

Prison Reform in Pennsylvania

By Norman Johnston, Ph.D.

Board Member Emeritus of The Pennsylvania Prison Society

Two centuries ago, Philadelphia and Pennsylvania became the center of prison reform worldwide. To understand how this happened, one must look briefly at the early development of penal practices in William Penn's colony. Penn, who himself had been confined in England for his Quaker beliefs, abolished the Duke of York's severe criminal code which was in effect in other parts of British North America, where, among other offenses, the penalty of death was applied for murder, denying "the true God," homosexual acts and kidnapping. Severe physical punishments were used for what were considered lesser crimes. Pennsylvania's Quaker-inspired code abolished the death penalty for all crimes except murder, using instead imprisonment with labor and fines. The law did call for severe penalties for sexual offenses: "defiling the marriage bed" was to be punished by whipping plus a one year sentence for the first offense, life imprisonment for the second.

Upon Penn's death, conservative factions in the American colony and in England reintroduced many of the more sanguinary punishments. As late as 1780, punishments such as the pillory and hanging were carried out in public. An account of an execution that year related how two prisoners "were taken out amidst a crowd of spectators...they walked after a cart in which were two coffins and a ladder, etc., each had a rope about his neck and their arms tied behind [sic] them...they were both hanged in the commons of this city [Philadelphia] abt. [sic.] 1 o'clock."

Jails up until the time of the American Revolution were used largely for persons awaiting trial and other punishments and for debtors and sometimes witnesses. In the Old Stone Jail at Third and Market Streets in Philadelphia, old and young, black and white, men and women were all crowded together. Here, as in other county jails in Pennsylvania at the time, it was a common custom for the jailer or sheriff to provide a bar, charging inflated prices to the prisoners for spirits. In Chester County, the English custom of charging for various other services was also in force, e.g. fees for locking and unlocking cells, food, heat, clothing, and for attaching and removing irons incident to a court appearance.

In 1776, Richard Wistar, Sr., a Quaker, had soup prepared in his home to be distributed to the inmates in Philadelphia prisons, many of whom were suffering from starvation at the time and even several deaths. Wistar formed the Philadelphia Society for Assisting Distressed Prisoners, but with the British occupation of the city the next year, the organization was disbanded.

Because of the rapidly growing population, a new jail was begun in 1773 on Walnut Street, behind the State House (later, Independence Hall). The new prison had the traditional layout of large rooms for the inmates. Initially, conditions were little better than they had been at the old jail. Prisoners awaiting trial might barter their clothes for liquor or be forcibly stripped upon entering by other inmates seeking funds for the bar. The result was great suffering when the weather turned cold. One estimate stated that 20 gallons of spirits were brought into the prison daily by the jailer for sale to the inmates. It was also considered a common practice for certain women to arrange to get arrested to gain access to the male prisoners.

After the peace of 1783, a group of prominent citizens led by Benjamin Franklin, Benjamin Rush and others organized a movement to reform the harsh penal code of 1718. The new law substituted public labor for the previous severe punishments. But reaction against the public display of convicts on the streets of the city and the disgraceful conditions in the Walnut Street jail led to the formation in 1787 of the Philadelphia Society for Alleviating the Miseries of Public Prisons, (a name it retained for 100 years, at which time it became The Pennsylvania Prison Society), the first of such societies in the world. Members of the Society were appalled by what they learned about the new Walnut Street prison and the next year presented to the state legislature an account of their investigations of conditions and recommended solitary confinement at hard labor as a remedy and reformative strategy.

An act of 1790 brought about sweeping reforms in the prison and authorized a penitentiary house with 16 cells to be built in the yard of the jail to carry out solitary confinement with labor for "hardened atrocious offenders." Walnut Street Jail, by the same legislation, became the first state prison in Pennsylvania. Following 1790, the Walnut Street jail became a showplace, with separation of different sorts of prisoners and workshops providing useful trade instruction. The old abuses and idleness seemed eliminated, but with Walnut Street now a state prison and the population of Philadelphia increasing rapidly, it, like its predecessor, became intolerably crowded. The large rooms, 18 feet square, which still housed most of the prisoners, by 1795 had between 30 and 40 occupants each.

The Prison Society continued to urge the creation of large penitentiaries for the more efficient handling of prisoners. Partially as the result of the Prison Society's

efforts, money was appropriated for a state penitentiary to be built at Allegheny, now part of Pittsburgh. The reformers also remained convinced that in spite of the small-scale isolation cellblock at Walnut Street, that site would never prove the value of the system of separate confinement which came to be called the Pennsylvania System. Only an entire larger structure, built specifically to separate inmates from one another, would be needed. Authorizing legislation was finally passed on March 20, 1821, and eleven commissioners were appointed by the governor. Among them was Samuel Wood, later to be the first warden of the prison. All but three of the building commissioners were either members of the Pennsylvania Prison Society or had served on the board of inspectors of the Walnut Street jail.

Members of the Prison Society felt that the solution to the disorder and corruption in most prisons and even at the Walnut Street Jail lay in complete separation of each inmate for his or her entire sentence, a system which had been tried occasionally in England but was always abandoned because of costs and inadequate prison structures. The small "penitentiary house" of 16 cells at Walnut Street jail had ended up being used mostly for hard core prisoners and as punishment for infractions of prison rules. What was needed was a wholly new kind of prison on a large scale.

In 1822, work began on what was to become Eastern State Penitentiary, although at the time it was called Cherry Hill because it displaced a cherry orchard. Despite not being finished, the prison opened in 1829. Completed in 1836, it turned out to be one of the largest structures in the country at the time and far exceeding preliminary cost estimates. Each prisoner was to be provided with a cell from which they would rarely leave and each cell had to be large enough to be a workplace and have attached a small individual exercise yard. Cutting edge technology of the 1820s and 1830s was used to install conveniences unmatched in other public buildings: central heating (before the U.S. Capitol); a flush toilet in each cell (long before the White House was provided with such conveniences); shower baths (apparently the first in the country).

The system of 24-hour separation of each prisoner coupled with in-cell feeding, work, and sometimes vocational instruction, came to be known as the Pennsylvania System or Separate System, and remained the official position of the Pennsylvania Prison Society throughout the 19th century, although the system and its unusual architecture — a central hub and radiating cellblocks — were seldom imitated in other states. An alternative system known as the Auburn or Silent system developed elsewhere in the United States, with individual sleeping cells, sometimes as small as 2 feet by 6 feet, and work in congregate shops in silence during the day. By the early decades of the 20th Century, neither system was used in the United

States. However, the Separate System and its distinctive hub-and-spoke or radial architecture, which had developed in the Philadelphia prison, became the template for reform all over Europe, South America, and Asia.

The role of the Prison Society could be subsumed under three rubrics: oversight and advocacy, prison visiting, and assistance to men and women released from prison. From the time of the organization's inception, Prison Society members made regular visits to prisons to speak with prisoners about their lives as well as conditions in the prison. Some scholars believe that those early visitors were easily hoodwinked by both officials and inmates but certainly their periodic visits did discourage some of the abuses which might otherwise have occurred over the years. Such matters as food, clothing, heating of the cells and sanitation could be noticed by the visitors. At Eastern State Penitentiary in one month alone, in 1861, nearly 800 visits in the cells and 300 at the cell door were carried out by Prison Society members.

The Prison Society's Official Visitors are provided access to all state and county correctional facilities through act of legislature. This legislative mandate, unmatched anywhere in the nation, ensures citizen involvement in the administration of justice which provides a base of information for the oversight of the prison system and for inmate advocacy. Today, the Prison Society's network of nearly 300 Official Visitors makes roughly 3,000 prison visits each year and continues to be one of the most vital and important aspects of the organization.

Advocacy issues the Prison Society has tackled in recent years include: encouraging legislative changes in the areas of early parole for "good time" behavior, repealing mandatory sentencing codes, establishing specialty courts (drug and mental health), and promoting legislation that does not prohibit ex-offenders from employment, housing, and public welfare benefits; advocating for the abolition of the death penalty; bringing attention to children of incarcerated parents; banning the shackling of pregnant prisoners; meeting regularly with top corrections officials to promote reform.

As part of its mission to inform the public on issues dealing with the treatment of prisoners and corrections in general, the Prison Society established in 1845 the *Journal of Prison Discipline and Philanthropy*, which is published today as *The Prison Journal*. Additionally, the Prison Society publishes a quarterly newsletter, *Correctional Forum*, as well as a monthly newsletter, *Graterfriends*, published primarily for prisoners. Additionally, the Prison Society provides testimony on criminal justice issues, community speakers, and panelists for seminars and conferences.

The Prison Society is involved in a wide range of program areas, which provide services for prisoners, ex-offenders, and their families. For example, Reentry Services Programs empower ex-offenders to become respected and productive members of the community by helping them with life skills, obtaining necessary identification, job search preparation, and job readiness. Restorative Justice services help offenders find meaningful ways to be accountable for their crimes and build relationships with communities and victims. Because "life means life" in Pennsylvania, the graying prison population is rising dramatically and the Prison Society provides case management to incarcerated men and women age 50 and older. The Prison Society has helped families affected by incarceration build and maintain their relationships through programs such as virtual video conferencing, and continues to help through parenting education and support groups for children of incarcerated parents.

For more than two centuries, the Prison Society has worked diligently to combine justice and compassion for a more humane and restorative correctional system. Today, the Prison Society continues that mission with patience and passion and with steadfast energy through a dedicated and competent statewide staff, a committed board of directors with exceptional expertise in the criminal justice and corrections world, and more than 1,000 members who support the organization.