

STATE OF NEW YORK

THE SEVENTY-SEVENTH ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1921



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PREFACE

This is an official report of the Prison Association of New York to the Legislature of the State of New York, which has been made annually since 1845, and constitutes the seventy-seventh of the series.

Paragraph 6 of Article XI of the Act incorporating the Prison Association of New York provides that, "the said executive committee" (of the Prison Association), "by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect and examine all the prisons of the State, and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline."

The State law further provides for the printing of 500 copies of this annual report at the expense of the State. Additional copies are purchased from the State printers, at the expense of the Association, for distribution to its contributors and many others, not only in New York State but elsewhere.

THE PURPOSES
OF
THE PRISON ASSOCIATION OF NEW YORK

1. The protection of society against crime.
2. The prevention of crime, and especially of juvenile delinquency.
3. The reformation of the criminal.
4. Protection for those unjustly accused.
5. Parole and probation, when suitable.
6. Improvement in prisons and prison discipline.
7. Employment, and when necessary, food, tools, shelter and other assistance for released or discharged prisoners.
8. Necessary aid for prisoners' families.
9. Supervision for those on probation and parole.
10. Needed legislation.
11. Publicity in prison reform.
12. Research and advice.

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THE PRISON ASSOCIATION OF NEW YORK

OFFICERS FOR 1921

| | | |
|--------------|-------------------|-------------------|
| PRESIDENT | SECRETARY | TREASURER |
| EUGENE SMITH | DECATUR M. SAWYER | C. C. AUCHINCLOSS |

GENERAL SECRETARY
O. F. LEWIS

ASSISTANT GENERAL SECRETARY
E. R. CASS

VICE PRESIDENTS

| | |
|---------------------|----------------------|
| THOMAS MOTT OSBORNE | GEORGE W. KIRCHWEY |
| ROBERT W. DE FOREST | GEORGE W. WICKERSHAM |

EXECUTIVE COMMITTEE

GEORGE W. WICKERSHAM, Chairman

CLASS OF 1922

B. OGDEN CHISOLM
MRS. JAMES F. CURTIS
EDWIN O. HOLTER
RICHARD M. HURD
FRANK D. PAVEY
MORTIMER SCHIFF

CLASS OF 1924

IRA BARROWS
GEORGE BLUMENTHAL
J. E. DAVIS
E. TROWERIDGE HALL
MRS. GEORGE T. RICE

CLASS OF 1923

MRS. CORTLAND D. BARNES
FULTON CUTTING
WILLIAM H. GRATWICK
HENRY G. GRAY
HENRY E. GREGORY

CLASS OF 1925

J. FENIMORE COOPER
ALEXANDER M. HADDEN
WILSON M. POWELL
DEAN SAGE
ROSWELL SKEEL, JR.
MORNAY WILLIAMS

STANDING COMMITTEES FOR 1921

LAW COMMITTEE

SAGE, CUTTING, GRAY, GREGORY, KIRCHWEY, PAVEY, POWELL

PRISON DISCIPLINE

HURD, CHISOLM, DAVIS, KIRCHWEY, SAWYER

RELEASED AND DISCHARGED PRISONERS

HADDEN, HALL, HOLTER, SKEEL, WILLIAMS

DETENTIONS

CHISOLM, BARROWS, DAVIS, GRAY

FINANCES

AUCHINCLOSS, CUTTING, MRS. CURTIS, HURD, SAGE, SCHIFF,
SAWYER

HOUSE

SAWYER, AUCHINCLOSS

LIBRARY

GREGORY, LEWIS

PREVENTION OF DELINQUENCY

SAWYER, MRS. BARNES, MRS. CURTIS, HURD, POWELL

FEMALE DELINQUENTS

MRS. CURTIS, MRS. BARNES

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STAFF OF THE PRISON ASSOCIATION 1921

ADMINISTRATION

O. F. LEWIS, General Secretary.
E. R. CASS, Assistant General Secretary.
R. S. MORISON, Cashier.
MISS KATHLEEN JORDAN, Secretary to Mr. Lewis.
MISS NELLIE O'GRADY, Secretary to Mr. Cass.
MISS BEATRICE STECKER, Chief of Appeal Bureau.
MISS BESSIE RATNER, Clerk.
MISS ANNE GILLESPIE, Clerk.
MISS ANNETTE KISTNER, Clerk.
MISS ELSIE MINET, Clerk.
MISS RUTH DUDLEY, Clerk.
MISS FREDA RUNNE, Clerk.

PAROLE BUREAU

AUGUST L. BOHN, Agent.

PROBATION BUREAU

D. E. KIMBALL, Agent.

EMPLOYMENT BUREAU

JOHN J. MOLLOY, Agent.

BUREAU OF INSPECTION, LEGISLATION AND RESEARCH

E. R. CASS, Assistant General Secretary.

BUREAU OF PREVENTION OF DELINQUENCY

RELIEF BUREAU

ROSWELL SKEEL, JR., Agent.
MRS. ALICE F. HORE, Assistant.

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SEVENTY-SEVENTH ANNUAL REPORT OF THE
PRISON ASSOCIATION OF NEW YORK

HON. JEREMIAH WOOD,
Lieutenant-Governor of New York:

SIR.—In accordance with chapter 163 of the Laws of 1846, we have the honor to present the Seventy-seventh Annual Report of the Prison Association of New York, and to request that you will lay the same before the Legislature.

Respectfully,
THE PRISON ASSOCIATION OF NEW YORK,
By EUGENE SMITH, *President.*
O. F. LEWIS, *General Secretary.*

INTRODUCTION

THE PRISON ASSOCIATION OF NEW YORK

The annual report this year continues to be materially shortened, principally as a measure for the conservation of State and Association funds.

The Prison Association has concerned itself continuously for seventy-seven years with the treatment of delinquents. Its charter, obtained in 1846, provided that the Society was to concern itself with (a) those awaiting trial, or being tried; and (b) with those in prison, and with prison conditions; and (c) with those who had been released from prison. In the earlier years the main attention of the Society was centered upon the relief of those incarcerated and with the rectification of the most flagrant abuses. In the course of time other important functions were developed and the scope of the Association's work extended. In the absence of accurate and comprehensive knowledge as to prison conditions and prison reform elsewhere than in New York, the Prison Association has frequently been the assembler and distributor of important and highly valuable facts and statistics. The Association has always been a recognized authority in this State in matters of prison reform. Since the time of Dr. Enoch C. Wines in the sixties of the nineteenth century, the Association has also played an important part in the national field, and was the chief factor in the foundation of the American Prison Association in 1870, and later of the International Prison Commission which has members in nearly every civilized country in the world. Conspicuous among the many results in which the Association has shared was the campaign for the establishment of the Elmira Reformatory; the study of the Jukes Family by R. L. Dugdale, one of the board of managers of the Association; the development of probation in New York State; the development through many years of the parole system in New York City for the State reformatories and State prisons; the election of Dr. Barrows, corresponding secretary of the Association from 1900 to 1909, as president of the Eighth International Prison Congress; the successful campaign against the fee system in the case of county sheriffs; the increase of the endowment fund of the Association since 1910, from \$9,000 to nearly \$200,000, and the increase in recent years not only in the membership but of the income of the Association and the accompanying development of the fields of activity of the Association. In recent years the Association has made a considerable part of its activity the co-operation in the development of new institutions.

The most conspicuous and perhaps the most important militant activity of the Association has been, recently, the campaign under the slogan, "Sing Sing Must Go."

Throughout the country the Association is recognized as an important one in its field, and it daily serves as a bureau for citizens of this and other States and countries for information concerning the betterment of prison conditions, legislation, and other social problems allied with delinquency.

For nearly seven years, from 1911 to 1918, through the activities of its Bureau of Inspection and Research, the Association persistently campaigned for the abolition of the deplorable idleness existing among sentenced prisoners in our county jails, and also for the improvement of the living conditions and management of these institutions.

THE TREATMENT OF CRIME AND THE CRIMINAL

The problem of crime and its treatment is still, like the problem of poverty, always with us. Yet, just as the civilized world struggles in most varied ways to reduce and to eliminate poverty, so there is always a corresponding struggle to reduce crime, though few persons are so bold as to say or to believe that crime can be obliterated from society. A reduction in preventable crime is always possible, and in the United States, where optimism in commercial as well as humanitarian efforts is so marked as a national characteristic, the most advanced experiments have been repeatedly undertaken both to reduce crime and to reform the criminal.

Purposes of the Prison Association

The Prison Association of New York is this year in its seventy-seventh year of unbroken activity. Founded in 1844 for the purposes of alleviating the miserable condition of prisoners in the then wretched and cruel prisons; of defending prisoners against unwarranted cruelty and injustice; of remedying intolerable conditions within prisons and jails; of bringing hope, reformation and rehabilitation so far as possible to the inmates of correctional and penal institutions; and of giving bodily and spiritual assistance to those coming out of prison, this Association after more than three-quarters of a century has still the same purposes, and finds still the same, and even a greater call for its daily and constant service.

But the field of the Prison Association's activities has broadened materially in the course of the years. At first, the efforts of the founders were mainly remedial and immediate. Today, with no sacrifice of the original principles of the Association, the Association has become also a great and necessary clearing house for the most varied essential information regarding prison and correctional conditions in general; it cooperates with scores of other organizations in the charitable field in the reduction of poverty and crime; its Probation Bureau, its Parole Bureau, its Employment Bureau, its Bureau for the Assistance of Prisoners' Families, and its Inspection Service are built up to the point of assisting in all several thousand persons and families each year. The Association enjoys close official relationships with the executives of the correctional institutions of the State, and by frequent visits cooperates with these executives in discussing the latest methods in institutions both within and without the State.

More Knowledge Needed

However specialized the many departments of the work of the Association may be, adequate knowledge of the problems of crime and the treatment of criminals remains relatively slight among the majority of even the more educated classes of the community. More

and more it is impressed upon the Prison Association that one imperative field of its activity is educational. The people of the State have the right to know the truth, and to be well grounded in modern, sane and progressive methods of dealing with the problem of crime. Sensational, distorted and highly emotional pictures of crime are published without cessation in certain newspapers and to a considerable extent in almost all newspapers. Crime is a perpetual "news story." The elimination from the daily press of all crime narratives would materially change the complexion of not a few daily journals. The great sale of detective stories, mystery stories, and the vogue of stories making a kind of hero of the man or woman who remains just within the law, while mulcting the public, bears witness to the ever-present desire of the reading public for thrills, particularly in a field where the ingenuity of the criminal is pitted against the avenging law.

While such publicity conditions prevail in the journals of the widest circulation, there is on the other hand a deplorable lack of sound, dispassionate and comprehensive published material available to the public on the treatment and reduction of crime. It is a noteworthy fact that the public on the one hand reads with greater or less gusto the constantly appearing accounts of crime and criminals, but on the other hand leaves to a relatively small number of officially appointed people or volunteers the bulk of the treatment of crime and criminals.

The Prison Association this year emphasizes, therefore, the high importance of greater development within this State of authoritative, frequent and interesting publicity on the treatment of crime and the care of criminals within our own State. Present methods of publicity are sporadic, often "newspapery," and hit-or-miss. When some novelty in penal or correctional treatment occurs within the state, there occur "write-ups" in one or more newspapers, and to that extent news goes out which is of considerable informational value. Yet, how deplorably the State fails to measure up in this field in comparison with what it does in other fields! For instance, the State maintains a college of agriculture, and an experiment station. Bulletins go out from such centers relative to the discoveries of those stations, and have wide distribution. The State is highly concerned with crops, and hogs, and chickens, and alfalfa, and breeding. The bulletin form of imparting knowledge in a simple and easily understood manner is so well established that any suggestion that it should be discontinued would arouse a storm of protest. And one readily sees, in reviewing in one's mind what is called successful publicity, that practically all successful propaganda and dissemination of knowledge occurs largely in such form.

But what are the chief opportunities of the citizens of the State to acquire sound information relative to the treatment of crime and criminals? Where can the citizen obtain what he needs to know, or should know? The average citizen would be put to it to answer this question. He would, in his quandary, be apt to ask his minister

or priest, the district attorney or the judge, or perhaps write vaguely to a State department at Albany. There is no well-known center for the distribution of such information.

Actually, the State Prison Department publishes an annual report; the State Commission on Prisons publishes an annual report; the Prison Association of New York publishes an annual report. The total reading consumption, so to speak, of these three documents is absurdly small—if for the three reports a year there are ten thousand readers, it would be surprising. These are important considerations, in an age in which the social problems of poverty and crime are acute in a nation that has democracy, the government of the people for the people, by the people, as its method and its pride.

In short, the Prison Association maintains that one duty of the State of New York is the comprehensive distribution of information as to the treatment in readily intelligible form, and with system, of the difficult problems of behavior. The Prison Association urges the bulletizing, on a fairly large scale, of the results of the methods now in vogue, and the new methods that shall be undertaken in the future, to reduce the number of criminals in this State. There is no field, perhaps, so large and so constantly present in the life of the average citizen, so closely concerning his individual welfare, as the field of the treatment of crime, that is so little understood by the same "average citizen."

The general principles of the reduction and prevention of tuberculosis are fairly well known, for instance. On the one hand, the facts are not complicated; there are no subtle factors of human behavior to mystify or obscure the mind, and on the other hand, in the sale of Christmas seals, there is the annual reminder on an enormous scale of the presence of the disease and the efforts to cure and prevent. Tuberculosis is nationally advertised. Not so with the problems of criminology and penology, save as the national advertising occurs mainly in the columns of the sensational press.

Sporadic publications emanate, to be sure, from the organizations aiming to deal with crime and abnormal behavior. Brochures, leaflets, annual reports, appeals for funds "to carry on the work" are a part of the machinery of the organizations, and to a limited extent the Big Brother movement, the Probation movement, the Big Sisters, the protective and preventive work with girls become known to a limited number of people. On a much greater scale, the recent efforts of the psychologists and psychiatrists—grouped under the rather general term of mental hygiene—have impressed the more intelligent and studious parts of the public. But, altogether, there is still a deplorable lack of sound knowledge on the part of the public, and of sources of that knowledge in readily accessible printed form.

Stimulation there is in abundance, and that is the hope of the future. To cite one example, the Rotary Clubs of the entire country have within the last two years been featuring "Boys' Work" as their chief service contribution. Secretaries of boys' work have been appointed in not a few places. Programs of boys' work have

been presented for discussion and adoption. One of the striking features, borne in upon the members of these clubs, has been the absence of readily obtainable and authoritative literature on the adolescent delinquent. And another fact has often been clearly shown—the very limited knowledge possessed even by the leading business men of large communities in this so important field.

Cooperation of Agencies and Institutions

Let us leave, at least temporarily, the discussion of publicity and consider the much-discussed movement toward "cooperation" of agencies, institutions, and the public in the reduction and prevention of crime. One of the big lessons of the War was the power of cooperation. The War was won by cooperation. The recent visit of General Foch to this country was the visit of the physical symbol of the power of cooperation. The disarmament congress at Washington is entirely dependent for its possible success upon cooperation.

But what do we mean by "cooperation"? We say that if all agencies dealing with that form of human behavior we call delinquency or crime would join forces, distribute functions, and "all pull together" so much more would be accomplished than by the separate and often jealously individual efforts of single organizations. Quite true. But what is the basis of the cooperative movement? Knowledge, or else the faith that other factors of the cooperative undertaking have knowledge. There cannot be cooperation, if the participating factors or agents possess neither knowledge nor the confidence of others that they possess knowledge.

Therefore, in the present-day agitation for cooperative undertakings for the reduction of crime, knowledge must be present. Cooperation is the spirit impelling the action, and knowledge is the means whereby cooperation can be rendered successful.

The time has come particularly, therefore, for more knowledge. Knowledge by agencies, institutions and organizations as to what they are doing and accomplishing, and knowledge by the public as to what constitute sound principles of treatment. This country has been for a century and a half the great experiment station in the treatment of the criminal. The prison movement originated in 1790 in Philadelphia. Self-government on an extended scale was successful in the Boston House of Reformation for boys in 1832. The reformatory movement developed at Elmira in the early seventies. Children's courts were indigenous in this country. Time after time, the most radical experiments have been undertaken with boldness and with cheerfulness by American executives and pioneers.

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Measurements

—But our analysis of our own epoch-making activities has not at all kept pace with our persistent experimentation. We have constantly applied the yard-stick of so-called "common sense" to our methods, and if they have seemed to be in conformity with the

Signatures

general principles of humane and beneficent treatment, we have called them good. Yet visitors from European nations have repeatedly sought from us the statistical and scientific proof that our most lauded activities, like probation, parole, the indeterminate sentence, the juvenile court, the reformatory system, are in their results what we claim and believe them to be. And we time after time fail to present to such friendly but acute visitors the proofs they believe to be essential to the thorough acceptance of our methods.

This country has, of course, grown by leaps and bounds, and with it the American methods of dealing with the criminal and the delinquent. The country of "liberty" and of the "square deal" has sought to embody these two alleged cardinal principles in its correctional institutions, and so the present day announced efforts of most correctional institutions of the state, like prisons and reformatories and reform schools, are to restore the inmate to liberty when fit, rather than to hold the inmate to the maximum sentence that might be employed; and to surround the inmate, while in the institution, and after imprisonment, with the elements of humane and constructive treatment which could be called the "square deal" in penology.

Now, this "trial and error" system of treatment, this empirical method of procedure, and even this ready scrapping of institutions and methods that have not seemed successful, cannot endure permanently in the penological field any more than in the agricultural field. The farmer who is a law unto himself, and profits naught by government and state discoveries in experiment stations and in agricultural departments, is a "back number" in his methods. In the business world that firm or organization loses out that does not keep abreast of the most modern and efficient methods of its competitors. Science, particularly in the air and in chemistry, did much to win the war. It was the laboratory that ultimately spelled defeat to the Central Powers.

The Place of the Laboratory

But it is only in these most recent years that the efficacy of the laboratory has been at all thoughtfully considered in connection with the reduction and prevention of crime, as well as in the reformation of the delinquent. Ten years ago the psychologist and the psychiatrist were practically undreamed of assistants and colleagues of most prison and reformatory wardens and superintendents. Today, we can be rejoiced that in rapidly increasing numbers clinics and the departments of mental hygiene are finding their place in our correctional institutions.

Now this means something far more fundamental than the ascertaining of the proper treatment for the individual prisoner, important as that is. The coming of the scientist into the prison and reformatory field is nothing less than the entrance at last of the man or woman of scientific, dispassionate, analytical mind, that is to be trained upon the procedure and the methods and the results of our

American methods of treatment of delinquency and crime. We stand today, fairly for the first time, before the possibility of *knowing*, and not *guessing*, at what our problems are within prison walls, and how they may be solved.

Examples of Research

Several evidences on a very large scale of the belief now growing in the necessity of thorough scientific knowledge of the bases of human behavior, and especially of abnormal behavior leading to delinquency and crime, are manifested, first in the present construction of the great receiving and distribution prison at Sing Sing, which will be conducted on a most modern basis of medical and mental science; secondly, in the very recent grant of large sums, for a term of years, by the Commonwealth Fund of New York for the study of the causes of juvenile delinquency, and particularly of the psychological and psychiatric causes; thirdly, in the development of state and county institutes or methods of juvenile research, as in Ohio at Columbus, and in Chicago, for Cook County, and in New York, under a somewhat different form, through the State Board of Charities and the Hospital Commission and the Commission on Mental Defectives. At Bedford, New York, for many years, the Bureau of Social Hygiene, a foundation of John D. Rockefeller, Jr., produced most valuable results.

Yet the cooperation of agencies, of which we have written, cannot be brought about simply by science and the results of science. The danger in the present emphasis upon science in the prisons is that on the one hand it will seem to the enthusiastic to be a kind of panacea, and on the other hand, that the scientists may be opiated, or young, or inexperienced, or undiplomatic. In short, while science is now adding a most powerful arm to the institutional forces that aim to deal adequately with delinquency, success will never rest upon science alone, but upon the merging of all reasonable efforts practiced within the institution, to the common end of the understanding of the individual, and his rehabilitation.

What Will the Third Decade of the Twentieth Century Bring?

We have just entered upon the third decade of the twentieth century. The first decade was characterized in prison "reform" by the gradual abolition of many of the vicious traditional customs of daily routine in prisons. The stripes, the lockstep, the dungeons began to go. A conception of the dignity of the administrator's position in prison management became clearer. But throughout the country the prisons were still largely hide-bound, still employing the mass method of treatment coming down from generations of penal tradition.

The second decade was, in prisons, a period of daring exploration in not a few institutions. It saw the remarkable development of various honor systems, of self-government in Auburn and Sing Sing,

with its successes and failures, and most of all, the acceptance, gradually, of the psychologist and the psychiatrist. The decade saw also the almost complete reversal of the old conception of prison architecture, and the fundamental change from the ancient bastille-type of hundreds upon hundreds of "inside cells" of steel in one great monolithic appearing structure to the creation of much smaller building units, with "outside cells" much more nearly resembling rooms, and the consequent treatment of the prisoner more as an individual. In these movements, the Prison Association of New York played its responsible part.

What are to be the great development of the third decade? Probably one of the basic changes will be in the centralization of administration of correctional institutions under state departments of correction or public welfare. We dare to believe that the end of this decade will see in many states the prisons, the reformatories and the present county-managed jails or penitentiaries merged in a well-systematized and progressive single state administration, safeguarded perhaps as to continued participation of wise volunteer cooperation in the persons of boards of managers. For several years the Prison Association of New York has pointed out the absurd and wasteful anomaly of the many different systems of management of the correctional institutions within the State of New York, whereby the prisons are managed by the Superintendent of Prisons, the State reformatories by boards of managers, the reform schools by other boards of managers, the county jails by frequently changing sheriffs and county boards of supervisors, and the great municipal prison system of New York City by a commissioner of correction, responsible only to the mayor. So long as this widely distributed condition of administration—and frequently of inexperience—continues, there is little hope of any substantial progress in system in this State.¹

Facts Wanted!

In this third decade, we find already a strong movement for the acquisition of facts—for facing the truth about our prisons and other institutions supported by public moneys. The era of a widely distributed extravagance in appropriations seems to be, at least for a while, at an end. The taxpayer, as well as the prisoner and the prison "reformer," has rights. The prisoner may properly demand that all reasonable efforts be bent to his re-education; the prison reformer may properly demand that there be humane and constructive treatment of prisoners and the administration of prisons. But the taxpayer may and should demand that the money of the State be wisely appropriated, economically spent, and that results be obtained and so far as possible *proved*.

Several factors are now moving to this same end within the State of New York. The Governor of the State is insistent that the State shall pursue a policy of economy, and is demanding that each institu-

¹ See pages 28-32.

tion shall justify its existence. Nor can any institution justify itself simply on the ground that it has "always been," or that it is a part of a generally recognized system. Its activities and its very existence are challenged, and both institutions and those who believe in such institutions are placed thereby in the position of proving their necessity—a thing that in the past has too often been taken for granted. It is beside the point to argue that such a challenge is reactionary, or a blow at the foundations of a sound correctional system. If the system is sound, it can prove it soundness.

Are Criminals Being Coddled?

A second factor is the prominent and increasing attitude of the public mind that there is a crime wave and that it is partly due to the so-called "coddling of criminals." The resultant demand is for a material tightening-up of prison methods, a decrease in the privileges accorded to inmates, and a return even to the more repressive and mass methods of dealing with inmates of correctional institutions. The feeling is expressed frequently in the statement that "men are sent to prison to be punished," and not to be given conditions and privileges that the average workman on the outside cannot have. The public is growing larger that looks askance at continued movie shows within prison walls, baseball games every Saturday afternoon, frequent vaudeville, entertainments and other recreational features, where formerly such things were practically unknown.

The Public "Wants to Know"

And so, just as the Governor "wants to know," so does the public, concerned about the apparent increase in crime, "want to know." The social uprising against the presence of former prisoners in the community has not reached in New York by any means the stage evidenced in Chicago, where public opinion has been fanned to a considerable height by apparent revelations of much crime done by former inmates of prisons who had benefited by the parole system. But that tendency is here also.

If it be objected that the public should not be so uncritical, and should not reason so from inadequate premises, the question comes back as to where the sources of correct knowledge may be easily obtained, and we are at the point emphasized some pages ago in this annual report, that one obligation of the State and of the organizations dealing with the treatment of crime and delinquency is to furnish accurate facts, in popular form, so that the public may have much more accessible the information that may lead them to make wiser and more digested decisions.

That such an effort is being made, from time to time, is encouraging. The superintendent of Elmira Reformatory, Dr. Frank L. Christian, recognizes the importance of acquainting the public with the results of investigations of the research department of that institution. A recent newspaper article on the proportion of inmates

now in the Reformatory who are ex-service men attracted wide attention and cleared up some misconceptions as to the belief that ex-service men are particularly prone to crime, and to special kinds of crime, because of their war experiences.

During the past year the Prison Association has issued several pamphlets aiming to guide public opinion. We cite these simply as typical of what might be on a comprehensive scale the concern of the State. One pamphlet was on "The Reduction and Prevention of Juvenile Delinquency by Community Effort," a second pamphlet on "Minimum Standards for a Square Deal for Childhood," being the sequel to the first pamphlet. The assistant general secretary prepared a comprehensive pamphlet on "Parole Laws and Methods in the United States." These leaflets have had wide demand.

The determination on the part of social workers to face facts, to take account of stock, and to determine the field in which they have been now for a generation operating is evidenced in the plan of the coming National Conference on Social Work, to be held in Providence, R. I., in June, 1922, to make its chief theme the searching examination of the results and methods of social work. The fiftieth anniversary of the American Prison Association, held in Columbus, Ohio, in October, 1920, aimed at a similar evaluation in the correctional field.

Going Back to History

The present cannot be wholly understood without careful understanding of the past. The inmate in prison cannot be understood without the case study of his past. History is the inevitable companion of present-day social sciences. Origins must be known as well as results. It has been with this in mind that for several years the general secretary of the Prison Association, Dr. O. F. Lewis, has been preparing a comprehensive history of the methods and customs of early American prisons, dating from 1776 to approximately 1845. This history is in manuscript form and embraces about seven hundred typewritten pages. The Prison Association has asked the State for an appropriation to publish this work as a monograph of the Prison Association of New York. We record at this time the fact of the publication, in 1920 of an extended and careful study of the Prison Methods in New York State by Dr. Philip Klein, formerly a member of the staff of the Prison Association of New York.

The State Could Do More Printing

The State possesses at present two institutional printing plants, one at the State Reformatory at Elmira, the other at Sing Sing Prison. It would seem possible, at the mere expense of paper, to publish, under the supervision of State officials, a series of frequent monographs on correctional subjects, whereby the most recent and valuable articles, results of researches, achievements and the like, both within and without the State, might be prepared for distribution primarily to those working in correctional problems in this

State, and also to the larger public which would then have a center from which to receive authentic and valuable information.

The Help of Newspaper Editors

We cannot pass from this subject without mention of the important role played by the editorial writers of many journals in this country, in the continued enlightenment of public opinion in penal and correctional matters. The general soundness of the editorial comment of our country is gratifying. News columns carry lurid and long accounts of atrocities. The editorial columns check and balance, many times, in the absence of other controlling factors. For instance, recently in the *State Prison at Marquette, Michigan*, three prisoners made a murderous attack on two prison officers during a moving picture exhibition when the inmates were trusted to conduct themselves with decorum. This instance was but one of a number reported recently in the press. Yet the *Detroit Evening News* of December 13th in an editorial, entitled "Hold to Prison Ideals," says:

"Prison authorities are continually between two fires. They must needs regard their own safety in their contact with those in their charge, and they must safeguard their positions against the revulsion of public opinion outside. If they become too strict, they may fall under unfriendly criticism from a public that theoretically approves humane prison control. If they err on the side of kindness and lose their grip on discipline momentarily through the viciousness of a few prisoners, their prison management is brought to public attention unfavorably, and their tenure of office is endangered.

"By no such misfortune should the public judgments be stampeded. Let the picture show continue and give free rein to those humanitarian impulses which credit to every prisoner some elements of good which may be made the basis of reformation. Once in a while a bad one will run amuck and cause trouble. The psychopathic examinations should help to weed out those of peculiarly dangerous tendencies. But the modern ideals of penology should not be hindered. Without them the names of our 'penitentiaries' and 'reformatories' will be hypocritical mockeries."

A State Department of Correction

The Prison Association repeats its recommendations of previous years, that *there must be brought about a redistribution of the correctional institutions in this State according to functions.* At present the State prisons receive felons from the ages of sixteen upward. The State reformatories for males receive felons between the ages of sixteen and thirty. The State reformatories for women (Albion and Bedford) receive women felons and misdemeanants between the ages of fifteen and thirty. Two State reform schools (Industry and Hudson) receive children under the age of sixteen. The House of Refuge in New York City, supported by State funds, but with self-perpetuating private management, receives boys up to the age of eighteen. Private institutions receive female misdemeanants (House of the Good Shepherd, etc.) and children (Catholic Protectory, Jewish Protectory, Juvenile Asylum, etc.).

Each county has its county jail for the detention of prisoners awaiting trial and for the imprisonment of misdemeanants. Five counties have penitentiaries receiving misdemeanants and felons with sentences of a year or less. The city of New York has its own group of correctional institutions receiving misdemeanants (work-house, penitentiary, reformatory).

The above institutions are not under one central jurisdiction, but have evolved at different times and are under varied and uncoordinated jurisdictions. The State prisons (Auburn, Sing Sing, Clinton, Great Meadow, Women's Prison), the two hospitals for the criminal insane (Matteawan, Dannemora), are under the direction of the State Superintendent of Prisons, appointed by the Governor.

The State reformatories for males and for females, and the two State reform schools, are under separate boards of managers, appointed by the Governor. The private institutions are under boards of managers, privately appointed. The county institutions are under the sheriffs of the respective counties. The institutions of the Department of Correction of New York City are under the Commissioner of Correction, appointed by the Mayor.

Hence there are five different bodies exercising jurisdiction over correctional institutions: Superintendent of prisons, boards of managers of State institutions, boards of managers of private institutions, sheriffs, and the commissioner of correction in New York City. The impossibility of a systematic, coordinated programme of administration is obvious.

The State has sought to achieve some degree of unity of purpose by providing supervisory bodies to inspect, investigate, and recommend methods and betterments. The State Board of Charities thus supervises the conduct of the State reformatories for women and the children's reformatories. The State Commission of Prisons supervises similarly all correctional institutions in which sane adult males are confined (State prisons, reformatories, jails, penitentiaries, institutions of the Department of Correction). The Prison Association of the State, a private organization with public power of inspection, inspects all prisons of the State. The State Charities Aid Association inspects similarly the institutions supervised by the State Board of Charities.

This has resulted in the development of complex problems within the several institutions. The populations have been found increasingly to be heterogeneous. The recent emphasis upon the presence of feeble-minded inmates who have proved a detriment to the conduct of the institution, has called spectacular attention to the necessity of further specialization of correctional institutions, by the addition, to the stated equipment, of custodial institutions for the defective delinquent.

But the removal of the segregable feeble-minded to a separate institution is but one step in the necessary redistribution of our correctional population. The present methods of legal distribution are traditional, in part antiquated, and often illogical. Persons are sen-

tenced to institutions according to the seriousness of the crime committed, or according to the age of the offender. The same person may at different times be sentenced to a variety of institutions, running the gamut from workhouse to State prison and back again. Such a method of specialization does not specialize.

There are found, for instance, in each institution the tuberculous, the venerated diseased, the feeble-minded, the so-called incorrigibles, the psychotics, the so-called first offenders, and other groups. Each institution either tries or does not try to treat these several classes. In the county jails little or nothing is done for the above classes. In the reformatories and prisons considerable effort is made to treat certain of the above problems.

The policies and the sagacity of the administrative boards of the several institutions vary widely. Politics causes frequent changes in the public boards. Lack of previous experience or training in correctional problems characterizes a very large number of the appointees both the public and private boards. The terms of office of the many managers, superintendents, wardens, superintendent of prisons, commissioner of correction in New York City, etc., are of various lengths. The State Superintendent of Prisons, for instance, serves a term of six years. The Commissioner in New York City has a four-year term. Members of boards of managers serve for seven years. Superintendents of reformatory institutions serve during efficiency and good behavior. The terms of the wardens of the State prisons have a strong tendency to be coterminous with that of the Superintendent of State Prisons, with considerable likelihood of their change with the entrance of a different political party into power. In other respects there is a variety of control. Wardens of the State prisons are not under civil service, while the superintendents of reformatories are. Boards of managers are not salaried, while the superintendents of the same institutions are salaried officials.

Is it necessary to indicate further the confusion of institutions and of authority within the State of New York? Is not the inference plain that a greater co-ordination of both principles and methods of treatment should be effected? At the present time, when efficiency in the most momentous interests of life is demanded of nations, and when decentralized undertakings have proved so often wasteful or cumbersome, is it not suggested by an outline like the above that the time is come for a reorganization of the correctional system—or rather, the lack of system—in the State of New York?

Moreover, the character of the prison population is changing materially. The increased use of probation is removing from imprisonment the more helpable class of first offenders and those for whom extenuating circumstances are shown. Courts are more loth to send to prison, reformatory, or county jail those who may be saved from further crime by the modified liberty of a supervised probation. The residue sent now to correctional institutions tends

to take on more and more the character of a custodial group, that is to say, a group in which mental and physical defects seem to condition to a greater or less degree the commission of crime.

The treatment consequently that has in the past been considered applicable on the bases of the reformable nature of normal persons must gradually give way to a specialized treatment, as we have seen, on the basis of abnormal physical or mental characteristics. This is not to say that in our correctional institutions there is no considerable group of relatively normal persons, because such groups exist. It does mean, however, that with increasing frequency the problems of mental and physical disorder force themselves upon the administrative authorities.

The broad general features of a possible State Department of Correction can be indicated. Such a department would include the administrative control of the State prisons, the State reformatories for men and women, the State Training School for Girls at Hudson, and the State Industrial and Agricultural School for Boys at Industry. Within such a department would come also a half-dozen district workhouses which are still to be established, but which are partly in sight, in the physical form of the present county penitentiaries.

For instance, the Erie County Penitentiary is about to be transferred from Buffalo to Arden, in the country. A thousand acres of land have been purchased, and this will be practically a farm colony for misdemeanants. Although it is an Erie county institution, it may follow the custom of the New York County Penitentiary and receive inmates from other counties, thereby serving the counties contiguous to Erie county. The Onondaga County Penitentiary at Jamesville is located in the country near Syracuse, on fairly extensive acreage, and functions now as a farm industrial colony.

The Monroe County Penitentiary is located outside of Rochester and carries on farming. The Albany County Penitentiary is about to be located on some site outside of Albany. The Westchester County Penitentiary is a thoroughly modern institution, so constructed with small buildings and splendid equipment as to become a model county workhouse. The New York County Penitentiary is changing its purpose, and is becoming the receiving station for the Department of Correction of New York City, while the old workhouse on Blackwell's Island is being transferred to Riker's Island at the entrance to Long Island Sound, where on some four hundred acres of made land a municipal farm will be within a few years developed under intensive cultivation.

In short, the physical conditions are favorable to the amalgamation within a few years of most of the correctional institutions of the State in a great modern State Department of Correction. From this plan should be eliminated, at least for the present, most of the institutions of the Department of Correction of New York City; all the county jails, so far as the population awaiting trial is concerned; and the private reformatories under denominational or secular management.

It seems possible to work out plans for a State Department of Correction which would embrace the following factors:

1. A board of commissioners composing the State Department of Correction.
2. An executive staff for the administration of the Department.
3. A board of volunteer managers for each institution, said board to possess considerable authority in the conduct of the individual institutions.
4. A superintendent or warden of each institution, under civil service, and a staff, also under civil service.

A Full-Time State Parole Board

The recommendation of the Association in 1919 and 1920, that "the State Parole Board should be reorganized, the members thereof to give their full time to the work," has not been realized. The conditions are practically the same as in 1919. The two members of the Parole Board, receiving salaries of \$3,600 each, give one week each month to actual presence in the prisons, and to the judgment at the prisons of cases coming up for parole. There is undoubtedly a considerable amount of time given by the two commissioners outside of the time spent in traveling and in visitation of the prisons, but the condition is not satisfactory, because the duties of the commission properly call for the full time of the commissioners. The salary is not such as to secure the full time of a commissioner of the calibre necessary for this work. The Prison Association has advocated a substantial increase in the salary provided, and urges again that the State Parole Board be put on a full-time basis, and that the commissioners give their full time to this work.

Nothing less than full time of two men, together with such time as can be given by the superintendent of prisons or his delegate, is enough for the adequate treatment of this important and complicated field of penology. The judges in the courts committing to prison sit constantly, and great care and great expense are involved in the conviction of a felon. One of the chief criticisms of the indeterminate sentence and of the parole system is that the release of the prisoner on parole seems to be to such an extent automatic. It is a fact that in 1916 the Prison Association, after a thorough study of the work of the State Parole Board, found that 90 per cent. of the inmates of State Prisons were released by the Parole Board at the expiration of their minimum sentence, or within a month of the same. Approximately the same condition seems to exist at present.

One of the chief criticisms of the use of parole in various States is based on the apparent release of large numbers of prisoners at the very expiration of their minimum sentences. The theory of the indeterminate sentence, with minimum and maximum, was not

written into the law that prisoners might with great regularity be released at the expiration of the minimum, but that prisoners should not be released prior to the minimum, and that they might be released on parole at such times between the expiration of the minimum and the expiration of the maximum sentence as in the final and deliberate judgment of the releasing body was wise. It lay also in the theory of the indeterminate sentence that great care should be exercised in each individual case, in determining all the factors prior to release.

The indeterminate sentence, and the administration of parole, are at the present time undergoing severe criticism by many judges, by police, and by a portion of the public. Two things are mainly responsible for this condition: First, the too automatic release of the prisoners at or near the expiration of their minimum sentence; second, the extremely inadequate supervision by the State of many released inmates during their parole period.

The Prison Association therefore repeats with emphasis its recommendation that the State Parole Board function as a full-time commission; that the members of the State Parole Board, with the exception of the State Superintendent of Prisons, be full-time members; that they be paid a salary commensurate with the requirements of the position; that greater care be exercised in the release of prisoners, based on more complete records and study of their careers within the prison; and that an adequate corps of parole officers, employed by the State, be provided by law, and that such parole officers shall supervise all prisoners on parole from State prison.

The Prison Association also recommends that the very beneficent work at present done for the State without cost by philanthropic organizations such as the Prison Association of New York, the Salvation Army, The Division of Protective Care of the Catholic Charities, The Jewish Protectors, and Aid Society, and other bodies, continue to be utilized by the State in assisting the parole supervision. The Prison Association recognizes the far-reaching value of such private co-operation, and regards it as one of the most commendable philanthropic works at present done for the State, in the absence of anything like an adequate corps of parole officers. The extreme and deplorable absurdity of the present system, from the standpoint of the State, is shown in the fact that there are designated for parole supervision only three officers, for the entire parole population of the State prisons. It is unquestionably due to such gross inadequacy of provision on the part of the State that much of the recurrence to crime on the part of paroled inmates exists. Were it not for the private philanthropic organizations above mentioned, the State parole work would be in a wholly deplorable condition.

Another great need has not been met by the State, namely, an analysis of the results of the exercise of parole. Perhaps the most frequent question asked about parole is whether it is successful.

The customary answer is, that approximately three out of every four men admitted to parole "make good," by which is meant that they pass through their parole period, generally a year, and are discharged without again being apprehended for crime. At the end of the set period, generally a year, they are discharged from parole.

This is no adequate indication of the ultimate success of the administration of the indeterminate sentence and of parole. This method of computing success or failure ignores the history of persons after such persons have passed beyond the parole period.

What is needed, and what has never yet been produced for public study, is an analysis of, say, five years of the careers of a sufficient number of persons from State prison admitted to parole, to give a fair cross-section picture of the careers of the population of a prison after the parole period. The Prison Association recommends most urgently that the State Superintendent of Prisons institute an analysis of, say, one thousand histories of inmates released from State prisons on parole at least five years before the time that the study is made. In the office of the State Superintendent of Prisons at Albany are identification cards of all inmates, past and present, of the New York State prisons. These cards contain, it is understood, subsequent records of prison sentences in this State, and to some extent in other States. It will be obvious that only by such a study can the public, or the prison officials themselves, know what the results are in the case of paroled men.

The Prison Association stands ready to co-operate in such a study to the extent of its financial ability. It offers to assist in the making of the study and in the dissemination of the facts obtained. So long as such a study is not made, the success or failure of the indeterminate sentence and of parole is largely a matter of opinion. In these days, when an increasing number of accusations are made that the indeterminate sentence and parole are failures, and that a much more repressive system, together with greatly lengthened sentences, should be adopted, it is necessary that a thorough and dispassionate study should be made of the results of the workings of the prison parole system employed in the State prisons with so-called first offenders. And the suggested study is a fundamental part of such a study.

PAROLE LAWS AND METHODS IN THE UNITED STATES

[In order that not only the Prison Association of New York, but also other agencies throughout the country might be in possession of such parole facts as are now available, Mr. E. R. Cass, the Assistant General Secretary of the Prison Association of New York, made during 1921 a comprehensive and unique study of the present conditions and laws. The study is here presented in full as a valuable contribution to the subject.]

A STUDY OF PAROLE LAWS AND METHODS IN THE UNITED STATES*

By E. R. CASS*

In the course of the last eight years, during which I have been a member of the staff of the Prison Association of New York, perhaps no more confusing matter has presented itself to the many American and foreign students of our prisons, who have sought information from the Association, than those features of our American penal discipline called the "indeterminate sentence" and "parole." There has repeatedly come to such inquirers the bewildering disclosure that each State has its own methods of administering the indeterminate sentence and of practicing parole. In particular it has been borne strikingly in upon us, in the New York Prison Association in seeking to clarify the abundant but confused information of such bodies as the Prussian Prison Commission in 1913, the East Indian Jail Commission in 1919, the Norwegian Commission in 1921, the Canadian Commission in 1921, and others that a summarization of present practices in the administration of both the indeterminate sentence and parole would be beneficial not only to us, but, we have believed, to others.

It has been my privilege to make this study, and my belief has grown that the assembling of present laws, of present procedure, and of comment upon existing methods will serve a good purpose. Tonight I can read only a small portion of the rich material available. This paper and the somewhat comprehensive appendix will be distributed after the meeting to all members of the Prison Congress.

Until fairly late in the nineteenth century the system was in general practice in the courts of placing entirely upon the presiding judge the responsibility of determining the duration of the sentence, although the guilt of the defendant, in cases of arraignment for more serious crime, was usually determined by a jury. The period of imprison-

* Read at the Annual Congress of the American Prison Association at Jacksonville, Florida, November 1, 1921.

ment was fixed, and definite, and was intended, by the law, to be proportionate to the gravity of the crime. The basic theory underlying all such sentences was, of course, that the gravity of the crime, in its relation to society, was measurable in terms of time to be served within prison. Prior to the existence of State prisons, such gravity of crime was measurable mainly in terms of corporal punishment, mutilations and capital punishment. Gradually, the infliction of public punishments, mutilations and torture grew rarer, and the infliction of imprisonment for severe crimes and misdemeanors increased. Capital punishment survived in some states until as late as 1806 for the severest crimes.

But, in time, through the nineteenth century, dissatisfaction with the traditional system of hard and fast penalties developed. The feeling grew, in the course of time, that the object of punishment was not solely retributive, but also for the reformation of the offender. The penalty should be adjusted not only to the offense but to the individual offender. Variation in the temperament and attitude of judges resulted too often and too flagrantly in an inequality of sentences that naturally created a feeling of injustice in the minds not only of the prisoners themselves but of the more intelligent public. It was recognized that no judge, however fully acquainted with the history of a prisoner, his heredity, his physical and mental history, his idiosyncracies and temperament, could arrive at a true determination of the exact sentence that should be imposed on a given prisoner for a given offense—and such information was, moreover, not lodged with the judge—and until most recent years, would hardly have been demanded by a judge.

Hence, there developed in the nineteenth century, first a movement for the commutation of sentence for good behavior, and then, in the sixties of the century, a stronger and more advanced movement for the establishment of the indeterminate sentence. As far back as the thirties of the nineteenth century, in the then frontier state of Tennessee, two days a month of reduction in sentences were given for good conduct in the State prison, at the discretion of the warden, but—and this is a provision that will perhaps strike a sympathetic chord in some hearts here tonight—the same warden was authorized to lengthen by five days in a month the sentence of the prisoner who conducted himself with flagrant impropriety.

We are not tonight, however, considering the principle of the commutation of sentence, but of the indeterminate sentence, so-called, and so we pass immediately to a working definition of the indeterminate sentence, which is a sentence based on the theory that the detention of the prisoner can (1) not be adequately determined by the court at the time of sentence, and (2) that the detention within the prison of the prisoner should be sufficiently long to measure the probability and progress of his reformation and rehabilitation, and at the same time allow for a period of conditional release before the expiration of his maximum period of confinement as prescribed by law.

The first practical application of the principle of the indeterminate sentence seems to have occurred in Michigan, in 1867, when at the request of Zebulon R. Brockway, then the well-known superintendent of the Detroit House of Correction, a law was passed in that State providing specifically that although a prostitute might be sentenced to imprisonment for as long as three years, the inspector of prisons should have authority to release her at an earlier date, on being assured of her desire and fitness to lead a better life. In 1869, in the State of New York, was passed the law establishing the New York State Reformatory at Elmira. In this law was embodied a most advanced form of indeterminate sentence, although the original intention of the proponents of the new reformatory system to endeavor to secure an absolutely indeterminate sentence as a part of the reformatory system was abandoned.

The Elmira legislation was directly inspired by the great success of the so-called English and Irish systems of penal servitude, which provided for the progressive classification of inmates, in gradations from strict solitary confinement to relative freedom on ticket-of-leave, the prototype of our American "parole." In 1877, Mr. Brockway, then the newly appointed superintendent of the new reformatory, induced the legislature to enact a law, limiting the authority of the courts in the State to the sole function of committing the convicted defendant to Elmira Reformatory, and empowering, on the other hand, the board of managers of the reformatory to fix, at their discretion, a minimum period of imprisonment, said minimum to be of course in no case longer than the maximum prescribed by law, for the offense committed. In time, through succeeding decades, other States established reformatories, and enacted laws similar to the original New York laws.

There are, however, wide variations in the manner and degree of the application of the principles of the indeterminate sentence. It will perhaps clarify our understanding tonight, to note that it often occurs that one form of indeterminate sentence will be applicable by law, to the State prison, another to the State reformatory and still another to the State reform school. We find, in the State of New York for instance, not only the above conditions, but also, in addition, different and specific indeterminate laws applying to the biggest municipal prison system in the world, that of New York City. No wonder foreign visitors are confused—if such variety exists in one State alone out of the forty-eight!

There are certain facts however, that can be posted at once. There is no such thing as a complete indeterminate sentence in any of the States applicable to the sentencing of responsible persons convicted of crime. There is no Federal indeterminate sentence statute of similar completeness. Whether there should be a Federal and complete indeterminate sentence law is not only a debatable but a constitutional question, and will not be discussed here. In the matter of individual states, it is clear that the legislatures have always been unwilling to give to any court or board authority for unlimited

detention in prison. Hence, every so-called indeterminate sentence has a definite limitation as to the longest period for which a convicted person may be imprisoned. Therefore, whenever any of us hear the term "indeterminate sentence," we should in practice conceive of a sentence, indeterminate within minimum and maximum limits, the minimum sometimes being absent, and the maximum prescribed by law.

The minimum and the maximum of sentences is fixed in the statutes in connection with the crime for which the person has been convicted, but many states exclude from the operation of the indeterminate sentence certain offenses such as murder, treason, arson, rape, kidnapping and crimes against nature. In some States, only first offenders (in the legal sense) may receive an indeterminate sentence, whereas in other States, this method may be extended to second and even third offenders. There are States where the imposition of an indeterminate sentence is optional with the committing judge or the jury.

Let me give several characteristic examples of laws embodying the indeterminate sentence. Time will permit only of a few:

NEW YORK

Three different types of indeterminate sentence laws are in vogue. Elmira Reformatory receives male offenders between 16 and 30 years of age convicted for the first time of a felony and for the second time of a misdemeanor. Felons may be detained for the maximum period laid down in the Penal Code for the specific offense, but no minimum is prescribed, and the Board of Managers has full power to release a prisoner at any time it sees fit. The maximum in the case of misdemeanors is three years. As a matter of practice, the Board has established a system of marking which is the principal factor in deciding when a prisoner is eligible for parole. The minimum period qualifying for release is a little over 12 months. The average time at which prisoners are actually paroled is about 14 months. In some instances prisoners are held longer.

The indeterminate sentence, as it applies to those committed to a State prison, is as follows: "A person never before convicted of a crime punishable by imprisonment in a State prison, who is convicted in any court in this State of a felony other than murder, first or second degree, and sentenced to a State prison, shall be sentenced thereto under an indeterminate sentence, the minimum of which shall not be less than one year, or in case a minimum is fixed by law, not less than such minimum; otherwise the minimum of such sentence shall not be more than one-half the longest period and the maximum shall not be more than the longest period fixed by law for which the crime is punishable of which the offender is convicted."

At the expiration of the minimum period, less time allowance for good conduct, a prisoner serving an indeterminate sentence may be paroled. The usual practice is to parole prisoners at the expiration of the minimum period. Paroles are decided by the Board of Parole which consists of two salaried members and the Superintendent of Prisons, ex-officio. There are three parole officers, but the actual supervision of those on parole is conducted by organizations cooperating with the Board of Parole. The parole period is usually one year, except for those whose sentence was commuted, or who were committed for murder second degree, for which cases the parole period is usually two years. The Parole Board, of course, can keep a prisoner on parole until the expiration of his maximum sentence.

A recent amendment to the law provides that prisoners released after serving a definite sentence, shall be placed in the custody of the Parole Board

for the period of time which was deducted from their sentence for good behavior.

The third kind of indeterminate sentence law operating in the State is based upon the law of 1975, which is applicable to all cities of the first class in the State, but has so far only been actually applied to New York City. This relates to persons sentenced to imprisonment in any penitentiary, workhouse, or reformatory in a city of the first class. In the case of the reformatory and penitentiary every sentence is for an indefinite term, subject to a maximum of three years, while in the case of the workhouse, the sentence may be indeterminate, and, if so, is subject to a maximum of two years. The Parole Commission has absolute discretion to release a prisoner from a reformatory or workhouse at any time after the commencement of the sentence, but it is required to first send to the committing judge notice of the time and place of the meeting at which the case will be disposed of so as to give him an opportunity to express an opinion or make a suggestion regarding its disposal. In the case of prisoners committed to a penitentiary, the Parole Board may similarly, at any time, make a recommendation in favor of parole to the committing judge, but his approval in writing is necessary before such recommendation becomes effective. This law, it will be noticed in some ways, more closely approaches a true indeterminate sentence than that in force in most parts of the country. There is no special maximum fixed by the statute or by the court for each offense, but merely the general maximum of two years for all offenses in the case of an inmate of a workhouse, and of three years in the case of an inmate of a reformatory or penitentiary; nor is there any minimum. The Parole Board can release a prisoner on the day after the sentence is passed, provided that in the case of an inmate of a penitentiary the sanction of the committing judge is obtained. The Parole Commission consists of three salaried members and two ex-officio members, namely, the Commissioner of the Department of Correction and the Police Department; there is also a paid secretary and a large staff of parole officers. The three paid commissioners are appointed by the mayor of the city and are required by law to give full time service. The parole officers are appointed from a civil service list by the commissioners.

GEORGIA

Pursuant to the law, the jury fixes the minimum and maximum term of a sentence for all convictions for a felony, except for crimes involving life sentence or death. The law prescribes further that the Prison Commission shall adopt rules under which prisoners, who have served the minimum term, may be released on parole. Under the rules adopted by the Prison Commission second offenders are placed in class B, and third offenders are placed in another class and are required to serve a maximum sentence.

NEBRASKA

Has an indeterminate sentence law, the imposition of which is left to the discretion of the court, which permits first offenders to be released on parole at the expiration of their minimum sentence. Paroled men may be discharged by the Parole Board at any time after six months on parole. By a recent amendment to the indeterminate sentence law, persons who have been previously convicted of a felony, are excluded from the benefits of the law and likewise those convicted of crimes of violence or attempts at crimes of violence against the person.

UTAH

Indeterminate sentence law for all felonies except treason and various homicides.

Law makes no distinction between a first offender and a repeater. A parole of any offender, aside from murder, first degree is permissible at any time at the option of the Board of Pardons. A prisoner convicted of first degree murder must serve at least 15 years and then four members of the board

must give consent to his parole. Paroled prisoner is in the legal custody and control of the *Warden and Board of Pardons*. Board can have him re-imprisoned at any time, prior to the expiration of the maximum sentence.

By what shall the indeterminate sentence and the administration of parole be judged? Is there any yardstick, so to speak, of its results, or success? Rightly or not, the success of a correctional institution is supposed to be estimated by the percentage of so-called reformations it can achieve — or can announce. And, for the proof of success, the institution cites the percentage of successful parole periods, passed by inmates released on such parole.

Can the correctional institution be fairly judged by the after-careers of its inmates? With no choice as to the reception of inmates, shall the institution be held wholly responsible for the subsequent careers of all released inmates, without exception? Or should a certain percentage of failures be allowed, for instance, for what might be called "moral depreciation," after which the residue percentage should be judged?

This is no academic question. Persistently, the question is forced by candid students and observers upon American institutions as to their "results" in terms of the after-careers of inmates. The severest reproach in many ways, made as to American institutions by foreign observers — and they are frequent — is that we have no adequate scientifically presented and candid parole statistics extending beyond the limited period of parole, which is held to be no thorough-going test. Six months, or a year, is declared to be no full or determining test.

What knowledge, general or specific, is available regarding post-prison careers, as showing whether imprisonment under present methods is in general a cure for crime? Reformatories and prisons often claim from 65 per cent. to 95 per cent. of so-called reformations. The indeterminate sentence has been in operation in this country, in relatively rapidly increasing forms, for almost a half century. Surely it were time that it could be tested in some form or other. And in these days, when an increasing number of accusations are made that the indeterminate sentence and parole are failures, and that a more repressive system, together with materially lengthened sentences, should be instituted, it is not only desirable but necessary that we know frankly, and with reasonable certainty, where we stand.

In an effort to obtain whatever data now available on this subject, the writer addressed a questionnaire to the Warden or Superintendent of every State prison and reformatory in this country, and in many instances a second copy of the questionnaire was sent, giving all officials every opportunity to present all their available information, statistical or otherwise, relative to paroled or discharged inmates. Let us somewhat carefully define the meaning of "parole."

Parole is the post-prison period of supervision of an inmate by duly constituted authorities. Parole becomes operative at different periods of a sentence, in accordance with the requirements of the

law, or the rules of the Governor or of the Parole Board in each State. In some States a prisoner may be conditionally released at the expiration of the minimum sentence; in others, at the expiration of one-half or one-third of the sentence; in a few, immediately upon his admission to the institution, and in some by the Governor, who not only has the power to pardon or to commute a sentence, but is also the only one to determine, usually upon the recommendation of a Warden, a Board, or a State Attorney, the time and length of parole. The length of the parole period varies from six months to one year, in some States extending however, until the expiration of the maximum sentence. In the State of Michigan the parole period can not exceed four years. The Attorney-General in the State of Kentucky has ruled that the State Board of Charities and Corrections retains indefinitely the right to return a parole violator, also that the power of the Board to return a paroled convict to prison, is not lost by reason of the fact that the acts constituting the cause of return may have been committed by the prisoner after the expiration of the period during which he is required by the terms of his parole, to report to the Board. This in practice is tantamount to life jurisdiction by the Board, unless a pardon is granted by the Governor.

To return now to the results of our questionnaire. Certain definite facts have been gained from the answers. The one outstanding fact — a fact of the utmost significance — is that not one institution of all those replying to the questionnaire — 70 out of 103, could submit with any degree of accuracy, information as to the careers of former inmates for a period of two or three years subsequent to the completion of the parole period. It is fair to assume that those institutions that did not answer could not give light in this matter, for they naturally would if they could.

Permit me to cite some typical answers, and information obtained from reports. The report of one parole officer, from Arizona, included the following:

"For the year ending June 30, 1921, eight men returned for a new sentence; three as parole violators, a total of 11 out of 122. While there is a large number listed as not reporting, I have reason to believe that many of them have left the State and are not likely to be the cause of any further trouble or expense thereto."

A parole officer writes from California:

"I am sorry that I am unable to give you any reliable statistics showing subsequent careers of persons who have completed their paroles. We have never made any effort to keep track of prisoners after they have completed their term of parole, for it is almost impossible to do so. I have noticed during the time that I have been parole officer in this state, that a few men who have made good on parole have been returned to prison in this state under new sentences, but undoubtedly some others have wandered away from this state after making good on parole here, and get prison sentences in other states. Information on the latter, of course, is not available at this office. To give you statistics on the number who return to prison, both in this and other states, would be pure guess work, so I cannot give you any reliable data on the careers of parole prisoners after the expiration of their period of parole."

It is fair to mention that this State apparently has a good system of records and supervision of men while on parole.

A Warden writes from Idaho that there are no adequate funds for a parole officer and that he has taken over most of the work. He has no records of careers after parole. From Maine comes the information that although the parole law has been in operation since 1913, there was no parole officer prior to October, 1918, and that there is no reliable information as to what becomes of men after parole.

The Texas Board of Pardon Advisers in their report to the Governor for the year ending December 31, 1918, state in part as follows:

"It has been our observation and we have had much practical evidence before us that during the past year 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. The longer the term the convict has to serve the more desirable he is to the applicant for parole. 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 someone 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. How much truth may be in these complaints we have not been in a position to determine. There have been several cases where the party paroling the prisoner has ceased exercising control of the convict and this fact has come to light by mere accident. On December 31, 1918, there were according to the prison records at Huntsville, 137 men at large under parole; 29 of whom were on parole prior to the time Your Excellency became Governor. Of these 29, the oldest parole is dated November 15, 1905. 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, many years for a very small consideration, in some cases as low as eight dollars per month. Nearly all of the above mentioned twenty-nine paroles are of prisoners who were convicted of murder and had served, with but few exceptions, many years in the penitentiary before being paroled. The monthly report that is required to be made by each paroled man is not made to the Board of Pardon Advisers, but sometimes it goes to the executive office and sometimes to the Prison Commission. Unless a paroled man commits some violation of the law, or commits a breach of his parole, but little attention is given him, consequently it is not known where many of these men are, or under whose care they may be, if under anyone. 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 safe-guard 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."

A Parole Commissioner from Massachusetts writes:

"There are not available statistics showing subsequent careers after parole, and such information is not considered vital."

The impression given is that the only object is to get the person through the parole period satisfactorily. The conduct of the man after that is apparently not to be considered a reflection on the work of the institution from which he was paroled, or on the work of the parole staff.

From Elmira Reformatory comes the statement that a study was made of 16,000 inmates who had been on parole. This is the most exhaustive and pretentious study that we have learned of. Only those who had received their final release and who had no previous criminal history that was known to the institution, were counted as successful. But no questionnaire was used in making this study, and apparently no country-wide inquiry was directed to prisons, reformatories, or bureaus of information. The conclusion that 67 per cent. of the number paroled were "making good" was drawn completely from the records on the books of the institution.

Another state, West Virginia, estimated that, judging by the small number returned to the institution, at least 95 per cent. of the men paroled go straight. But, of course, it is exactly this kind of statement that seems inadequate in any careful study of the parole problem.

From the Kansas Industrial Reformatory comes the following:

"At the time a final discharge is given, we have no way of knowing what becomes of the boys from then on. While we know that some of them enter other prisons after this time, we cannot tell how many. If your Association could outline a plan to us for obtaining this information, and a method for keeping the record, it would indeed be a great service."

Let us pass to another inherent weakness of many parole systems, namely, the inadequate number of parole officers. At the Joliet Prison in Illinois, there were, until recently, only eight parole officers to supervise 2,000 released prisoners, and though an increase to 20 has now been sanctioned, even that number seems hardly adequate. What shall we think of the proportion of one parole officer to 100 persons at both the Michigan City Prison of Indiana and the San Quentin Prison of California, since that is a handicap that must necessarily reduce the benefits of post-release care, and does not give the parole system a fair chance to prove its potential effectiveness.

But in my own State, the official parole supervision of the four State prisons is limited actually to three men! These officers simply do not exercise supervision over paroled men, but instead keep records within the institution. They act as transfer agents, also, and consult with men prior to release. And the parole work on approximately 1,300 prisoners in the Empire State is actually done by outside organizations such as the Prison Association of New York, the Catholic Protective Society, the Salvation Army, the Jewish Protective Society and others without compensation from the State.

Another matter that seriously affects the operation of the indeterminate sentence and the parole system is the relative shortness in most instances of the period during which a released inmate is held on parole. Formerly, the parole period from Elmira Reformatory was only six months. This has been increased to one year, and again, recently, for some cases, to two years. It was found that some of the prisoners relapsed into crime immediately upon receiving their final discharge. Therefore, the superintendent increased the parole period in order to continue the restraining influence, which apparently exists in parole supervision.

Again, the composition of parole boards has much to do with the proper administration of the indeterminate sentence. The boards, some paid, and others not, are usually appointed by the Governor of the State and there is always the danger and the possibility that political preference may influence the selection of the members. These boards have been found to be made up of farmers, merchants, journalists, bankers, many of whom are unfamiliar with criminal jurisprudence, and usually without experience or any previous acquaintance with the principles of penology. The duties of the parole board are of infinite importance. The community looks to the parole board to decide upon the fitness of a man for release from prison. Therefore, there is every need of men of a high grade of intelligence, understanding, and experience. If the one important qualification for appointment to a parole board or commission is purely political, the efficiency of such a board must necessarily be doubted, and the confidence of prison inmates in such a board is badly shaken.

Another feature in the operation of the law which is frequently referred to as a serious weakness is the tendency to automatic release at the expiration of the minimum sentence. This practice unquestionably is contrary to the main purpose of the law and reverts to the old principle of the straight sentence. The commission appointed in the State of New Jersey to investigate the reformatory and correctional institutions of that State, wrote as follows:

"The inmate of the State Prison regards the minimum sentence imposed by the court as his actual sentence. The maximum sentence prescribed has no meaning for him. This is equally the attitude of the prison authorities. If they think at all of the purpose of the law—to keep the wrongdoer in confinement until he has become a new man and has ceased to be a menace to the community—they ignore it or assume that the negative attitude of passive obedience to prison rules is sufficient evidence of reformation."

It is not my purpose this evening, to discredit the indeterminate sentence, nor to speak disparagingly of the efforts of the many persons throughout the country, who are conscientiously working for the welfare of the prisoner. I am principally concerned, and I know that there are many others, first, with the need of administering the indeterminate sentence more fully in accordance with the spirit of the law, so as to obtain its maximum benefits, both for society and the prisoner; secondly, with the importance of knowing, other than by guess work or opinion, the post-parole careers of former prisoners.

To trace the after-careers of prisoners, two methods are suggested: The first is that an intensive study be made in such States as California, New York, New Jersey, Massachusetts, Illinois and Indiana, of the conduct of former inmates who have been released, from parole custody, for a period of five or ten years. The American Institute of Criminal Law and Criminology has long urged that such a study be made, and at the time of this writing, has hopes that through a financial pledge from the Carnegie Corporation, it will soon be in a position to undertake the same. In 1912, the New York Prison Association, with the financial aid of the Russell Sage Founda-

tion, expended thousands of dollars in making a study of former Elmira inmates. This study was seriously handicapped by the inability of the investigators to locate many of the released prisoners. Likewise, any similar study will meet with the same difficulties. Therefore, it is my firm belief that we shall never be able to determine, with any reasonable accuracy, the results of the indeterminate sentence and parole until there is established a system whereby every penal institution in this country will be required to file with a central Federal bureau, duplicate copies of the records of its inmates.

There was created, some years ago, by special act of Congress, a Bureau of Criminal Identification. This bureau is under the Department of Justice and is located at Leavenworth, Kansas, although not a part of the prison at that place. Federal institutions only are required to send duplicate records to the bureau. Other institutions, bureaus, etc., do so voluntarily, and only in special cases. Here is the nucleus for a national governmental bureau of criminal statistics and information. Its use by all penal institutions should be made mandatory. At the end of five years, subsequent to the setting in operation of a system of exchange of records between the State institutions and the central Federal bureau, we would be in a position, in making a study of the operation of the indeterminate sentence and parole in any state, to learn, with accuracy, the number of former inmates of an institution who have reverted to crime. With this number known, there will then exist the only fair and sound basis upon which to register results.

SUMMARY OF PARDON, INDETERMINATE SENTENCE AND PAROLE LAWS, IN USE IN THE UNITED STATES, DURING THE YEAR 1921

By E. R. CASS

ALABAMA

In all cases in which the punishment fixed by the statute is imprisonment in the penitentiary, and in which a maximum and minimum term is prescribed, the court shall pronounce upon the defendant an indeterminate sentence for a term of not less than the minimum and not greater than the maximum, fixed by the statute for such an offense. Whenever the minimum term of sentence of any person in prison in the State penitentiary shall have expired, it shall be the duty of the warden to send the record of such prisoner to the Board of Pardons, and, if, from such record, the Board of Pardons is satisfied that such person will remain at liberty, without violating the law, then said Board of Pardons shall authorize the release of such person upon parole and he can go about upon such terms as the Board may prescribe. A person on parole is in the legal custody and under control of the warden until the expiration of the maximum time in his sentence or until his pardon by the Governor. If the warden of the prison or the Board of Pardons, or any member thereof, believes the person on parole has violated his parole, a warrant may be issued for the arrest of such prisoner at any time prior to the expiration of his maximum period. Any re-arrested person may make application for investigation of his case but, if after investigation, the Board of Pardons determines that he has violated his parole, he shall be re-imprisoned for a period equal to his unexpired maximum term of sentence, unless sooner released on parole or pardon. The Board of Pardons is authorized to establish rules in the matter of paroles and the granting and revocation thereof. Nothing impairs the power of the Governor to grant a pardon or parole or a commutation of sentence in any case.

ARIZONA

First offenders, as well as repeaters, receive indeterminate sentences and can be considered by the Parole Board for release, after serving one year of their sentence, but the expiration of the minimum period is always taken into consideration. After their release they are in the custody of the Parole Board until the expiration of their maximum sentence, or until they obtain an absolute discharge.

ARKANSAS

Juries and courts have the power to fix the punishment of a person convicted of a felony and sentenced to the penitentiary. The minimum of such sentence cannot be less than the minimum provided by law for the offense committed and the maximum cannot be greater than that provided by law for the offense. At any time, after the expiration of the minimum sentence, upon the recommendation of the Board of Penitentiary Commissioners, provided that it can be shown that the prisoner has a good record for his term of imprisonment, his sentence may be terminated by the Board. This legislation, however, is entirely permissive and has not been generally used.

The law creating the State Farm for Women requires an indeterminate sentence, but definite sentences are given.

CALIFORNIA

The indeterminate sentence law enacted in 1917 provides that every person convicted of a felony and sent to the State prison shall be confined for the period prescribed by law for the offense of which the prisoner was convicted.

The maximum period of imprisonment shall not exceed the maximum period prescribed by law for the offense committed. The Board of Prison Directors, after studying the detailed records concerning the prisoner, shall fix the length of time, if any, said convicted person shall be required to serve at the expiration of the minimum sentence.

The law does not guarantee a parole to any prisoner, but provides that a prisoner may make application for parole, under certain conditions, and that the granting or denial of parole is at the discretion of the State Board of Prison Directors acting as parole commissioners. Under the law any first term prisoner, other than a life term, has the legal right to make application for parole after serving one calendar year. The Board, as a general rule, requires that at least half of the prisoner's sentence, minus such credits as he is allowed for good conduct, be served before a parole is granted. A repeater, when not serving a life sentence, has the legal right to make application for parole, after serving at least two years. No prisoner who has had imposed upon him two or more cumulative sentences shall be paroled until he has served at least two years of the aggregate time of such sentences. Life term prisoners have the legal right to make application for parole after serving seven calendar years.

While on parole, the prisoner remains in the legal custody and under control of the State Board of Prison Directors, who have power to make and enforce rules of parole. Parole period is for the portion of the unexpired maximum subsequent to release, unless the Governor allows commutation or grants pardon. One of their rules precludes all civil rights, which include the rights to engage in business for oneself and to marry. The Board has full power to have the prisoner on parole reimprisoned at any time prior to the granting of a final discharge or the expiration of the maximum sentence. The Governor of the State has like power to cancel and revoke parole of any prisoner. Any prisoner leaving the State without permission of the Board is held as an escaped prisoner and arrested as such. The Board likewise has power to determine whether a parole prisoner shall be allowed his credits or not.

There has recently been passed a segregation act which enables the Board of Prison Directors to transfer all recidivists to the Folsom Prison and detain the first offenders at the San Quentin Prison.

COLORADO

When a convict is sentenced to the State penitentiary, otherwise than for life, the court imposing sentence shall establish a maximum and a minimum term for convict's imprisonment. The maximum term shall not be longer than the longest term fixed by law for the offense, and the minimum term shall not be less than the shortest term fixed by law for the offense.

The Governor may issue parole under his own rules to any convict, not serving a life sentence, who has served his minimum term pronounced by the court, or in the absence of such, the minimum term provided by law for the crime for which he was convicted.

CONNECTICUT

Any person sentenced to a State prison, otherwise than for life or in connection with a sentence of execution for a capital offense, shall not be sentenced by the court for a definite term of imprisonment, but shall be sentenced for a maximum and minimum period. The maximum term shall not be longer than the maximum term prescribed by law for the offense committed, and the minimum term shall not be less than one year. However, when any person so sentenced shall have twice before been convicted, sentenced and imprisoned, the court shall sentence said person to a maximum of 30 years. The law further provides that in case a person is sentenced to the State prison for two or more separate offenses, where the term of imprisonment for a second or further term is ordered to begin at the expiration of the first and each succeeding term of sentence, the court imposing said sentence shall name no minimum term of imprisonment except under the first

sentence and the several maximum terms shall be construed as one continuous term of imprisonment.

Any person confined under an indeterminate sentence, may be allowed to go at large on parole in the discretion of the majority of the board of directors of said prison at the expiration of the minimum term.

DELAWARE

The State of Delaware does not have what is known as an indeterminate sentence law. The governor has the power to remit fines and forfeitures and to grant reprieves, commutations of sentence and pardons except in cases of impeachment. No pardon or reprieve for more than six months shall be granted, nor sentence commuted, except upon the recommendation in writing of a majority of the board of pardons after full hearing. Such recommendations, with reasons therefor, at length shall be filed and recorded in the office of the secretary of state, who shall forthwith notify the governor thereof.

DISTRICT OF COLUMBIA

The institutions of this district consist of a reformatory, workhouse, asylum and jail. There does not seem to be an indeterminate sentence law affecting the penal institutions.

FLORIDA

No indeterminate sentence laws and no parole board or officers. The pardon board consists of justices of the Supreme Court, attorney-general and the governor.

GEORGIA

Pursuant to the law, the jury fixes the minimum and maximum term of a sentence for all convictions for a felony, except for crimes involving life sentence or death. The law prescribes further that the prison commission shall adopt rules under which prisoners, who have served the minimum time, may be released on parole. Under the rules adopted by the prison commission, second offenders are placed in Class B, and third offenders are placed in another class and are required to serve a maximum sentence.

IDAHO

Has indeterminate sentence law with a year for minimum for almost all crimes. After serving minimum period, parole may be granted at any time. *Recidivists cannot be paroled.* They can be released by the board of pardons.

Parole prisoners shall not be granted permission to leave the State. They must report monthly to the warden. Full power to enforce rules and regulations and to reimprison any parole convict is conferred on the warden.

ILLINOIS

Both a definite sentence law and an indeterminate sentence law. When a person over ten years of age is charged and found guilty of *treason, murder, rape or kidnapping*, a definite term must be fixed by the jury, or by the court. *All sentences to State institutions for any other crime shall be indeterminate sentences, for not less than the minimum nor greater than the maximum term provided by law for the prisoner's offense.*

The rules of the Department of Public Welfare for the parole of persons serving definite sentences are as follows: Persons sentenced for life may be eligible for parole after twenty years; persons sentenced for a definite term of years are not eligible till the minimum sentence prescribed by law for the crime has been served, good time being allowed, as prescribed by law, nor are they eligible until at least one-third of the time fixed in their definite sentence has been served.

When a prisoner has served eleven months of an indeterminate sentence and is serving his first term and has obeyed the rules of the prison, he comes

before the *division of pardons and paroles*. No petition or advertising is necessary as the rules of the division require that he be brought before them.

INDIANA

A felon between the ages of sixteen and thirty shall be sentenced to the Indiana reformatory, except for the crimes of treason or murder in the first and second degrees. The court trying such person shall sentence him to the custody of the board of managers of the reformatory to be confined at such place as may be designated by the board of managers for a term of not less than the *minimum time prescribed by the statutes of the State* as a punishment for the offense for which the defendant was convicted and not more than the maximum time prescribed by the statutes.

Any male person thirty years of age or over on trial for any felony which is punishable by imprisonment in the State's prison, except treason and murder in the first degree, the court or jury trying said case shall ascertain only whether or not the person is guilty of the offense charged. Instead of pronouncing upon such person a definite time of imprisonment in the State prison for a fixed term, after a verdict, the court shall pronounce upon such person an indeterminate sentence of imprisonment in a State's prison for a term, stating in such sentence the minimum and maximum limits thereof, fixing as the minimum time of such imprisonment the term prescribed as the minimum imprisonment for the punishment of such offense and as the maximum the time prescribed as a penalty for the offense. At each meeting of the board of parole, every prisoner confined in a State's prison upon an indeterminate sentence, whose minimum term of sentence has expired, shall be given an opportunity to appear before such parole board and apply for his release upon parole or for an absolute discharge.

The board of commissioners of paroled prisoners consists of the warden of each prison in the State, the board of directors, the chaplain and physician of the prison.

IOWA

Any male person who shall be committed to the penitentiary, except those convicted of murder, treason, sodomy or incest, who at the time of conviction is between the ages of sixteen and thirty, and who has never before been convicted of a felony, shall be confined in the reformatory, provided, however, that persons between the ages of sixteen and thirty, convicted of rape, robbery or of breaking and entering a dwelling house in the night time, with intent to commit a public offense therein, may, as the particular circumstances may warrant, in the discretion of the court, be committed to either the reformatory or the penitentiary.

Whenever any person sixteen years of age is convicted of a felony and is sentenced to the State penitentiary, the court imposing sentence shall not fix the limit or duration of the same, but the term of such imprisonment shall not exceed the maximum term provided by law for the crime of which the prisoner was convicted.

The regular sessions of the board of parole begin the first Monday in February, April, June, August, October and December, and are held at the reformatory, the penitentiary and the capitol building.

Prisoners, except those serving life sentences, will be given personal interviews six months after entering prison, or as nearly then as possible, except in cases where the maximum sentence is two years or less, when they will be interviewed after serving from two to four months, and prisoners, except those serving life sentences, are considered applicants for parole without making formal application. The board of parole fixes the minimum sentence. In cases of life imprisonment the governor fixes the minimum. All cases will be passed upon as nearly as possible within one year after the prisoner enters the prison. Any prisoner may apply to the board to have his case considered earlier than the time above designated, stating specifically the reasons therefor.

Any prisoner who has served not less than twelve months of his parole acceptably to the requirements of the parole board, may be recommended by the board to the governor for discharge from further liability under his sentence.

An escaped (one who leaves the State without permission) paroled prisoner, or a prisoner who violates the provisions of his parole agreement, can be made to serve a new sentence of five years.

KANSAS

The board of administration of the State has charge of all the penal, charitable and educational institutions of the State. It acts as a parole board for the reformatory, the Girls' Industrial School and the Boys' Reform School. As to these three, it has plenary power to parole. It also acts as a parole board for certain cases at the penitentiary, in which cases it merely recommends to the governor, who may act upon their recommendation. This board has power to consider and recommend paroles from the State penitentiary when the prisoner has served the minimum term fixed by law, provided that he is not a third term. The board has no power to act in cases of murder. In the latter and in all cases in which the board cannot act, the governor has power to act.

The legislature recently passed a law which provides that the governor shall have the power to pardon, parole and issue commutation of sentences in any case of crime from any place of imprisonment upon condition that the application shall be made to the governor and notice of a hearing published for thirty days before the hearing in the official paper of the county from which the prisoner was sentenced.

It is a rule of the governor's office that persons paroled shall serve on parole for at least a year with good behavior. After this, they are given a conditional pardon which restores them to citizenship, but which requires them to live a decent and law-abiding life during the term for which they were imprisoned. At the end of the term, they may get a full, unconditional pardon. This unconditional pardon restores them to all rights of citizenship.

KENTUCKY

The indeterminate sentence act was repealed in 1916. No prisoner is entitled to parole as a matter of right. When a prisoner, sentenced for a term not exceeding sixteen years, has served one-half his term, or when one sentenced for more than sixteen years or for life, has served eight years, he is eligible for parole. His financial independence must be assured. The paroled prisoner may reside outside the State. A parole violator may be reparable at any time, but is usually required to serve at least one year. The parole period is until the expiration of the sentence imposed by court without allowance for good time. A parole life-term man is on parole for life. The governor has the right of course, under the law, to pardon a paroled prisoner at any time he chooses.

In July, 1921, the attorney-general rendered an opinion based upon the former decisions of the Court of Appeals, and the statutes, in which he held that a prisoner is technically on parole during the remainder of his life unless pardoned or granted restoration to citizenship by executive action. This means that a prisoner sentenced in 1910 for four years and being paroled at the expiration of two years, remains on parole and subject to whatever parole rule may be adopted by the State Board of Charities and Corrections for the remainder of his life subject at any subsequent period to again convicted of a crime to serve that portion of his first sentence unserved at the time of his parole.

LOUISIANA

There is a State board of parole which has authority over prisoners receiving an indeterminate sentence. Any person receiving an indeterminate sentence may be released on parole at the expiration of the minimum term. There is also a special law covering extra meritorious services rendered by

prisoners, such as saving a life, etc., where such prisoner may be released after serving one-fourth of the minimum period of the sentence, provided the minimum is not less than one year. No life prisoners are paroled or are those serving sentence for rape, arson, treason, or crimes against nature.

MAINE

Has an indeterminate sentence law which provides that when any person shall be convicted of a crime, punishable by imprisonment in the State prison, or the State School for Boys, the court, imposing sentence, shall not fix a definite term of imprisonment in said State prison, and may not fix a definite term in said State School for Boys, but shall or may fix a minimum term of imprisonment which shall be less than six months in any case. The maximum penalty provided by law shall be the maximum sentence in all cases, except wherein the committing judge recommends that in his judgment a maximum not exceeding the maximum provided by law would be a proper penalty. The minimum term of imprisonment fixed by the court shall not exceed one-half of the maximum term of imprisonment fixed by statute. Where the law prescribing the punishment for the offense of which the prisoner stands convicted, fixes the minimum term of imprisonment, then the minimum term fixed by law shall be the minimum term of imprisonment. The provision of this act shall not apply to any person convicted of an offense the only punishment for which prescribed by law is imprisonment for life. Provided, that in all cases where the maximum sentence in the discretion of the court may be for life or any number of years the court imposing sentences shall fix both the minimum and maximum sentence. The minimum term of imprisonment thus fixed by the court shall not exceed one-half of the maximum term so fixed.

The provision of this act shall not apply to any person convicted of an offense the only punishment for which prescribed by law is imprisonment for life. Provided, that in all cases where the maximum sentence in the discretion of the court may be for life or any number of years the court imposing sentences shall fix both the minimum and maximum sentence. The minimum term of imprisonment thus fixed by the court shall not exceed one-half of the maximum term so fixed.

MARYLAND

The board of parole, solicitation being unnecessary, shall collect facts and determine the advisability of recommending to the governor the parole of persons sentenced for one year or more to the penitentiary or house of correction after one-third of their term has expired.

The governor is judge of whether conditions of parole have been breached and he can revoke said conditional parole. Unless the governor decides otherwise such a person must serve balance of sentence, and time of parole is not included. Parole period is for the unexpired portion of the sentence imposed. The board of parole supervises paroled convict and reports to the governor.

No distinction is made between the first offender and the repeater, but the repeater stands little chance of obtaining parole.

MASSACHUSETTS

A prisoner shall be paroled upon the expiration of his minimum sentence if he has obeyed all the rules of the State prison where he is confined. Otherwise the board may parole him at a later time. A special permit of parole may be granted by the board to a prisoner who is serving a sentence with a minimum term of more than two and one-half years, when he has served two-thirds of such minimum term. But he shall serve at least two and one-half years before it is granted. Parole becomes void when its terms are violated. The board has the right to have parole revoked. While on parole convict is under control of the board. He is so till expiration of his maximum sentence. A violator of parole is reconfined on terms of his original sentence. Time of parole is not computed in his sentence. With permission of board paroled prisoner may leave the State. Above rules hold good for first or second terms. An habitual criminal may be paroled at the discretion of the governor and council and under their rules and control. The governor can order such convict reconfined if he has broken the terms of his parole.

Convicts are confined in the State reformatory for definite terms, except when transferred from the State prison. They have a right to apply for parole at certain definite times laid down in the rules of the board. The time depends on the period of the sentence and whether the prisoner is a recidivist. A violator of his parole has the right to apply for parole at a later time.

There are special rulings for the State farm, prison camp and hospital. The governor, with the consent of the council and upon the petition of the prisoner, may grant a pardon, subject to the conditions he may impose. The board of parole acts as an advisory board of pardons. A violator of his pardon is examined by the governor and his council and if reconfined must serve the rest of his original sentence. Time of conditional pardon is not counted.

MICHIGAN

When any person shall be convicted of crime, the punishment for which prescribed by law may be imprisonment in the State prison at Jackson, the Michigan Reformatory at Ionia, the State House of Correction and branch of the State prison in the Upper Peninsula, or the Detroit House of Correction, the court imposing sentence shall not fix a definite term of imprisonment, but shall fix a minimum sentence of not less than six months. Maximum sentence shall be the maximum penalty provided by law, except as the judge in passing sentence recommends maximum he thinks advisable. This, however, shall not exceed the maximum prescribed by law. Minimum shall not exceed one-half the maximum prescribed by statute. If, however, the law fixes the minimum term, that stands. In the case of crimes where the only sentence mentioned in law is a life sentence, the court should decide the maximum and the minimum sentence. The governor grants parole in cases of murder, rape, conspiracy, offenses by public officers in violation of their duties, conspiracy to defraud public municipalities, and for bribing or attempting to bribe public officers. Advisory board acts in matters relative to requests for pardons and grants parole in other cases. The governor and the board together adopt rules for parole. *First and second terms are eligible for parole at the end of their minimum term. Others cannot be paroled.* Convict makes application when eligible. Prisoner must have "first friend and adviser" and employment secured before being paroled. Paroled prisoner is in the legal custody of the warden and may be returned to the prison at any time prior to the expiration of his parole period. All returned paroled prisoners must appear before the parole board for a hearing. The time from his declared delinquency to his arrest is not counted as a portion of his sentence. He must serve balance of original maximum sentence. *Parole period must be no longer than four years. Board or governor decides length of parole at time of granting parole.*

Governor is to grant reprieves, commutations and pardons for all offenses but impeachment and treason. In the latter case the legislature has the power.

MINNESOTA

The indeterminate sentence law applies to all crimes except treason and murder, and in the same for the State penitentiary and the State reformatory. The judge may fix the maximum, but in no case shall it exceed that fixed by law. At the end of a first year a prisoner is eligible for parole, providing he has been in the first grade for six months. This applies also to second offenders. By the unanimous consent of the State board of parole a life term may be paroled after thirty-five years minus good time. Paroled prisoners remain under legal control of the board until the expiration of their maximum sentence and may be returned at any time by the order of the board. The board may grant absolute release to any prisoner on parole. The governor may return citizenship or part of its rights unless the loss was part of the penalty. Prisoners are usually discharged by the parole board one year after the date of the parole.

MISSISSIPPI

No indeterminate sentence law or parole.

MISSOURI

Prisoners make application for reprieves, commutation, paroles and pardons by petition to the governor. Applications for executive clemency properly come before the governor and are investigated by the State Prison Board. Before any application shall be entertained by the board, it is required that the applicant or petitioner publish a notice of his intention to apply for executive clemency in a weekly newspaper published in the county in which he was convicted for a period of two weeks. The prison board has the authority to parole from the industrial schools for boys and girls. The board has never adopted any hard or fast rules of procedure.

MONTANA

Indeterminate sentence law for any person guilty of any offense punishable by imprisonment in the State prison, except those guilty of treason, murder, rape or administering poison. Sentence shall not be greater than maximum prescribed by law for offense nor less than minimum. This shall not be longer than one-half of maximum. Minimum shall not be less than six months.

Prisoner may be paroled at the discretion of the governor and State Board of Prison Commissioners after he has served one-half of minimum term. Prisoner is in legal custody and under control of board till termination of sentence and is subject to be returned to State prison by the board.

NEBRASKA

Has an indeterminate sentence law, the imposition of which is left to the discretion of the court, which permits first offenders to be released on parole at the expiration of their minimum sentence. Paroled men may be discharged by the parole board at any time after a minimum of parole. Under a recent amendment to the indeterminate sentence law, persons who have been previously convicted of a felony, are excluded from the benefits of the law and likewise those convicted of crimes of violence or attempts at crimes of violence against the person.

NEVADA

The Board of Pardons is created by the constitution and consists of the governor, attorney-general and three justices of the Supreme Court. It has power to pardon or commute any sentence or punishment and it is believed that this power extends to paroles included under the term of commutation. Under the indeterminate sentence law, judges, in pronouncing sentence, are limited to a minimum and maximum, as provided by law, for the crime for which the defendant was convicted. The parole board, created in 1909, has the power to release prisoners on parole who have served their minimum sentence. The exception to this rule is all prisoners who have a previous criminal record. Prisoners in this class cannot be paroled before the expiration of one calendar year. Prisoners on parole are required to report monthly to the board from the time of their parole until they are pardoned or their maximum term expires. This applies equally to first offenders and repeaters.

NEW HAMPSHIRE

All sentences to State prison, except life sentences and those of habitual criminals, shall be indeterminate. Maximum can be no longer than that in the law and the minimum shall not be less than one state in the law. After serving minimum a convict who has obeyed rules of prison shall be paroled. Governor and council issue this permit and establish conditions of parole. Convicts who have disobeyed rules may be paroled at later time. Paroled convict is in legal custody of parole officer to whom he reports at least monthly. He shall be aided by this officer in getting employment.

Upon parole officer's sworn complaint, convict can be rearrested. Justice at trial decides if officer is right, and if so the governor and council is informed and they revoke permit. Reconvicted convict must serve rest of maximum sentence. Parole time is not counted in this. At the end of maximum sentence paroled prisoner is entitled to final discharge.

NEW JERSEY

Every prisoner received in the State prison is under an indeterminate sentence and at the expiration of the minimum sentence, less earned commutation, is eligible to appear before the board of managers to make application for parole. The board may parole him or hold him within any time of his maximum. Paroled prisoner must report monthly for a year to chief executive officer and then may be released from reporting. The State Court of Pardons (governor and six judges of the Court of Appeals) may release a prisoner at any time after he is received at prison. Prisoners paroled by this court are subject to conditions of parole of board of managers.

NEW MEXICO

The board of parole is composed of the prison board and the superintendent of the penitentiary. The governor must approve recommendations. All prisoners who have served minimum, except those having served two previous terms in any penitentiary, are eligible for parole. Superintendent, after prisoner has served not less than six months of his parole acceptably, reports to board to recommend to trial judge, who certifies to governor, who may finally discharge him.

NEW YORK

Three different types of indeterminate sentence laws are in vogue. Elmira reformatory receives male offenders between sixteen and thirty years of age, convicted for the first time of a felony and for the second time of a misdemeanor. Felons may be detained for the maximum period laid down in the Penal Code for the specific offense, but no minimum is prescribed, and the board of managers has full power to release a prisoner at any time it sees fit. The maximum in the case of misdemeanants is three years. As a matter of practice, the board has established a system of marking which is the principal factor in deciding when a prisoner is eligible for parole. The minimum period qualifying for release is a little over twelve months. The average time at which prisoners are actually paroled is about fourteen months. In some instances prisoners are held longer.

The indeterminate sentence, as it applies to those committed to a State prison, is as follows:

"A person never before convicted of a crime punishable by imprisonment in a state prison, who is convicted in any court in this state of a felony other than murder first or second degree, and sentenced to a state prison, shall be sentenced thereto under an indeterminate sentence, the minimum of which shall not be less than one year, or in case a minimum is fixed by law, not less than such minimum; otherwise, the minimum of such sentence shall not be more than one-half the longest period and the maximum shall not be more than the longest period fixed by law for which the crime is punishable of which the offender is convicted."

At the expiration of the minimum period, less time allowance for good conduct, a prisoner serving an indeterminate sentence may be paroled. The usual practice is to parole prisoners at the expiration of the minimum period. Paroles are decided by the board of parole, which consists of two salaried members and the superintendent of prisons, ex-officio. There are three parole officers, but the actual supervision of those on parole is conducted by organizations cooperating with the board of parole. The parole period is usually one year, except for those whose sentence was commuted, or who were committed for murder, second degree, for which cases the parole period is usually two years. The parole board, of course, can keep a prisoner on parole until the expiration of his maximum sentence.

A recent amendment to the law provides that prisoners released after serving a definite sentence, shall be placed in the custody of the parole board for the period of time which was deducted from their sentence for good behavior.

The third kind of indeterminate sentence law operating in the State is based upon the law of 1915, which is applicable to all cities of the first class in the State, but has so far only been actually applied to New York city. This relates to persons sentenced to imprisonment in any penitentiary, workhouse or reformatory in a city of the first class. In the case of the reformatory and penitentiary, every sentence is for an indefinite term, subject to a maximum of three years, while in the case of the workhouse the sentence may be indeterminate, and, if so, is subject to a maximum of two years. The Parole Commission has absolute discretion to release a prisoner from a reformatory or workhouse at any time after the commencement of the sentence, but it is required to first send to the committing judge notice of the time and place of the meeting at which the case will be disposed of, so as to give him an opportunity to express an opinion or make a suggestion regarding its disposal. In the case of prisoners committed to a penitentiary, the Parole Commission may similarly, at any time, make a recommendation in favor of parole to the committing judge, but his approval in writing is necessary before such recommendation becomes effective. This law, it will be noticed, in some ways more closely approaches a true indeterminate sentence than that in force in most parts of the country. There is no special maximum fixed by the statute or by the court for each offense, but merely the general maximum of two years for all offenses in the case of an inmate of a workhouse, and of three years in the case of an inmate of a reformatory or penitentiary; nor is there any minimum. The Parole Commission can release a prisoner on the day after the sentence is passed, provided that in the case of an inmate of a penitentiary the sanction of the committing judge is obtained. The Parole Commission consists of three salaried members and two ex-officio members, namely, the commissioner of the department of correction and the commissioner of the police department; there is also a paid secretary and a large staff of parole officers. The three paid commissioners are appointed by the mayor of the city and are required by law to give full time service. The parole officers are appointed from a civil service list by the commissioners.

NORTH CAROLINA

Indeterminate sentence for persons sentenced to State prison. Every six months parole of prisoner serving indeterminate sentence shall be considered by the board of directors of State prison, provided convict has served minimum time after allowing for good time. There is an Advisory Board of Parole (attorney-general, chairman of board of directors, chairman of Board of State Charities) which reviews records and may recommend parole to the governor. After minimum sentence prescribed by statute for offense has expired, providing such sentence is not less than one-fourth the term for which such prisoner was sentenced by court, the Board of Parole shall consider case. The board may consider a case sooner, however. If governor acts on recommendation and grants parole the prisoner is given clothes, transportation and \$5. Parole lasts till expiration of maximum. Must report monthly. Governor may order convict reimprisoned and then parole is not counted as part of sentence.

NORTH DAKOTA

Every person convicted of a felony, except treason, murder in the first degree, rape and kidnapping, shall be sentenced to the State penitentiary and the court imposing the sentence may, in its discretion, refrain from fixing the limit or duration of the same, but in such cases the term of imprisonment shall not be less than the minimum term fixed by law for the offense of which the person was convicted, nor shall it exceed the maximum term provided by law for the offense.

A member of the State Board of Control, chosen and designated by said board, the warden of the State penitentiary, the prison physician, a chaplain of the State penitentiary, and one other person to be chosen as a member at large by the State Board of Control, shall constitute the Board of Experts, whose duty it shall be to pass upon the application for discharge of the inmates of the penitentiary who may have been sentenced under the indeterminate sentence law, and also to pass upon the application of the inmates of the penitentiary who may make application to be paroled as provided by law.

OHIO

Indeterminate sentence for all crimes, except life sentences, when convict is sentenced to State penitentiary.

Board of Clemency has full parole power. At end of minimum sentence a man is eligible for parole, if he is a first termer. Others are eligible when one year has been added to minimum for each previous sentence. Must advertise case in two politically opposing papers for two weeks. Must have employment before he may be released. Must report monthly. Warden notifies the board when prisoner is eligible. Prisoners are personally interviewed.

OKLAHOMA

The pardon and parole power is vested solely in the governor. There is no parole board. However, there is a parole attorney who investigates various cases and makes a report to the governor. Upon this report the governor either grants or refuses executive clemency. There is no definite maximum or minimum parole period. A person paroled remains on parole until the same is revoked or the governor grants a citizenship pardon.

OREGON

When a person is guilty of a felony, except treason or murder, the court shall, when sentencing to the penitentiary, sentence without limitation of time, stating in such judgment the *maximum penitentiary penalty* for such crime, which shall not exceed statutory maximum.

Persons serving indeterminate sentence may be paroled by the governor, or upon recommendation of the parole board, as follows: A person under twenty at time of sentence and a first termer may be paroled at any time. A person over twenty and a first termer may be paroled after one-fourth of maximum term of sentence. Good time is allowed to be deducted. If governor revokes parole good time is only allowed from time of return to penitentiary.

PENNSYLVANIA

A first termer, not convicted of murder, administering poison, kidnapping, incest, sodomy, luggery, rape, arson, robbery, etc., may be placed on probation, instead of being confined. If probation is violated, then must serve sentence prescribed by law. A person sentenced to a State penitentiary shall be confined for an indefinite term; such a sentence shall have its minimum and maximum limits stated in it; the maximum limit shall not exceed that prescribed by law. Any person whose minimum sentence shall expire within three months shall appear before a board of inspectors of penitentiaries. The board then may recommend parole of the convict to the governor and such parole be subject to rules and regulations prescribed by board.

RHODE ISLAND

Person sentenced for more than six months in the State prison or a county jail, other than life sentence, or in case of habitual criminal, may be paroled by Board of Parole (governor, agent of State Charities and Correction, three other citizens appointed by the governor with senate's consent) if governor and two others consent, after one-half sentence is served or one-half of aggregate sentences. In figuring the one-half term, allowance is to be made for good conduct. Habitual criminal must serve at least five years.

Life prisoner may be paroled after twenty years with unanimous consent of the board. The board's control ceases when the convict is pardoned, and also at the expiration of the remainder of the term for which he is under sentence. Parole is only granted when prisoner will not become an object of charity. The board, by a majority vote, may permit revoked. If so, time of parole does not count in serving out original sentence.

SOUTH CAROLINA

Has no indeterminate sentence law. In any case that may be deemed proper by the governor, he may suspend sentence or parole any prisoner upon such terms or conditions as he may deem just in the exercise of executive clemency. The law is equivalent to a pardon or final discharge.

SOUTH DAKOTA

Any person over sixteen years of age, who has never before been convicted of a crime or sentenced to the State penitentiary, and who has not previously been convicted of a felony, either within or without the State, is convicted of an offense punishable by imprisonment in the State penitentiary, the court in its discretion, may sentence such person to the penitentiary for a period that shall be without limit as to time. However, such term shall not be less than the minimum term provided by law, nor longer than the maximum term provided by law, for the crime for which the prisoner was convicted. The term of sentence more than the minimum and less than the maximum fixed by law shall be determined by the warden and the Board of Charities and Corrections upon facts and conclusions established by scientific study and observation of the habits, disposition, character, conduct and general tendencies of the convict. No good time is allowed on indeterminate sentences. Prisoners must serve the minimum sentences specified in commitment, before they are eligible for parole, and they must remain on parole for the maximum period specified in the commitment. Prisoners not sentenced to an indeterminate, may be paroled by the governor upon recommendation from the warden, supported by a similar recommendation from the Board of Charities and Corrections. No convict, however, in this class shall be paroled until he shall have served one-half of the time for which he was sentenced.

TENNESSEE

Upon recommendation of the State Board of Administration, which comprises both pardon and parole board, the governor shall have the power to cause to be released on parole any prisoner held in the State penitentiary who has served the minimum term provided by law for the offense for which he was sentenced, less good time, provided, however, that no convict serving any life sentence shall be paroled unless he has served twenty-five years, less time allowance for good conduct. Convicts on parole shall remain in the custody of the Board of Administration. In considering application for parole, the board shall not entertain any petition, receive any written communication or hear any argument from any attorney or other person, not connected with the State penitentiary, in favor of or against the parole or release of any prisoner, but it may make inquiries by correspondence as to history, physical or mental condition or character of the prisoner. The board, through its parole officer, shall keep in communication, as far as possible, with all prisoners on parole. There is one-third of a paroled prisoner's wages reserved by the board until he makes his final discharge, supposed to be in one year after release, but it is usually given at the discretion of the board. A tax of \$2 per month is imposed upon every paroled man to pay the salary of the field agent.

TENNESSEE

That whenever any person seventeen years of age or over shall be on trial for any felony, the jury trying said cause shall not only ascertain whether or not said person is guilty of the offense charged in the indictment, but shall

also in the verdict assess the punishment or penalty within the period of time fixed by law as the maximum and minimum penalty for such offense; provided, if the jury shall assess the punishment for such offense at a longer period of time than the minimum period of imprisonment in the penitentiary for such offense, then the judge presiding in such cause, in passing sentence on such person, instead of pronouncing a definite time of imprisonment in the penitentiary on such person so convicted, he shall pronounce upon such person in such sentence the minimum and maximum terms thereof, fixing said sentence as the minimum time of imprisonment in the penitentiary, the time now or hereafter prescribed by law as the minimum time of imprisonment in the penitentiary, and as the maximum time of such imprisonment the term fixed by the jury in the verdict as punishment for such offense; provided, that if the punishment assessed by the jury shall be by pecuniary fine only, or imprisonment in the county jail, or both fine and imprisonment in the county jail, then the provisions of this act shall not apply.

Convicts Paroled. Meritorious prisoners may be allowed to go upon parole outside the building and jurisdiction of the penitentiary authorities, subject to the provisions of this act and to such regulations and conditions as may be made by the Board of Prison Commissioners, with the approval of the governor of the State, and such parole shall be made only by the governor or with his approval.

Paroled Prisoners Under Control of Board. While on such parole such prisoners shall remain under the control of the Board of Prison Commissioners and subject at any time to be taken back within the physical possession and control of the said Board of Prison Commissioners as under the original sentence, but such retaking shall be at the direction of the governor; and all orders and warrants issued by said Board of Prison Commissioners under such authority for the retaking of such prisoners shall be sufficient warrants for all officers named therein to return to actual custody and parole convicts, and it is hereby made the duty of all officers to execute such orders as ordinary criminal processes.

Commissioners May Authorize Release on Parole. If it shall appear to said Board of Prison Commissioners, from a report by the warden or sergeant of such prison, or upon an application by a convict for release on parole as hereinbefore provided, that there is reasonable probability that such applicant will live and remain at liberty without violating the law, then said Board of Prison Commissioners may authorize the release of such applicant upon parole, and such applicant shall thereupon be allowed to go upon parole outside walls and enclosure, upon the terms and conditions as said board shall prescribe, but to remain while so on parole in the legal custody and under the control of the said Board of Prison Commissioners until the expiration of the maximum term specified in his sentence as hereinbefore provided, or until his absolute discharge as hereinafter provided.

Absolute Discharge. If it shall appear to the said Board of Prison Commissioners that there is a reasonable probability that any prisoner so on parole will live and remain at liberty without violating the law, and that his absolute discharge from imprisonment is not incompatible with the welfare of society, then said Board of Prison Commissioners shall issue to such prisoner an absolute discharge from imprisonment upon such sentence and which shall be effective therefor.

Parole of Prisoners Serving Under Indeterminate Sentence. Whenever any prisoner serving an indeterminate sentence, shall have served for twelve months, on parole, in a manner acceptable to the Board of Prison Commissioners, the said board shall certify such fact to the governor, with the recommendation that the said prisoner be pardoned and finally discharged from the sentence under which he is serving. But it shall be the duty of the Prison Commission to continue its supervision and care over such paroled prisoner until such time as the governor shall pardon and finally discharge from custody the said prisoner; provided, that in no case shall any prisoner be held for a longer term than the maximum provided by the sentence for the crime of which the said prisoner was convicted.

Restoration of Citizenship. When a convict who has been paroled shall have complied with the rules and conditions governing his parole until the end of the term to which he was sentenced, and without a revocation of his parole, he shall, upon a written or printed discharge from the superintendent and prison commissioners, setting forth these facts, be recommended by the board to the governor for restoration of his citizenship by the governor of the State of Texas.

UTAH

Indeterminate sentence law for all felonies except treason and various homicides.

Law makes no distinction between a first offender and a repeater. A parolee of any offender, aside from murder in first degree is permissible at any time at the option of the Board of Pardons. A prisoner convicted of first degree murder must serve at least fifteen years and then four members of the board must give consent to his parole. Paroled prisoner is in the legal custody and control of the warden and Board of Pardons. Board can have him reimprisoned at any time.

VERMONT

Governor has power to grant a conditional pardon upon such conditions as he judges proper. While on parole, the convict is under control of the governor and he may have convict reconfined at any time if he feels parole conditions have been violated. In the last two years the governor has decreed the parole period shall at least be twice as long as the minimum sentence and never more than the maximum. In the case of a previous commitment man may have to serve maximum. Parole violators must serve balance of time between minimum and maximum with good time off.

VIRGINIA

The parole law has been declared unconstitutional. There is no parole board nor officers. Recent legislation gave each prisoner ten days off for good conduct. The governor may at any time pardon the prisoner.

WASHINGTON

Has indeterminate sentence law. The court decrees the minimum and maximum sentence. No differentiation between first offenders and repeaters in law or parole rulings. The prison board can exercise parole jurisdiction only after expiration of minimum term. Under control of prison board till expiration of maximum term. According to rules governor may at any time revoke parole. Arrangements for employment must be made before parole, and prisoner must report monthly. Prisoner may not leave State without consent of board.

WEST VIRGINIA

Governor grants paroles, but may not to life prisoners or to those who have served two previous terms. Parole may be granted to those who have served minimum term provided by law for their crime. Paroled convict under governor's control till expiration of sentence or maximum term if given an indeterminate sentence.

WISCONSIN

The Board of Control, with the approval of the governor may parole, upon ten days' notice to the district attorney and the judge who sentenced the prisoner, any prisoner convicted of a felony and sentenced to the State prison or the house of correction. Paroles are granted only after the inmate has served one-half of the full term for which he was sentenced. Life prisoners are eligible after serving sixteen years and three months, deducting allowance for good behavior. The maximum time on parole for term prisoners is one year and three months. Paroled prisoners are in the legal custody of the Board of Control until they receive a final discharge or until the expiration of the sentence imposed.

WYOMING

Every sentence to State Penitentiary other than life sentence, should establish a maximum and minimum, which should not in the former be greater nor in the latter be less than that fixed by law for the crime.

Governor under rules and regulations prescribed by State Board of Pardons, has authority to issue parole after prisoner has served minimum prescribed by trial court, or if this does not exist, by minimum stated in the law. *Any assault with a deadly weapon makes prisoner ineligible.* Paroled convict is in legal custody and control and subject to rules of State Board of Charities, while on parole or until the expiration of the maximum sentence. Upon request of State Board of Charities, Governor can order convict returned to penitentiary. Parole period is not counted in term of sentence of reconfined prisoner. Paroled prisoner is entitled to good time the same as other prisoners. *No parole till minimum term is served and must not have violated prison rules for last six months. No parole for parole violators or second terms.* Employment must be secured before parole.

Application for pardon must be signed by 10 citizens of the State and must be advertised. It is made to the Board of Pardons but is granted by the Governor.

FEDERAL

Any prisoner confined for a term over one year may be paroled after serving one-third of the term or terms for which he was sentenced. Board of Parole consists of Superintendent of Prisons of Department of Justice, warden of each United States penitentiary and its physician. It establishes rules for procedure subject to Attorney General's approval. Prisoner may make application for parole. He is under control of the warden of the prison from which paroled until expiration of term minus good time allowance. Is given a limit of residence. United States Attorney General must approve action of Board before release. Warden may have prisoner rearrested. Then he appears before Board of Parole and decides action. If reimprisoned then time of parole does not count in sentence. Paroled prisoners must be supplied with clothing, transportation, and \$5. A United States prisoner confined in any State reformatory is subject to parole laws of that State. United States Attorney General must approve order for parole, however, and prisoner when on parole may return to State he lives in under supervision of marshal of his district.

Above all laws is power of the President to grant pardon or commutation in any case and good time allowance.

ATLANTA RULES

Prisoner must have highest grade for six months preceding application. May apply but twice and second time must be upon new evidence. Application must be in writing. Must have employment assured. Must report monthly and must have a first friend to report about him.

A HOUSE OF DETENTION FOR WOMEN IN NEW YORK CITY

For nearly a decade, efforts have been made to secure in the Borough of Manhattan an adequate modern house of detention for women. In 1913 the city made an appropriation of \$450,000.00 for the construction of a house of detention, to include a court room, and thoroughly equipped quarters for the lodgment of women awaiting trial or before conviction. The law of 1910, governing the establishment and maintenance of a house of detention for women provided that the house of detention "shall be convenient to" the court for women, which has been held for years at Jefferson Market Courthouse. Since the closing of the police house of detention in Mulberry Street in May, 1915, the care of women witnesses (who are also detained in a house of detention unless otherwise disposed of) has largely fallen on private homes for women, such as the Florence Crittenton Mission and Waverly House.

The funds appropriated for the erection of a house of detention proved far less than sufficient to meet the need then believed to exist, and by act of the Board of Estimate and Apportionment in the appropriation was diverted to the funds necessary for the erection of a farm colony for women in Orange County in Greycourt, an institution that in December, 1921, has not yet been opened, although it is in the main finished.

Meanwhile, the care of women prisoners awaiting trial or conviction has been deplorable. The Prison Commission condemned the practice of holding the women and girls in the dark and insanitary cells of the Jefferson Market Prison, and on July 1st, 1921, the said prison was abandoned, but those awaiting arraignment were held in the corridors of the prison while court was in session during the day. Since July 1st, 1921, women arrested after the close of the Women's Day Court and not bailed or held over by the court have been taken in police or Department of Correction vans to the south wing of the Workhouse on Blackwell's Island instead of to the Jefferson Market Prison.

The Commissioner of Correction of New York City, James A. Hamilton, had caused the south wing of the Workhouse to be renovated very substantially for the above-mentioned purpose. "Rooms and dormitories that have been set apart as the House of Detention will permit three classifications: Those women who are charged with crime and have no serious record; secondly, those charged with crime, who have been convicted; and thirdly, material witnesses. Provisions have been made for their complete isolation one from the other. The individual rooms are light, well ventilated and cheery. Modern toilets and baths have made perfect hygienic conditions." (Quoted from report of Commissioner Hamilton in New York Law Journal, August 1st, 1921.)

With this statement, the Prison Association of New York would take no issue, for the physical conditions in the south end of the Workhouse are excellent, in comparison to any heretofore obtaining. But a most serious condition has arisen, which was not covered in the report of Commissioner Hamilton, because at that time the use of the Workhouse as a House of Detention was still in the first experimental stages.

The actual fact is that, in order to bring the women from Jefferson Market Court to this House of Detention on Blackwell's Island, the women must be taken in closed vans of the Department of Correction a distance of several miles, across town, half way over the Fifty-ninth Street Bridge, where they are discharged and taken down an elevator to the Island, now renamed "Welfare" instead of "Blackwell's," and from that base taken in vans or obliged to walk over a half mile to the Workhouse.

Nor is this trip taken only once. Each morning a group of women is transferred back to the Jefferson Market Prison for further court action, or in order that probation officers or other officials may have access to them — and in the afternoon the same trip to the Island is again undertaken. This may continue in some cases for days.

"Of the 22 on hand in the Detention House November 11, 1921, two had been back and forth in the vans to court eight times; one four times and ten twice. At the Jefferson Market Court a van brought ten convicted women and three girls who had never been arrested before and had not been tried. Two of the girls were taken from their homes to the station house and sent to the Island at midnight in a patrol wagon. Another group interviewed developed two women who had made eight trips between the Island and the court, one who had six, and three who had had three trips; etc."

Such a condition of intermingling of convicted and unconvicted prisoners, promiscuously thrown together in a van, carted for miles in the disgraceful but not segregated seclusion of a corrections wagon, and transferred not once but often many times, has never before been known to the Prison Association as occurring in any part of the State, and is regarded as intolerable.

"A young girl of good family, never in any trouble, who is tempted to steal some silk stockings or a bit of finery in a store, is arrested, taken to the station house, where, filled with fear of consequences at home, or shame, she refuses to give her name or send for relatives. She is taken in a patrol wagon, probably with hardened offenders, to the Island, kept over night in company with all sorts of women of the street, taken to Jefferson Market Prison in the morning, in a van crowded with the worst types of other women, placed in a corridor with a motley array awaiting trial or sentence, and, if her case is not disposed of that day, returned to the Island in a van and possibly sent back and forth, while her case is being investigated or adjourned, for eight to ten succeeding days."¹

¹ From report of President of Prison Commission, John S. Kennedy, in New York Times.

² From Mr. Kennedy's report.

Such a condition might conceivably be tolerated, were there no other available building equipped for temporary use as a house of detention. But the Jefferson Market Prison has been renovated by the Department of Correction, and at present there are approximately fifty cells in the prison that could be used for the detention of women prisoners, thus obviating the necessity of the daily transferring of prisoners by the remarkable methods above described. Undoubtedly, the conditions obtaining in the Workhouse are superior to those in the Jefferson Market Prison, but it is the conviction not only of the Prison Association, but of the President of the Prison Commission, Chief Magistrate Macadoo of the Magistrates' Courts, Chief Justice Kernochan of the Court of Special Sessions, and the representatives of many women's organizations in New York City, that the continued transfer of women in vans over such a considerable distance is intolerable and impossible under any conception of proper modern treatment.

The Prison Association takes the further position that just because of the extreme distance of the Workhouse from the Women's Court, the use of the Workhouse as a permanent House of Detention is not feasible, and the Association is convinced that the City of New York should as soon as possible build an adequate house of detention, convenient to the court for women, that house of detention to include a courtroom, quarters for necessary officers of the court, adequate lodgment for women of the several groups indicated above — and that this building be constructed upon as economical a scale as is possible.

WAGES TO PRISONERS AND THE STATE-USE SYSTEM

The wage question in the State prisons of New York has been for very many years a matter of ridiculous inadequacy, and has subjected with reason the State to the ironical and even contemptuous comment of many other states of this country, where under other systems of prison labor specific sums, even if small, are paid with regularity to the inmates of penal institutions. The outstanding fact about the prison wage of the New York State prisons is that it amounts to the incredible total of *one and one-half cents a day*.

In 1894 the Constitutional Convention adopted the provision that "the Legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several state prisons, penitentiaries, jails and reformatories in the state; and on and after the first day of January, in the year one thousand eight hundred and ninety-seven, no person in any such prison, penitentiary, jail and reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry, or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the Legislature from providing that convicts may work for, and that the products of their labor may be disposed to, the state and any political division thereof; or for or to any public institution owned or managed or controlled by the state, or any political division thereof."

In short, the Constitution of New York provides that no work or product of the work of a prisoner in prison, reformatory, penitentiary or jail of this State shall be sold to any individual or firm save the State itself or a political division of the State, as represented by institutions, departments or other public body. This is the so-called "State-use" principle.

In the Constitution there is no mention of a wage to be paid to prisoners. The existing "cent and a half" daily wage is provided under Paragraph 185 of the Consolidated Prison Law:

"Every prisoner may, in the discretion of the managing authority of said institution, receive compensation from the earnings of the institution in which he is confined, which compensation is to be graded by such managing authority for the time such prisoner may work, but in no case shall the compensation allowed to such convicts exceed in amount ten per centum of the earnings of the institution in which they are confined; provided, however, that any compensation in excess of one and one-half cents per day shall be based upon an amount of work or labor performed by him at his option in excess of a given amount fixed for him to perform for the benefit of the state, or political subdivision thereof, and in such case his compensation may, in the discretion of such managing authority, be a sum equal to the value of the additional work or labor as performed or to the value of the product or portion thereof produced by such additional work or labor, except that his total compensation shall not in any case exceed the amount of twenty cents a day."

No system has been put in operation by the Prison Department for the payment of any wage greater than a cent and a half a day—in the last decade, at least. No fact regarding the administration of the State prisons of New York is heard with greater incredulity by those becoming interested in prison reform and prison administration than the statement of the payment of the cent and a half of daily wage. No fact regarding the administration of our prisons is commented on with more irony in gatherings of prison officials, congresses of specialists and the like than the cent and a half wage—and the alleged breakdown of the State-Use system.

Criticism is easy, but remedies are often difficult. Criticism points out that the alleged wage provides for the bulk of the prisoners in our penal institutions not only a talking point as to the claimed unfairness of the State in the matter of employment, but an actual and constant grievance that the State takes the labor of the prisoner and gives him practically nothing in return except maintenance. A cent and a half a day, for three hundred days, means in a year the mighty sum of \$4.50. The convict feels that he is doing a year's work for less than \$5.00, where in the outside world the fairly skilled mechanic will receive that, or more, for one day's work. The disparity is so astonishing as to be grotesque. A resulting lack of incentive is not the only thing; there is always the strong under-current of feeling that the State is an exploiter on a huge scale.

Criticism from the side of the public takes several forms. "Why should not these convicts earn enough to support themselves and

also their families on the outside? Why should they have moving pictures and baseball games when their families have to work for a bare existence? Why should the State earn profit on the prison industries and pay the prisoners practically nothing? Why can't New York do like Minnesota, or even like the city of Detroit, and enable the prisoner to earn at least a small sum, like ten, or twenty or more cents a day? Are not our prisons run on a fundamentally stupid plan, industrially?"

Criticism from the institutions, departments and bureaus of the State and the political division of the State, buying prison-made goods because of a mandatory section of the law forbidding the purchase in the open market of goods that are made by the prisons, is constant regarding either the poor quality of the manufactured articles, slowness of delivery, lack of modern improvements, or other factors rendering the prison-made product less satisfactory to the purchaser. And again the State is criticised as an unintelligent and awkward industrial competitor of the outside market. Not a little of the ingenuity of the representatives of public departments, bureaus and institutions is expended on ways whereby the needed goods can be purchased in the open market, where, if the prices are not necessarily lower, the goods will be delivered more promptly, be more modern, and less likely to be the cause of dissatisfaction later on.

Criticism by the managing authorities of the several prisons themselves is not lacking. One prison finds that it cannot get the raw material from another prison to complete the job required. Another prison finds itself stocked with finished product, and no market for it. Here a prison finds itself swamped with sudden orders, and an insufficient supply of material from which to fill the order. There, a complaint that, because of transfers of prisoners to other institutions, the absence of adequate machinery, and other internal difficulties, the orders cannot be met or delivered in time. In short, within the prisons all sorts of industrial woes and shortcomings are present, explaining the internal difficulties inherent under the present system, but not satisfying the outside comment on the present inadequacies, or paying the prisoners any wage save the cent and a half a day.

And, finally, in the State government there is the explanation that under the Constitution, there is no open market, and that it is not fair to cite Minnesota, where binding twine and farm machinery, manufactured by the State prison, may be sold throughout the length and breadth of the entire country, giving an ever-present market to specific products, turned out all the year round with specialized machinery and industry, or Detroit, where the chairs manufactured each day by the hundreds can be sold in the open market in competition with other manufacturing firms. The State of New York is tied absolutely by its Constitution to the principle of *no selling in the open market of prison-made products manufactured within this State.*

Caustic critics call such a situation a flat failure in the solution of the prison labor problem, so far as wages or output are concerned. Friendly critics have recourse to the limitations of the Constitution. But those critics who are neither caustic nor on the defensive recognize that for twenty-five years the State has sought to justify the present plan of regulation of prison labor and labor output, and has failed signally. In all this situation, in the largest prison department of the country, and among all the organizations, institutions, departments and other bodies interested either officially or as private agencies cooperating with the prisons, it is doubtful if any real satisfaction can be found with the present situation.

It is not the function of the Prison Association of New York to devise for the State of New York a working plan for the best possible efficiency of prison labor in this State. It is the function of the Prison Association of New York to speak the truth, and to say that all over this country the prison labor system of New York State is frequently characterized as nothing less than a "joke."

Two years ago through the broad-minded spirit of Mr. Adolph Lewisohn, it was made possible for a Prison Survey Commission, appointed by Governor Alfred E. Smith, to devote an amount of specialized attention to the prison labor problem of this State such as had never before been given to it. The resulting Prison Survey report, published at the expense, not of the State, but of Mr. Lewisohn, presented the most careful analysis yet made of the labor problems of the prisons, and embodied a comprehensive plan for the creation on the one side of a relatively enormous market for the consumption of prison-made goods, and on the other for both the increase of production and for the payment of a small wage to prisoners.

"If each prisoner were (under the present system) charged with the cost of these expenses (of maintenance) as against the twenty cents a day of earnings from industry, he would find himself in debt to the state sixty-nine cents a day.

"The committee, after considering prison industries as a whole, however, believes that not only can a wage be paid which will fairly compensate the mentally and physically normal prisoner for his work in money-producing occupations, but that from the proceeds created by a properly organized industrial system . . . funds can be obtained sufficient to cover the entire sum now spent by the state for guarding, supervising, and feeding these prisoners, as well as for the payment of a wage to inmates now engaged in what are known as maintenance occupations, necessary for the upkeep of the prison, such as laundry, cleaning, repairs, and preparation and distribution of food."

Here was a challenge to the State, presented in a report that had not only a background of special experience on the part of the investigators, but also the cordial cooperation of representatives of the American Federation of Labor on the one hand, and large employers of labor on the other. Yet, so far as echoes of the Prison

¹ Prison Survey Report, p.

Survey committee's report were observable, the report might apparently have been unwritten, in the matter of increased attention to wage problems.

Years ago, the Prison Department ought, in the opinion of the Prison Association, to have sought persistently to secure from the State sufficient appropriations to make the comprehensive study of the peculiarly complicated industrial problems of the State prisons. No such effort was observable. The Prison Association urged the Prison Commission to seek a similar appropriation, pointing out that the study would involve time and considerable money, but that without it the hand-to-mouth handling of the industrial problems of the State prisons would continue. No comprehensive effort was made by the Prison Commission to make such a study. The Prison Association of New York, several years ago, cooperated with a privately organized group of men, interested in this problem, and Mr. Paul Kennedy spent one summer in a study, superficial of necessity, but nevertheless showing a potential market for State-made goods four or five times as great as was then being secured by the State. And the latest, monumental report of the Prison Survey Committee, product of the most concentrated, exhaustive and specialized effort yet turned upon the prison-labor problems of this State, announces its belief in a potential twenty-million dollar market for prison-made goods, and a solution of the wage problem of the prisons.

Until the State, with deliberate intention of bending its best efforts to solve the problems existing necessarily under the present Constitution, turns to this question with persistency, sobriety, and thoroughness, the State may expect to be classified as an arrant failure in the prison-labor field. Governor Smith made a long step toward the solution of the problem—he secured the interest, professional and financial, of representatives of the outside public—and a report lies before the State now. May we not hope that Governor Miller, impatient with extravagance in the State government in any form, will move still further, readily recognizing the facts and theories now presented to the State as one basis for study, and perform that service to the State that should have been done long ago, namely, the determined effort of the State finally to solve its own prison-labor problem.

Until such is done, we cannot know whether the State-Use system is a solution or an incubus.

COOPERATION WITH THE AMERICAN PRISON ASSOCIATION

At the Fiftieth Annual Congress of the American Prison Association, held in Columbus, Ohio, in October, 1920, Dr. O. F. Lewis, the General Secretary of the Prison Association of New York, was elected General Secretary of the national body, and Mr. Decatur M. Sawyer, the Secretary of the Prison Association, was elected Treasurer of the national body.

Since its origin, the Prison Association of New York has regarded attention to the national field of prison reform and the treatment of crime as one of its functions. Indeed, from the first years, three-quarters of a century ago, the Prison Association of New York has strongly influenced other states of the Union and also foreign governments through its annual reports, and at not infrequent intervals, through individuals attached to its staff or connected with its Board of Managers.

Dr. Enoch C. Wines, while the Secretary of the New York Prison Association, founded the National Prison Association in 1870, and two years later Dr. Wines was the main factor in organizing the first International Prison Congress, in 1872, in London. In the fifty years that have elapsed since the origin of the National Prison Association, now the American Prison Association, the New York Association has played an influential part in its conduct and deliberations.

It seems especially fitting that at the Semi-Centennial of the national body, the general secretaryship should, as it were, return to the Association that gave it its origin. For, in a larger sense, it has been only through the willingness of the New York Prison Association to place a certain amount of the time of its General Secretary at the necessary business of a partial reorganization of the office of General Secretary of the American Prison Association that the present recognized progress of the larger Association has become possible.

During the year of 1921, from the central office of the American Prison Association, there have gone out bi-monthly publications called the News Letter, a small "trade-journal" of the American Prison Association. The American Prison Association has been able to establish at the office of its General Secretary a kind of clearing house for information and advice. The Fifty-first Annual Congress of the National Association was highly successful at Jacksonville from October 28th to November 3d. Dr. Lewis and Mr. Sawyer were re-elected to the positions of General Secretary and Treasurer respectively, and Mr. E. R. Cass, the Assistant General Secretary of the New York Prison Association, was elected First Assistant Secretary of the American Prison Association.

The time seems to have come for the gathering in one annual congress, of all organizations who deal predominantly with the problems of delinquency and crime. The American Prison Association today deals only in part with the problems of prison administration. Other departments of its program cover the problems of juvenile delinquency, medical, psychological and psychiatric work in institutions, prisoners' aid work, and the field of the chaplain. All over the country it is felt that the American Prison Association is rapidly becoming a center for the discussion of delinquency problems in their manifold variety, and at the last Congress, at Jacksonville, the National Conference for the Study of Backward, Truant, Dependent and Delinquent Children merged with the juvenile reforma-

tory section of the American Prison Association to form the National Conference on Juvenile Agencies, to meet at the same time and place as the American Prison Association, and to sustain the same intimate relationship to the larger body as does at present the Warden's Association. At the same Congress, notice was given that at the coming Congress in October, 1922, at Detroit a motion will be made to change the name of the American Prison Association to some term more descriptive of the present much broader scope of the Association's interests.

PAROLE BUREAU

One of the most important branches of the work of the Prison Association is its Parole Bureau. Parole is a period of conditional freedom which follows a term of imprisonment. For instance, an offender is sentenced to a prison for the first time for felony, with a certain minimum period to serve and also a maximum period. At any time after the expiration of the minimum sentence the prisoner may be released by the State Parole Board.

The parole period is therefore a time during which the former inmate can be tested as to his ability to conduct himself in conformity with the requirements of the outside world. The parole officer must necessarily be one of the most sagacious, helpful friends to the released prisoner. The work includes the general supervision of paroled men, which means visiting them at their homes and at their places of work when feasible. Whenever needed, friendly advice is given; and during the year, in a number of instances, the parole officer has been successful in effecting friendly relations between the released men and their families.

On October 1, 1920, there were 165 men on parole to this Association; during the fiscal year ended September 30, 1921, 145 other men were placed on parole to us, making a total of 310 for the year. Of these, 117 men were discharged from parole after having satisfactorily finished their period of conditional liberty. There were 34 men declared delinquent, that is, they were either re-arrested or failed to make their reports. Our parole officer made 1,242 visits and investigations, besides attending Parole Board meetings at several of the State prisons each month, and in several instances the meetings at all of the prisons in a single month. By visiting the prisons the parole officer is enabled to keep in touch with the various men, and especially those who are soon to be paroled. This service is done entirely without cost to the State. It is undoubtedly a State function which under existing conditions must be met by an outside organization. The reader is referred to page 32 of this report for a fuller discussion of the necessity for the extension of the parole work and of the methods adopted by the State Parole Board.

During the year the states of California, Massachusetts, Maryland, Illinois, and the Federal prisons at Atlanta and Leavenworth, requested the Parole Bureau of the Prison Association to cooperate with them in the supervision of men released from their respective

prisons, who were to live in New York. This arrangement has worked out satisfactorily. Men paroled under this plan are required to report regularly at least twice a month to the office of the Prison Association, and they are also visited at their places of employment and their homes by our parole staff. Their reports to the institution from which they were paroled are countersigned by a member of the parole staff of the Prison Association.

PAROLE STATISTICS

For the Fiscal Year October 1, 1920, to September 30, 1921

| | | |
|---|-------------|------------------|
| Men on parole October 1, 1920..... | 1921 165 | 1919-1920 122 |
| Men received on parole during the fiscal year.... | 145 | 193 |
| | 310 | 315 |
| Men discharged during the fiscal year..... | 117 | 123 |
| Men declared delinquent during the fiscal year 1920-1921..... | 34 | 27 |
| | 151 | 150 |
| Men on parole October 1, 1921..... | 159 | 165 |
| Number of visits made during the fiscal year..... | 1242 | 1207 |
| Men calling at office during the months of April, May, June, July, August and September, 1921..... | | 805 |
| Visits to men's homes during this period..... | | 501 |
| Visit to men's place of employment..... | | 171 |
| Visits made to City Prison, Police Headquarters, Raymond Street Jail, Queens County Jail, Sing Sing Prison, Auburn, Great Meadow and Clinton Prisons..... | | 188 |
| Special investigations made during month from April to September, 1921..... | | 44 |
| Definite sentenced men received on parole under the new law (Chap. 567) which provides for the parole supervision of other than first offenders, which became effective June 1, 1921, and up to September 30, 1921..... | | 23 |

The following cases are typical and indicative of the human side of the work of our Parole Bureau:

Case I

A. B. was sent from the old country when a lad of 17, because he was inclined to be wild and associated with bad boys. His father sent him to America to make his own way. After arriving in this country he was idle for several months, and finally his money gave out. He got into bad company and thus began his criminal career. He said that for years he didn't do an honest day's work. While serving a second term for burglary his sentence was commuted and he was paroled to the Prison Association. Through the interest of the Prison Association he was provided with food and lodging, and employment was obtained for him with a sign-painting and advertising company. Shortly after A. B. went into business for himself.

His venture proved successful. He has since married and has established a comfortable home. The encouraging feature in this case is that the man after years of lawlessness was finally persuaded to adopt a different and law-abiding way of living.

Case II

D. E. received a sentence of "twenty years to life." The Prison Association in cooperation with the committing judge and a woman lawyer, who became interested in his case, prevailed upon the Governor commute the man's sentence. Employment was obtained for him with a well-known physician in New York City, and he has continued to hold this position. He now has a bank account, and there is every indication that this man will continue to lead a law-abiding life.

Case III

While K. E. was in the prison, the Prison Association kept the home together. Upon his release, employment was obtained for him with a reliable concern, and he continues to hold his job. The family is again united and joy and happiness once more prevail.

Case IV

When L. F. came into the custody of the Association he was without funds and employment. He was at once provided with shelter and money for food. A job was obtained by the Association for him with a shoe manufacturing company. L. F. worked steadily, saved his money, and just before he received his final discharge from parole invested his savings in a small farm up-State. Latest reports state that he is still making good.

Case V

M. N. was a young up-State man who was unable to abstain from drinking, and frequently got into trouble because of this failing. Upon his release he was fortunate in getting a job as an electrician. Through the friendly interest and good influence of our parole agent he refrained from drinking, worked steadily, and finally was able to get employment as chief electrician in one of the large city hotels at a very good wage. He continues to do well.

PROBATION BUREAU

For many years this Association has had a representative in the Court of General Sessions of this city. The probation officer is "loaned" for city services, there existing an anomalous situation. In other courts of this city, namely, the court of Special Sessions, the Children's Courts, and the Magistrates' Courts' city-paid probation officers are assigned.

Probation is generally called a substitute for imprisonment. This is erroneous. Probation is a suspension of imprisonment during

good behavior. Sometimes, probation is accompanied by the requirement that so far as possible compensation shall be made by the probationer for the injury he has caused, and which led to his trial and conviction. The principle of probation is easy to understand. It is a common-sense answer to the question: Why should we send to prison a person who probably will not commit another crime, and who if given a reasonable chance will reform without the stigma of imprisonment and the attendant possibility of becoming a criminal through the criminal associations of the prison? Persons released on probation are not thereby released from the consequences of their delinquency. They must report regularly to the probation agent, and they receive from him both supervision and counsel. If conditions imposed by the court relative to good behavior and industry are not fulfilled, the probation agent is authorized to bring the delinquent again into court, and the court may admonish further, or send to prison or the penitentiary the one who had been given a chance during a period of conditional liberty.

On October 1, 1920, there were on probation to the Association 129 persons; during the year there were received 105, making a total for the year of 234. Of this number, 86 were discharged during the year. Those who were re-arrested or who absconded, and thereby became delinquent, numbered 8.

The number of cases investigated at the request of the court was 608.

Restitution of property, or property values, is an important part of the probation system. During the year \$3,991 was paid as restitution by persons on probation to the Association, and \$1,085 was paid for the support of destitute children. There were made to our probation officer 3,033 personal reports, and 558 reports by mail or telephone.

PROBATION BUREAU

October 1, 1920, to September 30, 1921

| | 1920-21 | 1919-20 |
|--|---------|---------|
| Cases investigated in City Prison (Tombs) for Judges of Court of General Sessions..... | 608 | 593 |
| Released on Probation..... | 105 | 129 |
| Released on Suspended Sentence..... | 63 | 79 |
| Sentenced to State Prison..... | 170 | 118 |
| Sentenced to Penitentiary..... | 148 | 144 |
| Sentenced to Elmira Reformatory..... | 55 | 63 |
| Sentenced to City Reformatory..... | 11 | 15 |
| Sentenced to Work House..... | 13 | 7 |
| Sentenced to Bedford Reformatory..... | 5 | 5 |
| Sentenced to City Prison..... | 17 | 16 |
| Sentenced to House of Refuge..... | 1 | 7 |
| Sentenced to Napanoch..... | 1 | |
| Plea withdrawn..... | 14 | 5 |
| New trial..... | 2 | |
| Discharged..... | 3 | 1 |
| Fined..... | | 2 |
| Insane..... | | 2 |

PROBATION BUREAU

73

| | | | |
|--|------------|------------|--|
| Office Work: | | | |
| Number on probation Sept. 30, 1920..... | 190 | 165 | |
| Received on probation to Sept. 30, 1921..... | 105 | 131 | |
| | 234 | 296 | |
| Discharged with improvement..... | 64 | 129 | |
| Discharged without improvement..... | 28 | 28 | |
| Arrested and sentenced..... | 8 | 10 | |
| | 94 | 167 | |
| On probation October 1, 1921..... | 140 | 129 | |
| Money received on account of restitution..... | \$3,991 00 | \$3,486 00 | |
| Money received on account of children's support..... | 1,085 00 | 705 00 | |
| Total..... | \$4,176 00 | \$4,191 00 | |
| Personal reports at office..... | 3,033 | 2,653 | |
| Mail or telephone reports..... | 558 | 497 | |

CRIMES OF PERSONS WHOSE CASES WERE INVESTIGATED BY PROBATION BUREAU

| | 1920-21 | 1919-20 |
|--------------------------------|---------|---------|
| Felonies: | | |
| Grand larceny..... | 146 | 132 |
| Forgery..... | 24 | 22 |
| Burglary..... | 82 | 67 |
| Robbery..... | 51 | 26 |
| Assault..... | 56 | 46 |
| | 4 | 10 |
| Manslaughter..... | 4 | 10 |
| Bigamy..... | 5 | 5 |
| Weapons..... | 5 | 5 |
| Receiving stolen property..... | 6 | 12 |
| Other felonies..... | 37 | 19 |
| Total..... | 416 | 349 |
| Misdemeanors: | | |
| Petit larceny..... | 168 | 163 |
| Assault..... | 31 | 24 |
| Weapons..... | 4 | 2 |
| Other misdemeanors..... | 48 | 55 |
| Total..... | 191 | 244 |

Case I

The case history of a man of 50 years, a church member, whose family and associates had always been of the best, illustrates the folly of trying to maintain a position in the world of society on a limited income. He had been for many years in the service of a wealthy corporation and, because of long and faithful service, was not bonded, though entrusted with disbursement of considerable money. His wife, to whom he had been married over twenty years, was in poor health, had been brought up in luxury, and never knew what it was to want for anything. His expenses were very heavy, the cost of living was very high, and he falsified a number of bills, rais-

ing the amount of vouchers against the company and certifying that they were correct.

Detection and arrest soon followed, and an investigation of his accounts revealed the truth; he entered a plea of guilty, and the case was referred to our Probation Officer for investigation and report.

It has been said that "corporations have no souls," but this was not true in his case, for when he was brought before the judge for sentence, the officers of the company not only asked for a modification of the charge but expressed the desire that the maximum of mercy be extended to him.

Friends came to his aid and testified that he had always been a good husband, a home-loving man, a good father to his two children, and an excellent neighbor; none of the money had been spent in dissipation or extravagance, and good business men offered to see that he was employed at a living wage.

Judge Wadhams, who acted in the matter, said it was a sad case of "trying to keep up with the Joneses" that had wrecked the life of the prisoner and, on the recommendation of a vice-president of the corporation, allowed the penitent man to return to his family on a suspended sentence and probation, to report regularly in person at the office of the Prison Association.

He immediately secured employment as a solicitor of insurance and, greatly to his own surprise, made a success of it. When his first year of probation was over he had earned more money than in any previous year of his life. As he expressed it, "I thought I was a desk man, but find that I was born to be an insurance agent."

Case II

The bad whiskey that is secretly dispensed nowadays led to the downfall of three Norwegians who, by advice of counsel, pleaded guilty of assault in Judge Rosalsky's Court; all of the men were ablebodied, strong and accustomed to very hard work; all were married and had good homes with wives and children, yet for the sake of a drinking bout, they were at the bar of the Court of General Sessions charged with robbery, punishable by twenty years' imprisonment.

The three laborers met at the home of a mutual friend and fellow-workman one Sunday evening to have a sociable time, and some one produced a bottle of liquid poison, colloquially termed "hooch," of which all partook. They lost their memories speedily and, according to all accounts, not one of them could clearly explain what happened; all agreed that there was a fight and police arrested them on a charge of robbing the host, who was sure that one of the trio beat him up and robbed him of \$20 in bills and a brass watch. He was in a hospital some days.

The police had the watch as evidence, but no money. It transpired that \$20 in blood-stained money was found on the floor of the room on the next day.

It was plain that no robbery had taken place and such a charge could not be sustained, but proof of assault was not lacking, and the Judge was about to impose a sentence to the penitentiary for that crime, when the complainant said he did not want them sent to jail; he wanted his \$20, and also wanted them to pay him for the time he lost when away from his work in the hospital.

The Court thereupon placed the men on probation and ordered each to pay \$50 to the complainant; they all paid in two weeks, but at last accounts he failed to recover the blood-stained \$20 — in some way the lawyer managed to get that and refused to part with it.

Case III

A young man who followed the sea most of his life came to the city after serving two enlistments in the United States Navy, married and "settled down." He obtained work with an express company at good wages, and was doing nicely when he and his wife had a disagreement over some trivial matter. In his depressed state of mind he stole \$600 from a money package, yielding to a sudden impulse which he regretted bitterly in a few weeks. Our Agent's report on his case, made to Judge McIntyre, stated that he was born in a small town in Pennsylvania, was brought up in a Christian home, and was not very strong mentally. He made a good record in the World War and had never been convicted of crime. His ill-gotten money was nearly all spent for dental work and clothing.

The Judge released him on probation, with orders to make complete restitution of all the stolen money, to be paid to the probation officer in monthly installments. He reported regularly and paid the express company in full through our office.

On his release from probation he sent the following letter:

COPY

U. S. S. _____

Mr. D. E. Kimball,
135 East 15th St.,
New York City.

Dear Sir: I imagine that by this time you feel that I am very ungrateful and do not realize what you have done for me. I have not written you before or been to see you for the simple reason that I cannot express to you just how much I appreciate what you have done for me.

My imagination is strong enough to picture what my life would have been for the past two years if it had not been for your aid and your intercession with the Judge in my behalf.

The last time that I reported to you I was dumfounded when you told me that my probation was ended, for at the time I had forgotten that it had been reduced to two years, consequently I was at a loss for speech, causing my abrupt leave-taking that evening.

That you do a wonderful work, only those who come in contact with you can realize, and I only hope that some day I can repay some of what you have done for me; if not to you, then to humanity in general, the same as you have done and are doing.

Mr. Kimball I want to thank you from the bottom of my heart and I know that those who are near and dear to me join me in this, es-

pecially my wife and mother (after all they are the ones that really suffer for the crimes of man). I also am thankful to the Judge who allowed me my freedom and enabled me to still retain some vestige of respectability.

Thanking you again and hoping that you will continue in the best of health and will have success in the work you are doing, I wish to remain, sincerely,

Case IV

X. X.

Judge Crain asked a careful inquiry as to the record of a colored boy who seemed to be repentant and whose actions indicated that he was not a thief at heart. It seems that the boy had always worked and, at the time of his fall from grace, was working as a porter in a railway station. The ticket agent asked him to care for the office a few minutes and the temptation to steal the money proved too great for the boy, who took \$18—all the money in the cash drawer—and fled. After he had rambled about the country for eight months he became home sick and conscience-stricken, returned to the city, went to the office of the railroad company and surrendered himself.

Counsel for the company asked the Court to be merciful because of the evidently sincere repentance of defendant as shown by his giving himself up, and not waiting to be arrested. Judge Crain put him on probation and ordered him to restore the stolen money at the rate of \$2 a week, which he is now doing.

EMPLOYMENT BUREAU

Since its foundation in 1844, the Prison Association has aimed to help secure employment for released prisoners. Men are released from prison with clothing which is more of a handicap than a help to them, because of its crude tailoring and inferior quality of material, and because of the uniformity of design. Chapter 134 of the Prison Law of this State reads in part as follows:

"The agent and warden of State prisons shall furnish to each convict who shall be discharged from prison by pardon or otherwise, or who shall be released therefrom on parole, necessary clothing not exceeding \$12 in value (but between the first day of November and the first day of April, clothing not exceeding \$18 in value, and including an overcoat, shall be so furnished), and \$10 in money, and a railroad ticket for the transportation of one person from such prison to the place of conviction of such convict, or to such other place as such convict may designate, of no greater distance from the State prison than the place of conviction."

During the fiscal year, when the cost of living was at its height, ten dollars did not mean very much to a man at the time of his release, and the amount of money allowed by the State for the manufacture or the purchase of clothing for prisoners was inadequate. The result was that many men came to our Employment Bureau for work and material relief. The material relief consisted of clothing, cash loans, meals and lodging. Frequently, after employment was obtained for a discharged man it was necessary to continue assisting

him until he received his first pay. In some instances this required the friendly aid of the Association for a week, two weeks, or perhaps a month.

The successful employment secretary must not only be a good "case worker," but must be competent to give vocational guidance to many of the prisoners who come to him for aid in finding work. The Association has been fortunate in having the services of an employment secretary who was able to carry on his work with an unlimited amount of patience and optimism.

Our employment secretary comes in contact with many interesting men, some of whom might have made their mark if not for a weakness of some kind, and others who have fallen, never to again reach a high level. The following are typical examples of our employment secretary's experiences with men who come to him for help and guidance.

The big problems of life to many a man who has been in prison are those occurring within the family or the job. The man out of prison is often one who cannot make adjustments, and who because of his prison experience suffers from the enormous handicap of the prison record. Oftentimes he is persecuted by some person knowing his past record. Sometimes he will be discharged from his new job, when it is learned that he is an ex-convict. Sometimes the strain is too much, and he goes back to crime.

Clearly, there are for such men problems in which they badly need the help such as the employment secretary of the Prison Association can give.

The industrial slump that began in November, 1920, continued through the year, becoming worse as time ran on. In October, 1920, desiring to offset the lack of jobs, we personally visited many large employers of labor, and, by telephone, got in touch with many others. They all expressed the opinion that the depression would continue. Some said it would last until June, 1921; others that it would not change short of two years. One official of a corporation employing a veritable army, in a personal interview, said, "I am an optimist but things look black. We have laid off 10,000 of our men. When the time comes that we can cooperate with you we will gladly do so." In the early spring the superintendent of a large plant, to whom we telephoned, said he would be willing to receive the applications of our men, but that he would have to give preference to the men laid off in January and February of this year. And so it was throughout.

In constant touch with the State Industrial Employment Bureaus, it was possible to feel the labor pulse daily. Their calls diminished as time went on, and in September, 1921, the official in charge of one of the offices said, "The situation is worse than ever. We reached the minimum and are now at the vanishing point." Requesting consideration for a machinist, we were informed that a big machine company had laid off 500 men, and another company had retained but two employees, the superintendent and the foreman.

During the summer, and in fact up to the present time, men who have come to the Prison Association tell of having slept out doors. One, a married man, said that when he had lost his job and could not pay the rent, he and his wife were obliged to take refuge in the park. Being an old offender and a familiar face to this Association, we asked him why he had not come here before. He said he did not care to impose on good nature. We were fortunate enough at least to get him a job for the coming day and to see that he did not sleep in the park that night.

The general depression had the opposite effect on the work of this Bureau. For the year we had 2,774 interviews, covering a varied assortment of requests. In the great majority of cases of men who sought employment, they were entirely without means of support, and ready and willing to accept anything by which they could obtain a livelihood. For these men it was necessary to furnish lodgings and meals.

An expert mechanic, who had tried the regular channels and failed, came to say he would take anything rather than "go back to prison." He took a hospital job, which lifted the responsibility of paying for room, board and laundry, and at the end of the month the pay was "velvet." This particular applicant was "on his feet" in two months' time.

Some offered to work for their keep, so discouraged had they become. The most forlorn of all was the clerk, or bookkeeper. One, who had been employed in the financial district until he committed the breach, in despair at his failure, said he would work for \$10 a week.

An old-timer feared the "Dead Line," but wanted to know what he was to do. "If I go below the Dead Line to look for work I may be locked up. Do they want me to lie down in the street and die?"

An intelligent mechanical chauffeur came one Saturday morning and said: "I want a job. If I don't get one today it is all off. I had to 'bum' my night's lodging last night. Tonight—unless I get a job—I am going over to Jersey with three other fellows, on a hold-up. Two of them have automatics." By a stroke of good fortune we got him a job over the phone, on the first try, and sent him at once. It was plain to be seen that he was relieved in spirit, knowing as he did the risk he was likely to run.

Several for whom we got simple jobs called later on to say that they had reached the point of desperation when the job came, and invariably expressed appreciation. The men who have done several "bits," and who have never taken to work seriously, find difficulty in adjusting themselves to continuous effort. They mean to do the right thing, being heartily sick of prison walls and the dull, monotonous grind, but they have become institutionalized, and it does not wear off readily.

In the course of a year we encounter a great variety of men, measured by their line of action, the old-time burglar, the pick-pocket, the confidence man, and so on through the category of crook

activity. Among the number, without regard to his forte, is the Nabob. He struts in with an air of condescension, surveys the premises, then, at our invitation, takes a seat. He has real business to discuss, but the end is always in sight—he wants money, and seems to believe the reason he gives for wanting it. One of that sort came not long ago and made a modest request. He wanted from \$450 to \$500. He finally compromised on three dollars. The Nabob is not more trustworthy in these financial matters than is the denizen of the Bowery. Strike an average, and the latter is likely to win by a narrow margin. It may be that we expect much from the Nabob and too little from the denizen of the Bowery.

The old-time burglar holds up his hands in horror at the modern methods employed. One who, to use his own language, has "a long record down below" meaning Headquarters, and indicating the length by touching his left arm near the elbow, was disgusted beyond measure. "Ain't it awful," he said, "how these young drug-using cowards black-jack and shoot people before robbing them!"

Miss ——— of generous proportions invades. Her beloved has been drinking. She has a position that pays \$25 per week. He is capable, but is not averse to her contribution. His abuse has become unbearable and she would sever the immaterial bond, though there had been no formality when the partnership was formed. We knew him well. A few more wives did not increase his burden. They were more likely to increase his income. His last term was for bigamy. History may repeat. At any rate we pointed the way out of the miserable tangle and now she is free.

A pickpocket, 20 years of age, came in last summer. He said he had been a thief all his life, never had earned an honest dollar, but wanted to go straight. He started in at the House of Refuge at the age of 13, and by gradual steps reached the state prison of a nearby State. On entering, he asked the Warden to put him in the print shop to work, saying that he wanted to learn a trade so that when he was released he could earn an honest living. The Warden ignored his request; instead he kept him in solitary confinement for twenty months. He resolved upon his release to clear out of those parts promptly and come to New York. It was then he came to this Association. Everything he said indicated sincerity. We took him in hand, referred him to numerous places, sent him to see substantial citizens and a few sensible women, feeling that each interview would help break down the barrier that holds the man in the underworld from the higher level.

Among those who saw and talked with him were two ministers, young men, who did not preach or lecture, but in a philosophical and sympathetic way conveyed their messages. In addition to that, they gave material aid. When the young man returned to the Prison Association, he said, "Those are fine men, and what they have done for me proves that there is practical Christianity." He said, "I am determined to go straight, if you are willing to stand by me until I get a job and can support myself." We finally succeeded in get-

ting him a job as salesman on a commission basis, and when he earned his first commission, he came in beaming with smiles, and said, "I have earned my first honest dollar."

This young fellow did not believe educated and respectable people would take him by the hand, and he demonstrated keen intelligence in describing the persons and giving his experiences. Strange as it may seem, many of those of the underworld consider all who live above and work honestly as lacking in mental balance. The only sane and sensible ones are those who go out and "get it" easily. They only work when funds run low, and this young man was no exception. Life took on a different aspect when he saw the falsity of the underworld philosophy, and he is now working honestly with an ambition to do better things.

The drug addict is the most unreliable as well as the most difficult case to handle. Very few during the past two years have given any promise of stability. One or two, at present in mind, may come through as free men. These men work until the craving increases to such an extent that honestly earned money proves insufficient for the purchase of dope. Then they will steal, and the so-called "cure" follows. In many cases they return to freedom with unchecked craving, and resume the practice immediately upon their release. They come to this office in rags and tatters. To say they are disgracefully clad does not describe it; many of them are indecently clad. In this condition the great city of New York releases these unfortunates. Even if they had a desire to make an effort for better things, there is no incentive. They cannot approach an employer dressed as they are, and if they could, they have not the means to procure one night's lodging not to speak of food and other necessities. It becomes our duty then to improve the general appearance by furnishing clothing, shoes, etc. Jobs we have gotten for them, but they rarely stick, often failing to go to the place of employment. From time to time these men return to express sorrow for not having taken the job, and have explained their failure to do so because of having met with one of the fraternity who gave them a "shot" to cheer them up. The person who gave the "shot" would not give them a dime with which to purchase "coffee and —" It is to be hoped the day will come when these men will be turned out of the institutions looking at least like human beings.

An occasional story comes to light that has in it a grim element of humor. X. needed money. He entered a synagogue, and seeing a box in which the pious dropped coins, he did not delay to pry it loose. Awaiting the opportune moment he took the box and all it contained. When he reached a place of safety he opened the box in which there was \$19. He then made another discovery: that the contributions were intended for the poor. Thus enriched he bought a gun, went out on the highway and in a hold-up realized a snug sum. Enclosing \$38 in an envelope he addressed it to the Rabbi with a note, saying: "When I took the box of coins I did not know they were intended for the poor. I used the money to set myself up in business, and being successful, I am returning it with interest."

A young foreigner fell into bad company, and soon became a "gun toter" for a band of four dope users. When they returned from a voyage and handed over the guns they each paid the gun toter \$10. This made \$40 easily earned. But the young foreigner figured that if they could pay him an aggregate of \$40 every time they returned from an excursion, he could buy a gun and all he got would be his own.

He got the gun, and with the utmost coolness, held men up in the bright light of day on Broadway. The gun had the effect of magic, for those thus addressed usually came to time in a hurry and passed over the money. Religiously the gunman would pass to the victim a two-dollar bill that he had rolled up for the purpose, thus precluding the possibility of a long walk. The gunman has since gone to Sing Sing.

October 1, 1920, to September 30, 1921

| | 1920-21 | 1919-20 |
|---|----------|----------|
| Total number of men interviewed..... | 1,487 | 734 |
| Number of men who came for employment..... | 777 | 439 |
| Number of men who came for relief..... | 516 | 204 |
| Number of men who came for advice and counsel..... | 194 | 91 |
| Actual number of men referred to places of employment..... | 733 | 439 |
| Number referred once..... | 471 | 370 |
| Number referred twice..... | 153 | 54 |
| Number referred three or more times..... | 109 | 15 |
| Actual number of men placed..... | 333 | 227 |
| Number referred but not yet reported as securing employment..... | 367 | 212 |
| Number referred to other agencies because of age or crippled condition..... | 10 | 20 |
| Total number of interviews..... | 2,774 | 1,390 |
| Number of interviews re: employment..... | 1,111 | 706 |
| Number of interviews re: relief..... | 1,236 | 380 |
| Number of interviews re: advice and counsel..... | 427 | 193 |
| Total number of men receiving relief..... | 662 | 354 |
| Number of 10c meals given..... | 5,791 | 1,824 |
| Number of 25c meals given..... | 346 | 110 |
| Number of men to whom clothing was given..... | 159 | 85 |
| Number of lodgings provided..... | 771 | 299 |
| Number of men to whom cash relief was given..... | 522 | 251 |
| Total amount of cash relief given..... | \$864 15 | \$933 27 |

RELIEF DEPARTMENT

ROSSELL SKEEL, JR., Secretary

Perhaps our readers will be interested to accompany me for a morning at my desk, and for a round of visits in the afternoon and evening, and to Sing Sing for a day.

Recently at one of the prisons up the State, T. T., whose wife we assisted some time ago, told me he had not heard from her and did not know where she was, and asked that I should find her and write him her whereabouts and her circumstances. I succeeded in "locating" her, and asked that she should come and see me. She is here at my desk, and tells me that while at work in the country, her little child being with her, she met a man who lived nearby — how they

became attached to each other, and how they finally decided to leave, giving it out that they had been married. She tells me how happy they are together; how well he treats her; how devoted he is to her little child, and how she plans to get a divorce from her husband "because of his long prison sentence." She declares that she is very much surprised, when I tell her that a divorce could not be had for this reason in this State. Whether she is genuinely surprised, I am unable to say. I advise her that I consider it is only fair to let her husband know, for so long as he thinks she belongs to him, he may undergo much mental distress if she just dropped out of sight. Furthermore, I say, that if her husband does not hear anything from me, he will soon write to me to ask if I have found her, and then — what shall I say? She had evidently thought this all out; she tells me she will send her sister to tell her husband's parents all about it, her idea being that they will write to him: "Oh, well, if she doesn't care anything more for you than that, just forget her and sue her for a divorce." Her justification is: "Why should I, a young woman, stick to a man who is sentenced to prison from twenty years to life, and who never treated me very well?" I leave it to my readers to judge. Now that the deed is done, my position is that if she does not inform her husband, I shall have to do so, for having knowledge of the facts, I shall not lie to him if he asks me. What he will do, or try to do, will have to be continued in our next.

Next comes little "A," as we call her—a mite of a woman, whose baby looks too big for such a little mother. Her husband has "from four to eight," as we say, and will not be home until the end of 1923. We are giving her \$3 a week to supplement her small earnings of about a dollar a week at home work, until she is stronger and able to work out. She lives with an aunt who gives her board and lodging for the small sum of about \$4 a week. She is not well and is being treated at a clinic. Her husband, a big strapping fellow, and really very nice-looking, is very grateful for our interest in her, and the last time I saw him in prison, gave my hand such a grip that I felt my fingers crack.

Then Mrs. "B," comes. Her former husband, from whom she is divorced, is in the workhouse for non-support of their little child. She is a cardiac case, and lives at home with her mother and father. The father is partially paralyzed. Her mother came to me not long ago, declaring that the father was out of his head, and that she could not stand it any longer, and must put him away. And how should she go about it? After seeing him more than once and talking with him for some time, I concluded that he seemed quite sane, and it did not seem to me at all strange that he should "be ugly at times," sitting all day in such a home with nothing to do and unable to work. After several attempts, I finally got him to the Neurological Institute. He is now receiving free treatments three times a week, and is greatly encouraged, feeling that he may be cured to the extent of being able to do light work.

Next I have a call from Mrs. "G.," whose son has been transferred to Napanoch, the prison for defective delinquents. She wants

to know all about it. I have long ago given up trying to make ignorant people understand the difference between feeble-mindedness and insanity. I say to her I shall write the Superintendent and tell her what he says about John's mind. When the answer comes: "Mental defective with intelligence quotient .56, and a mental age of nine years," I go to see her and have to tell her that John will probably not be set free at the expiration of his sentence, but will have to be tried out as to what responsibility he will develop in the farm colony which they hope to establish at the prison next summer. This is all "Greek" to John's family, and in such a case, all I can do is to tell them I will see him if I go up there, and encourage them by giving them as hopeful an outlook as I dare. The mother begged me to get John out and actually tried to press a few dollars into my hand. This is the only instance of money being actually offered to me, but many times the suggestion has been made that friends of the prisoner were ready to "come across" if I would "get him out." Nothing that I can say will really convince some of these ignorant foreigners that I could not get the man out if I really wanted to.

In comes young Mrs. "I." We have never given her any financial assistance. She is working. In talking with her about her health, she told me of symptoms which impelled me to suggest that she go to a certain hospital. It was a long time before she would go, but when she grew worse, she finally went there, and now she tells me how well they treated her there and how glad she is she went, and that she will go for the treatments, and if they tell her she should not work full time, she will apply to the Board of Child Welfare for an allowance for her child. Her husband writes me he is very glad I sent her there.

In my mail I find a letter from Mrs. C. C., from the Burke Foundation at White Plains. She likes it very much up there, she says. When I first called on her in Sheriff street, she and her two-year-old child were living with her unmarried sister who was supporting her, probably aided by some relative. She said she was sick and unable to work. As she was the second wife of a bigamist, her marriage was annulled, and she has no intention of living with the bigamist husband, though he is free to marry her now, since his first wife divorced him.

On leaving the office in the afternoon, I go to see young Mrs. "B.," who has one little child. I learned from her that there has been a great deal of trouble between herself and her husband, and she thinks he is mentally unbalanced. As evidence of this, she shows me the keys of an old piano which she says her husband broke with a hatchet. The hands of the clock had been mutilated, and she says that he broke furniture and china. Some agency paid her rent for the past month, and she is now considering whether it would be best to go and live with an aunt. She is working in a restaurant a few hours a day. She is not well. I have urged her to go to a hospital

for examination, telling her that if she is going to separate from her husband, it is of vital importance that her health should be brought up to a normal condition so that she can support herself. I also strongly advised her to live with her aunt. She seems much discouraged and will need considerable oversight.

Next I call on young Mrs. "F." in one of the large hospitals. She has one child who is being cared for by her husband's parents. The other little one was being placed in a day nursery while Mrs. "F." went to work. Then Mrs. "F." was taken down by an attack of pneumonia and pleurisy. The Social Service Department of one of the uptown hospitals took charge of the baby, and were paying its board at the rate of \$7 a week while the mother was at the hospital. I told young Mrs. "F." that we and her church would provide for her rent during her illness, and that we would see the Company which had sold furniture to her on the instalment plan and endeavor to secure a postponement of the weekly payments Mrs. "F." had engaged to make, and I made Mrs. "F." promise that she would go to Burke Foundation for convalescent care. Subsequent to my call, she became very ill. I went there several times to see her. Now she is up and about again. After consultation with the Social Service Department which had placed the child out to board, it was decided that they could not afford to continue to pay the child's board, for if they did so for any length of time, the mother would feel impelled to hasten back to work, so we decided to have the little one committed, feeling that the mother would then feel quite free to remain away as long as may be needed to bring about her cure. After she returns from the Burke Foundation, we may send her to some other place in the country for a further rest, and we think it will be well to keep the baby in an institution for perhaps a month after the mother returns home, so that when the mother first begins to work again, conditions will be as easy for her as possible.

I next go to Brooklyn, where I find a family of a mother and six children living in a little shack, a part of which was used as a small fruit and vegetable store before the father went to prison. Besides the little store, there are two rooms, one of which was used as a kitchen and eating place, and the other as a bedroom for the entire family of seven. Both rooms were in a filthy condition. The eldest daughter, aged 15, is feebleminded. I learned that a public school had been sending in food. I arrived at supper time; there was no bread in the house, that I could find, so I sent in a few loaves and some macaroni. The family had only beans cooking for supper. I referred this case to one of the large agencies in Brooklyn, which, after a thorough investigation, decided that we should recommend to the mother that most of the children be committed, so that she could go to work, and that a strong effort should be made to find decent and sanitary quarters for the mother and one or two of the children, who should remain at home. This family is of so low a grade that it does not seem worth while to spend the money necessary to keep them together until the man's release.

Next I call upon Mrs. "H.," to whom we are giving a small amount a month for the purchase of milk and eggs or fruit. She is an advanced case of tuberculosis. She says that she wants to die at home, and begs that she shall not be sent to a hospital to end her days in a consumptive ward. Her mother is willing to keep her, but cannot afford to give the extra food she needs. She is an intelligent woman, so will not be a menace to the health of those with whom she lives, and there are no children in the family. Sometime ago, when we went to Sing Sing, we took her with us to see her husband, as she really is too feeble to attempt to go alone. When we saw the joy that this man and woman felt in meeting each other again, after so long a separation, we felt amply repaid for the effort we made to take Mrs. "H." with us. She is very grateful for what we do for her.

And then I go to see young Mrs. "W." in Harlem, whose husband has just been sent away, and whose baby has only just been born. She is living with her father and mother. Her father is out of work and so is her sister, and they find it very difficult to get along. Mrs. "W." tells me that she has no winter coat at all. After an investigation of this case, we decided to give her a small allowance per week for milk and eggs, and we bought a coat for her. She seems a very nice young girl, and when we go to Sing Sing, we shall endeavor to impress upon her young husband the responsibility he now has, and we shall do all we can to make him realize that he simply must not go to prison again.

In this connection I would say that I often hear people declare that some of the men in prison are absolutely hopeless, and that it is quite useless to spend any time in discussing with them the question of their reformation. Sometimes I feel this way myself, and yet, once in a while a man quite surprises me.

Young "S." was released from State's prison in June last, and although he is only 24 years of age, his criminal record is a long one, beginning in a reformatory, away back in 1907. I learned at the prison that his body, arms and legs were covered with old abscess scars from the use of a hypodermic, and he admitted having used forty grains of heroin daily. His young wife felt sure that he would make good, and I really did not have the heart to throw a wet blanket on her hopes, although I was extremely skeptical about him. To my surprise, he went to work as an operator in a leather-goods factory and has actually been promoted to foreman of the shop. He says he never worked before. I told him I thought that if he once got the habit of working and of accomplishing something and earning money, it would be more interesting and satisfactory than to attempt to live by his wits, or by stealing. His reply was: "Why, I do like it; I am the first one up in the morning." He tells me that when he first went to Sing Sing, and the cell door closed on him, he felt as if he were being smothered. He lived in the same cell for three years. He decorated it with pictures, had a number of books there, and declared that after awhile, when he got used to it, the

cell seemed to him to be so much larger than at first and that he really grew to be quite contented and at home there. However, he says he likes it much better outside of the prison than in!

Perhaps our readers will be interested in a few of my interviews at Clinton Prison, 300 miles away in the Adirondacks. My first caller was "M.," a professional safe-blower. He has a very nice young wife and two attractive step-children. Under our direction, she applied at the Board of Child Welfare for an allowance for these children. There was some complication about the case, owing to the fact that the father of the children was not a citizen and that the children were only the step-children of "M." After much discussion with the Corporation Counsel, the allowance was finally granted. "M.'s" criminal record would seem to brand him as quite hopeless. He tells me that in the past he has not minded being in prison at all. I mildly suggested that with such an attractive wife and with two such nice children, were I in his place, I should certainly stay home after I once got out. He replied that he had thought it all over and that he was getting tired of prison life and longed to get out. His words were: "I have had enough and I am going to quit." It will be several years before he is released.

Next comes Tony. He is serving a sentence of seven years for carrying a loaded pistol. He was arrested in an automobile in company with six other men and under suspicious circumstances, and, having a criminal record, he was convicted solely on the arresting officer's testimony. We sent Tony's wife to apply for an allowance from the Board of Child Welfare, and during the investigation it developed that his wife's first husband was a man named "F.," whom she declared to be dead, but of whose death no proof could be obtained. We discovered that "F." had been in prison; that he had been released upon a certain date; that he enlisted and was sent to Fort Slocum, and from there, all trace of him was lost. As no proof of his death could be obtained, the allowance was not granted. I had to tell Tony that we were in a strange predicament, not knowing whether his wife has a husband living or not. She told me that a detective, whom she knew, said that "F." was dead, and this she accepted as gospel truth. Tony is very anxious to have his wife secure the allowance and tells me that she knows a lawyer who has proofs of "F.'s" death, and then Tony astonishes me by saying: "If we can't prove his death, then I want to get a divorce."

Next comes Frank, whose sentence is from twenty years to life. He has five children and his wife works. One of the charitable agencies where she resides pays the rent, and the Prison Association has been aiding in supplementing the income. This woman has been making a very up-hill fight of it, and it is quite a wonder that she has the courage to keep up such an unequal struggle, but as soon as the eldest child reaches the working age her task will not be so hard. Frank has been in Clinton Prison a long time and before I go up there I try to go and see his family so as to give him the latest news as to how all the children are, etc.

On my list was a man named "S." The Principal Keeper came in and said: "This man says he is going to kill you, what shall I do?" My reply was: "I suggest that you have him searched and bring him in under guard, for if he feels that way toward me, I certainly want the opportunity to square myself." The man was searched, but then refused to come. Before I left the prison, I sent an urgent request that I should like to see him. He came, and we talked the matter over alone. Some months prior to this, his wife committed suicide by asphyxiation, and caused the death of her little child, age four, by this means. She sealed up the room and turned on the gas. The man declared that I was responsible for this suicide and murder, because I had told his wife that she was an improper guardian for the child and that I would refer the case to the S. P. C. C. with a view of having the child placed in an institution. I suppose "S." got this idea because at a previous visit to the prison I had raised this question with him, and it was his opinion that his wife was not a proper guardian, and he left it to me to take any steps in the matter which I thought best. This woman had tried suicide twice before, and I felt that if I should initiate proceedings to have her child removed from her custody, she would very likely take her life. I therefore did nothing about it. I told "S." that when I first knew his wife, I found her suffering from an internal infection; that I had sent her to a special hospital, with the understanding that we were to give her an allowance for food each week while she was undergoing treatment. She was living with a cousin who was quite willing to keep her, rent free. She went to the hospital and I paid the first week's allowance, and then she disappeared. I could not find her, but finally learned that she had gone to some relative in the country. This was the last I ever heard of her until I heard news of the suicide. I think I convinced "S." that we had done all we could to put his wife in the way of regaining her health so that she could work and support herself, and that I was not to blame for this tragic occurrence.

Next comes John V., doing twenty years for robbery in the first degree. His wife is in the care of one of the large relief associations, and we are paying the rent until the youngest child is old enough to enable John's wife to go to work. She is a nice young woman and her youngest baby looks as if he might be a prize winner. John has never seen this baby, as it was born after he went to prison, and it was really amusing to see his eyes light up when I have described what a fine baby the girl really is. He made me promise that I would give the baby a kiss for him the next time I went to his house. Like all men in Clinton Prison who have families in New York, John is greatly concerned in his efforts to be transferred back to Sing Sing. He told me that a certain priest was going to write a letter to the Superintendent of Prisons, requesting his transfer, and he insisted that I should see the priest and talk over the wording of the letter. He was most eager for news from his wife and children and wanted to know every little detail of just

what home work his wife is doing. I asked him if he thought he would ever go back to prison after this. His reply was: "You must think I am crazy if I cannot learn anything from such a lesson as this." John's previous record consists of a term in the workhouse and confinement in Elmira. But these imprisonments were as nothing compared to his present "bit."

RELIEF BUREAU STATISTICS

For the Fiscal Year October 1, 1920, to September 30, 1921

| | |
|---|-----------|
| Number of new cases investigated during the fiscal year..... | 286 |
| Number of cases closed during the fiscal year..... | 110 |
| We have had this year the usual co-operation from the Charity Organization Society, the Association for Improving the Condition of the Poor, the United Hebrew Charities, the Brooklyn Bureau of Charities and the St. Vincent de Paul Society. | |
| Total number of visits by Mr. Roswell Skeel, Jr. and Mrs. Hore, made to families, relatives and agencies..... | 2,329 |
| Number of men interviewed at the Penitentiary at Blackwell's Island, the Branch Penitentiary at Hart's Island, and in different City prisons, and in Sing Sing, Great Meadow and Clinton Prisons..... | 543 |
| Number of women referred to the Board of Child Welfare, eligible for allowances for their children, under the State law..... | 60 |
| Number of allowances granted..... | 33 |
| The following were disallowed because: | |
| Mother was found to be an improper guardian..... | 4 |
| Family was found to be self-supporting..... | 6 |
| Man escaped from prison..... | 1 |
| Children were committed to an institution..... | 1 |
| Prisoner's relatives refused to sign affidavits proving his citizenship..... | 1 |
| Child found to be illegitimate..... | 1 |
| No satisfactory proof of death of woman's first husband..... | 1 |
| Insufficient length of residence..... | 1 |
| Man discharged from prison..... | 1 |
| Lack of proof of citizenship..... | 1 |
| Applications still pending before Board of Child Welfare..... | 9 |
| | <u>27</u> |

The total of these thirty-three allowances amounts to \$1,232 per month, or over \$14,500 per annum.

| | |
|---|----|
| Women referred to hospitals for general examination..... | 7 |
| Women sent to Lying-in Hospital..... | 1 |
| Children sent to T. B. Clinic..... | 1 |
| Women sent to Guild of the Infant Saviour..... | 2 |
| Women in ill health sent to the country..... | 10 |
| Women sent to the Neurological Institute..... | 3 |
| Women referred to Woman's Hospital..... | 7 |
| Women referred to New York Hospital for special cardiac examination..... | 2 |
| Women referred to the Department of Public Welfare..... | 1 |
| Women and children referred for examination of the eyes and to whom glasses were furnished..... | 11 |
| Children referred to the hospital for examination of injured eye..... | 1 |
| Women and children sent to the dentist..... | 13 |
| Children sent for tonsil and adenoid operations..... | 8 |

| | |
|--|------------|
| Children sent for examination by children's specialist in Bellevue Hospital..... | 2 |
| Children sent to the New York Clinic for Speech Defects..... | 3 |
| Girls referred to the Catholic Big Sisters..... | 2 |
| Women referred to the church for funeral expenses..... | 1 |
| Men sent to the New York Association for the Blind..... | 1 |
| Children sent to the country..... | 16 |
| Boys sent to camp..... | 2 |
| Girls referred to the Manhattan Trade School..... | 1 |
| Children sent to the Music School Settlement..... | 1 |
| | <u>99</u> |
| Mothers provided with Thanksgiving dinner..... | 63 |
| Children provided with Thanksgiving dinner..... | 167 |
| Mothers provided with Christmas dinner..... | 70 |
| Children provided with Christmas dinner..... | 175 |
| | <u>475</u> |

Total Expenditures for the Fiscal Year by Relief Bureau for Prisoners' Families

| | | |
|--|----------------|-----------|
| Food..... | \$1,113 | 89 |
| Sundries..... | 116 | 52 |
| Rent..... | 3,378 | 00 |
| F. Fund..... | 123 | 50 |
| Thanksgiving and Christmas Funds..... | 723 | 84 |
| Special Relief Fund for Prisoners' Families..... | 48 | 53 |
| Y. Family..... | 38 | 50 |
| By Roswell Skeel, Jr..... | 676 | 49 |
| O. F. Lewis Almoner Fund..... | 280 | 00 |
| Norrie Fund..... | 84 | 97 |
| Hood Fund..... | 30 | 00 |
| | <u>\$6,610</u> | <u>24</u> |

LEGISLATIVE ACTIVITY OF THE PRISON ASSOCIATION IN 1921

During the 1921 session of the New York State Legislature, the attention of the Legislators was directed principally to the Governor's programme involving the reorganization and elimination of State Departments and Commissions. Little hope was entertained by those interested in the administration of prisons and court procedure for the enactment of progressive legislation. However, quite unexpectedly some definite progress resulted, the most striking example of which was the establishment of a separate institution for the care of feeble-minded male delinquents. It was continually necessary to combat reactionary and severe legislation, which was introduced to cope with the so-called "crime wave."

¹The monies expended from these special funds were for food, rent, dental work, etc.

The following bills became law:

Chapter 101 makes it a felony for a man to abandon his wife while she is pregnant and in destitute circumstances. The Prison Association approved of this bill.

Chapter 213 permits the Superintendent of State Reformatories to allow an inmate to visit a near relative who is seriously ill, or to attend the funeral of a near relative. Similar legislation affecting only the prisons was passed in the 1920 session. Both bills were approved by the Prison Association of New York.

Chapter 223 amends the New York City Inferior Criminal Courts Act, and thereby authorizes the taking of fingerprints after conviction in the Special Sessions Court.

Chapter 250 changes the name of the Domestic Relations Courts in the City of New York to Family Courts. The Prison Association approved of this bill.

Chapter 364 amends the State Charities law in relation to the diversion for mentally defective women at Bedford, and provides for the transfer of mentally defective women from other institutions in the State in which women are confined. In its main features it is a parallel bill to the one setting the Napanoch Institution aside for feeble-minded male delinquents. The Prison Association approved of this bill.

Chapter 375 makes court officers of the Court of General Sessions in New York City peace officers. The Prison Association approved of this bill.

Chapter 376 provides for the imprisonment in Auburn Prison, of a female convict awaiting execution instead of as now in Sing Sing. The Prison Association approved of this bill.

Chapter 478 amends the Code of Criminal Procedure in relation to reprieves, commutations, and pardons. The word "parole" was inserted for the purpose of assisting the Attorney General in conducting any proceedings where convicts who had been declared delinquent sought discharge by writ of habeas corpus.

Chapter 483 makes New York a pioneer in providing a separate institution for feeble-minded male delinquents. The Eastern New York Reformatory, which was formerly a branch of Elmira Reformatory, has been designated in the law as the new institution. It will be under the control and direction of the State Commission for Mental Defectives, and will be used for the care, training and treatment of mental defectives over sixteen years of age, charged with, arraigned for, or convicted of criminal offenses. The institution is open to those held for, or convicted of, a misdemeanor or a felony, except murder in the first degree. The transfer of prisoners in State prisons, reformatories and penitentiaries to the Napanoch institution must be done upon certification of the physician and warden of the institution in which the person is confined, and, in addition, with the approval of the Commission for Mental Defectives, subsequent to their examination. Any one in custody as a mentally defective person is entitled to a writ of habeas corpus under a proper

application as provided by the Code of Civil Procedure or Civil Practice Act. A mental defective who has been arraigned, convicted, or in custody on a criminal charge, shall not be paroled before he might have been paroled from another institution, if any, to which he was originally committed, or before he would have been paroled if he had been committed to a reformatory or penal institution under the same charge. The law becomes operative June 1st, 1921. The Prison Association of New York has long advocated such an institution.

Chapter 485 makes possible the appointment of a man or woman as Superintendent of the State Reformatory for Women at Bedford, and further provides that the appointee must be a physician of at least five years' experience in the actual practice of his or her profession. The physician feature of the bill was opposed by the Prison Association.

Chapter 567 amends the Prison Law, and provides for the parole supervision of other than first offenders subsequent to release from a State Prison. The Prison Association approved of this bill.

Chapter 623 amends the Inferior Criminal Courts Act in relation to the temporary detention of younger and less hardened female offenders. Pending the completion of a suitable place of detention in the City of New York, young and less hardened females arrested when a separate court for women is not in session, shall be forthwith conveyed to such institution for the reception of females as may have been designated by the Chief City Magistrate as suitable for such purpose. The Prison Association approved of this bill.

A proposed Constitutional Amendment authorizing the Legislature to establish Children's Courts and Domestic Relations Courts as separate courts, or parts of existing courts, and to confer upon them such jurisdiction as may be necessary, was passed again this year, was submitted in the fall to the voters, and accepted.

The following bills failed of passage:

1. A bill to establish the New York Training School for Boys, thereby providing for the Eastern part of the State an institution similar to the State Agricultural and Industrial School near Rochester. This bill was approved by the Prison Association of New York.

2. A bill making the penalty for burglary in the first degree the offender's natural life instead of not less than ten years. This bill was strongly opposed by the Prison Association of New York.

3. Two measures for the abolition of capital punishment. No action was taken by the Board of Managers of the Prison Association of New York.

4. A bill providing that a defendant cannot be admitted to bail except by a Supreme Court Justice, or a Judge of the Court of General Sessions where he is charged with any offense, and is already under bail. This bill was approved by the Prison Association of New York.

5. A bill proposing an amendment to the Constitution, creating a Pardon Board. The Law Committee of the Prison Association of

New York approved of the plan to have the Governor relieved of the consideration of all requests for a pardon, but felt that this work should be taken over by the present Parole Board, as is done in other States.

6. An amendment to the New York City Inferior Criminal Courts Act provided that appeals from a judgment or other determination of a City Magistrate should be taken to the Special Sessions Court, instead of as now to the General Sessions Court. This bill was approved by the Law Committee of the Prison Association of New York. The chief point in favor of the bill was that it was better to have three judges consider an appeal from a lower court, rather than a judge in a higher court.

7. Provided for a department of dentistry for the prisons. The Prison Association approved the bill in principle, but felt that certain features of it were undesirable.

8. Provided for the commitment, custody and control of wayward minors between sixteen and twenty-one years of age in the City of New York. The purpose of the bill was to bring under the jurisdiction of the court cases of wayward minors who had not committed a crime. It was approved by the Prison Association.

9. Provided for the election of a Public Defender. No action was taken by the Board of Managers of the Prison Association on this bill.

10. Proposed an amendment to the Penal Law in relation to suspension of sentences. This bill was opposed by the Prison Association. It was detrimental to the working of the probation system.

11. Provided for the election of City Magistrates and Judges of the Special Sessions Court. It was disapproved by the Prison Association.

12. A bill to amend and repeal certain sections of the Prison Law relative to the compensation of prisoners, was opposed by the Prison Association on the ground that it was unjust, and would seriously interfere with the administration of the various prisons.

13. Provided for jury trials in the Special Sessions Court and City Magistrates Courts. It was opposed by the Prison Association.

14. Provided for an amendment to the Code of Criminal Procedure, in relation to determination of mental defect of person charged with or convicted of a crime, and the commitment of a person found to be mentally defective. The bill reads in part as follows: "If the acquittal be on the ground that the defendant is mentally defective, the court, in its discretion, forthwith may commit the defendant to the appropriate State institution for the care, training, or custody of mental defectives."

TREASURER'S STATEMENT

SCHEDULE A

Statement of Assets and Liabilities at date of September 30, 1921

| | | | |
|---|-----------|----|---------------------|
| Cash: | | | |
| Mechanics and Metals National Bank..... | \$466 | 88 | |
| United States Trust Co..... | 429 | 07 | |
| Bank of the Manhattan Co..... | 289 | 33 | |
| Sundry cash items..... | 110 | 43 | |
| Petty cash..... | 99 | 87 | |
| | | | \$1,396 18 |
| Investments (at cost): | | | |
| Endowment Funds..... | | | 181,606 52 |
| Real Estate (at cost): | | | |
| House and lot, 135 East 15th St..... | | | 22,500 00 |
| Accounts Receivable: | | | |
| New York State Reformatory, Elmira..... | \$100 | 00 | |
| Sundries..... | 49 | 60 | |
| | | | 149 60 |
| Interest Accrued: | | | |
| Investments..... | \$3,047 | 92 | |
| Bank balances..... | 133 | 98 | |
| | | | 3,181 90 |
| Prepaid Expense: | | | |
| Insurance Premiums..... | \$94 | 21 | |
| Sundries..... | 61 | 15 | |
| | | | 155 36 |
| | | | <u>\$208,989 56</u> |
| Liabilities | | | |
| Special Donations..... | | | \$233 66 |
| Expenses, due or accrued..... | | | 1,083 85 |
| Capital: | | | |
| Endowment Funds..... | \$185,850 | 40 | |
| Capital Account..... | 21,812 | 65 | |
| | | | 207,672 05 |
| | | | <u>\$208,989 56</u> |

SCHEDULE B

Cash Receipts and Expenditures for the year ending September 30, 1921

| | | | |
|---|---------|-----|------------|
| Balance September 30, 1920: | | | |
| United States Trust Co..... | \$3,199 | 32 | |
| Bank of the Manhattan Co..... | | 824 | 72 |
| Mechanics and Metals National Bank..... | | 393 | 83 |
| Petty cash..... | | 68 | 64 |
| Sundry cash items..... | | 16 | 15 |
| | | | \$4,502 66 |

