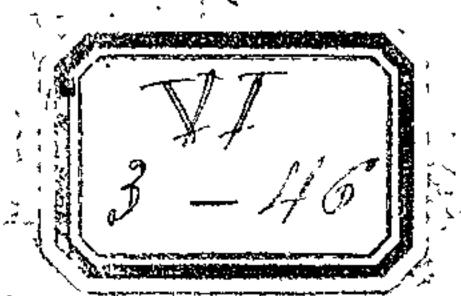
CALIFORNIA STATE PRISONS

Their History, Development and Management



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CALIFORNIA STATE PRISONS



Their History, Development and Management

TIREY L. FORD



SAN FRANCISCO, 1910

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HON. JAMES N. GILLETT
Governor of California

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FOREWORD.

One day in April, 1905, Hon. A. B. Nye, now state controller, then private secretary to Governor Pardee, called at my office and informed me that the governor desired to know whether I would accept an appointment to membership upon the state board of prison directors. I told Mr. Nye that I deeply appreciated the honor sought to be conferred and that I would gladly accept the appointment if I felt that I was fitted for the work demanded by the office and if I could give the time required for the performance of its duties. I asked for a couple of days in which to think it over.

The truth is, that while I had been more or less in public life and had been a part of the two preceding state administrations, I had learned very little about the state prisons. I knew they were governed by a board whose members were appointed by the governor, and I knew something of the laws under which they were managed. This much had come to my knowledge while I was attorney-general of the state and the board's legal adviser. But of the actual working out of the law, of the problems confronting the prison management, of the conditions obtaining at the prisons, of the character of their inmates, in short, of the practical side of prison management, I knew almost nothing. Only once had I ever visited either prison, and that was a brief visit to San Quentin some twenty years previously.

In order that I might gain some definite knowledge of the duties of a prison director and of the time required for the performance of those duties, I consulted Hon. Charles N. Felton and Hon. Robert T. Devlin, both of whom were then members of the board and the latter of whom is still a member.

The result of it all was that, through the governor's appointment, I became a member of the board and began to attend its meetings.

Never have I had my preconceived notions concerning any subject-matter so completely revolutionized as were those I had previously entertained respecting San Quentin and Folsom. To my surprise I found the work exceedingly interesting. Problems of the most complex nature, involving every

phase of human character, were constantly being presented. It was the newspaper man's "human interest" story multiplied and intensified.

I found a prison population as varied as the number of its units and ranging from the confirmed criminal to the youthful first offender. I found an earnest board of prison directors and a sincere body of prison officials conscientiously performing their duties under conditions that were not encouraging. I found at San Quentin a prison plant far from modern and with cell room intended for about one-third of the prison population. I found somewhat similar conditions at Folsom. I found the work of the prison authorities criticized upon the one hand by sentimentalists who seemed to think a state prison should be a kind of pleasure resort, and upon the other hand by those who seemed to think that all inmates of a state prison were like so many caged beasts. I found that very few of these well-intentioned but misled people had ever seen either of our state prisons or had acquired any clear or definite knowledge of how they were conducted. I found, further, that the great body of our citizens had but a vague knowledge of the work done at our state prisons and a still more limited knowledge of the modern trend of penological thought.

When I had made these discoveries and when I thought of my own woeful ignorance prior to my membership on the board, I felt that I could not do a better service to the cause in which I was enlisted than to bring to the public some authentic information respecting one of the most important, and at the same time one of the least understood, branches of the state's work.

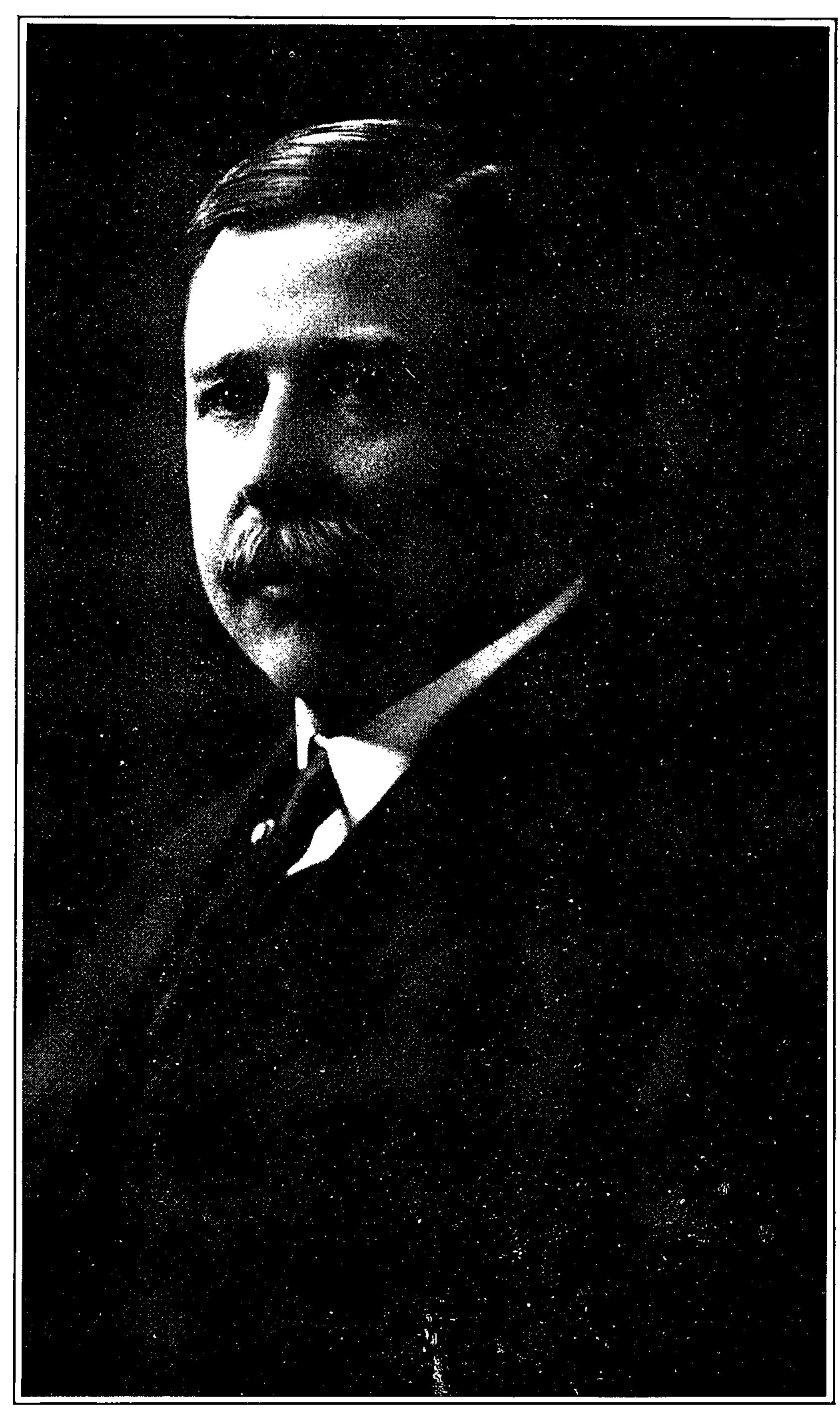
This task I have endeavored to perform in the following pages.

I desire, before concluding this prefatory statement, to acknowledge my indebtedness to my fellow members of the board, to the wardens of San Quentin and Folsom prisons, to the resident chaplain of San Quentin prison, to Mr. Edward F. Adams of San Francisco and to Mr. George Francis of Berkeley.

Tirey L. Ford.

San Francisco, September, 1910.

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LIEUTENANT-GOVERNOR WARREN R. PORTER
Member State Board of Prison Directors

INTRODUCTION.

The most difficult of all penological problems are those presented for solution to state prison authorities. There, after all others have failed, the final effort is made to reclaim a citizen and to remold a human character. After the home has failed; after the school has failed; after the church has failed; after the juvenile court has failed; after the reform school has failed; after probation has failed, and after organized society has branded him as a felon and a moral outcast, then the delinquent is received at the state prison and a final effort is made by the prison authorities to cure the moral infirmities that have grown and multiplied through the preceding years.

During childhood the home, the church, and the school have the simplest of all tasks in the molding of human character. 'Tis then the mind is "like wax to receive impressions and like marble to retain them." 'Tis then the precious material yields most readily to the hands that would mold and fashion it aright. Some one has said: "Give me your child until he is fifteen years old and I care not what you do with him thereafter." Burbank expresses the same thought when he says: "Upon the child before the age of ten we have an unparalleled opportunity to work, for nowhere else is there material so plastic." Continuing upon the same subject, Burbank further says: "A child absorbs environment. It is the most susceptible thing in the world to influence, and, if that force be applied rightly and constantly when the child is in its most receptive condition, the effort will be pronounced, immediate and permanent."

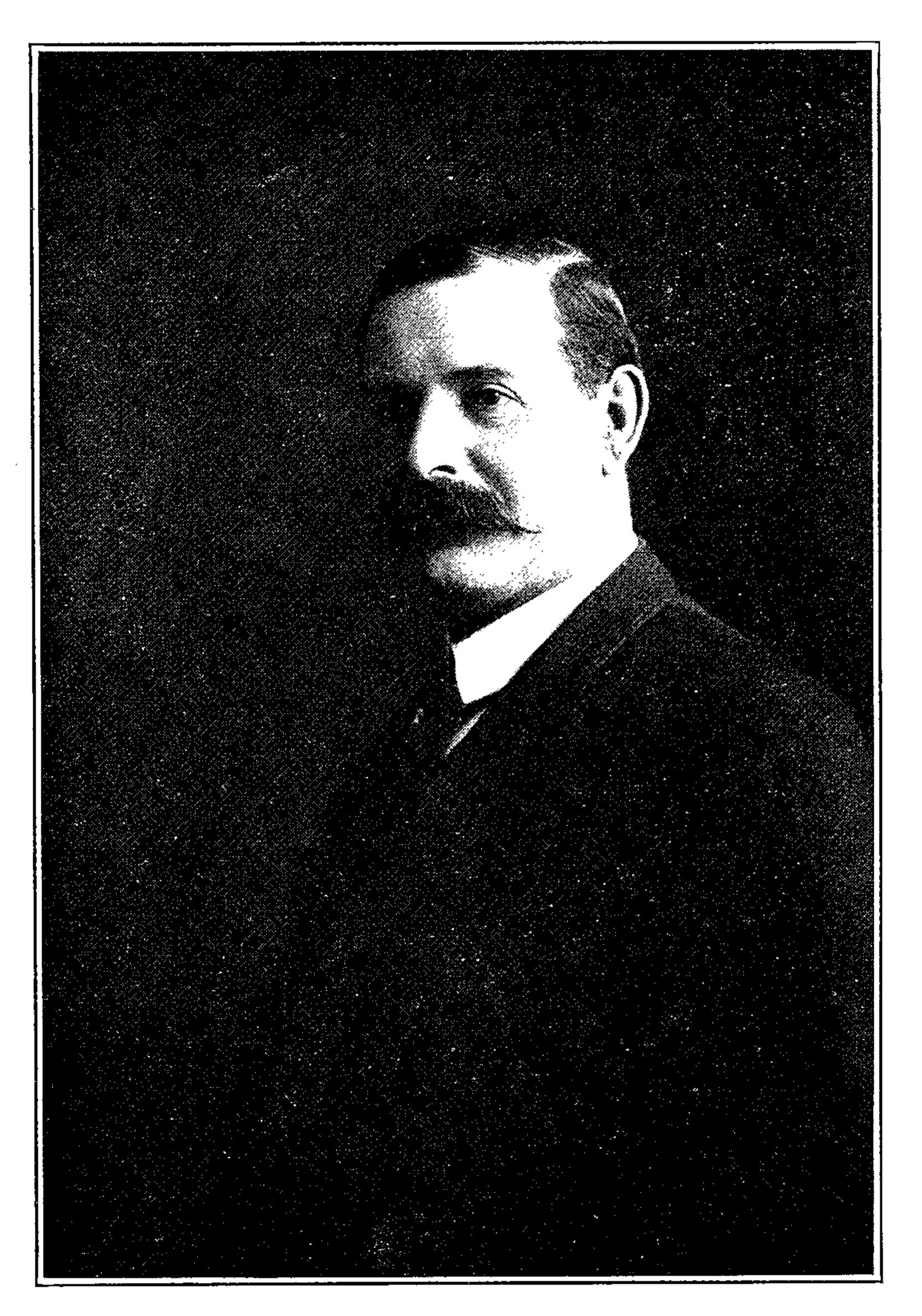
A chaplain of one of the largest prisons of America made an investigation of the causes that lead to crime, and after a most careful and prolonged inquiry he reached the deliberate conclusion that crime results from a lack of respect for constituted authority and that it has its genesis in the home. He says there comes a time in the life of every child when it tries conclusions with its mother and, if successful, it has taken its first toddling steps toward the prison door. Later it will try conclusions with its father, particularly if it has been successful in its initial contest with its mother. If the child shall also

come off victorious over its father, then nothing short of divine interposition, says the chaplain, can save that child from a life of license if not of crime. The accuracy of these conclusions has been many times impressed upon the writer in his prison work, particularly in connection with the paroling of prisoners.

If every home were characterized by love and obedience; if every parent were an efficient moral guide to those for whose existence the parent is responsible; if the church could gather all mankind under its sacred influence, and if discipline and respect for constituted authority were the universal product of our schools,—then, indeed, would the penological problems that now confront the state have found a complete and happy solution. But that day has not yet arrived, and, in spite of the moral forces at work in the home, in the church, in the school, in the juvenile court, and in the reform school, the population of our state prisons is steadily increasing.

It is not the purpose, however, to deal here with the problems that attend the molding of character during childhood and youth, though no more interesting study could engage the mind of the penologist. It is a trite but true saying that "an ounce of preventive is worth a pound of cure," and in no field of human endeavor has this principle a more pertinent application than in the broad field of penology.

When the more tender years have passed with the golden opportunities of childhood neglected, and the morally infirm child has found its way to the juvenile court, the door of hope still is open wide, for the moral character is yet plastic and the task of reformation not beset with the difficulties that attend maturer years. When, a little further along in his journey, the morally deficient child comes under the beneficent influence of the reform school, hope still beckons, and intelligent treatment is rewarded with the most gratifying results. But when the delinquent has passed through the years of childhood and youth uninfluenced by those moral agencies that are intended to mold and perfect the human character, and has reached maturity with character formed and moral instincts fully developed, a far different and far more difficult



HON. TIREY L. FORD President State Board of Prison Directors

task is presented. Such is the problem that is set before the state prison authorities. The magnitude of this problem must ever and always depend upon the moral atmosphere of the home, the guiding hand of the parent, the controlling influence of the church, the discipline and training of the school, and the remedial efforts of the state during the years preceding maturity.

It is the aim of this sketch to briefly trace the origin and development of the state prisons of California, the evolution of the law in relation to them, and the progress made in their management by the state authorities, in the hope that the facts here set forth may aid in creating a more general interest in one of the most important and least understood branches of the state's governmental activities.

THE PROBLEM PRESENTED.

Among the states of this Union, California is unique in the character of its penological problem. This is due to various causes, among which may be named its rapid occupation, following the discovery of gold, by a heterogeneous population having no common experience or traditions; its isolation for many years from the great currents of social thought; the feverish life of the early years of American occupation; its agreeable climate which is as attractive to criminals as to others; and its situation on the Pacific which, when driven from the older states, prevents the further migration westward of the criminal even if he had such a desire. The outdoor life which it is possible to lead at all seasons of the year attracts hoboes, most of whom are at all times ready to commit minor crimes against property and to abet and conceal the more dangerous criminals.

The gold fever of the early fifties attracted criminals of all grades from all parts of the world. An official report made to the legislature in 1851 said:

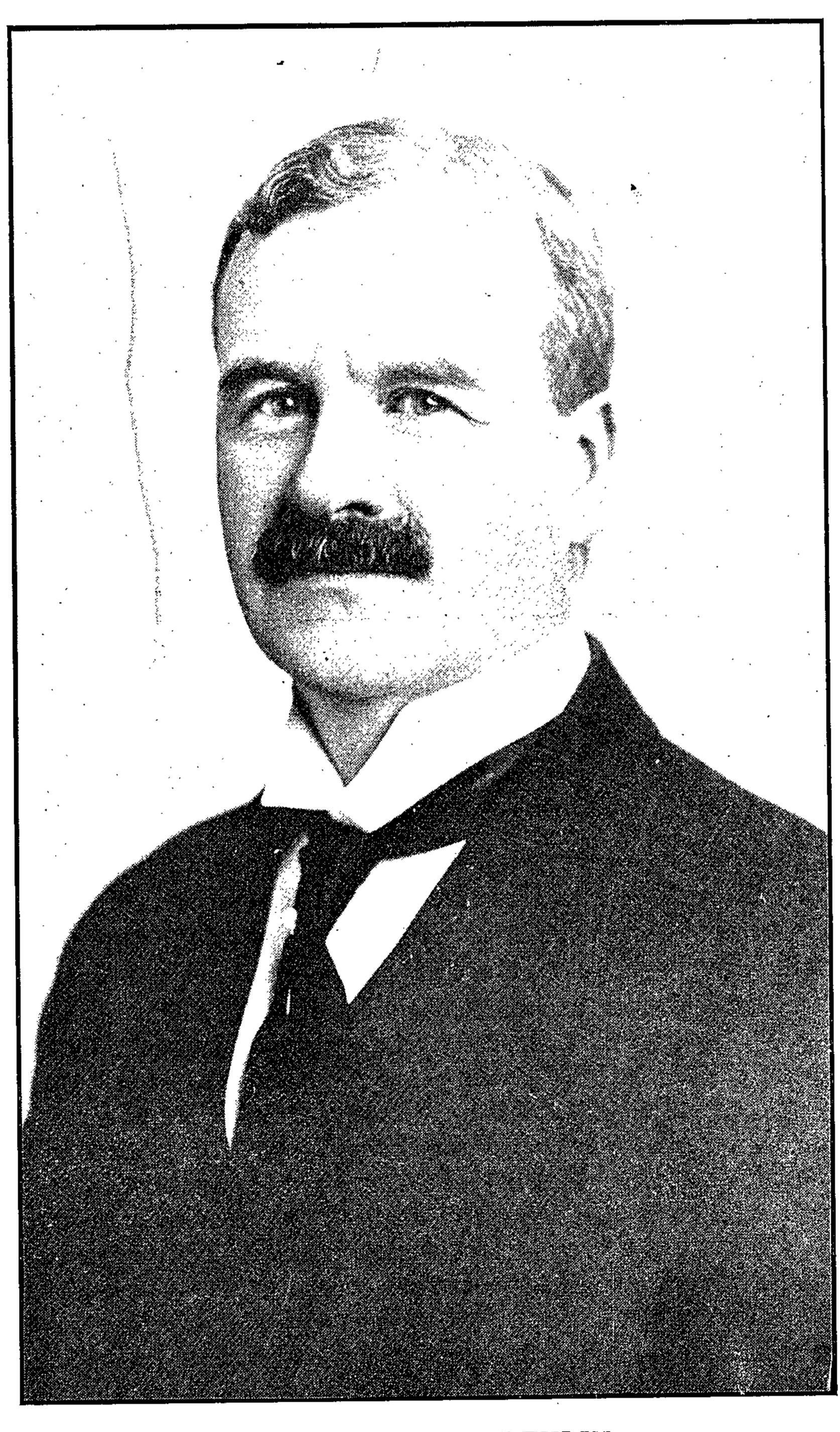
California, it is well known, is infested by hordes of the most desperate scoundrels, accomplished in every art of villainy, and bonded together in a brotherhood of crime.

Convicts from the penal colonies and outlaws from all parts of the world have emigrated in numbers to this country, attracted by the fable of our riches and by the lust for plunder.

It was believed here at the time that it was a common thing for older communities to rid themselves of notorious criminals by permitting, and perhaps encouraging, their emigration to this state. The condition of San Francisco in 1856 is well known, as well as the energetic measures taken by the resolute citizens of that day to change those conditions. There was more or less rough and ready justice meted out in many mining camps, but, although there was doubtless in such a community much disposition among individuals and groups to protect themselves rather than to rely on the law for protection, the impression of a reign of lawlessness which one derives from some well-known writers is not warranted. The great majority of the pioneers were as law-abiding as they were resolute, and as soon as a legislature could be assembled the work of providing a body of criminal law and for its effective administration began.

THE PRISONS WE STARTED WITH.

At the time of the American occupation there was no lack of jails in California. Jails have always been a specialty with Spain and Spanish colonies, and with the land of the state we took over a large and varied assortment. All the great ranches had their adobe calabooses, provided by the owners for the incarceration of their refractory or criminal followers. Some of the pueblos, including San Francisco, had what were supposed to be jails. All were of the most primitive character, apparently contrived for rendering their occupants as uncomfortable as possible, but without the slightest attention to sanitation or morals. Petty thieves, plain drunks, robbers, murderers, young boys and old men were jumbled together. There was not even a separation of the sexes. After the organization of the state these jails were under the jurisdiction of the sheriffs, but for more than two years after the



HON. ROBERT T. DEVLIN Member State Board of Prison Directors

inrush of gold-seekers began there was no state prison, nor any central authority having control of prisoners.

But the pioneers of California were decent men who had come from decent and orderly communities, and at the first session of the legislature, by an act providing for the erection of county jails, it was directed that at least the sexes should be kept separate—a precaution which does not to-day exist in every state of the Union. But it was a rough time. The state was full of desperate criminals. Public order and safety could be maintained only by the strong hand. Even in our most advanced states but little progress had been made toward the rational treatment of criminals. There was no thought in the public mind as to the distinction between the confirmed criminal and the casual offender. There was no thought of reformation. With conditions as they were the only desire was to protect society from depredation. As to what happened to the depredator nobody cared. The jails were foul pens, breeding-places of disease and nurseries of crime.

THE FIRST STATE PRISON.

The first state prison was a ship moored in San Pablo Bay, off Vallejo. By an act approved April 25, 1851, entitled, "An act for securing state prison convicts," the state prisoners were leased to M. G. Vallejo and James M. Estell, who were to provide temporary buildings or vessels properly arranged for the health and security of the prisoners, provide food, clothing and guards for their support and safe keeping, and get their remuneration from the labor of the prisoners, whom they were at liberty to work as they saw fit. They gave bond in \$100,000. This was a temporary arrangement intended to last until the state should find a location and build a prison.

In December, 1851, this state prison ship began business by the reception of thirty-five prisoners turned over to the lessees, and within a month about sixty more were brought in from the various county jails. Labor which would "stay put" was scarce and dear in those days, but what the lessees could have found for the prisoners to do at that time in the vicinity of Vallejo does not appear. Doubtless the lessees thought they knew, for they would not have contracted to relieve the state of all expense in connection with its convicts without expectation of profit. Probably they got the profit, for the arrangement was continued, except for one year, until 1858, M. G. Vallejo, however, retiring and being released by the legislature by an act approved 1852, James M. Estell remaining as sole lessee. It was evidently to the interest of the lessee to practice great economy in the feeding and guarding of the prisoners and, during the entire life of his lease, he appears to have maintained something in the nature of a private hell—easier, however, to get out of than comports with the usual conception of that place, for there were twenty escapes during the first month, of whom only seven were recaptured. These escapes continued during the whole period of this lease. It probably made no great difference to the lessee, as, if he lost their work, he saved their keep. The number of escapes and the difficulty in recapturing them was so great that in one of their reports the inspectors called attention to the magnetic telegraph, then beginning to come into extended commercial use, and suggested to the legislature the propriety of running wires over the state to save expense in recapturing escapes.

THE PRISON LOCATED AT SAN QUENTIN.

The Vallejo location was merely temporary, intended to be used only until a permanent site could be found and a state prison built. By an act approved May 1, 1852, the prison inspectors and superintendent of public buildings were instructed to select a site for a state prison which must not be over twenty acres or cost more than \$10,000. After the selection and purchase, the money for erecting the necessary buildings was to be obtained by the sale of seven per cent bonds. As conditions were then, it was obviously desirable to locate the prison where it could be reached by water. It was also desirable that it should be near San Francisco, which supplied a large share of the criminals. Various sites about the bay, including Goat Island, were examined, and Point San Quentin,



HON. CHARLES SONNTAG Member State Board of Prison Directors

where the prison now is, was finally selected. Buildings were erected and the lessee with his convicts took possession.

INADEQUACY OF THE BUILDINGS.

It appears that in 1851, when the contract with the lessee was made, both parties estimated that there would never be more than fifty convicts in the prison at one time, but during the four years ending January, 1855, 527 convicts had been turned over to the lessee, of whom 226 were "Americans" and 301 "foreign,"—the latter term, however, in those days always including native Californians. Of the 527 convicts, ninety-eight had escaped during the period, of whom only forty-one had been recaptured. The lessee, however, reported that quite a number of the escapes and of those attempting to revolt had been killed, but that only twenty-one of the killed had been reported to him. Revolts in the prison were of frequent occurrence. In January, 1855, twenty-two got away in a bunch, of whom eight were recaptured and four killed. About that time the lessee reported that instead of the fifty convicts for whose accommodation estimates had been made, he had on hand three hundred, and there would have been five hundred if all the prisoners had been delivered to him and stayed with him, and if there had been no escapes he would have had four hundred as it was. To accommodate the three hundred which he had, there were forty-eight cells with four cots to the cell and one room which would hold one hundred. That is to say, he had three hundred convicts in a prison designed to hold one hundred and ninety-two. The escapes continued to be so numerous that a law was passed in 1855 declaring that if a prisoner escaped and was recaptured his sentence should be doubled—except, presumably, in the case of life termers.

CRIMINAL LAWS IN THE FIFTIES.

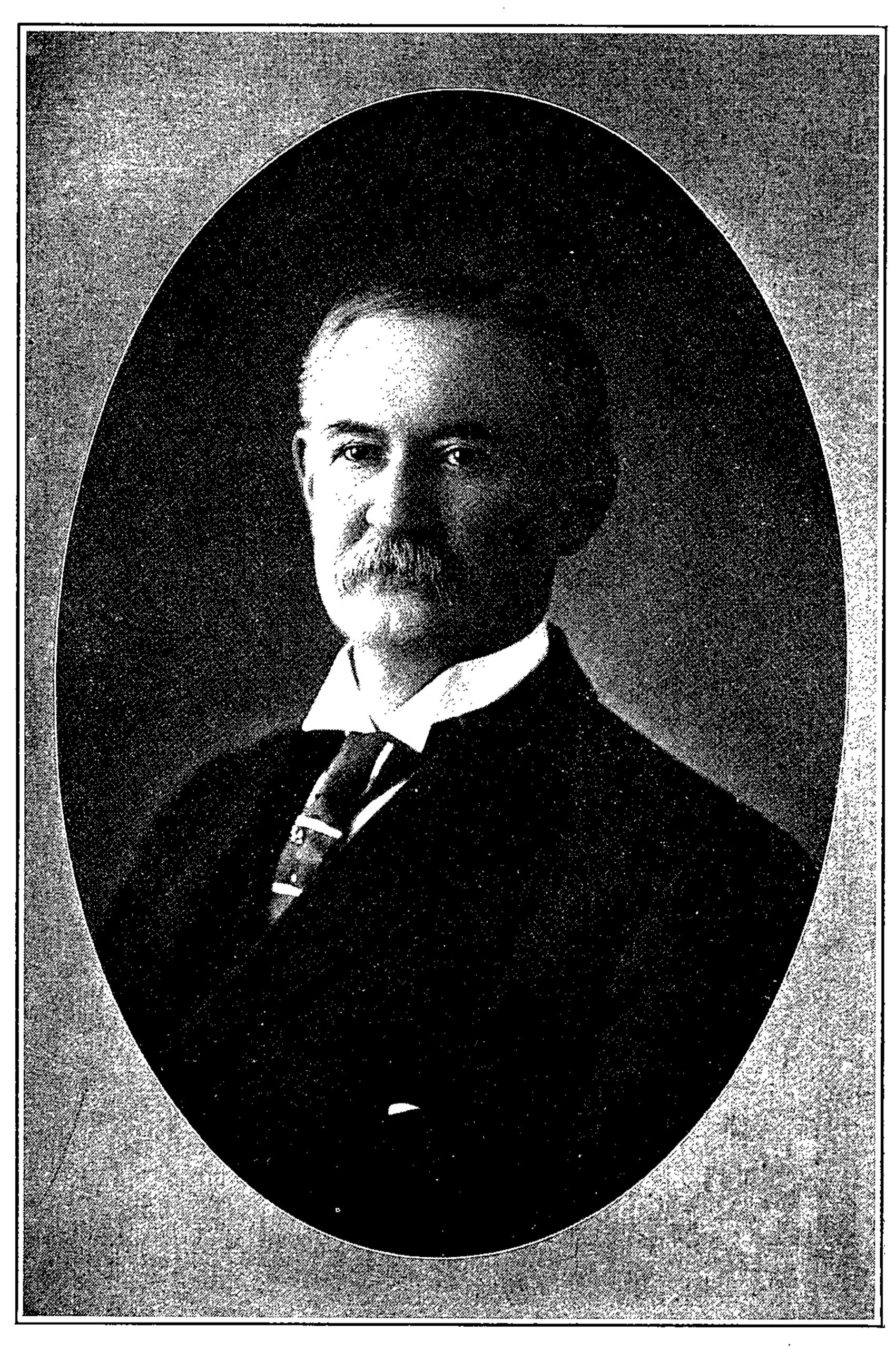
It should be said here that at this time the criminal laws of the state were a hodge-podge. There was little attempt to apportion penalties according to the crime. For example, larceny of fifty dollars was punishable with death, while the penalty for arson was two years in prison. The governor had power to pardon, but a certain procedure must be followed, and, except when the convict was in imminent danger of death, these formalities must be observed before the governor could consider the case. Under conditions prevailing at that time, in a state overrun with criminals from all parts of the world, and not likely to have friends to interest themselves in their behalf, convicts, as a rule, had to serve their terms unless they could escape. The public feeling was for the extermination of criminals, or, failing that, herding them in state prisons for the longest terms possible, regardless of the conditions which prevailed there.

THE STATE TAKES OVER THE PRISON.

Apparently in consequence of the great number of escapes, rather than for any consideration of the welfare of the convicts, there was a great deal of clamor about the prison management and in 1854 Governor Bigler directed the inspectors to make an investigation and report. The report was made, and as a result, by an act approved May 7, 1855, the legislature placed control of the prison in the hands of a board of three directors, the first incumbents to be selected by the legislature in joint session and their successors to be chosen by the people at the next general election. The directors were to receive \$3500 a year each and must reside at the prison. They appointed the warden and physician, and the warden appointed his subordinates. Over the directors were placed the governor, controller and secretary of state as a board of inspectors. If a subordinate left his position without giving at least two weeks' notice he forfeited all wages due him and was to be imprisoned in the county jail not less than thirty days or more than six months. In these days it is not at all necessary to provide such penalties.

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The directors took possession on June 1, 1855, and during the next eleven months spent \$475,413, which "settled their hash." The people had not been accustomed to spending any



HON. C. E. CLINCH Member State Board of Prison Directors

money for the support of criminals, and did not like it when they tried it.

THE PRISON AND PRISONERS AGAIN LEASED.

By an act approved March 21, 1856, the legislature provided for a new five-year lease of the state prison grounds and property, together with the convict labor, at a price not to exceed \$15,000 a month, the lessee to clothe, feed and guard the prisoners, receiving as compensation their labor and the monthly cash payment agreed upon. James M. Estell took the contract for \$10,000 a month.

By an act approved May 10, 1857, the legislature abolished the prison directors as expensive and unnecessary, and provided for the transfer of insane criminals to the asylum for the insane, a provision which caused much friction between the two institutions. The authorities of the insane asylum objected very seriously to the intrusion of insane with criminal instincts among their charges.

In 1858 the legislature established an industrial school for San Francisco, which was the precursor of the state schools of the present day. It was a very different institution from those which we now maintain for the instruction of delinquents, but its establishment showed that even in that early day the people of California were moved by the instincts of humanity. And in the same year they showed it in other ways, for they took the first step in the long road which has eventually led us to humane, enlightened and economically wise treatment of the delinquent classes.

ABOMINABLE PRISON CONDITIONS.

In the nature of things, conditions in the prison controlled by a lessee, virtually without official restraint and whose sole object was to make the most money possible for himself, were abominable to the point of inhumanity. They are best described by the following extract from the report of a committee made to the legislature of 1858:

In addition to the testimony of the witnesses, as above referred to, the committee would state that from general personal observation and examination they found on January 19, the evening of their arrival at the prison, some 125 prisoners, entirely barefoot and quite a number with nothing more than old gunny-sacks or pieces of blanket tied around their feet, none having anything in the shape of socks furnished them by the lessee. It is due, however, to the lessee, or McCauley, who claims to represent him, that on the next day quite a number of the barefoot party of the day before came out with new shoes. Mr. McCauley stating that many of the prisoners had concealed or hid away their shoes so as to look as badly as possible, but the committee, although visiting every department within the walls of the prison, failed to discover the secret place where were concealed the missing shoes of the shoeless prisoners, although the committee do not undertake to state positively that such secret place may not be in existence and hereafter discovered by the closest scrutiny of more interested parties.

The general clothing of the prisoners seems too scant for winter weather, the most of which clothing, or a greater portion thereof, appears to be the last remains of what was worn there by them, now in such a tattered, torn, forbidding and filthy condition that the commonest street beggars sleeping by the wayside and begging their daily bread would by comparison have the appearance of newly Parisian-clad gentlemen. The bedding (if bedding it can be called) of the prisoners, especially those confined in cells, seemed to be insufficient to protect them from absolute suffering from cold. The cells being six feet by ten, with something like two shelves on each side, about two feet in width each, upon which is a kind of straw mattress and one coarse, shaggy, double blanket, which is all that is found when the complement of bedding is full. But at present many of the blankets are torn and partially gone, and they are compelled to sleep with their day clothes on, shoes and all (if they chance to have them). And being without a sufficient quantity of bedding and clothing to admit of a change, the whole has become a mass of dirty, filthy rags, the lice being so plentiful as to be easily seen crawling about the so-called bed and bedding, these being the only kind of places where the convicts of the state for crimes induced to be committed probably not from naturally bad instincts, but from examples in early life, from want of education, from intemperance



HON. FRANK S. MULFORD State Parole Officer

and want, are sentenced and compelled by bolted doors and iron limbs to undergo suffering in comparison with which death, with all its terrors, would seem pleasurable relief.

But this is by no means the worst feature of the prison. In the "Long Room," so called, which is in size 24 by 146 feet, are turned loose like so many brute animals in a corral, to stay and sleep, the young, middle-aged and old; the boy of 15, perhaps his first offense, with upwards of 300 convicts, among whom are necessarily the vilest of the vile, thus rendering reform and reformation seemingly impossible. The bedding in this room is of the same kind and class as before described, except in a worse condition, being alike infested with the same kind of animals, only perhaps a little more so. The manner of stowing away such a number in so small a space is accomplished by placing a row of standing bunks close to each other on either side of the room, with their heads to the wall, leaving an open space through the middle of the room; the bunks being one above the other, and into which the prisoners crawled from the end, the open space being so small that before they take their bunks it's with a great deal of difficulty you can make your way through the crowd; and the stench ensuing from the room when open in the morning will have to be imagined, as a description is impossible.

THE STATE AGAIN RESUMES CONTROL.

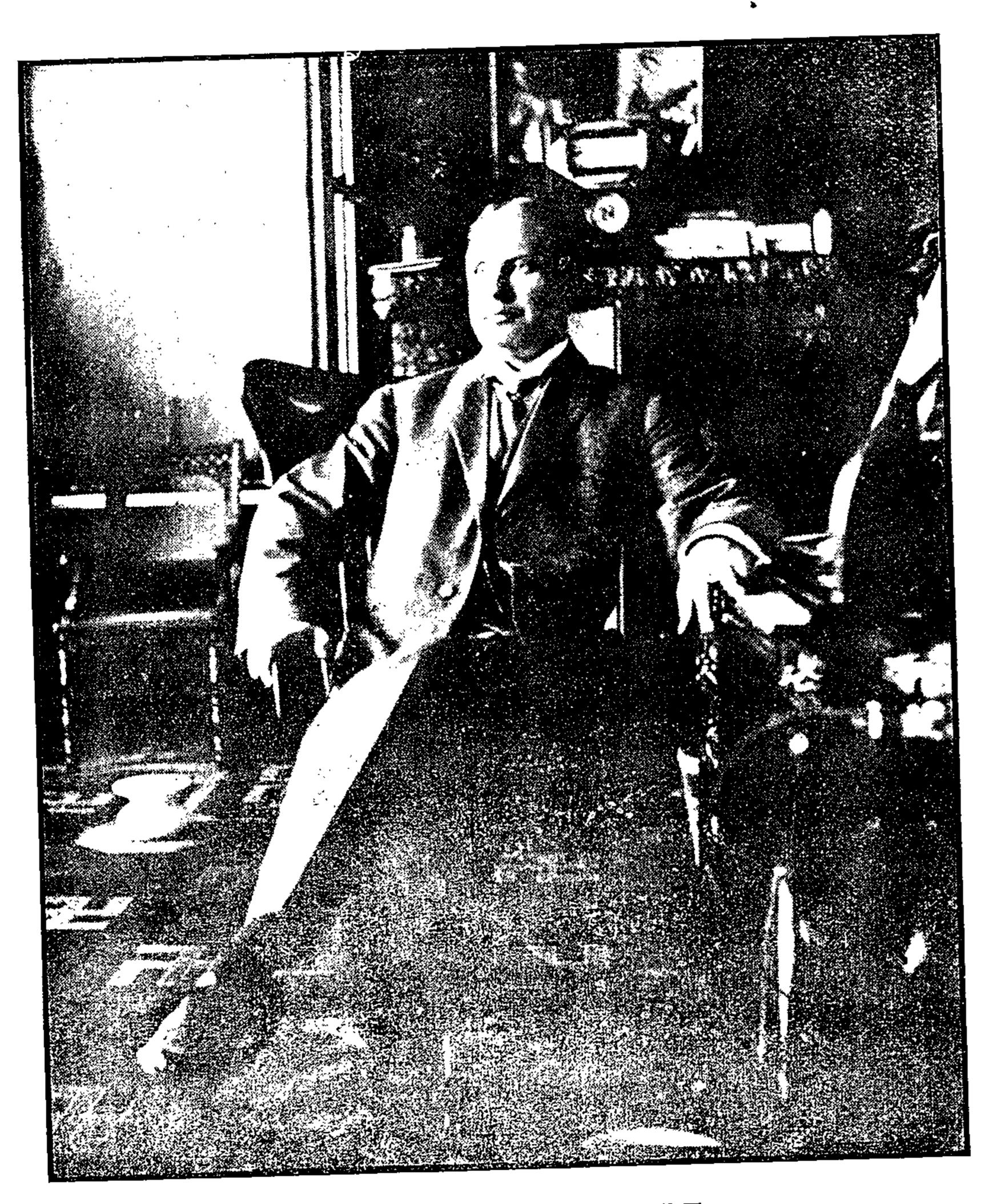
Upon such a report it was evidently necessary for the legislature to act, and it did act. By an act approved February 26, 1858, the governor was authorized to take immediate charge of the prison and to eject the lessee at once, allowing him to remove only his personal effects, which was done, the governor managing the prison until 1859. There were joined with him as prison directors the lieutenant-governor and secretary of state.

The ejected lessee sued the state for damages and a year or two of litigation followed, whose history may be read in the decisions of the Supreme Court in the case of *State* vs. *McCauley*, 15 Cal., 451, and *The People ex rel. McCauley and Tevis* vs. *Samuel H. Brooks, Controller of State*, 16 Cal., 11. It was a long and involved controversy, but the lessee finally got \$275,000 of the people's money.

GENERAL IMPROVEMENT OF CONDITIONS.

As indicated by the report of the committee above quoted, the prisoners wore no uniform but the clothes they had on when they arrived at the prison, and although it was sometimes necessary to give the life termers and those confined for a long time some clothing, it was always of the poorest and cheapest character and limited in quantity. In 1864, however, it was decided to introduce uniforms, which was done gradually, and which has continued to be the custom ever since. That year also, or at least about that time, a deduction of five. days per month for good behavior was authorized by the legislature, and at once the wisdom and benefit of the reform became evident in the improved discipline of the prisoners. A library was started, thanks to the charity of a number of San Francisco ladies, and for the first time attention was called, in the reports to the legislature, to the necessity of giving : earnest attention to the moral improvement of the inmates. Up to the time that the state took control permanently, that is to say, in 1861, there had been no chaplain to look after the spiritual welfare of the prisoners. There were no bathing arrangements, and the necessary sanitary arrangements were of the crudest nature.

All this, however, was speedily changed. Chaplains were appointed and bathing arrangements for the prisoners were provided. These bathing arrangements, however, were of a decidedly primitive character. The prisoners were also each



HON. JOHN E. HOYLE Warden State Prison at San Quentin

given two suits of clothes so that they could change their wearing apparel at least once a week. Repeated attention was called by the directors, in their reports to the legislature, to the need of more cell room and of arrangements that would allow of a classification of prisoners, a large number of whom were under 21 years of age. As early as 1871 the prison directors complained that they had from thirty to forty prisoners in each of seven rooms and that at least four hundred new cells were needed.

It may be stated right here that apparently there has never been a time in the history of the prisons of California when the cell room was sufficient to accommodate the prisoners in separate cells and that only now, after an existence of nearly sixty years, is the state engaged in erecting adequate and proper accommodations for its criminal population confined in the state prisons.

PRISON LABOR.

As has been seen, at the beginning of our state prison system the main thought was to make the cost to the state as small as possible, and doubtless for that purpose the leasing system was the best, and if conditions were awful it was natural for the unthinking to say that nobody need get into the state prison if he did not wish to.

When the state took over the prison it was still the intent to make all the use possible of prison labor, as indeed is necessary, for it is inhumane as well as demoralizing to keep prisoners in idleness. The increasing number of prisoners, however, made necessary some more comprehensive method of utilizing their labor, and on May 8, 1861, arrangements were made to hire out the labor of the convicts to contractors to establish plants on the prison grounds, the prisoners, however, remaining under the control of the state authorities and subject to their rules and regulations. Some of the convicts were employed in the manufacture of cabinetware and agricultural implements, and the state received seventy-five cents for some and thirty-seven and one-half cents for others per day, for their labor. Other convicts were engaged in making

cigars, or as coopers, and in other occupations, the compensation to the state being fifty cents per day for each prisoner.

In substance, this arrangement was continued for about twenty years, but as industries began to be established in the state there was a generally increasing objection on the part of working men and employers to the competition of prison-made goods. It was quite an important feature of the agitation which led to the adoption of the constitution of 1879, and that instrument provided that after the first day of January, 1882, the labor of convicts should not be let out by contract but that the legislature should provide by law for working the convicts for the benefit of the state.

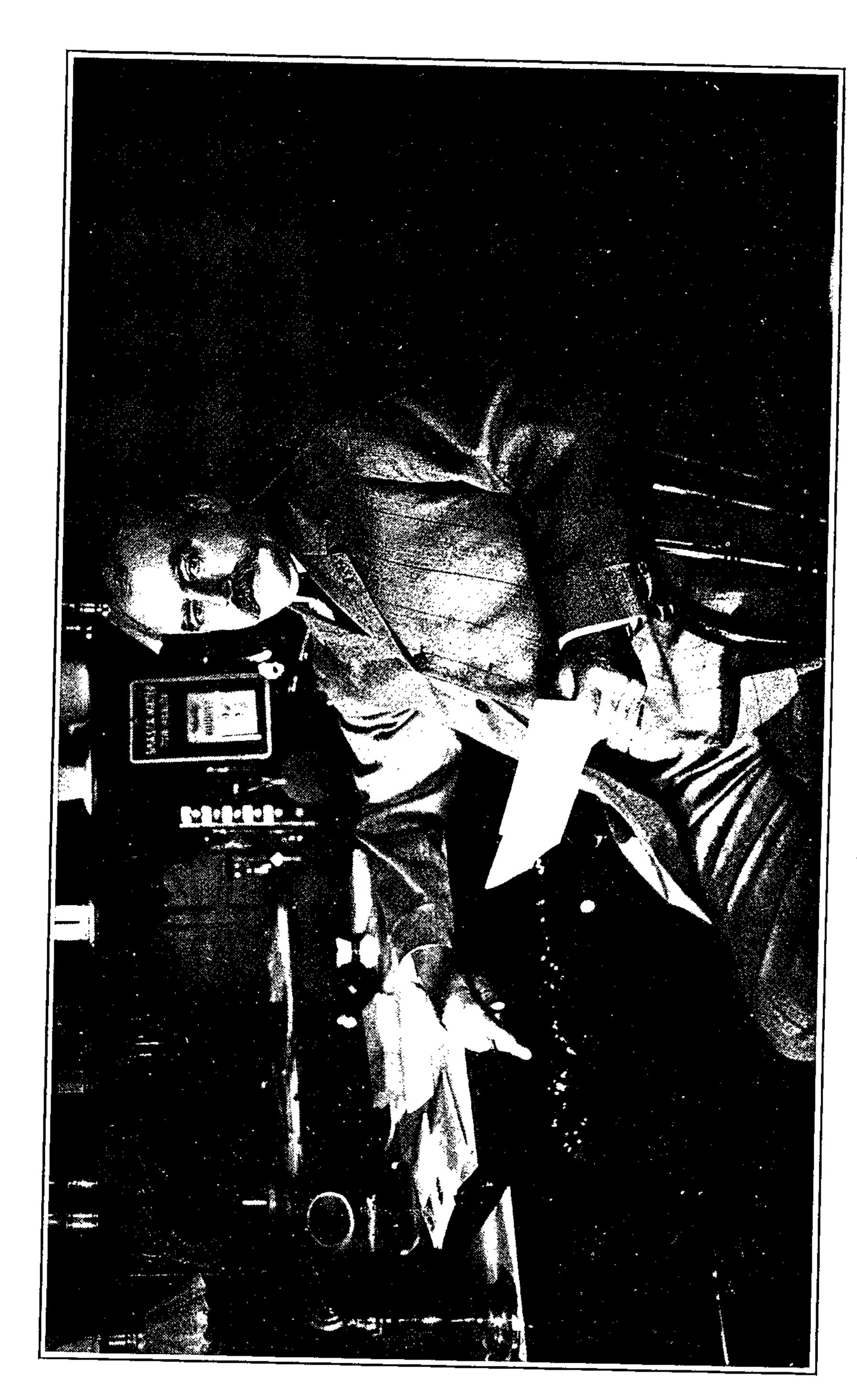
The constitution also provided for a board of five prison directors which should have charge and superintendence of the state prison and such powers and duties with respect to other penal and reformatory institutions as the legislature might prescribe.

Among the first duties confronting the directors under the new constitution was to determine what use to make of the convict labor, and after careful consideration it was determined to employ the convicts at San Quentin in the manufacture of jute grain bags to be sold to the farmers of the state at a trifle more than cost. Upon the introduction of that industry all other manufacturing at San Quentin was stopped.

The prisoners at Folsom are employed in rock crushing and also in quarrying and cutting stone for the construction of the prison plant.

THE CONTROL OF PRISONERS.

In 1862 there were 589 prisoners in the state prison. In the eleven years, 1851 to 1861, inclusive, there had been received 2262 prisoners, of whom 547 had escaped, and only 219 had been recaptured. In one year, 1860, there were 127 escapes, the largest number in the history of the prison for any one year, but after the state had once taken complete control and its management and discipline began to make themselves felt, the number of escapes began to decrease, until now an escape is, indeed, rare.



HON. W. H. RILEY Warden State Prison at Folsom

The Bertillion system of measurements was adopted in 1890 and in 1905 the finger-print system was added. Both systems are employed and complete records are kept at both prisons and also at the identification bureau in San Francisco.

THE STATE PRISON AT FOLSOM.

The necessity for more prison room began to be recognized before the end of the leasing system and by an act approved April 24, 1858, the board of prison directors were instructed to select a site for a "branch prison." Nothing, however, was done until 1868, when a supplemental act was passed by the legislature, directing the board of directors to select a site before the first of July, 1868, and limiting the selection to two sites, *i. e.*, Rocklin and Folsom. After considering the advantages offered by each, the board selected Folsom, as it had the same facilities for quarrying stone, and an additional advantage in the water-power furnished by the American River.

Accordingly, on the thirtieth of June, 1868, the board of directors obtained from the Natoma Water and Mining Company a deed for three hundred and fifty acres of land, supposed to cover all the quarries necessary for prison purposes, and also the exclusive right to the first five-foot fall perpendicular of the canal then in course of construction by the Natoma Company.

This land was to be paid for in convict labor, which was to be used on the construction of the Natoma Company's canal and dam, and was to be furnished after the completion of the prison. It was later discovered that the land acquired was insufficient, and an additional 133 acres was deeded to the state, to be paid for in the same manner. Work upon the prison began in 1874, but was delayed because of the failure of the contractor and insufficient appropriations, the south wing not being completed until 1880, some twenty-two years after the inception of the project. The clearing away of the forest about the prison and the building of roads and sewers employed the available convict labor until 1882, at which time the state started furnishing prison labor to the Natoma Com-

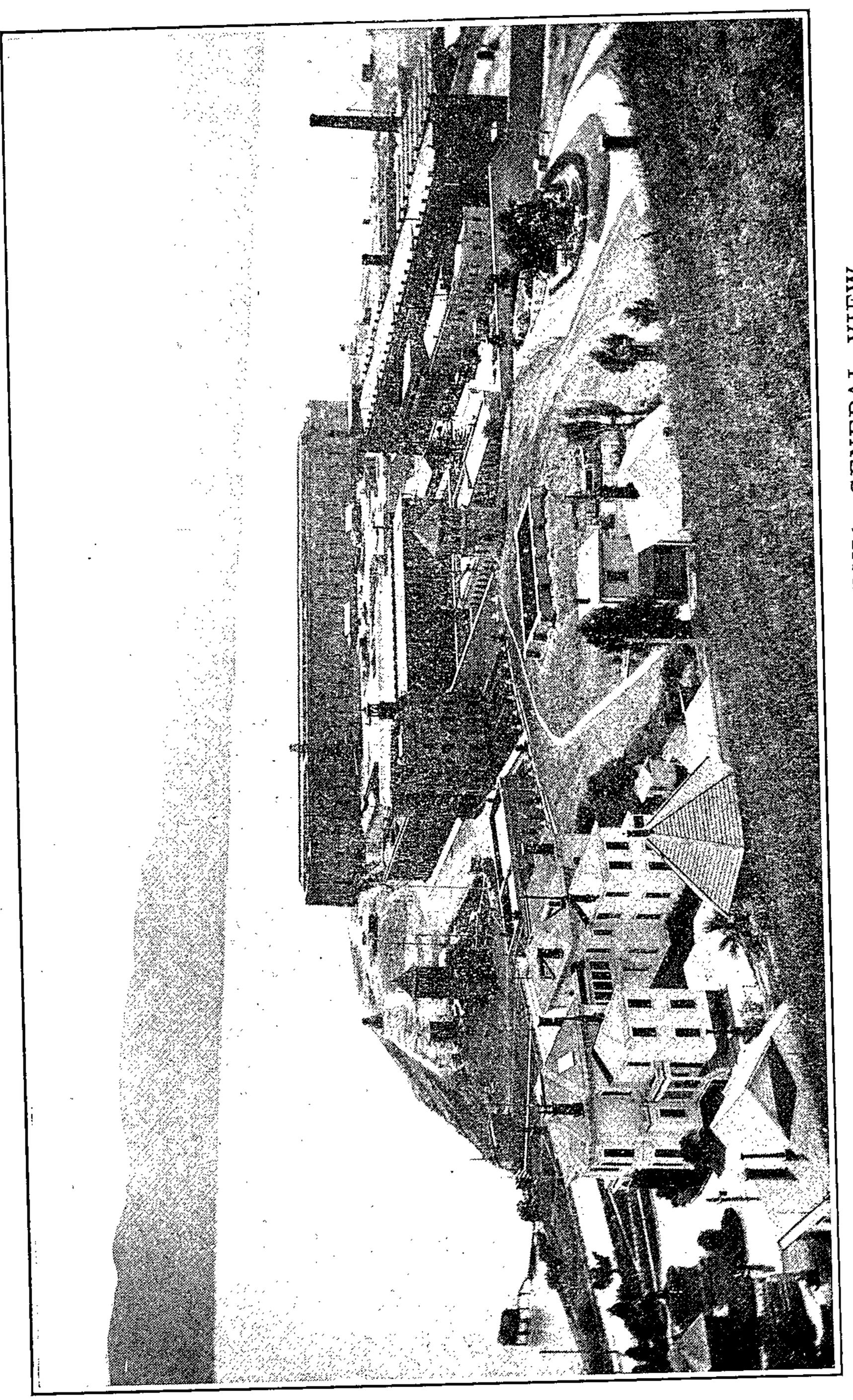
pany. A dispute arose as to the amount of labor to be furnished, and this was followed by litigation. After the matter had been in the courts for several years, an agreement was reached under which the canal was completed and many rights which had theretofore been uncertain, were vested in the state, as for instance, the right to pump water, lay sewers, maintain guard houses, and so on, upon the company's land. The agreement also increased the state's share in the power generated by the canal from two hundred and fifty to six hundred horse-power, and gave it the permanent free use of the company's railroad from the town of Folsom to the prison.

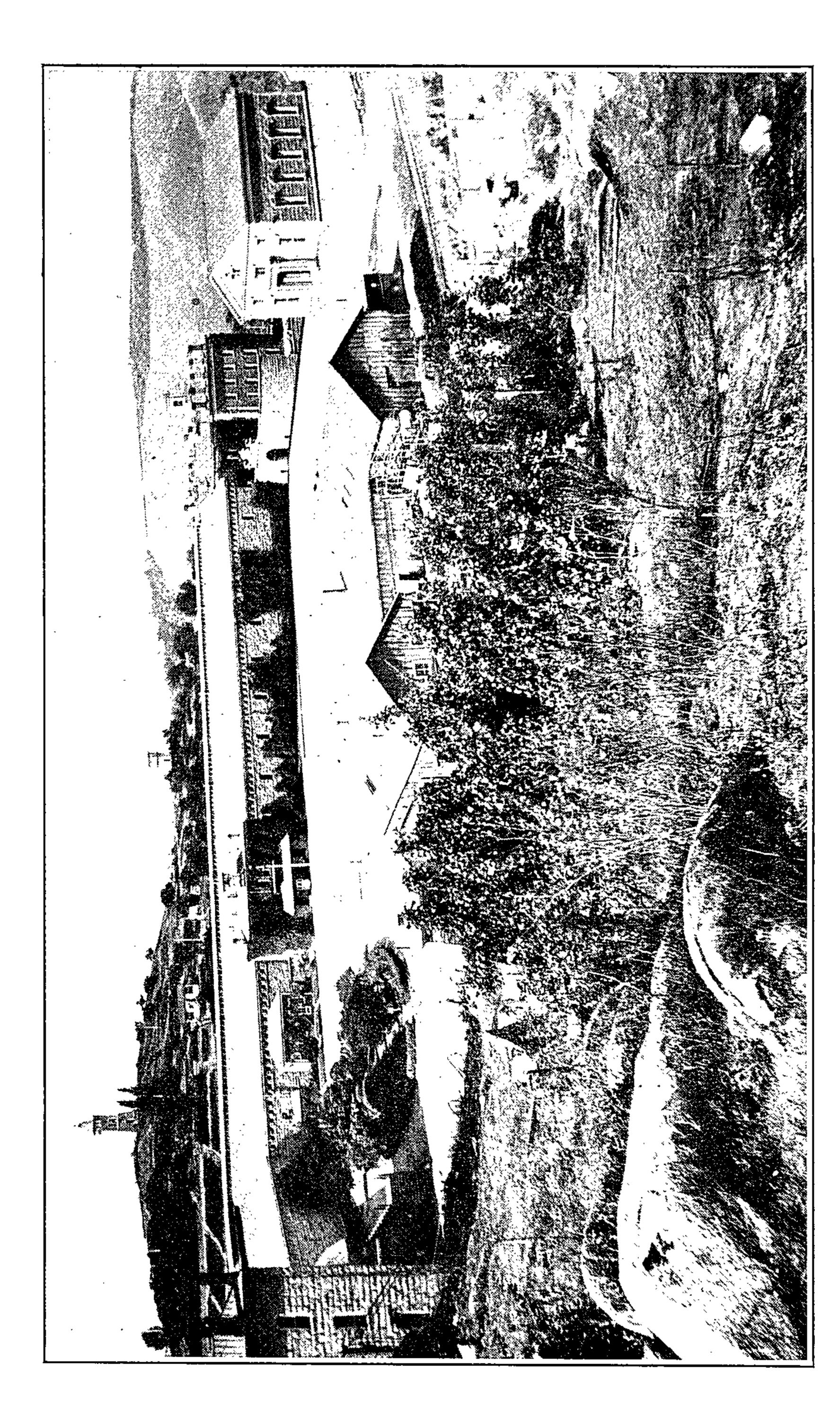
THE PRESENT PRISON PLANTS.

The present prison plants may be briefly described as follows:

San Quentin.

At San Quentin, on the northerly shore of San Francisco Bay, is located the larger of the two institutions, with a population approximating at present nineteen hundred inmates. The principal buildings inside the walls are the four cell houses, the old sash and blind factory, the hospital, the chapel (also used as a library and school), the women's department, and the offices of those in charge of the interior of the prison. Forming part of the enclosure are the jute mill, the commissary and the officers' and guards' quarters, while lying outside the walls are the administration offices and the residences of the prison officers. In the various buildings inside the enclosure are located the barber, tailor and shoe shops, the baths, the photograph room, the finger-print and Bertillion room, and the drug store. There are also in the old sash and blind factory a fully equipped machine shop, wood-working shop and foundry, and on the top floor of this building is the execution room, wherein those soon to pay the death penalty are kept under the strictest surveillance lest they cheat the hangman. Within the walls are two open spaces or yards where the prisoners exercise. Scattered over the exterior





TATE PRISON AT FOLSOM, CALIFORNIA-GENERAL VIEW

grounds are watch towers, two or three stories in height, commanding the environs, entrances and salient interior points of the prison. In addition to the watch towers there are sentry boxes posted along the top of the walls, and upon stilts in a few places about the exterior grounds. Except the rather imposing stone structure at the main entrance, containing the officers' and guards' quarters, and the steel portions of the cell houses, the buildings are of brick.

The cells proper are ranged in four long parallel groups some fifteen or twenty feet apart, and three tiers high. The lower or ground tiers are of brick or stone, and in one group the two upper tiers are of brick. The two upper tiers of the other groups are steel cells, superimposed upon the brick or stone foundation-tiers. All of the cells open directly to the weather. The cell doors are of steel plate, with an opening a few inches square at about the height of a man's face. In cold weather this opening may be closed, if the inmates so desire, by a small glass plate. Each cell is locked separately by a padlock and also by a keylock, huge and antiquated in appearance, and one of the show-sights (and sounds) of the prison is the evening lock-up. The cells vary in size, and none of them have a proper modern sanitary equipment, nor is there any means of heating them.

The present cell accommodations at San Quentin are entirely inadequate to the proper housing of the prisoners, much less for their proper segregation and classification. There is at this writing a population of over nineteen hundred prisoners, distributed, as to cell accommodations, as follows: 396 in as many single cells, 408 in 204 double cells, 126 in 48 cells, and 744 in 10 rooms and 2 large dormitories. There are thus 1170 in cells and 744 in rooms and dormitories. It will be noted that there are but 396 prisoners out of over 1900 occupying single cells.

The jute mill contains two hundred looms, with all the breakers and carders, spinning and winding frames, finishing calendars, sewing machines and baling presses necessary to take an average of 370,000 pounds of jute each month and turn it into about 380,000 grain bags. Since January 1, 1900, the

mill has manufactured some forty-eight million bags, that have been sold at an average annual price of 4.91 to 7.75 cents per bag, the total sales aggregating \$2,630,000.

Folsom.

At Folsom, on the precipitous bank of the American River, some twenty miles east of Sacramento and among the rolling foothills of the Sierras, is located the other prison, with a population of over a thousand. This prison is of later construction than the one at San Quentin—in fact, is still in course of construction—and is built entirely of granite, even the cottages of the guards being mainly of that material. The main prison buildings, as planned and when completed, may be likened to the five sides of an octagon, with the remaining open space turned toward the river. Three of these sides or wings are completed and in use, two as cell buildings and the other as dining-room, kitchen, etc. Within the yard, practically enclosed by the wings, is the chapel and library building, and also some temporary wooden structures used as bathrooms and shoe and tailor shops. Fifty feet or so lower down, toward the river, is the main stone quarry—one can almost drop a plumbline into it from the retaining wall at the edge of the yard, and beyond this and at the river's edge is the power house, while a hundred yards down the river bank from the power house is the rock-crushing plant. Out of sight, over a neighboring rise of ground, are the prison stables and farm.

The ends of the two cell wings now completed open into each other at an obtuse angle, as though they were one building. The southerly wing was first completed and contains two groups, two tiers high, of 162 cells each, the cells being seven by nine feet, with nine-foot ceilings. The southwest wing is smaller and contains but one group, two tiers high, of seventy cells, each cell being six by fifteen feet, with eight-foot ceilings. The total number of cells is at present 394, to house a prison population of over a thousand.

The southwesterly wing opens through a doorway into the easterly wing, containing the dining-room and kitchen.

There is no complete wall at present around the prison, the safekeeping of the prisoners, while outside the building, being maintained through a system of watch towers and guard posts. The prisoners not engaged in routine prison duties are mainly employed in the quarries and at the rock crusher. The product of the quarries is used exclusively in prison construction.

The output of the crushing plant is sold at cost plus ten per cent. Since the plant began operation in 1897, over 655,000 tons of crushed material has been sold for over \$209,000. The present price per ton, on board cars at the prison, is fifty-five cents.

The power generated in the power house is used solely in and about the prison, for lighting and driving the quarry machinery. The power house installation consists of four Leffel vertical turbines of 102 H. P. each and one Leffel horizontal turbine of 150 rated H. P. Two of the vertical turbines are used during the day for driving the air compressor that operates the hoisting engines, drills and pneumatic tools; at night these turbines operate a pump that raises the water supply of the institution. Another of the vertical turbines, in combination with the horizontal turbine, furnishes the power for electric lighting, and the remaining vertical turbine operates the ice plant.

The farm at Folsom prison under the present management is worthy of especial mention. It has been brought into a state of profitable cultivation, and already its productions show a balance on the credit side of the account.

INADEQUACY OF PRESENT PRISON PLANTS.

The crowded condition of our prisons is so universally known that a mere statement of that fact is all that is necessary here.

Repeatedly the state board of prison directors have called attention to this subject in their biennial reports. Not until 1905, however, were any effective steps taken by the state to remedy the evil that had grown to such serious proportions.

In the year last named appropriations were made by the legislature for the construction of additional cells at both San Quentin and Folsom, and work thereunder is now going forward under the supervision and control of the state's engineering department.

There are to-day (September, 1910) at San Quentin 696 cells and 1915 prisoners, and at Folsom 394 cells and 1016 prisoners. Under such conditions proper segregation into classes is impossible, and without classification and segregation, the work of reformation must unavoidably lag.

This subject is one to which the state board of prison directors have given much thought and to which they have made frequent reference in their official reports.

In their biennial report made in 1906, they said:

We realize fully that the crowded condition of our prisons prevents us from inaugurating that system of prison discipline which is demanded in a well-conducted prison that each prisoner should be placed in a separate cell and that segregation should be carried out to the highest possible extent. Prisoners should be divided into classes according to conduct, age, and other characteristics and every effort should be made to prevent the young and those who are first offenders from associating with those hardened in crime. It has been often said that the California prisons are a breeding place for vice, and, while perhaps this is an exaggeration, there is a modicum of truth in the assertion, due to the fact that our prisons were built at an early day, when the population was much smaller than now and consequently our prison population much less. As our population has increased, accommodations have not been provided for the increase. We have earnestly considered for many years the feasibility of dividing the prisoners into three and possibly five classes, giving to each class a different garb and providing that there shall be no association among them. This was one of the strong reasons we urged at the last session of the legislature for appropriations for new buildings. It is our intention, as soon as the facilities at our command will permit, to segregate the prisoners into classes. A rough division along these lines would be to have those who enter the prison for the first time go into the second or middle class; then if they are well behaved, industrious in their work, and obedient to

the rules, they will be transferred to the first or higher class. If, on the other hand, they show vicious tendencies they would be degraded to the third or lower rank. Other divisions along the line of this, or on some other characteristics, will suggest themselves. It is possible that instead of having three divisions we should have, as stated above, four or possibly five, and we have arranged our plans in such a manner as to provide for separate yards and assembling places for each of the different classes.

PRESENT SANITARY CONDITIONS GOOD.

Before proceeding to outline the plans recommended by the state board of prison directors for the future conduct and management of our state prisons, it should, in fairness, be stated that, notwithstanding their present crowded condition, both prisons are as clean, healthful, and sanitary as it is possible to make them. The prisoners have wholesome food to eat, clean places to sleep, and their clothing and bodies are kept in a clean condition. Indeed, it is a matter of comment that, because of the wholesomeness of their food and the regularity and cleanliness of their habits, the health of the prisoners is usually better than that of the ordinary free community of an equal population.

THE NEW BUILDINGS AND PLANS.

The basic principle underlying the plans recommended by the state board of prison directors is embodied in the single cell and the classification and segregation of prisoners, with separate non-intercommunicating yards for the several classes of prisoners.

A fair beginning has been made in the execution of these plans and, when completed, and a state reformatory added to fill in the gap between the reform school and the state prison, California will have taken her place in the very front rank in respect to matters penological.

CELL BLOCKS FOUNDRY YARUS PROPOSED DINING HALL BULLDING PLAN OF PROPOSEDS STATE PRISON CHAPEL SAN QUENTIN, CALIF.

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San Quentin Plans.

The main wing of the new cell building at San Quentin is now almost completed, and will represent the highest development of modern prison construction. The building is of reinforced concrete, 570 feet long, sixty feet wide, with walls nearly seven feet thick at the base and three and one-half feet thick at the top, and forty-six feet high. Inside the building and surrounded by a sixteen-foot corridor, are eight hundred reinforced concrete cells, in four tiers, each cell being four feet six inches wide, ten feet nine inches long and seven feet five inches in height. Back of and between the rows of cells on each tier there is a five-foot utility corridor, containing the plumbing, lighting, and ventilating arrangements. In each cell there will be running water, electric light, and connections with the main sewer which drops forty-seven feet into the bay two hundred and fifty feet distant. The cell doors may be locked either individually or with levers in groups of twentyfive, and are to be open, steel bar gratings so that the inmate may be visible at all times. Around the inside walls of the room, and reached by a stairway from outside the prison, will be an iron balcony commanding a view of the cell-corridors, and on this balcony a proper patrol will be maintained while the prisoners are in the cells. In the basement of the building will be the heating plant, and also a fan-ventilating equipment capable of changing the air of the entire prison every ten minutes. All of the labor has thus far been done by the prisoners. In excavating for the site of the wing, and for the contemplated additions, an eminence formerly known as South Hill was reduced to a level, involving the removal of some 300,000 . cubic yards of earth and rock.

The plans of the prison authorities call for two additional wings, one flaring from each end of, and connecting with, the main building; also for a dining-room and kitchen, in a one-story wing, midway the length of the main building, between the wings; also for a chapel, library and school building midway the length of the main building on the opposite side from the dining-room,—both the dining-room and chapel to connect with the main building. In one of the proposed cell wings

there are to be 448 cells, and in the other 358, thus providing a total new equipment of 1600 individual cells.

Walls connecting the new buildings with the old will enclose two additional yards, permitting the segregation of the prisoners into three classes at all times.

Folsom Plans.

The plans for the enlargement of Folsom prison call for the construction of two additional cell houses on the southwest and south sides of the octagon previously referred to, practically of the same design as those now in place, but having a capacity of 411 cells, giving the prison a total of 805 cells. The massive concrete wall that has been commenced around the prison is to be completed, and will enclose two yards in addition to the one now in use, thus permitting the effective and permanent segregation of the prisoners into three classes. There are also to be built permanent structures for the laundry, shops and other prison requirements. A rocky hillside is being rapidly blasted away to make room for these additions, and the stone is being cut for their construction.

LEGAL MACHINERY FOR PRISON ADMINISTRATION.

Governor:

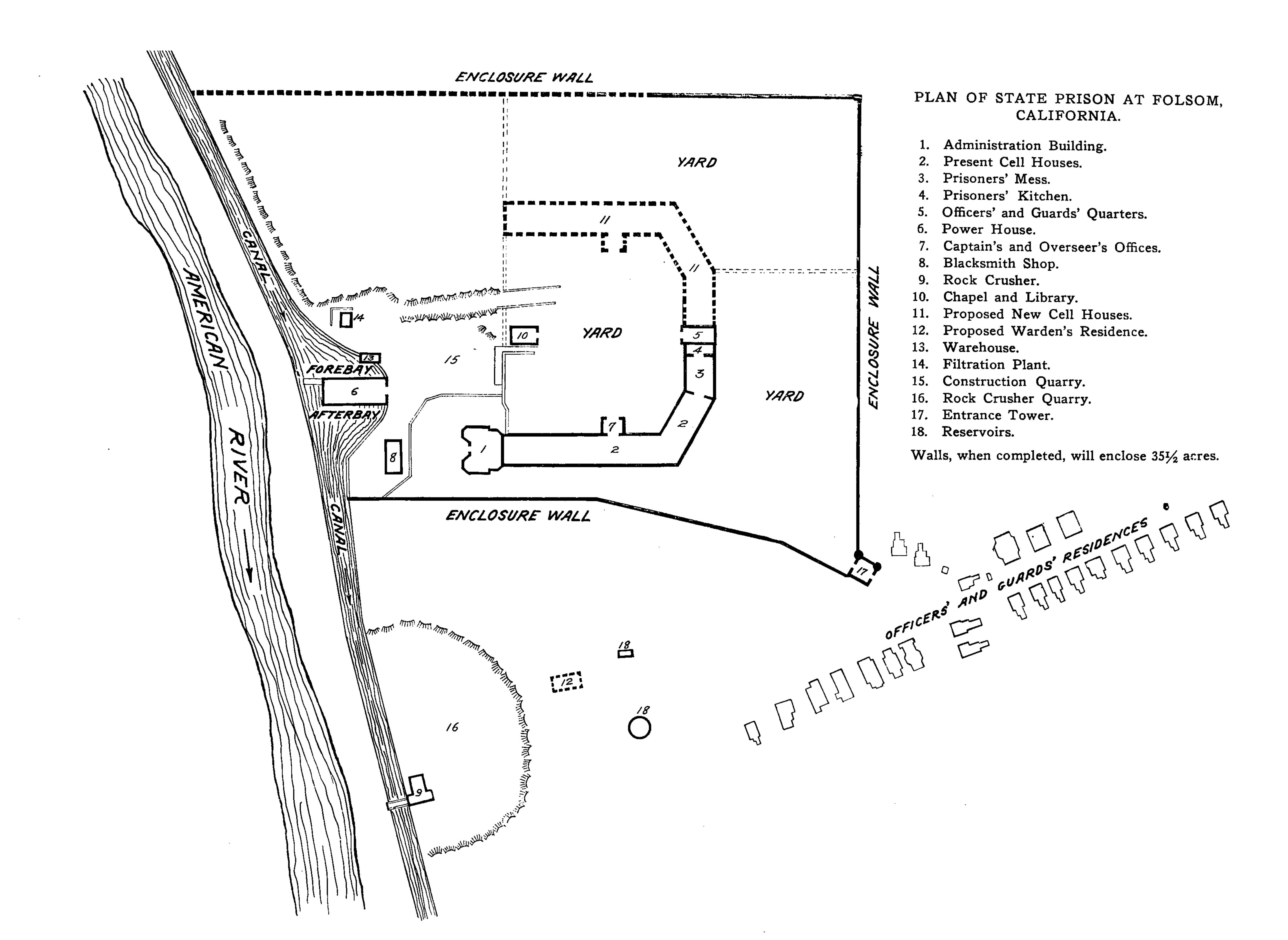
Under the constitution and laws of California the governor is the executive head of the state's affairs and it is made his duty "to supervise the official conduct of all executive and ministerial officers."

Board of Directors:

Under the constitution of California the governor appoints the state board of prison directors, which consists of five members. The term of office of each director is ten years, and under the law the appointments are so made that a vacancy occurs every two years.

The members of the board receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of their official duties.

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Warden:

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The constitution further provides that the board shall appoint the warden and determine the necessary officers of the prison. All other officers and employees of the prison are appointed by the warden and are removable at his pleasure save the clerk of the prison, which latter officer is appointed by the state board of prison directors.

Organization and Work of the Board:

The board annually elects one of its members president.

Meetings of the board are held at each prison monthly, with special meetings in San Francisco as occasion may require.

All business of the prisons is under the direct supervision and management of the board in much the same manner as is the business of any large industrial corporation.

The board makes all contracts, audits and allows all bills, fixes all salaries, and generally manages all the business of the two prisons.

Full written monthly reports are submitted to the board by the prison officials covering all departments of the prison.

In matters of parole, the members of the board personally conduct the examination of the prisoners and admonish them as to their rights, duties and obligations.

THE AVERAGE PRISONER.

(Some statistical data.)

With a view to deducing for this sketch certain facts applicable to the average state prisoner, statistics have been compiled covering the past thirty years. The computations are based upon the number of prisoners actually received in 1880 and in each fifth year thereafter, including 1910,—the year 1910 being taken, however, as the year ending on April 1st. The required data relating to each convict was transferred to a separate card, the information then tabulated from these 5200 cards, and from the tabulations the percentages were calculated and several of the results obtained are shown graphically upon the diagrams appended hereto.

Figure I shows the ages of the prisoners received in the

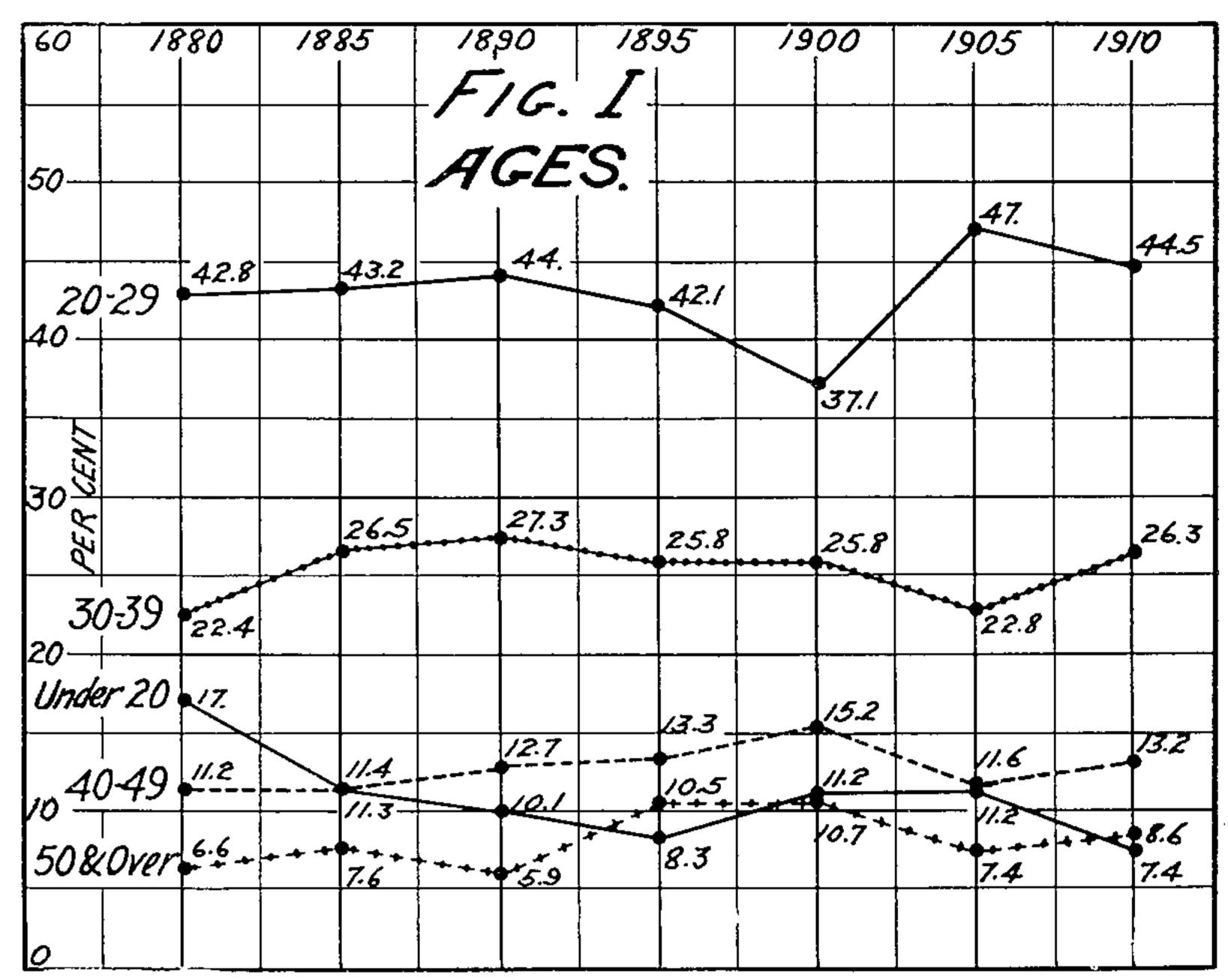


Fig. I.—Showing ages of prisoners received during years named.

(See text.)

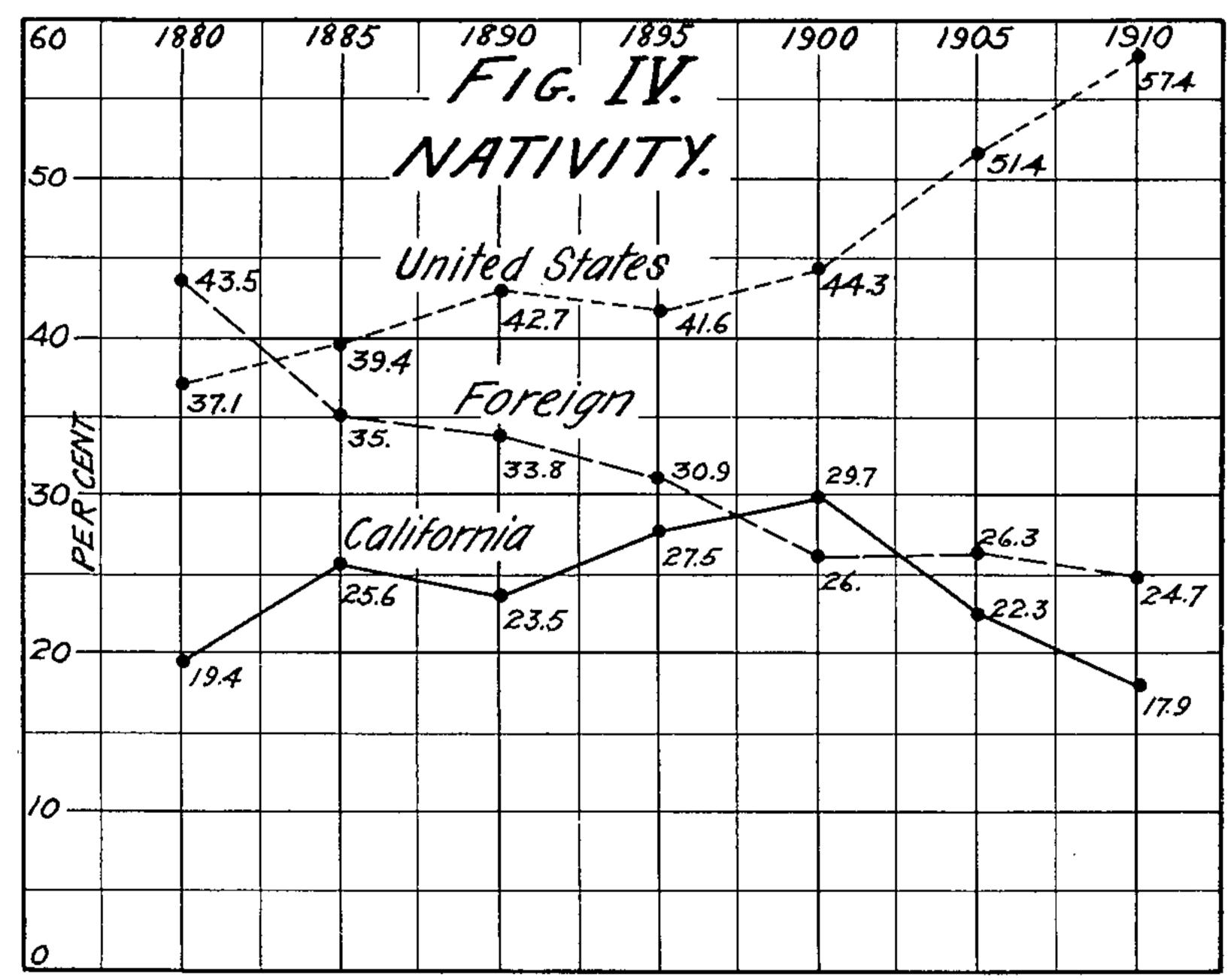


Fig. IV.—Showing nativity of prisoners received during years named. (See text.)

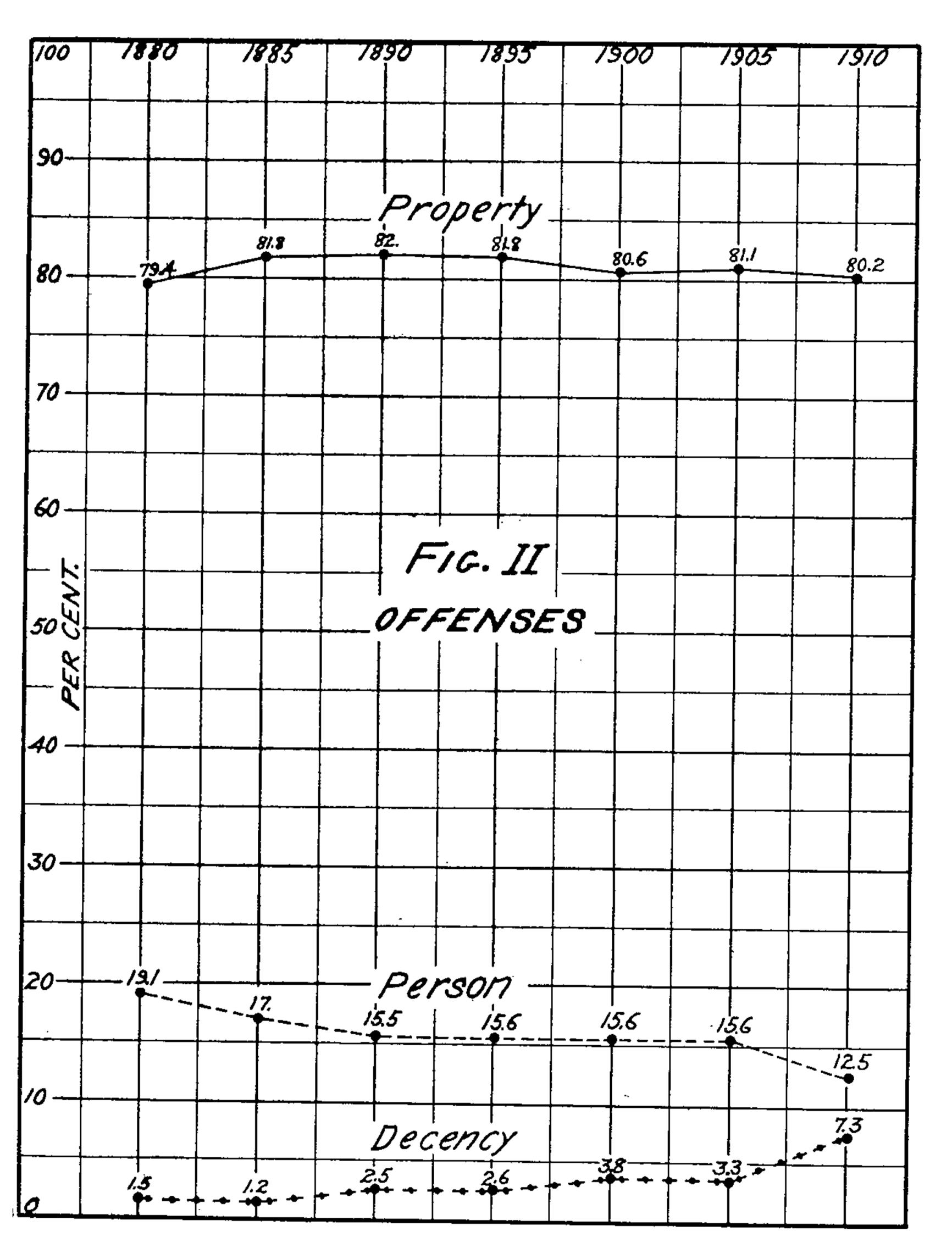


Fig. II.—Showing offenses for which prisoners were received during years named. (See text.)

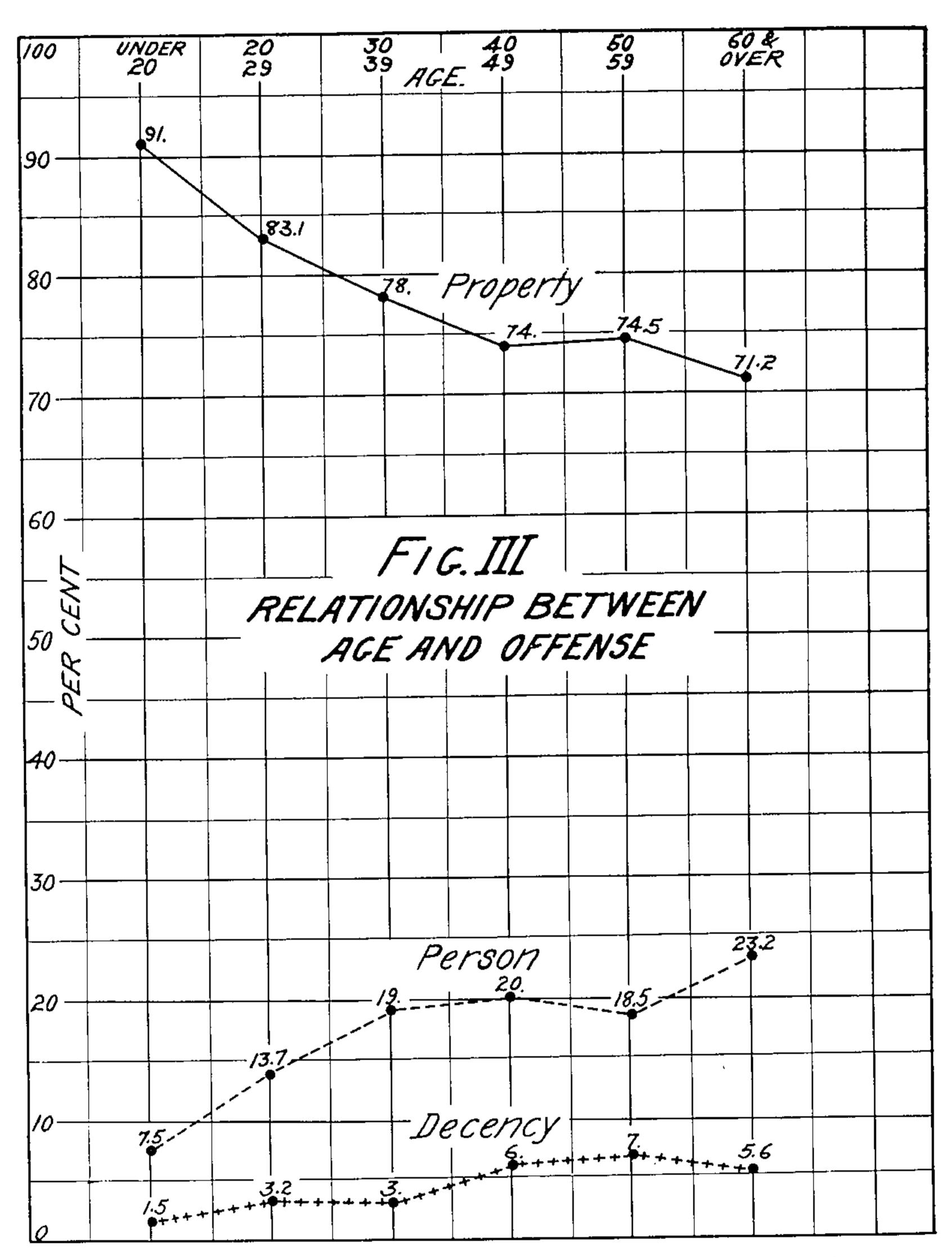


Fig. III.—Showing relationship between age and offense of prisoners received. (See text.)

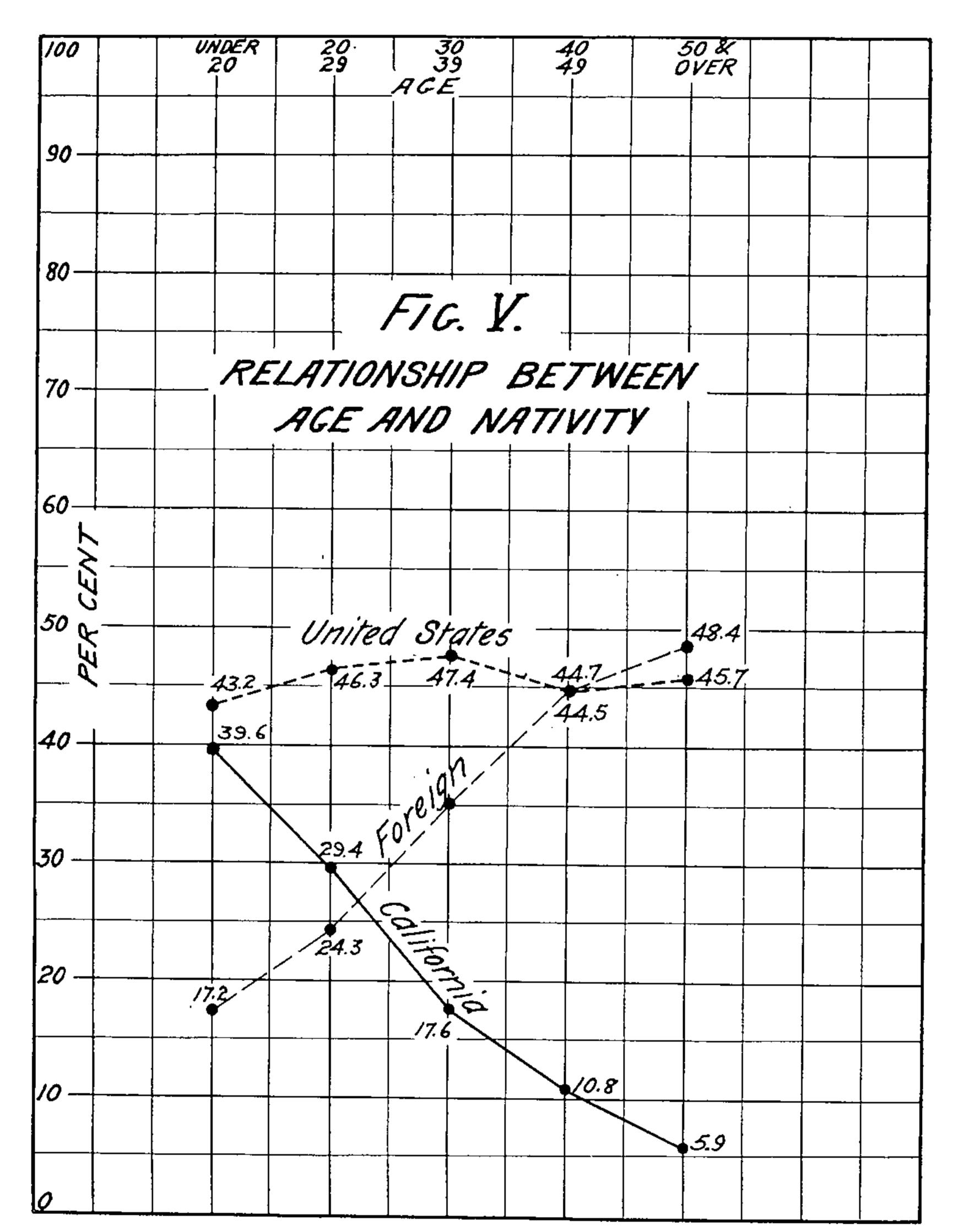


Fig. V.—Showing relationship between age and nativity of prisoners received. (See text.)

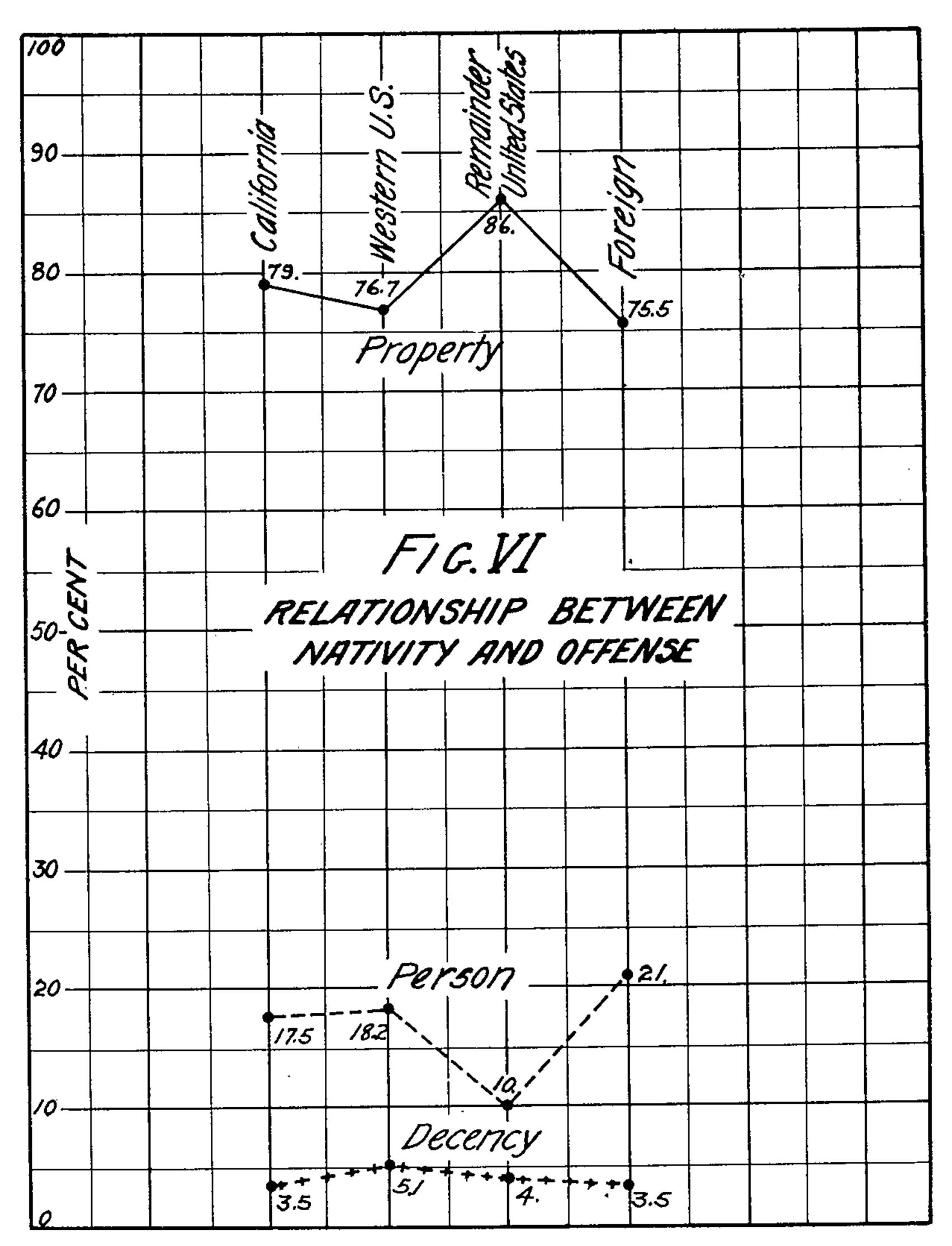


Fig. VI.—Showing relationship between nativity and offense of prisoners received. (See text.)

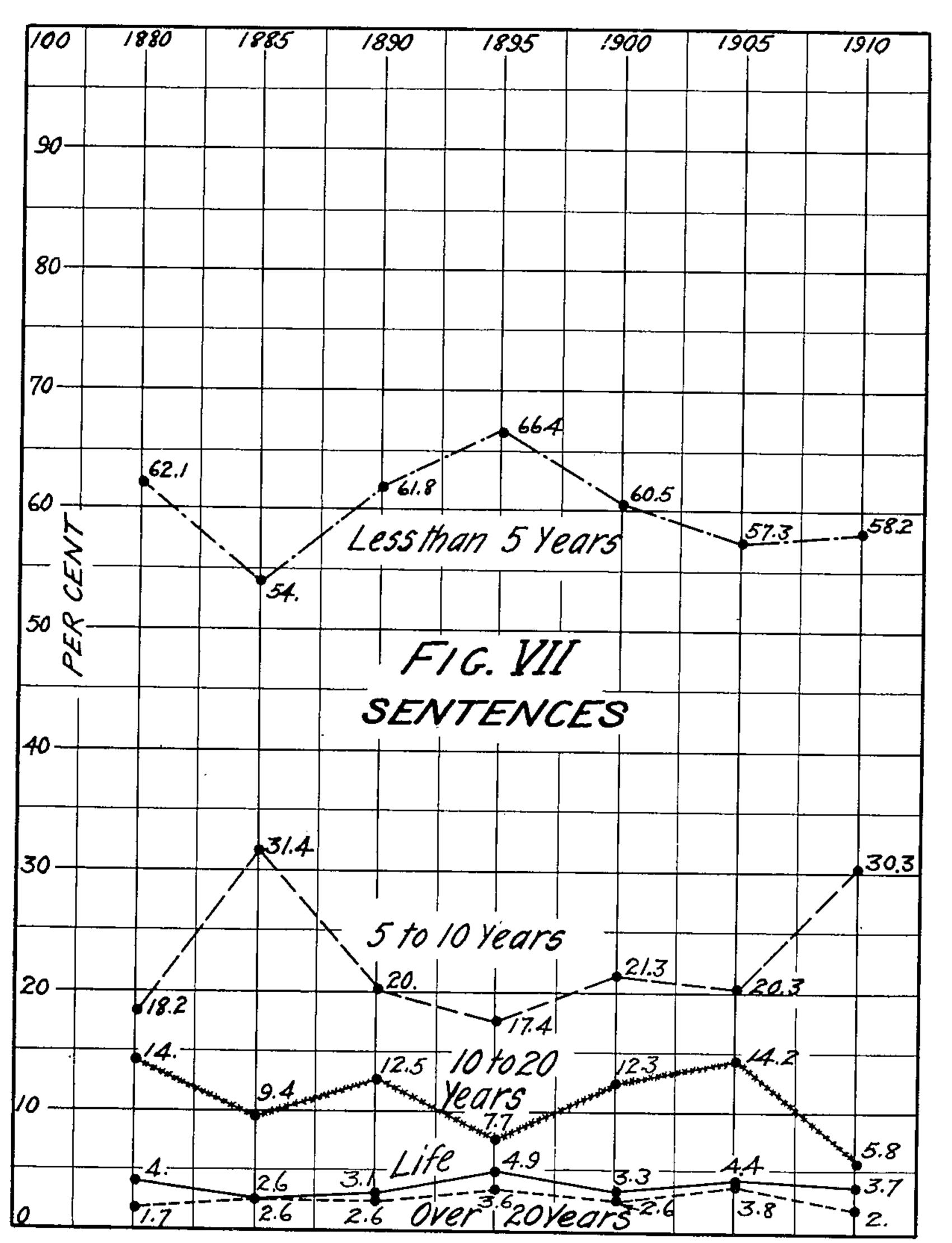


Fig. VII.—Showing sentences given to prisoners received during years named. (See text.)

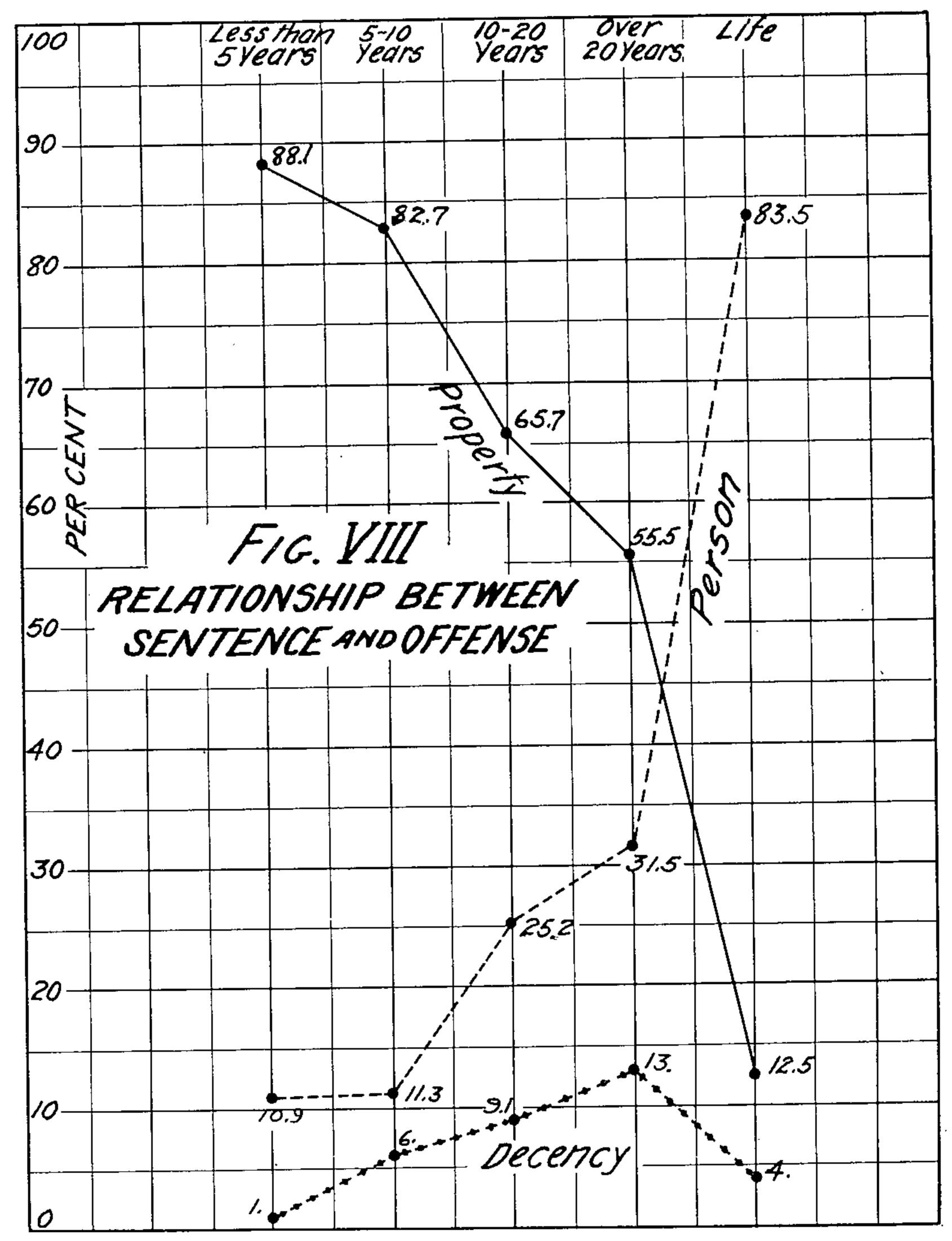


Fig. VIII.—Showing relationship between sentence and offense of prisoners received. (See text.)

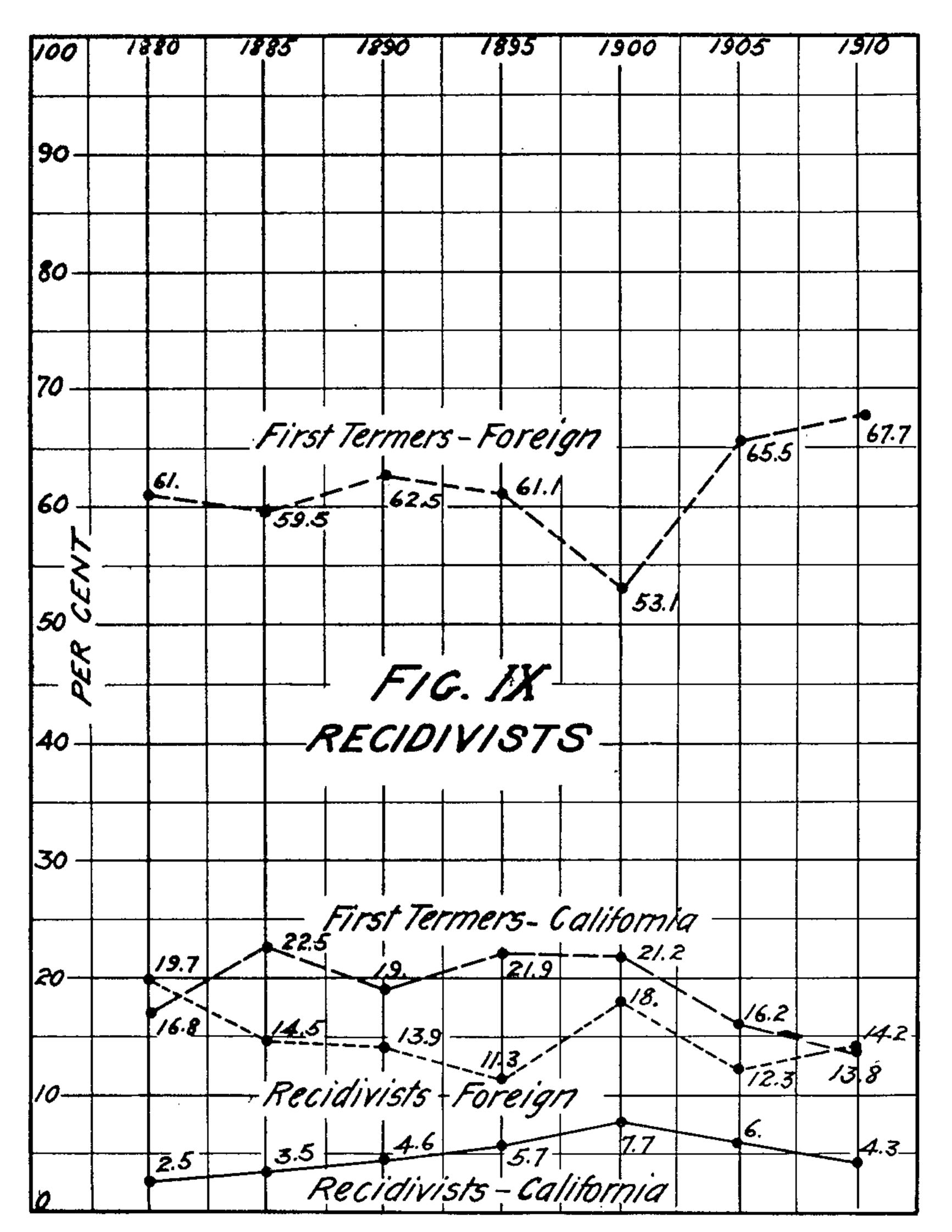


Fig. IX.—Showing proportion and nativity of first termers and recidivists received during years named. (See text.)

state prisons in each of the years named; that is to say, of the prisoners received in 1880, 17 per cent. were under twenty years of age, 42.8 per cent. were from twenty to twenty-nine years old, 22.4 per cent. were from thirty to thirty-nine years old, 11.2 per cent. were from forty to forty-nine years old, and 6.6 per cent. were over fifty years old. The upper line shows that the age twenty to twenty-nine vastly predominates at all times. The averages for the entire period were approximately as follows:

Prisoners under 20 years of age, at date of receipt	11%
From 20 to 29	42%
From 30 to 39	26%
From 40 to 49	13%
50 and over	8%
	100%

It will be noted that the two lines indicating ages under thirty follow much the same contour, and that the three lines indicating ages over thirty follow closely another and different common contour, thus justifying the conclusion that the critical age in the life of the criminal is about thirty years.

The offense is arbitrarily divided into three classes, viz: Offenses against property, such as burglary, embezzlement, larceny, and the like; offenses against the person, such as manslaughter, assault to kill, mayhem, and so on; and offenses against decency, such as bigamy, adultery, rape, and similar crimes. Figure II shows that over eighty per cent. of the persons in prison are there for offenses against the property rights of others. During the thirty years, the percentage of convictions for crimes against property has remained practically constant, while crimes against the person have decreased about forty per cent., and crimes against decency have increased about four hundred per cent.

Figure III shows the relationship between the age and the offense. It would appear from this diagram that as man grows older he learns better how to direct his acquisitiveness into

lawful channels, but that his control over the fighting impulse gradually decreases.

Figure IV indicates the nativity of the prisoners as received. This diagram is interesting as showing a steady increase in the influx of criminals from other states of the Union, and an equally steady decrease in the criminal element of foreign nationalities. In 1910 there was a smaller percentage of natives of California received at the state prisons than at any time during the past thirty years. Ten years ago high-water mark was reached in this respect, when almost one-third of the prisoners received were natives of the state.

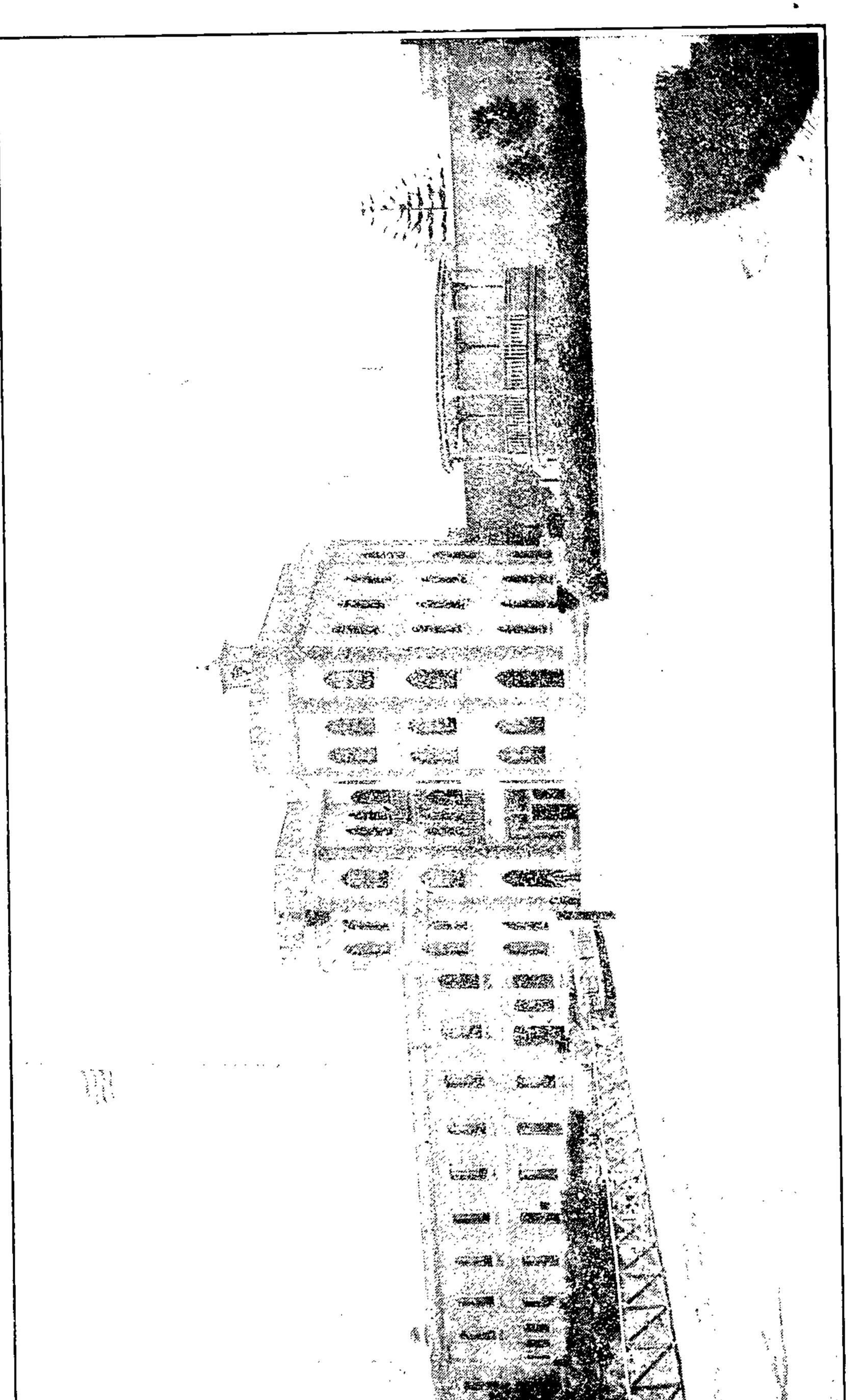
Figure V shows the relationship between age and nativity. A fairly constant average of forty-five per cent. of all the ages of prisoners received were natives of the United States outside of California. Of the prisoners received under the age of twenty, some forty per cent. were natives of California, while only about six per cent. of those fifty years old and under were Californians, and most of these were probably Indians. As the age increases, the foreigners increase in number, and after reaching the fortieth year the foreigners predominate.

Figure VI shows the relationship between nativity and offense. Natives of the United States, outside of California, commit most of the crimes against property, while the foreigners are the least offensive in this respect. The foreigner leads, however, in "trespass upon the person," while the man from our sister states is not half so bad in this respect. Offenses against decency are fairly evenly distributed, although the raw Westerner has a slight advantage in number—by "Westerner" is meant those born in states lying west of the Rocky Mountains, other than California.

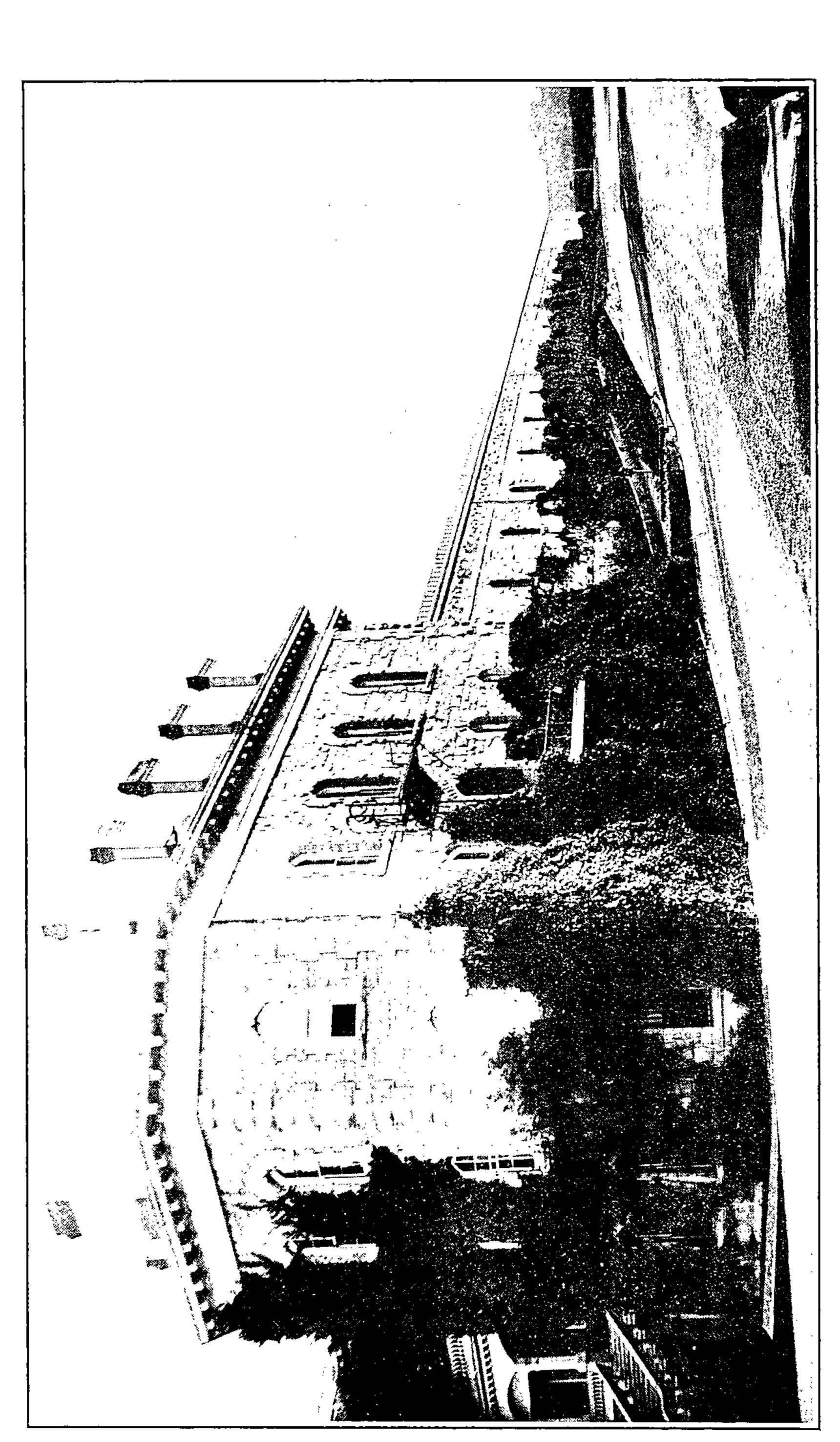
Figure VII has lines more erratic than any of the other diagrams. It shows the sentences imposed upon prisoners at different times during the thirty years, and tells us that an average of sixty per cent. of them get less than five years, and about twenty per cent. from five to ten years. The greatest fluctuations from time to time are in those two lines, the one representing sentences of less than five years, and the other terms of five to ten years. In 1885, for instance, 54 per

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STATE PRISON AT SAN QUENTIN-ENTRANCE



STATE PRISON AT FOLSOM-ENTRANCE

cent. of the prisoners received sentences of less than five years and 31.4 per cent. of them from five to ten years, while in 1895, 66.4 per cent. received less than five years, and 17.4 from five to ten years.

Figure VIII shows the relationship between sentence and offense. Of sentences of ten years and less, 85 per cent are for offenses against property, but after passing the ten-year term heavy sentences for this class of crime decrease very rapidly until but 12.5 per cent of those receiving life sentences are of this type. On the other hand, among those sentenced for long terms, and especially for life, offenders against the person largely predominate, doubtless due to verdicts of murder in the first degree rendered by juries averse to capital punishment.

Figure IX shows the percentage of recidivists received, classified as natives of California, and as "foreign," or all others than Californians. The average percentages for the entire period of thirty years are:

First termers, foreign	5
First termers, Californians	3.8
Recidivists, foreign	
Recidivists, Californians4	ŀ.9
100).0

In round numbers, the recidivists constitute on an average twenty per cent. of the prisoners received. The highest percentage of recidivists (over 25%) was received in 1900, and it is interesting to note from Figure I that in this year also the highest percentage of men aged over forty years was received. For the first twenty years of the thirty covered, the percentage of California recidivists shows a remarkably uniform increase, but during the past ten years there has been an equally uniform and gratifying decrease in that percentage.

THE CRIMINAL INSANE.

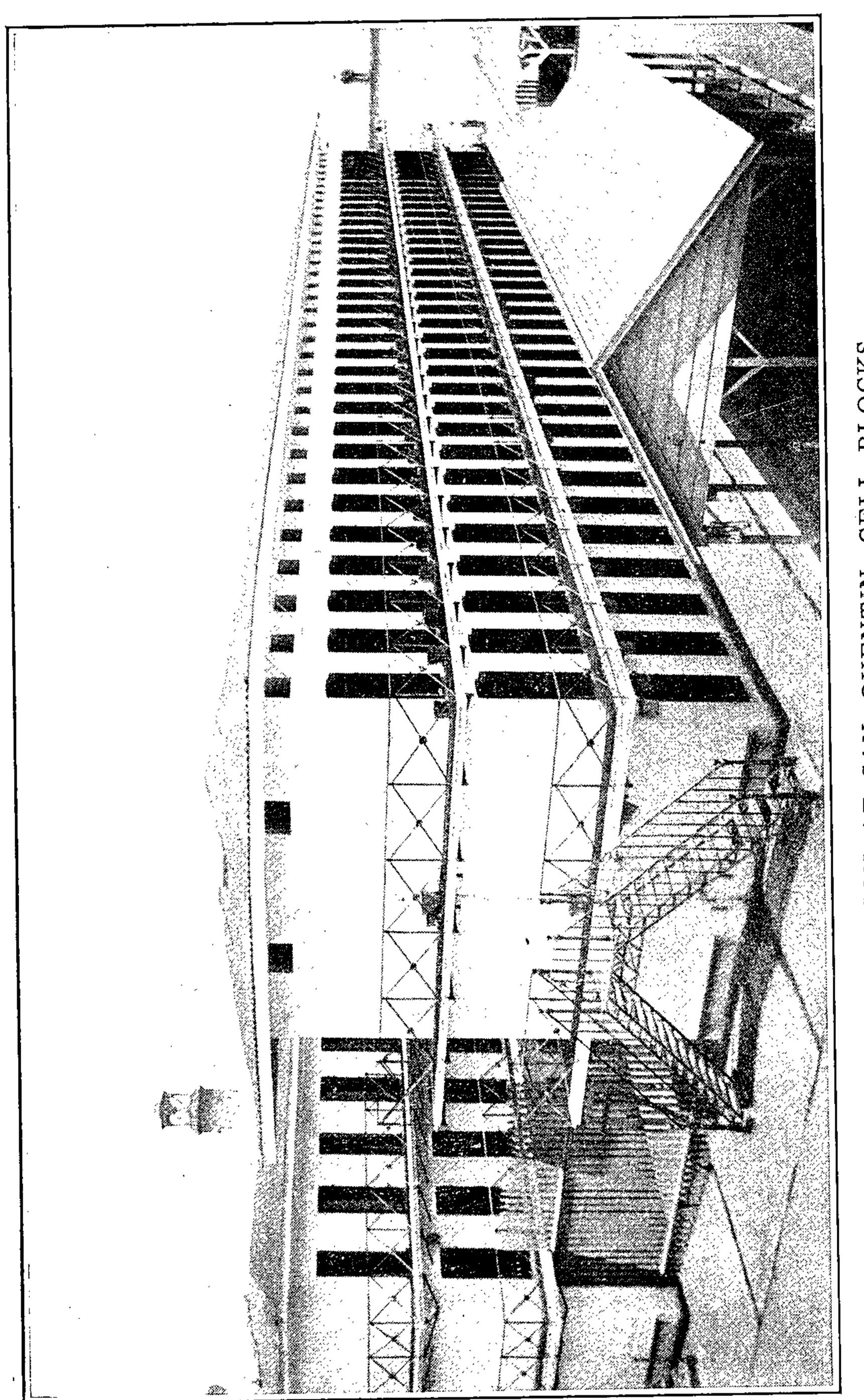
From the earliest history of the prison questions have constantly arisen between the wardens and prison physicians on the one hand and the medical superintendents of the state hospitals for the insane on the other in the matter of the care of insane criminals. As early as 1882 it was suggested that a ward for insane criminals should be erected in a special building in connection with the prison at either San Quentin or Folsom, and there is now being constructed at Folsom a thoroughly modern and up-to-date building where the criminal insane can be properly cared for as patients and guarded as prisoners.

THE MODERN TREATMENT OF CONVICTS.

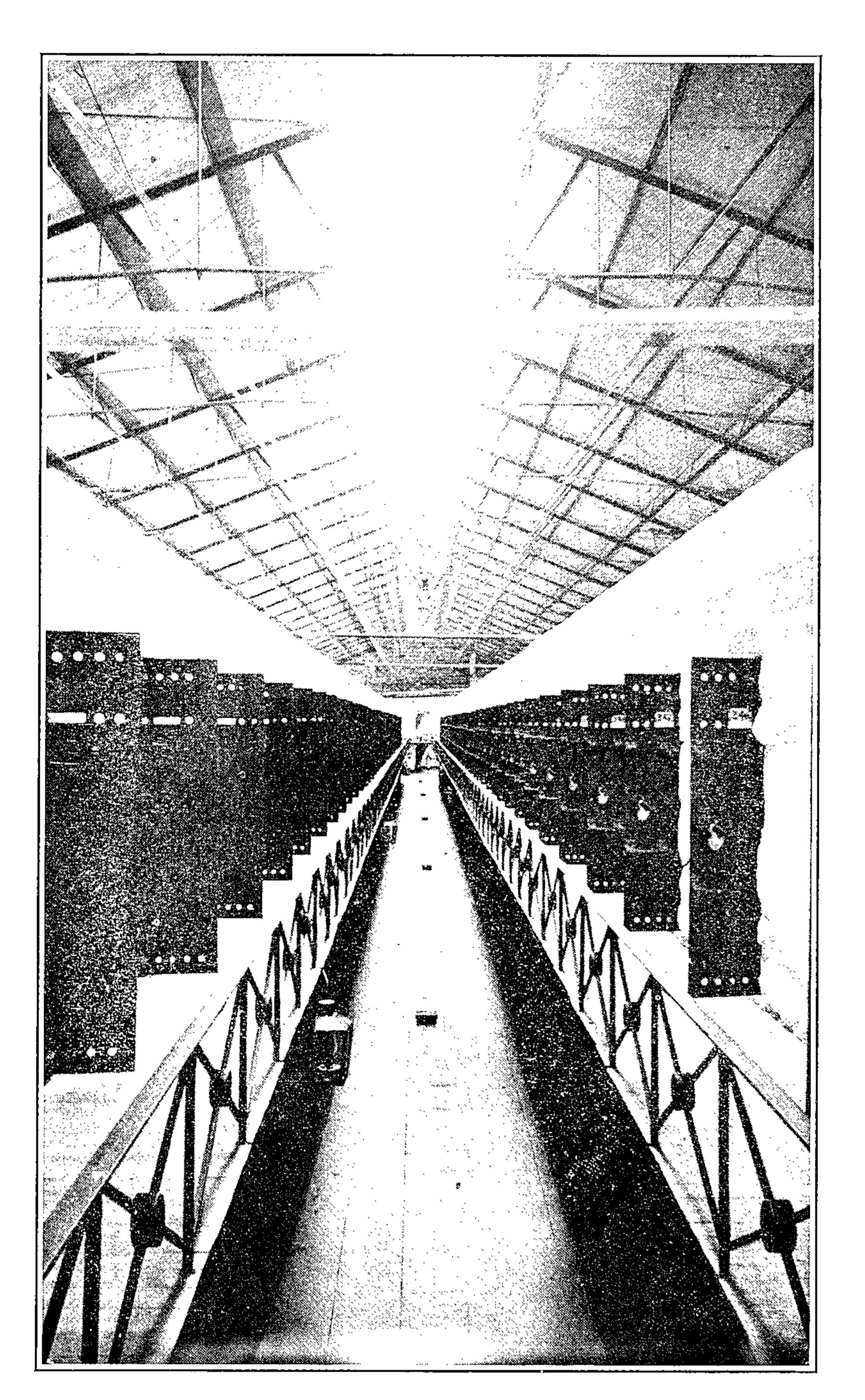
The old theory of the treatment of convicts, so far as there was a theory, was that by the commission of whatever the law called a crime one became a social outcast entitled to less consideration than a beast. As many as possible were hanged and so finally gotten rid of. Others were crowded into jails reeking with filth and with the accumulation of generations of fever germs. There was no thought of reformation, belief in its possibility, or interest in the subject in any way.

Modern thought considers criminals as in great measure products of environment for which they are not responsible, and first offenders—certainly youthful first offenders—as differing from the rest of us only in having done something a little worse than most of us and having been caught. These youthful and first offenders are found for the most part to be moved by the same impulses as others, to have the same capacity for friendship as well as enmities, and to be creatures of habit, but with the moral instincts stifled and blunted by the evil associations of a bad environment.

There are some in whom the criminal instincts are all powerful and ineradicable, and as to these their permanent restraint is essential to the safety of society, and that whether their unbalanced natures are only a form of insanity or not. Whatever it is, it is something against which society must protect itself.



ATE PRISON AT SAN QUENTIN-CELL BLOCKS



STATE PRISON AT FOLSOM—INTERIOR OF CELL HOUSE

The problem of modern penology is to segregate those susceptible of becoming good citizens—who are largely found among the first offenders—and make good citizens of them. The methods are those by which every one interested in the welfare of another seeks to lead him to paths of usefulness and happiness. The influences for good are many and diverse, and all are employed. Friendship is an important influence. So are habits of industry, cleanliness, moral suggestion, awakened ambition, education, inspiring companionship, confidence in oneself, hope in the future. Modern penology assumes the first offender to be only a good man casually gone wrong and not likely to go wrong again, if placed under proper influence and in a proper environment. It therefore carefully segregates the first offenders from the confirmed criminal.

The old state prison was a territory of crime, in which neophytes were instructed in all forms of wickedness by past masters in those arts; where the social atmosphere was that of warfare against society; and where the most atrocious criminal was regarded as the greatest hero, whose misdeeds it was the ambition of the younger and less experienced to some day equal or excel.

It is the object of modern prison discipline to prevent those who have made one false step from going further on that road, and to restore them to the status of self-respecting and useful men. It has been demonstrated that with many of the first offenders this is entirely possible. If so, humanity demands that it be done. And regardless of humanity, it is more profitable to so deal with an offender that he will cease to be a parasite than at the same expense to give him a complete criminal education and thereafter alternate between enduring his depredations and supporting him in state prison for the term of his natural life.

Essential Features of the New Penology.

The essential features of the new penology are the single cell; the classification and segregation of prisoners; the surrounding them with the atmosphere of a normal life, including work, instruction and recreation; the habit of industry; the

indeterminate sentence; the parole; employment under surveillance;—all leading to pardon, restoration to citizenship and an honorable and useful life.

Too much stress can not be laid upon the value of regular, daily, useful labor of the kind that will fit the prisoner for a normal, wholesome and successful life.

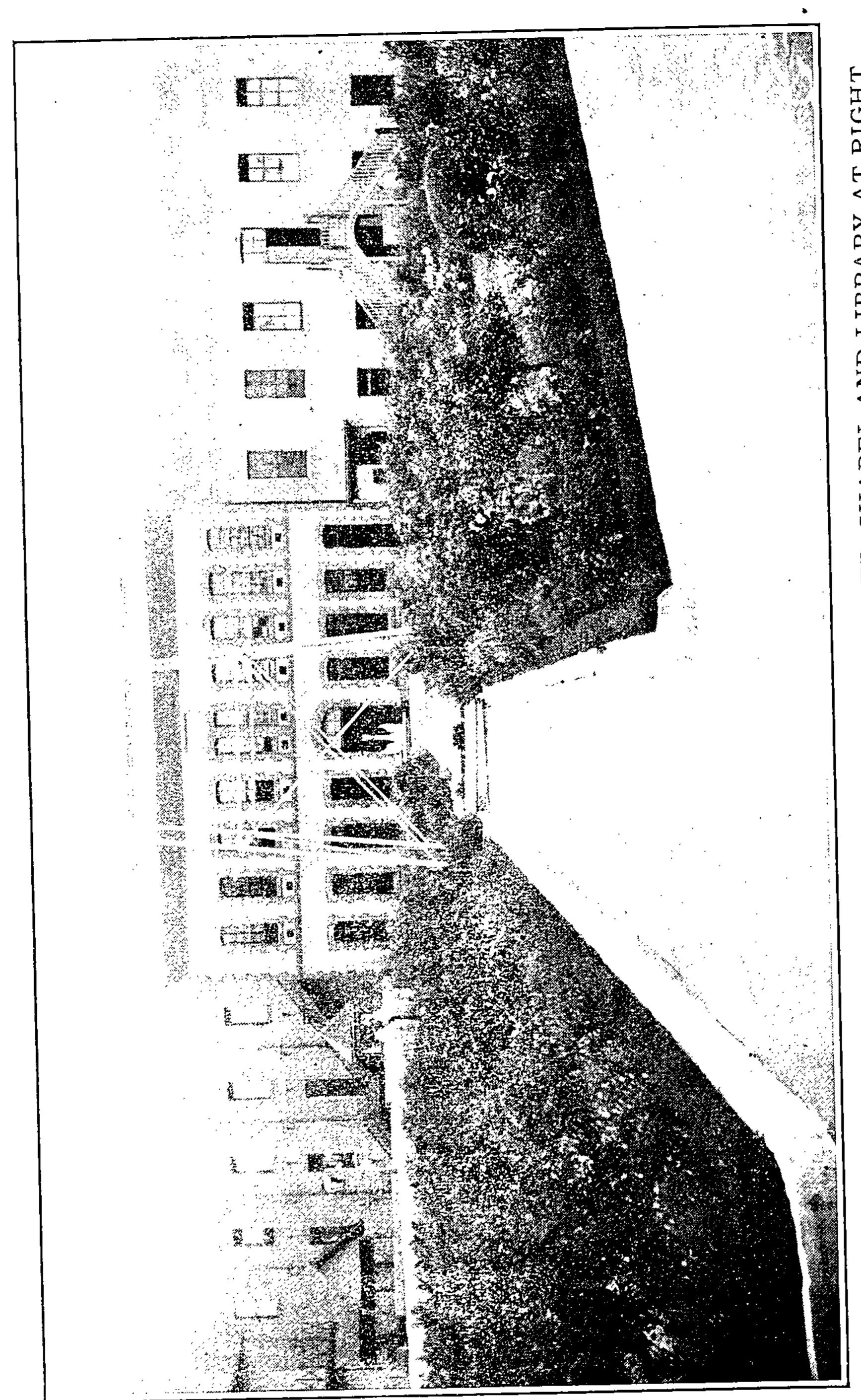
Systematic effort for reformation is a development of the last half century and largely under the leadership of American prison administrators. It can hardly, even yet, be considered a popular movement. In most states it has not yet taken hold of the minds of the people. But it has gained the support of virtually all prison authorities and under their leadership and inspiration legislatures are freely responding.

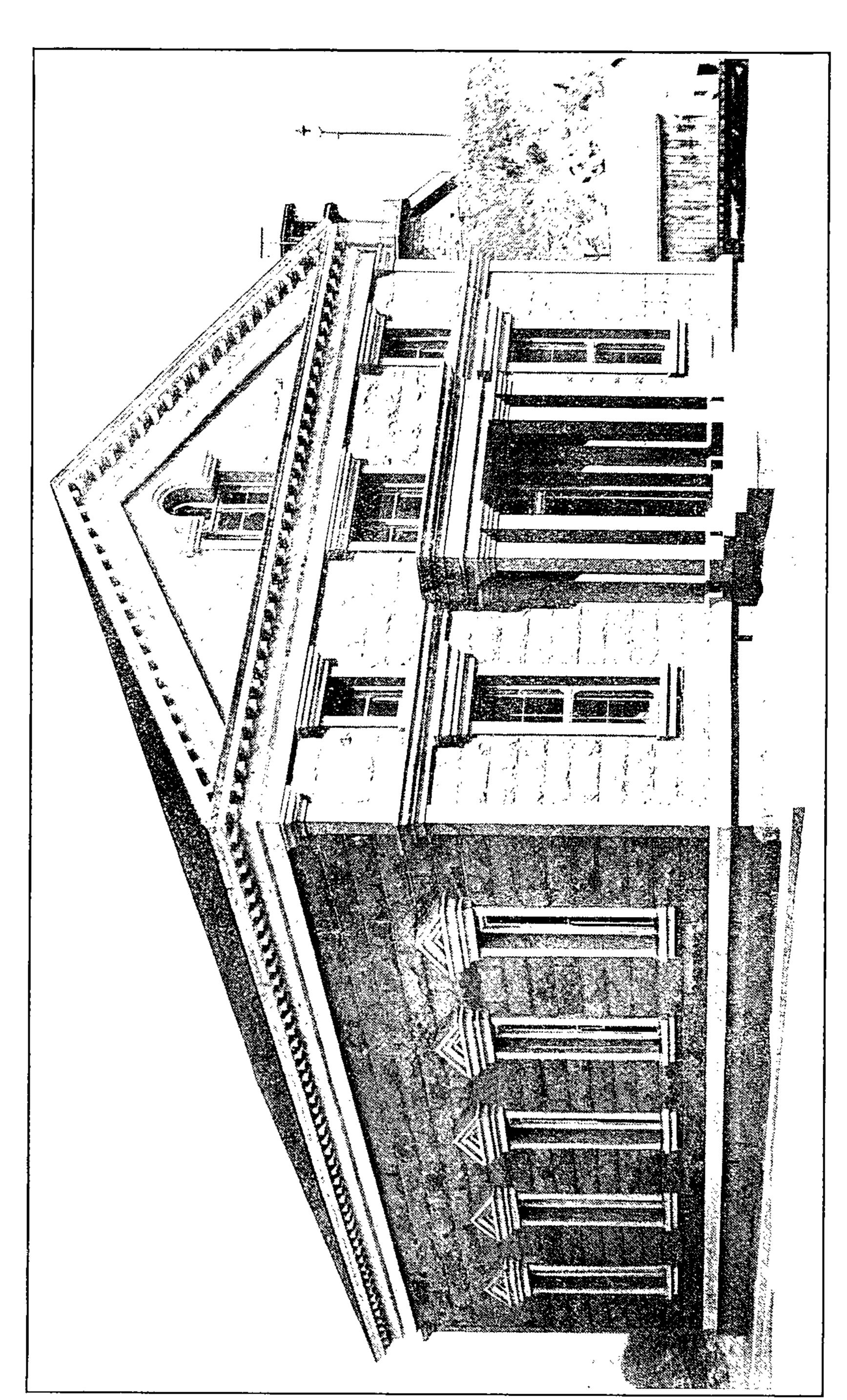
CALIFORNIA ONE OF THE ADVANCED STATES.

California has excellent reform schools, and the juvenile courts and probation for adult offenders have come to stay, but most of its county jails and both state prisons are still far from satisfactory. And yet we are progressing so rapidly that although still behind some other states which were pioneers in this line, we may fairly be called one of the advanced states. The principle of the single cell is adopted and we are rapidly working to it. The parole system is in force, the indeterminate sentence and the classification and segregation of prisoners are in sight, and investigations and studies are now being prosecuted by the state board of prison directors, duly authorized by the legislature, which will doubtless result in a reformatory for first offenders.

CREDITS FOR GOOD BEHAVIOR.

The first legislation in this state looking at all towards the reform of prisoners was an act passed in 1868, by which certain credits were allowed for good behavior in prison. This was an inducement to comply with the prison rules, thus tending to instill habits of regularity and industry, resulting in a shortening of the term of imprisonment. As fixed by the act approved March 19, 1889, these credits are two months in each





STATE PRISON AT FOLSO M-CHAPEL AND LIBRARY

year for the first two years of the term, four months for each of the third and fourth years, and five months for each succeeding year. It will be noted that these credits are substantial and enable the prisoner by strict attention to duty to materially reduce the term for which he was sentenced. It does not, of itself, tend to form character, except as that is promoted by anything which involves the habit of an orderly life and submission to constituted authority. No convicts, it may be added, are more prompt to take advantage of it than the incorrigible criminals.

THE PAROLE SYSTEM.

The most important step towards reformatory treatment yet actually adopted and in force in this state is the parole system authorized by the act approved March 23, 1893. The act permits the prison directors, under such rules as they may enact and after a certain portion of their terms have been served, to parole prisoners for the unexpired portion of their terms, or until pardoned by the governor. This law was passed in the face of many misgivings and some opposition from that portion of the public which believed that when once a man sins he is forever lost, and who therefore felt certain that paroling prisoners would simply amount to turning loose upon society innumerable desperadoes to engage in crime. Now that the system has been in force for about seventeen years, and there has been full opportunity to observe its results, it is seen that those fears were unfounded. No increase of crime has resulted therefrom, and while, as was to be expected, some prisoners have violated their parole and returned to a criminal life, the great majority have justified the confidence of the directors and are respectable and respected citizens to-day.

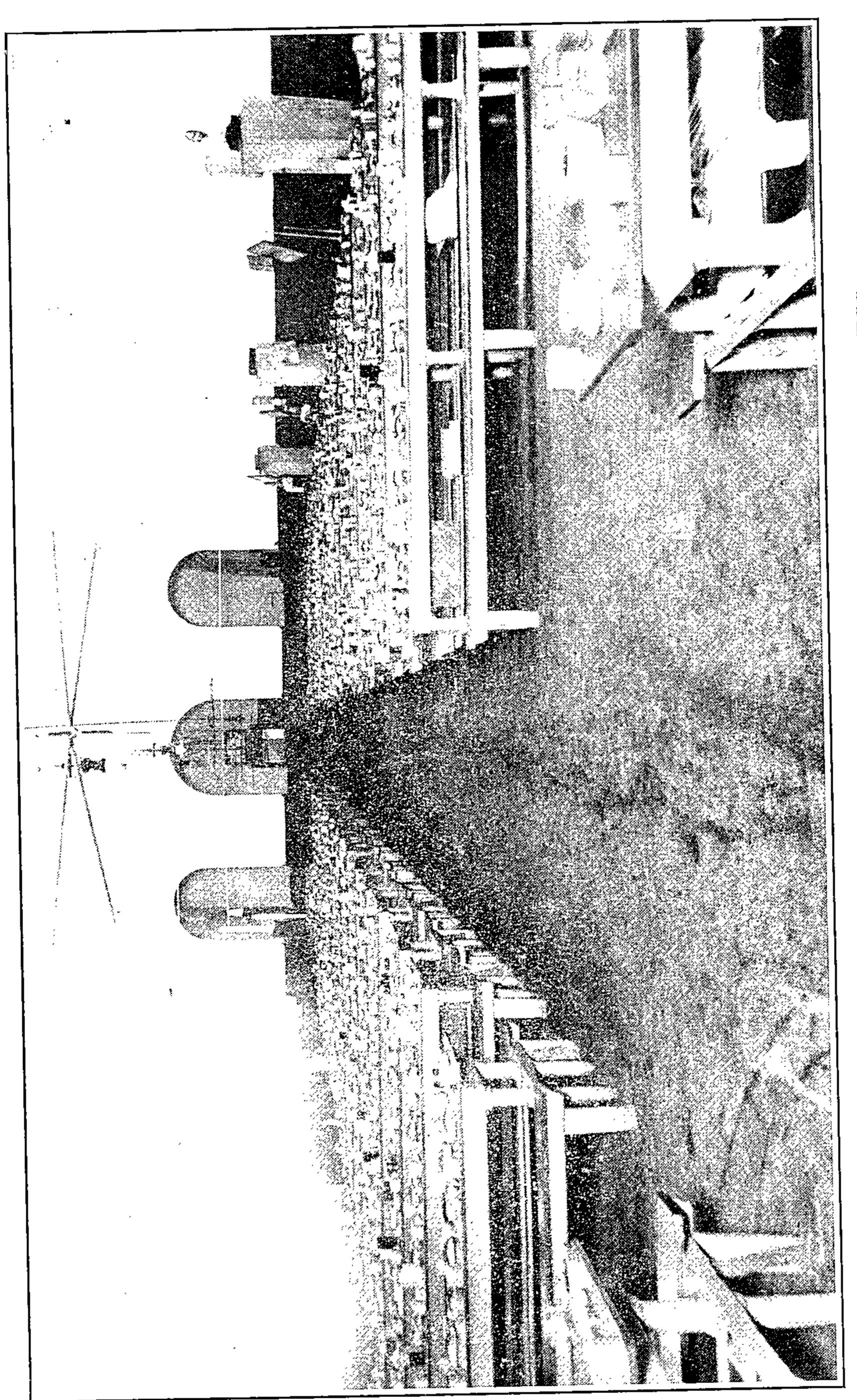
WHAT THE PAROLE SYSTEM IS.

Briefly, the system of parole is this: The prisoner makes his application, accompanied by a biographical sketch covering his life from the time of his earliest recollection to the time of his entering prison. The fact that he has applied for a

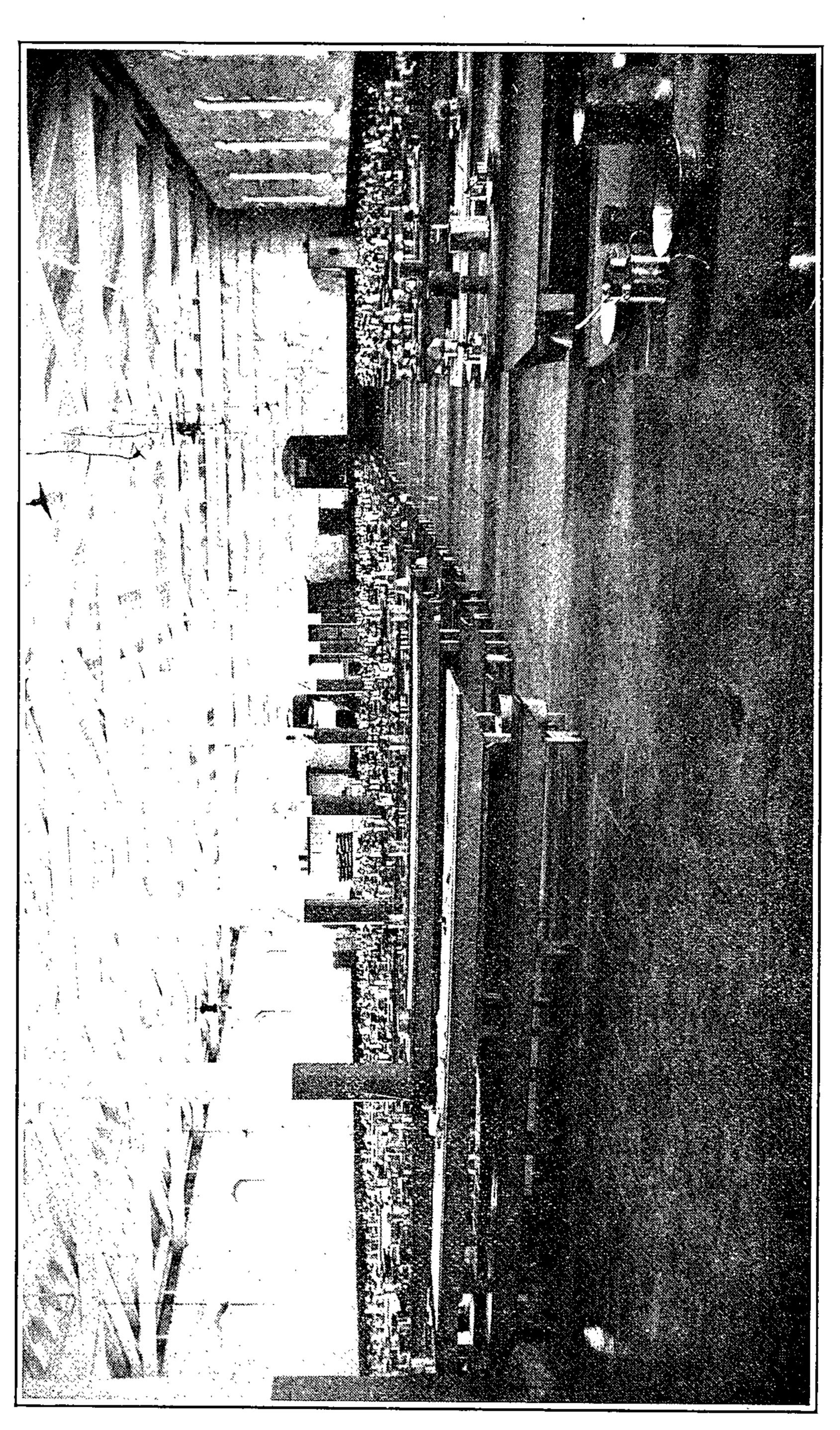
parole is published in a paper of the location where the conviction was secured. The judge who sentenced the man, the district attorney, the sheriff or chief of police, and the attorney for the defense, are all asked to give their views on the parole. Inquiry is also made of employers and others disclosed by the prisoner's biographical sketch. The prisoner is required to secure employment, and to give evidence that he has a proper place to which to go. In this latter he is aided by the prison authorities. His prison record is carefully examined. Finally he is called before the board of directors and personally examined. He must have served half his term, less credits, or, if a life or long term prisoner, eight years, before applying for a parole, and when he is released he must agree not to go into a saloon, nor drink any intoxicating liquor, or frequent places of immorality or crime, and he must report monthly to the local sheriff or peace officer or other person designated by the board. He must report monthly his occupation, how long he has worked, what he has earned and what he has saved. There is also a state parole officer who has charge of the paroled prisoners and who visits them and their homes and keeps track of them all the time.

Results of the Parole System.

Several results follow from the parole law: In the first place, the prisoner knows that he is being watched and that if he violates his parole he will at once be returned to prison and lose all his good credits, and where in a few cases paroled prisoners have left the state without permission from the board, they have been brought back at considerable expense so that they and the rest of the prisoners may understand that the state's regulation must be complied with, and that the state is strong enough to reach them no matter where they are. On the other hand the paroled prisoner knows that the prison directors, the wardens, and the parole officer are his friends and will not see him imposed upon. Again, there is a saving in the maintenance of the prisoner. There is the money he earns which if he has a family goes to its support, and in many cases does away with the public caring for his children and family,



STATE PRISON AT SAN QUENTIN-PRISONERS' MESS



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STATE PRISON AT FOLSOM-PRISONERS' MESS

and there is the saving in the clothes and money given to the prisoner when he leaves, for paroled prisoners get nothing from the state. Above all, there is in most cases a law-abiding citizen instead of a menacing criminal.

The state also has made a grant of money to be used by the state board of prison directors in aiding discharged prisoners, as, for instance, in buying them tools, if they are mechanics, or helping them in similar ways. In a word, the whole system is based upon the idea that the average man who is not a confirmed criminal will try to do right if shown the evil of his ways, the mistake of his crimes, and given a chance to reform.

How the Parole Law Works.

The following statistical facts will give some idea of how the parole system works:

Number and Percentage of Paroled Prisoners and Number and Percentage of Violations.

Total prison population, including paroles, December	
31, 1909	3123
On parole, same date	307
Thus of the total population, 307 were on parole De-	
cember 31, 1909, or one out of every $10.1/5$.	
Total paroles from the enactment of the law in 1893, to	
December 31, 1909	844
Violations during that time	93
Percentage of violations to number of paroles since pas-	
sage of law	11.

Out of the ninety-three violators, sixty-seven were returned to prison, leaving only twenty-six who escaped recapture. These twenty-six are but three per cent. of the total number of paroles since the passage of the law.

Savings of Paroled Men.

During the month of March, 1910 (the latest month avail-

able as this is being written), the paroled prisoners earned \$12,526.64, or an average per man of about \$40.67.

The savings of the paroled prisoners during that month were \$3,734.02, or a little over \$12.12 per man.

On December 31, 1909, there was not a single paroled man out of employment.

Total earnings of paroled men, from passage of law in 1893, to December 31, 1909:

San Quentin.	Folsom.	Total.
\$429,086.24	\$138,878.82	\$567,965.06

Total net savings by paroled men since enactment of law in 1893 to December 31, 1909, \$128,125.94.

Benefit to State.

In Money:

The items saved the State are:

- (a) The board and clothing of the prisoner while he is on parole;
- (b) A suit of clothes at time of discharge;
- (c) Five dollars in money;
- (d) Transportation to the point from which the prisoner was sent to prison.

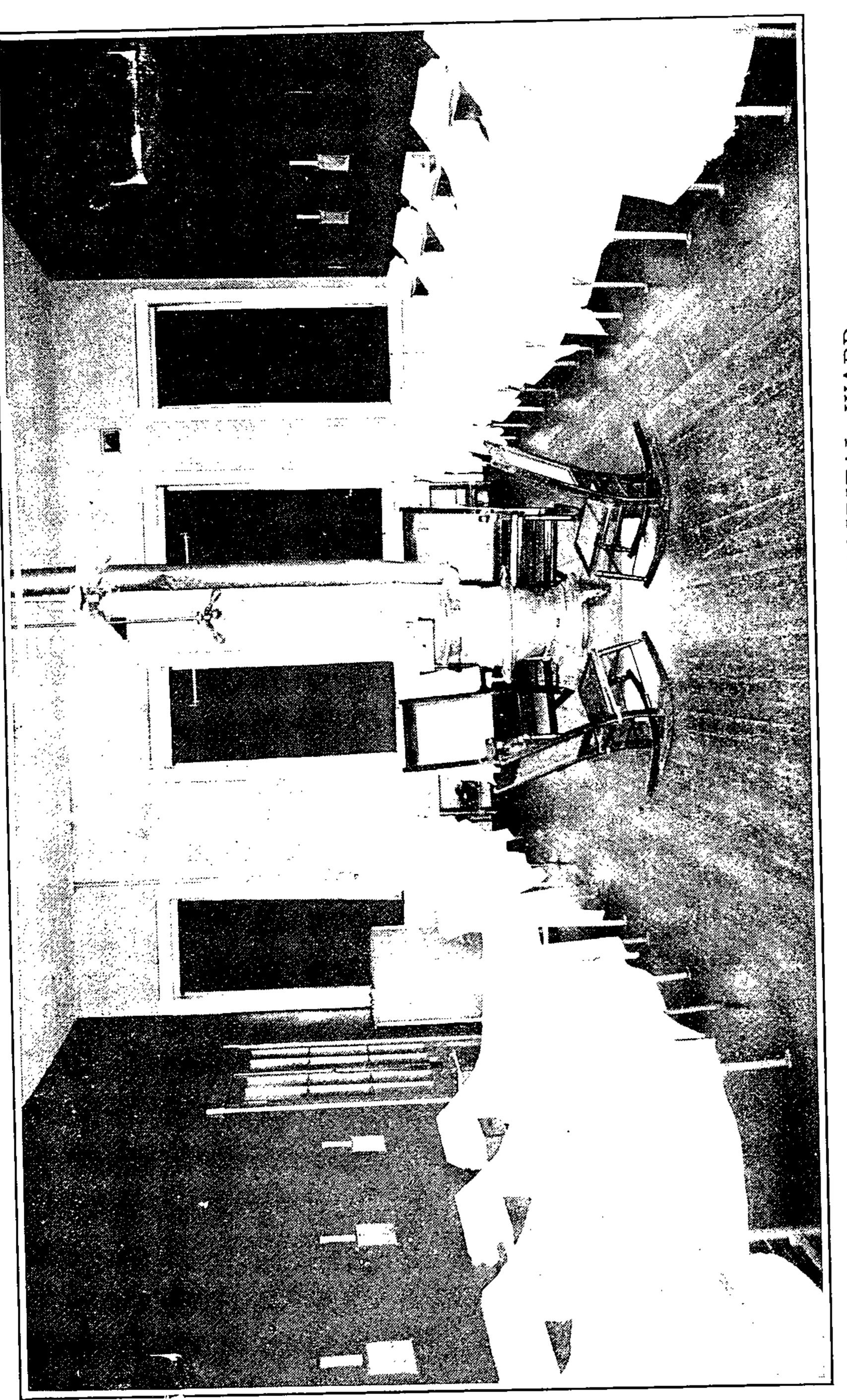
Note—In many instances the county from which the prisoner came is compelled to support those dependent upon him during the time he is confined in prison.

In Prison Discipline:

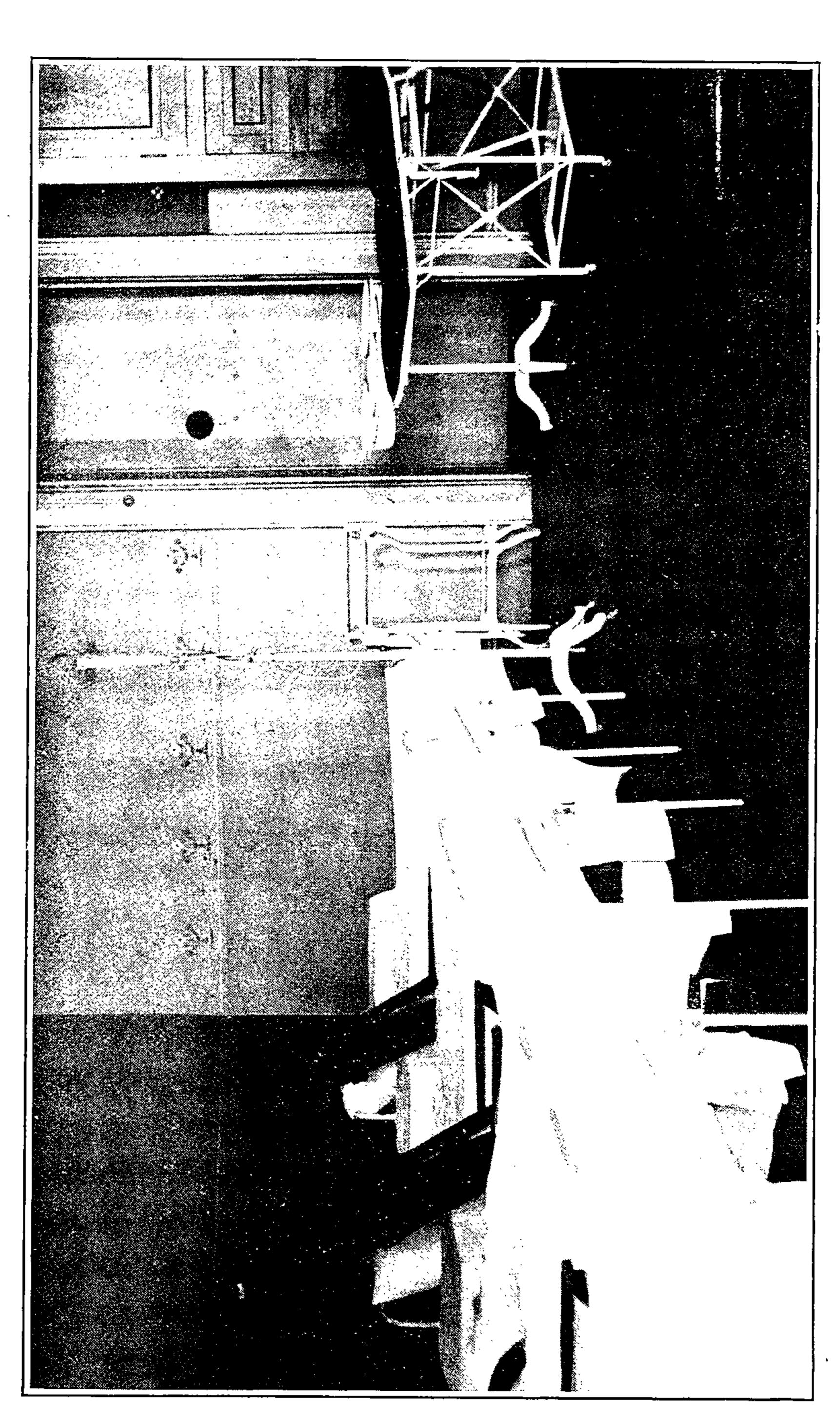
Experience has shown the value of paroles upon the discipline of the state prisons, based in great measure upon the hope held out to those in prison of earning the privilege of a parole.

In Citizenship:

The prisoner who completes his term within the prison walls, and is sent forth suddenly into the world after years of incarceration, with but one suit of clothes, five dollars in his pocket, and a ticket to the place from whence he came, is ordinarily a most helpless being. In many instances he has lost track of



STATE PRISON AT SAN QUENTIN-HOSPITAL WARD



STATE PRISON AT FOL SOM-HOSPITAL WARD

his friends and of the ways of the world, and easily falls a victim to those who have theretofore been his prison associates. In addition, he finds difficulty in securing and retaining employment. This last is, indeed, a serious matter.

On the other hand, the prisoner who, while in prison, has, by his conduct, work and demeanor, earned the privileges of a parole, and who, under the rules and restraint of the prison authorities, spends a year or two of his prison term upon parole, in the meantime under the restraints above referred to, conducting himself properly, leading a sober and industrious life, and saving his money, has built up a character and has formed habits that enable him the better to stand alone when given his full freedom. Thus, under the parole system, the return to respectable citizenship of those who have been confined in a state prison is much greater than in the absence of paroles.

The difference to the state between a citizen and a criminal can hardly be calculated in dollars and cents. Nevertheless, there is some cash saving to be made by the parole system, as may be seen from the following estimate which has been compiled by the parole officer:

Estimate of Money Saved to the State Through the Paroling of Prisoners Since the Passage of the Parole Law in 1893 to January 1, 1910.

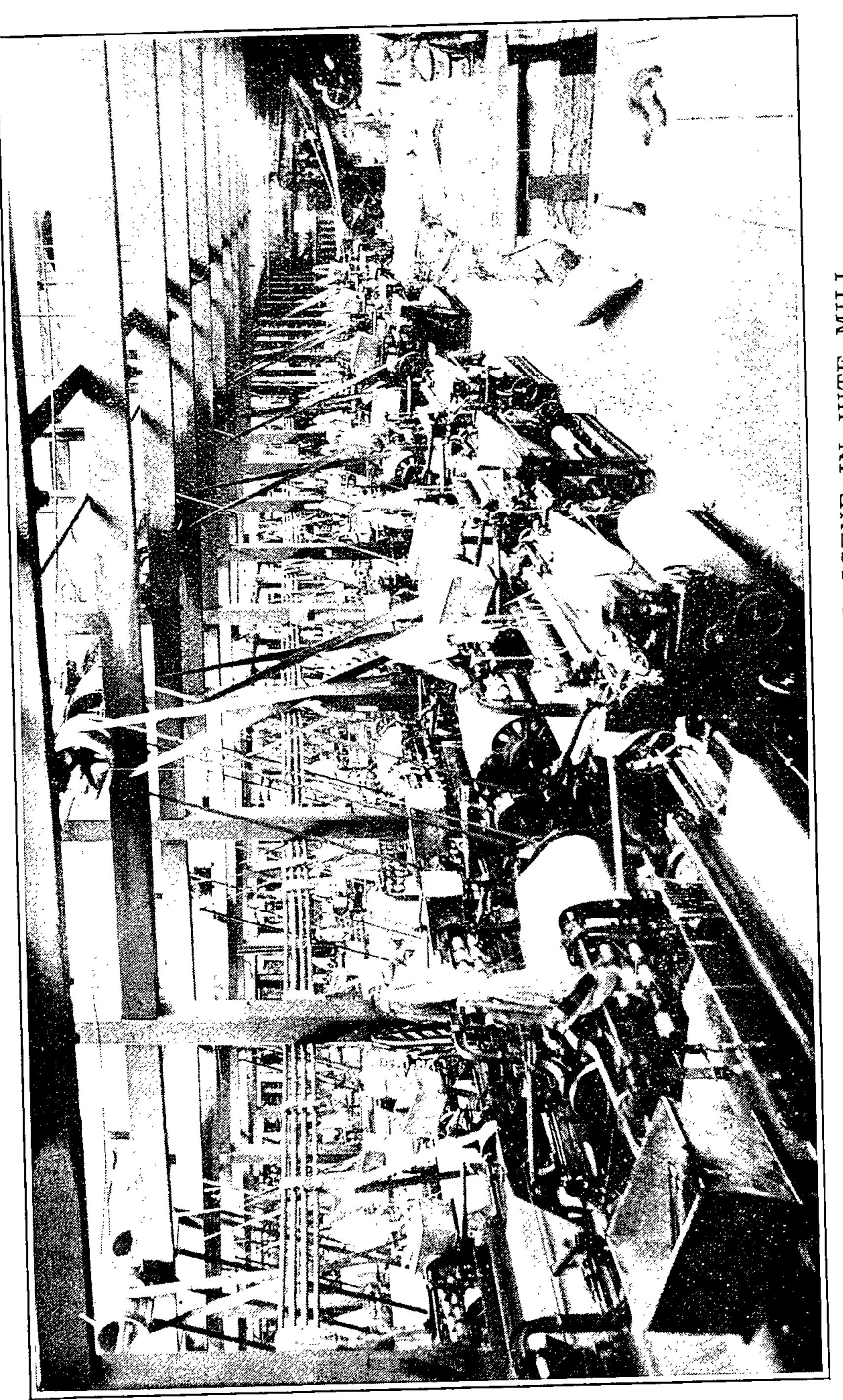
Transportation to place of commitment\$ Clothing when discharged	6,305.12 4,130.00
Total saving to state\$3	

Number of Paroles Granted per Annum from Passage of Parole Law in 1893 to and Including 1909.

	NUMBER OF
YEAR. PA	ROLES GRANTED.
1893	4
1894	
1895	
1896	
1897	
1898	
1899	
1900	•
1901	
1902	
1903	
1904	
1905	
1906	
1907	
1908	
1909	197
Total	844

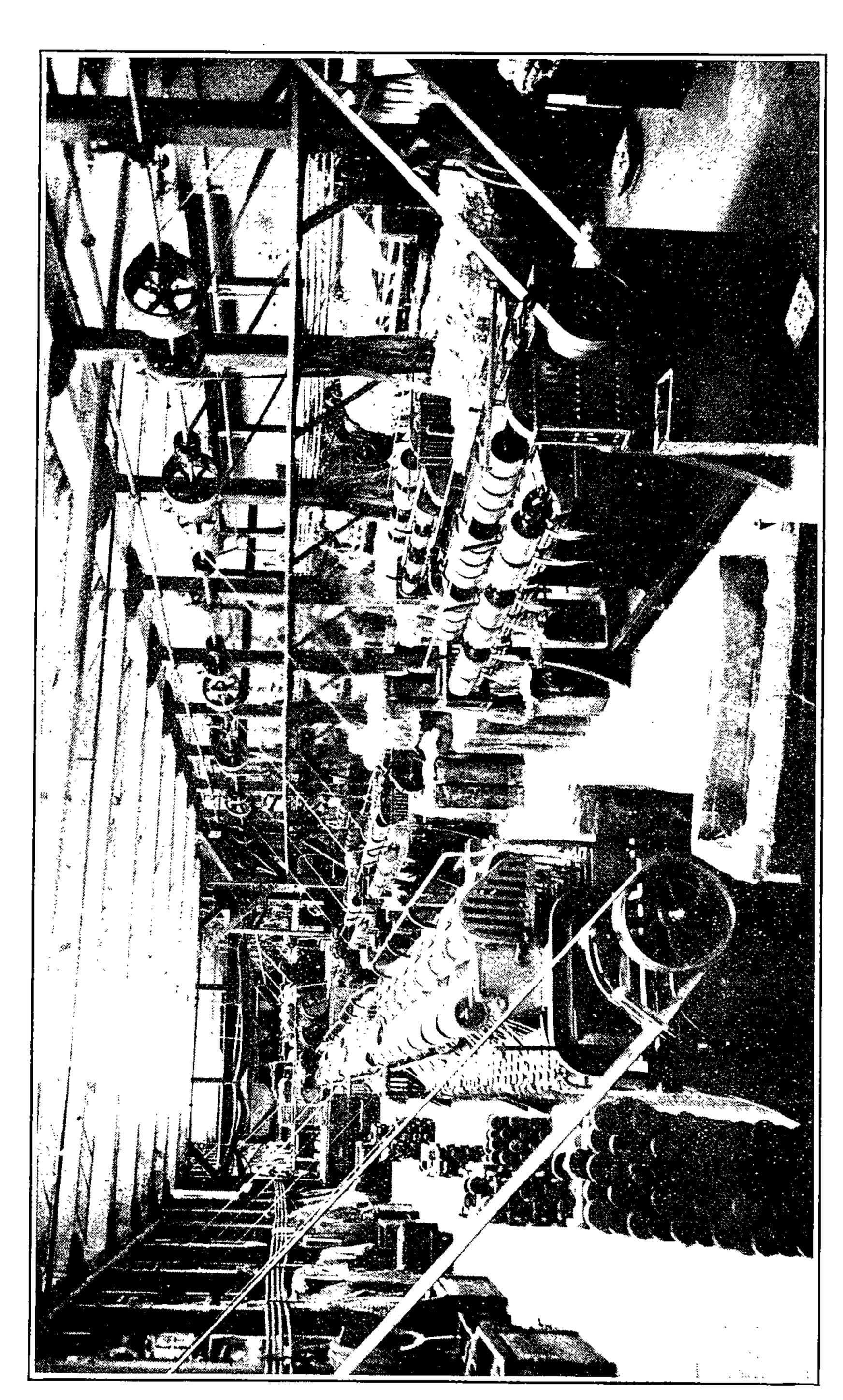
CALIFORNIA HAS YET MUCH TO DO.

While, as we have seen, there is a great contrast between our present method of dealing with prisoners and that which prevailed during the earlier years of the state, there is still much to do. Influential civic bodies, notably the Commonwealth Club of San Francisco, have taken up the cause and are pressing it upon the attention of the people and successive legislatures. At the session of the legislature of 1905 the Commonwealth Club of California memorialized the legislature to establish a reformatory, preferably at San Quentin. It did the same at the session of 1909, at which time the state board of prison directors was instructed to investigate the reformatory problem and report to the next legislature, which



STATE PRISON AT SAN QUENTIN-SCENE IN JUTE MILL

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STATE PRISON AT SAN QUENTIN-SCENE IN JUTE MILL

will be done. Meantime, the Commonwealth Club and other civic bodies are systematically educating the public. The press of the state is taking up the matter and all indications point to early action by the legislature which will place California in the front rank of prison reform states. There is one thing to be said about the people of California,—when they once take hold of a thing in earnest they do not stop at half-way measures. They do things thoroughly.

THE REFORMATORY.

California has now the juvenile court, the reform school, and the state prison, supplemented by the reform features of probation and parole. To the above institutions must be added the reformatory and to the reform features must be added the indeterminate sentence. These things done and California will have a complete, modern, and efficient penological system.

Concerning the need of a reformatory, the state board of prison directors in their biennial report made in 1908, said:

We have made much progress in California by the establishment of reformatories at Ione and Whittier for young people under twenty-one years of age. But for all those above that age, who have committed some criminal offense, there is no other place than the state prison. It is to be remarked also, that in many cases young boys under eighteen years of age have been sent to the state prison, the law giving the judges of the superior courts power to send them to the state prison, or to one of the reform schools, so-called.

There is unfortunately a large class of young men who have learned no trade and who have no way of earning a living. They fall into crime largely as the result of their environment. Men of this class up to say the age of thirty years, should be placed in an institution midway between the reform school and the penitentiary proper. While there they should be subjected to a discipline different from that in operation in a well-regulated penitentiary, should be taught habits of industry, educated if necessary, and taught some useful occupation from which they can get a living on their release. Institutions of this character have been in successful operation in some of the eastern states and

A QUESTION OF STATE POLICY.

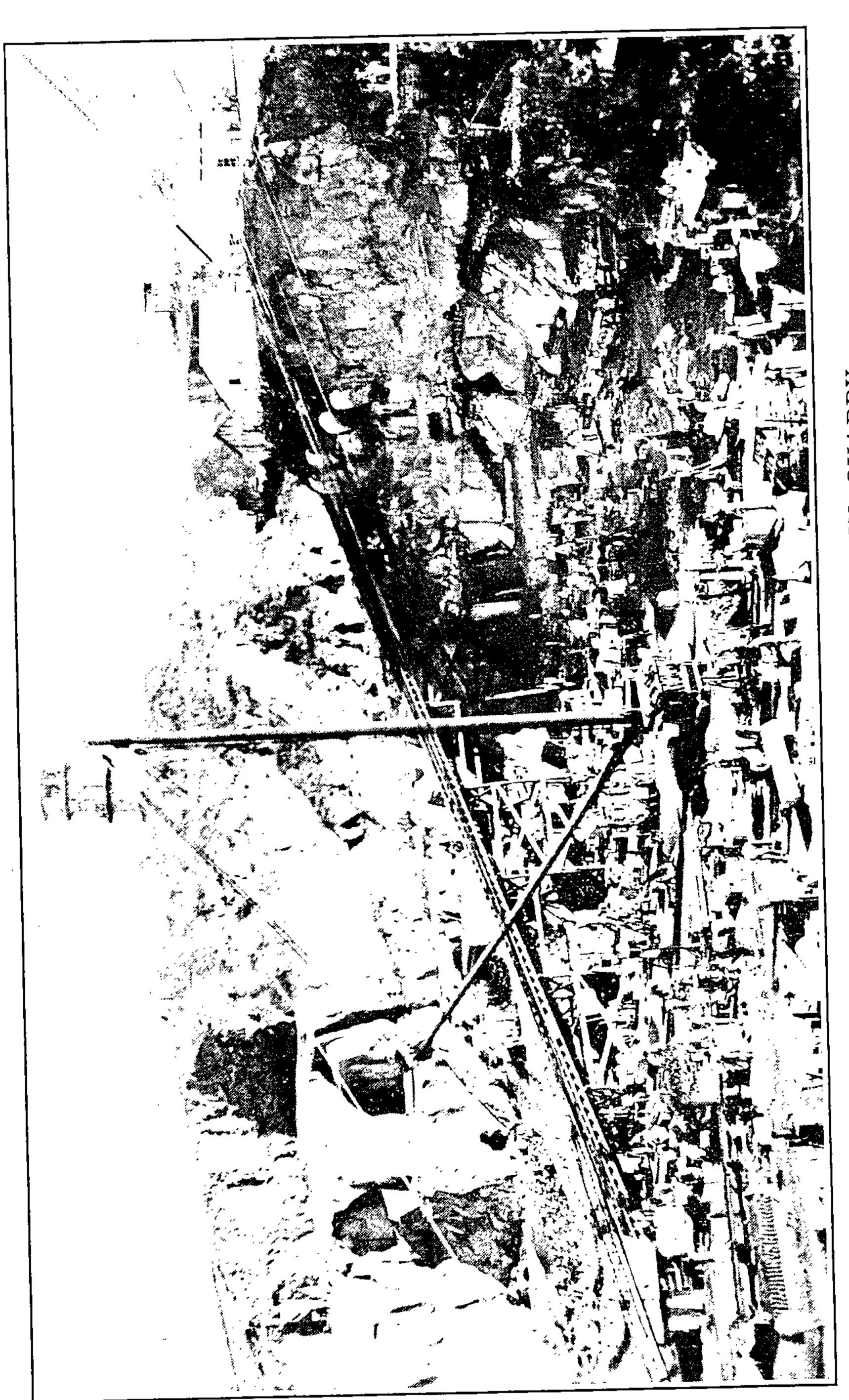
At this point a question of state policy presents itself. The plans now under way for the reconstruction of our state prisons and the work now being carried forward under those plans are of the utmost importance to the state. This work must not be delayed. Additional cell room is imperative and segregation and classification are of the most vital importance. Appropriations partially covering this work have already been made and the work itself is well advanced. Further appropriations will be necessary before the work can be brought to a final completion and the prisoners properly segregated and classified.

Whether the construction of a reformatory should be undertaken before the present prison plans have been consummated, is a question that the people, through the legislature, must consider and determine.

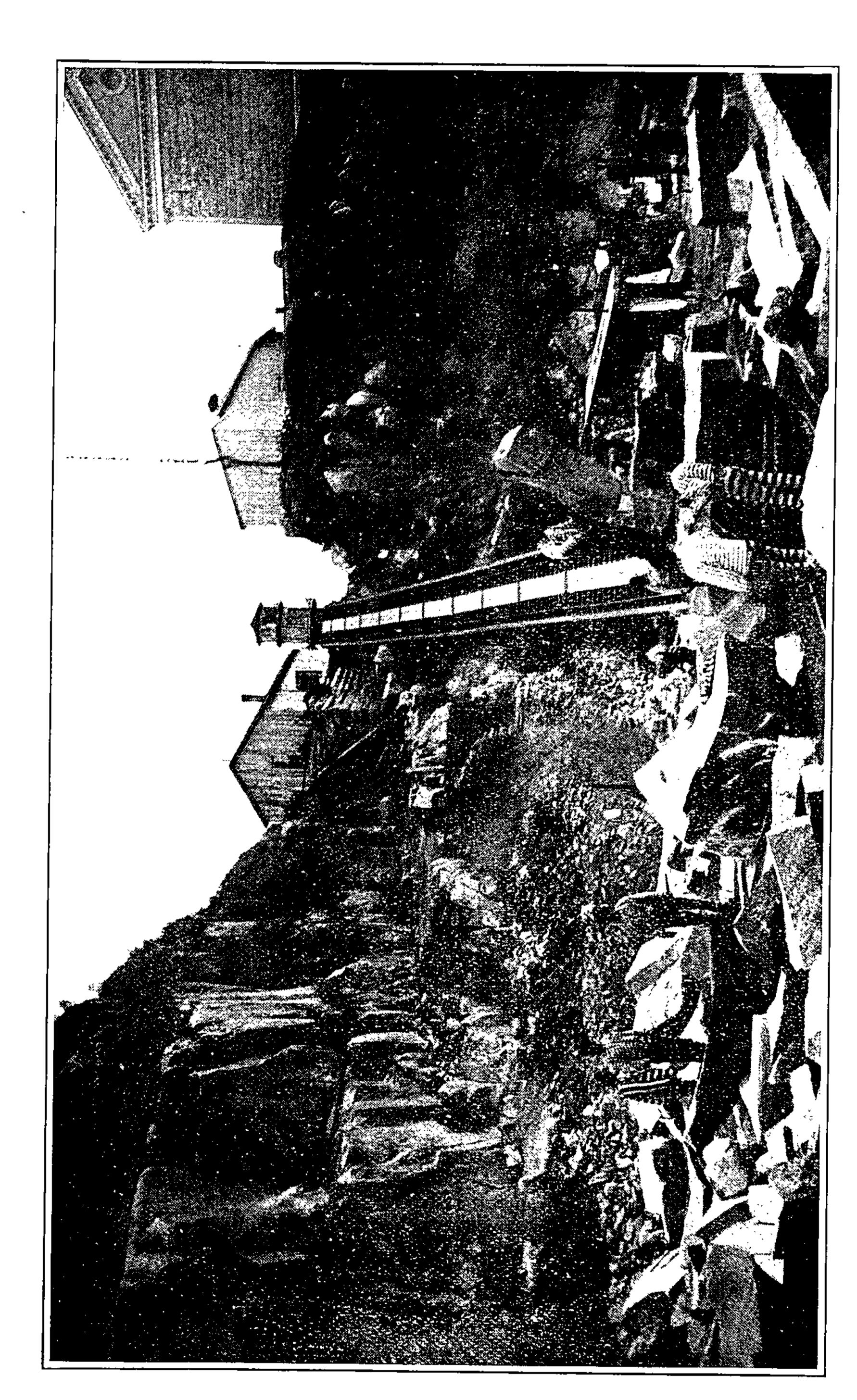
The question is simply one of state expenditure and of how rapidly the expenditures shall be made and with what expedition the necessary work shall be done.

When the expenditures are finally made, and the work finally done, our penological system will be up to the highest standard of modern thought and, aside from the all-pervading influence of religion, will, in its broadest sense, include:

- 1. The Home,
- 2. The School,
- 3. The Juvenile Court,
- 4. The Reform School,



STATE PRISON AT FOLSOM-SCENE IN QUARK)



STATE PRISON AT FOLSOM—SCENE IN QUARRY

- 5. The Reformatory.
- 6. The State Prison.

Added to these will be the reform features of:

- 1. The Indeterminate Sentence,
- 2. Probation,
- 3. Parole.

THE INDETERMINATE SENTENCE.

The indeterminate sentence in its fullest sense is a minimum of short duration to satisfy the punitive demands of society, but with no maximum. The maximum is fixed by the prisoner himself according to the progress which he is able to make or chooses to make in morals, industry, attitude towards society and capacity for self-support. The majority of criminals are ignorant, indolent, without knowledge of any industry or willingness to learn one or to work at it. In the reformatory and in the classified prison he is given his chance. He is instructed not only in the elements of ordinary education, but in some industry in which, when liberated, he may earn a livelihood. He has the use of a good library. He has moral and religious instruction. Healthful recreation, mental and bodily, is provided. He learns to associate with his fellows for useful objects of mutual interest.

Much of this is done now in the prisons as they are, but much more can be done and with far better effect with proper classification and with the youthful first offenders segregated from the older criminals. Whenever a prisoner satisfies the prison directors that he has the ability and disposition to support himself by honest industry, and a proper place is found for him where he can go to work, he is liberated upon parole, and if, after a proper probation period, he demonstrates his fitness for citizenship, he is pardoned and thereafter resumes his rightful station among his fellows.

CLASSIFICATION OF PRISONERS.

Under the most approved plan of prison management the prisoners are divided into three or more grades distinguished by their clothing and their privileges. The prisoner on entering a penal institution where there are three grades is assigned to the middle grade. It is not expected that he will stay there, but he may. By his own conduct he determines whether he shall be advanced to the first grade with as many privileges as are consistent with safe custody and enforced industry, and whose uniform suggests nothing of a criminal character, and from which he may hope in due time to graduate into a free life; or whether by continuous bad conduct and bearing, seeming to indicate irredeemable criminality, he compels his own degradation to the lowest class.

But however low the prisoner falls, the door of hope is never closed. If a prisoner in the third class shall show a desire to lead an honorable and decent life and the prison authorities are impressed with the sincerity of his intentions, he may be advanced to the second class. Here, after a period of probation, if he still prove sincere in his efforts toward right living, he may secure promotion to the first class. From this vantage ground, if he shall be found worthy, he may secure his parole. Then comes his supreme and final opportunity, for upon his conduct while on parole depends his pardon and final restoration to citizenship.

Under the system above outlined no prisoner is released except upon parole and no prisoner is paroled except from the first class or grade.

CONCLUSION.

The foregoing briefly indicates the problem of the adult offender, the manner in which California has heretofore dealt with that problem, and the progress our state has made toward its final solution. This progress, while real, has been slow and, in the very nature of things, can only keep step with the advance of public sentiment.

Furthermore, and most important of all, no final solution

will ever be found of the problem presented by the adult offender until society shall have first solved the problem presented by the youthful offender.

The state may build expensive prisons and provide them with every modern equipment; earnest, efficient and faithful officials may conduct them along the best lines of advanced penology; reformatories for adult offenders may perform their work in faultless manner; but if childhood's years go by without control, criminals will continue to abound and prisons and reformatories will continue to stand a monument to neglected youth.



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