APPENDIX K

Medical and Surgical Treatment

Legislatures appear to have had no appreciation of the fact that tendencies toward repetitious criminality can often be weakened and even eliminated by medical or surgical treatment. Nowhere in the statutes is there explicit provision for investigation of specific physiological causes of crime and their treatment by physicians or surgeons. But, on the other hand, there is recognition of the part which abnormal mental conditions may play in criminal activity, and some state statutes do provide at least for study of such conditions. Such are the New York provision that the commissioner of correction shall establish a psychiatric clinic for the study of each convict received at Sing Sing, and the statutes of Illinois and Michigan requiring psychiatric examination. Moreover, many statutes are general enough to permit unlimited progress along the lines of crime prevention through correction of physical and mental defects, and perhaps were based on real intention to open the way for such practices. Indiana authorities, for example, are authorized "to adopt such rules concerning all prisoners committed to their custody as shall prevent them from returning to criminal courses." This might be interpreted as authorizing "rules" of corrective physical betterment. Certainly, Kentucky correction officials would seem specifically authorized to utilize medicine and surgery in their statutory obligation "to study the sources and causes of crime . . . and to put into effect such remedial measures as may be of benefit . . . ." In many other states it is obvious that the legislative idea was no more than humanitarian consideration for the day to day health of prisoners, as in the Massachusetts provision that a physician shall visit the
prison hospital once a day and prescribe for sick convicts. But even in these states there appears to be no statutory preclusion from the reasonable use of medicine and surgery as crime preventives if there is the will to use them and the financial means to do so.

Again the failure of prison administrators to put such remedial and preventive practices into effect must be attributed to something other than a lack of at least implicit authority in the statutes.

**Alabama.** Code (1940) tit. 22, sec. 265. Prisoners are to be examined for venereal disease; if found to be infected, they are to be confined separately from others and to be given proper treatment.

Tit. 45, sec. 41. Prisoners suffering from tuberculosis are to be separated from others.

**Arkansas.** Digest of Stats. (1937) sec. 12704. Requires services of a full-time physician for all necessary medical services, to prescribe diet for sick, keep records of sick, etc.

**California.** Penal Code (1941) sec. 2670. Whenever in the opinion of specified officials it will be of benefit to the physical, mental or moral condition of a recidivist who has been twice confined for sex offenses and shows criminal sexual tendencies, he may be asexualized.

**Colorado.** 3 Stats. Ann. (1935) ch. 78, sec. 54. Prisoners confined in any common jail who have a disease which is dangerous to the safety and health of others may be removed to a hospital.

Ch. 78, sec. 168. All persons confined or imprisoned "shall be examined for, and, if infected, treated for venereal diseases by the health authorities having jurisdiction. . . ."

**Connecticut.** Gen. Stats. (1930) sec. 1978. The warden of the state prison "shall provide for the relief of any sick or infirm prisoner, and the cost thereof shall be paid by the state from funds appropriated and available for such purpose. . . ."

Sec. 2374. Any person confined in the state prison or jail for ten days or longer "may be examined for any malignant, infectious or contagious disease, and if found infected with any such disease, he shall be treated during the term of his confinement and, if not cured
at the date of his discharge, the local health officer shall be noti­
ified.

_Florida._ Stats. (1941) sec. 954.43. "The board of commis­sioners of state institutions may employ one or more state prison physi­cians.

Sec. 954.44. "The physician shall visit the hospital of the prison at least once in each day, and as often as is necessary, prescribe for the convicts who are sick.

Sec. 384.08. All persons imprisoned in any state, county, or city prison may be examined and treated for venereal diseases.

_Georgia._ Code Ann. (1933) sec. 77-306. The prison commis­sion "shall appoint such officers and physicians as may be neces­sary.

Sec. 88-504. Prisoners may be examined and treated for venereal disease by the health authorities.

_Idaho._ 1 Code Ann. (1932) sec. 20-314. "It shall be the duty of the physician to attend at all times to the wants of sick convicts, and to prescribe medicine and diet for them." He shall determine whether a convict is unable to work because of illness and shall examine the cells, the sanitary arrangements, and the food and clothing of the convicts once a week.

_Illinois._ Rev. Stats. (1935) ch. 108, sec. 109. (Jones Ann. Stats. 99.092.) Prisoners are to be first delivered to "diagnostic depots" for preliminary study. "Such survey shall include a consideration of his previous criminal record, if any, and a physical, psychological and psychiatric examination."

_Indiana._ 4 Stats. Ann. (1933) sec. 13-411. The board of man­agers of the reformatory are to "adopt such rules concerning all pris­oners committed to their custody, as shall prevent them from returning to criminal courses.

The superintendent is to keep a record of facts concerning the prisoners, including such "early social influ­ences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and, based upon these, an estimate of the present condition of the prisoner and the best probable plan of treat­ment."
Iowa.  Code (1939) sec. 3329. The board of control is to "encourage the scientific investigation, on the part of the executive heads and medical staff of the various institutions, as to the most successful methods . . . of treating the persons committed thereto. . . ."


Kentucky.  Carroll's Stats. (1930) sec. 216a–3. Board of charities and corrections is under a duty "To study the sources and causes of crime, delinquency, and dependency and as far as possible suggest and put into effect such remedial measures as may be of benefit to the Commonwealth in the prevention and ultimate eradication of antisocial acts and conditions. . . ."

Louisiana.  Code of Crim. Proc. (1932) art. 1432. The board of control is to "make rules for the grading and classifying of the convicts according to the most modern and enlightened system of reformation . . . the purpose being to restore and reform the individual to a better man, physically, intellectually and morally."

Maine.  Rev. Stats. (1930) ch. 152, sec. 40. "The commission and warden shall appoint some suitable person physician and surgeon of the prison, who shall visit the same daily, . . . attend and prescribe for sick convicts. . . ."

Ch. 152, sec. 41. Provides for removal and medical care of all convicts with a contagious disease.

Ch. 94, sec. 40. " . . . whenever a convict at the expiration of his sentence, is sick and unable to be removed from jail, he shall be cared for by the jailer, at the expense of the county, until the county commissioners deem it safe for him to be removed."

Ch. 22, sec. 134. Provides for reporting of venereal diseases in correctional institutions and compliance with such rules and regulations as the state health department may impose to prevent the spread.

Massachusetts.  4 Ann. Laws (1933) ch. 125, sec. 17. A physician shall visit the prison hospital once a day and prescribe for sick convicts. He shall also keep a record of admission to the hospital and treatment.

Ch. 127, sec. 16. Heads of penal and reformatory institutions shall cause a thorough physical examination to be made of prisoners ad-
mitted, especially for evidence of gonorrhea, syphilis, and pulmonary tuberculosis.

**Michigan.** 3 Comp. Laws (1929) secs. 17573, 17543-45. (Mich. Stats. Ann. §§ 28.1400, 28.2105.) These provide for records to be kept concerning the social attitude of prisoners, the type of work which they have done in prison, and an estimate of the extent to which they have responded to these influences; together with the result of whatever physical, mental, and psychiatric examinations may have been made. By implication, this would seem to authorize at least the making of physical, mental, and psychiatric examinations and application of constructive efforts to the needs of the individual.

**Minnesota.** 2 Mason’s Stats. (1927) sec. 10805. In case of epidemic in the state prison, prisoners may be removed to some other secure and suitable place for care and treatment.

**Mississippi.** 1 Code Ann. (1930) sec. 1911. A full-time physician and a full-time dentist are to be employed.

Sec. 1951. The prison hospital is to be under control of the prison physician, who can hire not more than four nurses and shall provide free care and treatment to convicts and employees of the penitentiary.

**Missouri.** 2 Rev. Stats. (1939) sec. 9036. A physician is to be appointed for the penitentiary at not more than $4,000 per year salary, who is to devote his entire time to the health and treatment of prisoners requiring medical attention.

**Montana.** 2 Rev. Codes Ann. (1935) sec. 2569. All persons imprisoned in state, county, or city prisons shall be examined and treated for venereal disease.

**Nebraska.** Comp. Stats. (1929) sec. 83-901. Provides for employment of a physician for the penitentiary.

Sec. 29-2622. The penitentiary physician and warden are to examine prisoners and keep a record of observed improvement or deterioration of character and notes as to the method and treatment employed, and to make an estimate of the condition of the prisoners and the best plan for their treatment.

**Nevada.** 5 Comp. Laws (1929) secs. 11479-11484. Provide for dental service for the inmates of state institutions.
New Jersey. 1 Rev. Stats. (1937) sec. 30:4–7. Boards of managers are authorized to place prison inmates in any hospital in the state "for such medical or surgical treatment as may be necessary, which cannot properly and adequately be rendered within the institution, and to pay for the care, maintenance and treatment of such persons."

New York. 10B McKinney's Consol. Laws Ann. (1938) secs. 148, 149. The commissioner of correction is directed to organize and establish a psychiatric and diagnostic clinic at Sing Sing prison. Its work shall include scientific study of each criminal, his career and life history, investigation of the cause of his crime, and recommendations for the care, training, and employment of criminals, with a view to their reformation and to the protection of society.

North Carolina. Code Ann. (1935) sec. 7207 ff. Examinations of prisoners are to be made for the discovery of tuberculosis, and special provision for their cure.

Sec. 7221. The medical staff of any penal or charitable institution is permitted and instructed "to have any surgical operation performed by competent and skillful surgeons upon any inmate when such operation would be for the improvement of the mental, moral, or physical condition of such inmate." A commission consisting of at least one representative of the medical staff of the institution and one member of the board of health is created for the execution of this provision.

Sec. 7194. Provides for the treatment of venereal disease of prisoners.

Sec. 7216. Provides for a thorough physical examination of prisoners within 48 hours after their admission.

North Dakota. Comp. Laws (1913) sec. 11261. "The state board of control shall establish rules and regulations relating to care, treatment, and management of all prisoners."

Sec. 11265. "Any prisoner who requires medical, surgical or dental treatment, not provided by the state may use the money to his credit in any fund to defray the expenses of such treatment."

Ohio. Throckmorton's Code Ann. (1940) sec. 2180. Provides for a physician for the penitentiary. Sec. 2194. The physician is to keep "a correct record of vital statistics of the penitentiary."
a statement of the condition of the heart, lungs, . . . and any existing disease, deformity, or other disability acquired or inherited. He shall perform such other duties in the line of his profession as the board of managers requires.”

Oklahoma. Stats. (1941) tit. 57, sec. 134. The warden has power to appoint a physician at a salary of $3000 a year.

Tit. 57, sec. 163. Provides a fund to pay for surgical treatment of prisoners.

Tit. 63, sec. 24. A prisoner with a disease dangerous to the safety and health of the other prisoners or inhabitants of the town may be removed to a hospital.

Oregon. 6 Comp. Laws Ann. (1940) sec. 91-215. The board of control is authorized to employ necessary physicians and nurses.

In cases of necessary or emergency operations requiring a specialist the board is authorized to have such operations performed even if relatives are unable to pay for it.

Pennsylvania. Purdon’s Stats. Ann. (1930), tit. 61, sec. 1. Any person sentenced and admitted to any jail, prison, or penitentiary in the state is to be examined as to his mental condition, within forty-eight hours of his admission. A record of such examination is kept as a part of the records of the institution.

Sec. 3. “All prisoners who are found to be mentally weak shall be segregated from the other prisoners and not allowed to be among or mingle with those whose mentality is found to be normal.”

Sec. 372. “The physician shall visit every prisoner in the prison twice in every week,” and oftener if necessary. He shall examine every prisoner on admission. If any convict is ill he shall be removed to the infirmary. The physician shall visit the patients in the infirmary at least every day. “The physician shall inquire into the mental as well as the bodily state of every prisoner, and when he shall have reason to believe that the mind or body is materially affected by the discipline, treatment, or diet, he shall inform the warden thereof, and shall enter his observation on the journal hereinafter directed to be kept, which shall be an authority for the warden for altering the discipline, treatment or diet of any prisoner, until the next meeting of the Board of Trustees, who shall inquire into the case and make orders accord-
The physician shall keep a journal of all the prisoners and the state of their health.

**Rhode Island.** Gen. Laws (1938) ch. 54, sec. 1. The department of public welfare "shall furnish all necessary medical aid and attention, and shall take all necessary steps to promote the health of inmates, prisoners, patients and pupils, and especially to guard them and the general public against all dangerous, infectious and contagious diseases. . . ."

Ch. 50, sec. 5. The director of the department of public welfare shall appoint resident physicians and dentists for the institutions under his department.

**South Carolina.** 2 Code of Laws (1942) sec. 3847. "The county board of commissioners shall be authorized and required to employ a physician or physicians whenever necessary to render medical aid to sick convicts and to preserve the health of the chaingang. . . ." The county shall not be liable for any surgical or dental fees or any hospital bills unless the board of county directors authorizes the treatment.

3 Code of Laws (1942) sec. 5020. It is the duty of the board of health to inspect the prisons and jails for sanitary facilities, etc.

Sec. 5044–3. Examination and treatment of prisoners for venereal disease authorized.

**South Dakota.** Code (1939) sec. 13.4716. Relates to solitary confinement and mentions that such prisoners should be fed on bread and water "unless a physician called upon to ascertain the fact shall certify to the Warden that the health of the convict requires other diet."

**Tennessee.** Michie's Code Ann. (1938) sec. 12101. Physician "shall from the fifteenth day of November to the fifteenth day of March visit the prison each day at the hour of 7 o'clock a.m. and examine the physical condition of the convicts and pass upon their ability to work. If unable to work, he shall direct that they be returned to their cells or to the hospital. From the fifteenth day of March to the fifteenth of November he shall visit the prison at the hour of 6:30 o'clock a.m. each day, for the purpose mentioned above."
Texas. 17 Vernon’s Civil Stats. (1925) art. 6166z9, sec. 3. All employees of the prison shall have free medical advice from the prison physician and free hospitalization in the prison hospital when injured in discharge of duty.

Art. 6203c, sec. 2B. The board shall provide adequate hospitalization “including equipment for the scientific diagnosis and treatment of diseases. . . .”

Sec. 2D. Each prison farm shall be equipped with a hospital ward.

Utah. 5 Code Ann. (1943) sec. 85–9–19. Prison physician to give all “necessary medical attention,” inspect cells, keep records of sick, etc.

Virginia. Code (1942) sec. 5022. “The surgeon shall render to the convicts all surgical and medical aid which may be requisite.” He must visit the penitentiary every day and oftener if necessary.

Sec. 5023. A room shall be set aside for a hospital room.

Sec. 5012. The hospital room shall be whitewashed twice a year and the floors washed as often as necessary for “health and comfort.”

Sec. 5047. There shall also be a surgeon for the penitentiary farm appointed by the board, who shall be paid $50 per month and “board for himself and horse.”

Sec. 5058 (1). There shall be a special state prison farm for “defective misdemeanants” including “the tubercular, the venereal, the drug addicts, the inebriates, the psychopathic personalities,” etc.

Sec. 5058 (14). “It shall be the general purpose of the said State prison farm for defective misdemeanants, and other farm or farms, to provide proper employment, medical and mental care and treatment . . . of prisoners committed. . . .” Any prisoner infected with a contagious disease shall not be discharged until the period of contagion has passed, regardless of the length of sentence, provided it shall not be for more than a year over the original sentence, unless by an order of the health department.

Wisconsin. Stats. (1941) sec. 46.12. Board of control appoints “from time to time” a surgeon and an alienist to examine the mental and physical condition of inmates of institutions under the board’s control.

Sec. 46.115. Convicts needing medical or surgical treatment are sent to Wisconsin general hospital, if they cannot receive proper care at the institution to which they have been committed.
Sec. 54.01. The reformatory for women is to maintain "... a psychological laboratory for the study and treatment of mental disorders to which women and girls addicted to immoral practices are subject. ..."


**Federal.** 18 U.S.C.A. sec. 751. The Federal Security Agency is required to detail officers of the Public Health Service, pharmacists, surgeons, etc., "for the purpose of supervising and furnishing medical, psychiatric, and other technical and scientific services to the Federal penal and correctional institutions."