

Cat 3
Sent to F Moore
3-16-72

PENNSYLVANIA ADULT CORRECTIONAL TRAINING INSTITUTES (P.A.C.T.)

Developed by the
Center for Law Enforcement and Corrections
College of Human Development
The Pennsylvania State University
University Park, Pennsylvania

A Training Module for Trainers of Personnel
in the Administration of Criminal Justice

Designed as Part of the Statewide Training Program for
Executive and Managerial Correctional Personnel

JAILS AND PRISONS

Training Module 6908

June, 1969

The Statewide Training Program
for Correctional Personnel is supported by
by a grant from the Law Enforcement

Assistance Act, U.S. Department of Justice No. 357-(222)

NCJ001206

CONTENTS

| | <u>Page</u> |
|--|-------------|
| A Foreword To The Instructor | iii |
| I Punishment Before The Advent Of Prisons | 1 |
| II Italian Influence On Penitentiary System | 4 |
| III Jails and Correctional Institutions In The 20th Century | 5 |
| IV Jails In Pennsylvania | 7 |
| V Summary | 9 |
| Bibliography | 11 |
| Films | 12 |

A FOREWORD TO THE INSTRUCTOR

The training module, "Jails and Prisons," was developed into a course outline from material originally brought together by Superintendent Joseph R. Brierley of the State Correctional Institution at Pittsburgh. The Center for Law Enforcement and Corrections wishes to express its deep gratitude to Superintendent Brierley for both his generosity and assistance in making this material available.

All of the material has been edited, updated and incorporated into a series of training modules developed by the Pennsylvania Adult Correctional Training (P.A.C.T.) project. The entire series are intended to provide participants with the following:

1. An understanding of the administration of justice as a system, the interdependence of its elements, and the implications of their role performance for the successful operation of the system;
2. An understanding of the goals of the system and the role-relevancy of universally applicable principles, concepts, and procedures in providing protection for the community and rehabilitative services to the offender;
3. An understanding of the ways in which they may improve role performance consistent with the system's needs for increased understanding, cooperation, coordination, and improved service capabilities.

This training module on penology can be used independently as a short course of several hours duration or it can be incorporated into the full series which P.A.C.T. has produced. This module would be the eighth course presented when the entire series is used. The series would begin with "History of Law Enforcement and Correction in

Pennsylvania"(T.H.No.6901), followed by "The Administration of Justice"(T.M.No.6902), and then "Criminal Law, The Laws of Arrest, and Detention"(T.H.No.6903), "The Police--Its History and Contemporary Place in Society"(T.M.No.6904), "Pennsylvania Judicial System: The Courts, The Judge, The Jury"(T.M.No.6905), "Sentencing--Two Views"(T.M.No.6906), "Probation and Parole"(T.H.No.6907), "Jails and Prisons"(T.H.No.6908), "Capital Punishment"(T.H.No.6909), and finally "The Dynamics of Human Behavior"(T.M.No.6910). Following this suggested order a cohesive picture of the offender, the arrest, sentencing, punishment, and corrections would be presented.

In order that each module be utilized to its fullest potential, the trainer or instructor first should have a sound background, preferably with field experience in the area in which he will be instructing. Secondly, he should have in-depth knowledge of the bibliographical material listed at the end of the training module, as well as other literature sources. With this basic preparation, the trainer can be in a position to employ the training module as a "road map" for the direction and substance of the course. Throughout the preparation and presentation of the course, the trainer should keep in mind the general objectives of the course as set forth at the outset of the outline.

As the course is presented, each heading and subheading should be treated by the instructor as a theme for expansion. The headings are meant only to provide the structure to the trainer, who should then build on them, expanding and enlarging as the needs of the class are demonstrated and his time and ability permits. Many examples and illustrations should be provided to the class. An abundance of

case material and other examples carefully prepared by the instructor is essential. It is the illustrative material that concretize concepts and enhance learning. The trainer should draw upon his own professional experience as well as the bibliographical material for much of this expansion. Obviously, the trainer should capitalize on the experiences of his class in order to make the material more viable.

While the trainer is preparing for the course, certain chapters and sections of the readings will suggest themselves to him as so basic or important that he will want to assign them to the class. Therefore, the bibliography will serve two purposes: preparation of material for the instructor, and training material for the class. No attempt was made on the part of those developing the training modules to dictate what, if any, the class assignment should be. The trainer will know his class and its needs better than anyone else, and should have full discretionary power on assignments, drawing from the bibliographical references or any other sources which he deems relevant.

We of the staff of the Center for Law Enforcement and Corrections hope that these training modules can serve an effective role in providing assistance to those who have the responsibility for training operating personnel. If the material has the potential to serve as a catalyst, it is, nevertheless, the instructor who stands before the class who carries the burden of teaching success. It is to him that we say, "Good luck."

Charles L. Newman, Project Director

William H. Parsonage, Associate Project Director

Barbara R. Price, Assistant Project Director

Training Module 6908

JAILS AND PRISONS

- Course Objectives: (1) To present a history of punishment with implications of its influence on current practice; and
- (2) To suggest functions and goals of modern penology.

1. Punishment before the advent of prisons.

- A. Imprisonment has emerged in the past two centuries.
1. The French Code of 1670 does not mention imprisonment.
 2. Medieval England--imprisonment used for only a few offenses.
 - a. Local jails--used for detention of offenders before trial.
 - b. Work houses held vagrants and beggars.
 3. Church made some use of imprisonment for offenses over which it had jurisdiction.
- B. Before introduction of prisons, physical punishment was the rule.
1. A large proportion of offenders received capital punishment which served two functions:
 - a. Eliminated them from group.
 - b. Satisfied a desire for revenge on the part of society.
 2. Capital punishment was accompanied by cruelty and torture.

- a. Thrown from cliffs.
- b. Crucifixion.
- c. Exile into starvation.
- d. Beheading, hanging, or poison.
- e. Maiming, drawing and quartering, and dragging through the streets.

3. Punishment for lesser crimes.

- a. Maiming--cutting off ears or fingers, splitting tongues, gouging out eyes.
- b. Social degradation and humiliation.
- c. Some punishments had a direct relation to the crime.
 - 1) Brought suffering to offender, and
 - 2) Branded him as a warning to others.
 - 3) Made him less expert in his particular form of crime.
- d. Financial loss and fines were imposed.
 - 1) Repayment of damage done to victim.
 - 2) Later, King took a share of fine.
 - 3) Finally whole amount paid to state.
 - 4) Basis of contemporary system of fines.

C. Punishment and its relation to culture.

1. In earlier times physical suffering was considered a natural part of life.
 - a. Existed in home, school, church.
 - b. State followed suit in devising its methods of punishment.
2. Development of philosophical notions about individual freedom and humanitarianism resulted in:

- a. Public revolt against physical brutality.
 - b. Other means sought to take its place.
 - c. Transporting offenders to America, Australia, and other British colonies was one alternative.
3. With the advent of the American Revolution and because colonists elsewhere objected to the new population, exportation of offenders was ended.
 4. As a result of emergence of humane ideas and unpopularity of transportation, imprisonment was introduced as a method of punishment.
- D. Colonial America--its role in penology.
1. No scientific conception of the nature of the criminal personality existed then, either in Colonial Pennsylvania or elsewhere.
 - a. Criminal was held to be a perverse free moral agent who must experience the full savage revenge of an outraged community.
 - b. Barbarous penal code existed for the application of this philosophy--extensive capital punishment and brutal forms of corporal punishment.
 - c. Only class of offenders incarcerated were debtors.
 2. Duke of York Laws of 1676 provided for a typical detention jail modeled on the type in contemporary England.
 3. Quakers initiated in 1682 a century and a half of experimentation with new penal concepts.
 - a. William Penn's first assembly passed the "The Great Law".
 - b. A comparatively humane Quaker Criminal Code.

- c. Abolished a long list of capital crimes and substituted imprisonment at hard labor for the pillory, stocks, whipping post and branding iron.
4. Anglican and Puritan Codes, 1718--this code substituted corporal punishment for Quaker imprisonment.
 - a. Advanced code of Quaker's uprooted.
 - b. Return to cruel and barbarous punishments.
5. In 1794 the Quakers and their allies triumphed.
 - a. The Act of 1794 was passed which reduced the list of capital crimes to first degree murder only.
 - b. Imprisonment was prescribed for all other offenses.
6. The Walnut Street Jail.
 - a. Opened in 1790 in Philadelphia.
 - b. The first penitentiary for the Commonwealth.
7. Western Penitentiary - opened in 1826.
8. Eastern State Penitentiary - opened in 1829.
9. Pennsylvania shares the credit with Massachusetts for being the first colonies to reduce the harsh English and Colonial criminal codes.

II. Italian influence on penitentiary system.

- A. Francini, an optician in Florence, opened his home in 1650 to destitute boys.
- B. Filippo Franci, a priest, following Francini's example, established a home for vagrant boys.
 1. Set up rules which anticipated many ideas that became an integral part of the penitentiary system one hundred years later.

2. Paved the way for the San Michele reformatory established in Rome by Pope Clement XI for delinquent boys - 1704.
3. The institution contained departments for two hundred orphan boys and more than five hundred aged and infirm men and women.

III. Jails and Correctional Institutions in the 20th Century.

- A. Used for confinement of offenders who have been convicted and committed by the courts.
 1. State established and owned.
 2. County and municipal jails.
- B. Function--punishment or reformation.
 1. Law dictionary defines punishment as "a penalty for transgressing the law."
 - a. Under such a definition commitment to penal institution represents a form of punishment.
 - b. However, philosophically and historically the word "punishment" has gathered many meanings.
 - 1) Revenge--exemplified in the blood feud.
 - 2) Penitence and expiation--religious offenses.
 - 3) Elimination of offender--society's fear of non-conformists.
 - 4) Deterrence both to offender and to others in the community.
 2. The concepts of reformation and rehabilitation have recently come to the fore.

3. Result--jumble of conflicting and opposing ideas which have not been worked out into a logical system.
 4. Both functions--punishment and reformation--are expected of the institutions.
- C. Goals of the institution.
1. Many people in the field are coming to believe that punishment and reformation are inconsistent goals.
 - a. Impossible to combine the two.
 - b. One or the other must be chosen.
 2. Unsettled question--is the offender sent to an institution as punishment or for punishment?
 3. Two schools of thought--a question of basic philosophy.
 - a. For punishment--punishment should be brought home to the offender at every turn.
 - b. As punishment--commitment to the institution is in itself a form of punishment or "treatment"--institution should be a training center and the experience a constructive one of preparation for future community life.
 4. The development of the psychological and social sciences, permitting better understanding and adjustment of the offender, is giving new impetus to the idea of reformation.
 - a. The concept of reformation is more commonly accepted by the general public than straight punishment during imprisonment.

- b. The substitution of the words "institutional treatment" for "punishment" now so frequently heard is significant of the developing trend.

IV. Jails in Pennsylvania.

- A. Most jails are outmoded.
 - 1. Pike County Jail built in 1814.
 - 2. Majority of county jails built in early and mid-nineteenth century.
 - a. Lack adequate physical resources.
 - b. Plant impedes effective programming.
- B. Scope of state criminal justice facilities.
 - 1. Eight State adult correctional institutions.
 - 2. Each county has a jail.
 - 3. Ten State juvenile institutions.
 - 4. Twenty-two local juvenile detention facilities.
- C. Jails hold a variety of persons.
 - 1. Situational.
 - a. Pretrial.
 - b. Precommitment to State.
 - c. Postcommitment sentenced offenders.
 - d. Material witnesses.
 - 2. Behavioral and violational differences.
 - a. The well adjusted to the extremely disturbed.
 - b. The situational and the repetitive offender.
- D. Use of jails for pre-trial detention.
 - 1. Constitution assures the right to bail to all defendants in noncapital crimes.

2. Although not used extensively enough, Pennsylvania has a nominal bail law.
 - a. Some beginnings of the use of release on own recognizance.
 3. A recent survey showed that 27% of persons charged with offenses, for which magistrate set bail, did not obtain release.
 - a. Bail penalizes the poor.
 - b. Does not necessarily hold high risk people.
 4. Cost of pre-trial detention high to the individual and to the county.
 5. High bail is essential for dangerous and organized criminals.
 - a. Theoretically assures their appearance for trial.
 - b. Deters new criminal acts while awaiting trial.
 6. Need is for more detailed information on individual prisoners so that nominal bail can be decided intelligently.
- E. Dehumanizing procedures occur in jails and detention facilities.
1. Lack of adequate facilities, staff and funds force institutions to remain as strictly custodial institutions.
 2. With adequate resources jails could provide rehabilitative treatment in the forms of:
 - a. Job training and vocational rehabilitation counselor projects.

- b. Academic education.
- c. Work release programs.
- d. Psychological or psychiatric help.

F. Future directions.

- 1. Six regional correctional facilities are being planned for Pennsylvania--three are under way.
- 2. Prerelease centers are being implemented for prisoners returning to society.
- 3. Parole and probation staff are being increased and upgraded.
- 4. Educational programs are being organized for prisoners and supported by nearby vocational training schools and universities.
- 5. Public interest and cooperation is on the increase.

V. Summary.

A. Punishment before the advent of imprisonment.

- 1. Brutal, physical punishment.
- 2. Influenced by the culture of the times.
- 3. Colonial America.
 - a. Influenced by contemporary European notions--change of attitudes favoring humanitarianism.
 - b. Strong influence of Quakers in Pennsylvania.
 - 1. Experimentation with new forms of punishment.
 - 2. Anglican and Puritan Codes.
- 4. Italian influence.
 - a. Home for vagrant boys--Francini and Franci.
 - b. Establishment of San Michele Reformatory.

B. Modern penal and correctional institutions.

1. Purpose--confinement of offender.
2. Function-punishment and reformation.
 - a. Gradual evolution of punishment concept.
 - b. Influence of social sciences, public opinion and enlightened social philosophy suggest that emphasis on reformation will continue to increase.

C. Conclusion.

1. Society pays heavily for shortcomings of penology.
2. Large percentage of serious crimes committed by former inmates.
3. Effective rehabilitation through individualized treatment programs could drastically reduce the overall cost of crime in Pennsylvania.

BIBLIOGRAPHY

Goldfarb, Ronald, Ransom: A Critique of the American Bail System.
Harper & Row. 1965.

Manual of Correctional Standards, American Correctional Association,
Washington, D. C. 1966.

McKelvey, Blake, American Prisons: A Study in American Social
History Prior to 1915. Patterson Smith. 1968.

Zalba, Serapio R., (and others), Women Prisoners and Their Families:
A Monograph on a Study of the Relationships of a Correctional
Institution and Social Agencies Working with Incarcerated Women
and Their Children. Delmar. 1964.

FILMS*

Men in Cages. (CAROUSEL) 52 min., 50166. \$10.20

Overcrowding of jail systems; confinement of young first-offenders with hardened repeaters; difficulties in finding work encountered by men who have been imprisoned for several years. Considers the question: what sort of persons go to prison, what happens to them there, and what can be done to keep them from returning? From CBS Reports series.

*Films are available from Audio-Visual Services, The Pennsylvania State University, 6 Willard Bldg., University Park, Pa. (Phone 814-865-6315). Prices refer to rental as of 1969.