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RESEARCH REPORT NO. 3

A BRIEF HISTORY OF CORRECTIONS IN UTAH

1853-1978

JUNE, 1978

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June 6, 1978

I. INTRODUCTION

One hundred twenty-five years separate the selection of a penitentiary site in 1853 from the present-day Division of Corrections with responsibility for 7,320 adult offenders. Included in the division are Adult Probation and Parole, the Utah State Prison, Community Corrections Centers, and the Board of Pardons. Within the Utah State Department of Social Services, the division is headed by a Director with a citizen Board of Corrections serving as the policy-making body. The primary mission of the division is community protection by providing programs to identify and control the inappropriate behavior of convicted adult offenders and assisting them in functioning as law-abiding citizens.¹

A prison has been maintained in the territory and later state of Utah since 1855. The Utah Penitentiary, located southeast of Salt Lake City in an area presently known as Sugar House, was completed that year. Federal legislation in 1871 placed the prison under the jurisdiction of the U.S. Marshal. From then until 1896, it was a United State Penitentiary. The penitentiary buildings and surrounding lands were given to the new state in 1896 and designated as the Utah State Prison. Authorization for construction of a prison twenty-two miles south of Salt Lake City was given by the legislature in 1937. After funding problems and a work stoppage due to World War II, prisoners were moved to the unfinished, new prison near the Point of the Mountain by Draper in 1951.

Before statehood, the territorial governor was empowered by Congressional law to grant pardons and remit fines.² The Utah Constitution established a Board

¹ Utah State Division of Corrections, Mission and Principles, 1977, p.1.

² Brent T. Lynch, Pardon, Parole, and Probation in the State of Utah, University of Utah Institute of Government Research Monograph No. 7 (Salt Lake City, Utah: 1965), p. 19.

of Pardons comprised of the Governor, Justices of the Supreme Court, and the Attorney General with the power to remit fines, commute punishments, and grant pardons after convictions. The Utah Supreme Court found unconstitutional a law passed shortly after statehood granting parole power to the Board of Corrections. The justices felt that this was an infringement on the authority of the Board of Pardons of which they were members. The membership of the Board of Pardons was changed in 1951 to three resident citizens of the state who serve on a part-time basis.

An act passed by the Legislative Council in 1855 created the positions of Inspectors of the Penitentiary. An 1860 amendment called for the selection of three individuals to comprise a Board of Director of the Utah Penitentiary.³ The first state legislature in 1896 provided that the government of the state prison shall be vested in a four member Board of Corrections with the Governor as an ex-officio member. The Board was enlarged to seven, non-paid appointees of the Governor in 1951.

A Parole Law was passed by the legislature in 1899 authorizing the Board of Pardons to reduce prison sentences. An amendment to the Parole Law in 1913 provided for the appointment of a State Parole Agent by the Board of Corrections. The Warden assumed these duties until the 1920's when a separate Parole Agent was appointed. A Department of Adult Probation and Parole was organized by the legislature in 1937 with the dual responsibility of conducting pre-sentence investigations and supervising those on probation and parole.

Community-based corrections programs such as halfway houses for individuals on probation or parole who need closer supervision or prisoners about to be released gained increasing popularity during the early 1960's.⁴ The first such

³George Thomas, A Study of the Indeterminate Sentence, Probation, and Parole in Utah (Salt Lake City, Utah: University of Utah, 1931), p. 59.

⁴Peter P. Lejin, Criminal Justice in the United States, 1970-1975 (Geneva, Switzerland: U.N. Congress on Prevention of Crime and Treatment of Offenders, 1975), p. 47.

center in Utah was opened in Salt Lake City in 1969. Other halfway houses in Ogden and Salt Lake City are now in operation. A separate unit for Community Corrections Centers was established within the Division of Corrections in 1977.

II. BACKGROUND HISTORY OF CORRECTIONS

In early territorial days, corrections in Utah represented a mixture of eastern philosophy and practice combined with a theological orientation of the predominantly Mormon population. The 1648 code in Massachusetts provided capital punishment for idolatry, witchcraft, blasphemy, adultery, rape, treason, cursing or smiting a parent, and homicide committed with malice prepense.⁵ Banishment and such corporal punishments as mutilation and flogging were a part of early colonial life in America. Branding, as in The Scarlet Letter, and the stocks were less drastic correctional measures. The rationalist philosophers Rousseau and Voltaire contributed to the movement from retribution to rehabilitation as a philosophy of corrections. The writings of European prison reformers Cesare Beccaria, Jeremy Bentham, and John Howard were influential in the colonies. The Quakers of Pennsylvania from William Penn on advocated more humane treatment for offenders. "As is usually the case, this philosophical fermentation did not immediately produce results, and it was not until the mellow days of Franklin and Jefferson that the righteous desire to cut off the wicked from the face of the earth began finally to give way."⁶

The unique contribution of America to penology was the substitution of imprisonment for corporal punishment. The Pennsylvania System, combining labor and individual cells, was a major contribution to correctional practice. In 1787 Benjamin Rush of Pennsylvania proposed a prison system based on classification,

⁵Sue Titus Reid, Crime and Criminology (Hinsdale, Illinois: The Dryden Press, 1976), p. 474.

⁶Blake McKelvey, American Prisons: A Study in American Social History Prior to 1915 (Ann Arbor, Michigan: University Microfilms, 1971), p.2.

individualized treatment, and labor to make the prison self-supporting. The Walnut Street Jail, designed to embody many of these principles, failed because of politics, finances, lack of staff, and overcrowding. The reasons for failure sound contemporary.

Models for two different prison systems emerged in America based on the isolation of inmates and work. Under the Pennsylvania System used at the Cherry Hill Penitentiary, prisoners were housed in separate cells where they labored for eight to ten hours a day. The Auburn, New York Prison, completed in 1817, relied on strict discipline and enforced silence during congregate working to keep the prisoners isolated. Regulations included lock-step marching and downcast eyes designed to isolate the inmate and to give him time to contemplate his evil ways. Religion played an important part in the efforts to reform convicts. The inmates returned to individual cells at night. Both systems were expected to be self-supporting from the work performed by the prisoners.

At an 1870 meeting in Cincinnati, the National Prison Association was formed. Led by penologist Enoch Wines, the association enunciated thirty-seven principles including classification, cultivation of inmates' self-respect, indeterminate sentences, and reformation rather than punishment. These principles were crystallized in the penitentiary built at Elmira, New York based on education, vocational training, parole, indeterminate sentences, and classification according to conduct and achievement. These principles gradually filtered into American correctional institutions including the penitentiary in Utah.

III. 1855-1896

During the first few years after the arrival of the Mormons in Utah in 1847, judicial decisions, if needed, were rendered by ecclesiastical courts. Judgments often included restitution or flogging. Even after the organization of Utah as a territory of the United States in 1850, Mormons preferred the justice dispensed by

church rather than civil courts. Most of the cases tried before the district judges in the early days were of gentiles or non-Mormons. With the discovery of gold in California in 1848, there was a large increase in the number of emigrants passing through Utah and the need for a penitentiary was recognized. An appropriation for a territorial prison was included in the Organic Act of 1850 which organized the Territory of Utah. In his message to the Legislative Council in 1853, Governor Brigham Young states:

The site for the penitentiary has been located by the Secretary, the Honorable A.W. Babbitt, on Kanyon Creek, adjacent to the southeastern limits of this city. He is authorized to expend the appropriation made by Congress for that building and is making the requisite arrangements for its speedy erection.⁷

The site chosen was a ten acre plot in what was known as the Big Field Survey in Salt Lake County and is the location where the prison was to remain until 1951. The Sugar House location was later expended to include approximately 185 acres.

Construction of the prison was completed in the latter part of 1854 and the Utah Penitentiary was ready for occupation in January, 1855. It included an adobe prison house, workshop, Warden's house, and an adobe wall twelve feet high and four feet thick enclosing an area of about seven acres. Sixteen cells made of iron bars were placed in excavated holes under the prison house. Guard towers were built in each of the four corners of the wall with a wooden walkway and railing running between them. The total cost of construction was \$32,000.⁸

Architecturally, the penitentiary was dissimilar to either the Auburn or Pennsylvania systems in that the prisoners were housed together in a barracks arrangement. Not surprisingly, dried mud proved to be an insufficient deterrent to escape, especially when there were not enough funds for night guards. The number of escapees plus those killed attempting to escape between 1855 and 1878

⁷Utah, Governor's Message to the Members of the Council, 1853, p. 4.

⁸James B. Hill, "History of the Utah State Prison, 1850-1952" (Unpublished Master's thesis, Department of History, Brigham Young University), p.44

averaged about twenty-five percent of all prisoners.⁹ The workshop was burned in 1857 and the prison house was badly damaged during a rainstorm in 1858.

The introduction of religious services and limited educational opportunities indicates some importance attached to the rehabilitation of prisoners. Governor Charles Durkee declared in 1866:

The present Penitentiary building is insecure. A substantial stone building should be erected within the walls, provided with strong but commodious cells for the retention of prisoners; to which should be added a suitable library and bathing room.... The predominate aim of punishments for crime should be the reformation of the criminal.

In arguing for employment within the prison, Durkee said:

The course at present pursued, by exposing the prisoners in public, bearing on them the badges of their ignominious lot, can but tend to harden them against all effort for their improvement, and to extirpate from their bosoms those feelings of shame, sorrow, and remorse which should work in no small degree their reformation.¹⁰

The tension between Utah and the United States would preclude building a new cell house for over twenty years. Despite the advisability of prison industry, inmates probably appreciated the change in scenery in being transported outside the penitentiary for work projects.

Congress passed an act in 1871 providing that territorial prisons be placed under the control of the United States Marshals in the various territories. By the authority of Utah law allowing for the contracting of prisoners, Warden A.P. Rockwood disposed of the territorial prisoners by hiring them out to several individuals. After stalling and then removing property belonging to the territory, Rockwood surrendered the penitentiary to U.S. Marshal Patrick on August 3, 1871 with no territorial prisoners in custody.¹¹ Marshal Patrick reclaimed the contracted prisoners over Warden Rockwood's protest. For a while territorial prisoners were

⁹ ibid., p. 2.

¹⁰ Utah, Governor's Message to the Members of the Council, 1866, p. 4.

¹¹ Utah, Penitentiary Report to the Members of the House of Representatives, 1872, p. 3.

kept in the city jail, but after 1875 a court order required that they be sent to the U.S. Penitentiary. There is no record of a Territorial Warden in Utah after 1876.

After his conviction for murder in the Mountain Meadow Massacre, John D. Lee spent nine months in the penitentiary in Salt Lake and kept a detailed journal. On August 12, 1875 he records, "The prison is 40 by 30 feet, made of sawn timber spiked together with 18 feet from floor to ceiling with 5 6-light windows within 3 feet of the ceiling and one double door made of iron bars to admit air."¹² Lee said that the grub was good and that most of the prison population of fourteen were in for murder. He tells of a bloody escape attempt, teaching a class for the other convicts, and paying the Warden for special privileges. The principal amusements were singing, banjo playing, step dancing, card playing, and swearing. He writes, "I have concluded to pre(fer) to take up winter Quarters in this prison and there remain till I rot and be Eat up with the bedbugs. . ."¹³

During the 1880's many Mormons were convicted of unlawful cohabitation and sentenced to serve time in the crowded penitentiary. Prisoners had their heads and beards shaved and wore striped suits. Buckets served as bathroom facilities during the night. The convicts were allowed to write letters once a week and were required to bathe every two weeks. One effective means of discipline was a sweat-box, an iron cage into which trouble-makers were tossed until they became submissive. Polygamist John Nicholson penned a description of prison in 1886.¹⁴ The Warden, Turnkey, and eight guards comprised the staff of the prison. The guards alternate six hours on duty and six hours off and are checked by a regulator which

¹²Robert Glass Cleland and Juanita Brooks, A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876, Vol. II (San Marino, California: The Huntington Library, 1955), p. 347.

¹³Ibid., p. 369

¹⁴John Nicholson, The Martyrdom of Joseph Standing (Salt Lake City, Utah: The Desert News Co., Printers, 1886), pp. 79-102.

must be touched every fifteen minutes. Guards on duty inside the prison were unarmed because of several escape plots involving the disarming of the guards. Between 5:15 p.m. and 6:30 in the evening, the prisoners were counted and locked in the bunk houses. Conversation ceased and the prisoners retire at nine o'clock each night. Marshal Frank Dyer's report to the Secretary of Interior the same year said, "In short, it is the poorest excuse for a prison I ever saw and it is very necessary that something should be done."¹⁵

The outcry against the inhumane conditions at the penitentiary were finally heeded by the federal government in 1887 when the Pauly Jail Building Company of St. Louis, Missouri was awarded a contract to build a dining room, kitchen, bathroom, bakery, and cell house. The project was completed in 1888 at a cost of \$50,000. The new cell house improved the living conditions of some of the prisoners but failed to alleviate the overcrowding. Regardless of some dissatisfaction with the earlier construction, the Pauly Company was paid \$95,000 to build a 120 man cell house, hospital, Warden's house, women's quarters, and a stone wall around two acres which was completed in 1891. Finally, for the time being, the institution had adequate physical facilities. After many years of neglect, the years before statehood found Congress expending substantial funds on the improvement of the United States Penitentiary in Utah.

IV. 1896-1936

After many years of controversy, the Enabling Act granting statehood to Utah was passed by Congress in 1895. All lands and appurtenances of the U.S. Penitentiary became state property when Utah was admitted to the Union on January 4, 1896.

¹⁵Fred Harrison, Hell Holes and Hangings (Clarendon, Texas: Clarendon Press, 1968), p. 38.

Article VII, Section 13 of the Utah Constitution provides for a Board of State Prison Commissioners comprised of the Governor, Secretary of State, and the Attorney General to supervise all matters connected with the State Prison.¹⁶ The first state legislature created a four member Board of Corrections including the Governor as an ex-officio member. The 1899-1900 biennial report of the Board of Corrections gives this description of its duties:

The government and control of the State prison and the charge of its inmates and general interests and affairs are vested in this board. It makes monthly inspection of the prison, passes upon all claims authorizes expenditures and allows bills for maintenance, improvements, repairs, etc.; appoints the Warden who holds office during its pleasure, and advises him in regard to the employment of guards and attendants and all other affairs connected with the management of the prison.¹⁷

The Constitution also created a Board of Pardons to consist of the Governor, Justices of the Utah State Supreme Court, and the Attorney General. A majority of the Board was empowered to remit fines and forfeitures, commute punishments, and grant pardons after convictions following a previously announced, open hearing.¹⁸ Although the Governor was a member of the Board, the granting of pardoning power to a board was counter to the practice in several states where the authority to pardon was solely vested in the Office of the Governor. The Utah Governor was given the constitutional duty to sit on two correctional boards, a task that became more time-consuming and burdensome with the expansion of his other duties and the increase in state population.

Parole is generally created by statute and is not an element of pardon in most states.¹⁹ The authority to parole has been held to be a part of the constitutional power of pardon in Utah. A law giving parole jurisdiction to the Board

¹⁶ Utah Code Annotated 1953, Replacement 1A, Constitution of Utah, Article VII, Section 13, p. 245.

¹⁷ Utah, Biennial Report of the State Board of Corrections, 1899-1900, p.3

¹⁸ Utah Code Annotated 1953, Op. Cit., Section 12, p. 244

¹⁹ Brent T. Lynch, "Pardon, Parole, and Probation in the State of Utah" (Unpublished Master's thesis, Department of Political Science, University of Utah, 1963), p. 26.

of Corrections was declared unconstitutional and six parolees had to be returned to the prison in 1898. The Utah Supreme Court declared that the law infringed upon the constitutional right of the Board of Pardons to regulate parole though the word parole does not appear in the Utah Constitution. An 1899 Parole Law authorized the Board of Pardons to reduce sentences. Thus, the Board became responsible for determining the date and type of release of inmates at the Utah State Prison and, in some cases, of prisoners in county jails.

The original Board met quarterly at the State Prison and heard as many as forty requests for parole or termination. Although the Board had reports on the prisoner and his application at its disposal, the inmate appeared in person to make his request. Early reports of the Board of Pardons reveal that termination or parole was granted for such reasons as youth, good conduct, excessive sentence, miscarriage of justice, and at the recommendation of the judge or prosecuting attorney.

A Probation Law became effective in Utah in 1923. It provided for the suspension of a sentence at the discretion of the court. However, judges had the power to suspend sentences before the enactment of the law. No provision was made for supervising probations, so the responsibility fell to the judges. They would occasionally ask a clergyman, employer, or other responsible citizen to supervise an offender on probation.²⁰ There was no satisfactory means of supervising individuals on probation until the creation of the Department of Adult Probation and Parole in 1937.

In the first report of the Board of Corrections in 1896, Warden George N. Dow estimated the value of the prison as \$300,000 including the main building with fourteen rooms, two cell houses containing 244 steel cells, a large chapel with a seating capacity of 250, hospital, women's department and workshop, a stone

²⁰Robert C. Dunn, "Adult Probation in Utah" (Unpublished Master's Thesis, Graduate School of Social Work, University of Utah, 1953), p. 14.

wall 19 feet high enclosing two acres of ground, and a large barn and other buildings located on approximately 180 acres.²¹ All of the buildings were found to be in need of repair.

The prisoners had been classified into three grades as specified by law. All prisoners were classified and rules were adopted for their separation according to classification. New prisoners were placed in the second grade and promoted to the first, reduced to the third, or continued in the second according to their behavior. The nomenclature has changed to minimum, medium, and maximum security, but the concept of classification has not changed much. The criteria for the second grade was "those appearing too incorrigible or more vicious, but so competent to work and so reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor or those in company with whom they may be employed."²² The Board reports that the rules had increased the discipline of the prison and been conducive to the reformation of the convicts. It was reported that good discipline had generally prevailed with the severest punishments being a few days in solitary confinement or a reduction to the third grade. An average of 139 prisoners was maintained during the year at an average cost of 49 1/3¢ per day. The total cost of prison operations during the first year of statehood was \$29,976.95 compared with over \$40,000 the last year under the U.S. Marshal.²³

Problems in obtaining a purer supply of culinary water and ample irrigation water plagued the prison during the early 1900's. Various improvements and favorable adjudication by the courts solved most of the water problems by 1910. Overcrowding became a problem again with Warden Pratt reporting in 1906 that 220 of 238 cells were filled requiring the erection of a new cell house. A modern

²¹ Utah, Report of the State Board of Corrections, 1896, p. 9.

²² *Ibid.*, pp. 3-4.

²³ *Ibid.*, p. 4.

structure with two hundred cells was built with running water, individual wash basins, and an electric lighting system. A major escape attempt from inside the prison in 1903 resulted in the serious wounding of two guards and the successful escape of two prisoners who were recaptured within a week. An investigation by the three citizen members of the Board of Corrections found no negligence on the part of prison officials, although several policy changes were recommended including the removal of ladders from the yard.

A law was passed in 1911 allowing the employment of prisoners on the public roads of the state which proved beneficial to their physical and mental well-being. In discussing the problem of idleness during the winter months, the Board states, "We realize that much of the viciousness of prison life comes by reason of the convicts being unemployed."²⁴ The report recommended that interested inmates be given the opportunity for educational instruction and vocational training.

In the 1918-1919 Warden's Report, George A. Storrs expressed his belief that the dual purpose of imprisonment is to deter others from committing crime and to show the transgressor the error of his ways. Storrs was an advocate of the Thomas Matt Osborne honor system and inmates were placed on their honor to obey simplified rules based on doing the greatest good for the greatest number. He helped released prisoners obtain gainful employment and carried on a voluminous correspondence with individuals who had been released or were on parole.

During the 1920's various industries were established to provide employment for the inmates. An overalls factory was begun in 1923 and operated for ten years before being shut down by a law prohibiting the sale of goods made by convicts on the open market.²⁵ The License Plate Plant was started in 1924 and survives to

²⁴Utah, Biennial Report of the State Board of Corrections, 1911-1912, p.4

²⁵Utah State Prison (Draper, Utah: Utah State Prison, 1969), p. 10

the present day. In spite of these efforts, many of the inmates remained idle. Warden Richard E. Davis wrote, "I consider society far more criminal than the inmate when that inmate is afforded no opportunity for intellectual or physical employment that might help to restore him to useful citizenship."²⁶

After a large decrease in the prison population during World War I, the number of prisoners increased until more than 340 inmates being housed in 288 cells in 1932. Warden Davis noted the insufficiency of the prison farm in 1926 and said that 600-800 acres of productive farm land were needed. Musical entertainment, a lyceum, baseball games in the summer, and movies in the winter helped fill some of the time for prisoners. The University of Utah and Salt Lake City and County schools provided teachers for a prison school with an average attendance of 100 in 1932. A one hour riot in the dining room on November 26, 1932 cost its 20 leaders one to four months in isolation.

The 1927-1928 biennial report lists Owen Nebeker as Factory Superintendent and Parole Agent. Nebeker wrote a short explanation of the Parole Department of the prison in 1935.²⁷ He said that during the preceding ten years, thirty-five percent of those released from the prison had been paroled. The conditions of parole included being faithful to employer, reporting regularly at the first of each month to the Parole Agent, obeying all laws, abstaining from liquor and drugs, not associating with persons of bad reputation, keeping reasonable hours, not leaving the state without permission, and staying away from questionable places. Eighty-five percent of the parolees complied with the parole agreement.

Social casework began at the prison when Harold Fife was appointed Case Investigator in 1932. Its primary purpose was to aid the inmate in adjusting to

²⁶ Utah, Biennial Report of the Utah State Prison, 1925-1926, p. 5

²⁷ James E. Mandell, History of the Utah State Prison, 1850-1935 (Salt Lake City, Utah, Utah State Prison, 1935), P. A.

the prison routine and prepare case information to help in planning for his care and treatment.²⁸ The information was also used by the Board of Pardons in determining a release date, as it was given the full responsibility for determining such by the Indeterminate Sentence Law of 1913 which abolished definite prison terms in Utah. The Parole Agent also used the information about the prisoner gathered by the Case Investigator.

V. 1937-1978

A group of interested and influential people in Utah were able to convince the Legislature to establish a Department of Adult Probation and Parole with two agents in 1937.²⁹ The department was placed under the direction of the Board of Corrections. The two agents divided the state in half for the purpose of supervising offenders on probation and parole. As more agents were added the Northern, Central, and Southern Districts were established with offices in Ogden, Salt Lake City, and Provo respectively. The Uniform Act for Out-of-State Supervision, a reciprocal agreement between several western states for supervising non-residents, was also passed in 1937. Oscar Lowder served as the first Chief Agent from 1937 until his retirement in 1952 and played a major role in the development of the department.

During World War II many individuals being supervised by Adult Probation and Parole and some agents joined the armed forces. At first there was a problem with the Selective Service Boards requiring a release from supervision of all potential enlistees. Individuals not accepted by the military were no longer under departmental jurisdiction. This was changed so that servicemen were released from supervision during their period of enlistment. The practice of the department was to release men unconditionally after six months in the military. The case load of the department increased rapidly after the war.

²⁸ ibid., p. B.

²⁹ Dunn, Op. Cit., p. 16

The Department of Adult Probation and Parole was given the responsibility of supervising offenders who had been placed on probation by the courts and working with those on parole who had been released from prison by the Board of Pardons. In addition, the department conducts pre-sentence investigations into the background of convicted offenders to be used by judges in determining appropriate sentences. Probation and parole officers use social case work methods and individual counseling to assist their clients in resocialization and to protect the community. From two agents and a \$20,000 budget in the 1937-1938 biennium, the department grew to nine agents and a \$107,000 budget in the 1951-1953 fiscal years.³⁰

In April of 1978, 6,401 people were being supervised by Adult Probation and Parole. The number on probation was 5,808 and 593 were on parole. Approximately 600 pre-sentence investigations are performed each month.³¹ The work load of agents is more than double the American Corrections Association's recommendation of fifty units. The difficulty of adequately supervising such a large case load is obvious and it is a problem that has been with the department since its inception. Misdemeanant programs of necessity have been limited. The department has conducted an innovative drinking driver program that has received national recognition. W. Keith Wilson served as Chief Agent from 1952 to 1972 and was succeeded by Paul M. Peters.

In 1950 Governor J. Bracken Lee appointed a committee to study the parole system in Utah. Chaired by Dean Arthur L. Beeley of the Graduate School of Social Work at the University of Utah, the Governor's Committee on Reorganization of the Parole System drafted bills for presentation to the 1951 Utah Legislature. The major recommendations were the substitution of a three member, part-time Board

³⁰Dunn, Op. Cit., p. 34

³¹League of Women Voters of Utah, Crime and ?, A Study of Corrections in Utah: The Adult Offender (Salt Lake City, Utah: 1976), p. 19.

of Pardons instead of the ex-officio Board then operating and the enlargement from three to seven members of the Board of Corrections. The objectives of the legislation were to achieve greater coordination and better working relationships between the three penal authorities, to place pardon and parole beyond the reach of politics, to conserve the valuable time of elected officials, to systematize the procedures of the Board of Pardons, to establish a consistent policy of time off sentences for good behavior, and to improve the social services available to prisoners.³²

The current Board of Pardons identifies its objective as "to determine the optimum release date for each inmate after giving full consideration to the nature of the offense and the degree of risk to society."³³ The Board specifies the suitability of the after-release plan, the extent of the inmate's rehabilitation, and his or her potential for living within the norms of society after release. The Board meets at least once a month and other times as needed. As the prison population has increased, considerably more time has been required of the Board. The Board determines the date when prisoners are eligible for parole within six months after commitment except for those convicted of first degree murder. Prisoners are immediately told of the decision following a hearing before the Board. An Executive Secretary appointed by the Board provides members with information and reports concerning each applicant for parole and interviews each prisoner before his or her appearance. He makes recommendations concerning the disposition of each case as he deems appropriate. The facilities of Adult Probation and Parole are available to the Board. A certified copy of each case record is sent to the department which then assumes responsibility for supervising the offender who has been paroled. Redeterminations of prior Board rulings are not made until one year has elapsed.

³²Arthur L. Beeley, The Central Authority for Coordinating the Facilities for the Probation, Imprisonment, and Parole of Convicted Felons in Utah (Salt Lake City, Utah: University of Utah, 1952), pp. 4-5.

³³Utah State Board of Pardons, Rules and Regulations, 1976, p. 1.

In the 1944-1946 Biennial Report Warden John E. Harris wrote, "On March 31, 1945, Judge Samuel W. Stewart retired as a member of the Utah State Board of Corrections. Judge Stewart completed 33 years as a member of this Board and will always be considered the father of the Utah State Prison."³⁴ Especially before the creation of the position of Executive Secretary in 1958, the Board of Corrections was involved in administrative details of the departments under its jurisdiction. A study done by the Western Interstate Commission on Higher Education in 1967 said that the Board was still too involved in administrative matters. Ernest D. Wright served as Executive Director of Corrections from 1958 until 1977. Corrections was made a division of the State Department of Health and Welfare in 1967. There is still some confusion between the policy-making function of the Board of Corrections and the administrative responsibility of the Department of Social Services.

The 1937 Utah Legislature authorized the building of a new prison near Draper. A farm site of 1009 acres was purchased. The first state of construction was completed in 1941 at a cost of \$292,000.³⁵ Then work on the prison ceased until 1947 because of a shortage of materials during World War II. An honor farm was established at the new site to develop the productivity of the land. Building resumed in 1948 and on March 12, 1951, 575 prisoners were transferred by bus to the unfinished, new prison because of the crowded conditions at Sugar House.

Around the time of the move to the Point of the Mountain, the prison went through six wardens in three years. Only six wardens had served previously since statehood. The most serious riot in the history of the Utah State Prison took place on February 6, 1957 when inmates controlled parts of the prison for twelve

³⁴Utah, Biennial Report of the State Board of Corrections, 1944-1946, p.9.

³⁵Utah State Prison (Draper, Utah: Utah State Prison, 1969), p. 10.

hours. A list of 43 complaints was submitted to Governor George D. Clyde concerning an inmate council, sentencing, parole, camps and privileges, food, eliminating political patronage at the prison, strengthening the education program, and firing the chief prison officials including the Warden. The Director of Corrections in California came to Utah and studied prison operations and a Governor's committee investigated the prison. One recommendation was that procedure manuals for staff and rules for inmates be published. Warden Marcel Graham was sent to California for nine months on an exchange program that brought two California corrections officials to Utah. By 1960 the kitchen had been remodeled, manuals for officers and inmates published, a new prison chapel built, and the industries had been expanded.

The housing for the few women prisoners was not adequate until a new Women's Facility was built in 1960. The women were shuffled around to various quarters until 1938 when the State of Colorado agreed to let Utah pay the costs of keeping the women inmates at the Colorado State Penitentiary. Women prisoners were returned from Colorado in 1957 because of crowded conditions and housed in the Administration Building. The newly-constructed unit contained thirteen individual rooms, a matron's station, a visiting area, and a kitchen. The women were to do their own laundry and cooking and not depend on the rest of the institution for services.³⁶

During the late 1960's several additions to the prison facility were completed. A two phase, minimum security unit was completed in 1967 with housing for 440 inmates in twenty man dormitories. A gym and recreational area, a school and library, and professional offices were a part of the building. A separate Maximum Security Building was finished in 1968 with cells for fifty-four inmates.

³⁶ ibid., p. 12.

Dramatic escapes brought both facilities to the attention of the public. Four escapes from Minimum Security in one day forced the cancellation of the Felon Follies scheduled to be held that evening. Nine maximum security inmates escaped from the recently completed building in November of 1968. Two guards were fired but later reinstated because of this escape in which two dangerous convicts were not recaptured for nearly a week.

The educational and industrial programs at the Utah State Prison have been substantially augmented since the transfer to Draper in 1951. Most of the prison population has less than an eighth grade or functioning level education. An Adult Basic Education Program is designed to overcome these deficiencies. Getting the inmates to attend is difficult and the failure rate is fairly high.³⁷ A high school program through the Jordan School District and a college program from the University of Utah are also available. Inmates may also take vocational education classes. The sign shop, license plate shop, and furniture-making are the largest industries at the prison. Farming, printing, welding, and machine repair training are also available.

A 1975 study of the Utah State Prison by a committee from the Federal Bureau of Prisons gave it generally high marks and characterized it as one of the better state penal facilities in the United States.³⁸ Minimum Security and the Women's Facility were rated highly, but deficiencies were found in Medium Security and particularly in Maximum. Problems in maintaining housekeeping standards, high turnover of correctional officers, investigating criminal offenses at the prison and increasing work opportunities for inmates were identified. Improved visitor facilities and keeping a prisoner under one treatment team were suggested. The addition of the Diagnostic Unit and the increase in commitments have brought the

³⁷ League of Women Voters of Utah, Op. Cit. p. 10.

³⁸ Ibid., p. 17.

present prison population to a cramped 919. Medium security is seriously overcrowded.

VI. CONCLUSION

The response to some major problems developing within the corrections system in Utah has been disappointing. The original Utah Penitentiary was poorly constructed and it took the United State Government 30 years to rectify the very poor conditions existing at the prison. It was nearly 20 years after the serious overcrowding of 1932 before inmates were moved from the outdated institution at Sugar House. Providing meaningful educational, vocational, and recreational opportunities that are used by inmates is the continuing difficulty of prison administration. Adult Probation and Parole has operated under the pressure of case loads far in excess of recommended standards since its establishment in 1937. Housing for inmates and enough agents to adequately supervise those on probation and parole are the serious problems facing Utah Corrections in 1978.³⁹

³⁹Utah, Division of Corrections, Legislative Briefing Paper, 1976, p. 1 (numbered).

BIBLIOGRAPHY

Books

- Beeley, Arthur L. The Central Authority for Coordinating the Facilities for the Probation, Imprisonment, and Parole of Convicted Felons in Utah. Salt Lake City, Utah: University of Utah, 1952.
- Cleland, Robert Glass and Brooks, Juanita. A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876. 2 Volumes. San Marino, California: The Huntington Library, 1955.
- Dunn, Robert C. "Adult Probation in Utah." Unpublished Master's thesis, Graduate School of Social Work, University of Utah, 1953.
- Harrison, Fred. Hell Holes and Hangings. Clarendon, Texas: Clarendon Press, 1968.
- Hill, James B. "History of the Utah State Prison, 1850-1952." Unpublished Master's thesis. Department of History, Brigham Young University, 1952.
- John Howard Association. Unified Corrections Study of the State of Utah. Chicago, Illinois: 1976.
- League of Women Voters of Utah. Crime and ?, A Study of Corrections in Utah: The Adult Offender. Salt Lake City, Utah: 1976.
- Lejins, Peter P. Criminal Justice in the United States, 1970-1975. Geneva, Switzerland: Fifth United Nations Congress on the Prevention of Crime and Treatment of Offenders, 1975.
- Lynch, Brent T. "Pardon, Parole, and Probation in the State of Utah." Unpublished Master's thesis. Department of Political Science, University of Utah, 1963.
- Lynch, Brent T. Pardon, Parole, and Probation in the State of Utah. University of Utah Institute of Government Research Monograph No. 7. Salt Lake City, Utah: 1965.
- McKelvey, Blake. American Prisons: A Study in American Social History Prior to 1915. Ann Arbor, Michigan: University Microforms, 1971.
- Mandell, James E. History of the Utah State Prison, 1850-1935. Salt Lake City, Utah: Utah State Prison, 1935.
- Nicholson, John. The Martyrdom of Joseph Standing. Salt Lake City, Utah: The Deseret News Co., Printers, 1886.
- Reid, Sue Titus. Crime and Criminology. Hinsdale, Illinois: The Dryden Press, 1976.

Spencer, Joseph Taylor. "The Educational Program at the Utah State Prison Before 1954 - After 1954." Unpublished Master's thesis, Department of Educational Administration, University of Utah, 1969.

Thomas, George and Jensen, Adolph Ladru. A Study of the Indeterminate Sentence, Probation, and Parole in Utah. Salt Lake City, Utah: University of Utah, 1931.

State Documents

Utah. Biennial Report of the State Board of Corrections, 1896-1954.

Utah. Biennial Report of the Utah State Prison, 1925-1926.

Utah. Governor's Message to the Members of the Council, 1851-1896.

Utah. Governor's Report to the Secretary of Interior, 1876-1896.

Utah. Penitentiary Report to the Members of the House of Representatives, 1865, 1866, 1872.

Utah Code Annotated 1953.

Utah State Board of Pardons. Biennial Reports, 1897-1908.

Utah State Board of Pardons. Rules, 1923.

Utah State Board of Pardons. Rules and Regulations, 1976.

Utah State Division of Corrections. Legislative Briefing Paper, 1976.

Utah State Division of Corrections. Mission and Principles, 1977.

Utah State Division of Corrections. Utah State Division of Corrections, 1975.

Utah State Prison. Utah State Prison, 1969.

LOCATION OF SOURCES OF INFORMATION ABOUT CORRECTIONS

- Division of Corrections, Social Services Building
 Minutes of the Board of Corrections, 1937 - Present
 Biennial Report of the Board of Corrections, 1925-1934
 History of the Utah State Prison, 1850-1935 by James E. Mandell
 1923 Rules of the Board of Pardons
- Utah State Capitol, Archives and Record Center
 Division of Corrections Newspaper Scrapbooks, 1957-1968
 A Study of Executions in Utah, Microfiche
- University of Utah Marriott Library, Special Collections Department
 Rules and Regulations for the Discipline and Government of the Utah State
 Prison, 1896 U PAM V. 53 No. 4
 The Prison Labor Problem in Utah, 1937 U PAM V. 53 No. 11
 Adult Probation in Utah HV 15.5 1953 D8
 Spencer thesis on Prison Education Program HV 15.5 1969 S65
 A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876 U289.3921 L478d
 Pardon, Parole, and Probation in the State of Utah 1963 378.242 L987p
 Hell Holes and Mangings by Fred Harrison
- University of Utah Marriott Library
 A Study of the Indeterminate Sentence, Probation, and Parole in Utah HV 9305 U8 T5
 Utah State Prison HV 9475 U82 U8
 American Prisons HV 9466 M3
 Unified Corrections Study of the State of Utah HV 7294 J8
 Beeley Committee Report 365.9792 B414c
 A.P. Rockwood, A. Concise History of the Utah Penitentiary, 1855-1878
 (in Bancroft Collection of Microforms Area)
 The Martyrdom of Joseph Standing by John Nicholson
 James B. Hill, History of the Utah State Prison, 1850-1952 (on microfiche)
 Norval Morris, "The Utah Correctional Systems," Utah Law Review, 1957 p. 326-35
 Ockey and Beeley, "The Death Penalty in Utah," Utah Academy v.37 p.127-135
 Rex Skidmore, "Penology in Early Utah," Utah Humanities Review v. 11 p. 145
 John Nebeker, "Early Justice in Utah," Utah Historical Quarterly, 1930. p.88
- Utah State Branch Archives
 Governor's Report to the Secretary of Interior #653 TE-1 00.2, microfilm
 State Board of Corrections Biennial Report 1896-1944, SE-11 00.2, microfilm
 Board of Pardons Biennial Report SE-11 01.2, microfilm
 Adult Probation and Parole Biennial Report SE-11 02.2, microfilm
 Governor Proclamations and Messages

Sources in Archives Boxes

- SE-11 00.3 1958 Prison Employee Handbook
 Division of Corrections Policy Manual
 SE-11 00.2 Reports 1910 - (Box Label)
 Table of Organization
 1959 Evaluation of Utah State Prison
 SE-11 00.2 General Administration Reports. Biennial Reports 40-62 (Box Label)
 1964 Corrections in Utah
 How to Get Out of Prison or Chit-Chat with the Board of Pardons
 Prison Industries
 1970 Progress Report
 1972 Progress Report
- SE-11 00.4 General Administration, Administrative Correspondence
 Transfer of Old Prison Site 1953 file
- SE-11 01.1 1904-1919 Minutes of Board of Corrections
 SE-11 01.4 1914-1922 Board of Pardons Correspondence, A-C
 SE-11 01.1 1907-1914 Minutes of the Board of Pardons
 SE-11 01.13 1952 Board of Pardons Rules and Regulations
- SE-11 0.15 52-
 What You Should Know About Adult Probation and Parole
 1966-1970 Sentencing at the Utah State Prison
- SE-11 01.18 1933 Pardons
 Prisoners' Petitions
- SE-11 01.1 6/1914-1/1925 Board of Pardons Minutes
 SE-11 01.23 Board of Pardons Petition, August, 1970
 Half-way House Materials
- SE-11 02.14 APP Manual for District Agents
 SE-11 03.1 Prison. History of the Change of Site.
 SE-11 03.2 Utah State Prison Reports, Investigations, and Special Reports
 1965 Grand Jury Report
 1957 Report of Utah State Prison Investigating Committee
 1957 McGhee Report
- SE-11 03.2 Utah State Prison Reports 1957 Monthly Report
 Minimum Security Rationale
- SE-11 03.15 Board of Prison Informational Publication
 Corrections in Utah 1964
 1952 Survey
- SE-11 03.15 Pointer News
- SE-11 03.15 Utah State Prison Publications
 1957 Utah State Prison Manual of Procedures
 1963 Report on USP Industries
- SE-11 03.29
 APP Budget Justifications



Social Services

Scott M. Matheson, Governor, State of Utah
Anthony W. Mitchell, Ph.D., Executive Director

June 26, 1979

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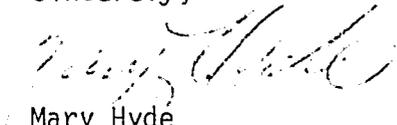
ACQUISITIONS

Here is the material you requested on June 6, 1979.

"Comparative information on Utah Community Corrections Centers" is not available at this time but will be forthcoming.

If we can be of further assistance, please let us know.

Sincerely,


Mary Hyde
Research Analyst

vt
Enclosure

END