THE PAROLE OF ADULTS FROM STATE PENAL INSTITUTIONS IN PENNSYLVANIA AND IN OTHER COMMONWEALTHS

CLAIR WILCOX

A THESIS

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

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THE PENNSYLVANIA STATE PAROLE COMMISSION

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PREFACE

THE present study deals only with the parole of adult prisoners from state penal institutions. Limitations of time and space prevent the discussion of causes of crime, judicial procedure, prison administration and the many other significant inquiries involved in the study of the criminal. This report deals, therefore, with but a single one of the many difficult problems which society must solve in its treatment of those who have offended against its laws. The present investigation was undertaken at the direction of the Commission which was created by the Pennsylvania legislature in 1925 (Act of May 14th, P. L. 720) "to examine the parole laws of this commonwealth and of other states and countries; to investigate systems and methods of parole and commutation of sentences; and to prepare and submit bills to carry into effect its recommendations." Much of the material presented is based upon interviews with penal administrators, personal inspection of penal institutions and investigation of their records.

The writer spent two weeks at the Eastern State Penitentiary in Philadelphia where he talked with the warden, the parole officers and other members of the staff, studied the parole records and attended a parole meeting of the Board of Trustees. The information obtained in this manner was supplemented by interviews with Mr. Albert G. Fraser of the Pennsylvania Prison Society, Mr. Allen M. Matthews of the penitentiary Board of Trustees and others familiar with the institution's work. Another two weeks were spent at the Western State Penitentiary in Pittsburgh where a similar study was made. Mr. Harry H. Willock, Chairman of the Board of Trustees and Warden Stanley P. Ashe gave all possible assistance in the investigation. Dr. William T. Root, a member of the Board of Trustees, also offered valuable suggestions.

A week was spent at the Pennsylvania Industrial Reformatory at Huntingdon in an examination of institutional records and procedure and in conference with Mr. James W. Herron, the superintendent, and other officials. Visits were also made to the branch of the Western Penitentiary located at Rockview near Bellefonte and to the State Industrial Home for Women at Muncy. The

writer attended a meeting of the State Board of Pardons at Harrisburg, studied its records and interviewed its secretary, Francis Hoy, Secretary of the Commonwealth Clyde L. King and Attorney General George W. Woodruff, who were members of the Board at that time. Information thus secured was supplemented by attendance at public hearings which the Commission held in Pittsburgh and in Philadelphia, by interviews with officials in the state Department of Welfare, by correspondence with public officials throughout the state and by an examination of all the material which has been published concerning the Pennsylvania system of parole.

Personal investigation was also made in other states. In New York the writer attended public hearings which were held by Commissioner George W. Alger, who investigated that state's parole system for Governor Smith, and was privileged to read the unpublished stenographic record of earlier hearings. Interviews were had with E. R. Cass, secretary of the Prison Association of New York and with John Philip Bramer, parole custodian of the Catholic Protective Society in New York City. Two days were spent at the Elmira Reformatory where the superintendent, Dr. Frank L. Christian, gave the writer several hours of his time.

In Ohio, the penitentiary at Columbus and the reformatory at Mansfield were visited. Interviews were had with Mr. Dan Williams, a member of that state's Board of Clemency, with Warden Preston E. Thomas of the penitentiary, with Superintendent T. E. Jenkins and with Chaplain Louis A. Sittler of the reformatory and with other penal officials.

The writer spent four days in the offices of the Division of Pardons and Paroles of the Department of Public Welfare in the state of Illinois. Mr. Hinton G. Clabaugh, who had been recently appointed Supervisor of Paroles in that state, gave three days of his time to the present investigation. The study in Illinois included an examination of confidential records and personal interviews with several of the state's parole agents.

The state of Massachusetts was also visited, the writer spending a week in the offices of the State Department of Correction at Boston. Here interviews were had with Commissioner of Correction Sanford Bates, with Seymour H. Stone, Deputy Commissioner of Correction, with Frank H. Brooks, Chairman of the Board of Parole, and with a number of the state's parole officers. The Massachusetts Reformatory at Concord was visited and an interview had with its superintendent, Charles T. Judge. The writer

also talked with Philip A. Chapman, Penal Institutions Commissioner of Suffolk County and with Mr. Henry A. Higgins, Secretary of the Massachusetts Prison Society.

The information on other states obtained through these personal sources was supplemented by a study of the literature in the field, by extensive correspondence with parole administrators and other public officials throughout the country, and by attendance at the convention of the American Prison Association in Pittsburgh in October, 1926. The study includes a detailed analysis of the parole laws of each American state.

The author is particularly indebted to a number of persons who have given him much help in procuring his material. Professor A. F. Kuhlman, of the University of Missouri, who prepared the section of the Missouri Crime Survey dealing with Pardons, Paroles and Commutations, supplied the author with copies of his manuscript prior to its publication. Miss Helen L. Witmer, of the University of Minnesota, the author of a study of the parole system of Wisconsin, also kindly lent the writer a copy of her unpublished manuscript. In Michigan, through the kindness of Professor Arthur E. Wood, Mr. C. L. Anspach, a graduate student at the University, secured information on parole procedure in that state and contributed it to the present study. A similar service was performed in Kansas by Mr. Bruce Merwin through the kindness of Professor Stuart A. Queen of the University of Kansas. The wardens, parole officers and other public officials who co-operated splendidly in the work of supplying the present investigator with carefully prepared and detailed information concerning parole practice in their several states are too numerous to mention.

Dr. Raymond T. Bye, Dr. Thorsten Sellin, Dr. Clyde L. King, Dr. J. P. Lichtenberger and Dr. S. H. Patterson, all of the University of Pennsylvania, read the completed manuscript and offered many helpful suggestions. To these men and to the others whose names are given above the writer owes a debt of gratitude.

More complete information concerning the individuals consulted and the authorities referred to in the course of the investigation is to be found in the general bibliography and in the references cited throughout the report.

C. W.

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CHAPTER 1

THE HISTORY OF PAROLE

More than half of the prisoners who are now being released from penitentiaries and reformatories in the United States are going out on parole. The Bureau of the Census reports that 53.9 per cent. of all the prisoners who were liberated throughout the country during the first six months of the year 1923 were parolees. In the East North Central states the figure was 80 per cent.; in the Middle Atlantic states as high as 90 per cent. Of the prisoners who had been committed for indefinite terms and were released during this period 78.3 per cent. went out under parole conditions.[1] Parole, therefore, presents an outstanding problem in penal administration.

During the past few months various newspapers and magazines have carried vigorous criticisms of parole under sensational titles such as "Turning the Criminals Loose" and "Uplifters and Politicians Free Convicts." The writers of these articles have spoken of parole as "a form of legalized jail delivery," have pictured it as a "debauch of leniency" which has become "the great American scandal." One author claims that "every criminal knows that the parole board is waiting to release him" and goes on to say that officials who think of themselves "as good fairies or foreign missionaries" have administered parole in such a "dangerously lax and mawkishly sentimental" manner as to provide a "swift and easy egress from prison" which has "emboldened rogues of every type."[2] Another contends that "the organized efforts of well-meaning sentimentalists who are unable to see anything but the welfare of the individual criminal and are interested only in the reform of the criminal to the exclusion of any consideration of his victims or of society as a whole" have caused "desperate criminals, convicted of serious offenses and sent to prison for long terms" to be set free "wholesale" again "to prey

[1] Bureau of the Census, Prisoners, 1923, pp. 157-163.

[2] Boyden Sparkes, "Rubber Stamp Parole," Scribner's Magazine, July, 1926.

upon society.'"[1] To this criticism there has been added the voice of William Howard Taft, the Chief Justice of the Supreme Court, who has been quoted as follows:

"Paroles have been abused and should be granted with greater care. It is discouraging to read of the arrest and prosecution of one charged with a new felony who had committed some prior offense, had secured a parole after a short confinement and then had used his release to begin again his criminal life."[2]

Specifically it has been urged that parole releases have been granted automatically and indiscriminately and that no adequate provision has been made for the oversight of prisoners during their period of conditional freedom.

It is the purpose of this study to examine the present administration of parole in the United States and particularly in the state of Pennsylvania in order that existing defects in the system may be brought to light and possible means of improvement suggested. To this end there will be presented (1) an outline of the historical development of parole, (2) an explanation of the nature and purpose of parole as it appears from this historical development and as it is conceived by the system's principal proponents, (3) a detailed and critical examination of the present administration of parole in the state of Pennsylvania, (4) a comparison of the Pennsylvania practice with that now current in other American states and, finally, (5) certain conclusions concerning possible improvements in the administration of the parole system in Pennsylvania.

Parole is often confused with other practices which differ from it in character. Parole and probation, for instance, are often used as synonymous terms. They are, however, quite dissimilar. Probation is used by the courts as a substitute for imprisonment. Parole, on the other hand, always follows a period of confinement. It is a supplement to incarceration, not a substitute for it. Parole also differs from pardon and from commutation of sentence. Prisoners who are unconditionally pardoned receive the official forgiveness of the state and leave its institutions without further obligation. Prisoners whose sentences are commuted under the so-called "good time" law receive an early release as an automatic

[1] Lawrence Veiller, "The Menace of Paroled Convicts," World's Work, February, 1926, and "Turning the Criminals Loose," World's Work, March, 1927.

[2] Interview by Oliver P. Newman, "Stop Helping the Criminal," in Collier's Weekly for January 22, 1927.

reward for obeying the rules of the prison. They, also, are then absolutely free. The paroled prisoner, however, has not been forgiven. He may be returned to prison for misbehavior subsequent to his liberation. The term parole is sometimes applied, also, to the conditional release of the inmates of hospitals or juvenile institutions. As generally used, however, it has to do with adults released from penal institutions.

A practice similar to the American use of parole is followed in England under the name of "ticket of leave," "license" or "conditional liberation."

Credit is given to Dr. S. G. Howe of Boston for the first use of the word parole in this connection. In a letter written to the Prison Association of New York on December 21, 1846, he said, "I believe there are many who might be so trained as to be left upon their parole during the last period of their imprisonment with safety."[1] The word is derived from the French "parole," meaning a "word" and is defined by Webster as a "word of honor," a "word of promise" or a "plighted faith." In military usage, the term has been applied to the promise of a prisoner of war to fulfill certain conditions upon his release and it has been carried over into penal practice to refer to "the release of a prisoner upon his own recognizance." Webster defines the parole law as "the law permitting convicts to be released on parole during good behavior before the expiration of their terms." More explicity, *parole may be defined as a method by which prisoners who have served a portion of their sentences are released from penal institutions under the continued custody of the state upon conditions which permit their reincarceration in the event of misbehavior.*

Parole, in the form in which we know it today, is used only in America and has been developed here during the past fifty years. The origin of the idea, however, goes back much farther. As early as 1791 Mirabeau urged the establishment of prisons on the basis of a classification of inmates, the provision of employment, the granting of rewards under a mark system followed by conditional liberation and aid on discharge.[2] Various philanthropic societies have given aid to discharged prisoners since the Philadelphia Society for Relieving Distressed Prisoners was established in 1776. This organization later grew into the Pennsylvania Prison

[1] Klein, Philip, "Prison Methods in New York State," page 417.

[2] Ruggles-Brise, Sir Evelyn, "The English Prison System," page IV.

Society. During the first half of the nineteenth century there was a considerable development of this work by private agencies. In a few instances the state also took over the function, Massachusetts in 1845 employing an agent to give assistance to released convicts. None of this work, to be sure, involved release prior to the expiration of the prisoner's sentence or custody subsequent to release.

Conditional freedom was given to American prisoners during colonial times under the system of indenture. These prisoners were not subjected to supervision by the state but were permitted to earn their final discharge from the employers to whom they were legally bound. A system similar to modern parole has always been used in connection with the treatment of juvenile offenders. Beginning in 1825 children were released from the New York House of Refuge under sentences which permitted their return at any time during their minority. This plan was adopted by the other juvenile institutions which were subsequently established. Many of them eventually provided for the employment of visiting agents who should protect the institution's charges against exploitation.[1]

Parole for adults came much later. There were, however, many earlier practices which paved the way for the reception of the parole idea. Early penal methods provided for the imposition of definite sentences made uniform by legislative enactment. This plan was later modified to permit courts to discriminate between individuals in imposing sentences of different lengths for similar offences. These sentences once imposed were considered as definite and final. The concept of the necessary finality of the original sentence was modified by two developments during the first half of the nineteenth century. In many states, executives extended their use of the pardoning power beyond its original function of freeing the innocent or those who had been punished with undue severity, and proceeded to grant early discharges to large numbers of prisoners in order to reduce congestion within the institutions. In this way prisoners were released before serving their full terms without reference to their character or deserts.

A further step toward the abrogation of the definite sentence came when the legislature of New York State passed a commutation law in 1817. Under the provisions of this measure prison inspectors were given the right to release any prisoner originally sentenced for five years or more after he had served three-fourths

[1] Robinson, Louis N., "Penology in the United States," ch. VI.

of his term, if he were able to present a certificate proving that his conduct had been good and that he had saved fifteen dollars a year from his prison earnings. The purpose of this plan was to encourage good behavior in prison and to promote the productivity of prison industries. This was followed in 1821 by a commutation law in Connecticut, in 1836 by Tennessee and in 1856 by Ohio. By 1870, a score of commonwealths had made some provision for the allowance of a reduction in sentence for good behavior in prison. In none of these developments, however, was there any idea that release was to be earned by positive accomplishment or that conditions were to be imposed governing conduct subsequent to release.[1]

Conditional liberation was not an American invention. It was first used in other countries, where it was developed as a practical expedient in penal administration. There is some record that it was applied as early as 1830 by Obermaier at the Kaiserlautern Prison in Bavaria and later in Munich.[2] In 1835 Colonel Montesinos, who was governor of the Spanish Prison at Valencia, organized that institution on the basis of military discipline, vocational training and formal education, making provision that prisoners might earn a reduction of one-third from their terms of sentence through positive accomplishment.[3] Principal credit for the development of the plan of conditional release is generally given to Alexander Maconochie, a captain in the British Royal Navy, who, in 1840, was placed in charge of the largest and the most difficult of the English penal colonies at Norfolk Island in New South Wales.

For many years England had attempted to solve her crime problem by transporting convicts to her colonies. Under Elizabeth's reign, criminals were shipped to America. The stream was later diverted to Australia and continued until public protest dammed it in 1840. Prisoners in the penal settlements were not kept under lock and key. Some of them were put to work for other settlers; others were worked in gangs by the state. It was Maconochie's belief that many of the criminals placed in his care might be reformed. He set out, therefore, to develop a plan which would gradually prepare them for their return to society. To accomplish this purpose, he divided his prisoners into three grades and

[1] "Prison Reform," C. R. Henderson, editor, pp. 13-14.
[2] Wines, F. H., "Punishment and Reformation," p. 202.
[3] *Idem*, pp. 200-201.

established a system of marks which were given as the basis of promotion and of eventual release. In this way the prisoner was enabled to earn his freedom instead of waiting for the expiration of a definite period of time. Good marks were gained through labor, study and favorable conduct. Penal discipline was promoted by hope rather than by fear. The final stage through which the prisoner passed on his way to liberty was established in 1847 under the name of "Ticket of Leave." In this invention, we find the origin of the modern system of parole.[1]

Maconochie's idea was taken over and developed more completely by Sir Walter Crofton who served as the Director of Irish Convict Prisons after 1834. Crofton developed the reformatory as opposed to the penitentiary plan of penal discipline, a plan which became famous under the name of the Irish System. This system involved the classification of prisoners and their progress toward ultimate liberation through three successive stages of treatment. The first stage was that of separate confinement. During this period employment and training were provided and a conduct record was kept through the use of a system of marks similar to that previously employed in Australia. The prisoner's advancement during this stage depended entirely upon his own efforts. The second or intermediate stage was one of comparative freedom. During this stage prisoners were employed on public works in small groups. Individualized and specialized training was provided. There was little physical restraint. The conditions under which the prisoner lived more closely approximated those of normal life that would be possible in an ordinary prison. This period made it possible to test the prisoner's ability to discipline himself and more adequately to prepare him for liberty. Convicts who successfully completed the intermediate stage were allowed to pass into the third and final stage, that of licensed release. The licensed prisoner was required to report to the chief of police upon his return to his home and once monthly thereafter during the remainder of his sentence. His ticket of leave bore certain conditions, violation of which would lead to its revocation. He was warned that idle or dissolute living, association with notoriously bad characters or the lack of visible means of support would be regarded as an indication that he was about to lapse into crime and would therefore speedily lead to his rearrest. By providing for periodic reports and the reimprisonment of those who mis-

[1] *Idem, pp.* 190-195.

behaved, the Irish System approached more nearly to the modern idea of parole than had that of Maconochie.[1]

The use of conditional release on license was extended to England in 1853. Originally it was adopted as a means of relieving congestion within the prisons and involved no control over prisoners subsequent to release. In 1871, however, Parliament passed the Prevention of Crimes Act which required police to maintain surveillance over all recidivists for a period of seven years subsequent to their liberation. At the present time licensed prisoners in England report monthly to the police. The state has not itself undertaken to provide employment or care for them. This work is carried on instead by private agencies operating with a government subsidy and is organized on a national basis by the Central Discharged Prisoner's Aid Society. There is a similar organization of private agencies known as Borstal Associations which assist in the release, placement, and supervision of juvenile-adult offenders. These agencies carry on their work through unpaid volunteers. The English system of license, then, differs from our parole. It has developed without reference to an indefinite sentence. It is used principally to improve prison discipline, rather than as a means of reformation. It involves little effort to select prisoners for release on a scientific basis and, finally, there is no after care of licensed prisoners by trained agents in the pay of the state.[2]

The use of conditional liberation spread from England to the continent and was adopted, among others, by Saxony in 1862; in one of the Swiss cantons in 1868; in the German Empire in 1870; in Denmark in 1873; in Holland in 1881; in France in 1885; in Belgium in 1888; in Italy in 1889; in Portugal in 1893; in Norway in 1901 and in Sweden in 1906. It has also been introduced into Mexico (1871), Japan (1886), and Brazil (1890). In none of these countries, however, does the practice contain all the elements involved in the American idea of parole.[3]

Conditional release, as we have seen, did not develop as a result of theoretical considerations. It was rather an outgrowth of practical experience in penal administration. There was, in the Aus-

[1] The most complete account of the Irish System is that of Mary Carpenter, "Reformatory Prison Discipline as Developed by the Rt. Hon. Sir Walter Crofton in the Irish Convict Prisons," Longmans, Green & Co., 1872.

[2] See Gillin, J. L., "Criminology and Penology," p. 682.

[3] Wines, F. H., "Punishment and Reformation," p. 225.

tralian and Irish experiments, no question concerning the rights of the courts. Judges everywhere were still imposing definite sentences. There had been, to be sure, a few isolated exceptions to this rule. During the Inquisition, for instance, the penalties which were given were subject to later modification. A few workhouse sentences in America were also indefinite in nature. Generally, however, prisoners were committed for terms which were exactly specified by the court. This procedure was seriously questioned by various American writers in about the middle of the nineteenth century. Out of their philosophical speculations came the movement for the indeterminate sentence, a distinctively American contribution to penal practice. The leaders in this movement based their program upon the Irish system of penal discipline and thus, from Australian and Irish experience through the philosophy of American penal reformers, parole was introduced into the United States.

The definite sentence had been attacked by a few writers at an earlier date. As far back as 1787, Dr. Benjamin Rush of Philadelphia had urged that prisoners be sentenced for indefinite terms.[1]

Similar proposals were made in Europe. Archbishop Whately of Dublin had written the following in 1832:

"It seems to be perfectly reasonable that those whose misconduct compels us to send to a house of correction should not again be let loose on society until they shall have made some indication of amended character. Instead of being sentenced, therefore, to confinement for a certain fixed period, they should be sentenced to earn, at a certain specified employment, such a sum of money as may be judged sufficient to preserve them, on their release, from the pressure of immediate distress; and orderly, decent, and submissive behavior should during the time of their being thus employed be enforced, under the penalty of a prolongation of their confinement."[2]

In 1839, Mr. Frederick Hill, Inspector of the Prisons of Scotland, recommended that prisoners incapable of reformation should be kept in confinement through the remainder of their lives and his brother, Matthew Davenport Hill, the eminent Recorder of the City of Birmingham, repeatedly urged the use of the indefinite sentences in his charges to the juries between 1850 and 1878.[3] In France, Bonneville de Marsangy, *procureur du roi* at Versailles, delivered an address at the opening of the Civil Tribunal at

[1] Sutherland, E. H., "Criminology," p. 511.

[2] Whatley, Archibishop, "Thoughts on Secondary Punishment," London, 1832, page 36.

[3] Wines, F. H., "Punishment and Reformation," pp. 223-224.

Rheims in 1846 in which he favored the extension to adult convicts of the principle of conditional liberation upon reformation which had already been applied with such success in the treatment of juvenile offenders.[1]

The men who were most active in the movement for the indefinite sentence in America were E. C. Wines, Theodore N. Dwight, F. B. Sanborn, Gaylord Hubbel and Zebulon R. Brockway. Dr. Wines and Dr. Dwight were officials of the Prison Association of New York. This Association in its report for 1847-8 printed one of the earliest pleas for the indeterminate sentence. It appeared over the signature of a Mr. S. J. May, who wrote:

"You ask me for how long a time he should be sentenced to such confinement? Obviously, it seems to me, until the evil disposition is removed from his heart; until his disqualification to go at large no longer exists; that is, until he is a reformed man. How long this may be, no human sagacity certainly can predetermine. I have therefore for many years been of the opinion that no discretion should be conferred on our judges in regard to the length of a convict's confinement; that no term of time should be affixed to any sentence of the court. The offender should be adjudged to undergo the duress and the discipline of the prison-house, not for weeks, months or years, but until that end for which alone he should be put there is accomplished; that is, until reformation has evidently been effected. All attempts by our legislators and ministers of criminal jurisprudence to decide upon the degree of criminality in different offenders must be abortive, because only Omniscience is competent to do this. Even if human wisdom can ascertain the different quantities of evil flowing through society from the commission of different crimes, surely no legislators or judges can be wise enough to determine the comparative wickedness of those who have committed these crimes. The man who has been convicted only of a petty larceny may be found, when subjected to prison discipline, a much more incorrigible offender than another who committed highway robbery, burglary or arson. . . . One of the greatest improvements in the administration of our penal code would be to withhold from the judges all discretion as to the time for which convicts shall be confined . . ."[2]

In 1864 Dr. Wines published in the Association's report, a description of the work of Maconochie and Crofton and in the 1866 report he printed a translation of the address by de Marsangy which was mentioned above. In 1866, Hubbel, who was warden of Sing Sing Prison, visited Ireland to investigate the Crofton system and returned to recommend its introduction in New York. During the following years an active propaganda was conducted in favor of the Irish System. In 1867 a committee of the Prison

[1] *Idem*, pp. 224-225.

[2] "Report of the Prison Association," 1847-1848, page 45.

Association, of which Wines and Dwight were secretary and chairman respectively, submitted to the legislature of New York a report on the prisons and the reformatories of the United States and Canada, in which they contended that time sentences were wrong in principle and should be supplanted by reformation sentences; that the repression of crime was only to be secured by the reformation of the criminal and that this reformation could not be accomplished by any of the prison systems at that time in use in the United States. Their solution lay in the introduction of the Irish system into America. They said:

"We have no hesitation in expressing the opinion that what is known and what has become famous as the Irish System of convict prisons is, upon the whole, the best model of which we have any knowledge; and it has stood the test of experience in yielding the most abundant as well as the best fruits. We believe that in its broad general principles—not certainly in all its details . . . it may be applied, with entire effect, in our own state and country."[1]

In 1838 the legislature of New York provided for the appointment of a commission to select a site for a new state prison. At the suggestion of the Prison Association the bill was amended so as to designate the new institution a reformatory. Dwight and Hubbel were made members of the commission which selected a location at Elmira, and recommended that prisoners committed for less than five years be held "until reformation, not exceeding five years."[2] The Act establishing the reformatory in the following year, 1869, applied the Irish idea of training, marks and grades and conditional release, but did not include the recommended indefinite sentence.

To Zebulon R. Brockway must go the credit for first securing the action of the indefinite sentence idea into law. Brockway was at this time the superintendent of the Detroit House of Correction. He had arrived at the idea through his own experience without knowing of the earlier writings on the subject. In 1869 he secured the passage by the Michigan legislature of the so-called "Three Years Law." This measure provided for the commitment of prostitutes to the House of Correction for maximum periods of three years, to be released earlier by the Board of Managers upon giving evidence of reformation. After three years in operation the scope of this law was so restricted by the courts

[1] See Wines, F. H., "Punishment and Reformation," p. 203.

[2] Twenty-fifth Annual Report, Prison Association of New York, 1869, p. 236.

as practically to nullify it. In the meantime, Brockway had drafted and presented to the Michigan legislature in 1870 a bill providing that courts sentencing any offenders to the House of Correction should not "fix, state or determine any definite period of time," but should commit them to a Board of Guardians who might release them "upon their showing of improved character." Those released conditionally might be returned for a violation of the conditions. Others who possessed "a sincere purpose to become good citizens and the requisite moral power and self-control to live at liberty without violating the law" were to be given an absolute release.[1] The bill failed in passage. It would have provided an absolutely indeterminate sentence, a measure which has never anywhere been enacted into law. Many of the acts which followed this one were based upon it. Each of them, however, by specifying certain maximum and minimum limits, provided for a sentence which was indefinite but not indeterminate.

On October 12, 1870, largely through the efforts of Dr. Wines, the first American Prison Congress met at Cincinnati, Ohio. It was this meeting which gave birth to the American Prison Association and the International Prison Congress. Delegates were in attendance from twenty-five states and the sessions continued for six days. Rutherford B. Hayes, then Governor of Ohio, presided. Among the papers presented was one by Sir Walter Crofton on the Irish System, one by F. B. Sanborn on the possibility of applying the Irish System in America and one by Z. R. Brockway on "The Ideal of a True Prison Reform System." The latter paper embodied the theories of penal discipline which later found practical application in the reformatory system. In it, Brockway upheld the indefinite sentence on the ground that it made possible the preventive restraint and constructive training of first offenders; that it simplified penal discipline by offering an incentive to reformation; and that it caused the term of detention to be fixed on the basis of more expert knowledge. He said:

"It accomplishes the return of reformed persons to society at the right moment and at the best point, regulating the amount of restraint as well as its duration. It retains, through the whole life of the prisoner, if need be, such guardianship as protects society and even the prisoner himself from his ungovernable impulses, from persecution by the injured, or ill-disposed and from poverty and great want; but in other cases, relaxing control from time to time until the new-formed purposes and newly-used powers are determined and developed, when absolute release should ensue."[2]

[1] Brockway, Z. R., "Fifty Years of Prison Service," pp. 129-131.

[2] "Twenty-sixth Annual Report Prison Assn. of New York," 1870, p. 55 et seq.

The Congress, before adjourning, adopted a Declaration of Principles, twenty-eight in number, which included the following:

"II. The treatment of criminals by society is for the protection of society. But since such treatment is directed to the criminal rather than to the crime, its great object should be his moral regeneration. Hence the supreme aim of prison discipline is the reformation of criminals, not the infliction of vindictive suffering.

"III. The progressive classification of prisoners, based on character and worked on some well-adjusted mark system, should be established in all prisons above the common jail.

"IV. Since hope is a more potent agent than fear, it should be made an ever-present force in the minds of prisoners, by a well-devised and skillfully applied system of rewards for good conduct, industry and attention to learning. Rewards, more than punishments, are essential to every good prison system.

"V. The prisoner's destiny should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his own condition. A regulated self-interest must be brought into play and made constantly operative.

"VIII. Peremptory sentences ought to be replaced by those of indeterminate length. Sentences limited only by satisfactory proof of reformation should be substituted for those measured by mere lapse of time."[1]

The reformatory at Elmira was finally prepared for the reception of inmates in 1876 and the Board of Managers summoned Mr. Brockway to serve as its superintendent. In the following year he drafted an Act which was presented to the legislature to govern the conduct of the institution. Under his original plan sentences were to be without maximum or minimum limit and the right to grant or refuse release was vested solely in the Board of Managers. He would have provided, thus, a completely indeterminate sentence, a sentence which made no attempt quantitatively to measure guilt and exactly to impose penalties but one which made possible the detention of the offender until his reformation should be complete. It became evident, however, that public sentiment was not prepared for this departure and the measure was altered so as to limit the sentence to "the maximum term provided by law for the crime for which the prisoner was convicted and sentenced." The law, as finally passed, provided for a general sentence and gave the Board of Managers the power to parole prisoners upon the basis of their reformation as indicated by a system of marks and credits, to reimprison or finally to dis-

[1] The declaration appears in full in "Prison Reform," edited by C. R. Henderson, pp. 39-64.

charge them at any time or to hold them in custody until they had served their maximum terms.[1]

The institution at Elmira was the first in the United States to bear the name "reformatory." It was here that the indefinite sentence had its first extensive and practical application. This was the only innovation in penal administration which was introduced by the reformatory system. Other elements in the system had previously been applied with success in other places, but at Elmira they were combined and administered under the direction of Mr. Brockway in a manner which made that institution unique and outstanding. The population was restricted to first offenders between the ages of sixteen and thirty. A complete system of academic and industrial instruction was established. As an adjunct of this system, a scheme of marks and credits, similiar to those used by Maconochie and Crofton was introduced.

Parole was used here for the first time in America. It was regarded as a graduation from the reformatory's course of training. Prisoners were conditionally released for a period of six months during which the institution retained its control over them. Certain conditions were laid down governing their work and manner of life and served as a basis for final release. A parole period made it possible to test the reformatory work of the institution under conditions of comparative freedom. The principal element of the reformatory idea was its attempt to educate prisoners, to train them in trades and in their civic and moral responsibilities. The indeterminate sentence and parole were simply introduced as a means through which this purpose might be attained.

The reformatory idea was eventually copied by other states. In 1877 Massachusetts created a separate prison for women which later became a reformatory and in 1884 it established its reformatory for men. The Pennsylvania Industrial Reformatory was established in 1887 and within the next decade Minnesota, Indiana, Ohio, Illinois, New Jersey, Kansas, Colorado and Wisconsin had established institutions of this type. By 1921 there were eighteen adult reformatories for men in the United States.

Ohio was the first state to apply the indefinite sentence to prisoners in a penitentiary. This action was taken in 1884 and was followed by a similar movement in Michigan in 1889. By 1900 the states of New York, Minnesota, Massachusetts, Illinois, and Indiana had also provided for indefinite commitments to their

[1]The Act is quoted in full in "Penal and Reformatory Institutions," N. Y. Charities Publication Committee, 1919, p. 95.

prisons. A few other states created systems of parole without providing for an indefinite sentence. By 1900 action of this sort had been taken in California, Nebraska, North Dakota, Alabama, Idaho, Utah and Virginia. By 1910, thirty-two states had a parole system in operation in some form and twenty-one of these had some form of an indeterminate sentence.

The use of parole has spread more rapidly than the indefinite sentence or the reformatory system. In many states it has been made a regular method of release for all offenders without regard to the nature of their original offense or the likelihood of their reformation. It has been extended to prisoners in jails and in penitentiaries as well as in reformatories and is today the principal means through which release from incarceration is granted in the United States.

CHAPTER 2

THE THEORY OF PAROLE

Parole did not originate as a thing which was good in itself. It was rather an instrument, a tool incidentally employed in the development of the reformatory system. It was granted as a reward to those who were able to meet institutional requirements. It partook of the nature of a graduation from a course of training. During the period of parole, the results of the reformatory process were subjected to the test of free life in the community. Those who failed to meet the test were returned to the institution for further training. Those who succeeded were returned to citizenship.

The heart of the Elmira system was the belief that the majority of prisoners were capable of reformation. Rehabilitation rather than retribution or deterrence was regarded as the aim of punishment. The period of imprisonment was a period of correction, not of revenge. In Brockway's words, "It is an outrage upon society to return to the privileges of citizenship those who have proved themselves dangerous and bad by the commission of crime until a cure is wrought and reformation reached."[1]

And elswhere he wrote:

"It is intended, either by restraints or reformation that prisoners once committed to our prisons shall then and thereafter be permanently withdrawn from the ranks offenders. And the inherent evils of punishment are such that only genuine reformation can afford the intended protection."[2]

The reformatory system, therefore, aimed to reclaim the offender for honorable and useful community life.

Reformation was to be accomplished through education. "The vital principal of such reformations," said Brockway, "is training by doing."[3] A rigorous routine was therefore instituted through

[1] "Fifty Years of Prison Service," p. 401.

[2] Brockway, Z. R., "The American Reformatory Prison System" in "Prison Reform," The New York Charities Publication Committee, p. 95.

[3] "Handbook of the New York State Reformatory," p. 119.

which desirable habits of thought and action were to be developed. Brockway believed that:

"The entire life of the prisoner should be directed, not left to the prisoner himself; all his waking hours and activities, bodily and mental habits, also, to the utmost possible extent, his emotional exercises. So thorough and rigorous should this be that unconscious cerebration, waking or sleeping, will go on under momentum of mental habits."[1]

In this way the offender's character might be transformed without his conscious choice. Good conduct, wrote Brockway, "even if it is compulsory, leads from the avoidance of bodily risks to the avoidance of social risks and thus to non-criminal habits, which, when duly formed, no longer need the prop of compulsion." As a consequence "social in place of anti-social tendencies are trained and made dominant. Thus the man is redeemed."[2]

The reformatory program was elaborate and comprehensive. Its successful development required the provision of an adequate and sanitary plant in a good location, good clothing, a good diet, athletics, a gymnasium and physical treatment, military training, a library and reading room, an institutional newspaper, "optional religious opportunities" and "planned emotional occasions to change consciousness, character and will." The prison population was divided into grades and promotion from grade to grade and eventual release on parole were granted on the basis of a system of marks and credits which rewarded the inmate for positive accomplishment and penalized him for misconduct. Manual training was provided, together with trades instruction "conducted to a standard of perfect work and speed performance." The system also involved a:

"School of letters with a curriculum that reaches from an adaptation of the kindergarten, and an elementary class in the English language for foreigners unacquainted with it, through various school grades up to the usual high school course; and, in addition, special classes in college subjects and, limitedly, a popular lecture course touching biography, history, literature, ethics, with somewhat of science and philosophy."

"Recreating and diverting entertainments for the mass of the population, provided in the great auditorium; not any vaudeville nor minstrel shows, but entertainments of such a class as the middle cultured people of a community would enjoy; stereopticon instructive exhibitions and explanations, vocal and instrumental music, and elocution, recitation, and oratory for inspiration and uplift."[3]

[1] *Idem*, p. 121.

[2] Brockway, in "Prison Reform," p. 97.

[3] *Idem*, pp. 99, 101.

Such was the reformatory program. Along with it went the indefinite sentence, which found here its first practical application. This type of sentence made it possible for the institution to hold an inmate until he was fit for release. But more than that, it secured the co-operation of the prisoner in the efforts which were being made to accomplish his reformation. The offender came to know that the date of his release depended largely upon his own efforts. He was thus encouraged willingly to go through the institutional routine and thus to develop non-criminal habits as an incident to his effort to win his freedom. As Brockway put it:

"These circumstances serve to arouse and rivet the attention upon the many matters of the daily conduct which so affect the rate of progress toward the coveted release. Such vigilance, so devoted, supplies a motive equivalent to that of the fixed idea. Then the vicissitudes of the daily experience incite to prudence; and the practice of prudence educates the understanding. Enlightenment thus acquired opens to view the attractive vista where truth and fairness dwell. Habitual careful attention with accompanying expectancy and appropriate exertion and resultant clarified vision continue a habitus not consistent with criminal tendencies."[1]

When a prisoner completed his course of training under the stimulus of the indefinite sentence, he went out to a "sustained test on parole under the common circumstances of free inhabitancy."[2] Through parole he passed to freedom. In Brockway's words, his "actual performance observed and recorded" while "released conditionally but living at large" afforded "the truest test and evidence of reformation."[3] Parole was thus conceived of as a subordinate element in the reformatory system, an administrative expedient through which its work was tested. The principal element, the moving force in the system was that of institutional training for habit formation.

The growth of parole has necessarily limited the power of the court absolutely to fix the time which the offender must spend within prison walls. In some states, original sentences are still definite in character but administrative officers may release prisoners on parole before they have served their full terms. In others, courts are required to impose general sentences and paroling authorities are given the power to grant early releases or to exact terms of service which exceed those generally required under

[1] *Idem*, p. 102.

[2] *Idem*, p. 106.

[3] "Handbook of the New York State Reformatory," p. 119.

the definite sentence. At times the spread between the maximum and minimum limits of the sentence imposed is so small that boards of parole are given little discretion with regard to the time at which prisoners may be released. In other cases, however, the spread is large and considerable authority is vested in the boards. Generally, the indefinite sentence and parole have gone hand in hand and, as a consequence, boards of parole have come more and more to take over the sentencing function of the courts.

The dominant purposes behind the imposition of the definite sentence a generation ago were retribution and deterrence. Courts endeavored to make the penalty fit the crime rather than the criminal. The penalties which they imposed served to avenge society against the offender and to stand as a warning which should prevent other men from committing a similar offense. The proponents of the reformatory system challenged this point of view. They argued that the protection of society should be the object of penal administration; that this protection was to be secured through reformation rather than through revenge; that sentences should therefore be reformation sentences. Since no court could determine in advance the time at which the prisoner's reformation was to be effected, it followed that sentences should be indefinite and that the power to discharge prisoners upon reformation should be taken from the hands of the court.

The argument for the indefinite sentence is based upon an analogy which is drawn between the prison and the hospital. Persons who are physically ill are committed to hospitals from which they are released when they are cured. In the same way, it is believed, the socially ill should be committed to prison and released therefrom when they have regained their social health. Physicians, upon discovering disease, cannot name the day upon which the patient will be healed. No more can judges intelligently set the date of release from prison at the time of a trial. There is much pertinent information concerning the prisoner which the rules of legal procedure exclude from their consideration. Little knowledge is at hand concerning the prisoner's past career or mental condition at the time of his trial. Often the preparation of such information is the work of months. No judge can accurately foresee the offender's reaction to the prison or reformatory routine. That is a question which time alone can answer.

Often a definite sentence imposed by a court has little basis in rhyme or reason. It is influenced by the temperament and temperature of the judge. It is in no way scientific. It cannot be

much more than a guess. The point is well illustrated in the following anecdote related by a former member of the Massachusetts Board of Parole:

"We gathered around and put our feet up on the table and looked as wise as we could, and very respectful before the judge, because we had some cases coming on. We wondered what the judge was going to do with that man. Some of them said he ought to have ten years, some thought fifteen, some thought twenty. We were not unanimous. It was quite a heinous offense, and some thought he ought never to get out. They all formed these opinions on the same information. Then we waited, and the judge pronounced the sentence of seventeen years and three months. Of course we all accepted that as being correct. That was the way we were in the habit of doing. But after awhile I thought that thing over, and I wondered where the judge had found that three months; and, thinking it over further, I wondered where he got the seventeen years, and I do not think he knew himself."[1]

Prison records everywhere reveal the fact that men who have committed identical offenses have been given very different sentences by the courts. At times judges have been known to impose savage penalties under pressure of public resentment and later to recommend the extension of clemency.[2] The length of sentence given for similar crimes varies from year to year, from county to county, from judge to judge, not because penalties are scientifically individualized but rather because the many sentencing authorities so differ in their points of view. Inside the prisons the offenders meet and compare notes. Those who have been given shorter sentences come to feel that they have gotten away with something, a feeling not calculated to engender respect for the law. Those given longer terms for like crimes develop a rankling sense of injustice, an anti-social attitude which bodes ill for the security of the community upon their release.[3]

Those who believe in the indefinite sentence and parole contend that the paroling authorities, rather than the courts, are the ones best qualified to fix terms of imprisonment. By virtue of a centralization of authority they are enabled to dispense justice with uniformity, to act with impartiality between man and man.

[1] Randall, F. L., in the "Proceedings of the American Prison Association," 1917, pages 55 to 56.

[2] See statement by Judge Harry N. Fisher, of the Criminal Court of Cook County before the Illinois Board of Parole, "Institution Quarterly," Volume 14, No. 3, September, 1923, pages 47 to 48.

[3] See article, "Don't Let Anybody Tell You Different," by Culprit 49,068, in "The Outlook," Vol. 145, No. 13, March 30, 1927, pages 403-406.

Through this agency, release may be based upon fitness for free life. Boards of parole can study the prisoner during his confinement. They can procure information concerning his social history, his criminal career, his mental condition. By watching his conduct during imprisonment they can judge whether or not he will behave himself if returned to a life of freedom. Within their discretion they can grant a comparatively early release to youths, to first offenders, to particularly worthy cases who give high promise of leading a new life. Such action represents a gain, not only to the prisoner, but to the community as well. Paroling authorities, on the other hand, may keep vicious criminals in confinement as long as the law allows. Through the wise exercise of their power they may afford society far more adequate protection than that which would be provided under a system of definite sentences.

These are the principles upon which the indefinite sentence is based. As state after state has written some form of this sentence into its law, they have been more and more widely applied. The indefinite sentence has spread as the idea has spread that the purpose of punishment is reformation and that parole releases are to be granted only when this reformation takes place. This is a point of view which would be endorsed, without question, by those who first introduced the indefinite sentence and parole into American penal practice. Unfortunately, however, its acceptance is not yet universal.

There is much popular confusion concerning the real nature of parole. Because of the fact that parole boards release prisoners before their terms expire, parole is often placed in the category of executive clemency. It is regarded as a pardon, as an extension of leniency to the offender.[1]

This is a mistaken view. Pardon involves forgiveness. Parole does not. Pardon is a remission of punishment. Parole is an extension of punishment. Pardoned prisoners are free. Parolees

[1] The Minnesota Crime Commission writes: "The nature of the indeterminate sentence and the function of the Parole Board are generally misunderstood. The idea is prevalent that criminals are sent to prison under definite sentences fixed by the judges and that the Board of Parole acts as a Board of Clemency." "Report of the Minnesota Crime Commission," page 46.

The Missouri Association for Criminal Justice reports that: "Public opinion . . . tends to view paroles as acts of mercy. Until public opinion is changed, parole work in Missouri will remain so inadequately supported that it will, in practice, amount to nothing more than an act of mercy. It will never reach the level of effective treatment." "The Missouri Crime Survey," page 502.

may be arrested and reimprisoned without a trial. Pardon is an executive act of grace; parole is an administrative expedient.

The distinction was clearly drawn by Warren F. Spalding in an address before the American Prison Association in 1916. "It is important to remove the popular idea that the enlargement of liberty given by a parole is an act of clemency or leniency," he said, and he continued:

"The whole question of parole is one of administration. A parole does not release the parolee from custody, it does not discharge or absolve him from the penal consequences of his act; it does not mitigate his punishment; it does not wash away the stain or remit the penalty; it does not (as a pardon does) reverse the judgment of the court or declare him to have been innocent or affect the record against him . . . Unlike a pardon, it is not an act of grace or of mercy, of clemency or leniency. The granting of a parole is merely permission to a prisoner to serve a portion of his sentence outside the walls of the prison. He continues to be in the custody of the authorities, both legally and actually and is still under restraint. The sentence is in full force and at any time when he does not comply with the conditions upon which he was released, or does not conduct himself properly, he may be returned, for his own good and in the public interest."[1]

The Sub-Committee on Probation and Parole which reported to the National Conference on Social Work in 1919 took the same point of view. It said:

"Parole is the exercise by the government on its administrative side of the power to release prisoners from penal confinement in the expectation that they will conduct themselves properly, with a view

[1] "Proceedings of the American Prison Association," 1916, pages 458 to 466. The Commissioner of Correction of Massachusetts says in his annual report, "Probably no phase of the present penal treatment is more misunderstood than the matter of parole. It is a mistaken notion that regards parole as evidence of leniency. It is rather the contrary, as it amounts to an extension . . . of the restraint which the state exercises over the criminal. Parole is . . . merely an improved method of discharging a prisoner and adjusting him in the community." ("Report of the Commission of Correction," November 30, 1925, page 3.) In State vs. Peters (43 Ohio 629, 4 N. E. 81), the court said, "while on parole the convict remains in the legal custody and under the control of the Board and subject at any time to be taken back within the enclosure of the state institution and with full power to enforce such rules and regulations and to retake and to re-imprison any convicts so upon parole. This is not a pardon." Judge Edward Lindsey, who quotes this decision in a discussion of the constitutionality of parole laws, goes on to say, "On principle it would seem that parole is entirely distinct from pardon . . . In most of the states it is held that the parole of prisoners is merely a method of carrying out the sentence or punishment imposed by the law and that the authority to parole may be exercised by a Board created by statute." ("Indeterminate Sentence and Parole System," "Journal of Criminal Law and Criminology," May 1925, p. 49.)

to their restoration to normal relationships. (It does not carry) the color of the old order of clemency or leniency, that is to say, (it is) not fantastic; (it is) not properly employed as (a grant) of personal favor; (it is) not sentimental or prejudiced by any consideration contrary to the public interest in the protection of life and property."[1]

Parole is not leniency. In fact, it has often been attacked because it has, in practice, resulted in longer terms of imprisonment than those exacted under the definite sentence system which preceded it. Every comparative study which has been made shows this to be the case. Comparisons made by the Federal Bureau of the Census, in its last report on "Prisoners," show that longer periods of service may everywhere be exacted under indefinite than under definite sentences. The report says:

"Among the definite term prisoners, those with maximum sentences of from two to four years, inclusive, formed a larger percentage than any other length of sentence group for the United States and for six divisions. Among indeterminate commitments, however, those with maximum sentences of ten years or over, formed the largest percentage in the United States and in five divisions . . . Prisoners with sentences of ten years or over formed a higher percentage of the indeterminate sentence prisoners than among the definite term group in every geographic division except New England. . . . These comparisons suggest that the more extensive use of the indeterminate sentence tends to increase the potential length of imprisonment, by setting higher limits to the terms of imprisonment than are, in general, fixed under the definite term sentence."[2]

The passage of indefinite sentence and parole laws has not shortened terms served in Massachusetts.[3]

It has actually increased the length of prison service for all classes of offenses in Colorado, Idaho, Oregon,[4] Indiana,[5] and Illinois,[6] has doubled the severity of sentences imposed in California,[7] and increased the period of imprisonment required for all

[1] "Proceedings of the National Conference on Social Work," 1919, page 114.

[2] "Prisoners," 1923, pages 124 and 130.

[3] Sanford Bates, in "Department of Correction Quarterly," May, 1925, page 2 and in an address before the Joint Committee on Judiciary of the Massachusetts Legislature, March 3, 1926.

[4] Robert H. Gault, "The Parole System, a Means of Protection," "Journal of Criminal Law and Criminology," March, 1915, pages 802 and 803.

[5] Amos W. Butler, "The Indeterminate Sentence and Parole Law," "Indiana Bulletin of Charities and Correction," January, 1916, page 8.

[6] "Institution Quarterly," Vol. 16, No. 1, March, 1925, page 7.

[7] Julian H. Alco, "Indeterminate Sentence and Parole Law," 1926, page 3; "Report of the Section on Delinquency of the Commonwealth Club of California," pages 399 and 400.

crimes in Minessota, doubling that exacted in the case of more serious offenders.[1] In the latter state, indeed, the feeling that the Board of Parole had exacted unduly long periods of penal service led the legislature in 1917 to give to the courts the right, hitherto withheld, to impose shorter maximum sentences than those already designated by statute.

It is not the purpose of parole to make the criminal's life an easier one. Boards of parole do not invariably aim to reduce periods of imprisonment, to release large numbers of prisoners at the earliest possible moment. On the contrary, they hold many offenders beyond the time when freedom would have been given them under the automatic operation of "good time" laws. Paroling authorities, it is true, do grant releases but they also refuse to grant them. Accordingly, they should be regarded as sentencing bodies, not as dispensers of clemency. In Minnesota for instance, the Crime Commission has recommended that the Board of Parole be called a Board of Punishment, because the latter name, according to the Commission, is "more descriptive of its functions and therefore less likely to lead to misapprehension."[2]

Parole boards generally require periods of imprisonment in excess of the minimum fixed by law. To this imprisonment there is added a period of conditional liberation during which the prisoner may be rearrested and reimprisoned without the formality of a trial. In this way the state's control of the criminal is extended rather than restricted. Parole is thus a supplement to imprisonment rather than a substitute for it. By holding the perpetual threat of reincarceration over the head of the offender, it affords society a far greater measure of protection against him than any other method of release which has yet been devised.

As the use of parole has been extended from reformatories to prisons and penitentiaries, the original conception of its function has been expanded and modified. Parole at Elmira, as we have seen, was a reward which was given to the prisoner for positive accomplishment in the reformatory system. First offenders earned their paroles by reformation. Few of our prisons, however, use reformatory methods. Comparatively, they do little in the way of training or education. Parole from these institutions, therefore, cannot be considered a graduation. It is simply a release

[1] "Sixth Bi-ennial Report of the State Board of Parole," page 4; "Report of the Minnesota Crime Commission," page 49.

[2] *Idem*, page 48.

from confinement. It differs, however, from other methods of release.

Even in the penitentiaries the idea persists that parole is something to be given only to those who are fit for freedom. This idea is revealed in many of the laws which restrict the use of parole to first offenders or forbid its application to those guilty of certain crimes. It also appears in the usual provision that paroles are to be granted to those who will "live and remain at liberty without violating the law." The basis for the parole release is generally the likelihood that the prisoner will behave himself after he has been given his liberty. Since the prison routine has offered him scant opportunity to demonstrate his capacity for free life, other considerations must influence the disposition of his case.

Generally, paroling authorities attempt to estimate the probability that the prisoner will lead an honest life when released by considering his personality and attitude, his previous record, the nature of the offense which he has committed and his conduct in prison. In a few states increasing emphasis is being placed on carefully prepared social case histories and psychological and psychiatric examinations. On the basis of such information, boards of parole decide whether or not prisoners are ready for release. The idea of parole has thus been extended beyond the release of those who have reformed through the angency of institutional training to the release of any who, as far as may be judged, will not revert to crime.

It has been said that the modern theory of parole is based upon the following suppositions:

"1. That the prisoner ordinarily arrives at a period in his imprisonment when further incarceration will be of less service to him and to the state as a reformative measure than a like period passed in liberty under parole supervision.

"2. That, in the determination of the proper time at which to admit the prisoner to parole, an exhaustive and painstaking study will be made of the individual case, in order that both the right of society to be protected, and the right of the prisoner to rehabilitate himself, may be preserved.

"3. That the supervision of prisoners while on parole shall be conducted thoroughly and with efficiency and understanding."[1]

Professor Gillin in his "Criminology and Penology" has laid down fourteen principles to govern parole administration. He

[1] See "Prison Progress in 1916," being the "72nd Annual Report of the Prison Association of New York," page 72; J. P. Bramer, "Parole," pp. 7-8; "Report of George W. Alger on the Parole System of New York," 1926, page 6.

favors the creation of a full time, well paid board of experts to make parole decisions. This body should consist of non-political appointees of high integrity. It should handle both paroles and pardons and should be given a free rein by the law in deciding upon release. Parole should be granted only upon the basis of an expert diagnosis. It should be extended only to those prisoners who, study shows, will do well on release. Care should be taken to grant only such releases as will not outrage the community's sense of justice. Penal institutions should prepare prisoners for this release and those who are liberated should be provided with employment, properly placed and carefully followed up by a staff of well trained officers.[1] This is the parole idea as it has been modified to meet the application of parole to prison administration. It requires careful selection for parole, and thorough supervision while on parole. It is to be applied only to deserving cases.

There are, however, those who believe that the use of parole should not be restricted to specially meritorious cases; that it should be employed in all releases from confinement. Parole is thus coming to be regarded as an administrative expedient of general applicability. This point of view has been strengthened by the serviceability of parole as an incentive to good conduct in prison. "Complex and difficult as is prison management under the best conditions," writes one administrator, "it would be immeasurably more difficult without the parole law. The prisoner looks upon the parole as a reward for good conduct and steady industry and does his best to earn it."[2] The power possessed by the state, under parole laws, to grant or refuse release from prison provides penal administrators with a club which is even more effective than the old "good time" laws in inducing internal discipline. Prison managers generally favor parole for this reason. Their attitude, to be sure, is based upon administrative considerations which bear no necessary relation to the reformation of the prisoner or the future security of the community.

But this is not the only basis upon which the extension of parole is urged. Many students of penal matters feel that no prisoner should be allowed to go free without first passing through a period of conditional liberty. Frederick H. Wines wrote:

"In an ideal prison system release would never be wholly unconditional except, perhaps, for a man who had been found to be innocent

[1] Gillin, "Criminology and Penology," pp. 692-702.

[2] "Annual Report of the Indiana State Board of Charities," 1925, page 133.

of the crime for which he was being held. Instead, society would extend its protecting care over every offender for a longer or shorter time after discharge. In other words, it would parole him."[1]

Sanford Bates, Commissioner of Correction in Massachusetts, also holds this point of view. He says:

"Whatever may be the time that a man should serve in prison, the protection of the community demands that when he comes out, he come out under a form of supervison, and we stand here today to make the statement that in the light of modern penology no man should ever be turned from prison directly into the community without the help, the safeguard and the protection of parole supervision."[2]

And in another place he has reiterated this position:

"A very necessary adjustment period should follow every prison commitment. This department does not care what the court prescribes as the length of a prison sentence. It insists only that some period of supervision, call it parole or call it any other name, shall follow such prison term and that there shall be behind that supervision the authority to return to prison which, it has seemed to us, can only be preserved through the extension of the original sentence . . . It is just as important that the serious criminal be supervised as the first offender."[3]

Every prisoner stands in need of care after his release. His period of parole may be regarded as a part of his sentence, as a time during which the state manages and directs his return to the community.

The world into which the prisoner goes is a difficult one. His plight has been well described by F. H. Wines:

"The most terrible moment in the life of an offender is not that in which the prison door closes upon him, but that in which it opens to permit his return to the world. He has lost his character and standing among men. He has suffered for months or years the deprivation of

[1] "Punishment and Reformation," p. 355.

[2] Address before the Joint Committee on Judiciary of the Massachusetts Legislature, March 30, 1926.

[3] "Annual Report of the Commissioner of Correction," November 30, 1925, pp. 3 and 4. The idea that the transition from the prison to the community should be gradual is not a new one. It was expressed long ago by Jeremy Bentham, who, in his "Principles of Penal Law," (Book V, Chapter 3), refers to the "dangerous and critical situation of discharged prisoners, when re-entering the world after a detention, perhaps, for many years; they have no friends to receive them—without reputation to recommend them—with characters open to suspicion; and many times, perhaps, in the first transports of joy for recovered liberty, as little qualified to use it with discretion as the slaves who have broken their fetters." In his "Panoptican," (Postscript, Part II, Section 16), first printed in 1791, he outlined, in considerable detail, his ideas concerning the proper "Provision for Released Prisoners" involving three types of *conditional* discharges.

normal pleasures and associations. Usually he has little money and is without friends who will assist him to secure work or to get a new start in life. Thrust upon his own resources, his situation is critical in the extreme. If he meets a hostile attitude, relapse into crime is almost certain to be the result. His former friends and associates are waiting to receive him; they will literally ply him with arguments for resuming his old habits. Society, therefore, if it would save him from his new dangers, must surround him at once with conteracting influences."[1]

Bernard Shaw, also, has graphically pictured the condition which exists when the prisoner is returned to the community without supervision. He writes:

"He is, at the expiration of his sentence, flung out of the prison into the streets to earn his living in a labor market where nobody will employ an ex-prisoner, betraying himself at every turn by his ignorance of the common news of the months or years he has passed without newspapers, lamed in speech, and terrified at the unaccustomed task of providing food and lodging for himself. There is only one lucrative occupation available for him; and that is crime. He has no compunction as to society; why should he have any? Society, for its own selfish protection, having done its worst to him, he has no feeling about it except a desire to get a bit of his own back. He seeks the only company in which he is welcome; the society of criminals; and sooner or later, according to his luck, he finds himself in prison again. The figures of recidivism show that the exceptions to this routine are so few as to be negligible for the purposes of this argument. The criminal, far from being deterred from crime, is forced into it; and the citizen whom his punishment was meant to protect suffers from his depredations."[2]

Most prisoners must be released at one time or another. A few convicts, it is true, are hanged or electrocuted. But society will permit this only in the case of one or two extremely serious offenses. A few are held in confinement until they die. But here sentences long enough to accomplish this result are rarely imposed. Most prisoners walk out into the world again, to their families, to their friends, to their work, and, perhaps, to their careers of crime. Social security necessitates their confinement under the watch of armed guards within stone walls and iron bars on Monday. On Tuesday they are at large in the community. If the limitations of parole are not imposed upon them, under what conditions will they be released?

Suppose the prisoner is held to serve the last day of the period exacted of him by law. He must then be released. He may be a feeble-minded, epileptic or psychopathic offender. He may be an

[1] "Punishment and Reformation," pages 353 and 354.

[2] Webb, Sidney and Beatrice, "English Prisons Under Local Government," Preface by Bernard Shaw, Longmans-Green and Company, London, 1922, pp. 18 and 19.

habitual or a professional criminal. Still he goes out, an almost inevitable menace to the peace of the community. He goes out with the feeling that he has paid his debt to society in full, that he must proceed at once to levy tribute on his fellows for the time he feels he has lost. He goes out without work, without a home, perhaps without friends to help him. If he makes for himself a useful place in the life of the community, it is little less than miraculous.

Suppose the prisoner has been released under the operation of an automatic time allowance for good conduct within the institution. Here, again, society is guaranteed no adequate protection, for it is the universal testimony of penal administrators that the most dangerous of criminals to society, invariably maintain the best of prison records. Under the mechanical operation of the commutation measure, release *must* be given before the prisoner's whole term has been served. There is no possibility of exacting from the more dangerous men that greater period of confinement which may be required under the system of parole.

There is but one other means by which prisoners are regularly returned to society. That is by the exercise of executive clemency. The Governor's pardon, however, carries with it the implication of innocence, of society's forgiveness for the offense which has been committed. It, therefore, should never be used as a regular process, applicable to every prisoner.

These are the alternatives to parole. If a convict be pardoned, if he be released under the operation of the "good time" statute or if he be held to serve his whole term and then turned loose, he goes out as a free man. The state has lost its control. Society is no longer safe. Unless we are to extend greatly our use of capital punishment and life imprisonment, we must choose one of these four methods of release. Certainly hard common sense should dictate the adoption of that administrative expedient which possesses the greatest protective value. The safest of these four possible methods of release is parole.

Parole is coming to be regarded as a necessary period of transition from penal to social life. "The parole plan," wrote the Minnesota Board of Parole in one of its reports, "insists that there is a period of convalescence from the disease of crime, and that during this convalescence great care must be taken lest there be a relapse."[1] "Since some prisoners must be and should be let

[1] "Report of the State Board of Parole," 1911-12, pp. 11-12.

out of prison anyway," says the Minnesota Crime Commission, "it is better that they go out under supervision than absolutely free,"[1] and Commissioner Bates has put it this way:

"Unless we put them in jail for life, they have got to come out, and the important question for society to face is how are they coming out? Are they coming out with a knife between their teeth ready to reap their vengeance on society or are they coming out with some kind of a job, established in a home and some kind of authoritative supervision over them, so that on any indiscreet action on their part, they can be taken back and the community thus protected?"[2]

Generally, those who insist upon the importance of a period of parole, emphasize the right of imprisonment which goes along with it and lay great stress upon its protective nature. The International Prison Congress in the resolutions passed in London in August, 1925, referred to the indeterminate sentence as "one of the most efficacious means of *social defense*,"[3] and the Ameri-

[1] "Report of the Minnesota Crime Commission," p. 49.

[2] Address before the Joint Commission on Judiciary of the Massachusetts Legislature, March 3, 1926. The argument for the general use of parole has been well presented also by Secretary Henry A. Higgins, of the Massachusetts Prison Association, who says, "Is there any sensible person, who, knowing all the facts concerning both procedures, would prefer the complete sentence to the parole? Mind you, your criminal must be released some time, if not on parole with its judgment, supervision and checks, together with a grateful obligation on the part of the criminal to restrain himself; then a free untrammelled criminal embittered by the merciless exactitude of society. The latter condition does not contemplate reform unless you adhere to the old-fashioned idea that if a man is given enough punishment for a wrong, he will never do wrong again. The prisoner who pays in full comes out of prison with the idea that he has paid—that he has squared his account, and that he owes society nothing. Certainly he does not feel that he owes it to society to be a reformed man. The idea of crime is not out of his head. He only thinks of the price to be paid for his crime. You may have convinced him that if he is again caught he will again have to pay. But if he feels that he can commit crime and escape detection or conviction, then he contemplates his crime as profitable and delightfully revengeful.

"When a prisoner completes his sentence you find in him a moral vacuity inhospitable to regenerative influences, if you do not find a positive and fixed immorality. With the paroled prisoner it is different. Here you have a moral receptivity based upon a grateful state of mind. Here you are able to reform by instilling the idea that crime is to be avoided because it is inherently wrong and not because it is a thing for which the state exacts payment in punishment. Parole, then, must be admitted to be a success in itself and by the very virtue of its improvement over the unrelieved completion of sentence which is has superseded." (See Higgins, Henry A., "Is Parole a Success?" Massachusetts Prison Association, 1923.)

[3] Quoted in the "81st Annual Report of the Prison Association of New York," page 73.

can Prison Association, in the resolutions which it adopted at its Pittsburgh meeting in October, 1926, referred to parole as "an essential element in *protective penology.*"[1] The parole idea has thus been extended beyond the original conception that it was a test of reformatory achievement, beyond the later notion that it was a method to be applied only in the handling of particularly meritorious cases, to the present belief that it is a generally applicable method of guiding the prisoner's return to society in order that the legitimate interests of other citizens may be more adequately safeguarded.

The parole idea involves even more than this. Many of those who now believe in parole refuse to regard it merely as a system of watching released prisoners and arresting those who misbehave. On the contrary, they conceive of it as a positively constructive process of social rehabilitation. The Missouri Crime Survey, for instance, refers to parole as a "form of correctional treatment"[2] and another contemporary writer who calls it "a method of reformation or of re-education" goes on to explain that

> "It is the readustment of individuals to other individuals and to the community under supervision and direction. . . . It permits persons to come back into the community and to establish social contacts as a means of final reformation. . . . Parole is the reclaiming of men and women by the state."[3]

This social function of parole was well described in a brief which was submitted to the Pennsylvania State Parole Commission by the social workers of Philadelphia in November, 1926. They said, in part:

> "First, we believe that the object of parole . . . is to help the individual to find and keep a place in the community which entitles him to the respect of himself and of others and which enables and encourages him to make the most of himself, and to discharge his responsibilities to those dependent upon him and to the community as a whole . . . When once the individual has been admitted to parole, the object of the state's treatment of him becomes definitely constructive.
>
> "Second, we believe that the treatment of the individual parolee, in order to achieve this object, requires . . . positive acts of helpfulness—advice, guidance, friendly assistance in various forms, a steady, systematic process of re-education of the individual and of interpretation back and forth between the parolee and those with whom he is thrown and through whose associations he must re-establish himself in the community.

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[1] This Resolution will appear in the proceedings of the Association for 1926.

[2] Page 502.

[3] Bramer, J. P., "Parole," pages 19 and 20.

"Third, we regard this part of the state's treatment of the offender as potentially the most valuable stage of treatment . . . for it is the only part . . . which can be directly devoted to helping the individual readjust himself to the conditions of actual social life. . . . It is only in the natural and normal social environment that an individual can learn to practice suitable forms of conduct as well as desire them. . . . The culmination of the process (of training) must be in the community itself, where the individual must learn, often slowly and haltingly, to stand on his own feet, to resist temptation, to accept responsibility, to live up to decent ideals and to abide by reasonable regulations necessary for community well-being."

The ideal which finds expression here was translated into terms of actual performance by the Committee on Probation and Parole which reported to the American Prison Association in 1920. It was the belief of this body that parole should provide:

1. A continuation of training outside the institution, a friendly oversight and guidance.
2. The providing of suitable work which the individual can do and likes to do.
3. Continued supervision of health conditions, to maintain the highest standard of efficiency, and to protect the community from any danger of infection.
4. Continued industrial opportunities, to make the individual more and more self-dependent, and therefore to bring about more complete adjustment in the community.
5. Continued educational opportunities, to encourage self-improvement and to stimulate ambition.
6. Suitable recreational outlets, one of the most important functions of parole, since disposal of leisure time is the real test of desirability as a citizen.
7. Continued religious privileges, which should include social contacts.
8. Protection of the paroled person from exploitation, for a man must have a fair chance if he is to "make good."
9. Teaching of the application of the principles of mental hygiene. The formation and maintenance of good habits, and the understanding and acceptance of his position, are important parts of this instruction. But, most of all, is necessary the continuance of the spirit of good-will which he should have begun to acquire while in the institution.
10. Protection of the community by return to the institution of the individual, who threatens its welfare either through danger of infection or of bad behavior.[1]

So we come to the final element of the parole idea—the belief that parole may be made a reformatory process in itself.

Let us now summarize and restate the theory of parole: 1. Parole release should be preceded by institutional training for free life. 2. The determination of the time of such release is properly an administrative rather than a judicial function. 3. Parole is not an act of mercy. It is not lenient. 4. An early

[1] "American Prison Association Proceedings," 1920, pages 52-53.

parole may be granted when careful study shows that a prisoner will probably conduct himself honorably upon release. 5. Some period of parole should be applied to every prisoner, who, under present laws must be returned to society. 6. This should be done because it is safer to liberate a convict under supervision and hold over him the right of reimprisonment than to let him go scot free. 7. The parole period should be used by the state to accomplish the prisoner's readjustment within the community. The use of parole makes it possible for the state to reform its prisoners outside the walls of its prisons. This work is carried on incidentally for the good of the offender but primarily to prevent him from returning to crime. The final purpose of parole, like that of every other method of corrective treatment, is the protection of society.

This is the parole idea. Its application in penal administration would involve the following requirements:

I. That the state, prior to the time of parole, will make such provision for the educational and industrial training of the inmates of its penal institutions as to prepare them for life in the community.

II. That Boards of Parole will make an exhaustive and painstaking study of each case in order that they may hold in confinement those whose release would endanger the public safety and grant an early parole only to those who are fit to be set at liberty.

III. That the state will provide a sufficient staff of field agents to insure the continuous, efficient and sympathetic supervision of those who are on parole.

In the chapters which follow we shall attempt to discover the extent to which these requirements have been met by the systems of parole which have been established in Pennsylvania and in other American commonwealths.

CHAPTER 3

PAROLE LEGISLATION IN PENNSYLVANIA

Pennsylvania took the first step toward abandoning the definite sentence a full century ago. The act of March 23, 1826, which governed commitment to the Philadelphia House of Refuge (now the Glen Mills School) gave the managers authority to bind children out as apprentices during their minority.[1] Under this provision sentences to this institution, and later to the Pennsylvania Training School at Morganza, were indeterminate, with maximum terms fixed at majority and the minimum left entirely in the hands of the institution. The only limitation on this arrangement was the provision that girls under the age of sixteen on admission could not be held beyond their eighteenth year. This measure did not affect the sentencing of adults.

It was not until 1869 that steps were taken to modify the definite sentence imposed upon the prisoners confined in penitentiaries within the state. In that year a "good time" law was passed.[2] This measure provided for the automatic deduction of a certain number of days from each month served as a reward for good conduct. The sentence thus became an indefinite one, with the judge fixing the maximum and the prisoner determining the minimum by his behavior in prison. This "good time" measure was supplanted in 1901 by a new commutation act which applied to any prisoner committed for more than one year to any work-house, penitentiary or county jail in the state.[3] Under its provisions convicts might earn a reduction of two months in their first year of imprisonment, three months in the second year, four months in the third and fourth years and five months in the fifth and subsequent years. This meant that prisoners definitely committed for five years, if they maintained perfect conduct records, were released in three years and six months. Those committed for ten years might earn their way out in six years and five months, while men receiving twenty

[1] Pamphlet Laws, No. 133, Act of March 23rd.
[2] Pamphlet Laws, No. 1267, Act of May 21st.
[3] Pamphlet Laws, No. 133, Act of May 11th.

year sentences might be set at liberty in twelve years and three months. Release at this time was absolute, involving no right of reincarceration for subsequent misbehavior and no oversight by the state.

The first thorough-going application of the indeterminate sentence idea came in 1887 with the establishment of the Pennsylvania Industrial Reformatory at Huntingdon.[1] This institution was built on the model of the Elmira Reformatory and designed to care for young, male first-offenders between the ages of fifteen and twenty-five. The law provided that every sentence to the reformatory should be general and that the court should not "fix or limit the duration thereof." The maximum term during which a prisoner might be held was that fixed by statute as the maximum penalty for the offense which he had committed. Within this limit it was the intention of the framers of the law that his release should be determined by his progress within the institution. Accordingly, provision was made for the instruction and employment of inmates and the development of a system of credits designed to show "whether any and how much progress or improvement (had) been made."

The law provided for a semi-annual examination of each prisoner's record and the submission by the superintendent, physician and moral instructor to the Board of Managers of the cases of those men who had been "so improved as to justify liberation." This Board was given the power to grant release when it should appear that there was "strong or reasonable probability that any prisoner (would) live and remain at liberty without violating the law and that his release (would not be) incompatible with the welfare of society." This release was to be accomplished by the order of the committing judge upon the Board's recommendation. The law contained no specific authority to grant paroles in lieu of final discharges, other than the authority given the Board to make rules and regulations governing "absolute, temporary, and conditional release." In 1893, however,[2] the legislature provided that paroled inmates violating the conditions of their liberty might be rearrested on the warrant of the president of the Board of Managers and returned to the institution to serve out the remainder of the maximum period prescribed by statute.

[1] Pamphlet Laws, No. 63, Act of April 28th.

[2] Pamphlet Laws, No. 326, Act of June 6th.

Nearly thirty years later the reformatory for women, called the State Industrial Home, was established at Muncy. The law governing its operation[1] made similar provision for the imposition of general sentences on women between sixteen and thirty years of age. No minimum period of imprisonment could be stipulated in the original commitment but the law provided that "the duration of such imprisonment, including the time spent on parole (should) not exceed three years except where the maximum term specified by law is greater." The provisions made at Huntingdon for the instruction and employment of inmates and the development of a system of credits to serve as a condition of release were written into the measure governing the newer institution. Its Board of Managers was given power "to grant temporary discharge or parole for a period of not more than ninety days and to continue the same by renewal or renewals" and the mechanism set up to govern final discharge was the same as that established at the other institution.

Until 1909, then, the idea of the indeterminate sentence had been applied only in the handling of juveniles and at the Huntingdon Reformatory. The penitentiaries still operated under the provisions of the commutation law which granted automatic reductions of sentence for good conduct. The idea had grown, however, that penitentiaries, as well as reformatories, should train prisoners for return to society and that release should be granted on the basis of the prisoner's fitness, involving considerations other than good behavior within the institution. In this year, then, the idea of the indefinite sentence was extended to commitments to the Eastern and Western Penitentiaries.

Pennsylvania's first prison parole law[2] provided that courts should sentence prisoners for indefinite terms. The maximum period was to be that fixed by statute for the offense in question. The minimum was to be the statutory minimum. In those cases where the statute specified no minimum it was to be named by the court, but should in no case exceed one-fourth of the maximum. Men committed under this type of sentence were not to receive the benefit of the commutation law of 1901.

Provision was made that the Board of Inspectors of each penitentiary should hold monthly meetings to consider the release of prisoners so sentenced. Each convict was to be given a personal

[1] Pamphlet Laws, 1913, No. 816, Act of July 25th.

[2] Pamphlet Laws, 1909, No. 275, Act of May 10th.

hearing three months before the expiration of his minimum term. If it should appear to the Board that "there (was) a reasonable probability that such applicant will live and remain at liberty without violating the law" his release on parole was to be recommended to the Governor. In cases where the Board decided against such release, the Governor was to be informed of the reasons for this decision "in detail." Release was to become effective with the Governor's signature but he was not to be allowed to act until he had received the recommendation of the Lieutenant Governor, the Secretary of the Commonwealth, the Attorney General and the Secretary of Internal Affairs or any three of them "after full hearing, upon due public notice and in open session."

The law gave the penitentiary Boards the power to appoint one or more parole officers "to look after the welfare" of parolees and "report upon (their) conduct." Prisoners violating parole were to be given a hearing by the Board upon their return. Those guilty of new offenses would be held to serve the complete term charged for the original crime in addition to a new sentence received. All others should serve their unexpired maximum terms unless reparoled or pardoned. The law finally provided that it should be the "duty" of the Board to recommend parolees to the Governor for pardon if there was "reasonable probability" that they would not again violate the law and "that it (would) be to the advantage of such convict."

Such were the provisions of the first measure authorizing prison paroles within the state. Under its operation one part of the reformatory scheme was applied to the management of the state's prisons. This action was, however, accompanied by no such avowal of reformatory purpose as that which had been incorporated in the Huntingdon law. No provision was made for the employment, training or education of prisoners. No system of marks, records, grades or credits was established as a prerequisite of release. No standards of fitness were suggested by the law. Although the general application of reformatory methods in prison discipline was apparently not contemplated, this single element in the reformatory process was applied to all prison sentences as though possessing some intrinsic merit.

The law of 1909 was not long allowed to stand in its original form. One provision, not mentioned above, which made possible a thirty-year maximum sentence for third termers was repealed

in 1911.[1] The stipulation was also inserted that Boards of Inspectors could not adopt rules requiring first-offenders to file bonds when going out on parole.

Dissatisfaction with the indefinite sentence of the original law led the legislature to go even further and repeal its provisions governing the minimum sentence. Under the new law, then, the court could fix both minimum and maximum terms. The maximum was not to exceed the statutory maximum. No limitations were placed upon the minimum. This provision made it possible for the courts, within their discretion, to destroy the entire purpose of the law. A prisoner who could have earned his way out by good behavior in twelve years and three months if sentenced for twenty years under the old commutation law, could now be committed for a minimum term of nineteen years, eleven months and twenty-eight days and a maximum of twenty years. Several such ridiculous sentences were given and scores of others allowed men receiving long sentences possible parole periods of but a few months. Prisoners so sentenced could, in effect, gain an early release only through an extension of executive clemency. The result of this measure was, in some cases, to make punishment much more severe than it had been for a generation. It operated, however, with great inequality, depending in each case upon the temperament and point of view of the judge imposing the sentence.

The law of 1911 extended still further the application of the parole idea by giving to the judges of the courts of Quarter Sessions and Oyer and Terminer the right to parole convicts confined in county jails and work-houses. In 1921 this right was extended to "other courts of record having jurisdiction" and applied as well to release from houses of correction.[2] Parole here, unlike that from the penitentiaries, might take place at any time after incarceration. This measure extended the application of the parole idea far beyond that allowed by the majority of American states.

Succeeding legislatures made minor amendments to the law governing the operation of prison paroles. In 1913[3] provision was made that Boards of Inspectors might procure individuals to act as sponsors for prisoners on parole, or require of them

[1] Pamphlet Laws, No. 812, Act of June 19th.
[2] Pamphlet Laws, No. 177, Act of May 5th.
[3] Pamphlet Laws, No. 363, Sec. 1, Act of May 28th.

periodic reports in lieu of such sponsorship. No prisoner, however, was to be denied parole because of his inability to secure sponsorship. The 1915 measure[1] provided for the arrest of parole violators upon the warrant of the secretary of the penitentiary Board of Inspectors and their re-commitment upon the Governor's mandate. It further required that parole violators convicted of new offenses should serve out the earlier term before beginning service on the later sentence; also that those imprisoned in other states should be returned for reincarceration in Pennsylvania.

Dissatisfaction resulting from the arbitrary exercise of the unlimited sentencing power allowed by the 1911 law caused the legislature in 1917 to re-enact the provisions of the law of 1909. The measure was, however, vetoed by Martin Brumbaugh who was then Governor. Modification of this form of sentence did not come until 1923 with the enactment of the law known as the Ludlow Act, which now governs penitentiary paroles in Pennsylvania.[2] This measure amended the provisions of the 1911 law governing sentences and provided that any person found guilty of crimes punishable by imprisonment in the penitentiary should be sentenced for an indefinite term, the maximum and minimum limits of which should be fixed by the court. The maximum was in every case to be within the maximum fixed by statute and the minimum never to "exceed one-half of the maximum." The requirement was also made that the penitentiary inspectors should notify both the trial judge and the district attorney within ten days before hearing an application for parole.

This measure gave the benefit of indefinite sentence to felons who were sentenced to imprisonment in local institutions as well as those sent to the state prisons, although it still left the power of their parole in the hands of the judge. It limited the possible judicial abuse of the right to impose sentence and, by a more or less arbitrary expedient, similar to that set up in five other American states, gave real assurance that parole might be applied in those cases deemed deserving by the penitentiary trustees. The Ludlow Act is today under attack by members of the bench and bar who would restore to the court its discretion in imposing sentence.

Only two other measures have been enacted which are of sig-

[1] Pamphlet Laws, No. 348, Secs. 10 and 14, Act of June 3rd.
[2] Pamphlet Laws, No. 397, Sec. 6, Act of June 29th.

nificance in the parole of Pennsylvania's prisoners. These are the laws of 1925, the first of which[1] makes possible the eventual commitment of women of all ages to the State Industrial Home. The indefinite sentence for those less than twenty-five years of age remains as provided by the original law. Those over twenty-five are to be sentenced for minimum and maximum terms, with parole possible at the expiration of the minimum. The second[2] created a Commission to investigate parole systems and submit to the legislature recommendations for a change in the state's parole law.

[1] Pamphlet Laws, No. 379, Act of May 14th.
[2] Pamphlet Laws, No. 393, Act of May 14th.

CHAPTER 4

PAROLE PREPARATION IN PENNSYLVANIA

In penal administration, as in other fields, it occurs that there is often a marked contrast between ideals, and even laws, on the one hand, and existing administrative methods, on the other. This is particularly true in the case of parole. The preceding chapters have outlined the parole idea and the parole law. Those which follow concern themselves with current parole practice. Chapter Five describes the process of parole selection; Chapter Six, that of parole supervision in Pennsylvania today.

The present chapter has to do with the manner in which prisoners are being prepared for parole in Pennsylvania. A discussion of this subject involves all of penal administration and might easily lead us far astray from parole, but so important is institutional training as a prior condition of parole, as has already been pointed out, that it seems not unwise to include at this point a brief outline of present prison practices in Pennsylvania.[1]

The state has five institutions for the imprisonment of adult or juvenile-adult offenders. The oldest of these, the Eastern State Penitentiary, located in Philadelphia, was opened in 1829 and has seen nearly a century of service. It has a present population of more than fifteen hundred. The Western State Penitentiary is located in the Woods Run district of Pittsburgh. It has had an average population of one thousand in recent months. Seven hundred other prisoners are kept in a penitentiary at Rockview, near Bellefonte, which is administered as a branch of the Western institution. There are two reformatories. The one for men, located at Huntingdon, was opened in 1889 and now accommodates about seven hundred inmates. The one for women, known as the State Industrial Home, is situated at Muncy. Its population is generally less than one hundred.

[1] The material contained in Chapters 4, 5 and 6, except where otherwise noted, is based upon a personal examination of prison plants and records and interviews with prison officials.

Eastern State Penitentiary

The entire work of the Eastern Penitentiary is being carried forward under the handicap of an antiquated and overcrowded plant. The prison was built with the idea of providing solitary confinement for some two or three hundred prisoners. Today there are 841 cells, many of which house two or more occupants. The form of the main prison building and the addition of further structures has so cut up the space within the walls that the room available for outdoor recreation is totally inadequate for the needs of the present population. Mess halls, school and shops are housed in quarters which are anything but desirable. There is no room for expansion at the present site. The development of modern prison activities must, in large measure, wait upon the provision of the new structure which is contemplated by the state.

The present administration of the penitentiary has been highly complimented on its managerial efficiency.[1] The staff of guards has been completely reorganized, smartly garbed and subjected to military discipline. Provision has been made for health and sanitation. Prisoners suffering from venereal diseases are required to take treatment. Consumptives and men in advanced stages of disease are segregated. There is no gymnasium and no formal drill. There is, however, an exercise period of about two hours each afternoon and during this time those who wish to do so may play baseball, football, volley ball and handball. The outdoor athletic activities are varied and beneficial in spite of the inadequacy of the space available for them.

Internal discipline does not appear to be unduly severe. Correspondence and visiting privileges, although subject to careful restrictions, are fairly liberal. There is a band, an orchestra and a library, and prisoners, although not allowed to handle money, may purchase certain things from a commissary or through the outer office. Each inmate receives a printed booklet which clearly and briefly sets forth the rules governing the institution. He is told that he must not carry food from the mess hall, leave his work without permission, write notes to other prisoners, loiter in the aisles or alleys, enter other cells without permission, gamble, or behave with insolence towards officials or other inmates. Other rules have to do with possession of weapons, traffic in drugs, sexual vice and attempted escape. Regulations appear

[1] See the "Handbook of American Prisons for 1926," published by the National Society of Penal Information, pp. 498-500.

to be reasonable and the inmate is told that "only by observing and obeying them can (he) make a good record and become eligible for parole and possibly a pardon."[1]

Prison discipline is enforced by a system of punishments. Offenders appear daily before the deputy and he determines the disposition of their cases and their conduct record is kept in his office. Petty offenses may merely result in a loss of privileges. For more serious cases a small building containing thirteen punishment cells has been erected in the yard. These cells are clean, well ventilated and equipped with a lavatory, toilet and bed. The miscreant simply spends his time there in idleness on a bread and water diet until released. He is examined daily by a physician and given a full meal when he needs it. This punishment may continue for twenty-four hours or for as much as three weeks, depending upon the seriousness of his offense and his attitude during his confinement. The usual number undergoing this punishment during the past several months has been three, four or five daily out of a population of more than fifteen hundred.

Continuous offenders against prison discipline are, as a final resort, segregated. Thirty-nine men were so imprisoned on December 1, 1926. These prisoners are separately confined in the same type of cells as those occupied by the rest of the population and are given the same cell privileges. They are, however, denied contact with the other inmates and are continuously confined except for two hours daily of compulsory exercise in the open air. Men are kept in this group for comparatively long periods until it is felt that it is safe to permit their return to the prison community. Those guilty of abnormal sexual offenses are similarly segregated. Twenty-one were so held on the above date.

There is a prison school under the supervision of an officer. Seventy men were under instruction on December 1, 1926, with eight teachers, all inmates. School hours run from 9 to 12.30 daily during five days of each week. There is no disciplinary provision to force school attendance. There is no examination given to determine school placement. Men who would rather "figure" than work, men who have no work to do, foreigners who wish to learn English in order to forestall deportation, largely make up the attendance. Most of the instruction is in

[1] "General Rules of the Eastern State Penitentiary," July, 1926, page 3.

reading and writing, although some courses are given in grammar, geography, history and arithmetic. The school is housed in one poorly-equipped room, constructed from some of the old exercise yards. Classes are taught simultaneously in eight sections in the one room. Inmates with sufficient ability to teach generally prefer employment in more pleasant clerical undertakings, or in prison industries which offer the possibilities of much larger earnings. No record is kept of an inmate's achievement in the prison school and his accomplishment here is of no significance in connection with his possible parole. The Board of Trustees has gone on record as favoring the employment for the supervision of the educational activities of an outside teacher who could "command the respect and confidence of the prisoners." In its last annual report it states that "the matter of a first-class school system within the walls of the penitentiary should be referred to trained educators, notably the State Superintendent of Public Instruction and the Superintendent of Schools of the City of Philadelphia, with the idea of suggesting improvements to the present system, and of aiding us to carry on the new system."[1]

One of the main objectives of the present administration has been the reduction of idleness and the provision of employment for the inmates. At the present time there are four general classes of work being done in the penitentiary. First come the shops, which are under the direction of the Bureau of Restoration in the State Department of Welfare. Second, there are the activities connected with the operation and maintenance of the prison plant. Third, there have been developed within the institution itself some shops which perform certain processes for outside firms. Finally, there is individual hand work which is carried on extensively by the inmates.

On December 1, 1926, the Department of Welfare industries provided employment for 295 men out of the population of more than fifteen hundred. The largest single shop is the shoe shop, employing 109 men. Next comes the hosiery and underwear industry with 78. Forty-two men were engaged in printing and binding, 38 in weaving shop and 29 as tailors. This work is carried on under the supervision of eight civilian employees of the Welfare Department and the men work five hours daily. They are paid from twenty-five cents to sixty-five cents daily, depending on their experience and skill, the usual earnings run-

[1] Annual Report, 1925, page 8.

ning between thirty cents and fifty cents. The print shop is well equipped and production conditions here and in the tailor shop may be said to compare favorably with those in the outer world. Shoe and textile production, however, is carried on on a much smaller scale than in outside factories, with production methods which are probably not the equivalent of those used in modern large-scale plants. Even if the Department of Welfare were able to provide work enough to occupy the entire population, expansion would be made impossible by the limitations of the present structure.

Maintenance activities generally provide employment for about 350 men. On June 1, 1926, nearly 100 were employed as plumbers, steamfitters, carpenters, painters, plasterers, stonemasons, bricklayers, tinsmiths, electricians, blacksmiths and machine shop operatives. The power house, store house, green house and laundry provided work for 45 men. Eighty-six served as bakers, cooks and kitchen help. There were 36 assistants in the school, library, hospital and offices. Nineteen men were employed as barbers, 36 as scrubbers, 65 as messengers and 182 men were assigned to yard duty. Many of these are employed in the construction of a new cell building. Others of those enumerated above are assisting in the laying of new concrete floors in the cell blocks. Of the 1,573 men in the institution on December 1, 1926, only 163 were reported as idle. Of these, 45 were segregated for disciplinary reasons and 52 were ill or too aged for employment, leaving only 92 men on the record as able to work and unemployed. The men engaged in the above activities are placed on the maintenance payroll and compensated from the earnings of prison labor at the rate of ten, fifteen or twenty cents per day. More than half of them are receiving ten cents and less than one-fifth of them the twenty-cent rate.

The outside work brought in for the men by the institution itself comprises a rag shop, a caning shop, a cigar shop and a garage for automobile repair work. Cigarmaking employs only eleven men; the garage, five. On December 1, 1926, the rag shop provided employment for 104 men who were engaged in sewing rags together and rolling them into balls. During November, 1926, the weekly income of the prisoners engaged in this work ranged from thirty-three cents to $3.47, the average being $1.27. Ninety men found work in the caning shop where they fitted cane bottoms in chairs on a piece-work basis, which averages them a weekly income of about $1.20. All the work of this type

is admittedly a temporary expedient, adopted with the laudable objects of lessening idleness and providing the prisoners with a means of contributing to the support of their dependents.

One of the most interesting features of the institution is the skilled handwork which is produced by its inmates. Over three hundred men were recorded as engaged in such individual employment on December 1, 1926, and others working elsewhere during the day carried it on in their cells in the evenings. In this way are produced lacquered bookcases and tables, decorated tin waste baskets and desk sets, inlaid wooden brushes, jewel boxes, cigarette boxes and radio cabinets, beaded bags, necklaces, andirons, fire tongs, etc. The largest single enterprise is the production of ship models. Some 200 men are now employed in this activity. A few enterprising inmates have set up regular shops in small cells which have been provided for them and are employing other inmates in their work. Here various ship models are produced under an extensive division of labor in commercial quantities and prepared for sale in the outer world. Prisoners are not permitted to advertise their products or solicit purchases by mail, but an outlet is found among people who learn of the prisoners' work through friends or through the institution's officials and through three gift shops which have been established in Philadelphia through the generosity of a former inmate. These activities provide men with employment at fairly skilled work and make possible for them earnings as high as two to five dollars daily. Based as they are on the production of novelties, there is some question as to the permanence of their market. This work, which has developed to its present proportions over a great period of years, has its merits, even though it cannot fill the need for a thorough-going system of penal employment.

In all this activity there is the possibility that the prisoner may receive industrial training which will be of use to him in his later life. Generally, however, working standards do not compare with those in the outer world, the working day is short and there is inadequate training in the important habits of industry. There is nowhere any deliberately outlined personnel adaptation, vocational guidance or trade training. No record is kept of the prisoner's industrial achievement, and accomplishment in prison labor plays no part in the decision which is made on his parole.

The prison has no psychological or psychiatric work. It has no investigator to supply it with data on the prisoner's past history, being forced to rely largely on his own statements. For

a few brief months the State Department of Welfare supplied the institution with a resident psychologist, but no laboratory was developed and the work was shortly abandoned as a failure. There does not now appear to be any plan for its renewal.

The Eastern State Penitentiary is today a clean and efficiently managed prison. For this situation the present administration deserves great credit. Much of the work, however, which must be done to make imprisonment a positive regenerative experience for many men is still ahead. The development of careful scientific classification and treatment, the creation of real educational work, the expansion of prison industries and the introduction of real vocational training must be the task of the coming years.

Western State Penitentiary

The penitentiary at Pittsburgh, like that at Philadelphia, appears to be clean and well managed. It, also, has been highly complimented upon its internal administration.[1] Provision is made here for physical examination, hospital treatment and the segregation and care of consumptives and syphilitics. There is no gymnasium or compulsory drill, but there is an exercise yard equipped with gymnastic apparatus which is open to the men for use when they are not otherwise employed. It seems likely that from a physical point of view the majority of the prison population is better cared for than it ever had been in the outside world.

There are many prison activities: a band, orchestra, library, monthly newspaper, entertainments and lectures. Liberal allowance is made for correspondence, visits and the purchase of goods at a prison store. Discipline is enforced through a system of punishments. Petty offenders may lose certain privileges or be locked in their cells for short periods. More serious offenders are kept in screen cells for periods running up to thirty days. Here they may be given the regular diet or restricted to only one meal daily or to bread and water. The severest punishment generally used is isolation. In one building is detained the most dangerous element of the prison population. The cells in this structure are clean, light and well ventilated, as are the others. Men imprisoned here are given the same food which is served in the dining hall and are allowed to work in their cells. They are compelled to exercise in a fair sized yard twice daily. They are, how-

[1] See the "Handbook of American Prisons," 1926, published by the National Society of Penal Information, pp. 509-510.

ever, refused contact with each other and with the rest of the prison population. The warden of the penitentiary and every member of the Board of Trustees receives on Saturday morning of each week a report giving the names of men subjected to punishment during that period, together with the penalty imposed and the offenses for which punishment was given. This report is designed to prevent any arbitrary abuse of inmates by the prison guards or officials. During the recent months there have not been more than sixteen or twenty out of the one thousand population undergoing punishment at any one time.

There is a prison school under the supervision of an educational director. Idle men are assigned to school if deficient in educational work. Men take up school work during their idle period or after their daily work is finished. Men whose minimum terms expire within a year are placed in school for two sessions daily without any other duties. During the 1925-26 term, attendance at the day school averaged 40 and at the night school 120. A new school house has been completed and the administration looks forward to an increased attendance at the coming session. The instruction is given by inmate teachers, varying in number from twelve to fifteen. A fourth grade literacy standard is established as a prerequisite for parole and the chief function of the school at present is to bring the illiterates up to this standard. An extension of this work is greatly to be desired.

The industries at the Western Penitentiary are under the supervision of the State Department of Welfare and goods here, as elsewhere, are manufactured for state use. During June, 1926, the average number of men employed in the Welfare Department industries were: 60 in a shop for the manufacture of clothing, 82 in the production of automobile license tags, 115 in the weaving department and 6 in broom and brush manufacture, a total of 263 men out of the prison population of one thousand. These workers are paid at rates in some cases reaching fifty cents daily. Men in these shops work fewer hours daily than would be required in the outer world and more men are used to accomplish the same work that would be done by fewer elsewhere. They are not, then, receiving the training which they should in habits of industry. The shops are housed in temporary one-story structures of a decidedly inadequate nature. A large, modern, industrial building is a real need of the institution.

Most men not employed in these shops are assigned to various maintenance activities, about 700 men being usually so employed.

This work involves 44 men employed in skilled occupations as plumbers, electricians, painters, carpenters, machinists, 317 others who work in the laundry, in the heating plant and about the yard and serve as janitors and runners. There are 31 cooks and bakers, 72 waiters, 48 kitchen and storeroom helpers, 24 barbers, 10 cobblers and 5 printers. Sixty-two others are employed as clerks, nurses, teachers, etc. Men who do this sort of work are placed on the maintenance payroll and paid ten cents a day out of the proceeds of prison earnings. This places a premium on Welfare Department employment and leads to dissatisfaction among the men employed at the lower wage. From the record it would appear that nearly the whole population was continuously employed. There is, however, no way of telling how many hours a day men on the maintenance payroll are actually employed and much of this labor requires less than a full week's work. Probably less than half the men on the maintenance payroll could be regarded as full-time employees. The only men definitely recorded as idle, however, are new entrants not yet assigned, men undergoing punishment, illiterates engaged in school work and a few who are too old or too feeble to be usefully occupied.

From the point of view of preparation for a life of future usefulness, employment in the penitentiary leaves much to be desired. Many of the more skilled maintenance occupations, to be sure, have a vocational value. Among the prison industries, however, the tailor shop is about the only one which is providing the prisoners with a useful trade training. The manufacture of automobile tags is not carried on in the outer world, although the process is similar to many in our modern, large scale repetitive industrial production. The brush and broom work is so small as to be of little significance and should probably be turned over to the institution for the blind. The weaving shop is the largest, but there is no textile industry in the western part of Pennsylvania in which the men trained here can find employment, and there is some question as to whether the methods used approximate those of the better outside establishments. From the vocational viewpoint, it would perhaps be desirable to have this work transferred to the institution at Philadelphia. The officials of the penitentiary and the Welware Department are now making plans for the employment of a teacher whose duty it would be to give definite vocational education within the industries. Here, as in Philadelphia, the development of real trade training will be the work of the future.

During the past two years the Western Penitentiary has under-

taken a scientific approach towards the treatment of the criminal. A careful study of each man committed has been made, including physical and medical examinations, psychological, psychiatric and educational tests, followed, where necessary, by special psychiatric examinations. The work is under the direction of Dr. William T. Root, Professor of Psychology at the University of Pittsburgh, who is a member of the Board of Trustees. A field worker has been employed to secure significant information on each case. The possibilities of this work have not yet been fully realized. It was undertaken largely with the idea of applying it in the placement of men in prison occupations but it has been little used in internal adaptation up to the present time. The information made available through these studies has proven to be of some use to the board in arriving at decisions on paroles. A summary of this material is presented to the parole department and might be used by them in supervising parolees but is of little use for this purpose today.[1]

Rockview

The penitentiary at Rockview was originally established as a prison to which all convicts in the state should be transferred. This project was abandoned and today the institution is conducted simply as a branch of the Western State Penitentiary. All prisoners are taken to Pittsburgh for examination and record. Many short termers, men committed for minor offenses and some men serving the last few months of a longer term are sent on to the up-state institution. This branch serves as a ground for gradual preparation for parole. Not all prisoners are transferred, however. In some cases the officials do not feel that it would be safe to permit the amount of freedom which exists at Rockview. In others, transfer does not take place because they are not suited to do the type of work at the branch institution or, because of their dependents, are in need of the larger earnings which can be secured at Pittsburgh.

To a casual observer Rockview presents a marked contrast to the older type of prison. It is located in a tract of 6,500 acres and no wall surrounds it. Convicts sit about and chat, play ball,

[1] An analysis of the information secured in this work at the Western Penitentiary has been made by Dr. Root and has been published by the Board of Trustees under the title "A Psychological and Educational Survey of 1916 Prisoners In the Western Penitentiary of Pennsylvania."

pitch quoits or ride merrily off by the truck load to farm distant acres, work in the quarries or with the stock. The officers of the institution function as gang-foremen rather than as guards. Men are at work over the whole tract and during the daytime are subject to little supervision. At night many of them are stationed as watchmen in cow barns and hog sheds, far from the central inclosure. A wire stockade surrounds the central buildings and men are allowed to leave it by a system of passes. This, to be sure, is a mental rather than a physical barrier. A main highway runs through the property and any prisoner could leave the grounds almost at will at some time during the day. There are escapes but most of them lead to rearrests. The agricultural nature of the institution makes it impossible to maintain it as a lockup. Short terms, good morale and the prospects of early parole serve in the stead of stone walls.

A record is kept of individual conduct and a lockup is used for offenders against prison discipline, as is done at Pittsburgh. Men are assigned to specific officers who keep a daily record of their application and industry which is submitted weekly to the warden. This report gives grades for conduct on every man and becomes a part of the institution's permanent record of the case. In addition, a complete copy of the prisoner's record goes with him from Pittsburgh to Rockview when he is transferred. The psychological examinations cover the men incarcerated at Rockview as well. All this data is available to the Rockview staff when it makes its recommendations as to parole. Eighty per cent. of those paroled are released from this institution, only twenty per cent. being held at Pittsburgh until they are set free.

In the summer months the problem of finding work for the prisoners is easily solved by the need for farm labor. The orchards are cared for, animal husbandry and dairying is carried on. There are quarries and a nursery. Many are employed in driving trucks and handling teams. Others are occupied with maintenance activities: electricians, cooks, bakers, waiters, barbers, nurses, clerks, and employees in the boiler houses and laundry. It has been possible to keep many men busy in the construction of a new cell building, most of the work on which has been done by inmates.

The Department of Public Welfare maintains the nursery and operates a complete and well equipped cannery. Men employed in this activity are paid as much as fifty cents a day while those employed elsewhere receive much less. Many of these men are

engaged in work which is heavier and more exhausting than that of the Welfare Department employees. This situation makes the Welfare Department job a great prize and gives rise to much dissatisfaction and grumbling among the men.

One difficulty with the cannery as a source of employment is the fact that it demands men at the same time when there is plenty to be done on the farm. The work of the institution is decidedly seasonal and the problem of employment during the winter months becomes a serious one. The population of the institution generally falls to 500 during the winter, and rises to 700 in the summer time. Most of the school work comes in winter and occupation is also afforded by construction and repair work and the maintenance of the stock. The location of the institution gives reason for serious question as to the possibility of developing extensive enough prison industries to provide continuous employment.

The educational work at Rockview involves two features. First, there is some compulsory schooling and, second, there is the opportunity for more advanced work which the institution extends as a privilege. The school is under the supervision of the chaplain and inmate teachers are employed in odd hours during the winter months. This work in the past has been handicapped by the lack of rooms in which to hold classes. The Pennsylvania State College has conducted extension courses at the penitentiary. One hundred and thirty-one enrolled for this work during the 1925-1926 session. Among the courses given were: gasoline automobiles, salesmanship, steam boilers, electricity, accounting, bookkeeping, show-card writing, business law, traffic management, heating and ventilating, the strength of materials and foreman training. Sixty-seven of the 131 men completed their courses, many failing to finish because of parole or pardon. Some of them made particularly good records. One other item in the educational program is a course of popular general lectures donated by the members of the faculty of the Pennsylvania State College.

Neither the school nor the industry of this institution contributes a positive program of trade education or vocational training and the value of some of the work carried on, canning, in particular, is open to question from this point of view. If men on parole are to stand better chances of success it might be desirable to train them in some line which would give them the assurance of steadier employment.

Huntingdon

The Pennsylvania Industrial Reformatory is based upon the Elmira model. The law charges it with the training and instruction of male first offenders between the ages of fifteen and twenty-five.[1] Traditional reformatory methods are employed. Prisoners are divided into grades and promoted or demoted on the basis of a system of credits and demerits. There is a compulsory weekly chapel, a Sunday School, where attendance is voluntary, and a well developed program of physical training. Athletic contests are held within the institution and with visiting teams. There is a library and a weekly paper which prints moral tales and institutional news. Prisoners whose educational development has been retarded are required to attend school. Eight teachers are provided and sessions are held for nine months of each year. Instruction is given in elementary branches and, in a few cases, in more advanced work such as history, physiology and business subjects. During the summer months a large part of the population is engaged in farm work and there are no regular classes. A farm of some seven hundred acres is entirely worked by inmate labor. At times fully half the population is thus employed outside the walls. This privilege is extended to the better boys, who work under little supervision, a situation which makes possible a test of their responsibility looking toward parole and ultimate freedom.

The outstanding feature of the institution is the amount and variety of vocational training which it offers to its inmates. Each boy, shortly after his arrival, receives a pamphlet which describes some forty trades, one of which he may learn. The nature of the work involved and the possibilities which it offers are briefly and simply set forth. This prospectus covers the following fields: Auto mechanics, baking, blacksmithing, bookbinding, bookkeeping, masonry, carpentry, butchering, dairying, drafting, laundry work, electrical work, molding, printing, plumbing, shoemaking, barbering, painting, plastering, tailoring, machine work, tinsmithing, and many others. The boy is thus given an opportunity to select the type of activity which he may wish to pursue. From this list he is permitted to make three choices and, at the end of a thirty-day novitiate, he appears before the reformatory staff for placement. This body, after a consideration of the young man's showing in various tests which have been given him,

[1] At the present time, however, nearly one-third of those committted are recidivists.

assigns him to one of the trades for which he has expressed a preference.

Each vocational teacher keeps a daily record of the number of hours put in by each boy under his care, the type of work done and the numerical grade which indicates its quality. This daily account is posted monthly on a sheet which gives a permanent history of the progress of each inmate in the trade to which he has been assigned.[1] In this way the institution has complete knowledge of the actual accomplishment of each man in his trade training.

In some reformatories, the vocational education involves only the accomplishment of a few set tasks of a practice nature, the finished product being subsequently destroyed. In such places the training offered has no immediate practical application. There is little of this sort of thing at Huntingdon. In large measure training offered the boys is capitalized by the use of their labor in the physical improvement of the plant. At the present time a new cattle barn is in the process of construction. The designs for this building were prepared by inmates; the blueprints turned out by inmate draftsmen. The stone masonry, the bricklaying, the wiring, the plumbing, the carpentry, painting and everything else entering into the project involves a practical application of the trade training offered and is done without cost to the state. In a similar way, fences have been built, sewers laid and roads resurfaced. A new system of mechanical ventilation has been constructed and installed in the kitchen. The cell blocks have been improved by the installation of skylights, and the repainting of the walls. The wooden flooring of the cell ranges is being gradually

[1] In the machinists' class, for instance, the report covers the number of hours spent and the grades received each month in mastering the following operations:

1. Chipping and filing. 2. Filing and finishing blocks. 3. Drilling and tapping, cutting threads with stock and die. 4. Turning cylindrical pieces to gauge. 5. Turning and chasing vice screws, square and V threads. 6. Chucking and boring to gauge. 7. Boring and reaming nuts and making mandrel to fit. 8. Grinding set of lathe tools. 9. Cutting V and square threads (outside). 10. The same (inside). 11. Grinding milling cutters and drills. 12. Turning bolt and lathe spindle with paper hole and center. 13. Boring and turning. 14. Angle and plate work. 15. Making valves and spigot stems. 16. Turning wood lathe centers. 17. Turning engine piston. 18. Turning eccentric. 19. Planing surface plate. 20. Planing key way in block and chamfering corners. 21. Grinding set of planer tools. 22. General planer work. 23. Turning, facing and chasing pump valves. 24. Making studs and bolts for pump and engines.

removed and replaced by metal gratings designed and cast by inmates. The institution is being rewired by students in the electrical classes. The bricklayers have added a new porch to the residence of the superintendent, and a new green house.

The present superintendent desires to construct a modern hospital and a new gymnasium as soon as that may be possible. Work of this character, he estimates, will provide practical and productive employment for the next five or six years. When the plant is brought to its maximum physical efficiency, however, the problem of finding a productive outlet for institutional labor will again become a pressing one. At the present time the Department of Welfare has no industrial work at the reformatory. Preparations are being made, however, for the installation of a printing establishment, where the training of printers and the production of state documents may go hand in hand. Machinery is also being installed for the production of furniture, and the skill gained in woodworking classes will find practical application here.

At Huntingdon one does not find the idleness which is the curse of so many prisons. Boys are busy from morning until night and there is little opportunity for loafing. Much more in the way of labor, however, should be provided before the present program of addition and betterment of the physical equipment is completed. It would be quite possible for the class in sign painting to prepare a large part of the markers demanded by the state highways system. Boys who have been engaged in the study of auto mechanics might well be employed in the repair of all publicly owned automobiles in the vicinity. A careful study should present many similiar possibilities. The nature of the institution, to be sure, prevents a complete approximation to the productive methods employed in the outer world. But this should nevertheless be a goal toward which the administration should work.

Since June, 1925, provision has been made for the remuneration of the inmates out of funds made available through the earnings of prison labor. The rates of pay prevailing in June, 1926, were 7½, 10, 12½, 15 and 20 cents per working day. Only sixty of the population were unassigned and receiving no pay at that time. The great majority of the men were being paid at the rate of 12½ or 15 cents a day. With the development of the printing and furniture industries under the supervision of the Welfare Department many will be given an opportunity to earn much larger amounts. Little or no opportunity is afforded within the institution for the expenditure of funds thus accumulated. The result

is that it is now possible for boys to leave Huntingdon with a sizable stake toward their readjustment in the outer world.

The institution, unfortunately, does not seem to have very adequate data upon the social background, history or mental condition of its inmates. Upon a boy's arrival a clerk takes from him certain information which is inscribed in a large ledger in the precise form dictated by statute forty years ago. The chaplain, also, secures certain information from the boy. This he supplements by writing to the pastor of the church which the prisoner formerly attended for an independent estimate of his family background. An examination of the replies received indicates that in the great majority of cases no information of value is obtained by this method. The institution relies largely on information (supplied by the prisoner himself) which cannot be compared favorably with that obtained by the sort of careful field studies which are made in other states.

This material is supplemented by mental examinations. Representatives of the State Department of Welfare visit the institution monthly and make psychological and psychiatric reports on all new commitments. Their examinations take three or four days with each visit and their reports are brief. The psychologist in each case gives the intelligence quotient, the mental age, and adds comments such as the following:

"This boy seems to have plenty of ability, but since he has never been to school, the academic side of his education should be stressed."

"Insight decidedly limited. Full of excuses, talkative, braggart, does not wait for instructions, is quick and has some manual ability. Could get some trade if his other qualities can be controlled."

The nature of the psychiatric report on the cases examined may be suggested by similar samples:

"Quite talkative in his own behalf. Rather too self-confident and shallow in moral feelings. Had become an idler and a rake before coming here. Inclined to tell on others, and does not impress me as trustworthy."

"A very intelligent, refined boy of good family. At end of school year felt tired and bored. Did not care for dances or mild amusements, and with some friends burglarized for sake of thrill. Has done very well here. No psychopathic traits. Recommend parole."

"Takes his record rather too lightly. Is good-natured but shallow in emotions. Has been a drinker, to excess. Very little feeling for family. I doubt if any moral instruction would sink deeply enough in this boy's mind. Does well enough here. Better keep for as long a time as possible."

Copies of these reports are given to various administrative officials but it is difficult to discover the extent to which they are utilized in handling discipline, placement and education. It is certain that the reformatory has not made progress in this field comparable to that which it has made in the field of vocational training.

Muncy

The State Industrial Home for Women also follows the reformatory plan. Its aim, in the words of the law which created it, must be "to prevent young offenders against the laws of this Commonwealth from becoming hardened criminals and to subject them, while in the Home to such remedial, preventive treatment, training and instruction as will conduce to their mental and moral improvement."[1] At present, girls between the ages of sixteen and thirty are received on indefinite sentences with maximum durations of three years save for offenses where longer maximum terms are prescribed by statute. Recent legislation, however, has provided that all women over thirty years of age may be sent to Muncy as soon as that institution is equipped to receive them.[2] Construction has not yet been completed for the reception of the more hardened offenders. The institution today has about it much of the school but very little of the prison.

The Home is the newest and most modern of Pennsylvania's penal institutions, having received its first inmate in October, 1920. It is built on the cottage system. Not more than twenty-four girls are housed in any one building. Each has her own room. The provision of attractive dining-rooms, living-rooms, lawns and porches has reduced the institutional atmosphere. Every cottage has its individual kitchen, its matron and its housekeeper. Altogether the state has provided a staff of thirty persons to serve in the rehabilitation of these hundred girls.

The reformatory influences include treatment for venereal infection, training in personal cleanliness, gymnastic drill, games, folk dances, motion picture entertainments, pageants and fashion shows and other spontaneous and planned recreation. The girls are graded and promoted from grade to grade and from cottage to cottage on the basis of their behavior. A few weeks before the time of parole they are moved to an honor cottage which houses

[1] Pamphlet Laws, 1913, No. 1311.
[2] Pamphlet Laws, 1925, No. 379.

a family of eighteen. Here they are granted greater liberty in hours and conduct as a part of the training for parole.

There is little idleness at Muncy. All the work of the households—laundry, dining-room, kitchen and cellar—is done by inmates. There is also farm labor: gardening, dairying and the care of livestock and poultry. A cannery, in season, provides employment for a goodly number. None of this labor is remunerated, but it contributes to physical vigor as well as to vocational training. The development of commercial and industrial education, to be sure, is prevented by the remote location of the Home. But the majority of the inmates do not come from urban areas and very few of them go into store or factory work. All have the benefit of the sort of healthful environment which is of paramount importance in the rehabilitation of the sexual offender and training in household arts is provided which will more completely equip every inmate for future usefulness. Classes in domestic science, in sewing, cooking, dressmaking are taught and girls are trained in rug weaving, basket making, household decoration and kindred occupations. The population is divided into three groups on the basis of mental ability and during the winter months a school with a full-time teacher is in session two hours daily for each class. A performance record is kept covering the work of each girl.

Standard psychological tests are given by a resident officer and their results are available for use in work and school placement and institutional discipline. A psychiatrist from the State Department of Welfare makes periodic reports on all newly committed girls. In addition a statement of each prisoner's offense goes into the record and an attempt is made to obtain information on the social background of each case. Fairly adequate data is received from the probation officer in Philadelphia cases but little information is forthcoming from the rest of the state. The present administration feels that it needs much more in the way of a history of incoming cases to assist it in intelligent treatment and parole.

CHAPTER 5

SELECTION FOR PAROLE IN PENNSYLVANIA

During the past twenty-five years there have been in use four different methods by which men might be released from the penitentiaries of Pennsylvania. Under the law of 1901 it was possible for prisoners to secure a reduction in the time of their service, which was granted automatically upon good behavior. This was referred to as release by commutation of sentence. The second principal method of release in Pennsylvania has been by parole. This has obtained since 1910. Third, men are necessarily liberated when they have served the complete time of the sentence given them by the court. A fourth method is release by executive clemency, that is, through a pardon from the governor.[1]

Parole has come to be the principal method of release employed at each of the state's penitentiaries. A table on the following page shows the comparative importance of parole and other methods of release at the Eastern State Penitentiary during the present century. Figures for the Western Penitentiary tell a similar story. An examination of this table will show that between the years of 1902 and 1911, inclusive, the great majority of those leaving the institution had been liberated through the automatic operation of the good-time law. Between 65 per cent. and 97 per cent. of the men going out during these years were so released. The parole law first became effective in 1910 when 4 per cent. of those released went out on parole. The comparative importance of parole increased after that date until 82 per cent. of those leaving the prison in 1920 were going out in this way. As parole increased in importance, automatic time allowances correspondingly fell off,

[1] There are six other methods of release, which, numerically, are of minor importance. First, many men have been transferred from the penitentiary to other institutions. This does not give them final liberty, but represents a discharge from the institution on its own books. Second, death is one method of release from imprisonment. Third, men may be released by order of court. Fourth, the liberation of men transferred to the prison by the Huntingdon Reformatory takes place through the latter's Board of Trustees. Fifth, the release of some Federal prisoners has been effected by the Department of Justice at Washington. The sixth and last means of release is escape.

METHODS OF RELEASE SINCE 1900—EASTERN STATE PENITENTIARY

Year	Final Releases	By Commutation		Paroled		Sentence Expired		Pardoned		All Other Methods	
		No.	%	No	%	No.	%	No.	%	No.	%
1902	392	347	88.			1	.2	12	3.	32	8.8
1903	414	366	88.			1	.2	4	.9	43	10.9
1904	402	362	90.			6	1.5	3	.7	31	7.8
1905	432	402	93.			2	.4	3	.6	25	6.
1906	443	406	91.					3	.6	34	8.4
1907	388	352	90.			3	.7	8	2.	25	7.3
1908	418	357	85.			20	5.	9	2.	32	8.
1909	519	447	86.			7	1.	7	1.	58	12.
1910	529	471	90.	23	4.	1	.2	6	1.	28	4.8
1911	458	300	65.	105	23.	1	.2	14	3.	38	8.8
1912	410	159	38.	168	41.	34	8.	19	4.	30	8.
1913	536	55	10.	364	68.	38	7.	35	7.	44	8.
1914	540	42	8.	358	66.	46	9.	52	9.	42	8.
1915	589	51	9.	387	66.	28	5.	67	11.	55	9.
1916	580	46	8.	446	77.	25	4.	44	7.	22	4.
1917	540	16	3.	431	80.	33	6.	35	6.	25	5.
1918	673	19	2.	510	74.	36	4.	75	11.	33	4.
1919	442	10	2.	358	80.	33	7.	24	5.	17	6.
1920	552	10	1.	443	82.	34	6.	35	6.	30	5.
1921	406	3	.7	302	74.	32	8.	43	10.	26	7.9
1922	476	2	.4	342	73.	54	11.	55	11.	23	4.9
1923	347	3	.7	235	67.	29	8.	52	15.	28	9.9
1924	255			170	66.	26	10.	44	17.	15	7.
1925	240			154	64.	39	16.	29	12.	18	8.
1926	*227			142	62.	47	20.	22	10.	16	8.

* To November 1st.

dropping from 10 per cent. in 1913 to less than 1 per cent. in 1921, 1922 and 1923. Since that time there have been no releases by commutation.

The figures show that under the operation of the commutation law, prior to the establishment of the parole system, very few men were held to serve their full sentences. From 1902 to 1911, inclusive, usually not more than one, two or three men were released in any one year after having served their full time. The number so liberated was generally less than 1 per cent. In 1908, the one exceptional year, when twenty men were freed in this manner, they amounted to only 5 per cent. of those leaving the institution. Under the operation of the parole laws since 1911 there has been a substantial increase in the numbers and proportions of prisoners released after having served their full time. The records show that between 25 and 54 men had been so held each year, usually

amounting to anywhere from 4 per cent. to 10 per cent. of the annual discharges. During 1926, 20 per cent. of those released had been held to serve their complete sentences. This record does not seem to bear out the contention sometimes heard that the operation of the parole laws results in an unduly lenient treatment of the offender. It must be remembered that release under the commutation laws was final; that the state had no right to reincarcerate the former prisoner in the event of his misconduct. Under parole, it appears that fewer men are given an early release. Those who are, remain legally subject to the supervision of the state until the expiration of their maximum sentences.

At the penitentiaries notice is sent to each inmate legally eligible for parole within four months before the expiration of the minimum period of his sentence. He is then supposed to submit to the Board of Trustees a written application for parole prior to the third month before his minimum. This application is submitted irrespective of his criminal record or prison conduct. On it he is asked to record his name, nationality, crime, occupation, age, marital relations and present and former home addresses. He is asked the name of the officer who arrested him, the date of his arrest, whether he had been convicted of previous crime or served previous sentences. He is asked for the names of former employers and of some person who stands willing to act as sponsor during his period of parole. Space is provided for him to state reasons why he should be granted a parole. Few convicts fail to find such reasons. "Consider well your answers before you make them," says the form, "as an untruthful answer will be considered against you and failure to give full information will delay your chance for parole."

At the time that this application is made out the institution also notifies the district attorney who prosecuted the prisoner and the judge before whom he was tried of his eligibility for parole and asks whether there are any charges pending against him and whether they have any objection to his release. Very few judges or prosecutors reply to this inquiry, probably not more than 10 per cent. or 15 per cent. of those addressed. Seldom is there a protest against a parole. The usual reply is non-committal.

Eastern State Penitentiary

Before the case of the applicant is considered at the Eastern State Penitentiary, the parole office prepares a summary of his record from the files of the institution. The original commitment

gives the name of the convict, the title of the offense for which he was committed and the length of his sentence. In some cases this is accompanied by a court report which gives a brief account of the crime. In addition to this there is the first statement of the prisoner which is taken by the identification officer on his admission. Here he has recorded facts dealing with his relatives, home, work, and criminal record of the same sort required in his parole application. These two forms are compared to discover inaccuracies and possible misstatements. A record of the previous criminal history of the prisoner has been secured by sending his fingerprints to a half-dozen different bureaus of identification. Information thus secured is also checked against the man's own statement. A record of the man's prison conduct is secured from the office of the deputy warden and a statement as to his physical condition from the office of the doctor. On the basis of this material a summary of the record is prepared. A specimen summary selected at random contained the prisoner's name, address, number, sex, color, age, crime and sentence, the name of the committing judge and court and the following rather scanty information:

"First statement: Married, but not living with wife. Wife..... who has four-year-old child; mother.....and father.....living at the above address; two sisters; worked for.....3 months and also .....in....., New Jersey.

"Parole Application: I have made a mistake in life and I want a chance to correct it.

"Court record: Larceny of eleven dresses valued at $52 from elevator and was seen to leave the basement with a bundle. Victims were American Express Company and .....of.....Street.

"Criminal record:

Date.....	Phila.	False pretense, discharged.
"	"	Larceny, 1 year probation.
"	"	Larceny, discharged.
"	"	Phila. County Prison, 6 months.

"Institution Record:

Date.....locked in cell five days for fighting with .....

Date.....reported for winding rags into a ball without sewing them. This inmate had four balls that were bad. Now working in the rag shop.

"Physician's report: This man has lost three pounds since admission, but his physical condition is good."

This is the nature of the formal information which is presented to the Board of Trustees when it sits to consider whether or not a prisoner should be paroled. In addition to this the parole officer has written to the party named in the application as a prospective

sponsor and has received his written reply. Where this response does not appear to be satisfactory in nature, the man is asked to name another possible sponsor who may be addressed. If he is unable to do so, arrangements are made with the Pennsylvania Prison Society or other social organization to fulfill the sponsorship requirement. In certain cases the board may have received petitions or letters from relatives or friends or former employers. It has before it, however, no detailed information on the social background of the man whose fate it is considering and no report of any sort on his mental condition nor does it consider any information relating to his accomplishment in the prison school or industries.

The Board of Trustees in passing on parole applications is not compelled in every case to rely entirely on information of the sort outlined above. The prison chaplain, called the "moral instructor," sits with board and is able to supplement the written data with a statement covering his personal knowledge of some of the cases considered. In addition to this a few of the members of the board quite regularly visit the prison and have sufficient contact with the men themselves to be informed at first-hand about some of them. Finally, as each case is considered the applicant appears before the board in person and answers whatever questions the members may care to ask of him. It is possible that his demeanor during this trying interview may play some part in influencing the board's decision in his case.

The board holds two regular meetings monthly. One of these is devoted exclusively to the consideration of paroles. This session usually convenes at two o'clock in the afternoon and adjournment takes place some time between four and six. Its members are busy men and it is difficult to secure complete attendance. Business is usually done with a quorum of five of the nine members. At the usual parole meeting twenty-five to forty cases are presented for consideration. If it were possible to assume that an average of thirty cases were considered in a three-hour session, it would appear that about six minutes would be available for the consideration of each case. This time, of course, varies. Some applications can be disposed of in short order; others involve more serious questions and consume more time. It is evident, however, that the business is rapidly dispatched.

The board has established the rule that all parole recommendations must be unanimous. The objection of one member to a parole results in a refusal. Beyond this no formal expression of policy

has been made. The belief is that each case must be settled on its own merits rather than by rule.

The fate of every prisoner, save those committed for life, is, at one time or another, decided by this board. In order to determine the manner in which the board has fulfilled its function, an analysis of its action in six different years was made. For this purpose the years 1912, 1917, 1922, 1924, 1925 and 1926 were selected. The last three years cover the action of the institution's present Board of Trustees. The year 1922 was the last year before the installation of the present administration. The year 1912 was the second full year of the operation of the parole system and 1917 represents a point midway between the two. The results of this analysis are outlined in the table on the following page. In 1912, it will be seen, less than one-third of those applying for parole were released at the minimum. It must be remembered that these cases were mostly those of men committed under the first parole law of 1909 which fixed the minimum term at the statutory minimum or at not more than one-fourth of the maximum. The men committed under the law of 1911, which placed discretionary power in the fixation of the minimum term in the hands of the committing judge, were not yet coming up for consideration at that time. In 1917, on the other hand, 78 per cent. of the applicants were paroled at the minimum. These cases were passed upon under the operation of the law of 1911 which made it possible for judges to impose extremely high minimum sentences. In 1922 an even more generous policy was adopted and 96½ per cent. of the parole applicants were released at the minimum. These paroles, like the ones of 1917, were granted under the provisions of the law of 1911. The policy then pursued, however, obviously gave force to the criticism that the minimum term under the parole system became the actual term of service and that release at this time was practically automatic. This figure is in a measure to be explained by the fact that the institution at this time was seriously overcrowded, a situation which has since been relieved by the transfer of large numbers of inmates to the Rockview Prison and to various county jails. A parole system, however, which operates merely as a means of emptying cells in order to make room for new inmates can scarcely be regarded as a constructive element in penal administration.

It is interesting to compare the action of the present board with that of its predecessors. The present administration has reduced paroles at the minimum to 84 per cent. in 1924, 74 per cent. in

PAROLE ACTION BY TRUSTEES OF THE EASTERN STATE PENITENTIARY —1912-1926

Year	1912	1917	1922	1924	1925	1926
Applied for parole	426	408	369	272	248	251
Number paroled at minimum	135	317	356	228	183	157
% paroled at minimum	32%	78%	96½%	84%	74%	62½%
Number paroled after a time penalty	174	85	9	9	14	25
% penalized	41%	21%	2½%	3%	6%	10%
Number refused parole	117	6	4	35	51	69
% of refusals	27%	1.4%	1%	13%	20%	27½%

1925 and 62½ per cent. in 1926. It is evident from these figures that the board has gradually tightened the reins and has each year refused parole to a larger proportion of those who applied for it. It has not inflicted as severe time penalties, however, as those imposed by earlier boards. Of the 174 penalized in 1912, only 20 were held for an additional six months or less while 154 were required to serve from six months to four years in addition to the minimum. In 1917, likewise, only 27 of the 85 applicants penalized were released in an additional six months or less while 58 were held for from six months to six years of extra time. The present board, on the other hand, has held only four of the 42 men penalized to serve an additional period of more than six months.

For the purpose of ascertaining those considerations which apparently weigh most heavily with the Board of Trustees in its action on parole cases, an analysis was made of all the cases passed on during the period of one year. The board does not meet during the months of July and August, so consideration of its action at its meetings from September, 1925, to June, 1926, inclusive, covers the complete record of a recent yearly period. The results of this analysis appear in the following table. A study of the individual cases reveals the fact that certain of them presented a rather simple problem to the paroling authorities. Thirteen of the applicants had been committed under the law of 1911 and the minimum term of sentence fixed was such that the possible period of parole was less than one year. In twelve of these thirteen cases the difference between the minimum and maximum terms was six months or less. For these men it was easy to decide upon parole

at the minimum, for they had generally served the greater part of their sentences and release on parole, with a sponsor provided and employment assured, offered a better probable future than would be the case if they had been held the remaining few months for final discharge without further obligation. Eight others of the men paroled at the minimum did not really return to society. Five of them were paroled to be turned over to authorities having charges against them in other states. Two were paroled for deportation and one was released to be transferred to an asylum for the insane. This makes a total of 21 men which must be subtracted from the number paroled at the minimum, leaving 135 who were actually returned to society and subject to one or more years of parole supervision.

ANALYSIS OF ONE YEAR'S PAROLE DECISIONS, EASTERN PENITENTIARY BOARD OF TRUSTEES, SEPTEMBER, 1925, TO JUNE, 1926, INCLUSIVE

Total cases passed on			249
Paroled at minimum (63%)		156	
Of these 13 had sentences which permitted less than one year of parole	13		
And 8 were released to other authorities, penal, insane or deportation	8		
		21	
Deducting these, we have, returned to society for one year or more		135	
This group classified as to:			
Prison conduct:	Cases		
Perfect prison records	109		
Offenders against prison discipline	26		
Prior criminal record:			
First offenders	97		
Recidivists	38		
Gravity of offenses committed:			
Serious crimes against the person	79		
(Sex, 17; Homicides, 18; other crimes endangering life, 44)			
Less serious offenders:			
(Entry, larceny, and receiving stolen goods, 45; embezzlers, forgers, etc., 11)	56		
Penalized and paroled later (14%)		34	
Length of time held:	Cases		
Two months or less	10		
From two to three months	6		
Three to seven	13		
Nine to ten	2		
Eighteen	1		
Thirty	2		

Fraction of difference between minimum and maximum exacted as penalty:		
One twenty-fourth or less	8	
One twenty-fourth to one-fourth	16	
One-fourth to one-third	6	
One-third to one-half	3	
Over one-half	1	
Classified as to prison conduct:		
Several prison offenses	12	
One offense	4	
Perfect record	18	
	22	
Latter group classified as to prior record:		
Recidivists	19	
First offenders	3	
Refused parole (23%)		59
Classified as to prison conduct:		
Perfect record	48	
Offenses against discipline	11	
As to gravity of offense committed:		
Serious crimes (sexual, 7; drug sale, 2; assault to kill, 2; robbery and burglary, 10)	21	
Less serious crimes (entry, larceny, receiving stolen goods, forgery, etc.)	38	
Less serious offenders classified:		
As to prior criminal record:		
First offenders	0	
Recidivists	38	
Second offense	5	
Third or fourth offense	14	
Fifth, sixth or seventh	12	
Ninth to eighteenth	7	

What are the factors which affected the board's parole action, as they appear on the face of the record? The figures show that those guilty of extremely serious offenses constituted 58 per cent. of those paroled at the minimum but only 35 per cent. of those refused parole. It is evident from the comparison that the gravity of the crimes committed does not necessarily operate as a bar to parole. There seems to be a plainer relation between the refusal of parole and a prior criminal record. Only 28 per cent. of those paroled at the minimum were known recidivists. Of the less serious offenders who were penalized, however, 86 per cent. were recidivists. And 100 per cent. of the less serious offenders refused parole had served from one to eighteen previous terms. It thus appears that the first offender stands a better chance of parole at the minimum than a man with a long criminal record although

it is evident that previous criminal activity does not in every case prevent liberation.

A final point to be considered is the influence of prison conduct on the likelihood of parole. Eighty per cent. of those paroled at the minimum had perfect prison records. But it is also noteworthy that 80 per cent. of those refused parole had maintained good conduct in prison. But those given a time penalty are in a different group. Only 52 per cent. of these prisoners had kept their records clean. This record makes possible certain conclusions. Good conduct in prison does not inevitably lead to parole, nor do minor disciplinary infringements always prevent release. It is evident, however, that chances of liberation at the minimum are improved by a good prison record. Those who fail to obey prison rules generally incur a time penalty. This is imposed for such conduct as impudence, fighting, gambling, stealing food and creating disturbances within the institution. More than half of the men suffering such penalties, however, had perfect prison conduct records. Four of them had been guilty of one petty offense. Twenty-two of them, therefore, were apparently penalized for reasons other than those relating to internal discipline. To a certain extent the seriousness of their offenses and the number of convictions charged against them evidently caused the board to deny them parole at the minimum while still granting them a comparatively early release.

The nature of the misconduct which would result in a complete refusal of conditional liberation is indicated by the record. One man carried coffee from the mess hall, cursed an officer, refused to enter his cell, and stole and drank shellac. Another was guilty of fighting, stealing, refusing to work, possessing outside newspapers and creating open disturbance. A third broke line, entered a cell block without permission, went into other prisoners' cells, talked loudly at mess, sneered at an officer and, probably more important, stole a beaded bag. The others were guilty of fighting, refusing to work, calling names, threatening other inmates, stealing sugar, stealing rags, and leaving cells or work without permission. Extremely bad prison conduct will obviously prevent release at the end of the minimum sentence. It does not follow, however, that those whose prison conduct is perfect should be or will be inevitably released at the minimum. Among these cases examined at the Eastern Penitentiary there were 28 men who had served anywhere from four to fifteen previous prison terms and at the same time had maintained a perfect record of conduct during their period of incarceration.

Wher more detailed inquiry was made into a dozen cases of men guilty of extremely serious offenses or men with long criminal records who had been paroled at the minimum, it transpired that the factors influencing the decision in their favor were usually among the following: The man had a good personality. He had an impressive appearance. He had succeeded in convincing the board that he intended to make good. He had a good job waiting for him. Some worthy citizen had agreed to stand as sponsor for him. Some prison official or responsible citizen had convinced the board that a reformation had taken place. The case was weak when the man was convicted. There was some possibility that his sentence was a frame-up. There was a possibility of his innocence. The judge who sentenced him had named a shorter term than the statute authorized, indicating that he did not consider the case to be a strong one or particularly serious. Considerations of this nature might result in early parole for an old or serious offender.

Another item influencing the board in many cases must be the length of time allowed between the minimum and maximum terms of sentence. Of the 247 cases considered, 114 were those of men who had been committed with minimum sentences of more than half the amount of their maximums. Of this group, 65½ per cent. (75 men) were paroled at the judicial minimum. One hundred and thirty-five of the applicants had been committed with minimum terms fixed at one-half or less of the maximum. Eighty-one of these or only 60 per cent. were paroled at the minimum. It is apparent that shorter parole periods increase, to some extent, the likelihood of release.

The board, in arriving at its decisions, takes many factors into consideration. Greatest importance is generally attributed to:

1. The prisoner's previous criminal record.
2. His conduct in prison.
3. The nature of the offense which he has committed.
4. His prospects of employment.

Consideration is also given to:

5. The prisoner's demeanor in his brief personal appearance before the board.
6. Personal knowledge of his case by officers or board members.
7. The likelihood of his guilt or innocense.
8. Occasional expressions of opinion from judges and prosecuting attorneys.
9. The likelihood in some cases that the judge desired the minimum term to be the actual term of imprisonment.

Other influences might be listed, as follows:

10. Men who are seriously ill or diseased may sometimes be paroled earlier than would otherwise be the case.
11. Very aged men are sometimes regarded as better parole risks, despite long criminal records.
12. The board may be inclined toward liberality in granting a mere youngster a second chance.
13. If the possible parole period is short the likelihood of parole is increased.
14. Parole violators are rarely given a second parole.
15. Untruthfulness lessens an applicant's chances for liberation,

and finally, (16) the knowledge of the members concerning the character of the man who has agreed to stand sponsor for the parolee. In many cases this is judged on the basis of the superficial appearance of the letter written by the man agreeing to undertake the sponsorship relation. Although the Pennsylvania law provides that no man can be detained after the expiration of his minimum because of his inability to secure a sponsor, the board at the Eastern Penitentiary insists that each man shall have a sponsor and real prospects of employment before he will be granted a parole. Great reliance is placed upon this sponsorship provision in the operation of the parole system, although no careful investigations are made of sponsors either by personal inquiry or by correspondence. The work of the Pennsylvania Prison Society and the responsibility of board members and Philadelphia business men who serve as sponsors is well known to the board. Other cases are taken pretty much for granted.

Western State Penitentiary

Since December 17, 1925, the Western State Penitentiary and the Rockview Branch have each considered all applications for parole at meetings of the entire staff. The staff at Pittsburgh consists of the parole officer, the warden, the deputy warden, educational director, chaplain, resident physician, superintendent of prison industries and the chairman of the Board of Trustees. The Rockview staff consists of the parole officer, superintendent of construction, the deputy warden, the chaplain, resident physician, superintendent of welfare activities, and the chairman of the parole committee of the board. The staff examination of the parole list occurs a month prior to the consideration of parole cases by the

Board of Trustees. The information on parole applicants available to the staff includes data of the sort prepared at the Eastern Penitentiary to which there is added a report upon the mental condition and social background of the prisoner. There may also be an expression of personal judgment from members of the staff regarding the conduct of the applicant within the institution and his progress in prison school or industries. The prisoner who is applying for parole appears in person before the staff and the officials present discuss with him his plans for the future. On the basis of this information the prison staff recommends to the Board of Trustees whether or not a parole should be granted in the opinion of the administration. Parole is generally denied in cases of pronounced mental incapacity. Prisoners who are venereally infected and refuse to take treatment or those who are unable to pass a fourth grade school examination are not recommended for parole at the minimum. Other factors are taken into account: The character of the crime, the number of previous convictions, the institutional record of the prisoner, his psychological and educational record, his previous social habits and the likelihood of his avoiding trouble in the future.

The Board of Trustees functions here in much the same manner as at the Eastern Penitentiary. It considers the cases of all who are eligible for parole, having for its guidance information similar to that prepared at the Philadelphia institution to which there is added figures stating the applicant's mental age and intelligence quotient and the recommendation which has been made by the prison staff as to the disposition of his case. The board, in each case, decides whether the man is to be recommended for parole, continued for further consideration or refused. A survey was made of the action taken by the board at its meetings over a period of one year. The results of this examination are presented in the following table. It will be seen that the board paroles three of each four applicants at the minimum. Denial of release is generally based upon much the same grounds as those which influence decisions at the Eastern Penitentiary, although here some men are also held for further examination or preparation for parole. Some are held for medical treatment, some for psychiatric examinations, others to fulfill the institution's school requirements and a few pending the receipt of definite assurance of employment on release. Such action, however, is taken in a relatively small number of cases.

PAROLE ACTION OF BOARD OF TRUSTEES, WESTERN STATE PENITENTIARY, AUGUST, 1925, TO JULY, 1926

Total number of applications for parole		408
Number paroled at minimum		314
Percentage paroled at minimum	77%	
Number held for further consideration		94
Of these there were held for 12 to 18 months	61	
Reasons assigned for holding men were:		
Previous criminal records	33	
Misconduct in prison	19	
Attempted escape	2	
Nature of crime	1	
Indebted to other inmates	1	
Held for further preparation or examination	5	
There were held indefinitely or to the maximum	33	
Reasons assigned for holding men were:		
Previous criminal record	8	
Prison misconduct	8	
Nature of crime	4	
Indebted to inmates	1	
Refused to apply for parole	1	
Held for further preparation or examination	11	

As the trustees of the Western Penitentiary interpret the parole law, they are compelled to recommend for parole at the expiration of the minimum every man who they have any reason to believe will remain at liberty without violating the law. Other convicts, however, in whose cases, because of long criminal records, there seems to be little likelihood of lawful conduct upon release, are seldom held until their maximum term. It is the deliberate policy of the board to "split the difference" with hardened criminals. The philosophy on which this policy is based is this: All these men, no matter what their character or record, must be released by the board when the maximum period expires. If they are held until that time, they will go out into society filled with bitterness and imbued with the belief that it is their right to avenge themselves. If, on the other hand, the crook who was sentenced for a five to ten-year stretch is released in seven and a half years he may leave prison with an attitude less dangerous to the person and property of other citizens. There remains, in addition, the legal right to reincarcerate him at any time before his maximum term expires, a right which the state does not possess in the case of the man who leaves the institution with an absolute discharge. The trustees have no facts to show that this policy actually does result in the greater protection of society. In adopting it, they are avowedly making a gamble. In some cases they win. In others, they lose.

Huntingdon

Parole is by no means an innovation at the Pennsylvania Industrial Reformatory. Its use dates back to the earliest days of the institution. To the present day three out of every four prisoners leaving its gates go out as parolees. Boys are given definitely to understand that they may work their way out by positive accomplishment. Parole is earned through the medium of the grade system. An inmate must have 108 credits to his name before he is eligible for release. Not more than nine credits can be earned in a month. The result is that no prisoner may be paroled before the expiration of twelve months, a perfect record of twelve nines being a pre-requisite for release. The nine monthly credits are divided into three parts. Three credits are given for performance in school, three for performance in labor and three for good deportment. Failure in school or refusal to work would result in a loss of credits and postpone the time of parole. Similarly, disciplinary offenses may result in a subtraction of credits and a loss of time. Further good conduct then becomes necessary before release may be obtained.

The monthly credits given for educational and vocational accomplishment seem to be based upon a detailed and careful performance record, the nature of which was outlined above. Credits given for conduct, however, are automatically granted in the absence of offenses against institutional discipline. School credits also are automatically recorded during the summer months when no school is in session. The system of credits, then, represents, in part, a reward for positive accomplishment within the reformatory regime and, in part, a time allowance granted for a negative compliance with institutional rules or for the sort of ability which makes possible the infringement of these rules without detection. The earning of credits is certainly an excellent index of the ability of the prisoner to get on within the institution. Whether we are justified in assuming that it indicates a similar ability to live at peace in free society is, perhaps, an open question. Usually 80 per cent. of the inmates receive perfect markings and are granted their regular credits toward release.

There are two types of commitment to the institution. Minor offenders are given an indefinite sentence with a three-year maximum. One hundred and ninety of the 520 men committed during 1925 (36½ per cent.) fell in this class. Parole for this group is practically automatic upon the completion of the required credits.

Such releases are passed upon unanimously by the board as a matter of routine. Those guilty of more serious crimes, however, may be sentenced indefinitely for the maximum term specified by statute. Three hundred and thirty (6[illegible] per cent.) of the 1925 commitments fell in this group. Each of these prisoners is considered separately when it comes to parole.

A summary of the record of the case is prepared for each member of the Board of Trustees and considered when the boy has accumulated eleven months of perfect marks. Attached to this summary is the superintendent's recommendation as to the disposition of the case. The board almost invariably follows this recommendation and either paroles the man or fixes a definite future date for his release. Boys who are held beyond their twelve months accumulate no additional credits but may, by misconduct, lose the credits they have already earned and thus forfeit their right to parole.

Samples of the summaries presented to the board in these cases will suggest the nature of the information before them when they make this decision.

"99999, sentenced May 29, 1925.....County, Ent. with Int., 10 years, was 22 years of age when received, and has been here 13 months. Plead guilty of entering a garage and stealing an auto of the value of $2025.00. Had two bad months and has never had a ticket since. Passed from 3rd to 4th grade. DR. WRIGHT'S REPORT IS AS FOLLOWS: "A heedless, easily-influenced, feeble-minded boy, with intelligence quotient of 65. Seems honest and co-operative. Should do well in proper environment." "There has been a wonderful change in this boy's mental condition. Has done very well at bricklaying. Physical condition all right, shows a gain of 29%. Has a sister and brother who write him regularly and have a good influence with him. SUGGEST PAROLE."

"88888, sentenced September 18, 1924,.....County, Breaking and Ent., 10 years, was 24 years of age when received, and has been here 11 months. Plead guilty of breaking into a garage and taking therefrom $27.84. Only has three charge tickets. This boy was raised in an Orphan Asylum, never in trouble. Was sent to Work House and after expiration of that sentence, was brought here on the present charge. Passed from 5th to 6th grade, I. Q. 72. DR. WRIGHT'S REPORT IS AS FOLLOWS: "Is an orphan and institutionalized. Not frank and needs watching. It rather confirmed in anti-social ways; also is of inferior intelligence." Good worker in shoe shop here, physical condition all right, shows a gain of 39%. Has no home. If this boy can get work and be kept away from....., would suggest parole. He has done 21 months already for crime committed."

At this institution, as at the others investigated, prison conduct, prior record and the nature of a prisoner's crime enter into the decision which is made on his case. Progress in vocational and educational work are regarded as an argument for an early parole.

The opinions of the psychologist and psychiatrist are also at hand, but it is impossible to estimate the importance which is assigned them.

The cases of 331 long terms were passed on by the board between June 1, 1925, and May 31, 1926. The action which was taken is indicated in the following table:

Transferred or deported	2	
Paroled on earning credits	180	(57.7%)
Held to serve a total of 13 months	11	
Held to serve a total of 14 or 15 months	87	
Held to serve a total of 16, 17 or 18 months	36	
Held to serve a total of 19 to 24 months	15	

The average time served in the institution is probably longer than these figures would suggest. Inspection of its records indicate that two-thirds of its inmates are liberated within eighteen months, while a third are held for a longer period. Not one in five, however, is detained for as much as two years.[1]

There appears to be little relation between the severity of the maximum sentence prescribed for the prisoner's offense and the time which he is actually required to serve in the reformatory. Eighty-four per cent. of the long termers listed in the preceding table were set at liberty within fifteen months; 95 per cent. within

[1] Other states are more severe in their requirements. The average prisoner at the New York State Reformatory is held for eighteen months. The reformatory in Ohio generally holds prisoners sentenced for shorter terms for about thirteen or fourteen months, although many of its inmates are held to serve two, three or even five years, a thing unheard of in Pennsylvania. Massachusetts and Connecticut have more detailed regulations governing the length of service in their reformatories. In the former state first offenders who are sentenced for a period of two years may apply for parole in eleven months. Those sentenced for five years may apply within fourteen months. A similar privilege is granted to parole violators reincarcerated for the commission of a misdemeanor. Violators reimprisoned for the commission of a felony, however, and old offenders sentenced for more than one year of service, cannot file parole applications until twenty months have elapsed. It is provided, finally, that prisoners sentenced for more than five years cannot apply for parole until they have served one month more than half of their specified terms. The Connecticut system makes possible the parole of boys sentenced for two years in a minimum time of ten months; those sentenced for five years in a minimum of eighteen months; those sentenced for ten years in a minimum of two years and three months, and so on. It is evident from these figures that many states are making more stringent requirements of their reformatory inmates than those which are exacted in Pennsylvania, where release in thirteen or fourteen months is fairly general, irrespective of the nature of the offense involved or the length of time for which the prisoner was originally sentenced.

a year and a half. Sometimes a boy committed with a five-year maximum term may be held to serve as much as thirty months. And again, another sentenced for an offense carrying a fifteen-year maximum may be set at liberty in thirteen or fourteen months. An examination of the records reveals quite clearly the fact that accomplishment within the institution rather than the nature of the offense originally committed is the deciding factor in determining the length of the prisoner's actual term.

After parole has been granted, no boy is released until his employment outside the institution is assured. Boys who have earned their parole obtain permission from the superintendent to send out their employment papers. In nine cases out of ten these go to relatives who then secure the signature of some one who will promise definite work to the inmate on his release. In cases where the boy has no relatives to address, these papers may be sent to probation officers or to responsible citizens in the community to which he proposes to go. The employer must agree to furnish the boy with work for a period of at least seven months after his release, to report to the reformatory violations of parole conditions, absence from work, tendency to evil associations or other misconduct. He also agrees to place his signature on the monthly report which is required of the parolee. "I also agree" the form reads "as far as possible to take a friendly interest in the young man and as opportunity affords will counsel and direct him in that which is good." The character of the man signing the employment agreement must be certified to by a public official. Aside from this the institution knows little or nothing about him.

In some cases men who have earned their credits and have been granted parole still remain within the institution. This occurs when they are unable to secure outside employment or, in some cases, when they refuse to disclose their identity or are wanted by the authorities for other offenses. Of the 700 men present in June, 1926, 25 were thus entitled to release. Officials refer to them as "serving their parole inside," and they are granted final discharges at the end of a period corresponding to the time of outside parole.

Muncy

The documents at hand for the use of officials at the State Industrial Home for Women at the time of consideration for parole include the commitment papers, reports from the nurse, matron, teacher and psychologist, the psychiatrist's opinion and a case

history taken from the girl herself. The psychiatric examination summarizes the girl's appearance and physical condition and concludes with an evaluation like that of the following sample:

Mental Conditions:

"Quiet, but bites fingers; alert, paranoid attitude; looking for someone to do something to her; sensitive; co-operative but rather sullen; clean. Came December, 19.., incorrigibility. 'It wasn't my people. It was myself. My people were all right.' Then shuts up and cannot be gotten to talk. No delusions elicited; no hallucinations. Evades questions whether she was treated square here; refuses to answer; breaks down and cries at this point. (How do you like it here?) Answer: 'Oh, I'm crazy about it.' No trouble in school; to 8th grade at 14; quit to help mother. Suspicious, resentful, keeps things to herself, a typical paranoid personality whenever her personal matters are approached, talks freely on general subjects. Hysterical type of reaction to emotional stimuli. Test scattered, associations repressed; calm, determined. Can be led, especially if emotions are appealed to, but would die rather than be driven. Mental age, 12."

Provisional Diagnosis:

"1. Mental borderline with hysterical reactions and paranoid personality.
2. Visual defect.
3. Dental decay and neglect."

Recommendations:

"1. Special individual attention by some one officer who appeals to her. (May require study in hospital later.)
2. Refraction—glasses (eye muscle operation).
3. Dentist."

The record taken from the girl herself includes data covering her offense; her previous criminal and institutional record; her school, church and work history; the occupation, education and character of her nearest relatives. This is briefly indicated and followed by her own story of her trouble as she tells it to the parole officer. The history of the girl examined above is reproduced here:

"Becky was born Dec. .., 19.., in Russia, the fifth child in a family of six children. The family came to America when Becky was about six months old and settled in..... She started school at six years and stopped at fourteen when she was in the 7th grade to help at home because her mother, who had broken her leg a year or so before, was becoming more and more crippled and needed help.

"When she was seventeen she began sneaking out of the house and going with a Catholic boy she had met. Her family had thought her too young to have company but she was welcome to bring her friends to the house. She knew that they would object to a Catholic boy, however, so she always met him on the sly. She says her family are not a bit to blame; that she was stubborn; that her family are respectable people who have tried to do everything in the world for her. This Catholic boy, however, finally persuaded Becky to be intimate with him and

promised to marry her. She began going with other boys and then decided she might as well get paid, so she began taking money from all the men she went with. When she was nineteen, she met a man she says she really liked. She thought he was an Italian, until one night he took her to a party where every one was colored. After that she went with colored as well as with white. She will not discuss her arrests nor will she give the names of the people she went with, saying that all that is in the court records. She becomes highly indignant when asked for dates and definite instances, so (since Municipal Court record was definite and complete). Becky was not questioned further."

Information of this nature, when supplemented by no independent report from the community where the girl has lived, is, of course, of dubious value. The inadequacy of the present formal data on parole applicants, however, is offset by the fact that the institutional population is very small and the staff relatively large. This situation makes possible closer observation and more intimate personal knowledge of the prisoner's character, ability and attitude than is usually the case. Parole decisions are little based on formal evidence or mechanical grading systems but much on individual judgment. Those eligible for parole are discussed informally at staff meetings and, if deemed to merit it, are recommended to the Board of Trustees which grants conditional release. A very few exceptional cases may be paroled after twelve months in the institution. An extraordinarily bad case may be held for twenty-four months. The usual procedure, however, is to release the majority of the girls after about eighteen months of imprisonment, the ideal being the service of half of the three-year sentence inside and half outside the institution. Girls are held on parole until the maximum term. Although a longer period might be desired for some cases, the three-year maximum specified by law makes this impossible.

Even were paroles haphazardly or indiscriminately granted at Muncy, the community would be less seriously endangered than it would by a careless policy of release at the penitentiaries or at Huntingdon. Very few of the State Home girls are professional criminals. For the most part they are accidental offenders or unfortunates who have fallen into evil ways because of their inability to live up to the standards of sexual morality which prevail in our society. Institutional treatment, parole selection and aftercare here present problems quite different in nature from those which occur in the handling of offenders of the other sex.

CHAPTER 6

PAROLE SUPERVISION IN PENNSYLVANIA

A prisoner who has been granted a parole from one of the state's penal institutions appears on the day when his time expires and receives his parole papers, signing an agreement to abide by the rules which govern his freedom. He is required to read these rules and they are explained to him by an officer. It is made quite clear to him that an infringement of these conditions may result in his reincarceration for the remainder of his original term. On his departure he carries with him a card or paper on which these rules are outlined. These cards are all similar to the following which is used at the Eastern State Penitentiary:

RULES TO BE OBSERVED WHILE UNDER PAROLE

1. Proceed immediately to the place of employment provided for you, and upon your arrival, notify the Parole Officer at once and there remain unless you obtain permission from the Board of Trustees to change your location or employment or both.

2. See that your Report reaches the Parole Officer by the first day of each month.

3. Lead a life of honesty and sobriety, obey the law, avoid all evil associations and keep steadily employed.

4. Reply immediately to any communications from the Board of Trustees or Parole Officer.

5. Always remain within the jurisdiction of the Commonwealth of Pennsylvania, unless granted permission by the Board of Trustees to do otherwise.

6. Bear in mind that if you fail to observe the rules governing your Parole, it may cause your return to the Institution.

The parole rules at the Huntingdon Reformatory also require the prisoner to "abstain from the use of intoxicating liquors" and add that:

"The Management of said Reformatory has a lively interest in the subject of this parole, and he need not fear nor hesitate to freely communicate with the General Superintendent in case he loses his situation, or becomes unable to labor by reason of sickness or otherwise."

The parolee at the Western Penitentiary also receives a letter from the parole officer as he leaves the prison. This communication concludes as follows:

"I have no doubt that you have the ability to make good if you so desire, and if you make an earnest endeavor to secure a permanent job; keep away from intoxicating liquors and bad company; respecting the property and personal rights of others; you will earn your final discharge from parole, and become the man the Creator intended you to be.

"Hoping that you are today starting on a new road; a road leading to a bright and successful future, I remain,

Very truly yours,"

Few prisoners are returned to the world in a penniless condition. At the Huntingdon Reformatory, for instance, boys on release are given an outfit of clothing and ten dollars in money by the institution. In addition to this they receive, when finally discharged, their industrial earnings. The average amount thus due to the boys released, for instance, during June, 1925, was $35. The least fortunate one left with $20 of extra money still payable to him; the most fortunate with $55. At both penitentiaries, as well, discharged prisoners are supplied with clothing and a five or ten-dollar gratuity.[1] Some parolees have additional funds, saved from their prison earnings. These earnings, however, are from ten to fifty cents a day and in many cases, this has been spent in the prison store or in remittances to dependents. At the Western Penitentiary 147 prisoners were released in the year ending May 31, 1926. Of these, 12 went out with no money in addition to the state's $10 donation, 108 started out with less than $10, 122 with less than $20, while only 25 or about a sixth of those released, had $20 or more of their own money when they started out in the world. The one man who left the institution with $191.37 was the glaring exception to the general rule.

That the situation at the Philadelphia institution is somewhat better is indicated by the following table:

Men liberated during fiscal year 1925-26:

With less than 25 cents	8
With 25 cents to $2.00	10
With $2.00 to $5.00	13
With $5.00 to $10.00	45
With $10.00 to $20.00	69
With $20.00 to $100.00	114
With more than $100.00	46

(Inclusive of the gratuity.)

[1] Parole violators on a reparole or a final discharge do not receive the gratuity. It is given but once to a man. At the Eastern Penitentiary $5 is given to all who live within fifty miles of Philadelphia; $10 to those who live at a greater distance. Those who have far to travel must spend most of the gratuity on railway fare and have little left with which to make a start in life.

In the more fortunate groups possessing $100 or more upon discharge, 25 had between $100 and $200; 18 between $200 and $500 and 3 had more than $500, one of them leaving the institution with a balance of $1,175. It will be seen that more than half of those discharged left with $20 or more and over two-thirds of the group went out with sums above $10.

To a certain extent it may be assumed that there is a relationship between a man's financial independence and his likelihood of future success or failure. Certainly, men who return to society with less than five dollars between them and starvation, if they are friendless, are faced with a situation which might easily bring about their reversion to criminal ways. This proposition is, however, subject to some qualifications. Men who are fortunate enough to possess large balances on liberation may often squander them or use them in illegal ways, and those who leave without a cent may sometimes have friends waiting on the outside eager and ready to assist in their social rehabilitation.[1]

Eastern Penitentiary

At the Eastern Penitentiary no notification is supplied to any police department of the release of men on parole and it is the belief of the administration that such notice never should be given because of the likelihood that it might result in annoyance to the parolee by the officers of the law when he is making his best efforts to live a new life. Such police hounding embitters the former prisoner, turns his sympathies against society and may cause his reversion to a life of crime.[2]

[1] It must be noted that the foregoing figures do not give a complete picture of the financial status of those released, since men are permitted to keep independent bank accounts in outside institutions and no record of these sums is kept within the penitentiaries.

[2] This situation is graphically set forth in the following excerpts from a letter recently received by the penitentiary's parole officer from one of his charges. "I am not resting very easy these days. There has been a number of robberies around here and I am under suspicion, as you can see by the enclosed clipping, which is only one of many that has been in the paper. Of course they have a right to suspect any one, but why write a man up especially when I am well-known around here. Now this only gets my goat, but the Dicks come up to where I work in a carload and put me through the mill. A carload was out today and called me from my work at the time when I was most needed. What chance would I or any man have on a job with this going on if the man did not know me? I know it is a fact that while we were in the jail and any safe robbery came off, the first thing they did was to come to the jail and see if we were safe. I know a number of men who are in

The prisoner who leaves on parole carries with him a stamped addressed postal card, which he is required to send in, informing the authorities of his arrival at his destination and the address at which he may be found. He also takes twelve copies of the report form which he is required to submit to the institution monthly. On this form he is expected to state his address, employment, earnings, and conduct and it must bear the signature of his employer or sponsor. The receipt of these forms is checked monthly by a clerk in the parole office, who compares the signature on the form with that left in the office by the prisoner at the time of his liberation. If this report fails to arrive within a reasonable time the office writes to the parolee for an explanation. If he does not reply, his sponsor and employer are addressed. If there is no response from them the man is declared "delinquent."

Receipt of these reports, of course, gives no assurance that the man is located at the place from which the report is mailed. They are accepted simply at their face value. Nothing could prevent a parolee from filling in and signing all twelve reports at once and leaving them to be mailed periodically from the same point. The reason given for the practice of supplying the prisoner with a stock of report forms as he leaves is that it saves him the annoyance and possible embarrassment of receiving regular monthly mail from the prison's address. The report, to be sure, must bear the signature of a sponsor or employer but there is no guarantee that this is bona fide since sponsors are not carefully investigated and in some cases may be relatives or cronies of the paroled man. The system is, in the main, one of paper control, which offers no genuine assurance of safety to the state.

In some cases the parole office has other contacts with the men than that afforded by the formal report. They are not allowed to leave the state without permission and men sometimes submit written requests for a change of residence. This is usually allowed if there are prospects of employment at the new address and some person can be found there to fulfill the sponsorship requirement. Other letters from paroled prisoners may ask advice or request assistance in securing new employment. Letters may arrive from

there now with long terms and are innocent of the charge. It was their former records that put them back. I don't know how soon it will be when they may take it into their heads to put me back. No evidence is needed in this court, as I know only too well, to put a man back on his previous record. Please let me know if there is a possibility for me to obtain permission from the Parole Board to leave the State and be where I can feel that my liberty is safe."

relatives, neighbors, employers or sponsors of the parolee complaining as to his conduct. Information is also received at times from police or from other penal institutions. Finally, the man himself, or others interested in him, may visit the penitentiary. Anonymous complaints are generally disregarded. The staff is not large enough to investigate complaints received as to the conduct of parolees outside of Philadelphia. Where responsible protests are made within the city, however, they are always investigated by representatives of the parole department. In some cases it becomes clear that there has been a violation of the terms of parole and the man is returned to the institution. In others it appears that he is a victim of persecution or innocent of the misdoing charged against him and he is defended and left at liberty.

When a man is declared a violator of parole, notification is not sent to police to accomplish his arrest, since there is no provision for the payment of an award for the apprehension of violators and such notification would be so voluminous that it would probably be disregarded. It would also be extremely costly. An attempt is made, then, to trace by mail parolees who fail to report. In this some assistance is secured from the record of the prisoner's correspondence during his period of incarceration. Violators are apprehended, in the main, through their arrest in other places for other offenses and the receipt of their fingerprint identification by the penitentiary.

The penitentiary's statistics of paroles, violations and returns, as they appear in the records, are as follows:

On parole, November 1, 1926	597
Of these, there were reporting regularly	361
And delinquent with whereabouts unknown	236
Released on parole Sept., 1910, to May 31, 1926	4,584
Of these there were returned as violators	927
(Or about 20%)	

Causes for return, by percentages:

	Sept., 1910 to May 31, 1926	1910 to 1920, inclusive	June 1, 1925, to May 31, 1926
New crimes	52%	46%	75%
Failure to report	32%	33%	25%
Drunkenness	14%	19%	0%
Voluntary surrender	2%	2%	0%

These data apparently indicate that many parolees disappear and leave no trace. Of these violators who are apprehended, more-

over, the far greater percentage have been guilty of further crime. This is even more true today than it has been in the past.

In order to check against the formal figures of the institutional report, a case analysis was made of all men returned to the penitentiary for parole violation between June 1, 1925, and May 31, 1926. During this period 41 men were brought back. Twenty-one of these were returned after having been convicted of serious crimes and serving long terms elsewhere. Eleven had been arrested for less serious offenses, incarcerated for shorter terms, or simply turned over to our authorities without the formality of a trial elsewhere. Six others were brought back after being arrested on the basis of suspicion or after undergoing a trial for crime which did not lead to a conviction. Altogether 38 of the 41 violators returned to the institution during this period had been taken into custody by the police in various parts of the United States because of their criminal activity. Only three of those returned had evidently not engaged in further illegal enterprise. One of these was reported by his sponsor as drunk and idle; another was turned over by the Prison Society for laziness and refusal to work and the third was locked up when he returned to the institution on other business, after having failed to observe the parole agreement under which he had promised to report to a sponsor in another state. Generalizing on this material, it is certainly permissible to state that in this institution parolees are practically never reincarcerated because of their behavior on parole unless they are arrested for the commission of further crime. It is interesting to note that many of those returned to the institution as parole violators have been regularly reporting up to the time of their arrest and are listed on the books of the institution as parole successes.

When a violator is returned to the institution, the parole officer presents the Board of Trustees with a report describing the nature of his violation and the man appears in person before that body. His case is generally disposed of with scant ceremony because of the fact that the offenses for which men are returned generally leave no question as to the desirability of their reincarceration. Parolees committing new crimes and returned as violators must serve the entire remaining term of their original sentences regardless of the seriousness of the new offense. This fact operates to limit the number of returns for petty violations because of the severity of the penalty which must be imposed. More flexibility in the length of the necessary period of reincarceration might improve the operation of the system. Reparole is permissible where

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1 OF 3

men have been imprisoned for petty violations and such liberation is occasionally granted, although there were only three such cases during the past year.

The parole staff at the Eastern Penitentiary consists of a chief parole officer, and the full time of two assistants, part of the time of a third and the use of an inmate clerk. In addition to its regular parole work, this group is charged with other duties connected with the institutional administration which would have to be fulfilled if there were no parole system in the state. The parole officer serves as clerk of the Board of Trustees and is head of the Department of Identification and the parole office is required to keep all records of commitments, receptions and discharges. Its employees must return all prisoners who escape, transfer men from the penitentiary to other institutions when that is necessary, convey prisoners to courts on writs of habeas corpus and superintend interviews between prisoners and their legal representatives. The parole officer represents the penitentiary at the State Board of Pardons and his assistants are charged with much clerical work which is not strictly related to the system of parole. It is important, to be sure, that this work be done but it is not strictly accurate to describe it as parole work. A rough approximation shows that about six thousand dollars of the institution's annual salary budget is devoted exclusively to the work of parole. With six hundred men on parole this represents an annual expenditure for their supervision of ten dollars per man. During the fiscal year 1924-1925 the cost of maintaining an inmate in the institution for one year was $439.30, about forty-four times the amount expended to supervise a man on parole. This contrast shows quite graphically the comparative meagerness of the state's provision for the latter type of penal discipline.

Men legally remain on parole until the expiration of the maximum sentence and are required to report regularly during the entire period. The only possible earlier release is through the medium of an executive pardon from parole. Such pardons have been infrequently granted during recent years. Between 1916 and 1920, inclusive, from 36 to 92 pardons from parole were granted annually. During the past three years, on the other hand, six, eight and one such extensions of clemency have been made. In former years it was the practice, in order to restore civil rights to a parolee whose conduct had been good, for the trustees to recommend his pardon to the governor. This practice has been generally abandoned.

In so far as the results of the parole system may be judged from the records of the institution, it appears that the majority of those paroled make good in later years. Those classed as failures, to be sure, included only those found guilty of violation, whether reimprisoned or still at large. It is assumed that every man who reported regularly during his period of parole and was not rearrested before its expiration is a parole success. On this basis an examination of the records of all the men paroled during certain years of the system's operation reveals the following:

Of men paroled during 1912 .....76% succeeded, 24% failed
Of men paroled during 1917 .....81% succeeded, 19% failed
Of men paroled during 1922 .....84% succeeded, 16% failed
Of men paroled during 1924 .....82% succeeded, 18% failed
Of men paroled during 1925 .....90% succeeded, 10% failed

It is possible that many men in the latter groups may even yet be rearrested as violators and it must be remembered that the fact that a man has not been again imprisoned does not afford final proof that he is living at peace in the community.

Western Penitentiary

The machinery for parole supervision at the Western Penitentiary is quite similar to that employed at the Philadelphia institution. It is not the practice here, however, to give the prisoner twelve report blanks upon release. Instead, his report sheet is mailed to him monthly by the institution. Sponsorship signatures are not required in these reports, but the prisoner is asked to give in them the name of some responsible person who can vouch for him. A space is also provided in which he may state the nature of his conduct. Under this blank stand the words, "Tell the truth." This report, like that at the Eastern Penitentiary, if it arrives, cannot well give any information unfavorable to the man on parole. Here, also, it is possible that it may be made out and mailed in monthly by a friend or relative while the parolee has left for some other part of the world. There is nothing in the system to prevent this.

The parole staff of the institution includes a chief parole officer who is paid $280 per month, a parole clerk who handles the monthly reports and receives $150 per month, and a portion of the services of three other men. The secretary to the warden is listed as a parole clerk and gives a portion of his time to correspondence and records dealing with parole. The field investigator who prepares the social and psychological studies already mentioned, may also

be regarded, in part, at least, as part of the parole staff. The only field parole supervisor of this institution is one man who serves as the identification officer and the representative of the warden at executions. A large portion of his time is taken up in bringing back men who have escaped or returning apprehended parole violators to the institution. Probably a fifth of his work might properly be classified as the supervision of men on parole. This consists of his investigation of complaints received as to the conduct of parolees.

An attempt roughly to estimate the expenditure for actual supervision gave the following results: From the budget for the year ending May 31, 1926, $6,000 was expended on parole supervision. This included expenditures on traveling expenses, stationery and supplies, and the salary of the staff for the portion of its time devoted exclusively to supervisory activities. During this time there were roughly 600 men on parole and reporting regularly, and 600 others on parole whose whereabouts were unknown. This means, approximately, that this institution was spending about five dollars a year to keep track of the men on parole or, like the Eastern Penitentiary, not over ten dollars a year to keep in touch with that part of the men who were regularly reporting.

Men going out on parole are not generally required to have employment awaiting them. In exceptional cases the Board may require the parolee to have a job before he is released or the parole officer may assist him in securing work. This, however, is rarely done. The prisoner going out on parole is left largely on his own resources. Although the law contemplates the assistance of paroled prisoners through the medium of sponsors or first friends, sponsors are not always required for parole. Where their names are given they are never investigated, and the institution has no contact with them through correspondence, printed rules or supervision of any sort. The sponsor's only contact with the prison is through the medium of a signature on the parolee's monthly report. As men go out on parole, no official notification is either sent to the State Police or broadcast, but informal notification is given a few police officials of the city, nearby towns and industrial establishments. Men are never required to leave the state. They may, however, secure permission to go to other states during their parole period. If they do so, they are subject to the same supervision as other parolees, that is to say, they are expected to send in monthly reports.

On July 3, 1926, 611 men on parole were reporting monthly to

the institution. Of these, 146 were located in other states of the union and 115 in the eastern part of Pennsylvania, 39 of these in Philadelphia County. This situation arose largely because of the transfer of prisoners from the Eastern Penitentiary to the branch prison at Rockview. In the five years from 1921 to 1926 over 900 were so transferred. When these prisoners are paroled they return to their homes in the eastern part of the state. They are considered, however, as being on parole from the western institution, and are subject to the supervision of men located in Pittsburgh although they are living, many of them, in and near Philadelphia where the state is maintaining other parole officials.

The penitentiary statistics show:

Paroled between 1910 and May 31, 1926 4,793
Of these there were subsequently declared delinquent 1,115
(Or 23.3% of the total)
Of the delinquent group there were apprehended 531
(Or 47.6% of those delinquent)
Those never apprehended number 548
(Or 52.4% of those delinquent)

The figures show that over half of those who have violated their paroles since the system was inaugurated at the Western Penitentiary have never been apprehended. The institution knows nothing about where they are. Some of them are probably dead. Others may be serving terms in county jails; others may be in the penitentiaries of other states; some may be leading upright and law abiding lives. Nobody knows.

Between May 31, 1925, and May 31, 1926, 54 men were returned to the Western Penitentiary and recommitted for violating their paroles. Forty-three, or about 80 per cent., of these had committed new offenses which would have involved imprisonment even if they had not been on parole. Of this number 12 were brought from other penitentiaries or reformatories after serving terms, 22 came from jails and workhouses and 9 were returned under new commitments. Only 11 men were reincarcerated for breaches of parole which did not involve a new violation of the law. Eight of these were picked up because they had failed to send in their reports. Other reasons for returning men in this number were: Vagrancy, vile language, drinking, wife beating, leaving the state without permission and possessing intoxicants.

On July 9, 1926, there were 48 men in the Western Penitentiary who had been returned there for violating their parole. A study of the records of these 48 cases reveals the fact that 42 of them

were again in the institution because they had committed another offense which was serious enough to lead to their imprisonment even if they had not been parolees. They were brought back from jails, workhouses, from other penitentiaries and from the courts under new sentences ranging from fines or thirty days in jail up to twenty years' imprisonment. Only six of the parole violators held on this date had been returned for less serious causes. Four of these were brought back as a result of complaints lodged by the police authorities, one because of the protest of a town burgess and another through the complaint received from his wife. The record is curiously like that at the Eastern Penitentiary. It is not difficult to generalize upon it. In the great majority of cases (80 to 85 per cent.) recommitment of parolees follows from further open criminal activity. Parole is being used as a preventive measure in very few cases.

Huntingdon

A boy paroled from the Pennsylvania Industrial Reformatory usually returns to the same community from which he was committed. No particular effort is made to place him in the trade which he has learned within the institution. The desire for an early release usually leads to the acceptance of any sort of a job regardless of its nature or possibilities. No institutional official goes to prepare the home for the boy's return. He leaves largely on his own responsibility. When he arrives at his destination he must copy and send in, in his own handwriting, a notice of arrival. On the first of each month thereafter he copies and submits this report:

"Dear Sir:

"Up to the present time I have faithfully complied with all the requirements of my parole. I have been constantly at work (or if you have not had work, or have been sick, so state in the report) and have earned ....dollars and ....cents, which I have spent in the following manner: (Here state how you have made use of your money.)

"State any facts relative to your progress that may interest the Board of Trustees, then sign the report yourself, and have your employer read it and endorse as required and sign his name to it.

(Sign your name.)"

The superintendent of the reformatory sends a printed acknowledgment of the receipt of all these reports. Boys who cannot get on with their employers or who lose employment through no fault of their own are required to secure permission from [illegible] in-

stitution to change their work. This arrangement is made through the same channels as the original employment agreement. Such shifting of occupation is permitted infrequently. More usually the boy will return to the institution and serve the remainder of his parole period inside. Perhaps a half-dozen boys return voluntarily each year because of their inability to get on in the community or because they wish to be secure against any violation of parole which might postpone the date of their ultimate discharge.

The parole officer of the reformatory is a young man who also serves as secretary to the superintendent and does other clerical work. Perhaps sixty per cent. of his time is devoted to parole. He keeps a check on the arrival of the monthly reports and when they are not forthcoming writes to the employer for information on the case. Occasionally letters are received from the neighbors, employers or enemies of boys on parole, complaining as to their conduct. Where correspondence with the boy himself, with his employer, relatives, probation officers or local clergymen yields inadequate information, the case is turned over to a detective agency for investigation. Two thousand dollars or more are expended yearly for detective service. The institution itself does no field parole work. Parolees are never visited in their work or in their homes and no effort is made, on the ground, to accomplish their constructive readjustment to the life of the community. In recent months the chaplain has attempted to remedy this situation by addressing the clergymen in the localities to which boys are going on parole, appealing to them to take personal interest in individual cases and act in the capacity of "big brothers." The response to this request has not been encouraging.

The records here, as at the penitentiaries, reveal that many parolees disappear and leave no trace; that those who are returned for violation are usually guilty of further crime. The figures follow:

On parole June 30, 1926 401
Of this number there were reporting regularly 194
Delinquent and not reporting 207
Paroled during the year 1925 326
Of this group those violating their paroles numbered 45
(Or only 13.8% of the total)
The violators who had committed further crimes numbered 25
Those declared delinquent for refusal to work numbered 18
Found delinquent by detectives 2
(These figures are based upon a case analysis.)

The usual period of parole is six months. The principle followed by the institution is to divide the boy's reformatory treatment into three periods, each of six months' duration, the first in the second grade within the walls, the second in the first grade and the third on parole. This short a period of conditional liberation, in the estimation of the administration of the reformatory, affords an ample test of the ability of the parolee to live at peace in the community. When it is completed, recommendations for final discharge from the general superintendent, the physician, the moral instructor and the Board of Trustees are forwarded to the judge who committed him. Almost invariably the discharge is granted. Not one man in fifty is held for more than six months on parole. Discharge papers are signed by the judge and returned to the institution, which sends a copy to the boy signifying his release from further responsibility. This occurs within the seventh month following his release on parole.

Muncy

Parole supervision at the State Industrial Home for Women involves the submission of monthly report blanks. But it does not stop at that. In September, 1926, there were about 45 girls out on parole. A third of these were located within fifteen miles of the institution. Another third were living in Philadelphia. The final third were scattered throughout the state. The Philadelphia group is under the supervision of a woman probation officer who is paid by the institution for performing this service. Those in the last group are paroled to unpaid probation officers and welfare workers elsewhere in the state. These girls may be closely watched or given a free rein, depending on the temperament and industry of the unpaid official. The Home employs a full-time parole agent who may visit them when her work takes her near them, once in three months, perhaps, or in six.

The Muncy group receives much closer supervision. They are visited in their homes and in their work two or three times monthly. Each girl receives directly from her employer one dollar weekly. The rest of her wages are paid to the parole officer who holds them for her until the time of her discharge. When a girl wants a new dress or hat or desires to visit a relative, she calls the parole agent and the expenditure may not be made unless the latter consents. This arrangement gives the institution a control over parole conduct which may be of great benefit in achieving successful social readjustment.

No girl is released until she has employment or a home awaiting her. The majority of them are placed in domestic service which assures them of living quarters, income and supervision. The prospective parole environment is investigated at first hand or by correspondence before release is granted and provision is made for each girl to be accompanied and introduced to her home or work. Permission must be secured for change of employment or for marriage, though the latter often affords a final solution of the difficulties involved. The parole officer endeavors to handle cases on the basis of personal friendship. She carries on an extensive correspondence with girls after release and, in this way, often finds it possible to be of service to them. To her parole work is added, however, the task of psychological examination and the duty of accompanying transferred prisoners and returning parole violators and those who have escaped. The present administration believes that a staff enough larger to provide a closer supervisory contact over a longer period would be a wise investment.

CHAPTER 7

THE STATE BOARD OF PARDONS AND THE PENNSYLVANIA PAROLE SYSTEM

There are four means by which a prisoner may be given his liberty in the community before the expiration of the term for which he was originally sentenced. He may be released by absolute pardon, commutation, conditional pardon or parole. There is a considerable difference between these forms of release, as was pointed out in an earlier chapter. An absolute pardon is an act of grace, wiping out the prisoner's guilt. It aims to remedy earlier injustice. Commutations and conditional pardons are also extensions of clemency but do not carry with them the implication of forgiveness and do not usually involve the restoration of legal rights. A commutation shortens the time of punishment or reduces its severity. Release is, however, absolute. A conditional pardon is a form of commutation. Under its provisions, however, prisoners are not given absolute release, but are subject to reincarceration at any time within the maximum limit of the sentence. Such release is granted, not when men are innocent, but when it is thought that they have received adequate punishment or that they have reached a point where their liberation will not imperil the interests of society.[1]

In parole, as in the case of conditional pardons, release is conditional. The sentence legally remains in force and the parolee is subject to reincarceration. He is not usually restored to civil rights or considered legally to be guiltless. Conditional pardon and parole, however, differ in that each such release under the former method, is a separate act of executive clemency, while the latter is a regular process for the handling of large numbers of offenders. Parole conditions are uniform for all those given liberty under the parole regulations, while the conditions of a pardon may differ for each case. Finally, in the case of parole, some provision is usually made for the supervision of the released prisoner while those given their liberty under a conditional pardon are subject

[1] Sutherland, E. H., "Criminology," page 499. Jensen, C., "The Pardoning Power in the American States," pages 120-130. Spalding, Warren F., "American Prison Association," 1916, pages 461-464.

to no such oversight. The conditional pardon is, therefore, a special parole, or, to put it another way, parole may be regarded as a regular and general use of the conditional pardon. These distinctions will be of significance in the following examination of the function of the pardoning authorities in connection with the parole of prisoners in Pennsylvania.

The Constitution of 1790 placed the pardoning power in the hands of the Governor, an arrangement which still exists in most states. Subsequent years saw a growing population, an increase in the number of applications for pardons, a complication in the duties of the chief executive, until the exercise of this authority made severe demands upon his time and the impression became wide-spread that the executive was often too lenient. The Constitutional Convention of 1873 entertained many proposals for a change in the system, one of which would have given representation on the Pardon Board to the judiciary. This proposal was decisively defeated after an extensive debate.[1] The provision which was finally adopted is the one which stands in our Constitution today as the ninth section of Article 4:

"The Executive shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant-Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth."

The provision here made that the Governor's extension of clemency is limited to those cases in which he receives the recommendation of a Board of which he is not a member is similar to that of four other states—Arizona, Delaware, Montana, New Mexico.[2]

There is no statutory enactment directing or limiting the operation of the Pennsylvania Board of Pardons. It has, from time to time, adopted rules which specify the time of the Board's monthly meeting, the time at which applications for clemency must be pre-

[1] William W. Smithers, "Executive Clemency in Pennsylvania," International Printing Co., 1909. "The Nature and Limits of the Pardoning Power," Journal of Criminal Law and Criminology, Vol. 1, November, 1910, page 558. "Pennsylvania Constitutional Debates," 1873, pp. 335-666. Jensen, "The Pardoning Power in the American States," pages 25-28.

[2] Jensen, "The Pardoning Power in the American States," p. 15.

sented, the form in which they must appear and the material which must accompany them. Notice of any proposal to apply for clemency must be sent to the judge who tried the case, the district attorney who prosecuted it, to the warden of the prison, and be submitted for newspaper publication for two consecutive weeks. Provision is made for the representation of the applicant in person or by any other adult or by counsel, which person shall be granted fifteen minutes for the presentation of his case. A similar time is to be allowed representatives of the Commonwealth in opposition. Cases may, however, be considered on papers submitted without oral argument. A monthly calendar is prepared in advance to guide the action of the Board and cases are called for hearing in the order in which they are listed. After the open hearing the Board meets in executive session to decide upon its action. When pardons are recommended, the Board communicates to the Governor its reasons for making such recommendation. The right is then in his hands to approve or disapprove its action as he sees fit.

The Board's monthly hearing is a formal meeting which is held in the chamber of the Supreme Court of the Commonwealth. The majority of the proceedings consists of addresses by counsel. Occasionally, but not generally, the prosecuting authorities are heard in oral opposition.

Arguments for release from imprisonment are based upon various grounds. Often it is urged that the prisoner is innocent of the offense for which he has been incarcerated. His conviction may have been a frame-up; he may have been imprisoned on perjured testimony; the trial may have been a hasty one; the judge or jurors prejudiced. Perhaps new evidence has been discovered which lessens the likelihood of guilt. Such positions, properly established, of course, provide legitimate grounds for the extension of clemency. Curiously enough, however, it is argued at other times that a prisoner should be released because he is guilty and is honest enough to admit it. It is sometimes contended that he was suffering from a temporary aberration at the time the crime was committed and is now recovered; or that the crime was a mere prank with accidentally serious results; or that the guilty man was simply the tool of others; or that he deserves pardon because his partner in crime has already received it. It is argued that some men should be released because they are very young; others because they are very old. Still others are ill and would gain in health if liberated. The contention is frequently made that the

prisoner's dependent relatives stand in need of his assistance and is often supported by the statement that employment has been guaranteed him upon his release. Sometimes the willingness of the individual or organization which suffered from the prisoner's misdeed to consent to his release is presented in his favor and it is often maintained that he will make restitution to those whom he has injured. Finally, it is vaguely contended in many cases that the prisoner is "repentant," that "the ends of justice have been met," that he has served "enough" time for the offense for which he was convicted. On grounds such as these, paid representatives of the prisoner's interests plead for his freedom.

This time-honored method of procedure is probably necessary under the provision of the section of the Constitution quoted above. Its fairness might, however, be questioned. Certainly it makes it possible for convicts who have rich and influential friends to secure a much better presentation of their cases for release than that accorded to the penniless prisoner whose guilt may, in some cases, be less. The conception in the prisoner's mind that likelihood of release is in any way related to the expenditure of money will not increase his respect for the law or his desire to obey it. Attorneys who are less scrupulous than they might be will often, for a fee, take cases which are very weak, thus raising false hopes among prisoners and wasting the Board's time with their arguments. It is even sadly true that members of the legal profession, or those purporting to represent them, at certain times and places and in other states than Pennsylvania, collected money from prisoners and their friends with the pretense that it was to be used to pay for the presentation of cases or, perhaps, to make the way easy for pardon or parole, and have pocketed it without taking any action whatsoever on the prisoner's behalf. Various such abuses led to an arrangement at the Eastern Penitentiary under which the permission of the chaplain and parole officer must be secured before money will be paid from prisoners' funds to attorneys.[1]

[1] The laws of fourteen states specifically forbid authorities to entertain petitions or oral arguments by attorneys in the granting of pardon or parole. This is the case in California, Indiana, Idaho, Kansas, Kentucky, Montana, Minnesota, North Dakota, New Mexico, Ohio, Oregon, South Dakota, Tennessee and Virginia. (For citation of laws see Bibliography.) The rules of Michigan's Advisory Board of Pardons contain the following stipulation (Rule No. 15, page 24): "It is inadvisable and nothing will be gained by a prisoner or his relatives or friends expending money in the employment of attorneys or other representatives to draw papers or to appear before the Governor or

The Board of Pardons, however, does not extend clemency exclusively on the basis of ex-parte petitions. Evidence is always obtained from other sources. From the penitentiary comes a record of the applicant's prison conduct and a transcript of his criminal record to which is added in some cases a statement of opinion by the officers or trustees as to his fitness for release. This information provides a check on the statements of attorneys concerning the applicant's past record. Letters are also addressed to the judge under whom the case was tried and the district attorney who prosecuted the applicant, or to their successors in office, asking for a statement of facts, together with an expression of opinion as to whether release should be granted. Here again it is possible to check on the statements made by the applicant's representative concerning the character of the offense. Occasionally judges will express themselves as feeling that they have given unduly long sentences under pressure, or that the jury was unduly hasty or the evidence inconclusive. It is seldom that the present Board has pardoned a prisoner in the face of a positive objection from the judge.

It is evident that the sources already named are not in themselves adequate to give the pardoning authorities all necessary information on the cases on which they must pass. Pardon applications contain statements of fact which can be verified or disproven only by investigation. For this purpose a member of the State Police force is delegated to the office of the Board of Pardons and required to make such investigations. He does not examine all cases, but, when directed to do so, visits the place where the offense occurred, interviews the complainants, the witnesses, the jurors, and gives a confidential oral report to the Board covering the facts involved. Considerable weight is given the information uncovered in this way.

The pardoning function as administered today in the United States is an exercise of individual judgment. It is not based upon

Board of Pardons. All cases will be given equal consideration and action will be taken as promptly as possible. All matters appertaining to the case should be submitted in writing and filed with the secretary." In Ohio, the Board of Clemency found it necessary to broadcast a brief printed statement outlining cases in which attorneys had taken money from the friends of prisoners in connection with supposed actions to secure their release, warning against such payments and concluding as follows: "Prisoners, their relatives and friends are warned not to pay money to any one to procure a parole. The use of money, and even intercession by politicians or others may prejudice the case of a prisoner, by causing a suspicion that he is not yet fit to receive his freedom."

any ordered system of precedent or principle. The extension of clemency is not standardized. Decisions vary from state to state and from time to time with changes in the identity or temperament of the individuals who exercise the function.[1] Within those limits which are set by the apparent state of mind of the community to which the prisoner if pardoned would return, as this attitude is revealed by the reports of officials and by personal investigation, clemency is dispensed as a matter of human judgment. This is as true in Pennsylvania as in any other state.

Many objections might be urged against the present system. The members of the Pardon Board serve by virtue of a rigid constitutional requirement, not because of any peculiar fitness which they may have for the work. Even though they be men of honest intent and some personal judgment, the other duties of their offices may tax their time too heavily to allow them to give to this work the consideration which it deserves. The Board's membership generally undergoes a complete change every four years. Some continuity of policy, to be sure, results from the employment of a permanent paid secretary. But, even then, each new Board must be confronted, for a time, with a strange and even appalling problem, the solution of which cannot be completely accomplished before it must leave office. There is nothing in the system itself to prevent the use of political pressure in forcing the release of prisoners; and it must be remembered that the Board is not restricted to the right to recommend conditional release at the expiration of the minimum term but can urge absolute liberation before the service of any part of the sentence imposed.

On the other hand, it may be pointed out that the change which took the exercise of the absolute right of clemency out of the hands of the Governor reduced the likelihood of its exercise in an arbitrary and capricious manner. The present system also has the merit of placing responsibility in the hands of such high officials as to make it unlikely that prisoners will ever leave their cells as the result of shady personal deals.

All states hold open the possibility of clemency. Certainly a system which did not, would be intolerable. The courts are not infallible. Unduly severe sentences are sometimes handed down as a result of pressure or personal animus. Ridiculously unequal penalties are imposed in different courts for the same offenses. In either case the remedy lies in the use of the executive power to

[1] See Jensen, "The Pardoning Power in the American States."

pardon and to commute. This power may be used to liberate prisoners that they may be prosecuted for offenses in other states; to release men for deportation; to make possible an earlier parole than that regularly permitted by statute. As long as the machinery of the law operates with varying accuracy and uneven application, the necessity for a balance wheel will remain. Under the Constitution of Pennsylvania this function must be performed by the Board of Pardons.

This body's statistical report covering its own action for the past thirteen years follows:

Year	Applications	Recommended	Percentage of Applications Recommended	Paroles Issued
1914	151	90	55.5	547
1915	201	90	44.8	600
1916	187	80	42.8	758
1917	142	72	50.7	595
1918	226	100	44.2	734
1919	209	55	26.3	646
1920	306	83	27.1	718
1921	316	98	31.0	589
1922	453	146	32.2	715
1923	517	172	33.3	725
1924	679	153	22.5	856
1925	429	106	24.7	429
1926	414	98	21.2	...

The significance of the foregoing paragraphs for the present study arises from the fact that this Board is given a definite part in the granting of paroles from our state penitentiaries under the law of 1909 which provides that paroles shall be issued by the Governor upon the recommendation of the penitentiary trustees but that he

"shall not ..... execute any of the rights or powers herein granted unto him until the Lieutenant Governor, Secretary of the Commonwealth, Attorney General, and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, according to such rules as they shall provide, shall have recommended the said commutation of sentence."[1]

In this way the constitutional authority of the Board of Pardons, quoted above, was written into the law governing paroles. Recommendations of penitentiary trustees are now sent to the Secretary of the Board in eleven days before its regular meetings and the Boards' printed calendar includes an item covering a certain number of convicts from the Western Penitentiary and a certain number from the Eastern Penitentiary who are applying for release on parole.

[1] Pamphlet Laws, 1909, No. 275, May 10, section 15.

A long standing practice of the Pardon Board had been to approve all such recommendations as a mere matter of form without investigation. The Board in 1925 and 1926, however, ordered its investigator to report to it on certain cases of applicants for parole and refused to pass on to the Governor eleven men recommended by the trustees of the Western Penitentiary. An examination of the records shows that nine of the eleven so refused parole had perfect prison conduct; that eight were first offenders. One was serving for larceny under his seventh conviction. The other ten had been committed for sex offenses. Four of these were committed for rape against minors; one for assault with attempt to rape; two for pandering; two for fornication and one for murder arising from a brawl at a bawdy house. The action taken in these cases arose from the belief of the members of the Board that the trustees at the Western Penitentiary were more lenient in recommending prisoners for parole than those at the Eastern Penitentiary and shows the possibility that the legal right of the Pardon Board to pass on all parole applications might be used to standardize and stabilize the conditional release of prisoners in the state. It also calls to attention the fact that the Board has the legal right to refuse any or all paroles as it may see fit. No Board, however, has ever made open announcement at its hearings of the names of those applying for parole, nor given a free opportunity for arguments for or against the parole of convicts. This policy probably does not comply with the law's provision that the Board shall act "after full hearing, upon due public notice and in open session."[1]

Pennsylvania's system has been developed upon the theory that parole is a form of commutation of sentence, within the meaning of the section of the state Constitution which places the commutation power in the hands of the Governor and the Board of Pardons, a grant of authority which in the words of the Supreme Court, is "prohibitory and exclusive."[2] This means that a statutory provision for any system of parole which did not involve the approval of the State Pardon Board would be declared in violation of the basic law unless preceded by a constitutional amendment. Under existing arrangements, therefore, the Board must be given a part in any machinery for parole selection which the state may see fit to establish.

[1] Pamphlet Laws, 1909, No. 275, section 15.

[2] Letters from Attorney General George W. Woodruff, September 22nd and October 7th, 1926.

Absolute pardon as a means of release from American prisons has declined in relative significance in recent years as a result of the growth of systems of parole and conditional pardon.[1] The last Pardon Board in Pennsylvania followed the lead of other commonwealths in undertaking to develop a mechanism to reduce the number of pardons involving a mere unlocking of the prison doors. For this purpose it initiated in December, 1923, a plan of release under sponsorship which it maintained during the remainder of its term in office. This is not a system of conditional pardon, since men so released have absolute legal freedom and cannot be reincarcerated for subsequent misconduct. The plan is not applied in cases of obvious innocence or with first offenders who are mature and responsible. It is, however, applied in the pardon of those who are young or in some way deficient or incapable. The Board has often refused to grant a pardon until it should receive a signed agreement for sponsorship.

The men who have served in this capacity are often individuals whose character is personally known to members of the Board or men who have been recommended by individuals whom the Board knows to have good judgment. The sponsorship file reveals the names of bankers, engineers, lawyers, clergymen, public officials, an accountant, a physician, a contractor, business men and penitentiary trustees. These sponsors have in some cases been found by the penitentiary officials or by the attorney representing the man in his application for clemency. This citizen signs a personal, informal agreement on his own stationery in which he pledges himself somewhat as follows:

"I promise to do my best for.....along the following lines, provided that the Pardon Board will recommend and the Governor sign a pardon for him.

"1. To meet him at the time he is released from the penitentiary so that he may be helped to tide over the time until he may be able to enter on work.

[1] See Sutherland, "Criminology," pages 203-04. In Ohio, for example, the majority of pardons are not final. During the year 1925, twelve of the twenty men receiving pardons were required to report from six to twelve months as if on parole. ("Annual Report of the Ohio Board of Clemency," 1925.) In Massachusetts the Board of Parole acts as an advisory Board of Pardons. Absolute pardons are seldom, if ever, granted, release in nearly every case being conditional. The usual process is so to commute the sentence given by the court as to reduce the minimum term to a point where the Parole Board can release the prisoner of its own right. Men so liberated are then required to report regularly until the maximum sentence expires instead of being given complete freedom. There are several men in the state who are under the requirement of making parole reports for life. (Interview with the chairman of the Massachusetts Board of Parole.)

"2. To do my best to obtain employment for him within the limits of his capabilities at reasonably fair wages and also to influence him to attend steadily to his work.

"3. To keep in touch with him and encourage him to associate with good companions and avoid bad companions.

"4. To communicate with him at least once a month for two years following his release and to report to the Board of Pardons through the Attorney General frankly concerning the way he is getting along once in three months."

The terms of these agreements are not uniform. In some cases, for instance, the correspondence shows that definite assurance of employment has already been secured for the convict before his pardon is signed.

Under this arrangement a pardon is not given directly to a prisoner or his attorney but is sent to the warden with directions that he shall hold it for delivery to the sponsor upon his arrival. The sponsor is the one who gives the prisoner his pardon papers and walks out with him through the prison gates. This arrangement establishes a contact by means of which the sponsor may continue to be of service to the pardoned man.

In September, 1926, an examination was made of the reports received from the sponsors of men pardoned under this arrangement. Up to that time the plan had been applied to about seventy-five cases. About one hundred letters had been received which gave any real information on the subsequent conduct of the prisoners who had been so released. On many cases there was little or no information. The other reports were generally brief and almost uniformly favorable. Correspondence reveals only three men who again got into trouble during the short period under consideration. One of them disappeared without explanation; another was picked up for passing worthless checks; and the sponsors of the third had him committed to a hospital for examination.

While this plan has not been in operation long enough, or been applied to sufficient cases to permit any sweeping generalization as to its merits, it is certainly safe to say that it represents an improvement over final and unsupervised releases. Men so pardoned, however, are legally free when they leave the institution and no rules of conduct can be enforced on them by those who have promised to help them. The entire arrangement is extra-legal and there is unfortunately nothing to compel its development by later Boards.

The law as its stands allows greater latitude to the Governor and the Board of Pardons in the matter of paroles than they have ever

seen fit to use. Because of the constitutional power to commute sentences, it would be possible for the Governor so to shorten the terms imposed by the courts as to make parole regularly possible at a much earlier time than that now prevailing. Men might legally be pardoned conditionally (which amounts to a parole) before the expiration of the minimum term, in fact at any moment after their incarceration, if the officials to whom this right has been given should choose to exercise it. The various statutory provisions which have been set up governing the maximum and minimum terms of sentence would then have only a theoretical validity.[1]

If the Board of Pardons should ever choose to exercise its constitutional rights in the matter, conditional pardons might be generally extended under some sort of uniform provisions, entailing return to prison in the event of misbehavior. The development of such a procedure, however, would require the creation by the legislature of necessary machinery for the investigation of pardon and parole applications and the supervision of those prisoners who had been conditionally released. Considerations of efficiency and economy would seem to argue for the investigation of all pardon and parole applications by the same individual or group and the utilization of existing machinery or the development of new machinery for parole supervision to handle also the cases of those who are or might be conditionally pardoned.

If Pennsylvania had an adequate system of parole supervision, the question might well be raised whether absolute pardons should ever be granted except in cases involving obvious miscarriage of justice. It would seem the part of wisdom, for the greater protection of society, to hold open the legal right of kindly oversight and reincarceration in case of misconduct. To quote the Attorney General:

"In my opinion paroling or commutation should have such machinery for handling the paroled prisoners that the number of pardons would be cut practically to those only who are deemed by the Pardon Board and the Governor to be surely innocent. Paroling with proper machinery exposes the public to practically no extra danger during the period of parole.

"I feel sure that in 95% of cases parole under wise and sympathetic but firm supervision should be substituted for pardons and until we have laws which make it possible for the Pardon Board, the Governor, and some kind of a parole board or authority, to carry out this idea successfully, I am sure we will miss the greatest factor toward the reconstruction of condemned persons."[2]

[1] Letters from Attorney General George W. Woodruff, September 22nd and October 7th, 1926.

[2] Letters of October 7th and November 4th, 1926.

CHAPTER 8

WORK DONE BY PRIVATE AGENCIES

Pennsylvania, as a state, has not made adequate provision for the after-care of prisoners who are released on parole from its penal institutions. This situation might be less serious had the work been carried forward on a large scale by private charity. In New York, for instance, the supervision of prisoners paroled from the state's prisons has been placed almost exclusively in the hands of various religious and philanthropic organizations. The suggestion often has been made that this function might be fulfilled in Pennsylvania, also, by enlisting the interest and support of responsible citizens, churches, clubs, societies and welfare organizations. Agencies of this nature, however, up to the present time have done very little in the way of what might fairly be characterized as parole work.

On occasion private citizens in Pennsylvania have given aid and advice to persons who have been released from its prisons. Members of the various Boards of Trustees have at times rendered valuable service in this way. Certain citizens, also, who have acted as sponsors, probably have been able to assist their charges in reestablishing themselves in the community. It is impossible, however, for prison trustees to take the time from their work which would be required if they were to attempt carefully to investigate appeals for assistance and constantly to advise any considerable portion of those who are in need of parole after-care. And it is unfortunately the case that the sponsorship agreement, even where it is required, is not very seriously regarded by those who are a party to it. As has been pointed out above, offers of sponsorship are not investigated prior to a prisoner's release and the character of those who serve in this capacity is not always known to the paroling authorities. Sponsors are nowhere instructed in their duties or responsibilities and no definite or tangible performance is exacted of them during the term of a prisoner's parole. If an occasional sponsor takes his task to heart and makes a real effort to perform it in a conscientious way, he does so of his own initiative and not because the state compels it.

Here and there private organizations have given aid to prisoners

who are on parole. In 1923 the Rotary Club of Philadelphia inaugurated a plan for investigating, placing and advising parolees. A committee was appointed to enlist the co-operation of the club's members in giving former prisoners a new start in life. For a few seasons the work went on. Eventually, however, it was found that the general membership took little interest in it. The bulk of the labor involved fell upon a small group of men and the entire project was finally abandoned as a club activity.

There are certain other agencies in the state whose work is directly related to the welfare of prisoners and their families. The most of this work is inspired by religious motives. The Salvation Army holds evangelistic services in the various penal institutions and its representatives visit and counsel the inmates. This organization gives temporary shelter to released prisoners and helps them to find employment. It also extends aid to the needy families of prisoners. In a few cases its officers act as sponsors for parolees. The latter obligation is also assumed at times by the Volunteers of America. The American Society for Visiting Catholic Prisoners likewise carries on spiritual work among prison inmates. Catholic chaplains are supplied to the penitentiaries and masses are held for prisoners of that faith. The Catholic Charities in Pittsburgh at the present time are looking out for a few parolees from the federal prisons and the penitentiaries of New York, but they have no Pennsylvania prisoners under their care. In Philadelphia, the church provides sponsors and finds work for released prisoners in some cases. Through the Society of St. Vincent de Paul and through the Prison Committee of the Social Service Department of the Alliance of Catholic Women it gives aid to the needy. Provision is made for the welfare of Jewish prisoners by the Prison Aid Committee of the B'nai Brith Council. This body maintains a chaplain at the Eastern Penitentiary, works with the families of Jewish prisoners, provides temporary shelter and gives clothing to released convicts and gets work for those who need it. Ten or fifteen men from the Eastern Penitentiary are given such assistance each year. In Philadelphia, also, there is the Prison Welfare Association, which is concerned principally with giving family aid, and the Vincent J. Steffan Prison Association, which has as its purpose the promotion of evangelistic work among prisoners throughout the nation. In all this activity, it will be noted, valuable as it doubtless is, there is little or no provision for continuous personal contact with large numbers of prisoners during their period of parole.

In addition to the institutions mentioned above, there are many, organized with more general objectives, to which needy parolees may appeal for aid. The Associated Charities, the Family Society, the Jewish Welfare Society, the Big Brothers' Association, the Pittsburgh Association for the Improvement of the Poor, the State Employment Office and several others would fall in this group. There we find also the settlement houses and the various missions located in the larger cities. In Reading the friendless man can secure a night's lodging at the Hope Rescue Mission. In Philadelphia, there are, among others, the St. Ignatius Home, the Protestant Episcopal City Mission, the Temple Brotherhood Mission, the Galilee Mission and the Whosoever Gospel Mission. In nearly all these institutions religious services are held, and food and temporary shelter are provided. Some of them maintain industries such as broom-making, chair-caning, and furniture repairing, where temporary work is given. At times they assist men to find permanent employment. Generally no records are kept and no distinction is made between the ex-prisoners and the others whom they serve and no contact is maintained with their inmates after they leave.

A few homes have been established for the purpose of caring more exclusively for those who have been released from prison. In Philadelphia, the Door of Blessing provides women prisoners with lodgings until they can join their friends or relatives or find work. This institution, supported by private subscriptions and donations, can accommodate only seven women at one time. Sixty-three were given its care during 1926. In Pittsburgh, women are given temporary assistance by the New Future Association a similar organization, supported by the women's clubs of the city, which extends its facilities to many others than those released from penal institutions. One of the earliest foundations of this nature was the Home of Industry for Discharged Prisoners in Philadelphia which was established in 1889. This home deals only with men. It maintains a broom shop, a cabinet shop, a wood yard, a garden and a chicken yard. It gives temporary lodging and work and pays wages to its inmates. Nearly three hundred men were admitted during 1925. Two-thirds of this number were repeaters. There is apparently a tendency to make it a permanent residence rather than a stepping-stone to a worthy independent life. This home, like the others, keeps no individual records and makes no effort to follow up those who leave its walls.

The Parting of the Ways Home in Pittsburgh, another institu-

tion of this character, was established in 1914 and incorporated in 1920. It owns a large dwelling where it provides ex-prisoners with temporary shelter. Its annual expenditures, slightly in excess of ten thousand dollars, are met entirely by voluntary contributions. This institution serves meals and assists its inmates in securing permanent employment. According to its records, it procures work for some six hundred men during the course of a year and furnishes lodgings to more than eight hundred. No charge is made for this service. Very few of those assisted in this way are parolees from state institutions. Of 476 consecutive cases received during 1926, only 37 were men who had come from the penitentiaries or reformatories of Pennsylvania, 263 had come from the Allegheny County Workhouse; 67 from the federal courts and 109 from federal penitentiaries and from prisons in other states. A hasty visit to the home made during July, 1926, showed it to be barren, dirty and deserted. While it would doubtless be unfair to judge the institution on so brief a contact, it is nevertheless evident that it is not equipped to render material assistance in carrying on the parole work of the state. It handles paroled prisoners no differently from those who are released in any other way. Prisoners discharged from the state's penitentiaries generally refuse to avail themselves of its facilities. It may well be questioned whether the congregation of released prisoners in institutions of this nature is a thing which should be promoted by organized charity. Temporary relief, to be sure, is necessary and important. But it is certain that it cannot meet the prisoner's need for social rehabilitation. This need is to be met only through a well developed and intelligently administered program of after-care.

The Pennsylvania Prison Society is the only organization in the state which has undertaken anything in the way of real parole work. This body was established in 1787. During its long and honorable history it has devoted itself to the amelioration of prison conditions and to public education in penal affairs. It created its Department of Released Prisoners in 1924. It is the function of this division to establish contacts with prisoners before they are discharged, to study their cases, to receive them upon release, to extend temporary aid to them, to enlist the support of other social agencies in caring for them and to assume the responsibility of sponsorship for parolees during their terms of conditional freedom.

An experienced social worker has been employed to carry on

this activity. During the year 1926 he handled nearly three hundred men. On January 1, 1927, he was dealing with forty-seven active cases. Of these thirty-three were on parole and fourteen were still in prison awaiting parole. Forty-one of the forty-seven cases were those of prisoners at the Eastern State Penitentiary. The Society's agent calls at the penitentiary weekly to interview prospective parolees and others who may need his help. In this way he comes in contact with about thirty per cent. of the prisoners paroled from that institution. Trustees, inmates and parole officials have come to rely heavily upon his assistance. It has been the purpose of this official to utilize the methods of social case work in dealing with his charges. Complete records are kept on every case. All possible information concerning it is procured from other social agencies. The prisoner's past record is obtained. Difficult cases are referred to mental clinics for examination. Each man is treated as an individual. Money is lent him if he be needy. Work is found for him and he is given the benefit of constant assistance and advice. Here we find the only informed and careful parole service in the commonwealth.

Unfortunately, however, the income of the Society is so limited that it cannot provide the facilities necessary for handling large numbers of men in this way. Nor is there any indication that it will be able to do so in the future. It has been necessary to accept certain cases and to refuse others. The Society, therefore, does not consider it its duty to take over the state's task of supervision. It aims rather to demonstrate the possibility of applying good parole methods in the control of a selected group. This purpose is expressed in its last published report:

"Parole as a part of the machinery used in the administration of justice and in law enforcement is a function of government and should be carried on by it. Our job evidently, then, is qualitative, not quantitative, and our existence is justified not by the number of cases that we handle, but by the degree to which we are able to demonstrate improved methods of treatment."[1]

The Society's files throw a great deal of light on the shortcomings of the state's present parole work. Here were find A, a defective delinquent, definitely anti-social in attitude, with a record of five terms in juvenile school, reformatory, jail and prison. He has been granted a parole and now awaits his release. His obviously deficient mentality makes its impossible to hope that he will turn to honest living. Here we find B, a prepossessing lad with a long

[1] "The Prison Journal," January, 1927, page 29.

record of confidence schemes and bogus checks. His fine personal appearance wins him a discharge or a term of probation from the courts, to whom his record is unknown. Instead of being detained for the safety of society, he is released to go merrily on in his career of victimization.

Other cases reveal the deficiency of present supervisory machinery. Here is C, a negro, a robber paroled at the expiration of his minimum term. He gets a job, marries, gets along well for many months. Then he falls ill, loses his work, goes into debt, is in serious difficulty. The Society sends him to a chest clinic which diagnoses his trouble as pulmonary tuberculosis. The man is now a social liability; his wife and child are objects of public charity. Proper parole after-care would have foreseen the difficulty, would have prescribed preventive treatment, would have continued him as a useful member of the community. Here is another case. D, a foreigner, is behaving himself on parole. Through an error the prison had overpaid him by twelve dollars at the time of his release. He is summoned to the prison and asked to make restitution. The barrier of language leads to a misunderstanding. D comes to the office of the Society distraught. They are going to lock him up again, he fears. Careful explanations back and forth by the Society's agent bring about his return to a peaceful and useful life. Finally there is E. During his fourth term in the penitentiary he becomes an electrician's helper. He learns the trade. On his release the Society finds him work. For many months he has continued to live honestly and usefully. Proper education and proper parole placement at the conclusion of his first term might have saved society the cost of the three later crimes, the three prosecutions and the three periods of imprisonment which were the fate of this potentially industrious citizen.

The problems presented by prisoners on parole are human rather that statistical. They are to be solved only through informed and sympathetic personal contact. The Pennsylvania Prison Society in a small way is attempting to solve them. In doing so it is taking up a responsibility that has been neglected by other social agencies and by the state itself.

CHAPTER 9

THE PENNSYLVANIA PAROLE SYSTEM—CONCLUSIONS

The material presented in the preceding chapters justifies certain generalizations concerning the present parole practice in Pennsylvania. It has already been pointed out that adequate institutional training must precede any effective system of parole. The following paragraphs, therefore, answer briefly these three questions: What is being done in the penal institutions of the state to prepare prisoners for release on parole? How are prisoners selected for parole? How are they supervised while on parole?

Pennsylvania has not equipped all her penal institutions to do a thorough job of parole preparation. Her prisons, to be sure, are clean and well managed. With the exception of the antiquated and overcrowded plant at the Eastern Penitentiary their equipment is fairly good. Inhuman punishments are a thing of the past. Discipline is not unduly severe. In each institution humane activities have been instituted to lessen the monotony of imprisonment. Recreational, religious, educational and industrial activities have everywhere been undertaken.

This work, however, is going forward in the face of conditions which seriously handicap its development. The space available for open-air exercise at the Eastern and Western penitentiaries is seriously inadequate. None of the penitentiaries has been provided with a gymnasium. No general chapels have been supplied at Philadelphia or at Rockview, while the room used for the purpose at Pittsburgh is barren and unattractive. The schoolrooms and the teaching personnel at the Eastern State Penitentiary and at the Rockview prison are insufficient to accomplish educational objectives. The commonwealth has not provided adequate employment to train the inmates of its penitentiaries in habits of industry. Much of the work which is provided possesses scant vocational value. While the reformatories undertake an ambitious program of training for future employment, the penitentiaries of the state still have far to go if this purpose is to be fulfilled. There is little in the way of a gradual increase of individual responsibility looking toward parole save for the comparative freedom enjoyed by prisoners at Rockview and by a few reformatory in-

mates. There is, finally, no classification and segregation of the penal populaton along the lines which have been adopted by one or two other states. The inevitable result of this situation must be that many prisoners are released on parole before they are ready for it.

There can be no doubt that the function of parole selection is being performed by the present authorities in an honest and conscientious manner. The policy adopted by penitentiary Boards of Trustees governing parole release has been a generous one, but nowhere in the state can parole be said to be purely automatic. It is only at the reformatories, however, that a prisoner's industrial or educational progress is given very great bearing on his chances of parole. And at Huntingdon it appears to be the case that there is little relation between the seriousness of the offense for which a boy has been imprisoned and the speed with which he may earn his release. Generally it may be said that penitentiary paroles are based, not upon established standards, but upon personal judgment. It has been pointed out that the State Board of Pardons must pass on each prison parole application unless a change is made in the state constitution. This procedure, required because of the view that parole is a form of clemency, has been largely automatic. The Trustees of the Western State Penitentiary are the only paroling authorities of the commonwealth who have been supplied with anything which approaches adequate information concerning the cases on which they must pass. Generally there is little or no information on the parole applicant's mental condition, on his social history or on the character of the individual who has agreed to act as his sponsor or as his employer. The result must be that many are released on parole without reference to their real fitness for such release. The system possesses the one great merit of preventing fraudulent paroles. Under its operation parole might come to be careless but it could never well become corrupt.

The methods employed in supervision are the weakest element in the present system of parole. No private agency in the state, as we have seen, is equipped to take over this work. Yet the state itself is spending a shamefuly small sum for its accomplishment. It has provided a wholly inadequate personnel and overburdened it with other tasks. Generally the sole means of control is through the medium of correspondence. There is no real check on parole conduct. Sponsors are accepted without real knowledge of their character or ability and are nowhere instructed in their work or

compelled to fulfill their obligations. The Huntingdon Reformatory has no field parole agent at all, attempting to follow up its parolees through the use of a detective agency. No period of adjustment is provided during which the prisoner may make the difficult transition from penal to community life. Little aid or advice of any sort is given him by the state. Many parolees disappear completely from sight. Few of them are ever heard of again unless they are returned for the commission of further crime. The system in no way operates to protect the community from continued misconduct. The state of Pennsylvania has no parole service which is worthy of the name.

This, in brief, is Pennsylvania's system of parole. In the following chapters this system will be compared with the parole work which is done in other American commonwealths.

CHAPTER 10

PAROLE LAWS OF OTHER AMERICAN STATES

(A complete index to the parole statutes of the various states is given in the Bibliography.)

An examination of the statutes of other commonwealths reveals that only two of the forty-eight American states, Virginia and Mississippi, today have no statutory provision for the parole of prisoners. One of these, Virginia, at one time enacted a parole statute which was regarded as an infringement on the Governor's pardoning power and for that reason declared unconstitutional.[1] In both states, however, the purpose of parole is carried out by the extension of executive clemency through the medium of conditional pardons which are subject to revocation on bad behavior.[2] During the biennium from February 1, 1924, to January 31, 1926, the Governor of Virginia granted only twenty-seven absolute pardons, but 462 pardons which carried the right to reimprison those who violated their conditions.[3]

Forty-six of the forty-eight American states make some statutory provision for the conditional release of prisoners on parole prior to the expiration of their full sentences. The parole provision is usually accompanied by an act providing for an indefinite sentence, although this is not always the case. Seven of the forty-six states with parole laws have no measures providing for indefinite sentences.[4] In the remainder of the states some form of indefinite sentence is provided for.

The Indefinite Sentence

The authority to impose this sentence and the nature of its limits are not uniform. The maximum term in some states is that

[1] Letter from Attorney General John R. Saunders, Oct. 13, 1926.

[2] Letters from Macey Dinkins, Secretary to the Governor of Mississippi, Nov. 4, 1926, and W. E. McDougall, Executive Secretary to the Governor of Virginia, Oct. 29, 1926.

[3] House Document No. 8; Communication from the Governor of Virginia transmitting a List of Pardons, etc., 1926.

[4] Arkansas, Delaware, Florida, Maryland, Mississippi, Oklahoma, Rhode Island.

specified by statute. In other states the court is authorized to name the maximum term, which must be kept within the statutory maximum. A third arrangement is for the maximum to be designated by the jury. Of these the second method is most common, being in use in twenty-four states.[1] The provision that the maximum shall be that fixed by statute obtains for the reformatories in New York, New Jersey and Washington and for all institutions in ten other states.[2] The maximum is fixed by the jury only in Georgia, Kentucky and Texas.

An even greater variety exists in the stipulations governing the minimum term of imprisonment. In three states—Iowa, Minnesota, Oregon—no such term is specified in the law. The same situation exists with regard to the reformatories of New York and New Jersey. In eight states[3] and in the Washington Reformatory, the minimum term is that fixed by statute. Two states, Georgia and Kentucky, give the jury the right of stating the minimum term within that fixed by statute. In all other states the minimum is fixed by the court. There are, however, limitations placed upon the court's power in this regard. Thirteen states provide that the court must set the minimum term within the minimum of the statute.[4] Five states[5] provide that the minimum term shall not be in excess of one-half the maximum term. This minimum must be at least six months in Maine and at least one year in South Carolina. The laws of the three other states provide that it shall at least be fixed at the statutory minimum. Other states stipulate specific terms beneath which a minimum may not be set. Michigan provides for six months; Connecticut, one year; and Massachusetts two years and a half. In only two states is the power of the court to set the minimum term unlimited. This is the case in Colorado and Ohio.

[1] Alabama, Arizona, Colorado, Connecticut, Louisiana, Massachusetts, Minnesota, Montana, Maine, Michigan, Nebraska, Nevada, New Hampshire, New Mexico, New York, New Jersey, North Carolina, Oregon, South Carolina, Tennessee, Utah, Vermont, Washington, Wyoming.

[2] California, Iowa, Indiana, Idaho, Illinois, Kansas, North Dakota, Ohio, South Dakota, West Virginia.

[3] California, Indiana, Illinois, Kansas, North Dakota, South Dakota, Texas, West Virgina.

[4] Alabama, Arizona, Louisiana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Tennessee, Utah, Vermont, Washington, Wyoming.

[5] Idaho, Maine, Montana, New York, South Carolina.

Who May Be Paroled?

The provisions of the parole statutes generally apply to all prisoners who are given indefinite sentences or incarcerated for periods less than life. Many states, however, specifically exempt certain types of offenders from the operation of these laws. In eleven states it is provided that those guilty of treason may not be paroled.[1] Ten states specifically remove life prisoners from the class of those eligible to parole.[2] In eleven states murderers may not be paroled.[3] Twelve states prohibit the parole of old offenders. Those serving their second terms may not be paroled in seven;[4] while third termers are excluded from parole in five states.[5] Other offenses which, under the law, remove the prisoner from the parolable group are: Rape in Delaware, Georgia, Michigan and New Jersey; arson in New Jersey and Georgia; sodomy and the selling of drugs in Delaware, and criminal syndicalism in South Dakota. Michigan will not parole prisoners who have been guilty of bribery or corruption in public office. Those suffering from venereal disease are denied this conditional release in Iowa, while Colorado and Wyoming refuse parole to convicts who have committed armed assault while in the penitentiary. To this list must be added Connecticut's denial of the parole right to tramps. In eighteen states the laws specifically provide for the parole of life prisoners;[6] also in Louisiana if the life sentence is commuted by the Governor.

Who Exercises Parole Authority?

The authority to grant release on parole is exercised by various officials or bodies in the several states. In many places this right is regarded as an extension of executive clemency and the power is vested in the Governor or Board of Pardons. Other states have

[1] Alabama, Arizona, Georgia, Iowa, Indiana, Idaho, Kansas, Minnesota, Nebraska, Ohio, South Dakota.

[2] Colorado, Connecticut, Georgia, Idaho, Iowa, Louisiana, South Carolina, Wyoming, West Virginia, Washington.

[3] Indiana, Idaho, Iowa, Kansas, Michigan, Minnesota, North Dakota, New Jersey, Ohio, South Dakota, Washington.

[4] Connecticut, Idaho, Montana, New Jersey, Nevada, North Dakota, Washington.

[5] Kansas, Michigan, Maine, New Mexico, West Virginia.

[6] California, Delaware, Georgia, Illinois, Kentucky, Michigan, Minnesota, Montana, Nevada, New York, New Mexico, North Dakota, Rhode Island, South Dakota, Tennessee, Wisconsin, Utah.

placed the responsibility upon already existing administrative agencies charged with the management of correctional or charitable institutions. A few states have given the parole power to the officials of the penal institutions, while many more have created new agencies to fulfill this function.

Parole is the exclusive prerogative of the Governor in five states.[1] Two states, Arizona and Montana, place the authority to parole in the hands of other officials who can act only upon the Governor's recommendation. On the other hand, five states provide that the Governor shall have the power to parole but shall exercise it only upon the advice of other authorities.[2] In seven other states the parole power of the chief executive is not exclusive but is shared with other administrative agencies.[3] Six other commonwealths require the Governor's signature for the validation of parole orders.[4]

Parole is often placed legally in the category of executive clemency. This is shown by the fact that seventeen states provide identical procedure for the handling of pardons and of paroles.[5] Eight states give to their Boards of Pardons, generally ex-officio agencies created to pass on applications for clemency, final authority in the matter of parole.[6] In Arizona this body comprises the Superintendent of Public Instruction, the Attorney General and three other members selected by these two. In Florida its members are the Governor, Secretary of State, Comptroller, Attorney General, and Commissioner of Agriculture. The Boards in Idaho and Nebraska consist of the Governor, Attorney General and Secretary of State. The Boards in Nevada, North Dakota and Utah, in addition to the Governor and Attorney General, include in their membership justices of the Supreme Court, one in North Dakota, all five in Utah. In Alabama also the Board of Pardons passes on applications for parole, but here they merely recommend action to the Governor in whose hands final authority is placed. Some of those states in which the parole and pardon power is placed in different hands require that the paroling au-

[1] Colorado, Oklahoma, Vermont, West Virginia, Wyoming.

[2] Maryland, Missouri, North Carolina, Oregon, South Dakota.

[3] Alabama, Georgia, Michigan, New Hampshire, Tennessee, Texas, Washington.

[4] Arkansas, Florida, Kansas, New Mexico, South Carolina, Wisconsin.

[5] Alabama, Arizona, Arkansas, Colorado, Florida, Idaho, Missouri, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, Utah, Vermont, West Virginia, Wyoming.

[6] Arizona, Florida, Idaho, Nebraska, Nevada, North Dakota, Utah, South Carolina.

thorities shall investigate applications for pardons and recommend action upon them to the executive. This provision is made in seven states.[1]

Fourteen states have, in their laws, placed the responsibility for parole decisions on state agencies already in existence. In nine of these states such administrative bodies are given final parole authority.[2] The body vested with this authority is the State Board of Prison Commissioners in Tennessee, Texas, Maine and Montana, the Board of Prison Directors in California, the State Board of Penitentiary Commissioners in Connecticut, the Board of Charities and Corrections in Arkansas and Kentucky and the Department of Public Welfare in Illinois. In each case these are administrative agencies, the officials of which are appointed by the Governor of the state. The five other states which charge existing state agencies with the parole function give to them merely the authority to recommend parole action.[3] This duty is charged to the State Prison Boards in Kansas, Missouri, and New Mexico, to the Prison Commission in Georgia, and in Wisconsin to the State Board of Control.

Indiana is the only state which places the final parole authority in the hands of the administrators of all of its institutions. Parole autonomy, however, is granted to specific institutions in other states. Such power is given the managers of reformatories in Connecticut, California, Kansas and New York and, curiously, to the Board of the State Prison, but not to the reformatory in New Jersey. In Washington the managing board of the reformatory and the warden of the penitentiary are given the power to act jointly in parole matters with the State Board of Control. In New Hampshire the prison trustees pass on parole applications but have authority only to recommend action to the Governor and his council.

Boards of Parole

Only twelve states have, by statute, created new agencies which are exclusively charged with the administration of the parole laws. The majority of these commonwealths have provided for the creation of Boards of Parole. Eight states have given to such boards

[1] Arizona, Iowa, Illinois, Massachusetts, Michigan, New York, Ohio.

[2] Arkansas, California, Connecticut, Illinois, Kentucky, Maine, Montana, Tennessee, Texas.

[3] Georgia, Kansas, Missouri, New Mexico, Wisconsin.

final authority in parole matters.[1] In Oregon the Board of Parole has authority only to recommend action to the Governor. The composition of these boards varies from state to state. Generally, the power of appointment is placed in the hands of the Governor. In Delaware, however, the board consists of three members who are appointed by the state's Supreme Court. The boards in Iowa and Louisiana also consist of three citizens, but appointment here is in the hands of the chief executive. In Rhode Island the board consists of the Governor, Attorney General, warden, the agent of the State Department of Charities and Corrections and three other citizens appointed by the Governor. Ex-officio members also have places on the boards of Massachusetts, Minnesota, New York and Oregon. In the last state, the board consists of the secretary to the Governor and two other gubernatorial appointees. The Ohio Board of Clemency consists of two members of different party affiliations who are appointed by the Director of Public Welfare subject to the Governor's approval. The New York Board of Parole is composed of the Superintendent of State Prisons and two executive appointees. On the Massachusetts board there sit two members appointed by the Governor and the deputy commissioner of the Department of Correction who is in charge of the supervision of prisoners on parole. This member is an appointee of the State Commissioner of Correction and serves on the board ex-officio.

The most ingenious arrangement provided in the law of any state is that which obtains in Minnesota. Here the board consists of five members. Its chairman is that member of the State Board of Control who has served for the longest time on that body. The Board of Control is charged with the administration of all the state's penal institutions. The warden of the State Prison, the superintendent of the Reformatory for Men and the superintendent of the Reformatory for Women are all members of the Parole Board. Each of them, however, acts only on the parole of prisoners in his own institution. In this way a compromise is affected between the desire to establish uniform standards through the medium of centralization and the desire to leave some parole authority with the administrator of the institution itself because of his more intimate knowledge of the cases under consideration. The other member of the board is a citizen appointed by the Governor who gives a portion of his time to its work.

[1] Delaware, Iowa, Louisiana, Massachusetts, Minnesota, Ohio, New York, Rhode Island.

Three states, only, have by statute created individual officers to handle parole decisions. In each case this official is an appointee of the Governor. He is required to recommend parole action to his superior. In no case is he given final authority in the matter. In Michigan this officer is called the Commissioner of Pardons and Paroles; in Maryland, the Parole Commissioner, and in North Carolina, the Commissioner of Pardons.

There is an occasional provision to be found in the laws governing the qualifications of individuals specifically charged with these parole functions. Such provisions are, however, vague and have little significance. Similarly, the compensation of these officers is rarely specified by statute. In the laws of Rhode Island and Oregon, however, it is laid down that they shall receive no pay for their services. Delaware, Iowa and Louisiana allow the members of their Parole Boards ten dollars a day while in session in addition to their necessary expenses. In Minnesota, the citizen member receives fifteen dollars a day, the other members are ex-officio. The two appointive members in New York are paid $3,600 each. The Ohio law provides that the two members of its Board of Clemency shall receive $4,500 per year each. The individual commissioners provided for in the laws mentioned above receive respectively $2,500 in Maryland, $4,000 in North Carolina and $5,000 in Michigan.

Time at Which Parole May Be Granted

Nearly every state which permits the parole of prisoners from its penal institutions makes a specific statutory provision governing the time at which such release is permissible. In three states, Louisiana, Massachusetts and New Hampshire, the law compels release at the expiration of the minimum term for those convicts who have maintained good prison records. More often, however, parole at the minimum is made optional with the paroling authorities. Such provision is made for all prisoners in sixteen states;[1] for those given indefinite sentences in four other states;[2] for those sentenced to the prison in Indiana and to the reformatory in Colorado. Eight states have provided that parole shall take place at the expiration of the minimum term or at some other period,

[1] Arkansas, Alabama, Colorado, Georgia, Kansas, Maine, Minnesota, Michigan, Nebraska, North Carolina, North Dakota, New Mexico, Ohio, Tennessee, West Virginia, Wyoming.

[2] Arizona, Kentucky, South Dakota, Tennessee.

as follows: Connecticut, after one-half of a definite sentence; Idaho and Illinois, after one-third of a definite term; South Dakota, after three-fourths of a definite term or at any time by the Governor; South Carolina, after the service of at least one year; Washington, by the Governor after at least one year's service; New York, after at least one year or after one-half of the maximum term in the case of first offenders whose minimum has been fixed at more than that amount. In Wisconsin first offenders may be paroled at the minimum and others at one-half of the maximum.

In a few cases, parole is permissible at any time. This is true in Iowa, Oklahoma, Utah and Vermont. It applies to gubernatorial paroles in Alabama, to the parole of those sentenced for definite terms in Arizona and to first offenders less than twenty years of age in Oregon. The provision also holds in the reformatories of Indiana, Massachusetts, New Jersey, New York and Wisconsin. Some states have fixed a definite period of time after which parole is permissible. This is placed at six months in North Dakota and at one year for first offenders in California and Nevada. Four states permit parole before the minimum term is served. Prisoners may be paroled in Louisiana after one-fourth of their minimum terms or a period of at least one year. Those given indefinite sentences in Montana may be paroled after one-half of the minimum and any prisoner in New Hampshire or in Massachusetts may be so released after he has served two-thirds of his minimum term. In Maryland parole may take place after one-third of the full term has been served. Eight other states provide for parole after the expiration of half of the full sentence. This provision holds for prisoners given definite sentences in Montana and South Dakota, for those sentenced for less than ten years in Kentucky, for first offenders more than twenty years of age in Oregon, for inmates of the prisons alone in New Jersey and Wisconsin and for all prisoners in Rhode Island and Delaware. Other provisions, more exceptional, governing the time of parole are the stipulations of California that old offenders may be paroled after serving two years, of Rhode Island that habitual criminals are eligible after the expiration of five years of a twenty-five year sentence, of Montana that any prisoner except a lifer may be paroled in twelve and a half years and Kentucky's law permitting the parole of prisoners sentenced for more than ten and less than twenty-one years after serving six years and of prisoners sentenced to more than twenty-one years after serving eight of this time.

Parole of Life-Termers

Various provisions are made governing the time at which prisoners sentenced for life may be granted release on parole in those states which permit such liberation. Life prisoners may be paroled in seven years in California and Nevada, in eight years in Kentucky, in ten years in Georgia and New York and in fifteen years in Delaware, New Jersey and Utah. The New York statute excludes those guility of murder from its operation, while that of Utah is specifically designed to apply to them. In Illinois life prisoners may be paroled in twenty years, in Michigan and Tennessee in twenty-five years, in Wisconsin in thirty and in Minnesota in thirty-five, all of these periods being subject to reduction by the automatic operation of good time laws. Life prisoners may be paroled in twenty years in Rhode Island and in twenty-five years in Montana but, in each case, only by the unanimous vote of the paroling authorities. If a life sentence in Louisiana is commuted, the prisoner may be paroled after the expiration of one-third of the time named in the commutation. North Dakota has an exceptional and interesting provision which makes first degree murderers eligible for parole after the expiration of one-half of their life expectancy at the time of commitment and directs the manner in which this time is to be computed.

Information Required for Parole

Intelligent parole selection must be based upon adequate information. Few of the laws, however, make detailed provision for supplying the paroling authorities with data on the cases on which they must pass. The most usual provision is that the judge, the state's attorney and the clerk of the court, or some one or two of them, shall send to the penitentiary or to the parole authorities a statement of the terms of the sentence, the criminal history of the prisoner and a description of the particular offense for which he was committed. Such requirement is made in the laws of twenty states.[1] In Idaho it is provided that this communication must outline the industrial career, associates and character of the man committed. In Delaware and Rhode Island the provision is simply that all officers must give information on request as to the

[1] Arkansas, Arizona, California, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Missouri, Nebraska, Nevada, New York, North Dakota, Oregon, South Dakota, Utah, West Virginia.

character and history of the prisoner. Louisiana and Tennessee simply authorize the board to inquire into the prisoner's past history. In Kentucky and Michigan provision is made that the board may specify the records which are to be kept on cases in the courts and in the penal institutions. Some states specify the records which must be kept within the institution by law. In South Carolina these officials are required "to keep a fair, accurate and complete record of the industry, obedience, disposition, habits and deportment of the prisoner." Alabama requires a record stating the inmate's demeanor, education and labor. Similar requirements are made in ten other states.[1] In three of these the nature of the record is specified in greater detail. The New York law requires a biographical sketch of each prisoner covering such items as may indicate the causes of his criminal character. Ohio requires a record of facts as to parentage and early social influences which might indicate the constitutional and acquired defects and tendencies of each prisoner, notes of observed improvement or deterioration of character and any facts of personal history officially brought to the knowledge of the managers. The statute of Illinois is the most complete in this particular, requiring the Department of Public Welfare to cause the prisoner's nativity, nationality, education, occupation and early social influences to be recorded in order to indicate his constitutional and acquired defects and tendencies so that a plan of treatment may be based upon them. Detailed requirements for physical examinations are laid down and provision is made for a record of improvement or deterioration of character and the method of treatment employed with the prisoner. No state law requires the preparation of psychological or psychiatric examinations and social case histories for use in the paroling of state prisoners.

Pre-requisites of Parole

Various requirements are set up in the statutes as a prior condition of parole. A frequent requirement is that the committing judge must be notified before parole is granted. This provision is made in Kansas, Michigan, North Dakota, Nebraska and Wisconsin. In the last state named the law compels a specific recommendation from the bench. Notice must be sent to the district attorney in Ohio, Nebraska and Wisconsin, to the local police in

[1] Arizona, Indiana, Illinois, Kansas, Nebraska, New York, North Carolina, Ohio, South Dakota and Texas.

Michigan, to the sheriff in Nebraska and Idaho. Three states specify that a parole must have the approval of the warden to be valid. This is the case in Idaho, North Dakota and Ohio. In the last state named the chaplain of the institution must also approve the parole. Institutional authorities, however, participate in parole in other states than these through representation on Parole Boards, as has been already pointed out. At least seven states provide for the development of a system of marks or credits to be used as a basis for release on parole.[1] Similar provision is made for the reformatories in Connecticut and Washington.

The most usual provision laid down as a pre-requisite for the parole of a prisoner is that the authorities must be assured that he has employment awaiting him on his release. Nineteen states have this provision.[2] In seven of the states the requirement is also made that the prisoner shall be assured a "suitable home, free from criminal influences."[3] Kentucky and Iowa require assurance that the paroled prisoner shall not become a public charge. In Rhode Island, Maine and Michigan the parolee is required to have a first friend and adviser. Michigan provides that this office cannot be filled by a relative. New Jersey makes a similar requirement for prisoners paroled outside the state. Five states make it possible for the authorities granting parole to require a bond. Arkansas specifies that this shall not exceed one hundred dollars. In Arkansas, Maine and Michigan this pledge may be required of the first friend or adviser, in Oregon and North Dakota of the prisoner himself. The purpose of the bond is to cover the expense of the state in returning a man to custody in the event that he violates his parole.

Beyond these provisions the rules that are laid down to state when the authorities may and may not release prisoners on parole are vague and indefinite. Convicts may be released in Georgia and in Ohio when the authorities are satisfied that such release "will not be incompatible with the welfare of society." The Governor of South Dakota may parole a prisoner when "satisfied that (he) has been confined in the penitentiary for a sufficient length of time to accomplish his reformation—and may be temporarily

[1] Georgia, Idaho, Kentucky, Louisiana, Minnesota, New York, South Carolina.

[2] Arizona, Arkansas, Connecticut, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Nebraska, New Mexico, North Dakota, Rhode Island, South Carolina, South Dakota, Wisconsin.

[3] Arkansas, Georgia, Idaho, Illinois, Kansas, Nebraska, New Mexico.

released without danger to society." The Rhode Island Board may parole an inmate when "it shall appear . . . that (he) has shown a disposition to reform." In South Carolina the authorities may parole when convinced "that the prisoner has shown a disposition to reform; that in the future he will probably obey the law and lead a correct life; that the interests of society will not be impaired thereby." The Wisconsin Board of Control must be satisfied that the parolee "will be law-abiding, temperate, honest and industrious." In Massachusetts it must seem that the prisoner "is likely to lead an orderly life." Six other states have provisions similar to that of Pennsylvania permitting the release of a prisoner when there is a "reasonable probability" that he "will live and remain at liberty without violating the law."[1] The effect of such provisions is, of course, to make parole selection a matter of judgment by the agencies charged with this function.

Parole Rules

The rules governing prisoners on parole are rarely stated in the law. Twelve states require written reports of parolees by statute. In Montana these reports are to be submitted once in three months, in Oregon and Maine at stated intervals. Monthly reports are required in the other nine states.[2] In Illinois the law specifies only that these reports must be submitted by those paroled outside the state. In Michigan the law requires the parolee to report on his employment, earnings, spendings, and address; in South Dakota, on his occupation, location, condition and employment. In South Carolina the parolee must report to the sheriff on his work, earnings and expenditures and on "what reading and study he has done."

Details as to parole conduct are found only in the laws of three states. A parolee in New Mexico must be a total abstainer. In South Carolina he shall keep at work and shall not associate with bad company or frequent questionable places. In South Dakota "such convict shall abstain from the use of intoxicating liquors and shall not frequent places where intoxicating liquors are sold or drunk. He shall not engage in any form of gambling or frequent places or company where gambling is done. He shall abstain from criminal, vicious, lewd or unworthy associations while so paroled."

[1] Alabama, Arizona, Indiana, New Hampshire, New York, Washington.

[2] Arkansas, Illinois, Nevada, New Hampshire, North Carolina, Michigan, South Carolina, South Dakota, Wisconsin.

Most states satisfy themselves with the provision that those granting the parole shall fix the conditions governing its observance. This is the case in twenty-nine states.[1] In five other states this responsibility is placed upon the Governor,[2] and in Maryland jointly with the Parole Commissioner. In Colorado and Wyoming where the Governors have the right to parole, conditions of parole are laid down respectively by the penitentiary commissioners and the Board of Charities and Reform.

Occasional provisions are written in the law for the protection of the prisoner during his parole period. In Arkansas and South Dakota all officers must keep secret the parolee's real status. In South Carolina the provision is made that any person consciously circulating a false report that a prisoner has violated his parole shall be guilty of a misdemeanor punishable by one year's imprisonment or a fine of one thousand dollars. The statute of Oregon goes even further, stipulating that "any person who knowingly and wilfully communicates to another either orally or in writing any statement concerning any person" on parole "with the purpose and intent to deprive (him) of employment or to prevent him from procuring same, or with the purpose and intent to extort from him any money or article of value" is guilty of a misdemeanor punishable by six month's imprisonment or a fine of one hundred dollars or both.

Supervision

Although forty-six states make legal provision for the parole of prisoners, a comparatively small number of them require by statute that these parolees be supervised during the period of their conditional liberation. Supervision, to be sure, is exercised in some states which do not specifically direct it by statute while in other states which have written it into the law, it is more or less perfunctory. The statutes of five states simply contain provision that the paroling authority or some other official must "keep in communication" with the prisoner and with his employer.[3] Arkansas and South Carolina, in addition to this, require the sheriffs to receive

[1] Arkansas, California, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington.

[2] Alabama, Missouri, Michigan, Oklahoma, West Virginia.

[3] Georgia, Kansas, Kentucky, Illinois, New Mexico.

parolee reports. A similar provision is made in Idaho. In Utah and Wyoming the law merely places the parolee under the jurisdiction, respectively, of the warden of the prison and the State Board of Charities and Reform. Only seventeen states make specific statutory provision for the employment of parole officers to do supervisory work.[1] Tennessee, Oregon and Nebraska require these officers to "keep in communication" with prisoners on parole. In Ohio, the parole officers, who are not responsible to the Board of Clemency but to the institutions themselves, are required to "look after the welfare" of parolees. Delaware and New York require their parole officers to visit and supervise parolees, to assist them and help them get work. The latter requirement is also stipulated in the laws of Massachusetss, Minnesota and Indiana. The parole officer in Louisiana is required to investigate complaints against prisoners on parole and enforce the rules of conduct governing their liberty, while the four parole officers authorized by the laws of Maryland are required to "supervise the life and conduct" of prisoners on parole. The law in South Dakota provides that it shall be the duty of the parole officer to secure "employment and homes for all prisoners discharged on parole from the penitentiary and training school, and by his counsel and encouragement aid in their reformation. He shall have and exercise a constant supervision over such paroled persons and make reports as to their employment, conduct (and) the observance of the conditions of their parole." Little idea as to the actual nature of the parole work which is being done in the country may be gained from these statutes.

Length of Parole Period

Variety exists in the provisions made as to the length of the parole period as in every other feature of the parole laws. The most usual arrangement is that prisoners shall remain on parole until the expiration of the maximum sentence. This obtains in twenty-three states.[2] Discharge from parole may be given at any time from the reformatories of California, Indiana, and New Jersey

[1] California, Delaware, Louisiana, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, New York, North Dakota, Ohio, Oregon, South Dakota, Texas, Tennessee, Washington, Indiana.

[2] Alabama, California, Colorado, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Massachusetts, Montana, Nevada, New Hampshire, New York, North Carolina, North Dakota, New Jersey, Ohio, Oregon, Rhode Island, South Carolina, West Virginia, Wisconsin, Wyoming.

and for all institutions in seven other states.[1] The statutes of six states[2] specify a minimum parole period of six months, while one year is laid down as the minimum period of four others.[3] South Dakota stipulates that life prisoners shall remain on parole at least five years before being discharged. In Maine and in Michigan the time of final discharge is fixed when the prisoner is granted his parole but it is in no case to exceed four years. At the expiration of this time discharge is automatic. The paroling authorities themselves are given the power to discharge prisoners from parole in the reformatories of California and Connecticut and in all the institutions of six other states.[4] A more usual provision is that an executive pardon shall be extended to parolees through some regular channel, often by the recommendation of the parole body to the Governor. This arrangement is made by the statutes of thirteen states.[5] In New Mexico the parole authorities recommend discharge to the trial judge who in turn makes his recommendation to the Governor.

Parole Violation

Little light is given by the statutes as to the offenses which are regarded as a violation of a prisoner's parole right entailing his return to the institution. Five states[6] provide that a violation of the rules or conditions of parole shall entail a return. Another provision is that those who lapse into criminal ways shall be regarded as violators. This obtains in five states.[7] Violators of parole in North Carolina are those who fail to report; in Massachusetts, those who violate the law; in New Hampshire, those who fall among criminal companions. South Dakota provides that a prisoner shall be regarded as a parole violator if he exhibits himself "in any museum, circus, theatre, opera house or other place of public amusement or assembly where a charge for admission is made." A similar provision appears in the laws of Wisconsin.

The rearrest of a violator is generally upon the written order

[1] Arizona, Louisiana, Maryland, Minnesota, Tennessee, Utah, Vermont.

[2] Arkansas, Idaho, Illinois, Kansas, Nebraska, New Mexico.

[3] Georgia, Iowa, Texas, Washington.

[4] Illinois, Indiana, Louisiana, Minnesota, New Jersey, New York.

[5] Arizona, Arkansas, Georgia, Idaho, Iowa, Kansas, Nebraska, New Mexico, Oregon, Tennessee, Texas, Utah, Washington.

[6] Alabama, Idaho, Kansas, Louisiana, South Dakota.

[7] Alabama, Arizona, Indiana, New York, Texas.

of the paroling authorities, which order is to have the force of a warrant. This arrangement is specifically provided in twenty-four states[1] The Governor's order constitutes a warrant for arrest in seven other states.[2] In seven states the warden of the penitentiary may issue such an order.[3] In North Dakota the order is made by the penitentiary Board of Trustees; in Connecticut by the clerk of courts. Any parole officer has the right to arrest without a warrant in Louisiana and Maryland.

Generally, no specific provision is made for giving the returned violator a hearing although this may be done as an administrative matter. Such a hearing is required by law, however, before the parole authorities in nine states[4] and before the courts in New Hampshire and Louisiana.

The penalty which is to be incurred by the prisoner who has violated his parole is stipulated in many states. Ten statutes simply direct his return to the prison without specifying the length of time he must be held there.[5] Eleven other states require that the prisoner shall serve the rest of his term, the full amount in the case of a definite term; the maximum of an indefinite period.[6] Fifteen states specifically provide that the time a prisoner has spent on parole shall not be regarded as a part of his sentence and that he shall be held to serve its complete requirement.[7] In Georgia such service is optional with the parole authorities. In Louisiana, the law stipulates that it shall be subject to commutation for good behavior. The laws of Delaware make the violation of parole a misdemeanor punishable by an additional year of imprisonment. If parolees in Iowa and Nebraska leave the section to which they have been paroled or go out of the state, they are

[1] Arizona, Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Indiana, Idaho, Iowa, Kentucky, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New York, North Carolina, Ohio, Tennessee, Texas, Wisconsin, Utah.

[2] Oklahoma, Oregon, Rhode Island, South Dakota, Washington, West Virginia, Wyoming.

[3] Alabama, Arizona, Illinois, Kansas, Maine, Michigan, New Mexico.

[4] Alabama, Arizona, California, Delaware, Indiana, Michigan, New York, Rhode Island, Texas.

[5] Arkansas, California, Illinois, Kentucky, Montana, Nevada, North Dakota, Tennessee, Washington, Wisconsin.

[6] Alabama, Arizona, Indiana, Kansas, Louisiana, Maine, North Carolina, New York, Rhode Island, South Dakota, Texas.

[7] Connecticut, Colorado, Delaware, Georgia, Idaho, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Nebraska, New Hampshire, New Mexico, Ohio, Wyoming.

guilty of the crime of escaping and may be punished by the addition of as much as five years to the term of their original sentences.

The foregoing paragraphs outline the provisions which the legislatures of forty-five states have made to govern the parole of their prisoners. In themselves they tell us little about the grounds upon which parole selection is actually made or the supervisory activities of any of the parole departments. These are matters which will be discussed in the following chapters.[1]

[1] The Federal government has also made provision for the parole of its prisoners. (Public, No. 269; S. 870; Approved June 25, 1910.) The National Board of Parole consists of the superintendent of prisons in the Department of Justice and the warden and physician acting for each prison. It may parole any prisoner who has served a third of his term (life prisoners after fifteen years) if there is "a reasonable probability" that he "will live and remain at liberty without violating the laws," subject to the approval of the Attorney General. Provision is made for a parole officer at each penitentiary, to receive not more than $1500 annually, to aid parolees in securing employment and to "visit and exercise supervision over them." The Board fixes the conditions of parole, which must include periodical reports and specified limits as to residence. Those who violate these conditions may be re-arrested on the warrant of the warden or the board and re-imprisoned after they have been granted a hearing. They must then serve the remainder of their sentences with no allowance for the time spent on parole.

CHAPTER 11

PAROLE SELECTION IN OTHER STATES[1]

An examination of the policy pursued by various boards of parole reveals that the practice ranges all the way from nearly automatic release in some states to a practical refusal to grant any paroles in others. In Arizona, New Mexico, Wyoming and Vermont, practically all prisoners who have good institutional records are paroled as soon as they become eligible under the law. The authorities in several other states pursue a policy which is nearly as liberal. The Board of Parole for the State Prisons of New York has recently liberated from 86 per cent. to 97 per cent. of those applying for release under indefinite sentences. In Maine 90 per cent., in Montana 80 per cent., in Kentucky and in Indiana 75 per cent. and in Oregon 66 per cent. of the prisoners are released on parole as soon as they become eligible. Other parole boards, as has been stated, go to the opposite extreme. In North Carolina only 10 per cent. of the applications for clemency receive favorable action, half of these being pardoned and the other half released on parole. Kansas and Iowa parole only 15 per cent. of those legally eligible. The Illinois Board of Parole at its meetings during the summer of 1926, released at the minimum only 14 per cent. of those who made application at the Joliet Penitentiary and 8 per cent. of those who applied at the Pontiac Reformatory. The authorities in South Dakota report paroles are rarely granted and the warden of the State Penitentiary in Oklahoma writes that "the recent Governor was impeached primarily for abusing the pardon and parole privilege by granting too much clemency."[2]

The Governor of Missouri, under the law of that state, has exclusive power to parole prisoners from its penitentiary. In 1915

[1] The material descriptive of parole practice in other states contained in Chapters 11 to 14, inclusive, is based upon personal interviews and trips of inspection, letters from parole officials, unpublished manuscripts and reports, published reports and a few periodical articles. A complete and detailed list of sources, by states, is given in the Bibliography.

[2] Letter from Warden W. S. Key, Dec. 4, 1926.

over 30 per cent. of the state's prisoners were released in this way. The present incumbent, however, has been very sparing in his exercise of this right, cutting the percentage of parole releases to 2.11 per cent. in 1925 and granting 140 outright discharges for each parole signed. This policy has come in for severe criticism at the hands of the Missouri Association for Criminal Justice which contends that the state

"has progressively cut down on its work for released prisoners in the face of an increasing crime wave."

This body in its recent report goes on to say that:

"If the present crime problem is to be faced intelligently and effectively, practically all releases from the penitentiary should be made paroles so that the institution might aid and supervise offenders and keep its control over them up to the expiration of their sentence."[1]

Those charged with responsibility for parole selection in most states, however, generally steer a course between these two extremes, some leaning toward one, some toward the other. In California 25 per cent., in Maryland, Louisiana and West Virginia 30 per cent. and in Rhode Island 45 per cent. of the prisoners are granted conditional release when they become legally eligible for it. In Ohio, in the years ending June 30, 1924 and 1925, the Board of Clemency granted parole to 60 per cent. and 63 per cent. respectively of those who were eligible. Michigan reports 57 per cent. of releases and the figures for Wisconsin in the biennium 1922 to 1924 show 35 per cent. of releases at the penitentiary and 46½ per cent. at the reformatory. In Massachusetts the law requires the Board to parole all state prison inmates who have good conduct records at the minimum term fixed by the court. In its discretion, however, it may release other prisoners when they have served two-thirds of this period. The Board released 23 per cent. of those so eligible in the year ending September 30, 1923, 35½ per cent. in 1924 and 33-1/3 per cent. in 1925.

In Minnesota, prisoners are rarely paroled when they make their first applications. In the biennium 1920 to 1922 only 11.25 per cent. were released in this way and in 1922 to 1924 only 12.2 per cent. The fact that the State Prison at Stillwater is made more than self-supporting by its well developed industries may, in a measure, explain this policy. The general feeling that the Minnesota Board was unduly severe in its action led the legislature of that state to amend the parole law in 1917 so that courts

[1] "The Missouri Crime Survey," pages 502-503.

might, within their discretion, name lower maximum terms than those specified by statute. The operation of this amendment has led in many cases to very short maximum sentences and the Board of Parole has recommended its repeal at each succeeding session.

The figures just recited seem to indicate that, with the exception of New York, the parole authorities of most American commonwealths are pursuing a more stringent policy with regard to conditional release than are those in Pennsylvania. This conclusion must be qualified, however, by the fact that laws governing the time at which prisoners are eligible for parole vary in the different states. In states whose laws specify minimum terms of a few months for nearly all offenses and in states which permit parole at the expiration of a year's imprisonment, the refusal of parole authorities to liberate the vast majority of those eligible at this time does not indicate a policy of undue severity. On the other hand, in those states where minimum terms may be fixed close to the maximum limits of sentence, a far more liberal policy of release cannot be condemned as scandalously lax or lenient. Within these limitations, however, it is still true that Pennsylvania's present policy governing liberation on parole is a comparatively generous one.

Unless parole authorities adopt one of the two simple expedients of granting or denying all applications for parole, they are faced with a difficult problem. Large numbers of prisoners who are legally eligible for conditional release are regularly applying for this privilege. The board will grant some of these requests. Others it will refuse. Upon what basis will these decisions be made? How are the sheep to be separated from the goats? An effort was made to determine what considerations weighed most heavily with paroling authorities throughout the country. The generalizations which follow are based upon personal interviews, extensive correspondence, printed rules of parole boards and statements made in their reports and by their members. The results may not present an entirely accurate picture of the factors determining parole decisions. This does not indicate a lack of candor on the part of paroling authorities, for they may be influenced by forces of which they themselves are not aware. With this qualification there will be outlined those factors which are of greatest significance in parole decisions.

Prison Conduct

The prime requisite for parole in nearly every state is a good prison record. At least five states,[1] and the Federal Government will not parole a prisoner who has been charged with misconduct within the institution for a certain number of months prior to his application. Ten other states report that the prisoner's institutional record is practically conclusive in determining his chances for parole.[2] Eleven other commonwealths state that this factor is given considerable weight.[3] In eighteen states, paroling authorities, under the provisions of the law or in accordance with the regular procedure which they have adopted, receive the positive recommendations of prison officials concerning every application for parole.[4]

When parole is granted or refused largely on the basis of institutional behavior a powerful club is placed in the hands of the prison administrator for use in compelling internal discipline. It has often been argued, however, that undue weight is placed upon this particular consideration by many paroling authorities. A student of the system in Wisconsin states that men receive adverse conduct reports, and consequently lose their chance of parole, for "looking at visitors, speaking in silent hours, not being at the door of the cell in time for roll call," and she questions whether the fulfillment of such requirements would adequately qualify any prisoner for parole.[5] Charles E. Vasaly, who was once chairman of the Board of Parole in Minnesota, asserts that "good conduct * * * does not necessarily mean repentance or reformation. It may mean simply a * * * knowledge that to obey the rules is pleasanter and makes life easier." He would not, however, exclude this item of individual behavior from consideration for he believes that those guilty of continuous institutional misbehavior will probably be unable to get on in the outer world, while those who possess self-control can, if they de-

[1] California, Indiana, North Dakota, Ohio, Wisconsin.

[2] Arkansas, Delaware, Idaho, Maine, Maryland, North Carolina, New Mexico, Rhode Island, West Virginia, Wyoming.

[3] Arizona, Connecticut, Florida, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Nebraska, New York, Vermont.

[4] This is true in Arizona, California, Delaware, Idaho, Indiana, Kansas, Maryland, Massachusetts, Michigan, Montana, Nevada, Ohio, Oklahoma, Oregon, Washington, West Virginia, Wisconsin, Wyoming.

[5] Witmer, Helen L., "Adult Parole with Special Reference to Wisconsin," unpublished manuscript, page 117.

sire, live at peace in the community and he concludes that "conduct in the institution is a vital and important element (that) must be considered with reference to the personality of the man."[1] The prisoner's ability to obey disciplinary rules generally is, and probably should be, considered as one item in his behavior upon which the parole decision is based. It would seem, however, that those parole authorities who allow their decision to turn entirely on this point are doing a rather careless job of selection.

Nature of the Crime

A second factor which receives serious consideration in nearly every parole application is the nature of the offense which the prisoner has committed and the circumstances which surround it. Sixteen states indicate that this factor weighs heavily.[2] In many cases those guilty of particular offenses receive scant consideration when applying for parole. The authorities in Kansas do not favor the release of bankers who have wrecked their banks. The Massachusetts Board will not generally parole prisoners guilty of rape, arson, armed robbery or those who have received short sentences for driving while intoxicated. Many other paroling authorities adhere to the legal notion of making the punishment fit the crime rather than the criminal and exercise exceptional severity when they deal with those guilty of certain types of offenses. Although these boards invariably assert that they will not retry the prisoner's case when he appears for parole, it is almost inevitable that they will frequently do so. There is a natural tendency to deal more leniently with those who have been treated by the courts with undue severity and to view with disfavor the applications of those who have been lightly sentenced. In Minnesota, for instance, there is a wide margin between the maximum and minimum terms of sentence prescribed by law and the Board of Parole considers that its principal function is to regulate all sentences by fixing the time at which parole release is to be granted. Parole boards which solve their problem by releasing those guilty of certain crimes and refusing release to those who have committed others are simplifying their task at the expense of the offender and the community to which he will eventually be returned. This does not mean, however, that the crime which

[1] Vasaly, Chas. E., "The Basis of Parole," page 7.

[2] They are Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Maryland, Nebraska, North Dakota, Ohio, South Dakota, Vermont, Washington and Wisconsin.

has been committed should receive no consideration in arriving at a parole decision, for the nature of a prisoner's offense and the circumstances which surrounded it will often afford an index to his character which will indicate the degree of safety with which he may be released.

Previous Record

A third item which generally receives serious consideration is the prisoner's past criminal record. In at least eight states confirmed or habitual offenders are not paroled.[1] Thirteen others report that the applicant's criminal record is given great weight.[2] Some parole boards are guided in large measure by the faithfulness with which prisoners previously paroled fulfilled the conditions of their release, refusing to reparole former violators. The opinion is expressed in some quarters that recidivists should never be paroled. Other authorities feel that habitual and professional criminals should be permanently incarcerated and that, where the law does not permit this, they should always be released under parole conditions and subjected to the longest possible period of supervision. Still other administrators, however, believe that old offenders are, in many cases, good parole risks who decide, after a third, fourth and fifth term of imprisonment, to behave themselves for the rest of their days. The applicant's criminal record, therefore, while variously interpreted by different boards of parole is rarely ignored.

Outside Opinions

In many states provisions are made either by statute or through the rules of parole boards to procure the opinions of various persons on parole applications. In at least seven states,[3] parole applications are announced in newspapers so that individuals who desire to appear for or against release may be given that opportunity. This practice has probably been taken over from the earlier procedure in requiring public notice in connection with applications for absolute pardons. California requires a state-

[1] Connecticut, Idaho, Kentucky, Maryland, Massachusetts, Minnesota, New Mexico, Wyoming.

[2] Arizona, Delaware, Iowa, Indiana, Kansas, Louisiana, Michigan, Nebraska, Ohio, South Dakota, Washington, Wisconsin, Vermont.

[3] Alabama, California, Florida, Nebraska, North Carolina, Ohio, West Virginia.

ment from the sheriff or chief of police located in the district where the prisoner's offense was committed. In many states the parole authorities are provided with statements by the prosecuting attorneys.[1] The opinion of the committing judge is procured and considered in many cases.[2] In Minnesota no paroles are given over the adverse recommendation of the committing court. Judges in Nevada are required to make a specific recommendation as to the period for which prisoners shall be detained. It is frequently found that recommendations so secured are purely formal, perfunctory or of little value. In Illinois these officials frequently fail to submit the statements required of them by law. In Michigan the results of the inquiry addressed to committing courts were so unsatisfactory that the practice has been abandoned. The recent study made by the Missouri Association for Criminal Justice in that state includes the following comment concerning the value of this material:

"An examination of the nature of the statement submitted by trial officials in many cases shows that there might be just grounds in certain instances why the parole authorities should not take their recommendation too seriously. In fact, one must be astonished at the carelessness that is expressed in the attitude of many trial officials in submitting a statement in regard to the prisoner whose application is under consideration. In many instances they are not only indifferent as to whether the parole is to be given, but actually fail to put forth an effort to familiarize themselves with the facts that are really necessary in order to give an intelligent statement either for or against the parole."[3]

Prison Accomplishment

Comparatively little consideration is given throughout the country to the prisoner's positive accomplishment in schools or shops. This is even the case in such states as Indiana, Massachusetts, Michigan and Wisconsin. This situation evidently arises from the inadequacy of educational and industrial equipment within penal institutions, this being particularly the case in prisons and penitentiaries as distinguished from reformatories. The authorities in West Virginia report that they will not parole

[1] This is true in Arkansas, California, Connecticut, Georgia, Indiana, Kansas, Kentucky, Maryland, Montana, Minnesota, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, Oregon, West Virginia, Wisconsin.

[2] This is done in California, Georgia, Indiana, Iowa, Kansas, Kentucky, Maryland, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, Oregon, Wisconsin, West Virginia.

[3] "Missouri Crime Survey," p. 511.

prisoners less than thirty years of age who are illiterate and it is stated that some relationship between educational and industrial accomplishment on the one hand and parole on the other is established in seven states.[1]

Parole authorities are in some cases guided by systems of marks, grades and credits which are based upon prison conduct which may be positive or negative in character or both. Such systems have been developed in the prisons of Illinois, Kentucky, New York and other states and are quite generally applied to reformatories. Marking systems in many cases may operate to bring about a rather mechanical or automatic release after a certain number of months of good conduct. This is evidently the case in Wisconsin, Missouri, Ohio and other states.[2] An elaborate system of classification, grades, promotions and demotions has been established in the prisons of Illinois under the name of the Progressive Merit System. It has been used in the past to facilitate internal discipline, to determine the privileges extended to individual prisoners and to assist in the determination of the date at which prisoners should be considered for parole. No attempt will be made here to analyze the organization or operation of these mechanisms.

Other Considerations

In addition to the factors already outlined many parole authorities state that they give consideration to other items of a comparatively intangible nature. The board in Massachusetts is influenced by "a man's ability to tell the exact truth" and in Delaware also the board considers "a prisoner's disposition to tell the whole truth when examined." Parole authorities in Kansas are influenced by an applicant's "general demeanor;" in California by his "appearance and personality;" in Massachusetts by the "appearance which (he) makes before the board;" in Iowa by "impressions gained from interviews" and in Wisconsin by the "sincerity of his professions of reform." In Delaware, in Massachusetts and in Connecticut consideration is given to a prisoner's "attitude" toward the offense he has committed and toward the law. The Commissioner in Michigan attempts to

[1] California, Connecticut, Kentucky, Minnesota, North Carolina, South Carolina, Vermont.

[2] See unpublished manuscript by Helen L. Witmer on "Adult Parole with Special Reference to Wisconsin," and the "Missouri Crime Survey." See also below concerning the Ohio system.

estimate the prisoner's efforts to rehabilitate himself and in Delaware and Massachusetts the boards endeavor to determine "whether a prisoner has profited by his stay and has so far reformed as not to commit another offense." In Minnesota, likewise, the probability of reformation and of good conduct during liberty is taken into consideration. The board in this state announces also that it is influenced by the probable effect of a prisoner's release "on the ill-disposed," on the general public and on the administration of justice.

Practically all parole laws place final authority for release upon the judgment of some individual or group as to the likelihood that the applicant will obey the law in the future. All of the items enumerated above are, to be sure, of some use in answering this difficult question. The parole authorities in many commonwealths require additional assurance. Wisconsin refuses parole to the feeble-minded. Applicants in Rhode Island and Minnesota must be physically fit and in Kentucky diseased prisoners can be paroled only with the consent of the State Board of Health. Many states require that prisoners have sponsors or first friends who will vouch for them and agree to assist them upon release.[1] In West Virginia a prisoner leaving on parole must deposit a bond for fifty dollars or twenty-five dollars in cash. A similar bond may be imposed by the authorities in Wisconsin. The most usual assurance demanded as a pre-requisite for parole is that the prisoner shall have employment guaranteed him prior to his release. In many states the character of the prospective employer must be approved by a clerk of courts, judge, sheriff or other public official.[2] In Maine, Rhode Island and Wisconsin it is specifically indicated that a guarantee of ample support may be substituted for the guarantee of employment and in Delaware and Massachusetts the authorities require the added assurance that the parolee shall be provided with a home.

These items probably do not complete the list of factors which

[1] This is the case in Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Nebraska, New Mexico, New Hampshire, North Dakota, Utah, Washington, Wyoming, Wisconsin, and also with paroles from Federal penitentiaries.

[2] This is the case in Arkansas, California, Illinois, Indiana, Iowa, Louisiana, Michigan, Nebraska, North Dakota, Ohio, Texas, Washington, Wyoming. Other states which require offers of employment before parole is granted are: Connecticut, Delaware, Kentucky, Maine, Massachusetts, Minnesota, New Jersey (reformatory)' Oregon, Rhode Island, South Dakota, West Virginia and Wisconsin. This requirement is also made in the release of Federal prisoners.

enter into decisions which are made for or against paroles. In some states the inadequacy of penal equipment has at times led parole authorities to release prisoners in wholesale fashion in order to make room for newcomers committed by the courts. At times attempts have been made to justify this policy on the grounds that it prevented the imposition upon taxpayers of a burden which they would have to bear if adequate facilities were to be provided. Another factor, difficult to estimate but ever present, is that of political pressure. Parole authorities are subjected to constant entreaties by letters, petitions and personal appeals coming from legislators, politicians and influential citizens. In Minnesota the Board of Parole reported that:

"increasing pressure is brought to bear from various sources for the early release of men in confinement."[1]

The chief parole officer in California says that:

"the ordinary layman does not know the many angles that are resorted to by the prisoner, his family, his friends and professional prison workers in the endeavor to secure an early parole."[2]

The chairman of the Board in Massachusetts complains that politicians, special interests and sentimental social workers are constantly attempting to exert pressure to bring about the release of prisoners in whom they are interested and a former member of the Massachusetts Board has pictured the situation in these words:

"All who are in prison, from the most dangerous criminals to the most inoffensive drunks, have friends who seek their release, thus to the grave responsibility of considering parole in regular order under rules, the Board has the added burden of daily pressure brought to bear upon it to make releases either prematurely or in unworthy cases."[3]

The activity of members of the Illinois legislature in urging parole releases so annoyed that state's parole administrator that he gave out the following statement:

"There is a law against Congressmen interceding for Federal prisoners. There should be one for Illinois legislators. No one can sway this Board in favor of any convict who should not be paroled, and if any one tries, I will tell the public about it through the newspapers."[4]

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[1] Bi-ennial Report, 1912-1914, page 9.

[2] Unpublished manuscript by Ed Whyte.

[3] Henry A. Higgins, "Is Parole a Success?" Bulletin No. 68, the Massachusetts Prison Association.

[4] Hinton G. Clabaugh, quoted in the Chicago Tribune, August 22, 1926.

The recent study of the Missouri Association for Criminal Justice reproduces in detail seven cases in which paroles were apparently granted because of undue pressure. "Prisoners who have influence are able to put pressure upon the paroling authorities," says the report. "Such prisoners become interested in a premature release rather than in reform." And it continues, "our study of the records shows that persons politically prominent are frequently entirely active in trying to obtain paroles from the Missouri Penitentiary."[1] These scattered quotations indicate the existence of a situation which is doubtless more serious and more widespread than any obtainable evidence could prove.

These generalizations concerning the considerations which influence paroling authorities give but a partial picture. Perhaps a better understanding of the methods used in parole selection may be secured by a more detailed examination of the manner in which two or three representative states are discharging this function. An account follows of the organization and operation of the New York Board of Parole for State Prisons, the Ohio Board of Clemency and the Division of Pardons and Paroles in the Illinois Department of Public Welfare, where detailed investigations were made.

New York

In New York the power to parole from the reformatories and from the state prisons is placed in different hands. There, as in Indiana, New Jersey and Pennsylvania, the reformatory decides upon the parole of its own inmates. For the state prisons, however, there has been created a central Board of Parole. This is an independent body consisting of three members, one of whom is the state's Superintendent of Prisons who serves ex-officio. The two other members are appointed by the Governor and receive annual salaries of $3,600 each.

The work of this body has recently been subjected to a careful scrutiny by Commissioner George W. Alger, an eminent New York attorney, acting for Governor Alfred E. Smith. At hearings held before this investigator, members of the board and others familiar with its work described its processes in detail. The record reveals that the board's members give only a part of their time to the work, being in session but one week out of each month. The board usually devotes four days of this week to parole meetings

[1] "The Missouri Crime Survey," pp. 447 and 517.

at the state's four prisons, starting on Monday morning and completing their work by Thursday night, devoting from four to five hours to each institution. One critic describes their procedure as "hurried, haphazard and perfunctory." Perhaps five minutes is devoted to the settlement of each case. Although some require more time, others are passed in less. There is a hasty reading of the papers pertaining to the case. The board asks the prisoner where he intends to live, whether he has work and expects to behave himself, paroles him and passes on to the next applicant. The board defends this procedure in its report for 1926 on the ground that its speed is made possible by its expert knowledge of the matter in hand.[1]

The information upon which the board passes its decision has been described as formal and repetitious. The prisoner himself appears before the members but there is no real check on the accuracy of the information which he gives. No careful pre-parole investigations are made. Although detailed probation reports are prepared on every case appearing before the General Sessions Court in New York City, it does not appear that the board makes any use of them in parole. Apparently the board gives no attention to the prisoner's record of accomplishment in the institution's schools or shops and little is known concerning his probable home environment during his period of parole. There is as yet no material considered, or indeed available, covering the applicant's mental condition. The main factor determining parole seems to be the report of the prisoner's institutional conduct submitted by his keepers. One member of the board states that he considers "prison conduct first and above all." Another says "I pay attention to a man's conduct and work report while in prison, his conduct and his *general bearing* and all that sort of thing" and the chairman of the board makes the following statement: "We rely upon the appearance of the man, the answers he gives to questions and also upon our experience with men of that type. We do not rely upon any specific thing. The papers are handed to us but they are not conclusive at all." The procedure may be summed up in the words of one critic who says that "the board works in the dark."

It has been the practice of this body to release the vast majority of prisoners at the expiration of their minimum periods of service.

[1] "Report of the Board of Parole," 1926, page 8.

As many as 97 per cent. of those eligible were so released in 1920 and the board was still releasing 86 per cent. of its applicants at the minimum in 1925 and 1926. Its announced policy is to parole all prisoners, with the exception of armed robbers and sex offenders "at the earliest possible moment." This is done on the theory that every prisoner who has a record of good conduct within the institution should be given a first chance. The board contends that these men would be so hardened by longer incarceration as to increase the likelihood of their return to a life of crime. It is also argued that the state saves money for its taxpayers by this liberal policy of release. The board places a peculiar interpretation upon the parole law by contending that courts which impose sentences expect prisoners to be released at the expiration of their minimum terms; that the detention of those who have behaved themselves in prison would amount to a usurpation of the court's function; that the sole remedy for early release lies in the imposition of longer maximum terms.

By exercising its parole functions in this manner, the board has subjected itself to severe and continued criticism. In 1920 the Prison Survey Committee in New York made the following statement:

> "If a sufficient amount of time was given to each case, the Board would be meeting about six times a week instead of forty times a year. . . . There is obviously a defect in the system of reporting to this Board, adequately, the conduct and working history of these inmates or it would be impossible for any such number of applications to be heard in any such time. It feels that the Parole Board fails to function adequately, largely because the *machinery is not now provided by law which will place before the Board such full record of the prisoner's conduct and past life as it should have before it can adequately pass upon his case.* When the Parole Board is given these records in full, as it should receive them, it will be impossible to pass upon such a large number of cases in so little time."[1]

Criticism of the board was continued by the New York Prison Association which contended in its report for 1925 that the members gave insufficient time for the accomplishment of their work, that their sessions were "infrequent and hurried" and that release was "to too large an extent automatic." Popular criticism of the indefinite sentence, said the Association, was "justified because of the manner of its administration rather than because of its unsoundness as a theory or a law."[2] In the same year the

[1] "Report of the Prison Survey Committee," 1920, pp. 247 to 248.

[2] "Eighty-first Annual Report of the Prison Association of New York," 1925, Legislative Document, 1926, No. 17, pages 21, 27, 56.

Governor's message to the legislature described the board's procedure as "perfunctory," stated that "every convict's date for parole is entered upon the records of the prison the day he enters" and recommended the board's abolition. The legislature, however, failed to take action on this recommendation.

Sensational instances of the parole release of notorious offenders led the Governor to appoint Commissioner Alger to make his investigation in 1926. This official, in his report, comments on "the non-informatory character of the parole file," and the duplication of non-essential data included in it. The system, he says, is "stationary." "No body of experience" has been developed to guide its operation. "A few minutes of conversation with a prisoner seen for the first time are obviously insufficient for judgment" and he adds that "far more facts are required and indeed are available." In his opinion, however, the preparation of adequate pre-parole information would be useless so long as the board continued to regard its "right to release as a duty to release." This interpretation of the statute is condemned by the Commissioner as "inconsistent with the language of * * * the prison law" and he asserts that "so little time could not have been spent * * * except for the unauthorized theory of its duty which the board follows and which simplifies its work to a point where its value is put seriously in question." It is the Commissioner's belief that "if mere failure to violate the prison rules (is) the sole test * * * the substance, spirit and purpose of the parole law * * * are wholly lost" and in conclusion he recommends the abolition of the present board and the creation of a new board as a division of the state's new Department of Correction.[1]

The Crime Commission of the New York legislature, reporting on February 28, 1927, expressed itself as "very much in accord" with the Commissioner's report. It urged the creation of an adequately compensated, full-time parole board, the use of social data, physical, mental and psychiatric examinations and industrial records in granting parole releases and assurance of self-sustaining employment as a prior condition of parole.[2] Bills were introduced at the 1927 session of the legislature which would carry these recommendations into effect.

The state's private, executive and legislative investigators are

[1] "Report of George W. Alger on the Board of Parole and Parole System," December 3, 1926, pp. 8 to 13 and 23 to 25.

[2] "Report of the Crime Commission of New York State," 1927, pp. 19-28; 71-73.

thus agreed that a part time, poorly compensated state-wide Board of Parole is inadequate to perform the function of parole selection in the state of New York and that it should be supplanted by a more adequately remunerated body of experts who should devote their whole time to the performance of this task. The unanimity of opinion on this point augurs well for the improvement of the system of parole in the Empire State.

Ohio

The authority to parole from adult reformatories and prisons in Ohio is placed in the hands of a Board of Clemency consisting of two members, appointed by the Director of Welfare with the Governor's approval, who devote their full time to the work, each receiving therefor an annual salary of $4,500. These officials are quartered in the state's penitentiary in Columbus and travel from there for hearings at the state's other penal institutions. There is a wide discrepancy between the maximum and minimum term fixed by statute for offenses in Ohio and this board is given absolute power to grant or refuse parole within these limits, to set the length of the period for which prisoners shall be held on parole and to discharge them from parole on good behavior.

Ohio law requires the warden and chaplain of each penal institution to make positive recommendations to the Board of Clemency concerning its proper action on all cases eligible for parole. The warden at the penitentiary, however, automatically recommends every prisoner at the expiration of his minimum term, his main purpose being to relieve internal congestion by reducing his institutional population. At the State Reformatory in Mansfield, as in most institutions of this nature, recommendation for release is based upon a system of credits. Prisoners become eligible for parole when they have to their credit 360 days of good behavior. The computation of this period is not based upon any grading for the boy's performance in the schools or shops of the institution. It amounts, in the main, to an automatic allowance of credits to those who have not been apprehended in offenses against institutional discipline. Disciplinary offenders fail to earn their good days and prolong their stay in the institution. When this good time is finally earned, the case of each prisoner is considered by the chaplain and the superintendent, who, on the basis of their personal judgments, make their report to the Board of Clemency. Parole is recommended for 80 per cent. or more of the applicants.

The Board of Clemency never paroles men whose release is opposed by these officials. It generally refuses parole, however, to 40 per cent. of those who are favorably recommended.[1]

The Board of Clemency, in arriving at its decisions as to parole releases has before it no record of the man's mental condition, social background, or accomplishment in the prison's schools or industries. Its members never go inside the prison's gates, never see the prisoner or know of his case until the time when he is to appear before them. They have for their guidance to be sure, a record, similar to that used in other states, of the prisoner's offense and criminal career, together with statements of the prosecuting attorney and the judge who took part in his trial. No uniform rule is followed, each case being considered on its own merits. The members feel that there is little relation between a man's behavior in prison and the safety with which he may be released. The board states, however, that "time lost because of bad conduct * * * results in the postponement of favorable action" and that "the surly, rebellious and disobedient postpone their parole."[2]

Other and less tangible things are taken into consideration. Account is taken of the attitude of the party injured by the prisoner's offense and the likelihood that restitution will be made. The board considers the "personality" the "disposition" and the "attitude" of the prisoner. It inquires into his sexual irregularities, attempts to discover whether he takes pride in his ancestry,

[1] This action results in a difference of opinion between the institutional authorities and the Board. The former argue that they are, perforce, better equipped to make parole decisions than is the Board, because of their closer knowledge of the cases coming up for consideration. In their opinion large numbers of their charges could be released with perfect safety to the public. The institution is overcrowded, housing 2300 prisoners in the summer of 1926. Its superintendent stated that the stringent policy of the Board of Clemency alone prevented the reduction of this number to 1400 for the winter months. He argued for the release of so large a group of the prisoners committed to his care on the ground that they might better be supported by their own efforts than at public expense; that good parole supervision would insure the safety of the community at a much lower cost than that necessitated by incarceration and, finally, that the institution could do a much better job in training the offenders left within the walls if greater numbers of the parolable cases might be released. A possible reply to this point of view would be that the state does not need easier parole so much as it needs larger and more adequate penal institutions. Such an addition to its facilities has been urged by the Joint Legislative Committee on Prisons and Reformatories.

[2] "Report of the Board of Clemency," 1923, pp. 12 and 13.

whether he has a sense of honor and a sense of humor. "Hopeless criminals have neither," says the board.[1] Much emphasis is placed upon the candor displayed by the applicant in his parole interview. Members of the board feel that they can invariably detect falsehood and in their last report refer to truthfulness as "the first test of fitness." Men who "dissemble or falsify" are not paroled.[2] Another report states that "various other tests have been used, several having been permitted to offer a prayer in the presence of the board."[3]

Parole selection, then, as practiced by the central board in the state of Ohio amounts to nothing more than a series of personal character judgments made by two industrious and conscientious men. The board devotes its full time to its work and decisions are made with far greater care than that exercised by the central board in the state of New York. The Ohio procedure today, however, cannot be called scientific.

Illinois

The administrative code adopted by the state of Illinois in 1917 centralized the management of the state's charitable and correctional institutions in a Department of Public Welfare, the director of which is a member of the Governor's cabinet. Three of the department's divisions deal with penal institutions. The Division of Criminology carries on the state's psychological work. The administration of the state's prisons and reformatories is the work of a Division of Prisons. The third section, called the Division of Pardons and Paroles, investigates applications for clemency and recommends action thereon to the Governor. Its principal responsibility, however, lies in the administration of the state's parole system. The Division has at its head a Superintendent of Pardons and Paroles, sometimes referred to as Supervisor of Paroles. This officer is appointed by the Governor and receives an annual salary of $7,000, an amount equal to that paid the director of the entire department.

The superintendent, under the law, has more power in the determination of prison terms than any other official in the state. All sentences in Illinois, save those imposed for treason, murder, rape and kidnapping, are indeterminate. The minimum term

[1] "Report of the Board of Clemency," 1926, p. 12.

[2] *Idem.*

[3] "Report of the Board of Clemency," 1924, p. 6.

specified in the vast majority of cases is one year. Those guilty of larceny are committed for terms requiring a minimum service of one year, a maximum of twenty, robbers for a minimum of three and a maximum of twenty. Within these generous limits the discretion of the Superintendent of Pardons and Paroles is absolute. Performance of his function is subject to no judicial or executive review so long as it is not attended by an intimation of fraud. The present occupant of the office has made the following statement concerning the scope of his authority:

"I was shocked to find the great power delegated or given to one man. I think the question of giving that enormous power to one man is something that needs very great consideration. The supervisor of paroles under the existing law can free every felon in every institution in Illinois when the prisoner's minimum has been served without consultation of the Governor, other members of the board or any other person or group of persons. He has greater power than the Governors of the states other than Illinois. The Governor of Pennsylvania has no such parole power as the Supervisor of Paroles in Illinois. Great damage could be done before it could be corrected if an incompetent, dishonest or a well-meaning but inexperienced man were in office."[1]

The administration of the parole system in Illinois was from its inception and for many years following, in the hands of an officer who came to be recognized throughout the country as a leading authority on the subject. His performance of the parole function in his own state, however, eventually led to repeated attacks by the press and in the summer of 1926 he was forced to resign. His successor, Mr. Hinton G. Clabaugh, entered office with full authority to restore public confidence in the state's system of parole. He has stated his position as follows:

"One of the conditions on which I took the place was that I be allowed a free hand. I have it. The Governor promised me he would not interfere and that he would back me to the limit. If he does not I can resign without regrets."[2]

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[1] "Paroles, Parolees and the Public Welfare," Bulletin of the Chicago Crime Commission, No. 43, September 23, 1926, page 2.

[2] Chicago Tribune, August 18, 1926, page 1. Additional light is thrown on the Illinois situation in the new supervisor's address before the Chicago Crime Commission, quoted in its "Bulletin," No. 43, September 23, 1926, page 3: "I told my predecessor, to his face, of course, 'You may be the most honest man in Illinois and so far as I have any information to the contrary you are, but assuming the population of Cook County—of Chicago—to be 3,000,000, there are about 2,999,999 that do not think so. For this reason you will never be able to justify to the people of Chicago the fact that the supervisor of paroles, having an enormous power owns stock, a $25,000 interest, in an institution, stock of which was being sold to relatives and friends and solicitors for convicts, yet

The parole law in Illinois does not require the establishment of a parole board. Such a body has been created, however, to carry on the work of parole selection. This board consists of three members who are designated as assistant superintendents of the division. Under the law, each inmate of a penal institution is guaranteed a hearing on his application for parole when he becomes eligible for release. It is the duty of the present Board of Parole to hear these pleas, although any recommendation which it may make becomes valid only when it is signed by the supervisor. This body holds a monthly meeting at each of the three penal institutions of the state. The board remains in session at each institution for several days. Its hearings are informal and an audience is granted to each prisoner, his friends, his relatives, his legal representatives and any other persons who may wish to appear to argue for or against his release. An interested observer at one of these sessions reports it in part as follows:

"From early in the morning until midnight the pleaders entered and left the board's rooms. Each received lengthly consideration. None was interrupted until he had told all he had to tell. Each was then told that a stenographer had taken the statement and that the prisoner they were interested in would be heard during the session.

"Among the pleaders there were mothers with babes in their arms, brothers, sisters, fathers, more distant relatives, friends, political or non-political, ministers of the gospel, attorneys and members of the House of Representatives."[1]

After listening to these pleas, the board then sits in private in order to determine upon its action. The factors to which it gives weight, as announced in its printed rules and as reported by the observer quoted above, are the following: The nature of the prisoner's crime, the number and nature of his previous offenses, his behavior while in prison, the adequacy of the punishment which he has received (one wonders how this is estimated), his mental and moral status, his appearance and veracity, recommendations received from representative citizens who have known him, letters received concerning his case, his probable ability to secure employment on release and, finally, the likelihood that he will not commit another offense.

The new supervisor has introduced certain innovations in the

to be paroled and in some instances to the convict himself. That may have been honest and your motive may have been a good one, but it seems to me there is some reasonable doubt on the subject.' And he admitted that there was."

[1] Dvorak, R. W., "Hearing Pleas for Paroles," "Bulletin of the Chicago Crime Commission."

procedure of the department. Paroles are not to be given on the ground of illness alone. Prisoners are not to be paroled so that they may die outside the walls. It has been discovered in both cases that the outer air frequently proves to be extremely invigorating. Violators are not to be reparoled. Prosecuting officials are in all cases to be notified of parole applications. All requests addressed to the authorities for the release of prisoners are to be in writing, signed and made a matter of public record. Parole meetings are not to be held behind closed doors and, where the public safety requires it, complete publicity will be given to all parole actions.

It was the writer's privilege to sit with the supervisor as he decided upon his action in the cases of all those prisoners who applied for parole in the month of August, 1926. As case after case was examined, two contrasting pictures presented themselves. The first was that of the lad who had fallen into trouble through accident or misfortune. Lacking money, relatives or influential friends; ignorant of the ways of the court; without adequate defense; committed, perhaps, on a plea of guilty, he had been thrown into prison and forgotten. Many such cases came to view. Here was the scapegoat, the tool, the petty forger. Here was the lad who had been sentenced for seven years for stealing eleven dollars' worth of chickens; the lad who had been given five years and a half for stealing canned goods valued at $1.90 from a cabin while on a hunting trip. Here, also, was the embezzler, a first offender, of good family, with dependent children, whose employer had withheld public prosecution until he had stripped him of the last available penny in the way of restitution. To these, and to others like them, parole was granted at the minimum. Refusals, however, met the applications of the mentally diseased, the sexually abnormal, the rapist, the murderer, the hardened offender. And so we come to the second picture.

Here we have the gunman, the repeated offender, influential, wily and wise, who "cops a plea," gets a short term, maintains a perfect prison record and is ready at his minimum to return to his chosen career. Usually he is a youngster. The average age of the armed robbers at the Joliet Prison is twenty-six; at the Pontiac Reformatory, nineteen. Adventurous, unprincipled, without judgment, he is a potential murderer upon release. This was the offender whose application met prompt rejection. The present supervisor, on taking office, made public announcement of his attitude toward such offenders in these words:

"It will be the policy particularly to view with the utmost caution, and consider with painstaking deliberation, all applications for parole of persons convicted of serious crimes, such as murder, rape, bomb-throwing, hold-up, burglary, or robbery with gun or other weapon, etc. No parole will be granted until the last question of the justice of it is decided. In the more serious cases, all questions of doubt will be resolved in favor of organized society and law-abiding citizens, who are entitled to protection of life and property."[1]

Nearly ninety per cent. of the armed robbers now incarcerated at Joliet were sent there from Cook County. Chicago is notorious for the open outlawry of its bandit groups. Complainants in criminal prosecutions have mysteriously disappeared. Their residences have been bombed. Witnesses have been slain in the streets or even killed while on the stand. Chicago's murder death rate for 1924 was 17.5 per 100,000 population, as contrasted with an average of 10 for seventy-two American cities, 8 in San Francisco, 7.6 in Philadelphia, 6.4 in New York and .07 in all of England and Wales.[2] The gangster plies his trade with little fear of the law. Rival political factions pay in immunity from prosecution for services rendered in municipal elections, an arrangement which works to the advantage of everybody but the law-abiding citizen whose life it endangers. This is a situation which may justify an exceptionally stringent policy of parole release in the State of Illinois.

Considerations of immediate social security must be paramount in all parole selection. It is possible that the attempt now being made in Illinois to check the depredations of professional criminals by an open severity in parole administration may meet with a measure of success. The parole board cannot succeed, however,

[1] Manuscript of Public Statement by H. G. Clabaugh.

The severity of the penalty which may be imposed upon armed robbers under the present law, however—ten years to life— has led them, in scores of cases, to strike successful bargains with prosecuting officials. State's attorneys, to maintain on paper a favorable showing of convictions, will often agree to accept from these offenders pleas of guilty to a charge of larceny. The resulting sentence of one to ten years, if parole officials permit, may return them to the streets in a few short months. The present administration has adopted the policy of holding all such cases to serve their maximum terms. This requires of them the minimum service demanded by law for the crime of which they are really guilty. It may well be objected that the parole authorities are here usurping a function which should be performed by the courts. This may be true. The problem which now confronts the officers of the law in Illinois, however, is something more than academic.

[2] Figures prepared by Dr. Frederick L. Hoffman, Statistician of the Prudential Insurance Company and quoted in "Welfare Magazine," March, 1926, page 87.

if it is forced to play a lone hand. It is probable that swift prosecution and certain conviction will eventually prove to have a greater deterrent effect than that resulting from the imposition of heavy penalties. In the long run a mere policy of putting down the screws will not solve the problem presented by the offender, even though he be a gunman. Unfortunately, the solution is not so easy.

Examination of the methods in general use throughout the American states leads to the conclusion that parole selections are as carefully made in Pennsylvania today as in most other states. The Pennsylvania practice might not untruthfully be characterized as "fair," "average," or "usual." But it is far from the best. The best American practice in parole selection is to be found in those states that have attempted to summon the resources of science to aid them in the solution of this most difficult problem. The nature of these attempts will be outlined in the following chapter.

CHAPTER 12

THE APPLICATION OF SCIENCE TO PAROLE SELECTION

Under the operation of the parole statutes of the various states large numbers of prisoners annually become eligible for conditional release. It is the function of those authorities who are charged with the task of parole selection to determine upon those individuals to whom the privilege shall be extended and those to whom it shall be denied. One simple solution, as we have seen, is to grant release to practically all those who are eligible. Another easy way out is to deny parole to all prisoners. Those paroling authorities who wish to exercise more discrimination find it necessary to establish some basis upon which their decision shall rest. One possibility we have seen to be the use of more or less arbitrary rules such as the refusal of parole to all prisoners guilty of certain offenses, all second termers or all offenders against prison discipline. Other agencies endeavor to make their selection upon the basis of sincere but uninformed personal judgment on each case presented. All of these methods are, at best, primitive and partake largely of the nature of "rule of thumb." This is a method of procedure which has been gradually abandoned in industry with the development of science in management. It is equally possible to induct science into the service of the state in this particular field of public administration. This may be accomplished today through the introduction of physical, psychological and psychiatric examinations and the preparation of carefully detailed social investigations in each case. The following paragraphs outline the efforts which have been made in various American states to develop such scientific methods as a basis for parole.

Social Investigations

Correspondence with parole officials throughout the country and a survey of their formal reports show that there are many attempts to make studies of the social background of individual applicants for parole. Such investigations, however, are often made in a rather inadequate manner through the medium of correspondence. This appears to be the case in Connecticut, Maryland, California,

Nebraska, North Dakota and New Mexico. In Wisconsin the Board of Control states that parole officers are required to investigate the home environment of all eligible prisoners, but one observer, at least, feels that the study which results is "perfunctory" and that the report made upon it is "brief."[1]

In one or two other states, however, detailed investigations are made. The New York State Reformatory at Elmira is conspicuous for its scientific approach toward penal discipline. At this institution an effort is made to secure complete information on the prisoner's social background. The man himself is questioned in detail. Certain information is taken from his commitment papers and the reports which have been submitted by probation officers. To supplement this data the institution has developed a series of twelve questionnaires relative to his past history which are sent to those who have known him. Fifty questions are addressed to the boy's parents concerning his childhood, his sicknesses, prenatal conditions, the circumstances surrounding his birth, his habits, studies, truancy, work, honesty, interests, and the way in which he has used his leisure. His wife, if he has one, is asked about his character, habits, home life and his ability as a provider. An inquiry is sent to his pastor concerning his character, habits and reputation and that of his family. His family physician is asked about diseases and tendencies toward drink, drugs, convulsions, insanity, etc. Former teachers are requested to report on his deportment, grades, truancy and interests in school. Men who have employed him are asked for information about his energy, trustworthiness, his attitude and the general quality of his work. They are also asked whether they would be willing to re-employ him on release. Social agencies are addressed for data regarding the character, reputation and financial condition of the family, the nature of his home and the neighborhood in which it is located. Letters of inquiry are sent to friends dealing with his personal habits, illnesses and dependability. Data on the prisoner's court record and the status of his family is requested of police and probation officers and for 60 per cent. of the prisoners information is requested of charitable or correctional institutions in which they have previously lived.

The superintendent feels that he secures excellent co-operation in obtaining this material. Many individuals send in extensive personal letters which prove to be of great value in addition to

[1] Helen L. Witmer, "Adult Parole with Special Reference to Wisconsin," unpublished manuscript.

their answers to the questionnaires. By comparing the information received from the various sources outlined, it is possible to arrive at an approximately accurate picture of the prisoner's previous history. The results are doubtless less valuable than those which might be obtained from a careful, personal field investigation. This system is, however, far superior to the negligible steps which Pennsylvania's reformatories have taken in this direction.

Massachusetts Reformatory for Women

Even greater progress in the collection of information relative to the prisoner's social history and home environment has been made in Massachusetts. In that state, each reformatory has two officers who prepare case histories through correspondence and personal contact, and present them to the Board of Parole. It is in the Reformatory for Women at Framingham that social investigations as a parole guide have been developed to the fullest extent. The case records of this institution are the most detailed, the most carefully prepared and the most useful of any in the United States. They are based upon a variety of sources of information. In the first place, data as to the court record of the case is taken from the mittimus which outlines the complaint made and the sentence incurred. Second, each inmate is personally questioned in great detail concerning the story of her life. Inquiries are made concerning her family, their race, religion, education, history, social and economic condition. Information is requested concerning the inmate's father, mother, brothers, sisters, husband, children, relatives, and friends, and data are taken on their health, habits, temperance, reputation, court record and sexual irregularities. The girl's personal history is recorded from infancy with a record of all the places she has lived, an account of her childhood, home duties, family discipline, sleeping arrangements, boarders, sex instruction, church attendance, school attendance, school record, early interests and family attitude. She is asked about her health, work, expenditures, recreation, companions and lovers during adolescence. An account is procured of her adult life including her occupation, responsibilities, marital relation and social and economic status. A complete history is made covering her version of her delinquencies together with her own idea of the causative factors involved. In addition to this, an attempt is made to discover her capacities, interests, ambitions and her attitude toward her family, her past, her present and her future. This is done,

not in a perfunctory and statistical manner but with painstaking and sympathetic effort.

A third source of information lies in a rather extensive correspondence. City clerks are addressed for verification of the dates of birth, marriage and death given for the prisoner or members of her family. Her court record and that of her relatives is obtained through chiefs of police and probation officers. Specific inquiries are also addressed to family physicians, ministers, school principals, and former employers covering the prisoner's conduct, ability, trustworthiness. Social agencies and overseers of the poor are solicited for their data dealing with the subject or her family. Inquiries are also sent to superintendents of hospitals or other institutions in which the woman or any member of her family may have been confined. Finally, an extensive and detailed questionnaire is presented to members of her family, to her parents, husband, brothers, sisters, children (if grown) or any other relatives who might know her or take an interest in her. Copies of all the replies received and of all other letters received concerning the girl become a part of the file dealing with her case.

A fourth source of information is in the complete record which is kept of conversations with relatives and close friends who visit the girl at the institution. A fifth and most important source of data is the field investigation made by the reformatory social worker who calls on the prisoner's family to secure information upon her heredity, pre-natal conditions, birth, childhood, work, recreation and delinquencies. Account is taken of her home, the neighborhood in which it is located and the attitude of her family toward her. The investigator also approaches family physicians, clergymen, former employers, police and probation officers and social workers to complete her information. The names and addresses of all the individuals talked with concerning the case become part of the record together with the information which they have contributed.

To this material is added, sixth, a summary of a mental examination covering the girl's attitudes, aptitudes, moods, intelligence and judgment, and seventh, the record of her promotions, demotions, work and general conduct within the institution. A staff conference is held, attended by the reformatory superintendent, deputy, assistant superintendent, physician, chaplain, educational supervisor, social worker, field investigator, and clinical stenographer. At this meeting consideration is given to a record summarizing the information obtained from the foregoing sources.

The case is first considered within sixteen days after admission to determine the prisoner's assignment within the institution. It is brought up again at three months for a complete discussion and at eight months to determine the subject's development and plans for the future. Through this medium methods of treatment are recommended to accomplish the prisoner's physical, educational, industrial and personal development and the proper method of supervising her parole is discussed with the field agent who will have her in charge. Complete notes are kept on these conferences and these notes form an eighth item in the record of the case. The ninth and final portion of the record consists of an account of hearings accorded the prisoner by the parole board, its action on her application for release and the record of her behavior on parole, including possible violations and recommitments.

From all this information there is constructed the history of the case which is presented to the Board of Parole for use in its deliberations. This record gives complete identifying data; a full account of the offense involved; a complete outline of the subject's court record; a history of her family, presenting all significant data regarding each member, with notations of lovers, special chums or other persons particularly interested; a personal history including a full summary of her early home, surroundings, education, occupation, delinquencies and general conduct. It includes also a summary covering her physical condition, her mental ability and her conduct and development within the institution and closes with a statement of her plans and desires for the future and an indication as to a possible disposition of the case.

Examination of a score of these reports reveals a like number of fascinating, pitiful and at times dramatic accounts, each presenting its individual problem for solution.

As an illustration, there follows the report made on the case of Marie Hague, No. 11998. The name is a fictitious one and the data are somewhat disguised, although they have all been taken from an actual case. There are hundreds of others which would serve equally well for illustration. Even a cursory examination of this report will show that parole decisions affecting this institution, at least, need not be made in the dark

I. *Identifying Data:* No. 11998.
Committed as: Marie Hague.
Full Name: Marie Eleanor Hague.
Alias: Anna Benson.
Age: 19.
Color: White.
Church: Roman Catholic.
Civil Condition: Single.
Date of Birth: October 21, 1901 (ver.).
Place of Birth: ....., Mass.
Residence: With parents, 2 E. ..... St., ..., Mass.
(Runaway from home from July 3rd).
Last Address: (Rooming) ....., Mass.

II. *Data from Court:*

A. *Immediate Court History:*

Charge: Idle and disorderly person.
Court: District Court,.....County of.....
Date of Commitment: August 16, 1920.
Term of Sentence: Two years, indeterminate.
Released on Parole: Sept. 8, 1921.
Returned on Revocation of Parole: Nov. 17, 1921.
Expiration of Sentence: Oct. 23, 1922 (because of revocation of permit).

B. *Previous Court Record:*

March 28, 1920; stubborn child; probation.
April 25, 1920, violation True Name Law; fined $25, sentenced jail for non-payment; (released May 19th on payment of balance of fine).
August 16, 1920; idle and disorderly; Reformatory (present sentence).

III. *Summary of Case Records:*

A. *Family History:*

Parents born Boston, Mass., Irish descent; reached about seventh grade. *Father:* Six years younger than wife; teamster, unsteady worker and always poor wage earner; excessively alcoholic; has occasionally deserted; frequently away from home for varying lengths of time serving sentences in houses of correction; since Prohibition steadier; *Mother:* has been found unfriendly and unco-operative toward social workers when efforts have been made in past to improve home conditions, but is considered honest, temperate, hard-working, really the one who has kept the home together by working at domestic service and caning chairs; has had little courage to do more than provide material things for her children; has had ten children.

Fraternity: Marie, the oldest of ten, three of whom died in infancy. 2. Jimmy; born 1905; formerly Western Union

messenger boy, now store clerk, seemingly somewhat ambitious. 3. Maud; born 1906, a sickly, little child because of undernourishment, but said by Marie to have "more spunk than the rest of us." 4. Agnes; born 1911; a twin; always sickly. Twin boy died at birth. Frank, Jerry and Annie still young, live with parents.

Children: None.

Other Relatives: Much intemperance among male relatives and much poverty; but with an occasional individual who stands out as intelligent, ambitious and getting ahead; none especially close to Marie or her immediate family.

Friends: April, 1920, arrested with John Sampson and Manuel Rogue, who paid fines and were released and then visited her at jail; later paid balance of her fine and met her at release. (Have in no way attempted to communicate with her here so far as known.) Ella Lowell; several years older than M., boarded near her home and worked in same factory; believed by M.'s friends to have bad influence upon her, though M. denies this, insisting chum was a good girl. *Reformatory Acquaintances. Known Outside:* None except committed with Lizzie Cane (No. 11997), an ignorant peasant girl, one year older than M., known but three days.

B. *Personal History:* Born....., Mass., but home in Boston continuously since early childhood. Parents were married September, 1901; M., the first child, born October, 1901, and the following year (October, 1902) family first became known to social agencies when a second baby had been born. Records made then describe the home as "miserable," the father, "a big, coarse, rough-looking fellow, had been working two or three days a week at $2 a day as teamster." Family then destitute; no preparation had been made for the confinement. The mother was lying on a dirty bed with no sheets. The mother's parents lived in Boston, where her father did chair caning; were well spoken of by neighbors. Family at that time moved to neighborhood of mother's parents to be near and helped by them.

The District Nurse, Board of Health and Milk Station were acquainted with this family at different times, and about 1906, Social Service Department, Massachusetts General Hospital attempted to bring about some hygienic improvements in home, but found mother sullen and uncooperative. The home in those years was again recorded as dirty and in every way poor. District Nurse kept in touch with situation for long time.

The first direct application by family for public charity was made in 1911, at a time when the father had been sentenced to six months in the house of correction for non-support. Public aid was furnished for some months at that time and again 1913 and 1914, reasons being man's absence, ... serving sentence for non-support or drunkenness, or his desertion.

Around 1914, City Mission attempted supervision of family. In 1914 and 1915 the Family Welfare Society had some dealings with them because the man drank, made a

great deal of disturbance, worked irregularly, did not support adequately; mother worked hard, tried to shield him. Also in 1914 Boston Dispensary had the children for medical care.

Beginning in May, 1914, the Society for Prevention of Cruelty to Children received anonymous communications that children at such and such an address (the Hague family's address) were being much neglected. Investigation showed that at the beginning, the father was serving three months' jail sentence; but other agencies were in touch with family and the S. P. C. C. took no definite action. A short time after that, family moved to another street, father was working, drinking less and the children were clean and better nourished. The mother then stated that as father was working and earning enough to support the family, she hoped to be able to use her earnings for home improvements, as at that time they had only three chairs for the family of seven, no carpets and very little other furniture.

Marie attended public schools through one term of seventh grade, but lost promotion and the following term entered a parochial school. She is said to have been "one of those girls who have made very little impression; anxious to get out of the environment (family home) as soon as she began to earn a little money." She had made regular promotions except from second grade. After about a month of parochial school, she entered another public school, attending to shortly before the end of the term (1916), repeating seventh grade. Teacher there recalls her as "poor, slack and an unkempt child. She wore clothes that looked like cast-offs; her hair was parted and drawn down the sides of her face; her eyes were poor, her mouth slack and she was dirty and neglected. She was absent often and would have a long-winded story to explain why. She wasn't like a child at all, in fact she was so different from the rest of the children that she was noticeable among very ordinary children. She had no ability."

Work records show her to have been employed from March to September, 1917, as floorgirl and dipper in chocolate factory at $9 per week, where she was of fair ability and dismissed for lack of work. From October 9th to November 26, 1917, worked as floorgirl in a caramel factory, where she was of good ability, honest and laid off because of lack of work. From June, 1918, to January, 1920, she worked in a cracker factory, forming crackers, at $13 per week; was of good ability, honest, dependable and is recommended so far as her work is concerned, but would not be reinstated. From March to July, 1920, worked as packer in another candy factory, earning $11 per week; was honest; left voluntarily, but was there too short a time to be given definite recommendation or offer of reinstatement.

Girl believed she loved parents and home, but never confided in them and always somewhat afraid because they seemed distant and stern; always talked her difficulties over with boys and girls her own age; but always willing to help at home, especially taking care of the younger children and says her spare time during childhood was

spent wheeling babies about the streets daytimes until late in the evening.

Left school at a time when her mother had had a new baby and M. helped at home for nearly a year. Up to the time of her escapades early in 1920 she had worked quite steadily and had undoubtedly been self-supporting.

Until summer, 1919, she was contented with the amusements offered at parks, playgrounds and other small places in the immediate vicinity of her home, which was located in tenement district. She then began frequenting moving-picture shows more often and started going to Revere Beach as often as she could save the money for carfares. Gradually she became insistent to be off somewhere for good times every spare hour; learned to swim, but did not care much for it; had only moderate interest in shows, "I'm not stuck on them, but I like them pretty fair;" enjoyed roller-skating and all the commercial amusements at the beach and danced a good deal; "I can't say I am a swell dancer, but I can move my legs anyway and good dancers would dance with me often." She always longed for pretty clothes, but has no complaint that her parents did not allow her as much money as necessary for clothes, but says by comparison with other girls, her own were very simple. On admission to Reformatory she was dressed in in cheap attire of the most extreme fashion and later explained that these flashy things she had borrowed the day before from Lizzie Cane, as she thought they were "nicer" than her own; had never used cosmetics until helped by Lizzie to put on paint three days before commitment, but used it in large quantities during those three days.

When M. was fourteen, a teamster, many years older, with a wife and children, who worked in stable with M.'s father, called to her when she was near on an errand; asked if she would like to go to a show and persuaded her into the hayloft with him. There he forced her to be immoral and she blames her subsequent downfall to her own feelings in consequence of that assault. "I wouldn't tell my mother; I was afraid to tell her;" for some time following it, was "worried," having heard other girls say things which led her to believe his assault might cause her to become pregnant. She says she felt, "I was sort of an outcast, as though no one would want anything more to do with me." She then began to crave excitement or something to take her mind off what had happened—"I felt as though I wanted to go—go to a show at night or something like that; I felt as though I could have my own way then—go out when I pleased—come home when I pleased. I thought, 'Well, now, the thing is done, there's no need of my trying to be good any more.'" However, she was not immoral again until 1919, and then at first only with a steady friend.

Her promiscuous immorality began early in 1920, when she left home one evening to attend a show, then with a man who had invited her, went to a restaurant and it became "so late" she feared the scolding she would receive from her family and accepted the invitation of this man and a friend of his to spend the night in a hired room. Prior

to that, she had been wilful and disobedient, and parents had taken her into court as a stubborn child, but she had not previously been a runaway. The police learned of two men and a girl being in a certain room, and before morning placed them all under arrest. The two men paid fines and were released. M. had no money and would not tell her name or address and was therefore sentenced to jail for non-payment of twenty-five-dollar fine. The co-defendants paid the balance of her fine May 19th after she had been held in jail nearly four weeks. They had visited her there and supplied her with food, fruit, books and spending money.

She started home with them from the jail, but they separated at the Square, and she then picked up two sailors and for talking with them was questioned by the police, who recognized her, sent for her father and she was taken home by him. After that, she remained home for six weeks, until the night before the Fourth of July, when she left without any plans, "just because I wanted to get out." She and some other girls were picked up by some men who were going on an automobile party to Silver Lake in an auto truck; spent that night in the truck; the Fourth with the same group; went to Revere Beach; became separated from them, but picked up another man who drove her about in an auto the following night, returing with her to Boston the following morning and leaving her at the North Station. There she met a girl who had just been released from the jail, who took her to some acquaintances; later that day they picked up two men, who took them to a cottage at Revere Beach, which they rented, hiring a woman to take charge. For several nights she was with that group; then drifted away and her exact whereabouts for some time are unknown to outsiders and not recalled in detail by herself other than the fact that she often spent the night in parks, on benches, wherever she happened to be, or riding in autos, or, if stormy, sleeping in hallways of acquaintances and on a few occasions from late at night till very early in the morning, in the hallway of her own parents' tenement, but never with their knowledge.

Saturday, August 11th, a man in an auto spoke to her, invited her for a ride, then picked up some other men and they all went to ..... Lizzie Cane (never previously seen) was acting as housegirl at that place and Marie was urged by the men to join her for the same purpose, she to receive $1.25 of the $2 paid by each man; the remaining 75 cents going to the keeper. She was immoral there with a number of men, but three days later both girls decided to change; went to Boston, picked up sailors on the Common; then went to Revere and a few moments later, were questioned by a Women's Protective officer. The girls told of the means of their livelihood and what they had been doing; were held by the police and the following day committed to the Reformatory. Upon their statements, warrant was sworn out against the keeper of the house in ....., where they had been staying and a few days later the girls were taken as witnesses before the court

and the man sentenced to one year in the house of correction.

Although Marie's family had not known her whereabouts or how she was living after she ran away July 3rd, they have been entirely friendly toward her during her stay at the Reformatory, after being notified of her commitment here.

IV. *Institution History:*

A. *Medical Report:*

On Admission: General condition fair; weight 124 pounds; Wassermann positive for syphilis, vaginal smear positive for gonococci. July, 1921; General condition good; weight 144 pounds; Wassermann tests negative; vaginal smears negative.

B. *Psychological Examination:*

Mental age 12 5-12 years; basal year 10; I. Q. 77; borderline defective. School and general knowledge fair; calculation tests done rapidly and correctly; stated that in school she cared more for arithmetic than for other studies because she liked "to work out hard things;" judgment fair; comprehension good; unable to give the meaning of abstract words; able to generalize moral situations, pleasant, cooperative, interested in tests.

C. *Reformatory Record:*

On Admission: Complacent, unemotional, cheerful: of entirely friendly attitude and surprisingly frank in view of the fact that she seemed to realize what she was saying; had many likable qualities; seemed persistent as though she would, as she said, "enjoy mastering hard things;" had reached the point where she was willing to speak of herself as "a fool" and in regard to her commitment said, "I felt as though if I was sent away I would get over all this stuff and then when I got out I would be able to go home and stay home. While I am here I will forget all about those things."

June 1, 1921: Marie Hague has endeared herself to everyone with whom she has come in contact. In the Home Division she is quiet, willing, rather careless and untidy, but not with any intention of being mean. For some time worked on farm, where she got along well until she lost interest, became lazy, slack and shirked. She had expressed a desire to learn hospital work and has taken first-aid course here, rating higher than any others taking the course, and under examination showed that she understood and could apply the knowledge given her. Therefore she was changed to work in the hospital; there eager to learn, always willing, faithful, though slow and plodding.

Deputy reported her rough (through ignorance, not viciousness) untidy, eager to learn, earnest, very helpful and "stands no fooling" from others; limits of her possibilities of development not nearly reached; should have long training. Her slow, plodding ways and faithful spirit suggest

feeble-mindedness and only after good habits are strongly fixed, counteracting past experiences, is it to be hoped this girl will be able to take a normal place in the community.

July 8, 1921: Seen by Board of Parole; release on parole voted.

Sept. 8, 1921: Released on parole and placed in an exceptionally fine family to work at domestic service.

Nov. 17, 1921: Girl is returned to Reformatory for violation of parole conditions. Girl acknowledges that a few weeks after going to her situation, after having talked familiarly and flirted with strange tradesmen who called at employer's house, she began making dates to meet them outside or for them to call at her employer's home to see her when members of the family would be absent. She acknowledges immoral acts with several different ones, finally running away from her situation late at night, spending the time with men acquaintances, being found soon after by the police, apprehended and returned to the Reformatory. Her employers had little suspicion of her misdeeds while living in their home, had become very fond of her and liked her both because of her pleasing ways and her willingness and helpfulness about the home.

During the months following Marie's return to the institution she was less dependable than during her first stay; but still eager to be liked, willing to be helpful, but less eager for self-improvement and more fond of the approbation of her fellow inmates, suggestible and easily influenced by them. She assumed an attitude of indifference about her immoral conduct, regretting that it was disapproved by society, but inclined to believe she would never have resistance against immoral suggestions and that it was useless to try to build for any more worthy future.

V. *Plans for the Future:* During first stay in institution girl had had no thought of any other plan on release than to return to her parents, from whom she had repeatedly run away; had no imagination to plan any other course than return to the old environment and companions; was appreciative of the opportunities given her of start in normal surroundings. During second stay, too limited in reasoning ability to work out any plan of her own initiative.

VI. *Addresses:*

Parents: John and Marie Hague, 2 E. ..... St., ..., Mass.

Mental Examinations

Boards of parole which have been supplied with information of this sort need not commit the fatal error of returning prisoners to the very environments which led to their original offenses. On the basis of a full knowledge of the prisoner's past history, they can plan more intelligently for his honorable future. But

this social data, important as it is, is not in itself sufficient. Paroling authorities also require information concerning the applicant's mental condition in order to determine the extent of responsibility for his own conduct which he may be trusted to assume. It may be easy to handle prisoners as though they were all alike. But it is far from accurate to do so. Some are accidental offenders of normal or superior intellect who may readily be trusted with freedom. Others, while intelligent, are definitely anti-social in attitude. Here we have the professional criminal, the man with a long institutional record, the chronic alcoholic, the gangster and the vagrant. He cannot be released without endangering the peace of the community.

Another group, fairly well recognized, consists of the feeble-minded, habitual derelicts, lacking moral insight, incapable of self-control. They cannot be freed with any assurance of security. New York and Massachusetts, indeed, have provided for their permanent custodial care. The insane, also, stand in need of preventive detention. It will generally be agreed that offenders of this type should not be given their liberty willy-nilly. There are, however, forms of mental abnormality, less generally recognized, which can be classed neither as feeble-mindedness nor as insanity. Here we have those unbalanced maladjusted, defective personalities whose peculiarities lead instinctively to criminal acts. Here we have the pronounced sex-pervert and the epileptic. The characteristics of the latter group are described by Dr. Frank L. Christian of the Elmira Reformatory, as follows:

> "There are forms of epilepsy which would not be suspected by the lay observer. Patients afflicted with this minor type will complete tasks and otherwise act in a manner apparently normal while, in reality, consciousness is completely blotted out, and when the attack subsides, no accurate memory remains of the acts committed during the attack. During these temporary lapses into unconsciousness, criminal acts may be committed and the offender retain no knowledge of them, the interval of the attacks being a blank; or, in certain instances there may be a hazy recollection, uncertain and somewhat akin to the recollection of a dream by a normal person. Epileptics are difficult to control in confinement. Their mental stability is easily disturbed, trifling annoyances sending them into outbreaks of violence out of all proportion to the cause. They are prone to magnify their grievances, and have stormy times, during which they are likely to commit serious assaults. Their balance and poise of mind rest always on a hair-trigger, so to speak."[1]

Finally, we have the psychopaths, mentally abnormal individuals, only recently recognized as a distinct group, who, when

[1] "Extracts from Penological Reports and Lectures," page 290.

given to impulsive criminal conduct, constitute a real menace to social security. The State Commission of Prisons in New York issued a Special Report on the Psychopathic Delinquent on December 1, 1925, which described these individuals in the following words:

"Certain distinctive abnormalities characterize the psychopath. Some of them are found in one personality and some in others in varying degrees and may, in part, be summarized as emotional instability, volitional conflicts, dissociation of ideas, excessive excitability and irritability, spasmodic impulses, abrupt changes of personality, extreme egotism, excessive and unnatural sex indulgences, unmoral reaction and persistent or periodic anti-social behavior."[1]

The peculiar nature of the psychopath has been described by Dr. Christian in many papers, among which there appears the following paragraph:

"Numbered among all prison populations are certain individuals who, upon occasion, evidence such unusual conduct that one might with justice term them, if not actually, at least semi-insane, or perhaps, semi-responsible. Many of these persons appear to the casual observer to be bright and clever, and in the prisons they usually occupy positions requiring rather more than the ability of the average inmates. They are generally of pleasing address, excellent talkers and are always willing and anxious to impress their view upon the chance listener. They are, invariably eager to give reasons, usually specious, tending to justify any bad conduct or crime with which they may have been charged. Their mental characteristics, though many and varied, remove them so far from the normal that, despite their real or apparent cleverness, they have not the stability to make successful industrial progress. Success in any line of endeavor is almost always only temporary in character. Some one has not inaptly said of them that their lives are a paradox, showing one long contradiction between apparent wealth of means and poverty of results. For the psychopath, if he be criminally inclined, freedom outside prison walls is almost always short-lived."[2]

Students of the subject generally agree that this group presents a greater danger to society than does the group of feeble-minded for whom permanent custody has in some cases been provided. Dr. Bernard Glueck is quoted in the New York Prison Commission Report on this point:

"In contemplating the foregoing facts one cannot escape the conviction that the psychopath with anti-social tendencies is by far the most dangerous individual with whom we have to deal, and one would expect that society would exercise an unusual degree of effort in its attempt to solve the problem which he presents."[3]

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[1] Page 3.

[2] "Extracts from Penological Reports and Lectures," page 176.

[3] Page 25.

It seems certain that laymen generally are not qualified to judge the mental condition of such applicants for parole. Certainly this must be the work of experts. And it is important that this work should be done, not as a fad, but in order that the community may be protected against the early release from detention of those whose freedom will almost inevitably imperil its peace.

Many wealthy and populous states, among them California, Ohio, and Indiana, have done little or nothing toward the application of psychological science to penal administration. There is practically no development of this nature in the smaller commonwealths. The investigators who prepared the "Handbook of American Prisons" in 1926 for the National Society of Penal Information found, however, that psychological work had been undertaken in the state prisons in Massachusetts, Illinois, Wisconsin and Kansas and also that a beginning had been made in this direction in Rhode Island, Connecticut and Michigan. The most completely developed work of this nature was found at the United States Disciplinary Barracks at Fort Leavenworth, Kansas, where psychological and psychiatric work is used in connection with discipline, education, assignment and parole. Development along the same lines was found at the other penal camps of the army located at Governor's Island, New York, and Alcatraz, California.

In Wisconsin the Board of Control, which has authority in parole and all other penal administration, has appointed a psychiatrist who makes a complete mental examination of all prisoners committed to the state prison and reformatories. His reports, according to the board, are of great value in determining whether or not parole should be granted in individual cases. In Connecticut each inmate of the reformatory is given a mental examination at the time of his reception and the penitentiary Board of Parole is provided with psychiatric information upon each parole applicant which includes his mental age and his intelligence quotient. Each prison and reformatory in Massachusetts has a mental officer who studies the intelligence and personality make-up of every prisoner. The psychopathic laboratory at the Concord Reformatory, organized in 1908, is the oldest in the United States. In Illinois there is a Division of Criminology with a state criminologist at its head and a staff of psychologists, psychiatrists and social workers in the state's penal institutions. This division examines prisoners upon their admis-

sion and the results of these examinations are used in work assignment and internal discipline. It acts in an advisory capacity to the Division of Pardons and Paroles, presenting psychological summaries to the Parole Board and field parole agents for such use as they may care to make of them.

In the reformatories of New Jersey there has been developed a rather detailed classification system which is based upon a scientific study of each individual. Prisoners on admission are given tests to determine their intelligence, mechanical aptitude and general nervous and mental condition. An investigation of the home environment is made by a state parole officer. Reports are also made by the educational, religious and disciplinary officials. A Classification Committee, consisting of state and institutional officers, using this information as a basis, meets to decide the type of training which the individual is to receive during his imprisonment, the length of time for which he should be held and the minimum accomplishment which should be required of him for parole eligibility. The recommendation of this body is placed before the institution Board of Managers, which has the final authority to release on parole.

The New York State Reformatory

The Elmira Reformatory in New York has probably gone further than most other institutions in developing a scientific study of the offender's mental make-up. Every prisoner upon his reception undergoes a thorough examination. Eleven mental tests are given to determine his mental age, his attention, his visual memory, his perception and suggestibility, his interests, the extent of his general information, his ability to co-ordinate, to follow instructions and to learn from experience. Such examinations have been given to all inmates on admission since 1900. A Department of Psychiatry and Sociology was established in August, 1916, and now has behind it more than ten years of experience. Both the superintendent of the institution and the physician in charge of this department are trained psychiatrists. Its work is carried on in a well-equipped laboratory and a psychiatric ward has been provided for the hospital treatment of disciplinary cases. Psychiatric and neurological examinations are made to determine the intellectual characteristics and qualities of every inmate and the results of these studies become a part of his permanent record. The Research Department has such a psychiatric record on every man admitted during the past

ten years. On the basis of the information so obtained a chart, called a psychogram, is prepared, presenting, in summary form, the inmate's family and personal history, his mental and moral capacity, and a diagnosis as to his character possibilities. Illustrative summaries of two actual cases follow.

DEPARTMENT OF RESEARCH

PSYCHOGRAM SUMMARY

Binet Age 14
Ex. No. 3754
Age 24

Diagnosis: Fair capacity. *Classification:* Psychopathic delinquent.

History: Comes from a respectable and well-to-do parentage—father vice-president of a steel company. Inmate has never been properly disciplined or controlled by his parents, and has apparently been encouraged in his criminal career. He is the only son in the family. Although he is able to earn his living as a steel worker when so minded, inmate has never accomplished anything—has been incorrigible since early life, stealing from his parents and accomplishing little or nothing at school. He has been alcoholic since 16 years of age and is syphilitic. Inmate is a typical rover—travels about the country upon proceeds obtained through gambling or forgery. He was sentenced here for forging two $150 checks against his own father—has committed many previous forgeries.

Delinquencies:

(1)—Getting money under false pretences; 7 months; Allegheny Workhouse.

(2)—1923, forgery, 2nd (Elmira).

Physical: Defective hearing; nervous heart; partial Wassermann reaction; exaggerated deep reflexes; history of gonorrhea and syphilis.

Mental: Binet age 14 years (Terman revised). He graduated from P. S. and has attended other schools for short periods. Inmate is intelligent and fairly alert; answers the test questions in a logical manner and passes a good mechanical test; shows some native organizing ability, which he has applied along criminal lines. The man is a pronounced psychopath; is a smooth talker; has a bold front. He is unbalanced, however; cannot adjust himself to an ordinary social environment. He indulges his appetites and impulses freely. It is impossible for him to stay long at any one occupation as he is restless, unstable, and easily fatigued by mental application. He is conscienceless; ungrateful, and is actuated by crooked and anti-social motives.

Needs: Mechanical trade here; ethical training; should be compelled to settle down and work steadily in some definite location and should report regularly for at least two years.

PSYCHOGRAM SUMMARY

Binet Age 8
Ex. No. 5922
Age 24

Diagnosis: Segregable. *Classification:* Moron.

History: Comes from a low ancestry; father represented as an inveterate drunkard who has been arrested several times for public intoxication and once for fighting. The mother bears a good reputation; one brother formerly here as 31588; was transferred to Napanoch; another brother died through dissipation. Inmate has patronized prostitutes; has drunk to some extent himself; just missed being sentenced to this institution two years ago upon the same charge as the aforementioned brother. Inmate is the sixth of seven children and the youngest son in the family. He has been a teamster for the past two years; has a venereal history and is partially syphilitic. Inmate has been locked up since coming to the institution. He was sentenced here for stealing an overcoat and pair of gloves from a store in Geneva, N. Y., in company with one associate; claims to have been intoxicated at the time and also unemployed.

Delinquencies:

(1) 1922—Drunkenness, County Jail 25 days.
(2) 1923—Drunkness, County Jail 5 months.
(3) 1926—Petit larceny (clothing) Elmira.
Chief of Police at Geneva claims several undetailed arrests as follows: 3 arrests for petty larceny; 5 arrests for intoxication; 1 arrest for assaut, third, etc.

Physical: Strongly-built; hole through left soft palate (syphilitic?). Left leg crooked from fracture; nervous heart; constipation; poor teeth; degenerate appearance; partial Wassermann reaction; gonorrhea several times.

Mental: Passes an eight-year test; has evidently done nothing at school and is unable to read, write or spell English; is densely ignorant and does not comprehend simple test questions. Inmate has a dull and feeble mind; is unteachable along literary lines; is deficient in normal mechanical ability; cannot describe simple processes or plan ordinary activities successfully. Inmate is also grossly deficient in ethical sense; is an obvious and pronounced mental defective who does not realize his own predicament. His outlook is hopeless and he will always require the supervision and assistance necessary for a low-grade moron.

Needs: Napanoch type; should be trained in habits of cleanliness and industry; is disqualified for trade; ought to have anti-syphilitic treatment.

Such study goes on every day at the institution. Particularly detailed investigations are made, however, at three specific times during the inmate's history: First, when he enters, to determine his placement within the institution; second, half way through his course, to determine the length of time for which he shall be held and third, at the conclusion of his course, to decide upon his proper parole environment. "Intensive study of the indi-

vidual is the foundation of everything the reformatory does," says its report. The work is definitely purposeful. The head of each department in the institution receives a copy of the summary for use in his contact with every case. At Elmira, through long years, the idea of the scientific approach has been "sold" to the officers of administration and a morale has been established which supports the practical utilization of its results.

Laboratory results are used at Elmira. First, they are applied in the scientific adaptation of prisoners to tasks within the institution. Such careful placement improves institutional discipline and increases the reformative possibilities of the vocational training program. The results are similarly used in placing prisoners in the reformatory schools. They are, moreover, of highest significance in bringing about intelligent discipline. The institution has not used dark cells, screened cells or short rations as punitive measures for years. Disciplinary cases are, instead, referred to the psychiatrist for examination. In this way the administration forestalls the senseless infliction of punishments on lunatics and epileptics for offenses against institutional rules, for, according to the superintendent, "practically all of the persistent violators of the rules in a well-conducted institution will be found to be feeble-minded, mentally or physically abnormal, and I have yet to know of any incorrigible prisoner who could not be so classified."[1]

Science not only prevents the unwarranted punishment of irresponsible prisoners but it also helps to readjust them to the institutional routine through treatment in the psychopathic ward which has been developed for the hospitalization of disciplinary cases. In this way careful examination makes possible the removal of the epileptic from the regular institutional routine and his treatment through special methods. It makes possible, as well, the segregation of mental defectives inside the institution. A group containing a number of such cases at Elmira is entirely separated from the rest of the population. Scientific classification also makes possible the transfer of defective individuals to specialized institutions for the detention of the feeble-minded and the insane. Another great possibility of this work, not yet fully realized, lies in the contribution which can be made by methods of this nature toward the determination of the causative factors in delinquency.

[1] "Extracts from Penological Reports and Lectures," p. 138.

We come now to the point in which our particular interest lies —the relation between this work and the administration of parole. Its results might be used to fix the length of time prisoners should be required to remain on parole, but little has been done in this direction due to the limitations of the state's equipment for supervision. It does, however, assist the authorities in fixing special conditions to be observed by parolees and in placing them in the types of communities and at the kinds of work in which they will be most likely to succeed. Results are also applied in the treatment of prisoners on parole by supplying a summary of laboratory findings to those field officers who are qualified to use them with discretion. Finally, there is the application of this material in the selection of prisoners for parole. Mental examinations reveal a considerable percentage of cases unlikely to succeed on parole and properly requiring permanent custodial care. It is often necessary, however, to liberate such individuals because of the present requirements of the law. Within these limitations, the discoveries of the Department of Research are used in determining the time at which parole is to be granted.

The reformatory population is divided into three grades. New entrants are placed in the second or probational grade. Serious misbehavior may reduce them to the third grade. Six months with a clear institutional record will earn them promotion to the first grade. When this promotion takes place the individual's case comes before a meeting of the reformatory staff. At this time he is placed in one of three classes. Those placed in class A must serve six additional "good" months before becoming eligible for parole. Those classed as B must serve nine more months and those placed in class C are held for one year more of "good" months. The considerations which determine the individual's classification include the following: The inmate's family history, the crime for which he was committed and the number and character of his previous delinquencies, the history of his school work, the result of his instruction, the record of his examinations and grades, his apparent ability to receive formal school instruction, his industrial efficiency, his ability to learn a trade, to earn his own living, his stability in employments previous to his incarceration, his progress in the work of the institution's trade school. Consideration is also given to his social history, his attitude toward society, toward his parents and dependents, his moral and ethical reactions. His classification de-

pends upon these factors and, finally, upon the results shown by his physical, psychological and psychiatric examinations. The factors influencing the decision as to the length of the prisoner's term are illustrated in the examples of individuals placed in three different classes as reproduced below:

Classified as "A": "32531. Admitted March 9, 1925. Onondaga County. Rape, 2nd degree. No previous criminal history. Age 28. Binet age 13; dull-normal, responsible offender. Demeanor record fair; lost one month; restored. Eighth grade school; passes examinations. Assigned to kitchen; good report. Dull mentality. Good mechanical test. Gives evidence of average learning capacity and organizing ability. Well informed and self-sustaining. Considered reliable as a mail carrier. Never accused of dishonesty. Served overseas in the 27th Division, with honorable discharge. Prognosis hopeful."

Classified as "B": "32361. Admitted Jan. 13, 1925, from Chemung County, for grand larceny, 2nd degree. Previous criminal history: 1924, possessing firearms, 1 year probation; 1924, grand larceny, 2nd degree, 1 year probation. Sent to reformatory for violating his last parole. Age 18. Binet age 13; dull psychopath; fair demeanor; lost three months. Eighth grade in school; passes examinations. Bake shop all day. Excellent bak[illegible]; good report; attended high school for a short time. Caused considerable anxiety to teachers because of insubordination. Refused to obey his parents or live with them. Consorts with prostitutes and other bad company."

Classified as "C": "32387. Admitted Jan. 31, 1925, from Erie County, for criminally receiving stolen property. Previous criminal history; 1920, Father Baker's, 1 year; 1922, juvenile delinquency; 1922, burglary, probation 2 years; 1924, highway robbery, suspended sentence. Age 18. Binet age 9½. Segregable delinquent. Demeanor poor, lost 3 months. Third grade in school, passes and fails alternately. Moulder class, passes examinations; good report. Third grade, public school; 2 years in ungraded class; chronic truant; hard to manage; defective insight; no respect for rights of others; comes from low ancestry."

"A" is normal mentally and really a first offender. We get few of this class and those we do receive almost invariably do well. His record has good in it as well as ill, and, perhaps most important of all, he has the capacity and apparent disposition to make an honest living.

"B" is abnormal mentally and an old offender. He has failed twice on probation. He has, however, capacity to do work, sufficient to yield him an honest living, and is not essentially vicious. His lack of mental stability is the primary cause of his criminality. Unless this improves, his prognosis is doubtful. He represents a very common type.

"C" has been in institutions since childhood. He is so subnormal mentally that it is doubtful if he will ever be able to manage himself or his affairs. Yet under supervision he is capable of fairly efficient labor. He will always be feeble-minded. His future will depend entirely on his environment.

Recent consecutive classifications were divided as follows:

"A"	259	15 per cent.
"B"	1,514	74 per cent.
"C"	194	11 per cent.
	1,967	100 per cent.

If we are open to criticism it probably is on the ground of too many B's and not enough C's.[1]

It is evident, then, that the time at which a prisoner wins his release here is determined by many factors which are given scant consideration in parole decisions in Pennsylvania. On the surface, at least, the system in operation at Elmira today provides the public with a superior measure of protection.[2]

In Other States

Penal administrators, boards of parole, legislatures and public officials are coming more and more to recognize the need for development along these lines. In Iowa the Board of Parole has recommended that all commitments be made without maximum limits of imprisonment so that mentally defective prisoners may be detained indefinitely for the greater security of society. In order to make this plan operative the Board adds that "the law should provide the services of trained psychopathists and physicians."[3] The Association for Criminal Justice in Missouri has urged an improvement in the technique of parole selection in that state. This body asserts in its report that the state's parole authorities should be equipped with the following information, which is not now at hand:

"The offender's background, including his family history as well as a study of the early influence of his home and neighborhood which may have caused his delinquency—careful physical and mental examinations —a study of his conduct problems or moral difficulties—occupational aptitudes and interests. The length of incarceration should be conditioned upon these facts considered from the standpoint of the best standards in parole work. If his old environment is found to be unfit for his return, he should be paroled into helpful surroundings."[4]

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[1] "Report of Board of Managers," 1925, pp. 18-21.

[2] No man is paroled until he has been guaranteed employment and his prospective work and home have been personally investigated by parole agents or probation or police officers and approved by them. This procedure must be contrasted with the purely paper provision for employment at Huntingdon. Not over 10% of the prisoners are released in the minimum time allowed by law. The average period of service is eighteen months which is again in contrast with a thirteen or fourteen months' average at Huntingdon. A few first offenders with excellent employment records are released to a parole period of one year. Such provision is made however, in not more than 5% of the cases paroled, the vast majority going out on parole periods of two years. No man released from the Pennsylvania Industrial Reformatory is held on parole for more than six months.

[3] "Report of the Board of Parole," 1923, pages 4 and 7.

[4] "Missouri Crime Survey," pp. 476-477.

In Minnesota, the Crime Commission recommends that

"there be made available to the Board of Parole the advice of an expert in mental diseases; that one report, and as many more as neccessary, of such an expert be made to the Board before any prisoner be released."[1]

In Ohio the Joint Committee on Prisons and Reformatories, which reported to the General Assembly in 1926, advocated the creation of a Board of Classification. Under the direction of this body there would be established a central station for the reception of all prisoners. This station would be equipped with a competent, technical staff, charged with the mental, physical, educational and vocational examination of all incoming prisoners. Field officers would be provided to gather data on the prisoner's general environmental background. On the basis of all the information so secured, the Board of Classification and Parole would determine the requirements to be met by the prisoner before he should be eligible for release.[2] A similar program is being initiated in New York State, where a psychiatric laboratory has been constructed at Sing Sing Prison. The work of examination, begun in January, 1927, will be carried forward under the direction of the state's new Department of Corrections. The legislature's Crime Commission has urged that the state's Board of Parole be supplied with

"complete records of men eligible for parole, giving their social, physical, mental and psychiatric condition."[3]

The legislature of Massachusetts has set up a requirement which is probably without parallel. The law of that state[4] now requires a thorough psychiatric examination of all recidivists and all first offenders sentenced to serve more than thirty days in any jail or house of correction. A Division of Examination of Prisoners has been created in the Department of Mental Diseases and clinics have been set up throughout the state for the complete physical, psychiatrical, neurological and social examination of these cases. Complete fulfillment of the requirement of the statute would involve the examination of some nine thousand cases annually. Actually, less than one-third of this number have been examined and this part of the work has involved an annual

[1] "Report of the Minnesota Crime Commission," 1927, p. 61.

[2] See "The Penal Problem in Ohio," particularly pp. 26, 30 and 44.

[3] "Report of the Crime Commission of New York State," February 28, 1927, p. 71.

[4] Chapter 309, Acts of 1924.

appropriation of from $50,000 to $60,000. The record of a complete examination reveals sixteen pages of standard size, four of which consist of forms which are filled out in detail. The other twelve contain a single-spaced, closely-typed narrative. This record gives a complete identification of the case; a social history covering the prisoner's school, work, companions, leisure activity and delinquencies; an account of his family and home environment; his physical, mental and nervous condition; and a recommendation as to the disposition of his case. In the application of such detailed study to thousands of local prisoners, Massachusetts has undertaken a measure far in advance of that yet attempted by any other commonwealth.

These projects now being developed in Pennsylvania's sister states may indicate the probable future trend in penal administration. If Pennsylvania can not always lead the way she can at least profit from her neighbors' experience. In this field, as in others, the path of progress apparently lies in the application of science to the problems of life.

CHAPTER 13

PAROLE SUPERVISION IN OTHER STATES

In parole supervision, as in parole selection, there are many other commonwealths which have apparently made no more progress than has Pennsylvania. And there are, on the other hand, a few states from whose experience much might be learned. This chapter and the one which follows it outline the methods employed in other states in accomplishing the supervision of prisoners who are on parole.

Parole Rules

A great variety of rules are laid down in the various states to govern the conduct of prisoners liberated under parole conditions. In some states very few specific requirements are made; in others the provisions established are detailed and elaborate. There are a few conditions which are almost universally imposed. Nearly every commonwealth requires that its parolees abstain from bad associates, some of them defining this as applying to persons who are "vicious, lewd or unworthy." In many states the parole rules direct the prisoner to keep away from "improper places of amusement." In a few cases he is more specifically ordered not to gamble or to frequent pool halls. In Iowa, for instance, the parolee is forbidden to visit public dance halls. Nearly every state forbids him to drink intoxicating liquors and many of them require that he shall not frequent places where such beverages are sold. One or two states specify that certain prisoners must remain outside the state during their period of parole. Generally, however, the parolee is required to remain within the state's boundaries unless he is given specific permission to leave. A few commonwealths specify definite territorial limits within which the prisoner must remain until his parole period has expired. Generally he must secure the written consent of the parole authorities to change his residence or place of employment. In Nevada it is required that he secure such consent before he engages in independent business of any sort.

Another usual provision is that the prisoner shall obey the law and conduct himself as a good citizen.[1]

In nearly every state printed rules of parole which are given to the prisoner contain some expression to the effect that the officials of the institution from which he has been released have a friendly interest in his endeavor to readjust himself in the community. The rules in California contain the following statement:

"The members of the State Board of Prison Directors are your friends. They want you to succeed. Through the parole officer they will do all they can to afford you the opportunity to succeed. With opportunity thus afforded you, and with the encouragement, counsel and advice of the parole officer we shall expect you to go forward to certain and lasting success."

A similar statement, made in the Illinois parole agreement, has been adopted by a number of other commonwealths. It reads:

"The Division of Pardons and Paroles of the Department of Public Welfare and the warden of the penitentiary have a lively interest in the subject of this parole. They will counsel and advise him as he may need, and will assist him in any reasonable way to re-establish himself in society. They will vigorously follow and re-arrest him in the event that he wilfully violates the conditions of his parole, sparing neither time nor expense in doing so. If he does right he need have no fear of being re-arrested. If he does wrong he must expect the inevitable penalties."

It is the custom in many states to attach specific provisions in the case of individual paroles which are not applicable to all prisoners. In North Carolina certain men are required to support

[1] There are other parole rules whch are less widely adopted. A few states specify that the prisoner must regularly keep at work. In Rhode Island and Massachusetts it is required that he shall be "industrious and discreet." Georgia and South Dakota insist that he shall pay his debts. Vermont directs him to support his family. New York advises him to save his money. In Iowa it is specifically stated that he shall save at least a certain percentage of his earnings. Convicts in Minnesota do not receive the money due them from the prison for labor which they have performed until they are finally discharged from parole. In North Dakota it is required that prisoners shall deposit twenty-five per cent of their wages monthly with state officials until a sum of one hundred dollars has been accumulated. This money is not returned to them until the successful completion of their parole period. In case of violation it is declared forfeited. In Wisconsin, also, a certain balance of the parolee's earnings must be remitted to the warden of the prison and kept for his benefit until the time of his release. He may in the meantime arrange for his financial needs through the warden.

Parolees in South Dakota are not permitted to purchase an automobile or any other large item without the permission of the state parole officer. In California they are forbidden to "drive or operate an automobile, auto truck or motorcycle." The rules of Iowa specify that prison-

members of their families during their parole period. In California payments for this purpose are stipulated in the parole conditions and are collected through public officers. In Ohio, also, prisoners guilty of abandonment or non-support are required to make monthly payments through the warden of the penitentiary. These payments are based upon their earning capacity and the number of their dependent children. In Ohio and elsewhere an attempt has likewise been made to force prisoners to make restitution out of their earnings during parole for the loss occasioned by their original offense. It is frequently required that certain parolees remain within a definite geographical boundary, a county or, perhaps, a city, or, on the other hand, remain away from some specific place. In Washington, in Minnesota and in Vermont certain prisoners may be paroled

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ers "shall not own, use or ride in an automobile or motorcycle without the written consent of the Board of Parole."

In Illinois it is specified that paroled prisoners shall keep reasonable hours. Iowa directs them to spend their "evenings after working hours at home." Washington parolees are not permitted to correspond with other prisoners who are on parole. At the reformatories in Ohio, Indiana and Missouri the rules direct parolees to abstain from contact or association with men who have criminal records or with other parolees. Parole rules of the Ohio Penitentiary announce that "drinking or loafing around questionable places or with disreputable characters will positively not be tolerated. Excuses will not be accepted." In Massachusetts and in New Jersey it is required that prisoners abstain from the use of drugs. California specifically forbids the employment of opium. In Connecticut, Indiana, Ohio and Oklahoma parolees are not permitted to carry firearms.

Prisoners on parole in Nebraska and in Missouri are required to attend a "religious service or institution of moral training" each Sunday. The Board of Clemency in Ohio "advises church-going." In New Jersey, Maryland and Iowa it is decreed that the prisoner "will not marry during his term of parole without consent" and the California rules include the following statement: "Your civil rights are suspended by law until the expiration of your sentence. You cannot, therefore, lawfully enter into any contract, engage in business for yourself or marry." The Ohio Penitentiary rules also inform prisoners that they cannot vote. Many states make the provision that parolees must immediately notify the state authorities in case of illness.

Prisoners released on parole from the Washington State Reformatory are surrounded by numerous detailed restrictions. They must be "obedient, respectful, truthful and diligent" for their employers. They must not "loaf, stay out at night, use profane or obscene language." They must not "use any unnecessary drug." They must procure permission from their employers before leaving their homes at night and employers are requested to see that prisoners paroled to them are in regular attendance at Sunday worship. The rules further specify that "ornamental jewelry, automobiles, horses, bicycles, etc., must not be bought without the permission of the chief parole officer. Borrowing money or articles of value or going into debt is likewise prohibited."

with the understanding that they will leave the state, not to return. It is only in Ohio that this practice is generally extended. The Board of Parole in New York sometimes attaches the stipulation that certain offenders must abstain from certain types of employment, that a paroled prisoner must not visit his wife or certain members of his family, that pickpockets must keep away from crowded places, etc.

It may be questioned whether provisions of the nature outlined above, printed on paper for the government of all parolees, are likely to prove particularly effective unless accompanied by a thorough-going system of parole supervision. It seems certain that such detailed requirements as Sunday church attendance, a nine o'clock bed time, the abstinence from profanity or from automobile riding or the provision made by the reformatories in Ohio, Washington and Iowa that parolees shall "refrain from smoking cigarettes" will lead to frequent and repeated violations. It might even be contended that it is futile to insert the stipulation that paroled prisoners shall not drink intoxicants. The parolee's knowledge that these requirements cannot be enforced and are probably not generally observed may cause him to hold other and perhaps more important parole rules in corresponding disregard. It seems quite likely that it would be wise for parole authorities more extensively to use their right of imposing specific conditions on each parolee to suit his individual case where their knowledge and equipment permit them to do so.[1]

Parole Reports

Every state which releases prisoners on parole relies in whole or in part on the submission of periodic reports as a method of maintaining its control over them. In nearly every case the parolee is required upon his release to proceed directly to his place of employment and immediately report his arrival together with his future address to the authorities. Thereafter he must generally submit a written report once each month covering his conduct for that period.[2] Massachusetts is the only state

[1] The present Supervisor of Paroles in Illinois is now considering the possibility of materially reducing the number of conditions imposed upon parolees and then insisting upon the exact and complete observance of those conditions which remain.

[2] In New Mexico and in West Virginia the monthly report is required only during the first year of parole. Reports thereafter are less frequent. Parolees in Kansas report each month during the first year to the state's parole officer and then receive a conditional discharge. From this time on they are required to report in writing four times

which does not provide a printed form on which the prisoner is to submit his report. Reports are made in that commonwealth through the medium of personal calls at the State House or personal letters. Prisoners paroled to other states send in such letters once a month. In some cases men who are ignorant or poorly educated fulfill the requirements simply by mailing in their signatures and their addresses. In all other states, however, a regular printed form is employed. In nearly every case this form requires the parolee to state his address, the nature of his occupation, the amount of money he has earned, the amount he has spent, the number of days he has worked and the number of days he has been idle together with the reasons for his idleness.[1] A few states require a detailed itemization of all moneys expended. The Idaho report calls for a record of the amount spent for rent, groceries, fuel, clothing, laundry, doctor bills, barber, tobacco, amusements, etc. A similar account is required in Indiana and Illinois supplies a form for a daily itemization of earnings, expenditures and cash in hand.

Some parole reports give the prisoner an opportunity to appeal to the authorities for help if he is in difficulty. The Kentucky form contains the following question: "Are you satisfied with your present employment?" In Arizona, Kentucky, Indiana and Ohio the prisoner is asked if he has had any trouble or misunderstanding with any one. In Montana he is required to give information concerning his health and a few states ask for "a general statement of his surroundings and prospects." Idaho and North Carolina further request him to give "any other information that will throw light upon his conduct and success."

The report is also used as a means of obtaining information on the prisoner's general conduct. In Minnesota he is asked how

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annually to the Governor of the state until one-half of their maximum sentence has expired. Prisoners paroled from the reformatory in Missouri must submit monthly reports during the first year, a quarterly report during the second and a semi-annual report during the remaining years of their period of parole. In only two cases apparently are reports required more frequently. Prisoners paroled from the New Jersey State Reformatory must report every two weeks, while those on parole in Rhode Island report weekly.

[1] Kentucky and Oklahoma require parolees to specify the amount of money they have contributed to the support of their dependents. Colorado, Nebraska, Kentucky and the New York State Reformatory ask for a record of the parolee's savings. In California a card index is maintained covering the earnings, expenditures and the bank balances of every prisoner on parole.

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he spends his time when he is not at work. In Indiana, in Connecticut and in Wyoming the report provides the following blank to be filled in: "My evenings have been spent at....." The form in Nebraska asks the parolee what diversion or amusement he has taken and the Kentucky report inquires "Where and how do you take your recreation?" Other states desire more specific information. In Arizona the authorities inquire "Have you visited any bawdy houses?" In Ohio and Indiana the reformatories ask, "Have you attended any public meetings, dances, picnics or parties? If so, where?" In Oklahoma, likewise, the parolee is required to assert that he has "not visited pool or billiard halls, carried firearms or used intoxicants." The forms used in Arizona, Connecticut, Ohio and Indiana also inquire whether the parolee has used intoxicants. At the Ohio Reformatory the report goes on to ask, "Have you visited places where liquor is sold? Smoked cigarettes? Carried concealed weapons?" In Indiana as well the parolee is interrogated concerning his use of tobacco.

In Nebraska the prisoner is required to tell "what church or other institution of moral training" he has attended each Sunday. Similar inquiry is made in Connecticut and Indiana and at the Ohio Reformatory. In Indiana and Wyoming and at the Ohio Reformatory the parolee is asked to tell what books, magazines or papers he has read. The report in Nebraska specifically asks "what books, magazines, articles or subjects have been read and impressed him." Paroled prisoners in South Carolina are provided with a space an eighth of an inch wide and one and one-half inches long on a postal card in which they are asked to record the "reading and studying" which they have done. Alabama asks the parolee whether he has violated any laws. The forms used in Maine, in Michigan and by the Federal Government inquire into his general conduct and associations while the state of Washington asks, "Are you faithfully observing all the conditions of your parole?"

It is perhaps possible that the submission of reports of this character may possess some value in enforcing good conduct by parolees in those states which supplement them by a thoroughgoing system of personal supervision. Generally, however, it would seem to be ridiculous for the penal authorities of any state to take at face value the answers made to questions of this nature by released convicts and to rely exclusively on information of this sort. Such specific and detailed inquiries concerning

the parolee's conduct will certainly never be answered in an unfavorable way. If the accuracy of the replies elicited by these inquiries is subject to no official check it would probably be better if they were never made.

Sponsors

A frequent requirement is that the employer, sponsor, custodian or "next friend" of the parolee shall sign his report and certify that its contents are substantially accurate. To this provision California adds the requirement that some state peace officer must also add his signature. Several states place great reliance upon this method of control. In Connecticut, California, Indiana, Illinois and Wisconsin the employers of paroled prisoners sign an agreement which contains the following words:

> "I also promise to take a friendly interest in said person, to counsel and direct him in that which is good, aid and encourage him to become an honorable and useful member of society, and promptly to report any unnecessary absence from work, any tendency to low and evil associations, or any violation of his parole. I further promise to see that he forwards his monthly report promptly with my certificate thereon as to its correctness. If for any reason I should be unable to continue said person in my employ, I will at once notify the parole officer of his proposed dismissal."

California supplies prospective employers of parolees with printed directions in which they are asked to inform the state parole officers concerning the prisoner's arrival at work, to see that he fulfills the conditions of his parole, to report immediately if he leaves his employment or residence without permission. The employer is furthermore solicited to encourage the parolee to save a portion of his earnings. Occasionally letters are sent to employers inquiring concerning the health, industry and general conduct of prisoners placed in their care. A similar system is used in Michigan. While this method of control may be superior to no control at all, its value obviously depends upon the qualifications and character of the individuals who serve as the sponsors or employers of paroled prisoners. In a few states these individuals are investigated by parole officers before the prisoner is placed in their care. Many other commonwealths, however, make no provision for such investigation and the value of the reports submitted to the state authorities by sponsors and employers is consequently problematical.

It seems almost undeniable that any plan of parole must make provision for some effort toward individual supervision on the

part of the state. It is nevertheless the case that fifteen states which permit the release of prisoners on parole have provided no officers whatsoever for the administration of their parole systems.[1] The problem of control is, of course, dependent upon the area and population of the state in question. Commonwealths like Delaware, Maine, Idaho and the Dakotas, with their usual number of fifty to seventy-five parolees, might doubtless manage very well with one parole officer. In such states as Rhode Island, New Hampshire, West Virginia and Wisconsin where there are generally between one hundred and one hundred and fifty on parole, two or three might suffice. The problem becomes more complicated, however, when we consider the case of commonwealths such as Connecticut, Louisiana, Minnesota, Iowa and North Carolina with their two hundred to three hundred parolees. Here an even larger staff is unquestionably required for adequate parole supervision but even here we do not approach the complexity of the problem existing in a state the size of Pennsylvania. It is only in Ohio, Indiana, Massachusetts and Illinois, each of them with more than a thousand prisoners on parole, in Washington and in California with their two thousand parolees and in New York with her more than three thousand that the task of parole supervision assumes the magnitude that it does in Pennsylvania.

Parole Officers

Several states are attempting to carry on their parole work with one paid officer. It is possible that this may be accomplished without difficulty in Delaware, Rhode Island, Maine and South Dakota. In Louisiana, however, one officer is expected to supervise two hundred parolees. In Arizona and at the Kansas State Reformatory there is only one officer for more than three hundred prisoners on parole. The Missouri State Reformatory provides one officer to supervise eight hundred parolees and in

[1] This is the present situation in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Montana, New Mexico, North Dakota, Oklahoma, South Carolina, Tennessee, Utah, West Virginia and Wyoming. The penitentiary in Missouri has no field parole officer and at the Kansas penitentiary half the time of one clerk is devoted to the task of parole supervision. Idaho attempts to discharge its responsibility by requiring prisoners to report to the sheriffs of the counties to which they are paroled. In New Hampshire the chaplain of the prison serves as its parole officer and in Vermont prisoners are paroled into the custody of the probation officer, who has a deputy in each county who is paid at the rate of four dollars per diem for the work which he does.

Washington there are two thousand prisoners paroled into the custody of one man, confronting him with a task which is impossible to perform. The Federal system operates on a similar basis, the Government having provided one parole officer at the Atlanta Penitentiary, one at Leavenworth and one at McNeil Island. It is almost invariably the case in those states which have provided but one parole officer in each penal institution that these officials occupy themselves entirely with institutional work and parole correspondence and have little or no time for the difficult task of field supervision.[1]

The number of parole officers in a state or the number of prisoners on parole in themselves mean very little. It is not until we compare these two figures that we are able to estimate the extent of the provision which a state has made for the oversight of its parolees. Social workers generally contend that an officer cannot do adequate parole work with more than fifty to seventy-five persons at one time. There are only seven states in the Union which have made this possible. Five of these states are the small commonwealths of Delaware, Maine, Maryland, Vermont and South Dakota, where the total number of prisoners on parole falls within this limit. It is only in Minnesota and in Illinois that a large number of officers has been provided for the accomplishment of this object. In New Hampshire the chaplain of the prison is responsible for one hundred and ten parolees. In Rhode Island, Connecticut and Wisconsin parole officers are charged with the oversight of as many as one hundred each. In Iowa, Kentucky, Louisiana, Ohio and even in Massachusetts this number goes as high as two hundred. Indiana has provided only one officer to each two hundred and fifty parolees, while in New Jersey and California and at the Kansas Reformatory there are more than three hundred paroled prisoners to each field agent

[1] Several states have more than one officer. There are two in Connecticut, in Nebraska and in Wisconsin, three in Iowa and at the prison in New Jersey and four in Kentucky. The Indiana Prison has two officers, the reformatory three. In Ohio the comparative numbers are three and four, respectively. Minnesota has provided five state parole officers, California has six—a chief and five assistants. Five of the officials in this state are located in San Francisco, the sixth in Los Angeles. An effort is made to accomplish the supervision of prisoners in other parts of the state through the method of corresponding with their employers, already mentioned. A more comprehensive provision is made for parole supervision in Massachusetts and in Illinois. The parole systems of these states will be outlined in more detail in the following chapter.

provided by the state. In some states it is necessary for the parole officer to cover a great area in order to accomplish his work. A few others, however, have provided for a geographical specialization which makes the task less difficult. This has been done to a certain extent in California, in Indiana and in Ohio; to a far greater extent in Massachusetts and in Illinois.

The chief parole officer in the state of Washington attempts to cover the ground by the following method: He travels from county to county throughout the state, sending a notice in advance to all the parolees located in the counties which he is to visit. In this notice he specifies the time and place at which he will be prepared to receive personal reports. Parolees then journey to the county seat, meet him in person at a hotel at a designated time and discharge their obligation in this way. In Missouri a similar plan has been adopted by the parole officer of the state reformatory. Its operation is described in the report of the Missouri Association for Criminal Justice in the following words:

"Each month three days were spent in St. Louis to interview, if possible, two hundred and fifty-five parolees from that city and to receive their monthly reports. Most of the parolees who work report in the evening. This generally means that they gather in fairly large numbers waiting to see the parole officer. Thus they form contacts with boys who were at the reformatory. Such contacts are not desirable because they frequently encourage a relapse into former habits of crime."[1]

The state of North Carolina has attempted to accomplish the supervision of paroled prisoners through the use of county Superintendents of Welfare.[2] Paroled prisoners are committed to the care of these officials and required to report to them in person within five days after their liberation. The State Commissioner of Pardons maintains the right to call at any time for a report concerning the conduct of any prisoner on parole. One official observer writes that the work of supervision done by these officers "has not been as close as it should have been in many instances"

[1] "The Missouri Crime Survey," page 471.

[2] These officers are appointed by county commissioners and school boards in the state with the approval of the State Superintendent of Public Welfare. There are about fifty such officers, each of whom receives a salary varying from $1,200 to $3,000 per annum. They are charged with the administration of poor funds, the oversight of persons discharged from hospitals for the insane, the oversight of dependent and delinquent children, the oversight of probationers, provision of work for the unemployed, provision of recreatic[illegible] enforcement of laws regulating commercial amusements, etc.

and it is the opinion of another citizen of the state that "they do not take this job very seriously."

Michigan, like North Carolina, makes use of existing officers to carry on its supervisory work. The state has a Parole Commissioner at the head of its parole system, but actual contact with the prisoners outside the city of Detroit is maintained through the state constabulary. The head officer of the state constabulary in each county serves as a parole officer without pay. He is supposed to assist the paroled prisoner to secure work and to receive his monthly reports. An independent student of the Michigan system reports that these officers keep "in rather close touch" with their charges. In some cases, sheriffs or officers of the probate court are used for this work, receiving in payment one dollar per month for each prisoner placed under their care. In Detroit the Commissioner makes use of the Salvation Army and the Volunteers of America to carry on the work of supervision. Prisoners are generally released before the expiration of their minimum terms for a period of employment in road construction under the supervision of the state constabulary. This is spoken of as a temporary parole. Two out of every three prisoners go through this period before receiving their final parole release.

The study of the Missouri parole system, which was recently made under the auspices of the Missouri Association for Criminal Justice, revealed that no field parole agent was employed by the penitentiary in that state and that due to absence of supervision it was practically impossible to force prisoners to observe the conditions under which they were paroled. It was shown, in fact, that there had been numerous violations of parole which had never been followed by a revocation of liberty. The system at the reformatory was little better. Here it appeared that 25 per cent. of those released on parole disappeared completely or failed to report shortly after they were granted their release and that control over the conduct of other paroled prisoners was generally lost in seven months. The reformatory parole officer, because of the enormous burden of work imposed upon him, was little more than a clerk of record and an arresting officer. The system provided a partial means of obtaining information concerning the conduct of former prisoners, but did nothing to assist them to become successful citizens. The offender is left, in the words of the report, to "fight the battle of his life practically without aid or supervision." The report

recommends the employment of four trained, mature and efficient men to carry on this work at the reformatory.[1]

In Wisconsin, each institution has a parole officer who visits prisoners in various parts of the state. These visits are necessarily infrequent and no record is kept concerning them. The majority of the work of supervision is left to the citizens who have agreed to serve as sponsors. These persons, however, are selected with little investigation concerning their fitness and the supervisory system is consequently less effective than it might be.

Occasionally an investigator of the administration of parole will encounter the opinion that a too extensive use of parole supervision is not to be desired. The parole clerk of the Ohio Penitentiary informed the writer that parolees should not be disturbed lest they might know that they were under surveillance and an official writes from Georgia that parolees who are not subjected to supervision can face the world with "more confidence" because of the "trust imposed" in them by the state. Generally, however, in those states where the equipment provided for parole supervision is inadequate this fact is appreciated and admitted by the authorities. The Inspector of Prisons in the United States Department of Justice recently sent a questionnaire dealing with parole to the Attorney Generals of the various American states. Eight of those who replied to his question concerning difficulties encountered stated that a considerable obstacle to the development of the system was the limited amount of funds provided by state legislatures for this purpose.[2] In Indiana the State Board of Charities has published the following statement:

> "Whatever weakness obtains in the present system is due to the meagreness of the funds provided for its administration. There should be more field agents."[3]

All reports obtainable from the state of California seem to indicate that its system of parole is regarded as particularly successful. The Section on Delinquency reported to the Commonwealth Club of that state in November, 1926, that "the principle which these laws embody is sound. They should remain on the statute books. The working of the parole law is as satisfactory

[1] "The Missouri Crime Survey," Chapter 11.

[2] This reply was received from Arkansas, Idaho, Louisiana, Missouri, Nebraska, New Mexico, Ohio, Washington.

[3] "Annual Report of the State Board of Charities," 1925, page 133.

as that of any other.[1]'' But in this state one observer writes that ''the authorities do not keep in very close contact with parolees'' and another that ''the parole officer has a tremendous job and nothing like the assistance he should have.'' In New Jersey also, in 1917, the Prison Inquiry Committee of the state legislature reported that ''the administration of the parole law very generally fails to attain the purpose for which is was designed;'' that ''the supervision actually exercised is little more than nominal.''[2] It further contended that ''a wholly inadequate force of parole officers is provided to exercise the necessary supervision over delinquents at large on parole.''[3]

It is undoubtedly the case that the present provision for parole work in many commonwealths makes the system little more than a matter of paper. As far as may be ascertained this is the present state of the case in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Kansas (as regards the penitentiary), Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, South Carolina, Tennessee, Utah, West Virginia and Wyoming. A student of the system in Kansas writes ''we do not have much of a parole system in Kansas.'' From Nevada the secretary of the Board of Pardons and Parole Commissioners sends the following comment:

"Parole is equivalent to final release. We rarely take a man back, perhaps five in a hundred. They sink out of sight; go away; get in some other state prison. They are required to report in writing monthly, which they do for six months or a year. Then there is a great silence. We do not find it practical to go to the expense of bringing them back."

From Texas, one correspondent sends the comment that ''our parole system is regarded by most Texans as being particularly bad.'' Another provided information which is more specific:

"In answer to your inquiries about the parole system in Texas, I will say that there is no such system. They have a parole statute, but absolutely no system. There is no parole board and what few paroles have been granted, have been granted either by the Governor to counties for use on the highways of the counties, or have been granted by the Governor or by the Prison Commissioners to cotton farmers or others who were in need of a servant or a good farmhand. Such paroles have usually been granted to long-time prisoners, not as preparation for being released, but purely for the benefit of the person to whom

[1] ''Transactions of the Commonwealth Club of California,'' Vol. 21, No. 9, page 399.

[2] ''The Report of the Prison Inquiry Committee,'' 1917, page 64.

[3] *Idem*, page 73.

the prisoner has been paroled. No records are kept of the paroles issued and not infrequently the paroled prisoner is lost sight of entirely. It amounts to little more than granting to a favorite individual a life or long-time interest in the labor of the prisoner. No serious attempt is made to ascertain what sort of treatment the prisoner receives and whether or not he is observing the conditions of his parole, if there are any. From these facts you will see that while they have a law, they have utter lack of system."

That this situation is not a new one is revealed by the statements made by the Texas Board of Pardon Advisers in their 1918 report. They are, in part, as follows:

"The principal motive that has impelled an application for the parole of convicts has been to a large extent selfish. The object has been to obtain able-bodied men who are capable of rendering good service, either as a farm laborer or as a mechanic, at, comparatively speaking, a low compensation. We have had frequent letters from men under parole stating that they are overworked and asking, in some cases, that they be returned to the penitentiary, if they cannot be paroled to some one else or granted a pardon. Some claim they are not paid for their services as agreed upon, others, that they are not given sufficient food. . . . With but few exceptions the prisoners who are on parole are Mexicans and negroes and there seems to be no record to the contrary but what these men have been in service in some cases for many years for a very small consideration, in some cases as low as eight dollars per month. . . . This is a very imperfect system and we call the attention of your Excellency to it, in order that there may be a better arrangement made to safeguard the welfare of the man who is paroled. Without a very close and careful surveillance of the men who are paroled, their condition may become one that would almost amount to slavery."

The Texas Committee on Prisons and Prison Labor recommended in the "Texas Prison Survey," which was published in 1924, that a Board of Parole be created and given power to district the state for parole supervision and assign agents to work with prisoners released to each district. It also suggested that these officers be held responsible for the character of persons serving as "next friends" to prisoners released on parole.[1]

The Federal parole system necessarily operates through the use of sponsors because of the vast extent of the territory to which prisoners may be paroled from Federal prisons. Control here is entirely a matter of correspondence. That this method has its limitations is indicated by the following statement, made by the Inspector of Federal Prisons:

"We have a record of paroling ten thousand men, out of which less than 6%, according to the records, have violated their parole, but as one of our wardens said, that is not a check, because you have no

[1] "Summary of the Texas Prison Survey," 1924, page 8.

supervision or practically none, so you will have to take it with a grain of salt. You don't know, nobody knows, whether the man on parole is violating his parole conditions unless he happens to get into court. If so, and he gets a new sentence, that is the only way by which he comes to the attention of the authorities, unless he has an unusually faithful first friend acting as a sort of Dutch uncle."[1]

In those states which have provided parole officers there is considerable variation in the nature of the work which these officers do and in the remuneration which they receive for it.[2] A fair generalization would be that the average parole officer receives from $2,000 to $2,500. Those states which offer less are attempting to get the work done at a pitifully low figure. The head of one state parole system expressed the opinion that it should be possible to procure an ample staff at an annual wage of $2,400, while another felt that service of the proper quality could not be obtained unless the state was willing to pay on a scale running up to a maximum of $3,600 per year. The wages generally paid for this work throughout the country are probably neither high enough to attract persons of great training and ability into the service nor to make political sinecures of the positions.

It is impossible to ascertain the nature of the work done by these officials by any other means than personal observation. The

[1] George A. Gordon, Inspector of Prisons, United States Department of Justice, testimony at the Pennsylvania State Parole Commission hearing, Pittsburgh, October 20, 1926, unpublished.

[2] Michigan, as has been said, pays local officers one dollar per month for supervising parolees committed to their care. Vermont pays its probation officers four dollars per day for their work in connection with parolees. At the Kansas Penitentiary one officer receives $1,000 a year for devoting a portion of his time to parole work. In one or two other places board and lodging, traveling expenses and the use of an automobile are so tied up with the parole officer's remuneration that it is difficult to estimate it accurately. The lowest rate that is generally paid for this work is $1,800 a year. This is the amount spent by the state in New York, in Rhode Island, Kentucky, at the reformatory in Indiana and at the New Jersey State Prison. Several other states pay their parole agents $2,000 a year. This is the present rate in Arizona, California, Iowa, Maryland, Ohio and South Dakota. The salary range in Illinois is from $1,800 to $2,400 a year and in Massachusetts from $1,920 to $2,280. Several states pay their parole officers $2,400 or $2,500 per annum. This is the case at the reformatories in Connecticut and Kansas and at the prisons in Indiana, Nebraska, Maine and Delaware. Minnesota maintains a wage scale of $2,580 to $2,700 a year. A few states pay $3,000 or more. Nebraska, Washington, Louisiana and the Connecticut Penitentiary have adopted the former figure, while the chief parole officers in California and at the New Jersey State Prison are paid as much as $3,500 or $3,600 a year. A similar amount may be secured as a maximum wage by those who supervise prisoners on parole from the New Jersey State Reformatory.

responses obtainable through correspondence are of a decidedly limited value. The officer in Rhode Island reports that he "keeps in touch" with parolees. In Maine it is said that the parole officer "goes around to see" paroled prisoners and "keeps an eye on them." The method used in Delaware is "personal supervision" and at the Kansas Reformatory "personal contact is maintained as far as possible." The officer at the Connecticut Prison periodically visits those who are on parole at their homes or at their work and parolees in Nebraska are visited if they do not get along well. From Iowa the official word comes that parole agents are "visiting the men constantly" and conferring with them on their "general conduct," although an independent observer reports that "these visits are not made very regular."

In Delaware the parole officer remains at his office two nights during each month to receive reports from parolees or to "advise and assist them." In California the parole officers each month visit about forty of the nearly two thousand prisoners on parole and meet over four hundred of them in the parole office. This means that less than one-fourth of the California parolees are actually seen by the officers within any one month. In Vermont, Oregon and Kentucky an attempt is made to see the parolee in person once in each three months or oftener. The standard in New Jersey is once in six weeks. The parole officer in Maryland reports that he sees his charges in person twice each month unless they are located at too great a distance from Baltimore. Several states maintain the standard of a monthly personal interview. This is apparently enforced in Illinois and at the state reformatory in Connecticut. It is also attempted in Washington, in Indiana and at the reformatory in Ohio, although here the accomplishment of this task must certainly be prevented by its magnitude.

Without a doubt many of those who are officially listed as parole officers are in reality little more than clerks of record. There is some evidence, however, that the parole officers in some states actually procure employment for a portion of the men for whom they are responsible. This is the case in Delaware, Indiana, Kentucky, Maine, Ohio and Wisconsin. The officer at the Kansas Reformatory states that he also "defends them in case of unjust accusation and stands for a square deal for them against the world." In California, in Washington and in Massachusetts, provision has been made to give or to lend funds to paroled prisoners with which they may

procure meals, lodging, clothing, necessary tools and railway fare.

Minnesota

The work of supervision in Minnesota is centralized under the State Board of Parole. This body appoints as field agents individuals who have a fair education and who are experienced in dealing with delinquents. One officer is located at the State Prison, another at the Men's Reformatory, a third at the Reformatory for Women and two others at the state capital. In this way a workable division of effort is provided for. The Minnesota authorities report that these agents keep "in constant touch" with parolees and call on their employers from "time to time" and that "close and friendly supervision is given each man." Parole agents in Minnesota procure work for their charges when necessary, arranging in advance details concerning hours of labor, wages, and the nature of the work which is to be done. The state has developed a plan of assistance for the families of prisoners and its parole officers are required to investigate home conditions before this aid is extended. In this way it is possible for them to familiarize themselves with family conditions and, in a measure, to prepare the home for the prisoner's return. The Board of Parole, in its administration of this work, endeavors to see that the parolee receives a "square deal." It conceives of its function as that of "assisting weak men to stand" and "wicked men to do the better part."[1] When prisoners on parole lose their work, become ill, fail to fit into their surroundings or in any way reveal a tendency to slip, the officers who have charge of them order their return to the institution until their difficulties can be adjusted. Fourteen parolees were returned to prison in this way during the bi-ennium 1922-1924. The parole of these prisoners is not revoked. They are continued in good standing and released as soon as they can safely be returned to the community.

In Minnesota, as in many other states, the work of supervising women placed on parole has been developed more extensively than that done with men. Careful placement and detailed after-care is an essential condition of success in this work. In a recent report the board describes its activity in the following terms:

[1] "Sixth Bi-ennial Report," page 12.

"During the time the woman is on parole, we try to help her all we can. We accompany her shopping, if she wishes it, help her with her business and family affairs, visit her as often as possible, supervise her activities in general and try to make her realize that we are her friends, are eager to help her and sincere in our desire to make her a better woman and a self-respecting citizen.

"We are using the budget system of handling finances. Most have been extravagant and utterly devoid of the sense of the value of money. Their incomes honestly earned are not in proportion to their expenditures, if they are given the initiative. We must combat these inclinations, and in this respect the budget has proved most helpful. Purchasing clothing on the installment plan is absolutely prohibited. Every paroled woman must save a certain amount of her month's wages and deposit it in some savings bank. Some feel this is a great hardship, but we insist, and their protests are unanimously replaced with pride and animation when their parole has expired and they have this reserve fund on which they may begin independent activities.

"Those who are interested in continuing their school work are permitted to do so. Those who cannot attend full time register for night school work.

"We try to find suitable recreational outlets, but this seems to be one of our most difficult problems. Most do domestic work and, as maids, are not considered an integral part of the family. The stigma of the institution rests heavily upon them and many are afraid to mingle with strangers for fear their past careers might be revealed. Some join Y. W. C. A. classes, others affiliate with their respective churches, and we encourage them to do this."[1]

The most recent report of the Minnesota Board of Parole contains the following tribute to the work which has been done by its agents:

"Nor would this record of acknowledgments be complete without express reference to the faithful and conscientious work done by the agents of the Board and its general employees. The agent's task requires a rare combination of discernment, judgment, firmness, courage, and sympathy. They go everywhere studying the conditions of families and arranging for their suitable financial support, conferring with public authorities, charitable organizations, and with individuals, securing work for inmates about to be released by the Board and visiting those already on parole, meanwhile encouraging the weak and warning the recalcitrant. They must be in all sorts of places and among all kinds of people. They are subject to duty at all hours of the night or day; the darkness and the light are both alike to them. The state owes these agents a debt of gratitude which the Board of Parole, in the name of the Commonwealth, is happy to acknowledge in this public manner."[2]

Several states have attempted to utilize the services of unpaid, private citizens in carrying on the work of parole supervision. Minnesota is one of these. In that state, in 1912, the Board of Parole organized a Prisoners' Aid Society with the ob-

[1] "Seventh Bi-ennial Report of the Board of Parole," 1922, pages 30, 31.

[2] *Idem*, page 4.

ject of securing a selective body of individuals in various walks of life who would maintain a friendly, personal contact with prisoners released on parole. By 1916 the Board had secured five hundred citizens of the state who had agreed to act in this capacity. In the first years after its organization this society apparently functioned with a certain degree of success. Minnesota officials, however, report that it is not very active at the present time. Michigan, Kansas, New Jersey and New York have also attempted to enlist the co-operation of private individuals and agencies in their work of parole. The manner in which this plan has operated in the last state named will be described in the following chapter.

Length of Parole

In some commonwealths the law specifies definitely the length of time for which a prisoner must be kept on parole. Other states, however, allow their parole administrators a certain amount of discretion in the matter. At least seven states regularly keep prisoners on parole until the expiration of their maximum sentences.[1] The most usual practice, however, is to keep prisoners on parole for one year and at that time give a final discharge to those whose behavior has been good.[2] In general it may be said that the parole period exacted for prisoners released from the state penitentiaries in Pennsylvania is at least as long as and probably longer than that required in the majority of other states. This is not true, however, in the case of the Huntingdon Reformatory. The six-months' period of parole used at this institution is much shorter than that imposed by any other reformatory in the United States.

[1] This is done in Alabama, Arizona, Arkansas, Louisiana, Massachusetts and Maryland and at the State Prison in Colorado. In a few states parole periods of different lengths are required of different offenders. South Dakota releases some prisoners from parole in four months, Nebraska in six. Others, however, are held much longer. Ohio usually specifies a parole period of one year, although in some cases it requires two.

[2] This is done in Georgia, Idaho, Indiana, Iowa, Illinois, Kentucky, Minnesota, and Washington, at the Connecticut State Prison and at the reformatories in Colorado, Kansas, New Jersey and Wisconsin. The California authorities generally hold prisoners on parole for two years. A similar period is exacted of a majority of prisoners paroled from the New Jersey State Reformatory, while the states of Maine and Michigan hold prisoners on parole for periods which are limited by law to a period of four years.

Parole Violations

It would be remembered that analyses of the causes leading to a revocation of parole in Pennsylvania were presented in earlier chapters. It was shown there that parolees are seldom re-imprisoned in Pennsylvania unless they commit a new offense which would in itself be sufficient to bring about their incarceration. A similar situation obtains in certain other states. In Arizona, Colorado, Georgia, Idaho, Kansas, Kentucky, Maine, Nevada, New York, North Carolina and Ohio the commission of a new crime is the principal recorded cause of parole violation. In many states, however, this is not the case. In Minnesota only one-fourth of those returned to the state penal institutions from parole were guilty of further crimes. The majority of them had been brought back for failure to apply themselves to their work, for mistreating their families, for keeping bad company or in other ways indicating a tendency to return to conduct of an undesirable nature. Only one-third of the violators in California have again come into conflict with organized authority. The majority of them have been picked up for leaving their work without permission, for drinking, driving automobiles, keeping bad associates or failing to report. Only 20 per cent. of those returned to the prison in Wisconsin and less than 30 per cent. of those returned to the reformatory have committed new crimes. In Michigan and in Illinois less than half of the parole revocations are occasioned by additional offenses. At the State Prison in Massachusetts the figure is less than 2 per cent., the majority of the re-commitments in that state resulting from drunkenness or conduct which the Board of Parole characterizes as "indiscreet." A similar situation exists in New Jersey. The practice in that state has been described as follows:

"Return is not necessarily because of new crime. Today if a parolee is found physically unfit, and it cannot be reasonably expected that the local hospitals or doctors will properly take care of the matter at the expense of the parolee, he is sent back to the institution for further physical care. For example, if a venereal condition is found, due to neglect of the old case or to a new development, a parolee may be sent back to the institution for no other reason than to have that situation cleared up. Often a parolee is returned because he seems to have ignored parole rules to no other extent than not working properly, running with the wrong kind of people and just generally slipping from what appears to be good citizenship. Return in this instance is for further adjustment, and is usually for a short time, until he can be taught the error of his ways."[1]

[1] M. G. Rockhill in the "Proceedings of the American Prison Association," 1923, pages 116 to 129.

The procedure adopted in the case of parole violation varies in the different commonwealths. A few states, for instance, use the expedient just described of imprisoning men for short periods in the case of petty offenses, and returning them shortly to parole. This is done in Ohio and at the New York State Reformatory. In Illinois technical violations of parole may be excused by the parole agent within his discretion, while more serious offenses must be followed by arrest and formally disposed of by the Board of Parole. In a few states the law does not permit temporary re-incarceration followed by an early release. The result of this limitation is that behavior which might result in the imposition of a mild penalty in other states is frequently allowed to go unpunished. In a few states prisoners whose parole is revoked must be held to serve their full sentence. In other states, however, it is possible to make the penalty fit the crime. In Connecticut, for instance, the reformatory has established regular rules governing re-parole. Prisoners committing petty offenses may earn a second release in three months. Those guilty of more serious misdoing will be held for six, while for a detailed number of grave offenses, the institution regularly imposes an additional twelve to eighteen months. Prisoners returned after the commission of new crimes are held to serve their maximum terms.

Parole Successes

Through published statements, official reports, correspondence and personal interviews, figures were obtained from many states indicating the percentage of prisoners who violated the terms of their parole. These percentages show a considerable discrepancy in various commonwealths. If they were to be taken at their face value they would seem to indicate that the vast majority of those released on parole throughout the country go through their period of conditional liberation without again coming into conflict with the authorities. Several states report a surprisingly low percentage of violations. The figure in Vermont is 3 per cent.; in West Virginia 4 per cent.; in Maine, Nevada and North Carolina 5 per cent.; in Rhode Island 6 per cent. The Department of Justice also reports that parole violations among prisoners released from Federal penitentiaries has not exceeded 6 per cent. Other states which report an extremely small proportion of parole violations are Kentucky, with 7 per

cent.; Montana and North Dakota, with 8 per cent.; Maryland, with 9 per cent; Georgia and the Wisconsin State Prison, with 10 per cent.; Louisiana, with 11 per cent., and South Dakota, with 12 per cent. A far greater number of states are to be found in the group reporting between 15 and 20 per cent. of parole failures. There are 14 per cent. of violations at the Wisconsin Reformatory, 15 per cent. in Delaware, Nebraska, Oregon, Utah and at the prisons in New York state; 17 per cent. in New Mexico and at the penitentiaries in Connecticut and California; 20 per cent. in Michigan, Minnesota, New Hampshire and at the Colorado Reformatory. Very few states run beyond this number. The records in New Jersey, Indiana and Oklahoma indicate that parole violations run as high as 25 per cent., at the Ohio State Reformatory as high as 30 per cent. A correspondent in Idaho writes that 47 per cent. of the men released on parole in that state violate the conditions of their freedom. The Arizona authorities state that, while less than 2 per cent. of those paroled are again returned to prison, fully 50 per cent. of them fail to report after they are freed.

It does not necessarily follow from the foregoing figures that Vermont and West Virginia have the best parole systems in the United States and Idaho and Arizona the poorest. In fact, it may be seriously questioned whether these figures mean anything at all. There is a great difference between the percentage of violation reported by different observers in the same state. One authority states that Iowa has 17 per cent. of parole failures, another places the figure at 29.7 per cent. One statement from Washington reports 10 per cent. of parole failures, another 25 per cent. Two reports from Kansas dealing with parole violations in the reformatory in that state present a similar discrepancy.

There is no uniformity in the manner in which these percentages are computed. The base used in the computation made in some states is evidently the total number on parole at any one time. In other states it is the average number on parole during a year. In still other states the number used is that of prisoners released during a period of twelve months. There is a similar lack of standardization in arriving at the number of those who are to be recorded as violators. Some computations regard as parole violators all those who in any way fail to observe the conditions of their parole, by disappearance, by failing to report, etc. In other cases the number is simply that of

those who have been re-imprisoned for parole violation. Still other authorities use the figure of those who have been declared delinquent because of relatively serious offenses.

Another difficulty with these figures lies in the fact that there is a considerable difference in the time during which prisoners are held on parole. As has been pointed out above, some states require a parole service of only six months, while others hold prisoners to their maximum terms before discharging them. It is obvious that states pursuing the former practice will show comparatively smaller percentages of parole violation. It must also be observed that these figures, as they stand, give no light whatsoever upon the eventual successes or failures of parole methods since they relate only to the prisoner's behavior during the comparatively brief period while he is under observation. Nowhere do penal or paroling authorities keep any record of any sort regarding the conduct of these parolees subsequent to their discharge. At the Huntingdon Reformatory, for instance, the officers report that there have not been over 7 per cent. of violations during the history of the parole system in that institution. This simply means that not over 7 per cent. of those released from the reformatory on parole have been apprehended in, convicted of and returned for new offenses committed during the brief six months which pass before they are given a final discharge. What these boys do during the long remaining years of their lives no one knows. In some states it has been discovered that prisoners have returned to their criminal careers immediately following their discharge from parole. It is quite possible that a man may behave himself for one or two years and later revert to crime. One case was discovered at the reformatory in New York where a former parolee was re-convicted after more than twenty years of apparently honest living.

Rather extravagant claims have often been made for the efficacy of parole as a method of release on the basis of figures of this nature. These claims can scarcely merit serious consideration. Those recorded as parole successes are simply those who have not been apprehended in any misbehavior while on parole. It is generally assumed that men concerning whom no unfavorable report is received are behaving themselves. When statistics of parole success are compiled, no news is always good news. Actually the existing inadequacy of our systems of criminal identification makes it unsafe to assume with any certainty that those parolees of whom we have no knowledge are necessarily leading

honorable lives. Some may have committed new crimes and escaped detection; others may have been apprehended and not prosecuted; still others may have been declared innocent in jury trials or, if found guilty, released on probation by the courts. Another large group, undoubtedly, consists of former parolees who have been given jail sentences or terms in other local institutions. In none of these cases are fingerprints taken. None of this information necessarily comes to the eyes of paroling authorities. Finally, former parolees committed to state penal institutions as a result of new crimes are not always and inevitably discovered by those who originally released them on parole. Statistics of parole violation mean little or nothing. Where states report high percentages it may mean merely that their systems of supervision are particularly well developed. The low percentage of violation reported by other states may simply be an index of the inadequacy of their equipment for parole work.

The foregoing pages present a survey of the general practice in parole supervision throughout the country. From the facts recorded here it is evident that the vast majority of American states have not even made an attempt to fulfill the requirement that prisoners on parole should be supervised with thoroughness and sympathy. In the chapter which follows there will appear more detailed descriptions of the supervisory work of the four great states where personal investigations were made in connection with the present study—Ohio, New York, Illinois and Massachusetts. In the prevalent practice in at least two of these states and in the improvements proposed in the other two, we find the promise that parole supervision may come to be something more than a mere matter of paper.

CHAPTER 14

PAROLE SUPERVISION IN OTHER STATES (CONTINUED)

Ohio

Parole work in Ohio is carried on under the handicap of an awkward division of responsibility. The right to release prisoners on parole from any of the state's penal institutions is centralized in the Board of Clemency. The work of this body has been described in a previous chapter. This board is given no authority in the matter of supervising the prisoners whom it releases. Parolees instead are responsible to the officers of the institutions in which they have been imprisoned. The penitentiary has three parole officers, each of whom is charged with the supervision of two hundred or more prisoners. One of these officers is assigned to thirty-four counties in the southeastern part of the state, another to Cincinnati and Toledo and thirty-four counties in western Ohio and the third to Cleveland and twenty counties in the northeastern section. The reformatory has four field officers, whose work is similarly districted. Each officer is consequently required to cover a large area and assume responsibility for a considerable group of prisoners. This situation results in an over-lapping of territory and a duplication of work. According to the legislature's investigating committee "the number of officers, the number of persons on parole and the territory covered by each officer make adequate supervision impossible."[1]

The inadequacy of the state's equipment for supervision apparently makes it impossible to do real parole work. Men are released from the state's penal institutions without being assured of employment and the field agents generally do not get work for them. Boys paroled from the reformatory must have signatures on their employment papers, but these papers may be made out by relatives or friends and the character of the proposed sponsors is never investigated by the field agents. These officers generally do not see or know the prisoner before the time of his release. They do little or nothing for him in the way of

[1] "The Penal Problem in Ohio," page 33.

personal advice looking toward his social re-adjustment. The officer's work consists almost entirely of investigations of complaints and the return of parole violators and escaped prisoners. Men who have been required by the court to make restitution to those whom they have wronged or to contribute to the support of their dependents are followed up and required to make their regular payments. The reformatory field agents submit daily reports of a rather perfunctory nature concerning the parolees whom they have seen. Prisoners on release are given a dozen report forms which they are to fill out and mail at monthly intervals. Their employers or sponsors are expected to endorse these reports but this requirement is not strictly enforced. The system as a whole goes little beyond a mere detective measure, but even this provision greatly exceeds that which has been made by the state of Pennsylvania.

The Ohio legislature's committee on penal matters recommends in its recent report that the number of field agents be increased and their control centralized under a chief parole officer responsible to a State Superintendent of Corrections. This body urges that the number of parolees assigned to any one officer and the extent of the territory which he is required to cover be so limited as to make possible a close personal contact. Parole officers, in the opinion of the committee,

"should become personally acquainted with the prisoner, and assist and advise him especially during the first few weeks after release. The officer should see the prisoner as often as conditions render necessary during the entire period of parole and assist him in every way possible."[1]

The Ohio authorities have adopted one policy in the parole of prisoners in that state which has given rise to considerable criticism in other commonwealths. It is the practice to parole large numbers of men with the stipulation that they leave the state. As long as these prisoners remain outside of the boundaries of Ohio their responsibility is discharged. If they return, however, they immediately become subject to re-arrest and reimprisonment. In the three-year period ending June 30, 1926, 1,882 of the 5,389 prisoners released by the Ohio Board of Clemency were sent out in this way.[2] This means that the Ohio authorities are regularly imposing the provision that more than one-third of the prisoners whom they parole must go into other

[1] "The Penal Problem in Ohio," page 34.

[2] "Report of the Ohio Board of Clemency," 1926, page 10.

commonwealths. At least half of the prisoners now on active parole from the Mansfield Reformatory are outside the borders of the state. These prisoners receive no final release before the expiration of their maximum terms. It has sometimes occurred that they have committed further offenses in the states to which they were sent. In several cases such men have been imprisoned in the Western State Penitentiary of Pennsylvania. Before releasing them the Pennsylvania authorities have written to Ohio offering to hold them for delivery to the institutions of that state as parole violators. In each case their offer has elicited some such reply as the following:

"It is not likely that we will return him to this institution, as the Board made the conditions of his parole out of Ohio and as long as he remains out of the state we will not send for him. . . . We will send necessary papers for restoring him to parole."[1]

The Board of Clemency attempts to justify its policy in this matter on the ground that prisoners so paroled are not citizens or permanent residents of Ohio. It is contended that the state's location in the main trunk line territory of the large railway systems has subjected its citizens to the depredations of large numbers of offenders who are merely transients. These men have no relatives, no property and no ties in Ohio and some of them, according to the Board, had been in the state only a few hours, days or months at the time of their arrest. The board states that it

"merely acts in obedience to the implied mandate in the sweet and matchless story of the Prodigal Son. . . . In restoring these prodigals to their own surroundings it is salvaging men and promoting social betterment while cleaning up urban districts, lifting a heavy burden from the shoulders of the peace guardians of Ohio and stopping a drain upon its treasury. . . . It is hoped that other states deal with Ohio boys in this way."[2]

Despite this rather idealistic view of the practice, it does not seem reasonable to assume that its wide-spread adoption would enhance the safety of Ohio citizens or that of citizens of any other state. Certainly the purely negative action of sending convicts across state boundaries prevents the application of the reformatory influence existing in a good parole service and encourages a resumption of criminal activity.

[1] Letters from the parole officer of the Ohio State Reformatory to the parole officer of the Western State Penitentiary, March 5, 1925, August 16, 1926, August 24, 1926, etc.

[2] "Report of the Board of Clemency," 1926, page 10.

New York

In New York state, as in Ohio, there is, at the present time, no co-ordination between the work of parole supervision carried on by the prisons and that of the reformatory. The Elmira institution generally has about eight hundred prisoners on parole. Three hundred of these are located in New York City; about seventy-five or eighty in Buffalo; three hundred are scatterd over the rest of the state and one hundred and twenty-five located in other commonwealths. The institution maintains a staff of six full time parole officers in the field, one of whom is located in the city of Buffalo, the other five in New York City. These officers are paid at the rate of $1,800 per year. Parolees in these two cities report in person monthly. Those on parole in other parts of the state are required to report to probation officers, chiefs of police or other peace officials.

The reformatory authorities supply the police with detailed information concerning every prisoner released on parole. They believe that a policy of co-operation in the protection of the community will redound to the advantage of the parolee himself. The Superintendent of the reformatory states that the police who act as parole agents throughout the state generally treat their charges in a fair and even in a kindly way. The police departments in some of the larger cities have developed divisions of welfare and assigned certain officers to aid in obtaining employment for paroled prisoners and in keeping them under supervision. Chiefs of police in other states are also asked to assume responsibility for the supervision of prisoners paroled outside New York. These officials are requested to investigate offers of employment made by persons in their jurisdiction prior to the prisoner's release and to countersign the monthly report which he sends to the institution. While this practice is certainly a poor substitute for the development of a really adequate parole service, it still does provide a greater measure of security than would be the case if prisoners were releasd without any provision whatsover for their oversight.

Parole at Elmira is granted on the basis of differences in character, ability, and achievement, as is explained in an earlier chapter. No prisoner is released until provided with a positive guarantee of employment. Offers of employment are investigated by the institution's own parole officers, probation officers or the police and their validity must be assured before release

is granted. It frequently occurs that such offers are refused when the proposed employment is found to be fraudulent or of an improper nature. Special conditions are sometimes attached to parole releases. One man may be required to remain in a certain section of the state during his period of conditional liberty. Another may be denied the right to engage in certain trades. Institutional officials look with favor on paroles for service in the Army and Navy, feeling that a prisoner so located is assured constant supervision and enabled to satisfy his desire for adventure through legitimate channels. Prisoners are freely paroled to other states, but are required to submit periodic reports duly countersigned as though they were located in New York.

Before a prisoner's release he is called in for a personal talk with the Superintendent of the reformatory. An attempt is made to impress him with the seriousness of the period of testing which he is about to undergo. He is approached on his own level and made to understand in detail the conditions under which he is granted his liberty. Thereafter it is impossible for him to maintain that he has violated his parole through ignorance of the conditions under which it was granted.

The reformatory, at the time of a boy's release, furnishes to the officer who is to be responsible for him a complete record covering his personal, family, and industrial history, his physical condition and his mental limitations as they have been revealed by studies made within the institution. In this way it is possible for the officer to undertake his work of supervision on the basis of an adequate knowledge of the case. This data is not supplied for every prisoner, since the authorities have discovered that some of those who undertake the work of supervision have not been able to apply it with discretion. It is, however, available for use in every case where it can be judiciously handled.

Where necessary, the field agents obtain employment for prisoners released on parole. Boys cannot change their work without the permission of these officials and the agents are consequently required to find new employment in many cases. The reformatory administration has found that parolees are generally accorded the best treatment by large and "soulless" corporations and are most likely to be victimized when released for farm work. In certain cases it has developed that employers have underpaid or refused to pay prisoners who were working for them, threatening re-imprisonment to those who wished to complain. In one instance a farmer attempted to bring about the arrest and

return of a parolee in his employ on the grounds that he had committed an assault. Careful investigation showed that the former prisoner was innocent and, in this case, as in others, new work was found under more congenial surroundings by the parole officers.

Field agents are required to make a personal check upon the accuracy of the prisoner's monthly written reports at least once in three months. When complaints are registered concerning the conduct of parolees the case is investigated and a personal warning letter is sent to the prisoner in question by the Superintendent of the reformatory. A second offense will almost inevitably result in re-imprisonment. Prisoners who fail to report, who fake their reports, who are continuously idle, who consort with ex-convicts, who conduct themselves in an insolent and arrogant manner or give any other evidence of a tendency toward renewed delinquencies are quickly re-arrested and returned to the institution. For violations of a merely technical nature, a penalty of from three to six months of imprisonment is exacted. Those guilty of more serious offenses, however, are required to make their way through the whole institutional routine another time. In many cases prisoners are returned before the commission of any overt act. Parole here operates as a preventive measure for the protection of the community. Some prisoners have been in and out of the institution three or four times before receiving their final release. Nearly all of them are required to spend a period of two years on parole, a period four times as long as that required at the Pennsylvania Industrial Reformatory. Final release is granted by the institutional officials on the basis of favorable reports made by its field agents or by the peace officers whose service it uses in its work of supervision.

Commissioner George W. Alger, in the report which he presented to Governor Smith in December, 1926, made the following statement concerning Elmira's supervision of parolees:

"So far as the burden of work placed upon these parole officers is concerned, it is obviously excessive for good parole work. The five officers in New York City handle three hundred and fifty men on parole. There is a parole officer in Buffalo who is required to supervise as many as eighty men at one time. The parole officers have too much to do and are underpaid."[1]

[1] "Report on the Board of Parole and Parole System of New York State," page 64.

The supervision of prisoners paroled from the state prisons of New York is carried on under an entirely different system. On June 30, 1926, there were 2,461 prisoners on parole from these institutions. Five hundred and sixty of these had been released under commutation and compensation acts which required that they be held on parole until their maximum terms expired. One thousand nine hundred and one had been committed for indefinite terms and released by the State Board of Parole. For the supervision of these prisoners the state had provided only four full time, paid employees. One officer was located at each of the state's four prisons. This provision of personnel is the same as that made under the first parole law applied to these institutions in 1889, nearly forty years ago. There has been no division of territory for parole supervision, each officer theoretically being responsible for parolees in all portions of the state. These parole officers are largely clerks, messengers for the wardens of the institutions. They transfer prisoners from one institution to another. They investigate complaints and return parole violators to prison. They make no investigations concerning applicants for parole. They do not secure employment for prisoners nor do they visit or supervise them during their period of conditional liberty. The state has not even provided a full time, paid secretary for the Board of Parole. Its present expenditure for the supervision of these prisoners is about $11.60 per man per annum, an amount which, although it has been repeatedly denounced as ridiculously inadequate, is still in excess of that spent by the state of Pennsylvania.

For the oversight of these parolees the state of New York depends largely on the system of sponsorship. Privately financed religious and philanthropic organizations in the state have assumed a large part of this burden. These organizations are regularly expending somewhere between $60,000 and $100,000 a year for this work. In the summer of 1926 the Catholic Protective Society was serving as parole custodian for 689 prisoners. To carry on its work it was employing five full time, paid officers. These agents investigated offers of employment, procured work and regularly visited the prisoners in their homes. The society maintained a complete record of the reports, visits, and employment of each man committed to its care. An effort was made to accomplish the parolee's rehabilitation through the influence of his church. Prisoners in New York City were required to appear at the society's office in person once monthly.

Those located at more distant points were expected to report through their priests. To carry on this work this organization alone was spending at least $25,000 a year.

The Salvation Army, with one full time and two part time officers in New York City, had assumed responsibility for supervision of 282 prisoners. The Jewish Board of Guardians, with two officers, was attempting to supervise 175. The Prison Committee of the Christian Science Church was spending $9,000 a year and providing one full time officer for the supervision of forty-three persons. The New York Prison Association, at an annual cost of $6,000, was providing one full time and two part time employees to secure work for, to visit, to advise and assist 194 parolees. At the same time there were 192 prisoners who had been released on parole to private individuals under an arrangement similar to Pennsylvania's system of sponsorship. Prisoners generally are paroled to custodians of the faith which they professed at the time of their incarceration. The state has made no provision for the direction or oversight of the work of these private agencies. The Board of Parole, once men are released into their care, has no further concern with them unless there is proof of parole violation. The prisoner's monthly reports are submitted to the State Board of Parole through these private custodians. The societies, however, have no power in themselves to arrest violators of parole and their ultimate authority rests entirely upon their ability to request the co-operation of the police in carrying out their work.

Commissioner Alger's report to the Governor, already quoted, contends that the state had overburdened these agencies. It is impossible for them, he said, to maintain as close a contact as should be had or to keep prisoners on parole for a period sufficiently long to accomplish their rehabilitation. These organizations are forced to carry on their work under the handicap of inadequate information and insufficient funds. Said the Commissioner:

"These institutions have been giving for many years a very valuable service to the state. They do more than supervise the prisoner. They give him friendly aid in many forms. They become acquainted with his family, furnish assistance to the family itself when necessary, find work for the prisoner, and in numerous ways give him help in re-establishing himself as a law-abiding person. These organizations, however, I believe, are carrying more cases than adequate supervision permits. Far more supervision of a similar sort is needed in the interests of the community as well as of the paroled man himself."[1]

[1] *Idem*, page 16.

And he continues, further on:

"If there are serious defects in our state parole system, as there undoubtedly are, they are due, I think, in large part to a fact which should be frankly stated. The system always has been, so far as the state is concerned, an under-financed moral gesture. It is wholly unfair to conclude from the results that parole has been tried and found wanting."[1]

The inadequacy of New York state's equipment for parole supervision has given rise to continuous criticism and proposals for improvement. In 1920 the Prison Survey Committee recommended the employment of three additional parole officers for use in obtaining employment for prisoners about to be paroled. It was suggested that these officials should also be required to oversee the supervisory work being done by the state's private agencies.[2] Members of the State Board of Parole, in their testimony before Commissioner Alger in 1926, stated that the number of parole officers provided was insufficient and agreed that the state itself should undertake the work of supervision rather than leave it to agencies of this type. The board in its last report makes a positive recommendation that the state take over the entire work of parole supervision and provide adequate funds for its performance.[3] On February 28, 1927, the Crime Commission of the state urged the legislature to provide for "a highly qualified staff of civil service parole officers" who should "do everything in their power to aid prisoners to secure employment, helpful recreation, new influences and environment—in a word, to become self-respecting members of society once more." The Commission recommended that this staff "be sufficient in number so that no parole officer shall be responsible for supervising more than 75 parolees at one time."[4]

The positive recommendations made by Commissioner Alger in his recent report include the following: The state should not leave the function of parole supervision entirely to private agencies. It should, however, ask them to continue with their work. The supervision of prisoners paroled from the state's prisons and from the Elmira Reformatory should be placed under one head. At least ten additional field agents, to be paid an annual wage of $1,800 to $2,250 should be provided. The admin-

[1] *Idem*, page 20.

[2] "Report of the Prison Survey Committee," 1920, page 249.

[3] "Report of the Parole Board," 1926, page 10.

[4] "Report of the Crime Commission of New York State," 1927, pages 22, 25-26, 71.

istration of the entire system should be placed under a re-organized Board of Parole in the newly constituted Department of Correction. An additional parole officer, to be paid an annual salary of $3,500, should be supplied to each prison. If these recommendations are enacted into law, the state of New York, through its public and private agencies, will be supplied with a force of thirty-six full time, paid parole officers to perform the functions of parole supervision, a number far in excess of that provided in Pennsylvania.

Illinois

The system of parole supervision which has been developed in the state of Illinois merits particular consideration in the study of Pennsylvania's present problem. Conditions in the two states are in all respects so similar as to afford an excellent basis for comparison. Pennsylvania has an area of some forty-five thousand square miles. Illinois has fifty-six thousand. In size they are nearly the same. The population also is comparable, some seven million in Illinois and nine million in Pennsylvania, according to the 1925 estimate. This gives the western state a density of 123 to the square mile, while Pennsylvania has 206. Each state has two large cities; Chicago and East St. Louis in Illinois corresponding to our own Philadelphia and Pittsburgh. In each case there is about the same proportion of foreign-born in the population, running between 15 and 20 per cent. in both states. Aside from differences due to topography, the two regions present similarities in industrial and commercial lines. Both have mining regions, extensive steel producton, varied general manufactures and wide-spread farming areas. The prison population is nearly the same. Illinois in 1925 had about five thousand adults imprisoned in her state penal institutions to Pennsylvania's four thousand and more. The number reporting monthly on parole in the two states showed a similar correspondence. In June, 1926, there were 1,375 reporting on parole in Illinois and 1,214 in Pennsylvania. These similarities give the supervisory system of Illinois particular significance for students of the parole problem in Pennsylvania.

The purpose of the parole law, according to Hinton G. Clabaugh, the Illinois Supervisor of Paroles, is "to rehabilitate and restore to useful occupations and to assist those unfortunates who may be safely released." This function is a major responsibility of the Division of Pardons and Paroles in the Depart-

ment of Public Welfare. To accomplish this, the state is divided into seventeen parole districts. One parole officer serves in each of fifteen of these areas. The district in which Springfield, the state capital, is located has two officers. The Chicago district has seven. One of the latter is made administrative head of the Chicago office. To this office there are also attached two women officers who supervise parolees from the Women's Reformatory in the metropolitan area, two men who specialize in work with boys and three police sergeants who are on the municipal payroll.

There are officers in addition to these sectional officials. Two women visitors serve the state outside the city of Chicago and one negro officer is employed for follow-up work with members of his own race in southern Illinois. Each prison and reformatory has its own parole officer, who handles the institutional end of the work. The administrative head of the system is a chief parole officer who maintains headquarters in the department at Springfield. The state is thus equipped with a staff of forty persons, the major part of whose work has to do with parole supervision. This provision presents a marked contrast to Pennsylvania's attempt to discharge this responsibility through the medium of six or eight officials.

This supervisory staff, however, does not constitute the entire personnel of the division. There are, in addition, the division's director, known as the Supervisor of Paroles, who is the administrative head of the entire system. There are three members of a Parole Board who are exclusively concerned with parole selection. The department has a chief clerk, a bookkeeper, three court reporters, two file clerks and eight stenographers. Its total budget for the last bi-ennium exceeded $350,000. Over $270,000 of this was expended in salaries and wages. The supervisor is paid $7,000 a year. The chief parole agent receives $3,000 and the field officers from $1,800 to $2,400 per annum, together with their traveling expenses. There was an allowance of $63,000 for travel during the last bi-ennium.

The field agents are not selected under civil service rule and no particular qualifications are laid down for them by the law or by the rules of the department. Many of them are former sheriffs or deputies. By and large, the present administration feels that they are competent men.

Each officer is charged with the supervision of from twenty to eighty parolees, the average number per officer being about

fifty. Every field agent makes a daily report to the chief officer in Springfield covering the number of men upon parole that he has visited that day. These reports outline everything that the agent has learned concerning his charges. A copy is sent to the officer at the institution. Monthly reports also are made by each agent showing the number on parole in his district from eac' institution; how many times each has been visited or investigated; the number of transfers made; the number of violations reported; the number of violators returned and those not returned, with reasons; the reasons why certain parolees were not visited and details concerning questionable cases. These accounts are checked against the agent's daily record and his expense charges as a means of maintaining oversight of his conduct. A further mechanism for control is provided by semi-annual meetings of the parole staff at the state capital for the discussion of policies and problems.

The system, as described, involves specialization, both by the creation of geographical parole districts and by the assignment of certain officers to particular types of cases such as the supervision of females and juveniles. Each district agent has charge of parolees in his area from all the institutions of the state, an arrangement which eliminates waste of time and expenditure of money in unnecessary travel. If a parolee cannot be found, the field agents notify the central office and a notice of violation is sent to each officer, who must then apprehend the defaulter if possible.

When an inmate goes on parole a complete transcript of his penal record is forwarded to the agent in the district to which he is sent. This information assists the officer in his work. There is also a psychological and psychiatric record covering the inmate of each institution. It is, however, little used in parole supervision. Nothing is done toward the preparation of complete data on the prisoner's social background or the use of such material in control of parolees. Officers generally do not interview prisoners before they leave the institutions and no work is done toward preparing their homes for their reception or developing favorable community contacts for them.

Paroles are not granted, however, until the applicants are assured employment and have sponsors who agree to assist and advise them. Field officers are required to investigate prospective employers and sponsors and their approval is a pre-requisite of release. Relatives are not allowed to serve in this capacity.

Generally prisoners seek their sponsors and employers through their own friends. Parole agents, however, get jobs for those who are unable to secure them through other channels. Each parolee on release is required to go directly to his place of employment and make monthly reports thereafter to the institutional officer. These reports must bear the endorsement of his sponsor and employer, who are required to notify the district agent in the event of his misbehavior. In addition to this it is expected that the officer will personally interview each parolee at least once a month. It is the intention of the administration that this contact shall not be made by mail or by telephone. Men are visited at their homes or at their places of employment and their conduct checked by interviews with their relatives and employers. When a parolee fails to send his monthly report to the institution, the district representative is notified and a special investigation is made.

Before his release each parolee is warned orally to abide by the provisions of his liberation. He must obey the law, avoid evil associates, keep away from pool rooms, abstain from the use of liquor and remain at home nightly after nine or ten o'clock. In some cases it is provided that he shall not visit certain sections of the state during his period of conditional freedom. He is never to leave the state, or the county in which he is located, without permission.

Job finding is one of the parole officer's chief responsibilities. In order to be able to provide employment he must maintain constant friendly connections with the industrial and commercial interests in his district. Forty per cent. of those released obtain their first employment through the parole agents. In every case the prospective employer is informed that he is hiring a parolee. Some business men, of course, will not consider the employment of a man with a criminal record and it is more difficult to secure positions for hardened offenders. Other employers, however, are always willing to give work to men who are on parole. Some of them feel that the parolee is a more dependable worker than the free man, because of the constant supervision which requires him to stick to his work and holds over him the prospect of reincarceration in the event of misbehavior.

Some mistakes have been made in permitting the employment of too large a number of parolees by one employer. Instances have come to light where former inmates have found employment as bouncers for the operator of a bucket shop, as laborers for a

house wrecker with a long criminal record and in other questionable fields. The general policy is to avoid the employment of too great a number of parolees with one firm. Over-anxiety on the part of an employer to secure former inmates often affords a well-founded question as to the nature of his motives. Certain types of employment are not open to parolees. They are not permitted to take positions as taxi drivers, to work at night, to obtain employment in banks or in other positions which are likely to offer them undesirable temptations. Positions as plumbers, electricians, delivery men, etc., are generally denied them. The present administration feels that considerations of public safety should prohibit the employment of ex-convicts in positions which will afford them unrestricted contact with the general public under circumstances which present an easy opportunity for further wrong-doing.

It is frequently found advisable to transfer parolees from one job to another. In some cases they fail to give satisfaction. Others are victimized by their employers and are moved for their own protection. Still others are passed on to better positions for which they are qualified. In all these cases the consent of the parole agent is necessary for the change and generally he acts as the medium through which the new position is obtained. The question has sometimes been raised in Illinois as to whether it is a fair proposition for the state to employ officials to get jobs for "crooks" during times when honest men are unable to secure work. The importance of this function, however, from the point of view of public security, is so great as to furnish a complete answer to this query.

An attempt has been made to secure the co-operation of officials in other states in reporting men paroled by them to Illinois. The Chicago field office in August, 1926, was supervising thirteen men paroled to that city by the authorities in California. Michigan, Ohio, and the Elmira Reformatory in New York have paroled men directly to the police of Chicago without notifying or requesting the assistance of the state parole agents. Many other states send parolees to Chicago without giving any notification. The co-operation which exists between the officials in California and Illinois in this matter suggests the possibility of greatly increased efficiency in parole supervision at such time as adequate machinery may be created in other jurisdictions.

In parole supervision as in nearly all other phases of public and private business, there is present the ugly possibility of

graft. Prisoners on parole have sometimes offered bribes to parole agents. This may occur when impetuous or generous parolees wish to make presents to officers in return for legitimate services which have been rendered to them. It may occur because the offender's previous experience with the police has taught him that all officers of the law expect a "divvy." It is unlikely to happen unless the attitude of the agent invites it. Experience has shown that agents who do accept presents of any sort stand in danger of losing all future control over their charges and imperil the morale of the entire parole service.

Rather extravagant claims have been made in the past as to the success of the Illinois system. The extent of parole failures has been placed by the officials at between 14 and 18 per cent. This figure, like all percentage computations of parole results, must be taken with a grain of salt. Those who have maintained the closest contact with the work, however, out of their own experience, can point with considerable pride to scores of cases of former inmates who are now making good in society. One former Chicago parolee is now the foreman of a large printing shop. Another is serving as foreman of a hotel paint shop, another has established a paying real estate business, a fourth holds the position of auditor in a large railroad office, and so the list goes. These officers who are charged with the salvaging of human life have a task which is at the same time one of the most important and most difficult in the service of the state.

The officer must see that society is protected against the offender, but he must also be sure that the former prisoner receives a square deal from those with whom he comes in contact. The parole agent is a part of the state's law enforcement machinery, but his function goes beyond that. He must also act as the friend, protector and champion of the convict in his difficult task of reestablishing himself in society. A first responsibility of the parole official is the handling of relations between the parolee and his employer.

There is the case of a convict paroled with the promise of employment in a large city. He is nearly penniless, for Illinois does not make provison for the payment of her prisoners. Upon his arrival, a parole officer meets him at the train. He is taken to a boarding house or hotel. The hotel keeper insists upon the payment of his board in advance or wants some sort of a guarantee. Here is a man, just out of prison, who would be left on the street without food or shelter. But the parole officer per-

suades the landlord to receive the man and secures from the prospective employer a guarantee for the payment of the first week's board. Here the first step has been taken to start the offender in his journey toward social rehabilitation.

Then again there is the instance of a boy on parole who is attempting to support dependent relatives on his weekly pay of five dollars. The parole officer visits the employer, explains the situation and procures for his charge a merited and necessary increase in income. Sometimes employers regard parolees who work for them as "peons." They may underpay or overwork them, threatening to submit unfavorable reports which will bring about their return to prison. Employers have even charged money for affixing their signatures to the parolee's monthly reports. In such cases the agent finds new work for the released prisoner and these employers, when discovered, will not again have men paroled to them. At times they have been frightened into decent behavior by the threat of prosecution.

No funds are provided for advances to prisoners, but parole agents will occasionally make loans from their own pockets. Sometimes a parolee will disappear without making repayment. Usually, however, the loans are repaid, some of them after an interval of many months. Officers have given parolees a stake with which to pay for their room and board or for defense against unjust prosecution. There is the case, for instance, of the parolee whose child needed a serious operation. This was financed by the field agent. The father later became a technical violator by joyriding at night. He was apprehended and locked up. Since his release he has repaid the money lent him, is working steadily and supporting his family. Service of this sort in many cases lessens the occasion for further transgression.

The parole service does not generally act as an agency for the collection of bills. At times, however, it does insist that the parolee fulfill his just obligations. A grocer calls the parole officer and complains that a large bill remains unpaid. The parolee is summoned and ordered to pay a specific amount weekly, mailing the grocer's receipts to the field agent. The tradesman receives what is due him, but, even more important, the former prisoner is put on his feet and made to realize his own responsibilities.

On the other hand, it is necessary at times to protect parolees from tradesmen. There is the case of a negro on parole who was making weekly payments on a suit of clothes to a petty retailer.

He had paid in ten dollars toward a twenty-dollar suit. Then the proprietor disappeared and a new one came in his place. This man offered the negro five dollars in cash and when it was refused, ordered him out of the store. The negro appealed to the field agent, who found two brothers in business with two stores, regularly changing places and thus swindling their patrons. The remaining ten dollars was offered and the suit delivered. The former criminal learned that the state's officers were not always his natural enemies. In a similar way an agent is often able to protect parolees from threats of blackmail by former acquaintances or cronies.

A case recently handled in the Chicago office well illustrates the possibility of rendering useful service in the social rehabilitation of the prisoner. ..... was an embezzler. His wife had been irresponsible and socially ambitious and he had stolen to meet her needs. He was arrested and imprisoned and while he was doing his time, she divorced him. They had two children whom he adored. During the first months of his parole he sent his wife eight dollars weekly in cash for their support. The agent investigated the case and discovered that the woman was running wild with another man. He advised ..... to send his remittances by money or express order to her mother and keep the receipts. Within a few months she had employed a shyster lawyer to sue for alimony. It was contended in the trial that her husband had never paid a cent. The parole agent appeared in court in his defense and presented the stubs which proved his weekly payment. The case was decided against the plaintiff. The court would have given the parolee the custody of his children, but it was arranged that they should remain with the grandmother and ordered that he should have the right to see them weekly. Here, again, the activity of the parole officer insured the former offender the continuance of his rightful status in the community.

It is often necessary for parole agents to protect their charges against persecution by the police. When a crime is committed police often round up parolees in the neighborhood and attempt to charge it to one of them. An immediate arrest to maintain the record of the police department and satisfy the public is sometimes considered as important as the apprehension of the real offender. Men are taken on suspicion, without proof. A case in point is that of a boy paroled from the penitentiary to work in a garage. A few weeks later a murder occurs in a

saloon. At the curb stands a Ford car, the property of the parolee's brother. The boy is arrested and held. There is no evidence against him. He is released. Later on he and a companion are found in an automobile late at night. In his pocket is a bill of sale for the car. Under the back seat are found a crowbar and a plumber's scraper. He is held in three thousand dollars bond for carrying burglary tools. The Grand Jury refuses to return a bill of indictment. The boy is returned to the penitentiary for technical violation of parole and reparoled by the board. Within a few weeks a robbery occurs. The police call at the garage where he is working and arrest him. He is again discharged.

Another instance is cited by the supervisor of paroles:

"I have in mind a case recently where an officer of one of our largest corporations told me that a paroled convict in his employ had been arrested sixteen times and that in each instance the police had to turn him loose, because they had not a scrap of evidence against him; that he lived within a few blocks of the plant and that because the police knew his address they picked him up frequently. Finally the corporation transferred the man to a plant out of town in order to escape that condition. Such a situation is serious. It will make a criminal of a man who wishes to go straight."[1]

"Scores of instances have come to my attention," says the supervisor, in another place,[2] "wherein the police, without warrant of law, arrested and confined parolees, although there was not a scintilla of evidence against them. . . . In my possession are official records that parolees were arrested, photographed and held without warrant on 'general principles.' I have been unable to find the statute defining the crime of 'general principles.'"

Such treatment, indeed, makes it difficult for parolees who are endeavoring to behave themselves to get on in society. The present administration proposes to lessen this evil. "I shall exercise every care," says the supervisor,[3] "to see that parolees who are acting properly are not illegally molested and humiliated. Parolees will be protected by this board against unjust persecution. The police will not be permitted to pick up paroled prisoners without warrants. This is an obligation the state can-

[1] "Bulletin of the Chicago Crime Commission," No. 43, September 23, 1926, page 5.

[2] "Bulletin of the Chicago Crime Commission," No. 44, October 12, 1926, page 3.

[3] *Idem.*

not well afford to ignore." An effort is being made to secure the co-operation of the Chicago police. Three police sergeants are assigned to the Chicago parole office. Police officials are requested to notify the parole officers in every case of a parolee's arrest. In many cases an investigation by these officers makes possible the liberation of innocent men.

Field agents have also prevented obvious miscarriages of justice through their contacts with their charges. The following is a case in point. A negro was imprisoned under a sentence of one to twenty years for burglary and larceny. He was a first offender and within four years was released on parole. A position was secured for him at a steel foundry and he was regularly at work. Within a few months three hold-ups were reported by the motormen-conductors of one-man street cars. The parolee was arrested and shown to the victims. Each of them agreed that he was the guilty man. He was held for the Grand Jury. His parole agent made an investigation of the case and found that the negro was employed at the time the robberies were alleged to have occurred. He presented the results of his investigation to the Grand Jury, but three indictments were nevertheless returned.

When the case came to trial the agent secured the services of an able attorney, who acted without compensation in the defense of the parolee. The field officer in the meantime procured time-cards from the steel foundry which gave definite proof that the man was at his work on the nights when two of the robberies took place. He found an acquaintance who swore that the negro was in his rooming house on the night of the third crime. The state tried the third case first. The motorman in this case had testified that his assailant was scarred. The parolee's body bore no such marks. The defense also brought out the fact that the motormen themselves would have to meet the monetary loss involved if no one were convicted for the offenses. An attempt by the prosecution to present in evidence the fact that the negro was then on parole was ruled out by the court at the objection of the defense attorney. The jury shortly returned a verdict of not guilty. The state immediately proceeded to the trial of the first case. The foundry time card was introduced as evidence. Acquittal resulted in ten minutes. The second case was tried immediately and led directly to a third verdict of innocence. Through the activity of this field agent and the kind co-operation of his friend, the attorney, an innocent man was re-

turned to his employment and his deserved liberty. In the absence of such defense he would doubtless have gone back to the penitentiary as a second offender on a ten-year to life sentence, a social outcast for the rest of his days.

Careful investigation often reveals that parolees are innocent of the offenses charged against them, their previous record having subjected them to constant suspicion and permanently placed them at a disadvantage. In many cases sympathetic treatment by parole officials continues men in useful lives where an unimaginative, wooden administration would send them back to jail. There is the case of a negro who was paroled after serving twenty years in prison and then employed as janitor in an apartment house. The owner did not live on the premises, leaving the parolee in full charge. A policeman lived in one apartment with his brother-in-law. This officer owned an automobile which he was accustomed to drive in at the back gate and park behind the building. The first-floor tenants objected to this practice and, after consulting the owner, the janitor warned the officer that it must be discontinued. The policeman, however, continued his habit and, at the direction of the owner, the janitor nailed up the back gate. The officer thereupon tore down the gate and parked his car in the yard again. The record from this point reads as follows:

"The next morning early, about 7 o'clock, parolee started up-town, going out the back way, with his coat and hat on. The police officer came rushing out of the back door without any coat or hat and his revolver in his hand and pointed the revolver at parolee, telling him to put up his hands. The paroled man complied with his request and he searched him. In his inside coat pocket wrapped with a piece of paper and in a razor case was a razor. He took the paroled man into custody and to the police station and preferred charges against him for carrying concealed weapons."

The magistrate found the parolee guilty and his fine and costs amounted to $37.00. He was then held as a parole violator for return to the penitentiary. The field agent learned of the situation, made a thorough investigation and upon the basis of the foregoing facts procured the negro's freedom and returned him to parole, although he was technically a violator and, under his sentence, would have been subject to imprisonment for life.

A similar case was that of a colored parolee whose success with the fair sex displeased the local swains so greatly that they planted a suitcase of feminine wearing apparel in his room and brought about his return to the reformatory. He was re-paroled,

married and working steadily. Then depression came along. Laborers were laid off. His savings were dissipated. It was difficult to make ends meet. Often his family lacked food. One day he met two neighbors coming home with two or three slabs of bacon under their arms. They told him to go down to the railroad, where he could get another slab of bacon from a box. He had just found the box when he was apprehended by the railroad man and turned over to the police. At the magistrate's trial the two men who had stolen the bacon were dismissed, but the parolee was held under bond. The field agent appeared before the Grand Jury and the case was dropped. New work was found and the former convict is still living at peace in the community.

In another case a sponsor demanded a boy's return to the reformatory because of his refusal to work. When the officer called he found a pale, thin lad with a handcuff on his wrist and another on his ankle. The boy was temporarily lodged in the county jail and an investigation was made. It developed that he had been employed in a machine shop, shovelling coal alongside of a hardened man who was used to the work. Because the boy could not keep up his end of the shovelling he was laid off. Instead of returning him to the institution the officer found lighter work for him and he is still at liberty.

Just one more case: A boy is paroled to work in a gas plant. The work is too heavy for him. He tries to see his employer to get a transfer but the latter is inaccessible. He quits without notice and applies for work at the State Employment Bureau. The bureau notifies the parole office and with their consent finds him employment in an hotel. This hotel proves to be a questionable place where drinking, dancing and gambling go on without restraint. Shortly a murder takes place. The patrons flee. The murderer escapes. The police come and the parolee is taken into custody. Obviously he is employed in an improper environment. He has quit work without securing the direct permission of the parole officer. Technically he is a violator, but the fault is not his, since he understood that he had discharged his obligation by appealing to the state employment office. He is returned to parole and guaranteed regular employment.

These cases, all taken from the records of the Division of Pardons and Paroles and from the personal accounts of field agents, show how parole supervision constructively assists men to go straight when they might otherwise have lost their em-

ployment and reverted to crime. The system also works the other way. At times it is possible to bring about the reincarceration of parolees who are misbehaving before they go so far as to commit another crime. Society is also protected by service rendered in the prosecution of offenders by parole officers and prisoners on parole. Field agents at times uncover information of value to the state's attorney and parolees may, for their own protection, give information on "jobs" that have been planned. In this way a parolee serving as a painter in a hotel rendered valuable service in the protection of his employer's property. He had been picked up by the police on suspicion and the parole officer had procured his release and persuaded his employer to take him back, thus winning his confidence. Shortly he reported that a ring of hotel employes were regularly stealing large quantities of supplies from the establishment. This information, relayed to the owner, resulted in their apprehension. It protected the parolee himself from suspicion and also protected his employer from further depredation.

Another such case occurred when a parolee employed in the Chicago stockyards turned over to a parole officer, whom he trusted, complete details on a confidence game which had been planned within his hearing. Six of the seven plotters involved are now serving time. Without the co-operation of the parolee they might never have been apprehended. Service such as this gives a helping hand and a square deal to unfortunates whose social rehabilitation is to be desired, but, more than that, it operates to protect the lives and property of peaceful citizens against further violation.

The supervisory system of Illinois is the most completely developed in the world. The state's parole system has, however, been subjected to repeated attacks by the press in recent years and has lately been touched by an ugly scandal. This criticism, however, is in nearly all cases directed against the methods which have been used in parole selection. A change in administration has recently taken place and objections of this nature no longer possess validity. In any event, the difficulties which have arisen are in no way concerned with the state's machinery of supervision or its operation. Dr. E. H. Sutherland, author of a leading text on "Criminology" and formerly professor at the University of Illinois, writes as follows:

"The general plan of organization of parole work in Illinois seems to me to be admirable. It has the obvious advantage of saving the pa-

role officer time and money in travel, and of putting the parole officer relatively close to the person on parole. No intensive survey is required to appreciate the value of such a method."[1]

It is more than interesting to note, however, that even here the administration feels its present force to be inadequate. Hinton G. Clabaugh, the State Supervisor of Paroles, had this to say:

"To my utter astonishment, I learned that the last administration actually cut down by something like $100,000 the sum the legislature tendered. The appropriation in Illinois for two years is $350,000. The total is $175,000 a year.

"In Chicago there are eight men to supervise a large number of paroled convicts. We might as well provide 150 policemen to patrol the city. It is not possible from any viewpoint to administer the parole law as is contemplated by the statute and give the parolees any kind of helping hand or even keep track of them with any such appropriation.

"They are crazy when they tell you they can administer a parole law in Illinois for $175,000 with eight supervisors trying to handle the situation in Chicago and a total for the entire state of only thirty-six parole agents. It is worse than asinine."[2]

And in another place he has written:

"Wise and merciful as the principle of parole may be, effective results are impossible without adequate appropriation and personnel. . . . The Illinois Parole Board requires a minimum of two million dollars annually to function efficiently."[3]

Massachusetts

Massachusetts has less than one-fifth of Pennsylvania's area, less than half her population, less than half her wealth and about one-sixth as much railroad mileage. At the same time she has more than twice Pennsylvania's density and nearly twice Pennsylvania's proportion of foreign-born. The problem of parole supervision in Massachusetts, then, does not correspond so closely to the Pennsylvania situation as does that of Illinois. There are, however, items of similarity. Both are predominantly manufacturing communities and both have large metropolitan areas. The population of state penal institutions in Massachusetts is 2,500, compared to our 4,000. On parole, however, and subject to the supervision of the state parole service, there are more than 1,100, compared to Pennsylvania's 1,200. It is not

[1] Letter of November 23, 1926.

[2] "Bulletin of the Chicago Crime Commission," No. 43, September 23, 1926, pages 6, 12 and 16.

[3] "Special Report and Recommendations," March 4, 1927, page 12.

impossible, therefor, that the experience of Massachusetts might throw some light on Pennsylvania's present situation.

Penal administration in Massachusetts is characterized by a high degree of centralization. At the head of the system stands the State Department of Correction administered by a Commissioner of Correction, who is a member of the Governor's cabinet. Within the purview of this department comes the exclusive control of the five state penal institutions and the supervision of eighteen county jails and houses of correction. Criminal identification is centered here and all records are kept at the State House. A Deputy Commissioner has charge of the administration of prison industries. The State Board of Parole, a semi-independent agency, is located within the department. This body performs the function of parole selections. One of its members is a Deputy Commissioner of Correction, who also is the administrative head of the state's machinery for parole supervision. The only correctional work in the state not administered by this agency is that pertaining to probationers and juvenile offenders.

The machinery for parole supervision built up under the deputy commissioner divides the state into seven geographical districts. There are seven male parole officers, one for each district, each of them responsible for from a hundred to one hundred and eighty parolees. Six of these officers operate from the department headquarters in the State House at Boston. Many of them are given the oversight of parolees in a section of the city in addition to their responsibilities in other parts of the state. This arrangement is made possible by the small physical area of Massachusetts, its great population density and its highly developed inter-urban transportation. It would scarcely be applicable in Pennsylvania.

There are also two women officers charged with the supervision of from forty to seventy female parolees throughout the state. Each prison and reformatory has one or two parole clerks who handle the work as it affects their institutions. The state has a farm to which misdemeanants, particularly drunks, are freely transferred from local institutions. From here they are paroled by the state board and supervised by the state department. Oversight in these cases, however, is less close than that applied to parolees from the prison and reformatories. About two hundred parolees have been given permission to leave the state and are reporting through officials in other commonwealths.

This leaves nine hundred parolees within the state to be supervised by nine officers, an average responsibility of one hundred cases for each officer. This number the officials acknowledge to be too large for efficient work. The system, however, is districted, functionalized and centralized as is that of Illinois.

All parolees, save those who are going to distant communities from the more distant penal institutions in the state, report from the prison to the department in the State House. Here the parole agreement is explained to them and signed by them. Those who are in need are given funds for board, room, clothing, railway fare, work tools and miscellaneous necessaries. From ten to twelve thousand dollars is expended annually in this way.

During his first month of liberty the parolee is required to submit a weekly report. Monthly reports are required thereafter. Unlike those of most other states they are not submitted on a regular form, but come as personal letters. Parolees living in Boston are permitted to report to the office in person instead of sending in the written report. All prisoners are held on parole until the expiration of the maximum term, but, during the later years of their parole, permission is given to report once in three, six or twelve months. Only forty-eight parolees were under this arrangement in July, 1926. A few (sixteen) had been entirely excused from reporting.

The administration aims to have each parolee visited monthly by an officer. This, however, is not accomplished. Each agent sees from twenty to fifty of his charges during the month and makes from twenty to eighty other visits of investigation. Generally a personal check-up is made on half of the state's parolees each month. Every visit is reported separately to the deputy commissioner in charge of parole supervision, with data covering the parolee's employment, wages and general conditions. Some of these reports appear to be rather perfunctory. Others, however, contain valuable information. Control of the entire system is maintained through a card index system, in the deputy's office, which shows the location of each parolee, the date of his last report, the date he was last visited and the names of those who failed to report or were not found.

Massachusetts pays its women parole officers $1,800 a year. The male officers receive from $1,920 to $2,280. The department plans to increase this maximum to $2,400. Appointment is on the basis of civil service examinations. The successful completion of these tests involves a certain minimum knowledge of the

nature and purpose of parole, the state's parole laws and the organization of its system. The questions attempt to gauge the applicant's probable reaction to certain problems which will be presented in his work. They are not of such a nature as to eliminate persons lacking technical training in social case work. Horse sense, combined with some casual reading, should suffice to qualify an applicant for appointment. Many of the field agents are not persons peculiarly qualified by training for the work which they are doing. A few of them conceive of their function as little more than police work.

No prisoner is released on parole until he is guaranteed employment and a suitable home. The field agent visits each man assigned to him before he is paroled and discusses with him his prospects for work and his probable home environment. All offers of positions and residence are investigated by the parole agent and must have his approval prior to release. Where men are unable to secure work for themselves through their friends or relatives, the field agent attempts to find employment for them. This duty is, of course, complicated during periods of industrial depression.

An attempt is made to link up the community with the paroled prisoner. Parolees are urged to affiliate themselves with organized, religious groups and encouraged in the pursuit of further education. Considerable care is exercised in the selection of the parole environment in the case of female offenders. Often they are not allowed to return to their own homes. They are seldom permitted to live in boarding houses. Placement in proper homes is preferred because of the restrictions which can be imposed there and the greater certainty of adequate supervision. These girls receive close friendly counsel in their approach toward social re-adjustment. The agent's permission must be secured before they can marry and such permission is not given until the character and prospects of the prospective mate are carefully investigated. The officer, in every case, makes sure that the union is based on absolute frankness. Social agencies and religious organizations are given the names of girls on parole and their co-operation is requested. When prisoners are suffering from venereal diseases at the time of parole, it is made a special condition of their liberation that they must continue treatment at a state clinic. A close check is kept upon the fulfillment of this condition and those who neglect it may be dealt with as parole violators.

In Massachusetts, as in Illinois, many personal illustrations of the benefits of the parole service are to be found. One officer carries on an extensive correspondence through which he gives friendly advice to his charges. Parolees are sometimes transferred to new work, for which they are better adapted, through the field agent's intervention. They are protected against the occasional employer who would reduce them to virtual slavery. There is the case of the man who, seriously injured, unable to work, stole food for his family. The parole officer, by appearing in court for him, prevented a long sentence, procured him new work and reclaimed him for a useful life in society. There is the case of the boy who was just prevented from going into a large-scale bootlegging undertaking by a careful parole follow-up. There is the case of the dope peddler on parole, apprehended while plying his trade, found not guilty by a jury, discharged by the court, reincarcerated as a parole violator for the protection of society.

A final test of the relative efficiency of supervision in Massachusetts and in Pennsylvania lies in the nature of the offenses for which parolees are reincarcerated as violators. It will be remembered that such action in Pennsylvania results almost always from the commission of a new felony. In Massachusetts, during the year ending September 30, 1925, 1,323 paroles were revoked. Only twenty-four of these were for the commission of a felony. Twenty-eight had committed misdemeanors. One thousand and eight were re-imprisoned for drunkenness and 272 for other "indiscreet conduct." The figures for the previous year, ending September 30, 1924, show 981 revocations with only twenty-one guilty of felonies, fifty-eight revoked for misdemeanors, 705 for drunkenness and 197 for "indiscreet conduct." In the two years mentioned, only five of the fifty-six revocations at the State Prison were due to the commission of felonies. Most of the revocations for "indiscreet conduct" were based upon the character of the prisoner's associates.

The policy of the parole board is to place the offender in prison before instead of after further crime. These men may be reparoled in a day, a week or a month, but such release can take place only through the action of the parole board. We have here a powerful club in the hands of the state for the compulsion of good conduct. When the violator is reparoled, the board may often require that he report daily or fulfill other stringent conditions. The success of this, as of every other element in the system, depends upon the extent and quality of the state's supervisory machinery.

CHAPTER 15

TOWARD A SOLUTION OF PENNSYLVANIA'S PROBLEM—CONCLUSIONS

A sharp distinction must be made between parole theory and the current practice in parole administration. The parole idea assumes that the prisoner, before his time for parole arrives, will pass through a period of institutional training for free life. The parole idea, as was said above, would require selection for release by careful scientific study and thorough and sympathetic supervision during the period of conditional liberation. No American state has yet developed within all its penal institutions a parole system which fulfills all these requirements. Here and there, however, certain states, certain institutions or individual administrators have gone far toward the realization of some of these ideals. One or two states have provided for a fairly thorough supervision of parolees. Some attempts have been made, also, to base parole decisions upon something more than mere guesswork. On the basis of this experience, as it has been recorded in the preceding chapters, certain tentative generalizations may be ventured, as to the proper administration of parole, in particular as it applies to the state of Pennsylvania.

Selection Authority

Who should have the authority to grant or to refuse release on parole? In Pennsylvania, as we have seen, this right is given to the institutional Boards of Trustees (in the case of the penitentiaries, acting formally through the Board of Pardons). Certain other states have created central agencies, independent of their penal institutions, and have charged them with the exclusive performance of this function. Which is the preferable plan?

Many students of the subject uphold the idea of an independent state board of parole.[1] In Minnesota, the Crime Commis-

[1] See "Report of Sub-committee on Probation and Parole," "Proceedings of the National Conference on Social Work," 1919, p. 117; Brown, B. W., "Parole, An Institution of the Future," "Journal of Criminal Law and Criminology," Vol. 6, p. 67; Gillin, J. L., "Criminology and Penology," p. 698-699, etc.

sion has just recommended the abolition of the present Board of Parole, which is made up principally of penal administrators, and the substitution of an independent, paid agency.[1] A bill was introduced at the 1925 session of the Pennsylvania Legislature which would provide this state with a similar body. Many arguments might be presented in support of such action. Where parole authority is exercised by institutional administrators there is danger that considerations of prison discipline will play too great a part in their decisions. Thus the sycophant, the warden's handy man, or, perhaps, the extremely troublesome prisoner may be given an early release without reference to the probable nature of his future conduct. Prison trustees serve the state without pay. It is therefore unreasonable to expect them to devote more than a small portion of their time to this work. Their major interest may often be in phases of prison management other than parole. Parole selection is a function which differs from penal problems of a purely administrative nature. It is argued, therefore, that it should be exercised by different individuals. An independent board of parole would centralize responsibility. It would unify parole policy throughout the state. If composed of technically qualified, experienced men, well paid for giving their undivided attention to its work, such a board might develop an expertness in selection which might well increase the measure of security afforded the community by the present system of parole.

There is another side to the picture. The evidence now at hand does not indicate that centralization of authority in and of itself brings expertness in parole selection. On the contrary, it appears that many independent paroling agencies are doing their work in a manner which is far from scientific. In one state we find a careless policy of wholesale release. In another we find a board actuated largely by sentiment. In a third the policy is largely one of putting down the screws without carefully studying the case of the individual offender. Lazy, uninformed, inefficient methods are pursued by many independent paroling authorities, be they "soft-hearted" or "hard-boiled." Added to this, there is the danger of corruption.

Here and there officials have been known to play politics with parole releases in order to keep in office. Personal and political pressure have doubtless led to the release of many men who are

[1] "Report of the Minnesota Crime Commission," 1927, pp. 58-61.

unfit to be at large. Elsewhere there have been well-substantiated rumors of bribery. A parole official, clothed by the law with great discretion in granting releases, if he were less scrupulous than he might be, could line his pockets handsomely within a few months of service. Many prisoners have friends who can and will pay handsomely for their release, making their payments in a manner well calculated to escape detection. When parole becomes a graft it ceases to protect society. It forfeits the respect of the prisoner and, consequently, loses its control over him. It is no longer entitled to the confidence of the community. This situation affords a strong, almost a conclusive, argument against the establishment of a powerful independent paroling authority. The danger that the offices created under any central plan for parole selection would become political prizes is so great that the state should hesitate to create them.

The Pennsylvania system of parole selection, whatever its deficiencies, provides the state with certain protection against fraudulent release. Criminals may attempt to buy their way out of prison,[1] but it is unthinkable that they can ever succeed in doing so. Before an inmate is paroled from the penitentiary the judge and the district attorney who participated in his trial are given an opportunity to protest. Nine responsible citizens, unpaid, non-political appointees, pass on his case. The Board of Pardons, consisting of four of the highest officials of the state, must confirm their action and the Governor himself sign the parole. Any one of these sixteen men could, if he wished, prevent the release. Certainly it would be difficult, if not impossible, to devise a system which more adequately safeguarded the public interest. This fact, in itself, argues strongly for the preservation of the existing process of parole selection in Pennsylvania.

There are other considerations, nearly as important, which lead to a similar conclusion. Institutional Boards of Trustees may generally have a more intimate knowledge of the cases upon which they are passing than would an itinerant, politically appointed, inadequately compensated state board of parole. The creation of such a body in Pennsylvania, moreover, might further complicate the state's rather awkward selection machinery. Unless the constitution of the state were amended, the parole

[1] See statement by Chairman, Board of Trustees, Eastern State Penitentiary, in "Philadelphia Inquirer" and "Evening Public Ledger," October 5, 1926.

board's decisions would still have to be submitted to the state Board of Pardons for final action. Through this body, already charged with responsibility for paroles through the mandate of the basic law, many of the advantages of centralized responsibility and unified policy attaching to an independent paroling authority may still be achieved.

Again, a state board of parole, if it consisted of experts, well qualified and well paid, even though it did improve the quality of the state's parole releases, would be an enormously expensive proposition. Certainly technicians of outstanding ability could not be secured for much less than $10,000 each annually. A board of five such men, presenting the state with a budget of $50,000 per annum for the performance of a function that is now fulfilled without cost to the taxpayer is not to be expected in the immediate future. Perhaps such a body would pay for itself, in time, through the superior protection offered the community by the expertness of its action. But it is unfortunately the case, finally, that the professional experts themselves have as yet developed no technique through which reformation may be judged. The physician, the psychologist, the social worker, the psychiatrist is not yet ready to offer an authentic prognosis of future conduct for all or even most of those on whose cases it would be necessary to pass. And there are other and non-scientific considerations which must enter into parole decisions—questions of community attitude, of the deterrent effect of imprisonment on others—upon which these experts are no better qualified to act than is the layman. All in all, it does not seem likely that it would be wise, for the present, at least, to disturb Pennsylvania's machinery for parole selection. Institutional Boards of Trustees are not releasing prisoners wholesale. Generally they are avoiding the extremes of excessive severity and excessive leniency. Their work, on the whole, is done as honestly, as carefully, as conscientiously, as that of any paroling authority in the United States.

Selection Technique

How can paroling authorities determine which applications to grant; which to refuse? It is obvious that the pleas made by personal friends, by political associates, by the prisoner's relatives or even by his victims should not be the deciding factors in parole release. The law itself sometimes establishes certain

restrictions upon the authority of boards of parole, but it does not generally set up a workable criterion of parole. Prisoners, according to the law, are to be liberated when they have reformed or when it may be presumed that they will "live and remain at liberty without violating the law." But nothing short of omniscience can tell when this time has arrived. There is no real test of reformation. Every parole is and must be something of a gamble in which the element of uncertainty looms large. It is the duty of the boards of parole, in so far as is humanly possible, to replace uncertainty with certainty, danger with security. This may be done, in a measure, through the exercise of shrewd personal judgment. In the long run it may be even better accomplished with the aid of science.

There are certain factors which are and must be taken into consideration by parole authorities everywhere. Of these one is prison conduct. It is evident that parole must be denied in cases of notoriously bad prison behavior if discipline is to be preserved. It does not follow, however, that obedience to prison rules is, in itself, an evidence of reformation. A prisoner, like any other man, may smile and smile and still be a villain. Unfortunately, this is a fact which is not always recognized by boards of parole.

A second factor generally considered is that of prior criminal record. It is a pretty safe guess that repeated offenders, in the absence of tangible evidence of reformation, will be poor parole risks. The same thing is true of those who have broken previous paroles. Boards which refuse to release confirmed criminals are doubtless following the course of wisdom. But here, also, it is unsafe to assume, conversely, that all first offenders will behave themselves if favored with conditional release.

Paroling authorities also invariably give weight to the nature of the crime committed by the applicant. In many cases it is necessary, to be sure, to refuse early release to prisoners guilty of more serious offenses in order that others may, if possible, be deterred from committing them. The nature of the offense, again, may frequently afford an insight into the character of the offender which makes possible a more intelligent disposition of his case. But it would probably be unsafe to follow the policy of denying release to all offenders against the person and granting it to all those guilty of offenses against property, for it is the universal testimony of penal officials that it is generally safer to release murderers than petty thieves. In many cases the old

notion of making the penalty fit the crime compels the taxpayer to support a man who might better be earning his own salt and plagues him with the depredations of a horde of petty rogues who might better be subjected to permanent detention.

A fourth and final factor generally considered is the appearance, personality and attitude of the applicant for parole. This, it is true, may throw light upon his character which cannot be revealed by formal records, be they ever so carefully prepared. It may show up the self-apologist who has been able to rationalize his guilt away, the hardened, cold and unemotional lad who cannot be reached by pity, and others of their ilk. But it would indeed require more than human prescience invariably to judge such men aright.

It is safe to say that the decisions of most paroling authorities made, as they are, upon the basis of evidence such as the foregoing, are generally far from dependable. Professor Sam B. Warner, who made a careful study of 680 paroles from the Massachusetts Reformatory between 1916 and 1920, was able to find no correlation between reformatory conduct and parole success or between the nature of the prisoner's crime and his behavior after release. In the case of prior imprisonment there was but a slight correlation, first offenders constituting 19 per cent. of the parole successes and but 7 per cent. of the failures. He concluded that these criteria of parole as used by one of the best boards of parole in America were relatively worthless.[1]

If this be true, what other items of evidence might paroling authorities take into account? One factor, given comparatively little weight in most penitentiary paroles, is the prisoner's record of positive accomplishment in the institution's schools and shops. It seems probable that a man who is really equipped to earn an honest living will be a better parole risk than one who is not. Boards of parole should assure themselves that the parole applicant has mastered a trade. They should go even further and see to it that he is assured an opportunity to undertake work

[1] Warner, Sam B., "Factors Determining Parole from the Massachusetts Reformatory," "Journal of Criminal Law and Criminology," 14:2; August, 1923, pp. 172-208. See also the same author's "Picking Parole Successes" in the "American Journal of Psychiatry" for October, 1923, Vol. 3, pp. 273-283, and "Information Necessary for Parole" in the "American Prison Association" for 1923, pages 222-231. Other interesting articles on parole selection are those of Hornell Hart, "Predicting Parole Success," in the "Journal of Criminal Law and Criminology" for November, 1923, Vol. 14, No. 3, pages 405-413, and Charles T. Judge in the "American Prison Association," 1924, pages 321-324.

for which he is qualified upon his release. This assurance should be something more than a paper promise of employment. Its character should be verified by a careful independent investigation. Men who have been taught trades and supplied with good jobs in the callings for which they have been trained may not always go straight. But the chances that they will do so are probably improved.

Boards of parole should also attempt to learn something concerning the past personal, social and industrial history of the applicant, his early surroundings, his family and home, the circumstances leading up to his original offense. At times a careful investigation will reveal that clever crooks have gotten off with short sentences; that poor and friendless lads have been unduly punished for petty crimes. It sometimes occurs also that the offense actually committed by the applicant is quite a different one than that which appears on the record. Full knowledge of the situation which led to the initial offense may make possible a judgment concerning the likelihood of its repetition. Few will deny that the associates and surroundings of the parolee will exercise a great influence over his future conduct. By careful investigation an attempt should be made to discover the nature of the temptations the prisoner will be called upon to face subsequent to release and his ability to withstand them. A wise board of parole should then be able to prescribe a parole environment and parole supervision of the sort which should preclude the likelihood of early reversion to criminal ways.

Finally, every paroling authority should be provided with the opinion of competent mental experts based upon careful examination of each applicant for parole. The psychiatrist and the psychologist may not always be able to predict the nature of future behavior in the case of normal individuals. But they can certainly weed out the feeble-minded, the insane, the sex-pervert, the epileptic, the psychopath. Some of these prisoners should certainly be detained for as long as the law permits and the expert can speak with more authority than the layman concerning the safety with which the others may be set at liberty. This is a first and most obvious step in the direction of scientific parole selection, a step which is now being urged in many American states.

It is by no means unreasonable to hope that parole selection may gradually be removed from the realm of mere guess-work. Real tests and criteria of parole are yet to be evolved, but they

may be forthcoming. When the scientist can devise a test which will reveal the prisoner's ability to differentiate between right and wrong and a test which will show the strength of his determination to do the right, selection technique will have a firmer basis. Careful records and statistical generalizations, as well, may provide boards of parole with valuable knowledge. Tabulation of all pertinent data concerning each prisoner (environment, habits, offense, mentality, recidivism, prison conduct, etc.), followed by a complete account of success or failure in later years may make possible statistical correlations which will reveal the reliability and value of specific factors in determining parole release. It may even be possible, in time, by discovering the usefulness of various facts and by properly weighing their significance, to work out a prognostic score of parole success similar to the actuarial basis of insurance contracts. It is only through developments such as these that boards of parole can attain sufficient expertness of judgment to entitle them to that measure of public confidence which must be secured if the ideal of the indeterminate sentence is ever to be realized.

In Pennsylvania, specifically, improved parole selection will require (1) the development of educational and vocational training within the state's penitentiaries accompanied by individual performance records; (2) channels through which the prisoner's past history and probable parole environment may be investigated in order that prison trustees may be provided with social data comparable to that already prepared in Massachusetts; (3) means for the independent investigation of offers of employment and sponsorship; and (4) psychological and psychiatric judgments on each applicant for parole similar to those supplied at the Elmira Reformatory. The state's reformatories and the Western State Penitentiary have already taken steps in this direction. It is certainly not impossible in Pennsylvania to build up a staff and equipment, a technique and a morale which will lead toward the eventual application of scientific methods in parole selection. The selecting authorities may at first misinterpret the material presented to them or refuse to give it consideration. But, at least, we can be assured that the state has done everything in its power to avoid a capricious or purely arbitrary exercise of this most vital public function.

Parole Supervision

Unless prisoners are supervised subsequent to release, parole will be a mere reduction of sentence. The change from penal to free life will be as abrupt, as difficult as under a system of definite sentences. Real parole calls for a gradual transition, a period of readjustment under skilled direction. Many writers have referred to parole work as "after care," an apt designation, since the parole idea contemplates not a purely formal oversight involving written reports and mass treatment, but a constructive, individualized process of social readjustment. The parole officer should study the records on each case in advance, familiarize himself with its details and outline a tentative plan of treatment. He should develop a friendly personal contact with the parolee before the latter is released from the institution. He should prepare the parole environment—family, home and associates—for a favorable reception of the prisoner on his return. Most important of all, the parolee should be supplied with work. Proper placement in industry should go far toward success on parole. The officer, if he is to fulfill this important function, must know the labor situation and sell the parole idea to the business men in the communities in which he works. Provision should also be made for the continued medical treatment of the parolee, if he needs it, for his further education and for his religious and recreational needs. There can be little doubt that the man who is living a happy and healthy life will, if normal, be less tempted by crime than one who is not. To do this work the officer must enlist the co-operation of local social agencies, clinics, schools, churches and the like.

The parolee, once located, must be followed up. One man will require much care; another very little. But every prisoner should be visited at his home, in his work, from time to time. Generally the officer must do more than lend him money. He must give a commodity even rarer—informed personal counsel. The parolee must be protected against irresponsible inquisitiveness, against unfair exploitation. He must be encouraged to resist temptation, to support himself, to stand on his own feet. He must be made to respect himself, to feel that he is a part of the community. Through a vigilant and kindly oversight the state may force the former criminal to avoid bad companions, to stay at home, to keep at work, pay his bills and support his dependents. Thus, within the community itself, even better, per-

haps, than within the prison, the state may accomplish the task of character reformation. The aim of parole work should be definitely reformative, not in the sense of instilling certain religious beliefs and principles, but in the sense of turning conduct into channels that do not encroach upon the rights of others.

Such is the parole function. Who should undertake its performance? The task of supervision may be charged to the police, to private agencies and individuals, or to the state itself. The ticket-of-leave system in England involves report to the police. Here and there in America also sheriffs have been used for oversight and the police of upstate towns have been used by the Elmira Reformatory with results which satisfy the management. But this is not really parole. The weight of opinion is against the practice.[1] Generally it is felt that the police lack the qualities essential to the work, are unable to treat the parolee with sympathy and are already overburdened with a multitude of other responsibilities.

It is possible that private parole work might be developed beyond its present scope. Churches, clubs and social agencies might be enlisted in the undertaking. Such bodies might in some cases approach the parolee on a more friendly basis than could the state. It would be necessary, however, to do a vast amount of educational work if these agencies were to be relied upon to do a real parole job. Private individuals who volunteer their services are not generally trained for the work and experience shows that they cannot be depended on to continue with it. Social agencies often capable of bringing expert experience to the task are handicapped in its performance by the inadequacy of their financial resources. After all, it must be recognized that parole is a form of punishment, an alternative phase of penal discipline. The parole period is a part of the prisoner's sentence. During this period he is responsible to the state and the state should provide the means for his control. Parole work is as much a function of government as any other phase of penal administration and should be similarly supported from the public purse. The state should provide its own parole officers.

[1] The International Prison Congress in London in 1925 took a decisive stand on the matter, passing a resolution that control "should not be exercised by the police." See "81st Annual Report, Prison Association of New York," page 80. See also "Bulletin No. 44, Chicago Crime Commission," October 12, 1926.

Parole officers should be properly qualified, carefully selected, thoroughly trained and well paid. Positions in the parole service should not be political plums. They should be filled, if possible, by competitive examination, given by the Civil Service, as in Massachusetts, or by the state parole administrator. Parole agents so selected should possess sufficient courage, sincerity, tolerance, patience and human sympathy to inspire the respect and secure the confidence of their charges. In so far as possible they should be technically trained—they should be experienced in the methods of social case work. Once employed, they should be prepared for the specific task they are to assume by special courses of instruction, and by personal training in the field. Through the medium of lectures, group conferences, official bulletins and the like, they should be constantly encouraged to improve their technique. Parole officers should be paid a minimum of $2,000 a year and given increases to a possible $3,000 or more on the basis of merit. They should be given an adequate expense allowance to enable them effectively to cover the ground. And, finally, no officer should be asked to assume responsibility for more than fifty prisoners—seventy at the most. These are the requirements of a real parole service.

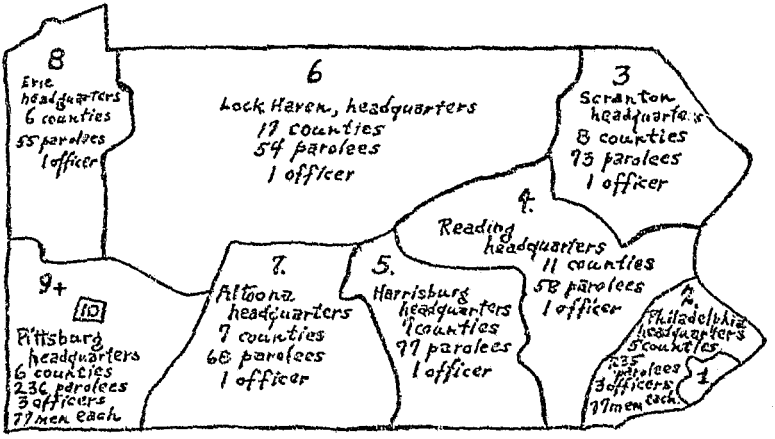
For adequate supervision the state requires, in addition to a staff of the sort described, an administrator to plan, direct and control its work. Such an official should select, examine, train and oversee the work of the field parole agents. Here and there an officer might take things easy and submit fictitious accounts of home visits and interviews. Another agent might accept gifts from parolees in return for the presentation of falsified reports. Another might become too friendly with his charges and lose his control over them. Still another might pad his expense accounts and another might lack the courage to deal with serious cases. It should be the duty of the administrative head of the parole system to meet and solve these problems, to develop and improve the technique of parole treatment, to keep constantly informed concerning the work of each parole agent and the conduct of each parolee. In the absence of such a staff and such an administration the parole law can be little more than an expression of pious intent upon the pages of the statute book.

A Parole Service for Pennsylvania

If the Pennsylvania system of parole is ever to be more than a legal fiction the state must create real machinery for parole

supervision along the lines suggested by the experience of other commonwealths. The principal features of the outstanding systems of supervision are geographical specialization and centralized administration. Considerations of efficiency and economy make clear the desirability of a division of the state into geographic districts for the supervision at least of the parolees from the penitentiaries and the Huntingdon Reformatory. The control of such a system should be centered at Harrisburg. This plan would possess distinct advantages in the training of officers for the parole service, the establishment of supervisory

PENNSYLVANIA DISTRICTED FOR PAROLE SUPERVISION OF ADULT MALES, AS OF OCTOBER 1, 1926[1]



[1] According to the plan here laid down, the state is divided into ten districts. Six of these districts have one officer in each, operating from headquarters in Scranton, Reading, Harrisburg, Altoona, Lock Haven and Erie. These agents are responsible for from fifty-four to seventy-seven parolees each, the larger numbers being in more densely-populated areas, the smaller numbers in wide areas necessitating greater travel. Four of these divisions contain six, seven or eight counties; one has eleven; the other, seventeen counties in the more sparsely settled sections of the state. There remain four other districts. The first district comprises the city of Philadelphia; the second, an area of four counties immediately contiguous. In these sections there are 235 parolees. If three officers were located in Philadelphia to supervise them, each would have charge of seventy-seven men. Similarly, the tenth district includes the city of Pittsburgh and the ninth covers six surrounding counties. Here there are 236 parolees who might be supervised by three officers operating from headquarters in Pittsburgh and made responsible for the care of seventy-seven men each.

standards and the maintenance of adequate records of control. It would, moreover, represent a substantial saving to the state in the costs of transportation. It would insure uniformity in dealing with those paroled from these institutions and would provide a mechanism through which pressure might gradually be exerted toward the improvement of methods now used in the preparation and selection of prisoners for parole.

What would be the physical requirements for such a system? There were about 1200 adults on parole from Pennsylvania's institutions in October, 1926. Fifty of these were women. Three hundred others were men who were located in other states. There were left, then, some 850 parolees from the three penitentiaries and from the Huntingdon Reformatory who were on conditional liberty within the state at one time. An attempt was made to estimate what would be involved if the state should establish a minimum supervision for these parolees on the basis of the best modern standards. The location of each man was ascertained. The state was then divided into geographical districts along the lines indicated in the accompanying map. The plan given here is, of course, hasty and tentative and further study would doubtless subject it to numerous changes. As it stands it calls for a staff of twelve field agents. Such a staff, in view of the state's area, its population and its penal population, would little more than place it on a par with Minnesota, Massachusetts and Illinois, all of them states in which it is felt that the present parole provision is less than adequate.

A system such as this could not be developed without expense to the commonwealth. The table which follows presents a crude estimate of its probable annual cost. The salary provisions are based upon the state's probable needs as outlined in the foregoing paragraph and upon the best prevailing rate of remuneration in other states for similar activity. Allowance for travel, office expenses and equipment is based upon the budget of the Illinois Division of Pardons and Paroles in the Department of Public Welfare.

On the basis of this computation it seems reasonable to assume that a centralized system of supervision for adult males would cost the state about $75,000 a year, if not more. This estimate, in view of the annual budget of $175,000 in Illinois, is certainly not excessive.

These calculations include no provision for the supervision of female or juvenile parolees. There are fifty women on parole

PROBABLE ANNUAL COST OF CENTRALIZED SYSTEM FOR MINIMUM SUPERVISION OF ADULT MALE PAROLEES IN PENNSYLVANIA

	Minimum Budget	Moderate Budget
Salary of administrator	$3,600	$5,000
Salaries of 12 parole officers:		
At $2,000 each	24,000	
At $2,500 each		30,000
Traveling expenses:		
At two-thirds the Illinois rate	23,000	
At three-quarters the Illinois rate		24,000
Clerical assistance	2,400	5,000
Office expense:		
At two-thirds the Illinois rate	2,600	
At three-fourths the Illinois rate		3,200
Equipment:		
At two-thirds the Illinois rate	2,400	
At three-quarters the Illinois rate		2,800
Totals	$58,000	$80,000

in the state, thirty-five of them subject to the State Home at Muncy and fifteen paroled from local institutions and theoretically under the supervision of the parole officer at the Eastern Penitentiary. It would probably be desirable to employ for their oversight one woman parole officer, who would travel throughout the state, using the Harrisburg office as her headquarters. The Muncy parole officer could continue her institutional duties and the supervision of the few girls who are located within a short radius of the Home. There might be added to the responsibilities of the new woman parole agent the duty of supervising girls on parole from the Glen Mills School and the Pennsylvania Training School, who are located in the central and northern sections of the state, remote from these institutions.

There are now more than two thousand children on parole from these two establishments. Each institution has two full time officers to accomplish their supervision. With the development of the new supervisory machinery the activities of these officers might be restricted to the Pittsburgh and Philadelphia areas, where they are located, and boys on parole from juvenile institutions might be supervised by the state's parole officers lo-

cated in the other districts, specifically in those districts which are numbered from three to eight, inclusive, on the accompanying parole map. It is even possible that the centralized parole machinery might gradually be developed in such a way as to make a far more adequate provision for the handling of juvenile parolees. The desirability of this arrangement depends, of course, upon the character and calibre of the individuals selected by the state to perform the actual work of supervision.

There are many considerations which indicate that the state's supervisory machinery would be called upon to do more rather than less work than that indicated above. The computation which has been given, for instance, makes no provision for the supervision of prisoners on parole from county jails or workhouses. The state may continue the present practice of judicial paroles for local prisoners and impose the duty of supervision upon the centralized machinery or it may abolish judicial paroles on sentences of less than one year and require the state officers to supervise all those paroled from local institutions on longer sentences. In either case, the work of the state supervisory machinery would be enormously increased. Here, moreover, there is no consideration of the necessity for an improved system of supervising those now placed on probation by the courts. Although probation and parole are different in nature, there is nothing in this difference which would prevent the ultimate development of a unified and co-ordinated probation and parole service as an efficient administrative expedient.

There are further possibilities which lead to the belief that the work of the parole system would increase with the passage of time. The facilities of the system might be extended to the supervision of those paroled to Pennsylvania from other states, not as a favor to these commonwealths but for the greater protection of Pennsylvanians. It is also possible that the paroling authorities, in the presence of an efficient system of supervision in Pennsylvania, might permit fewer of those released on parole to leave the state before the expiration of their maximum sentences. Finally, it seems advisable that boys released from the Huntingdon Reformatory should be continued on parole for a longer period than the present one of six months. Many other states require twelve, twenty-four or thirty-six. If Pennsylvania were to follow the lead of New York and insist on a twenty-four-month parole the number of Huntingdon parolees demanding supervision would increase from two hundred to eight

hundred and it would be necessary to rearrange parole districts and add to the staff of field agents.

A highly important function to be performed by the state's parole officers, in addition to their primary task of accomplishing the prisoner's social readjustment, would be in the collection of complete information relative to his personal, family and social background and the circumstances leading up to his crime. Such information would be of paramount importance to the administrators of penal institutions in individualizing their treatment of the offender and to the parole authorities in arriving at their decisions as to the proper time for his liberation and the conditions which should govern it. Such data would also be useful in the development of any adequate plan for parole treatment. It has already been suggested that penitentiary and reformatory trustees and the State Board of Pardons, under existing arrangements, are not provided with adequate information to permit them in all cases to arrive at an intelligent decision. Through the development of state parole machinery, general and special investigations would be possible which might, in a large measure, remedy this deficiency.

The adoption of any such program as that suggested in the foregoing pages would not lead to any considerable reduction in present institutional budgets. At the Huntingdon Reformatory, for instance, the parole work is purely clerical and occupies but a portion of the time of one secretary. The major part of his duties would remain under the new system. At both the Eastern and Western Penitentiaries we find three employes who give a part of their time to parole activities. At each institution it involves the full time of one man, perhaps, to carry on the paper work of supervision, which, under the system suggested, might be transferred to Harrisburg. The maximum possible saving here, then, would be less than $4,000 per year. The functions which the institutional officers perform in connection with parole selection, record keeping, the transfer of convicts, the arrest and return of escaped prisoners and parole violators, the representation of the institution at the meetings of the State Board of Pardons—all this work is essential and the retention of employes to perform it would still be necessary.

The creation overnight of an elaborate mechanism for the supervision of all adults, male and female, on parole from the state's penal institutions, all county parolees, all juvenile parolees and all probationers would be a project so vast and so expensive

as to be well-nigh impossible of accomplishment, even though such an arrangement might be regarded as the ultimate goal of the parole system. It would seem to be the part of wisdom to take the initial step with only one of these groups. The relative seriousness of the crimes committed by the inmates of the penitentiaries and the men's reformatory and the total inadequacy of the present supervision of their parolees would seem to indicate that the start should be made there. It is, however, open to serious question whether an attempt should be made to apply close and continuous supervision to convicts who have already been permitted to serve several months on parole without it. It would perhaps be possible gradually to apply the supervisory machinery to the care of those released after a certain date with the object of building up to a more complete system in the course of one or two years. The problem of adding to the responsibilities of the supervisory agency may well for the present be omitted from consideration. The elaborate machinery existing in Illinois is the result of a gradual development which dates back over a period of ten years. It is by no means impossible to hope that the next decade might see an even greater growth in the service performed by the state of Pennsylvania for the rehabilitation of her prisoners and the greater protection of the lives and property of her citizens.

Preparation for Parole

Careful selection and thorough supervision must be preceded in a complete parole program by institutional activities which prepare prisoners for parole. If this is to be done it will be necessary for penal administrators to abandon the old notion that imprisonment is purely retributive, exacting an ounce of suffering for each ounce of wrong-doing, and conceive of it, rather, as a period of education, during which the offender's thoughts, habits and desires may be so shaped as to decrease the probability that he will return to a life of crime. An outline of the proper methods of preparing prisoners for parole would involve a detailed treatise on the whole subject of penal administration—something which is far beyond the scope of the present study. It may be permissible, however, briefly to suggest certain principles that are coming to be generally recognized and certain practices that are growing in use from year to year.[1]

[1] On this matter see Doll, Edgar A., "Common Sense and Science in Preparing Prisoners for Parole," "American Prison Association," 1925, pp. 337-350; MacCormick, Austin H., "To Make Prisoners Produce," "Sur-

The first step in any program which aims to prepare the prisoner for his return to society must be a study of the individual. Careful social investigation and expert mental examination are the *sine qua non* of effective treatment. By this method only can the feeble-minded, the psychopathic, the epileptic, the perverted, the definitely anti-social offender be discovered, segregated and subjected to a specialized routine. Such a procedure makes possible the more economical application of reformatory measures to the remainder of the prison population. Obviously, provision must be made for the prisoner's health. This necessitates physical examination, the segregation and care of the diseased, proper diet and sanitation, medical and surgical attention, health education and opportunities and facilities for recreation. Intelligent treatment also calls for humane disciplinary measures, well supported religious activities and formal education. Prison schools should afford instruction in English, in the responsibilities of citizenship, in honorable means of gaining a livelihood. They should be well equipped. They should be conducted by competent, experienced and well-paid teachers. Finally, every prisoner who is physically able to work should be continuously employed.

Idleness is the worst curse of imprisonment. It is as unreasonable to expect honest and efficient workers to come from months and years of forced inactivity as it would be to expect strong and healthy men to emerge from the germ-laden, vermin-infested pest houses which were typical prisons of a generation gone by. The elimination of idleness should be a first responsibility of penal administration. The market for prison products should be expanded, perhaps by giving to prison labor a much larger part of the state's work than it now receives. Prisoners should be required to work a full day, to produce goods in quantity and in quality comparable with those of free industry. They should be paid good wages for their work, but their dependents and, perhaps, the prison itself should be supported from these earnings, thus removing from the shoulders of private charity and of the taxpayers the unfair burden they are now required to bear.

But prison industry should not be conducted for profit alone.

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vey," March, 1926, p. 601; "The Handbook of American Prisons," 1926; "The Report of the Committee on Probation and Parole," "American Prison Association," 1920; "The Penal Problem in Ohio," 1926.

It should serve, in the main, as a means of education for free life. The shops should be many and varied. Equipment and methods of production should be as nearly comparable as possible to those of the outer world. Adaptation to task should be on the basis of the best personnel practice and real instruction should be given in trades that may be honorably and remuneratively followed in free society. This is not "coddling the criminal." It is simply a method of insuring society against a resumption of criminal activity on his part. The development of penal methods such as this might go a long way toward making parole less of a gamble than it is today.

In Pennsylvania, specifically, such a program would require (1) the further development of the work of social investigation and mental examination, already begun, (2) considerable new construction—An entire new plant for the Eastern Penitentiary, decent chapels, schoolhouses and gymnasiums for all the penitentiaries, a hospital at the Huntingdon Reformatory, modern industrial buildings at the Western Penitentiary, and so on; (3) provision of an adequate staff for school and vocational education and (4) a great expansion of the market for the products of prison labor. All this, and more, must be done before the state can adequately prepare her prisoners for parole.

Parole is economical. It is far less costly to make offenders support themselves and their dependents in the community than to maintain them in idleness at public expense. The most elaborate, extravagant or inefficient system of parole supervision could not begin to approach the cost of imprisonment. Conditional release, also, holds open the right to reincarcerate without a trial and thus affords the state a real saving in costs of prosecution. Real parole, moreover, should reduce recidivism and lessen crime, thus checking the enormous social waste involved in criminal activity. A thorough parole system should eventually pay for itself.

The Results of Parole

Parole has been spoken of in these pages as a method of protecting the community against crime. In the long run, therefore, parole must be judged as a tree is judged by its fruits, by reformations achieved. The ultimate justification for the establishment of a comprehensive parole system must be that such a system in its operation will prevent prisoners from resuming

lawless lives upon release. The real test of parole then, must be its effectiveness in preventing recidivism. There is today little or no real evidence which conclusively demonstrates that it accomplishes this result.

It has already been pointed out that official figures which record successes and failures of parole in the various states are of dubious value.[1] Generally they relate only to the brief period of parole. No state keeps a record of the conduct of prisoners after this period has expired. It is obvious, however, that parole must be tested by the conduct of parolees during a period longer than the usual twelve or more months of conditional liberation. Very few studies have been made which go beyond this period. Zebulon R. Brockway tells that a "competent clerk" was employed in 1888 to make a "searching inquiry" into the later conduct of all the prisoners who had been released from the Elmira Reformatory up to that time. The men themselves were approached and questions were asked of their friends and relatives. The study revealed that 78.5 per cent. of the reformatory's graduates were successful in later life.[2] It is impossible now, however, to judge how carefully this study was made and it would be difficult to assign credit for its showing to the parole method of release as distinct from any other element in the reformatory system.

In 1912 the New York Prison Association, with the aid of the Russell Sage Foundation, undertook the task of tracing the later careers of a large number of former prisoners at the New York State Reformatory. The Association found that it was impossible to locate many of these men and the study was dropped after the expenditure of thousands of dollars, because of the inconclusiveness of its results.[3] In 1926 Professor A. F. Kuhlman directed an examination of the later record of 1,079 recent paroles from the Missouri Reformatory for the Missouri Association of Criminal Justice. This investigation showed that 51.9 per cent. of the group had made good on parole and that 46.81 per cent. had failed.[4] A similar study is now under way in Massachusetts, where investigators have been spending several years in following up five hundred prisoners consecutively paroled

[1] See pages 195 to 198.

[2] "Fifty Years of Prison Service," page 297.

[3] Cass, E. R., "A Study of Parole Laws and Methods in the United States," page 12.

[4] "Missouri Crime Survey," pages 447-488.

from the state's reformatory in order to discover the nature of their subsequent behavior.

Thorough-going investigations of this nature are difficult, time-consuming and costly. A specific group must be selected for study. A card must be prepared covering each member of the group. A staff must be employed to follow each case through police and court records and through the agencies for criminal identification. This should be supplemented, perhaps, by written and personal inquiries addressed to the prisoner himself and to his employers, relatives and friends. A large number of cases must be followed up in this way if the tabulated results are to be of particular value. The desirability of disturbing former prisoners who are now leading honorable lives is open to grave doubt. Nor is it possible, even if these men are located, to accept as true all the information given concerning them by friends, relatives or employers. There is the alternative of relying entirely on formal records, but this, too, is dangerous. Means of identification are so incomplete as to raise considerable question as to the authenticity of the data so secured and the assumption that a man's conduct has been good if no record comes to light to show further criminal activity is scarcely a justifiable one.

Even when accurate results are obtained, their interpretation presents further difficulties. A high percentage of recidivism among the prisoners paroled today from any penal institution in America would not necessarily prove that the system of parole was a failure, nor would a low percentage of recidivism show that it was a success. It might equally well be argued from any figures so obtained that the prison in question had too much or too little educational work, that its inmates were treated too harshly or too leniently, that they should have been released sooner or held longer. Mere percentages of good conduct in later life obtainable today can prove nothing with relation to the value of parole.

There can be no real test of parole until there is a real system of parole. Certain states and certain institutions today possess some of the features of a thorough system. But no state and no institution has yet developed all these features in their entirety. Elmira, with all its expertness in parole selection, has a sadly inadequate system of supervision. Massachusetts, excellent though its records may be, woefully overburdens its parole agents. Illinois, to be sure, has a large supervisory staff,

but this staff is not composed of experts in social work and the state still has far to go in developing the other elements in a real system of parole. It will not be possible fairly to test the efficacy of parole until some state or some individual institution develops a scientific selection technique and adequate machinery for thorough and sympathetic parole supervision.

With such a plan in operation parole might really be tested. Suppose six hundred prisoners were to be held for similar terms and subjected to similar courses of training prior to release. Suppose, then, that three hundred of these were to be given absolute releases. Suppose that the other three hundred were to go out on parole. Suppose that a complete and accurate record were kept on every case. Suppose that at the end of five years a comparison were to be made of the recidivism among the parolees and among those absolutely released. If the parolees were to show the higher percentage of later crime it might then well be argued that parole had failed. But if, on the contrary, recidivism were far higher in the group absolutely released it might be safely assumed that parole was a success. Unfortunately, no such comparison is possible today. But it still may be possible, at some future time, to submit parole to the test of results.

The intelligent parole administrator of the future may well come to use complete records and statistical methods to guide him in his work. The man who has all possible pertinent data on every parolee and who knows, in addition, exactly which ones have failed and which ones have succeeded in later life can work out rules of procedure which will be of great value in the parole service of the future. He will be able to tell whether offenders of certain types should be placed in urban or rural environments, returned to their old homes or sent into new communities, encouraged to enter certain occupations, denied the right to enter others. By a careful study of the environment which faces the parolee, by a careful study of the technique of supervision, by a careful record of methods used and results achieved, a parole service may be developed which will reclaim a large majority of society's offenders to honorable and useful lives.[1]

[1] The possibilities of the statistical method as a guide to parole administration are suggested by the following studies: "The Missouri Crime Survey," Chapter 9; Witmer, H. L., "Adult Parole with Special Reference to Wisconsin," Chapter 7 and 8 of the unpublished manuscript; Christian, Frank L., "A Study of Five Hundred Parole Violators" in "Extracts from Penological Reports and Lectures," pages 164-195; Heacox, F. L., "Parole Violators," "Journal of Criminal Law and Criminology," Vol. 8, pages 233-259, July, 1917.

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