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SUMMARY OF PRISON AND PAROLE REPORT

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The Governor's Committee to Examine and Investigate the Prison and Parole

Systems of New Jersey has submitted its report to Governor Alfred E. Driscoll.

The 130-page report sets forth 22 principal findings and recommendations growing out of the Committee's investigation of the "disturbances in Trenton and Rahway" prisons, and indicates that many of them have already been placed in effect by the Department of Institutions and Agencies and practically all of the others are part of plans for action in the immediate future.

The investigating Committee, consisting of New Jersey Supreme Court Justice Harry Heher, Chairman, Austin H. MacCormick, Executive Director of the Osborne Association and Professor of Criminology at the University of California, and Stanley P. Ashe, former President of the American Prison Association and former warden of the Western Penitentiary at Pittsburgh for 23 years, undertook to study the State Prison and its branches, as well as other correctional institutions under the jurisdiction of the Department of Institutions and Agencies and the related functions of the Department itself, at the request and direction of Governor Driscoll.

The causes of the prison disturbances were a principal subject of inquiry. The Committee recognized at the outset that the disturbances at Rahway and Trenton should be considered in light of the generally "excellent reputation" of New Jersey and its institutions, stating:

"The Department of Institutions and Agencies and the correctional institutions under its jurisdiction, taken as a whole, have long enjoyed an excellent reputation not only throughout the United States but abroad as well. Commissioner Sanford Bates is a distinguished penologist of national and international standing. His long experience has included service as Commissioner of Correction for the Commonwealth of Massachusetts, complete reorganization and modernization of the Federal Prison System as Director of the United States Bureau of Prisons, and several years as a member of the New York State Parole Board. He has served as president of the American Prison Association, the American Parole Association, the International Penal and Penitentiary Commission, and numerous other professional organizations. Dr. F. Lovell Bixby, Deputy Commissioner in charge of Correction and Parole, has also had wide experience in the correctional field, including service as Field Secretary of the Osborne Association, Assistant Director of the United States Bureau of Prisons, and Assistant Director during World War II of the Army's Correction Division.

"Clinton Farms, the State Reformatory for Women, has been rated by informed penologists as one of the two or three best correctional institutions for either men or women in the United States, and the reformatories at Bordentown and Annandale have also been given a high rating in comparison with other institutions of their type throughout the country. The Diagnostic Center at Menlo Park and Highfields have received wide attention and general approbation from leaders in the mental hygiene, social welfare, and correctional fields, who consider them among the most notable developments of recent years."

A basic cause of the prison disturbances, according to the Committee, has been the inadequacy of the physical plant both at Trenton State Prison and at its Rahway branch to accommodate the prison populations which were committed to those institutions. In a detailed analysis of the physical facilities at the Trenton prison, the Committee concluded that it "is one of the most archaic in the United States" (p. 15). As the report states: (p.18)

"The total population of the Prison on April 1, 1952 (not counting the inmates of its branches at Rahway and Leesburg) was 1312, and on April 30th it was 1269. The situation is not as bad as it was two years ago, when there were 1550 prisoners at Trenton, but the Prison is badly overcrowded today, especially when one considers how many men are idle and are compelled to spend approximately 20 hours a day in their cells, even more during the winter months or when the weather is bad during the summer months."

Overcrowding has resulted in excessive idleness of prisoners and lack of space for adequate rehabilitation programs. It has also been the cause of failure to segregate adequately the hardened and incorrigible inmates from the mass of prisoners. Every maximum custody prison in the country, according to the Committee, finds it necessary to provide for segregation of a substantial number of prisoners including "dangerously assaultive prisoners, perverts who cannot be controlled by anything but complete separation from their fellow prisoners, especially aggressive perverts who use violence or intimidation to force their will on other prisoners, chronic agitators, prisoners who have to be segregated for their own protection, and so forth."

Throughout the report, idleness of the prisoners has been emphasized as a basic cause of the prison disturbances. The effect of idleness, the report explains, is to create prisoner unrest, deprive the inmates of an opportunity to earn a little spending money, deprive them of the opportunity of training to earn an honest living when they are returned to society, and to create disciplinary problems in the prison that do not arise in institutions where an able-bodied prisoner "has a balanced ration of work, training and recreation that he has earned by a good day's work." The report declares:

"That it is an inexcusably expensive procedure, from the taxpayer's standpoint, to maintain nearly a third of a prison population in idleness, and a substantial number of additional prisoners in partial idleness, needs no argument here. All those who had short-sightedly opposed the extension of a reasonably diversified system of productive industries, none of which would be large enough to offer any serious competition to free labor and all of which would be producing goods for the use of the departments and agencies of the state and its political subdivisions, must accept their share of the blame for the situation at the time of the riots....The Committee does not feel that the Board of Managers of the Prison and the Department of Institutions and Agencies can be fairly blamed for the idleness at Trenton, for they have apparently made an earnest effort to provide enough industries to keep prisoners who are suited to industrial work employed."

As a result of its findings with respect to the effect of idleness on the functioning of the prisons, the Committee recommends:

"13. That industry and labor recognize and accept their responsibility, as they have elsewhere on both the state and federal level, to cooperate with the Department of Institutions and Agencies in planning and accomplishing a sound and reasonable expansion of institutional industries under the State Use Law along lines that are fair to all interests involved, to the end that the large number of prisoners now deteriorating in enforced idleness at great expense to the taxpayers may be given employment and prepared to earn an honest living after release." (Recommendation #13)

The report quotes from the Handbook of Correctional Institution Design and Construction, published in 1949 by the United States Bureau of Prisons, where the comment is made concerning the Trenton State Prison: (p. 24)

"It would be hard to exaggerate the extent to which correctional administration and inmate rehabilitation would have

been facilitated if New Jersey had abandoned its old penal plant before 1870 and had constructed a new institution in the country, with ample farming land and plenty of space within the walls for exercise. Instead, the state has plodded along with an antiquated and overcrowded plant for nearly eighty years and still has this penal mosaic as a millstone about the neck of one of the most enlightened systems of correctional institutions and administration in the country."

The Committee recommends that the Trenton State Prison be abandoned and that it be replaced by a modern prison in a suitable location outside congested urban areas, with full facilities for the employment of the prisoners, for classification and segregation and for educational, vocational, medical and other rehabilitative programs (Recommendation #5, p. 127).

With reference to the Rahway disturbances, the Committee found that physical facilities at that institution were also inadequate and recommended: (Recommendation #9, p. 128)

"That the new construction and reconstruction now under way or definitely planned at Rahway Prison Farm, Leesburg Prison Farm, Bordentown Reformatory, Annandale Reformatory, and the Reformatory for Women be pushed to completion as rapidly as possible."

Personnel problems were also found to be a major basic cause of the prison disturbances at Trenton and Rahway. The report states that, "At the very core of the factors that form the basis of the disturbances at Trenton Prison is the personnel situation." Quoting the records and testimony before the Committee, the report summarizes the evidence as follows:

"For several years all of the senior officers ("White Hats," so-called) below the rank of Principal Keeper (Warden) were on an acting basis. There is controversy as to the responsibility for this condition; but, whatever the reason, the result was a deterioration in personnel morale. As Deputy Commissioner Bixby and Principal Keeper Carty stated in their report to the State Board of Control and to Commissioner Bates on the causes of the disturbances, 'No one now holding a responsible position as Principal or Head Correction Officer, Assistant Deputy or Deputy Keeper, is sure how long he will hold that position and whether he may not change places with the person immediately above or below him once the Civil Service examinations have been given.'

"The total number of officers of all grades in the Trenton Prison custodial force in April was 177. Warden Carty testified to the Committee that during the calendar year 1951 there had been a turnover of 114 officers in that force, or 64% of the total. Of the total custodial force

148 were correction officers (the so-called "line officers" or "Blue Hats"), exclusive of 12 who were assigned to the industries. Most of the turnover had been among the 148 line officers. It was over 75% during the calendar year 1951. At the time of the disturbances, 74 of the 148 line officers were temporary appointees."

The personnel situation in the Trenton prison was found to exist in more or less degree at Rahway and other penal institutions of the State as well. This situation is attributed by the report to various causes, the most prominent being the offering of inadequate pay for the correctional officers. The serious problem created by the use of large numbers of unqualified, temporary officers, is summarized as follows:

In a memorandum to the Commissioner under date of February 15, 1952, a month and a half before the disturbance, Deputy Commissioner Bixby made the following points that had been brought out at this inquiry with respect to the temporary officers:

1. Because they are not interested in the prison service as a career, the temporary officers tend to have a high turnover as they are quick to resign to accept more remunerative employment.
2. Because they are inexperienced, they are not able to foresee or forestall disciplinary infractions, the oncoming symptoms of which the more experienced officer would detect and take appropriate preventive measures.
3. Because they are not trained as are the regular officers, they do not have the self-confidence that comes with the physical training and defensive measures which are a part of the regular officers' pre-service and in-service training and, therefore, it is not uncommon for them to be somewhat timid and inclined to permit the prisoners to take advantage of them.
4. Because many of them are beyond the age limit or cannot meet the physical requirements for regular appointment as established by Civil Service, they cannot look forward to a permanent career and are therefore less interested in the welfare of the institutions than their brother officers.
5. Finally, because of the short period of employment, they do not recognize the individual prisoners who are most likely to incite trouble or commit serious infractions, and they are at a disadvantage in dealing with the large groups which congregate in the cell blocks, the mess hall, the auditorium, and the yard."

The report points out that a new salary scale, effective July 1, 1952 is now in effect. The report adds:

"While the Rahway riot was still in progress, the Civil Service Commission approved putting correction officers' salaries in the \$3240-\$3840 bracket. This long-belated raise is effective July 1, 1952, and the new entering salary was made immediately effective. On April 21, Commissioner Bates issued a statement, interpreting the policies of the State Prison and analyzing the disturbances, which included the following in a discussion of seven major causal or contributory factors in the disturbances:

14. Inferior Personnel: In 1945 the salary for Farm Correctional Officers was \$1,620.00, and for Correctional Officers it was \$1,800.00. Shortly thereafter the maximum salary was raised to \$3,000.00, which was a boon to those already in the service, but the entrance salary remained the same. This was an impossible situation, because it made it extremely difficult to recruit competent, resourceful men; even though this entrance salary was increased to \$2,160.00 and then to \$2,400.00. But at present-day prices this has proved totally inadequate in inducing competent men to enter the service. The older officers, on more than one occasion, protested to this office the danger that might ensue if this situation with reference to pay and qualifications was not remedied. Strong recommendations were made by the department to the Civil Service Commission with the result that as of next July the line officers' salary will start at \$3,240.00. This is not enough, but it is infinitely better than the range which prevailed at the time many of the present guards were appointed.'

The Civil Service Commission states that the new salary scale is comparable with the highest salaries paid correction officers in any state in the country....Before leaving the subject of salaries, the Committee must emphasize a few unpleasant truths. It is difficult to comprehend the reason for the long delay in raising the salaries of correction officers. This failure to act was in the face of clear evidence that the inadequate salary scale was causing a constant turnover in the custodial force which, in turn, was dangerously and disastrously affecting prison administration and discipline. Attention had been persistently called to the personnel situation by the Principal Keeper and Board of Managers of the Prison and by the Department of Institutions and Agencies, and they had steadily backed the requests of the correction officers for a salary increase."

With further reference to the personnel problems of the penal institutions, the report adds that an increase of professional and technical personnel "is another factor of great importance in the personnel situation." The addition

of personnel of special professional and technical qualifications, according to the Committee, is essential to meet the needs of "a well-rounded program of rehabilitation as well as to meet custodial requirements." The report urges:

"In short, the experienced Department officials in charge of these institutions should be given the personnel, within reason, that are needed to do the job the institutions were set up to do: the protection of society by holding prisoners in secure custody during their sentences, and by preparing as many as possible for return to free society as law-abiding, self-supporting citizens. The main point the Committee wishes to emphasize is that the experience of the prisons in this country that have developed programs of rehabilitative training and treatment demonstrates beyond dispute that such programs pay dividends to the taxpayer far in excess of the cost of the necessary personnel and facilities."

The Committee supports the past position of the Department of Institutions and Agencies urging the creation of "the position of Associate Warden at the prison, and filling it by the appointment of a man trained in modern penology and fully qualified to organize and direct a program of rehabilitative training and treatment." The report adds:

"A man of the type of the one whom the Department has in mind for the position of Associate Warden³ could plan and direct the modernization of the institutions program, and could gradually correct many of the conditions and practices which have lowered the morale of both prisoners and personnel. It is believed that no step could be taken at the present time that holds more promise of the sound development, at a reasonable rate of progress, of a well-rounded program of rehabilitation. The classification program referred to above would be the keystone of such a program, and would provide the appraisal of individual needs and capacities on which training and treatment must be based if they are to be effective." (3 The man referred to, Lloyd McCorkle, director of the Department's special treatment facility at Highfields, and a man well versed by training and experience in modern correctional procedures, was appointed Associate Warden in July, 1952.)

The effect of the Constitution of 1947 in taking the position of Warden of the prison out of politics is recognized by the report as a major contribution to improved conditions. The report states:

Until the adoption of the 1947 Constitution, the position of Principal Keeper (Warden) of the Prison was a constitutional office, and the incumbents were appointed by the Governor with the approval of the Senate. Under this system of appointment, the administrative responsibility of the Principal Keeper to the Board of Managers of the

Prison and to the Department of Institutions and Agencies was never as clearly recognized as in the other institutions under the Department, and incumbents of the position were able to maintain virtual independence of the Department's control, if they saw fit, and to recognize only the authority of the Governor."

On the issue of whether the Warden might have been at fault, the report points out that Warden William H. Carty was serving in an acting capacity from January 31, 1951 to November 1, 1951 when he was appointed "Principal Keeper (Warden)." At that time he had been an employee of the prison for 33 years having entered the service as a line officer (guard) and had held the position of Chief Deputy for seven years. The day after he was given his permanent appointment he was assaulted and severely injured by a prisoner. The temporary status and the enforced absence of the Warden due to his injuries are recognized as factors contributing to the discipline problem. The report adds:

Warden Carty is a prison man of the old school whose entire service has been at Trenton Prison. He has had little opportunity to observe how modern institutions with adequate plants, personnel and programs are operated. Until he became head of the Prison, he had been very largely concerned with custodial matters and has had to face problems as difficult as can be found in any maximum security prison in the country. According to statements which he voluntarily made to the Committee, he has at times been very severe in his handling of prisoners, although the incidents he recited occurred during an emergency situation. His reputation is that of a conscientious, hard-working official, however, and he has demonstrated these qualities in the period during which the Committee has been conducting its inquiry.... In Warden Carty's case the Committee finds no evidence that there has been either malfeasance in office or dereliction of duty. If he is given as his chief assistant an Associate Warden who is versed in modern methods, if the personnel situation is rectified and the numbers and quality of the personnel are brought to a proper level, if the recruit and in-service training program once in operation is resumed, and if the operation of the Prison is adequately financed, the Committee believes that Warden Carty's practical ability and long experience will prove of great value in the task of bringing the Prison and its program to an acceptable standard."

While the report was in preparation, Warden Carty requested and was granted an extended sick leave, it appearing that he has never fully recovered from the injuries which he sustained as a result of the brutal assault to which he was subjected by an unstable prisoner, and his condition was aggravated by the severe strain of the prison disturbance at Trenton. During his absence, Associate Warden McCorkle will serve as Acting Warden.

A report to the Committee by Commissioner Bates of the Department of Institutions and Agencies, under date of September 17, 1952, summarizing the improvements that have been made/and Rahway since the disturbances of March-April, 1952, is quoted in the Committee report as follows:

"10. Warden Carty, who has been practically incapacitated ever since the severe assault upon him on the 2nd of November, has been given a six months' sick leave. At the end of his sick leave, which may be extended several months, a decision will be made on the question of retirement or resumption of service, depending upon his health at that time.

In the meantime, Mr. McCorkle is Acting Warden and is receiving excellent support from the staff. He has taken over control of the institution and a notable difference in spirit is prevailing.

11. The so-called "white caps", the upper level members of the custodial force, have shown renewed spirit of cooperation. The action of the new Acting Warden in disciplining some of the more influential, so-called "big shots" in the institution, showing no favoritism in his manner of discipline and control, has had a fine reaction from the staff and, it is believed, also from the inmate body."

The report reviews a variety of disciplinary practices and prisoner grievances, with particular reference to "the Disciplinary Court" and its functioning within the prison. It also refers to some of the disciplinary practices as "archaic", such as the practice of standing men "under the clock" in the Center, the rotunda of the prison where all the wings converge. It refers to unevenness of discipline and quotes from the minutes of a meeting of April 23, 1952 of the Trenton Chapter, P. B. A. Local 105, to which a large percentage of the correction officers in the prison belong. The quotation from the minutes reads:

"'A 'no fix policy' should be adopted so that charges have to stick. So-called 'big shots' should not be bailed out by 'ANYONE.' Informers should be paid off in other ways than by leniency in disciplinary matters.'"

The Committee's report concludes as follows:

"It was clear that the composition and procedures of the Court needed revision, and steps have been taken by the Warden and the Commissioner of Institutions and Agencies to rectify this situation since the Committee's inquiry began."

Various grievances expressed by the prisoners are reviewed in the report. These include the methods of controlling visitors and the character of food and miscellaneous necessities that are provided at the prison. The report recommends various improvements in the practices relating to visitors, provision of clothing, soap and other personal necessities of the prisoners. The question of food in the prison diet is reviewed at length and the report concludes that "this standard ration allowance provides for an adequate amount of food and for a diet that is far better balanced than the average person in free society gets. This balanced diet, moreover, has frequently proved less expensive than the old-fashioned unbalanced prison diet, with its heavy emphasis on the most expensive item, meat."

The Committee advises, however, that "there were other factors in the food situation that formed part of the basis for the prisoners' complaints." Among them was that the inadequacy of the custodial force required meals to be served so close together that many men were eating all three meals within eight hours or less. "The idle men were fed last in the morning and first in the evening." Another grievance was that the prisoners "were not permitted to have knives or forks in the mess hall, although it is standard practice in the Federal Prison System and in all but a minority of state prisons to provide them. It is manifestly inconsistent to talk in terms of a balanced diet if the prisoners are to have nothing but spoons to eat with."

Another grievance recognized in the report was that prisoners "were able to purchase some items of food from the prison store or canteen," and to cook them on electric stoves in the shops and sometimes in the cells.

This permitted prisoners who had the money to have substantially more and better food than those with no money--"a feeling of injustice and grievance is bound to result." The report recommends the complete elimination of electric stoves in the shops and cells on the "ground of fire hazard if for no other reason."

Another basis of prisoner resentment, according to the report was

"the necessary curtailment by the present administration of privileges that had been extended far beyond proper bounds and had led to serious abuses. One of these, the hobby work and the large profits derived from it by a few prisoners, is discussed under the subject of Idleness, since properly controlled hobby work has a useful place in correctional institutions. Other practices that the Board of Managers found it necessary to curtail sharply were permitting the spending of large amounts of money in the prison store (canteen), in some cases as much as \$150 a month, the purchase of unlimited amounts of food in the store, surreptitiously cooked in the cells and shops, and the free transfer of funds from the account of one prisoner to another's account, sometimes in amounts of \$200 to \$300 a month.

These practices, which gave special privileges to the minority of prisoners who had money and resulted in all types of undesirable trafficking, were rightly held by the Board of Managers to be indefensible. They helped create a feeling of bitterness in the minds of the majority of prisoners and, as usually happens when such privileges are curtailed, the curtailment creates bitter resentment in the minds of an influential minority who transmit their bitterness to the rest of the prisoners."

A substantial part of the report, some 16 pages of the 130-page document, deals with a review of the present parole system in general, the parole law and the current methods and procedures of the Parole Board. The report recognizes that the Parole Board studies each case thoroughly and for that reason is able to pass upon the applications of some prisoners after "very short hearings." The report concludes, however, that "No time schedules of the Board meetings were available for study, but from the statements made to it the Committee concluded that the hearings on the whole had been too brief." Various defects in the parole law are considered by the Committee and as a result of its review of the law, the report concludes:

"As the Committee's conferences and studies with respect to the operation of the parole system continued, it became more and more evident that the major grievances of the prisoners did not stem from the policies and procedures of the Parole Board as much as from the parole law itself."

The report points out that the present statute "accords to life prisoners who are fourth offenders parole consideration denied to the fourth offenders who are not life prisoners." It also recognizes "that under the statute a prisoner convicted as for a first offense is made subject, without adequate procedural safeguards, to administrative classification as a multiple offender for the purpose of deferring or denying parole consideration....A classification unjust to the prisoner would involve a substantial alteration in his parole status and make the penalty more onerous."

The report points out "There is unjust discrimination between inmates of the State's correctional institutions undergoing indeterminate sentences." After reviewing a variety of other statutory defects, as well as the general administration of the parole system, the report points out that:

"There has been no criticism of the supervisory service. The parolee's problems and difficulties have been given humane and sympathetic consideration. He has had in ample measure the guidance, direction and enlightened assistance requisite for the critical transition to a useful and self-sustaining place in community life....

Many of the parole deficiencies have now been corrected, and measures are under way to remedy the faults of statutory origin."

A careful review of the development of an "Inmate Council of the New Jersey State Prison" concludes the inquiry of the Committee. While it is recognized that the council idea has not been fully successful, the Governor's Committee agrees with the view expressed by Commissioner Bates that such a council "can serve a useful purpose not merely as a channel for the transmission of prisoners' complaints and suggestions on matters affecting their welfare but also as an aid in the development of good inmate morale, a cooperative attitude toward the officials, and better understanding of their responsibilities as members of society."

Finally, the report of the Governor's Committee incorporates a summary of the improvements that have been made at Trenton and Rahway since the disturbances of March-April, 1952, as submitted to the Committee by the Department of

Institutions and Agencies under date of September 17, 1952. The summary includes an enumeration of some 25 improvements in conditions at the State prisons, incorporating recommendations of the Governor's Committee, and adds:

"26. With reference to the Prison (and most of the above changes have to do with the Trenton institution), the two major accomplishments are (1) the establishment of the practice of appointing experienced career men to the position of Warden and (2) the long deferred accomplishment of a cooperative relationship between the Prison and the Department, the Governor's Office, the Budget Commissioner and the Legislature. This took several decades to accomplish but, especially since the first of the year, events have clearly indicated how necessary the achievement of these two major ends was before the other improvements could follow."

The Governor's Committee conducted a series of public hearings, heard witnesses representing administrative officials, the custodial officers of the prisons, the rank and file of correction officers, committees of prisoners and various other individual officials and citizens. The Committee visited practically all of the correctional institutions, examined official records and reports bearing upon the operation of the Department and its institutions and received special analyses and statements from Commissioner Sanford Bates in aid of its investigation.