

# Prison and Penal Reform

By T. E. HARVEY, M.P.,\* and JOHN KIDMAN\*

## I—ENGLAND

By T. E. HARVEY

THE last thirty years have witnessed a series of changes in the treatment of offenders in England which have already had remarkable results that deserve to be more widely known.

In 1910 the daily average prison population in England and Wales was 20,828. This daily average fell to 12,238 in 1934, to 11,306 in 1935, and to about 10,600 in 1936, the latest year for which figures are available. The reduction of the number of prisoners by one-half has been achieved in spite of the growth of the general population and in the face, in recent years, of prolonged unemployment and trade depression which might have been expected to have brought a large increase of certain types of offences. In consequence it has been possible to reduce the number of prisons from 56 to 26. The financial gain to the community is obvious, but far more important has been the improvement in the fabric of human life of which these figures are an inadequate symbol.

A series of Acts of Parliament have made it possible to keep out of prison thousands who less than thirty years ago would have been sentenced to imprisonment. The largest class were those who came to prison through failure to pay fines or money payments enjoined upon them by the Courts. The Criminal

Justice Administration Act of 1914 allowed magistrates to order the payments of such sums by instalments and this was supplemented in 1935 by an Act which provides that before a person is committed to prison for failure to make a money payment, he shall be brought before the Court with a view to inquiry into the reason of the default, so that if the cause be poverty, the fine may be suspended or paid in instalments.

The object of the law is that no man should go to prison simply by reason of his poverty.

In 1907-08 three children under 12 and 566 children between the ages of 12 and 16 were sent to prison. In 1908 the age for committal to prison was raised to sixteen and in 1933 to seventeen. In 1909 Borstal treatment in special training institutions was introduced as an alternative to prison for young offenders and has since been increasingly made use of with valuable results, while the method of placing prisoners on probation which was made possible by the Probation of Offenders Act of 1907 has been applied with great advantage (though it is still insufficiently made use of) not only in the case of young offenders but of adults.

In 1910, 10,217 persons were placed on probation under supervision, and in 1933 there were 18,937 similarly placed.

While by these measures many thousands of persons who formerly would have been sentenced to imprisonment have been otherwise dealt with, to their own and the general advantage, the prison system itself has been undergoing a gradual but profound transformation.

Twenty years ago English prisons worked with rigid and mechanical uniformity. Inside the prisons the rule of

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Mr. Harvey has for many years been a fighter for prison reform in Great Britain. He spoke recently in the House of Commons on the problems which are the subject of this article.

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absolute silence was enforced. Not only was all conversation between prisoners strictly forbidden, but the prison officers themselves were not allowed to speak to any prisoner, except to give orders or instructions. Prisoners wore an ugly dress, their hair was close cropped on entering, but they were not allowed to shave, thus increasing their sense of degradation. The atmosphere was one of distrust and repression. Apart from classes for illiterates, no attempt was made to educate. Some prisoners exercised their wits to evade the rules; others lost heart and hope. At best the system seemed aimed at the production of obedient prisoners, not at fitting them to regain a place of usefulness in the world on their discharge.

The prison of today, although the buildings are still, unfortunately, largely the same, is already a different place. The prison crop has been long abolished; prisoners may shave, they no longer wear a degrading dress, the hideous broad arrow of the convict's clothing has disappeared, adult education has become a regular part of prison life, and evening classes in a variety of subjects are held in every prison, physical instruction has been added to the previous inadequate open air exercises, and the absolute silence rule has been abolished; the regulations of the Commissioners at present provide that during working hours there should be no more conversation and there need be no less than in a well regulated factory. Officers are expected to encourage the prisoners in their progress and are no longer limited to giving commands and instructions. Prisoners are not pampered and prison life is necessarily monotonous, while for most their isolation from the ordinary life of the world is an ever present punishment. Realising this, the English Prison Commissioners decided some fifteen years ago to appoint a number of unofficial visitors in connection with each prison. These visitors are authorised to visit a number of prisoners alone in their cells, the visits being paid at the close of working hours during the week and at the weekends, when no work is being

done and prisoners are especially lonely. They may speak freely on any subject except that of religion, which is the province of the prison chaplain. Such visitors can be peculiarly helpful in the case of young prisoners and first offenders; they sometimes are able to help in restoring a prisoner to work on his discharge or in finding some new opening for him; they form a link with the ordinary outside world from which he is now cut off and help him to realize that everything and everyone is not against him. The prisoner can unburden his mind to the visitor when he realizes that he is only there to help him, and often the relief of being able thus to "let off steam" is a great one: sometimes, the visitor may give friendly help at what proves a turning point in a man's life. Prisons in the past have been too exclusively places of punishment and repression. The Prison Commissioners in recent years have made it clear that it is their object that the prisoner should be able to go out of prison a better citizen than when he came in.

No mechanical system can achieve this result, though it may effectively hinder it. The prison staff, from the Governors downward, must enter into the spirit which is needed to make any prison reform effective. There has been a remarkable response by the prison staff to the responsibilities now placed upon them by the Prison Commissioners, while new entrants to the prison service go through a course of special training at the Prison Officers' Training School at Wakefield, which is now also offering training to men from overseas.

Meanwhile a far more thorough classification of prisoners has been effected, both in the individual prisons and to some extent as between prison and prison, several of which are now reserved for younger prisoners of particular age groups. Wakefield Prison, which is fortunate in containing a large area within its walls, has been turned into a training centre where a wider variety of employment is possible, including gardening and the raising of vegetables for use there and at Leeds Prison. To this prison are sent from all parts of the coun-



try, prisoners who have sentences of six months or more and are either first offenders or thought likely to make good. They are divided into groups of eight, with a leader or "stroke", who is chosen by the Prison authorities; the group have their meals together, and have opportunities for recreation not generally available in other prisons. Each prisoner is expected to attend two evening classes a week after the day's work is over, these being taken principally by volunteer teachers from outside the prison. The prison is divided into houses, each under the charge of a housemaster, several of them young Army officers who have undertaken the task in the spirit of social service. The housemaster gets to know the individual prisoner, advises as to their careers on release and sits with members of the Discharged Prisoners' Aid Committee to assist in the provision of care and assistance on their discharge. For some time a small weekly payment has been earned by prisoners at Wakefield, which may be spent in the prison canteen or remitted to their families. The payment is not an individual one: it is earned by a group of workers when the work exceeds a certain standard, this method promoting *esprit de corps* as well as encouraging diligence. The improvement in output has been very marked and the general effect so good that this system of payment (which is not a wage) is being extended to other prisons. The most remarkable improvement at Wakefield is perhaps to be found in the farm colony which has been at work with success for over a year. An

isolated upland wooded valley some seven miles from the prison was chosen for the seat of this experiment. Here a carefully selected group of prisoners erected for themselves a group of wooden huts, to serve as dormitories, living rooms and kitchen. At first the men were taken to and fro to their work, then they were able to live on the spot, felling trees, clearing brushwood, preparing and draining the land and planting some acres of potatoes. A number worked at some distance from the officer in charge; there was no high boundary wall, not even a barbed wire fence. There has not been a single attempt at escape. The men worked in conditions approximating to freedom and gained visibly in health, muscle and morale. This farm colony proved especially useful in providing a transition to normal life at the closing period of a man's sentence. But the experiment points the way to future prison reform.

The heavy and expensive prison buildings bequeathed to us by former generations should be replaced by such simple and inexpensive camp buildings situated in the country, with reception centres instead of prisons in the cities. Hard work in the open air is the healthiest and best occupation for most prisoners whose physique permits it. They are not cut off from comradeship, they can learn something of the team spirit as well as of the need for individual effort. They may go out fitter in body and mind to take up life afresh when their prison sentence is over, not embittered against the world, and with hope in their hearts.

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## II—CANADA

By JOHN KIDMAN.

**P**RISON Reform in Canada has been handicapped since Confederation by the fact that the B. N. A. Act divided the jurisdiction in penology, leaving the courts of Justice and the jails to the provincial governments and the Criminal Code and the penitentiaries to the Government of Canada. In England reform only became really effective when in the latter part of the last century all

the prisons were placed under Whitehall. Previous to that many of them had been under county or municipal direction. The ABC then of reform and satisfactory administration of the penal system, whether courts or institutions, is a strong central administration.

Reform of any institution must come generally from those who know of it and who are free to speak of it. Prison



reform in Canada has been held back, first, because those responsible for the administration of the system would not in many cases admit its weaknesses, and second, because the inmates who could speak, do not generally care to make known, after freedom, that they are ex-convicts, and even if they waive that feeling, their word is discounted owing to their record.

### Penitentiaries

Since 1867 the Dominion penitentiaries have been administered by the Department of Justice at Ottawa under the Penitentiaries Act, and up to the period of the Great War very few improvements were introduced. That means to say, the only conception of these institutions was that they were places for punishment, hence the silence rule, the solitude of the cell, the meal eaten in the cell, the absence of any education and recreational facilities, the lack of any welfare visitation, plus the existence of cruel punishments such as the shackling to a cell door of its occupant in an upright standing posture, the application of a hose on the body of a refractory inmate and the corporal punishment with instruments known as the paddle and worse.

Following the war the penitentiaries were administered with more humane-ness; the libraries were improved; some measure of education provided; the silence law was not enforced rigidly, and occasional concerts were permitted. The industrial system of "shops" was improved in this early twenties period by General W. S. Hughes, who in his annual reports for several years made various recommendations in the direction of better segregation or classification methods, only possible by the erection of one or two more penitentiaries and the more extended use of the State plan of using the prison "shops" for the furnishing of government requirements in whatever was produced in these establishments. Unfortunately not very many of these recommendations have been adopted and carried out.

Around 1932 there was an epidemic of prison riots and outbreaks throughout the North American continent, and it touched Canada and every penitentiary. Just at this time the administration had passed to a new superintendent, who made a very detailed examination of the situation and interviewed several hundreds of inmates. The men who rebelled, that is, the ringleaders, were punished through the courts, some very severely in Quebec Province and others comparatively lightly in Ontario and elsewhere. But shortly thereafter Major-General Ormond, the new superintendent, announced various ameliorations in the prison regulations, among which were the following:

- Issue of cigarette papers (for which convicts buy their own tobacco out of allowance).
- Standardization of corporal punishment weapons.
- Cancellation of punishments formerly existing, such as the Oregon boot, shackling a man to cell door, application of water hose.
- Provision for physical exercise in the open air.
- Increased visits by relatives of convicts and increase of letter-writing privileges from one letter to three per month.
- Cancellation of silence rule and permission for cell-to-cell conversation at certain hours.
- Abolition of hair-cropping.
- Increase of electric light from 10 to 24 candle power in cells.
- Library improvement.
- Authorisation for Salvation Army to hold popular religious and musical services.
- Authorisation for Prisoners' Aid bodies to have certain officers registered for periodic visitation of inmates to discuss family and personal problems, arrange for rehabilitation on release, etc.

Further developments were the introduction of a new classification, the "Y" grade, 16-21 years, in the penitentiaries in the summer of 1935 designed as a nucleus of the Borstal system. This movement has made good progress since classification of all inmates in the penitentiaries is now directed by a board of officers who meet periodically in each institution.

Finally a Royal Commission was appointed to investigate the penal system of Canada. By the time this article is read the report of the Commissioners



may have been issued or will be due shortly. It may be hoped that it will meet with better success than the reports of two previous commissions (1914 and 1921).

### Jails

In the year 1890 there was appointed in Ontario a Royal Commission which was empowered to survey in that province the causes of crime, its treatment, and what improvements could be made in the light of modern study. This turned the light on what are known as county jails, and the evidence in a somewhat voluminous report showed that these jails at that time were marked by an entire lack of industry, by old and unsuitable and often unsanitary buildings, with no provision for taking physical exercise, or even fresh air, the situation being complicated also by varying length of sentence (from ten days to two years, less a day), also by the fact that no attempt could be made at segregation in most of these institutions. The Commissioners agreed that conditions in these county jails were unsatisfactory; yet could not recommend their abolition or replacement, on the ground that the cost would be ruinous to the public exchequer.

But time and the prison reform policy of the Hon. W. J. Hanna, Provincial Secretary of Ontario in the first decade of this century, led to the establishment of the Guelph Farm Reformatory, and to-day there are seven such institutions for adults, with others for juveniles, and even these institutions are graded for different types.

History repeats itself, for in Nova Scotia in 1931 there was appointed a Royal Commission, the findings of which were on a par with the Ontario 1890 report, that there was practically nothing good to be said of the county jail. The writer of this article made a subsequent tour in company with Prof. C. H. Mercer, of Dalhousie University, and was satisfied that the dark colours had not been laid on too thickly by the Commissioners.

From samples of county jails visited in the provinces of Quebec and New Brunswick, together with information

received, one is compelled to admit that the jails' situation is equally bad in these provinces. There is a very commodious building in Montreal, with splendid equipment; but even there, classification, except on very elementary lines, is not attempted, and although there are shops, there is not sufficient industry to keep more than 50 per cent employed.

This jails' situation in all these provinces is serious for this reason, that whereas there were released from penitentiaries in 1935, 2,145 persons, the number discharged from jails was 53,128 and unfortunately this latter total included quite a large proportion of young men and teen-age youths.

Ontario and British Columbia have shown the way with these adult reformatories, and most of the western jails are run on the farm basis, but Quebec and the Maritimes still lag behind.

### Probation

Having dealt with penitentiaries and jails, which embody the old, old conception of dealing with the law-breaker, let us look at a more excellent way, the way of probation. England and the United States have justified this procedure in justice, which consists of allowing the first offender to go free from the court even though guilty, but to report to a friendly officer, not a police station. A federal law has made it possible for the provinces to enact a Probation and Parole system, but here again, while Ontario and British Columbia have acted, there has been nothing done in the province of Quebec and its neighbors to the east. Thus, while Ottawa and Toronto have probation officers, Montreal and Halifax have not. Fortunately the situation is saved in Montreal by a voluntary probation system, and there are in the criminal courts representatives of the Salvation Army, the Prisoners' Aid & Welfare Association of Montreal, and the Association Jeunesse Ouvrière Catholique (which last organization has a delinquency group). So, nowhere more than in Montreal has this court probation for adult offenders been



more justified, as every year hundreds of first offenders benefit by the intervention of these social workers. Further, Montreal is the home of the experiment in legal defence for indigent accused persons, through the Prisoners' Aid, which, according to the nature of the case, either provides counsel, or acts on its own responsibility. In Great Britain there are nearly 1,000 adult probation officers, about half of whom are paid by the county Justice authorities, while others are partially paid by them and partly by a voluntary agency. That is what is needed in Canada: probation should be consolidated and should not be left to any one voluntary agency, except in so far as the agencies are recognized and registered by the State.

To recapitulate:

- (1) Consolidation of Canada's prison system is desirable: the division between penitentiary

and reformatory and jail (often dealing with the same customers in turn) is arbitrary and stultifying to a really effective administration.

- (2) The Dominion penitentiaries have seen great improvements under the present administration and are likely to see more when the Royal Commission has reported. Such ameliorations are both negative and positive, the dropping of certain things and the introduction of new and more constructive policies.
- (3) The jails are the weak spot in the penal institutional system of eastern Canada (Ontario excluded). The substitution of adult reformatories such as Guelph and its sister institutions in Ontario and of Oakalla in British Columbia shows the way out.
- (4) But the ideal way out is for probation to be used so freely that half of the present jail population will disappear and half of the half will go to reformatories, and the remnant of vagrants, drunks, etc. will go to farm correctional establishments.
- (5) The study of all these problems should be undertaken in an annual congress, as was done at the First Canadian Penal Congress held in Montreal in June, 1935.

## The Larger Unit of School Administration Application to Nova Scotia

BY G. A. FERGUSON

### Research undertaken at Dalhousie University.

During the summer months of this year research work on the reorganization of school units in the Province of Nova Scotia has been carried out under the supervision of the Committee of Research in Public Administration at Dalhousie University.

The objectives of this research were as follows:

1. To study the inequalities and defects of the present section system of school government in Nova Scotia.
2. To study experiments in enlarged units in the United States and Canada, and to evaluate them with a view to applying a similar technique in Nova Scotia.

3. To employ the findings of the above studies in drawing up a suitable plan for reorganized school units for Nova Scotia.
4. To select a suitable area for an initial experiment in the enlarged unit organization.
5. To make a detailed study of that area and to show what educational and financial advantages would arise over a given period on a larger unit basis.

### The Present Situation.

In 1936, 1713 rural and village school sections were in operation in Nova Scotia. Each section appointed three trustees and a school secretary, making a total of 6852 local school officials, operating 2058 rural and village schools, and providing for the education of 61,335 children. Each school section calculated its own tax rate, collected its own school taxes, and administered to the educational needs of its own particular area.

EDITOR'S NOTE) G. A. Ferguson, B.A., is a graduate of Dalhousie University. He won an I.O.D.E. Scholarship a few months ago and is at present doing post graduate work in Education at Edinburgh University.