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REPORT

OF THE

N.J.
COMMITTEE TO EXAMINE AND INVESTIGATE
THE PRISON AND PAROLE SYSTEMS
OF NEW JERSEY.

TO

HIS EXCELLENCY
ALFRED E. DRISCOLL
GOVERNOR OF THE STATE OF NEW JERSEY



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REPORT

COMMISSION TO EXAMINE AND INVESTIGATE
THE SITUATION OF PUBLIC SCHOOLS
IN NEW JERSEY

REPORT

ALBION E. BROWN

COMMISSIONER OF THE DEPARTMENT OF EDUCATION

1894

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*To the Honorable Alfred E. Driscoll,
Governor of the State of New Jersey.*

YOUR EXCELLENCY:

The Committee appointed by you under chapter 315 of the Session Laws of 1941, N. J. S. A. 52:15-7, to examine and investigate the prison and parole systems of New Jersey, begs leave to submit this report of its proceedings and findings.

The Committee's mission, as outlined in your notice of appointment, went beyond a study of the disturbances at the Trenton Prison and the Rahway Prison Farm which brought the Committee into being. We have followed your injunction "to make a fair and impartial survey of the methods, procedures, and practices employed in the New Jersey State Prison and its branches," and "a fair and frank appraisal of the administration of our prison, including the complaints that have been made or may be made by the inmates with respect to the operation of the Prison and the State Parole Board." On the basis of our conference with Your Excellency on the morning of April 28th, we understood that a study of the State Prison and its branches would necessarily involve study of the other correctional institutions under the jurisdiction of the State Department of Institutions and Agencies, and of the Department itself.

Procedures Followed by the Committee

Following the conference, the Committee held its first meeting for organization, formulated plans for a series of public hearings and other methods of inquiry, and began its study immediately.

The first of a series of three public hearings was held at Trenton on May 2nd. At these hearings, the Chairman of the State Board of Control, the Commissioner and other

officials of the State Department of Institutions and Agencies, a representative of the Board of Managers of the State Prison, the Chairman of the Parole Board, the Principal Keeper (Warden) of the State Prison, the Superintendents of its two branches, the State Prison Farms at Rahway and Leesburg, the two State Reformatories for Males at Bordentown and Annandale, and the State Reformatory for Women, representatives of the medical staff and custodial force of the prison, relatives of prisoners, and other individuals were heard.

In addition to taking testimony in these hearings, the Committee held conferences and discussions with Commissioner Sanford Bates of the Department of Institutions and Agencies and Deputy Commissioner Bixby (in charge of Correction and Parole), the Board of Managers of the Trenton Prison and its branches, with the Chairman of the State Board of Control in attendance, the Parole Board, institution heads, medical personnel, representatives of the senior officers and of rank-and-file correction officers at the prison, committees of prisoners elected by the inmates of the Trenton Prison and the State Prison Farm at Rahway, and various other individual officials and citizens.

Members of the Committee visited practically all the correctional institutions under the jurisdiction of the Department of Institutions and Agencies. Official records and reports bearing on the general operation of the Department and its correctional institutions were studied. Supplementing his testimony at the public hearings and the conferences and discussions which the Committee held with him, Commissioner Bates filed with the Committee special statements prepared by the Department, describing the disturbances at Trenton and Rahway and analyzing causal factors, together with financial data, descriptive and statistical data on food, and other material which was of great value to the Committee.

Scope of the Report

The sections of the report that follow give a brief description of the disturbances of March and April, and discuss the basic and contributory factors in the correctional institutions and the parole system that seem significant to the Committee. Developments and improvements in the correctional system since the disturbances are noted, and the report concludes with recommendations for future action.

DESCRIPTION OF DISTURBANCES AT TRENTON AND RAHWAY

In late March and mid-April, 1952, a series of three disturbances of riot proportions took place in the New Jersey State Prison at Trenton, and its branch, the State Prison Farm, at Rahway. The first began at about 11:30 P. M. on Saturday, March 29th, at Trenton, in No. 5 Wing, the segregation section for prisoners presenting major disciplinary problems. Fifty-two prisoners were involved. No hostages were seized and no demands were made by the prisoners, but they did damage to the building and equipment amounting to about \$4,600. Some of the prisoners surrendered about noon on Sunday, March 30th, and the remainder late in the evening of Monday, March 31st.

The second and more serious disturbance began at Trenton Prison on the morning of Tuesday, April 15th, when a group of 69 prisoners barricaded themselves in the print shop, damaged the presses and other equipment to the extent of about \$90,000, seized four correction officers and civilian printers as hostages, and made a series of demands as the terms on which they would surrender and release the hostages. Negotiations were carried on through a window and the prisoners finally surrendered on the afternoon of Friday, April 18th, on the granting of two concessions: that there be an investigation of the Trenton Prison and the State Parole System by an impartial outside agency, and that no corporal punishment would be administered to the rioters. (Corporal punishment is for-

bidden by the rules and regulations of the New Jersey Department of Institutions and Agencies.)

The third disturbance took place at the State Prison Farm at Rahway and began on the afternoon of Thursday, April 17th, about 24 hours before the print shop rioters at Trenton surrendered. The prisoners involved in the Rahway riot were quartered on the two floors of the dormitory wing, each floor housing about 180 men. The rioters seized the second floor, taking nine guards as hostages, and made various demands as the terms of surrender.

Damage in the amount of approximately \$58,000 was done to the building and equipment. After holding out for five days, the prisoners released the hostages and surrendered on Tuesday, April 22nd. The only concessions made by the authorities were that there would be an investigation of the parole system and that no corporal punishment would be meted out to the rioters. The number of men involved in the Rahway disturbance was 231, but the officials state that many of them were present by force of circumstance, and that the leaders numbered only 25 or 30.

DESCRIPTION OF NEW JERSEY CORRECTIONAL SYSTEM

As a background for a consideration of the disturbances of March and April, 1952, at the State Prison and the Rahway State Prison Farm, it is necessary to describe and discuss New Jersey's correctional system as a whole, the institutions that comprise it, its administrative structure, and the general and specific conditions and practices that have bearing on the disturbances as causal or contributory factors. A description of the administrative set-up and functions of the State Parole Board, and particularly of its correlation with the remainder of the correctional system, is also necessary.

Administration

The State Department of Institutions and Agencies, established in 1918, exercises the functions found in many

States in separate departments of public welfare, mental hygiene, and corrections.

The Department is under the State Board of Control, consisting of nine citizens appointed by the Governor for staggered terms of eight years. The Board appoints a Commissioner as executive head of the Department for an indefinite term, and he in turn appoints deputy commissioners to head the major divisions of the Department for indefinite terms. Each of the correctional institutions has a Board of Managers, consisting of seven citizens appointed by the Governor for staggered terms of three years. The Board of Managers of the State Prison at Trenton serves its branches at Rahway and Leesburg also. Since 1918, the heads of all correctional institutions, except the State Prison at Trenton, have been appointed by the Board of Managers of the institution, with the approval of the State Board of Control. Until the new Constitution was adopted in 1947 the office of Principal Keeper (Warden) of the State Prison had a constitutional status, and the incumbent was appointed by the Governor. Since 1951, the appointing authority has resided in the Board of Managers of the Prison, subject to the approval of the State Board of Control.

Correctional Institutions

The correctional system under the jurisdiction of the Department of Institutions and Agencies consists of the following institutions: The State Home for Girls at Trenton, with age limits for admission of 8 to 17 years; the State Home for Boys at Jamesburg, with age limits of 8 to 16; the State Reformatory for Women at Clinton, with age limits of 16 up; the State Reformatory for Males at Annandale, with age limits of 16 to 26; the State Reformatory for Males at Bordentown, with age limits of 16 to 30; the State Prison at Trenton with its two branches, the State Prison Farms at Rahway and Leesburg, all with age limits of 16 up; and the State Diagnostic Center at Menlo Park and Highfields, the experimental treatment center at Hopewell, with no age limits.

The State Diagnostic Center at Menlo Park, opened in 1949, is a unique institution. It serves all courts, State and county agencies and institutions, and the Parole Board. Occupying a building entirely separate from any other institution, it provides diagnostic facilities and a psychiatric, psychological and social work staff for the disposition and treatment of both juvenile and adult offenders. A major function of the Diagnostic Center is to make a study, prior to imposition of sentence by the court, of persons convicted of sex offenses ranging from rape and sodomy to indecent exposure, and to make recommendations to the court. It serves as a guidance and informational center for the courts, school authorities, and social agencies. It is described by the Department of Institutions and Agencies as the key institution of the entire correctional system.

Highfields is another highly-specialized facility of the Department. Occupying the buildings of the former Lindbergh estate, presented to the Department, this facility has carried on for the past two years under foundation grants an experimental program for youthful offenders whose sentences have been suspended by the courts on condition that they agree to attend this special training institution for periods ranging from one to six months. Only about twenty boys are in residence at one time. The program stresses the form of group therapy which the New Jersey authorities call "guided group interaction," but also includes individual counseling, self-government, individual projects, and a balanced program of work, recreation, and special educational activities. The experimental period being deemed satisfactory, Highfields was set up as a full-fledged State activity on July 1, 1952.

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.

By contrast, all informed penologists have recognized that the State Prison at Trenton has long since outlived its usefulness and that its physical facilities, staff and program have fallen far short of the standards set by the newer and better institutions in the Department. Of its branches, the State Prison Farm at Leesburg is accepted as a credit to the State, but the history of the institution at Rahway has been a spotty one. This has been in part due to the physical plant, which was opened in 1901 and has not proved well suited for use either as a reformatory or as a State prison farm, a designation that was given it in 1948. At the same time the State Prison Farm at Bordentown was designated as a State Reformatory for

Males. Since that time the institutions at Rahway and Trenton have had to face severe problems caused by the change in the functions of Rahway and Bordentown and the consequent transfers of large numbers of prisoners back and forth between the three institutions. The Trenton Prison seems to have been most seriously affected by these transfers, becoming a dumping ground for the other State institutions for adult males, but there is no question that Rahway has experienced difficulty in assimilating many of the men transferred to it. The type of men now confined there makes an extensive farm program impracticable, and the number of idle men at the time of the disturbances far exceeded the number assigned to farm work.

State Parole System

Authorities in the parole field have recognized the fact that the New Jersey Parole Board was created by law only a few years ago, and that the system has obviously been going through a difficult transition period. Prior to 1948, paroles were granted in each correctional institution by the Board of Managers, and parolees were supervised, as now, by the Department of Institutions and Agencies. A procedure of pardoning with parole conditions was followed by the Court of Pardons.

The Constitution of 1947 abolished the Court of Pardons and directed that a parole system be provided by law. Under legislation enacted by the Senate and General Assembly in 1948, the State Parole Board was established in 1949.

The Parole Board is administratively in the Department of Institutions and Agencies, although the Department has no control over its decisions with respect to the granting or revocation of paroles. The Board consists of three members, the chairman on a full-time basis and the other two members serving part-time. The chairman receives a salary of \$12,000 a year, the others \$10,000. All members are appointed by the Governor, with confirmation by the Senate, and the Governor designates the chairman. The

members serve staggered six-year terms. The supervision of parolees is not under the administrative control of the Parole Board; this function is exercised by the Department's Division of Correction and Parole.

BASIC AND CONTRIBUTORY FACTORS IN THE DISTURBANCES AT TRENTON AND RAHWAY

Introductory Statement

The Committee's study of the disturbances of late March and mid-April, 1952, at Trenton and Rahway, indicates clearly that they were the result of a feeling of bitterness and grievance that was widespread among the prisoners of these two institutions and had been in existence for some time, growing steadily in depth and intensity. Leaders among the prisoners at Trenton Prison had apparently been planning to stage a demonstration of riot proportions that would not only harass the prison authorities but also attract public attention to the conditions and procedures which formed the basis of their grievances. This demonstration might have come at any time in the months preceding the actual occurrences. Any spark might have set it off, and the explosion might have taken place by the slow process of spontaneous combustion, or through deliberate lighting of the fuse by the inmate agitators who were determined to set off an explosive demonstration.

It is not clear whether or not the disturbance in Wing 5, the segregation section, on the night of March 29th merely furnished the spark that accidentally set off the major demonstration of April 15th, when the print shop was seized and wrecked by a group of prisoners under well-organized leadership, hostages were seized, and the prisoners remained in a state of seige until their demands for an investigation of the prison and the parole system by an impartial outside agency were granted on April 18th.

It is possible, on the other hand, that the disturbance in Wing 5 was part of the general plan. Some color is given to that theory by the fact that the episode that touched it off, alleged failure of the authorities to give prompt and

adequate medical treatment to an inmate of Wing 5 who claimed to be ill, seems to have been planned or, at least, deliberately built up into a basis for grievance out of all proportion to the incident itself. When the prisoner in question was removed to the hospital, he was found not to be ill, but on the basis of this alleged neglect the inmates of Wing 5 wrecked the toilets and other fixtures of the cell block, and started a noisy and destructive demonstration that lasted for two days.

It seems more probable that the demonstration in Wing 5 was staged by the men confined there on the basis of their own grievances and had little to do with conditions or practices in the prison as a whole. Many of the men had been segregated for a long time in Wing 5, and many of them were extremely unstable individuals. An explosion in a segregation section of this type can occur at any time just as a boiler may blow up if the steam pressure runs too high.

The general prison population and its leaders had little in common with the men segregated in Wing 5, especially with the group of passive perverts and the aggressively assaultive "wolves" who formed a large part of the segregated group. It seems a justified conclusion that the connection between the Wing 5 demonstration and the print shop riot two weeks later was that the former episode created a feeling of extreme excitement and tension throughout the prison, and caused the leaders among the prisoners to decide that this was an opportune time for action that would force attention to their grievances.

Warden Carty stated to the Committee that he was certain a major disturbance was brewing during the period immediately following the Wing 5 riot, and that it had been for some time. He stated that he tried to throw the plan "off balance" by picking out the men he felt sure were the leaders in the various shops and transferring them to Rahway. Although this may have hastened the major disturbance, it apparently limited its scope. The segregation and transfer of suspected ring leaders was in accordance with the policy usually followed by experienced prison

officials in such situations. It was apparently effective in this instance to the extent that a general disturbance, involving all the shops and probably resulting in the destruction of equipment if not the burning of the shop buildings, was averted.

The transfer of the suspected ring leaders failed in that it did not avert the seizure of hostages, the barricading of the print shop and the destruction of its equipment, or the riot at Rahway. It seems certain, as one views the whole affair in retrospect, that these occurrences, or others of similar nature, were practically certain to happen. In short, the situation in early April was so highly inflammatory that disturbances of greater or less magnitude were bound to break out somewhere in the institutions at Trenton and Rahway.

The leader of the print shop affair, as a matter of fact, was not a man who worked there. After the suspected inmate leader of the print shop was seized and transferred to Rahway with the others believed to be ring leaders, a prisoner from another shop came up the stairs, took command of the print shop, and maintained leadership throughout the siege of that building. It was he who conducted the negotiations that led up to the release of the hostages and surrender of the prisoners. He has since freely admitted his part in the affair and accepted the fact that he must expect punishment for his actions. The fact that the leadership of the print shop riot came from outside that shop is cited principally to indicate why the segregation and transfer of suspected ring leaders failed to avert trouble.

The transfer of the suspected ring leaders from Trenton to Rahway probably precipitated, or at least hastened, the disturbance which began on the afternoon of April 17th at the latter institution. The men transferred from Trenton were placed in segregation at Rahway, and the word spread through the institution that they had been severely beaten. The Committee was unable to find evidence to support that allegation, but there is no doubt that the Rahway

prisoners believed the story and that their excitement and readiness to stage a riot were increased by the story.

Everything that has been said thus far in this introductory statement has borne principally on the questions of what touched off the disturbances and what connection there was between the two at Trenton and the one at Rahway rather than what causal and contributory factors formed the basis of the disturbances. In the sections that follow these factors are discussed in detail. It is made clear that many of the grievances which the prisoners expressed had a basis in actual conditions and practices. In stating this fact, the Committee wishes to draw a clear-cut distinction between a valid basis for grievances and a valid method of reacting to them. The Committee condemns unequivocally the methods taken by the prisoners to call public attention to their complaints.

It is to be hoped that the prisoners who participated in the riots, and all others in the institutions of the State, now realize that prisoners lose in the long run by such demonstrations, although they may seem for the time being to have made some gain. It is true that the correction of bad conditions which has been too long delayed sometimes follows a dramatic demonstration in a prison, but the long range effect is detrimental to prisoners and correctional services designed to help them. Public opinion is inevitably stiffened against offenders by demonstrations that involve the reckless destruction of property, threats to the safety of persons held as hostages, and other actions that cause the average citizen to feel that all prisoners are dangerous wild beasts and should be kept under rigid repression at all times.

This is not so, and the history of penal and correctional institutions where modern methods of rehabilitation are used demonstrates that a large percentage of all prisoners respond to these methods co-operatively, profit by them, and show a substantial percentage of successes in free life after release. Every time prisoners resort to riots or to other forms of violent action to gain their immediate ends,

they delay the day when there will be general public acceptance of the modern philosophy of rehabilitation as opposed to the ancient and outmoded philosophy of retributive punishment.

The prisoners' grievances that form the basis of the Trenton and Rahway riots fell under two major headings:

1. Conditions and practices in the institutions themselves.
2. The parole system, with special reference to the parole law and the policies and practices of the Parole Board.

The factors falling under the first of these general headings can be further subdivided, as follows:

- a. Inadequacies in institution plants.
- b. Heterogeneous inmate population at Trenton Prison.
- c. Idleness and inadequacies of rehabilitation programs.
- d. Personnel problems, including heavy turnover in custodial force.
- e. Disciplinary practices.
- f. Miscellaneous factors: shortage of necessities, visiting arrangements, food, etc.

INADEQUACIES IN INSTITUTION PLANTS

Age and Inadequacy of Trenton Prison Plant

The Trenton Prison is one of the most archaic in the United States. Wing 4, one of the two original cell-houses completed in 1836, the year the prison opened, is still in use without basic changes in construction. The other original wing has been remodeled and equipped with "Auburn type" cells. The 92 cells in Wing 4 today house over 300 men, over three times as many as they were originally intended for. The cells in this wing are of the type found in only one other State prison in the United States, the Eastern Penitentiary in Philadelphia, which

opened in 1829 and was the pattern for the Trenton Prison. They were designed for use under the so-called Pennsylvania System, which held prisoners in solitary confinement in their cells throughout their sentences, providing them with some simple form of employment in their cells. At the Eastern Penitentiary provision was made for a brief solitary exercise period each day in a small pen-like yard attached to each cell. These yards were omitted at Trenton.

The Pennsylvania System of solitary confinement at all times was abandoned at Trenton in 1860. Wing 4 has been "modernized" by the installation of an electric light, radiator, toilet and washbowl in each cell, but the construction of the cells remains otherwise about as it was 116 years ago. The cells in this wing are on two tiers and are of the so-called outside type, being against the outer walls of the wing on each side of a central corridor. The only natural light and ventilation are admitted by a narrow slit in the rear wall of the cell, protected against the weather by a small pivoted window which can be raised or lowered with a pole. One enters the cell from the corridor through a door so low and set so high above the floor that one has to crouch and step over a high sill to get in. The door is solid.

The cells in Wing 4 are much larger than modern single cells. Those on the lower tier are 15 feet long, $10\frac{1}{3}$ feet high, and $7\frac{1}{2}$ feet wide. Most of the cells on the lower tier are occupied by four men and those on the upper tier by three. The cells on the upper tier are 12 feet long, 15 feet, 5 inches high, and $7\frac{1}{2}$ feet wide. Some of the cells are equipped with double-deck Army cots and others with single iron beds. When occupied by either three or four men, the cells are badly crowded, and the square feet and cubic feet of space per man are below accepted standards for occupancy even in quarters where the ventilation is adequate.

It is certain that many prisoners would prefer to live with two or three other congenial men in a cell of this type to being confined alone in a modern cell with a full-grated front. The danger of perversion, however, is only one of

many bad features of the practice of confining three or four men behind the solid doors of these ancient cells, housing about 25% of the total population of the prison. Their continued use in a wealthy state that is famous for its progressive penal policies is indefensible.

The cells in the other five wings are of more modern design, being of the so-called inside or Auburn type, standing back to back in the center of the cell-house and facing the outer walls and windows of the building, which are about 12 feet from the fronts of the cells. There is a variation in Wing 5, which is only half a typical cell block, with three tiers of 19 cells each, all facing in one direction. This was formerly used for women prisoners and was later remodeled to serve as a receiving wing. The cells in Wing 5 are 10 feet by 7 feet, and 7 feet, 5 inches high. They are about twice as large as those in Wings 1 and 2, which are 5 feet wide and $7\frac{1}{2}$ feet long, and in Wings 6 and 7, which are $4\frac{1}{2}$ feet wide and $7\frac{1}{2}$ feet long.

While Wing 4 is the only one more than a century old, all of the other five cell-houses are old. By 1860, when the Pennsylvania System of solitary confinement was abandoned at Trenton, there were over 350 prisoners to be housed in the original 192 cells, and the prison has been seriously overcrowded most of the time since then. New cell-houses have been built from time to time wherever space could be found. Of those still in use the most modern, Wing 7, was built in 1905-07 and contains 350 cells, only $4\frac{1}{2}$ feet wide. Steel bars extend from floor to ceiling at the outer edge of the galleries or "catwalks" and make this cell-house unusually dark and gloomy. While this is the most recently constructed entire cell-house, Wing 5, the former Women's Wing, built in 1870, was equipped with the modern cells described above in the early 1930's.

The total capacity of the prison, if only one prisoner is quartered in each cell, is 1,190, counting 43 beds in the hospital. The capacity of the cell-houses, without doubling up in cells, is 1,147, divided as follows: Wing 1, 176; Wing

2, 272; Wing 4, 92; Wing 5, 57; Wing 6, 200, and Wing 7, 350.

The total population of the prison on April 1, 1952 (not counting the inmates of its branches at Rahway and Leesburg) was 1,312, and on April 30th it was 1,269. The situation is not as bad as it was two years ago, when there were 1,550 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.

The main prison yard, $13\frac{1}{2}$ acres in extent, is crowded to the limit with the buildings that have been constructed over the past 116 years. The shop buildings, with wooden floors and partitions, present a very serious fire hazard. Not only is there danger of expensive equipment and materials being destroyed by fire; but it is conceivable that there would be loss of life if a fire got a good start in one of the fire-trap workshops at a time when the prisoners were working on the upper floors. There is also a serious fire hazard in the cells, especially in those in the wing built in 1836, because of the fact that mattresses stuffed with salt hay are still used in large numbers and there is danger of a prisoner being smothered or badly burned before his cell door can be opened, if a mattress or other combustible material in the cell catches fire. Repeated requests for funds to replace these mattresses have been only partially met by the budgetary authorities.

An officer has been designated as fire marshal, but he is not on duty at night, and the prisoners who are assigned for fire duty do not sleep in a firehouse or other central location, as is customary in many prisons. A careful fire plan should be worked out, and provision made for the immediate manning of the fire equipment within the prison and for other assignments of personnel to the stations and duties ordinarily specified in a carefully worked out fire plan. It is recognized that the city fire department pro-

vides good protection for the prison, but one has only to remember the 1930 fire in the Ohio Penitentiary, when over 300 prisoners were burned or suffocated to death, to realize that the most complete and detailed preparations must be made in an old prison for preventing and fighting fires, and for evacuating prisoners from cell-houses threatened by fire. In the Ohio holocaust, the fire spread with such rapidity that prisoners were trapped before dilatory and unprepared officials could release them.

The prison buildings are in the bad condition one would expect from their age, and are badly in need of paint. Proper sanitary standards are difficult to maintain. Among the prisoners' complaints were that rats infest the buildings of the prison, that sewer gas escapes from the service tunnel between the cells in Wing 7, and that sanitary conditions in the prison are generally bad. The members of the Committee personally verified by direct observation the presence of rats and the escape of sewer gas in Wing 7.

The only addition that has been made to the original yard in many years is an exercise yard, provided by extending the wall to include an area of $1\frac{1}{4}$ acres. The opportunity to use this yard for even a few hours a day during the summer months is a great boon to the prisoners, especially those who are entirely idle. The yard is large enough to permit softball and handball, but these games interfere with the large numbers of men who have nothing to do except walk around, and they in turn interfere with the games. It is not practicable to extend the yard any farther, since the city has grown up around the prison.

Aside from the general shortcomings of the physical plant, a point of particular importance is that the location and construction of the wings do not lend themselves well to the segregation of the substantial number of prisoners who must be completely separated from the rest of the population, and some of whom may have to remain in administrative segregation for the remainder of their terms. This group has its counterpart in practically every maximum custody prison in the country. It includes 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.

Prior to the riots, the segregated group was quartered in Wing 7, which forms part of the outer wall of the prison. That was not satisfactory, because people in residence across the street from the prison complained of the disturbances which the segregated prisoners frequently made, doubtless in part for the reason that they knew they could be heard. Wing 5 was being used for segregation at the time when the disturbance of March 29-30 took place in that wing. It is well suited to segregation purposes from many standpoints. There are no residences across the street from this part of the prison except those of institution personnel. The wing receives a great deal of sunlight, and there is a small yard between the building and the wall, which can be used for exercise without danger of contact with other prisoners. The grated fronts of the cells and the locking devices in Wing 5 are very weak, however, and extensive reconstruction would be needed to make it secure enough for use as a segregation wing.

The prison must have at least one wing or section which provides adequate security for the segregated group, which meets all the requirements from the standpoint of health, and keeps them entirely separate from the rest of the prison population. Such a section should not be a makeshift affair, and it should be designed to meet the requirements of long-range administrative segregation rather than short-range punitive segregation, such as a few days on a restricted diet for some relatively minor infraction of the rules. Men in administrative segregation have usually passed through the punishment stage many times and are now being segregated indefinitely for the good of the institution. The segregation section should include facilities

for work, exercise, group feeding, and other activities even though not all the segregated group can engage in them.¹

At the other end of the scale from the so-called incorrigible group is the large number of prisoners who, because of the length of their sentences or some other reason, are not good risks for minimum or medium facilities but will maintain good work and conduct records in a maximum security prison. In modern prisons some men of this type are housed in "outside" cells, within a wall or secure fence but each with its own window, usually barred or fitted with steel detention sash. Others are in so-called honor rooms, and can open their doors to go to a central toilet and shower room. Others are in "inside" cells, but at certain hours have access to a day-room directly adjoining the cell-house or a part of it. It is as secure as the cell-house itself but affords welcome relief from the long evening and week-end hours in one's cell.

In our better maximum security prisons, moreover, as well as in institutions for the better custodial risks, there are ample facilities and opportunities for education, vocational training, hobby work in a strategically located shop, reading room privileges in the library, indoor and outdoor recreation, and other rehabilitative activities. It is now well recognized that these activities are vitally necessary for long-term maximum security prisoners not only from the standpoint of mental and physical health, morale and discipline, but also from the standpoint of eventual rehabilitation for free life.

It is an inescapable fact that what New Jersey needs for its maximum security prisoners is not a new cell-house or two at Trenton, a more secure segregation section, the correction of a few of the worst fire hazards, and other piecemeal and temporary measures to stave off the ravages of

¹ Since the Trenton riots a section of Wing 1 has been walled off for use as a segregation section. This will serve to separate disciplinary problem cases from the other prisoners and will make it difficult, if not impossible, for chronic troublemakers to keep the rest of the population stirred up. It does not, however, meet the other requirements of a permanent segregation section, outlined above. In addition to provision for the chronic disciplinary cases, lock-up facilities that are not dark have been provided in this wing for ordinary disciplinary and observation cases previously confined in a section of old cells in Wing 4.

old age. What is needed is a new prison, properly located, planned and constructed in accordance with the highest standards of modern penology, and providing all the facilities that are required to maintain secure custody and to carry on a complete program of training and treatment with preparation for free life as its aim.

This is fully recognized by Commissioner Bates of the Department of Institutions and Agencies, as it was by his two predecessors in that office. In his statement of April 21, 1952, analyzing the disturbances then in progress, Commissioner Bates said in part:

“The Department does not need to be reminded that a new and up-to-date prison building is a crying necessity, one that will be secure enough so that the authorities will not hereafter have to be forced to go through situations such as have happened in the last few weeks. When the 1949 bond issue for institutions building was proposed, an item of \$4,500,000.00 for a new maximum security branch prison was included. This project, however, did not fall within the approved list when the amount of the bond issue was reduced from the first total of \$45,000,000.00 to \$25,000,000.00. Strangely enough, certain estimable people in our communities declared that if the bond issue was to include a new prison they would vote against it, even though this might mean the insane, the feeble-minded, the sick and the needy would be obliged to go without the new and safe quarters that they required.

“Perhaps some of these people, if they could view the damage done to property in these recent disturbances, might now be convinced that it is a necessary expenditure of public money to have modern penal institutions that not only lend themselves to up-to-date treatment but would provide protection to the public in the event of such emergency.”

The following pertinent and cogent comments appear in the *Handbook of Correctional Institution Design and Construction*, published in 1949 by the United States Bureau of Prisons:

“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."

Shortcomings of Other Institution Plants

The Committee did not attempt to make a detailed appraisal of the physical plants of all the correctional institutions under the jurisdiction of the Department of Institutions and Agencies, but concerned itself chiefly with those factors in the various physical plants which seemed to have bearing on the disturbances at Trenton and Rahway, or that might create tension and unrest in other institutions.

Rahway Prison Farm

The institution at Rahway, opened in 1901, served as a reformatory for older youths and young men until 1948, when the Bordentown institution was designated a reformatory and Rahway became a branch of the State Prison, with the designation of State Prison Farm. The living quarters in this institution, some of which were not well adapted to use with young offenders because of their prison-like features, have been found badly adapted to use with many of the adult offenders who are now sent to the institution. This has proved to be true of the cell blocks as well as of the dormitory wing. The Superintendent testified with respect to the South Wing, housing 376 prisoners, as follows: "It is far too high, eight tiers to the wing, 47 cells long. You can't even recognize an inmate at the end of a tier like that, much less know whether he is guilty of any homosexual activity, gambling or anything else. You have all you can do to see that far, much less recognize him. . . ." The excessively large living units, in his

opinion, made proper classification and segregation impossible, and he considered the lack of segregation facilities for the younger men particularly serious.

The dormitory wing in which the Rahway riot occurred is the type of living unit in which, theoretically, the younger and more hopeful cases could be satisfactorily housed. The wing is of modern design and construction, with excellent natural light and ventilation. It was so designed that cells could be installed, if this proved desirable, and the large open dormitory on each of the two floors has approximately double the ordinary ceiling height. Attached to each dormitory is a day room for the recreation uses of the men living in the dormitory.

This would appear to be an excellent living unit. Every experienced prison official knows, however, how many disciplinary problems dormitories present, unless they can be used exclusively for a carefully selected group of prisoners. This was not possible at Rahway, because of the overcrowding in the institution, the heterogenous nature of the population, and the size of each living unit. At the time of the riot, moreover, the dormitory wing was badly overcrowded, 150 prisoners being quartered in each dormitory and 30 additional inmates in each day room. Finally, as is stated in the section on *Personnel*, the shortage of correction officers meant that only one man could be assigned to each floor on each of the three shifts. Of this ratio of 180 inmates to one officer in the dormitory wing, the Superintendent testified as follows: "Around the clock we have had that ratio to contend with, adult penal offenders, running the full gamut of offenses, all ages, all types of background and case histories, just mingling by virtue of the fact that we had no better facilities for segregation."

The problem of overcrowding throughout the institution was aggravated by the fact that about 25% of the inmate population, 225 out of a total population of 957 on a typical date, were idle because of lack of work, in addition to those idle because of illness and for other reasons. The unemployed men were in their cells or dormitories approxi-

mately 19 hours a day, the remaining time being accounted for by the three meals and two to four hours a day in the yard, drill hall (gymnasium), or library.

At the time of the riot, a modern building with 168 separate outside cells or rooms had already been planned and the funds were available for its construction. Construction began on this building in early May. When completed, this building will not only help solve the problem of overcrowding but will also provide desirable living quarters for which individual prisoners can try to qualify by their work and conduct record. Contracts have been let to remodel the dormitory wing by dividing each floor into several smaller sections. As soon as funds are available, it is planned to carry out the original plan of converting this wing into a cell-house.

Since the farm can be considered a part of the physical plant, it should be noted that the program of the State Prison Farm at Rahway is largely industrial in type. The farm area is about 285 acres in extent, 25 to 35 acres being devoted to truck farming and the remainder to general farming and pasture land. The farm operations include a dairy herd and a piggery. Only 75 to 100 prisoners work outside the walls, and the Superintendent stated that more farm work is impractical because of the escape risks presented by the types of prisoners now being sent to Rahway.

Leesburg Prison Farm

The State Prison Farm at Leesburg, also a branch of the Trenton Prison, is a 1,026-acre farm, with 525 acres under cultivation and in pasture. An additional 1,000 acres of salt hay meadow are leased. The buildings are set well back from the highway and are without bars or other indications that this is a penal institution. All permanent structures are of the one-story bungalow type, and are built of concrete and cement. There are four dormitory buildings, each with three wings, two wings containing beds, and the third serving as a recreation room. These

buildings have a two-story center section. Other buildings include the commissary department, a cannery, a storehouse, and the barns.

The four cottages have a capacity of 60 men each. On May 20, 1952, the Superintendent testified that the population numbered 338, which is about 40% over normal capacity. Three of the four recreation rooms are being used as living quarters to meet the problem of overcrowding. By using all four recreation rooms as living quarters, the capacity of the institution would be increased to 360. This would obviously be undesirable from the standpoint of living conditions, and new construction to relieve the overcrowding was started this summer.

The Leesburg Prison Farm could utilize the labor of 50 or 60 more prisoners, if that many minimum security cases and living quarters for them were available. There is more than enough work for the men now assigned there, especially during harvest time. Forty-five of the Leesburg prisoners are assigned to a work project at the new mental hospital at Ancora, 47 miles from Leesburg, spending the working week at Ancora and the week-ends at Leesburg.

Limited hospital facilities are located in the center section of one of the dormitory buildings. No provision is made for surgery; in institutions of this type arrangements are usually made for surgery to be performed elsewhere. Emergency cases are cared for at the Millville Hospital, about 13 miles away, and the Superintendent considers this arrangement satisfactory. Non-emergency cases must be sent to the Trenton Prison Hospital. This results in considerable delay because of the overtaking of the hospital facilities at the prison. Prisoners needing surgical care, moreover, are sometimes sent to Leesburg from the prison. In July, for example, there were 20 hernia cases at Leesburg.

Bordentown Reformatory for Males

The Bordentown Reformatory was so designated in 1948, prior to that time having served as a State Prison Farm.

The original facility on this site was opened in 1930 and had temporary wooden buildings. The present buildings, constructed of brick and concrete, were opened in 1936.

The institution is described in the Handbook of *Correctional Institution Design and Construction*, published by the United States Bureau of Prisons in 1949, as follows:

“ . . . While it possesses no special architectural novelty or merit, it is built in good taste and is not unpleasing or grim in appearance. Bordentown houses approximately 600 male inmates in outside cells and dormitories. The plot is enclosed by a woven wire fence. The construction cost of \$2,245 per inmate capacity was virtually identical to that of Wallkill (New York State's medium-security prison, opened in 1931).

“The main series of connected buildings is composed of the administration building, one medium- and one so-called maximum-security housing wing, two medium-security housing wings, and the dining hall and kitchen. The maximum-security cells would ordinarily be regarded as of medium-security type. Near the connected units, in the same fenced enclosure, are the powerhouse, water treatment plant, and the industrial building. A new connecting corridor is being constructed to tie in the industrial building with the housing and treatment units. . . .

“Bordentown has had a very good record as a medium-security institution, but a revision of the state's classification system envisages a marked change in its status and use in the correctional pattern. Legislation has been passed to permit the future use of Bordentown as a close-custody reformatory, to supplement the facilities of the minimum-custody or open institution at Annandale. . . . Bordentown offers little in the way of guidance for the most satisfactory construction of a medium-security institution. The best that can be said for it is that it constitutes a workable plant, which was planned to provide a maximum of facilities at a minimum cost.”

While it is true that the physical plant of the Bordentown institution is not particularly well adapted to a reformatory program for older youths and young men, not

having been designed for that purpose, the facilities make possible a program of industrial and farm work, education and vocational training, and other essential elements in a varied program of training and treatment.

The chief shortcoming of the physical plant is the lack of sufficient housing. The capacity of the institution is approximately 475, including 375 single rooms or cells and the remaining capacity in dormitories. On May 20, 1952, the population of the institution was 603, an excess of 27% above capacity. Overcrowding being doubly undesirable when coupled with idleness it should be noted that idleness has been averted by over-manning all details, and assigning 190 men to school on a half-day basis. If a full day's work for every man in the institution were provided, the Superintendent stated that approximately 130 out of a population of 600 would be idle.

Another shortcoming in the physical plant, particularly stressed by the Superintendent, is the lack of an appropriate room or building for religious services. The only room now available must be used as an auditorium and gymnasium as well as a chapel.

Annandale Reformatory for Males

Annandale Reformatory, the institution for youths and young men between the ages of 16 and 26 at commitment, has a superior physical plant which provides excellent facilities for housing, industrial, farm and maintenance work, education and vocational training, recreation, and other activities. The educational program and some of the other activities have been curtailed in recent years, but this is due to lack of personnel and the changing nature of the inmate population rather than to lack of physical facilities.

Overcrowding is not a serious problem at present, with the normal capacity of 450 inmates and a population on May 20, 1952, of 496. The population, however, has been as high as 620 in the past.

The worst problem that the institution faces is caused by the fact that it is a minimum custody facility designed for

first offenders and is not adapted to house what the Superintendent characterized to the Committee as "the present conglomerate inmate population of feeble-minded, pre-psychotics and recidivists." The institution has suffered from a large number of escapes because of the many unstable inmates sent to it. The Superintendent stated that, of approximately 500 inmates, only 40 were first offenders. He has recommended to the Commissioner that a portion of the reformatory reservation be fenced and that other measures be taken to provide security commensurate with the character of the inmate population.

This problem and the determination of how it should be met calls for the most careful study, not only of Annandale Reformatory and its population but of the total inmate population of New Jersey's correctional system. It is obviously not enough merely to strengthen an institution designed for a certain type of offender so that it can provide adequate security for another type presenting much greater escape risks. The larger question is how many institutions, of what size and what type, are needed to care for the total inmate population of New Jersey's correctional system, what role Annandale should play in the system as a whole, and what type of prisoners should be committed to it. Every correctional system of any size in the country is vexed by the problem of what physical facilities and programs are appropriate for offenders who are young enough and unsophisticated enough in crime so that a full-fledged reformatory program under minimum or medium security conditions would appear to be indicated, but are so unstable or deficient that they do not fit into such a program and cannot be held in facilities of less than medium to maximum security.

This institution has hospital facilities on the second floor of the administration building, but has no surgical facilities and must send all surgical cases to the State Hospital in Trenton, 35 miles away. This results in delay in handling non-emergency cases and presents a potential hazard in emergency cases. As is noted in the section on

the Reformatory for Women, which has a similar problem, it is anticipated that both institutions will be able to use the facilities, at least for emergency surgical cases, of a medical center now under construction under private charitable auspices at Flemington, eight miles from Annandale.

Reformatory for Women—Clinton Farms

Clinton Farms, the Reformatory for Women, has a superior physical plant designed on the cottage plan, with facilities for employment and a diversified program of training and treatment, an excellent farm, a chapel that would be a credit to any community, and grounds that are adequate in size and pleasing in appearance. While it does not have all the facilities that it could use in its program of rehabilitation, rated by qualified penologists as the best to be found in all the reformatories for women in the country, its chief shortcoming appears to be a lack of sufficient housing facilities for both inmates and staff. The overcrowding is particularly important in the case of staff housing, because the somewhat isolated position of the institution makes it difficult to recruit staff members even under the most satisfactory living conditions.

Another problem has been the lack of a relatively secure living unit to house women who present an escape risk because they are serving life or other long sentences, or because of instability or other factors. Some women present escape risks early in their sentences but later become adjusted to the comparative freedom of the institution routine, in spite of the length of their sentences. With funds provided by the bond issue, a security building of 40 rooms is now under construction, and will not only help solve the problem of security but also of general overcrowding.

A 3-story, fireproof, 40-bed hospital was completed and occupied in 1932. It provides modern facilities for the segregation of newly admitted women during their quarantine period, and for whatever in-patient or out-patient treatment is needed by the inmate population.

The second floor of the hospital is devoted to facilities for major and minor surgery and obstetrical cases. The Committee's attention was called to the fact that the operating table has been out of use for some time because of faulty electroconductivity. In other words, it is not explosion-proof. There are no surgical facilities available nearby, and women needing surgery are taken to the State Hospital in Trenton, 38 miles away. There is a delay of two to three months in non-surgery cases because of the overtaking of the surgical facilities at the State Hospital. The Superintendent and Board of Managers are chiefly concerned, however, over the potential hazard which the transportation and delay present to patients requiring emergency surgery. No cases were cited in which this hazard has materialized.

A medical center is now in process of construction under private charitable auspices at Flemington, less than ten miles from Clinton Farms and the Annandale Reformatory, which has no surgical facilities. It is anticipated that the facilities of this hospital, at least for emergency surgery, will be available to both institutions, but provision must still be made for prompt attention to non-emergency cases.

HETEROGENEOUS INMATE POPULATION AT TRENTON PRISON

Few prisons of its size in the United States have as heterogeneous a population as Trenton Prison, or have so large a proportion of prisoners who are serious problem cases of one type or another. It receives from the courts the usual type of prisoners committed in any State to a maximum custody prison, theoretically the worst cases from the custodial and disciplinary standpoint. It also receives by transfer from the other institutions those who are found to be the worst in those institutions.

A substantial number of the prisoners received from the courts present a constant escape problem because of the length of their sentences, the detainers lodged against them by prosecutors, police or other prisons, or their reckless and unstable natures. These same factors tend to make them bitter and they are frequently agitators of trouble,

usually behind the scenes, or are quick to participate in trouble others start. Other prisoners are not serious escape risks but are unstable, quick-tempered, and aggressive by nature and are constantly getting into major and minor disciplinary difficulties. Others are perverts, or become habituated to perversion in prison. Whether they play the passive role or are aggressive "wolves" who get involved in fist fights or stabbings, they constitute an almost insoluble problem.

Any prison required to receive and handle these and the many other special problem cases coming to them direct from the courts has enough trouble on its hands. But in addition to these "routine" problems, Trenton Prison has a great variety of others by virtue of the fact that it has been for years the dumping-ground or catch basin for the State's whole correctional system. The Board of Managers stressed this fact in its report of March 31, 1952, and it was emphasized in testimony and other statements to the Committee by the Warden of the prison and by senior officers of the custodial force.

The Department's policy of transferring prisoners presenting serious custodial and disciplinary problems from the other institutions to the prison can be justified on grounds of the necessity of preventing escapes, perversion, assaults, etc., and preventing interference with the programs of the reformatories for males and the State prison farms, where the prisoners should theoretically be of the more tractable and trainable types. Most correctional systems having several institutions or units with differing degrees of custody and different types of program have a general policy of transferring serious problem cases to their maximum security prisons.

But there is a limit to the number and the variety of such cases that one prison can absorb, especially if it is a small, old and over-crowded prison, having poor facilities for segregation, suffering from idleness, manned by a custodial force with a heavy turnover and a large proportion of temporary personnel, and bedeviled by the many other difficul-

ties with which Trenton Prison has been beset. The limit of absorption was reached and passed at Trenton long before the 1952 riots.

It is incontestable that one of the major basic causes of the riots was the fact that the inmate population of Trenton Prison included, in addition to the "ordinary" prisoners who constitute the majority of the population, insane and near-insane, mental defectives, unstable psychopaths, some of them highly assaultive, prisoners convicted as sexual psychopaths, passive homosexuals, aggressive "wolves" with long records of fights and stabbings, escape artists, agitators, and "incorrigibles" of all ages. The presence of these men in the prison played a large part in creating the explosive situation which was bound to blow up eventually, and it was men of these types in the segregation section who staged the riot that set off the whole series.

The age range of the prisoners at Trenton was from men advanced in senility to boys of 17. One of the Committee's tasks, for example, was to make a special inquiry into the case of a 17-year-old boy who committed suicide by hanging in his cell at Trenton Prison on the night of June 7, 1951. This boy was originally committed to Annandale Reformatory for robbery in 1950 at age 16, and was at that time described as of inferior mentality and having a psychopathic personality. He and two other boys escaped from Annandale, stole three cars, found a revolver in one of them, and with it held up a drug store. For these offenses he was sentenced to the prison at age 17 for a total of 8 to 12 years, and was received there in January, 1951. His suicide (conclusively established as such) came six months later, but no specific cause has ever been determined.

On June 26, 1951, the State Board of Control adopted the following resolution:

"BE IT RESOLVED, that whenever a youth of juvenile court age, that is, not having reached his eighteenth birthday, is committed to the New Jersey State Prison that fact shall be promptly made known to the Office of the Deputy Commissioner in Charge of Correction

and Parole who will consider, with the Prison Authorities, whether a prompt transfer to some other institution is indicated.

“Whenever a prisoner between the ages of eighteen and twenty-one years is admitted to the New Jersey State Prison that fact shall be reported to the Office of the Deputy Commissioner in Charge of Correction and Parole if it appears to the prison authorities that because of the person’s appearance or manner he is a type to provoke homosexual advances or his transfer appears desirable for other reasons.”

Under the law, a prisoner under 21 cannot be transferred from a reformatory to the prison, and the Department of Institutions and Agencies makes every effort to keep the number of teen-age prisoners in the prison to the minimum. Department officials stated that all those under 18 years of age have now been transferred to the reformatories, although there are still about 120 between 18 and 21 in the prison. The effect of hardened or highly-unstable teenagers on the more promising cases in the reformatories, officials state, is extremely deleterious, and some of them in the past have been left in the prison for that reason. The need of a special institution for this type of young offenders is recognized by the Department.

For psychotic and psychopathic prisoners who are either not committable to hospitals for the mentally ill or for some reason will not be accepted by them, as well as for some prisoners with serious physical ailments, the Federal Prison System operates a Medical Center serving the entire system, and the California Department of Corrections operates a similar institution under the title of Medical Facility. The latter institution has been making notable progress in the development of a group therapy program, with particular focus on certain types of sex offenders.

Since the New Jersey Department of Institutions and Agencies operates State hospitals and other mental hygiene facilities, it would be logical to set up whatever facilities are needed for prisoners who need psychiatric care within the mental hygiene framework rather than as part of the

correctional system. We are advised that such facilities are now provided in a section of the State Hospital at Trenton devoted to the care of the criminally insane; but we are not prepared to say that these facilities are entirely adequate for the purpose. In the Federal Prison System the medical services are operated by the United States Public Health Service under legislation secured by Commissioner Bates when he was Director of the Federal Bureau of Prisons. This arrangement, highly successful for the past 20 years, furnishes a sound precedent for New Jersey today.

If the Trenton prisoners who belong in institutions under medical or psychiatric auspices were removed, the prison would still have more than its share of serious problem cases. The removal of those who need psychiatric supervision, however, would relieve the prison greatly and would correct a situation that is now indefensible: the presence of about 50 psychotic and unnumbered psychopathic inmates in a prison where idleness, overcrowding and other bad conditions create severe mental tensions, where the only observation facilities are three cells in the wing built in 1836,² and where a staff of one part-time psychiatrist, a full-time psychologist, and a full-time interne psychologist is able to do little in the way of treatment. This staff has time only to prepare reports on newly-admitted prisoners and on cases referred by the Parole Board or the institution authorities.

The heterogeneous nature of the Trenton Prison population would constitute a sufficiently serious problem in any institution setting. Coupled with the age and inadequacy of the institution's physical plant, the idleness and lack of constructive activities, and the personnel situation at Trenton, it becomes a problem of paramount importance.

² Since the riots, a segregation section has been provided in Wing 1, and observation cells were included.

IDLENESS AND INADEQUACIES OF REHABILITATION PROGRAMS

Idleness

No feature of prison life is more destructive of prisoners' morale and unfits them more surely for law-abiding, self-supporting lives in free society than idleness. This is particularly true when large numbers of prisoners are partially or completely idle in a prison that is old and overcrowded. At Trenton Prison, at the time of the disturbances, nearly 400 of a total population of approximately 1,300 prisoners were idle. Of this number some were idle for reasons that would exist in a prison where there was work enough for everyone. For example, on April 1, 1952, as a reasonably typical day, the total population of the prison was 1,312. Of that number 384 idle men were listed as follows: not capable of working, 40; in quarantine, 33; sick in hospital, 26; unemployed, 285. The last figure apparently includes the segregated group.

On that same date the number given as employed was 928. The number in State Use industries and construction was 460, distributed as follows: bindery, 26; print shop, 44; shoe manufacturing, 72; machine shop, 15; tailor shop, 118; tag shop (license plates, etc.), 97; woodworking shop, 34; State Use construction, 17; upholstery shop, 29; shipping platform, 8.

The remainder of the prisoners were absorbed in maintenance activities, which were heavily over-manned to provide as much work as possible for those who could not be absorbed in the industries. This is a deplorable necessity faced by prisons that are forced to care for more prisoners than they can keep employed. Properly organized and not over-manned, maintenance work can be so conducted that men carefully selected for their assignments, especially in the skilled and semi-skilled trades, will derive training value from them. Examples of over-manned details at Trenton are the commissary department, to which 105 prisoners were assigned, the repair department, with 57, the detail of runners and helpers, numbering 65, and the yard gang, numbering 22.

By contrast with the above figures, on April 1st, the date under consideration, seven prisoners were assigned to the school and library, but the daily report of work assignments showed none assigned as school students.

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. Every citizen should feel deeply concerned not only over the heavy burden which maintaining prisoners in idleness imposes on the taxpayers but also for the low morale and feeling of bitterness which inevitably develop in the minds of idle prisoners and frequently break out in destructive and costly demonstrations. 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.

The Trenton Prison and its branch at Rahway, in common with other prisons throughout the country, are suffering from the effects of the persistent opposition of organized industry and free labor to prison industries, and the resulting legislation which has been passed at intervals since 1929 by Congress and State legislatures to restrict the production and transportation of prison-made goods more and more rigidly. Even under the so-called State Use System, which is considered the system of prison production that is most fair to free industry and labor, prisons in steadily increasing numbers are finding themselves reduced to the status of idle houses. They must face

disciplinary problems 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. They must eventually release prisoners not only unimproved from the occupational standpoint but, in many instances, totally unfitted by years of idleness to earn a living in the brisk competition of the outside world.

No prison problem today calls more loudly for a united effort on the part of industrialists, labor leaders, State administrative officials, and legislators to work out a solution that is fair to all concerned, that removes a steadily increasing burden from the shoulders of the taxpayers, that prevents the deterioration of prisoners in the dry rot of idleness, and that gives them a chance to prepare themselves to hold down an honest job when they are released. In the Federal Prison System and the systems of several States, industry and labor have co-operated with the prison officials in helping work out industrial and vocational training programs. There is no reason why it cannot be done in New Jersey also. The problem cannot be solved by prison administrative officials alone. Industry and labor must accept their responsibility, and the taxpayers have a right to insist that they face it squarely.

This problem has been highlighted since the disturbances at Trenton Prison by the opposition of the Union Printers League of New Jersey and other groups to the repair and replacement of equipment damaged by rioters in the prison print shop. The usual arguments, that the print shop presents unfair competition to commercial printers, have been voiced. The Department of Institutions and Agencies has pointed out the cogent facts that the print shop did only 15½% of the State's printing, and that it not only provided employment for over 40 prisoners but also employed eight union printers as instructors. It emphasizes the fact that, if the print shop is not reopened, similar opposition will undoubtedly be raised against whatever industry is proposed in its place. The end result will almost certainly be that 40 or more men will be added to the large number of prisoners who are already spending their days in idleness,

at great expense to the taxpayers and at great risk of steady deterioration.

The Committee believes that the taxpayers have a right and an obligation to assert themselves on this matter and insist that the question be settled with full regard for what is best for all concerned. It believes that the rigid laws under which the State Use Industries operate, and the good faith and good judgment of the State officials with whom policy decisions rest, can be trusted to safeguard fully the rights of any particular industrial or labor group against unfair competition. What need also to be guarded are the rights of taxpayers who pay the heavy bill for running our prisons, and who have a right to protest against prisoners being required or permitted to rot in idleness and to come out unfitted to earn an honest living.

Limited Yard Time

If prisoners in large numbers spend most of their days loafing around an exercise yard, there is little gain over loafing in their cells, except from the standpoint of physical health. The man who leaves a prison with a nice coat of tan but without either ability or desire to do a hard day's work might just as well have a prison pallor. Nevertheless, a chance to get outdoors for a part of every day is a priceless boon to prisoners, especially the large percentage who are young and restless. At Trenton, idle prisoners prior to the riots were permitted in the yard from 1:30 to 3:00 P. M. and from 5:00 to 7:00 P. M., and working prisoners from 5:00 to 7:00 P. M. five days a week during the summer months in good weather. Both groups were in the yard on Saturdays and Sundays from 1:00 to 3:00 P. M. The week-day hours were about those usually permitted in prisons of the type at Trenton, although those that have as high a percentage of idleness as is found here frequently permit idle men to remain in the yard for a large part of the day in clement weather. The week-end hours allowed at Trenton were short in comparison with the time allowed in many prisons. Effective during the last week of July, 1952, idle men were permitted yard time on week-days from 1:00

to 6:00 P. M., and working men from 4:00 to 6:00 P. M., with both groups in the yard Saturdays and Sundays from 1:00 to 6:00 P. M.

The prisoners complain that the exercise yard is too small for the number of men using it at a given time, and it is true, as noted in the preceding section, that the softball and handball games interfere with prisoners who are walking or lounging around the yard, and vice versa. Since the disturbance at Trenton, the inmate committee has suggested to the officials that use be made of some of the spaces between the buildings in the main yard for exercise, and the officials expressed their intention to give this suggestion a trial.

Payment of Guards from Welfare Fund

The bitterness which the prisoners' representatives expressed with respect to the limited time allowed in the yard was greatly increased by their feeling of injustice over the fact that the guards who supervise the recreation period from 5:00 to 7:00 P. M. during the summer months were paid from the Inmate Welfare Fund, since this is overtime work and there are no State funds available for this purpose.

The Committee considers this practice highly questionable. Although an outdoor exercise period unquestionably promotes the prisoners' welfare, it is standard practice in all well-administered prisons to provide time in the yard as a matter of routine, and there is no more reason to make the prisoners, directly or indirectly, pay the guards during that period than at any other time of the day or night. Commissioner Bates defended the practice on the ground that otherwise it would not have been possible to allow the summer yard period from 5:00 to 7:00 P. M.

It seems difficult to believe that New Jersey could not have financed at the Trenton Prison something that the Federal Prison System and all our better State prisons provide for routinely. Since the riots, the Commissioner's request for more correction officers, based in part on the

number of guard-hours represented by the yard period, has been approved by the budget authorities, and the payment of guards from the Inmate Welfare Fund has been stopped.

Wages and Work Time

For prisoners at the Trenton Prison who are able and willing to work, enforced idleness causes double bitterness because they lose the small wage which men assigned to industries or to maintenance work get, and also lose the so-called "work time." This is a shortening of the sentence of working men by one day a week, in addition to the statutory commutation time, or shortening of sentence by a certain number of days each month provided by law for prisoners who maintain good conduct records. For many prisoners the chance to earn "work time" is more important than the wage. For others the reverse is true. The wage is small—8, 10 or 12 cents a day, with 2 cents deducted for "savings"—but many prisoners have no funds and their relatives are too poor to put money on their accounts for tobacco and other minor luxuries that can be purchased in the prison store or canteen. Wages of even a few cents a day are of great importance to these men. Since the disturbances, Commissioner Bates has stated that he is going to make an effort to secure an increased appropriation for inmates' pay.

Efforts to Increase Work

The Department and institution officials have been trying to work out some means of employing more men on maintenance, since the industries cannot absorb more, and thus giving men now idle an opportunity to earn work time, even if their wage is less than that in the prison industries. Extra painting crews have been put to work and a few other special projects devised. These efforts are commendable, but one cannot fail to be struck by the incongruity of having to resort to "made work" reminiscent of W.P.A. days to find employment for prisoners in this great industrial State. The total production of the prison, if

every prisoner were employed, would be only an infinitesimal fraction of the total production of the industries in New Jersey.

Idleness at Other Institutions

As is indicated in the section on *Institution Plants*, the Rahway State Prison Farm also suffers from a serious problem of idleness. Of a total population of 957 on May 20, 1952, 225, or approximately 25% of the population, were idle because of lack of work, in addition to those who were idle because of illness and for other reasons. Although the institution is designated as a prison farm, and has approximately 285 acres of land devoted to general and truck farming, only about 75 to 100 men work outside the walls, and more farm work is deemed impractical because of the escape risks presented by the types of prisoners now being sent to Rahway. The work program of the institution is primarily industrial. The shops and maintenance details are over-manned, and there is no work available for the 225 men in the idle group. Idleness at Rahway, as at Trenton, is aggravated by the fact that the living quarters, particularly the dormitories, are overcrowded and that idle men must spend at least 19 hours out of every 24 in their cells or dormitories.

Idleness at the Bordentown Reformatory, as the Superintendent stated in testimony, has been averted by over-manning work details and assigning 190 men to school on a half-day basis.

The Leesburg Prison Farm has work enough to employ 50 or 60 men more than it now has. Annandale and the Reformatory for Women have no serious problem of idleness.

Rotation of Work

During its public hearings, members of the Committee asked the heads of Trenton Prison and the Rahway Prison Farm if it would not be practicable and desirable to rotate some of the work in the industries and on maintenance

details so as to provide employment for two shifts of prisoners. Both institution heads felt that it was not practicable, particularly in the industries or on other details where skill is involved, or where unbroken continuity in the work is necessary. They recognized the bad effects of idleness on their institutions and the desirability of spreading out available work as much as possible. Their attitude toward rotation was based entirely on belief that it would result in too much inefficiency and confusion.

The Committee is well aware of the difficulties inherent in a rotation plan, and grants that it would not be easy to make it work smoothly and that some loss of efficiency would probably result. It would also necessitate an increase in the appropriation for prisoners' wages, unless the already pitifully small daily wages were to be split between the two shifts.

The Committee does not believe the obstacles are insuperable, however. During World War II the industries in the Federal Prison System and many States operated in two or more shifts, and lengthening the working day by this method was one of the things that made possible the production of over \$138,000,000 worth of war goods by the prisons of the country. Some of the Army's disciplinary barracks where men were employed in industries, post laundries, etc., worked day and night shifts to turn out needed production, keep expensive machinery and equipment from lying idle, and provide employment for the prisoners.

In the textile mill to be established at San Quentin Prison in California, to manufacture cotton goods for the use of State departments and agencies, it is planned to operate on two six-hour shifts. The two main reasons for doing this are to get more hours of production from the expensive machinery and equipment of the industry, and to provide work for more prisoners.

The Committee believes that the practicability of a rotation plan at Trenton and Rahway should be further explored before the idea is rejected. It may be argued that

it is poor training for earning a living in free life to work half a day or less. But one is faced here with a choice between two evils: a day's work for some men and complete idleness for others, or some work for all who are employable. The real solution is to provide enough employment for everyone at Trenton and Rahway, or elsewhere in the institutional system, of the type and for the number of hours a day the prisoners will have to measure up to on jobs in the free world after release. Any effort to spread out an inadequate amount of work by rotation, to devise ways of employing men now idle on "made work," or to provide more time in the yard for the idle men must be recognized as what it is: an evasion rather than a solution of the basic problem of providing adequate employment for prisoners.

More Careful Work Assignment

Whether or not work is ever made available for all prisoners, there should be more careful provision, especially at Trenton, for the assignment of prisoners to work on a sound basis. This should be a part of the classification program. Men should be classified for general or specific assignments even when there are no openings available in the industry or other detail for which they are best suited. Work assignments, as vacancies occur, should be made in accordance with the classification findings. It should not be possible, as it appears to be now at Trenton, for one prisoner to become a "forgotten man" when openings are being filled, and another to get job after job. The establishment at Trenton on March 31, 1952, of work-conduct reports designated as the Industrial Rating Scale, to be used in maintenance details as well as industries, is a most commendable step forward. It is assumed that a summary of each man's work record will be made available to the Parole Board and given most careful consideration by the Board.

Lack of Constructive Activities at Trenton Prison

Educational and vocational training programs and other rehabilitative activities are virtually non-existent at Trenton Prison. At the time of the riots, seven prisoners were assigned to the educational department and the library, but none were enrolled as students in the school. The classroom facilities, located in one of the shop buildings, were wholly inadequate. The library was in the process of being transferred to a better and more accessible location. The classification program was understaffed and little was being done to plan individualized programs of training and treatment or to provide such programs. Of all the activities that are now recognized as essential elements of a program of rehabilitation, only the medical services appeared acceptable.

The lack of a program of academic education and vocational training is in particularly sharp contrast to the situation in the Federal Prison System, which has operated excellent educational programs for the past 20 years. Among the States that have notable educational programs are New York and California. In the latter State, 50% of all prisoners, including over 2,000 men at the maximum security San Quentin Prison, are enrolled in organized educational courses taught by certified instructors.

The hobby work with which the prisoners used to be able to occupy part of their time, and from which they derived some income by making and selling cheap jewelry, leather goods, and so forth, has been cut by the present administration to the minimum. It is clear that it was necessary for the officials to curtail the hobby work program because of the fact that it had grown to uncontrollable proportions, was becoming practically an organized industry under the control of a few prisoners, and was apparently in violation of Federal laws regarding the sale of prison-made goods. It is reported that, before it was curtailed, some prisoners spent as high as \$150 a month in the inmate canteen.

This problem has arisen in many States, and in some the conversion of a reasonable hobby work program into a com-

mercial enterprise from which influential prisoners have derived large profits has resulted in serious scandals. In California, to cite only one instance, hobby work is carried on in special shops allotted to that program, and the sale of the articles produced by the prisoners is handled in an entirely legal and businesslike way. An example of a prison with a well-regulated hobby work program, geographically close to Trenton, is the New York State Prison at Wallkill.

The need of developing educational and other constructive programs at Trenton Prison is obvious. A beginning has been made on the expansion and improvement of the school program under the leadership of a qualified man borrowed from another institution, but better physical facilities and an adequate staff of instructors will be needed before the educational program can reach a proper level. Similarly, the library should not only be improved by the purchase of new books, especially up-to-date non-fiction, but also by the provision of reading room facilities to which prisoners from the various wings can be permitted to go for an hour or more in rotation. This has proved a practicable and constructive practice in the Federal Prison System, where even the maximum security penitentiaries have had excellent libraries and reading-rooms for many years.

While education and other constructive activities should never be used merely as a device for breaking monotony and consuming time that would otherwise be spent in idleness, it is particularly necessary that every effort be made to provide such activities in institutions where there is not enough work for all the prisoners. They do more than fill in idle time; by their very nature and the value and satisfaction prisoners derive from them, educational and other rehabilitative programs combat the demoralization and deterioration that are the worst effects of idleness.

PERSONNEL PROBLEMS

Heavy Turnover and Related Problems at Trenton Prison

At the very core of the factors that form the basis of the disturbances at Trenton Prison is the personnel situation. This institution has to deal with a prison population so heterogeneous in character and presenting so many complex disciplinary problems that only the most experienced and stable personnel could be expected to deal with these problems satisfactorily. It has suffered for several years from a constant turnover of personnel and, at the time of the disturbances in March and April of this year, a large percentage of the custodial force and executive officers were serving in an acting or temporary status. Fifty per cent of the correction officer positions were held by temporary officers who had not passed a Civil Service examination. Officers in this grade, the lowest grade in the custodial force, were continually leaving for better paid positions in industry or in other State services.

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.

There have been so few applicants for the position of correction officer, Warden Carty testified, that it was necessary to accept applicants who were not qualified. When questioned about the appointment of an officer found later to have been at one time an inmate of a State hospital, he stated, "We took everything we could get. . . . When a man comes in and applies for a job, you must take a chance. If he hasn't any past history and is big enough, he is put on as an officer."

Similar Problems at Rahway Prison Farm

It should be noted that the same personnel problems also existed at the Rahway Prison Farm at the time of the disturbances there. Superintendent Lagay of Rahway testified that, with a personnel roster of 110, the number of temporary officers had been running 45 to 47, at times almost half the total. He further testified as follows: ". . . we too have had to take men of all descriptions not to our liking . . . some of them may have been crippled and had physical handicaps and maybe mental handicaps to some degree, but in order to cover posts and guarding around the clock, we too have been subjected to taking on help that we normally would not want to boast of."

When questioned about the procedure of determining the qualifications of those who apply for service, Superintendent Lagay answered, "Well, in the past few years, it is ability to walk and see and hear." It has been necessary, he stated, to take men who were over age as well as men who were under the age limits (25-45) for appointment as correction officers. This confirmed statements made to the Committee by senior officers that the fault with some temporary officers was not that they were too young and green but too old, and that some officers have held temporary

appointments for years. Warden Carty testified that the prison has been running since 1941 with officers between 21 and 72 years of age, and that some of the custodial force are now far past the age limit where they could take the Civil Service examination.

Effect of Personnel Situation on Senior and Line Officers

The Committee met with the Trenton senior officers as a group and also questioned a number of them at some length individually. The Committee was favorably impressed by most of the senior officers, but it was clear that their morale had been seriously impaired by the uncertainty of their status and the fact that the force of correction officers under them consisted so largely of men who are not fully qualified for the position, intended to leave as soon as they can better themselves financially, and usually did not remain in the service long enough to acquire experience of any value, or long enough to justify putting them through a recruit and in-service training course.

The Committee also conferred with a group of correction officers representing the Patrolmen's Benevolent Association, of which most of the correction officers are members, and questioned them at length about their own problems. Their opinions were sought with respect to the disturbances, and ways in which a recurrence might be prevented. This group presented to the Committee a copy of the minutes of a meeting of Trenton Chapter, PBA Local No. 105, held on April 23, 1952, in which they stated fourteen specific grievances or recommendations. A copy of these minutes is appended to this report.

The correction officers' representatives with whom the Committee conferred were men who wish to make the State's correctional service a career, and their statements referred not merely to their own grievances but also to matters affecting the general good of the service. It was obvious that they, as well as the senior officers, were suffering from impairment of morale because of the low level to which the stability and efficiency of the custodial

force had fallen, and the low estimate apparently placed on the value of their services by those controlling the salary schedule.

Effect of Personnel Situation on Discipline

That the constant turnover in personnel and the necessity of accepting as temporary correction officers men who were not qualified had had a bad effect on prison discipline was evident to the Committee, and was borne out by the statements of departmental and institution officials. The Board of Managers of the Prison, under date of March 31, 1952, addressed a strong statement to the Commissioner of the Department of Institutions and Agencies on the extent to which the prison had become a dumping-ground for all types of criminals and the impossibility of dealing with the situation with inexperienced and rapidly changing officers. This statement did not call the attention of Commissioner Bates to anything of which he had not long been cognizant and with which he had not been deeply concerned.

In the course of an inquiry by the Board of Managers into newspaper charges of laxity in discipline made in January, 1952, 28 witnesses were heard. Although the charges were not substantiated, the witnesses were unanimous in feeling that the large number of unqualified, temporary officers created a serious problem. 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 on-coming 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.

Warden Carty testified to the Committee that the prison was not only seriously handicapped by the high proportion of temporary line officers and acting senior officers but also by the inadequacy of the force numerically. He stated that the prison had been limited to a number of officers which he felt was not enough "to properly run the place." Since the disturbances, Warden Carty added, the Commissioner has requested that 15 more officers be approved for the prison, and he felt that this would make the custodial force reasonably adequate as to numbers. It would particularly make it possible to find more work for prisoners who are now idle and to allow more yard time for those who cannot be employed. This would undoubtedly tend to improve the prisoners' morale and reduce disciplinary problems.

Superintendent Lagay of the Rahway Prison Farm stated unequivocally that the use of large numbers of temporary officers creates serious disciplinary and administrative problems: that they are more prone to bring in contraband or take out uncensored letters than a permanent

officer aiming for a career with a pension at the end of it; that the inmates are constantly testing out new men; that there are not enough permanent officers to instruct and supervise the temporary officers, and the latter turn to inmate runners and clerks for advice and become tools of the inmates; that the result is a deterioration in "discipline, morale, and the general operation of the institution."

At Rahway, he stated, they have suffered from an insufficient number of officers as well as from the high proportion of temporary appointees. The 110 officers the institution now has must take care of regular shifts on a 40-hour week, relief duties, vacations, and sick leave. The force formerly numbered about 90, and 20 men were added within the past year when the 40-hour week was instituted. In the dormitory wing where the riot occurred, he said, there have been for the past three or four years on each floor 150 prisoners on beds in an open dormitory, and 30 additional prisoners in a day-room that normally should be used for recreation purposes. For the 180 prisoners on each floor there has been one officer on each of the three 8-hour shifts, "to contend with adult penal offenders, running the full gamut of offenses, all ages, all types of background and case histories, just mingling by virtue of the fact that we had no better facilities for segregation."

Superintendent Lagay testified that he felt there has been unrest for a number of years, that within the past year or two it has been perhaps more noticeable, that the correctional services have not kept step with general economic conditions, and that temporary men coming in and constantly changing have brought the condition of unrest in the prisons to a head a great deal quicker than might otherwise have happened.

Personnel Problems in Other Institutions

Mr. Lagay said that he thought he could speak generally, for all the State's penal and correctional institutions, and that when the superintendents had met during the past year they had found their personnel difficulties similar in

almost every instance. In this connection, Superintendent Goodman of the Annandale Reformatory testified to the Committee that his institution had a large number of temporary employees and a heavy turnover, that some temporary personnel have been on duty as long as eight years and are over-age for the Civil Service examination, and that many temporary appointees stay only about two months. Having personnel who do not understand the philosophy of the institution and do not entirely understand their duties produces complications and has an adverse effect on inmate morale, but not seriously so at his institution, he said.

Superintendent Wagner of the Bordentown Reformatory testified that his personnel problems were about the same as those of the other institution heads: that of his total complement of 83 senior and correction officers 37 are temporary, and that the turnover is "terrific." During the 16 months ending April 30, 1952, there had been a turnover of 74 officers, and the problems this gave rise to were the same ones Superintendent Goodman described.

Superintendent Cronin of the Leesburg Prison Farm spoke of no personnel problems of consequence. Miss Edna Mahan, Superintendent of Clinton Farms, the Reformatory for Women, testified that the isolated location of her institution made it difficult to attract people who were willing to live in the country under the present pay scale, and that the institution has a shortage of staff housing as well as inmate housing. She said there are now about six vacancies on the staff. She does not consider the personnel problems of her institution very great, however.

Inadequacy of Salaries

There can be no question that the inadequacy of salaries has been the main reason, and in some instances the only reason, why it has been impossible to recruit and retain a sufficient number of fully qualified correction officers. Particularly at the Trenton Prison, the age of the institution, the overcrowding and idleness, and the large number of

unstable prisoners of all ages who have been dumped into the institution make custodial work a depressing and dangerous vocation to which many men would not be attracted at anything less than the highest wages. New Jersey cannot pay wages such as those, for example, which the Federal Government pays to attract workers to construction jobs and other projects in remote locations, or where living and working conditions are very severe. But, if it wishes to recruit and retain personnel who can meet the requirements of the difficult task which the custodial force at Trenton faces, and the less difficult but challenging task presented by the other institutions, the State must pay salaries that are at least high enough so that correction officers will not forever be looking over their shoulders for jobs in industry or other State services that pay enough to enable them to support their families decently.

In spite of the disagreeable nature of much custodial work, and the constant danger one faces in a prison of the type of Trenton, many men possessing excellent qualities of character and ability are ready to make a career of correctional work. Some men of this type in the New Jersey System, including a number of senior and junior officers at Trenton, came into the service before the present era of high living costs and high wages in industry. They have remained, in spite of the discouragement and demoralization caused by inadequate salaries and well-nigh intolerable working conditions, because they want to make correctional work their career and have hoped that salaries and working conditions would some day be brought to a proper level.

Commissioner Bates of the Department of Institutions and Agencies and the Board of Managers of the Prison have long been aware of the deleterious effect on efficiency and morale of the inadequate salary scale and the resultant turnover in custodial personnel. Their repeated attempts to obtain adequate salaries, as well as an increase in the number of correction officers, resulted only in grudging and insufficient salary increases until the riots at Trenton and Rahway made it clear that remedial action on the salary scale was inescapable.

Increase in Correction Officers' Salaries

While the Rahway riot was still in progress, the Civil Service Commission approved putting correction officers' salaries in the \$3,240-\$3,840 bracket. This long-belated raise is effective July 1, 1952, and the new entering salary was made immediately effective. On April 21st, 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:

"4. 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 and go to \$3,840.00. 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. A comparison with the salary scales of two outstanding prison systems, those of the Federal Government and of California, shows the following salaries for the lowest grades in the custodial force:

<i>Title</i>	<i>Entering Maximum</i>	
Federal—Correctional Officers..	\$3,435	\$4,135
California—Correction Officers .	3,372	4,092
New Jersey—Correction Officers	*3,240	*3,840

* New scale.

The salaries paid correction officers in three of New Jersey's neighbor States are as follows:

	<i>Entering Maximum</i>	
New York	\$3,412	\$4,212
Pennsylvania	2,868	3,372
Connecticut	2,940	3,660

But the minimum personnel requirements for New Jersey are on a lower level than in New York and Connecticut.

While the correction officers at the prison welcome the salary increase that has been granted, they are not satisfied with it. The request they have been making for years is that they be placed on the same salary scale as inspectors in the Department of Motor Vehicles, \$3,300 to \$4,200 a year, and they still feel this should be done. They have expressed the opinion that not even the new salary scale will be sufficient to hold men of the type needed for the position of correction officer in a prison with as difficult a problem as Trenton has, in view of the high cost of living and the wage scales prevailing in industry and in other public services. Whether or not this is so remains to be seen. The new salary scale represents a long step forward, at least.

Consequences of Delay in Raising Salaries

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.

In spite of all this, no adequate action on salaries was taken until it was made virtually unavoidable by two very expensive riots, which might have resulted in much more extensive damage and in loss of life. While the personnel situation was not the only causal factor in these riots, it was unquestionably an important one. Inadequate salaries for correction officers undoubtedly contributed to the financial loss thus suffered by the State, far in excess of the amounts saved by the short-sighted policy on prison salaries.

Deficit Financing

The failure to recognize and accept the necessity of increasing salaries, moreover, is only one phase of an unrealistic system of deficit financing which makes steady and consistent administrative policies, especially on personnel, practically impossible. As is indicated elsewhere in this report, the appropriations for such basic necessities as clothing have for many years been inconsistent with the known needs and have been made on the clear assumption that a deficit would result.

How this policy of deficit financing, imposed on the Department of Institutions and Agencies and its correctional institutions, has affected the prison is indicated by the minutes of a meeting of the Board of Managers on May 8, 1951. A report submitted to the Board by the chairman of its Budget Committee reads, in part, as follows:

"It is to be noted that salaries for officers and employees have been reduced by \$59,000 and are only \$10,000 above the amount approved for the prior year. However, it is estimated that there will be a deficit of \$34,000 for the fiscal year ending June 30, 1951, which will require transfer from other funds. For the year ending June 30, 1950, the deficit was \$31,000. We have been experiencing a heavy turnover of help as has been reported in the minutes of the Board and the amount provided in the budget will not correct this difficulty. . . .

"It is my recommendation to the Board that no action be taken by this Board to indicate approval of

a budget which is knowingly inadequate and will result in deficits which of necessity will result in transfers from other funds and we should urge the Central Board to follow a policy of having an adequate and true budget prepared in the future. Also that the statement accompanying the budget be so strongly worded that the responsibility for vital items disallowed will rest squarely where it belongs."

The Board of Managers voted to approve the report of which these statements are a part. Members of the Board testified to the Committee that the budget request for salaries was approved in 1946 but was not met in any subsequent year, and that there have been years when the budget was prepared without the Board of Managers being consulted.

Professional Personnel

There is another factor of great importance in the personnel situation. It will not be sufficient to stabilize the custodial force and to maintain it on a level that is adequate both as to numbers and quality. As is recommended by Commissioner Bates in a brief prepared for the Committee and attached to this report, there must also be an increase of professional and technical personnel. The complexity of the present population of the Trenton Prison makes it particularly necessary that a classification program comparable to that found in the Federal Prison System and in New York and California, to cite only a few instances, be established at the prison with an adequate staff of trained men. There is obvious need of educational and vocational training personnel and, in view of the idleness and the excessive amount of time that prisoners now spend in their cells, it is certain that a trained director of physical education would earn his salary many times over in improved physical and mental health, morale and discipline. This man might also have time to teach one or more courses in the prison school. A trained librarian should be placed in charge of the library, as is the practice in the Federal Prison System. If approval cannot be obtained for this

position, one of the men on the educational staff should be selected because he has had experience in library work, or the State library authorities should be requested to give a qualified teacher some special library training.

The prison is fortunate in having a Medical Director who is a surgeon of first rank and Chief of Staff of one of Trenton's leading hospitals, a full-time resident physician, and a registered nurse, all of whom have been in the service of the institution for approximately 25 years. The need for additional nursing and supervisory service, especially during the night hours, was met in part in April by the appointment of three so-called "psychiatric technicians." In spite of the quality of the top personnel, it should be recognized that the medical services are still operating with a minimum staff, and that prisoners are now performing duties in the hospital which it is proper for them to perform only under complete and continuous supervision by trained personnel.

There is no necessity for the Committee to go into detail with respect to the professional and technical personnel needed at the prison, or in the other institutions under the Department of Institutions and Agencies. Commissioner Bates and Deputy Commissioner Bixby are career penologists of long experience. They know what personnel of all types is needed to carry on a well-rounded program of rehabilitation as well as to meet custodial requirements. They know how to select personnel and how to train them for their duties. They know what personnel one can reasonably hope to secure under a sound financial policy that is neither too stringent nor too liberal. What is needed in New Jersey is the adoption and implementing of such a fiscal and personnel policy with respect to the correctional institutions.

Personnel of Paramount Importance in Rehabilitation

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 wishes also to emphasize a corollary point: that there is no more costly error than to assume that all a maximum security prison of the Trenton type needs is custodial personnel, with just enough medical staff to meet the bare necessities and a few skilled civilians in the industries and mechanical services. A very large percentage of the inmates of such a prison will emerge into free life in a few years. We can ill afford, from purely selfish motives even if we shrug off the humanitarian principles involved, to neglect any effort that may turn a substantial percentage of these prisoners from future crime. It is personnel primarily that makes such an effort fruitful. We must pay the bill for personnel now or a much bigger bill later for crimes committed by men who might have been salvaged.

Need of Associate Warden

For some time the Department has recognized the desirability of creating 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. Since the riots, the Department has renewed its recommendations that this position be approved, and authorization has been obtained. The establishment of the position is a most important administrative step forward, and one that is in accordance with successful practice in our best prisons.

In the Federal Prison System and in the California institutions there are two associate wardens directly under

the warden, one in charge of custody and the other in charge of training and treatment. In an institution the size of Trenton, especially since the present warden is a man of long experience in custodial matters, one could perhaps dispense with the former of these positions and give the Chief Deputy charge of custodial matters, providing the position of Chief Deputy is filled by a man fully qualified to perform that difficult function. 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 institution's 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.

Principal Keeper (Warden)

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.

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.

It was not until 1951, following the adoption of the new Constitution and the resignation of the Principal Keeper, that under a ruling by the Attorney General the appointment of this officer was deemed to be in the Board of Managers of the institution, and for the first time the administrative control of the Department over the prison was clear-cut and definite. There was a considerable hiatus between the old and new regimes, however, as some of the then Principal Keeper's term of appointment remained and he continued to serve until January, 1951.

On January 31, 1951, William H. Carty was appointed Acting Principal Keeper of the prison by the Board of Managers, and served in that capacity for nine months. On November 1, 1951, he was appointed Principal Keeper. This position, in other States in the country, carries the title of Warden and Mr. Carty is frequently referred to in this report by that title, as he is customarily in the Department of Institutions and Agencies. At the time of his appointment 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. On November 2nd, the day after his appointment as Principal Keeper, he was assaulted without warning by a dangerously unstable prisoner and suffered severe injuries, including the fracture of his jaws in five places, which kept him in the hospital for a period of nearly three months. He was not able to take over full command of the prison as Principal Keeper with permanent status until late in January, 1952.

These dates and the details of Mr. Carty's status for a period of approximately a year are cited to emphasize the fact that the prison passed through a long period, nine months, during which nobody knew whether or not the man in charge was to be confirmed in the position of warden or to be replaced by someone else, and nearly three more months during which, because of his injuries, he was not able to take over the duties of the position to which he had been finally given a permanent appointment. It should be noted

also that only two months had passed between Mr. Carty's return to duty and the first of the series of disturbances which began at Trenton on March 29th and culminated in the more serious disturbances of April 15th at Trenton and April 17th at Rahway. One should also take into account the facts cited earlier in this section with respect to the constant turnover of correction officers and the insecure status of the senior officers, all of whom were serving under acting appointments, to appreciate under what difficulties Warden Carty was laboring during the two months between his return from the hospital and the disturbances.

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.

It will be recalled that one of the chief demands of leaders of the rioters who seized hostages and barricaded the print shop at Trenton was that Warden Carty be removed. It goes without saying that no institution head would be removed under such circumstances, unless malfeasance in office of such a serious nature as to justify his removal were revealed. It sometimes happens that a riot or other disturbance at an institution reveals that officials have been derelict in their duty or do not measure up to the requirements of their positions. In such cases, they are frequently removed after there has been time for a complete 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.⁴

Basic handicaps that are discussed elsewhere in this report must not be forgotten, however. The prison is one of the most inadequate and outmoded to be found anywhere in America, except in the most backward States. In addition to caring for "ordinary" prisoners of the maximum security type, under the Department's present policies it is the dumping-ground for a heterogeneous mass of psychopaths, defectives, insane and near-insane, perverts, "incurrigibles," and misfits of all types. Until Trenton Prison is replaced by a modern institution designed for the types of prisoners normally found in a maximum security prison, and other facilities are provided for those prisoners who cannot fit into an orderly program of work and training, one must not expect any warden or staff to achieve standards consistent with New Jersey's position among the States of the Union, and its generally excellent reputation in the correctional field.

⁴ Subsequent to the completion of this section of its report, the Committee was advised by Commissioner Bates under date of August 25, 1952, that Warden Carty has requested and has been granted an extended sick leave. He has never fully recovered from the injuries which he sustained from the brutal assault to which he was subjected last November by an unstable prisoner.

During the disturbances at Trenton and Rahway and under the severe tension and pressure of the difficult period that followed them, he worked extremely long hours, on one occasion having only two hours sleep in 77 hours, and a severe delayed reaction has resulted from the strain. During his absence, Associate Warden McCorkle will serve as Acting Warden.

DISCIPLINE

Allegations of Use of Physical Force

Among the grievances submitted to the Committee by the prisoners' representatives at both Trenton and Rahway was that physical force has frequently been used on prisoners in solitary confinement and elsewhere, not to prevent injury to person or property, but as punishment. The Department of Institutions and Agencies, in its 1946 *Handbook of Information and Rules* for officers and employees of its penal and correctional institutions, states in Rule 15 that "There shall be no corporal punishment and no officer or employee shall strike or lay hands on an inmate unless it be in defense of himself or necessary to prevent escape or serious injury to person or property, or to quell a disturbance. In such cases only the amount of force necessary to accomplish the desired result is to be used."

In a number of instances during the past year at Trenton Prison, prisoners have been severely beaten and in some case were hospitalized for a considerable period as a result. The institution officials stated that the use of physical force in these instances was to bring under control recalcitrant prisoners who were creating a serious disturbance, destroying State property, or attacking an officer. In one of the cases, for example, the Warden stated that a prisoner attacked an officer with broken glass and another officer hit the prisoner over the head with a gas billy.

The prisoners persisted in their statements that men had been "worked over" as punishment for something they had done, or to intimidate them, rather than to bring them under control. Department and institution officials denied this and pointed out that correction officers at Trenton do not carry clubs or gas billies, these being kept at the Center (the control point in the prison rotunda) and issued to officers only in an emergency.

In considering this conflict between prisoners' and officials' statements, the Committee chose to accept the word of the officials. It could not, however, dismiss the possibility that there have been instances in which physical force was used beyond the degree necessary to bring the

prisoner under control and beyond the limits of the Department's rules. The Committee took into account the strong statements of the Board of Managers of the Prison, in the report of its investigation into the newspaper charges discussed later, on the extent to which the prison had become a dumping-ground for all types of criminals and the impossibility of dealing with the situation with inexperienced and rapidly changing officers. If physical force has been used at all, which is not questioned, it is impossible to believe that it has never been improperly or excessively used by temporary officers of limited experience and no special training. It would be little short of a miracle, moreover, if senior officers had not at times resorted to physical force beyond the proper limits with resistant, assaultive prisoners of the type to be found in such numbers at Trenton, especially among the segregated group. To say that this would be likely to happen is not to excuse it, but to recognize the realities of a situation that would try the temper of even the most patient and humane officer.

Warden Carty voluntarily described to the Committee an instance of the use of physical force under his personal direction. This had not come to the attention of the Committee through any other channel, and the Warden described what happened in a forthright manner, stating that he took the measures he did because of the extreme emergency that existed, that he does not believe in or condone the use of physical force except when absolutely necessary, and that the policy of his administration is against brutality in any form. The incident he recited was during the course of the disturbances throughout the prison which attended the seizure of the print shop by the rioters.

He said that, when he was unable to bring the noise and the destruction that was going on within the cells under control by any other method, he went into one wing and made a statement to the prisoners that, although they knew he was opposed to corporal punishment, he was going to take a prisoner out of his cell and make an example of him

in full view of the others, if the noise and destruction did not stop. When the disturbance continued, Warden Carty picked out a prisoner directly in front of him who was pounding on the bars of his cell with a metal utensil, took the man out of his cell, and had a correction officer strike him about the shoulders several times with a nightstick. This was in sight of the other prisoners, and the noise in that wing immediately stopped. He then went into the next wing and told the prisoners there what he had done. The noise in that wing stopped immediately. He then went into a third wing and, when the noise did not stop after his warning, he followed the same method that he had in the first wing. The noise and destruction of property then stopped in all the wings.

It is the Committee's opinion that the use of force in this manner, even in such an emergency as existed then, is unwarranted. It may be argued that the Warden's action did not violate the provisions of the Department's Rule 15, but the intent of that rule is clearly to prohibit the use of force except to restrain, and the provision that "there shall be no corporal punishment" is clear and definite. Such rules have been promulgated in modern prisons not merely on humanitarian grounds, but because long experience has proved that force begets force and that its use encourages the prisoners to repay the officials in their own coin. Force directed to the restraint of the individual is one thing, but a battery upon the prisoner to influence other on-looking offenders is quite another thing. Force directed to one inmate, punitive and intimidating, cannot be justified.

Superintendent Lagay testified that there was no physical force used on the 231 men involved in the Rahway riot, but that there have been cases in the past of force being used to control prisoners who were inciting to riot and damaging State property. He stated he was not at the institution at the time of the latter incidents, but the reports indicated that the men were warned and, when they did not stop making a disturbance, were struck with night-

sticks. He stated further that this was done on another occasion without his knowledge, that he does not sanction such actions, and that he issued a specific statement that any repetition would result in the suspension or dismissal of those involved. Since then there have been two instances of officers pushing or slapping an inmate with the open hand, and in each case the officer was suspended. The cases described above, however, are the only ones where a nightstick or anything of the sort was used.

Disciplinary Court

One of the complaints of the prisoners at Trenton Prison with respect to discipline was that it is not even-handed. They stated that the Disciplinary Court is not always composed of the same senior officers and that, although the court consists of three officers, there may be several other members of the custodial force in the room at the time. They stated that one of the members of the court is a representative of the correction officers, present to see that the officers' interests are safeguarded in the hearing of charges against prisoners. They felt that a prisoner did not have an equal chance to present his side of the case, or to get a complete and fair hearing on the charges.

Whether or not the hearings are fair and complete, it is true that the personnel of the Disciplinary Court is not always the same. No representatives of the professional members of the prison staff are on it, contrary to the usual practice in our better prisons. The Committee was unable to determine, not having been present at the hearings and no written transcripts of the proceedings having been kept, whether or not the Disciplinary Court has been fair and judicious in its decisions and in the punishments meted out. 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.

Superintendent Lagay testified that the Disciplinary Court at Rahway consists of three to five members, usually

the Deputy Keeper, a senior officer, and a man from the ranks, but occasionally an instructor to give the court balance. Regular meetings are held once a week, but special meetings are held, if necessary. During the calendar year 1951, 553 cases were heard by the Disciplinary Court. Of these, approximately 10 per cent required no disciplinary action and the remainder were punished by reprimand, loss of privileges, transfer to the idle list, "double lock," segregation or restriction to one's own cell. Superintendent Lagay stated, and Commissioner Bates emphasized, that there is no such thing as a dungeon at Rahway, and that "the hole" complained of by the relatives of men under punishment for participation in the riot is in reality a group of light cells in one of the ordinary cell-blocks.

Unevenness of Discipline

That discipline at both Trenton and Rahway has not been even-handed is made clear by official testimony and reports, and especially by the report of Deputy Commissioner Bixby, quoted in the section on *Personnel*, on the shortcomings of inexperienced temporary officers with respect to discipline. A reference to disciplinary practices at Trenton implying improper leniency and favoritism is contained in the 14 points listed in the minutes of the meeting on April 23, 1952, of Trenton Chapter, P. B. A. Local 105, to which a large percentage of the correction officers at Trenton belong. The minutes include the following statement, quoted here exactly as written:

"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."

This statement and its implications, considering the source, must be assumed to have some basis in fact. It requires no comment beyond the statement that institution authorities already bedeviled by almost insuperable disciplinary problems are merely compounding their troubles if prisoners with influence of any sort are able to "fix"

either their own disciplinary charges or those of others, if any prisoners are allowed to acquire and maintain the status of "big shots," and if "stool pigeons" can purchase leniency or immunity by informing on others.

Archaic Disciplinary Practices

Some of the disciplinary procedures in vogue at Trenton Prison at the time of the riots are relics of the past, and their continuance has caused considerable bitterness. One of these was the practice of standing men "under the clock" in the Center, the rotunda where all the wings converge. A man who had been charged with some offense might stand for several hours, facing the wall, in full view of all the prisoners, staff members, and civilians who passed through the Center. This is the type of practice one seldom finds nowadays except in the most backward juvenile "reform schools." It has no place in a modern prison. Since the riots the practice has been modified, and prisoners are no longer "clocked," except during the early morning shift, when this is the most convenient way for the short-handed staff of correction officers on duty at the time to keep the man awaiting action under observation. The Committee believes it to be a practice that should be totally abandoned.

Another practice, which has disciplinary connotations but also bears on the subject of satisfaction or dissatisfaction with food, is the policy of permitting prisoners to have only spoons in the mess hall. In the Federal Prison System and in all the better prisons of the country, prisoners are permitted to have knives, forks and spoons. It is impossible for them to eat all the items in a properly balanced diet unless they have a full set of utensils. Various methods have been devised for checking the cutlery as prisoners leave the mess hall, and have proved fully effective.

The prisoners at Trenton also had a strong sense of grievance over the method of visiting. The members of the prisoner's family or others who are permitted to visit him do so through a steel and glass partition and must speak to

him through a telephone with outlets on each side of the partition. This is an outmoded form of visiting which is seldom found except in the most secure detention jails, where there is grave danger of the smuggling of weapons or other contraband to prisoners who are awaiting trial or other action on serious charges. In our better prisons the visits are conducted across a table, which usually has a low barrier in the middle and extending to the floor to prevent the easy passing of contraband. The table and barrier do not seriously impair the naturalness of the visit, and an alert officer supervising the visiting room provides additional protection. There is no reason why Trenton should have to resort to visiting methods which are not found necessary in prisons dealing with just as serious custodial risks as the prisoners at Trenton present. The present practice is bad for the morale of the prisoners and works a severe hardship on the members of their families, especially wives and mothers who are already suffering from great anxiety because their husbands and sons are in prison.

Newspaper Allegations of Laxity in Discipline

On January 20, 1952, a newspaper article charged that there was widespread sex perversion at the Trenton Prison, that intoxicating liquor was made by the prisoners in their cells, that narcotic drugs were obtainable by the prisoners, and that there had been a general breakdown of discipline. Hearings and investigations by the Board of Managers of the Prison and the Department of Institutions and Agencies indicated that these charges had been grossly exaggerated.

On March 31, 1952, the Board of Managers submitted a report of its investigation, a copy of which is filed herewith, to the Board of Control through the Commissioner of Institutions and Agencies. The Board heard a total of 28 witnesses, including the Principal Keeper (Warden), the Medical Director, the Resident Physician, the Pharmacist, senior officers and guards from all three shifts, and civilian employees. The gist of the testimony of these witnesses was, in brief, that the Trenton prisoners occasionally make

intoxicating beverages by fermenting fruit juice or by other methods, but that every effort is made to prevent it and the prisoners involved are adequately punished; that there is no illicit traffic or habitual use of narcotics or barbiturates in the prison; and that there is no evidence to support the charge of widespread sex perversion.

On the subject of narcotics, Dr. L. Samuel Sica, Medical Director of the prison, testified to the Board that the control over narcotics at the prison is comparable to drug control at St. Francis Hospital, Trenton, where he is Chief of Staff. Dr. Howard Wiesler, Senior Resident Physician at the Prison for the past 18 years, testified that a careful accounting of all narcotics is made to the Federal Narcotics Bureau, that diversion of the institution's medical supply of narcotics is virtually impossible, and that there is no evidence of illicit use of narcotics by the prisoners. Thomas A. Murphy, Pharmacist at the Prison, testified that about one and a half years ago a vial of 10 to 15 parabenzamine tablets was stolen, but no drugs have been missing since that time. He said only a two days' supply of drugs is kept on hand, in a safe of which he alone has the combination, and that drugs are obtained only through a physician's prescription.

Warden Carty and others testified that there was no indication narcotics or barbiturates other than those noted above had been or were being diverted from medical supplies or smuggled into the prison, and that very strict precautions were taken against it. They testified also that the problems of homemade intoxicants and of sex perversion were constant and serious problems, but that there was no evidence to substantiate charges that these practices were widespread.

In the course of its inquiry, the Committee paid particular attention to the subjects of contraband liquor, narcotics, and sex perversion, and elicited information from Warden Carty, the medical staff, custodial personnel, and civilians. The disciplinary records of the prison for the six months from September 1, 1951, to February 29, 1952, were ex-

amined and revealed that eight individual prisoners had been charged with sex perversion (two cases of sodomy, one case of fellatio, and one attempted act of perversion); two individuals with use of drugs (one case of a man taking a shot in the arm with an unidentified substance, and one case of using barbiturates); and 29 with possessing homemade intoxicants or being under their influence. The liquor violations were for the most part in early January, and it was stated by Warden Carty that these infractions usually occur during or near the holiday seasons.

On the basis of medical and other testimony, the Committee can come to no other conclusion than that the use of narcotics and barbiturates by inmates of the Trenton Prison is being kept to a minimum, and that the making and consumption of homemade intoxicants are no more extensive than one would expect in a prison where a large percentage of the men spend their days in monotonous idleness, and where the three-men and four-men cells with solid doors and other physical features of the institution make it difficult to prevent the practice.

As for sex perversion, the Committee must be cautious in drawing conclusions that are not supported by evidence. The number of cases appearing in the disciplinary records is small, and there is no indication that cases known to the institution authorities fail to get into the records. One must be realistic, however, and come to the conclusion, based on the experience of prisons in general and the specific conditions conducive to perversion at Trenton Prison, that there must be considerably more sex perversion than the disciplinary records indicate.

These conditions include the opportunities offered for perversion by the quartering of three or four men in cells with solid doors, and the difficulty of maintaining adequate surveillance in the shops and other sections of the prison; the large proportion of unstable individuals in the institution, including men with known histories of perversion outside or inside the prison; the presence of many young men who cannot be effectively segregated from older prisoners

who have become habituated to perverted practices and are skilled at avoiding detection; the widespread idleness, almost inevitably resulting in deterioration of morale and in restlessness that seeks release of any type; the lack of sufficient correction officers; and the constant changes in the custodial force, with many temporary officers lacking experience in preventing perversion or indifferent to their responsibilities.

That there is more sex perversion in Trenton Prison than the disciplinary records indicate must be taken as an assumption, however, and not as an established fact. The Committee concurs with the Board of Managers in its general findings that the evidence does not substantiate the sweeping allegations of the newspaper article referred to above with respect to sex perversion, contraband intoxicants, or narcotics.

Superintendent Lagay of the Rahway Prison Farm testified at a Committee hearing that the disciplinary records of that institution for the calendar year 1951, which he considered a typical year, showed no narcotic violations, seven individuals charged with acts of sex perversion, and five individuals charged with making or consuming intoxicants. He stated that there is no marijuana growing on the farm reservation. The difficulty of preventing contraband coming into the institution is increased by the visiting system, but all prisoners are stripped and searched thoroughly after the visits. The danger of sex perversion is great in the open dormitories, especially when 180 men are quartered on each floor, and only one correction officer is available on each shift for each floor. In that connection, he stated that the lack of adequate facilities for segregation presented a problem second only to the personnel situation.

MISCELLANEOUS CONTRIBUTING FACTORS

SHORTAGE OF NECESSITIES

The prisoners at Trenton particularly complained of shortages of clothing and other necessities that sometimes extended over several months, and official reports substantiated their statements. Warden Carty stated to the Committee at the latter's meeting with the Board of Managers of the Prison on May 1, 1952, that he had seen prisoners go two or three months at a time without socks, and that about a year before the riots he had seen men with no socks, shirts, underwear, or sheets. There have also been frequent and prolonged shortages of soap, and only recently had he been able to provide two bars a month per man to cover his personal, clothing and cell requirements.

Senior custodial officers of the prison emphasized the shortage of necessities as a major cause of the prisoners' unrest, and said it had made disciplinary problems very difficult. They stated two weeks after the riots that the institution was still short of many necessities, and that there had recently been no shoestrings, for example. The Business Manager stated that money to relieve the shortages was received by transfer on March 5th but had been needed since January 1st.

Officers and members of the Board of Managers also stated that the shortages of clothing and other necessities because of inadequate appropriations were a basic cause of the prisoners' unrest. As is stated elsewhere in this report, the Board refused to sign the prison budget for the fiscal year ending June 30, 1952, on grounds of its inadequacy. (See minutes of Board's meeting on May 8, 1951.) For example, the amount of \$6,750 required to replace the salt hay mattresses in use at Trenton Prison in two years had been reduced to \$4,000, which meant that it would take three years to remove this serious fire hazard. The amount for clothing was increased by only \$2,500, although the deficit for the fiscal year 1951 was \$10,000 and the supply of clothing had been inadequate in spite of the deficit incurred. The budget allowance for household supplies was not in-

creased, although the deficit for 1951 in this item was running around \$2,500 and there had been serious shortages, especially in soap. These deficiencies in the 1952 budget were in addition to those in the item of salaries of officers and employees, discussed in the section of this report on *Personnel*.

The above statements should require no comment. Aside from the fact that it is not good penology, it is not good business for a State with great financial resources to deprive prisoners of clothing, soap and other necessities, and thereby contribute to a steadily growing feeling of grievance and unrest that finally explodes in a destructive demonstration. The value of the State property destroyed and the other costs to the State resulting from the Trenton and Rahway riots far exceed the comparatively small savings effected by the "economies" that formed part of the basis of these riots.

Food

In comprehensive statements prepared by the Department of Institutions and Agencies and issued under dates of April 21st and May 1, 1952, copies of which were submitted to the Committee and are filed herewith, the Department made the following statement with respect to food:

"Food. As in a university, a preparatory school, or just an ordinary commercial boarding house, food is a perennial topic of conversation in prisons and in institutions. But it was quite remarkable the very small emphasis that was placed on food in these instances. When Colonel Bixby, Deputy Commissioner of Institutions and Agencies, interviewed those who participated in the No. 5 Wing demonstration, not one of them complained about the character of the food. On the other hand, several inmates have been heard to say that the food is better than they have ever had before. The budget allowance for food, per capita per day, for the whole institutional system in the State, comprising twenty-two institutions, is, for the coming year \$.5172 a day. For the Prison the amount allotted is \$.5787, and at Rahway it is \$.5753 a day.* In other words,

* Of these amounts \$.03 a day is allotted for officers' food.

these two penal institutions receive an allotment more than 10 per cent higher than the average institution allotment. It can be truthfully said by those who have investigated the situation that with many of these inmates the food furnished in the institutions is better than they are accustomed to on the outside.

“Following a representation two years ago that food was not being properly prepared and in order to make certain of the facts, the department called upon an expert from the Federal Prison System who came to the Trenton prison, spent several days and rendered a complete and convincing report. He stated that we were spending enough money to insure varied and nourishing meals.

“He set up a standard which we have rigidly followed. This comprises 77 ozs. of raw food per day, divided into the necessary component parts to insure a sufficient diet which provides 3,000 calories for that same period. As a result of his recommendation we secured a competent chef from another institution, and from that day little complaint has been heard as to the food. Monthly reports of the amounts of money spent and the degree to which the standard ration is complied with are received in the Central Office and a good supervisor, with his assistants, visits this institution, as he does all of them, to see that the food is nourishing and adequate.

“As one of the inmates in the print shop said the other day, they realize that the Prison ‘ain’t no hotel.’ But the department is satisfied that a proper dietary is being served.”

The scientifically balanced standard ration allowance referred to above corresponds closely to that established in the Federal Prison System when Commissioner Bates was head of that system, and still in force in Federal institutions, with some modifications which the experience of the past 20 years has proved desirable or necessary. A number of our leading State prison systems have established standard ration allowances along the same general lines.

The New Jersey standard ration allowance provides for the following amounts in the various component food groups:

	<i>Ounces</i>
Meat, fish, fowl and cheese	7
Milk	16
Eggs	2
Fats and oils	1.05
Sugar and syrups	3
Cereals	3
Flour	6
Potatoes	12
Root vegetables	4
Green and leafy vegetables	12
Fruit, fresh and canned	4
Fruit, dried	2
Dried peas, beans and nuts	1
Beverages	1
Miscellaneous	2
	<hr/>
	76.05

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.

In spite of the improvements that have been made with respect to food, the Committee received from the inmates at both Trenton and Rahway complaints about the food. They concerned preparation rather than quantity, for the most part, and were based on past as well as present conditions. That these complaints were not new was shown by the fact that the Warden wrote a letter to the Department on September 29, 1950, to report the inmates' complaints on various matters, including food. (The other complaints reported referred to the prison store, the school and library, care of sick prisoners during the evening hours, and sanitary conditions.)

Warden Carty stated to the Committee that for one period of 16 months during the years 1950-51 Trenton Prison "had no cook," the head cook or chef being ill. The dissatisfaction with food during that period undoubtedly formed part of the basis for complaints about food at the time of the riots. The prisoners' representatives at both institutions, however, insisted that the food was still badly prepared.

There were other factors in the food situation that formed part of the basis of the prisoners' complaints. Among them were the following:

1. The meals were served so close together that many men were eating all three meals within eight hours or less. Breakfast was served for both working and idle men between the hours of 5:40 and 7:30 A. M., and the evening meal between 3:00 and 4:30 P. M. The mess hall seats only 376 men and each sitting requires 20 to 25 minutes. The idle men were fed last in the morning and first in the evening. The authorities stated that the early evening meal was necessitated by the inadequacy of the custodial force and the fact that the evening shift, coming on duty in the late afternoon, was seriously undermanned.

Since the riots the meal hours have been changed. With the extension of yard time for both working and idle men to 6:00 P. M., effective during the last week of July, the evening meal is now served at 6:15 P. M. The yard time schedule is applicable only while daylight-saving time is in effect, but it is assumed the evening meal will still be scheduled at as late an hour as is practicable when standard time goes into effect.

2. 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. This subject is also discussed under *Discipline*, where it is stated that effective methods of safeguarding against smuggling knives

out of the mess hall are well known to experienced prison officials.

3. The prisoners were able to purchase some items of food from the prison store or canteen. At Rahway it was possible to purchase eggs and to cook them at a special range between the kitchen and mess hall. At Trenton, and in less degree at Rahway, many men in the shops had electric stoves and cooked food on them. Some cooking also went on in the cells.

Among the 14 points in the minutes of the meeting of P.B.A. Local No. 105 on April 23, 1952, referred to in the section of this report on *Personnel*, was the following:

“No traffic in foodstuffs or any other materials to or from the shops was heartily endorsed by all. It was felt that any such articles should be confiscated and returned. . . . Elimination of cooking in shops would prevent to a great extent the holding of hostages for lengthy periods, due to the difficulty of providing food for rioters.”

Aside from any custodial considerations and the increased danger of fire from the use of homemade electric stoves in shops that already present a serious fire hazard, there are disciplinary and morale factors to be taken into account. When prisoners with money can have substantially more and better food than those with no money, or very limited spending money provided by relatives who can ill afford it, a feeling of injustice and grievance is bound to result. This is particularly true if the food served in the mess hall is below par in either quantity or quality.

It is not an easy thing from the administrative standpoint to eliminate the purchase and cooking of extra food in an institution and the prisoners usually feel deep resentment when a practice which should never have been allowed to get started is abolished. It is a step that must be taken in New Jersey, however, as it has been in many other prison systems, usually after a riot or an investigation into some scandal. This action should be only one step in a general effort to maintain the food services on a satisfactory level

as to quantity, quality, and methods of preparation and service. Purchases of food from the prison store should be limited to items that supplement the mess hall fare in a minor degree only. The use of electric stoves in the shops and cells should be eliminated on grounds of fire hazard, if for no other reason.

OTHER CONTRIBUTORY FACTORS

A number of other matters that contributed to the prisoners' sense of grievance and unrest have been discussed briefly in other sections of this report. One was the fact that correction officers who guarded the prisoners at Trenton during the recreation period in the yard from 5:00 to 7:00 P. M. five days a week during the daylight-saving months were paid from the Inmate Welfare Fund. This practice, which the authorities justified on the grounds of the shortage of guards, seemed to the Committee wholly unjustifiable. It has been abandoned since the riots and the guards are now paid for this duty, as they are for every other routine duty, from appropriated funds.

A second cause of complaint, particularly at Trenton, was failure to provide eye glasses, glass eyes, etc., from State funds. Provision of such things for prisoners who cannot supply them at their own or relatives' expense is standard practice in the Federal Prison System and in most State institutions. Since the riots arrangements have been made to provide them for the men at Trenton Prison and its branches.

A third basis for bitterness and unrest at Trenton Prison was the visiting method, discussed in this report under *Discipline*. As is stated there, separating prisoners and their relatives or other authorized visitors by a steel and glass partition, and permitting them to talk only over a telephone with outlets on each side of the partition, is an outmoded form of visiting that is no longer considered necessary or desirable in modern prisons. Federal and State prisons dealing with offenders presenting custodial and other risks as great as the Trenton prisoners permit

visiting across a table, usually with a wooden, glass or screened barrier extending eight or ten inches above the middle of the table and a wooden partition below the table extending to the floor. This, and the presence of an alert officer at the end of the table, has been found to be adequate protection against the passing of contraband.

The Trenton system of visiting is not only bad for the prisoners' morale but also works a severe hardship on the members of their families. The Committee believes it should be replaced by the facilities and methods in use at our leading Federal and State prisons.

A fourth basis of resentment 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.

PAROLE

As was stated earlier in this report, one of the major bases for the prisoners' complaints was the parole system in general, with particular reference to the parole law, the current methods and procedures of the Parole Board, and their application of the parole law. The Committee listened to the statements of the inmate committees, chosen to represent the prisoners at Trenton and Rahway, with respect to the entire subject of parole, studied written statements which these committees prepared, conferred with the members of the Parole Board and the Commissioner of the Department of Institutions and Agencies, which is responsible for parole supervision, and made a study of the old and new parole laws and former and present parole practices and procedures.

Some of the prisoners' most persistent complaints at both Trenton and Rahway were that the present Parole Board was oversevere in its policies, that it did not give prospective parolees an adequate hearing, the hearings in some cases allegedly lasting only two or three minutes, and did not give applicants for parole sufficient credit for records of good work and conduct in the institution.

On the question of whether or not the Parole Board has been oversevere in its policies, it would obviously be impossible for the Committee to come to any sound conclusion without a re-examination and perhaps a rehearing of a substantial number of the cases the Board has handled. If the Committee disagreed with the Board in its decisions, it would be open to the charge that it was assuming without justification that its judgment is better than that of the Parole Board.

On the subject of whether or not prospective parolees have received adequate hearings, the Parole Board stated that it is true that some prisoners receive very short hearings, frequently because members of the Board have studied the case thoroughly before the meeting, but that other cases are given long hearings and that the average time allotted to hearing individual cases is adequate. 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.

On the subject of alleged failure to give sufficient weight to records of good work and conduct, the Parole Board pointed out the obvious fact that a prospective parolee's total life history, so far as information on it is available, must be taken into account when a decision is being made whether or not to grant parole, that the record of good work and conduct in the institution is only part of the total record that must be considered, and that it is not enough in many cases to outweigh a long history of instability and criminal behavior.

A special point was raised by the Board of Managers of the Reformatory for Women and its Superintendent. They vigorously urged the amendment of the parole law to extend its provisions to prisoners whose death sentences have been commuted to life imprisonment. They directed attention to the case of a woman prisoner who was convicted of bringing about the felonious death of her husband and sentenced to death some 22 years ago, her sentence being later commuted to life imprisonment. Her two male accomplices, the actual perpetrators of the homicide, were also convicted of murder in the first degree but were sentenced to life imprisonment on recommendation of the jury. They were paroled some two years ago, but the woman is deemed ineligible for parole consideration under the parole law, although eligible for executive clemency under the State Constitution.

Under the law, a life term becomes eligible for parole consideration when he has served a little less than 15 years, but this provision of the statute is not considered applicable to one whose death sentence has been commuted to life imprisonment. Executive clemency has been refused the woman prisoner in this case, presumably because she instigated the killing. There is a question of policy here that may well be within the legislative province, i.e. whether the benefits of the parole law should be extended to one whose death sentence has been commuted to life imprisonment, as

well as to those serving a life sentence under judicial decree. The Committee is of the opinion that it is not a sound distinction in parole principle and policy that denies parole to a prisoner whose death sentence has been commuted to life imprisonment, because of mitigating circumstances, and extends parole to a prisoner convicted of the same grade of offense but given life imprisonment by the jury, also because of mitigating circumstances.

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. For example, a study of the new parole law revealed inequities in dealing with prisoners convicted before the effective date of the Constitution of 1947 and the enactment of the parole statute, and those subsequently convicted. These inequalities are in substantial part of legislative origin, no doubt due to inadvertence; in other respects they are faults and weaknesses developed by experience in the application of the law. But the prisoners' feeling of injustice was focused on the Parole Board as the administrator of the law.

It is encouraging to note that, since these facts were brought to light in conferences with the prisoners' representatives and the Parole Board, the Board and the Commissioner of Institutions and Agencies have conferred with the Governor and his counsel and have undertaken the drafting of legislation which would eliminate many of these inequities, and that others have already been corrected by administrative action of the Parole Board.

We shall now discuss in detail the shortcomings of the present parole system and matters that bear directly on parole philosophy and parole preparation, selection and supervision.

There are manifest inequities and inequalities in parole administration and policy which are inherent in the law itself. The statute accords to life prisoners who are fourth offenders parole consideration denied to fourth offenders

who are not life prisoners. As the law is written, the prisoner serving a life sentence becomes eligible for parole consideration when he has served 25 years of his sentence less commutation time for good behavior and earned work credits, which may afford a reduction of the minimum period to 14 years, 7 months and 23 days. But the fourth offender who is not under a life sentence is obliged to serve the maximum sentence imposed for the fourth offense less commutation time for work performance, even though it exceeds the minimum for parole eligibility where the sentence is for life; and so it is that such fourth offender is ineligible for the parole consideration provided for a prisoner sentenced for life as a fourth offender or for murder in the first degree. The distinction thus made between fourth offenders who are life prisoners and those who are not is arbitrary; the classification has no perceivable relation to the policy of the law. And there are many prisoners serving consecutive sentences who are ineligible for parole consideration, even though not fourth offenders, until far beyond the time when life prisoners may have such consideration; in numerous instances the minimum sentence exceeds the life expectancy.

These are invidious discriminations not in keeping with sound parole principles which make for tension and deterioration of prison morale and discipline and a frustration of the resolve for rehabilitation that is the primary design of the parole system, in the common and individual interest. The parole concept involves a reasonable degree of parity among prisoners. Arbitrary and illusory distinctions will not enlist the will of the prisoner for his own reformation.

Complaint is made, and with reason, 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 prisoner classified as a second offender becomes ineligible for parole consideration until he has served one-half of his maximum sentence, less earned credits for work perform-

ance; a prisoner classified as a third offender is under the same disability until he has served three-fourths of the maximum sentence for the third offense, minus earned work time; and a fourth offender is obliged to serve his maximum sentence for the fourth offense, minus work credits. An issue of such moment is not one for an ex parte administrative determination. It is but elemental justice that in this inquiry the prisoner be afforded a timely hearing on notice. Parole is in mitigation of the punishment; and the prisoner should not be made to suffer the postponement or denial of parole consideration visited on multiple offenders without an opportunity to be heard in keeping with the nature of the action. This would seem to be a minimal requirement. A classification unjust to the prisoner would involve a substantial alteration in his parole status and make the penalty more onerous.

Under present law, where the offenses are high misdemeanors, a sentence greater than the maximum period provided for a first offense may be imposed for second and third offenses. A fourth offender is deemed an habitual criminal, and life imprisonment is mandatory. Procedural due process is provided. The inquiry may be had at any time before sentence. The county prosecutor is under a duty to initiate the proceedings where the prior convictions are made to appear. The accused is given the right of trial by jury. Although it is concerned with high misdemeanors alone, this legislative scheme for the punishment of the multiple offender renders doubtful the need for the parole limitations upon the multiple offender now permissible by administrative classification. But certain it would seem to be that a multiple offender under a greater maximum sentence than would be allowable were he convicted as for a first offense should become eligible for parole consideration when he has served the minimum term less commutation time and earned work credits, or one-third of the maximum term without regard to commutation time, whichever comes sooner. The sentence upon a conviction as a multiple offender takes account of the prior offenses.

We doubt the wisdom of the mandatory life sentence for the fourth offender. The rigidity of the statutory rule tends to defeat justice. Where in the particular circumstances life imprisonment is deemed harsh and unreasonable, the prosecution becomes abortive. And the life sentence may frustrate rehabilitation while there is still hope. The absolute rule cannot be justly applied in all the varying circumstances. A reasonable discretion to impose a life sentence for a fourth offense, governed by the particular case, would seem to be a more just and certain instrument of law enforcement, just as in the case of second and third offenses the imposition of a sentence greater than that provided for a first offense is discretionary.

As indicated, the Committee would suggest the wisdom of extending the parole principle to prisoners under a sentence of death commuted to life imprisonment, unless the commutation was expressly made without benefit of the parole law. Presumably the commutation of the death sentence rests in extenuating circumstances, just as in the case of life imprisonment prescribed by the jury for a homicide of the same degree. We have in mind Article V, section II, paragraphs 1 and 2, investing the Governor with power to grant pardons and reprieves in all cases other than impeachment and treason, and to suspend and remit fines and forfeitures, and directing that "a system for the granting of parole * * * be provided by law."

It was found, when this inquiry began, that the act imposing parole limitations upon multiple offenders had been construed to render a second offender ineligible for parole consideration until he had served one-half of the maximum sentence for the second offense, less earned work credits, or the minimum term, whichever was greater. The statute does not bear this interpretation. In explicit language the act qualifies the second offender for parole consideration when he has served one-half of the maximum sentence less the allowance for work performance. We are advised that this administrative misconception has since been corrected, and the statute is now applied in accordance with its terms.

But while the act makes an allowance for earned good-conduct time as well as for work performance in reduction of the maximum term, good time is not to be considered in fixing the time for parole consideration for multiple offenders. If these parole limitations are to be continued, there would seem to be no sound reason of policy for allowing good time in the one case and refusing it in the other. For example, a third offender under a maximum sentence of eight years may serve the full maximum term, minus good-conduct time and earned work credits, a day or two before the completion of three-fourths of the maximum term minus work time alone.

There is unjust discrimination between inmates of the State's correctional institutions undergoing indeterminate sentences. Under Chapter 335 of the Session Laws of 1951, the time to be served under an indeterminate sentence in the reformatory or on parole shall not exceed five years or the maximum term provided by law for the crime for which the prisoner was convicted and sentenced, if such maximum term be less than five years, although the sentencing court, in its discretion, for good cause shown, may impose a sentence greater than five years, which shall not be greater than the maximum term provided by law. But this provision is made inapplicable to reformatory sentences imposed prior to July 19, 1951, when the act became effective. There is no sound reason for this distinction between prisoners of the same class. Arbitrary classifications give rise to resentments and a sense of injustice that undermine morale and subvert the parole principle; and this is true here. The statutory rule should have a retroactive operation. And it would seem, too, that for reasons of morale and discipline prisoners serving indeterminate sentences in the State Prison should be accorded the same commutation credits for good behavior and work performance as other inmates, even though a different rule prevails at the reformatory.

Unemployment also makes for inequality in the operation of the parole system. The prisoners who are willing to work but have no opportunity for work are not on a parity

with the employed prisoners in time credits for work performance. Long continued idleness is one of the primary causes of institutional unrest and tension that make for mass emotional outbursts. Cell confinement for 20 out of every 24 hours cannot but be destructive of individual spirit and discipline. But unemployment also deprives the prisoner, through no fault of his own, of the opportunity for work credits in reduction of the sentence and the period fixed for parole eligibility. It works a discrimination which though unwitting is nonetheless real. The Committee has found that the prisoners in large number are anxious for employment, no matter how meager the pecuniary return. It gives purpose to their existence and a substantial reward in the form of a shortened sentence and earlier parole consideration, as well as some measure of financial recompense. Prison management will not be at its best where inmates in substantial number are without employment. Work, it has been well said, gives rest to the body and peace to the mind. Idleness is corrosive. Labor is an indispensable aid to discipline and a means of securing the health of the prisoners and preparing them for social adjustment. Until employment can be provided for all, the distribution of available work by rotation will measurably alleviate the current problem of idleness and its irritations and equalize the opportunity for parole credits and diminished sentences.

In another respect there is inequality in the operation of the parole law. Under Chapter 85 of the Laws of 1948, a prisoner at large under a license issued by the old Court of Pardons who commits a delinquency other than the commission of a crime may be required to serve the remainder of his original maximum sentence of imprisonment computed from the date of his release under the license, while a failure of duty of the same non-criminal class by a prisoner under parole granted by the Parole Board organized under that statute subjects the delinquent to imprisonment for the remainder of his maximum term only from the time of the occurrence of the delinquency. There is no

discernible ground for this differentiation between parole violators of the same general class.

The principle of the limited indeterminate sentence is not always observed by sentencing judges. In one case the minimum term was fixed at 29 years and the maximum term at 30 years. In other cases the minimum and maximum terms were the same. The statute merely provides that, except in sentences for life, the minimum term shall not be in excess of the maximum term prescribed by law for the offense of which the offender was convicted, and the minimum term shall not be fixed for less than one year, with commutation time for good behaviour on both the maximum and minimum terms. It goes without saying that identical maximum and minimum terms constitute a determinate sentence. Yet in such cases the law fixes the minimum term at one-third of the maximum, for by another provision the prisoner becomes eligible for parole consideration when he has served one-third of the fixed maximum sentence without regard to commutation time. Parole practice and the minimum-maximum concept are integrated; and adherence to the principle of the indefinite sentence would seem to be advisable as a means of serving the coordinate policies.

Another source of irritation is that the prisoner is not in every case given credit on the term of imprisonment for the time in custody between his arrest and the day of sentence. We think that credit for such pre-sentence incarceration should be the general rule.

We come now to a consideration of parole administration. Implementing the parole policy is a prime responsibility of correctional management. Favorable parole outcome of necessity depends upon efficient and understanding cooperation and direction by the prison management and the parole authority. The administrative function involves three basic processes: preparation, selection, and supervision. Adequate preparation makes for selective accuracy and charts the course of the post-release correctional treatment, the whole constituting a proven instrument for the

social integration of the repentant and potentially useful prisoner.

It will not be amiss to review our conception of the philosophy of parole. The parole ideal is rehabilitation. Imprisonment is a measure of punishment for the past transgression and a means of training and corrective treatment for the future. While prison confinement is also punitive, it is essentially deterrent and a method of reformation that, once accomplished, renders further imprisonment purely expiative. The ultimate end is the conditioning of the prisoner for the acceptance of social responsibilities, in the interest of society as well as for the uplift of the fallen individual. The primary aim of criminal justice is the protection of society against crime. Punishment is not for vengeance or retribution, but rather for the furtherance of social justice and the common well-being, and so is ruled by the humanitarian principle. Parole is an instrument of this humane and sound social-economic policy. Parole release provides a continuance of the correctional treatment and supervision toward a readjustment of the parolee to society. The design is crime prevention, for the individual and the common good.

Parole as an integral part of the reformatory process has been proved by experience. It is a necessary adjunct of the correctional operation. Involving as it does the highly complex predictive and selective mechanism, parole perfection is not attainable. Tragic aftermaths there will be, but the principle is to be assessed by its regenerative fruits rather than by its individual failures. The ratio of recidivism, here and elsewhere, bears testimony to the fulfillment of the rehabilitative function and establishes the utility of parole in the adjustment of the contrite and amenable prisoner to the community. Notwithstanding a 15% increase in the adult population of the country since 1940, the Federal and State adult prison population has decreased about 5%, due in part to a wider use of conditional release on parole or probation. There will always be some substantial degree of recidivism, but parole suc-

cesses far outweigh the relapses. We have no better way of redeeming the prisoner who is not utterly abandoned to evil ways. There cannot be endless incarceration of all transgressors of our penal laws. A system that would enjoin the service of a prescribed maximum sentence, as a wholly punitive measure, would ordinarily return the prisoner to society embittered and confirmed in his anti-social tendencies and psychologically unprepared for an orderly life under the law.

There are fundamental deficiencies in the correctional treatment of the State's prison population. Unemployment and the want of useful and beneficial pursuits accentuate the degenerative influence of imprisonment and subvert the rehabilitative process. There is a singular lack of educational training and orientative facilities essential to preparation of the prisoner for a return to conventional living. Education, vocational and general, religious, moral and secular, forms a vital part of correctional procedure adequate to utilize the prisoner's ever-present incentive for freedom and to enlist the will for his own social rehabilitation to that end and arm him for parole adjustment. Indispensable also to a constructive reformatory program are comprehensive clinical studies and analyses and classification. Adjustment to society—converting recalcitrance and rebellion into co-operation—is essentially an individual process calling for careful and searching inquiry to reveal the prisoner's attitudes and motivations and maladjustments relating to parole success or failure. In a word, it is requisite that recourse be had to all available means and methods for the elimination of factors militating against rehabilitation.

Intelligence preparation and forecasting take account of the social ills which are at the root of crime. Discriminating preparation and parole prediction are not to be had by objective data alone; correctional treatment and parole selection depend also upon comprehension of the prisoner's subjective life. Parole discretion concerns not only the time but the conditions of the release from imprisonment.

The function cannot be efficiently performed without a full understanding of the prisoner's social, educational and occupational background and mental and emotional make-up and his probable reaction to the freedom of community life. Sound parole procedure reckons with the principles of the social sciences and the teachings of experience. The treatment will not be sufficient nor the selective and supervisory functions guided with a fair measure of accuracy unless the prisoner's mental and emotional tensions and deficiencies are understood by analysts trained in the sciences of human behavior and the techniques of correction. Regularized intelligence, psychiatric and psychologic tests are components of the corrective process. Apart from the basic curative objective, there must needs be an exhaustive case study to determine the conditions most propitious for parole adjustment. If there is to be parole success, then the prisoner's conditional release should come when he is psychologically ready for the transition to normal community life and the assumption of social responsibilities. Delay beyond that period may inculcate the spirit of revenge and dispel the resolve for righteous living which renders the prisoner a potential asset for society. The Diagnostic Center at Menlo Park offers great promise of a more scientific approach to the correctional problem. It suggests managerial awareness of the need and unremitting effort to supply it by invoking all sociological resources.

Rehabilitation includes also the correction of remediable physical handicaps, not alone out of humane considerations, but as a means of conditioning the prisoner for a productive and self-sustaining social life. Unfortunately, there has not been full acceptance of this duty, so intimately related to parole success, although it is but fair to say for the institutional management that the deficiency is largely one of limited facilities.

There are problems attending the custodial care of the incorrigible and unregenerate criminal and the psychopath which relate to parole administrative efficiency. Segrega-

tion should be had to avoid all association inimical to the welfare of prisoners amenable to discipline and responsive to treatment and regenerative measures for a resumption of community life. This is especially true of the teen-age and the young adult prisoner. Contact between the young prisoner and the hardened and irredeemable criminal cannot but frustrate the reformatory process. Fallen youth offers a fertile field for remediable effort. The State Prison at Trenton is not an institution for the teen-age prisoner.

And it is also vital to the resolution of the crucial question of reformation or incorrigibility that the prisoner be accorded a hearing by the Parole Board commensurate with the nature of the inquiry. The prisoner's attitudes and reactions of necessity bear upon his fitness for social life; and a judicious and searching inquest can be of inestimable aid to sound parole decisions. The hearings accorded prisoners under consideration for parole have not on the whole been sufficient. A brief interview with the prisoner can be of little assistance in assessing his suitability for parole and the conditions which make for a successful readjustment. It may well be that full time service is necessary to provide an adequate and informative hearing in all the numerous cases that come before the Parole Board for consideration. If such be the case, provision should be made accordingly, for far too much depends upon the performance of the difficult function of parole prediction to run the risk of hurried hearings.

We are not aware of any shortcomings in the performance of the equally important office of parole supervision, except as the supervisory faculty may be lessened in quality and vigor by insufficient institutional treatment and preparation of the prisoner for social responsibility and the failure to employ the diagnostic and prognostic procedures making for a revelation of the conditions conducive to readjustment. 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 meas-

ure the guidance, direction and enlightened assistance requisite for the critical transition to a useful and self-sustaining place in community life.

In sum, we urge the full use of the techniques and procedures and adherence to the standards indispensable to treatment and preparation adequate for social adjustment and objective judgment in parole selection and supervision, and thereby to narrow the margin of error in parole prediction and achieve the maximum of parole success. The return of the maladjusted to a useful community life is one of the higher responsibilities of our democratic society.

We consider it sound practice to accord the prisoner the right of application for parole consideration when he believes he is eligible. Otherwise, controversy or misunderstanding as to the date of eligibility or mere inadvertency could result in prejudicial delay.

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

We repeat that force as a means of redressing grievances is reprehensible. Violence cannot be condoned, nor prisoner management tolerated. The anti-social tendencies which brought about the imprisonment cannot be used as a means of enforcing compliance with the demands of the prison population, however meritorious, or as an expression of resentment. Discipline is a primary requisite of prison management; order is a basic requirement of institutional life. There must be full submission to the managerial authority. But good management provides a mechanism for the hearing and redress of grievances, whether real or fancied, and freedom of access to the judicial process where the prisoner believes he is illegally restrained of his liberty. It is not the function of management to determine whether the claim is well founded.

INMATE COUNCIL OF THE NEW JERSEY STATE PRISON

At the termination of the riot of April 15-18, 1952, at the Trenton Prison, during which a group of 69 prisoners remained in a state of siege in the prison print shop for more than 72 hours, holding four officers and instructors as hostages, one of the terms of the surrender and the release of the hostages was that the inmates of the prison would be permitted to elect a representative committee of not more than seven men to present their grievances to the authorities. Pursuant to this agreement, a committee of seven was elected by the prisoners, voting by wings. The committee selected a chairman and a secretary from its members and on April 28th, at a meeting at which the Warden was present, adopted the following set of rules:

1. No member of the Committee shall mention his own case at any time during a Committee Meeting.
2. No member is to have any discussion with any official of the institution, or of the State, or acting for the State, except while the full Committee is in session, other than is absolutely necessary in the course of ordinary prison routine, or without the Committee's permission.
3. Any Wing Delegate who is not considered satisfactory by the majority of the men of that Wing can be replaced by presenting a petition containing the signatures of 60 per cent of the Wing's voting population, and a new election will then be held.
4. Any Wing Delegate whose conduct reflects upon the integrity of the Committee shall be reprimanded by the Committee Chairman. If any Delegate persists in blocking the program of the Committee he can be unseated by a majority vote of the Committee.
5. No member will accept any gratuity or favor from any inmate in return for presenting arguments in his behalf.
6. No member of this Committee shall ever express any preference as to the election of any Wing Delegate or accept any favors from any officer or official.
7. No member of the Committee is permitted to correspond with any official on matters relating to Committee business without the approval of the

- Committee, and only then if the Committee receives a copy of the correspondence concerned.
8. All grievances will be taken up in the order of their importance and must be beneficial to the majority of the inmate body as a whole.
 9. No grievance will be considered unless it receives a majority vote in the Committee.

On May 9th the Commissioner of the Department of Institutions and Agencies issued the following *Memorandum Confirming the Establishment of the Inmate Council of the New Jersey State Prison*:

It is believed that all concerned will benefit if co-operation between the inmates and the officials and employees of the New Jersey State Prison is facilitated by the establishment of regular and mutually accepted channels of communication whereby questions having to do with the welfare of the inmate body as a whole can be discussed and the inmates' recommendations made known to the officials.

To accomplish these aims, the establishment of a conference committee elected by all of the inmates is confirmed; and it is suggested that the name of the committee shall be the Inmate Council of the New Jersey State Prison.

The following rules are adopted to govern the relationship between the committee and the officials of the Department of Institutions and Agencies and the New Jersey State Prison:

1. The Council will be recognized as the duly elected representatives of the inmate body by the Commissioner of Institutions and Agencies, the Deputy Commissioner in Charge of Correction, the Board of Managers, and the Principal Keeper.
2. The members of the Council shall include one representative of each wing and one representative of the indeterminate group of the institution elected annually by ballot, and no member shall serve on the Council unless duly elected. A special election to unseat and replace a Council member may be held upon presentation to the Principal Keeper of a petition signed by 60 per cent of the residents of a wing. The administration will take no part in

the selection of wing representatives, but an official or officials designated by the Principal Keeper will serve with a committee of the Inmate Council as election commissioners to insure that all elections are conducted properly and fairly.

3. It shall be the duty and responsibility of the Inmate Council to ascertain the opinions and recommendations of the inmate body with respect to matters pertaining to the general welfare of the inmates and to faithfully and accurately convey these opinions and recommendations to the chief administrative officer of the prison. The Council will not intercede with any official of the prison or the Department of Institutions and Agencies on behalf of an individual inmate.
4. So long as the Council and its members remain in good standing in the institution each member thereof shall have the privilege of interviewing any or all of the inmates in the group which he represents without surveillance of any employee. The Principal Keeper may, by reason of the bad conduct or segregation of any inmate, deny this privilege. It is intended by this paragraph to permit personal interviews with inmates and admission to the various facilities of the institution.
5. It is to be understood that the Council will not be quoted as in favor of or opposed to any matter except by express approval of the Council as a whole. No person may therefore quote the Council without its approval.
6. Under conditions to be prescribed by the Principal Keeper, the Council may have access to the institutional radio system at reasonable times for the purpose of disseminating information to the inmates. This privilege can be withdrawn at any time by the Principal Keeper if abused.
7. Except in an emergency, major changes in policy and practices affecting the welfare of the inmates shall be taken up first with the Inmate Council. It is understood that the Principal Keeper may call upon the Council to correctly interpret any changes in policy or practice and to assist in implementing such changes.

8. It will be understood that at a specific time each day an authorized representative of the Council may, if there are matters to be presented, confer with the Principal Keeper or an official designated by him. It is understood that any matters referred by the Council to the administration will be handled and decided as rapidly as possible.
9. Major proposals and resolutions by the entire Council shall be in writing. All replies shall likewise be in writing.
10. Every official in the institution will be instructed to co-operate to the full with the Council.
11. It is hoped and expected that by this method the method may be supplied whereby complaints and grievances may be promptly presented and disposed of. It is not to be expected that such requests can be granted if in the judgment of the Principal Keeper they shall interfere with the maintenance of a necessary and humane discipline in the institution.
12. It would be advisable, at least in the early stages of its activities, that the Council meet with the officials on a date mutually agreed upon with the presence of the Principal Keeper and the Commissioner or his Deputy. It would be advisable to have a monthly report prepared by the Council and forwarded to the officials.
13. The Principal Keeper is by law vested with complete authority in the management of the institution and the maintenance of discipline; and nothing contained in this agreement is to be inconsistent with that legal obligation.
14. This arrangement shall be terminated whenever in the judgment of the Commissioner and the Principal Keeper it has ceased to serve a useful purpose or to facilitate that co-operation between the employees and inmates so essential to the satisfactory operation of the institution.

Early in its inquiry, the Governor's Committee held two lengthy meetings with the Inmate Council and gave the members a full opportunity to state their grievances. At the first meeting, the seven members who had been duly elected stated that two other prisoners who had not been

elected but had a large following in the prison population insisted upon being present at the meeting with the Governor's Committee. The Inmate Council was reluctant to permit them to attend, but the members stated they were certain that they would not be able to make any progress whatever and would not be able to obtain support of their recommendations from the prisoners as a whole unless they permitted the two men in question to participate in the meeting. One of these prisoners was the man who was the acknowledged leader of the print shop riot; the other was one of the men who had been suspected of being undercover leaders in the riot plans and had been transferred temporarily to Rahway to upset those plans.

The Governor's Committee questioned the propriety of permitting these men or any others who had not been elected to the Inmate Council to attend the meeting, but felt that it was essential to its inquiry to hear the prisoners' grievances, and recognized that it should hear statements from prisoners who had been involved in the disturbances as well as from those who had not. The Inmate Council passed a formal resolution requesting that the Governor's Committee permit the two prisoners referred to above to participate in the meetings, and this request was then granted.

In the two long meetings with the Inmate Council which followed, the prisoners present not only made verbal statements on a great variety of matters but also prepared written statements on some of the major points and submitted them to the Governor's Committee. Generally speaking, the elected members and the other two prisoners were respectful in their manner toward the Governor's Committee and heated arguments which arose between individual inmates from time to time were easily controlled. Subsequent to these meetings, the leader of the print shop riot was elected as a delegate-at-large, but the second man was never elected to membership on the Inmate Council.

From the time of its organization, full recognition was accorded to the Council by the prison authorities and the Department of Institutions and Agencies. A number of

meetings were held with Warden Carty, the Board of Managers, Deputy Commissioner Bixby, Chairman Zink of the Parole Board, and Commissioner Bates of the Department. At a meeting on May 6th, attended by Commissioner Bates, Deputy Commissioner Bixby and Warden Carty, the Council presented a list of 49 complaints which were carefully considered and replied to in writing on May 15th. On May 7th, Commissioner Bates met with the Council again, accompanied by Deputy Commissioner Bixby, Mr. Zink, and Mr. Urbaniak, Assistant Attorney General. At this meeting matters pertaining to parole were discussed, and another meeting was held on May 14th to finish the discussion of parole.

On May 8th the memorandum confirming the establishment of the Inmate Council, quoted above, was promulgated. On May 12th, the chairman of the Council submitted a memorandum to the Warden, asking that it be forwarded to the Commissioner, in which the Council suggested that there be two delegates-at-large; that the Council have the duty and obligation to intercede with the authorities on behalf of individual inmates; that delegates be allowed to visit prisoners in segregation; and that the Council be permitted to hold meetings whenever considered necessary by the chairman. The Commissioner replied to this in a letter addressed to the Warden, dated May 15th, in which he approved some points and disapproved others, including the request that delegates be allowed to visit prisoners in segregation. The Commissioner's letter closed with the following paragraph:

"The essential elements of every agreement, however, should be:

1. That it is an elected committee;
2. That it cannot take over appeals as to the treatment of individuals;
3. That the Warden and his staff must remain in control of the discipline of the institution at all times."

At this point, the reasonably satisfactory relationship which had existed between the authorities and the Inmate Council, and which the authorities and the better members of the Council had made every effort to preserve, began to deteriorate rapidly. Subsequent events, which made it necessary for the authorities to take drastic action against a number of prisoners, including two members of the Council, are described in detail in a statement prepared for the Governor's Committee by Commissioner Bates, on request of the Committee.

These events can be summarized here briefly. A series of unreasonable demands, properly disapproved by the Department, culminated on May 28th in a "sit-down strike" by the Inmate Council in the room where they were permitted to hold their meetings. This continued for five days, without violence, and ended when the members of the Council were given a direct order to return to their cells, and after some protesting did so. During the course of the "sit-down strike," the chairman of the Council reported himself as ill and was sent to the hospital. The prisoner who had led the print shop riot was elected chairman, and from that time on, to quote the Commissioner's statement, "all relations with the Council deteriorated as a result of his loud, boisterous, rebellious attitude." He and his followers established a veritable reign of terror over the prison population.

On July 14th, department and prison officials singled out the ringleaders and, lacking adequate segregation facilities at the prison, transferred 14 of the most rebellious prisoners to county jails in New Brunswick and Trenton. On July 15th, a second group of 19 men were transferred to county jails in New Brunswick, Trenton and Woodbury. The men transferred included the print shop riot leader and one other member of the Council, and also included the second man who was admitted to the early meetings of the Inmate Council although he had not been elected to membership.

The good effect of this action on the morale of both the officers and the inmate body was immediately apparent.

The work of reconstructing the left side of No. 1 Wing to serve as a segregation section was pushed ahead rapidly, and during the closing days of July the transferred prisoners, together with 12 others who had been transferred to county jails from the Rahway Prison Farm under similar circumstances, were returned to the prison and placed in the new segregation quarters.

As Commissioner Bates states in the report referred to above, the Inmate Council has never been officially disbanded, and the department and prison officials hope, when the situation is stabilized, to form a Council under more opportune circumstances in the belief that it can be a valuable administrative tool.

The Governor's Committee agrees with this view, and believes that an Inmate 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. Similar inmate organizations are working successfully at the Bordentown Reformatory and the Reformatory for Women and, to cite only four notable examples outside New Jersey, at the Federal Reformatory at Chillicothe, Ohio, the Massachusetts Prison Colony at Norfolk, the California State Prison at San Quentin, and the California Institution for Men at Chino. Commissioner Bates, Deputy Commissioner Bixby, and Associate Warden McCorkle have all had experience with inmate organizations and can be trusted to deal with them understandingly and with a proper balance of tolerance and firmness.

The atmosphere of stress and strain in which the Inmate Council at Trenton Prison came into being was far from conducive to the development of an orderly and co-operative organization. The seizure of control by a group who were rebellious toward the authorities, and the subversion of the purpose of the Council by this group and its leader made drastic action on the part of the authorities

inevitable. The Governor's Committee feels that officials of the prison and the Department dealt with the Inmate Council, from the time of its organization and especially during the "sit-down strike," with the utmost patience. The action taken, when the Council was no longer truly representative of the inmate body and was controlled by a lawless and rebellious group, was fully justified and it was imperative that such action be taken.

IMPROVEMENTS AT TRENTON PRISON AND RAHWAY PRISON FARM SINCE THE DISTURBANCES OF MARCH-APRIL, 1952

Under date of September 17, 1952, the Department of Institutions and Agencies prepared, at the request of the Governor's Committee, a summary of the improvements that have been made at Trenton and Rahway since the disturbances of March-April, 1952. With minor editorial changes, this summary follows:

1. The population of the prison has been reduced. On March 15, 1952, the recorded population at Trenton was 1,368. The figure as of August 15, 1952, was 1,235. At the budget hearing held in the prison in mid-September the population was announced as 1,198.
Thus overcrowding has been relieved to a considerable extent, due partly to changes in the parole laws and parole practices referred to hereafter, and the fact that the courts do not sit during the summer.
2. For similar reasons the population at the Rahway Prison Farm has decreased. On March 15, 1952, it was recorded as 990. On August 15, 1952, it had dropped to 818.
3. Due partly perhaps to the above circumstances, the number of idle men in both places has decreased. At the prison, on the weekly reports of assignments sent to the Central Office as of March 28, 1952, the number of idle men recorded was 336. On the report for September 15, 1952, the number of idle men was given as 166. At Rahway on April 17, 1952, the number of idle men was 228 and on September 15, 1952, it was 138.

4. A new parole policy was adopted by the Parole Board with reference to the so-called indeterminate cases. In brief, it provided for a prompt hearing of all indeterminate sentence cases now in the prison and releases, provided conduct justifies it, on a comparable basis to those subject to the new law putting a five-year limitation on incarceration. All of the indeterminate cases in the prison have been heard anew by the Parole Board and most of them have been paroled.
5. Other changes in the parole law which require legislation are contemplated. New statutes have been drafted and are ready for introduction the first time a regular legislative session takes place. A session is in contemplation before the regular session in January is scheduled. These proposed bills, in brief, provide for making the very long maximum sentence cases eligible for parole at a time comparable to that when they would have been eligible had they been life sentence cases, giving credit for "street time" in certain cases, and providing for a more satisfactory method of determining the fact of parole offenses.
6. In the meantime, a list of the most deserving of these long time parole cases has been prepared and will be forwarded to the Governor for consideration for special clemency action.
7. At the prison, twelve new correction officers have been added, which has made it possible to put in effect certain changes long contemplated but heretofore impossible at the prison. Eight more officers have been provided to more adequately cover No. 3 Wing at Rahway.

Ten more officers for the prison are requested in the budget for the next fiscal year, and likewise an augmentation of the force at Rahway will be prepared for submission when the Budget Commissioner reaches that institution.
8. Salaries of the correction officers as of July 1, 1952, have been set at \$3,240 to \$3,840, according to our Civil Service Commission, the second highest salary for correction officers in any State in the country. Two examinations have already been held and a third one is scheduled, with the result that recruiting has been stepped up and already there is evidence of a superior type of candidate.

9. Lieutenant Lloyd W. McCorkle, appointed Associate Warden as of June 1, 1952, is giving his entire attention to the prison and much improvement has been evidenced already.
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 co-operation. 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.
12. The Governor publicly expressed his hope that the sum of \$10,000,000 could be spared from the second bond issue which is to be voted on by the people on November 4th. The pressure, however, is so terrific for new beds in the forty per cent overcrowded mental hospitals, and to relieve the long waiting lists for the feeble-minded schools that it seems to be utterly impossible at this date to spare that amount of money from the bond issue. With a fuller understanding by the groups interested in this bond issue, however, it is hoped to be able to allocate at least \$3,000,000 for a new security building at the prison, and to tear down the old wooden shops and erect new ones in their place.

A preliminary sketch has been prepared, indicating the possibilities of closing off Second Street, in front of the prison, reclaiming land up to or nearly to the railroad, relocating the shops in this area, and putting a maximum security cell block in the area where the shops now are.

In addition to the \$3,000,000 included in the tentative schedule of the next bond issue, \$800,000 will

be recommended for an extra wing at Bordentown, thus preventing the unfortunate necessity of sending younger reformatory men to the prison. Likewise, in the bond issue it is hoped to save out a little money for a new wall and improved administration facilities at Rahway.

13. For the first time in the eight years the present incumbent has been Commissioner of the Department of Institutions and Agencies, an intelligent, forward-looking and hopeful statement was submitted by the Acting Warden to the Budget Commissioner. Some of the specific requests in this statement are for an educational director, ten more correction officers and six inmate counsellors.
14. Construction has been completed to segregate one-half of No. 1 Wing at the prison as a security unit which will house 83 men in single cells. This section of No. 1 Wing is now being used to segregate the small number of unruly, disturbed inmates from the rest of the population. Of course, this does not take the place of a badly needed maximum security cell block which the Department contemplates constructing when the bond issue money referred to above is made available.
15. The whole institution is being painted by inmate labor. It is about two-thirds completed at this time and is expected to be fully completed by October 1st. This has greatly improved the appearance of the institution, and it presents a much cleaner and more livable appearance.
16. It will be recalled that the institution had been paying token wages in the industries maintained by the State Use Division amounting to 6¢, 8¢ and 10¢ per day. The principal incentive in the industrial system has been an industrial commutation of one day a week. In 1948, the State Board of Control authorized a slight increase in these industry wages but the then Warden declined to raise the wages as authorized on the ground that to do so would set up a disastrous differential.

While there were about 400 inmates engaged in State Use Industries, there were another 500 who were being paid similar token wages and also receiving commutation for performing maintenance tasks. These wages were limited by appropriation

and, inasmuch as the appropriation had not been increased, the vote of the State Board was not put in operation with respect to either group.

Now, however, under the new Warden, (1) slight increases have been put into effect in the prison industries and (2) additional appropriations have been made authorizing comparable increases in the wages of those engaged in maintenance activities. This has contributed to the reduction in idleness described in paragraph 3.

17. With the appointment of additional Correction Officers, which has allowed the authorities to set the evening meal forward to 6:15 P. M., it has been possible to work out a schedule which gives the inmates a longer exercise period in the yard before dinner. The exercise yard is available from 1:30 P. M. until 6:00 P. M. for men not assigned to the shops. For the inmates assigned to the shops the recreation yard is available from 4:00 P. M. until 6:00 P. M. On Saturdays and Sundays the exercise yard is made available to the inmates from 1:00 P. M. until 5:30 P. M.
18. Additional funds have been secured from the budget authorities for the purchase of athletic equipment. Additional money has been secured for the purchase of white uniforms to be worn by the members of the inmate band.
19. Additional funds have been secured for the clothing and household accounts and the new appropriation appears to be ample. This has eliminated dissatisfaction and complaints. (On July 31st it was reported that cotton mattresses are being procured to replace the salt hay mattresses.)
20. The old rule of standing men "under the clock" for an infraction of the rules and regulations has been eliminated.
21. With the co-operation of the Budget Director, money has been appropriated to pay overtime for Correction Officers to supervise men in the exercise yard. While the Department officials do not believe there was anything wrong with the use of inmates' welfare funds for this purpose, an appropriation has been granted which will take care of this situation.

22. Particular attention has been given to the purchase of food and to supervision of the cooking and serving of the meals at the Prison and the Rahway institution. There has been an increase of \$.1440 daily per capita in the inmates' food since March, 1952, at the Prison. At Rahway there has been an increase of \$.1518 daily per capita since March, 1952.
23. At the Department's request, the budget for the current year contained an item of \$1,500 for a food survey in all institutions, particularly the correctional group. With the co-operation of the Budget Commissioner, a food expert from the Navy was engaged to conduct such a survey, beginning September 22nd.
24. At the prison, a smaller recreation yard has been made available for exercise for the inmates over 50 years of age. This has worked out very satisfactorily.
25. With reference to the prisoners' complaints about the lack of eyeglasses, dentures and orthopedic appliances for those inmates unable to pay for them, as the Governor's Committee has already been informed, an item of \$1,500 had been included in the budget which was adopted in March, 1952, to become effective July 1, 1952. If this does not prove sufficient, additional sums will be asked for in the next budget submission. The Warden is systematically working to find out all instances in the prison where there is need for these appliances and arrangements are made to pay for them even if it requires a present deficit in the appropriation. This plan will eventually include all Rahway men as well.
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 co-operative relationship between the prison and the Department, the Governor's Office, the Budget Commission 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.

Rahway State Prison Farm

Many of the changes referred to in the above twenty-six paragraphs will, of course, be adopted at the Prison Branch at Rahway as well. The following paragraphs, however, specifically apply to the Rahway institution and may be cited as accomplishments at that location:

1. In repairing the damage to No. 3 Wing, where the demonstration took place, a plan has been developed of breaking up the tremendously large rooms into a series of smaller compartments which will provide 10 or 12 beds each. This will not interfere with light and ventilation, nor will it in any way complicate the matter of supervision. As a matter of fact, it will result in a better supervisory procedure and will prevent any recurrence of the situation which occurred in April. A contract has been let for this change and work is under way.
2. The new, modern wing which has been deferred for 50 years is now under construction and its completion is expected within six months. This addition of 168 separate rooms with outside windows will do much to improve conditions at Rahway. If this wing had been available at the time of the disturbance, it probably would never have attained the proportions that it did.
3. Eight more Correction Officers have been authorized and installed in No. 3 Wing.
4. A careful investigation has been made of the 231 inmates present in the dormitory where the disturbance took place. Under the personal supervision of Deputy Commissioner Bixby and with the co-operation of the eight guards who were held hostage in this room, it has been determined that only 16 of this group were guilty of revolt and that the other participants were more or less compelled to join. These 16 leaders have been punished.
5. As referred to above, the second bond issue will set aside money for a new Administration Building, an extension of the wall, and the construction of a secure fence and guard towers at the front of the building.

**THE UPRISING OF OCTOBER 12, 1952,
AT THE TRENTON PRISON**

The Committee has also inquired into the recent revolt against authority at the State Prison, and its causes.

On Sunday, October 12, 1952, on the count of the inmates housed in Wing 6 of the prison taken at 6:10 P. M., following their return from the mess hall after the evening meal, two were missing. The officer in charge reported their absence to the "Center"; and the ensuing inquiry revealed that an officer had seen the missing prisoners in the ranks of the inmates of Wing 7, as they were returning from mess at or about the same time as the inmates of Wing 6. The Acting Chief Deputy and his aids proceeded to Wing 7. All was quiet within. Nothing seemed to be amiss until it was found that the entrance had been barricaded on the inside. It was soon learned that the three officers within the Wing had been overpowered by prisoners armed with knives or daggers fashioned from metal, as it turned out, and the rebel prisoners were in control of the Wing. Demands for the removal of the barricade and submission to authority were summarily rejected by the prisoners; and at 7:20 P. M., the Acting Warden, Lloyd W. McCorkle, directed subordinate officers to take command of the Wing. There was a forced entrance. Three of the officers fired submachine guns toward the ceiling of the Wing, it is said; and the rebellion was brought to an end at 7:40 P. M.

Two of the prisoners at large in the Wing were injured by the gunfire—one by a bullet in the chest, and the other by a bullet through a wrist. Both prisoners are now on the road to recovery. Six steel blades fashioned into sharp knives or daggers were found in the Wing, one on the person of the prisoner who suffered the wound of the chest. Later on, it was discovered that the inside metal screen of a window of the Wing fronting on Third Street had been cut away and one of the window bars sawed to a movable steel core within designed to resist a steel saw by reason of hardness and movement when the saw was applied. The device served its purpose in this instance and frustrated

the attempted escape. Wing 7 is the only Wing of the prison abutting a public street.

After the quelling of the revolt, a steel saw was found on the floor of the Wing, near the window in question. It was produced before the Committee at a public session held October 31, 1952. It was shown that the blade was contraband smuggled into the institution. It was not a tool in prison use, for industrial or other purposes.

It is reasonably deducible from the facts and circumstances developed by the inquiry that the outbreak was initiated by seven prisoners bent on escape, and that later on, when the attempt was rendered abortive, the frustrated prisoners rioted to disguise the attempted prison breach and conceal their participation in the plot or in an endeavor to mitigate the offense by a show of protest against pretended injustice.

Two of the prisoners engaged in the effort to saw the window bars—one used the saw, the while supported by the other, at a point 15 feet from the floor of the Wing. There was no disorder within the Wing during this operation, no outcries or boisterous remonstrances. When it was clear the effort would be unavailing, the inmates of the Wing were urged to mutiny by their baffled fellow prisoners. There were 350 prisoners then in the Wing, but not more than 20 altogether took part in the revolt, the two injured prisoners among them, it is charged, although not participants in the attempt at escape; and it died a-borning following the gunfire and the wounding of the prisoners. It is significant of the purpose that the uprising took place in Wing 7, the only wing with windows fronting on a public street, after the coming in of the two prisoners from Wing 6.

But whatever the motive for the mutiny, it became the duty of the prison authority to put down the revolt, by measures reasonably necessary to that end. The custody and care of prisoners is a governmental function. The safe-keeping and security of the prisoners and the maintenance of order and discipline comprise the primary custodial obligation of the prison authority to the State. In the per-

formance of the duty, force may be used to resist force. Force in reasonable degree is justifiable to prevent the escape of prisoners, to quell insurrection, and to restore order and discipline. The custodial power and duty involve the exercise of a sound discretion and judgment, controlled always by the rule of reason. Force should never go beyond the necessities of the occasion.

The Committee has no reason to doubt that the prison authority conceived the measures taken to be reasonably necessary to disarm the rebellious prisoners and reestablish internal safety, order and discipline. While it was not known at the time the submachine guns were put into use that prisoners were seeking to escape, it was reasonably foreseeable that such would be the result if prisoner control of the Wing could accomplish it. At all events, recalcitrant prisoners had taken command of the Wing in a violent uprising against authority. The guards had been subdued and were in personal danger. Dire consequences were readily conceivable if order were not promptly restored, not only to the imprisoned officers but also the inmates who were not involved in the mutiny, not to mention the effect upon the morale and discipline of the remainder of the prison population.

But quite apart from the dictates of reason and necessity in subduing the mutinous prisoners, ricocheted and deflected bullets may also in given circumstances imperil the safety and security of prison officers in the area of the disorder and as well the prisoners who are not participants in the revolt, and this involves a consideration of duty bearing strongly on the measures reasonably necessary to meet the exigency, and is never to be forgotten in the turbulence and emotional stress of crisis. It is a basic factor in the exercise of the judgment that inheres in the custodial authority.

This occurrence illustrates the peril of bladed weapons in the hands of prisoners. By the use of the daggers the rebellious prisoners overpowered the guards and seized control of the Wing. At a preliminary inquiry made by this Committee at the prison on October 24th, it was said by the man-

agement that, regardless of all precautions, metal used in the institution's mechanical and industrial operations and metal covertly brought in from the outside would on occasion come into the hands of prisoners, but there is constant vigilance to keep the danger at a minimum, by the use of all available means to prevent prisoner access to the metal and by inspection of cells and wings and search of the prisoners. It was suggested by the Committee that added security in this direction could be had by utilizing the metal detecting devices proved by experience; and such instruments are now in use. It is needless to say that prison security demands the taking of every feasible measure to keep deadly weapons out of the hands of the prison population.

RECOMMENDATIONS

In summary, these are the recommendations:

1. That the citizens of the State recognize that over 90 per cent of all offenders committed to prisons and other correctional institutions return eventually to free society, and that the institutions' function of protecting society against crime involves not merely the incarceration of offenders in secure custody, but, more significantly, the rehabilitation of as large a percentage as possible for return to our communities as self-supporting, self-respecting, law-abiding citizens.
2. That the administrators of long experience and proven competence now directing the State Department of Institutions and Agencies and the correctional institutions under its jurisdiction be given the full support of State administrative officials, the Legislature and all citizens in their efforts to bring the entire correctional system to a level consistent with New Jersey's reputation here and abroad for efficient government and for leadership in sound and progressive penology.
3. More specifically, that the physical facilities, personnel and appropriations without which the correctional institutions cannot effectively perform their dual function of adequate custody under decent conditions and rehabilitation through training and treatment be made available to the Department and to all its institutions.
4. That special emphasis and sustained effort be applied to the task of correcting the conditions at Trenton

Prison and Rahway Prison Farm which were found to be basic and contributory factors in the disturbances at those institutions.

5. That the State replace Trenton Prison, whose ancient plant has long outlived its usefulness and is a distinct discredit to the State, 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.
6. That funds be made available from the current bond issue for the construction of such an institution, or for a definite beginning on its construction.
7. If it does not prove possible to allocate funds from the current bond issue, that funds for the new prison be provided by a later issue, and that a campaign of public education be undertaken to enlighten our citizens on the wisdom and necessity of providing funds to replace Trenton Prison.
8. That the tentative plan proposed by the Department of Institutions and Agencies for expansion and reconstruction of Trenton Prison on its present site be approved only as a last resort, if all efforts to secure funds for a new prison fail and all prospects of securing them vanish.
9. 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.
10. That the Department of Institutions and Agencies develop a long-range plan for whatever additional expansion of the institutional system as a whole or of individual institutions is indicated by the present situation and predictable future needs; that this plan be incorporated in the State's general plans for financing expansion and improvements of public institutions and services.
11. That the State Prison Farms at Rahway and Leesburg be no longer designated as branches of the State Prison at Trenton, a relationship which is not conducive to administrative efficiency and is unnecessary, since the Department of Institutions and Agencies provides coordinated administration.

12. That the State Parole Board continue its efforts to eliminate by administrative action, as far as possible, inequities in parole practice resulting from discrepancies between the old and new parole laws; that amendments to the present parole law to eliminate other inequities not within administrative control, and discussed in the Parole Section of this report, be considered by the Legislature at the earliest possible opportunity; and that careful study be given to the question of whether the law should not be amended to put all three members of the Parole Board on a full-time basis and thus assure to each prospective parolee a hearing of unquestionable length and thoroughness.
13. That industry and labor recognize and accept their responsibility, as they have elsewhere on both the State and Federal level, to co-operate 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.
14. That the serious inadequacies in numbers and quality in the custodial force of the correctional institutions for men and the constant turnover in the force, which were major factors in the disturbances, be fully corrected by a continuance and intensification of the special effort made since the disturbances by the Department of Institutions and Agencies and the Department of Civil Service to expand, improve and stabilize the custodial force.
15. That the custodial force be hereafter kept at a satisfactory level by the maintenance of adequate salary scales and retirement allowances, careful recruitment under high Civil Service standards, systematic recruit and in-service training, provision for regular promotion on merit, maintenance of good working conditions, and strict adherence to legal and administrative provisions for days off, sick leave and annual leave.
16. That the professional and technical staffs of all correctional institutions and particularly of Trenton Prison and Rahway Prison Farm, where the inadequacies of

these staffs are most apparent, be expanded to provide the specially trained personnel required to carry on the classification, medical, educational, vocational training, industrial and other rehabilitative activities that prepare prisoners for successful return to free life.

17. That the classification and counseling program recommended to the budgetary authorities by the Department of Institutions and Agencies and the Acting Warden of Trenton Prison for that institution be approved, and the comparatively small staff of professional personnel requested for that purpose be provided.
18. That special attention and effort be directed to the problem presented by the large number of unstable and incorrigible prisoners in the population of Trenton Prison, that the policy of using that institution as a dumping-ground for the other institutions for males be abandoned, and that provision be made for proper segregation of special problem groups in suitable institutions or units, as part of an over-all classification program.
19. That prisoners who require psychiatric care and treatment because of mental illness or extreme instability, and also the mentally defective, be cared for within the framework of the Department's mental hygiene services rather than its correctional services, or that a medical facility operated by both services jointly and caring for prisoners with severe physical ailments as well as those requiring psychiatric care and treatment be established.
20. That a set of up-to-date rules and regulations governing the conduct of prisoners and embodying the Department's policy of firm but fair discipline be promulgated; that the present rule forbidding the use of corporal punishment, and permitting the use of force only when it is absolutely necessary to restrain prisoners who cannot otherwise be brought under control, be rigidly enforced; that the institution disciplinary courts set up to hear the cases of prisoners charged with infractions of the institution rules be composed of carefully selected senior custodial officers and professional personnel, and that a full and impartial hearing be given all prisoners brought before them; that outmoded disciplinary practices be abolished.

21. That appropriations which are clearly needed on the basis of past experience and current needs for prisoners' clothing, soap and other necessities, the lack of which for considerable periods seriously impaired inmate morale and created a strong sense of grievance prior to the disturbances, be provided by the Legislature hereafter, as part of a general provision of adequate appropriations for personnel, institution operation, and programs of rehabilitation.
22. That the Inmate Council plan adopted after the disturbances not be abandoned, and that the Councils at Trenton Prison and Rahway Prison Farm be reactivated as soon as is practicable, to provide a channel for the prisoners' legitimate complaints and suggestions on matters affecting their general welfare, to aid in the development of good inmate morale and a co-operative attitude toward the institution officials, and to increase the prisoners' understanding of their responsibilities as members of Society.

These are the recommendations of the Committee in broad outline. We refer to the specific findings ante for a more particular account of the matters calling for remedial action.

Respectfully submitted, this 21st day of November, 1952.

HARRY HEHER, *Chairman*;
AUSTIN H. MACCORMICK,
STANLEY P. ASHE.

APPENDICES

TRENTON, NEW JERSEY

DEPARTMENT OF INSTITUTIONS AND AGENCIES

APPENDIX A

I.

The Department of Institutions and Agencies was set up as a result of two convincing reports by leaders of thought in New Jersey 35 years ago. Authorized in 1918, the Department of Institutions and Agencies has operated continuously in its present form up to the present time. The genius of its organization was that all institutions having to do with welfare and the care of the sick and the needy would be under one State Board of Control management, thus giving a mobility of operation and a unity of administration. In order to assess the value of such an organization one cannot look at a particular institution, but it must be considered as part of a group.

The nine correctional institutions and the Diagnostic Center together form the penal part of a system which has over many years (going back many years before the incumbent) attracted the admiration and approval of many people.

Since the close of the war 31 foreign nations have sent representatives to our department, many of them to look at the correctional set-up. They had been referred to us by the United Nations, by the Federal Bureau of Prisons and by the Federal Children's Bureau. Many letters from these intelligent foreigners have given us the feeling that among the states of the Union and the nations of the earth we have a unique and progressive organization.

Some of the more recent accomplishments of the correction branch of the Department of Institutions and Agencies would include:

1. *Constitutional change which took the head official of the prison out of politics and placed him on a career status.* Formerly appointed by the Governor and generally regarded as a political appointee, he is now appointed by the unpaid Board of Managers of the prison. This was not accomplished without much difficulty and long and constant opposition.

2. *The unification of the parole supervision system.* Formerly the prison had its own system and the other institutions were under the direction of the central office (of the Department of Institutions and Agencies). After a protracted struggle the parole system was unified, divided into districts and increased officers added.

3. Before 1948 the only paroles possible from the State Prison had to be made by the Board of Managers, and then not until a man reached his minimum sentence. A system of pardoning with parole conditions, however, had been contrived through the operation of an agency called the Court of Pardons. This machinery was able to liberate men from prison before their minimum sentence, or in certain cases where the Board of Managers had declined to grant the parole after minimum. The result of this arrangement was that there were no statutory rules for eligibility, but the whole operation of the Court of Pardons was more or less in contravention of the law rather than in harmony with it. The Constitution of 1947 abolished the Court of Pardons and authorized the setting up of a *new full-time paroling organization* to take over the paroling features of all minimum and maximum sentences throughout the State. The law provided the legal minimum in which paroles could be granted and gave to the board the task of seeing every man eligible for parole. There was an unfortunate hiatus between the abolition of the Court of Pardons and the appointment of the new Board. This Board is *now set up and functioning*.

4. In December of 1949 the *Diagnostic Center* was opened at Menlo Park to serve all courts, State and county agencies, institutions, the parole board, and so forth. We are con-

fident that this agency provides the most modern and complete diagnostic facilities for the disposition and treatment of criminal defendants and delinquent children that has ever been set up anywhere in the world. With the assistance of Federal funds an adequate building was erected and a complete psychiatric, psychological and social work staff is rendering an important service to the end that defendants in the criminal court are placed in the appropriate institution and given adequate treatment. This is the key institution of our whole correctional set-up.

5. An act was passed *prohibiting* the presence of any *child under 16 in a jail*, and the use of jails for persons 16 to 18 only where separate quarters in the jail were provided.

6. *The establishment of the Division of Delinquency Prevention.* Based upon experience gained in our institutions a small division is operating under a special law to set up prevention activities in the various centers throughout the State.

7. *A Child Treatment Center* was established at the old Brisbane Estate in which maladjusted children who may be heading into delinquency or mental trouble are treated on a preventive basis.

8. At "High Fields," another estate given to the department, an interesting experiment has been carried on under private financing for two years and on July 1st (1952) was set up as a State activity for treatment with a small number of delinquents on a *thoroughgoing group work intensive treatment* basis.

9. A liaison with the courts has been achieved through the establishment of a court committee to deal with institutions, and splendid relations have been developed as a result.

10. Referring more particularly to the prison, considerable legislation has been advocated by this department and passed, including (a) an act permitting prisoners to attend a funeral or deathbed of a near relative; (b) an act authorizing the aggregation of sentences, which simplifies

procedure and slightly raises the amount of commutation allowed to prisoners; (c) an act allowing prisoners to work out fines at the rate of \$3 a day, whereas heretofore it required either payment of the fine or a Governor's pardon to accomplish this fact.

11. *New procedure set up for sex offenders.* After an unofficial investigation authorized by the Governor, a legislative commission studied the problem of sex offenders and came up with certain amendments to the law which have authorized the more scientific treatment of this difficult class of offenders as an alternate to placing them in prisons.

12. After a conference with the judges' committee, the department came to an agreement concerning certain individuals who were not suitable for the completely indeterminate sentence to be served at the reformatory yet were not persons that they wished to send to the State Prison. As a result, an act was passed which gave the judges the opportunity to suggest an adequate minimum and maximum and still have them sent to the reformatory. This received approval of the judges and as a result there were some very fruitful conferences between the institutions and the courts.

13. The establishment many years ago of a separate secure institution, with medical and psychiatric personnel, for mentally disturbed criminals, makes it possible to transfer such prisoners to a hospital environment.

14. It will be interesting to note at this point the number of occasions in which inmates of our various institutions have made silent but valuable contributions to the war effort and the health of the public. In 1945 the prisoners engaged, at risk to themselves, in a project under the direction of the Army Epidemiological Board to develop a serum for the control of hepatitis. At Rahway in 1946 a similar project was undertaken. At Clinton in 1949 the women prisoners subjected themselves to an inoculation for infectious hepatitis in an attempt to aid in the control of this mysterious disease. Another hepatitis project was undertaken at Bordentown in 1952. One of the early projects was carried on at the time Rahway was a reformatory when certain meas-

ures were developed through the cooperation of the inmates for the control of malaria, and also at Clinton in 1946 an ectoparasite study was made to determine the effect of certain vitamin diets on body parasites.

Preceding all these a valuable study was made in the institutions which resulted in the development of a serum which reduced the incidence of tropical diseases during the war in the Pacific islands to almost nothing. Hearty commendation was received from the Army medical authorities for the participation of the prisoners in this effort.

II.

What follows applies in particular to conditions in the main State Prison at Trenton but is generally applicable to conditions at Rahway. The Rahway institution is under the supervision of the same Board of Managers, the same rules and regulations and the same oversight by the Department of Institutions and Agencies. The same standard ration made up of 16 different components is applicable at Rahway. School facilities are more ample but recreation, library and other parts of the program are comparable.

The Trenton Prison is a 117-year-old stone structure which is obviously not built in conformity with modern penological standards. By conservative standards its capacity is 1,100. At least it was before No. 5 Wing was rendered uninhabitable by the recent demonstration.

There are now about 1,300 inmates. This means doubling up in certain quarters, which is always bad, and it means idleness and overcrowding. However, 1,300 is not as bad as 1,550, which was the count two years ago. The department does not need to be reminded that a new and up-to-date prison building is a crying necessity, one that will be secure enough so that the authorities will not hereafter have to be forced to go through situations such as have happened in the last few weeks.

The routine in the prison in Trenton, and largely also at Rahway, is one which is consistent with the humane policy

that men cannot be locked up 24 hours a day in solitary confinement and then at the end of their term be in condition physically, mentally or morally to take up normal life on the outside. Therefore in Trenton, as in many prisons in America, practically the whole population eat their meals in congregate fashion in a large dining hall three times a day and each inmate in good standing can talk to his neighbor. Likewise during the day, to the extent that work is available, he works in one of the several shops of the prison: the print shop, the auto-tag shop, the clothing shop—he may work in the kitchen or barber shop or hospital, or do one of the many tasks that are required to keep the institution operating. One serious handicap, however, is the presence of over 300 idle men in the institution. It is only the small percentage of those who are in punishment or who have been segregated for their own protection or that of others who do not participate in this normal routine.

Some years ago a commodious exercise yard was provided and all inmates have a certain portion of the day in the open air, and in the summer softball and baseball are permitted during the twilight period.

Opportunities are given so that an inmate through correspondence and visits can keep in touch with his family and his counsel. As long as his behavior continues good, he may see one or possibly two movies a week. On holidays special recreation programs are provided. Within the last year, the old blaring radio communication system has been replaced by a complete radio installation, with individual head-sets, whereby limited programs can be enjoyed, the inmate merely purchasing or renting the head-set.

A hospital and sick-bay is provided under the supervision of a full-time physician, a registered nurse and three technical assistants. Some of the most skilled physicians in Trenton are on the consultant staff, and the medical director is a former President of the Mercer County Medical Society and Chief of Staff at the largest local hospital in Mercer County. Daily sick call is available and any inmate who needs treatment can receive it almost instantly. Both

the Resident Physician and the Medical Director have served the Trenton prison hospital for more than 25 years and they advise us that during that whole period no serious epidemic of diseases has taken place, and that it is quite customary for men to go out having gained in weight and health during their residence.

Regular salaried chaplains of the Catholic, Protestant and Jewish faiths visit the prison regularly, hold weekly services and are available for consultation.

A library which is replenished from time to time is maintained. Just within the last few weeks it has been arranged to relocate the library nearer to the center of the institution so that the present limited use can be expanded, and the New Jersey State Library has offered to cooperate to develop a new distribution room and to increase the number of volumes and the proper indexing of the books.

No inmate, so far as we know, has been denied the right to present communications to the Warden (Principal Keeper), or to the office of the Commissioner of the Department of Institutions and Agencies. Many letters in the course of a year are received and are promptly referred to the appropriate division for investigation. Under standing instructions of the department, prisoners have free access to petition the courts. In 1951 they sent 205 applications for writs of habeas corpus to the courts; 63 such cases were heard and only one prisoner granted a new trial because of denial of counsel in the lower court.

A casual visitor at the prison would be impressed with the comparative amount of movement within the walls that is accorded to the great majority of the inmates. Many of them go across the street outside to the shops and the power plant to work. Many of them are in a trusted status and work early and late in the kitchen and in the dining room. Unfortunately there is always a small percentage of men who through psychopathic or stubborn tendencies are difficult to handle. We are now speaking on behalf of the great majority of the well-behaved and well-intentioned inmates who have some degree of penitence in their hearts and seek

only to do their time and do it under conditions that will permit them to emerge a little better rather than worse than when they came in.

It is this well-intentioned inmate who, when he stops to reflect, realizes how much better off he is than the prisoner of 50 years ago, in solitary confinement, the dark cell, the lash, the chains, the silence rule, and in many cases no opportunity to see another human face—that was the rule rather than the exception in those days.

As in a university, a preparatory school, or just an ordinary commercial boarding house, food is a perennial topic of conversation in prisons and in other institutions. But it was quite remarkable the very small emphasis that was placed on food in these recent demonstrations. When Colonel Bixby, Deputy Commissioner of Institutions and Agencies, interviewed those who participated in the No. 5 Wing demonstration, not one of them complained about the character of the food. On the other hand, several inmates have been heard to say that the food is better than they have ever had before. The budget allowance for food, per capita per day, for the whole institutional system in the State, comprising 22 institutions, is, for the coming year \$.5172 a day. For the prison the amount allotted is \$.5787, and at Rahway it is \$.5753 a day. In other words, these two penal institutions receive an allotment more than 10 per cent higher than the average institution allotment. It can be truthfully said by those who have investigated the situation that with many of these inmates the food furnished in the institutions is better than they are accustomed to on the outside.

Following a representation two years ago that food was not being properly prepared and in order to make certain of the facts, the department called upon an expert from the Federal prison system who came to the Trenton Prison, spent several days and rendered a complete and convincing report. He stated that the State was spending enough money to insure varied and nourishing meals.

He set a standard which has been rigidly followed. This comprises 77 ounces of raw food per day, divided into the

necessary component parts to insure a sufficient diet which provides 3,000 calories for that same period. As a result of his recommendation there was secured a competent chef from another institution, and from that day little complaint has been heard as to the food. Monthly reports of the amounts of money spent and the degree to which the standard ration is complied with are received in the central office and a food supervisor, with his assistants, visits this institution, as he does all of them, to see that the food is nourishing and adequate.

As one of the inmates in the print shop said the other day, they realized that the prison "ain't no hotel." But the department is satisfied that a proper dietary is being served.

In making up the estimates for the current year, the prison authorities requested the sum of \$55,000 for clothing. This was based upon the expenditures of the previous year. This office, in view of the fact that there was a proposed reduction in population of about 150 men, reduced this estimate to \$52,000. The Appropriations Committee granted the sum of \$45,000. But when, during the course of the year, it became evident that this appropriation would be insufficient, a supplementary allotment of \$10,000 was made, so that the prison has at its disposal now more money per capita for clothing than it had the year before.

The same is true to a lesser extent with reference to household furnishings. The appropriation for the current year in this respect was \$19,000 but supplementary amounts of \$3,250 have been granted, which should prove adequate.

The complaint about recreation has been answered above.

Thus it would seem that in spite of its antiquity the regime at the Trenton Prison is not far out of line with that provided in the average humanely administered penal institution.

III.

The activity of the department in recent years, in addition to curtailing certain improper privileges, has also included efforts which have definitely been to the advantage of the inmate. These have included the following:

1. An act was passed permitting the figuring of good time on the aggregate, as referred to above.
2. Legislation was passed permitting a prisoner who is serving for non-payment of a fine to work out the fine at the rate of \$3 a day. Up to that time, unless he could secure a Governor's pardon he could never be released if he did not have the money to pay a fine.
3. An act was passed permitting prisoners in the custody of an officer to visit the deathbed of a relative or attend the funeral of a near relative and thus prevent the undue expense and difficulty heretofore necessary in getting out a writ of habeas corpus.
4. Inmates are entitled to a hearing before the Parole Board on the date of their first eligibility and not at the pleasure of a Court of Pardons as formerly.
5. An act reducing reformatory maximum sentences to five years, except when otherwise specified, was advocated by the department and passed.

More recently, since Mr. Carty took over as regular Warden in November, the library is being relocated; the educational system is being expanded; new classification procedures adopted, and an earnest attempt is being made to further improve the rehabilitation system.

IV.

A few words are necessary for the record with reference to the character of the demonstrations that have been referred to as "riots."

Some papers have referred to four and others to five such demonstrations. As a matter of fact, two of them were mere

incidents in the operation of an institution, and one at the prison and one at Bordentown would have passed unnoticed if it had not been for the unusual amount of publicity entailed by the disturbance in the Trenton Prison.

Of the three demonstrations, the first one began about midnight of March 29th and involved the men in No. 5 Wing known as "segregation." For a long time this part of the prison had been used as quarantine, but when men kept coming in so fast that they had to be put two and three in a cell, quarantine was moved to another part of the prison and this section was set up as a disciplinary wing. It had the advantage of being completely walled off from the rest of the prison and had a small exercise yard adjoining. The night of the disturbance this wing was full of men who had been sent there as punishment and who were separated from the rest of the prison, either for their own protection or for the protection of others, and a few working prisoners who took care of the wing. About midnight one of the inmates complained of being sick. The inmate-nurse was sent for and reported the situation to the doctor who told him to give him some medication and felt that he was not seriously ill. An outcry immediately started from this individual, which was taken up by the rest of the group. Later this individual was removed from the wing and it was discovered on a medical examination that he was not sick, and the next morning when the demonstration had gotten well underway he was reported as sound asleep in the hospital.

When it appeared that the inmates were able to and intent upon breaking out of their cells, the officer was advised by the men in charge of center to come out of the wing, which he did. Outside of the men on the walls, there was a limited number of officers on duty at the prison at that time, but the reserves were hastily called in and State troopers and Trenton police aided materially.

The destruction of property was considerable, consisting of panes of glass, light fixtures, plumbing and so forth. The population here consisted of the most desperate and badly behaved men in the prison, many of whom had been sent

there for serious disorder. One was the man who made an unprovoked assault upon the Warden himself, kicked him in the jaw and broke it in five places; another one was the convict who murdered a prison guard on the way back from court some time ago.

About noon of the next day when it became apparent that this demonstration could not succeed, about 20 of the men filed out and resumed their places in the prison. The rest of them apparently changed their minds and it was not until late Monday evening that the balance surrendered. They made no demands except that they wanted to know what their punishment would be. They were all escorted to the hospital where they were checked and then they were put in solitary where they will receive such punishment as the Warden will mete out to them individually.

The second demonstration was more serious and gave evidence of more careful planning. The men in the print shop included some of the longer term men and they had apparently hidden some food there. At a given time on Tuesday morning, April 15th, some of the men came out of the print shop and others went in to join the mutineers. They barricaded the door and proceeded to destroy valuable machinery, as they had done in the other demonstration. Fortunately, all the rest of the men reported in from shops and yard, resumed their places in the cells and did not participate in the demonstration. This prompt action on the part of the custodial force probably saved a spread of the demonstration and confined it in the two-story building known as the print shop. Reenforcements were promptly brought in and a force of prison guards, State police and local policemen were thrown around the area.

Here again the destruction was considerable and on account of the valuable character of the printing machinery exceeded in value that of the previous demonstration. This and the fact that four employees, two guards and two instructors, were held captive inside gave it a serious aspect.

Negotiations were carried on with the inmates through a window in the yard and they finally came out on Friday

afternoon, April 18th. A variety of complaints had been made by the leader of this demonstration, but it finally narrowed down to one request and that was that an investigation or inquiry be made by an outside agency, preferably the Osborne Association. Approval was given to the inmates to talk to an association representative.

No other concessions were made. The inmates asked to be assured that no corporal punishment would be undertaken. Inasmuch as corporal punishment is forbidden by Rule 15 of the manual, this assurance could easily be given. It was understood by the men and insisted upon by the administration that reasonable punishment would be meted out for their insurrection and the damage that they caused.

The third demonstration got under way at the Rahway branch prison about 24 hours before the second one at the prison closed. The Rahway institution was originally built as a reformatory and is composed of two large cell blocks and an open wing. This third wing, originally intended as a third cell block, was left open with two very large floors capable of housing 150 men on each floor. The disturbance started on the first floor and some guards were sent in to control the men, who managed to force the guards upstairs and barricaded themselves on the upper floor. Here again considerable damage was done, but not anywhere near as extensive as in the print shop. It was difficult to comprehend just what the cause of this demonstration was. It may have been out of sympathy for the disturbances at the prison. Nine guards were originally held as hostages but one was released on the third day who claimed to be suffering from ulcers. These inmates found a way to communicate with the outside by lettering bed sheets and hanging them out the windows. By this means they protested what they referred to as "mass beatings," poor food and parole abuses. This demonstration lasted until Tuesday, April 22nd, at which time the inmates came out, sending the hostages out first. Here again the only concession was made that there would be an investigation into the parole system and no corporal punishment meted out.

A notable difficulty here was the fact that all single cells in the institution were occupied and there was no place to put the mutineers except in a large drill hall. The feeling of the management was confirmed that only a small number of the 231 inmates involved were engaged in the demonstration. It is obvious that some structural changes will have to be made immediately in the two large dormitories and efforts made to speed up the long delayed work authorized under the first bond issue to build another fourth wing which will provide about 168 secure separate rooms. Undoubtedly the fact that in this instance the institution was not built for security complicated the problem.

We realize that there is a growing sentiment in the community that persons convicted of crime, serving long sentences in prison, should be handled more severely. In both the print shop episode and the one at Rahway, the presence of employees in the confined area aggravated the situation. The public may rest assured that punishment will be meted out to the mutinous convicts and that every attempt consistent with the limited character of the construction of the buildings will be made to prevent a recurrence.

V.

One might well ask the question, if New Jersey had an up-to-date and humane prison system why did the inmates demonstrate? Bearing in mind that the two disturbances at the prison were participated in by only 52 and 69 men respectively; also, that at Rahway, while there were 231 men in the large dormitory room on the second floor of the third wing, it is estimated that many of them were there by force of circumstance, and perhaps the leaders numbered only 25 or 30.

1. It has been said that disturbances of this type demonstrate the need for prison reform. It also could be properly said that the administration of a reform institution is what makes these demonstrations possible. It was not so very long ago when each man was locked up 24 hours a day in a

steel cell. This type of prison, while it did little or nothing to prepare a man for release, did prevent mutinies and sit-down strikes.

It was when prison administration commenced to have sufficient confidence in its inmates to permit them to serve their sentences in camp, to live in dormitories, to go out to work in shops with expensive machinery, to congregate three times a day in a mess hall that problems of supervision arose. It may be said, therefore, that one cause of the demonstrations was the opportunity of men to organize and make a mass protest. The administration of New Jersey prisons will not use the existence of these protests as a reason for going back to cellular or solitary confinement until forced to do so.

2. There is a general unrest in our communities. The war; the high cost of living; the existence of corruption in high places; industrial disturbances and repeated examples that pressure tactics seem to pay off have had their reflection inside of our institutions. The theory that men can accomplish things by standing together rather than by individual interviews has had some followers in our institutions. In juvenile institutions this unrest and discontent has resulted in a greatly increased number of runaways. In the outstanding institution at Dobbs Ferry, known as Children's Village, New York, they have reported recently that out of a population of 430 they had had 600 separate escapes during the year.

3. Misunderstanding of parole changes was another point at issue. The Parole Board in New Jersey is an honest and conscientious group. However, with the passage of legislation following an amendment to the Constitution, the system which headed up in the old Court of Pardons was changed and new criteria for parole were set up. There was also necessary delay in processing cases under the new system. These changes apparently were not properly interpreted to the inmate body and they have for a year or more been expressing their individual and joint dissatisfaction over these delays. Any misunderstanding which still exists can,

to be sure, be ironed out. However, it appears that much of the dissatisfaction with reference to parole stems from the statute law itself, especially with reference to the compulsory withholding of parole for multiple offenders and the long-term prisoners who were sentenced under the old law.

4. Court decisions in New Jersey and in another State, followed by the ruling of the Attorney General here, gave rise to some dissatisfaction. This dissatisfaction was testified to by the fact that in 1951 no less than 205 writs of habeas corpus were issued from the prison. Sixty-three of those were rendered by the Deputy Attorney General representing this department, out of which only one was released and that because he did not appear to have had counsel at his trial.

One decision operated to deny commutation time for good behavior to reformatory men with indeterminate sentences transferred to State Prison. The court said that the law expressly limited such reduction of sentence to prison men serving sentences with a minimum and maximum. This decision was made known to the Parole Board and it has agreed to consider those who continue under good behavior so that all prisoners will be treated in equal manner. By this arrangement both types of sentence will be subject to reduction of the maximum by good behavior credits.

On the other hand, some helpful decisions have been rendered. Of prime importance is an opinion of the Appellate Division of Superior Court, rendered a few weeks ago, which declares the Parole Board to have full authority under our law to grant retroactive paroles on completed sentences, if such treatment is indicated in order to correct any injustices or inequities visited upon any prisoner because of the foregoing decisions in the county courts.

5. Lack of employment opportunities: There are something over 300 idle men in the prison who cannot be assigned to the limited number of State Use industries maintained. Legislative limitations have been put upon the development of State Use industries and recurrent opposition by indus-

try and labor to their expansion, together with limited space for shops at this old prison, have made it impossible to keep everyone at work, even with the assignment of more men to the shops than would be the case in free industry.

The statute provides (Title 30:4-92) that compensation may be in the form of cash or remission of time from sentence, or both, and that such remission shall not exceed one day for each week.

Many of these 300 men are willing to work, but lack of opportunity prevents their receiving the small "wages" of eight cents and 10 cents a day which are more important than receiving the time allowance.

The department has made a strong effort to bring into the State Use Division new leadership from the business world, but due to the restrictions which seem inevitably to surround the public service this has not met with success.

6. Temporary shortages of certain items of clothing and household materials, of which the department was not aware, apparently caused annoyance among a few of the inmates. While these appropriations were less than the amount originally asked for, supplementary appropriations were obtained as soon as the department was notified of the necessity. This is a regrettable example of faulty house-keeping by those directly responsible.

7. Curtailment of privileges: It has been found necessary to adopt certain regulations aimed to prevent abuses among a small percentage of the inmates during recent years. These curtailments have irritated some of the more "influential" prisoners and have no doubt fomented some dissatisfaction.

(a) Hobby shop: An intramural activity, which in its inception was beneficial to the inmates, had grown out of all proportion, and some inmates who started this activity as a means of spending their spare time became members of a syndicate, shipping out considerable amounts of manufactured articles. It was realized that such an extension of hobby shop activity could become a breach of Federal stat-

utes. The Board of Managers, after careful study of the situation, set up regulations restricting the amount of materials to be used for hobby work. This curtailment has been accomplished but only at the expense of dissatisfaction of some of the inmates.

(b) Special food: A considerable number of inmates, in addition to the ration provided, were permitted to buy unlimited amounts of food at the commissary, which they surreptitiously cooked in cells, and thus set up an inequality among inmates which gave preference to the man who had money on deposit. This practice has been forbidden but not without heartburnings.

(b) Transfer of money: During the days before the Department of Institutions and Agencies had any authority over the prison, no inquiry was made as to the amount of money placed on deposit, where it came from or how it was used. Money was freely transferred among the inmates. As much as \$200 or \$300 might change hands in a month. The Board of Managers again stepped in and made a regulation which curtailed this practice—again, not without disappointment to some of the influential inmates. Those with money always have influence. The presence of money in a prison is a distinct evil and a menace to good equitable administration.

(d) Limitation on commissary: It was found that articles were being bought through the commissary, supplementary to the diet. Here again the authorities recently limited the amount of purchases in the commissary to \$15 a month. This helped to cut down purchases to stationery, tobacco or candy bars and a few extra items and prevented the inequality of food distribution above referred to.

8. Administrative changes at the prison: After the adoption of the new Constitution in 1947 the Warden ceased to be a Constitutional officer and legislation was sought to provide for the appointment of the head of the prison in the same fashion as that existing in the other 20 institutions presided over by the State Board of Control.

Delays were experienced in the passage of the legislation so that it was not until the retirement of the previous Warden that the present Warden was appointed in 1951. He is a career man of 33 years' service and has moved up through the various positions in the prison to be the first man promoted from the ranks to the wardenship.

Changes in practice and policies became necessary and these always cause some commotion among the inmates.

9. For a long time the salary of prison officers was insufficient, especially the entrance salary at which it was necessary to recruit. Likewise, there had been a long delay in the holding of Civil Service examinations, not only for correction officers but for most of the supervisory positions. At the time of these disturbances almost half of the officers were temporary guards who had not taken an examination. In like manner, practically all of the supervisory positions were acting and had likewise not been made the subject of examinations. While not the slightest reflection is being made upon the character of the officers, their courage and resourcefulness, at the same time the inmates no doubt recognized that there was a considerable number of inexperienced guards in the institution. It may be, likewise, that this very lack of experience accounted for certain situations that might have been handled poorly, irritated certain inmates and that some of the temporary men may not have acted with sufficient firmness on the one hand or discretion on the other.

This situation is being rapidly remedied. The salaries of prison officers as of July 1st (1952) are formally set at \$3,240-\$3,840. An increase in the recruiting salary has taken place at once and the Civil Service Commission now contends that this gives a salary comparable with the highest paid salaries in any State in the country.

10. There was undoubtedly present in at least two of the three demonstrations evidence that there was a contest for leadership among the inmates in the prison. A number of men who are confronted by a sentence which amounts to life have their whole existence centered within the prison,

and to be looked upon as a leader or a martyr or as a person who has secured some concessions for the rest of them is a source of ego satisfaction and also gives a certain real or fancied leadership within the institution. Many of the men, especially those who are soon to come out, pay not so much attention to these things and accept the situation philosophically. But to some this matter of inmate leadership is a thing of real importance.

11. Desire to attract attention and thereby gain an audience. The character of all three demonstrations, namely, wholesale destruction of property, noise but careful restraint in the matter of harming employees is consistent with the desire to gain attention. In the print shop men who were interviewed demanded the presence of newspapermen. When they made their demands they did so in a loud voice, addressing prisoners in an adjoining wing. When the Rahway demonstration got underway, it is quite certain that it was prolonged by the fact that an audience had gathered on the outside and the bed sheet method of stating their alleged grievances was quickly availed of.

Here again they were careful to protect the employees housed with them but were very destructive of property which they later rather naively offered to pay for. No one can deny that the public is entitled to a factual account of what goes on at these extraordinary occasions where the prisoners defy authority and proceed to make demands. But every prison man will ruefully admit that an excess of publicity, especially where the inmates are conscious of it, can and does prolong a settlement of the difficulty and the return to orderly conditions.

VI.

The public is entitled to know the attitude of the department with reference to the remote and immediate causes of these disturbances, and we in turn are entitled to ask for that degree of cooperation which will prevent their recurrence. The recommendations of the department are as follows:

1. Immediate authorization of a new and up-to-date maximum security prison, as called for by Governor Alfred E. Driscoll, in which sufficient restraint can be exercised without jeopardy to employees; or at least an extensive and secure wing of an existing institution.

2. The conversion of the dormitory wing at Rahway which has remained for 20 years in an uncompleted state, into a cell block, or more security provided therein.*

3. The construction of another wing to the Bordentown institution, in addition to one now in process of erection.

4. An increase of professional personnel in order that classifying men can be undertaken more scientifically and correctly. (An associate warden trained in penological methods has been authorized by the Governor on the recommendation of the department).

5. A higher entrance salary for prison guards and the immediate certification by the Civil Service of competent employees.

6. Better interpretive methods on behalf of the Parole Board so that while still continuing to protect the public they make clear to the inmates laws governing their actions and the limitations under which they operate.

7. The development in each institution of an inmate committee system, such as had been well utilized in Bordentown, Clinton and elsewhere, whereby the institution can learn in orderly fashion about any real or fancied grievance and can better interpret its purposes and restrictions to the inmate body itself.

8. A candid explanation to the inmates that a successful and humane prison depends upon their cooperation and that demonstrations such as have been undertaken, in a mistaken belief that they might profit thereby, are likely to boomerang and not only injure

* This will be in addition to No. 4 Wing for 168 cell rooms for which contract has been awarded.

their own chances of emergence but jeopardize those of their fellows, not only in this institution but in many institutions in many States, and impair the public confidence in the efficacy of humane prison practice.

9. Further, we stand ready to carry out all suggestions for a better prison system, which may come from this distinguished Committee.

VII.

This department expresses its gratitude for the constant understanding and support of Governor Driscoll.

One more word needs to be added with reference to the Warden, William H. Carty, an employee of the prison for 33 years. He was the Assistant Principal Keeper for seven years before his recent appointment by the Board of Managers to be the Warden. He has faced the task manfully and courageously. He has had the support of many courageous and tireless employees. The thanks of the public should go to him, to Deputy Commissioner Bixby, to the members of the State Police, the local police, the fire department, and, above all, to the many guards and employees of the prison who carried on their work in the midst of difficulties. I think, also, thanks should be given to that large majority of inmates who are well behaved, well intentioned and desirous only of serving out their sentence and getting back to the community for another chance at normal living.

APPENDIX B

BOARD OF MANAGERS
NEW JERSEY STATE PRISON
TRENTON, NEW JERSEY

March 31, 1952

The Honorable Sanford Bates
Commissioner
Department of Institutions and Agencies
State Office Building
Trenton 7, New Jersey

DEAR COMMISSIONER:

We, the Board of Managers of the New Jersey State Prison, Trenton, New Jersey, forward herewith, for transmission to the State Board of Control, a verbatim record of sworn testimony and other documents pertaining to the special inquiry held to investigate charges of mismanagement, lax discipline and vice at the New Jersey State Prison.

The "Sunday Newark, New Jersey, Star-Ledger" on January 20, 1952, published an article headed "INSIDE TRENTON PRISON. Dope, sex, booze, dice—and rule by convicts." It was reportedly based on interviews with six unidentified guards from the New Jersey State Prison. It contained serious charges of open sexual degeneracy at the institution, set forth details of an alleged breakdown in discipline and made certain specific allegations to illustrate the theme that "cons run wild in New Jersey's model pen."

In view of the serious allegations made in this newspaper article, a special meeting of the Board of Managers was held on Tuesday, January 22, 1952. It was decided that the board should investigate the allegations made in the article to ascertain whether or not they were true, and, if so, to

adopt immediately whatever corrective measures might be necessary to remedy the situation.

Accordingly, the Board of Managers directed the Principal Keeper (Warden) to post a notice inviting any officer or employee at the New Jersey State Prison to file in writing or appear in person before the Board at a special meeting scheduled for Thursday, January 31, 1952, at 10:30 A. M. The Board met on this date and one Senior Correction Officer and a committee representing the local chapter of the Patrolmen's Benevolent Association were the only persons volunteering to testify. In addition to their oral testimony, the Patrolmen's Benevolent Association Committee filed a written statement, which is incorporated in the testimony. Other witnesses questioned by the board included the Principal Keeper, the Medical Director, the Resident Physician and the Pharmacist.

In addition, the Board at another meeting on Tuesday, February 5, 1952, summoned officers and guards at random from the three daily shifts so that a cross-section of opinion and information might be obtained. A total of 16 witnesses were interrogated at this meeting, including members and non-members of the Patrolmen's Benevolent Association, permanent and temporary employees, and doctors and storekeepers.

The charges made in the "Sunday Newark, New Jersey, Star-Ledger" article included the following:

1. That Lenny Lutz, who is serving a long term, was not only a leader among the convicts but also among the guards and immune from punishment.
2. "Booze" is being made in the prison cells.
3. Some convicts do not have to wear uniforms but are permitted to wear "zoot" suits.
4. Narcotics are obtainable by the prisoners and homosexuality is rampant at the prison.
5. Prisoners do not get out of bed for the morning count, and one prisoner committed suicide and was not discovered until the next day.
6. Prisoners have taken control of the prison.

A careful examination of the sworn testimony of some 28 witnesses failed to reveal any evidence to substantiate the serious allegations made in the newspaper article. There was nothing to show that the prisoners "run wild in Jersey's model pen," that there is any laxity in the handling of narcotics or that infractions of the rules are permitted to pass unpunished.

Four witnesses appeared to express dissatisfaction with the operation of the disciplinary court and felt that punishments rendered were not sufficiently severe to support and maintain the authority of the reporting officers. The Board of Managers feels their objections are not persuasive on this point because an examination of these witnesses indicated that their objections were confined only to the cases which they presented to the disciplinary court, and that they were not in a position to testify concerning the general effect of the disciplinary court's operation.

Senior Correction Officer William Dean testified that he felt the disciplinary court had given inadequate punishment to one prisoner whom he had reported to the court, but on reconsidering the matter he felt he was "hot about it at the time" (pp. 77-78).

Center Keeper Lester Driber stated that he had reported prisoner George Mick to the disciplinary court and Mick had received a punishment of 25 days in the segregation wing. He further stated that Mick had been released from this wing to go to the prison hospital for a few days and was later returned to the segregation wing (p. 91).

Dr. Howard Wiesler, Senior Resident Physician, testified that he had requested Warden Carty to release prisoner George Mick from the segregation wing for the purpose of using him to do the sterilizing work for an operation. Mick was trained in this type of work and there was no replacement available. As soon as the operation was over he was returned to the segregation wing (p. 152). This was confirmed by Warden William Carty (p. 174).

Correction Officer Alfred B. Menkarell also testified that he felt the punishment meted out by the disciplinary court

was not sufficient on minor charges (p. 296). He cited a case of prisoner Jones who received a punishment from the disciplinary court of seven days instead of the usual 20 to 30 days on a drinking charge.

Howard A. Phares, Acting Assistant Chief Deputy, testified that he sat on the disciplinary court and confirmed the punishment of seven days for prisoner Jones, but said that Jones was not charged with making whiskey or being drunk, but with drinking (p. 394).

The Board of Managers also points out that this disciplinary court was made up entirely of Correction Officers and that, as a matter of fact, on one occasion Officer Menkarell was invited to sit on this court and declined for personal reasons (pp. 314-315).

Temporary Officer John Ogonofski testified that the punishment given out by the disciplinary court is insufficient in some cases, but was unable to give specific instances (p. 359) except in the case of Joseph DeMarco who received a week's punishment when involved in a fight (p. 361).

Yet these officers, with the exception of Officer Ogonofski, stated there was no evidence that the inmates had taken control of the prison and nothing to indicate any widespread breakdown in control.

Officer Ogonofski testified that discipline has been bad at the prison since 1945 (p. 357), but was unable to give any specific reason (p. 358). He also stated that guards prefer charges but influence gets the prisoners out of punishment (p. 359), but he did not know who let them out (p. 360). He further testified that the convicts are now in control of the prison, but was unable to say how (p. 367). It does appear that Officer Ogonofski's testimony was not based upon sufficient information (p. 373-374). (See portion of his verbatim testimony annexed hereto, Exhibit A.)

The officers also testified that permanent records are kept of all charges and that disciplinary action is meted out. The Commissioner's office made a brief examination of punishment records at the prison and has furnished us with a

statement which is annexed hereto (Exhibit B) and which indicates that there has been no diminution in offenses reported and that there has been an increasing severity of action each year for the last three years. The trend in the increase in charges filed and in the more than comparable decrease in cases where no action was taken would seem to disprove documentarily charges of laxity at the prison.

Some of the Board's findings as a result of the investigation included:

1. Lenny Lutz. Senior Correction Officer Martin J. Riley described Lutz as a model prisoner, who knows the "ropes," and other prisoners have him speak for them (p. 216). Yard Marshal Arthur Edmonds testified he (Lutz) does not mind taking a chance because of his long sentence and sometimes may be a ring leader for the other prisoners (pp. 227-228). But he is not immune from punishment and is handled just like any other inmate of the State Prison when he violates any regulations (p. 229). (See also testimony of Center Keeper Howard Yaeger, p. 167.)
2. Storekeeper Arthur E. Carroll testified that the purchase of fruit juices and sugar by inmates is restricted to certain amounts weekly (p. 134). Any and all instances where it is discovered that prisoners are making liquor are handled immediately and proper punishment is meted out. (See testimony of Center Keeper Howard Yaeger, p. 166.)
Dr. L. Samuel Sica, Medical Director of the prison, testified that in the past year he recalls only three or four cases of inmates being under the influence of liquor (p. 24).
3. Convicts are required to wear prison uniforms and are not permitted to wear civilian clothes. (See testimony of Patrolmen's Benevolent Association Committee, p. 69 et seq.)
4. Dr. Sica advised there is no illicit flow of narcotics or barbiturates in the prison nor evidence of any habitual use of them (p. 28). He said the present control over drugs is comparable to the drug control at the St. Francis Hospital, Trenton, where he is Chief of Staff (p. 18). He is in favor of

civilian personnel replacing inmate personnel in the hospital to eliminate completely any problem of narcotics or liquor at the hospital (p. 30).¹ Dr. Howard Wiesler, Senior Resident Physician for the past 18 years, said that a careful accounting of all drugs is made to the Narcotics Bureau in Washington and there is no evidence of excessive use of narcotics by the prisoners (p. 142). Thomas A. Murphy, Pharmacist at the prison, said that about one and a half years ago a vial of 10 to 15 parabenzamine tablets was stolen, but no drugs have been missing since that time (p. 34). He is the only person having the combination to the safe (p. 35) and feels the methods of handling drugs at the prison cannot be improved (p. 37). He said only a two-days' supply of drugs is kept on hand and drugs are obtained only through a physician's prescription (p. 39).

5. There was no evidence to show that prisoners were not reporting for the morning count. (See Patrolmen's Benevolent Association Committee testimony, p. 69 et seq.) Temporary Officer Alonzo Lamphear admitted he was the officer who failed to note the suicide of one of the prisoners. He said he received a 10-day suspension for this incident and felt his suspension was justified (p. 156).
6. All of the officers testifying, with the exception of Temporary Officer John Ogonofski, both Patrolmen's Benevolent Association members and non-members and temporary and permanent officers, agreed that infractions of the rules are reported and punishment is given out and there is no evidence that the prisoners have taken over control of the prison as indicated in the newspaper article.
7. None of the testimony substantiated the charge that there is widespread homosexuality in the prison. (See Patrolmen's Benevolent Association Committee testimony, p. 69 et seq.)

¹ We understand that on the urgent request of the Department of Institutions and Agencies, the Appropriations Committee has now authorized three paid positions in the State Prison hospital.

Although the charges made by the "Sunday Newark, New Jersey, Star-Ledger" were not substantiated by this inquiry, the Board of Managers heard testimony from nearly all witnesses that there are several conditions at the institution which require correction.

First and foremost is the fact that approximately 50 per cent of the correction officer positions are now held by non-Civil Service, unqualified, temporary officers. This places an unfair burden on the regularly appointed, trained and experienced personnel. Originally, the New Jersey State Prison was intended to be a clearing house for incorrigibles, the worst element of our citizenry, but since the new Constitution was passed it has become a dumping ground for all types of criminals and the inmate population has increased beyond the ability of the present personnel to handle properly. The amazing fact is that the prison operates so well with such a great proportion of inexperienced officers.

Generally, the temporary officers are not interested in the prison service as a career and they are quick to resign to accept more gainful employment elsewhere. Also, they are inexperienced in prison work and unfamiliar with the correct methods to use in guarding more dangerous criminals, which results in a continuous and unnecessary hazard at the institution.

The reason for the inability of the State to obtain physically qualified men as correction officers is entirely because of the inadequate wage scale now existing. Previously, when the salaries of prison officers were comparable to those of other State agencies, an adequate number of officers could be obtained. But now, with the work of rehabilitation taking greater skill than before, the salary level has not improved sufficiently to have men make prison service their career.

The Board of Managers urges again that the Department of Institutions and Agencies and the State Board of Control continue their efforts to induce the Department of Civil Service to establish a salary scale for correction officers that

will attract men of high qualifications to compete for these positions.¹

The success of any program of the rehabilitation of experienced criminals is only as effective as the interest and ability of the personnel administering it. Unless better salaries are established for correction officers and guards at the New Jersey State Prison, the entire rehabilitation plan will be seriously jeopardized and will in course of time deteriorate.

In conclusion, the Board of Managers is by law vested with the administration and control of the State Prison. As will appear from this report and the testimony on which it is based, it has conscientiously sought to ascertain the truth or falsity of charges made anonymously in the press.

In its attempt to perform its statutory duties adequately, the Board welcomes the advice and assistance of all members of the Legislature who conscientiously desire that this important institution be properly administered in the best public interest.

The Board is firmly of the opinion, however, that no good can come from conducting a "fishing expedition" among the inmates of the institution by persons who may be politically motivated. A demonstration such as took place at the prison since the completion of this report might well have been stimulated by such ill-advised action.

Very truly yours,

BOARD OF MANAGERS, NEW JERSEY STATE PRISON

/s/ E. W. WOLLMUTH

E. W. WOLLMUTH, *President*

¹ The Commissioner of the Department of Institutions and Agencies advises us that the Department of Civil Service has promised substantial increases for correction officers as of July 1, 1952.

EXHIBIT A.

Q. Let me ask you about three or four questions. It is established I believe you have an outside tower job and know little or nothing about what goes on inside the cells?

A. That is correct.

Q. Take the one incident you have reference to, the one relating to Joe DeMarco.

A. That happened out in the yard. I stood looking at that.

Q. How long ago was that?

A. I couldn't say. It was in the summer. I know it was during summer yard.

Q. Do you have any knowledge of other instances where prisoners were allowed to get away with something?

A. No.

Q. But the rest of your testimony here today, if I understand it correctly—if I don't, please correct me—relates to conversations overheard by you between other guards?

A. That is right.

Q. And you have no other specific knowledge of your own outside of the DeMarco case?

A. That is right.

EXHIBIT B.

DISPOSITION OF DISCIPLINE CASES AT STATE PRISON
1949-1951

Of the total number of offenses charged during this three-year period, 23 per cent were in the year 1949, 34 per cent in the year 1950 and 43 per cent in the year 1951. This shows a definite trend in the increase in charge writing at the prison.

Breaking down the data for each of the three years into the categories of Action, Reprimanded and No Action Recorded reveals the following:

<u>1949</u>	
<u>Total</u>	<u>100%</u>
Action Taken	72%
Reprimanded	7%
No Action Recorded	21%

<u>1950</u>	
<u>Total</u>	<u>100%</u>
Action Taken	70%
Reprimanded	13%
No Action Recorded	17%

<u>1951</u>	
<u>Total</u>	<u>100%</u>
Action Taken	74%
Reprimanded	15%
No Action Recorded	11%

The above would seem to indicate that while there was an increase in the number of charges recorded, the method of disposing of these charges has remained fairly constant over the three-year period.

APPENDIX C

STATE OF NEW JERSEY

DEPARTMENT OF INSTITUTIONS AND AGENCIES

April 21, 1952

THE NEW JERSEY STATE PRISON

AN INTERPRETATION OF ITS POLICIES AND AN

ANALYSIS OF RECENT DISTURBANCES

The recent disturbances in the New Jersey State Prison system, and the tremendous publicity surrounding them, might well confuse the public and lead people to wonder how these things could happen all of a sudden in a State where the penal and correctional system has generally been hailed as one of the best State systems in the country and which has attracted scores of visitors from all over the world.

The new Diagnostic Center at Menlo Park; the new plan in delinquency control at "High Fields"; the fine administration of the Clinton and Annandale reformatories and the reformatory at Bordentown are samples of what we were confident is a progressive application of modern methods.

In a short space of time five incidents took place which have been designated as "riots" and which in our judgment are to a certain degree each related to the other. Furthermore, these episodes gave the opportunity to inmates to make irresponsible criticism of conditions in State institutions.

The first of these disturbances was participated in by only 52 men out of a total population of 1,300 and was confined to the segregation wing known as No. 5. This was an antiquated part of the prison, formerly used as women's quarters. It was necessary to use this wing as it was the only part which could be shut off from the rest of the prison, but it was totally inappropriate to hold desperate prisoners. It did serve, however, to keep them in check long enough to wear them down. This was terminated without injury to any guard or inmate.

A full report as to the character of this demonstration, the type of men participating in it, and the reasons therefor, was contained in a report made public at the time by Colonel F. Lovell Bixby and Warden William H. Carty and which has been given to the press.

The second demonstration was confined to two cells in the prison and involved the forcible removal therefrom of five recalcitrant prisoners. In one case where there were two in a cell (and there never should be but one, but this was made necessary because of the shortage of single cells) they proceeded to set fire to their mattresses and they refused to come out. They had to be taken out by force. In the other cell the three inmates were commencing to tear out the plumbing and cause an inundation. They too had to be removed. While there was some noise in the wing at the time, this was the total extent of the second demonstration.

The third took place at the Bordentown Reformatory and involved an attack by four inmates upon guards. No escape was achieved, the matter was quickly controlled, and, as a matter of fact, most of the men in the institution did not even know that the incident had taken place. Except that the previous incident had received public notice, this might well have been treated as a routine incident.

The fourth demonstration had just been ended at the State Prison and was a serious one due to the fact that the four employees had been held captive in the print shop, where the disturbance took place. Here again only 69 out of 1,300 of the whole population were involved. This demon-

stration was brought to a close without injury to either employee or inmate. The inmates are now back in their cells. Before returning, the inmates requested permission to explain their grievances to an outside representative. This the department was quite willing to permit. The department never has nor does it now object to any investigation or inquiry into conditions existing in the prison. No other concession was made. A letter has already been written to the Osborne Association asking their assistance in making a survey of conditions and giving them permission to hear from any inmate who desires to be heard.

The fifth demonstration is proceeding at the Rahway institution, which is a branch of the Trenton institution and contains an overflow of the population transferred therefrom. At the completion of the No. 5 Wing demonstration, several of the ringleaders were removed to Rahway and there was considerable expectation on the part of the administration that they might start trouble. It is the forcible control of these few inmates that may have touched off the demonstration and given rise to the extravagant statements that "cons were being beaten." A specific statement denying this charge was issued to the press a day or two ago. A difficult aspect of the situation at Rahway is similar to the situation at Trenton. The department is attempting to control recalcitrant inmates in an institution which is not designed as a maximum security institution. Many years ago the wing in which the Rahway disturbance is taking place was constructed with the expectation that it would be a cell block, but the cell block was never finished and Rahway has had as many as 300 State Prison inmates in two large high-studded rooms, and on many occasions only one or two guards were present on each floor. As long as the institution could satisfactorily classify these inmates, it was felt that there was not too much risk in permitting this large number to live in dormitory fashion. This present experience now demonstrates the plain fact that we do not have and have not had, for many years, sufficient safe prison facilities in New Jersey. Governor Alfred E. Driscoll has

for several years called the attention of the State to this situation.

Many hard-working citizens who have never been sent to prison but who pay taxes for the support of institutions oftentimes express doubts as to whether the State is treating inmates too well. On the other hand, they may well be confused by the conflicting and many times anonymous allegations as to mistreatment or maladministration in penal institutions.

It seems to be necessary, therefore, to make a brief statement as to just what the routine is in the prison. What follows applies in particular to conditions in the main State Prison at Trenton but is generally applicable to conditions at Rahway. The Rahway institution is under the supervision of the same Board of Managers, the same rules and regulations and the same oversight by the Department of Institutions and Agencies. The same standard ration made up of 16 different components is applicable at Rahway. School facilities are more ample but recreation, library and other parts of the program are comparable.

The Trenton Prison is a 117-year-old stone structure which is obviously not built in conformity with modern penological standards. By conservative standards its capacity is 1,100. At least it was before No. 5 Wing was rendered uninhabitable by the recent demonstration.

There are now about 1,300 inmates. This means doubling up in certain quarters, which is always bad, and it means idleness and overcrowding. However, 1,300 is not as bad as 1,550, which was the count two years ago. The department does not need to be reminded that a new and up-to-date prison building is a crying necessity, one that will be secure enough so that the authorities will not hereafter have to be forced to go through situations such as have happened in the last few weeks. When the 1949 bond issue for institutions building was proposed, an item of \$4,500,000 for a new maximum security branch prison was included. This project, however, did not fall within the approved list when the amount of the bond issue was reduced from the first total

of \$45,000,000 to \$25,000,000. Strangely enough, certain estimable people in the communities declared that if the bond issue was to include a new prison they would vote against it, even though this might mean the insane, the feeble-minded, the sick and the needy would be obliged to go without the new and safe quarters that they required.

Perhaps some of these people, if they could view the damage done to property in these recent disturbances, might now be convinced that it is a necessary expenditure of public money to have modern penal institutions that not only lend themselves to up-to-date treatment but would provide protection to the public in the event of such emergency.

The routine in the prison in Trenton, and largely also at Rahway, is one which is consistent with the modern notion that men cannot be locked up 24 hours a day in solitary confinement and then at the end of their term be in condition physically, mentally or morally to take up normal life on the outside. Therefore in Trenton, as in many prisons in America, practically the whole population eat their meals in congregate fashion in a large dining hall three times a day and each inmate in good standing can talk to his neighbor. Likewise during the day, to the extent that work is available, he works in one of the several shops of the prison: the print shop, the auto-tag shop, the clothing shop—he may work in the kitchen or barber shop or hospital, or do one of the many tasks that are required to keep the institution operating. One serious handicap, however, is the presence of 350 idle men in the institution. It is only the small percentage of those who are in punishment or who have been segregated for their own protection or that of others who do not participate in this normal routine.

Some years ago a commodious exercise yard was provided and all inmates have a certain portion of the day in the open air, and in the summer softball and baseball are permitted during the twilight period.

Opportunities are given so that an inmate through correspondence and visits can keep in touch with his family and his counsel. As long as his behavior continues good, he

may see one, or possibly two, movies a week. On holidays special recreation programs are provided. Within the last year, the old blaring radio communication system has been replaced by a complete radio installation, with individual head-sets, whereby limited programs can be enjoyed, the inmate merely purchasing or renting the head-set.

A hospital and sick-bay is provided under the supervision of a full-time physician, a registered nurse and three technical assistants. Some of the most skillful physicians in Trenton are on the consultant staff, and the Medical Director is a former President of the Mercer County Medical Society and Chief of Staff at the largest local hospital in Mercer County. Daily sick call is available and any inmate who needs treatment can receive it almost instantly. Both the Resident Physician and the Medical Director have served the Trenton Prison Hospital for more than 25 years and they advise us that during that whole period no serious epidemic of diseases has taken place, and that it is quite customary for men to go out having gained in weight and health during their residence.

Regular salaried chaplains of the Catholic, Protestant and Jewish faiths visit the prison regularly, hold weekly services and are available for consultation.

A library which is replenished from time to time is maintained. Just within the last few weeks it has been arranged to relocate the library nearer to the center of the institution so that the present limited use can be expanded, and the New Jersey State Library has offered to cooperate to develop a new distribution room and to increase the number of volumes and the proper indexing of the books.

No inmate, so far as we know, has been denied the right to present communications to the Warden (Principal Keeper), to the office of the Commissioner of the Department of Institutions and Agencies, and many letters in the course of a year are received and are promptly referred to the appropriate division for investigation. Under standing instructions of the department, prisoners have free access to petition the courts. In 1951 they sent 205 applications for

writs of habeas corpus to the courts; 63 such cases were heard and only one prisoner granted a new trial because of denial of counsel in the lower court.

Even a casual visitor at the prison would be impressed with the comparative amount of movement within the walls that is accorded to the great majority of the inmates. Many of them go across the street outside to the shops and the power plant to work. Many of them are in a trusted status and work early and late in the kitchen and in the dining room. Unfortunately there is always a small percentage of men who through psychopathic or stubborn tendencies are difficult to handle. We are now speaking on behalf of the great majority of the well-behaved and well-intentioned inmates who have some degree of penitence in their hearts and seek only to do their time and do it under conditions that will permit them to emerge a little better rather than worse than when they came in.

It is this well-intentioned inmate who, when he stops to reflect, realizes how much better off he is than the prisoner of 50 years ago in solitary confinement, the dark cell, the lash, the chains, the silence rule, and in many cases no opportunity to see another human face—that was the rule rather than the exception in those days.

As in a university, a preparatory school, or just an ordinary commercial boarding house, food is a perennial topic of conversation in prisons and in other institutions. But it was quite remarkable the very small emphasis that was placed on food in these instances. When Colonel Bixby, Deputy Commissioner of Institutions and Agencies, interviewed those who participated in the No. 5 Wing demonstration, not one of them complained about the character of the food. On the other hand, several inmates have been heard to say that the food is better than they have ever had before. The budget allowance for food, per capita per day, for the whole institutional system in the State, comprising 22 institutions, is, for the coming year \$.5172 a day. For the prison the amount allotted is \$.5787, and at Rahway it is \$.5753 a day. In other words, these two penal institutions receive an al-

lotment more than 10 per cent higher than the average institution allotment. It can be truthfully said by those who have investigated the situation that with many of these inmates the food furnished in the institutions is better than they are accustomed to on the outside.

Following a representation two years ago that food was not being properly prepared and in order to make certain of the facts, the department called upon an expert from the Federal Prison System who came to the Trenton Prison, spent several days and rendered a complete and convincing report. He stated that the State was spending enough money to insure varied and nourishing meals.

He set a standard which has been rigidly followed. This comprises 77 ounces of raw food per day, divided into the necessary component parts to insure a sufficient diet which provides 3,000 calories for that same period. As a result of his recommendation there was secured a competent chef from another institution, and from that day little complaint has been heard as to the food. Monthly reports of the amounts of money spent and the degree to which the standard ration is complied with are received in the central office (of the Department of Institutions and Agencies) and a food supervisor, with his assistants, visits this institution, as he does all of them, to see that the food is nourishing and adequate.

As one of the inmates in the print shop said the other day, they realize that the prison "ain't no hotel." But the department is satisfied that a proper dietary is being served.

In making up the estimates for the current year, the prison authorities requested the sum of \$55,000 for clothing. This was based upon the expenditures of the previous year. The central office, in view of the fact that there was a proposed reduction in population of about 150 men, reduced this estimate to \$52,000. The Appropriations Committee granted the sum of \$45,000. But when, during the course of the year, it became evident that this appropriation would be insufficient, a supplementary allotment of \$10,000 was

made, so that the prison has at its disposal now more money per capita for clothing than it had the year before.

The same is true to a less extent with reference to household furnishings. The appropriation for the current year in this respect was \$19,000, but supplementary amounts of \$3,250 have been granted, which should prove adequate.

The complaint about recreation has been answered above.

Thus it would seem that in spite of its antiquity the regime at the Trenton Prison is not far out of line with that provided in the average humanely administered penal institution. What then is the cause of these demonstrations?

1. Parole administration: Demonstrations are being staged because the Parole Board is not considerate enough of the convicts and does not give attention to their complaints. For many years the parole system in New Jersey was criticized because it was lenient in the wrong place, that there was no scientific attempt to apply modern parole principles and that the State Prison parole supervision was not a part of the State parole system. The Board of Managers could grant parole only when a man had passed his minimum sentence. The Court of Pardons, however, could, through the pardon system, release a man at any time. Three-quarters of the paroles were granted in this unusual fashion. The Court of Pardons met twice a year.

There were at times as many as 900 men on parole from the prison under the supervision of two officers. When this situation was made clear to the Constitutional Convention in 1947, they voted to abolish the Court of Pardons and to set up a full-time Parole Board. There was an unfortunate delay of about nine or 10 months between the time when the Court of Pardons was abolished and the new Board was established. This caused a backlog of cases and some temporary dissatisfaction among the inmates who felt they were being neglected. However, the Board is now up to date and all back cases have been heard. Naturally, the friends of the Parole Board are not those who remain inside the institution. The fact that there has been no general withholding of parole is evidenced by the fact that the over-all

population at the prison has been reduced from 1,550 to 1,300, and the following short table shows the number of paroles granted in the last seven years.

RELEASES OF INDIVIDUALS BY SPECIFIC
PAROLING AUTHORITY, 1945-51, FROM STATE PRISON

(Including Branches)

Fiscal Year	Total Releases	By Board of Managers	By Court of Pardons	By State Parole Board	By Governor
1945	474	75	399		
1946	427	64	363		
1947	473	88	385		
1948	486	137	349		
1949	377	30	55	177	115
1950	484	-----	1	482	1
1951	545	-----	-----	545	-----

With the exception of 1949, when the Parole Board had not been fully organized, this would seem to indicate an increase in parole rather than a decrease.

The members of the Parole Board are honest and competent individuals. No whisper of scandal has been attached to their operations. No claim of privilege or favoritism or venality has been made. They have attempted to discharge a difficult and thankless task in the interest of the public, in accordance with standards established by this administration. It may be that they have lacked one thing, and that is, interpretation of their acts to the inmate body. Some of the criticism which is being addressed to the Board by the inmates was not of the Board's making but arose by reason of a certain court decision which will be referred to.

The chairman of the Parole Board has expressed a willingness to meet with a Committee of the inmates and frankly interpret the policies of the Board to them and listen to any complaints which they may have.

2. Court decisions: Several court decisions, which resulted from habeas corpus suits instituted by prisoners, were adverse to their interests. One of these declared improper the practice of aggregating consecutive sentences to produce a single combined sentence. This served to de-

crease the credits a prisoner might earn in reduction of the maximum of his sentences. To preclude any inequities that might flow therefrom and prejudicially affect a prisoner, the Parole Board immediately, by its rule-making power, set up a procedure to permit reaggregation of all such past sentences and the Legislature passed a law authorizing the future combining of consecutive sentences. Thus no inmate has been confined for a period longer than permitted under the former practice.

Another decision operated to deny commutation time for good behavior to reformatory men transferred to State Prison with indeterminate sentences. The court said that the law expressly limited such reduction of sentence to prison men serving sentences with a minimum and maximum. This decision was made known to the Parole Board and it has agreed to consider this factor when granting parole to such a transferred prisoner who continues under good behavior so that all prisoners will be treated in equal manner. By this arrangement both types of sentence will be subject to reduction of the maximum by good behavior credits.

On the other hand, some helpful decisions have been rendered. Of prime importance is an opinion of the Appellate Division of Superior Court, rendered a few weeks ago, which declares the Parole Board to have full authority under our law to grant retroactive paroles on completed sentences, if such treatment is indicated in order to correct any injustices or inequities visited upon any prisoner because of the foregoing decisions in the county courts.

The Parole Board is now studying the cases of prisoners affected by these decisions to determine wherein this course of procedure is indicated as disclosed by the circumstances in each individual case.

3. Curtailment of privileges: It has been found necessary to adopt certain regulations aimed to prevent abuses among a small percentage of the inmates during recent years. These curtailments have irritated some prisoners who con-

sidered themselves "big shots" and have no doubt fomented some dissatisfaction.

(a) Hobby shop: An intramural activity, which in its inception was beneficial to the inmates, had grown out of all proportion. Thus some inmates who started spending their spare time in their cells making a bit of jewelry, a brass pin or a watch fob for their wives or their cousins, became members of a syndicate shipping out considerable amounts of manufactured articles, soliciting customers throughout the country and dividing up the profits among what amounted to a "payroll" within the prison. The FBI had called attention to the breach of Federal statutes which prohibit the sale of prison-made articles across State lines. The amounts of money made by some of these prison "contractors" were quite startling. One man is said to have made as much as several thousand dollars during his incarceration. The Board of Managers, after careful study of the situation, ruled that the amount of materials for hobby shop work should be strictly limited. This has been accomplished, but only at the expense of dissatisfaction to those few inmates who were profiting disproportionately.

(b) Special food: A considerable number of inmates, in addition to the ration provided, were permitted to buy unlimited amounts of food at the commissary, which they surreptitiously cooked in cells, and thus set up an inequality among inmates which gave preference to the man who had money on deposit. This practice has been forbidden, but not without heartburnings.

(c) Transfer of money: During the days before the Department of Institutions and Agencies had any authority over the prison, no inquiry was made as to the amount of money placed on deposit, where it came from or how it was used. Money was freely transferred among the inmates. As much as \$200 or \$300 might change hands in a month. The Board of Managers again stepped in and made a regulation which curtailed this practice—again, not without disappointment to some of the influential inmates. Those with money always have influence. The presence of money in a

prison is a distinct evil and a menace to good equitable administration.

(d) Limitation on commissary: It was found that articles were being bought through the commissary, supplementary to the diet. Here again the authorities recently limited the amount of purchases in the commissary to \$15 a month. This helped to cut down purchases to stationery, tobacco or candy bars and a few extra items and prevented the inequality of food distribution above referred to.

It is not contended that the majority of well-intentioned prisoners were greatly concerned by these regulations. As a matter of fact, in the long run, they undoubtedly inured to their benefit. But there are always active and influential leaders in a prison, as in any other community, and they are usually the clever resourceful fellows who would be hurt by such regulations.

One might ask why these abuses continued so long, and the answer is, that for 100 years the management of the prison was distinctly separate from the Department of Institutions and Agencies. Its head was appointed by the Governor, with the approval of the Senate, and, in many cases, was a reward for political activity rather than on the basis of experience in prison administration. Even after the Constitution of 1947, which abolished the position of Warden as a Constitutional officer, legislation to provide for the appointment of a prison head in the same manner as other institution superintendents are appointed was delayed.

A bill favored by the Governor which would have placed the Warden of the prison on a professional basis and put the prison into the family of institutions failed of passage. It was only at the time of the resignation of the former Warden that the Board of Managers had opportunity to appoint a head for the institution. His position did not become permanent until November 1, 1951, when he became the first career man to hold this position. He promptly announced that he would attempt to carry on the institution in accordance with the policies laid down by his Board and

the State Board of Control. Some such rules concerned regulations of curtailment referred to. This he has valiantly striven to do, but not without some risk to his own popularity.

4. Inferior personnel: In 1945 the salary for farm correctional officers was \$1,620 and for correctional officers it was \$1,800. Shortly thereafter the maximum salary was raised to \$3,000, 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 and then to \$2,400. But at present-day prices this has proved totally inadequate in inducing competent men to enter the service.

All that could be done was done to train and instruct these new individuals but, up to a few months ago, of the total guard force of about 148 at the prison, 74 of them were temporary officers who had never been qualified by examination. The older officers, on more than one occasion, protested 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 July (1952) the line officers' salary will start at \$3,240 and go to \$3,840. This is not enough, but it is infinitely better than the range which prevailed at the time many of the present guards were appointed.

No criticism is made of the officers who have served the prison. They have done an excellent job under considerable handicaps, but many of them have been inexperienced and have not the resourcefulness that an older hand would have. The records will disclose the heavy turnover and the fact that some of these men remained only a few weeks is testimony to their unfitness for the job. In any event, the Patrolmen's Benevolent Association, which has in its membership over 90 per cent of the regular prison officers, has pointed out the needs for higher salaries and better trained personnel.

It may be that in their lack of experience some of these temporary men may have handled a situation poorly, may have irritated certain inmates, or may not have acted with sufficient firmness, on the one hand, or discretion on the other.

5. Desire to embarrass the administration: Experienced prison men are well aware of the tendency on the part of inmates, at least a certain proportion of them who usually have nothing to lose by such a demonstration, to overlook no opportunity to embarrass the administration. The government has sentenced them to prison—in many cases they may feel unjustly sentenced or that the sentence is too long, and, naturally, they have developed an antipathy to everything that savors of government and control.

All that this type of individual needs is to be given something which he can espouse as a cause and an audience to listen to him and he will go to work. There would seem to be a good deal of this attitude in the recent demonstrations. The fact that they were not purely escape plots, that beyond damage to property, there was no violence to individuals, would seem to indicate that it was primarily a move to attract attention. All of the demands of the print shop men finally centered in one, namely, that there should be an investigation of the prison by an outside agency. This was agreed to by the department, as a reasonable concession and it is being welcomed by the department as a means of bringing before the public the true facts, giving an opportunity to correct any abuses that may still exist and clear the air from its present confused state.

This theory that the demonstrations were for the purpose of gaining attention is further borne out by the fact that the disturbance at Rahway was built along the same lines and followed after the transfer to Rahway of some of the leaders who were in the demonstration at the Trenton Prison. Prison officers always have to accept the fact that a certain percentage of their charges, the truculent, hopeless type, have as part of their stock-in-trade a hatred or dislike of their keepers. This was probably an element in the disturbances.

6. Provision of an audience: In all of these demonstrations the participants were clearly aware that the situations were being aired in the newspapers; that an official committee had been appointed and had announced its intention to interview them. The men in No. 5 Wing repeatedly insisted that someone outside the prison visit them; the men in the print shop called for newspapermen in order that they could have the privilege of talking directly about their grievances. The men in the Rahway demonstration hung gaudily printed sheets out of the window, and throughout all the demonstrations, whenever it was apparent groups had congregated outside the prison, there was extra noise inside. They requested an interview with a well-known columnist. Their wanton destruction of property in all of these instances may be attributed to their attempt to gain attention.

7. Another possible cause of these disturbances, which cannot be overlooked, is the existence of a general feeling of tension and unrest throughout all of our communities which has reflected itself in institutions of all sorts across the country. From the model institution for boys in Dobbs Ferry, New York, known as Children's Village, where last year out of a population of 430, 600 escapes were recorded, to the super-secure institution at Alcatraz, California, disturbances in institutions are being reported.

The activity of the department in recent years, in addition to curtailing certain improper privileges, has also included many efforts which have definitely been to the advantage of the inmate. These have included the following:

1. An act was passed permitting the figuring of good time on the aggregate, as referred to above.

2. Legislation was passed permitting a prisoner who is serving for non-payment of a fine to work out the fine at the rate of \$3 a day. Up to that time, unless he could secure a Governor's pardon he could never be released, if he did not have the money to pay a fine.

3. An act was passed permitting prisoners in the custody of an officer to visit the deathbed of a relative or attend the funeral of a near relative and thus prevent

the undue expense and difficulty heretofore necessary in getting out a writ of habeas corpus.

4. They are entitled to a hearing before the Parole Board on the date of their first eligibility and not at the pleasure of a Court of Pardons as formerly.

More recently, since Warden Carty took over as regular Warden in November, the library is being relocated; the educational system is being expanded; new classification procedures adopted, and an earnest attempt is being made to further improve the rehabilitation system.

It would appear that some of the restrictions that had to be undertaken might have been better interpreted to the inmate body. It is in this kind of situation that a regularly appointed inmate committee becomes helpful. Attempt to arrange for such a committee is still pending and we are hopeful that it will materialize.

We realize that there is a growing sentiment in the community that persons convicted of crime, serving long sentences in prison, should be handled more severely. In both the print shop episode and the one at Rahway, the presence of employees in the confined area complicated the situation. The public may rest assured that punishment will be meted out to the mutinous convicts and that every attempt consistent with the limited character of the construction of our buildings will be made to prevent a recurrence.

One more word needs to be added with reference to the Warden, William H. Carty. Mr. Carty has been a prison officer for 33 years. He has risen through the ranks as a result of his long experience and his attention to duty. He was the Assistant Principal Keeper for seven years before his recent appointment by the Board of Managers to be the Warden. He is the first career man to serve as head of the prison in all of its long history. He has succeeded to the position at a particularly difficult time when it was necessary to remedy many of the conditions that grew out of lax control, previously existing in the prison. He has faced the task manfully and courageously. He has had the support of many courageous and tireless employees.

The thanks of the public should go Warden Carty, to Deputy Commissioner Bixby of this department, to the members of the State Police, the local police, the fire department, and, above all, to the many guards and employees of the prison who carried on their work in the midst of difficulties. Thanks should also be given to that large majority of inmates who are well-behaved, well-intentioned and desirous only of serving out their sentence and getting back to the community for another chance at normal living.

The public is entitled to know the attitude of the department with reference to the remote and immediate causes of these disturbances, and the department in turn is entitled to ask for that degree of cooperation which will prevent their recurrence. The recommendations of the department are as follows:

1. Immediate authorization of a new and up-to-date maximum security prison, in which sufficient restraint can be exercised without jeopardy to employees.
2. The conversion of the dormitory wing at Rahway, which has remained for 20 years in an uncompleted state, into a cell block.*
3. The construction of another wing to the Bordentown institution, in addition to one now in process of erection.
4. An increase of professional personnel in order that classifying men can be undertaken more scientifically and correctly.
5. A higher entrance salary for prison guards and the immediate certification by the Civil Service of competent employees.
6. Better interpretive methods on behalf of the Parole Board so that while still continuing to protect the public they make clear to the inmates the reasons behind their decisions.
7. The development in each institution of an inmate committee system, such as had been well utilized in Bordentown, Clinton and elsewhere, whereby the institution can better interpret its purpose and restrictions to the inmate body themselves.

* This will be in addition to No. 4 Wing of 168 cell rooms for which contract has been awarded.

8. A candid explanation to the inmates that a successful and humane prison depends upon their cooperation and that demonstrations such as have been undertaken, in a mistaken belief that they might profit thereby, are likely to boomerang and not only injure their own chances of emergence but jeopardize those of their fellows, not only in this institution but in many institutions in many States, and impair the public confidence in the efficacy of humane prison practice.

The department welcomes the investigation by the Senate Investigating Committee and the representatives of the Osborne Association, and stands ready to carry out any further recommendations which may seem to be required to continue and improve the administration at the prison which will be consistent with the high reputation for correctional administration which this State has always enjoyed.

Respectfully submitted,

DEPARTMENT OF INSTITUTIONS AND AGENCIES

SANFORD BATES, *Commissioner*.

APPENDIX D

REPORT OF SPECIAL MEETING OF TRENTON CHAPTER, P. B. A. LOCAL No. 105

April 23, 1952

Meeting was called to order at 8:15 P. M. Wednesday, April 23, 1952 to discuss our views and opinions on the existing condition at New Jersey State Prison.

Report from Thomas Driber on a meeting held on April 22, 1952 stated that Warden Carty was attempting to bring the institution back to a maximum security prison.

The Warden stated that he was 100 per cent behind the officers in trying to regain some measure of discipline. Many points which we officers would like to see straightened out were discussed but the Warden asked that they not be publicized at this time.

L. Driber, Sr., J. Nicolai and H. Selby also attended the meeting with the Warden, but were not present at the P. B. A. meeting due to emergency working hours.

Report from Assistant Chief Deputy, H. A. Phares, stated that his own recommendations ran parallel to ours and that much of what we were discussing was already being taken care of. Mr. Phares stated that the "White Hats" were in full accord with us in our desire to see the prison running efficiently again.

At this point a list of 14 points aimed to give us some protection in our work and to provide us with an understandable set of rules, without double talk, and also giving us a little insight into the purpose of some orders which until now have been given without explanation. We feel that we can carry out an order more intelligently if we know the purpose of the order. To work efficiently we need to know what is going on.

We need some protective device in the shops and mess hall to prevent taking of hostages and to provide for their rescue in the event they are taken. This provoked much discussion, all favorable, several ideas advanced, finally decided to let "White Hats" make final decision on method to be used.

A more rigid lock-up was considered to be essential. It was decided that all privileges should be withheld and in solitary confinement food should be either reduced to a fare such as military prisons use or else a special, monotonous diet such as that used at San Quentin be used.

No traffic in foodstuffs or any other materials to or from the shops was heartily endorsed by all. It was felt that any such articles should be confiscated and not returned.

It was felt that by reducing the shop personnel and raising the pay scale of the inmates, more efficiency would be obtained and working men would have some incentive to do their job.

Elimination of cooking in shops would prevent to a great extent the holding of hostages for lengthy periods, due to the difficulty of providing food for rioters.

Excess furniture and unfastened benches were agreed to present a hazard because of possible use as barricades, in the event of a riot; private lockers for inmates, except where an inmate's possession of tools decrees otherwise, should be eliminated and personal property found in shops should be confiscated as contraband.

An employment list should be created whereby each new inmate would be assigned a place at the bottom and would work his way to the top. Workers would be selected by skills and by their position on the list. Any inmate fired or dropped would take his place at the bottom and work his way up the same as any new men. No inmate should be assigned to a job prior to classification.

Inmates should be limited in the amount of material allowed in their cells. No exception should be allowed, as it

was felt that a "frisking" detail would go a long way towards enforcing this order.

A riot squad would be a very useful addition to our defensive equipment. After much discussion it was felt that the "White Hats" could best figure out how to form this squad.

We should have at least an equal voice with that of the inmate committee in settling of strikes and other disturbances. These vitally concern us and we are supposed to be governing the inmates.

No glass of any kind should be brought into the mess hall at any time. Limits on glass stored in cells should be made and enforced.

A "no fix ticket 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.

It was explained that existing rules covered most of these points, but due to the existing conditions these rules have fallen into disuse. We believe that an order calling for enforcement of existing rules and the abolishment of rules no longer needed would be of great benefit to all concerned.

These points were well discussed and agreed to by the overwhelming majority of those present which was 40 men, this being a good representation of the officer body.

Presented by
THOMAS DRIBER.

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