THE PRESENT CONDITION OF THE COMMON JAILS OF THE COUNTRY.

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The questions as to what shall be done with the criminal classes? how can society be best protected from their depredations? how can their numbers be decreased? what can be done for their reformation? how can their condition be improved? and others of a similar character have occupied the thoughts of not a few of the statesmen, philanthropists, and christians, not only of our own country but of all the civilized countries of the world. Prison associations have been organized in different States of the Union and in different countries of Europe; able reports have been made by these associations and by legislative committees; a national prison congress was held in the city of Cincinnati, in the month of October, 1870, from which emanated papers prepared by some of the ablest and most learned men of this country and of Europe. Through these various instrumentalities, and through these different sources, much valuable information, in answer to the important questions suggested, has been spread abroad, and much has been done to enlighten the public mind touching these great matters.

One of the results of the national prison congress held at Cincinnati was the adoption of initiatory measures for the calling of an international congress.

The Rev. Dr. E. C. Wines, for many years the corresponding secretary of the Prison Association of New York, was appointed a commissioner or agent to make the necessary arrange-
ments for the holding of such an international congress. He has since visited the different governments of Europe, and has everywhere found an entire willingness on the part of these governments to co-operate in the movement, and, as a result, arrangements have been made for the assembling of such a congress in the city of London, on the 3d day of July of the present year.

There is but little doubt that all the governments of Europe will be represented in this body, and it is earnestly hoped that representatives from all the States of the Union will also be present.

As one of the results of the investigations which have been made in relation to the condition and wants of the criminal classes, some most astounding developments have been made as to the condition and influence of the common jails of the land.

In a brief paper of this character, I shall attempt nothing more than to present, chiefly in the language of others, a few facts and suggestions touching the matter under discussion.

In the report of the “Special commissioners to examine the penal reformatory and charitable institutions” of the state of Michigan, made to the Governor of that state during the past year, is found the following:

“Ours has been the experience of all who have undertaken to examine the actual condition of county jails, whether in this or in other states.

“Their condition is wretched beyond all power of description, and beyond all conception of those who have not had the experience of their own senses in the matter.

“There are, of course, marked differences in the condition of the jails; some few, a very few, are subject only in a slight degree to the sanitary objections made, but we speak of their condition in general.

“The defects in them are not owing so much to the manner in which they are kept, as to inherent defects in their construction, their dilapidated condition, and a fatal vice in the common jail system.

“For the most part, our sheriffs are both humane and competent men, and as a general rule the prisoners are well fed, and treated with a reasonable degree of personal kindness.
It is an acknowledged fact, that light and fresh air in generous measure are absolutely essential to a healthful condition of both body and mind. For the most part, our jails seem ingeniously constructed to exclude as much of these essential elements of health as is possible without destroying life.

"Nor is any proper provision made for cleanliness of person. Many prisoners come to the jail filthy in person and in clothing. They are thrust into long, narrow, dimly-lighted, badly ventilated corridors, from which open the cells. There are no bathing requirements or facilities, and prisoners are not always required even to wash their hands and faces. This corridor is used as the sitting and eating room of all the prisoners, clean and unclean, and is often also, the privy and water closet of all; and if not, the privy is closely adjoining, and the corridor is filled with its fetid and sickening odor.

"The cells are very small, usually not exceeding in size four or five feet by eight, and seven feet in height; without ventilating flues, and with absolutely no light or air except such as steals through the iron grates of the narrow doors opening into the corridors. No breath of pure, fresh air ever reaches the inmates. Yet in these cells, alive with vermin, poisoned with the stagnant, fetid air, the prisoners spend one half of their time; and when too sick to creep out into the corridor, the whole of it. *

"The larger proportion of the persons confined in our county jails are confined awaiting trial, and they are often detained month after month.

"They are not convicts and the law presumes them innocent. Experience shows that a portion of them are innocent of the crimes with which they are charged, while a much larger portion of them are never convicted.

"The power to arrest and detain persons charged with crimes is one essential to the public good, but it is one that is often abused by the malice of accusers and the reckless carelessness or corruption of officers; and innocent persons are not unfrequently the victims. But we submit that whatever right the state may have to punish convicts by depriving them of sunlight and pure air, thus destroying health of body and mind by such incarceration, it has no right thus to treat persons who are simply accused of crime and are awaiting trial. They, at least, are entitled to such of the decencies and ordinary comforts of life as may be consistent with safe detention.

"The moral condition of our jails is infinitely worse than their sanitary condition, and after a full examination and careful consideration, we have come to the clear and painful conviction, that they are the very hotbeds and nurseries of vice and crime, and that the state is directly responsible for a large share of crime which it seeks to punish.
"The general plan upon which jails are constructed is that of corridors, with cells opening therefrom. The prisoners are locked in their cells at night, but during the day they congregate in the corridors, without employment and without oversight or restriction as to intercourse.

"There is no separation of the convicts from persons merely accused of crime. Here, often, are gathered those old and hardened in villany, lost to shame, proud and boastful of their crimes; those who have committed their first crime under the influence of some strong temptation; those who have committed some venial offense while under the influence of intoxicating liquors or some sudden passion; mere children in the paths of vice; those who are accused, but are entirely innocent of any crime; and those who are arrested on civil process and are unable to find bail.

"If the wisdom of the State had been exercised to devise a school of crime, it would have been difficult to devise a more efficient one. Here are the competent teachers, the tractable pupils, the largest opportunities for instruction, with nothing to distract attention from the lessons. Those merely accused and those guilty of a first offense, however venial, are taught that the mere fact of an imprisonment has shut them out from all the avenues of respectable industry; that there is no hope in that direction; that society has become their enemy; and that the only course open to them is to become the enemy of society. They are taught how to do this most effectually, and that the chance of detection and punishment decreases just as one becomes skilful in crime; and all the arts, devices and exploits of the experts are taught in detail to listening and wondering ears, who soon learn to admire the audacity and skill described, and to long to imitate and excel such display of them.

"Gambling is a common amusement, and the tricks of professional gamblers are learned. The jails are often so arranged that the male prisoners can converse with female prisoners, and occasional access to the rooms of the latter has been obtained. * * *

"As a rule, the prisoners have access to no books, no efforts of any kind are made for their intellectual or moral improvement, and no interest shown in their welfare. * * *

"Can it be wondered at that the universal experience is that this treatment tends to make men criminals instead of reforming them? These evils are not peculiar to our own State. They exist elsewhere, and all who have turned their thoughtful attention to the subject, whether as practical men or philanthropists, unite in the opinion that our present county-jail system is an unmitigated evil and ought to be abated."

Such is the testimony as to the condition and influence of the jails in the state of Michigan, as given after personal
examination, by gentlemen every way competent to form correct opinions.

In the report of the State Board of Charities of the state of Illinois we find the evidence that the jails in that state are equally obnoxious to unfavorable criticism. This Board in their report say:

"The prisoners, in nearly every instance, are absolutely without employment for mind or body. There are no libraries in the jails; even a Bible is ordinarily wanting; papers are rarely furnished, and no work is provided for the prisoners, much less required of them. Idleness is a fruitful source of vice; and enforced idleness has developed, and always will, the most debasing passions and habits. * * *

"The efforts made at reformation of criminals in the jails of this state are unsystematic, unintelligent, fitful, and in the most of the counties wholly wanting. * * *

"There are three objects in view in all criminal legislation—first, the satisfaction of justice; second, the protection of society; third, the reformation of the offender.

"As to the first of these ends, vengeance is a divine prerogative. The second and third are the only ends which society has the right to seek to accomplish. But be it so. Admit for argument's sake that the public has a right to torture the criminal in its power, simply because he deserves torture. What then? Then let the law prescribe what and how he shall suffer. If he is worthy of death, hang or behead him; but do not, without color of law, kill him by inches by refusing him air to breathe. If he has taken his neighbor's goods, let him by hard labor atone for the act. Let him make restitution. But do not deny him the light of day; do not compel him to be idle, for weeks and months; do not disgrace our boasted Christian civilization, by forcing him to live over an open privy-vault used by a score of prisoners. But a county jail is not solely or principally a place of punishment. It is more properly a place for safe-keeping of persons awaiting trial, about one-third of whom are, upon trial, declared to be innocent. The jail is also used for the detention of the insane and of witnesses—persons not suspected of crime. That a person guiltless of crime should be forced into such a place, and there confined for weeks or months, his health destroyed, and all his finer feelings outraged, is itself a crime against humanity. Such a policy makes great criminals out of little ones."

We have testimony from Ohio showing that the common jail system in that State is similar in its developments as in other States.
The Ohio Board of State Charities, in their second annual report, in speaking of their county jails, use the following emphatic language:

"It is a startling and terrible proposition, sustained by this report (the report of their secretary), that Ohio is to-day supporting, at public expense, as base 'seminaries of crime' as are to be found in any civilized community. Children, youth, the young man, the middle aged, the old, all at the first simply accused of crime, and more or less wrongfully accused—many for their first offense, some old offenders, some debauched, cunning corrupters of men,—representatives of each of these classes are found congregated in our jails. And to perfect the wrong they are crowded often into an ill-ventilated, dirty, dark prison, where the whole being, physical, mental and moral, is soon fitted to receive all 'uncleanness with greediness.' With bad air, vile quarters and depraved associates, little can be added to hasten the perfection of the student in crime. And these schools of crime are to-day found in every county in the State, sustained under form of law, and at the expense of the public."

The Committee on Prisons, of the late Constitutional Convention of New York, in a report to that body, sum up the result of their investigations as follows:

"That there is no one of the sources of crime which is more operative in the multiplication of thieves and burglars than the common jails of the State, as at present organized."

The Committee of the Prison Association of New York, in their report for 1867, speaking of the jails of that State, say:

"They are, indeed, as now constructed and managed, nothing less than seminaries of vice and nurseries of crime."

Miss Dix, the eminent philanthropist, after an extended observation, says:

"If it were the deliberate purpose of society to establish criminals in all that is evil, and to root out the last remains of virtuous inclination, this purpose could not be more effectually accomplished than by incarceration in the county jails, as they are, with few exceptions, constructed and governed."

From the report of the Prison Association of New York for 1870, we find that but little improvement has been made in the condition of the jails of that state, although the attention
of the legislature and the people was called to the matter several years. Abraham Beale, the General Agent of the Association, in his report to the Executive Committee, says:

"That he is more than ever confirmed in the opinion that the best side of a prison is the outside, and that there exists but little within calculated to make men better; and this applies especially to our county jails. * * Nothing is done to elevate the moral condition of the prisoners—not a friend to visit them; not a book for their perusal; not a rebuke or admonition; not a word to the innocent; not a moral lesson given; not a sermon preached; not a prayer offered; no anxiety or solicitude expressed either by the church or the world, for the reformation and salvation of those unfortunates; hence so few reform."

John D. Guscom, M. D., in his report to the same body of his inspection of the jails of several of the counties in the state of New York, during the year 1870, says:

"They remain much the same as heretofore; and it would be a waste of time and paper to repeat details, which have been given, again and again, on former occasions. Their internal arrangements are for the most part inconvenient and unsatisfactory; old and young, novices and professional criminals, the innocent and the guilty, are generally huddled together in the day time, and imperfectly separated at night; there is but little in jails of what may be called discipline, and less of moral agencies for the benefit of their inmates; the prisoners have no regular employment, no secular instruction, no libraries, and generally, no provision is made for a due supply of their religious wants; * * such is the detail—by no means an exhaustive one—of the imperfections, defects, and objectionable features of our system of common jails."

One more brief quotation from a report of the New Prison Association—one of the highest authorities on the subject in the land:

"In the association of prisoners in our common jails the promiscuous intercourse of all classes, all ages, and to a certain extent, we are sorry to add, of both sexes, we have the great evil, the very Pandora's box of the system; the fountain head of pernicious influences, not simply to the inmates themselves, but to the whole community as well, in the midst of which the jail happens to be situated. If an institution should be established in every county of the state, with the inscription over the door "Vice and crime taught here" and the processes within corresponded to the announcement without, this committee is impressed with the convic-
tion that the work of manufacturing criminals could scarcely be more effectually done than it is by our jail system as at present organized and managed. This is strong language but it is not lightly used. There is we think, no proposition more true, than that our present jail system is deeply depraving to the prisoner, and a positive evil to the community.

Were the inmates of our jails the worst of criminals, were they in all cases persons who had been charged with the most heinous crimes, who had been fairly tried, found guilty and justly sentenced, it would be an outrage upon their manhood, a disgrace to the people of the state, and a reproach to the civilization of the nineteenth century to confine them in such places as are many of our jails; but when we remember that the occupants of our jails are mostly persons simply charged with crime, and that too of the milder types, and that the trial often shows them to have been innocent, that sometimes they are merely witnesses, or persons sentenced for a few days or a few months for some minor offence, sometimes mere boys and girls, the outrage, the disgrace and the reproach seem a thousand fold intensified. The chief trouble seems to be inherent in our present criminal system as connected with our jails. The whole system is a relic of the barbarous ages of the past, and the great wonder is that it should have been allowed to remain so long unchallenged.

I have briefly called attention to the condition of the common jails of the country. Their real condition must be understood and appreciated before any great improvement can be made. The remedy for the evils and defects which have been pointed out, will form an appropriate subject for another paper on some future occasion.