the statutes of the nineteen states having established reformatories for women according to the definition already stated. The various provisions of these laws are arranged under six main heads: I. Establishment, II. Administrative Powers, III. Commitments, IV. Description of Institution, V. Conduct of Institution, and VI. Special Provisions. Under each sub-head an effort has been made to summarize the provisions on that particular topic.

## I. ESTABLISHMENT

### A. *Name of State*

The names of the states, now numbering nineteen, have already been given.

### B. *Dates*

1. The dates on which the institutions were legally established, and

2. The dates on which they were opened for the admission of inmates, together with their official titles and locations, are given in the following table:

1869—Indiana Woman's Prison, Indianapolis..... 1873

<sup>2</sup>Added since January, 1917.

1874—Massachusetts Reformatory for Women, Framingham.....	1877
1881—New York House of Refuge for Women, Hudson. (Since 1904 the New York State Training School for Girls.).....	1887
1890—New York House of Refuge for Women, Albion.....	1893
1892—New York State Reformatory for Women, Bedford Hills.....	1901
1900—Iowa Women's Reformatory, Rockwell City.....	1918
1910—New Jersey State Reformatory for Women, Clinton.....	1913
1911—Ohio Reformatory for Women, Marysville.....	1916
1913—Pennsylvania State Industrial Home for Women, Muncy.....	1920
1913—Wisconsin Industrial Home for Women, Taycheedah.....	1921
1915—Minnesota State Reformatory for Women, Shakopee.....	1916
1915—Maine State Reformatory for Women, Skowhegan.....	1916
1917—Kansas State Industrial Farm for Women, Lansing.....	1917
1917—Michigan State Training School for Women..... (Not yet opened)	
1917—Connecticut State Reformatory for Women, Niantic.....	1918
1919—Washington Women's Industrial Home and Clinic, Medical Lake. ..... (Opened but discontinued)	
1919—Arkansas State Farm for Women, Jacksonville.....	1920
1919—Nebraska State Reformatory for Women, York.....	1920
1919—California Industrial Farm for Women, Sonoma.....	1922
1921—Vermont State Prison and House of Correction for Women, Rutland	1921
1922—Rhode Island State Reformatory for Women, Cranston.. (Not yet opened)	

### C. Citations

The citations given under this heading include:

1. The law establishing the institution;
2. The laws amending 1, and
3. Laws affecting and specifying the institution by name. Laws affecting but not specifying it have been indicated in the tabulated digest by \*\*\*. It is interesting to note that at least thirteen states since 1917 have either amended the original law or passed other laws.

### D. Original Appropriations

Considerable range is shown in the initial appropriations. When old buildings have been used the amounts are comparatively small, ranging from \$2,000 to \$20,000; when created de novo, from \$20,000, for purchase of land, to \$425,000, covering four years' construction.

### E. Name of Institution

The official names of the twenty reformatories (19 states) bear testimony to the trend away from a stigma-bearing title. Iowa and Massachusetts have already made such changes since their establishment. As the titles now stand, nine use the word "reformatory," eleven other

terms. Of these eleven, only two have clung to "prison," one to "house of refuge," and one to "house of correction." Seven states have eliminated entirely the words "prison," "correction," "refuge" and "reformatory." Of these, four prefer "farm"—two with no qualifying adjective and two "industrial farm." Four use the adjective "industrial"—two "industrial farm" and two "industrial home." Three use the title "industrial home," one adding "and clinic." One uses the term "training school." Of the nine new states establishing reformatories since 1917, only two use "reformatory"; Vermont reverts to the old terms of "prison and house of correction," but all of the others prefer less stigma-bearing names.

## II. ADMINISTRATIVE POWERS

The statutory provisions relating to the administrative powers have been classified under three heads—A. Chief Administrative Power, B. Superintendent, and C. Subordinate Officers and Employees.

### A. Chief Administrative Power

Legislation affecting the chief executive powers has, since 1917, undergone more changes than any other one feature. The administration of the various institutions is vested in authorities of three general types—the single board, created for the management of the single reformatory; the centralized authority with state-wide power over similar institutions, and a combination of the two.

1. The special boards which, in 1917, numbered six out of ten, now number only seven out of nineteen—Arkansas, California, Connecticut, Indiana, Maine, New York and Pennsylvania. These boards are charged with construction and general administration. The two last named, had special provision for the erection of the buildings, but as this was merely temporary they are included in this group.

2. The centralized administrative power assumes three different forms in which authority is vested in (a) a group, e. g., a board of control of state institutions; (b) in an individual, e. g., a commissioner of correction, and (c) in a combination of (a) and (b), e. g., a state corrections commission having an executive officer known as a commissioner of correction. Ten states fall into this centralized group—Iowa, Kansas, Nebraska, Ohio, Rhode Island and Wisconsin in the first division, Massachusetts, Vermont and Washington in the second, and Michigan in the third. Michigan and Wisconsin appear to have the most complicated systems.

3. To the third type—the combination of centralized with localized authority—belong Minnesota, having a state board of control and a board of women visitors; New Jersey, a state board of control of state agencies and board of managers, and Washington, with a director of business control and a special parole board.

1. *Titles.* Three names are used in connection with the single boards—directors, managers and trustees. The second group show greater variety—four have boards of control, the remainder, as many names as states.

2. *Number.* The single administrative boards range in number of members from four to nine; five, seven and nine preferred. The centralized boards range from three to nine, four and five slightly predominating.

3. *Appointment and Removal.* Appointments are made by the governor, with or without the sanction of the senate or council; six are made without, thirteen require approval. Four statutes fail to specify how vacancies shall be filled; in seven, the governor may fill without approval; in eight, approval must be secured. Four states also fail to specify the terms of removal. In seven, the governor may remove for cause without sanction; in six, consent of senate or council is required; in one, removal may be with or without consent, and in one, the majority of the other members of the board must acquiesce.

4. *Qualifications.* Eight statutes specify no qualifications whatever for appointment. Four require non-partisanship; three, political limitations; one, geographical; two, citizenship; and one, a professional qualification. Three progressive states add to these other qualifications, that of fitness for the position, and Indiana, in addition, specifies that any financial connection with the institution renders the candidate ineligible.

5. *Sex.* Of the twelve states naming the sex of the chief administrative power, eleven require boards made up of both men and women. Indiana has the only all-woman board in full charge of the institution. Minnesota and Washington have all-women advisory boards, but they are subordinate to the chief authority. The proportion of women to men on the mixed boards is of interest. Minnesota and Rhode Island regulate the proportion by law—the former, three men and two women; the latter, three women and six men. The others specify that at least a certain number shall be women, but place no maximum. New Jersey, which has two administrative powers, places one in eight on its board of control, but on the board of managers for the reformatory itself, requires women to be in the majority.



Arkansas and California also require a woman majority—five out of nine and three out of five. Other proportions are: one out of three, two out of five (2 states), two out of seven, three out of seven, and three out of nine.

6. *Terms.* These range from two to eight years, three and six preferred.

7. *Arrangement of Terms.* The principle underlying the various arrangements of terms is apparently that of changing as few members as possible at any one time, annual and biennial changes being in the majority.

8. *Organization.* The majority of the statutes place no restriction on self-organization. Iowa and Minnesota designate as president the member whose term first expires. Wisconsin limits the president's term to two years.

9. *Compensation.* Classified according to remuneration received, the administrative authorities fall into three groups—the unsalaried, those having nominal compensation, and the highly salaried, devoting their entire time to the service of the state. Of the twenty-two executive powers (three states having double powers), eight fall into the first group, four into the second and ten into the third. All receive necessary traveling and other expenses. The first receive only these; the second, the amounts, respectively, of \$300 a year and traveling expenses not to exceed \$125; \$5 and \$10 a day when actually in service. The salaries of the third group range from \$3,000 to not more than \$10,000 a year.

10. *Powers and Duties.* Without exception, the statutes establishing reformatories for women specify in more or less detail the powers and duties of their administrative agents. These fall under four heads—duties of a preliminary nature, powers relating to the preparation of the institution for occupancy, powers relating to general management, and miscellaneous duties. The first includes qualifications for office, the giving of bond and the taking of the oath; the second, the acquisition of the site—permanent or temporary—by gift, purchase, condemnation, or use of state property, the preparation of plans, the making of contracts, the erection and equipment of buildings; the third is concerned with the management of the reformatory after its official opening. This section includes the legal custody and control of the property and of the inmates, the general management of grounds, buildings, officers and inmates, the making of rules and regulations, the appointment of superintendent and subordinates, the fixing of compensation (unless otherwise specified by law), the care, support,

discipline, training, employment, remuneration and recreation of inmates, the establishment of facilities for the examination and treatment of physical and mental disease, and of specified industries, the disposal of products, the transfer of inmates, parole and discharge, the investigation of the management of the institution and the conduct of the officers. The miscellaneous duties relate to reports, records and accounts.

### B. Superintendent

1. *Appointment and Removal.* Fourteen of the statutes provide for the appointment of the superintendent by the chief administrative power without restriction or time limit; two specify the latter, one for a two and one for a four year period. Michigan places the appointment in the hands of the governor on recommendation of the chief administrative power. In New Jersey, this is made by the board of managers—the secondary power—with the approval of the state board; in Rhode Island, the commission appoints the director of state institutions on recommendation of its executive officer. The method of removal—specified in eleven states—is by the chief administrative power, three qualifying that the removal shall be for cause. Only one requires the approval of a still higher authority. Indiana makes it compulsory on the governor to remove the superintendent for graft.

2. *Sex.* Fourteen of the statutes specify that the office of superintendent must be filled by a woman; one that it may be; four fail to designate the sex.

3. *Qualifications.* Six of the nineteen states now describe the qualifications to be required of the superintendent; two in the general terms of “skilled” and “suitable”; one that he or she must be a physician of specified training and experience. Arkansas attempts to safeguard the appointment by stating that she “must have had experience by observation and technical training in similar institutions.” Kansas, that she must be an experienced educator, and Indiana, that she must be “skilled by education and practice to have charge of the institution.”

4. *Salary.* The amount of salary to be paid the superintendent is determined either by the chief administrative power (10 states), by law (2) or regulated by other state departments (4); three fail to specify.

5. *Powers and Duties.* The preliminary duties assigned the superintendent concern the giving of bond, the oath of office and resi-

dence at the institution. Her powers in relation to the reformatory itself are practically identical with those of the chief administrative power, because, as its legal agent, she becomes responsible for carrying out these provisions. Her miscellaneous obligations concern the keeping of records, accounts and making of reports.

### C. Subordinate Officers and Employees

1. *Appointment and Removal.* Subordinate officers and employees are appointed in one of three ways—by the superintendent without approval, by the superintendent subject to approval, or directly by the chief administrative authority. In six states, she is allowed a free hand; in nine, approval must be obtained, and in four appointments are made by the higher power. The majority also fail to describe the terms of removal. Three states give the superintendent a free hand in removal and one, removal subject to the higher authority. In Massachusetts, the superintendent may remove, but the officer may be given a hearing by the commissioner of correction on request in writing. In Indiana employees must be removed by the governor for graft.

2. *Sex.* Nine states make no provisions under this head; three specify that they must be women; four, women as far as practicable; two, women if coming in contact with the inmates; in one the steward must be a woman.

3. *Qualifications.* Only three states describe the qualifications for appointment to subordinate positions. Indiana requires that they must be chosen only after examination for fitness regardless of political or religious affiliations. Kansas specifies that they shall not be related by blood or marriage to any member of the board. In Pennsylvania, "employees shall be selected only after strict examination as to moral character and fitness to care for and instruct inmates."

4. *Number and Titles.* These are determined by the chief executive power in eight states; by the superintendent in one; by the superintendent under direction of the first in two; in three they are specified by law. Seven specify the titles of one or more of the subordinates; five make no provisions under either head.

5. *Salaries.* The salaries of this group are fixed by the chief administrative power in seventeen states—three with, and fourteen without reference to other state departments. Two statutes do not specify.

6. *Duties.* These are prescribed by the chief executive power in seven of the statutes; by the superintendent in five; by the latter sub-

ject to the former in one, and by the latter after consultation with the superintendent, in another; five states make no provisions in the statutes under consideration. These duties are given in general terms with few exceptions. Indiana has strict provisions to prevent pecuniary profit or political activity.

### III. COMMITMENTS

#### *A. Age*

Massachusetts alone fixes no age limit—neither minimum nor maximum. Two specify both a maximum and minimum for all classes, and two others, for special groups. Fourteen states fix no maximum; giving a minimum only, the lowest, twelve years, the highest eighteen. Six states specify sixteen, and five, eighteen, as the minimum age limit.

#### *B. Courts Having Jurisdiction*

In general terms, courts having jurisdiction over the offense are the courts of jurisdiction.

#### *C. Powers of the Courts of Jurisdiction*

The statutory powers granted to these courts are of three kinds: (1) permissive powers, under which it is optional with the judge whether women convicted of violations of the law shall be sentenced to the reformatory or to other correctional institution; (2) obligatory powers, under which convicted women must be sent to the reformatory, and (3) permissive and obligatory powers, which give the court permissive powers in cases of certain offenses and in others allow it to act only within definite limits. Nine states belong to the first group, two to the second and six to the third. Two fail to specify in the laws included in the digest.

#### *D. Classes to be Committed*

The classes of delinquent women to be committed to the various reformatories are described in three ways—by their crimes or misdemeanors, by the duration of the sentences previously provided by law for the offense, or by the correctional institutions to which they had previously been sentenced. Because of this lack of uniformity in description, delinquent women, for the purposes of this study, are divided into three classes: Class A, made up of those convicted of

felonies or of crimes punishable by imprisonment in the state prisons; Class B, made up of those convicted of misdemeanors and punishable by imprisonment in jails or other correctional institutions, and Class C, made up of special groups of offenders not included in either Classes A or B.

All of the statutes under consideration provide for the commitment of Class A and Class B, except Nebraska, which admits Class B only. Four, however, make certain limitations as to Class A; California admits members of this group when transferred from the state prison under specified conditions; New York, those between sixteen and thirty if never previously committed of crime punishable in a state prison, except murder in first or second degree; Washington, except those convicted of murder in the first and second degree, arson in the first, and robbery, and Wisconsin, first offenders, unless guilty of murder in the first, second or third degree. All of the laws provide for the admission of Class B, including those convicted of prostitution, variously described; habitual intoxication; drug using, giving or selling; vagrancy due to prostitution or drunkenness, and petty larceny. Three states make certain exceptions—Ohio, of those sentenced for less than thirty days; New Jersey, of those over twenty-five, and Wisconsin, those given sentences for less than one year.

In addition to offenders naturally classified under A or B, special groups are admitted to several of the reformatories. California accepts women requesting admission and believed by the board to be in danger of becoming prostitutes, drunkards or criminals—the only provision of its kind among the statutes under consideration. The courts of Connecticut may commit unmarried girls between sixteen and twenty-one leading vicious lives or in danger of falling into habits of vice; those of Washington, girls between sixteen and eighteen, delinquent or dependent—the only dependent group admitted under any statute. Massachusetts and New York, under recent legislation, have established special divisions to which mentally defective delinquent women may be transferred or committed under carefully specified conditions.

#### *E. Sentences*

Two types of sentences appear in the laws establishing the reformatories for women in the United States—the determinate and the indeterminate. Although the statutes of eighteen states now use the term "indeterminate" in relation to the sentence of imprisonment to be imposed by the committing court, none of them, except Nebraska,

has yet vested the judge with the power to give a true indeterminate sentence—one without either minimum or maximum stated. The law establishing Nebraska's reformatory definitely specifies that the courts shall not make commitment for a definite term—that no minimum or maximum is to be specified. But as a matter of fact other laws previously established render this inoperative as worded. What actually is imposed is a term *indeterminate within limits*, either within a maximum, or within both a minimum and a maximum. Ten states now use only the so-called indeterminate sentence, eight also use the determinate sentence, making nine still clinging to the determinate fetich.

The determinate sentence, when given, is in connection with the more serious offenders and for longer terms, except in Indiana, where the reverse is true. The indeterminate sentence takes on a number of forms. In four states—California, Indiana, Nebraska and Vermont—only one general grade is used, i. e., between the minimum and maximum fixed by law for the offense (except California, which specifies a six months' minimum and a five years' maximum); Vermont excepts life prisoners. Eleven states provide for two grades. One of these two generally involves a longer sentence and is sometimes applied only to Class A offenders. Eight place the term at the maximum prescribed by previous law for the offense, if this exceeds three years (one, 5 years); two place it between the minimum and maximum and one within the latter. The other grade is described as a sentence within a maximum (minimum not stated). Ten states place this at three years, and two at five. Kansas has a slight variation to this: her first is an indeterminate sentence between a minimum and maximum, but her second is within the minimum for first offenders under twenty-five. New York has an indeterminate sentence within three years for both classes, but this is extendable for the special group of the defective delinquents. One state—Massachusetts—has four grades, within five, two and one year, respectively, according to the offenses; also the new indefinite term for the defective. Washington also has a provision resembling those of Massachusetts and New York in that it permits a detention beyond three years for women passed upon by a board of experts as in need of longer care.

#### F. Records

Two kinds of records are specified by the statutes:

1. *Court records* to be sent to the institution at the time of commitment, and

2. *Institutional records.* All but four require those of the first group; of these five are specific as to the data to be forwarded by the courts—Kansas, Massachusetts, Maine, Nebraska and Wisconsin. Only twelve states describe the kind of record to be kept at the institution; of these, six are detailed—California, Kansas, Massachusetts, Ohio, Pennsylvania and Wisconsin.

#### G. *Notification of Commitment*

Eight of the statutes provide that the courts shall notify the superintendent of commitment; eleven fail to specify.

#### H. *Attendants*

1. *Sex.* Of the thirteen states in which the sex of the attendants is specified, seven require that they shall be women, two require women under special conditions, one a woman "when feasible," one that it shall be "suitable," and one designates the sheriff.

2. *Provided by.* These attendants are provided either by the county in which the woman is sentenced (6 states) or by the institution (4). One leaves it optional with the court as to whether the attendant shall be provided by the court or sent from the institution. The others fail to specify.

#### *Provisions for Children of Women Committed*

Provisions for children of inmates, either inside or outside the reformatory, are provided by statute.

1. *Inside the Reformatory.* Nine of the nineteen statutes prevent the separation of mother and child by admitting the latter under certain specified ages; three specify that they must be nursing children; three that they must be under one year of age; another, under eighteen months, and two, that they must be under two.

2. *Outside the Reformatory.* Fourteen states make no provision for children over these ages at the time of the commitment of the mother; five make it obligatory on the courts to provide for those without proper guardianship.

### IV. DESCRIPTION OF INSTITUTION

#### A. *Purpose*

The purpose of the several institutions is defined more or less briefly in all of the laws except five. Custody, preservation of health,

reformation of character and education for self-support are given as the goals of the reformatory treatment.

### B. Acreage

1. *Specified by Law.* The acreage to be purchased for the institution is described in eleven of the statutes. Seven place a minimum on the amount to be purchased; two, a maximum, and two, both a minimum and a maximum. These amounts range from a minimum of three acres in Indiana to a maximum of five hundred in Pennsylvania.

2. *Actual.* The acreage purchased by the several states is as follows: Arkansas, 186; California, 680; Connecticut, 850; Indiana, 15.61; Iowa, 219½; Kansas, 165; Maine, 200; Massachusetts, 233; Michigan, . . . ; Minnesota, 167; Nebraska, 120; New Jersey, 370; New York, Albion, 97, Bedford, 195; Ohio, 259; Pennsylvania, 500; Rhode Island, . . . ; Vermont, 25; Washington, . . . ; Wisconsin, 244½.

### C. Description of Land

Of the twelve statutes placing limitations on the kind of land to be purchased, two designate the actual property to be used; one that it shall be in the center of the state; three give only the general provision of suitability; the remaining seven describe the various qualifications relating to water and wood supplies, nature of soil, drainage, transportation facilities, market valuation, healthfulness of location and particularly the possibilities of productivity of food for the inmates and agricultural work and training.

### D. Buildings

Thirteen of the statutes provide for the character of construction of the buildings: seven that they shall be on the cottage plan; two designate old buildings already in use by the states; two that they shall be arranged for classification; one for two separate departments, and one that they shall be of brick.

### E. Notification of Opening of Institution

Of the ten states making provision for this detail, seven specify that it shall be done by proclamation of the governor, and three, by the chief administrative power.



## V. CONDUCT OF INSTITUTION

A. *Relating to Inmates*

1. *Preliminary Examination.* Only five of the statutes under consideration include any clause relating to the physical or mental examination of the delinquent women when committed to the institution. Other states, e. g., Massachusetts, New Jersey, New York and Rhode Island, cover this point by other laws or regulations. Arkansas, California, Washington and Connecticut provide for mental examinations as well as physical. Wisconsin has elaborate provisions for the equipment of one department for the treatment of venereal disease and another as a psychological laboratory.

2. *Treatment.* California and Wisconsin are the only states definitely specifying that medical treatment shall be given. Wisconsin provides for the sterilization of delinquent women under careful legal restrictions.

3. *Classification.* Eleven states provide in their statutes for the classification of inmates; eight fail to specify.

4. *Transfers Between Reformatories and Other State Institutions.* (a) To the reformatory from other institutions. All but three of the statutes provide for this transfer of women from other state institutions; (b) from the reformatory to other state institutions. All but five states permit this type of transfer. These include the state prisons, jails, workhouses, girls' industrial schools, insane and other hospitals, institutions for feeble-minded, epileptic and others. Such transfers are safeguarded by special provisions. Six states have now abolished their departments for women in their state prisons by transferring them to their state reformatories—Indiana, Iowa, Kansas, Ohio, Massachusetts and Vermont.

5. *Education.* Sixteen of the nineteen laws provide specifically for the education of the inmates. The following forms are mentioned—physical culture, general instruction in common school branches, vocational training, including useful trades and occupations especially domestic science, vocational advice, moral and religious teaching and suitable recreation.

6. *Employment.* Fourteen of the nineteen statutes contain clauses relating to the employment of inmates. Seven states now have specific provisions for the establishment of productive industries for state use and sale—California, Kansas, Massachusetts, Minnesota, New Jersey, Pennsylvania and Washington.

7. *Remuneration.* Seven states now provide for the remuneration of its inmates for labor performed—California, Kansas, Minnesota, Nebraska, New Jersey, New York and Pennsylvania.

8. *Release from Institution.*

(a) Parole.

(1) Paroling Power. The power of parole is vested either in (a) the chief executive power (10 states); (b) in a combination of the chief administrative power, the superintendent and in one instance, other officials; (c) parole boards (5 states), four of these general parole boards and one a special board for the reformatory only, and (d) the board of pardons (1). Two statutes fail to specify.

(2) Conditions. Sixteen of the statutes describe one or more conditions on which parole may be granted. These conditions include good physical condition, ability to earn an honest living, satisfactory institutional record, a proper home to which to go, employment secured in advance, reasonable probability of being law-abiding. Kansas is permitted parole to first offenders under twenty-five years of age in less than the minimum terms of their sentence. Four states make the recommendation of the superintendent a requisite. Nebraska and Washington specify freedom from venereal disease; Minnesota has a special provision for examination and if infection is found, require a pledge to report for treatment. Parole for life prisoners is restricted to a fifteen years' minimum in New Jersey, five years in Ohio. In Maine, women sentenced for more than five years are ineligible for parole. Clothing, transportation and money to the amount of \$5 to \$25 may be furnished by the superintendent in a number of states. Massachusetts has a recent amendment permitting the parole of a woman about to be confined, if for the best interests of mother and child.

(3) Agents. Only seven of the nineteen states provide in this group of statutes for parole agents; in these, they are furnished by the chief administrative power.

(4) Penalty for Violation. Eight of the statutes imply that return to the institution for the violation of parole is permissive, six that it is obligatory; the others fail to specify. The additional penalties described are the requirement to serve the unexpired maximum terms, and in one state—Maine—not more than one year dating from the expiration of that maximum sentence.

(5) Returned By. Thirteen statutes provide for the return of violators of parole either by officers of the institutions or others having the proper authority. Michigan, New York and Wisconsin specify officers of the institutions. The authority for return emanates from the chief administrative power or superintendent in all instances except in Iowa, where the board of parole issues the order.

(6) Expenses Paid By. Only five states specify as to this detail; of these, four compensate from the funds of the institution, one from the county from the which the woman was committed.

(b) Escape.

(1) Penalty For. This is specified in eight of the statutes. Return to the reformatory, if apprehended, is obligatory in all. In Nebraska, escape is a criminal offense and punishable by one to ten years in the penitentiary. In Massachusetts, escape or attempted escape is punishable by imprisonment, not exceeding five years; in Wisconsin, not exceeding two years. In Maine, escaped inmates, according to a recent amendment, may be arrested and detained after the expiration of the original sentence.

(2) Returned By. Only five statutes make any provision under this head; four are the same as for the return of parole offenders; in New York, marshals, without warrant, have the authority.

(3) Paid By. The only two specifying as to this detail—Indiana and Washington—state that compensation shall come from the funds of the institution.

(c) Discharge.

(1) Thirteen statutes specify the discharging power: nine, the chief administrative power; two, boards of parole; one, the governor, and one the governor on recommendation of the superintendent and the board of control.

(2) Conditions. Twelve statutes provide conditions including the expiration of the minimum term (1), the expiration of the maximum (3), recommendation of superintendent, satisfactory parole record (Iowa and Ohio, at least one year), unanimous vote of the paroling power and likelihood of living an orderly life. California's voluntary group may be discharged on written application. Pennsylvania grants discharge only on recommenda-

tion of superintendent and physician, endorsed by the board and approved by the judge of the committing court after conference with the district attorney. Discharge from the Kansas State Industrial Farm for Women restores civil rights.

(d) Pardon.

Only eight states describe the terms of pardon in the present statutes under consideration. In four, the general pardoning power of the governor is merely conserved. In California, transferred felony cases ready for honorable discharge before completion of term must be recommended to him for pardon. In Indiana, the governor acts after investigation and recommendation of the state board of pardons. In Massachusetts a similar plan is followed.

*B. Relating to Finance*

Ten of the statutes refer to the keeping of accounts, the making of budgets and other details relating to the financial management of the institutions. Connecticut, Iowa, Michigan, New Jersey and Washington have detailed provisions, especially the latter state.

*C. Relating to the Public*

1. *Penalties for Aiding in Escape.* Six states only make special provisions under this head—California, Connecticut, Iowa, Maine, Massachusetts and Wisconsin. Maine's recent amendment provides for a fine of not more than \$500, not less than \$100, and imprisonment not exceeding one year.

2. *Trespassing.* Maine is the only state to pass a special law relating to trespassing on the grounds of the reformatory; the penalty is imprisonment not exceeding three months or fine not more than \$50.

VI. SPECIAL PROVISIONS

Eleven states have made unique provisions which either do not come under any of the headings given or are of sufficient importance to be repeated.

*California.* The board of control of the reformatory is not required to admit women sentenced by the courts if accommodations at the institution or the state of finances do not justify it. The institution must be promptly notified of the arrest of any woman discovered to have been at any time an inmate of the institution.

*Connecticut.* The bodies of inmates dying in the institution and unclaimed by relatives after a specified time may be transferred to the medical department of Yale University.

*Kansas.* Provisions for the daily payment of specified sums to inmates according to grades, three cents in the second and five cents in the third, the money to accumulate until parole when it may be paid in bulk or installments if not forfeited by bad behavior.

*Nebraska.* The enunciation of the purely indeterminate sentence for the first time in any statute.

*Maine.* Provisions for the trial of inmates committing offenses while in the institution; penalties for trespass.

*Massachusetts.* The establishment of a home department for the care of the families of inmates of the reformatory and a custodial department for defective delinquents with deferred release.

*New Jersey.* Provisions for the establishment of a clearing house to which sentenced prisoners may be sent for observation and classification. Special provision for the erection on the grounds of a memorial chapel.

*New York.* The establishment at Bedford of a custodial department for mentally defective delinquent women to which women of this class may be transferred or sentenced for confinement until released by the board.

*Pennsylvania.* Provisions for the trial of inmates committing offenses in the institution.

*Washington.* The supervision of the reformatory by several state departments in reference to diet, health, farming operation, supplies etc.

*Wisconsin.* The establishment of a department equipped with hospital facilities for the treatment of venereal diseases; of a psychological laboratory for the study and treatment of mental diseases; the sterilization of defectives according to specified legal procedure.

#### SUMMARY

To summarize, the framework of a bill for establishing a state reformatory for delinquent women, if based upon the best features of all the laws so far enacted in the United States, would incorporate the following general structure and provisions:

##### I. Establishment.

Enactment clause—including name of state, etc., to follow state usage.

Appropriations—to be sufficient to purchase site, erect and furnish buildings, and pay salaries and running expenses until the next session of the legislature; the amount and scale of construction to be based on local conditions.

Name of institution—short, concise and carrying no stigma.

## II. Administrative Powers.

A. Chief administrative power—state departments already created to be used when possible; otherwise, a single board for the erection and control of the new institution.

Title—to be determined by state precedent.

Number if a state department—to be determined by state precedent; if a single board, 5-7.

Appointment and removal—

Original appointment—to be made by governor within 30-60 days.

Appointment to vacancies—by governor.

Removal—by governor, "for cause."

Qualifications—to be appointed for fitness for the position, regardless of political affiliation.

Sex—not to be specified for the state departments; of the single boards, the majority to be women.

Terms—3 to 7 years, depending on number.

Arrangement of terms—so that as few changes as possible shall occur at any one time.

Organization—self-organizing.

Compensation—commensurate with training for paid head and members of full time state boards; none for members of single boards, but to be allowed necessary expenses incurred in performance of official duties.

Powers and duties—to possess fitness for the position, give bond, take oath of office; to select and acquire site, prepare plans, let contracts, all over \$500 to be advertised and no member of the board to have financial interest in them; to build and equip; have legal custody of property and inmates; appoint and remove superintendent; fix titles, number and salaries of subordinates, unless otherwise provided by law; make rules and regulations for the care, support, discipline, education, training, employment, remuneration and recreation of inmates; to establish credit system, parole and discharge, keep adequate records, hold regular meetings, make annual reports and recommendations to governor.

## B. Superintendent.

Appointment and removal—to be appointed by chief administrative power; removed by same "for cause."

Sex—must be a woman.

Qualifications—must possess fitness for the position regardless of political or religious affiliations, having had suitable training and experience.

Salary—to be fixed by the chief administrative power.

Powers and duties—to give bond, reside at institution, and, subject to approval of chief administrative power, have control and management, to determine number, select after examination for fitness, appoint, assign duties and remove subordinates; to keep proper records, accounts and make reports.

C. Subordinates.

Appointment and removal—to be appointed by the superintendent subject to approval of the chief administrative power; removed by superintendent.

Sex—to be women as far as practicable.

Qualifications—to be selected only after strict examination as to moral character and fitness to care for and instruct the inmates, and appointed, regardless of political or religious affiliations.

Number and titles—to be determined by superintendent subject to the approval of the chief administrative power (must be deputy superintendent, resident physician and clerk).

Duties—to be determined by the superintendent.

III. Commitments.

A. Age—over that of admission to the girls' industrial schools (16-18); no maximum age limit.

B. Courts having jurisdiction—courts of the state or of the United States having jurisdiction over the offense.

C. Powers of the courts of jurisdiction.

D. Classes to be committed—(1) women convicted of felonies; (2) women convicted of misdemeanors; (3) women, not classified under 1 or 2, and (4) (in special department) women found to be mentally defective delinquents.

E. Sentences—indeterminate.

F. Records.

Court records—to be sent with warrant to institution (on blanks furnished by institution); to include name, age, birthplace, parentage, last address, occupation, education, previous life and surroundings; previous commitments, if any, and for what offenses; particulars of last offense, with record of trial, names and addresses of witnesses; names and addresses of presiding judge, district attorney and attorney for the defendant.

Institutional records—condition on admission, treatment, discipline, progress, circumstances of final release and subsequent history.

G. Notification of commitment—to be made by the court to the superintendent.

H. Attendants.

Sex—must be women.

Provided by—to be provided by the institution.

Paid—county from which woman was committed.

I. Provisions for children of inmates.

In reformatory—under two years (or born after commitment of mother); removed and cared for at discretion of superintendent with approval of chief administrative power.

Outside reformatory—must be provided for by courts if without proper guardianship.

IV. Description of institution.

A. Purpose—custodial care for the preservation of health, reformation of character and education for self-support.

B. Acreage—not less than two hundred acres.

C. Description of land—water and wood supply, nature of soil, drainage, transportation facilities, market valuation; healthfulness of location, and particularly the productivity of food, agricultural work and training, to be taken into consideration.

D. Buildings—to be constructed on the cottage plan, no building to house more than twenty-five inmates, exclusive of officers, at any one time.

E. Notification of opening of institution—by proclamation of governor.

V. Conduct of institution.

A. Relating to inmates.

Preliminary examination—physical and mental—must be made by competent physicians and specialists according to approved standards immediately after commitment.

Treatment—to be given according to needs of the individual case.

Classification—to be obligatory.

Transfers—flexible system of transfers to be provided between reformatories and other state institutions; to be made, on recommendation of superintendents, by chief administrative powers after mutual consent.

Education—to be obligatory and to include physical training, instruction in common school branches, vocational training in useful trades and occupations, especially domestic science, vocational advice, moral and religious teaching; and suitable recreation to be provided.

Employment—to be obligatory; established primarily for the teaching of useful trades, but also to be made productive for state use; no contract labor.

Remuneration—to be given.

Release from institution.

Parole.



Paroling power—chief administrative power acting as board of parole, or state board of parole.

Conditions—recommendation of superintendent and resident physician, good physical condition, satisfactory institutional record, ability to earn an honest living, suitable home and employment secured in advance; suitable clothing, transportation and small sum of money to be provided at option of superintendent.

Parole agents—to be provided by institution, unless otherwise specified by law.

Penalty for violation—return to reformatory to serve unexpired term or be re-paroled, at option of board of parole.

Returned by—agents of institution or other authorities on request of board of parole, without warrant.

Paid by—county from which woman was committed.

#### Escape.

Penalty for—obligatory return to reformatory to serve unexpired term.

Returned by—same as for parole.

Paid by—same as for parole.

#### Discharge.

Discharging power—same as for parole.

Conditions—satisfactory parole record, recommendation of superintendent and unanimous vote of board of parole.

Pardon—by governor, on recommendation of board of parole.

B. Relating to finance—all matters relating to the fiscal affairs of the reformatory to be uniform with those of other state institutions.

C. Relating to the public.

Penalties for aiding in escape—to follow state statutes.

Trespassing—as already provided by law.

These statutes which have been under consideration represent the women's reformatory movement in the United States from 1869 to 1922 in terms of actual legislation. Just how far they now incorporate the demands of the penologist and of the social reformer, it is of value to ascertain.

Accepting the printed reports of the proceedings of the National Prison Association and of the Conference of Charities and Correction as representing progressive thought on the subject of institutional care of delinquent women, we find a steady emphasis and a fairly uniform agreement as to certain desiderata: an institution whose spirit

and purpose shall be remedial and reconstructive rather than punitive, working for the speedy return of the offender to community life as a healthy, law-abiding and self-supporting member; non-partisan management; high-grade officials; the commitment of all women now sent to prisons, jails and workhouses, except those insane, feeble-minded and epileptic; an indeterminate sentence, without maximum or minimum, thus permitting the permanent segregation of those incapable of being benefitted by reformatory treatment; adequate social records as a basis for reformatory training; thorough physical examination, including the Wassermann and other tests for venereal disease; mental and psychiatric examination, including such group tests as the Army, Yerkes, and Binet-Simon tests; freedom of transfers between reformatory and other state institutions for the best good of the individual inmate; classification of inmates according to types and their needs; the cottage plan; facilities for open air life; educational facilities and industrial training, including domestic science; a system of employment planned primarily for the teaching of useful trades rather than for securing remuneration for the institution, contract labor being prohibited; adequate recreational facilities; a credit system for inmates, and the parole system, parole agents to be provided during the period of conditional release.

A comparison of these demands with the provisions of the statutes analyzed shows response in varying degrees. As few fail to define the purpose of the institutions they establish, and that purpose, when stated, is reconstructive in character, women's reformatory legislation may be said to be uniformly based on the principle that the protection of society is best gained through the reformation rather than the punishment of the offender. Consistently with this, the establishment of an educational system, specified in more or less detail, is obligatory in practically all of the states. Employment is also recognized as a reformatory agency, the more recent provisions being especially specific in this particular. The need of open air life is acknowledged by the ample acreage now being required. More or less freedom of transfer between state institutions for the best good of the individual inmate is now an established routine. Parole is also an integral part of the reformatory system and although less than half of the particular statutes under consideration provide for parole agents, the majority doubtless supply such supervision in accordance with other legislation. Six of the twenty desiderata, therefore, have been incorporated by the statutes of the progressive states so far having established reformatories for women. A number of the

others have been partially met. All of the states have granted the principle of the indeterminate sentence even if they have withheld its actual practice, and the classification of inmates is obligatory in over one-half of them. In the remaining particulars, the statutes, taken as a group, lack sufficiently definite provisions to satisfy the exacting penologist—provisions for the obligatory cottage system, adequate physical and mental examination and subsequent treatment, standardized records, the merit system, facilities for recreation, remuneration, the prohibition of contract labor, non-partisan administration, and officials of higher grade, but above all, for the commitment of all delinquent women of all classes to reformatories for women rather than to jail, penitentiaries and prisons, and the practice of the genuine indeterminate sentence.

But there are certain tendencies in recent legislation which point to progress. There is an obvious tendency toward state centralization of authority and the placing of this authority in the hands of trained and salaried specialists; toward the standardization of fiscal affairs; toward safe-guarding by statute the appointment to positions of responsibility; toward specific rather than general provisions. In spite of the complicated machinery likely to result, the movement is toward a higher grade of executive and a more efficient and economical administration of state institutions, including reformatories for women. Tendencies toward treating the offender rather than the offense are evidenced in the growing emphasis on scientific physical and mental examination as a basis for classification, greater flexibility in transfers, the variation in the classes to be committed to the reformatories for women, and in remuneration as an incentive as well as an act of justice to the student of the reformatory movement, a gratifying phase of recent legislation, the expansion of the period of custodial care for special groups. This is the first step toward the realization of the genuine indeterminate sentence.