Institutions and Intentions in the Study of Crime

Beyond Empiricism

Joan McCord

Transaction Publishers
New Brunswick (U.S.A.) and London (U.K.)
Punishing Serious Juvenile Offenders: Crime, Racial Disparity, and the Incarceration of Adolescents in Adult Prison in Late Nineteenth- and Early Twentieth-Century Pennsylvania

David Wolcott and Steven Schlossman

Introduction

In 1995, as his first official act upon taking office as governor of Pennsylvania, Tom Ridge (the current federal Director of Homeland Security) convened a special session of the state legislature to address a seemingly unprecedented burst of crime (and especially violent crime by juveniles). In his 1994 campaign, Ridge, like virtually every major Republican gubernatorial candidate in the mid-1990s, had strongly advocated establishing tougher laws against juvenile crime, regularly admonishing that if kids did adult crimes, they should do adult time in prison.

The 1995 legislative session generated wholesale changes in both the philosophy and operation of the state’s juvenile justice laws. In particular, the legislature passed Act 33, which expanded provisions for the transfer of juveniles to adult court. Before 1995, any person aged seventeen or younger accused of a crime in Pennsylvania had fallen under the jurisdiction of juvenile court. The sole exception had been for juveniles accused of murder, who were transferred directly to adult criminal court. Under Act 33, juveniles between ages fifteen and seventeen accused of any of eight additional violent offenses were also automatically transferred to adult criminal court.
These kids could get back into the juvenile justice system by petitioning the criminal court, but the burden of proof fell upon them (Leete, 1996; "New Rite of Passage," 1997; Tanenhaus and Drizen, 2002: 664-665).2

The changes in Pennsylvania were not unique to that state. Instead, they encapsulated a nationwide trend in the 1990s in which almost every state revised its laws to facilitate transfer of juvenile offenders to adult criminal court and, ultimately, to adult jails and prisons. By expanding the range of offenses subject to transfer to criminal court (as did Pennsylvania), by lowering the age boundaries for juvenile court, or by blending the jurisdictions and penal authorities of juvenile and criminal court, most states created new legal means to get tough on juvenile crime (Austin, Johnson, and Gregoriou, 2000; Fagan and Zimring, 2000; Feld, 1998).

One result, not surprisingly, has been an increase in the number of juveniles sent to prison. The number of offenders under age eighteen that Pennsylvania courts committed to state prison increased from an average of thirty-three per year between 1989 and 1994 to sixty-four per year between 1996 and 1999 (Pennsylvania Department of Corrections, 2000: 15). Nationwide, the number of new admissions to state prison of persons below age eighteen also increased sharply, from approximately 3,400 in 1985 to 7,400 in 1997. On a given day in 1997, 5,400 juveniles were incarcerated in state prisons, and another 9,100 in county jails (Austin et al., 2000; Strom, 2000). Changes in the law also increased the number of prison facilities that were designed expressly for juveniles. When Pennsylvania opened its State Correctional Institution at Houtzdale in 1996, the new facility included a separate area for juvenile offenders. In addition, Pennsylvania’s 1995 law provided for a new $71 million, 500-bed facility on a former Christmas tree farm in Indiana County called Pine Grove, which opened in January 2001 (Buckley, 1997; White, 2001).

These changes have generated widespread criticism. First, the tougher "adult time" laws accentuated racial disparities. In Pennsylvania’s Allegheny County (Pittsburgh), according to journalist Barbara Stack White (2001), “black youths were more likely [than whites] to be charged as adults, more likely to be wrongly charged, more likely to be denied transfers to juvenile court, and more likely to be sentenced to longer terms.” Second, systematic studies have shown "adult time" laws to be ineffective from a correctional standpoint. Donna Bishop and her collaborators (1996, 2000) have demonstrated that in Florida, home of one of the earliest and most extensive juvenile transfer laws, kids who appeared in criminal courts and served time in adult facilities were more likely to recidivate than kids who went through the juvenile justice system. Third, in light of a decline in rates of serious crimes committed by juveniles since the mid-1990s (National Research Council and Institute of Medicine, 2001), an increasingly punitive approach to juvenile offenders looks like an overreaction.

Social welfare and criminal justice analysts have also argued that recent changes such as Pennsylvania’s Act 33 constitute a fundamental reversal of the historical principles underlying juvenile justice. In the late nineteenth and early twentieth centuries, social activists such as Jane Addams and judges such as Denver’s Ben Lindsey—two preeminent “child-savers”—sharply condemned the criminal justice system for trying juveniles before the same courts as adults and incarcerating them in the same jails and prisons. Their activism ultimately resulted in the creation of separate courts for juveniles, first in Chicago and Denver in 1899 and in virtually every other state by 1920. These courts were founded on the principles of treating, rather than punishing, young offenders, and of protecting them from trial and incarceration alongside adults. The child-saving principles underlying the entire system of juvenile justice, critics argue, have been undermined by the recent laws that treat juveniles as criminals who happen to be children, not children who happen to have committed crimes (Ayers 1997; White 2001).

The current debate about the virtues of “getting tough” on juvenile offenders versus preserving the original principles of the juvenile justice system raises important historical questions that merit careful attention in their own right. How did the judicial and penal systems of the late nineteenth and early twentieth centuries respond to the worst young offenders? What difference did the “child-saving” movement make in their treatment? Prior research on the invention and growth of the juvenile justice system has only begun to explore the serious offender, who he was, when juvenile court might transfer him to criminal court, and how courts and penal institutions responded to him.3 What characterized the worst adolescent offenders? What kinds of crimes did they commit? To what extent did prison
cease to be an option for them following the creation of juvenile courts? In short, how much have recent get-tough laws reversed older judicial and correctional practices for serious juvenile offenders?

To provide an empirical historical starting point for understanding recent changes in juvenile justice, this essay examines the behaviors and treatment of youths confined to prisons in one state, Pennsylvania, between the 1890s and the 1920s. Because these youths represented the most serious juvenile offenders of their time—the baddest of the bad—analyzing their experiences in the penal system will shed new light on just how deeply the turn-of-the-twentieth-century "child-saving" movement penetrated the justice system. By providing a long-term perspective on recent policy changes that aim to increase confinement of serious juvenile offenders in adult prison, this essay enables us to address whether recent trends represent a return to common practices of the past or the creation of new ones. Is modern-day criminal sanctioning of serious juvenile offenders more, less, or equally punitive as in the past?

**Kids in Prison in Late Nineteenth- and Early Twentieth-Century Pennsylvania: Methods and General Patterns**

Histories of juvenile justice tend to assume that children and youth regularly ended up in state prisons prior to the creation of juvenile courts, but probably not afterward. Early advocates of juvenile justice such as Chicago activists Timothy Hurley (1977 [1907]) and Julia Lathrop (1970 [1912]) claimed that, in the nineteenth century, criminal courts routinely detained juveniles in county jails and local lock-ups alongside adults and not-infrequently sentenced them to state prisons. Juvenile courts, however, established separate judicial proceedings for children and youth and required that they be detained (prior to hearings) and incarcerated (following adjudication) apart from adults. Pennsylvania followed the lead of other states, passing legislation requiring separate detention for children in 1901 and enacting laws allowing courts to sit in special session for juveniles in 1903, four years after Illinois established a juvenile court for Chicago (Pennsylvania Commission, 1926). Creating juvenile courts and replacing the punitive goals of criminal law with the equity law principle of "*pares patriae*" in cases involving children represented a sharp break from the past, one that would foster humane judicial, correctional, and preventive alternatives to the entire criminal justice system.

But how often did courts actually commit juveniles to adult prison in the late nineteenth and early twentieth centuries? Were they mainly committed for heinous crimes against persons, such as murder and robbery, or for conventional property crimes, such as burglary and theft? Were minority groups over-represented among juveniles committed to state prison?

A new database that we have compiled of all males age 17 and under committed to state prisons in Pennsylvania between the 1890s and the 1920s (N = 472) reveals that courts did utilize prisons as a sentencing option both before and after the "child-saving" movement and the creation of juvenile court. These data include inmates in the state's two penitentiaries operating at the time, the Eastern Penitentiary (Philadelphia) between 1893 and 1928, and the Western Penitentiary (Pittsburgh) between 1896 and 1926.4 Both penitentiaries had been established in the 1820s and, in their day, had represented bold penal innovations, utilizing regimentation and a strict code of silence to discipline inmates and to encourage them to repent their crimes. By the 1890s, however, these innovations had fallen away, and the two penitentiaries were little different from other large prisons (Colvin, 1997: 83-84; Walker, 1997: 81).

Why focus our analysis on boys? Courts almost never sent girls to state prison; we discovered only six girls under age eighteen admitted to Eastern or Western Penitentiary in a period of over thirty years. Boys, in contrast, constituted a substantial population. We selected those ages seventeen and under because they would be considered juveniles today, and they are the exact age group affected by Pennsylvania's Act 33. However, at the turn of the twentieth century, their status would have been more ambiguous and problematic. Then, they would have been considered too old and to have committed crimes too serious to be protected like younger juveniles, yet they would also have been viewed as too young and inexperienced in crime to be punished simply as adults. Thus, they posed a problem for the criminal justice system.

What other sanctions were available for judges to deal with young offenders? In addition to local jails, Pennsylvania had a reformatory at Huntingdon for first-time offenders between the ages of 15 and 25. Conceived as a third penitentiary to serve the central part of the state, the Huntingdon institution was redesigned as a reformatory in the 1880s after the ideas of the "new penology" influenced the Penn-
sylvania legislature to experiment with indeterminate sentencing, educational and vocational treatment, and the grading of inmates to measure their progress toward reform. Huntingdon received, on average, 387 new inmates per year, roughly one-third ages 17 and under. Of these, the vast majority had committed offenses against property (Pennsylvania, 1895; Pennsylvania Industrial Reformatory, 1924: 19).

In addition, Pennsylvania also operated two reform schools: Glen Mills, in the eastern portion of the state, and Morganza in the west. These institutions received both boys and girls up to age 21, although most juveniles were initially committed to their early- to mid-teens. For the most part, courts committed youths to these institutions for minor property crimes or status offenses such as "incorrigibility" or running away. Between 1861 and 1922, for example, Morganza received an average of roughly 200 new inmates per year, 70 percent for status offenses (Pennsylvania Commission, 1926; Pennsylvania Training School, 1922: 23).

By contrast, the two state prisons received very few juvenile offenders, roughly fourteen per year or just 1.5 percent of their total intake. These boys were concentrated at the high end of the age range under consideration here: 69 percent were 17 years old at the time of their admission, 24 percent were 16, and 6 percent were 15 or younger. Although their ages distinguished them very little from boys committed to Huntingdon, Glen Mills, or Morganza, their offense profiles did. Half (51 percent) of the mid-teens sent to state prison had committed offenses against property, among which burglary and forced entry (30 percent of all offenses) predominated, followed by other forms of larceny and theft (21 percent). However, a substantial minority, 46 percent, had committed offenses against persons. Among these, robbery (18 percent of all offenses) predominated, followed by killing (10 percent), sexual assault (10 percent) and simple assault (8 percent). The remainder of convictions was for offenses against public order; status offenders were never committed to state prison. A prison sentence was thus an unlikely disposition for young offenders in Pennsylvania; only the worst offenders were sent there.

African Americans were disproportionately represented among the mid-teens sent to prison. Although blacks constituted approximately 3.3 percent of Pennsylvania’s population in 1920 (and 3.0 percent of the males between ages 15 and 19), they comprised 30 percent of the mid-teens sent to prison.6 We might be tempted to guess that blacks were more likely than whites to perpetrate serious crimes that could land them in prison, but this was not the case. In fact, the offense profiles of both racial groups were strikingly similar. Approximately 48 percent of black offenders and 45 percent of white offenders were committed for crimes against persons; 50 percent of blacks and 52 percent of whites were committed for crimes against property.

From this broad overview of our data, three findings stand out. First, incarceration in state prison was a rare but viable sentence for boys between the 1890s and the 1920s, before, during, and after the "child-saving" movement. Second, the juveniles committed to state prisons really were the baddest of the bad. Their offense profiles contained serious crimes against persons far more often than those of youths committed to juvenile correctional institutions. That said, however, property crimes (albeit serious ones) constituted a substantial portion of their offenses as well. Third, African Americans were sent to prison in numbers ten times greater than their representation in the population. The disproportionate impact of incarceration on black youth that is evident today was also apparent at the turn of the twentieth century and afterward.

Before “Child-Saving”: Juveniles Committed to Pennsylvania’s Prisons in the 1890s

Having established these general patterns, the key issue we want to analyze now is the extent to which the child-saving movement impacted commitment of juveniles to prison. By beginning our analysis in the 1890s we can capture the operations of justice for juveniles prior to the creation of juvenile court. Although this decade was on the cusp of change, child welfare advocates still commonly argued that courts regularly sentenced mid-teens to prison.

During the 1890s, about thirteen mid-teens per year (on average) were committed to Pennsylvania’s state prisons.7 These boys comprised 1.7 percent of the total intake (N = 97/5,760). Most boys who were committed to state prison in the 1890s were ages 16 or 17, but a substantial minority—15.5 percent—were age 15 or younger (N = 15/97). In absolute numbers, as many 15-year olds were committed to state prison in the 1890s as in the next three decades combined.
Thus, to the extent that children 15 and younger were ever sent to state prison, those commitments were likely to occur before the creation of juvenile court.

Boys committed to prison in the 1890s also manifested extreme versions of the general patterns noted earlier. First, the majority (65 percent) was committed to prison for offenses against property. Violence against persons accounted for just 31 percent of juvenile incarcerations. This pattern applied to both whites and blacks (68 and 63 percent, respectively). Thus, heinous acts of violence were not a precondition for judges to commit children to prison. Second, black juveniles were over-represented with particular sharpness. At a time when blacks constituted approximately 2.5 percent of the state’s population, they comprised 41 percent of the mid-teens sent to prison, or a ratio of roughly 16:1.8. Although judges did not send large numbers of mid-teens to state prison in the 1890s, the numbers suggest that they did incarcerate them fairly casually, committing notable shares of boys (especially black boys) at early ages for property crimes.

Today, most people would doubtless regard boys between 15 and 17 as schoolchildren, but a century ago they were more likely to be viewed as young adults. Virtually all of the mid-teens sent to state prison in the 1890s, including those age 15 and younger, had dropped out of school and held unskilled jobs prior to their incarceration. Excluding a small group that never attended school, their average age of leaving school was 13.26 years. For the great majority of mid-teen inmates, state prison appears to have been their first incarceration. Only 21 percent reported prior confinement (N = 2097), mainly in local jails or in one or more of the state’s juvenile correctional institutions, for periods averaging 18 months. Thus, while the mid-teens sent to state prison were already “men” in that they had made the transition from school to employment, very few had prior records of incarceration that might have identified them as incorrigibles. Given the preponderance of property offenders, it is hard to characterize these boys as vicious or career criminals, or to claim that prison was the sole option that judges had available to punish them. Instead, somewhere between boyhood and manhood, these boys had committed just a few crimes of sufficient magnitude to land them in state prison.

Incarceration in state prison rather than in a reformatory or a juvenile reform school certainly constituted the harshest punishment available to punish boys in their mid-teens. In the 1890s, the median sentence for juveniles sent to state prison was 36 months—doubtless an eternity for a 15-17-year-old boy, but (as we shall see) briefer than the average sentence after the turn of the century. Not surprisingly, offenses against persons received substantially longer sentences than did those against property (medians of 51 and 33 months, respectively). More surprisingly, however, blacks received shorter sentences than did whites for both person offenses and property crimes: a median of 27 months for blacks versus 36 months for whites.

This curious pattern suggests a hypothesis: judges in late nineteenth-century Pennsylvania may have employed a lower threshold of criminal conduct for blacks than whites in deciding whom to imprison. That is, whites may have received longer maximum sentences than blacks because the severity and/or persistence of their criminal behaviors may, in fact, have been greater. These would have been qualitative differences to which the judges who heard individual cases would be sensitive, but which the legal labels under which boys were sentenced to state prison (e.g., assault, theft) potentially obscured. Thus, judges may have been quicker to pull the trigger of state prison on young black offenders than on young white offenders. It may have required less severe or persistent crime before judges were ready to impose the harshest penalty in their arsenal—state prison—upon them.

Imprisoning Boys: Limits of the “Child-Saving” Movement in Pennsylvania, 1901-1910

Following the invention of juvenile courts in Chicago and Denver in 1899, many large cities—spurred by legislation enacted at the state level—began to open juvenile courts, including Philadelphia and Pittsburgh in 1903 (Bates 1905). In the eyes of “child savers” like Jane Addams and Ben Lindsey and of the scholars who have chronicled their efforts, the separate handling of juvenile offenders signaled a major philosophical shift regarding the state's role in protecting childhood innocence. The “child savers” sought quite specifically to remove children from criminal law proceedings and from adult correctional institutions—not just from state prison but from
local lock-ups and county jails as well (Hurley, 1977 [1907]; Lindsey, 1905).

Yet the reach of the early juvenile court movement was less broad than many scholars have assumed. Most of the pioneer courts met infrequently and few had separate detention centers. Probation services were minimal and under the control of volunteers or police officers. Only the largest counties were usually empowered to run juvenile courts. In Pennsylvania, only Philadelphia and Allegheny counties assigned judges to work full-time with juveniles. In the smaller counties, judges in the Court of Quarter Sessions sat in juvenile sessions as needed. In some states, notably New York, juvenile court constituted little more than a separate criminal proceeding for children. In other states, juvenile and criminal courts held concurrent jurisdiction over individuals who committed serious offenses; certain offenses—such as homicide—were sometimes eliminated entirely from juvenile court jurisdiction (Pennsylvania Commission, 1926: 1-3; Rothman, 1980: 236-260; Tanenhaus, 2000: 19-25).

Moreover, the age boundaries for early juvenile courts were set quite low, usually at 16 or 17. In Pennsylvania, juvenile courts could not hear the cases of children over age 15. These low age boundaries inevitably kept juvenile courts from hearing most cases involving serious crimes by mid-teen offenders. Many states only began to raise these age boundaries in the 1930s; in Pennsylvania, the age boundaries of juvenile court were not extended to cover 16- and 17-year-olds until 1939 (Allegheny County Juvenile Court, 1942; Bates, 1905: 332; Pennsylvania Commission, 1926: 3, 12; Tanenhaus, 2000). Thus, the advent of juvenile court did not necessarily diminish the likelihood that mid-teens would be committed to the state’s penitentiaries.

To what extent did changes associated with the “child-saving” movement affect the commitment of juveniles to Pennsylvania’s state prisons in the 1900s? After 1900, the courts of Pennsylvania continued to commit mid-teens to state prison, but the committal rate declined from over thirteen per year in the 1890s to less than ten per year in the 1900s. The share of mid-teens in new intake also declined from 1.7 percent in the 1890s to 1.1 percent in the 1900s (N = 97/8,896).

The “child-saving” philosophy had its most immediate impact in reducing the numbers of children ages 15 and under who were sent to state prison. As a portion of new intake, this group declined from 15.5 percent in the 1890s to 5 percent in the 1900s—a total of only five young children in the entire decade. Furthermore, boys age 15 and under who were sent to state prison in the 1900s had committed a much narrower range of offenses than in the previous decade. Four of the five had committed serious offenses against persons, including one murder. Unlike the 1890s, when the majority of offenders age 15 and under had committed property offenses, only one in the 1900s had done so.

Despite the sharp reduction in 15-year-olds, 16- and 17-year-olds were only somewhat less likely to be committed to state prison after the turn of the century: nine per year in the 1900s (on average) versus eleven per year in the 1890s.1 In the early twentieth century—when modern views on adolescence were just emerging, and when it remained unusual for mid-teens to attend, much less to graduate from, high school—courts retained state prison as a viable option for punishing 16- and 17-year-old criminal offenders. The creation of juvenile court, at least in Pennsylvania, does not appear to have
marked a major historical watershed in public policy regarding whether to incarcerate older adolescent offenders in prison.

But were the profiles of mid-teens sent to state prison in the 1900s the same as in the 1890s? No. Although state prison remained a judicial staple for punishing mid-teens, judges became less likely to incarcerate property offenders. In the 1890s, 65 percent of juvenile inmates had been committed for property offenses and 31 percent for offenses against persons. In the 1900s, as Table 2.1 shows, 44 percent were committed for property offenses and 54 percent for person offenses. Although judges continued to commit 16- and 17-year-olds to state prison, apparently they raised the threshold of criminal behavior for committing them. In the 1900s, it was much less likely that a property offender in his mid-teens would be sent to state prison than in the 1890s. This new pattern of judicial decision-making may well have reflected an indirect impact of the “child-saving” philosophy on the administration of criminal justice—even for adolescents who (as in Pennsylvania) were beyond the age jurisdiction of juvenile court.

In spite of the change in offense profile, racial disparity remained a powerful continuity before and after the turn of the century. Black youths comprised 43 percent of the mid-teens committed to Pennsylvania’s state prisons in the 1900s, up slightly from 41 percent in the 1890s (N = 42/97). Blacks constituted just 2.5 percent of the state’s population in 1910; black mid-teens were thus over-represented in state prison by a ratio of approximately 17:1. Of the five children age 15 and under who were sent to state prison in the 1900s, three were black. Given the overtly racist underpinnings in early twentieth-century social policy, the continued vulnerability of black children to incarceration in state prison is not surprising.

But were the sharp changes in offense profiles equally evident for blacks and whites? The answer is both yes and no. The direction of change was similar for both racial groups, but new differences emerged that were not evident earlier. The share of blacks committed for property offenses declined sharply between the 1890s and 1900s, from 68 percent to 48 percent. But the share of whites committed for property offenses decreased equally substantially, from 63 percent to 42 percent. While the share of blacks incarcerated for offenses against persons increased from 30 percent to 48 percent, the share of whites incarcerated for person offenses jumped from 32 percent to 58 percent (see Tables 2.2 and 2.3). Put another way, after the turn of the century, black 16- and 17-year-olds were still as likely as not to be committed to state prison for property offenses, but this was not the case for their white counterparts. In the 1900s, Pennsylvania’s judges raised the bar for committing both black and white juveniles to state prison; serious person offenses were now substantially more common for both groups. But the judges raised the bar higher for whites than for blacks. Black mid-teens were not only much more likely than whites to be committed to state prison, they continued to be more likely than whites to be committed for a property offense.

Judges also sentenced boys to longer terms after 1900. Boys’ median sentence to state prison increased from 36 months in the 1890s to 48 months in the 1900s. This increase resulted in large part from the increase in the 1900s in the portion of boys convicted of crimes against persons. But as in the 1890s, blacks continued to receive shorter sentences than whites. Even though the median sentence of black inmates grew from 27 months in the 1890s to 42 months in the 1900s, it remained less than the median of 48 months for whites in the 1900s. This racial discrepancy might conceivably have derived from the greater share of blacks that were committed for property offenses. However, blacks in the 1900s actually received shorter sentences than whites for both person and property offenses. Our earlier hypothesis about reasons for the shorter sentences of black inmates still applies. While judges may have employed a lower threshold for committing black mid-teens to prison, whites may have received longer sentences because, we suspect, the offenses for which they were convicted were qualitatively more serious.

<table>
<thead>
<tr>
<th>Table 2.1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Offense Categories among Juveniles Committed to Pennsylvania State Prisons, 1893-1928</strong></td>
</tr>
<tr>
<td>1890s</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td><strong>Against Persons</strong></td>
</tr>
<tr>
<td><strong>Against Property</strong></td>
</tr>
<tr>
<td><strong>Other</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
<tr>
<td>n = 97</td>
</tr>
</tbody>
</table>
Table 2.2
Offense Categories among White Juveniles Committed to Pennsylvania State Prisons, 1893-1928

<table>
<thead>
<tr>
<th></th>
<th>1890s</th>
<th>1900s</th>
<th>1910s</th>
<th>1920s</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against Persons</td>
<td>32%</td>
<td>58%</td>
<td>46%</td>
<td>46%</td>
<td>45%</td>
</tr>
<tr>
<td>Against Property</td>
<td>63%</td>
<td>42%</td>
<td>51%</td>
<td>52%</td>
<td>52%</td>
</tr>
<tr>
<td>Other</td>
<td>5%</td>
<td>0%</td>
<td>3%</td>
<td>2%</td>
<td>9%</td>
</tr>
<tr>
<td>Total</td>
<td>101%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>99%</td>
</tr>
<tr>
<td>n = 57</td>
<td>n = 55</td>
<td>n = 100</td>
<td>n = 118</td>
<td>n = 330</td>
<td></td>
</tr>
</tbody>
</table>

Table 2.3
Offense Categories among African American Juveniles Committed to Pennsylvania State Prisons, 1893-1928

<table>
<thead>
<tr>
<th></th>
<th>1890s</th>
<th>1900s</th>
<th>1910s</th>
<th>1920s</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against Persons</td>
<td>30%</td>
<td>48%</td>
<td>58%</td>
<td>62%</td>
<td>46%</td>
</tr>
<tr>
<td>Against Property</td>
<td>68%</td>
<td>48%</td>
<td>42%</td>
<td>38%</td>
<td>51%</td>
</tr>
<tr>
<td>Other</td>
<td>2%</td>
<td>5%</td>
<td>0%</td>
<td>0%</td>
<td>2%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>101%</td>
<td>100%</td>
<td>100%</td>
<td>99%</td>
</tr>
<tr>
<td>n = 40</td>
<td>n = 42</td>
<td>n = 26</td>
<td>n = 34</td>
<td>n = 142</td>
<td></td>
</tr>
</tbody>
</table>

Triumph or Retrogression? “Child-Saving” and the Expanding Use of State Prison for Juveniles in the 1910s

During the 1910s, the “child-saving” movement solidified its influence on American social policy. The decade saw the creation and expansion of a wide range of new private, municipal, and state-supported programs in education and child welfare. These included child labor restrictions and compulsory school legislation, school-based health services and social workers, mothers’ pensions, youth recreation leagues, and vocational education and guidance programs. In juvenile justice, the 1910s saw the spread of juvenile court to virtually every state and improvements of existing juvenile courts via the expansion of probation officers, privately funded experimentation with mental health clinics, and better coordination of courts with police, schools, correctional institutions, and child welfare agencies. Serious efforts were also made to impart new educational purpose to juvenile reform schools. Symbolized best perhaps by the creation of the U.S. Children’s Bureau in 1912, the 1910s embodied the “child-saving” movement at maximum influence (Mennel, 1973; Schlossman, 1995; Schlossman and Sediak, 1985; West, 1996: 31-72).

Given this context, one might expect that the use of adult prison for mid-teen offenders would continue to decline in the 1910s. But such was not the case—at least not in Pennsylvania. Although the number of mid-teens committed to prison remained relatively small, the rate of incarceration increased from ten per year in the 1900s to almost thirteen per year in the 1910s—or roughly the same rate as had been true in the 1890s. Mid-teens in state prison also increased from 1.09 percent of new intake in the 1900s to 1.45 percent in the 1910s (N = 126/8716). This was a small increase, to be sure, but it indicated a continued readiness in legislative and legal circles to keep state prison in the discretionary arsenal available to judges who dealt with juvenile crime.

Furthermore, mid-teens’ prison sentences increased in length in the 1910s. In 1909, Pennsylvania passed a new indeterminate sentencing law, allowing judges to set prison terms as a range of years rather than a fixed period, and giving corrections officers discretion within that range to decide when inmates should be released. Judges, fearing that this “progressive” innovation invited excessive leniency, responded by handing down longer sentences with a very narrow range between minimums and maximums (Jenkins, 1985). This change was apparent in the maximum sentences received by boys sent to state prison, which increased from a median of 48 months in 1900s to 72 months in the 1910s (and 108 in the 1920s).

However, one important turn-of-the-century change remained evident: a reduction in the use of state prison for children age 15 and under. In the 1910s, 15-yea- olds comprised only 4.7 percent of the mid-teens sent to prison—just six boys—compared to 15.5 percent in the 1890s. Moreover, for the first time, none of these young chil-
dren was a property offender. Three boys were committed for murder and one each for sexual assault, robbery, and assault.

Thus, the increase in the rate of commitment of juveniles to state prison in the 1910s was entirely among 16- and 17-year-olds. And, to the limited extent that judges still committed 15-year-olds to state prison, they did so only for serious crimes against persons. The “child-saving” movement had apparently scored a lasting victory in eliminating property offenders age 15 and under as candidates for state prison.

Overall, however, Pennsylvania judges still viewed state prison as a viable sentencing option for 16-and 17-year-old property offenders. In fact, as Table 2.1 shows, the share of property offenders increased from 44 percent of the juveniles committed to prison in the 1900s to 46 percent in the 1910s (see Table 2.1). Although this was still a substantially smaller share of property offenders than during the 1890s (65 percent), it nonetheless indicates that the “child-saving” movement only tentatively embraced 16- and 17-year-olds. Judges sent most 16- and 17-year-old property offenders to Huntingdon, to reform schools, or to local jails, but they retained their option to send a small portion of them to prison. They showed no sign of giving up that prerogative in the 1910s.

By far, the most dramatic changes in the profile of mid-teens sent to state prison in the 1910s involved race. In the 1900s, blacks comprised 34 percent of the juvenile prison intake; in the 1910s, blacks comprised only 21 percent (N = 26/126). Blacks still constituted only 3.3 percent of the state’s population in 1920, so they remained over-represented among juvenile prison inmates by a ratio of roughly 6:1. Their degree of over-representation, however, was much reduced from 17:1 in the 1900s and 16:1 in the 1890s.

The offense profiles of black versus white inmates changed almost as dramatically. In the 1910s, the share of mid-teen blacks committed for offenses against persons increased to 58 percent, as compared to 48 percent in the 1900s. Among whites, by contrast, the share of mid-teens committed for offenses against persons declined to 46 percent, as compared to 58 percent in the 1900s (Tables 2.2 and 2.3). Thus, the share of blacks among mid-teen inmates was not only half that of the previous decade (21 percent versus 43 percent), but blacks, for the first time, were more likely than whites to be committed for a person offense. Black property offenders, who had constituted such a large share of young inmates in previous decades, were less often sent to state prison starting in the 1910s.

How might we explain these dramatic shifts? Could it be that the threshold for commitment to state prison was lowered for whites and raised for blacks in the 1910s? That is, did judges become more likely to commit white mid-teens to state prison for lesser criminal behaviors, and to commit black mid-teens only for serious person offenses? We believe that the answer is no. This possible explanation seems contrary to what historians know about the prevalence and intensity of racism in this time period. Moreover, such a sharp reversal would also be contrary to continuities in sentencing patterns. In the 1910s, whites still received lengthier maximum sentences than did blacks (a median of 72 versus 48 months). This suggests that judges, overall, continued to view the white mid-teens they sent to state prison as more serious criminals than their black counterparts. Via lengthier sentences, they punished the whites more severely.

In sum, we cannot readily explain the major changes that took place in the 1910s in the racial profiles of mid-teens sent to state prison, or the changing racial balance between person and property offenders. All that we can say with certainty is that, first, the over-representation of black juveniles, while still notable, decreased substantially in the 1910s compared to the previous two decades, and, second, blacks were no longer more likely than whites to be committed for a property offense.

Competing Philosophies, Clear Policies: The Continuing Expansion of Juvenile Commitments to State Prison in the 1920s

The 1920s have a two-sided reputation in the annals of criminal justice. On the one hand, on the adult side, they are remembered as a “law-and-order” decade punctuated by prohibition-inspired gangsterism and “get tough” law enforcement, including no-holds-barred police responses to suspected criminals and a ratcheting up by legislators and judges of prison sentences (Walker, 1997: 158-195). On the other hand, on the juvenile side, they are remembered as a time when a new preventive ethos—spurred by growing popular interest in psychology and embodied in the professionalization of social work and the invention of “child guidance” clinics—gave new meaning to the child-savers’ pursuit of “individualized justice” for juvenile delinquents (Mennel, 1973: 158-195).
But which of these two divergent tendencies most influenced criminal justice policies toward serious juvenile offenders in the 1920s? Pennsylvania apparently "got tough" on mid-teen offenders. The share of 16- and 17-year-old inmates in state prison increased slightly, from 1.45 percent to 1.86 percent of new intake, and their rate of imprisonment grew substantially. Mid-teens were committed to state prison at a rate of twenty per year in the 1920s. That is, they were committed at a rate much higher than during the 1890s (thirteen per year), before the birth of juvenile court and the "child-saving" movement. This increase in juvenile admissions to state prison paralleled a 25 percent increase in total prison admissions in the same period, from 872 new inmates (of all ages) per year in the 1910s to 1,087 new inmates per year in the 1920s. At least in Pennsylvania, it seems clear that the "child-saving" movement did not foster a march of progress toward eliminating older youths from adult prison.

That said, in spite of an overall increase in the rate of mid-teens committed to prison, the share of children age 15 and younger continued to decline and reached a low point in the 1920s. Fifteen-year-olds comprised only 3.2 percent of new mid-teen inmates, or just five individuals, in the 1920s. Of these five, four were committed for murder and the other for sexual assault. Inmate #C3852 at Eastern, for example, killed his mother with an axe. The few 15-year-olds who found their way into state prison in the 1920s truly had committed heinous crimes.

The share of property offenders among the mid-teens committed to state prison remained virtually the same in the 1920s (49 percent) as in the 1910s. Because the rate of incarcerating mid-teens in state prison rose during the 1920s, however, this meant that more property offenders were committed than ever before. The rate of committing property offenders in the 1920s was approximately ten per year, compared to six per year in the 1910s and seven per year in the 1890s (when property offenders had formed a substantially larger share of new intake; see Figure 2.2). Rather remarkably, judges committed more juveniles to prison for property offenses in the 1920s than in the 1890s, before juvenile court was created.

The growing use of juvenile reform schools may also have driven the increased use of state prison for 16- and 17-year-olds in 1920s. In the 1890s, only one-fifth of the mid-teens sent to prison had previ-ously served time elsewhere—in local jails, in private institutions, in state reform schools, or in the state reformatory. This share increased to 28 percent of new intake in the 1900s, to 32 percent in the 1910s, and to 43 percent in the 1920s (Figure 2.3). In turn, the increasing number of private reform schools established and operated by charitable and philanthropic organizations in the early twentieth century mainly drove this increase. While the percentage of boys who had previously served time in state-sponsored institutions remained stable decade-by-decade, the share that had served time in recently established private reform schools soared.

An expansion of private institutions led (not surprisingly) to an increased number of boys who served time in them. In the 1890s, none of the boys sent to prison had previously been committed to a private reform school; by the 1920s, 42 percent had (N = 21/50). Judges in the 1920s may have increasingly sent mid-teens to state prison because, in part, more children who appeared before them had persisted in crime following release from a reform school. If reform school had not taught them their lesson, perhaps prison would.
Figure 2.3
Percentage of Juveniles in State Prison Who Were Previously Institutionalized, by Decade

Were the racial disparities so evident in earlier decades linked to the growing commitment rate of mid-teens to state prison in the 1920s? No, or at least no more so than before. The dramatic decline in over-representation of black mid-teens evident in the 1910s continued into the 1920s. Blacks constituted “only” 22 percent of the juveniles committed to prison in the 1920s (N = 34/152), down from over 40 percent in the 1890s and 1900s. Nonetheless, black juveniles were still committed to prison in numbers five times larger than their representation in the population (4.5 percent in 1930).1

Nor did blacks drive the rise in the commitment rate of juvenile property offenders in the 1920s. In fact, the trend that first became evident in the 1910s increased in the 1920s: 52 percent of whites were committed for property offenses, as compared to only 38 percent of blacks. A long-term perspective clarifies the extent of change. The share of black mid-teens committed to state prison for property offenses declined almost by half between the 1890s and 1920s, from 68 to 38 percent, whereas for whites the decline was much less, from 63 to 52 percent (compare Tables 2.2 and 2.3). Stated another way, 62 percent of the black mid-teens sent to state prison in the 1920s had committed offenses against persons, as compared to only 30 percent in the 1890s.

Thus, with the passage of time, the use of state prison for black juveniles—disproportionate though it remained—became increasingly centered on punishing those who had committed violent acts. Black teens in prison tended to resemble youths such as 17-year-old inmate # C2820 who, during a 1925 argument, struck another man on the head with a flat iron and killed him. For white mid-teens, by contrast, the offense profile was less predictable, as prison was employed more evenly for property and person offenders. In the 1920s, a black juvenile remained far more likely to be sent to state prison than was a white. But of those mid-teens that were committed, it was now more likely for a white than a black juvenile to have been convicted of a property crime.

In the “get tough” 1920s, the maximum sentences meted out to mid-teens continued to spiral upward, reaching a median of 108 months or 9 years. This trend applied to both person and property offenders, and to blacks and whites. For person offenders, maximum sentences rose from 84 months in the 1910s to 120 months in the 1920s; for property offenders, sentences jumped from 48 months to 84 months. For whites, maximum sentences increased from a median of 72 months in the 1910s to 108 months in the 1920s; for blacks, maximum sentences increased from a median of 48 months to 90 months. Thus, as was evident in earlier decades, white offenders in the 1920s continued to receive longer maximum sentences than did their black counterparts.2

Hard Time, but Enough Time? Prison Sentences Served, 1890s-1920s

A final key issue concerns how long correctional officials actually kept juveniles in prison. It is one thing to report data on formal sentencing, quite another to measure time actually served. Our data are insufficient to enable decade-by-decade analysis, so we must report findings for the entire period covered by our database.1

Juveniles committed to state prison in Pennsylvania between the 1890s and 1920s served a median of 24 months. The amount of time served did not vary by age of committal (i.e., 15 or younger, 16, or 17), but it did vary by offense. Those who committed offenses against persons spent somewhat more time in prison than those committed for property offenses: a median of 30 months versus 23 months. Murderers (although time served can be assessed for
only eleven) spent the longest time in prison, a median of 58 months; followed by sexual assaulters, 35 months; robbers, 30 months; property offenders, 23 months; and simple assaulters, 18 months. Person offenders served a somewhat smaller portion of their sentences (42 percent) than did property offenders (50 percent). 2

In spite of the lengthier sentences received by white juveniles, whites and blacks both served a median of 24 months. Whatever differences may have justified judges in giving black juveniles shorter sentences, these differences washed out in practice, as both racial groups served equal time in prison. As a result, black inmates—who received shorter sentences than their white counterparts—served a larger portion of their sentences: 63 percent versus 47 percent (medians). This may have resulted from racial prejudice, differences in inmate behavior, or, oddly, a lack of racial distinction—blacks and whites may have served comparable time behind bars because parole boards did not emphasize race in their decision-making.

Did boys sent to state prison serve much more time behind bars than boys who were sent to the state reformatory or to juvenile reform schools? Preliminary findings suggest that the answer is no. For example, boys age 17 and under incarcerated at the Huntingdon Reformatory served a median of 16.8 months during six years between 1909 and 1924. Likewise, boys discharged from the juvenile reform school at Morgana served an average of 18.5 months between 1919 and 1922. 3 The similarities in time served at juvenile and adult correctional institutions seem especially notable, given that property offenders formed much larger shares of the inmate populations at Huntingdon and Morgana than at Eastern and Western penitentiaries. Almost certainly, time served in state prison was “harder” time than that served in juvenile correctional institutions. But “harder time” did not necessarily mean lengthier stays behind bars.

Pennsylvania’s Baddest of the Bad: Comparisons between Past and Present

This research represents only a starting point for establishing systematic links between past and present in Pennsylvania’s (or other states’) policies and practices toward serious juvenile offenders. Yet we can offer a few rough historical comparisons about the juveniles themselves, and the policies aimed at them, that provide several new
perspectives on current policy debates and suggest useful directions for future scholarship.

First, who was the serious juvenile offender of yesteryear? Between the 1890s and the 1920s, mid-teens formed only a small portion of inmates at Pennsylvania's two adult prisons, just 1.5 percent of the total. The typical mid-teens inmate was a white male, age 16 or 17, who had dropped out of school a year or two earlier and was employed in a low-skill job at the time of his arrest. Although whites formed the majority of juveniles sent to prison, blacks were highly over-represented at a ratio of roughly 10:1. Regardless of race, however, the typical inmate was committed for a criminal offense, although offenses against property or person were equally likely.

Second, to what extent did the "child saving" movement impact committals of mid-teens to state prison? That changes did result is clear, but they were not as obvious as might be expected. Following the turn of the twentieth century, judges committed only the most heinous offenders ages 15 and under to prison, and showed greater restraint in committing 16- and 17-year-old property offenders. But, in contrast, the overall rate of mid-teens committed to prison dipped only a little in the 1900s and increased in the 1910s. Indeed, the highpoint of incarcerating mid-teens in Pennsylvania's state prisons was reached in the 1920s—two decades after the apparent triumph of the "child-saving" movement.

Third, are the juveniles that are committed to state prison today worse than their counterparts in the past? Unfortunately, in neither the past nor the present are adequate data available on the criminal histories or specific crime(s) of juveniles sent to state prison to address this question directly. We do know, however, that slightly less than half of the juveniles committed to Pennsylvania's state prisons in the late nineteenth and early twentieth centuries had committed a violent offense; of these, killers and robbers accounted for approximately three-fifths. If Pennsylvania's experience was typical, the past certainly had no paucity of heinous juvenile offenders.

That said, juveniles sent to state prison in the 1990s were more likely to have been committed for a violent crime. According to national data compiled by Kevin Strom (2000: 4) for the Bureau of Justice Statistics, 61 percent of the mid-teens sent to state prison in 1997 had committed a violent offense, mainly robbery (32 percent of all offenses) and aggravated assault (14 percent). It seems safe to say that the increased availability of firearms and the growing involvement of juveniles in gang-based drug commerce reinforced the likelihood that the typical juvenile sent to state prison in the 1990s had a more serious offense profile than did his counterpart a century earlier (Blumstein, 1995). Equally notable, however—in both the past and the present—is the large share of juveniles that have been committed to state prison for nonviolent offenses: 55 percent in Pennsylvania between the 1890s and the 1920s, 55 percent in 1990 (nationally), and still 38 percent in 1997 (nationally). Using state prison to confine juveniles convicted of both violent and nonviolent crimes thus represents a strong historical continuity in the practice of American justice.

Fourth, are juveniles incarcerated in state prison more often today than in the past? If so, does this mean that today's policies are more punitive? Yes, probably so on both counts. Between 1990 and 1999, prisons in the Pennsylvania Department of Corrections received an average of fifty juveniles per year; between 1997 and 1999—the three most recent years for which data are available—Pennsylvania's prisons received an average of sixty-eight new juvenile inmates per year.\[^1\] In comparison, the admission of juveniles to Pennsylvania's state prisons reached its historical zenith of approximately twenty per year in the 1920s. Thus, new admissions of juveniles to prison in Pennsylvania increased by 150 percent between the 1920s and the 1990s. Over the same time period (1930 to 2000), the state's population increased only 40 percent.\[^2\] Thus, even if population growth is factored in, juveniles are being committed more frequently to Pennsylvania's state prisons today than at any point in the late nineteenth and early twentieth centuries. In that sense, recent policies are more punitive.

Other historical continuities suggest that the use of state prison for juveniles today may be reinventing old problems. Based on then-current sentencing and release policies, the Bureau of Justice Statistics estimated in 1997 that approximately 78 percent of mid-teens committed to state prison would be released by age 21 (Strom, 2000: 10). Our historical database enables us to compute a similar estimate, and the results are similar as well. We estimate that between 76 and 88 percent of the mid-teens sent to state prison in Pennsylvania between the 1890s and the 1920s were released by age 21. Thus, over the course of the twentieth century, it appears that juveniles
committed to prison could expect, with rare exception, to be released while they were still quite young. Scholars such as Bishop and her collaborators (1996, 2000) have shown that modern juveniles released from adult correctional facilities are more likely to recidivate than those who proceeded through the juvenile system, largely because of a lack of treatment programs and more regular contact with adult offenders. These arguments echo similar ideas expressed by "child-savers" such as Hurley (1977 [1907]) and Lathrop (1970 [1912]) almost one hundred years earlier. Just as nineteenth- and early twentieth-century policies helped to create an ex-prison population of young adults that was better schooled in the ways of crime, modern policies seem likely to do so as well.

From a historical perspective, the recent increase in juveniles committed to state prison cannot be interpreted as a simple and complete reversal of the aims and achievements of the "child-saving" movement. As we have demonstrated, the "child savers" of the early twentieth century did not, in fact, succeed in removing juveniles from state prisons. The idea of punishing serious juvenile offenders by sending them to state prison was never firmly rejected in either policy or practice. Yet the existence of these historical continuities should not be read as an endorsement of recent policy changes that aim to imprison an ever-growing portion of serious juvenile offenders. Even as it helps us more candidly to evaluate the actual impact of the "child-saving movement," the historical record also reveals that the use of state prison for young offenders at the turn of the twentieth century was quite limited. Finally, the historical record in Pennsylvania demonstrates rather conclusively that the concentration of African American youth in prison is not just a phenomenon of the recent past. It is an enduring pattern in American justice, one that requires more extensive and focused historical research to help explain its roots and evaluate its consequences.

Notes

1. This material is based upon work supported by the National Science Foundation under Grant No. SBR-9513040 to the National Consortium on Violence Research. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the National Science Foundation.

2. The eight additional violent offenses that fell under Act 33 were rape, involuntary deviate sexual intercourse, aggravated indecent assault, aggravated assault, robbery, robbery of a motor vehicle, kidnapping, and voluntary manslaughter.

3. Standard works on the history of juvenile justice include Platt (1977 [1969]); Muenzel (1973); Rothman (1980); Schlossman (1977); and Schlossman (1995). One exception that does consider serious offenders is Schlossman and Pisciotta (1986). Tanenhaus and Drizen (2002) have begun to analyze when and how the Cook County (Chicago) Juvenile Court transferred cases to criminal court.

4. Specifically, this database includes 350 boys committed to Eastern State Penitentiary between 1893 and 1928, and 122 boys committed to Western State Penitentiary between 1896 and 1926. The data were collected from Eastern State Penitentiary, Convict Reception Registers, and Western State Penitentiary, Convict Description and Receiving Dockets, both located in RG-15, Records of the Pennsylvania Department of Justice, Pennsylvania State Archives, Harrisburg, PA.

5. Of these, there was one 14-year-old and one 13-year-old. Because boys were concentrated heavily between ages 15 and 17, we use the terms "mid-teen" and "juvenile" synonymously in this essay. Percentages do not total 100 due to rounding.


7. We were not able to collect a full decade of data for the 1890s in either prison. Eastern supplied seventy-one inmates over eight years for which we collected data, while Western supplied twenty-six inmates over five years. To estimate the average number of inmates per year, we multiplied Eastern's share of new juvenile inmates (71/97) by the number of years (8), added that figure to the same calculation for Western (26/97 x 5 years), for a result of 698/97, or 7.195 inmate years. We then divided the number of new inmates (97) by the number of inmate years (7.195) to reach our estimate that, in the 1890s, Pennsylvania's two state prisons received an average of 13.48 new juvenile inmates per year. We used the same calculation to estimate yearly intake in the 1920s, when we also have less than a full decade of data from either institution.


9. Average sentences in the 1890s were somewhat longer in each case: 43 months for all mid-teen boys, 51 months for whites, and 33 months for blacks. The difference between the median and the average is explained by the influence of six very long sentences of between 120 and 240 months.

10. For the 1890s, we divided the number of 16- and 17-year-olds in our database (82) by 7.195 inmate years (see note 7) to estimate a rate of 11.4 new admissions per year. For the decade of the 1900s—where we have data for all ten years—we divided the number of 16- and 17-year-olds in our database (92) by 10 years to estimate a rate of 9.2 new admissions per year.

11. Population figures are derived from the U.S. Bureau of the Census, 1913, p. 397.

12. Again, the average sentences were longer—85 months for whites and 71 months for blacks—but indicate the same relationship.
13. Because we do not have a full decade of data for the 1920s, we used the same method to estimate the annual rate of admission as we did for the 1890s. Eastern supplied 115 inmates over eight years for which we collected data, while Western supplied thirty-seven inmates over six years. To estimate the average number of inmates per year, we multiplied Eastern’s share of new juvenile inmates (115/152) by the number of years (8), added that figure to the same calculation for Western (37/152 x 6 years), for a result of 698/152, or 7.51 inmate years. We then divided the number of new inmates (152) by the number of inmate years for which we have data (7.51) to estimate that, in the 1920s, Pennsylvania’s two state prisons received an average of 20.23 new juvenile inmates per year.

14. Judges had always been more likely to send mid-teen property offenders to state prison if they had previously been incarcerated. For the entire database, 41 percent of mid-teen property offenders had been institutionalized before (N = 99/243), as compared to 23 percent of offenders against persons (N = 50/217).

15. Population figures are derived from the U.S. Bureau of the Census, 1933, p. 618. For the first time, however, in the 1920s, blacks began to receive longer maximum sentences than whites for person offenses, especially for murder.

17. N=176, dominated by data from Western Penitentiary; Eastern Penitentiary only reported usable data between 1918 and 1924.

18. Because sentencing differences appeared to reflect a judge’s appraisal of the seriousness of offenses, whereas time served differed relatively little by offense, the portion of sentences served varied more or less inversely with the seriousness of an offense. The more serious a crime, the smaller the portion of a sentence usually served.

19. Huntingdon data derive from the authors’ research-in-progress in archival data located in the Pennsylvania State Archives, Harrisburg, PA. The years for which we have thus far collected and analyzed data are 1909, 1910, 1915, 1916, 1923, and 1924. On Morganza, see Pennsylvania Training School, 1922, p. 14.


23. This estimate is based upon boys’ ages at admission and our limited data on time served. Because we do not have boys’ dates of birth, we made the lower estimate assuming that all boys were the oldest they could have been (their age at admission, plus 364 days), and found that 76 percent were released prior to their twenty-first birthday (N = 134/176). We made the higher estimate assuming that all boys were the youngest they could have been (their age at admission), and found that 88 percent were released prior to their twenty-first birthday (N = 154/176).

References


Beyond Empiricism


