CHAPTER XI

THE PROBATION AND PAROLE SYSTEM

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PART A

HISTORY OF THE SYSTEM IN ILLINOIS

1. The Function of the Board of Paroles.

A widespread misapprehension exists concerning the functions of the Illinois Board of Paroles and a general tendency to believe that, whenever the board takes any action after a prisoner has been convicted and sentenced, it is more or less an interloper and unjustifiably interfering with the discretion and judgment of the trial judge.

The fact remains, however, that, even in all cases of crime—even misprision of treason, murder, rape, and kidnapping, for which a definite term of imprisonment is imposed, the board, under the statutes, of necessity must take some action and must accord the prisoner a hearing. The board, in the final analysis, is the real sentencing body and to all intents and purposes acts and functions in the capacity of an assistant judge.

In all crimes except misprision of treason, murder, rape, and kidnapping, Section 796 of Chapter 38 of the Revised Statutes of Illinois, expressly states that the sentence—

> "Shall be a general sentence of imprisonment and the courts of this state imposing such sentence or commitment shall not fix the limit or duration of such imprisonment. The term of such imprisonment or commitment shall be for not less than the minimum nor greater than the maximum term provided by law for the offense of which the person stands convicted or committed. It shall be deemed and taken as a part of every such sentence, as fully as though written therein, that the term of such imprisonment or commitment may be terminated earlier than the maximum by the Department of Public Welfare, by and with the approval of the governor in the nature of a release or commutation of sentence or commitment."

Even in the excepted crimes, that is to say, misprision of treason, murder, rape, and kidnapping, Section 795 of the same statute seems clearly to contemplate that the board shall not only have, but, in proper cases, shall exercise the power to parole; but only after the expiration of twenty years in the cases of persons who have been sentenced for life; and in the cases of persons who have not been sentenced for life, not until after the expiration of the term of the minimum sentence provided by the statute for the crime and for which the trial court might have sentenced the prisoner if it had chosen to do so instead of for the longer term, and provided that one-third of the sentence actually imposed has been served. The statute is clear and cannot be misunderstood.

Though there was at one time and no doubt still exists a school of criminology, the disciples and followers of which taught that every sentence should be definitely and precisely fixed by the judge and explicitly carried out, and yet another school, the partisans of which progressed a step farther and maintained that the legislature itself should definitely establish a tariff

of penalties for the various crimes without allowing any discretion either in the trial judge or in a Board of Paroles, nevertheless, neither of these hypotheses have, at any time, been adopted by the legislature of Illinois.

Even before a system of paroles was inaugurated and in the days when a gubernatorial pardon was the sole means of obtaining executive clemency, a discretion was reposed in the trial court and, in all cases except murder and treason, a maximum and a minimum penalty was enacted by the legislature between the limits of which the trial judge and often the trial jury were permitted to act.

We should, at the outset, bear in mind the fact that the Board of Paroles is, after all, the least of the factors which can be sought for indulgence and leniency in the administration of the criminal laws. We must ever remember that, notwithstanding the creation of the board, the pardoning prerogative of the governor still exists and this prerogative includes the power to grant a conditional pardon which may take the form of a parole, and can only be controlled by reasonable legislative provisions relative to the method of applying therefor. We must also recognize the widespread use of probation.

2. Pardons, Paroles and Probation, Distinguished.

A *pardon* is the remission by the power entrusted with the execution of the laws of the penalty attached to a crime. The right of pardoning is co-extensive with the right of punishing. "In a perfect legal system," says Beccaria, "pardons should be excluded, for the clemency of the prince seems a tacit disapprobation of the laws." In practice the prerogative is extremely valuable, when used with discretion, as a means of adjusting the different degrees of moral guilt in crimes or of rectifying a miscarriage of justice.

A *parole* is the act of releasing or the status of being released from a penal or reformatory institution in which one has served part of his sentence on condition of maintaining good behavior and remaining in the custody and under the supervision of the institution or some other agency approved by the state until a final discharge is granted.

Probation is usually granted by the trial judge and not by an administrative board. It is similar to parole but it differs from a parole in that the latter is preceded by part of a sentence served in a penal or reformatory institution, while in the case of probation the execution or imposition of the sentence is suspended.

3. Prerogatives of the Governor.

The history of Illinois began in 1718 when it was a part of the French Domain. In 1765 and by the treaty of Paris the territory was ceded by France to Great Britain and became a possession of the Colony of Virginia. In 1787, and after the cession by the State of Virginia of its western territories to the United States, it was made a county in the Northwest Territory. From 1800 to 1809 it was a county in the Territory of Indiana. In 1809 it was made a separate territory. In 1818 it was admitted into the Union as a state. On its admission into the Union a constitution providing a form of government was adopted. This constitution was superseded in turn by the constitution of 1848. The constitution of 1848 was superseded in turn by the constitution of 1870. It is under this third constitution, or the constitution of 1870, that the state now operates.

In early territorial days and from the time of the adoption of the Federal Constitution until January 23, 1811, the pardoning power in Illinois was vested exclusively in the President of the United States and manifestly included all of the prerogatives of the English King, who had been looked upon as the fountainhead of all justice and who could exercise clemency both before and after conviction, and under whatever condition he desired to impose. This power included the right to issue conditional pardons; to commute and remit sentences and evidently also included the power to place upon probation and to parole, for a parole is, after all, nothing more or less than a conditional pardon or a remission or commutation of the sentence, and probation is merely the definite or indefinite suspension of a penalty.

On January 23, 1811, however, and under a provision of questionable constitutionality it was—

> "enacted by the governor and judges of Illinois, and is hereby enacted by the authority of same that the governor of the territory aforesaid, shall have power to remit fines and forfeitures and grant reprieves and pardons except in cases of impeachment."

This was the condition of affairs until the admission of the Territory of Illinois into the Union as a state and the adoption of the constitution of 1818, when by Section 5 of Article 3 of the new constitution the power—

> "to grant reprieves and pardons after conviction except in cases of impeachment is vested in the governor."[1]

This power is still possessed by the chief executive. That it includes the power to grant parole in the form of a conditional pardon is admitted and conceded by Section 796 of Chapter 38 of the Revised Statutes of Illinois which, although providing for the indeterminate sentence and for the functioning of the parole board (in those days the Department of Public Welfare), expressly provides that the board shall act—

> "by and with the approval of the governor in the nature of a release or commutation of sentence or commitment."

Though, also, in the Constitution of 1848 another innovation was made and the clause was made to read—

> "grant reprieves, commutations and pardons after conviction, subject to such regulations as may be provided by law as to the manner of applying for pardons,"

and this provision was reenacted in the constitution of 1870 and is still in force, the qualification must be reasonably construed and can relate only to the method of application and not to the power.

The legislature cannot deprive the governor of his prerogative. The law-making body can concern itself solely with the enactment of reasonable provisions in regard to the form or nature of the application for executive clemency and the hearing thereon. That body cannot impose time limits except such as are reasonably necessary for an intelligent hearing. It cannot,

[1] By this constitution more was done than to name the repository of the pardoning power. It provided that the power should only be exercised after conviction. Formerly the ancient prerogatives of the English King and the prerogatives of the President of the United States in the cases of offenses against the National Government embraced and still embraces the power to anticipate the conviction and to pardon the act or offense before trial.

for instance, without the acquiescence of the governor, provide or authorize the Board of Paroles to provide that no hearing shall be had and no pardon nor parole be granted until after the expiration of a minimum sentence of one year, or even six months, for the power of the governor is to pardon after conviction, and subject only to such regulations as may be provided by law "as to the manner of applying for pardons."

The legislature, it is true, as a part of the original sentence, can create, as it were, a new parole, probation or conditional pardoning body which, if it chooses to act and to grant leniency, may act as an assistant to the trial judge and provide for a reduction of the maximum term of incarceration upon condition of supervision, but even then, if it refuses leniency, the judgment of the board may be absolutely overruled by the governor in the exercise of his constitutional prerogative to grant reprieves, commutations, and pardons after conviction.

4. The Various Theories of Criminal Punishment. Many and various theories and hypotheses of criminal punishment have existed from immemorial time, and since the history of Illinois begins in 1718, almost all of these theories have been inherited by us and have been reflected in our jurisprudence.

In the main, five theories of the purpose of punishment may be noted:

(1) Retaliation or retribution
(2) Expiation
(3) Deterrence
(4) Reformation
(5) Protection of society.

Perhaps the last mentioned theory is the most satisfactory. Protection of society, indeed, embraces all of the others. There can be no protection to society without a reformation of the criminal so that when he is once more returned to the community, as inevitably he must be, he will no longer engage in the perpetration of antisocial acts. No reformation can usually be accomplished without, at least, some fear of the inevitable consequences of recidivistic back-sliding, and in many cases the perpetration of similar crimes by the potential offender cannot be effectively prevented except by a similar fear of those inexorable consequences. No real reformation can be accomplished without some actual or desired expiation.

A sane and efficacious system would provide that the criminal should, if possible, make good to the individual the loss that the criminal act has occasioned. The atavistic tendency and propensity in man to the instincts of revenge and vindictiveness being still so strong and overpowering, to prevent lynching and self-redress, some element of punishment, some element of retaliation, must be involved so that the injured individual may feel that, to a certain extent, his personal desire for revenge has been satisfied through the action of the state.

Primitive punishments were at first evidently imposed from personal motives on the part of the chief or monarch and in order to vindicate his power. Later they were imposed in order to prevent the individual from taking the law into his own hands; to prevent, in short, the carrying out of the theory of an eye for an eye and a tooth for a tooth. Later the

theory of public injury was adopted. In some nations, especially among the ancient Hebrews (and the law of the Hebrews has played an important part in the formation of our American thought and in the creation of our American laws) there was the underlying idea of a theocracy. The criminal code was contained in the Ten Commandments. Disobedience to this code was considered a contempt of God, himself. Not only was a criminal looked upon as a sinner and deserving of punishment but the crime was regarded as a blot on the reputation of the tribe or nation, which had to be obliterated. The criminal was regarded as a contagious disease germ in the body politic which was liable to contaminate the whole tribe. A surgical operation must be performed and not only he, himself, but his whole family, who were presumed to be next in order of contagion and to have in their inheritable blood the fatal disease, must be ruthlessly exterminated. When Akan sinned, he and his whole family were destroyed.

There, too, was the theory of expiation. There had to be some evidence of national or tribal contrition, some sacrifice which might wash away the sin. What could be more natural than that the criminal and his family should constitute the sacrifice. The expiation, however, was desired not for the sake of the criminal but for the sake of the tribe or of the nation.

There, too, was everywhere evident a theory of predestination which eliminated all pity, all desire or hope of reformation and which would have been fatal to our modern theories of probation and parole. This was apparent, not only in the ancient Hebrews but in the Scotch Calvinists who were so largely represented among our early settlers. All the world, according to the Scotchman, was divided into the saved and the damned, with the comfortable qualification that the Scotchman had been preordained for everlasting salvation. If a man sinned it was proof abundant that he belonged to the outcast class. Even though he had been once numbered among the congregation of the kirk, his crime merely demonstrated that he had been wrongly classified; that he was not of the native Scotch breed.

In the development of the American laws, all these influences have had their part. There has been a curious but not an unnatural mingling of the ideas of expiation of the sin, revenge for the injured, a warning to would be offenders, and in recent years the protection of society and the reformation of the culprit.

5. Same: Modern Tendencies of Theory. During the Middle Ages the theory of punishment alone seems to have been relied upon and the brutality of those codes as compared with those of the Hebrews is very noticeable. Among the ancient Jews we find seven classes of offenses which were punishable by death, and torture was not tolerated. At the time of Elizabeth there were over three hundred capital offenses and in the times of the Georges, over one hundred. Self protection and personal revenge had been taken from the individual and the power of the central government had been established, but the law that was administered was the law of revenge.

For a long time the English judges had been in the practice of minimizing the severity of their blood-thirsty criminal codes by allowing the plea of the so-called "benefit of clergy" which permitted them to waive, in certain

instances, the capital penalties, and for a short time prior to 1764 the practice of individualizing the punishment of criminals prevailed upon the continent of Europe under which no arbitrary penalties were fixed but the nature of the sentence was left to the discretion of the judge. To this practice, however, there were many objections, not the least of which was that the sentences for the same offenses were often radically different and their severity or lack of severity not only depended largely upon the benignity or absence of benignity on the part of the magistrate, but opportunities for corruption were claimed to be afforded.

Similar objections, indeed, have been made against the prevalent American practice of fixing by legislative mandate a maximum and a minimum sentence between the limits of which the trial judge may act, and the disparity of the sentences which are usually imposed under such a practice has been one of the strongest arguments for the creation of Boards of Parole.

(a) The So-Called Classical School of Penology.

About the year 1764, therefore, we find the rise of the so-called Classical School of Penology, among the principal disciples of which are enrolled the names of Beccaria, Rousseau, Montesquieu, and Voltaire. Like the Hebrew and the Calvinistic schools, the followers of this school adhered to the doctrine of free will and individual responsibility and of punishment rather than reformation. They taught that the individual calculates pleasures and pains in advance of action and regulates his conduct by the results of his calculations. Consequently, it was necessary to make criminal acts painful by attaching to them a punishment which should be entirely definite and which would be adequately sufficient to make the pain derived from the penalty exceed the pleasure and reward which had been afforded by the commission of the offense. This school likewise taught that in order that the punishment might be calculated, it should be the same for all individuals regardless of age, mentality, social status or other conditions. Responsibility, semi-responsibility, or lack of responsibility was not considered. There should be a fixed and definite punishment and that punishment the same in all instances.

Though advocated by many, the theories of this school have never been put in practice in Illinois. Even, indeed, in the years of our greatest severity of punishment and before the acceptance of the theory of the probation and the parole, we left some discretion in the trial judge as to the severity of the punishment to be inflicted. At the time when flagellation was in vogue the number of lashes was fixed at from one to a hundred, and the exact number to be inflicted was left to the determination of the magistrate.

(b) The Neo-Classical School.

Next followed the so-called Neo-Classical School which, like the Classical, recognized the theory of free will and personal responsibility, but sought to exempt from punishment when it was demonstrated that the will of the culprit was atrophied or interfered with by inherent conditions which rendered its exercise impossible. Children under the age of ten, and those under the age of fourteen where there was a proof of ignorance or of inability to differentiate between right and wrong, were exempted from liability as

were also idiots and lunatics. However, very little solicitude was manifested for the inebriate as far as the proof of the crime was concerned, though the codes sanctioned the reposing of discretion in the trial judge to determine what the actual penalty should be, provided such penalty was within the maximum and minimum provided by the statute, and to this end, allowed proof of extenuating and mitigating circumstances.

Nowhere, however, in either the Classical or Neo-Classical Schools was there, seemingly, any thought of reformation and no provision made for probation and parole. What was sought to be arrived at was the guilt of the prisoner and the basic thought seems to have been that the protection of society could be obtained by the expedient of punishment and of making crime unprofitable.

(c) The Positive School of Penology.

We next encounter the so-called Positive School of Penology which taught that criminals are born and not made and that punishment was unseemly and futile. The exponents of this theory admitted that precaution against such offenders should be taken and conceded the right of self-protection to society. Their emphasis, however, was placed upon segregation and reformation rather than punishment or intimidation. Their thesis was that usually advocated by the modern psychiatrists who, however, do not entirely disapprove of punishment but insist upon the individualization of each particular case.

(d) The School of Modern Penology.

Next follows what may be termed the School of Modern Penology. This group of thinkers is in accord with the positivists in the belief that the old conceptions of insanity and mental deficiency, and therefore of criminal responsibility, were too limited and that there is at least a medium of truth in the theory of the existence of mental diseases and uncontrollable hereditary impulses which makes the commission of crime almost inevitable. In a large measure the disciples of the school agree with the policy of individualization and segregation. They do not, however, discard the theory of punishment, and, except in the cases of diseases mentioned, they recognize the Classical and Neo-Classical idea of free will and of individual responsibility.

The modern penologist reflects the New as opposed to the Old Testament influences. He places no little emphasis on the story of the thief upon the cross and of the woman taken in adultery, and he is firmly convinced of the possibility of repentance and of reformation. He admits that the culprit should be punished but believes that he is able to atone for his sins and an opportunity should be given him to do so. He, therefore, believes in the policies of probation and parole and in the theory that no insane man should be executed, since, at the last minute, every one should have an opportunity to make peace with his Creator. The school does not believe in punishment for punishment's sake but in punishment as a means of reformation and as a warning to others. Some of its members admit that some concession should be made to the primitive desire for revenge in order

that resort may not be made to self-help and lynch-law. Most of its members believe in life imprisonment rather than capital punishment. Though many interest themselves in the matter of parole out of sympathy for the prisoner, many more, and perhaps a growing number, base their support on the fact that sooner or later the convict must inevitably be returned to society and society can only be protected by the insistence upon a limited period of supervision and control.

6. The Policy of Punishment in Early Illinois.

Until recent years the so-called Neo-Classical School of criminological thought seems to have been dominant in America and it prevailed in Illinois in a much brutalized form at the time of its admission into the Union. This is evidenced by a perusal of the Revised Codes of Illinois of 1827, in which we find no provision for probation and parole. Though some discretion was allowed the judge as to the term of imprisonment and the number of lashes to be inflicted, there seems to have been but little recognition of the defense of mental deficiency and extenuating circumstances.

Murder was punishable by death and rape by not more than one hundred stripes and imprisonment for not more than ten years. For arson, a penalty was inflicted of not more than one hundred lashes on the bare back and imprisonment not exceeding three years; for burglary not less than fifty nor more than one hundred lashes, a fine of not more than one thousand dollars, and imprisonment not to exceed three years; for robbery a fine not exceeding one thousand dollars, not less than fifty nor more than one hundred lashes, and imprisonment not exceeding three years; and for larceny a fine of not less than one-half the value of the thing stolen, not more than one hundred lashes, and imprisonment for a term not exceeding two years.

This code well illustrated the theories of the Neo-Classical School. In it there was no solicitude for the welfare of the criminal; no suggestion of any mental or physical deficiencies which might have been conducive to his criminality. It was a code of severe punishments which were remitted only in the case of the insane and feebleminded, and children under the age of ten years.

Following the classical and neo-classical ideas it sought to intimidate and yielded to the impulse of revenge. The lash, except in what might be called the politer crimes and in those which the members of the legislative body might themselves conceivably commit, such as the embezzlement of public funds, was the chief instrument of punishment. The terms of imprisonment were short as compared with those of more modern times, and this fact in itself negatived the idea of any inclination on the part of the state to reform the criminal or to inaugurate any system of parole. It is only fair to add, however, that the severity of the code, the short terms of imprisonment which made reform impossible, and the use of the lash in lieu of imprisonment, may have been the result not so much of cruelty as of the fact that in the new and almost wild territory of Illinois there were few if any jails and the difficulties attending imprisonment were very great.

7. The Reaction Against Excessive Severity; the First State Penitentiary; and the More Humane Criminal Code of 1833.

So far we have considered the earlier history of Illinois and a criminal law which was marked for its severity. Between 1827 and 1833, however, not only does there seem to have been a reaction on the part of the neighborly and (in all times and in all countries), fundamentally sympathetic and human frontiersmen, but the thought of the outside world seems to have been felt, the result being a marked change in the legislative attitude toward crime and toward the criminal. Even before flogging as a punishment for crime was forbidden by law, it is quite clear that in many instances the courts refused to impose the penalty and when imposed the officers of the law refused to inflict it or mitigated its severity as much as possible.

By far the most prominent exponent of the new penology was John Reynolds, Governor of the State of Illinois from 1830 to 1838, at one time a member of Congress, and characterized by John J. Thompson in an article on page 48 of volume 6 of the Illinois Law Quarterly as "the rough diamond of early Illinois statesmen." To Reynolds, at any rate, credit is due for the passage of the act of February 18, 1837, which provided for the establishment of the first state penitentiary at Alton, and for the passage of the more humane criminal code of 1833. Prior to this time the only prisons in Illinois were county jails and even those were not to be found in all of the counties. The erection of the penitentiary made possible longer terms of incarceration and the abolition of flogging and other barbarous punishments.

The criminal code of 1833 abolished flogging as a punishment for crime and lengthened the terms of imprisonment. Murderers, as before, were punished by death as were also those who were convicted of the crime of treason. Rape was punished by confinement in the penitentiary for a term of not less than one year and which might extend to life. Arson of any dwelling or mercantile or public building was punishable by a term of imprisonment for not less than one nor more than ten years, and arson of other buildings for a term not exceeding two years and a fine not exceeding one hundred dollars. The penalty imposed for burglary in the night time was a term of not less than one nor more than ten years; for robbery, confinement in the penitentiary for not less than one nor more than fourteen years; for larceny, confinement for not less than one nor more than ten years; for embezzlement by a public servant, a term of not less than one year nor more than ten years; for counterfeiting, confinement for not less than one nor more than fourteen years; for bigamy, a fine not exceeding one thousand dollars and imprisonment in the penitentiary not exceeding two years; for adultery, a fine of not more than five hundred dollars, or imprisonment of not more than one year; and for fornication, a fine not exceeding two hundred dollars and imprisonment not exceeding six months. Persons under the age of eighteen years were to be confined in the county jails except in cases of robbery, burglary or arson, for the perpetration of which crimes they were sent to the penitentiary.

The act of July 1, 1833, does not seem to have contemplated any system of parole or of probation, or the indeterminate sentence. Though the very

term penitentiary presupposes repentance and reformation, the reformation of the prisoner is not specifically dwelt upon and humanity appears to have been the only incentive of the statute.

8. The Era of Reform, after 1847. After the year 1847 there was decided evidence in Illinois of the influence of the humanitarian and democratic revival which was world-wide in its origin and of which the movement for the abolition of slavery in America was but a part. Crime came to be looked upon by an increasing number of persons as a symptom of moral disequilibrium and the criminal as a person of limited responsibility. Oliver Wendell Holmes had written "the best way to train a child is to begin with his grandfather." Lacassagne had given expression to the thought "there are no crimes, only criminals." Studies had been made of criminal propensities, a notable later example of which is Dugdale's "Study of the Jukes." In his Utopia, Sir Thomas Moore had long since uttered the bitter complaint that society "first made criminals and thieves and then punished them." Bulwer had expressed the thought that "society has erected gallows at the end of a lane instead of guide posts and direction boards at the beginning."

Studies in heredity and environment had convinced many that the reformatory held the greatest promise of achievement; that no system, however remarkably devised, would ever succeed in totally obliterating criminality, but that at least some possibility existed in inculcating new motives, and, if not reforming the criminal entirely, making him less dangerous to society upon his release.

Men, such as Archbishop Whately, had protested against the severe punishments inflicted in the British penal colonies. Maconochie, the superintendent of a penal colony in the Norfolk Islands, had established a system which allotted a prescribed number of marks to every convict, depending on the nature and character of his offense, and which he was required to redeem by good behavior before a ticket of leave was granted to him. Flagellation was gradually coming to be abolished throughout the civilized world. Men and women were beginning again to read the principles of "The Social Contract" and the writings of Montesquieu, Voltaire, Diderot, Turgot and Condercet, David Hume, Adam Smith, Tom Paine, Jeremy Bentham, and the Italian, Beccaria. Montesquieu had written, "As freedom advances, the severity of the penal law decreases." Romilly, Beccaria, Howard and Elizabeth Fry had all spoken and labored. Sir Walter Crofton in his Irish system, had inaugurated a grading and classifying system. Whately, Combe, and the two Hills had advocated the indeterminate sentence, and Marsangy a parole system. Montesanos and Obermeyer had placed emphasis on productive labor.

In America the Philadelphia Reformers and the Society of Friends had laid the foundation for a humaner criminal jurisprudence. In Connecticut and Rhode Island the Christian reformer, Henry Bernard, had pleaded for the criminal children of the poor.

Sympathy was in the atmosphere—the New Testament had overcome the Old Testament. What was true in the world at large was true in the State of Illinois.

9. *The First State Reform School, and the Beginning of Paroles.*

In an act of March 5, 1867, we find a provision for the creation of a reform school "for the discipline, education, employment, and reformation of juvenile offenders and vagrants in the State of Illinois (Cook County excepted, there being a reformatory already established there) between the ages of eight and eighteen years."

And in Section 17 of this act, we find perhaps the beginning of the parole system in the State of Illinois, though the act provided for little more than an enforced indenture or apprenticeship under the form of a ticket of leave.

10. *A System of Parole for Juvenile Offenders.*

The Act of 1867 was followed a number of years later by an Act of June 18, 1891, which provided that—

> "Sec. 16. The said board of managers shall have power to establish rules and regulations under which prisoners within the reformatory may be allowed to go upon parole outside of the reformatory building and enclosure, but to remain while on parole in the legal custody and under control of the board of managers and subject at any time to be taken back within the enclosure of said reformatory; and full power to enforce such rules and regulations to re-take and re-imprison any inmate so upon parole, is hereby conferred upon said board, whose order, certified by its secretary and signed by its president with the seal of the reformatory attached thereto, shall be a sufficient warrant for the officer named in it to authorize such officer to return to actual custody any conditionally released or paroled prisoner, and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process: Provided, that no prisoner shall be released on parole until the said board of managers shall have satisfactory evidence that arrangements have been made for his honorable and useful employment, for at least six months while upon parole, in some suitable occupation."

As far as juvenile offenders are concerned, the Act of June 18, 1891, is our most important enactment. It definitely established a parole system as far as male juvenile offenders were concerned.

11. *The Abolition of the Use of the Lash, and the Substitution of Solitary Confinement.*

We have seen that in the year 1838 and during the incumbency of Governor Reynolds the use of the lash as an instrument of punishment for the original crime was abolished. It was not until 1867 that its use as a means of prison discipline was discontinued. Prior to 1867 the punishment was frequently and mercilessly inflicted, but we have serious doubts as to the authority of the warden, since, although in the Act of 1833 nothing was said concerning flagellation as a means of prison discipline, in the prior Act of January 6, 1827, the powers of the warden were defined and those powers did not include the use of the punishment mentioned. This Act provided:

> "Sec. 13. The said warden and other officers, agents, and servants, shall each of them have power to order any convict to solitary confinement, for misbehavior, refractory conduct, idleness, negligence in performing their daily task, impertinent or improper language, or breach of any of the rules and regulations; and shall immediately report the same

to the said warden, and the warden shall punish such convict therefor, by solitary imprisonment, for any term not exceeding thirty days, or may discharge the said convict from the imprisonment ordered by the said warden, officer, agents, or servants."

After 1867 there could be no doubt of the invalidity of the practice, and on page 30 of the Session Laws of that year and in Section 37 of Chapter 81 of the Statutes of 1868, we find the following provision:

"It shall not be lawful in said penitentiary to punish any convict by whipping in any case whatever. If, in the opinion of the Warden, it shall be deemed necessary in that case to inflict unusual punishment, in order to produce the entire obedience or submission of any convict, said Warden shall have power to punish said convict by solitary confinement in a dark cell and by deprivation of food except bread and water until such convict shall be reduced to submission and obedience."

In an Act of July 1, 1871, this section was amended so as to strike out every reference to solitary confinement and merely to provide:

"Section 37: It shall not be lawful in said penitentiary to use any cruel or unusual mode of punishment or to punish any convict by whipping whatever,"

and this wording has been retained in Section 37 of the chapter on penitentiaries of our revised statutes up to the present time.

12. The Abuse of the Punishment of Solitary Confinement.

Although the legislature authorized the punishment of solitary confinement, we believe the solitary confinement as now imposed at Joliet, or what the prisoners term "stringing up," is improperly inflicted. There the practice has prevailed of compelling recalcitrant men to stand often for twelve hours a day with intervals of a half hour for meals with their hands projecting through the bars of the cell securely bound, and in some instances this punishment has been continued for as long as thirty days. That this is a cruel punishment there can be no question, and though there has always been some dispute as to what the term "cruel or unusual" as used in our statutes and in our constitutions really means, we have no doubt that it would be considered cruel and unusual by the Supreme Court of Illinois. The purpose of the punishment, it is candidly stated, is "to break" the prisoner and it certainly accomplishes the result if long continued. It leaves to be returned once more to society at the end of his sentence a crippled and brutalized man. There is no man living who can stand erect, under the conditions described, for even ten days without serious injury to his physical condition, to say nothing of the deleterious effect upon his mind.

There can be no doubt that in the original statutes the legislature spoke of solitary confinement in the then general and accepted sense of the term which was isolation merely, unaccompanied by torture. It expressly stated what should be the other elements of discomfort and these were confinement in a dark cell and deprivation of food except bread and water.

It is true that the statutes of 1867 were amended by the Act of July 1, 1871, in which nothing was said concerning solitary confinement, and the legislature was content to provide in Section 37 that—

"It shall not be lawful in said penitentiary to use any cruel and unusual mode of punishment or to punish any convict by whipping whatever."

The Act of 1871 must be construed, however, in the light of what happened before. It prohibited cruel or unusual modes of punishment, and since prior to 1871 "stringing up" had not been authorized and had been considered as cruel, it must be considered as cruel or unusual under the later statutes.[1]

In any event we do not believe that such a practice results in furthering prison discipline. There is a sense of fair play and sympathy for the under dog which, in the minds even of convicts, makes a martyr and not a culprit of a man whom they believe to have been mistreated. Furthermore, we have not in all instances been sufficiently judicious in the selection of our prison guards and our prison wardens, and we have too often placed our convicts at the mercy of ignorant and brutalized men. Prison punishments are usually inflicted because of the complaint of a guard. It is, in fact, often considered ruinous to discipline not to uphold and substantiate the guard and not to place full credence in his complaint. Too often the complaints against prisoners are made from mere personal vindictiveness or from the desire to exercise and to manifest authority which is the prevailing vice of the ignorant man. We realize, of course, that many of the prisoners are desperate characters and have to be dealt with as such. There is reason, however, in all things.

That such treatment is effective as a punishment, there can be no question, but of its efficacy as a means of reformation and as applied to a person who must inevitably sooner or later be returned to the community either as a parolee or at the expiration of his sentence, there is, at least, some doubt.

13. The Good Time Allowance. By an act passed February 23, 1863, allowances for good time were provided for by the legislature, and this policy was continued in an act of March 19, 1872, and remained a part of the law of Illinois until July 1, 1925. The allowances provided for by the act of 1872 were as follows:

Term to be Served if Full Time is Made:

1st year—11 months
2nd year— 1 year and 9 months
3rd year— 2 years and 6 months
4th year— 3 years and 2 months
5th year— 3 years and 9 months
6th year— 4 years and 3 months
7th year— 4 years and 9 months
8th year— 5 years and 3 months
9th year— 5 years and 9 months
10th year— 6 years and 3 months
11th year— 6 years and 9 months
12th year— 7 years and 3 months
13th year— 7 years and 9 months
14th year— 8 years and 3 months
15th year— 8 years and 9 months
16th year— 9 years and 3 months
17th year— 9 years and 9 months
18th year—10 years and 3 months
19th year—10 years and 9 months
20th year—11 years and 3 months
21st year—11 years and 9 months
22nd year—12 years and 3 months
23rd year—12 years and 9 months
24th year—13 years and 3 months
25th year—13 years and 9 months

[1] The punishment of solitary confinement was probably not specified in the Act of 1871 merely on account of the fear that, if mentioned, it might be deemed the only method of punishment authorized.

By an act approved June 25, 1925, however, the act of 1872 was substantially repealed and in its place was substituted a provision that—

> "The Department of Public Welfare is authorized and directed to prescribe reasonable rules and regulations for diminution of sentences on account of good conduct of persons heretofore and hereafter convicted of crime who are confined in the state penal and reformatory institutions."

Under this provision the members of the Board of Parole, who have now succeeded to the powers of the Department of Public Welfare, have adopted a regulation in which they have substantially approved of the policy of the statute of 1872. In this practice we believe the Board has acted wisely. There can indeed be no doubt that the hope of a good time allowance does much towards maintaining the morale of the prisoner and in making him subservient to prison discipline. Even at the time when the flat sentence method prevailed in Illinois, we are prepared to believe that in many instances the penalties were excessive. Under the indeterminate sentence law when a man is sentenced to a term of from one to ten or one to twenty years, as the case may be, and the actual period of his incarceration is to be determined by the Board of Parole, no harm whatever can come from letting him believe that good behavior on his part may induce the board to consider his parole at an earlier period than they would if he should be refractory.

14. The General Adult Parole Acts of 1895, 1897 and 1899.

Although there was a general revision of the criminal code on March 27, 1874, followed by two acts relating to the hiring out of convicts, passed on June 16, 1871, and March 25, 1874, no more attention seems to have been paid to the question of parole until June 22, 1893, when a state home for Juvenile Female Offenders was created and a partial parole system similar to that established for boys in the Act of May 5, 1867, was provided for. This provision, however, was more in the nature of a plan for indenturing or securing the adoption of the girls than strictly one of parole.

In 1895, however, and largely, we believe, through the influence of Governor John P. Altgeld, we find a General Adult Parole Act which was made applicable to the penitentiaries at Joliet and Chester, and although this act, when first introduced in the Assembly, applied to misdemeanors only, it was amended before passage against the protest of Senator, then State's Attorney, Charles Deneen and others, so as to include all felonies excepting treason and murder. On June 10, 1897, it was further amended and manslaughter and rape were added to the excepted crimes.

Under this act the Board of Prison Management functioned as the Parole Board.

15. The Indeterminate Sentence.

In the Act of 1897 also, and in order that the parole system might be effective, a provision for an indeterminate sentence was added for all crimes excepting treason, murder, manslaughter, and rape, the statute decreeing that the court—

"shall not fix the limit or duration of the sentence and the term of imprisonment of any person so convicted, and sentence shall not exceed the maximum term provided by law for the crime for which the person was convicted and sentenced, making allowance for good time as now provided by law."

Under this act the power of parole was again vested in the Board of Prison Managers but it was provided that from and after 1897 the State Board of Pardons, if then created, should exercise these powers.

Habitual Criminal Exception.

There was also a section to the effect that the provisions of the act should not apply:

"so far as they concern his parole to any person over 21 years of age convicted and sentenced to a penitentiary in this state who may be shown, upon his trial, to have been previously sentenced to a penitentiary in this or any other state or county, but such person shall be held and considered as an habitual criminal and shall be required to serve the maximum sentence provided by law for the crime for which he has been convicted, less the good time which he may earn by good conduct as now provided by law."

Provision for Fixed Minimum Sentences.

In an Act of April 21, 1899, there was still another revision or amendment and some important changes were made. The first of these was in relation to the indeterminate sentence which the prior acts had left entirely indefinite as to the minimum time to be served. Section 1 of the act of 1899 provided that in all felonies except treason and murder—

"The court imposing such sentence shall not fix the limit or duration of the same, but the term of prison shall not be less than one year, nor shall it exceed the maximum term provided by law for the crime for which the prisoner was convicted, making allowance for good time as now provided by law."

Repeal of the Habitual Criminal Exception.

In this act, also, was a general repealing section which repealed the Acts of 1895 and 1897, including the habitual criminal provision of the Act of 1897, and thus left even the habitual criminal subject to the indeterminate sentence and to parole.

By an act of June 25, 1907, however, the act of 1899 was itself repealed, and it would now seem that not only is the habitual criminal act of June 23, 1883, still in operation, but that the parole laws have no application thereto.

Recognition of the Continued Existence of the Governor's Pardoning Prerogative.

It is noticeable also that in the act of 1899 there is a recognition of the fact that, if sought to be applied as a part of the pardoning power, a

system of paroles would have been an encroachment upon the prerogatives of the governor, the sole jurisdiction in such matters seemingly being vested by the constitution in that officer. The act, therefore, made the parole or the eligibility to the parole a part of the sentence and expressly provided that—

> "nothing in this act shall be construed as impairing the power of the governor to grant a pardon or commutation in any case."

These acts were the beginning of the parole policy in the State of Illinois.

16. The First State Board of Pardons and Paroles. As we have seen, the Constitution of Illinois, though vesting in the governor "the power to grant reprieves, commutation and pardon after conviction, for all offenses except treason and cases of impeachment," contains a provision that such power shall be exercised "subject to such regulations as may be provided by law relative to the manner of applying for pardons." Though, therefore, the pardoning power of the governor undoubtedly includes the power to issue a conditional pardon which may take the form of a parole, and although this power as an ultimate right cannot be taken from him, opportunity is furnished for the establishment of an inferior board to which the applications for both pardons and paroles shall first be made and which can formulate reasonable rules and regulations in relation thereto.

By an act of May 31, 1879, the legislature required applications for reprieves, commutations and pardons to be in writing and to be accompanied by statements prepared by the judge and the prosecuting attorney. It also required public notice be given of these applications.

By an act of June 15, 1895, provision was made for a general parole system under the control of the Prison Board. By an act of June 10, 1897, it was provided that from and after July 1, 1897, the State Board of Pardons, if then created, should function in the place of the Prison Board. Contemporaneously therewith, by an act of June 5, 1897, a State Board of Pardons was created "to consist of three persons, not more than two of whom shall belong to the same political party, to be appointed by the governor by and with the advice and consent of the senate" and section 5 of the act provided that:

> "All petitions and requests for pardons and commutations shall be addressed to the governor as heretofore, and, as to form, accompanying statements, publication of notices, etc., shall be governed by the act of May 31, 1879, entitled 'An act to regulate the manner of applying for pardons, reprieves and commutations,' except that the three weeks' notice provided in that act to be given shall have reference to the hearing before the Board of Pardons, and not the governor; and every such petition or request shall, before its actual presentation to the governor, be filed and kept in the office of the Board of Pardons for the preliminary action of said board as contemplated by this act."

17. The Creation of the Department of Public Welfare in 1917; and of the New Parole Board in 1927—(a) The Legislation Prior to 1917.

In the early history of the state, although there was no recognition of the parole in the statutes, the power was, no doubt, exercised in certain cases by the governor under his constitutional power to grant pardons, reprieves and commutations and which, no doubt, included and still includes the power to parole, which is, after all, merely a conditional pardon or commutation.

Later in 1879 and under the constitutional provision that the legislature might make rules as to the method of applying for pardons, a statute was passed which provided that all applications should be in writing and accompanied by statements from the judge and the prosecuting attorney. Later still, in 1895, while the pardoning power was still vested exclusively in the governor and before any subsidiary board of pardons and paroles had been created, a system of paroles was provided for, which was to be exercised by a Board of Prison Commissioners to be appointed by the governor by and with the consent of the senate.

Then on June 5, 1897, a Board of Pardons was provided for, to consist of three persons, who also had to be appointed by the governor, by and with the consent of the senate, and a few days after, on June 10, 1897, another act was passed which amended the act of June 25, 1895, and took the power of parole from the Prison Board of Commissioners and vested it in the new State Board of Pardons just created.

(b) The Creation of the Department of Public Welfare in 1917.

This was the situation until July 1, 1917, when the Civil Administrative Code was passed, the Department of Public Welfare created, and the Board of Pardons and Paroles made a subdivision thereof. Under this act the former Board of Pardons was abolished and a new Board of Pardons and Paroles was created as a subdivision of the Department of Public Welfare, the nominal head of which was the director of public welfare, and whose active and operating officer was the superintendent of pardons and paroles. Who should compose the other members of the board, if any, was not clearly stated. Presumably the members were to be chosen from the personnel of the Department of Public Welfare, though we believe this practice was not always followed.

The Department of Public Welfare was composed of an assistant director of public welfare, an alienist, a criminologist, a fiscal supervisor, a superintendent of charities, and a superintendent of prisons. To this board, or to its subdivision, was entrusted the power of passing upon and recommending both pardons and paroles.

(c) The Act of 1927 and the New Board of Paroles.

In 1927, however, a radical departure was made, and by a bill approved July 6, 1927 (Laws of Illinois, 1927, page 844), the Civil Administrative

Code was amended so as to add to the clause relating to the Department of Public Welfare, the words:

> "The Parole Board shall consist of the supervisor of paroles, who shall be chairman, and nine other members,"

and by adding to the act a new section which provided that—

> "Sec. 13, p. 54a. The Parole Board created by this act shall exercise and discharge all the rights, powers and duties heretofore vested in the Department of Public Welfare in granting paroles to persons sentenced or committed for crime or offenses, but the supervision and after care of persons so paroled shall remain in the Department of Public Welfare. The action of a majority of all the members of the board shall be the action of the board and no parole shall be granted except upon the concurrence to be recited in the records of the board. In consideration of any parole, said board shall consider and give weight to the record of the prisoners' conduct kept by the superintendent or warden."

The changes made by the act of 1927 were sweeping. Though they left the original Board of Pardons unchanged, they created an entirely separate and distinct Board of Paroles which was to be composed of the supervisor of paroles and nine other members.

As far as pardons were concerned the board, as before, was to be composed of the director of the Department of Public Welfare, the superintendent of Pardons and Paroles, and some or all of the other members of the Department of Public Welfare; viz., the assistant director of the Department of Public Welfare, the alienist, the criminologist, the fiscal supervisor, the superintendent of charities, and the superintendent of prisons.

As far as paroles were concerned, a new board was created, composed of the superintendent of pardons and paroles and nine other members who could be appointed by the governor and did not necessarily need to occupy any other office in the Department of Public Welfare. For this board, also, a separate appropriation was made.

It is to be remembered that both of these boards sit in an advisory capacity merely, and though their recommendations have uniformly been recognized by the governor, the governor is not necessarily bound thereby, since the pardoning power is vested in him by the constitution and the parole is merely a conditional pardon.

18. The Cost of Parole.

As we have before seen, the legislature of 1927 made of the Board of Paroles a separate and independent body, but, though it also made its chairman the superintendent of paroles, left in the Department of Public Welfare as a whole the care and supervision of the parolees after they had been released from the penitentiary. It, in fact, made of the Board of Paroles a semi-judicial body and entrusted to it the power of passing upon and granting parole, but left to the department the care and custody and supervision of the convict after he had been released. For the furtherance and maintenance of the Board of Paroles, it made an appropriation of $349,800 for the biennial period, and to the parent Department of Public Welfare, and for the supervision of the parolee, it granted the sum of $2,991,876 for the same period of time.

We are of the opinion that these appropriations were wisely made and

were in the interest of economy since either an adequate system of parole had to be provided for and financed or new penitentiaries had to be constructed. We glibly talk of long sentences of imprisonment but we seldom think of the staggering cost to the community of these sentences. Mr. Clabaugh told the truth when he stated to the members of the legislature in 1927 that they were confronted with the choice of either appropriating for and making efficient the system of the indeterminate sentence and of the parole or of expending nearly forty millions of dollars during the next ten years in the erection of and maintenance of penitentiaries and reformatories.

On July 1, 1926, there were 5,796 persons confined at Joliet, Chester and Pontiac. On July 1, 1927, this number had increased to 6,342. Everyone knows that the number of criminals who have been actually caught, tried, and convicted form but a trifling percentage of the number who commit crimes. Not only in Illinois but in every state in the Union we are rapidly coming to realize the inefficiency of our police methods and of our systems of criminal trial and prosecution and there can be no doubt that in the coming years these methods will be greatly improved. If they are improved, thousands of additional persons will be arrested and convicted, and the populations of our penitentiaries and reformatories will be correspondingly increased. Even as things now are, an increase of but one year in the actual period of incarceration would involve the erection of, at least, two penitentiaries the size of Joliet.

Commitments to Joliet, Chester and Pontiac between June 30, 1926, and June 30, 1927, numbered 3,373. On June 30, 1927, there were already in Joliet 2,882 prisoners; in Chester 1,824; and in Pontiac 1,636. These are the figures given on April 18, 1927, and in June the number must have been fully as great. All of these institutions are overcrowded to such an extent that their proper management is greatly interfered with and the proper training of their inmates is practically impossible.

In order that room may be made each year for the 3,373 new convicts, (and that number will increase as time goes on), at least 3,373 persons must be released from our institutions, or new institutions must be built to provide for the increase. These are facts which must be confronted, and they have been acknowledged in other states. Even in Minnesota it has been estimated that an increase of but one year in the average penalty would involve the erection of a new penal institution.

Every prisoner in our penitentiaries also involves a cost to the state for supervision and maintenance. What this cost actually is it is difficult to determine, for the statistics in regard to these matters are unreliable. The estimate at Sing Sing for the year 1926 was $382.90 for each man, or a total of $559,806.97 for the 1,562 inmates.[1]

In Illinois the estimate for the year ending June 30, 1926, was $286.49 per capita at Joliet; $263.63 at Southern Illinois; $274.36 at Illinois State Reformatory; $476.29 at the Woman's Prison; and $347.12 at the Illinois State Farm. According to these figures, if we take the estimate at Joliet for the year 1926 as a basis, the yearly cost of the 3,373 persons who would

[1] See report of George W. Alger on the "Board of Paroles of New York" (J. B. Lyon Co., Albany, 1926).

have to be provided for in the new penitentiaries would amount to $966,340.77.

The advantage of the parole system is that, although the prisoner is not released from supervision until the maximum term of his sentence has expired, he is not required to be confined in the penitentiary but is able to earn his living without any charge to the state except his small per capita of the overhead expense of the Board of Paroles.

19. *Justification for the Indeterminate Sentence and the Parole.*

The wisdom of the policy of the indeterminate sentence and the parole, if properly administered, is now almost universally recognized, not only in America, but throughout the civilized world. The policy can no longer be classed as a product of unenlightened sentimentalism.

In 1922 only four states of the American Union were without either the indeterminate sentence or the parole system. In 1925 the laws of forty-six of the forty-eight American states made definite provision for the release of prisoners on parole, only Mississippi and Virginia having no such laws.

In 1925 also, the International Prison Commission, meeting in London with fifty-three nations represented, adopted a resolution favoring the indeterminate sentence and the parole laws and recommending their adoption to the governments of the civilized world.

The policy of parole is fundamentally humane, but the fact of its humanity does not militate against its profitableness and its practicability, nor the measure of protection that it affords to society. It has been these elements of public protection rather than the welfare of the individual prisoner which have led to its general acceptance. It has been adopted indeed more as a means of supervising and controlling the conduct of the prisoner after his release from the penitentiary and minimizing the possibility of his returning once more to the paths of crime, than for the purpose of reducing his term of imprisonment. As administered by Mr. Clabaugh, it certainly has not reduced the terms of imprisonment to a lower level than would have prevailed if the flat sentence method had been adhered to by the legislature.

20. *Same: Necessity of Adequate Supervision.*

If adequately administered, the policy of releasing prisoners on parole serves both to protect society and to benefit the individual prisoner. The indeterminate sentence is necessary to its successful operation. It needs honesty in its administration, and ample financial support. Above all it needs the same divorcement from so-called practical politics which usually is accorded (though not always of late in Chicago) to our public schools, and likewise our public hospitals and state institutions of higher learning.

21. *Same: Failure of of the Flat Sentence Policy.*

The demand for the parole system arose from the fact that in the great majority of cases, in all cases in fact, except where the death penalty or life sentence was imposed, the convict sooner or later had to be returned to society, and the prison system as originally administered and the practice of looking upon the penitentiary as a place of

punishment merely and at the end of that punishment turning the prisoner loose without any further supervision or even protection, had proved a failure.

We had punished, it is true, and no doubt we had furnished object lessons to other potential offenders, but only too often we had returned to society brutalized and discouraged men and women who were incapable and often undesirous of adapting themselves to the requirements of their new freedom and who, therefore, not only returned once more to careers of crime, but became teachers and missionaries of the art.

We became convinced that reformation as well as punishment was necessary and that in order to assure that reformation and to enable the convict once more to take his place among the ranks of the honest workers, some measure of supervision and some measure of protection should be afforded to him after his release from the penitentiary. This supervision would be difficult under any fixed penalty system, as, after the sentence had been served, legally speaking the crime had been atoned for and we had no right to further control the culprit. We could, however, provide for an indeterminate sentence. We could sentence an offender for a term of from one to ten or one to twenty years. We could put it in our power to release him at the end of a year or a few years, and in crimes such as the larceny of $20.00 or $30.00 surely a year would be sufficient. But we could also still retain control over him and keep him under parole until the expiration of the ten or twenty years. By this means we could not merely supervise his conduct but we could protect him from the annoyances of the police, who only too often, hound a man with a record so that it is impossible for him to obtain or keep employment.[1]

22. *Same: The New System Not Popular Among Criminal Classes.*

It is a mistake to confound the indeterminate sentence and the parole with the absolute pardon and to imagine that a prisoner who is released upon parole is ipso facto free from all punishment. Legal restraint and legal supervision are a restriction upon liberty and to that extent a punishment, and, though released from the walls of the penitentiary, the convict is still under the control of the law and is deprived of his liberty. At any moment, and until the termination of the period of his maximum sentence, he may be rearrested and returned to the penitentiary if his parole be violated. He is not a free man.

The real fact is that the indeterminate sentence is not popular with the professional criminal classes. When fixed sentences alone are imposed the criminals rely not merely upon the probability that perhaps a lesser plea

[1] During the past year there has prevailed an unfortunate practice in Chicago of weekly arresting every ex-convict or person with a criminal record, even though no offense can be charged against him, for what is called supervision and to enable persons who complain of burglary and other offenses to possibly identify someone out of the herd that is incarcerated.

This practice, of course, makes it impossible for any ex-convict to retain or even to obtain permanent employment, as employers naturally desire the services of such persons at their plants and factories and not in the police stations.

In such a case the only protection that the ex-convict possibly has is the protection which is afforded by the parole officers who are the guardians of such persons and have the right to call the police to account and to put a stop to the practice.

will be accepted, but on the kind-heartedness of the individual judge and on the appeal that may be made to him by family and in many instances political influences. When they are confronted with an indeterminate sentence, they know that their release from incarceration is contingent upon their own behavior and a more thorough investigation of the causes which led to the commission of the crime. The discipline of imprisonment under the indeterminate sentence is more severe since the prisoner must always be on his guard and be sedulous to obey all regulations.

When the sentence is fixed and determinate, except so far as good time allowances are concerned, it matters not what the prisoner's conduct may be. So, too, usually at the trial and almost always where a plea of guilty is entertained, there is no inquiry into or an opportunity to investigate the prior conduct of the defendant, his past crimes, or his associates. Under a system of paroles, if properly administered, all of these matters can be and are inquired into and constitute determining facts on the question of the duration of the convict's period of incarceration, and when, if at all, it would be safe to return him to society.

23. Length of Indeterminate Sentences.

It is an interesting fact that (contrary to the usual understanding) in recent years the periods of incarceration which have been required by our Board of Paroles have been longer than those which were formerly imposed under the flat sentence practice and much longer than those which are usually imposed in the federal courts where the indeterminate sentence does not prevail.

Section 262 of Chapter 38 of the Revised Statutes of Illinois (Cahill 1927), for instance, provides a punishment of not less than one year nor more than twenty years for forgery of any bank bill or promissory note, and in Section 793 of the same chapter the indeterminate sentence section provides that no definite term shall be fixed but the sentence shall be from one to twenty years. Under the federal statutes the maximum penalty for forging a postal money order, which is certainly quite a serious offence, is five years or a fine of $5,000 or both, and under this statute and in taking a random view of the federal dockets for the northern District of Illinois, we find a sentence in 1911 of 2½ years; in 1915 of 24 hours; in 1919 of 2 years; in 1919 of 18 months; in 1921 of 9 months, and in 1925, one of 4 months, one of 30 days and one of 60 days.

Under the indeterminate sentence laws of Illinois the minimum penalty would be one year and the maximum would be twenty. The Board of Paroles could not parole the offender until the expiration of the first year. Even then it would not release the prisoner from punishment or supervision, but would consider him under parole and liable at any time to be returned to the penitentiary until the expiration of the twentieth year.

24. Defects in the Fixed Sentence Plan.

One justification for the fixed sentence plan is the assumption that, since a main purpose of punishment is the deterring of others from committing a similar offense, the potential criminal would fear the fixed rather than the indeterminate sentence. This assumption, however, has not been proved. We are firmly of the opinion that not only does the professional criminal fear the indeterminate more than the fixed sentence,

but that most criminals either act upon impulse or rely upon their chances of escaping detection. Almost eighty-five per cent of our crime, indeed, is committed by boys and youths between sixteen and twenty-five years of age, and youth acts upon the impulse and is reckless of the consequences. The corruption and favoritism in our political life also has led thousands to believe that in any event the local politicians will take care of them.

The assumption also that the trial judge is in a position to determine properly the length of the sentence is hard to justify. To a limited degree it may be true in the country districts, where the judges know intimately almost every permanent resident within their jurisdiction. As far as these residents are concerned, the judges are able to form some estimate of the real facts and of the real culpability of the criminal and, therefore, of the measure of punishment that should be imposed. Generally, however, they do not possess this knowledge in regard to transients and non-residents, and it is rarely if ever possessed by the judges in our great cities, especially in the so-called police courts where the culprits are only too often herded through without ceremony and with the speed that is used in our slaughter houses and packing plants.

Even if punishment is the only desideratum, it is therefore quite apparent that in many instances the sentences imposed will be either too long or too short. If the theory of punishment and the reformation of the offender is the motive, and the fact is recognized that, in the great majority of cases, the prisoner must sooner or later be returned to society, it is quite clear that as far as possible he should be trained and reformed, and when released from the penitentiary or from the prison, should be a "safe risk" and not a future danger to the community, and this being the case, a proper measure of punishment and of the term of imprisonment is of the utmost importance.

It is a noticeable fact, indeed, and one of no little significance, that in spite of our present day clamor for more drastic penalties and for longer terms of imprisonment, the records which have been so carefully compiled by Professor Burgess disclose a larger proportion of men and boys who have made good on parole after a short period of incarceration than those who have been confined for longer periods of time.[1]

The same conclusions were also reached by Miss Helen Leland Wytmer in a study of paroles in the state of Wisconsin which was conducted at the request of the State Board of Control and published on page 384 of Volume 18 of the Journal of the American Institute of Criminal Law and Criminology.

If the idea of reform is entertained at all it must be very clear that the trial judge cannot anticipate in advance the reformatory effect of the man's incarceration. So, too, any system which places the discretion entirely in the trial judge must result in glaring inconsistencies and in a rankling sense of injustice which will be disastrous not merely to reformation and to prison discipline but to the respect for the law itself which, above all others, the convict should be made to feel.

No one who has had any experience in or any knowledge of our penitentiaries has failed to observe that it is the square deal which appeals most

[1] Those imprisoned for two years furnish the best record on parole.

to the criminal and which is the most potent factor, not only in reformation, but in the willingness to yield to prison discipline. If a convict discovers that he has been arbitrarily sentenced to a term of ten years for an offense for which his cellmate has only been sentenced to two, he will, in most instances, be not only an unruly prisoner, but an anarchist when returned to society.

The theory of the indeterminate sentence and of the parole system is not punishment merely, but reformation by training accompanied by a punishment so severe that other persons will be warned against committing the same offense. It punishes the convict to vindicate society and as a warning both to himself and others. But it also realizes that the convict will sooner or later be restored to the community and it seeks to so reform and to so control his conduct after release that he will not again return to crime.

25. *Indeterminate Sentence and Parole Favored by the Committee if Adequately Provided for and Properly Administered.*

The committee, then, is of the opinion that the system of the indeterminate sentence and of the parole is preferable to that of the flat and definite sentence, but to this statement and conclusion, it wishes to make an emphatic qualification—that it is only preferable if it is properly administered.

Parole involves discretion and supervision. It necessitates officers who shall be properly trained and who shall be free from political influences. It necessitates men of judgment and intelligence. It necessitates a force sufficient in number to cover the field. It necessitates time and opportunity for study and investigation. It necessitates the proper administration of our penitentiaries and reformatories. It necessitates the intelligent co-operation of the police after the prisoner has been released. It involves adequate appropriation. It involves honesty.

26. *Problem of Parole Not Yet Solved in Illinois.*

Nowhere in America have we as yet provided all of the requisites and made a really efficient administration possible. "The interested public," says Miss Jane Addams, "has assumed that all is well because a good law has been passed and put into operation and no one pays any further attention to it." In many instances we have had honesty, but in practically none have we had an adequate force, adequate appropriations, and sufficient freedom from political control. Since the last session of the legislature we have gone farther in Illinois than, perhaps, in any other state. We have, at any rate, made larger appropriations which have made it possible for the employment of a larger and more intelligent force. We have not, however, divorced the system from the influence of politics and the danger of political control. Before us is a magnificent opportunity. We have laid the foundations and we should make them sure.

On being asked what she thought of the experiment of prohibition in America, a distinguished English woman recently answered that she did not know because, as far as she had been able to learn, the system had never been satisfactorily administered or tried, and the same thing is true of the parole system in America.

With the one exception of Illinois, the legislative appropriations have been ridiculously small and the number of employes provided for has been

entirely inadequate. The last session of the Illinois legislature was generous, but it failed to save the system from the handicap of partisan politics.

To this aspect we now must turn.

27. Partisan Politics and the System of Probation and Paroles.

The Act of July 6, 1927, accompanied as it was by a large appropriation, was a landmark in American jurisprudence and has given much hope for success in the future. However, it still left the system radically defective. It did not go far enough in providing for the new board. It did not provide for a rotation in office which would guarantee it against political domination. It imposed limitations on the activities and freedom of the board which can find no justification in public expediency. It greatly improved the old system by the creation of a new and practically independent Board of Paroles. It was radically wrong, however, in limiting the activities of the board to the granting and refusing of paroles, and in denying to it, as an independent body, the supervision of the parolee after he had been released from the penitentiary and the parole had been granted.

It is true that the chairman of the Board of Paroles is also the supervisor of paroles and as such is entrusted with the supervision of the parole officers and of the paroled convicts. He has, however, no power either to appoint or to discharge these officers and employes save, and in so far as the governor and the Department of Public Welfare may consent.

It is indeed quite clear that the Board of Paroles should have exclusive charge, not only of the act of paroling, but of the management and training of the parolee. The success of any parole system depends entirely upon the wisdom and justice and intelligence that it shows, not only in the granting or refusing of the parole, but in the care of the convicts after they have been released from the penitentiary. The parole officer is one of the most important units in the system. He should not be the political agent or political appointee of any governor or of any political board.

The subordinate parole officers, therefore, who are entrusted with the duty of watching and protecting the paroled prisoner, should be responsible to the Parole Board and the Parole Board alone, and the Parole Board itself should as far as possible be non-political.

If these parole officers and investigators are appointed by the governor or any political organization or department, and if their office is considered a reward for political services, not only will they be half efficient; not only will they at all times be liable to corruption, but three-fourths of their time will be spent in obtaining votes for their chief or for the members of their political organization rather than in watching over and caring for the parolees. Even, as is now perhaps often the case, the parolee himself will be led to believe that it is his duty to aid the political fortunes of his custodian and of his benefactor, and to do what he can to obtain votes from his associates, often in the underworld, for these persons.

We have not, indeed, to go far afield to find illustrations of these influences. It is a matter of common knowledge that the game wardens of many of our states have been merely political agents and have been counted upon to help in the election of governors and even United States senators. These men, however, have been entrusted by the law merely with the pro-

tection and care of wild animals, while the parole officers are entrusted with the protection of society and the care and custody of the lives and fortunes of American citizens.

The Board of Pardons and Paroles, in short, should, as far as possible, be removed from politics and should be as independent as are the faculties of our state universities. It should have entrusted to it, not merely the duty of passing upon and granting or refusing the parole, but of the supervision of the convict while on parole. To it should be entrusted the control and appointment of its own servants and employes. It should have the power of discharging a dishonest or incompetent parole officer without the necessity of asking permission of any other political body or of any other political officer.

28. Same: Political Officers Generally.

What is true of our subordinate parole officers and agents is true of all others who are connected with the system, and if we are to have a system of probation and parole which shall be effective and properly administered, it is absolutely essential that not only these parole officers, but the wardens and guards of our penitentiaries and prisons, the members of our pardoning and parole boards, and even our judges themselves, be, as far as possible, removed from politics.

If, in the past, our probation and parole systems have been wrongfully used by our courts (and although there has been, no doubt, much exaggeration and much unjust criticism in this respect, there can be no doubt that in many instances they have been wrongfully used), the fact is clearly traceable to our political system and to the fact that in the past, and especially in our great cities, our judges have been but political footballs, and their tenure of office, to a large extent, has been dependent on the vote of the underworld. They may have had a seeming independence; they may not themselves have directly appealed to that underworld for support, but they have only too often been at the mercy of the politicians and ticket makers who, in only too many instances, are political factors merely and solely on account of the fact that they can control that vote.

29. Same: Danger of Partisan Political Appointments.

If the members of our Boards of Paroles and Pardons are appointed for political reasons and personal service they will be considered merely as cogs in a great political machine, and the temptation to listen to political arguments will always be present. We do not say that in the past these arguments have been generally listened to, or that they have been listened to in any particular case. We do know, however, that they have been made. We have even found them in writing and in, at least, one parole record, a letter to the board from a member of the legislature to the effect that he, the writer, was himself a candidate for office, that the primary or other elections were near at hand; that the friends of the prisoner for whom he was interceding were numerous, and represented a dominant national group; that they frequently called upon him and had been led to believe that he was their friend and was all powerful; that he had to have the votes of these people on election day; and if the board would see fit to grant the application, it would not only be an act of mercy,

but would materially help the writer in the coming election, and in doing so, would further the cause of dominant political factions.[1]

If these statements can be found in writing, how much oftener have they not been orally made, and we must remember that, not merely does political pressure often tend towards the improper granting of a parole or the improper granting of probation, but towards their improper refusal. Though, for instance, a bankers' association, a surety companies' association, or any other of the organizations which so often protest against the granting of probation and paroles, seldom raise the political question or make political threats, the influence in politics of these organizations is apparent, and no candidate for political office desires to incur their hostility or opposition.[2]

30. Same: Partisan Politics and Our Penitentiaries.

We have before referred to the subordinate parole officers, and what we have said concerning them equally applies to the wardens and officers of our penitentiaries and to our prison guards. If a system of paroles is to be effective, every effort should be made to reform the prisoner and he should be treated with the greatest intelligence and humanity, although, of course, there is and should be an element of punishment in all prison sentences. Prisons, in short, should be looked upon not merely as places of punishment, but as educational institutions, and as much care should be taken in the selection of a warden and the selection of the inferior officers and of the prison guards as is shown in the selection of the principals and teachers of our public schools and of the presidents and faculties of our state universities.

We are dealing with actualities and not with theories, for with rare exceptions and even with the greatest severity of punishment, the term of imprisonment will sooner or later come to an end and the prisoner will be returned to mingle with the common citizenship. This will be the fact even though no parole is granted or applied for, and if an application for parole is made, much must depend upon his behavior in prison and upon the influence which prison discipline has had upon him. The warden and the guards alone can properly administer that discipline and properly report upon that behavior. The warden and the guards alone can influence that behavior. They must not merely be policemen, therefore, but they must be leaders and teachers. Their estimates of the prisoners must be intelligent and fair and they must themselves be sufficiently intelligent to make those estimates.[3]

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[1] It is only fair to the board, however, to state that in this case no leniency was afforded.

[2] This constant pressure upon the political candidate to use his influence in obtaining pardons, probation and paroles is everywhere apparent, especially among the newer immigrants in the city of Chicago where there is a belief that such solicitation is justifiable. Many of them, indeed, have come from sections of the old world where the only means of obtaining justice is an appeal to and often a purchase of official influence.

[3] In a report submitted to the National Crime Commission on "Pardons, Parole, Probation, Penal Laws, and Institutional Correction" (1927), by Louis N. Robinson, we find the following:

"The fact that imprisonment can and should be made a more effective discipline is provoking an unusual and widespread discussion of prison personnel. In England, it has been customary to appoint as wardens, or governors as they are called in that country, army or navy officers who know something of the knack of handling men in groups. Wardens of this type have succeeded in maintaining good discipline and are for the most

31. Same: The Prison Guard.

Under present conditions our wardens and prison officers are often appointed solely for political reasons, with little regard to their qualifications, and the position of prison guard is not only given as a political plum, but is so poorly paid that few men of ability will accept it.

The position of the guard, indeed, is well nigh intolerable. His salary is ridiculously low and far less than that which can be earned by even the most incompetent mechanic. His hours of labor are very long—sometimes sixteen hours a day, and he himself is virtually a prisoner. His isolation is cruel, as under the rules which exist at Joliet, at any rate, he is not allowed to converse with the prisoners. He is chiefly engaged in watching idle men and our criminal neglect has allowed almost eighty-five per cent of the inmates to be idle. He, himself, is usually ignorant, and he gets into the habit of believing that his chief duty is to report infractions of the rules rather than to guard against them. He has to make a showing, as it were, and too often the inexperienced prisoner (we say inexperienced because usually the confirmed criminal has learned to size up the guard and is his superior in mentality) is the victim of the guard's own discontent and isolation. It is on the reports of these guards, nevertheless, that the punishments

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part successful and honest administrators. It is, however, pretty much agreed now by everybody that the present notion that imprisonment can be used for alteration of character demands wardens of another cast of mind, men not so much interested in maintaining discipline as in developing the best side of each individual prisoner. In Germany, warden after warden has said to me that he could not make the term of imprisonment what the people of the country now wished it to be unless he was given guards and other assistants of greater intellectual capacity who could understand something more than locking and unlocking cell doors. One warden said: 'I provide lectures for the prison staff but most of it, I fear, goes over their heads.' High officials in the government are perfectly aware of the situation, but insist that higher salaries will have to be paid in order to attract men of more ability and that can not be done until Germany is more fully recovered from the economic consequences of the war. Murchison speaks of a certain prison in the United States where the inmates averaged nearly a hundred per cent higher in the Alpha test than did the guards of that same prison. In view of this fact, the question may properly be asked: 'Whose character, guard's or criminal's, will be changed by contact in this prison?'"

Yet in the same report we find the following:

"The second thing that impresses the visitor to European prisons is the existence in the care and treatment of prisoners of a standard of care steadily and faithfully maintained. Our constantly shifting personnel, the almost complete absence of any known qualifications for guards and officers and the unthinkable muddle with respect to prison labor which altogether make impossible the development of a definite standard of care and treatment of prisoners in the United States, are difficulties which if not wholly unknown in prison administration in European countries, are of far less importance and in no way nullify what I have said with respect to the existence of a definite standard of care and treatment that is steadily and honestly maintained from year to year wholly unaffected by changes in the balance of power as between the various political parties within a given country. To throw out the entire staff of a prison from the warden down to the lowest guard simply to make places for the friends of the incoming administration, and to have this process repeated over and over again as has been done in many of our states, is a thing utterly abhorrent to the European's notion of public administration or of proper public protection of society from crime. All prison officials from the highest to the lowest who are faithful and suitable for the work can look forward to advancement and to a secured position from which they can not be ousted except for genuine fault or neglect of duties. I do not mean to imply that their system is ideal from every standpoint; the important thing is that they actually do what they profess to do. There is no such gap between ideals and practice as one finds in the United States."

In 1898 Japan organized an academy for the study of prison discipline where officers in actual prison service had to attend a six months' course and candidates for the service had to attend a twelve months' course of six lectures a day.

are based; good time is allowed or disallowed and, in a large measure, the Parole Board acts. Their personal friendships and personal enmities are all-controlling. Their likes and dislikes often have a tragic influence.

Our prison guards are among the most important of the officers who are connected with the system of paroles. They should be carefully selected. They should not be political appointees, neither should they hold their offices by political favor. Their hours of service should be reasonable and their salaries adequate.

32. Same: Idleness as a Preparation for Freedom.

Can we reasonably expect any large measure of reformation and preparation for a future life of freedom when, by criminal neglect or equally criminal cowardice and selfishness, we allow eighty-five per cent of our convicts at Joliet to pass their time in idleness? Would any man believe that two or ten years spent in idleness under the constant scrutiny of a guard who, himself, is little more than a prisoner, is a proper means of training and of education? Can this man be expected to make good on parole or, if not paroled, after his term has expired?[1]

The Board of Paroles has no responsibility for, or control over, the conduct of our prisons. Yet it has to deal with the finished prison product. Every deficiency in prison management, therefore, makes its task the more difficult.

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[1] In a report submitted to the National Crime Commission on "Pardons, Parole, Probation, Penal Laws, and Institutional Correction" (1927), by Louis N. Robinson, we find the following:

"I cannot stress too strongly the fact that I saw no idleness in European prisons, this in great contrast to what is painfully visible in many of our great prisons and in nearly all of our local county jails. In England and in Germany, strange to say, where between one and two million free men are out of work in each country, the prisoners were all at work. It is true that the work was often conducted in a manner comparing very unfavorably as to efficiency with work carried on in the free world outside. Old types of machines were in use and much work that could be done by machine methods was performed by hand. The essential thing to remember, however, is that work of some kind was found for each and every prisoner able to be out of bed. By the public, the work was viewed from two angles: it was both a part of the penalty for crime and at the same time a necessary humanitarian condition of shutting a man away from his fellows. In all countries visited, this second reason for work in prisons had so far penetrated the public conscience that work was offered as a matter of course even to men awaiting trial."

PART B

EXPERIENCE WITH PAROLES, 1917 TO 1927

33. The Supervisor's Office, 1917 to 1927.

In 1917 the Legislature of the state of Illinois created the Department of Public Welfare. In this legislation, the then existing Board of Pardons was abolished,[1] and the "rights, powers and duties" [2] formerly vested in it were assigned to the newly created department.[3] Specifically, as to paroles, provision was made for a supervisor of paroles whose duty it became by law to serve under the Director of Public Welfare.[4] The effect of the legislation was to place the principal responsibility of the parole administration in the state on one man—the supervisor.

Shortly after this new plan was launched it became evident that, so far as parole administration was concerned, in a prison system so complicated as it is in Illinois, with its many prisoners whose cases fall under the provisions of the Parole Act, that the supervisor had too heavy a responsibility placed upon him for one officer to well carry. To alleviate the situation somewhat, three persons were appointed to act as assistants to him and to sit with him in the hearing of cases. These assistants were not appointed pursuant to any statutory authority and their opinions were only advisory.

The relief given to the supervisor through their appointment, although materially helpful, was yet inadequate to make it possible for him to cope with the situation. He and his assistants were unable to hear the cases of all prisoners who were good parole prospects. Adequate consideration was not even given to such cases as came before them. The result was that the prisons were congested and those who were paroled were little short of being "guessed out of" prison. In a series of questions propounded by us to Mr. Hinton G. Clabaugh, Supervisor of Paroles, he was asked:

> "Q. As a matter of procedure, do you and other members of the board read the record? That is, all the material in the jackets,[5] before a case is heard?
>
> "A. We do now in every instance.
>
> "Q. What was the practice previously?[6]

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[1] Smith-Hurd, Ill. Revised Statutes (1927), Chap. 127, Sec. 35.

[2] "The Department of Public Welfare shall have power: . . . 9. to exercise the rights, powers and duties vested by law in the board of pardons, its secretary and other officers and employees." Smith-Hurd, *op. cit.*, Sec. 53.

[3] Smith-Hurd, *op. cit.*, Sec. 3.

[4] Smith-Hurd, *op cit.*, Sec. 4, 5.

[5] The "jackets" are the envelopes containing the data concerning the prisoners. Each prisoner has an envelope bearing his number. In it are to be found more or less of the following: a record sheet, statements by the trial court and the state's attorney, mental health report, letters written on behalf of or against the prisoner, and statements, more or less complete, concerning the history of the prisoner and of the crime. In making this study we digested the material in many of these "jackets."

[6] Meaning previous to the changes made by the 1927 Illinois General Assembly, particularly those relating to the personnel and control of the parole board.

"A. The practice previously was to read the state's attorney's statement and the synopsis of the case. But you can appreciate that some of the files are very voluminous. Some cases take weeks to try and there is a large record to review.

"The practice previously was supposed to be the same as it is now, they were supposed to read it all, but it is inconceivable that the organization that they had could do that.

"Q. Under the previous system how much time, on the average, did you give to each prisoner as he appeared before you to make an oral statement? Five, ten or fifteen minutes?

"A. Sometimes two or three minutes. There was not very much to consider. The prisoner would come in and he would be asked whether he was innocent or guilty. If he said he was guilty, he would be asked a few questions and that was all. Other cases might be a little more prolonged, but very little time was given to the prisoners. They could not give much time and get through with their work."

34. Condition of the Records. Since the "jackets" contained the principal available data upon which the supervisor acted in granting or refusing parole, it was important for us to study the contents of many of them. We found the material in them in utter confusion. No effort had been made to file in orderly sequence and no list or inventory was kept with the "jackets" of the documents and papers they contained. All the material was merely jammed in together, and, although dates were stamped on the papers, no effort was made to file in order of time. Frequently we found the "jackets" tremendously bulky, filled with letters from relatives, friends, political personages, lawyers, and physicians—lengthy petitions signed literally by the members of whole communities, and various other items, all addressed to the supervisor, urging parole. With these there often was a sprinkling of letters opposing parole. Included also were found statements drawn by the trial judge and the state's attorney, mental health reports by the psychiatrist, and reports of hearings given the prisoner by the supervisor and his assistants. Often it took us a day, sometimes two and even three days, to disentangle the mass of material in one of these "jackets," to rearrange it, and to read and digest it.

35. Powers of the Supervisor. Prisoners are committed to the state penitentiaries, or to the state reformatory, either under a fixed penalty or the indeterminate sentence. The fixed or definite penalty is imposed in four crimes, viz., misprision of treason, murder, rape and kidnaping. In all other cases the sentence is indeterminate.[1] The percentage of the total number of prisoners admitted to the prisons and the state reformatory on whom is imposed the indeterminate sentence varies between eighty-five and ninety per cent. The balance are given definite sentences. Both groups are subject to the parole law,[2] but by far the greater

[1] Since some of the penalties specify minimum and maximum limits, e. g., larceny where the penalty is one to ten years, it would be more accurate to designate these "indefinite" sentences. Others are truly indeterminate, e. g., robbery while armed, where the penalty runs from one year to life.

[2] Sec. 801, Chap. 38, Smith-Hurd Statutes (1927) contains the following language relating to crimes for which a definite penalty is prescribed:

"Persons sentenced for life may be eligible to parole at the end of twenty years; persons not sentenced for life but sentenced for a definite term of years shall not be

part of the time of the parole supervisor and his assistants was consumed with the indeterminate group. Since in all indeterminate penalties a minimum time limit is set (the minimum in most cases is one year) it became the duty of the supervisor to give a hearing to all prisoners when that period was reached. He had the power to grant parole when the minimum was served or at any intermediate time up to the maximum. Further than that he could not go; his discretion operated between those limits, but on reaching the maximum service the prisoner was entitled to release by law.[1]

It is obvious that wide discretionary powers resided in the supervisor.[2] No court ever was confronted with such a responsibility. Into his bailiwick, in fact, was poured the sentenced convict from all courts dealing with felony cases in the state. In April, 1927, when we visited the institutions, there was confined in the penitentiaries at Joliet and Menard, and in the reformatory at Pontiac, a total of 6,316 prisoners; if to that number we add 800 boys that were confined at St. Charles and 459 girls confined at Geneva, both of which groups were under his parole jurisdiction, this number is swelled to 7,575.

The responsibility imposed on the supervisor and the labor required of him by such numbers was too heavy. It was resulting, as has already been pointed out, in superficiality. It further was bringing about a serious congestion in the prisons.

36. The Prison Population.

The following Table 1 shows the prison population on April 12, 1927, and the capacity of each of the institutions named:

TABLE 1. PRISON POPULATION, 1927

Institutions	Population	Capacity
Illinois State Penitentiary (Joliet)	2,876	2,838
Illinois Southern Penitentiary (Menard)	1,832	1,600
Illinois State Reformatory (Pontiac)	1,608	1,500
St. Charles School for Boys	800	800
State Training School for Girls (Geneva)	459	436
Total	7,575	7,174

In addition to those mentioned is the Illinois Woman's Prison at Joliet which, in April, 1927, had confined in it 76 women prisoners. This prison has 100 cells and seemed less crowded than the others.

At the time the men's prisons at Joliet were being visited, the old prison had but 215 prisoners who were occupying cells to themselves, the new prison had 213. The other 2,448 prisoners were paired, two to a cell. It is unwise to place more than one prisoner in a cell. It is difficult to estimate the bad and lasting influence an older criminal may have upon a younger one who is locked with him in the intimate contact of a small cell. That

eligible to parole until he or she shall have served the minimum sentence provided by law for the crime of which he or she was convicted, good time being allowed as provided by law; nor until he or she shall have served at least one-third of the time fixed in said definite sentence."

[1] Where the penalty is from one year to life, there, of course, is no maximum on the reaching of which the prisoner is legally entitled to release.

[2] Under the law as changed by the 1927 General Assembly, a Board exercises the functions formerly performed by the Supervisor.

it is a serious problem there is no doubt. But even more so are the obnoxious resulting evils of sex perversion which are common in our prisons. Sanitation also is a problem. We found this to be particularly so at Menard where the housing question was even more acute. It there had become necessary to erect as many as 100 temporary cells in the cell house, each of which was occupied by two prisoners. Ninety-six cells actually had three prisoners crowded into each of them. At Pontiac we found that 240 new cells had recently been installed, each of which was filled, two to a cell. Forty-one boys were crowded into a vacant room over the captain's office and 55 cells each were occupied by three persons.

At Joliet we went over the active file of all the male prisoners then in the prisons at Joliet. Each of the cases was discussed more or less at length with prison officials whose contact with the prisoners had been close. Frequently in the course of the work a prisoner was called before us and questioned. Particular attention was given to the cases of such inmates, who, because of their long period of imprisonment, seemed entitled to hearing before the supervisor, or who, because of the slightness of their participation in the crime for which they had been convicted, coupled with good prison behavior, seemed good parole risks. Similar studies were made at Menard and at Pontiac. It is our conviction that, at the time these studies were made, from one-fourth to one-third of the prisoners in the penitentiaries and in the reformatory were at least worthy of serious consideration for parole.

One member of the committee which made this study visited all of the institutions. He began his investigations with the belief that paroles were granted all too frequently. He now is of the opinion, shared also by the other members of the committee, that it was not the frequency of parole that brought just criticism so much as the lack of a careful sifting and a choosing of parole prospects together with a lack of careful supervision after parole.

37. The Parole Board Created in 1927.

The bad situation relative to paroles, particularly in its reflexes upon the prisons, and its effects upon the public mind, had become in the spring of 1927 a matter of serious concern. It was a realization of this situation that caused Honorable Hinton G. Clabaugh, the supervisor of paroles, to launch a vigorous program before the general assembly. He contended, among other things, that too much power and responsibility was vested by the law in one man—the supervisor. To remedy this, he proposed a parole board consisting of a chairman and twelve other members appointed by the governor with the consent of the senate; he urged that the state must appropriate more liberally for parole administration, and he proposed giving the board the power to require attendance of witnesses at its hearings by subpoena. In all of these matters Mr. Clabaugh had our express support.

The general assembly responded by passing these measures, except the power to subpoena (the bill for which failed to pass the house), substantially as Mr. Clabaugh had proposed them.[1] In the matter of granting paroles, which had heretofore been vested in the department of public welfare, the

[1] The appropriation for parole administration was increased approximately from $350,000 for the biennium to $1,466,200.

general assembly by a legislative act approved in July, 1927, provided for a parole board, this to consist of the supervisor of paroles, who was made chairman of the board, and nine other members.[1] A new section, 54a, was added to the civil administrative code, reading as follows:[2]

> "The parole board created by this act shall exercise and discharge all the rights, powers and duties heretofore vested in the department of public welfare in granting paroles to persons sentenced or committed for crime or offenses, but the supervision and after care of persons so paroled shall remain in the department of public welfare. The action of a majority of all the members of the board shall be the action of the board and no parole shall be granted except upon the concurrence of a majority of all of the members of the parole board, such concurrence to be recited in the records of the board. In consideration of any parole said board shall consider and give weight to the record of the prisoners' conduct kept by the superintendent or warden."

It will be observed that under this act the supervision and after care of persons paroled remain in the department of public welfare. Under the law the supervisor of paroles, working as an officer in the department of public welfare is responsible for the supervision and after care of parolees. This officer, therefore, works in a dual capacity, that of supervisor of paroles in which he is responsible to the director of public welfare, and that of chairman of the parole board, which by statute has taken over the "rights, powers and duties" relative to paroles, formerly vested in the department of public welfare. The board has no power relative to the supervision and after care of parolees. The supervisor of paroles, as such, has appointed an agent who is designated as the "state superintendent of supervision" to whom the details of the after care and supervision of parolees has been assigned.

38. Procedure of the Parole Board.

Under section 5 of the Illinois sentence and parole act it is the duty of the department of public welfare (now vested in the parole board) "to adopt such rules concerning all prisoners and wards committed to the custody of said department as shall prevent them from returning to criminal courses, best secure their self support and accomplish their reformation."[3]

Relative to the work of the new parole board, Mr. Clabaugh, its chairman, in answer to questions put to him by us, has given the following description:

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[1] Laws of Illinois (1927), Sec. 846. The salary of the supervisor was fixed by Statute at $7,000 per annum and the salaries of the nine members of the board at $5,000 each.

[2] Laws of Illinois (1927), Sec. 850.

[3] Sec. 5 continues as follows: "Whenever any person shall be received into any penitentiary, reformatory or other institution for the incarceration, punishment, discipline, training or reformation of prisoners or wards of the state, the said Department of Public Welfare shall cause to be entered in a register the date of such admission, the name, nativity, nationality, with such other facts as can be ascertained of parentage, education, occupation and early social influences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner or ward, and based upon these, an estimate of the present condition of the prisoner or ward and the best possible plan of treatment. The said department shall carefully examine each prisoner or ward when received and shall enter in a register kept by it the name, nationality or race, the weight, stature and family history of each prisoner or ward, also a statement of the condition of the heart, lungs, and other principal organs, the rate of the pulse and respiration, the measurement of the chest and abdomen, and any exisiting disease or deformity, or other disability, acquired or inherited; upon the register shall be entered from time to

"We have taken the parole board out of departmental management and made an independent statutory board. It now requires the affirmative action of six members of the board of ten before any person can be released. The nine members of the board are divided into three subcommittees, three men sitting three days a week constantly at every institution.[1] That subcommittee refers to all the facts available, and in some instances causes an independent investigation to be made on the outside by investigators that have been provided for in the new appropriation. Then these three subcommittees report to the general board once a month, and that board then reviews, again sitting as a committee of the whole, the recommendations of the subcommittee, so in that way we get first an independent, unbiased report from our own subcommittee, who are not interested either for or against a prisoner; then the whole board reviews the subcommittees' work and acts upon it.[2] Once the board acts that is final and it is not subject to review."

The entire board meets once a month and acts upon the subcommittees' recommendations. A reporter attends every general and every subcommittee meeting. When the chairman of the subcommittee makes his report to the entire board, a stenographic copy of the proceedings, including all testimony, is presented together with a brief and the subcommittees' recommendation. Each case is reviewed by the whole board and voted upon. The new board was created by an act approved in July, 1927. After that some time was lost in making the appointments. Notwithstanding this delay and the further delay incident to the board's orienting itself to its new work, fifteen hundred cases had been disposed of by December 1, of that year.

39. Regulations Adopted for the Board's Action.

The board has adopted the following rules governing the parole of prisoners confined under the indeterminate sentence:

"A subcommittee of the parole board first examines a prisoner shortly after he has been received and the record is preserved for future consideration when the prisoner is again heard after having served the minimum sentence. No formal petition is necessary, and no advertising is required, as the prisoner is brought before the board by virtue of the rules.

"Before a prisoner will be paroled, his mental condition and institutional record must be satisfactory and the board must be satisfied that he is desirous of leading a better life, and that society will not be injured by his release. The board takes into consideration the crime, the past life of the prisoner, the probabilities of his never again violating the law, the adequacy of his punishment, his conduct while in prison, and all other

time minutes of observed improvement or deterioration of character and notes as to the method and treatment employed; also, all alterations affecting the standing or situation of such prisoner or ward, and any subsequent facts of personal history which may be brought officially to the knowledge of the department bearing upon the question of parole or final release of the prisoner or ward. And it is hereby made the duty of every public officer to whom inquiry may be addressed by the Department of Public Welfare concerning any prisoner, to give said department all information possessed or accessible to him which may throw light upon the question of the fitness of said prisoner or ward to receive the benefits of parole or to be again placed at liberty."

[1] Reference is to institutions at Joliet, Menard and Pontiac.

[2] We have read several hundred of the subcommittees' reports and have found them good, though, at times, brief and lacking in discrimination.

matters that in any way bear upon the question of the public welfare, as well as that of the prisoner.

"The board requires a prisoner to furnish names of reputable business and professional men who knew him for some years before his conviction and who can attest to his former good character, so far as it relates to his honesty, industry and sobriety.

"Friends of a prisoner can best aid him by procuring letters as above indicated from persons who knew the prisoner prior to his conviction, and who will take an interest in his welfare after he is released. When an order is made for the parole of a prisoner, the question of employment is in the hands of the supervisor of paroles and the superintendent of supervision and all correspondence in regard to his parole should be addressed to the latter, Springfield, Illinois, or to the parole officer at the institution where the prisoner is incarcerated.

"It must not be understood when the case is passed over or continued to a certain time, that the prisoner will then be paroled, as this will depend largely upon his conduct and such information as the parole board may have received since his last examination.

"If, at any time, prior to the date to which any case has been continued, the board is satisfied that the prisoner should be paroled, its former order can be revoked and parole authorized.

"Paroles granted under this act shall be for the maximum time for which the prisoner was sentenced under the following terms, to-wit:

"The first year the prisoner must report to the superintendent of supervision monthly; second year, every sixty days; the third and fourth years, quarterly; the fifth year semi-annually and thereafter annually. At the end of the fifth year the prisoner shall be eligible to a hearing before the parole board on an application for final discharge. Petition for out-of-state parole transfer may be made at any time.

"No prisoner who becomes a parole violator under this act shall be eligible to a second parole until he has served two years, without good time allowance, after being declared a violator.

"All second-parole violators will serve a minimum of an additional five years in custody before another parole will even be considered.

"Evidence tending to sustain or disprove the grounds upon which an application for parole is based will be received and considered in connection with the application."

Reference previously has been made to the distinction between the indeterminate and the definite sentence. Among the major crimes, definite penalties are meted out only for four crimes, viz., misprision of treason, murder, rape and kidnaping. Section one of the parole act provides as to these that persons sentenced for life may be eligible to parole at the end of twenty years; persons not sentenced for life but sentenced for a definite term of years shall not be eligible to parole until he or she shall have served the minimum sentence provided by law for the crime of which he or she was convicted, good time being allowed as provided by law, nor until he or she shall have served at least one-third of the time fixed in said definite sentence. Relative to the parole of those prisoners holding definite sentences the board has adopted the following rules:

"All applications for parole under this act shall be governed by the rules controlling applications for pardon.

"Paroles granted under this act shall be for the maximum time for

which the prisoner was sentenced, under the following terms, to-wit:

"The first year the prisoner must report to the supervisor of paroles monthly; the second year, every sixty days; the third and fourth years, quarterly; the fifth year semi-annually; and thereafter annually. At the end of the fifth year the prisoner shall be eligible to a hearing before the parole board on an application for final discharge. Petition for out-of-state parole transfer may be made at any time.

"Application for parole under this act will be considered upon a proper showing by the prison records that the petitioner has observed the prison rules faithfully and that he has made such reformation that he will not again become a menace to society or a public charge.

"No prisoner will be released on parole under this act until proper arrangements have been made for his profitable employment as governed by the statutes made and provided in other parole cases.

"No prisoner who becomes a parole violator under this act shall be eligible to a second parole until he has served two years, without good time allowance, after being declared a violator.

"All second-parole violators will serve a minimum of an additional five years in custody before another parole will even be considered.

"Evidence tending to sustain or disprove the grounds upon which an application for parole is based will be received and considered in connection with the application."

Among the questions propounded to Mr. Clabaugh by us was the following stated with his answer:

"Q. On what principally do you base your judgment in granting or refusing a parole? The material in the jacket, personal impression, or what?

"A. A combination of all the facts and circumstances. First, the man's history; his education; his apparent mentality; his physical condition; his attitude towards discipline and toward society, as evidenced by his institutional record. In addition to that, his former habits; his associates; the environment under which he grew up; all the facts and circumstances relating to the man's history before he committed the crime, so far as it is available to us, his commission of the crime and his conduct since and while being punished; and his learning of one or more useful trades while confined. His attendance at school or church in the institution, and finally our own conclusion after talking to the prisoner in great detail and examining him several times before he is given a final parole. It is very rarely the case that we talk to a prisoner less than three or four times now before he is given his final parole, so your question is a hard question to answer. It is the net collected judgment of the ten men after reviewing all the facts and circumstances with reference to the individual. In other words, we try to fit the punishment and the scheme of reformation to the individual and not the crime after the inmate or the prisoner has served what is believed to be a reasonable punishment, as a deterrent to others, or other would-be criminals, for the crime committed."

40. *Official Statements of Trial Judges and State's Attorneys: Their Value.*

Under section six of the parole act, it is provided that in all cases, whether the sentence be definite or indeterminate, it shall become the duty of the judge before whom a prisoner was convicted, and also the state's attorney of the

county in which the conviction took place, to file a statement with the clerk to be transmitted to the Department of Public Welfare.[1] This statement, the Act goes on to provide, shall contain the facts and circumstances constituting the crime or offence of which the prisoner was convicted, together with all the other information accessible to them in regard to the career of the prisoner prior to the time of the commitment of the crime of which he was convicted, relative to his habits, associates, disposition and reputation, and any other facts and circumstances which may tend to throw light upon the question as to whether he is capable of again becoming a law-abiding citizen.

Our investigations have led us to believe that no recommendations, evidence or other material that come before the parole board have greater influence with it than the statements concerning prisoners from the trial judges and the state's attorneys. The views expressed by them as to the prisoner's guilt, his disposition, his habits, his associates, and as to the probability of his reform, are treated with great respect.[2] Because of the importance of these statements to the board, we have paid particular attention to them in reviewing the material in the "jackets." We have found them, as a whole, quite inadequate in measuring up to the statutory requirements. Occasionally we discovered that no statement had been sent up at all, this notwithstanding the mandate of the statute, above quoted, that "it shall be the duty" of these officers to file such a report. Invariably, when one was inclosed, it was found to be a statement signed by the trial judge and the state's attorney jointly. The immediate facts of the crime ordinarily were covered, but rarely anything concerning the career of the prisoner "relative to his or her habits or associates, disposition and reputation." The statements seldom contained facts and circumstances which might tend to throw light upon the question as to whether the prisoner was "capable again of becoming a law-abiding citizen."

In a flagrant "gun-holdup" case, reduced to plain robbery on a plea of guilty, the statement was "as far as our records show defendants have no previous record." Yet an investigation of the police records showed that those defendants had just previously been engaged in a series of holdups, in some of which they had been indicted. This case arose in Cook County, where it hardly is to be expected that the judges, or the state's attorney, know much of the history of the prisoner, and yet it is strange that so conspicuous a case could go unnoticed. The barest investigation would have disclosed that the case involved "holdup" men of the most dangerous type.

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[1] Since the establishment of the parole board these statements properly are furnished to it.

[2] The following is a question asked by the Committee of Mr. Clabaugh and his reply:

"Q. What assistance do you derive from the statements by trial judges and state's attorneys?

"A. Very great assistance where the statement is complete, but I regret to say in many instances in the past the statement would show something like this:

"'Defendant entered plea of guilty to grand larceny; term one to ten years.' This might be one of a series of Yellow Cab holdups, and yet that would be all that would be said, whereas another statement might give us complete details and information. Some of the statements are very valuable and a very great improvement has taken place in the last year. State's attorneys and judges are now giving us more information and we are trying to work in closer co-operation with the prosecutors and the courts in order that we might have that information."

Often there appeared a lack of consistency in the statements made. In a burglary and larceny case, coming from southern Illinois in which a plea of guilty of simple larceny was accepted, the trial judge and the state's attorney signed a joint statement to the effect that this man's habits were bad, that his reputation was bad and that he was a dope fiend, yet less than nine months later the state's attorney wrote the supervisor of paroles:

> "If the conduct of ———— ———— No. ————, sentenced for grand larceny in the circuit court of ———— County, Illinois, at the Sept. term, A.D. 1925, is satisfactory, I would have no objection to his parole."

In another case where the conviction was for the crime against children, the trial judge and the state's attorney wrote:

> "The defendant because of the despicable nature of the offense should be kept in a state institution until he is cured. . . . the community in which he lives is much incensed, and rightly so, over the affair."

Nine months later the state's attorney wrote the supervisor:

> "I am satisfied if he were returned to this community a great deal of opposition would be created and I fancy some disrespect to the criminal law would result in the community. However, I do not wish personally to stand against this prisoner's parole, as I have no venom against him. It is, therefore, a matter in the hands and in the discretion of the parole board."

One year after the prisoner's conviction, the trial judge wrote stating he had known the prisoner for a number of years and had always considered him a good man. He then continued:

> "I was under the impression that when he was sentenced he would probably be out within about 11 months, and now feel that this man has received his punishment in full, and a parole after 12 or 15, or at the most 18 months, would be justice to him and also to the people at large in his community and county."

At about the same time, the state's attorney again wrote calling attention to the fact that the prisoner was quite ill and then continued:

> "I do not feel that ———— would receive any greater deterrent from again committing the offense for which he stands committed by being kept longer in prison. From what I know of his nature I believe he has been cured. It would therefore seem to me that with the knowledge contained in this letter the parole board could very properly revise its ruling made in October, ————, meeting, aforesaid."

41. *Same: Replies of the Judges.* We addressed an inquiry to a number of the trial judges of the state reading as follows:

> "Ordinarily do you become acquainted with such facts connected with the crime and the criminal as you believe will be beneficial to the division of pardons and paroles?"

Fifteen judges answered. Seven replied that they did become familiar with such facts, and eight said they did not. Of the judges who wrote that

they became acquainted with the facts which they believed would be of use to the parole board, three were from Cook County and four from "down-state."[1] And of those that did not, three were from Cook County and five from "down-state."[2]

Another inquiry addressed to the judges was: "Do you make up a statement for the division, or is this left largely to the state's attorney?" Two replied that they made up their own statements and thirteen that it was left to the state's attorney, with possibly an addition now and then by the court.[3]

42. Same: Replies of the State's Attorneys.

Letters were also sent to state's attorneys and twenty-three replies were received. Eighteen answered that they ordinarily became acquainted with such facts connected with the crime and the criminal as they believed would be useful to the board; five said they did not. All said they believed it a desirable feature for them to furnish such statements, and all said they gave the board the benefit of all they knew about the criminal.[4]

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[1] The following answers are typical:

"I endeavor to become acquainted with all the facts in every criminal case and I file a statement of the full facts known to me in every conviction.

"While I sat on the criminal bench I made my report each Saturday, as usually on that day the sentence was imposed on all the criminals that I sentenced that week. I did this invariably and believe it should be done by all judges. In that report I gave them all the information that I possessed."

[2] One judge wrote:

"In districts with large population and much criminal business, I do not think the courts become acquainted with sufficient facts concerning the criminal as to be of any benefit to the division of pardons and paroles. In such districts, the court must necessarily depend largely upon the state's attorney's information to make up his statements."

Another wrote:

"Ordinarily I do not become acquainted with all such facts connected with the crime and the criminal as I believe would be beneficial to the division of pardons and paroles, and am compelled to rely largely upon the statement of the state's attorney. But where I am informed of other matters which I believe the department should have it is my practice to make up a separate statement or report. In pleas of guilty the court generally has little, if any, information as to the nature of the offense, and even where a case is contested the court learns nothing officially except the circumstances of the particular crime itself. The prisoner's past record, family life, environment, associations, habits, and all such things are unknown to the court. But the state's attorney, through his investigators has means of ascertaining them, and, in my opinion they should be embodied in every statement made by the state's attorney."

[3] One judge wrote:

"Statement is left to the state's attorney. He is about the only source of the court's information. I look over the report of the state's attorney and if fair and full enough I countersign it."

The following reply is typical:

"The preparation of a statement to the division of pardons and paroles mentioned in this interrogatory is largely left to the state's attorney. In a great percentage of the cases in which a plea of guilty is accepted, the judge has no means whatever of learning the facts of the case or the prisoner's history, except as it is given him by the state's attorney. This situation makes it imperative for the judge to rely upon the statements of the state's attorney."

[4] The following is a typical reply:

"I think a full report as indicated by this question should be furnished by the state's attorney if it could be done. The facts surrounding the crime can generally be furnished but the social history of the prisoner is very hard to get and as a general thing, cannot be furnished correctly. I always furnish as good a statement as I can find but I realize as a general thing it is not what it should be."

Another wrote:

"I do so because the statute requires it. I make a full and complete statement. I

43. Estimate of the Work of the Board.

There can not be any doubt that the situation in the administration of paroles has improved materially since the creation of the parole board by the last general assembly. The previous system was defective in that the supervisor was unable to function over the whole field; the task was too extensive and difficult. The new board, on the whole, appears to be functioning smoothly and well. The hope is expressed that the members of the board will become earnest students of penology and the purpose and function of the parole. The parole in connection with a prison term is the most scientific method for the release of prisoners yet devised. In the hands of intelligent persons who understand its purpose, it functions well, but in the hands of others it not only is ineffectual, but is likely to be a menace to the public welfare. This fact should be realized not only by those who administer the parole laws but as well by the public at large.

The time is past when society is willing to execute criminals for all sorts of crimes. The agitation is on to do away with all capital punishment. So, too, it would be impossible today to administer the criminal law if all felonies were punished by life imprisonment. The point is, whether we like it or not, and no matter how harsh some may think convicts should be treated, the great body of our prisoners serve only for a short period, after which they are again released into society. This is true of definite or flat penalties for a term of years; it is not peculiar to the indeterminate sentence and the parole. And since the great majority of our prisoners sooner or later are released, can there be any gainsaying to the proposition that, not for sentimental reasons, but for public safety and the general welfare, it is desirable to make use of every means within our power to salvage and prepare them for the life of freedom that is to come? Imprison the convict? Yes. Work him hard? By all means, but make the work sanitary and instructive. Teach him a trade, educate him, make him work up to the limit consonant with good health, but exact all this with the intelligent purpose in view that we are preparing him to take his place in society. After his prison period, he should not be released unconditionally, but paroled, and supervised well during his readjustment. Then if the observation is that he is not adaptable he can be returned to prison. This is not a gospel of sentimentality; it is not coddling the prisoner, but it is an effort to deal with this problem intelligently and scientifically.

This is the great problem that faces the new board. It is beginning its work well, and its insight, no doubt, will improve as time goes on. It is our impression from the reading of the subcommittees' recommendations as to the prisoners, that, in the main,[1] the members have the essential

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can not conceive a situation in which the board could arrive at a proper conclusion without such statement, and furthermore without a complete statement of the facts by a disinterested party, who knows the facts and is unprejudiced."

[1] Here and there a report lacked discrimination; e. g., the committee recommended the denial of parole stating, "We feel that this boy should have a substantial lesson to the end that he will learn that he cannot do the things that he has been doing so flagrantly."

As to one prisoner for whom parole was recommended it was said: "He is a young man, barely of age, and his offense consisted of stealing of $20 worth of chickens in company with ..... who had previously done time in the penitentiary and who is again in this institution doing a second term. The former's release was recommended by the prosecuting witness and the state's attorney of the county from which he came.

principles of parole well in mind. The suggestion respectfully is offered, first, that the board members give to the great problem their common sense judgment, and secondly, that they become thorough students of the theory of parole. If they combine the two, the opinion is ventured that their common sense will guard against impracticable theory, and that the mastering of the theory will materially enrich their judgment.

44. Recommendations to the Board.

We found that the data before the board often are very scanty. It is not safe to rely upon a judgment formed after the short interviews given prisoners before the board. There is, to be sure, the material in the "jackets," but this too often is of no material aid. To carry out the spirit of our statute of paroles, the board needs to draw on information from various sources.[1] Before it forms a judgment on parole of a prisoner, it should know his history; it should have information concerning his family life, his associates, his work habits; the facts concerning his crime and career as a criminal; it should have the benefit of the observations concerning him of the prison officials,[2] of the mental health officer and the prison physician, and, finally, before release on parole, it should know definitely where he is going when paroled.[3]

The greatest difficulty in the past has been experienced by the supervisor

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In view of all the circumstances, we think this is a parolable case, and accordingly we have entered such an order."

[1] The statements made by the superintendent of the reformatory at Pontiac, as a rule, were very helpful. A member of this committee had the privilege of sitting through a meeting of the superintendent and his staff at the reformatory and to observe how these statements were made up.

[2] Section 54a, of the Parole Act, which created the new board provides: "In consideration of any parole said board shall consider and give weight to the record of the prisoner's conduct kept by the superintendent or warden."

[3] The following is a series of questions we asked Mr. Clabaugh stated with his answers:

"Q. Before a prisoner is paroled, do you require a sponsor for him, in all cases?
"A. Yes, sir.
"Q. What method do you have for checking whether or not the sponsor is reliable? I have heard a great deal about dummy sponsors.
"A. We check every one now.
"Q. What method do you use?
"A. We find out who the sponsor is; what likelihood the man will continue there and that the sponsor will continue taking a real and genuine interest in him. In the old days a fellow who had absolutely no qualifications for an automobile mechanic would be paroled to a garage man who promised to pay him $40.00 a week. He would hold his job for two weeks and be paid. There was no intention of keeping him. Now we try to check not only the sponsor and his promise of a job, but the boy's capacity to fill the job **satisfactorily.**
"Q. Is that done by personal interview?
"A. By letters and personal interviews both.
"Q. By going and looking over the establishment?
"A. Yes, sir.
"Q. When a prisoner is paroled, is the parole agent given a history of him, his crime, his worst habits and the like?
"A. Yes, he is now.
"Q. Was that done in the past?
"A. In a modified way, yes. Now, we give everything we know to the fellow.
"Q. His entire record follows him?
"A. Yes, because he can better then know how to handle the parolee if he knows all about the individual, and he would know what precautions he would have to take; whether he was a sex pervert or accidental offender. In the old days they used to give him a synopsis of the history, but none of the details."

in getting a past history of the prisoner. That data he (now the board) must have. The man's past throws light on what he is now, and this in turn lights the way to forecast his future. In short, to form a judgment on whether a man is a good parole risk, the supervisor (now the board) must know his past. The trial judges' and state's attorneys' statements are of help, but, as has been pointed out, they are often too scanty.[1] With more funds at its disposal than formerly, the board should put skilled investigators on the job to get this information. We commend this to the board as an essential feature supplementing the other material it has at its disposal.

The board works under a material handicap with reference to obtaining data and information in that it cannot subpoena witnesses nor compel the production of records, papers and documents. It should be borne in mind that great discretionary powers over the liberties of others is vested in it. Some of the indeterminate sentences run from one year to life, and under these the board has such wide scope to its action, that it may parole the prisoner after a year's confinement, or it may keep him imprisoned during the rest of his life, or it may parole at any intermediate period. With such great responsibilities and powers, all legitimate avenues of obtaining information which might assist it in making up its judgments should be opened to it. And yet it cannot subpoena a witness, or compel the production of a document, even though the testimony of a particular witness or the production of a document might be vital to the forming of an intelligent impression.

To remedy this situation, a bill was introduced at the last general assembly proposing to amend and revise the parole act and, among other things, to add section 9½ to the act, which section proposed to give to the board the power to issue subpoenas and subpoenas duces tecum.[2] The bill failed to pass.

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[1] It should be observed that while Section 6 of the Parole Act provides that it *shall* be the duty of the trial judge and the state's attorney to furnish these statements, the attorney general has ruled that the admission of a prisoner to the penitentiary could not be refused on account of such statement not being furnished.

[2] The full context of Section 9½ as proposed was as follows: "All hearings of the parole board shall be public except when in the opinion of the board, justice may require secrecy. The chairman and members of the parole board shall have the power to administer oaths, and the board shall have power to subpoena and examine witnesses, and issue, in the same manner as in equity cases in the circuit court, subpoena duces tecum requiring the production of such books, papers, records, and documents as may be evidence of any matter properly before the board in relation and pertinent to the granting or termination of the parole of any person, subject to its supervision, within the provisions of this Act. Service of such subpoenas shall be made by any sheriff, or constable, or other person in the same manner as in cases in the circuit court. In case any person so served shall wilfully neglect or refuse to obey any such subpoena, or to testify, the chairman may at once file a petition in the Circuit Court of the County in which such hearing is to be heard, or has been attempted to be heard, or in the Circuit or Superior Court in Cook County, setting forth the facts of such wilful refusal or neglect, and accompanying said petition with a copy of the citation, and the answer, if one has been filed, together with a copy of the subpoena and the return of service thereon, and may apply for an order of court requiring such person to attend and testify, or produce books and papers, before the board, at a specific time and place. Any Circuit Court of the State or the Superior Court of Cook County, or any judge thereof, either in term time or vacation, upon such showing shall within proper judicial discretion order such person to appear and testify, or produce such books or papers, before the board at a time and place to be fixed by the court or judge. If such person shall wilfully fail or refuse to obey such order of the court or judge, without lawful excuse, the court shall punish him by fine or by imprisonment in the county jail, or by both such fine and imprisonment, as the nature of the case may require and may be lawful in cases of

We believe that this power should be granted to the board and we recommend that a similar bill be introduced at the next session of the legislature.[1]

45. Lesser Pleas and Pleas of Guilty: Their Relation to Parole.

It is a popular belief that the modern jury is responsible for a substantial part of the so-called miscarriage of justice in criminal cases. It is not within the province of our work to discuss the responsibility of the jury other than to direct attention to the fact that a substantial portion of our criminals, who are sentenced, never appear before a jury at all. (See chapter I, sec. 23, chapter III, sec. 25, *ante*). Penalties are inflicted frequently upon pleas of guilty. This would seem quite as it should be—the guilty criminal, knowing himself to be so and seeing the uselessness of further opposition, throws himself upon the mercy of the court—but, as so often happens in the administration of criminal laws, things are not as they seem. The fact is, there is involved in the matter of pleas of guilty one of the most astounding features in the story of crime.

When the plea of guilty is found in records, it is almost certain to have in the background, particularly in Cook County, a session of bargaining with the state's attorney. If the prisoner is charged with a severe crime, which for some reason or other he does not care to fight, he frequently makes overtures to the state's attorney to the effect that he will plead guilty to a lesser crime than the one charged. Thus if the charge is murder, where the

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contempt of court. Every witness attending before the board at any hearing shall be entitled only to such compensation for his time and attendance and payment of traveling expenses as is or shall be allowed by law to witnesses attending such courts, which shall be paid by the board if requiring on its own initiative, such testimony or evidence. The board may issue a dedimus potestatem directed to any commissioner, notary public, justice of the peace, or to any other officer authorized by law to administer oaths, to take depositions of persons whose testimony may be deemed by the board necessary to any such hearing. Such dedimus potestatum may issue to any part of Illinois, or to any other state, or any territory of the United States, or to any foreign country. The board shall have the power to adopt reasonable rules to govern the issue of a dedimus potestatem, the taking of such depositions and the payment of all expenses thereof."

[1] Fourteen trial judges answered the inquiry put to them: "You will find inclosed Senate Bill No. 375. Would you kindly read it and then give us your opinion of it? Do you approve or disapprove of it, and why?" Eight approved the bill, four were opposed and two were indefinite in their replies. One judge wrote: "Senate Bill No. 375 would do away with the haphazard system heretofore applied if faithfully complied with and meets with my approval, if we must keep on with the parole law."

Opposed to this view another wrote: "I think Senate Bill No. 375 is wholly unnecessary. I disapprove of it for that reason. It appears to be intended for a basis for giving the defendant a new trial before a tribunal not a court. There is ample provision in the law as it now stands."

And still another presented the following view: "Strike out the following language in lines 1 and 2 of Section 9½, to-wit, 'except when in the opinion of the board justice may require secrecy.' At the end of said Section 9½ the following be added, 'The state's attorney of the county from which the applicant for parole was sentenced shall be given at least ten days' notice of such hearing, and he shall be privileged to attend the same for the purpose of resisting the application, if he deems it advisable for the public good to do so. Every state's attorney attending before the board at any hearing shall be entitled to receive a warrant drawn upon the state treasurer for an amount equal to his necessary and actual traveling expenses in going to and returning from such hearing.'"

punishment is death or a flat penalty anywhere from fourteen years to any number of years or life, the effort often is made to have the crime reduced to manslaughter, where the penalty runs from one to fourteen years (formerly one year to life), or to assault with intent to commit murder, where the penalty is one to fourteen years. These approaches, particularly in Cook County, often are made through another person called a "fixer." This sort of a person is an abomination and it is a serious indictment against our system of criminal administration that such a leech not only can exist but thrive. The "fixer" is just what the word indicates. As to qualifications, he has none, except that he may be a person of some small political influence.

Overtures with the "lesser plea" are commonly employed in "gun hold-up" (robbery while armed) cases where the penalty before the meeting of the last legislature was from ten years to life (now one year to life). In such cases it is common to find pleas of guilty to plain robbery, where the penalty was from three to twenty years (now one to twenty years). Or the plea may be guilty of grand larceny with a penalty running from one to ten years. Finally, it is not uncommon to find pleas to petit larceny in such cases where the punishment is a sentence to the workhouse or jail for a period not to exceed one year and a fine not exceeding $100.

We found many cases in which the plea accepted, and the punishment inflicted, seemed trivial in comparison to the magnitude of the crime committed. One example is here given. The defendant, so the facts showed as in the statement of the trial judge and state's attorney, had held up at the point of a gun the driver of a truck load of silk valued at from $27,000 to $30,000. This crime therefore was robbery while armed, the penalty for which, at the time it was committed, was from ten years to life. Notwithstanding this fact a plea of guilty for petit larceny was accepted and the sentence imposed was one year, definite, and a fine of one dollar.

The following is a statement of the case signed by the state's attorney, by his assistant, and concurred in and signed by the trial judge:

"In re: ——— — ——— { Indictment No. ———
{ Petty larceny.

"The above named defendant was sentenced to Pontiac for one year and $1.00 fine on a plea of guilty to petty larceny on the ——— of ——— by his Honor ——— ——— ———, one of the judges of the criminal court of Cook County. The facts in the case are as follows: ——— ———, ——— ———, Chicago, who was a driver for the ——— ——— ——— ———, on the ——— of ———, 1925, about 11:15 p. m. was driving a truck on Fulton Street between Paulina and Wood Streets loaded with bales of silk. Defendant, with others, drove up alongside in an automobile and got on the running board of the truck. He intimidated ——— with a revolver and told him to follow the automobile. After going a short distance he ordered ——— to get off the truck and get into the automobile. They drove to 54th and Trumbull Avenue, where both ——— ——— and ——— were put out of the automobile and both the truck and car drove away. The truck contained about 30 bales of silk

valued at $900.00 a bale. Defendant was subsequently identified and pleaded guilty as noted above.

Respectfully submitted,

_____

State's Attorney

By (signed) _____ and _____

Assistant State's Attorneys.

"I hereby concur in the above statement of facts as set forth by the state's attorney. (Signed) _____,

Trial Judge."

Several circumstances are responsible for the "lesser plea."[1] It permits of wider range of penalties within which a prisoner can be sentenced. The dividing line between grand and petit larceny is at $15.00. If a prisoner has stolen $16.00 worth of property, and this was his first offense, it may be proper to permit him to plead guilty to petit larceny.[2] In the second place,

[1] A trial judge wrote to the committee:

"Some criticism has been indulged concerning the judges by those who are ignorant of the facts when the judges have permitted prisoners to plead guilty to a lesser of several offenses which might be charged. There are generally several counts in an indictment, one charging the graver offense and others charging lesser offenses. It very often appears, when prisoners are called for trial, that either through their attorney or themselves they recognize their guilt of a lesser offense but deny guilt of the graver offense; and in some cases they even admit their guilt of the graver offense, but because of youth, or because it is the prisoner's first offense, he throws himself upon the mercy of the court and offers to plead guilty to the lesser offense rather than to stand trial for the graver offense. I have uniformly, in such cases, talked with the state's attorney concerning the facts, and with the prisoner, and with relatives of and witnesses for the prisoner, and thus determined whether or not, in my judgment, the ends of justice would be met by allowing the prisoner to plead to the lesser offense. I am sure this course is in the interest of justice. If every prisoner indicted in Cook County should demand a trial and insist upon that demand, our county jails would be overcrowded and more guilty prisoners would go free than is the case today. In every such case I have uniformly looked into the evidence of the state by reading the state's documents, which would show what evidence it possessed, and in many instances I have recommended the lesser plea to the prisoner, not only for the prisoner's sake, but for the sake of the state. To illustrate: The penalty for robbery with a gun is from ten years to life in the penitentiary. The penalty for robbery without a gun is from three to twenty years in the penitentiary. The law prescribes that if any one of a group of men committing a robbery has a gun, then all are guilty of robbery with a gun. The facts, however, generally show that where four or five young men commit a robbery, one, two or three may have guns, while the others do not have guns. Some of them are stationed as lookouts, others chauffeurs, and so on. In such cases it very frequently happens that those who are not the ringleaders in such a robbery offer to plead guilty to robbery without a gun and take the lesser penalty of three to twenty years. In most instances where it is the first offense of the prisoner, I have permitted this plea to be entered and sentenced the prisoner to from three to twenty years. In my judgment, such a sentence is just as effective as the sentence of ten years to life. In this way there is no question about the conviction, as might arise before a trial by a jury, and the prisoner is sent to the penitentiary for a minimum term of three years or a maximum term of twenty years; and the parole board can then determine whether or not the prisoner should be released at the end of three years or should be kept for a greater period of years, even up to twelve or fourteen years. The same thing is accomplished by accepting the lesser plea as would be accomplished if conviction was had on the graver charge."

[2] The following question was asked by the Committee of the state's attorneys: "Please indicate justifying circumstances for the acceptance of the lesser plea. Your reasons for the practice would be greatly appreciated." There follow a number of replies which are typical of the others received:

"For the past 4 years law violations have increased not less than 40 per cent in the more thickly populated counties, and no additional help is employed by county boards; one man can not properly try cases, investigate witnesses, and get cases in proper shape for trial. As an illustration, in our county, we handle 400 to 500 cases per year, without

the state's attorney may have a weak case, and rather than risk it with the jury he permits the prisoner to plead guilty to a lesser offense. Again, the state's attorney is an extremely busy officer in some communities and the acceptance of pleas to lesser offences is a way of disposing of cases rapidly. Further, the state's attorney is a political officer and it behooves him to make something of a record in convicting criminals. If the records show many convictions, this is good for public consumption. Finally, it offers a means, in the larger centers, for bargaining with the politician who has interested himself on behalf of the prisoner.

46. Same: Extent of This Practice. A study made by the Committee April 26, 1927, of all the prisoners in Pontiac showed that out of a total of 1637 inmates then present, "lesser pleas" had been accepted for 571 who had been sentenced on the basis of such pleas. Of the 571, 104 came from down-state and 467 from Cook County. The following Table 2 shows the crimes and the distribution by counties.[1]

47. Same: the Problem for the Parole Board. The "lesser plea" presents a knotty problem for the parole board. When the facts show that the crime clearly was robbery while armed for which the penalty was one year to life (formerly ten years to life), and the prisoner was sentenced on a plea of guilty of larceny for which the penalty is one to ten years, what should be the attitude of the board? Should it ignore the actual crime committed and deal with the prisoner only on the basis of the legal crime for which he was sentenced, or should it take the facts of the crime into consideration and reason that the "gun hold-up" convict is more likely to be a dangerous risk on parole than a mere thief? It cannot confine this prisoner for more than ten years under the sentence, to be sure, but should it weigh the facts of the actual crime against the prisoner and, other things being equal, make this prisoner serve nearer his maximum than the ordinary thief confined under the same sentence?

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an assistant state's attorney and without any assistance in interviewing, and keeping track of witnesses, and due to dilatory motions and other unavoidable reasons, cases are prolonged, witnesses intimidated, bought, and interest lost so that when cases are brought to trial the state's attorney has no means of knowing what results are obtainable, and as a result, in the majority of cases, is embarrassed by the fact that he has not sufficient evidence to obtain convictions."

"If in larceny, the value of the property stolen barely exceeded $15.00, and the defendant had previously been of good reputation and also youthful, and it became apparent to me that he now saw the error of his ways and would not repeat the offense, I would not hesitate in recommending to the court that the defendant be allowed to enter a plea of guilty to petit larceny and take a jail sentence instead of being thereafter disgraced as a felon."

"The way I look at it, the state's attorney's job is to get people in the penitentiary, house of correction or jail and I do not think it makes any particular difference what the crime is called that they are sent there on. In my judgment, it is the certainty of punishment and not the severity that counts, especially when this is coupled with quick action."

"Considering the uncertainty of jury trials, the strict rules of evidence, the conception of many jurymen as to what constitutes 'reasonable doubt,' the possibilities of appeal and the probabilities of error in the record, together with an inducement to other persons to take the same course prompts me many times to 'give them a break' and take a plea of guilty to a lesser offense."

[1] We were assisted in this study by Mr. C. O. Botkin, recorder at the Illinois State Reformatory.

TABLE 2. PRISONERS SENTENCED ON LESSER PLEAS.

Counties	Robbery Armed to Plain Robbery	Robbery Armed to Larceny	Robbery Armed to Petit Larceny	Plain Robbery to Larceny	Plain Robbery to Petit Larceny	Burglary to Larceny	Burglary to Receiving Stolen Property	Burglary to Petit Larceny	Murder to Manslaughter	Larceny to Petit Larceny	Burglary to Attempted Burglary
Adams	1										
Alexander	1										
Boone	1										
Cass							2				
Coles						1					
Cook	188	161	6	13	1	61	2	1	15	14	4
Du Page		1									
Fayette	1										
Ford								1			
Franklin						4					
Henry	1										
Jackson	1					3					
Jefferson	2										
Jersey	3								1		
Kane	1	2				2					
Kankakee	1										
Knox	1					1					
Lake	1										
La Salle	4										
McLean	6					1			1		
Madison	2					5					
Massac						1					
Menard						3					
Morgan	1										
Peoria	1					1					
Piatt	1										
Pope	1										
Randolph	3					1					
Rock Island	2										
Saline						3					
Sangamon	1								1		
St. Clair	15					2			1		
Stephenson	2										
Vermilion	6					1					
Washington	4										
Winnebago		2									

We believe that the actual circumstances of the crime should be weighed by the board as it weighs all other facts concerning the prisoner.[1] Any fact that is material on the question whether the prisoner is a good parole risk is proper for consideration by the board. It should be free to consider all the facts connected with a prisoner's past life, for so only can it act intelligently in forecasting the likelihood of his succeeding on parole and afterwards. This is not trying cases anew to determine guilt; it is laying up knowledge with which to act intelligently for the protection of the public.

48. Same: Action of the State's Attorney in Securing Pleas of Guilty.

We found that occasionally serious problems have arisen between the board and the state's attorney and even the trial judge over representations made to a prisoner when his plea of guilty was secured. As has been pointed out previously, the board very properly welcomes recommendations and statements of opinions relative to the prisoner and it gives much weight to them. A recommendation to the board should be differentiated, however, from a promise to the prisoner or an intimation to him that if he pleads guilty he will be released, or is likely to be released, after a specified period of confinement. The latter is objectionable. For the state's attorney or the trial judge to make such representations is encroaching definitely upon the jurisdiction of the board. It is just this feature, i. e., the determining of the period a prisoner is to be confined, which is the peculiar function of the board. It is its duty to study the prisoner's case and to *release him only when it believes him to be a good parole risk*. Further, it must perform its functions with an eye to disciplinary problems in the prison. Let it once become known that, other things being equal, some prisoners are being released earlier than others, the morale, and there is such a thing even among prisoners, of the other inmates is lowered.

One case will suffice to illustrate. Three boys were sentenced to Pontiac on a penalty of from one to twenty years. Eight months after their imprisonment the state's attorney wrote the superintendent of the reformatory as follows:

"Prior to sentence Judge ———— and I agreed that on a plea of guilty we would recommend parole on the minimum time, providing,

[1] The following question was put by a member of this committee to a number of state's attorneys: "Assuming a situation where a lesser plea has been accepted, for example, a manslaughter plea where the facts indicated murder, do you believe it properly within the province of this division of pardons and paroles to take these facts into consideration in fixing prisoner's sentence?" Twenty-two replied, 17 said that these facts should be considered, 3 said they should not and 2 were indefinite. One, typical of the replies received from the majority, wrote: "I believe the parole board in fixing the prisoner's sentence should be governed by the facts in the case rather than by the offense to which the prisoner has entered his plea of guilty."

Another view was expressed as follows:

"I don't think the division of pardons and paroles should consider anything only what is before them in reference to the prisoner's plea. If the papers say manslaughter, that is what he has been convicted of and that is the thing that should be considered. It is for courts to say what a party is guilty of and no one else."

Fourteen trial judges answered a similar question. Of these 13 were emphatic that the board should consider all the facts of the crime notwithstanding the lesser plea. One was opposed.

of course, that the boys, or any one or more of them, had conducted themselves in a manner to warrant parole."

A few days later he addressed the following letter to the board:

"Each of these boys come from families which are unquestionable and above reproach, and the parents in each case rendered to me and other officials all possible service in having the boys relate their offenses in detail, and sanctioned the method of sentencing them to a reform school, and the parents made restitution of all the money gotten by the boys immediately after their sentence. Previous to the time of sentencing the three, the circuit judge, myself as state's attorney, and the parents held a consultation relative to the possibilities of reforming the boys, and after discussing the details in particular with the boys, it was the opinion of all concerned that one year in Pontiac would be sufficient punishment to cause them to realize their mistake, and it was agreed between us, myself as state's attorney, Judge ————, presiding judge, and the parents that we would recommend a parole at the end of one year period."

The day following the last letter from the state's attorney, the trial judge wrote to the board:

"I am informed that the state's attorney has already written a letter recommending their release. If the conduct of these prisoners has been satisfactory I recommend their release on parole."

Four months later the trial judge wrote once more:

"I desire to renew my recommendation that these young men be released on parole if their conduct as prisoners has been satisfactory. Considering their youth and the fact that they have already served 13 months, it is my opinion they have learned a lesson and that they will profit by their imprisonment if given a chance by release on parole."

The interpretation put on the negotiations, before the boys were sentenced, is shown by the following letter from a firm of lawyers representing one of the prisoners. This letter was written about the time the one last quoted from the trial judge:

"After a long consultation the state's attorney agreed that under all the circumstances one year would be sufficient punishment, and if we saw it that way he would write a strong letter to the board of pardons and paroles at the expiration of one year, recommending the release of these boys, and Judge ———— at the same time stated he would do the same. In this situation we recommended to our client that plea of guilty be entered and same was entered."

Then followed a letter from the chief of police stating:

"At the time we had these boys in court they pleaded guilty and I understand were told at that time if they would make good at Pontiac the public officials would do what they could to get them paroled in a year. I think they ought to have the benefit of this promise."

Another attorney representing one of the boys wrote about the same time:

"At the time these boys were indicted I was representing the ———— boy. I allowed him to plead guilty. In fact, I advised him to plead guilty from the strength of conversation with the trial judge and

state's attorney. They told me they would recommend a parole for these boys at the end of 11 months if their behavior was good. They also advised me they had never known of any case wherein the parole board had disregarded a joint recommendation from the state's attorney and the presiding judge. I feel that the state of Illinois will do these boys a great injustice if they do not admit them to parole now that more than one year has elapsed, and I most strongly urge you to grant this request."

And still another attorney who represented the third boy wrote:

"Would not the bad effect of an apparent breach of good faith by the people of the State of Illinois be so bad as to more than offset the possible advantages or desirability of further punishment? I cannot help but feel you will agree with me in saying that if the boys have in good faith tried to make good in the reformatory, then the state should in good faith try to carry out that to which the state's attorney and the trial judge pledged them in so far as they had the power to pledge them."

This case caused a great deal of misunderstanding between the board on the one hand and the trial judge and the state's attorney on the other. We believe that all this would not have occurred had there been a clear understanding of the functions of the board. So that the board may not be embarrassed, it is desirable that no representations be made to a prisoner concerning the time of his confinement other than the legal limits of his sentence, and certainly there should never be a representation to him that, if he plead guilty, he might expect to be released at the minimum or any other period short of the maximum with the possible exception that he might expect allowances for good behavior within prison. In the administration of the law various officers must work elbow to elbow; effective work can be done only if each recognizes and respects the functions of the others.

PART C

PRISON AND PAROLE METHODS, AS EFFECTIVE FOR REHABILITATION OF THE CONVICT

49. Statute Provision. "In consideration of any parole said board shall consider and give weight to the record of the prisoner's conduct kept by the superintendent or warden." This is not only a provision which aids the prison or reformatory in disciplining its inmates, by holding out the parole as a reward, but a requirement that the board and the supervisional administration take into consideration, first, the behavior of the person while under observation in the prison. This report, therefore, includes a study of the methods of Illinois State Reformatory at Pontiac, the Illinois State Penitentiary at Joliet, and the Southern Illinois Penitentiary at Menard, from the point of view of assisting the ultimate rehabilitation of the criminal.

50. The Illinois State Reformatory at Pontiac. The Illinois State Reformatory at Pontiac accepts commitments of boys and young men between the ages of sixteen and twenty-six. The importance of training and instruction for a population of this age-level has been taken into account in the plan of the institution. There is not only a separate school building for academic instruction, but some of the shops are designated as "schools."

In the case records, studied by the committee, of inmates about to appear before the parole board, very little reference, if any, is made of the work and school progress of the particular inmate. The officials in charge of each shop should be able to give detailed and specific reports of the accomplishments of the youths, their diligence and aptitude.

51. Same: Occupational and Training Opportunities. The following shop schools are listed in the daily employment report: Bakery, blacksmith, carpentry shop, masonry, printing, painting and glazing, shoe making, tailoring, tinsmithing. These are classed as "trade schools." All inmates are required to put in half a day in school and the other half day at work at one of the shops, either in the productive or non-productive classification. If a youth, however, has finished the eighth grade prior to coming into the institution or within the reformatory, he may be assigned to a full-time job.

Chief among the prison industries, in which 301 inmates are employed on a half-day basis, is the upholstered-furniture shop. This shop produces for the market, and not for state use or for institutional maintenance. An experienced factory superintendent is in charge. Between fifteen and twenty sets a day, composed of a davenport and two chairs, of the overstuffed type, are produced here. Work in this shop is conducted on a strictly industrial basis. Everybody is busy here and there is little "soldiering" and no "busy-work." Here is an industry, working on a business basis, in a reformatory institution, in which the youths can learn operations in every way similar to those in a factory in the same line in the outside world. Much has been said about the resistance of manufacturers and unions to prison manufacture

for the market. There has been no opposition, so far as we know, from any quarter to this arrangement. This enterprise is not an ideal opportunity for learning a trade because the product is highly specialized. But all of the work can be classified as semi-skilled and all of the workers learn operations which they can utilize in a factory after release on parole.[1]

The printing shop employs fifty-nine full-time inmates. The superintendent of printing, who is in charge of this shop, was formerly engaged in the publication of three or four country newspapers and conducted a job printing shop, which is usually part of the publishing business in a country town. There is a bindery in connection with the printing plant. All of the work produced is for state use. The shop is continuously busy and gets a sufficient variety of work to afford the necessary variety of instruction in the training of a journeyman printer. Undoubtedly the inmate who has sufficient schooling to fit him for this trade, and who is not temperamentally unfitted for the printing business, could become a journeyman printer if given the opportunity (a) to master all of the processes carried on in the shop and (b) to perform a sufficient variety of printing jobs. The shop, however, is not organized primarily as a school shop but as a production shop. It would be unfair, however, not to mention the advantages to the youth employed in this reformatory shop. In the first place, the printing plant here actually offers an unusual opportunity for the youth who is eminently fitted for it, who fortunately comes into the shop at a time when he can be promoted from operation to operation, and when the variety of work is such that he can gain a sufficiently wide experience. As an interesting occupation, regardless of apprenticeship experience, the printing shop ranks high at Pontiac.

The tailor shop employs fifty full-time and seventy-one alternating half-time men. It is in charge of a man who was formerly engaged in the custom tailoring business and is a master of his trade. The shop is completely and modernly arranged and equipped. The instruction includes all operations, even to the hand-tailoring of complete suits, overcoats and caps. Power cutting machines and sewing machines are used. The best feature of the shop is that the workers are moved from operation to operation and can progress to the completion of journeymanship. For instance, such men as are engaged in power sewing machine operations in the manufacture of shirts and overalls are later permitted to work on "dress-out" suits and overcoats to be worn by inmates when discharged, and upon clothing for officers. In this trade as in the printing trade, academic work and shop work are not correlated. It need not be assumed that there is nothing for a custom tailor to learn in school.

Heavy shoes, called "brogans," for use within the institution at Pontiac, are manufactured on one style and last, and by so simple a method that it does not require the use of the main machines utilized in a shoe factory manufacturing a general line for the market. The shop is not arranged to parallel such a factory. Inmates who can afford to buy better shoes are

[1] The records of the committee show, for example, that a young man who learned to be a shipping clerk in this furniture factory is very fortunately placed in the same sort of work in Chicago.

permitted to purchase their own from the outside if they choose. In the shoe-manufacturing business the machinery is, by and large, not owned by the manufacturer but leased from a single company for use everywhere in the United States. For learning purposes it would be fortunate if this inmate demand for better shoes were supplied by the inside shop on a purchase basis. The additional machinery could be leased in order to give the youths an opportunity to learn the trade. As it is, this shop employs sixteen full-time and twenty-seven alternating half-time inmates who are learning a type of shoe making that approximates that of the cobbler rather than learning a shoe factory trade.

The machine and blacksmith shops are dependent for their work upon the repair jobs which occur as mishaps in the operation of the plant. There is no continuous production and little opportunity for learning a trade. The machine shop is not equipped with the machinery necessary for learning the trade. In the blacksmith shop, which employs eleven men in the morning and eighteen in the afternoon, there were two boys actively engaged. In the tin shop there were ten at work in the morning and nine in the afternoon. Two were making covers for garbage cans. One of them was putting a crimp (marcel wave) on a garbage can cover with a crimping machine. The others were idle. In the electrical shop the inmates were idle. Several of the boys there were taking the course in electricity from the International Correspondence School, and one was actively engaged during the visit of the committee in producing a working drawing of the lighting system of one of the cellhouses. Masonry, carpentry, painting and glazing are listed among shop schools. A total of fifty-five full-time and thirty-two alternating half-time youths are employed in these shops. There is no brick or stone building construction in process at present, nor is there a project room where bricklayers' learners are taught by the project method the various "bonds," the reading of blue prints, estimating, etc. Carpentry, painting and glazing are not methodically taught or learned.

52. Same: Non-productive Occupations.

The occupations listed as non-productive are also classified as "schools." Among these occupations, which are used solely in the daily service of the institution, are some in which the ordinary work affords the learning, partially or completely, of a trade.

Of this category, the work in the barber shop is an outstanding example. Every inmate at Pontiac, as at other penal institutions, must be shaved and have his hair cut in the barber shop. This gives a continuous supply of work to the barbers, who, except for the manager, are inmates. The shop is so conducted that it parallels the work of commercial barber shops. Very close care is exercised here to keep separate shaving cups for such inmates as are known to have infectious or contagious diseases. This strictly enforced rule is of value to the learning barber. With the amount of work there is no idling on the job. Twenty-one full-time and twenty-five alternating half-time men are employed.[1] Academic school work could be offered to barbers,

[1] The committee has studied at least two paroled men whose first job on parole was that of barber, both of whom learned their trade here. Both of these men saved their money, bought cars, and are now cabmen in their own rights. They are also married and have attractive homes.

relating to sanitation, shop management and shop-accounting. Since the training is effective, the operations learned and the skill attained ought to be a factor in parole consideration and placement, if specified in the record.

The bakery is sanitary and systematic in its operations, approaching more nearly a modern bread factory than a neighborhood bakery. Here an inmate can learn to be a bread baker for which in urban centers there is a demand. Provided the inmate is shifted from process to process, it is even possible to place him after parole in a baker shop which has a line of pastries and other products in addition to bread-baking. There are ten full-time and twelve alternating half-time men assigned to the bakery.

Truck farming, care of cattle and chickens and hogs, are in charge of a specialist, with two gardeners, a dairyman and a poultryman as assistants. The boy coming from farm work has the opportunity to learn much of large-scale agriculture, animal husbandry, of hot-house work and dairying, which his home training did not afford him. Thirty-nine full-time men are assigned to the farms.

Band, vocal quartette and other musical instruction for entertainment within the institution is intensively conducted. Youths can attain here a musical training valuable to them in earning a living upon release. Entertaining, waiting on officers, or clerking in the various offices provide opportunities to come to the notice of officers and to gain favorable recommendation. In the instrumental music division are listed ten full-time and sixty-two half-time men.

In the clerical jobs, which inmates call "politician jobs," certain special privileges naturally exist by the very conditions of close association with officers and the requirements of the work. All staff officers and some of the subordinate officers have inmate help for every type of duty and develop, from those who have aptitude and power of application, clerks of accuracy and reliability.

The cooks in the officers' and warden's quarters, as well as the waiters, occasionally have the opportunity to learn these occupations to a craftsmanly degree. Cooks in the inmates' kitchens and all of the kitchen help are less fortunate unless they are to be employed in military service, large contracting camps, etc. The kitchens are conducted on a sanitary basis and if cleaning and sanitation are valuable in this trade then there are valuable elements in their training. Most of this work is "kitchen police" or scullery work. One branch of the commissary division is the dietitian's department; it is likely that a few youths could learn something about balancing of diets, rationing of meals, and commissary accounting. There are eleven full-time clerks, eighteen cooks and waiters in this division.

The librarian employs jointly with the chaplain about sixteen full-time inmates. The contact of these boys with the chaplain affords them the opportunity to read books and do interesting work, as well as to become closely acquainted with these officers. The books in the library are not accessioned, catalogued, classified, advertised, or circulated according to modern library methods. This provides clerical work but no library training.

The power plant consists of a boiler room, equipped with automatic stokers, furnishing steam power and heating, an engine room with three

engines connected with generators for the transformation of steam into electricity, propelled by belt transmission, an ice machine furnishing pipe refrigeration, etc. There is no instruction given to the youths in the fire room about fuel. The fireman and oiler are specialized at their jobs of watching the gauges and oiling. The inmates working in the fire room need have and acquire no skill. Their work is to shovel coal into an automatic stoker. This, of course, eliminates the opportunity of learning how to keep up a fire, as in hand firing, and the work impresses one as useless when one reflects that the addition of an overhead carrier would eliminate shoveling into the stoker. It is labor, however, and gives steady occupation. Occasionally the plant may turn out a practical fireman and oiler.

The engineer in charge of the power plant had been an academic instructor in the school at Pontiac and has had some experience as stationary engineer in addition. The plant could be used for turning out a number of stationary engineers per year and others as assistants, oilers or first-class firemen, if the problems of the power plant were taken up, tests and problems concerning fuel, B.T.U., combustion, expansion of metals, problems in the electric generator, problems of steam, etc., were introduced. There are many ready courses which, placed in the hands of even a mechanic of intelligence, would convert this day-labor into schooling, if the laboratory value of it were appreciated.

Photography, in connection with the fingerprint and Bertillon systems, the work of "dressing in" and receiving, are all carried on in one department. Fragments of occupations applicable in the outside world can be learned here.

What is listed as miscellaneous work, jobs on the lawn, conservatory, yard, or laundry, shoveling coal, trucking, entail the heaviest labor. Or it may be a purely vain assignment with little or nothing to do—another word for "unassigned." In this classification several hundred young men are employed who can hardly be said to be learning anything from their work. Occasionally, by way of promotion, one may be shifted to driving a truck, or to more work affording some training opportunities. Most of it, however, is just labor, irregular, arbitrary, and unequal.

53. Same: Summary of Occupational Opportunities.

There is admittedly a great deal of idleness at Pontiac—unassigned men, idleness on the job, over-manning and "busy-work" assignments. All of these phases of idleness are not conducive to "character-building" so much emphasized in the progressive merit system. It gives the idle inmate a feeling of futility and waste. He develops a contempt for so rigid a disciplinary system directed toward no objective and producing so little. The reformatory officials are constantly faced with this problem, but cannot be held responsible for it. The installation of more industry is a function of centralized departments and divisions in Springfield. The officers at the reformatory are engaged in defined jobs of routine business administration, guarding, and disciplining.

There is great inequality of learning; some assignments afford the learning of a skilled trade, others of a semi-skilled set of factory operations, others mere work and no training but having the advantage of keeping the inmate occupied; still others bear the names of skilled trades and are neither steady

work nor training. All are uncorrelated with the schooling. Many could be instructive but are not. Placement in employment by the Parole Board should conserve the fractional or complete training, but it does not do this. In the staff meeting and in the records transmitted from the institution to the Parole Office which is to supervise the man on parole, there is very little if any analytical listing of the accomplishments of the individual in learning a trade. The processes learned by the man should be listed. Men engaged in occupations which keep them busy and interested are seldom reported for infractions of rules.

Industries could be introduced with less resistance from the respective markets if a pay basis could be worked out, taking into account the cost of keep and institutional maintenance prorated per man. The pay incentive, though only second in importance in those work assignments affording training, is of primary importance in the productive jobs offering no advantage or opportunity for learning.

While the labor unions are continually referred to as "opposition" to the systematic introduction of opportunities for labor, there is no evidence at the present time that they have been called into conference on the concrete problems or shown satisfactory solutions thereof. All controversies could be adjusted if the issue be not avoided but is clearly raised, and all parties in interest called in to solve the problem. Much help can be obtained from the experiences of state after state in working out vocational education, apprenticeship, and related problems in the world outside of penal institutions. Joint boards or committees of labor officials, employers, merchants, and the vocational educator and industrial manager could be called upon to help solve the problems of pay and training in the reformatory. The creation of incentive would humanize the institution.

54. *Same: Academic School.* If these shops are really schools, then the academic school should utilize the material of the shops to make work interesting and the work in the shops should be arranged in progressive steps for the learner, correlated with progressive steps in the school. Furthermore, to be real shop schools, blackboards should be placed in each shop and problems explained as they arise. Considering the overmanning of all the shops, and the availability of idle men, this would not interfere with production at all. The learning element would probably be the highest kind of incentive.

At Pontiac, in contrast to Joliet and Southern Illinois Penitentiaries, there is a special school building with ten large rooms in it. The whole aspect of this building is that of a town high school of the last generation. Every inmate who has not finished the eighth grade must attend, except those in indispensable jobs.

The committee was interested in the adaptability of the inmate of Pontiac for school work and learned that only occasionally is a pupil dropped because he cannot learn. While intelligence tests and achievement tests are given every inmate at some time during his confinement there is no attempt made to grade inmate pupils according to these tests. Incoming pupils are, however, given arithmetical tests by the principal.

At the time of the visit of the Committee there were 732 inmates attend-

ing the school alternating on a half-day basis, distributed through the ten rooms. Ten teachers are in charge of the instruction but—and here lies the main difficulty—a considerable number of these are really hired as guards and do guard duty after school and on Sundays and holidays. To assume that their qualifications are those for guards rather than for teachers would be, generally speaking, fair; and it must be borne in mind that guards are politically appointed.

The instruction is all from text books having no relation to the problems of the trade shops. A single teacher stands at the head of the class and the method used is that characterized as "lock-step education," which is very wasteful, even more for adults than for children. Adult education in night schools, part-time schools and continuation schools, in correspondence courses, has been worked out to a much finer degree of adjustment to the problem than at Pontiac.

In view of the availability of modern methods in adult education it is evident that little thought has been given the problem of adult education in this academic school. It cannot be said that the fact of low-grade teachers is entirely at fault, because of three considerations:

1. Whoever can teach out of a grammar-school text book can usually be adapted to teaching (a) by the individual method, and (b) from lessons in which the material in academic work applies to the shop.

2. The skilled mechanics in the various shop schools could be called upon to help in teaching, as it is fair to assume that many or most of these could not have arrived at the mastery of their trade without understanding printed material about it.

3. The assignment of inmates of advanced education as subordinate instructors capable of mastering the practical system suggested is not out of the question.

A chaplain has encouraged a considerable number of inmates—about sixty—to take correspondence courses. While he has secured a special concession as to price, the inmate who can afford to pay for and is ready to take a correspondence course is the exception. Correspondence work has a marked weakness, namely, that comparatively few men can carry one of these courses to completion, working alone and without occasional help and advice.

In spite of all of the weaknesses of the school, there are considerable numbers of inmates who gain a great deal by way of review and others who learn; some conserve their previous education, others progress farther by the work of Pontiac.

55. Same: The Library.

The school is only for those who have not finished the eighth grade. Less than half of the inmate population is in school. For the other half, the library is the principal service furnished by the institution for intellectual stimulation or further learning.

The American Library Association, with offices in Chicago, is a clearing house of information in the library field. Workable arrangements might be made between Pontiac and the libraries of the state, of various cities and private libraries, by which collections can be loaned and returned. Library

schools would probably cooperate by sending advanced students to help in recataloging and modernizing the system and in training available help.

At Pontiac the librarian is institution telegrapher, weather recorder, and assistant to the chaplain. He censors the institutional mail and searches packages for contraband goods and weapons. He is also general secretary of the Reformatory Y. M. C. A. While he is very familiar with the books on his shelves, he is not a trained librarian. Young men capable of good library work are to be found among the inmates, but they are not properly trained. It is not surprising then that this library is in a rut, considering the possible demand that could be created within the institution. Few inmates have direct access to the library. A system of ordering from lists and returning by messenger is in use. The catalogues are mere lists of titles. The books are, many of them, second-raters or antiquated, and do not suggest accessioning related to life interests or the possibility for continuous, progressive reading in any single field. Much remains to be done in relating the library to the life in the school and in the shops. Both as to general cultural reading and as to applied, practical reading, the library is lacking.

56. *Same: Recreation.* Recreation at Pontiac is described in detail in a special report which the committee has recently received, December 17, 1927, from the recorder of the institution.

"We have daily play periods in the summer months beginning in May and lasting as long as the weather permits, usually sometime in late October or November. Each boy is allowed forty-five minutes of outdoor play daily during which baseball, indoor-ball, basket-ball, hand-ball and other outdoor games are played. We have intramural baseball and indoor-ball leagues composed of shop teams. On Saturday afternoons the entire inmate body is allowed to gather on the playground. Usually at this time there is a ball game played between two shop teams in an elimination tournament arranged by the athletic director. Occasionally an outside ball team is brought in to play our first team. Two and a half hours is about the usual length of a Saturday afternoon play period. On Sunday morning the boys are allowed to walk around the parade ground adjoining the playground for about forty-five minutes. At ten o'clock devotional services are held in the chapel. The institution band plays while the boys march into the chapel hall. There is always some special music on Sundays, sometimes a vocal quartette made up of inmates, the institution orchestra or it might be some singer or lecturer from outside.

"During the winter months we have picture shows on Saturday afternoon. Last week we showed 'Tin Hats' and the week before that 'Slide, Kelly, Slide.'

"From November 1st until the following May we have Y. M. C. A. services on Sunday afternoon. All of the boys who have attained grade 'A' are entitled to membership. Any boy who is a member of the 'Y' may prepare a subject and give a talk at these meetings. The 'Y' has an inmate secretary whose duty it is to arrange the program for each meeting. Songs are sung by the boys, individually and collectively, and music is furnished by the I. S. R. orchestra.

"At Christmas time we have a vaudeville show which usually consists of about seven or eight acts. Heretofore we have always used what talent we could find in the institution."

The lack of a gymnasium seems to entirely eliminate physical training and sport in the winter months. It must be remembered that the inmates are between sixteen and twenty-five years of age upon commitment, living in cellular confinement.

To promote outdoor physical recreation in the winter it would only be necessary to flood certain intramural areas for skating, for instance, or to introduce a game in which large numbers can participate, like push-ball. The absence of winter outdoor recreation is a serious problem under the conditions. Prison pallor must have some physical and psychological co-relatives of importance and it is very evident.

57. *Same: Administration and Discipline.* The institution accepts commitments between the ages of sixteen and twenty-six. Murderers are not committed here. The courts may sentence boys over ten years of age to Joliet for certain felonies, instead of sending them to either the Pontiac reformatory or the St. Charles School for Boys.

Procedure. The sheriff brings the inmate "within the enclosure" of the institution, delivers him to the record clerk and presents the mittimus to him.

1. Once the new inmate's commitment has been registered through the presentation of the mittimus to the record clerk, the receiving officer takes charge of him. In his department the new inmate is undressed of his street clothing; he receives a hair cut and bath, a de-lousing, and changes into prison uniform. The photograph, Bertillon, and fingerprint registration follow.

2. The cellhouse keeper then assigns him to a permanent cell in the north cellhouse.

3. Physical examination follows. The physician gets the inmate's physical history and observes infectious and contagious diseases.

4. Another interview with the recorder follows. At this time he gets an account of the crime, some information about the family, previous criminal record, etc.

5. The superintendent of the school next interviews the inmate and gives him a brief examination, oral and in writing, for the purpose of grade classification and placement in the school.

6. The assistant superintendent interviews the man with a view to placing him in proper work. It consists merely of sufficient questioning to disclose if there is any occupational experience in the history of the newcomer which would be immediately useful to the institution.

7. Either the assistant superintendent or the captain explains the rules of the institution and the Progressive Merit System. He is given a little rule book which he keeps in his pocket, entitled "Rules Governing Inmates of the Illinois State Reformatory." The inmate then enters upon his routine of life and occupation in the institution.

Unless he commits some infraction of the rules, unless some special ability or skill leads to his selection for some duty outside of his routine, the new inmate does not again come to the notice of the members of the staff

until he has reached the highest grade "A," which in the ordinary course of the Prison Merit System, takes six months or over to accomplish.

In all of the case records studied from Pontiac there is a useful orientation statement contained in the "Summary of the Staff." This summary is dictated by the superintendent and is the result of a meeting daily in his office. Present in this staff meeting are the superintendent, assistant or second superintendent, the recorder or record clerk, a chaplain, the psychiatrist, and the chief medical officer.

This meeting is held for the purpose of examining and appraising each inmate with a view of preparing a recommendation to the Parole Board prior to its hearings. The inmates, judging from their behavior before the staff, consider the occasion one of grave import; and the opportunity is utilized also for morale-building and as a form of treatment for reformation.

The summary of the *staff conference* is a valuable document for the Parole Board. If it were supplemented by direct and independent investigation by the Parole Board of the conditions involved, in the reformatory life, and a social investigation of the conditions leading up to the criminal career, it could be given even greater weight. There is, however, this apparent basic failing. If the occupations, training, schooling, reading, were effectively carried on, progress and good behavior could be measured in terms of these rather than the present progress in a vacuum of good behavior, meaning mere tractability. The behavior record, if devoid of infractions of the rules, is given great weight. The conditions are not such as would bring out, with equal or greater weight, progress along training, schooling, reading and recreational activities. The school superintendent, the shop instructor, the recreational director, are not included in this staff meeting.

Routine in an over-crowded reformatory means routine meals, routine work (interesting or uninteresting), routine drill, routine baths, routine shaves and hair-cuts, uniforms, and routine changes of clothing, routine turning out of the lights at night—and every motion of life is routine and under written or oral regulation, minute and rigorous.

The cellhouses are over-crowded; a considerable number of cages are used and farm hands on the semi-honor basis are sleeping in an over-crowded, open dormitory, not in cells. These cells were originally intended for a single person and they are now used by two or three. The cells are equipped with running water, with washing and with toilet facilities. The cages, provisional open dormitories and other places used for dormitory purposes, not originally intended as such, are not equipped with these plumbing facilities. With the over-crowding and the necessarily strict routine, with the enforced partial or total idleness and the general lack of incentive, a great many problems of discipline arise as homo-sexuality, escapes and plotting to escape, fighting and insolence, threats or attacks upon officers. The position of guard is an undesirable one, from the point of view of hours of labor and holidays and monotony. The guards are politically appointed and untrained; their job of watching twelve hours a day over a large group of youths becomes very trying.

In the contacts of reformatory life where these youths feel the sympathy for each other engendered by a common adversity, friendships develop.

These are lasting and, in informal conversation with ex-convicts, their knowledge of each other's whereabouts in a metropolis and their close information about facts and changes occurring in the institution a number of years after their departure, prove first, the rapidity and thoroughness of communication, and second, the lasting relations and ties between youths who have served in Pontiac.

Pontiac develops popularities and sentiments, followings and oppositions, even though the inmates are under restraint. Segregation must first be physical: the individual limitation of contacts between certain classified groups according to their histories, habits, and attitudes; and a second type of segregation should take place if the wholesome interests were enriched and multiplied. It is, therefore, a matter of general agreement that as there is no marked segregation the institution may be a locus of further criminal infection. Figures upon parole violation and recidivism bear this out.

Infractions of rules by inmates, some minor and some that would be considered crimes in the outside world, are correlated with certain cell guards and certain jobs. The shops having the most interesting work turn in very few reports against inmates. Living under constant watchfulness and restraint, certain groups develop an attitude of mischief and small infractions, thefts of food for instance, furnish a diabolic thrill and subject matter for excited conversation. Every official at Pontiac admits if normal activities were more interesting less punishing would be necessary.

Three members of the *medical staff*, the chief, his assistant, and the head nurse, have had long years of experience, maintain a creditable hospital and are alert in the introduction of the new methods of their profession. From the point of view, however, of the inmate, the staff is extremely watchful of malingering. With little else to engage their attention and thought, inmates think a good deal about their ailments; but it is questionable whether there is much effort to escape the rigors of prison life by feigning illness. Ordinarily the sick cells to which the inmate is assigned do not afford greater comfort or greater sociability or better food. Only in the most pressing cases are inmates hospitalized in the hospital proper. What would happen if the men who report on sick call could sit down while waiting, quietly conversing, instead of standing up in line at attention and maintaining silence?

In the *chaplain's office* at Pontiac there is considerable individual interviewing, and for those boys who possess a marked talent or training as performers, for example, musicians, this is headquarters. The chaplain's office makes thorough studies of the inmate's religious status and affiliations. These studies serve to acquaint the chaplain with the background and the social history of the inmate. Every effort is made to give the inmate those satisfactions that come from the opportunity to practice one's own traditional religion. The chaplain meets many individually and takes up their worries and problems. There is a greater value in the opportunity to speak freely to an older person in the institution and many who are not church-going avail themselves of the counsel and advice of the chaplain's office. Among the ex-inmates is an Italian young man who was a singer in the quartette, and another who was a clerk in the chaplain's office, who valued their con-

tact with him highly. Both of them are completely rehabilitated, married, and have good homes. Both of them feel they were fortunate in being sent to Pontiac at that particular point in their criminal careers.

The *psychiatrist* at Pontiac is known as the "Mental Health Officer" and is under the state criminologist. He devotes only half of his time to the work here at Pontiac, where he has his residence near the reformatory. Among the papers which the Parole Board receives from the institution is the psychiatrist's report. This always contains a certain amount of social data as well as the psychiatrist's classification of types of mentality and personality. The psychiatrist often adds a prognosis as to feasibility of parole for the inmate in question.

The *Parole Office* at Pontiac has purely documentary contacts with the individual inmate. After the docket has been prepared for any sitting of the Parole Board, the parole officer notifies the state's attorney who prosecuted the particular inmate coming up for parole, the judge, and the complaining witness. These are formal notifications and are intended to give these interested parties an opportunity to recommend or protest the parole of the inmate. Before an inmate is released on parole certain documents must be on file including the application for parole signed by a prospective employer, a notice to the prosecuting attorney of the county to which the parolee is destined, and a letter from the parole agent at the point of destination, stating that he has investigated the sponsor. The parole officer at Pontiac forwards certain forms to be filled out, containing certain meager information about the parolee, to the parole officer or agent in charge of supervision. He also mails out at the time the parolee leaves, his photograph, Bertillon measurements, and other identification data on the reverse side. Another form attests the parolee's arrival at his destination—copies of monthly reports of parolees are forwarded by the parole agent, and are filed; these are again very meager in information. They are countersigned by the sponsor and give the days employed, unemployed, and the earnings. Other forms have to do with the delinquency of the parolee, notice of failure to report, and the warrant in case a parolee violates. The parole officer is engaged mainly in the upkeep of this file of documents, and he does this thoroughly. He has only slight contact with the parolee as a person; in other words, the contact is almost entirely documentary, for the purpose of complying with the law's requirements concerning parolees. The parole office also compiles monthly and annual reports which are statistical and are required by the parole division.

58. Same: Conclusion. No statement in the preceding discussion should be construed as implying that the standards for academic and industrial training at Pontiac are lower than average for the reformatories of the United States. On the contrary, they are, in all probability, higher. But that is not the point which the committee desires to make. The outstanding fact is that the practical opportunities for education in school subjects and in a trade are not nearly utilized to

the extent that they could and should be if our state reformatory is to do its part in the rehabilitation of the criminal and in his restoration as an industrially competent and therefore in all likelihood a law-abiding member of society.

59. Illinois State Penitentiary at Joliet.

The Illinois State Penitentiary at Joliet seems at first sight an entirely different institution from the State Reformatory at Pontiac. While the range of ages at Pontiac for youths when paroled is 17 to 32 years, and of Joliet is 17 to 81 years, this is a real and important difference. Youth is more susceptible to reformation than age and the physical plant and plan of administration should take that into account. But the fundamental problems of work, education, recreation, and discipline are present at Joliet quite as much as at Pontiac.

The employment history of an adult before his entrance into prison would be an important indication of the feasibility of a man for parole. Is he a skilled craftsman, semi-skilled or unskilled? How permanently was he employed? Is he a casual laborer, a floater from job to job? How well can he account for his means of support?

In the cases prepared for the Parole Board by the office of the penitentiary at Joliet was a form entitled "Instructions to Prisoners," upon which the inmate may record his employment history prior to imprisonment. Frequently this form was not contained in the jacket or file; in other cases the form was incompletely filled out. Only seldom did we find a history which would even approximately account for the years between the date the inmate left school and the date of imprisonment. Rarely were these statements of employment history verified by the official through direct contact or correspondence, nor was the actual work specified beyond the general terms "laborer," "clerk," "machine shop."

The inmate fills out this form or is aided by inmate "wing-writers." Little is done to impress the inmate with the importance of this information as a basis of parole. Little aid is given him by skilled questioning before writing down the information, in order that it may give a clear idea as to his occupational experience, either as a basis for judgment by the Parole Board or as a suggestion to the parole supervisors as to his possibilities for a job after release on parole. When an inmate is released this employment record is not forwarded to the parole supervisor for use of the agent who is to have the task of keeping the parolee employed.

Even if the previous employment history is not available, or is incomplete and unverified, the period of imprisonment ought to yield information upon (a) work habits; and (b) skill and experience exhibited or gained in the institution. It was, therefore, necessary to examine into the conditions of daily employment of inmates within the institution, in order to learn (a) to what extent habits of industry are fostered or developed in prison; (b) to what extent a man does or can learn a trade there; (c) to what extent habits of industry and employment enter into the markings of the Prison Merit System and the recommendations of inmates for parole by the officials to the Parole Board.

60. Same: Occupational Opportunities.

The writer and one member of the committee visited all of the industries and later interviewed officials as to work in prison. We made an effort, first, to list the industries and to ascertain the number of men employed in each; second, to determine the extent of employment and of idleness in the total prison population. The productive industries at Joliet are under the local supervision of a superintendent of industries. He is, however, not officially in a position to plan and install new industries nor to increase materially the volume of output. Those functions are in the hands of the legislature and of centralized departments and divisions at Springfield—the Department of Public Welfare, the Division of Sales, etc.

The following list of the productive industries at Joliet and of the number employed was verified by the Superintendent of Industries:

1. The stone quarry employes about three hundred men. The stone is furnished free of charge, for highway purposes, by requisition of the highway commissioner of a township upon the Division of Highways at Springfield. According to law this stone from the Joliet quarry cannot be sold.

2. The shoe shop manufactures shoes for use in state institutions. The shop could efficiently employ about seventy men. However, about one hundred and twenty-five men are employed. This accounts for the men standing about in idleness.

3. Wood furniture. About two hundred and eighty men are assigned to this shop, but it would work efficiently with one hundred men. An additional twenty men are employed in the repair of furniture.

4. Fiber shop. About three hundred men are employed in making furniture out of woven fiber which at one time replaced reed work. The demand for fiber furniture seems to be decreasing. The fiber shop can be kept fairly busy, as little machinery is used and therefore more men can be assigned to this shop without the problem of increasing equipment and machinery. Since both the fiber and wood furniture are manufactured for the open market, the limitations on the development of the work lie in the small market for the product.

5. A new shop for the manufacture of dining-room suites for the open market is under construction at the New Prison that may employ about two hundred men. There is very little objection from manufacturers or labor unions against this enterprise.

The superintendent has accounted here for the employment of about one thousand men, a large proportion of which were vain assignments, without actual labor.

In addition to assignments to employment in productive industry there are the usual assignments by the deputy warden to the stewards and sanitary department, plant maintenance work, clerical work, etc. These again are over-manned and much soldiering on the job exists.

The farm, which is under the jurisdiction of the New Prison, employs only about eighty-one men. The disorderly conditions reported to have existed under the former deputy warden explain why only six men are now entirely on the honor system, remaining there day and night; the others are returned to the prison at the end of each day. The honor farm seems to

have been discarded as an idea, but the objections stated were such as need not have condemned the idea, provided changes in internal discipline and selection of inmates for the honor farm could have been made. All of the farm work at penal and reformatory institutions of the state is necessarily outside of prison walls, and can be carried on in a satisfactory way provided selection of inmates for the honor farm and discipline are properly conducted.

Within the New Prison there is also, of course, the usual work in the steward's and sanitary department. The shoe factory is located here. There is also a limited amount of fiber furniture work and the manufacture of clothing for use within the prison. Several mechanical shops employ not more than half a dozen men each, who are engaged in repair work in wood and metal.

Counting the idle time of those assigned to work and those totally without assignment, one can speak in round figures of the idleness of two thousand men at Joliet—two thousand men congregated in one spot and supported by the taxpayers. This support is necessarily increasingly expensive, not only due to the great increase of prison population but also due to the added expense per man. For the parole division it means not only that in most cases men are not being improved in preparation for freedom, but also that as workers they degenerate. The warden, the deputies, the psychiatrist, and others strongly regretted and condemned the idleness of so many men.

The shoe shop and the quarry are both considered punishment by the men.

In general there is no incentive to work, in part because there is no payment of wages. However, a good work record in prison might earn a man better markings in the Prison Merit System, and an earlier release. This would hold true if there were not so many unassigned men and women on soldiering jobs who can make the same record, if tractable. The markings differentiate little between the two classes. Speaking about the attitudes of men toward work in prison, the Superintendent of Industries said:

> "There is one class that does not want to work. There is a second class of fellows who would work if it were not for the agitation against work by the first group. There is a third class of fellows who want to work."

Sometimes a man is detailed to duty in which he is personally in contact with the staff officials, as waiter, porter, room attendant, clerk in some office. This is especially likely to happen if he has some special skill like that of barber, cook, tailor or cabinet-maker—skill brought with him from the outside world which he can use in personal service of the officers. In such jobs a good man comes to the notice of the staff officers much more easily than if he were ordinarily working in the cellhouse, in the inmates' dining room, in one of the shops or in the quarry. Here there is an incentive to work since it may result in a favorable recommendation to the Parole Board. In the exceptional jobs entailing interesting work there are few reports of misbehavior.

The problem of learning a trade at Joliet Penitentiary presents real

difficulties. It is immediately obvious that an institution releasing five or six hundred men per year, with a population of around three thousand, must have a greater volume of work and a greater variety of trades and occupations than has Joliet if trade-learning is to be a factor in the life of an inmate. At it is, there is the difficulty of funneling this large number of men into the few existing industries. Nor do work operations in prison industries in Joliet prepare men for occupations in the outside world.

There is the usual amount of mechanical interest and talent among the men. The men use this interest and skill in making articles of contraband, or trinkets and toys under the greatest difficulty. A museum containing articles confiscated by the guards would be a convincing evidence of the abiding creativeness of men under the most adverse conditions.

In the administrative offices, which are also greatly over-manned with inmates, men of every type of training and intelligence can be found for all types of duty. Our experience with ex-convicts free to speak has taught us that convicts develop an interest in worthwhile work, are proud of their work, become loyal to it and revolt against disloyalties to the institution, waste of the state's funds and unfitness and inefficiency of the state's officers when these occur or come to their notice. Craftsmen and even professional men are to be found among the convicts for practically every need of the institution.

The admissions and discharges prior to the war were about five hundred incoming and five hundred outgoing yearly. At present the incoming exceed the outgoing men by about two hundred. Congestion may be considered from the point of view of available industry. The opportunities for work are not increasing in proportion to the commitments of men. The problem of idleness is becoming more acute.

The Superintendent of Industries is keenly aware of the mounting problem of idleness and believes that there should be sufficient industries to employ all convicts on the basis of a normal working-day.

The officials of the prison are agreed that there should be some basis of payment for work done, and that prisoners should be allowed their earnings above cost and overhead. The cost of unproductive labor and overhead should be prorated as prison-keep. The Superintendent of Industries is of the opinion that it would be possible to determine piece rates that could be established for most of the productive work in the prisons; that comparative flat rates could be established for occupations where piece rates are impractical.

The law governing prison labor and earnings is the main obstacle at the present time in the way of any plan of wage payment. This law provides that prisoners cannot be paid wages until the prison shows net earnings which can be prorated. Under current conditions the prison never would show earnings; in fact, it is a heavy expense to the state and, under the present law, the prison conditions cannot be changed.

Room in which to carry on industries is a second need. Several fires within the last decade have destroyed available buildings. The population has more than doubled since 1920. The building program has not kept pace with the need.

The problems of the introduction of sufficient industry, pay, vocational guidance and training require for their solution: (1) legislation, (2) a survey of the resources by way of man-power, skill and training among convicts in this prison, and (3) the creation of committees in which employees, organized labor and employers, as well as wholesale and retail merchants, the economist, and vocational educator are represented. Special committees should be organized especially for industries under consideration for introduction into the prison.

It is certain that the individual employment history, verified and taken specifically as to experience, not only in industries generically named but in individual operations within an industry and additional experience gained outside of work, which can be utilized in work, should be listed carefully by an expert for every convict. This can be immediately introduced. The information gained about men with regard to their work-habits, by the officers of a prison, can at once be used by the Parole Board in its hearings.

61. Same: The School and the Library.

The school at Joliet is under the direction of a chaplain and is attended voluntarily by such inmates as have not finished the seventh grade. The teachers are inmates. With the exception of one, none has had teaching experience of any kind. This man taught in an elementary school and had had experience only with children.

Very little instruction is given beyond the fourth grade. The seventh grade class has an attendance of about ten—otherwise attendance is mainly in the classes from the first to the fourth grades and is very small. The teaching is blackboard and lockstep method; there is very little individualization of instruction. All of the classes are held on the top floor of the west wing cellhouse in a single large room, with schoolroom desks, most of them too small for the adult occupants. The noise is great when seven classes are in session at one time and the teachers talk from the blackboard, instructing the whole group at once. In attendance the illiterate Negro is the largest single element.

No intelligent, analytical approach has been made to this problem of adult education. Provided that inmate teachers have to be used, it is certain that the inmate population can provide better teachers. Most of the teaching is characterized by an intelligent man there as "farcical." A properly systematized school would have a greater attendance.

No argument can be used for the maintenance of an inefficient school when one considers that cell instruction could be arranged for those who are assigned to full-time work. The administration is fearful of the night school because the inmates would have to be moved through the yard in the dark, although we are not convinced that this would entail grave danger. With so much idleness, instruction could be arranged for all qualified men desiring instruction at some time during the day.[1]

The library is also in charge of the chaplain. There is a circulation of 48,000 books per year, or an average of sixteen books per man, and a resource of 38,000 volumes, according to the librarian. The interest in books is very active, not only at Joliet but at the other penal institutions, and

[1] Compare with the situation at Southern Illinois. Sec. 68.

the inmates who read not only appreciate the privilege of this pastime in their cells but usually men read more in prison than as free men.

The catalogue is a mere printed list of titles which gives the inmate in his cell very little forecast of the contents of the books. There have been no new accessions to the library for seven years. The librarian said that he had begged Bibles from the churches and that a supply had been furnished by the Christian Scientists.[1]

The fact that no new accessions have been made to the library for seven years needs to be supplemented with the statement that the needs of the library have not been effectively stated.

There is a censorship of books. The librarian reads all books purchased by inmates and forwarded to them directly by the publishers. A few of the inmates have both funds and sufficient interest in excellent reading to purchase the best of new books. These books are not added to the library but can be circulated by the inmates from cell to cell. The censorship is limited to books deemed by the librarian to be stimulating sexually or criminally suggestive.

62. Same: Chaplain. The chaplain's office does not keep records of the problems which arise in the lives of inmates which they bring to this office for solution. For those who have avowed a certain change of attitude under the influence of the chaplaincy there is no recorded follow-up after they leave the institution as, for example, by correspondence with the clergyman of his particular faith in the community for which the discharged inmate is destined.[2]

The Protestant chaplaincy at Joliet seems to be burdened with too many specialized occupations, each one requiring some technical training. Librarian, schoolmaster, recreation director, social worker—all of these duties are directed by a chaplain. The introduction of some trained help in these occupations would reveal opportunities of service now unexplored and would add little to the expense of the prison.

The Catholic chaplaincy is very strictly defined as to the specific function in the institution through its own hierarchical organization. Although a great deal of its information is subject to privileged communication, the chaplains are available for consultation on certain problems though no access to their data is permissible.

63. Same: Recreation. The promotion of recreation does not engage the specific attention of any officer at Joliet. The movies once a week are about all the recreation to be reported. A baseball game in the proper season at the New Prison has a very limited participation and a spectatorship limited only to New Prison inmates.

There is no proper equipment for sports, recreation, or exercise, or any leisure time program at Joliet. The outdoor space within the walls might be used for this purpose but there is a lurking fear, from a disciplinary point of view, of the concentration of numbers of convicts in any open space. When men are moved from one point to another within the prison it is always with lockstep and under heavy guard.

[1] See suggestions for improvement of Library at Pontiac, Sec. 55.
[2] Contrast with the chaplain's office at Pontiac, Sec. 57.

The New Prison experiment of allowing a baseball game with the inmates as spectators has brought no dire results and there is room for the proper experimentation with the use of the open space for recreation at the Old Prison.

64. Same: Administration and Discipline.

All new prisoners are delivered by a sheriff from the county of origin to the authorities at Joliet. The presentation of the mittimus to the chief clerk of the prison in exchange for a receipt for the prisoner completes the technical transfer.

Procedure: 1. The chief clerk makes the first records, files the original mittimus.

2. He then turns the prisoner over to the receiving and discharging officer who fills out more forms with data required by the prison.

3. The Identification Bureau then photographs the prisoner in the dress and condition in which he arrived.

4. The prisoner is then taken to the bath house, where he bathes and is de-loused as a precaution against jail infection.

5. He is then "dressed" in prison garb, the barber clips his hair and shaves him.

6. The identification officer then photographs him in prison garb, takes his fingerprints and Bertillon measurements.

7. He is then conducted to the unassigned prison gallery and assigned a temporary cell.

8. He is examined by the mental health officer (psychiatrist). He is examined by the other medical officers, is vaccinated for smallpox and given blood tests.

In the course of the psychiatrist's examination and incidental to the mental examination he takes a personal history of the inmate, which he keeps in his files.

9. The chaplains, Catholic and Protestant, hold interviews with the new inmates.

10. In reading the rules governing the prison the deputy warden delivers a lecture with the assistance of the psychiatrist. At this time the deputy warden learns something about the occupational history of the man, with a view to assignment.

The *recorder's office* has on file in orderly fashion such information as is required by the prison administration and the state statistician. This recorded information has some value for individual study, but it must be remembered that it is not obtained with a view of getting a complete social, occupational, and educational history, as well as a criminal history from the inmate which is verifiable in the outside world. In comparison with Pontiac and Southern Illinois Penitentiary there is less information reduced to record which would be helpful to the student or the Parole Board interested in the individual criminal as a person.

The *Identification Bureau* is very complete; has ample quarters, especially at the New Prison; the filing systems of fingerprints and the exchange of information with certain centralized bureaus is thorough. The Parole Board "jackets" do not always contain this criminal record of the inmate

and since it is as reliable as it can be (until the centralized clearing bureaus become more inclusive), it is a valuable contribution to the history of the man being considered for parole, or for parole supervision.

Behavior. Under the Progressive Merit System, good behavior gains a great deal for a man in point of reduction in time and in privileges and assignments. Conversely, infractions of the rules may involve punishment which would be considered heavy in the outside world, not only solitary confinement on bread and water, but also "hung up" which really means handcuffed to the barred door. Reductions in grade on serious infractions may involve a considerable loss of time. A prisoner can earn about ten months and fifteen days out of a three-year "setting" by maximum good behavior.

The new prisoner is required to attend a lecture at a meeting of the staff of the penitentiary. The staff is composed of only two members and the stenographer-secretary. The members are the psychiatrist and the deputy warden. With this preparation the inmate begins his life beset with rules, regulations, restraints, and restrictions, and is expected not only to know what is right but is expected to be so impressed that he would habitually follow the rules. The lecture method, without a printed booklet or card, seems confusing when too much is presented at one time. These rules could very profitably be made a part of the instruction given through the school and all prisoners required to learn by the question-and-answer method, which would assure the instructor that everyone has not only heard but has learned every rule.

Infractions of rules are reported by the guard or cellkeeper "rudely scribbled on a piece of paper." This report in itself constitutes the entire evidence against him. What he gets by way of hearing depends a great deal upon his own experience and ability in facing the deputy's court.

The staff, composed of deputy warden, the psychiatrist, and the stenographer-secretary, passes upon demotions. This action is based upon the original rudely scribbled report from the guard to the deputy. In every instance considered for demotion the inmate has already been subjected to solitary confinement. The entire evidence against the man consists of this report from the guard. The man is not called before the staff nor is the officer who reported him.

The reports here, as at Pontiac, accumulate in certain departments of work and under certain cellhouse keepers or guards; others have fewer reports. At the New Prison the deputy has had a longer acquaintance with the inmates and holds his own court without the staff. More mitigating circumstances occur to him because of this intimate knowledge of the persons. In contrast to Pontiac, there is no staff meeting including the wide range of officers devoted to the service of hearing the individual inmate and considering his case, both for a readjustment within the institution and for recommendation to the Parole Board.

Following is a list of infractions reported by the guards to the deputy in a twenty-four-hour day: crime against nature, fighting on gallery, assaulting inmate with iron bar, signalling to another man in line, fighting in shop with inmate, talking in line, hollering, talking back to an officer, insolence to officer in office, contemplating escape from quarry, escaping from quarry,

wasting bread—throwing around yard, laughing and talking to men in quarry while in line, fighting in cellhouse (inmate had bar in his hand), talking in chapel on Sunday, having contraband food, fighting in kitchen.

A glance at the infractions gives the impression that disorderly conduct in prison includes in many instances minor misconduct which would only vaguely indicate how a law-abiding man would behave on the outside. Many a man with a long criminal record may have a good record in prison, in fact, a spotless record in prison, as wardens and others will attest. However, a record of repeated, grave infractions is indicative of disorderliness and lack of self-control. The prison record based mainly on behavior as reported by the prison guards is a picture of the tractability or tact of the prisoner more than it is of his progress toward reform. "The old-timer knows the ropes."

With the prevalence of idleness and the absence of vital occupational interest, this great mixture of recidivists and first offenders, city gangsters and farm boys, highly intelligent and illiterate, constitutes a difficult administrative problem. The authorities feel that discipline has to be rigorous. There has to be a constant watchfulness for conspiracy, since the escape calls for more newspaper publicity than any improvement in the prison administration. The life of the guard, except for his privilege of leaving at night after his twelve-hour shift, is in many instances more unpleasant than that of the convict; in the evening when the convict reads the guard must watch.

The *guards* are politically appointed, untrained for their work by even an institutional school of instruction, with no assurance of tenure or pension, underpaid, many physically unfit for the crises, inexperienced in prison conditions; many of them called "hayseeds" by the finished Chicago criminal.

Segregation of prisoners according to types—the first offender from the professional and habitual criminal, the segregation of the homo-sexualist, the metropolitan gangster—is difficult with the prison congestion and with the circular prison plan of the New Prison. However, Joliet has two separate plants; between the new and the old prisons some experimenting could be done with segregation. An improvement in those activities, which we have called vital, positive interests, could result in a segregation by interests, selections to be made by the trained officers in charge of these activities.

The *psychiatrist* as at Pontiac is under the Division of Criminology and is not, except in an advisory capacity, subordinate to the prison administration.

At his first interview with the inmates he gives both mental and psychiatric examinations. After the administration of group tests, he segregates the obvious mental defectives for further examination. In his reports, contained in the individual file of the prisoner, there is considerable social data in addition to his psychiatric and mental classification. However, these social data, which are often quite valuable, are not further investigated; they are drawn entirely from the interview with the man, for the purposes of psychiatric classification. These psychiatric classifications are in themselves too technical for a lay board.

In the management of the inmates he has no means of independent

investigation. The deputy merely chooses to send the case to him when it occurs that the psychiatrist might solve a disciplinary problem. He studies these cases and makes recommendations; he does no more than recommend. Due to lack of accommodation for psychopathic cases he can recommend the assignment of a man to the idle room. He may recommend a readjustment in the treatment of the man under the prison rules, but he admits that there is very little flexibility and possibility of readjustment under the conditions and the type of official cooperation.

Formerly he would observe problematical cases independently and make recommendations to the deputy, but this he had discontinued because so little attention was paid to his recommendations.

The psychiatrist makes no recommendations concerning employment of men on parole or parole supervision, because he had been told by the Parole Board not to make any recommendations.

The work of the psychiatrist in scientific research is valuable.[1] Within the prison his work could be of greater value in management and in parole if supplemented by a thorough social investigation; and even at present, if the managing officers heeded the recommendations.

Since the incumbency of Hinton G. Clabaugh, the psychiatrist attends all meetings of the Parole Board Committee at the institution; and no paroles have been granted since July, 1926, unless the mental and physical conditions were satisfactory to the psychiatrist and the prison physician. In doubtful cases, the chairman has, at his own expense, engaged outside medical attention.

The *medical officer* examines all new arrivals, vaccinates against smallpox, but does not inoculate against typhoid, since he deems the danger of typhoid in the prison at a minimum.

The physical condition of an inmate does not enter into the consideration for parole. The report on physical condition is not included in the file. It has only been brought to bear in cases where a dying inmate had petitioned to be released from prison in order to die at home. Under proper parole supervision the parolee would receive some advice as to medical treatment in the locality of his parole when such problems are indicated in his record. In other instances a man under treatment would be retained in prison for a longer period in order to complete his treatment; this would be of especial importance where the diseases are infectious or contagious.

The medical officer seems to have become engrossed in problems of discipline, referring frequently to his partisanship for very rigorous disciplining and to his handling of obstreperous men. This might be studied as an example of institutionalization and loss of professional detachment.

The *parole officer* is not charged with the function of correlating all the information possessed by officers and departments of the prison and compiling it in preparation for the hearing of an inmate by the Parole Board. At Joliet, in contrast to both Pontiac and Menard, there is a strict separation between the function of the parole office and the administration. The work of the parole officer does not begin in any case until the board has issued

[1] In its statistical study the committee found the data in the psychiatrist's report of real value.

its order for the parole. The parole officer then begins to gather the substantiating documents necessary and required by law and regulation covering the movement of the man out of prison to the locality of his parole. The contact of the parole officer with the parolee may be said to be almost entirely documentary. His function there does not even extend to the carrying on of the correspondence with the outside world in preparing the data for the Parole Board, for instance, the forms eliciting recommendations and protests. This work is in the hands of the recorder or clerk of the prison. The parole officer does not participate in any advisory capacity with the officers in the management of the prisoner nor does he have access to the prison files. His office is outside of the prison gate, but within the Administration Building. He considers himself an outsider.

65. *Same: Recommendations to the Board.*

What connections have we found between a good employment record at Joliet, skill acquired within the prison walls, and placement in employment after parole? The superintendent of industries stated that he was never asked to make recommendations to the Parole Board, that men seldom used outside skill acquired in prison, that no system had been formulated or put into operation for placing men, either by the prison or by the Parole Board. He had placed several men in his score of years at Joliet, and some of them had failed. The individual parole officer might also place a man among employers of his acquaintance, but no systematic study of the training and fitness, no record of his industry and progress in prison work, was made or forwarded to the Parole Board.

66. *The Southern Illinois Penitentiary at Menard.*

The Southern Illinois Penitentiary at Menard has an inmate population composed largely of farmers and miners. The professional and habitual criminals are not as large an element there as at the State Penitentiary at Joliet. Many men are committed from the rural counties to Menard for what would be considered small misdemeanors in metropolitan centers. The prison inmates return to towns and open country. It is not to be assumed, however, that the prison is devoid of the hardened criminal and the gangster from the mining regions and from small industrial cities.

67. *Same: Occupational Opportunities.*

More than one-half of the prison population is employed in two quarries, each with its own crusher, one inside the wall and one outside the wall. The product of one of the quarries, as at Joliet, cannot be sold but is furnished to counties for road-building purposes, while that of the other is sold on the open market. All new men are assigned to the quarries except those apparently physically unfitted for such heavy labor.

The detailed personal history for each man enables the officers who are much better acquainted with the individual inmate than at the other institutions, to select for lighter work those of slighter build; those of intelligence and training for jobs in offices; and skilled farmers who can be trusted for the honor system. When men come in as criminal associates—a gang, in other words—an effort is made to disperse them by assigning them to different work and cells far apart.

One of the quarries is becoming exhausted and the quarry work, even with two quarries, could be conducted efficiently with 350 less men than are at present assigned to the work. The futility of using 1,043 men in the quarry, so many men that they are in each other's way, when rough-breakers, steam shovels, dump cars are available, is obvious to anyone. Any work is preferable to the idleness of 1,043 men, but why not introduce industries?

There are fewer vain, "busy-work" and soldiering assignments here than in other institutions, but the idle time that could be conserved would amount to one-third of the inmate manpower of the institution.

Second to the quarries as the leading industry is clothing manufacture, which employs seventy-five men. Ample opportunity is given the inmate to learn the operations of the clothing trade carried on by factory methods.

The overall factory in the same building employs about forty-seven men. Because the sewing of overalls is not a man's occupation in the outside world, there is little or no opportunity here for a young man to learn a trade.

The knitting factory manufactures about one-third of its product for the open market and two-thirds for institutional use, provides a lighter occupation, and employs about fifty-two men.

A brick yard with an output of about 2,000,000 bricks a year employs forty-six men and keeps them occupied as laborers.

Under a single roof in a shop building all on a single floor are the carpenter, paint, blacksmith, electrical and auto-repair shops. There is no lathe work in the machine shop but there is considerable bench work. All of the usual repair work for the institution is carried on in this shop. It is possible to attain considerable manual skill and to do interesting work here. Men without previous training can become very good handy men in the repair of many kinds of machinery and in wood-work. With an outlook toward training for farm labor the handy man with a good deal of manual skill is more adaptable than even the finished mechanic with skill at operating machine tools. In this building about 166 men are employed.

The farm and garden industry (including truck-farming and the lawns and gardens about the institution) employ about 107 men.

The cattle, hogs, and chickens are all cared for by trusted inmates of the prison, some of whom sleep outside of the prison walls and others who work outside during the day and return to the prison at night. Before a prisoner is allowed to go out on a trust task of this nature he signs an honor pledge.

A large farm is worked by inmates, where garden products and grain are raised. The scale and method of the farm work, the use of farm machinery, the quality of animals and products, are a store of practical training useful to anyone returning to the home farm. For the man who will return to a town the work is instructive, healthful, and interesting. If an inmate is fortunate and is transferred to work outside the wall the combination of ample occupation with the honor system provides a good basis for judgment on a man's character.

Only at Southern Illinois Penitentiary do the inmates boast about their institution.

The power plant, steam laundry, ice plant, pork house, all furnish additional occupation with more or less value as instruction. Some of this work, supplemented by school instruction applied to the work, can be made a form of vocational training. The usual opportunities in supplying the daily needs, barber, the officers' kitchen, hospital and dispensary, library work, clerical work, auto truck driving and the business and administrative offices, all have some value as experience provided the proper selection of man and job is made and the work is arranged with a view to learning and progress.

68. Same: The School and the Library.

Especial thought and analysis have been given to the problem of the organization of the school for academic and cultural education at Southern Illinois Penitentiary. A schoolmaster has been engaged who has analyzed the school problem after classifying the prison population for the purpose of instruction. His analysis of the feasibility of schooling for adult prisoners eliminates any lurking impression that prisoners lack the intelligence to profit by education. His observations with regard to education as a factor of treatment are enlightened and to the point.

He finds that the teaching problem in school is not difficult; that discipline in the schoolroom is negligible as a problem. Some of the illiterates in the institution, who number 33 per cent of the whites and 53 per cent of the colored, show some resistance to going to school; but in the process of analyzing their school problem the schoolmaster discovers that this resistance is due to lack of progress, which is in turn due to defective eyesight, defective hearing, poor home conditions during childhood and lack of compulsory-education-law enforcement in the home community. Such physical defects as have a bearing on this resistance to schooling can be adjusted and immediately selected for treatment; resistive attitudes socially caused wear away as soon as the pupil enjoys progress.

The school is organized at present to take care of the most urgent needs, those of the illiterate and near-illiterate. The fact that these are adults is taken into consideration in the approach and method; a great deal of the system is entirely individualized, the texts when used are such as have been written for adults and other supplementary material is furnished by the schoolmaster.

Having surveyed his problem he selected from the inmate population his material for his teacher-staff; these are men with considerable high school education, full high school education or more. Much of the work is cell instruction.

Into the process of arranging his school the library has entered as a factor, and with the creation and stimulation of cultural needs, he is constrained to vitalize the library. Since all school attendance, except for illiterates, is voluntary, he has advertised the school among the inmates by a direct letter entitled "Educational Activities."

Most important is his observation that the school has thus far been conducted without disruption of the prison discipline and that he has found the officers of the prison highly cooperative with his plan.

69. Administration. The routine of induction is similar at Southern Illinois Penitentiary to that of the other penal institutions:

Procedure. 1. Upon arrival in the custody of a sheriff the new prisoner is taken to the guard hall, where the first door is locked behind him. The sheriff presents his mittimus to the record clerk, receives his receipt and immediately a face sheet and six other entries are made.

2. The prisoner is then taken to the identification bureau where his fingerprints, a photograph in street clothing, the Bertillon measurements and scars and marks are taken.

3. The prisoner is shaved and shingled, his civilian clothing is stored, he is given a clean suit of prison clothing, with a bath and de-lousing.

4. The physical examination follows.

5. He is taken back to the clothing house and dressed in gray.

6. In the meantime the cellhouse keeper has received a report of the number of new arrivals and has reserved a cell in the gallery for this prisoner until he is assigned out.

7. All men are assigned to quarry work at the beginning. Only in rare cases, as, for instance, when it is desirable to separate criminal associates, does a man escape assignment to the quarry. Young, likely men are marked down for the tailor shop and knitting shop and are assigned there as soon as a vacancy occurs. Assignment for work includes a comprehensive individual interview.

In connection with this assignment, the first interview is a vigorously conducted and carefully managed questioning and cross-questioning process, which brings out the entire life history and social situation of the prisoner. It goes into his family, social, and economic conditions through life. It is conducted by the deputy warden and his close knowledge of the individual prisoner is an element in his management of men. He is, of course, the most active in the field of personnel management in the prison. Other officers frequently refer to these life histories and, if supplemented by some independent investigation by the Parole Board, it is the most valuable of documents. Not infrequently one of these life histories is more than a thousand words in length.

Behavior. With this knowledge about the individual man, routine disciplinary measures, the progressive merit system, penalties, including solitary confinement and demotions take on a coloring of specific individual treatment. In the hands of a trained specialist this first interview and examination would take on a wider scope, and it is very likely that the deputy warden will in time ask for an assistant especially for this work.

Physical exercise is a lesser problem in an institution where by far the largest number of men are employed outdoors. The profits of the canteen, which sells to inmates, support the institution baseball games and the movies.

Recreation. Baseball games for the entertainment of inmate spectators, as well as for participation of a large number, are the principal features of the recreational program in season. Except for the weeks of rain the baseball season extends over a period of seven months of the year. Quartettes, chapel singing, instrumental music, the band, are developed within the institution and we met several men who had learned to read music in prison.

The recreational problem, so far as participation is concerned, and considering the amount of free time, would still need development. A trained person in charge of this work could develop a much larger program with greater variety and greater participation and spectatorship.

Movies as attractive to the staff officers as to the inmates are arranged to entertain every inmate in the institution during the winter season.

70. Same: Discipline. Here, as at the other institutions, the progressive merit system, the markings and demotions, are in the hands of the prison staff which administers punishment. The committee attended both the court and staff meetings. The rules of the prison, instead of being read to the new inmate, are printed on a card and posted in every cell; in fact, each new inmate is given a fresh card to hang up in his cell. This printed card is effective with the large majority of prisoners and its presence in the cell leads even the illiterate to try to find aid in mastering it.

The rules for the government of convicts, also the progressive merit system, are almost identical with the rules at Joliet. Jointly with the assistant warden, and usually in the presence of one or two captains of the guard, each case is considered for demotion. The remarks made about each case show that someone of the officers in the room knew each inmate individually, and frequently stated something in mitigation. The policy seems to be to give violators punishment and solitary confinement rather than serious demotion.

The tension between guard and officers on the one hand, and convicts on the other hand, is not so great at Southern Illinois Penitentiary as at Joliet. The fact that only a small fraction of the population does not understand English, that it is, generally speaking, a fairly homogeneous group, that there are fewer plotting leaders, and that the fear of conspiracy and escape is not as alive in the minds of the officers and guards as at Joliet, must be considered. But the knowledge which the officers at Menard have of their men gives a power of control which reduces the necessity of relying alone on punishment. This knowledge of the inmates by the officers should be made available to the Parole Board and is more valuable than the markings of the progressive merit system.

The punishments at Menard are more graded and varied than at Joliet. When a man has committed a violation of the prison rules he is reported by the guard to the deputy. The inmate is questioned thoroughly about the offense; the deputy takes into consideration the previous behavior of the man in the prison and allows for lack of information in the newcomer or the illiterate. He may let a man off with an admonition; he may take away the privilege to go to the show or the privilege card, which includes permission to write, permission to see friends and the ration of tobacco, or he may give the man solitary confinement; beyond that it is up to the staff as to demotion, and even at that point many mitigating circumstances enter in. All punishments are made a matter of record.

Men are called before the staff when they are promoted in grade. Each promotion is handled separately, allowing for any comments from the officers present before the final record of promotion is made. Men are placed in

grade C upon first entering the institution. The promotion from grade C to grade B takes place after the man has been in prison three months, providing there are no violations. The man is called before the staff and asked the following questions: You are here three months. How are you getting along? Any complaints to make or questions to ask? Are you being treated all right? Where is your wife? Have you any children? Where is your home now? Your charge was such-and-such a crime; did you plead guilty? Were you guilty? Did you live on a farm?

Some of these questions are asked with a view to aiding a man in his problems of home life, others as a basis for selection of men for the honor system on the farm. The question with regard to guilt is seldom answered with the surly "bum rap." The whole effort is to build up morale in prison. No man is demoted without being called before the staff.

The operation of a large farm system at Southern Illinois Penitentiary requires the employment of a number of prisoners outside of the prison walls. These live in farm houses located at or near the work-assignment outside of the walls. Other farm gangs are turned out for the day's work and return in the evening to sleep in the cell house. But every man employed outside of the walls is considered a trusty. Before his assignment is made the deputy warden takes into consideration all he has learned about the man. He talks to him individually. He ascertains that the man desires to be on the farm and appreciates the opportunity; that he fully recognizes it is a compensation for his good behavior. He reads the honor pledge to him and makes sure that he has understood it. He then asks the man to sign the pledge. Compared with quarry work this is a great reward for good behavior and is a real incentive.

The warden at the Southern Illinois Penitentiary follows a custom which is characteristic of his prison administration. After his evening meal he retires for a period to his office to hold court, a court which is peculiarly not for disciplinary purposes. Convicts are informed that if they have any special difficulties or problems which they wish to discuss with the warden they are permitted to report to him at this evening session. Each man is granted an interview in privacy. The warden, unarmed and unguarded, receives the man. The committee has attended this session and found that the business affairs of these men on the outside, family matters and advice with regard to procedure in connection with parole form a large part of the subjects taken up individually in this court. The warden has the friendly manner of the country banker talking to his client.

Medical office. The same personal knowledge and understanding which pervades every phase of administration exists in the hospital. There does not seem to be an equal fear of malingering here as at the other institutions. While the doctor does not sit in the staff meeting he frequently visits men in solitary confinement and often makes remarks about men under punishment which introduce certain mollification of their punishment. The continual contacts of the various officers, including the doctor, during the day's duty, result in a great deal of mutual understanding. One need not look for the type of staff meeting which is held in Pontiac but the same result—conference and mutual exchange of ideas—is gained here through informal contacts.

Here as at the two other institutions, a medical report should be retained in the documents presented to the Parole Board, for the advice of the board in cases where men should be retained within the prison to finish treatment and of the parole supervision in that a man's physical condition has a bearing on the kind of labor he can or cannot do.

The psychiatrist, who devotes about half of his time to Pontiac and half to service at Southern Illinois Penitentiary, examines all inmates who are about to appear before the Parole Board for determining the length of the sentence. A psychologist gives mental and achievement tests. The number of prisoners makes necessary very hurried work. By the time the particular inmates have come up for examination they have already been in the institution for at least a period of several months.

The psychiatrist can recommend psychopathic cases to the "crank gang," which is an idle group, the time of which is given over to light exercise and rest. It comprises both the physically and the mentally unfit who are not violent. The violent are locked up, but the congestion at the Chester State Hospital for the Insane makes the transfer of the definitely insane from Southern Illinois Penitentiary to its next door neighbor—Chester Hospital for the Insane—as difficult as a transfer from Joliet or Pontiac.

71. Conclusion. Congestion is the great problem at Southern Illinois Penitentiary from several points of view, chiefly those of hygiene, discipline and occupation. The cellhouses at Southern Illinois Penitentiary are overcrowded to the extent where about sixty-six men must sleep three in a cell, two in a bunk, and one on the stone floor of the cell.

There is a system of cages in use, iron cages, which are not built in but placed in the open corridors. These cages are, of course, even less private than the cells, as the occupants can be viewed from three sides in all stages of dress and undress and all conditions of intimate privacy. The bucket system is in use. However, in the regular cells the bucket is placed through a trap door into a flue in the wall through which air circulates. Air pipe connections ventilate this space. The pipes are so arranged that a man in a lower cell cannot shut off the cell about him; in other words, there is a separate air pipe running to each cell.

It must be emphasized, however, that at Menard there is a wholesome type of convict in the first offenders sent to the penitentiary on what would be considered very slight offenses in the metropolitan centers; and that here is also the gangster from East St. Louis and Williamson County and other centers of organized crime. Segregation, therefore, is as necessary at Southern Illinois Penitentiary as anywhere else.

The committee was impressed by the fact that policies and methods of prison administration differ for each institution and even between the Old Prison and the New Prison at Joliet. There is no evidence that the centralization of penal and reformatory administration in the department of public welfare has resulted in standardization of disciplinary administration in the different institutions. Indeed, the committee does not believe that institutions of such different character and population would necessarily be better governed under a rigid system of uniform state-wide administration.

72. Purpose of Parole Supervision.

The laws of our state definitely provide for the rehabilitation of the criminal. The department of public welfare is required to adopt such rules and regulations concerning all prisoners and wards committed to its custody as "shall prevent them from returning to criminal courses and best secure their self-support and accomplish their reformation."

The department of public welfare (now the parole board) is given great latitude in the establishing of rules and regulations for parole, under which prisoners in the penitentiaries and in the reformatory and other penal and reformatory institutions may be released from the institutional enclosure and remain in the custody and under the supervision of this department of the state. The department must, however, have made or shall have satisfactory evidence that arrangements have been made for the honorable and useful employment of the paroled man in some suitable occupation and also for a proper and suitable home, free from criminal influences.

The law gives the department almost unlimited power of supervision over the parolees. All prisoners and wards are considered only temporarily released while in the parole status. During this period they are technically in the legal custody of the officers of the department of public welfare and are considered as "remaining under conviction for the crime or offense for which they were sentenced by the court." They are subject to be taken and returned within the enclosure of the institution from which they were released upon any violation of the rules and regulations made by the department.

The law does not definitely limit the length of time which the paroled man must remain under parole supervision. It requires the department to keep in communication with all parolees and it may set any length of time as the parole period, except that it must not recommend for discharge anyone who has not served more than six months under parole. It may discharge a parolee when he has given reliable evidence that he will remain at liberty without violating the law and that his final release is not incompatible with the welfare of society.

Parole is a method of supervision of those released from penal and reformatory institutions and not a method of escaping incarceration. All inmates of penal institutions, excepting those who died while incarcerated, must at some time be released into society. The parole law provides a means by which criminals can be supervised for a period after release.

In discussing the functions of parole in the rehabilitation of the criminal we are interested mainly in the criminal as a person and in the equipment he has for life, his physical make-up, his attitudes, his habits, his training and experience. We are interested in his complete life-history, because we wish to conserve his useful experience and to prevent the recurrence of criminality.

73. Prison Records for Parole Supervision.

The forms for parole work are substantially the same at Joliet, Menard, and Pontiac. The Parole Office at the institutions had merely a documentary contact with the parolees, in order to satisfy the statutory requirements.[1] Aside from these documents there are reports in

[1] See foregoing secs. 57 and 64.

statistical form accounting to the Central Office at Springfield for the movement of men out of the institution, and for violators and violations of parole; while on parole, copies of the monthly report (which is again formal and very short) of the individual paroled man to the parole agent supervising him are forwarded to the parole officer at the institution from which the parolee was released. This serves as a basis for the statistical reports.

If the parolee is to be given supervision as to home and employment, as to associates and habits, in order to prevent his return to criminal life, then the supervising parole agent needs to receive as much as possible of the data gained by observation of the man by officials of the prison—disciplinary, occupational, physical, mental, recreational, religious. But in practice such data are not furnished. Only three forms are forwarded by the institution to the parole office or agent at the locality where the man's problem of rehabilitation is to be worked out.

The three forms are first, (a) a copy of the face sheet of the man's past record, made upon his arrival in prison. The facts on the face sheet turn out, in many respects, to be taken in a perfunctory, formal way in the routine of induction. The copy of the face sheet which contains the data upon which the parole agent must work is on a loose-leaf form which can be carried by the agent in a book in his pocket. If the facts on the face sheet were the result of complete, verified data, even such as exist in the prison record, this form would serve its purpose well enough. (b) The next form is a printed card intended for the office files, and is a repetition of the same information from the same source. (c) Finally, there is an identification card which, when filled in completely by the identification officer, serves all purposes of identification (apprehension by police of cases of violation). These three forms are all that the parole agent has as a basis for beginning his work with the man.

The parolee himself receives a mimeographed letter informing him about the required reports which must be made monthly the first year, quarterly the second year, every four months the third, semi-annually the fourth, and, finally, only one report required the fifth year.

Let us compare this meager material with the data available within the prison about the individual parolee. First of all, the statute expressly provides that the department of public welfare (properly through the subordinate division of parole supervision) must arrange for suitable employment and home. All that the form affords is a one-line space, within which can be entered a word with regard to the parolee's conduct in prison. The more important questions are: Has he been a good worker? Has he exhibited any skill? Has he learned, fractionally or completely, some occupation? Such information would indicate to the parole agent or office where to begin to look for employment, and what past experience to conserve. Not a word about that.

The inmate has been physically examined or treated, and has a record of sickness or health within the institution. There may be problems of advice with regard to continuing treatment or with regard to the avoidance of certain occupations in certain physical conditions. This type of action should be based on the medical record. The medical record is available at the institution, but not a word from it in the information supplied to the parole officer.

The same would hold true with the psychiatric and psychological data, gathered with fullness by expert hands, which remain on file at the institution, and by which, in the delicate work of rehabilitation of the man, the supervising parole office has never benefited.

It is not to be assumed that because of suppression by prison regulations a great deal cannot be gathered about the personal history and personality of the inmate. The statistician of this committee was greatly aided by inmate assistants in discovering a great deal about the cases which he had to tabulate and classify; from their contacts with other inmates they gave a volume of supplementary information which was verifiable by the officials in close contact with the same persons. But not a word of this comes to the attention of the parole officer. Then, too, the librarian, the chaplain, and the schoolmaster all have observations which, properly weighed, are valuable in parole supervision.

Prisoners and inmates often develop reading habits. Some of them become interested in courses of study and, especially at Pontiac, become interested in wholesome recreational activities. Some become interested in church affiliation; others disclose talent and interest in certain forms of art.

These aptitudes would be the solution, in many cases, of the problem of preventing the return of the paroled man to gang or criminal social groups. Parolees are, by and large, young, and much constructive work can be done.

The committee wishes, at this point, to recommend the introduction of a trained person who will gather a complete, written case-history of all the available data within the prison or reformatory about the individual paroled inmate. Such history would supplement and vitalize the formal record, which loses every possible utility when it remains in prison or in the institution instead of being in the hands of the supervisory office or agent who has the problem of rehabilitation. The gathering of data with regard to the criminal as a person should begin as soon as he is committed, both the data in prison as well as those to be gathered outside of prison, and should be as valuable to the parole board as to the supervisional staff.

74. Employment on Parole.

One of the conditions of granting parole is that employment has been secured by the division of parole supervision or that it has evidence that a bona fide employment has been arranged. According to the form the employer becomes a sponsor and in this application for sponsorship promises to keep a parolee steadily employed at a specified sum per month as long as his services are satisfactory. He agrees to report to the institution or its representative when the services become unsatisfactory. Further, he promises to take a friendly interest in the parolee; to counsel and direct him; to report to the division of parole supervision any absence from work, low or evil associations or any violation of the conditions of his parole, to see to it that the parolee forwards his monthly reports. This application must be approved by a judge or clerk of court, or some other known character.

In rural communities where the arrival of a new man is noticed, and where his behavior or actions are observed and quickly come to the knowledge of the neighbors and the sponsors, this plan would very likely work out well.

In the metropolitan centers or in the industrial town of 50,000 or more, this plan would not work so well; the parole office or agent who must find

employment has never seen the man, knows nothing about his qualifications. Nowhere, whether it be metropolitan center or rural community, is there a specialized placement department or bureau within this division. In the city the individual parole officer, depending largely upon his activity and the breadth of his acquaintance, occasionally places one in employment. By and large, these jobs are of the heavy labor type, stock yards, shoveling coal, freight houses, etc.

The division of parole supervision is seldom asked to find employment for a man prior to release. The inmate stirs about through the mail trying to get his friends to arrange for someone to agree to be his sponsor.

The investigation of the employer and the nature of the employment in cases where employment had been arranged by the friends of the prisoner is often formal and a formal letter is written in answer to the request for investigation in order merely to comply with the statute; without knowing the prospective employee and parolee, and having so little as a matter of record, it is fairly difficult and almost without basis to investigate a job for him.

Often the employment was not bona fide, the employer making the agreement as a mere matter of charity. The wages paid parolees are in many instances much lower than the market value of the labor, because it is difficult to place an ex-convict. But most employment is not such as involves trust, and the employer could very possibly hire the same man without knowing of his criminal record, and be satisfied with his labor at market value.

Since the incumbency of Mr. Hinton G. Clabaugh the "charitable" sponsor has been abolished; in his stead there must always be a bona fide employer. Mr. Clabaugh had listed in his budget a sum for the organization of an employment department. This item was stricken from the budget, although it is probably the most important provision asked by him. For this department properly handled would conserve the investment made by way of early schooling, other training, and prison training in finding work for the parolee. It could place young men with a view to finishing apprenticeships; establish relations with organized employers and organized labor for the purpose of carrying on intelligent employment work. It could keep efficient follow-up records of the employment experience of men in their charge, and could place and replace men bearing the stigma of a criminal record, so that within the five years provided for supervision under the parole rules a young man, if capable, could work out the career of an honest, self-supporting man; and this is again a requirement of the statute.

While on parole the parolee fills out only a brief monthly report in regard to his employment and earnings and reasons for not working if unemployed.

75. Supervision on Parole.

The problem of employment is not the only problem. Although the statute prescribes the prevention of the return of the parolee to bad associates in the large community, there is nothing on record, and very little other evidence, that the parole supervision goes into the leisure-time activities of the parolee; nor is there anyone at present in the division of parole supervision trained in the work of program-making and in directing a rehabilitation case through the

maze of problems that enter into the life of a man while he is making his way up from criminal society into legitimate society.

A metropolitan parole office should have, first, all the available data properly interpreted from the institution. Secondly, there should be an investigation department—and this not a detective department having to do alone with the cases of arrests of parolees in the courts, but a department which would make a complete sociological investigation, a life history containing the schooling, employment, leisure-time data, about the man to be supervised. It should give a detailed account of the family and the history of this man in his family; in his neighborhood; in the gang; in his community. A good history of this man, even if taken from the man himself, is often when completed a revelation to the man, and the very knowledge of himself leads to self-analysis and an effort at personal reorganization. In addition, within such a history would be found all the resources by way of family, friends, employers, neighbors, etc., that the supervising officer and the man could employ in a genuine rehabilitation.

An accumulation of such histories would be a valuable archive for the general study of the parole problem and the causes of crime. It should include, of course, all the relations with the law, and would be more complete than the criminal record of an identification bureau, because it would bring in all the contacts with juvenile court, detention home, parental school, industrial school, juvenile courts, boys' courts, and municipal courts, and many other contacts of this kind in the life of the parolee. It would serve to separate for treatment the professional criminal, the habitual criminal, the first offender, and the gangster. It would aid by way of discovery of interests, aptitude, and abilities, which should be activated to lead the parolee to further study, training, recreation and moralization.

In charge of the case-work within the office there should be a specialist who would not only supervise the relations between the officers and the parolee, but would establish cooperative relations with all the social agencies of the city, taking into consideration all the problems that can occur in the life of a man and his family. All the parole officers at present engaged, if their experience and their best specialized aptitudes were analyzed, could be assigned to some of the specialized lines of work, while the new officers added to the force could be selected with a regard for this new and more complete vision of the whole problem.

76. Same: Parole Supervision of Delinquent Children from the State Training School for Girls at Geneva.

A recent opinion of the attorney-general (August 30, 1927) with regard to the commitments under the juvenile court act, in which he refers to Chapter 23, Smith-Hurd Revised Statutes, 1925, definitely eliminates the Parole Board from the function of paroling inmates from the School for Girls at Geneva and the School for Boys at St. Charles. In the matter of parole supervision this opinion creates overlapping, confusion, controversy, and division of authority, because, as a matter of fact, special parole agents, two women who are on the payroll of the division of parole supervision, have been supervising paroles from this institution in Cook County for several years, and in the other counties of the state the

parole agents charged with adult parolees have been cooperating in the supervision of juvenile parolees from state institutions.

The supervision of delinquent girls in a city like Chicago should be close, efficient, and versatile. The assumption of the institution at Geneva is that all its parolees become and are fitted to become house-servants, with the lady of the house as sponsor. This kind of sponsorship would work out very well if it were possible to analyze thoroughly the home situation and keep a close, direct contact over long distances with these sponsors.

It has occurred within the experience of the Cook County office that these sponsors chosen by the institution are often doubtful as good sponsors, and more often good enough persons as people but not as sponsors. It is possible to study thoroughly the problem involved in this situation between the parole sponsors of girls from Geneva and the institutional supervision, as well as their relations with the girls, because these two women are trained workers and keep adequate records written in full—complete social case-histories. These women are the only agents in the Cook County office of the division of parole supervision who do keep such records, and their problems are the more easily analyzable for this reason.

The Committee finds this confused situation of division of authority over the same girl parolee between the institutional supervision and that of the parole agents subversive to the interests of the parolee. A little girl delinquent has very often paid for her delinquency with her health. To suppose that even the wisest of superintendents could, while engaged upon her duties conducting an institution for four or five hundred delinquent girls in a rural community distant from the city, give close attention to the supervision of these delinquents scattered over the entire area of a great metropolitan center is certainly over-optimistic. The same can be said of the supervision of the delinquent girl placed in a farmhouse one hundred or one hundred fifty miles away from the institution.

The institution's policy of placing all the girls paroled from it into household work is the more regrettable when one considers that Geneva has an excellent academic school and many phases of good industrial and commercial training in addition, which bring to the surface many latent abilities in the girls. Some of these could be conserved if proper arrangements were made for employment which would allow for the continuation of school and training in the evening hours and on a part-time basis in the case of the girl in the city. Also, some of the girls come from the institution prepared to do other than housework to much better advantage, and proper placement work would conserve what the school has given them, as well as accomplish the intent and letter of the statute.

Further, the present women parole officers in charge of these girls, if given ample clerical help and trained assistants, would be capable of carrying on this work in the metropolitan area if the division of paroles and the Parole Board had the proper authority.

Objection that children should not be supervised out of the same office with adult parolees has long ago been met and overcome: (1) because special officers have been assigned, with no other duties; (2) because the child parolee is not asked to come into the office but is dealt with entirely

at her home or at her work; under the present conditions the two are almost always at the same address. The exceptions occur when after investigation a girl is paroled to her own home and secures employment outside it.

If the supervision is more adequate and placement can be made more diversified and more suitable by the parole agents close at hand within the locality of the parole, then the granting of paroles should be in the hands of the Parole Board, the chairman of which is also the supervisor of paroles. It would then be possible to establish a close correlation between the condition of the parole agreement and the parole supervision.

77. Same: Parole and Supervision of Commitments to St. Charles.

The same opinion of the attorney-general applies in the same way to cases from the St. Charles School for Boys.

Two men with long experience in the home problems of boys from St. Charles, one of whom has also had experience in public employment work on a large scale, are assigned to the work of supervising boys from St. Charles. Here again there is an overlapping and division of authority; the granting of paroles is done by the institution. The officers are under double orders, but on the payroll of the division. What intensifies the problem here is that they have to deal with the type of boys on their way to becoming professional criminals. They are indeed at the kindergarten beginning of the criminal career, but the officers are experienced in recognizing the cases as such. Due to the many escapes from St. Charles, usually by stolen automobiles into Chicago, these two officers are kept busy, frequently day and night, running down "escapes." They have very little time, therefore, to give to the supervision of employment, schooling, recreation, and the social life and health of these boys—usually from broken homes.

The committee has made rather detailed studies of both the Geneva School for Girls and the St. Charles School for Boys, and has found in them much that is of great merit as schools for growing boys and girls. The committee regrets that the investment, which is rather large per boy or girl, is often lost because the metropolitan area is a far different medium of life than the simplified, regulated, wholesome living of these institutions. Upon this boy and girl problem of supervision, the best intelligence, ample man-power, and energy should be directed.

78. Same: Reorganization of Parole Supervision.

The 1927 legislature granted an appropriation comparatively adequate for the purpose of parole supervision. The supervisor of paroles is now in a position to reorganize completely the work of parole supervision if given sufficient authority by the department of public welfare.

The recently installed superintendent of parole supervision has statewide supervision of the parole offices and officers, and looks after the relations between the division and the department of public welfare with all its ramifications. Under him certain specialists should be employed, to be in charge of technical problems and the proper training of new men. At present, not only the meagerness of records and the spread of activities per officer and the case-load immediately suggest a perfunctory operation of

parole supervision, but one glance at the office, with its only clerk, a young man, for all the work of supervision in the Chicago office, with its four counties, is convincing evidence that the work is now in only a rudimentary stage.

If the supervision is formal, merely a matter of receiving formal reports, then violation is brought to the attention of the division of parole supervision only when the police have arrested a parolee on a new charge or he has been convicted by a court. The Parole Board, according to the statutes, has a right to declare a parolee a violator regardless of conviction for a new crime.

When a man is arrested a warrant can be issued by the Parole Board for his return to the penitentiary, and this warrant cannot be recalled unless the Parole Board has held a hearing in the parolee's case. The more the supervision is perfunctory, the more violation is based on conviction for a new crime. When the parolee is returned for a hearing on violation, the supervising parole agent forwards a letter to the Parole Board. With proper case method, there should be a sufficient case history of the experience of the office or parole agent with the man in supervising him.

Our observation of these letters from the parole agent leads us to remark that they contain very little data of this nature, and that they are confined almost entirely to the crime committed while on parole, or to the accusation of a new crime.

A great many violations also are purely technical violations, in that a man has left the locality in which he had agreed to serve his parole, or has left the state; formerly the apprehension and return of these fugitives took up a great deal of time and attention, and increased the traveling expenses of parole agents.

79. Length of the Parole Period.

Formerly it was customary in the Division of Paroles for every parolee, provided he was not re-committed by the Parole Board for a violation, to receive his discharge from parole at the end of one year under supervision.

Since the incumbency of Mr. Hinton G. Clabaugh, the rules of parole supervision require a five-year supervisional period, with at least monthly reports during the first year and a gradual relaxation until the fifth year, when there is only one report.

The period for parole supervision has been very wisely left indefinite by the statute, which gives the Division of Parole Supervision and the Parole Board power to consider the facts of each case in determining the length of supervision; this would be essentially individual treatment.

Our experience with parolees is that the properly placed parolee, engaged in a legitimate occupation and living a law-abiding and wholesome life—and of these there are many—does not chafe under the length of parole supervision. The professional criminal is a deadly enemy of the entire parole system, which is its greatest recommendation.

The statute sets no other limitation upon the board's determination of the period of parole, excepting "such evidence as is deemed reliable and trustworthy that he or she will remain at liberty without violating the law, and that his or her final release is not incompatible with the welfare of society."

In the past, with the perfunctory supervision and formal meager records, the question of discharge was surrounded with politics, and even corruption at times. The accumulation of the kind of record prescribed by the statute, by officers technically fitted to do work of this kind, would stand as a public safeguard against arbitrary, political, or corrupt discharges.

The parole period should be not a matter of perfunctory supervision and formal report. The parole officer, if properly selected and fitted for his work, should be in a position to bring in the parolee who has not heeded his orders and advice, regardless of whether he has committed a new crime. Under these conditions also the board could support the officer and require observance on the part of the parolee of the terms and conditions of his release.

If the behavior of the parolee were found to be unsatisfactory, and other methods had failed, he would be brought in for hearing before the Parole Board, for a reprimand, warning or recommitment.

The interest of the parole officer, however, would not cease at this point, and he would make constant efforts to facilitate the execution of warrants for violators. All available information would be furnished to the officer serving the warrant, whether he be a parole officer, sheriff, or policeman.

The period under parole supervision is not definitely fixed by law, and should not be definitely fixed by regulation. A continuance of supervision of intensity answering the needs of the individual case should be assured in all cases where there is any uncertainty as to the permanency of the readjustment of the parolee. Parolees found upon review to be in an undesirable position—economically, physically, mentally, spiritually, or socially—should not be recommended for discharge, but rather should remain the object of continued parole effort.

Previous to the discharge by the Parole Board a summary of the history of the parolee, the contributory factors in his delinquency, his reactions to supervisional treatment, and the subjective and objective results should be presented as the basic data to the Parole Board. Upon these data the period of supervision and the recommendation for the discharge should be based.

We have no parole system in any state in the Union which we can hold up as a model and example for Illinois; the last three paragraphs concerning period of parole and proper discharge are suggested by a report of probation work in the Court of General Sessions in New York City, where proper supervision of probationers (not parolees) seems to be an accomplished fact. The recommendations then are not entirely visionary.[1]

[1] The absence in this report of any discussion of the services of the Central Howard Association and of other private agencies engaged in the after care of paroled men is due to no lack of appreciation of their work, but to the fact that this study is limited to the field of public agencies.

PART D

FACTORS DETERMINING SUCCESS OR FAILURE ON PAROLE

80. Different Types of Paroled Men. Two widely divergent pictures of the paroled man are, at present, in the minds of the people of Illinois. One picture is that of a hardened, vicious, and desperate criminal who returns from prison, unrepentant, intent only upon wreaking revenge upon society for the punishment he has sullenly endured. The other picture is that of a youth, perhaps the only son of a widowed mother, who on impulse, in a moment of weakness, yielded to the evil suggestion of wayward companions, and who now returns to society from the reformatory, determined to make good if only given a chance.

Individual paroled men can, of course, be found to fit either of these descriptions, but a detailed study of the records of 3,000 men paroled from the Illinois State Penitentiary at Joliet, the Southern Illinois Penitentiary at Menard, and the Illinois State Reformatory at Pontiac showed that the great majority of men and youths were to be found somewhere between these two extremes. In fact, it was possible to classify these 3,000 men into four classes: (1) the first offender; (2) the occasional offender; (3) the habitual offender; and (4) the professional offender.

There are those who have committed only one or two offenses, or the *first offender.* There are those who have engaged in several crimes during a short period before their first apprehension, or have lapsed into delinquency only a few times over a long period, or the *occasional offender.* Then there are those men like the alcoholic, the gambler, the drug addict who, in spite of repeated punishments, continue their criminal operations or get into difficulty with the law, or the *habitual criminal.* Finally there is the specialist in crime who makes of it a vocation and even a career and depends upon it for a livelihood, the *professional criminal.*

81. Same: First Offenders and Other Types. What proportion of the men placed on parole from Illinois penal and reformatory institutions are first offenders, occasional offenders, habitual offenders, and professional offenders? The answer to this question has an important bearing upon parole and its administration.

TABLE 3. PAROLEES, AS TO TYPES OF OFFENDERS WHEN PAROLED, CLASSIFIED BY INSTITUTIONS

Three Thousand Paroled Men from the Illinois State Penitentiary, from the Southern Illinois Penitentiary, and from the State Reformatory Classified by Type of Offender

	Joliet	Menard	Pontiac
First offender	506	655	514
Occasional offender	317	274	347
Habitual offender	145	70	115
Professional offender	24	1	21
Insufficient data	8		3
Total	1,000	1,000	1,000

A study of Table 3 shows at once that over one-half the men in all three institutions are classified as first offenders and that the next largest group is that of the occasional offender. At Joliet only one-seventh of the men paroled are designated as habitual offenders and at Pontiac and Menard only one out of every nine and fourteen is so assigned. Finally out of three thousand men in all three institutions only forty-six, all told, were definitely termed professional criminals!

Table 4, which gives the totals and percentages for all three institutions by types of offenders, demonstrates even more strikingly the large proportions of first and occasional offenders, totalling 87.1 per cent of the total number. The question may well be raised why the proportion of habitual and professional offenders is so small, totaling only 12.5 per cent of the total number of paroled men.

TABLE 4. PAROLEES, AS TO TYPES OF OFFENDERS, CLASSIFIED BY TYPES

Total Number and Percentage by Type of Offender of Three Thousand Men from the Three Illinois State Penal and Reformatory Institutions

Type of Offender	Men Paroled from the Three Institutions	
	Number	Per Cent
First offender	1,675	55.8
Occasional offender	938	31.3
Habitual offender	330	11.0
Professional offender	46	1.5
Insufficient data	11	.4
Total	3,000	100.0

Table 5 on the criminal record of the prisoner previous to his present commitment may be used as a check upon the classification by types of offenders.

TABLE 5. PAROLEES, CLASSIFIED AS TO PREVIOUS RECORD

Previous Criminal Record of Three Thousand Men Paroled from the Illinois State Penitentiary, from the Southern Illinois Penitentiary, and from the Illinois State Reformatory

Previous Criminal Record	Men on Parole from				
	Joliet Number	Menard Number	Pontiac Number	All Institutions Number	All Institutions Per Cent
No previous record	490	666	541	1,697	56.6
Industrial school record only	18	26	127	171	5.7
Record of fine or probation only	29	8	117	154	5.1
County or city jail record	202	43	155	400	13.3
State reformatory record	105	87	44	236	7.9
State penitentiary record	156	170	11	337	11.2
No data			5	5	.2
Total	1,000	1,000	1,000	3,000	100.0

This table indicates that over one-half (56.6 per cent) of the men in the penal and reformatory institutions of Illinois have no previous criminal history so far as shown by their records. In addition are those, or 24.1 per cent, whose past punishment record was merely that of industrial school,

workhouse, fine or probation. Only 19.1 per cent [1] have recorded against them previous commitments to penitentiaries and reformatories. So far as the facts in this table may be taken at their face value they corroborate the earlier finding that only a minority of the men paroled from Illinois penal and reformatory institutions are habitual and professional offenders and that the great majority are first and occasional offenders and to that extent fit subjects for parole supervision looking towards rehabilitation.

The first and occasional offenders, totalling 87.1 per cent of the men paroled, probably deserved an opportunity to make good. The habitual and professional criminals, totaling together only 12.5 per cent, were not such "good risks" for rehabilitation. The question may be asked why so small a number of habitual and professional criminals are found in the prison population. Is it because of their relative freedom from apprehension and conviction? Do the majority of professional criminals remain at large in the general population, while first and occasional offenders crowd the penal and reformatory institutions to overflowing?

82. What Proportion of Paroled Men Make Good?

"What proportion of men make good on parole?" is a question that is often asked.

Non-violation of parole is not exactly the same as "making good" on parole. By "making good" is implied the restoration of the person as a law-abiding member of society, gainfully employed in a legitimate vocation. By non-violation of parole is meant that the person has not been apprehended in the violation of any parole regulation or of any law. In other words, he has observed at least the letter of his parole obligations and has not been apprehended for a new offense.

In order to find out the relative proportion of parole violators and non-violators, the Committee undertook an extensive survey of the records of 1,000 men paroled from the Illinois State Reformatory at Pontiac, 1,000 men paroled from the Illinois State Penitentiary at Joliet, and of 1,000 men paroled from the Southern Illinois Penitentiary at Menard.

These three thousand cases had all been released from the penitentiary or the reformatory at least two and one-half years when the study was made, since the thousand cases from each institution comprised consecutive numbers of those released from parole, dating backward in time from December 31, 1924. The majority of the men whose records were studied had therefore been at large in the state for from three to five years when the study was made and many of them from three to six years. The majority of these men were under parole for one year after their release from incarceration. Sufficient time had elapsed, therefore, to determine violation of parole and,

[1] This percentage of 19.1 per cent for these three institutions of inmates with previous penitentiary and reformatory records is very close to 20 per cent recidivism for these same institutions in 1921-26 in *Statistical Data Supporting Special Report and Recommendations on the Parole System of Illinois,* by Hinton G. Clabaugh, April 27, 1927. The question may be raised whether or not this distribution of different types of criminals among paroled men is representative of the entire penal population. Figures taken from "The Report of the Statistician for the Department of Public Welfare for 1926" indicate that, during the period covered by this study, nine out of every ten men leaving these three institutions were paroled. Of the 3,206 men released from Joliet (1924-25), Menard (1923-25) and Pontiac (1924-25), 89.4 per cent were placed on parole, 9.3 per cent were discharged, and 1.3 per cent were pardoned or had their sentences commuted.

if a follow-up study could have been made, to ascertain how large a number returned to a criminal career after the period of parole had expired.

Table 6 shows the percentage of men who had observed and who had violated parole regulations.

TABLE 6. PAROLE VIOLATORS, COMMITTEE'S STUDY

Percentage of Men Paroled from the Illinois Penal and Reformatory Institutions Who Were Parole Violators and Non-Violators

Institutions	Violators Per Cent	Non-Violators Per Cent
Pontiac	22.1	77.9
Menard	26.5	73.5
Joliet	28.4	71.6
All institutions	25.7	74.3

These percentages of violation of parole for this period are much higher than those we are able to find in printed reports. For example, a comparison may be made with the percentages of success and failure upon parole as published in the Biennial Report of the Division of Pardons and Paroles, 1922-24;[1] the period covered by the study of the committee was substantially, although not exactly, the same (Table 7).

TABLE 7. PAROLE VIOLATORS, OFFICIAL REPORT, COMPARED

	Percentage of Paroled Men Violating Parole			
	Pontiac	Joliet	Menard	All Institutions
Biennial Report, 1922-24	16.3	18.8	20.4	18.8
Committee's Study, 1922-24	22.1	28.4	26.5	25.7

These figures from the Biennial Report cannot be reconciled with the published figures for the same years for those returned to prison for violation of parole given by the statistician of the Department of Public Welfare (Table 8).

TABLE 8. PAROLE VIOLATORS, PUBLIC WELFARE REPORT, COMPARED

Number and Percentages of Paroled Men Violating Parole as Compared with the Number of Men Paroled or on Parole, 1922-24

		Returned to Institution		Defaulters at Large		Total Violators	
	On Parole	No.	Per Cent	No.	Per Cent	No.	Per Cent
Biennial Report	3,629	366	10.5	280	7.7	646	18.8
Statistician's Report	3,752	593	15.8	—	—	—	—

The significant contrast in these two reports is the statistician's finding of 15.8 per cent instead of 10.5 per cent of men returned to institutions as violators of parole. In fact, he reports a percentage one-half again as large as that reported by the Division of Pardons and Paroles.

The inference that the figures of the Biennial Report are too low is

[1] "Comparison of 'Make Good' and 'Failed,'" pp. 7, 9.

confirmed by a tabulation submitted to the committee by Mr. W. E. Barrere, parole officer at Pontiac (Table 9).

TABLE 9. PAROLE VIOLATORS, PONTIAC REPORT, COMPARED

Percentage of Men Paroled from Pontiac Violating Parole Classified by the Returned and At Large for the Years 1922-24

	Percentage Returned	Violators At Large	Total Paroled
Biennial Report	9.4	6.9	16.3
Barrere Report	16.5	4.0	20.5

The conclusion is inescapable that the published figures in the Biennial Report cannot be substantiated. It is highly advisable that the Parole Board, and indeed all other organizations dealing with the treatment of crime, submit before publication their annual statistical report for examination and auditing to a statistical expert or competent committee. This is necessary in order to obtain public confidence in the validity, not only of the figures, but of the method of analysis employed.

83. What Does "Making Good" Mean?

So far the rather colorless entry "no violations reported" has been used instead of the more significant phrase "making good on parole." In what does "making good" actually consist? Does it mean merely the negative report of the observance of the letter of parole regulations and of refraining from crime until discharged from parole? Obviously it should mean more than that. "Making good" means a change of attitude, often of associates, which manifests itself in securing regular legitimate employment and in participating as a wholesome member of the community in its different activities.

In this study, cases of individual paroled men were found who maintained a spotless parole record but when discharged almost immediately resumed the activities of a criminal career. Of the 1,000 men paroled from Pontiac 221 were declared parole violators, leaving 779 who presumably fulfilled the conditions of parole. Yet, in a period of from two to four years after discharge from parole, at least 82, or 10.5 per cent, of those discharged from parole had been apprehended and nearly all incarcerated for new offenses, according to reports received by the recorder at Pontiac, from other penal institutions and identification bureaus.

Mr. C. O. Botkin, the recorder at Pontiac, stated that in his judgment these recorded cases of commitments to institutions after the expiration of parole represent at best only about one-half of the actual number. For example, only twenty-two of these cases were committed to institutions outside of Illinois.

It seems conservative to estimate that at least 35 per cent of the men discharged from the Illinois State Reformatory at Pontiac have failed to make good either on parole or after parole within three to five years of the time they were paroled. This conclusion should provide further argument for a reorganization of our penal and reformatory institutions in the interest of the rehabilitation of the criminal as well as for a system of effective parole supervision over a sufficiently long period, as the five years now in force.

84. Major and Minor Violations of Parole.

The distinction should be made between major and minor violations of parole. A man is declared a parole violator if he commits a new offense. This may be termed, then, a major violation. He may be considered a parole violator if he fails to make his monthly report, or makes a trip out of the state without permission, or disregards any of the rules for his conduct prescribed in the parole agreement. Such violations as these, as well as any reason which under the previous administration led to a continuance of parole at the end of twelve months, may be defined as a minor or technical violation.

Statistics from Pontiac, Joliet, and Menard indicate that there are nearly as many parole agreements violated on minor and technical as on major grounds (Table 10).

TABLE 10. PAROLE VIOLATORS, MAJOR AND MINOR VIOLATIONS

Comparison by Institutions of the Number of Minor and Major Violations of Parole

Parole Agreement Violated	Individual Institutions			All Institutions	
	Pontiac	Joliet	Menard	Number	Per Cent
On minor grounds	83	112	133	328	10.9
On major grounds	138	172	132	442	14.7
Total	221	284	265	770	25.6

It is evident that technical violations are not as serious as committing new offenses. Yet slight infractions of the parole agreement must be given attention if graver consequences are to be prevented. Indeed, increasing efficiency of parole supervision is likely to be accompanied by an increase in technical but a decrease in major violations of parole. The public should be prepared for a sharp rise in the percentage of parole violators under the recent plan of increasing the period of supervision from one to five years. Technical violations might well be expected to increase five-fold, but the final result should be a decrease in the actual number of crimes by paroled men.

The public, or a large part of it, has held the parole system responsible for all crimes committed by paroled men, even after the expiration of the parole period. This extension of the time of parole is in one sense an answer to this implied criticism, and at the same time provides a real protection to the paroled man who is trying to "make good," sometimes against great odds.

85. Factors Making for Success or Failure on Parole.

Is it possible to find out the factors that make for success or failure on parole? The members of the Parole Board, the superintendents and the staff of the different institutions, and the parole officers all are convinced from their experience that differences in personality of the men and differences in factors in their background are related to the success or failure of the man to abide by his parole agreement. The committee, therefore, undertook to find out:

1. What specific facts about the man and his past history as stated in the record could be related to the fact that he had, or had not, violated parole?

2. What, if any, additional facts significant in the light of his record on parole might also be secured?

At the time this study was undertaken all the paroled men had been released from confinement in the State Penitentiaries at Joliet and Menard and the State Reformatory at Pontiac for at least two and one-half years, and in a considerable proportion of cases for as many as four or five years. Consequently, more than sufficient time had elapsed to determine their record on parole.

The observation or violation of parole was compared with the following twenty-two facts as entered in the materials in the records: (1) nature of offense; (2) number of associates in committing offense for which convicted; (3) nationality of the inmate's father; (4) parental status, including broken homes; (5) marital status of the inmate; (6) type of criminal, as first offender, occasional offender, habitual offender, professional criminal; (7) social type, as ne'er-do-well, gangster, hobo; (8) county from which committed; (9) size of community; (10) type of neighborhood; (11) resident or transient in community when arrested; (12) statement of trial judge and prosecuting attorney with reference to recommendation for or against leniency; (13) whether or not commitment was upon acceptance of lesser plea; (14) nature and length of sentence imposed; (15) months of sentence actually served before parole; (16) previous criminal record of the prisoner; (17) his previous work record; (18) his punishment record in the institution; (19) his age at time of parole; (20) his mental age according to psychiatric examination; (21) his personality type according to psychiatric examination; (22) psychiatric prognosis.

86. Same: Offense Named in the Indictment.

The general public is inclined to the belief that certain offenses are indicative of more vicious tendencies in the criminal and would, by their very nature, forecast failure upon parole. Murder and certain sex offenses, for example, arouse the most intense feelings of abhorrence and are charged with the most severe penalties. The tabulation of offenses in relation to record on parole gives the astonishing results shown in Table 11.

TABLE 11. PAROLE VIOLATIONS IN RELATION TO GENERAL TYPE OF OFFENSE

General Type of Offense	Violation Rate by Institutions — Pontiac Per Cent	Joliet Per Cent	Menard Per Cent
All offenses	22.1	28.4	26.5
Larceny	23.2	29.3	24.7
Robbery	12.6	29.7	20.5
Burglary	26.3	36.2	33.0
Fraud and forgery	24.2	42.4	38.3
Sex offenses	11.1	18.3	14.8
Murder and manslaughter	27.3	9.0	15.6
All other offenses	20.0	11.1	7.4

At all these institutions men convicted of sex offenses, murder, and manslaughter show a relatively low rate for violation of parole while those convicted of fraud, forgery, and (except for Pontiac) burglary have dis-

proportionately high rates for violation. This seems to indicate either that some groups of offenders are given unusually careful parole supervision, or else that they are more susceptible to reformation than those prone to other forms of delinquency.

87. Same: Number of Associates in Crime Resulting in Conviction.

In a large proportion of cases the crime for which the man was convicted was not committed by one man but by two or more men. In Pontiac, out of one thousand cases, the delinquent has no comrade in his crime in 368 cases, one comrade in 375 cases, two comrades in 169 cases, three comrades in 63 cases, four comrades in 13 cases, and five or more comrades in 12 cases. In Menard out of one thousand cases, the offender had no associate in his crime in 659 cases, one associate in 181 cases, two associates in 117 cases, three associates in 25 cases, four associates in 13 cases, and five or more associates in 5 cases. In Joliet out of one thousand cases, the convict had no confederate in 558 cases, one confederate in 226 cases, two confederates in 120 cases, three confederates in 43 cases, four confederates in 22 cases, and five or more confederates in 31 cases.

The most significant finding from a consideration of the relation of parole violation to number of associates was the high violation rate (except for Menard) where the offender had no associate, and the surprisingly low violation rate for all three institutions when the convict had three or more associates. For example, where the delinquent had four or more associates the violation rate is only 4.0 per cent for Pontiac, 11.1 per cent for Menard, and 13.2 per cent for Joliet, as compared with 31.3 per cent for Pontiac, 28.1 per cent for Menard and 32.1 per cent for Joliet when the offender is a "lone wolf." The Pontiac figures showing that 632 out of 1,000 cases involved one or more persons indicate the role of the groups, or gangs, in the delinquency of youth. These facts indicate the importance of the study of the criminal not only as an individual but also in his gang and other group relationships.

88. Same: National or Racial Origin.

For each of the three institutions, violation of parole was compared with the national or racial origin of the prisoner as determined by the country of birth or race of his father. The largest single group was that of the native white of native parents, or 527 at Pontiac, 643 at Menard, and 350 at Joliet. The group second in size was the Negro with 152 at Pontiac, 216 at Menard, and 201 at Joliet. The remainder was distributed among the other nationalities and races with 321 at Pontiac, 141 at Menard, and 449 at Joliet. All institutions seemed to show the tendency to find the smallest ratio of violations among more recent immigrants like the Italian, Polish and Lithuanian, and to disclose the highest rate of violation among the older immigrants like the Irish, British, and German.

89. Same: Parental Status and Marital State.

The records of 823 men at Menard give 504 from disrupted homes and only 10 from stable, well-organized families. Of the 894 men at Joliet, 524 left home at an early age to make their way in the world; an additional 342 came from broken homes; and only 17 had

had an experience of the average wholesome American family, as far as could be inferred from the records. There is real need of securing additional data upon family relationships. The percentages of violations of men coming from "broken homes" were higher than the average, while the percentage of those coming from the better type of home was significantly lower.

At all institutions the single men constituted the largest individual group. At Pontiac their numbers were overwhelming, constituting 851 to 127 married men, 21 divorced or separated, and 1 widower. At Menard the single men have a plurality instead of a majority with 420 representatives, the married men are nearly as large a group with 397, those divorced or separated number 113, while the widowers total 69. Joliet reports 478 single men, 392 married men, 70 men divorced or separated, and 59 widowers. Both Menard and Joliet show a violation rate higher than the average for single men, and lower than the average for married men. At Pontiac, on the contrary, the married youths exhibit a slightly higher rate of parole violation than the average.

90. *Same: Type of Offender.* The four main types of criminals have already been differentiated. This violation rate is much lower for the first and occasional offender than for the habitual and professional criminal, and considerably below that of the occasional offender (Table 12).

TABLE 12. TYPE OF OFFENDER IN RELATION TO PAROLE VIOLATION

Type of Criminal	Violation Rate by Institutions		
	Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All criminals	22.1	26.5	28.4
First offender	15.8	21.4	17.0
Occasional offender	24.2	32.5	36.0
Habitual offender	39.1	51.4	48.9
Professional criminal	52.4		41.7

The run of the figures clinches the point that the first offender is a "better risk" than the occasional offender, and the occasional offender is a "better risk" than either the habitual or professional criminal. Moreover, the larger proportion of the first and occasional offenders are technical and minor violators of parole, while the great majority of violations among habitual and professional criminals are the result of detection in new crimes. Table 13, parole violators from Joliet, will illustrate this significant point.

TABLE 13. MINOR AND MAJOR VIOLATIONS OF PAROLE FROM JOLIET

Type of Criminal	Per Cent of Violation		
	Minor	Major	Total
All offenders	11.2	17.2	28.4
First offenders	9.3	7.7	17.0
Occasional offenders	14.5	21.5	36.0
Habitual offenders	11.0	37.9	48.9
Professional criminals	4.2	37.5	41.7

It is evident from Table 13 that the proportion of serious violation of parole is five times as great among habitual and professional criminals as among first offenders, while the percentage of minor violations among

professional criminals is less than half that of first offenders. In other words, the professional criminal tends to obey the technicalities of parole agreement much better than the first offender, but he is five times as liable to continue in the criminal career.

91. Same: The Criminal as a Social Type. The attempt was made to determine the social type into which each person would fall as gangster, farm boy, recently arrived immigrant, drunkard. This was not a classification appearing on the records, but was derived from the history of the man and his offense as contained in the record. This method of differentiating social types gave some highly significant comparisons (Table 14).

TABLE 14. SOCIAL TYPE IN RELATION TO PAROLE VIOLATORS

Social Type	Violation Rate by Institutions		
	Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All persons	22.1	26.5	28.4
Hobo	14.3	46.8	70.5
Ne'er-do-well	32.8	25.6	63.0
Mean citizen		30.0	9.5
Drunkard	37.5	38.9	22.7
Gangster	22.7	23.2	24.1
Recent immigrant	36.8	16.7	4.0
Farm boy	11.0	10.2	16.7
Drug addict	4.3	66.7	83.3

When criminals are classified by social type, wide differences in the rate of parole violation occur. The farm boy and the newly arrived immigrant both seem disposed to make satisfactory adjustments under parole. But the hobo, the ne'er-do-well from the city (Joliet statistics), and the older drug addict, all are liable to become parole violators. The gangster, interestingly enough, has a parole violation rate a little under that of the average. This fact suggests that special effort directed toward persons of this type might not be so unavailing as is popularly believed.

92. Same: Place or Residence. Of the 1,000 youths in Pontiac, 430 were temporary or permanent residents of Cook County and 570 of the remaining counties of Illinois at the time of their commitment. At Menard inmates had been committed for the most part from the southern part of the state. Of the 1,000 Joliet cases, 609 had been sentenced in Cook County and the remainder in general from the other northern counties. In classifying the 3,000 paroled men by the size of the community in which they had lived before commitment to the institution, no significant variation from the average in percentage of violation was discovered except a uniformly low rate for those whose homes had been in the open country. For those with homes on the farm only 12.5 per cent from Pontiac, 14.6 per cent from Menard, and 9.3 per cent from Joliet became parole defaulters.

About one-fourth of the 1,000 men from each institution (222 from Pontiac, 272 from Menard, and 253 from Joliet) were transients in the community in which the crime resulting in their conviction took place. The

parole defaulter rate was smaller than the average for actual residents of the community, being 14.1 per cent for Pontiac, 19.0 per cent for Menard, and 23.7 per cent for Joliet, but much larger for transients convicted of crime, or 24.3 per cent for Pontiac, 46.0 per cent for Menard, and 41.1 for Joliet.

The material in the records was not so satisfactory for determining the type of neighborhood where the man lived at the time of his arrest. It did seem important to find out, however, whether an inmate of a prison whose last place of residence was a residential neighborhood would be a "better risk" under parole supervision than one whose last dwelling place in civil life had been in the criminal underworld or along the "Main Stem" of Hobohemia.

TABLE 15. TYPE OF RESIDENCE IN RELATION TO PAROLE VIOLATORS

Type of Neighborhood in Which Prisoners Reside	Violation Rate by Institutions		
	Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All neighborhoods	22.1	26.5	28.4
Criminal underworld	42.3	45.5	38.1
Hobohemia	21.4	48.4	52.9
Rooming house district	45.8	34.6	38.7
Furnished apartments	28.6		20.0
Immigrant areas	25.0	26.1	25.9
Residential district	17.8	14.2	22.3

It is apparent from this Table 15 that the neighborhood of last residence previous to commitment is an important index on whether or not a man will make good or fail when put on parole. Hobohemia and the criminal underworld do not, it seems, fit a man to take his place as a law-abiding member of organized society.

93. Same: Factors Involved in the Trial and the Sentence.

The statute requires that the trial judge and state's attorney shall file with the Parole Board a written statement concerning the circumstances of the crime and the character and associates of the convicted criminal. In more than half of the cases of men committed to Menard and in over three-fourths of the cases sent to Joliet and Pontiac, the statement of the trial judge and the state's attorney is purely factual; in the remainder they either enter a recommendation for leniency in the granting of parole or protest against it. That this statement should be given consideration by the Parole Board may be seen by comparing the violation rate of recommendations and protests as 16.9 per cent compared with 46.7 per cent for Pontiac; 23.7 per cent as compared with 27.6 per cent for Menard, and 16.4 per cent as compared with 31.2 per cent for Joliet.

Except for certain crimes where the law provides a flat sentence as in treason, murder, rape, and kidnapping, the sentence is indeterminate and provides for a minimum and a maximum period of imprisonment. But whether the sentence is for a definite or indeterminate period, the parole law applies and it is therefore possible to compare the rate of violation under different types of sentences.

TABLE 16. TYPE OF SENTENCE, AS RELATED TO PAROLE VIOLATION

Type of Sentence	Violation Rate by Institutions — Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All sentences	22.1	26.5	28.4
Flat sentence	16.7	13.0	4.8
From 1 to 5 years	31.6	25.9	33.3
From 1 to 10 years	24.0	26.3	29.8
From 1 to 14 years	20.0	30.7	33.8
From 1 to 20 years	24.2	31.3	34.6
From 3 to 20 years	14.3	20.0	24.1
From 1 year to life		2.4	18.2

The striking conclusion to be drawn from Table 16 is the low violation rate for flat sentences and (except at Pontiac) for the heavier penalties of three to twenty years and of one year to life. These findings correspond to the other surprising discovery that murderers and sex offenders, who receive flat sentences, have only a small proportion of their number among the parole violators.

More significant, perhaps, than the sentence imposed is the sentence served. Since all the men included in this study of 3,000 cases had been released on parole, it was possible to compare the actual time served in prison or reformatory with the percentage violating the parole agreement.

TABLE 17. RELATION BETWEEN TIME SERVED IN PRISON TO PAROLE VIOLATION

Number of Years Served	Violation Rate by Institutions — Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All periods of years served	22.1	26.5	28.4
Under 1 year	10.7	21.3	14.5
1 year but under 2 years	22.0	23.2	20.8
2 years but under 3 years	20.1	27.9	25.2
3 years but under 4 years	32.1	29.4	37.9
4 years but under 5 years	43.5	37.5	37.6
5 years but under 8 years	46.2	43.0	37.3
8 years and over		25.0	39.5

In general, the finding to be derived from Table 17 is that the longer the period served the higher the violation rate. A larger proportion of habitual and professional criminals serve longer terms than do first and occasional offenders, according to a special analysis of figures giving this comparison which was made for those released from Joliet. Nevertheless, it would seem to be good policy for the Parole Board in fixing the length of sentence for the first and occasional offender to keep in mind the relation of the duration of the sentence to making good on parole.

94. Same: Previous Criminal Record and Parole Violation.

Facts upon the man's previous criminal history were derived from the statement of the trial judge and the state's attorney, from information furnished by the prisoner to the recorder and the psychiatrist at the institution, and from reports furnished the recorder from local and federal bureas of identification. Out of the 1,000 men at each institution there was no report of a past criminal history in 541 cases at Pontiac, 666 cases at Menard, and 490 cases at Joliet (Table 18).

TABLE 18. PREVIOUS CRIMINAL RECORD, IN RELATION TO PAROLE VIOLATION

Previous Record	Violation Rate by Institutions — Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All persons	22.1	26.5	28.4
No criminal record	16.3	21.2	15.9
Industrial school record only	37.0	46.2	27.8
Fine or probation only	16.2	12.5	24.1
Workhouse or jail record only	31.0	25.6	46.5
Reformatory record	34.1	37.9	39.0
Penitentiary record		39.4	37.8

At both Menard and Joliet a previous reformatory and penitentiary record show high rates of parole violation, while the lack of a criminal record exhibits a lower violation rate.

95. Same: Previous Work Record. The records in most cases contained sufficient information to allow the classification into "no work record," "casual work," "irregular work," and "regular work." Under casual work was entered the intermittent labor of unskilled workers. In the majority of cases irregular work is that of skilled workers who were not steadily employed. Regular work record referred to those who were reported to have a history of steady employment (Table 19).

TABLE 19. PREVIOUS WORK RECORD IN RELATION TO PAROLE VIOLATION

Previous Work Record	Violation Rate by Institutions — Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All persons	22.1	26.5	28.4
No previous work record	28.0	25.0	44.4
Record of casual work	27.5	31.4	30.3
Record of irregular work	15.8	21.3	24.3
Record of regular work	8.8	5.2	12.2

The very low percentages of parole violation for men with a record of regular employment is eloquent in its testimony to regular habits of work as a factor in rehabilitation.

96. Same: Behavior Record in Prison. Although the work record before and during imprisonment has not had much weight in determining fitness for parole, the punishment record in the institution has always received great attention. The relation of the punishment record in prison to reaction to the conditions of parole is a subject of vital interest to all concerned with the theory and practice of penology (Table 20).

TABLE 20. PRISON PUNISHMENT RECORD IN RELATION TO PAROLE VIOLATION

Punishment Record	Violation Rate by Institutions — Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All inmates	22.1	26.5	28.4
No punishment recorded	17.0	20.0	18.6
Demerit	(*)		30.4
Solitary confinement		41.9	52.4
One or two demotions	27.2	34.3	35.9
More than two demotions (or in Pontiac and Joliet to Grade E)	33.1	33.3	47.1

*Only two cases, insufficient for calculation of percentage.

At both penitentiaries the inmates who were punished by solitary confinement had an unusually high violation rate, particularly in comparison with the low violation rates of those without recorded punishments. The figures do not, of course, give a final answer to the question whether the violation of parole is a manifestation of the same antagonistic attitude toward rules and regulations as against prison discipline, or whether the recipient of severe punishment within the institution, embittered, is thereby animated with a deeper enmity against society.

97. Same: Age When Paroled. The prison population as a body is a group of young men. Even when paroled the average age of our 1,000 Joliet men was only 34.7 years, of our 1,000 Menard men only 33.9 years, and of our 1,000 Pontiac youths only 21.6 years.

TABLE 21. AGE AT PAROLE IN RELATION TO PAROLE VIOLATION

Age When Paroled	Violation Rate by Institutions — Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All ages	22.1	26.5	28.4
Under 21 years	17.7	25.0	16.7
21 to 24 years	23.1	23.3	23.3
25 to 29 years	31.2*	30.7	28.9
30 to 39 years		28.4	33.2
40 to 49 years		22.1	23.2
50 years and over		23.1	22.0

*The 154 cases on which this per cent figure is based contains two cases 30 years of age and over.

The youngest and the oldest have the lowest violation rates according to this analysis. This finding bears out the double contention first, that the youth who has impulsively embarked on a career of crime is more amenable to supervision than the more experienced criminal of twenty-five and thirty years, and second, that the older man of forty and over is beginning at last to learn the lesson "that crime does not pay."

98. Same: Intelligence and Personality as Factors. Illinois enjoys the honor of having been the first state in the Union to establish the position of state criminologist. Under his direction the mental health officer at Pontiac, Menard, and Joliet gives the mental and psychiatric examination of the inmates. A diagnostic summary of this examination together with a statement by the mental health officer of the probabilities of success or failure of the inmate upon a return to the community is entered in the material that comes to the Parole Board for consideration. From these records it was possible to correlate the findings on general intelligence, personality type, and the psychiatric prognosis with the rate of violation of parole.

It was through the work of Dr. Herman M. Adler, State Criminologist, in an examination of the population of Illinois penal and reformatory institutions, that the first conclusive demonstration was made that the proportion of those of inferior intelligence in the criminal and delinquent group is no larger than in the general population. So, while inferior mentality can no longer be given as one of the major causes of crime, it is of interest to

determine how men of different intelligence levels react to supervision upon parole (Table 22).

TABLE 22. INTELLIGENCE, IN RELATION TO RATE OF PAROLE VIOLATION

Intelligence Rating	Violation Rate by Institutions — Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All persons	22.1	26.5	28.4
Very inferior intelligence	24.3	25.0	21.3
Inferior intelligence	14.7	27.1	23.4
Low average intelligence	22.4	23.2	31.4
Average intelligence	17.1	23.5	32.0
High average intelligence	19.8	40.0	24.1
Superior intelligence	26.8	34.8	16.7
Very superior intelligence	9.5	40.0	23.8

The most significant finding from this analysis is, probably, the indication that those of inferior intelligence are as likely, perhaps more likely, to observe their parole agreement than are those of average and superior intelligence. In a study, *Comparison of the Parole Cases, Parole Violators and Prison Population of the Illinois State Penitentiary during the Year 1921,* Dr. David P. Phillips, mental health officer, called attention to the fact that although those of inferior intelligence constitute 28.6 per cent of the prison population of Joliet, they comprise only 15.6 per cent of those paroled and likewise only 15.5 per cent of the parole violators. Since these two independent studies give the same result, namely, that parole violation is no more frequent—if as frequent—among those of inferior than among those of higher intelligence, it would seem that inferior mentality should no longer constitute a barrier to the granting of parole.

Although less and less emphasis is being given to inferior mentality as a cause of delinquency and crime, more and more attention is being paid to the study of the personality of the individual offender. Herein lies the interest in the classification of personality type by the mental health officer (Table 23).

TABLE 23. PSYCHIATRIC PERSONALITY TYPE IN RELATION TO PAROLE VIOLATION

Personality Type	Violation Rate by Institutions — Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All persons	22.1	26.5	28.4
Egocentric	24.3	23.5	38.0
Socially inadequate	20.0	24.7	22.6
Emotionally unstable	8.9	(*)	16.6

*Number of cases insufficient for calculating percentage.

The figures from Joliet, and to a lesser degree from Pontiac, seem to indicate that the paroled man with egocentric personality pattern faces the great difficulty in social readjustment. Curiously enough the emotionally unstable seem to have the least difficulty of keeping a clean record under supervision.

From the results of these examinations and from other data, the psy-

chiatrist makes a prognosis as to whether or not in his judgment a man is likely to succeed or to fail upon his return to civil society. His recommendation wherever feasible was classified under the terms "favorable," "doubtful," or "unfavorable" as to the outcome (Table 24).

TABLE 24. PSYCHIATRIC PROGNOSIS OF OUTCOME ON PAROLE

Psychiatric prognosis	Violation Rate by Institutions — Pontiac Per Cent	Menard Per Cent	Joliet Per Cent
All persons	22.1	26.5	28.4
Favorable outcome	14.8	21.4	20.5
Doubtful outcome	17.6	28.1	51.4
Unfavorable outcome	30.5	33.8	49.2

For Pontiac and Joliet, the psychiatric prognosis gives highly satisfactory results. Compare the low percentage of violation where a favorable outcome had been predicted, 14.8 per cent at Pontiac and 20.5 per cent at Joliet, with the high rate of violation where an unfavorable outcome had been indicated, as 30.5 per cent at Pontiac and 49.2 per cent at Joliet. The explanation for the poorer correlation of expectation and actual findings at Menard is in all probability due to the fact that the Southern Illinois Penitentiary has only the part-time services of a psychiatrist, and that therefore the individual examinations must be hurried. Since at present the mental health officer is the only person at the prisons and reformatory making a scientific study of behavior, it is certainly a minimum program that each institution be provided with the full-time services of a psychiatrist.

99. Same: Records as a Basis of Prediction.

This survey of the records of our penal and reformatory institutions reveals what a mass of detailed information is available about their inmates. It has indicated also what a real bearing this record of facts has upon the question whether or not a man will succeed on parole. Certain data are not as complete and as accurate as they might be, particularly those dealing with family, group, and neighborhood relationships. Provision should be made for rounding out this material into a complete picture of the man in his social setting.

There is new and pertinent material to be secured. The record of work and the school progress of the inmate within the institution may well receive the same careful attention that is now given to the punishment record. A program of industrial education when introduced will bear directly upon fitness for parole. Then, too, the report of a careful investigation of the situation in which a man is to be placed under parole supervision will give added indication of the probabilities of a successful outcome.

Finally, there can be no doubt of the feasibility of determining the factors governing the success or the failure of the man on parole. Human behavior seems to be subject to some degree of predictability. Are these recorded facts the basis on which a prisoner receives his parole? Or does the Parole Board depend on the impressions favorable or unfavorable which the man makes upon its members at the time of the hearing? Or does influence, political or otherwise, enter into the decision?

100. *Influence Versus Merit in Parole Administration.*

"We have set up this policy that each case will be judged on its own individual merits, and that no prisoner should be kept in a day longer, nor be let out a day earlier, regardless of the influences brought to bear."[1] "No political influence of any kind shall be permitted to operate for or against a prisoner."[2]

These two statements clearly setting forth the ideal of parole administration held by the Parole Board were made by its chairman in answer to questions asked by the Committee. This official pronouncement of the policy of the new Parole Board is in sharp contrast with the popular conception, widespread less than two years ago, of the parole system as a catspaw of politics.

What was the explanation of the deep-seated distrust of the parole administration then held by a large and influential part of the public? Are there, as many believe, or are there not, forces "behind the scenes," that attempt to manipulate and subvert the just and regular course of administration? Is it possible, or is it impossible, to drag these hidden, subversive forces into the light, so that the public may know them for what they are, and so be able to grapple with them in the open?

The committee does not propose in this study to review the scandals of past parole administrations which have already been aired in political campaigns and in the newspapers. At the same time, it will not sidestep a consideration of those facts bearing on the parole of prisoners solely on merit, or partly or wholly on account of influence.

Accordingly, the committee has not made a study of selected spectacular cases, nor sought to obtain legal evidence of corrupt practices. But instead of that it has made an intensive study of the average run of cases in the records and supplemented that by an attempt to find out from a small group of men discharged from parole their experience with the courts and with the Parole Board. It should be kept in mind that practically all of the cases included were under the previous parole administration.

The findings in these two studies are not presented for their statistical importance (the relatively small number of cases would preclude that) but for the light which they throw upon the whole situation of the prisoner, his family and relatives, their friends, in relation to the actualities of politics and government.

101. *Same: Influence as Revealed by Records.*

A thorough examination of the many documents in each record convinced the members of the committee that over half of the prisoners had little or no influence to exert. While in many cases the jackets in which the records were kept were stuffed with letters and often petitions, and while relatives, friends, lawyers, and prominent politicians were recorded in attendance at the hearing of the Parole Board, one-half the jackets contained only the formal papers required by the statute or by the rules of the institution or of the board, and large numbers of

[1] *In Re Division of Pardons and Paroles.* Statement of Hinton G. Clabaugh upon interrogatories propounded by Albert J. Harno, October 28, 1927, p. 70.
[2] *Idem.*, p. 77.

prisoners had no one to appear for them at the hearings. It is well to remember that a large proportion of the prisoners have little or no influence which they can marshal in their behalf.

It is natural for relatives like mother, father, sister, and brother to write letters and to make appeals and to appear before the Parole Board. In many cases, the records indicate that the activity of the family went no farther. Then other records show that neighbors, friends, and the former employer of the prisoner make their appearance generally by letters or by appearance at the hearings. Finally, a large number of records reveal the activity either of a lawyer evidently employed on the case, or of a prominent politician at work on the case.

All of these efforts on the part of relatives and friends are natural enough and many of them are quite legitimate. It is in the interest of justice to bring all available information to bear upon every case. But there is abundant evidence in the records that the efforts of those who are induced to champion the cause of the prisoner are often placed upon other grounds than those of the facts.

The most usual and the least objectionable of these side issues is the appeal for sympathy for a gray-haired mother, or pregnant wife, or a family that needs the support of the prisoner. The blame for the crime may be variously placed on "bad associates," "mental deficiency," "white mule," or the "adventurous spirit of youth."

Where sons of leading families in the community are imprisoned as a consequence of their pursuit of thrilling adventure, very great pressure may be exerted upon the Parole Board. Letters are to be found in the file from the prosecuting attorney, the trial judge, prominent officials and personages in the local community, and often even a written request for leniency from the prosecuting witness. In all this the tireless efforts of a shrewd and powerful attorney are to be seen. Where the prisoner is a member of a labor union, the pressure may be quite as great.

Not at all infrequently the prisoner is represented at the hearings of the Parole Board by a state representative or a state senator. His presence raises two vital questions. Is the member of the state legislature retained by the prisoner and his family because of his ability as a lawyer or because of his political prestige? Is he depending for his success before the Board upon his ability to bring out new facts and to make a clearer reinterpretation of old facts, or upon the favorable impression of his position and reputation? No one answer can be given which will fit all situations.

In a few cases letters on behalf of prisoners from influential persons, some even of national and international reputation, addressed to the governor of the state were included in the record. These had all been referred without recommendation to the chairman of the Parole Board. Judges, not infrequently, write or appear before the Parole Board on behalf of some prisoner and plead the "poverty of a widowed mother" or the disability of a father as an additional argument for speedy parole. In one case where a state representative and a judge were both active in behalf of the prisoner the record

indicates a series of robberies where the loot was disposed of to a "fence" with strong political protection.

In the majority of cases reviewed by the committee there was little or no influence exerted for the prisoner. In many cases powerful pressure was exerted and the Parole Board had not yielded ground. In several cases the chairman was able by a frank statement of the purpose of the indeterminate sentence and of parole with application to the facts in the particular case to convince the representatives of the family of the justice of the action of the board.

102. Same: Influence Against the Prisoner.

It is generally assumed that the force of influence, personal and political, is always exerted on behalf of the prisoner. That is quite true in regard to individual cases. In any given case the only pressure upon the Parole Board *against* the prisoner, aside from the protest of the trial judge and the state's attorney, and occasionally the prosecuting witness or victimized firm, is likely to come from some organization like the Crime Commission, protective organization, or insurance companies against burglary and robbery.

But there is a more powerful influence than any ever exerted for any given prisoner that may be thrown against the most meritorious case up for parole. And this is the tremendous force of public sentiment.

For the last several years, public opinion aroused by the flagrant and outrageous manifestations of organized crime has become firmly set against leniency toward the criminal. The effect of this attitude of the public upon the entire administration of criminal justice has nowhere been better worded than in a statement[1] made before the Parole Board by Judge Harry M. Fisher in behalf of a first offender to whom as judge he had denied probation:

> "Last year (1922) was a very difficult one for the judges sitting in the criminal court. The newspapers were full of accusations against everybody—the police, the judges, the state's attorney, in short, against every agency dealing with criminals. There was a crime wave and the public mind was so aroused that it literally demanded revenge. The judges were put in the position where they could not consider both the interest of society and of the individual. It was either a question of ignoring public demand, or yielding to it, and I confess that I came to the conclusion that even at the risk of doing an injustice to the individual who committed a wrong it was better, in view of the public state of mind, to heed the demand, for not to do so might lead to further disrespect for the entire judicial system and for the law itself . . . ."

What Judge Fisher says about the effect of public sentiment applies not only to the courts but also to parole administration. The committee found in the records many more cases of first offenders who were given maximum sentences, difficult to explain except on the basis of the influence of public clamor, than of habitual and professional criminals who were given less than the maximum on other than apparently meritorious grounds.

[1] For full address see *Institution Quarterly*, Sept., 1923, 44 ff.

103. The Courts and Parole in the Eyes of the Discharged Prisoner.

The testimony of the man discharged from parole is not as favorable to the administration of the indeterminate sentence and parole as are the parole records. An examination of over twenty more or less detailed life-histories of ex-paroled men selected at random indicate a widespread belief among them and their friends and relatives that money and political influence are effective in securing paroles.

This testimony of ex-paroled men should not be taken as demonstrating the improper use of money for the purpose of influencing the Parole Board. They manifest, however, a belief of ex-prisoners and their families that influence is effective. They probably are indicative also of the exploitation of clients by not overscrupulous lawyers. They reveal more than anything else the human side of the pressure to which politicians and the Parole Board alike are subjected.

The main conclusion drawn by the committee from this social rather than legal evidence is the imperative need of freeing the Parole Board, so far as it is humanly possible, from the pressure of these natural and persistent forces of family and friendly interest. The Board in its appointment of its personnel, its organization, and in its acts should be above all suspicion.

104. Testing Parole Administration.

But what tests may be applied to the conduct of parole administration in order to determine how far its decisions are guided by the merits of individual cases, or how far they are shaped by political expediency?

At no time was parole administration so savagely attacked in Illinois as in the six-year period 1921-26. The charge was made that the Parole Board was responsible for the crime wave by turning hundreds of criminals loose into the communities of the state.

A tabulation made from the figures provided by the "Fifth Report of the Statistician for the Year Ending June 30, 1926," quite clearly demonstrates that the proportion of paroled men to prison population is in recent years the lowest at any time in the history of the parole system in Illinois.

TABLE 25. QUANTITY OF PAROLE RELEASES, CLASSIFIED BY YEARS

Four-Year Term	Per Cent of Paroles Granted to Prison Population
1897-1901—John R. Tanner	31.1
1901-1905—Richard Yates, Jr.	31.2
1905-1909—Charles S. Deneen	30.1
1909-1913—Charles S. Deneen	33.0
1913-1917—Edward F. Dunne	33.4
1917-1921—Frank O. Lowden	36.6
1921-1925—Len Small	29.1
1925-1926—Len Small	26.1

Table 25 shows that the proportion of paroles to prison population reached its high point in 1917-21 and has since then receded. It also may indicate that, while habitual and professional criminals remain at large in the community, first and occasional criminals have been retained unduly long periods in imprisonment in response to public clamor.

A second test of the Parole Board inheres in the rules and policies which it adopts to govern its hearings and its decisions. Public hearings are a first and indispensable requirement for making merit, rather than influence, the basis of its action. The public naturally and rightly withdrew its confidence in the previous administration when it resorted to secret hearings. The present administration is to be commended for its adherence to the principle of public hearings.

105. Same: Time Served, Classified by Types of Offenders.

A third test of parole administration might be made by comparing the indeterminate sentences with the actual length of time served by different types of offenders in the penitentiaries and reformatories of the state. Table 26 permits the application of such a test to the terms fixed by the previous administration for the 1,000 men paroled from Pontiac in 1923-24.

An analysis of Table 26 gives some astounding results. It makes the reader bewildered as to the basis used by the previous administration in fixing sentences. It is true, in the main, that the median term of sentence is higher for the habitual and the professional offender than it is for the first and the occasional offender, but the range of terms served seems, with a few exceptions, not to differ radically from one group to another. One of the most astonishing results is that the median term served of 12.7 months for the indeterminate sentence of 1 to 20 years (largely for burglary) is actually much lower than for the shorter indeterminate sentences of 1 to 5 years, 1 to 10 years, and 1 to 14 years. The other astounding result is that the sentence of 3 to 20 years for plain robbery bulks far larger for the first offender than any other sentence at Pontiac, even 1 year to life, in time actually served. Yet the parole violation rate for this group is only 12.6 per cent as compared with a violation rate of 26.3 per cent for burglary (1 to 20 years) and 23.2 per cent for larceny (1 to 10 years).

TABLE 26. TIME SERVED, CLASSIFIED BY TYPES OF OFFENDERS

An Analysis of Actual Number of Months Served According to Different Types of Offenders in Comparison with the Nature of the Indeterminate Sentence for Men Paroled from Pontiac, 1923–24

Nature of Indeterminate Sentence	Months Served, by Type of Offender: First Offender		Occasional Offender		Habitual Offender		Professional Offender	
	Range	Median	Range	Median	Range	Median	Range	Median
1- 5 years.....	11-30	18.0	11-29	22.0	16-39	24.0		
1-10 years.....	11-54	15.5	11-67	21.1	11-89	29.5	17-99	38.0
1-14 years	11-54	19.3	11-62	27.0	12-93	42.0		
1-20 years	11-58	12.7	11-75	22.2	11-67	29.0	11-54	37.0
3-20 years	30-54	33.2	30-54	35.5	30-54	38.0	30-43	42.0
1-life	11-54	18.0	41-59	51.5	49-63	56.0		

These figures entirely justify the state legislature at its last session in changing the sentence of 3 to 20 years for plain robbery to 1 to 20 years as sponsored by the chairman of the parole board.

The table raises the question whether the administration of parole cannot be raised above the level of guess work and placed upon a scientific basis. More than honesty and good intentions on the part of the members

of the Parole Board are needed in order to realize the policy adopted of deciding each case on its merits. Is it possible to apply scientific methods predicting the behavior of the prisoner when released upon parole?

106. Can Scientific Methods Be Applied to Parole Administration?

Many will be frankly skeptical of the feasibility of introducing scientific methods into any field of human behavior. They will dismiss the proposal with the assertion that human nature is too variable for making any prediction about it.

But in the analysis of factors determining success and failure on parole some striking contrasts have already been found. For example, although the violation rate for the 1,000 youths paroled from Pontiac is 22.1 per cent it is less than half that among those with a regular work record prior to imprisonment (8.8 per cent); among the emotionally unstable (8.9 per cent); very superior intelligence (9.5 per cent); where sentence served is less than one year (10.7 per cent); among boys from farms (11.0 per cent). It is double this average rate where the youth lived before arrest in the criminal underworld (42.3 per cent) or in a rooming house (45.8 per cent); if the judge and prosecuting attorney protest against leniency (46.7 per cent); if he has served a sentence of five years or over (46.2 per cent); if he was brought up in an institution instead of a family (50.0 per cent); and if he is a professional criminal (52.4 per cent).

Do not these striking differences, which correspond with what we already know about the conditions that mould the life of the person, suggest that they be taken more seriously and objectively into account than previously? These factors have, of course, been considered, but in a commonsense way so that some one or two of them have been emphasized out of all proportion to their significance.

It would be entirely feasible and should be helpful to the Parole Board to devise a summary sheet for each man about to be paroled in order for its members to tell at a glance the violation rate for each significant factor. The summary of two cases is given below in order to make clear the feasibility of comparison between Youth A, already at 20 a professional criminal, and Youth B, a lad of 17, who is a first offender. The percentages given in Table 27 are taken from the Pontiac tables on factors determining success or failure on parole.

It is quite apparent that the chances are quite high that Case A will not succeed on parole, while Case B is a very good risk. Case A and Case B are, of course, extreme cases, but for that very reason they prove that predictability is feasible. The prediction would not be absolute in any given case, but, according to the law of averages, would apply to any considerable number of cases.

The value of this summary sheet, Table 27, with violation rates for significant factors will no doubt be appreciated. The question is sure to be raised if it is not possible so to combine those factors that are favorable with those that are unfavorable to success on parole that a prediction rate of expectancy of success or failure on parole could be worked out.

TABLE 27. EXPECTANCY FACTORS, TWO CASES COMPARED

Significant Factors	Violation Rate — Case A	Violation Rate — Case B
General type of offense		
Robbery	—	12.6
Burglary	26.3	—
Parental and marital status		
Both parents living	—	15.2
Married at time of commitment	23.6	—
Criminal type		
First offender	—	15.8
Professional offender	52.4	—
Social		
Farm boy	—	11.0
Gangster	22.7	—
Community factors		
Resident in community where arrested	14.1	14.1
Residence in open country	—	12.5
Residence in underworld	42.3	—
Statement of trial judge and prosecuting attorney		
Recommended leniency	—	16.9
Protests against leniency	46.7	—
Previous criminal record		
No criminal record	—	16.3
Reformatory record	34.1	—
Work record previous to commitment		
No work record	28.0	—
Regular work	—	8.8
Punishment record in institution		
No punishment	17.0	17.0
Intelligence rating		
Average	—	17.1
Superior	26.8	—
Psychiatric personality type		
Egocentric	24.3	—
Psychiatric prognosis		
Favorable	—	14.8
Unfavorable	30.5	—

Because of the practical value of such an expectancy rate the committee was interested in finding out how these various factors might be combined so as to give more certainty of predictability than any factor taken separately.

Accordingly, twenty-one factors were selected by which each man was graded, in comparison with the average for the 1,000 cases, upon the probabilities of making good or of failing upon parole. Since there were twenty-one factors it was theoretically possible for a man to be in a more favorable group than the average on all twenty-one factors, or upon twenty factors, or upon nineteen factors, and so on down the scale to having a better position than the average upon three factors, upon two factors, upon one factor, and upon no factor. Actually for Joliet several men were found to have a record above the average on all twenty-one factors, and, in fact, the 1,000 cases had men distributed in all groups except the lowest two, that is, with one factor or no factor above the average. Table 28 is submitted as indicating the expectancy rate for nine groups of men paroled from Joliet based on the actual violation rate in the twenty-one factors selected.

TABLE 28. EXPECTANCY RATES OF PAROLE VIOLATION AND NON-VIOLATION

Points for Number of Factors Above the Average	Number of Men in Each Group	Expectancy Rate for Success or Failure — Per Cent Violators of Parole — Minor	Major	Total	Per Cent Non-Violators of parole
16-21	68	1.5	—	1.5	98.5
14-15	140	.7	1.5	2.2	97.8
13	91	5.5	3.3	8.8	91.2
12	106	7.0	8.1	15.1	84.9
11	110	13.6	9.1	22.7	77.3
10	88	19.3	14.8	34.1	65.9
7- 9	287	15.0	28.9	43.9	56.1
5- 6	85	23.4	43.7	67.1	32.9
2- 4	25	12.0	64.0	76.0	24.0

Similar tables were prepared for Menard and for Pontiac with comparable results.

The group with 16-21 favorable points is composed of those whose summary sheets have the highest proportion of factors favorable to success, just as the group with only two to four favorable points is made up of those with the largest number of factors unfavorable to success in their summary sheet. It is to be noted that the highest group consisting of 68 men contains only 1.5 per cent who on the basis of past experience would be expected to violate their parole, while in the lowest group the expectancy rate of violation is 76 per cent.

The practical value of an expectancy rate should be as useful in parole administration as similar rates have proved to be in insurance and in other fields where forecasting the future is necessary. Not only will these rates be valuable to the Parole Board, but they will be equally valuable in organizing the work of supervision. For if the probabilities of violation are even, it does not necessarily mean that the prisoner would be confined to the penitentiary until his maximum was served, but that unusual precautions would be taken in placing him and in supervising his conduct. Less of the attention of the parole officers need in the future be directed toward those who will succeed without attention and more may be given to those in need of assistance.

The table of expectancy rates of violation and non-violation of parole is submitted as illustrative of the possibilities of the method and not in any sense as in a form adapted for immediate use. Indeed, the method needs to be still further refined and then applied to from 3,000 to 5,000 cases for each institution in order to obtain an adequate statistical basis for the accurate working of satisfactory expectancy tables.

Then, too, an additional caution should be given. Although statistical prediction is feasible on the basis of data now accessible, exclusive reliance should not be placed on this method. There is still room for more intensive and sympathetic study of individual cases. The scientific study of human behavior is still in its infancy. Our prisons and reformatories should become laboratories of research and understanding into the causes of the baffling problem of the making and unmaking of criminal careers.

With the Parole Board, in cooperation with the Department of Public Welfare, is placed the great responsibility of securing the protection of society through the rehabilitation of the criminal. That objective can only be obtained by placing the administration of the penal and reformatory institutions and of the parole system on a professional basis and by the introduction of scientific methods of treatment.

PART E

THE PROBATION SYSTEM

107. Purpose and Scope of Probation, Contrasted with Parole.

Probation and parole often are confused. Probation is granted by the court, and is applied to an offender under a suspended sentence without sending him to a penal or reformatory institution. Parole, in Illinois, is granted by the Parole Board. It denotes the conditional release of a prisoner after confinement. In probation the *sentence is suspended,* conditioned on good behavior. In parole the *release* is conditioned on good behavior.[1] The Illinois probation system is not administered by the Department of Public Welfare and the Parole Board (as is parole), but is wholly under the control of courts. Probation has an important place in the administration of our criminal law. And since, as we shall point out shortly, more criminal offenders are admitted to probation and are so at liberty, than are on parole, it becomes desirable that the public become acquainted with the function of probation, its place in our law, and its advantages and defects.

The Illinois Probation System Act is entitled "An Act providing for a system of probation, for the appointment and compensation of probation officers, and authorizing the suspension of final judgment and the imposition of sentence upon persons found guilty of certain defined crimes and offenses, and legalizing their ultimate discharge without punishment." Section one provides that "all courts having criminal and quasi-criminal jurisdiction shall have power[2] to deal in the manner hereinafter provided with all

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[1] "Release on *probation* and release on *parole* have substantially the same meaning. Both imply a certain clemency by which an offender is released before he has the right by the letter of the law to demand his release; and in both cases the release is granted to test the offender and with the belief that he will abstain from crime. By accepted usage, however, the two words have distinctly separate meanings. *Probation* is applied only to persons released before imprisonment and then committed to the care of a probation officer. This may occur before sentence, the sentence being suspended, or after sentence, the execution of the sentence being suspended; but, in every case, before the offender is committed to prison. *Parole,* on the other hand, is applied to persons committed to prison under an indeterminate sentence, or its equivalent, and released at some point between the minimum and maximum limits of the sentence." Smith, *Criminal Law in the United States* (1910 Russell Sage Foundation) 88-89.

[2] A state's attorney has written us that it is his opinion that the Probation Act was repealed by the Parole Act. His view follows:

"I have always maintained that the Parole Act of 1917 automatically repealed the Probation Act, but as the state cannot sue out a writ of error or appeal, and the defendant would be foolish if he raised the question, I know of no way it could be considered by an upper court except by mandamus to the lower court to expunge its order, releasing on Probation. It will be seen that the latter part of Section 15 of the Parole Act specifically states, 'And all parts of laws not in *harmony* with the provision of this Act are hereby repealed,' and as Sections 1 and 3 of the same Act *compel* the court to sentence the defendant to some reformatory institution, they cannot comply with that Act if defendant is released on probation. In the interpretation of laws apparently in conflict with each other, it is my understanding that the Act last passed will only be treated as repealing the former or such parts of it as are in direct conflict with the latter act, and in comparing these two acts it seems apparent to me that when the Legislature passed the Parole Act they intended to curtail the power of the court to release on probation and put the right of such release directly up to the Department of Public Welfare."

offenders, whether adult or juvenile, brought within the jurisdiction of said courts, respectively, for any of the offenses hereinafter specified.[1]

Section two limits probation to certain offenses. It reads in part as follows:

> "Any defendant, not previously convicted of a crime, greater than a misdemeanor, petit larceny and embezzlement excepted, who has entered a plea of guilty or has been found guilty by the verdict of a jury or by the finding of a court of a violation of a municipal ordinance or of any criminal offense except murder, manslaughter, rape, kidnapping, willful and corrupt perjury or subornation of perjury, arson, larceny and embezzlement, where the amount taken or converted exceeds two hundred dollars ($200) in value, incest, burglary of an inhabited dwelling house, conspiracy in any form or any of the acts made an offense under the election laws of this state, may, in the discretion of the judge hearing the case, after entry of judgment, and nothing remains to be done by the court except pronounce sentence, be admitted to probation according to the provisions of this act."[2]

108. Trial Court's Discretion. It will be observed that the courts have wide powers in the granting of probation, and that each court acts separately and is governed, in the main, only by its discretion. Certain limitations and conditions only need be observed. Important restrictions were expressed in the language above quoted. Section three provides that "before granting any request for admission to probation, the court *shall* require the probation officer to investigate accurately and promptly the case of the defendant making such request, to ascertain his residence and occupation and whether or not he has been previously convicted of a crime or misdemeanor, or previously been placed on probation by any court." Such are the mandatory provisions of the statute—all else is discretionary and suggestive.

Section three contains the suggestion that "the court *may, in its discretion,* require the probation officer to secure in addition information concerning the personal characteristics, habits and associations of such defendant, the names, relationship, ages and conditions of those dependent upon him for support and education and such other facts as may aid the court as well in determining the propriety of probation, as in fixing the conditions thereof." And later in the same section occurs this important language, which, we take it, goes to the very heart of the theory of probation: "Application for release on probation may, in the discretion of the court, be

[1] Section one continues as follows: "but that this Act shall not be construed as limiting or repealing an act entitled 'An Act to regulate the treatment and control of dependent, neglected and delinquent children,' approved April 21, 1899, in force July 1, 1899, or the acts amendatory thereof, or as restricting the jurisdiction conferred by said act."

[2] Section two has the following proviso:

"Provided, that in the case of a violation of 'An Act to provide for the punishment of persons responsible for or directly promoting or contributing to, the conditions that render a child dependent, neglected or delinquent, and to provide for suspension of sentence and release on probation in such cases,' or of 'An Act making it a misdemeanor to abandon and willfully neglect to provide for the support and maintenance by any person of his wife, or of his or her minor children, in destitute or necessitous circumstances,' the defendant in the discretion of the court may be released on probation whether or not he previously has been convicted of a crime or has made request for probation."

granted if it shall appear to the satisfaction of the court both that there is reasonable ground to expect that the defendant may be reformed and that the interests of society shall be subserved."

109. Judges' Views on the Probation System.

Believing that no one is better qualified to pass an opinion on the efficacy of probation than the trial judge who administers the act, we addressed an inquiry to a number of judges in various parts of the state reading as follows: "What is your opinion of the Illinois probation (bench parole) system? Is it a desirable adjunct to the administration of the criminal law?" Fifteen replies were received. Thirteen expressed themselves heartily in favor of it. No one was opposed to it. Two were indefinite in their replies. The probation system has been in operation in Illinois since 1911 and it is instructive, indeed, to read the comments of the judges, some of whom have been serving during a major portion of the time since the Act was passed.

A Chicago judge wrote, "I most emphatically believe in probation." A "down-state" judge replied that in his judgment probation "should be extended" as it is a "desirable adjunct to the administration of the criminal law." The following is a typical reply:

> "I think the bench parole is all right. I feel that I have accomplished a lot of good by using this system. Great care should be exercised, however, in the selection of the probation officer."

A Chicago judge wrote:

> "I approve of the probation system and believe it a desirable adjunct to the administration of the criminal law. It would be very helpful to the trial judge if there were no such probation in the law as it requires him to exercise care and attention to extraneous matters very often in order to adequately determine whether or not the law in this regard should be exercised in behalf of the defendant. But I know of no better forum in which to entrust this question than the court before whom this case has been tried and who is familiar with the facts and circumstances involved."

A "down-state" judge replied:

> "I am a firm believer in the Illinois probation system. My experience shows me that it is the producer of many beneficial results. It has great advantages over the parole system. It can only be applied to first offenders and is most frequently applied to those who have never had the lock of a prison door turned upon them. A great majority of the persons I have released on probation have been under twenty-one years of age. I have been on the bench long enough to see some of those whom I have released develop into first class citizens. I believe that the subsequent conduct of at least seventy-five per cent of probationers proves the value of the probation law. Under the parole system as it has been administered since its adoption, I am of the belief that at least seventy-five per cent of parolees are no better than they were before they were paroled."

110. *State's Attorneys' Views on the Probation System.* The same inquiry was sent to a number of state's attorneys. Twenty-three replied. Of these, twenty gave their opinions that the probation system was a desirable adjunct to the administration of the criminal law in this state. Two thought not, and one was indefinite. One, who disapproved of it, wrote:

> "The Illinois probation system under which the trial court releases certain defendants on probation is of doubtful value. It creates a great deal of dissatisfaction among defendants charged with the same class of crime to permit certain defendants to escape with no punishment. I believe it should be abolished."

Indorsements of the probation system by some of the state's attorneys were not so unqualifiedly favorable as those of the judges. One state's attorney was of the opinion that probation "usually works out with bad results." He thought the law should not be repealed but "judges should enforce conditions." Another wrote that it is a "good law but in some instances much abused." Still another thought it "desirable when used with discretion." Most of the answers, however, were in approval. One replied:

> "In my opinion, the Illinois probation system is the means of saving to society a great many young and first offenders, who, without the intervention of the system, would be totally lost to and become a burden upon society. It is, to my mind, a very desirable adjunct to the administration of the criminal law."

Another wrote:

> "I am strongly in favor of a system of bench probation and believe it to be a valuable adjunct to the administration of criminal law if the same is not abused. As we have administered the same in our county only a negligible proportion of defendants who are released on probation have since committed other offenses and it has been the means of starting many young offenders on the right road without the damaging handicap of 'ex-convict' to carry with them. Incidentally, bench probations have resulted in restitution being made to many victims of crime." [1]

111. *Extent of Use Made of Probation.* A comparative study of the prevalence of probation in the various jurisdictions of the state disclosed the fact that it is quite commonly resorted to in dealing with offenders in some jurisdictions and most infrequently in others. In Cook County we found that for the period of five years, from 1922 to 1927, there were 2,633 probations from the Criminal Court, and for the same period 23,189 persons were admitted

[1] Another state's attorney replied as follows:

"Bench probation system is one of the best reclamation laws we have ever had but the duration of probation should be extended 5 years, giving the court discretionary powers to place the violator on probation for any term from 1 to 5 years."

One wrote that "about 80 per cent have made good in this locality," and still another replied:

"The probation system as administered in our county is a very valuable adjunct to the administration of the criminal law. I thoroughly believe in it as now administered in this county."

to probation from the Municipal Court, making a total of 25,822 for both courts. During the same five year period, 2,205 prisoners were paroled to Cook County from the penitentiaries and the reformatory. Thus, the number of probationers in Cook County greatly exceeded the parolees. In fact, the offenders admitted to probation by the Criminal Court alone is greater than the total number of prisoners paroled to Cook County, and, if to the probation list are added those from the Municipal Court, there were over ten times as many. It is apparent that the administration of probation in Cook County is one of utmost importance. Further consideration will be given this subject later in this report.

Table 29, that follows, shows a study of 3,461 cases in Illinois in which persons pleaded guilty to or were convicted of crimes. Of that total, it shows the number and percentage for the state admitted to probation; the total and the probation number and percentage for Chicago, and similar calculation for various other parts of the state. It shows also a study of 1,169 cases from Milwaukee, Wisconsin, and the number and percentage granted probation there.

It will be observed that out of 3,461 prisoners found guilty in Illinois, 782 or 22.59 per cent were admitted to probation. Of the total number, 2,449 were from Chicago, and there 20.82 per cent, slightly less than the average for the state, were given probation. As this district was increased to include all of Cook County, the percentage of probationers increased to 21.46 per cent. Outside of Cook County, in eight of the more urban counties, we found the highest probation percentage (32.06) in the state. In two strictly rural counties only one prisoner in twelve was admitted to probation and in the counties of Williamson and Franklin, only two in seventy-five, or 2.67 per cent. By way of comparison, Milwaukee, Wisconsin, showed a substantially higher probation percentage than any of the districts studied for Illinois. The tabulations in Table 29 show the flexibility of the probation system in Illinois, and also its variableness. They fairly show, too, that the scheme of probation and the possibilities in it as a working part of our criminal administration, have not been explored in some parts of the state.

We addressed an inquiry to various judges in the state reading: "Approximately what per cent of persons who are found guilty or who plead guilty in your court are placed on probation?" The answers received bear out the statistics in Table 29, and give us some additional information. One answered "possibly one in twenty." Another replied that from five to ten per cent were so admitted from his court. In one jurisdiction between two and three per cent only were given probation; in another ten to fifteen per cent; in still another sixty-six and two-thirds per cent, and finally, in one jurisdiction very nearly every one who could qualify for probation under the law was admitted.

These comments, as well as the calculations we have presented in Table 29, evidence the wide discretionary scope within which the courts operate in administering our probation system. There is no precedent (as there is in judicial decisions) that binds, there are no rules that govern, and there is no common head that directs for uniformity. The diversity in probation administration thus brought to light exposes both a weakness and a strength

TABLE 29

PROBATION PERCENTAGES OF THOSE FOUND GUILTY

	Total Illinois		Chicago		Chicago and Cook County		Eight More Urban Counties		Seven Less Urban Counties		Two Strictly Rural Counties		Williamson and Franklin		Milwaukee	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Total guilty	3,461	100.00	2,449	100.00	2,582	100.00	549	100.00	243	100.00	12	100.00	75	100.00	1,169	100.00
Probation	782	22.59	510	20.82	554	21.46	176	32.06	49	20.16	1	8.33	2	2.67	501	*42.86

*Includes 21 cases "suspended sentences."

in the system. The weakness lies in the fact that probation appears to depend largely upon the perspective and the temperament of a particular court. The strength, in that the courts are not hampered by rules, but are given free scope to exercise individual judgment as each case arises.

112. Conditions Required for Admission to Probation: Preliminary Inquiry.

For the successful administration of a probation system two fundamental features must be guarded zealously. First, great care and discrimination must be used in designating for probation only those offenders who are likely to profit by it and for whom probation promises to promote the public welfare. The other feature involves the supervision of the probationer. Supervision will be discussed later, our immediate attention will be given to the first proposition—that of admission to probation.

The Illinois Statute states the aim of probation clearly when it provides that application for release on probation may (in the discretion of the court) be granted if it shall appear to the satisfaction of the court both that there is reasonable ground to expect that the defendant may be reformed and that the interests of society shall be subserved. Two features are stressed by this language—the interests of society and those of the individual. The statute is mandatory in providing that before any request for admission to probation is to be granted, the court shall require the probation officer to investigate accurately and promptly the case of the defendant making such request, to ascertain his residence and occupation and whether or not he has been previously convicted of a crime or misdemeanor, or previously been placed on probation by any court.

Important as are these directions of the statute, they are no more so than the language that follows. The court *may* in its discretion, the statute continues, "require the probation officer to secure in addition, information concerning the personal characteristics, habits and associations of such defendant, the names, relationship, ages and conditions of those dependent upon him for support and education and such other facts as may aid the court as well in determining the propriety of probation, as in fixing the conditions thereof." This language is so important that we feel it should be made obligatory instead of permissive. If the court lacks insight into the defendant's habits, his environment, his associations and his temperament and personal characteristics, it has no basis upon which to project probation. Proceeding with information short of that is likely to be mere guess work and to result in detriment to the public interests. Probation, as well as parole, presupposes insight into those matters.

In the course of our study we found that all too frequently the courts act without preliminary investigations. In Cook County it was discovered, through careful inquiry and checking, that many judges (not all of them) do not require a preliminary investigation of the probation applicant even as to those features of the statute which are mandatory, to say nothing of those which are discretionary.[1] The result is that frequently offenders of

[1] In the report of the chief probation officer for Cook County for 1925-1926, at page 7, the following paragraph appears: "When a person is found guilty of a violation of law in either the Municipal Court of Chicago or the Criminal Court of Cook County, and an application is made on behalf of the defendant for probation, the court sometimes

vicious habits and of weak or twisted mentality are given probation when there is no likelihood that they will profit from it and even when they are, because of inferior mentality or morbid propensities, incapable of appreciating the privilege that had been conferred on them.

One judge from Cook County wrote to us, "Persons are admitted to probation without sufficient knowledge as to their environment, disposition and antecedents." Another Cook County judge replied:

> "Too much pressure is put on judges by friends, relatives, lawyers, business associates and social workers. Too often probation is recommended and allowed in order to collect restitution, attorney's fees and expenses of prosecution incurred by complaining witness. Corporations are the worst offenders in this respect. Defense attorneys often use it as a means to collect fees and go far afield to get influence to work."

A state's attorney from "down-state" wrote that probation "is abused in some instances for political advantages"; another thought the courts "are imposed on at times." One state's attorney in his reply pointedly said: "The court is subject to, and lends itself to, pressure, political, social and otherwise." From a different part of the state came a reply expressing a like opinion. The main defect in probation, he wrote, "is a possibility that a court might be involved by political or other reasons." To the same point another replied, "It can be abused by being used to further political or personal prestige." And still another wrote that probation "causes too much trouble to convict and punish, especially if the presiding judge is a politician and apt to listen to petitions signed by local people of prominence, asking mercy for the defendant." "I had," said he, "two such cases where the judge released the defendants without even a plea, and each of them were under three distinct indictments."[1]

113. Same: Pleas of Guilty to Lesser Offense.

In addition to the frequent non-observance of the conditions of the statute relative to preliminary investigations before probation, we have found other instances where its dictates had not been followed. Section two of the probation act, previously quoted, limits the offenses in which probation can be granted. The specifically excepted crimes are murder, manslaughter, rape, kidnapping, willful and corrupt perjury or subornation of perjury, arson, larceny and embezzlement where the amount taken or converted exceeds two hundred dollars in value, incest, burglary of an inhabited dwelling house, conspiracy in any form, and offenses under the election laws of the state. In a study of the records of Cook County for a period of six years we found many instances where probation had been granted apparently contrary to the statute.

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orders the department to make an investigation of the defendant for the purpose of ascertaining, as far as possible, the eligibility of the defendant for probation, and the probability of reformation." From the same report (at page 23) it would appear that during that year 4,986 offenders were admitted to probation in Cook County without investigation before probation and only 476 were investigated.

[1] We wish to emphasize by these comments that frequently there are defects in the administration of the law and that at times the real purposes of probation are lost from sight. We do not wish to give the impression that such conditions as the comments expose are universal or even general. Many courts are doing splendid work with probation.

We found also another practice which was commonly employed. Frequently when a crime was charged for which probation was not permissible under the statute, a plea of guilty to a lesser offense, and one for which probation was permissible, was accepted by the court, and following that the defendant was admitted to probation. Such action is open to the inference that the "lesser plea" was received for the purpose of bringing the offender under the probation act. The crime of rape is one for which probation is not allowed. We found forty-three rape cases in which probation had been granted. Out of this number six were admitted to probation on the original charge, apparently in direct violation of the statute. In the remainder of the cases pleas to lesser offenses (falling under the probation act) were accepted.

Manslaughter is an excepted crime. We found one instance in which probation was allowed a defendant who appears to have been guilty of that offense. Conspiracy is another excepted crime, yet we found thirty-four conspiracy cases in which probation had been granted. One instance was found where probation had been granted in perjury, another excepted crime. Probation commonly was allowed in burglary cases irrespective of the fact that burglary of an inhabited dwelling is among the excepted crimes.

We found three hundred seventy-two burglary charges in which lesser pleas were accepted as follows: Forty-two of grand larceny, one of malicious mischief, two hundred ninety-eight of petty larceny, twenty-six of receiving stolen goods, one of daytime burglary, three of attempted burglary and one of attempted larceny. All were followed by probation.

Another crime, excepted by the statute from those in which probation can be granted, is larceny where the amount taken or converted exceeds two hundred dollars in value. In the period studied, we found eight hundred three grand larceny charges in which probation was granted to the offenders. Of this number, three hundred nineteen were admitted to probation on the original charge. Although the records were not clear, it is fair to assume that the amount involved in these cases was less than $200 and that therefore probation was properly allowed. But in four hundred eighty-four cases, pleas of guilty to lesser offenses were taken and probation subsequently granted. Further, there were four pleas of guilty to receiving stolen goods, four hundred fifty-five to petty larceny, and twelve to driving a car without the owner's consent.

Similarly, embezzlement, where the amount exceeds $200, is excepted from the operation of the probation act. Here we found that out of one hundred forty-three cases, fifty-one offenders were granted probation after a "lesser plea" had been accepted. In forty-nine there were pleas to petty larceny, and in two, grand larceny.

Comment has been made elsewhere in this survey on the evils of the "lesser plea" in its bearing on paroles. We have found its imprint even more marked in the matter of probation. The conviction cannot be escaped that in Cook County, for the most part, criminal administration has ceased to be a legal matter of the trial and conviction of offenders, but has become a highly specialized system of jockeying and bargaining. While at times the interests of justice might require that an offender be given the benefit of a

"lesser plea" where the evidence against him is weak, or where his mora guilt appears less than the bare facts of the crime might indicate, there seem to be no justifiable excuse for such wholesale reductions as one encounters it Cook County. We do not assert that pleas to lesser offenses were taken in all cases (or even in any of them) for the purpose of admitting offenders to probation, but we do contend that such practices give rise to strong inferences that those were the facts. As to those cases in which probation was granted in direct violation of the dictates of the statute, there can be only one position, and that is to condemn such action in positive terms. The fear is expressed that often the probation act, instead of being a law which tends to further the public welfare, has become merely an additional bit of machinery for manipulation by both the criminal and the law enforcing agencies.

The following question was asked by us of a number of state's attorneys: "What relation do you find exists, if any, between pleas of guilty and applications for probation?" Several answered that they saw no connection, some answered that it was slight. That the possibility of probation is an incentive to the defendant to plead guilty is indicated in the following reply:

> "The number of men that plead guilty and make application for probation is greater to a slight extent than those who are found guilty and make application for probation. It is a matter of general knowledge in this county among the lawyers and criminals that a man must really be entitled to probation before he gets it, so that applications here for probation are not made simply as a matter of course. I believe that a man's chances of release on probation in this county are less if he is found guilty than where he pleads guilty. If he testifies and it is apparent that he has testified falsely he is never released on probation."

Another stressed this feature even more:

> "We very rarely have a plea of guilty to any serious offense unless the defendant has a very reasonable chance to be put on probation, and, in my opinion, I think the great majority of pleas of guilty are induced by the opportunity or hope in a release on probation."

One attorney wrote that in his opinion in "some instances pleas of guilty are prompted by the belief that the offender will get probation." Among some, he said, "It may even be an inducement to commit crime, believing and feeling that if caught, probation may be granted." In one jurisdiction, "a majority of first offenders enter a plea of guilty with a hope of being placed on probation." This usually is done, states the prosecuting officer, "on the advice of counsel who intercedes for the criminal." From another jurisdiction the state's attorney wrote, "I find that in nearly every case the criminal will plead guilty if he is promised probation. Probation," he adds, "is no punishment, the vicious criminal treats it as a joke, and the other kind do not need it." And finally, one, more cynical than the rest, replied that it is "merely a dodge and if the defendant fails to get probation he almost always will ask leave to withdraw his plea of guilty and enter his plea of not guilty,

and then take his chances with the jury, and if convicted will then ask for probation."[1]

114. Probation Supervision: the Personnel.

It was observed earlier in this study that one of the fundamentals upon which probation, as well as parole, depends is supervision. The probation law makes it possible, within certain limitations, to release the offender on good behavior. He thus escapes the prison stigma. This fact should mark an upward trend in his deportment. But, notwithstanding, he stands as a man who has been adjudicated a criminal, and the influences which tend to cause a person, who once has indulged in crime to continue in it, still bear on him. He has lost social cast with better members of the community; it is difficult for him to find employment, and likely as not he has formed associations which tend to draw him back into the mesh of crime. It is the function of the probation officer to guide him and to assist him to a position of stability in the community. The probation officer, therefore, is an important cog in the administration of the system.

Section nine of the act provides that the circuit court of each of the several counties in the state *may* appoint a probation officer to act as such for and throughout the county in which he shall be appointed. The language of the section continues: "The circuit court of any county *may* appoint such number of additional probation officers for such county as the court *may* deem to be necessary or advisable: Provided, the number of probation officers to be appointed for any county shall in no event exceed one for every fifty thousand inhabitants or fraction thereof." In any county in which there are five or more probation officers, the circuit court *may* appoint in addition a chief probation officer.

Any reputable person of twenty-five years of age or upwards may be appointed probation officer. His statutory duties are stated in section twelve. Among others, they are to make investigation previous to probation, to report to the court concerning the previous convictions of the defendant or previous probation, to preserve complete records of cases investigated, *to take charge of and watch over all persons placed* on probation during such period as the court may prescribe, to give to each probationer full instructions as to the terms of his release upon probation, and to require from him such periodical reports as shall keep the officer informed as to his conduct.[2]

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[1] The following are typical replies received from judges to whom a similar inquiry was put:

"Pleas of guilty often depend upon whether or not the chances of probation are good or not."

"None directly. Prisoners in jail frequently get advice in jail from other defendants, bailiffs and lawyers as to the attitude of the judge on probations. I have often found that stories told by defendants are suggested by other defendants. I do not accept pleas of guilty on condition that probation be given. Frequently I insist that a case go to a jury if it appears to me that a prosecutor, social worker or others are interfering in order to obtain probation."

"The hope for probation frequently influences the plea of guilty."

[2] Section four of the Act states the conditions of release on probation: "Release on probation shall be upon the following conditions: (1) That the probationer shall not, during the term of his probation, violate any criminal law of the State of Illinois, or any ordinance of any municipality of said state. (2) That if convicted of a felony or misdemeanor, he shall not, during the term of his probation, leave the state without the consent of the court which granted his application for probation. (3) That he shall make a report once a month, or as often as the court may direct, of his whereabouts,

The wide discretionary powers given the courts by the probation act here are again in evidence. The court *may* appoint a probation officer, it *may* appoint additional officers, and it *may* appoint a chief probation officer. It is desirable not to bind the hands of important officers with rules, but the freedom of the courts in matters relating to probation, in this particular, has again resulted in a wide variety of action. In some jurisdictions no probation officer at all has been appointed; in others a *part time* officer, who carries on a business along with his probation work, gives spasmodic attention to the community's probationers. The complaint is widespread that the officers are underpaid and that competent people are seldom secured. Cook County with its complex system, as usual, presents a problem of its own.[1]

It was supposed that judges were comparatively free from political maneuvers, and that they would exercise great care in the selection of probation officers, therefore, the appointment of such officers was placed by the act with them. According to the statute the judges employ and discharge, and the county commissioners supply the funds. The events of the last sixteen years (the period the statute has been in force) have demonstrated, at least in Cook County, that the judges are not out of politics, and that occasionally they lapse into worldly and profane pursuits. Cook County has a chief and forty probation officers. Some of these, we have found, are faithful to their tasks, but others are mere time-servers who owe their appointments to some political personage. The chief, in the main, is one in name only. He does not employ and he cannot discharge. If an officer

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conduct and employment, and furnish such other information relating to the conditions of his probation, as may from time to time be required by rule or order of court, to the probation officer under whose charge he has been placed, and shall appear in person before the court at such time as the court may direct or the rule of court provide. (4) That he shall enter into a bond or recognizance in such sum as the court may direct, with or without sureties, to perform the conditions imposed, which shall run to the People of the State of Illinois and may be sued on by any person thereunto authorized by the court for the use of the parties in interest as the same may appear.

"And the court may impose any one or more of the following conditions: (1) That he shall make restitution, or reparation, in whole or in part, immediately or within the period of probation to the person or persons injured or defrauded. (2) That he shall make contribution from his earnings for the support of those dependent upon him subject to the supervision of the court. (3) That he shall pay any fine assessed against him as well as the costs of the proceeding, in such installments as the court may direct during the continuance of the probation period."

[1] The chief probation officer of Cook County outlines some of the activities of his department relative to supervision as follows (pages 6-7 Report 1925-1926): "This department is organized along the lines of similar departments in all the large cities in the country. The city and county is divided into districts as compact as possible with due regard to transportation lines, and an officer assigned to each district. Each supervising officer gets to be known as the probation officer in that district and it is his duty in the course of his supervision to aid his probationers and their families whenever they need it, whether it is charity, aid during sickness, help in getting a job, straightening out family tangles or anything else which appears to him to be necessary to do in the interest of his people. Some of the officers are required to be in court during part of each day for one-half of each month, and the other half is spent in supervision. Some are in court all day and have few if any under supervision, and some have no court and do nothing but supervision. Each officer having cases for supervision is expected so far as possible to call at the home of each of his probationers at least once in each month and to make a daily written report showing the calls made and such information as they get in regard to each case and these reports are type-written by the stenographers into the history of each case. Any information obtained by any officer in court with reference to *any* probationer is brought to the office, called to the attention of the proper officer and also written up in the record of the case."

is too lazy and declines to go out on an assignment, his only recourse is to report his case to the judges, and relief from that quarter is not always forthcoming.

How the judges control the situation is illustrated by the spectacle of the municipal court judges meeting in solemn council and dismissing through action taken at that meeting thirteen probation officers. Such proceeding can be nothing short of detrimental to administration of probation. It had all the indicia of a political move. No doubt, some of the officers deserved to be ousted for inefficiency, but the matter of the competency of the officers dismissed appears not to have weighed in the action of the judges.[1]

115. Same: Comments of Judges.

We turn again to the comments we have received from various judges in the state. One judge, who favored probation, laid the emphasis on the personnel of those administering the law, stating: "My experience in the Juvenile Court causes me to state that the results obtained will depend almost entirely upon the character, education and ability of the persons employed to put them into effect, and in order to get such persons those giving the examinations should be persons highly qualified to understand the needs." An occasional judge thinks that in his jurisdiction "cases on probation are supervised in a very satisfactory manner," others are critical, some denounce supervision as a failure, and in a few jurisdictions there is none at all.

In answer to the specific question: "In your opinion, is the criminal on probation properly supervised," one wrote "as a rule he is not." A judge from Cook County, which has an organized system of supervision, gave it as his opinion, "because of the inadequate number of agents the criminals on probation in Cook County are not properly supervised." This judge was also of the opinion that "persons are admitted to probation without sufficient knowledge as to the environment, disposition and antecedents." Another judge answered cryptically: "I do not believe the supervision amounts to a row of pins, but it draws out hundreds of thousands of dollars of the honest tax-paying people." He ended up by stating, "We have city, county and state probation departments in this city (Chicago), each overlapping the other, each accumulating valueless records and constantly increasing the expense of their maintenance."

The comment was general that the supervising officers are underpaid. The range in the various jurisdictions of the state is from nothing, in those where no provision is made for supervision, to a salary of $200 a month for

[1] One of the Chicago daily newspapers for December 13, 1927, carried the following account of this meeting: "Eight judges bolt caucus; 13 employees fired. Eight Democratic municipal judges yesterday bolted a meeting of the jurists, charging that the Republican judges had held a private caucus and oiled the machinery for getting control of the probation department of the municipal courts. The Republican judges remained at the meeting, held in the chambers of Chief Justice Harry Olsen, and by vote ousted thirteen probation officers, many of them veterans in this service. The charge that the election was a sham, since decisions had been made at a Republican caucus, was voiced by Judge John J. Rooney. He was followed from the chambers by judges Peter H. Schwaba, Joseph Burke, Francis Allegretti, Francis Borelli, Philip J. Finnegan, Matthew D. Hartigan, and Frank M. Padden. Probation officers who failed to be re-elected were: John Burk, Margaret Clagsens, John C. Fleming, Blanche Gilmer, Julia Gleason, Alma Hufmeyer, John T. Kelley, Louis Levy, E. R. Novak, Louis Ory, S. J. Peterson, John P. Ready, and J. A. W. Rees. The new ones thus far named are: Charles Agnew, Myrtle Danielson, Marguette Franke, Lillian Kensch, Anna Melin, Abe Nisberg, J. M. Parker, Frank Thompson, John Uberlein, A. C. Westergaard, and Paul Young."

the officers (aside from the chief and his assistants) in Cook County. In a rather thickly populated county near Chicago, provision is made for one officer at a salary of $500 a year. A judge from that jurisdiction comments, "which would be inadequate if he was called upon to supervise many cases." One judge favors the probation system but adds, "My only objection to it at the present time is that it affords inadequate salaries for persons employed to supervise probation." Another commented more fully as follows:

> "A probation officer for the circuit court in each county at reasonable compensation should be provided for by law. Under the present statutory provisions there is no fixed compensation. The county boards do not make an average allowance of one hundred dollars per annum for the services of a probation officer of the circuit court. Counties ordinarily have a probation officer who is appointed by the county court and is engaged in looking after delinquent and dependent children. Such officer is usually a woman without any qualification for looking after probationers of the circuit court."[1]

116. Violation of Conditions of Probation.

The offender is released on probation subject to conditions specified by the act. Section four provides:

"Release on probation shall be upon the following conditions:

"(1) That the probationer shall not, during the term of his probation, violate any criminal law of the state of Illinois, or any ordinance of any municipality of said state.

"(2) That if convicted of a felony or misdemeanor, he shall not, during the term of his probation, leave the state without the consent of the court which granted his application for probation.

"(3) That he shall make a report once a month, or as often as the court may direct, of his whereabouts, conduct, and employment, and furnish such other information relating to the conditions of his probation, as may from time to time be required by rule or order of court, to the probation officer under whose charge he has been placed, and shall appear in person before the court at such time as the court may direct or the rule of court provide.

"(4) That he shall enter into a bond or recognizance in such sum as the court may direct, with or without sureties, to perform conditions imposed, which shall run to the people of the State of Illinois and may be sued on by any person thereunto authorized by the court for the use of the parties in interest as the same may appear.

"And the court may impose any one or more of the following conditions:

"(1) That he shall make restitution, or reparation, in whole or in

[1] The following are typical replies from prosecuting officers: "One placed on probation has not been properly supervised as a general proposition due to the fact that we have no probation officer and usually the person to whom the offender is paroled is interested to the extent that he does not wish to turn the fellow in, but in view of the fact that we have admitted very few to probation I think that the system has not been abused."

"Believe supervision of probationers varies considerably, considering the efficiency of probation officers, and is a matter which can not be regulated by statute. If the courts are careful to appoint energetic efficient probation officers and the State the same type of parole agents, the supervision of probationers and parolees should both be satisfactory."

It should be observed that the prosecuting officers in their answers were more outspoken that supervision is not adequate. Frequently the replies were "by no means," "positively no" and "absolutely not."

part, immediately or within the period of probation to the person or persons injured or defrauded.

"(2) That he shall make contribution from his earnings for the support of those dependent upon him subject to the supervision of the court.

"(3) That he shall pay any fine assessed against him as well as the costs of the proceeding, in such installments as the court may direct during the continuance of the probation period."[1]

Section six of the act outlines the procedure to be followed in case a probationer is reported for a violation. Upon the report of a probation officer or other satisfactory proof of violation by the probationer the court *may* revoke and terminate the same and issue a warrant for his arrest. This warrant runs throughout the state and may be served by any probation officer in the state or any officer authorized to serve criminal process. When the probationer is brought before the court for violation the court *may* enter a rule that the probationer show cause why his probation should not be terminated, judgment entered, and sentence imposed upon the original conviction. If the court, when the probationer is brought before it, is of the opinion that the interests of justice do not require the imposition of sentence and that the probationer should be recommitted to the care of the probation officer, it *may* discharge him from arrest and *may* again place him under the care of the officer, subject, however, to the maximum limitation of probation. But should the court be of the opinion that the interests of justice require that sentence be imposed, it becomes its duty so to do. In computing the period

[1] When an offender is placed on probation in Cook County he is given a card reading on one side as follows:

"STATE OF ILLINOIS

..... s.s. ..... Court

To .... 192..

In order to give you an opportunity to reform without punishment the Court has placed you on probation for the period of ..... year ....., in the care of a Probation Officer.

YOU MUST OBSERVE THE FOLLOWING CONDITIONS:

1. Obey all court orders. This includes the payment of costs, restitution, or contribution, when ordered by the court.
2. You must not violate any Criminal Law of the State of Illinois or any ordinance of any Municipality of said State.
3. You must not, during the term of your probation, leave the State without the consent of the Court.
4. Report promptly to your Probation Officer as required on the back of this card. Work regularly, keep good company and indulge in no bad habits.

If any of these conditions are violated, you will be surrendered to the Court for sentence."

The reverse side of the card reads:

"PROBATION OFFICE
COOK COUNTY

1128 Court House

CHICAGO

You are required to report at the Probation Office once each month on the day here indicated, during your probation period. Probation Day ..... of each month. Notify the Probation Office immediately of any change in your address. Failure to comply with these instructions will result in your surrender to the Court. Office hours, 9 a. m. to 5 p. m. Mondays, 9 a. m. to 8 p. m.

for which the violator is to be confined, the statute provides, the time between his release upon probation and his return to custody shall not be taken to be any part of the term of his sentence.

The probation period, it is provided by the act, shall not exceed six months in cases of violation of a municipal ordinance, and one year in case of other offenses. When the probation period has been served, it becomes the duty of the probation officer to report to the court on the conduct of the probationer, and the court may then discharge him from further supervision, or the court may extend the probation period not to exceed six months if the offense involved was the violation of a municipal ordinance, and not to exceed one year in other offenses.

117. Probation Results: in General. We have tabulated some statistics from Cook County, running over a period of years, giving impressions concerning probationers on their discharge as to whether they were satisfactory, doubtful or unsatisfactory risks. These statistics we have taken from the records and reports of the chief probation officer. The period studied was from October 1, 1921, to September 30, 1926. Table 30 shows that during that period a total of 24,126 probationers were discharged by the courts, and that out of that number according to the classifications of the Probation Office, 876 were regarded as doubtful risks, and 4,439 as unsatisfactory. Further, 276 were sent to the House of Correction and 28 to the penitentiaries or the reformatory. A total of 18,395 were classified as satisfactory. Table 31 shows the division by courts.[1]

TABLE 30

Record of Probationers Discharged during the period from October 1, 1921, to September 30, 1926, by *all courts* according to years and the results as given by the officers in charge of each case.

Year	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
1921-1922	2,868	94	733	—	—	15	3,710
1922-1923	3,638	167	815	53	6	26	4,705
1923-1924	3,656	143	687	61	8	25	4,580
1924-1925	4,288	227	1,022	108	6	18	5,669
1925-1926	3,945	245	1,182	54	8	28	5,462
Total	18,395	876	4,439	276	28	112	24,126

TABLE 31

Record of Probationers Discharged during the period from October 1, 1921, to September 30, 1926, showing those received from the Criminal Court of *Cook County* and those received from the Criminal Branches of the Municipal Court of *Chicago*.

	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
Criminal	1,829	44	597	18	29	13	2,532
Municipal	16,566	832	3,773	321	3	99	21,594
Total	18,395	876	4,370	339	32	112	24,126

We draw the reader's attention to the fact that such tables as the above are helpful but cannot be wholly accurate. They give only the probation

[1] The figures in these tables and those that follow show some slight discrepancies.

officers' impressions and judgment as to the probationers discharged. Positive and accurate information cannot be had in matters of this kind, since, to have that, it would be necessary to gaze into the future with the magical powers of a soothsayer. Further, all the persons discharged are not likely to remain in the same jurisdiction for a long period, and while a search might be made through the finger print records of the Federal Bureau of Criminal Investigation, yet not all offenses are there catalogued.

118. Same: Men. In Table 32, that follows, there is recorded the impression of the probation results for men discharged by the Criminal Court of Cook County during a period of years from October 1, 1921, to September 30, 1926, listed according to offenses. In the main, the tabulations carry their own story. We note for the attention of the reader that among the more frequent crimes, robbery showed but 16 per cent of doubtful or unsatisfactory cases; larceny 28 per cent; embezzlement 29 per cent; burglary 32 per cent, and the confidence game the high percentage of 42.

TABLE 32—MEN

(Criminal Court of Cook County)

Probation results of *men discharged* during the period from October 1, 1921, to September 30, 1926, according to *offenses* for which probation was granted.

Offenses	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
Abduction	2	—	—	—	—	—	2
Adultery	2	—	—	—	—	—	2
Assault	51	3	7	1	2	—	64
Assault and battery	3	—	2	—	—	—	5
Assault to murder	7	—	2	—	—	—	9
Assault to rob	7	—	2	—	1	—	10
Assault with deadly weapon	1	—	—	—	—	—	1
Attempted burglary	46	1	18	—	2	—	67
Attempted confidence game	—	—	1	—	—	—	1
Attempted larceny	2	—	—	—	—	—	2
Attempted robbery	9	2	3	—	—	—	14
Bigamy	6	—	2	—	—	—	8
Burglary	253	3	104	5	8	2	375
Carrying concealed weapons	1	—	—	—	—	—	1
Confidence game	94	5	61	—	3	1	164
Conspiracy	—	—	1	—	—	—	1
Contributing to delinquency	42	—	2	—	—	—	44
Disorderly conduct	4	—	—	—	—	—	4
Drawing check with N. S. F.	1	—	—	—	—	—	1
Driving auto without owner's consent	1	—	—	—	—	—	1
Embezzlement	63	2	23	—	1	—	89
False pretenses	16	—	6	—	—	—	22
Forgery	19	1	5	—	—	—	25
Larceny	312	10	104	2	3	3	434
Grand larceny	165	2	50	2	2	1	222
Petit larceny	360	8	130	7	6	3	514
Malicious mischief	5	—	7	—	—	—	12
Nonsupport	2	—	2	—	—	—	4
Receiving stolen property	68	—	8	—	—	1	77
Robbery	103	1	18	1	—	1	124
Violation of city ordinances	1	—	1	—	—	—	2
Violation of motor vehicle laws	4	1	—	—	—	—	5
Violation of prohibition laws	2	—	—	—	—	—	2
Other offenses	62	1	18	—	—	—	81
Total	1,714	40	577	18	28	12	2,389

In Table 33 are listed similar records for the Municipal Court of Cook County. Here the portion of cases recorded as doubtful, unsatisfactory or having House of Correction, penitentiary or reformatory involvements, is 22 per cent. This should be compared with Criminal Court statistics of Table 32 where the percentage was 28.

TABLE 33—MEN

(Municipal Court of Chicago)

Probation results of *men discharged* during the period from October 1, 1921, to September 30, 1926, according to *offenses* for which probation was granted.

Offenses	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
Abandonment	—	—	1	—	—	—	1
Adultery	56	5	9	—	—	—	70
Assault	440	8	67	7	—	4	526
Assault and battery	45	1	6	—	—	—	52
Assault with deadly weapon	32	2	4	—	—	—	38
Assault to rob	11	2	2	—	—	—	15
Attempted burglary	2	—	—	—	—	—	2
Attempted larceny	7	—	1	—	—	—	8
Attempted robbery	3	—	1	—	—	—	4
Carrying concealed weapons	803	32	78	1	—	3	917
Concealing mortgaged property	2	—	—	—	—	—	2
Confidence game	49	2	24	2	—	1	78
Contributing to delinquency	358	20	55	4	—	—	437
Contributing to dependency	67	6	10	2	—	2	87
Disorderly conduct	4,956	249	842	98	1	30	6,176
Driving car while intoxicated	53	1	1	—	—	—	55
Driving car without owner's consent	2	—	1	—	—	—	3
Embezzlement	5	1	—	—	—	—	6
False pretenses	180	10	96	6	—	1	293
Fornication	48	5	14	1	—	—	68
Indecent exposure	7	—	—	—	—	—	7
Inmates disorderly house	54	10	22	2	—	—	88
Keepers disorderly house	82	9	35	2	—	—	128
Larceny	2,534	106	685	38	1	20	3,384
Grand larceny	2	—	1	—	—	—	3
Malicious mischief	68	1	25	2	—	1	97
Nonsupport	1,198	100	564	105	—	10	1,977
Obtaining goods on false pretenses	2	—	—	—	—	—	2
Receiving stolen property	161	4	14	—	—	—	179
Robbery	—	—	1	—	—	—	1
Running gambling house	3	—	—	—	—	—	3
Gambling offenses	40	—	1	—	—	—	41
Selling mortgaged property	3	—	1	—	—	—	4
Violating misc. city ordinances	129	4	21	—	—	—	154
Violating motor vehicle laws	1,232	45	148	17	1	4	1,447
Violating park ordinances	12	1	3	—	—	1	17
Violating prohibition laws	831	36	83	1	—	2	953
Violating misc. ordinances	43	1	7	—	—	1	52
Other offenses	126	6	30	2	—	—	164
Total	13,646	667	2,853	290	3	80	17,539

TABLE 34—MEN

(Criminal Court of Cook County)

Probation results of *men discharged* during the period from October 1, 1921, to September 30, 1926, according to *judges* who granted probation.

Judges	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
Barnes	10	—	2	—	—	—	12
Barrett	13	—	2	—	—	—	15
Brentano	1	—	1	—	—	—	2
Brothers	29	—	—	—	1	1	31
Caverly	25	—	11	—	—	—	36
Cook	6	—	10	1	—	—	17
Crowe	9	1	5	—	—	—	15
David	70	2	34	—	—	—	106
Dever	15	—	3	—	—	—	18
DeYoung	3	1	5	—	—	—	9
Eller	20	—	1	1	—	—	22
Fisher	62	3	25	—	2	—	92
Fitch	38	1	7	—	—	1	47
Foell	13	—	2	—	—	1	16
Friend	60	1	13	1	—	—	75
Gemmell	12	—	4	—	—	—	16
Gridley	2	—	1	—	—	—	3
Hebel	20	2	5	—	1	—	28
Holdom	15	—	4	—	—	—	19
Hopkins	81	3	31	1	—	1	117
Hurley	51	2	7	—	1	—	61
Johnston	14	—	10	—	—	—	24
Kavanaugh	43	—	15	1	1	1	61
Kersten	191	8	109	—	3	1	312
Lewis	28	—	17	—	—	—	45
Lindsay	100	1	34	2	1	1	145
Lynch	45	—	19	3	1	—	68
McDonald	22	2	3	—	—	1	28
McGoorty	33	2	11	1	1	—	48
McKinley, M. L.	136	5	36	—	4	2	183
Miller	27	1	6	—	1	—	35
O'Connor	10	—	2	—	—	—	12
Pam	67	—	34	2	—	—	103
Rush	15	—	1	—	—	—	16
Sabath	4	—	2	—	—	—	6
Scanlan	28	—	8	—	1	—	37
Steffen	17	—	6	1	—	—	24
Stewart	—	—	1	—	—	—	1
Sullivan, J. J.	125	2	24	—	1	—	152
Sullivan, P. L.	49	—	7	—	1	—	57
Swanson	46	1	15	—	—	1	63
Taylor	6	—	1	—	—	—	7
Torrison	1	—	—	—	—	—	1
Thompson	8	—	1	—	—	—	9
Wells	31	—	8	1	—	—	40
Williams	68	—	19	2	1	1	91
Wilson	38	2	11	—	1	—	52
Windes	4	—	—	—	—	—	4
Zeman	3	—	4	—	—	—	7
Total	1,714	40	577	17	28	12	2,388

TABLE 35

(Municipal Court of Chicago)

Probation results of *men discharged* during the period from October 1, 1921, to September 30, 1926, according to *judges* who granted probation.

Judges	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
Adams	913	46	257	42	—	6	1,264
Allegretti	275	10	72	6	—	3	366
Anderson	2	—	—	—	—	—	2
Barasa	138	1	22	6	—	—	167
Bedinger	4	—	2	—	—	1	7
Borelli	309	25	44	4	—	2	384
Bugee	453	14	61	5	—	4	537
Burke	296	15	100	13	—	5	429
Campbell	34	—	8	—	—	—	42
Carpenter	—	—	1	—	—	—	1
Carrier	57	—	12	—	—	—	69
Caverly	21	—	2	—	—	—	23
Chapman	9	—	—	—	—	—	9
Cook	16	—	4	—	—	—	20
Crabtree	8	1	3	—	—	—	12
Curran	243	14	35	3	—	2	297
Doyle	77	1	26	1	—	—	105
Eberhardt	153	2	37	2	—	—	194
Ehler	120	5	16	—	—	—	141
Eller	187	5	18	1	—	—	211
Fetzer	497	25	57	5	—	1	585
Finnegan	178	8	25	3	—	—	214
Fisher	111	7	35	2	—	—	155
Fitch	25	—	2	2	—	—	29
Fort	2	—	—	—	—	—	2
Fry	1	—	1	—	—	—	2
Gemmill	117	6	20	3	—	—	146
Gentzel	353	11	35	2	—	3	404
George	45	2	7	2	—	—	56
Gilster	80	2	13	2	—	—	97
Gordon	9	—	—	—	—	—	9
Graham	2	—	1	—	—	—	3
Grover	2	—	1	—	—	—	3
Gualano	1	—	1	—	—	—	2
Haas	645	34	168	7	—	7	861
Hamlin	67	6	30	1	—	—	104
Harris	80	6	14	5	—	—	105
Hartigan	29	—	9	—	—	1	39
Hayes	565	29	104	8	—	4	710
Hazen	3	—	—	—	—	—	3
Heap	64	3	11	1	—	—	79
Helander	845	44	152	29	1	5	1,076
Hill	4	—	—	—	—	—	4
Holmes	183	14	36	5	—	1	239
Huey	4	—	—	—	—	—	4
Immenhausen	138	13	32	—	—	—	183
Jacobs	467	12	59	4	—	1	543
Jarecki	3	—	5	—	—	—	8
Jonas	483	19	132	20	—	—	654
Jones	1	—	—	—	—	—	1
LaBuy	256	11	28	4	—	1	300
Lauker	5	—	1	—	—	—	6
Laughlin	2	—	—	—	—	—	2
Lawler	2	—	2	—	—	—	4
Lupe	119	9	23	9	—	2	162
Luster	79	7	15	1	—	1	103

TABLE 35—Continued

Judges	Satis-factory	Doubt-ful	Unsatis-factory	H. of C.	Pen. or Pontiac	Dead	Total
Lyle	66	9	29	—	—	3	107
McCarthy	175	13	48	2	—	2	240
McKinley	418	7	93	4	1	1	524
Miller	6	—	1	—	—	—	7
Moran	3	—	6	—	—	—	9
Morgan	796	65	288	41	1	4	1,195
Nauert	5	—	—	—	—	—	5
Newcomer	128	6	46	5	—	2	187
O'Connell	330	8	27	—	—	—	365
Olson	5	—	1	—	—	—	6
Orr	12	—	—	—	—	—	12
O'Toole	56	2	15	1	—	—	74
Padden	47	3	17	1	—	—	68
Peden	11	2	9	—	—	—	22
Prindiville	121	2	21	2	—	1	147
Richardson	295	17	60	4	—	1	377
Reed	1	—	1	—	—	—	2
Rooney	70	6	8	—	—	—	84
Schulman	370	20	48	1	—	2	441
Schwaba	573	29	73	6	—	8	689
Smith	1	—	—	—	—	—	1
Stewart	23	—	9	—	—	—	32
Sullivan, D. W.	67	2	12	1	—	—	82
Sullivan, F.	19	1	5	—	—	—	25
Swanson	8	1	5	—	—	—	14
Trude, D. P.	592	39	143	12	—	4	790
Trude, S. H.	378	13	95	7	—	2	495
Viner	4	—	1	—	—	—	5
Walker	201	6	33	4	—	—	244
Ward	8	1	4	—	—	—	13
Weaver	34	2	8	1	—	—	45
Wells	31	2	4	1	—	—	38
Williams	10	4	2	—	—	—	16
Total	13,646	667	2,851	291	3	80	17,538

119. Same: Women. In Tables 36 and 37, that follow, similar tabulations are made for women probations, according to offenses, as were made for the men in Tables 32 and 33. Approximately only 20 per cent of the women discharged after probation by the Criminal Court were regarded as bad risks. The reader should compare this with the tabulations in Table 32 for the men where the results showed 28 per cent. Table 37 dealing with women discharged from the Municipal Court, shows a bad risk percentage of 28. The percentage in Table 33 of men discharged from the same court was but 22. Thus the Criminal Court showed the highest percentage of satisfactory cases for the women and the Municipal Court for the men.

The probations from the Criminal Court in the larceny cases for the men as tabulated in Table 32 showed 27 per cent doubtful and unsatisfactory. The percentage for the women given probation on larceny from the same court tallies exactly. In the probation of women from the Municipal Court after the crime of larceny the portion of bad risks is 26 per cent. Unsatisfactory results particularly were registered for cases involving disorderly conduct (28 per cent), keepers of disorderly houses (34 per cent), and inmates of disorderly houses (48 per cent).

TABLE 36—WOMEN

(Criminal Court of Cook County)

Probation results of *women discharged* during the period from October 1, 1921, to September 30, 1926, according to *offenses* for which probation was granted.

Offenses	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
Abortion	1	—	—	—	—	—	1
Assault	3	—	—	—	—	—	3
Bigamy	2	—	—	—	—	—	2
Burglary	1	—	—	—	—	—	1
Carrying concealed weapons	1	—	—	—	—	—	1
Confidence game	4	—	5	—	—	1	10
Contempt of court	3	—	—	—	—	—	3
Contributing to delinquency	1	—	—	—	—	—	1
Embezzlement	4	—	—	—	—	—	4
False pretenses	1	—	—	—	—	—	1
Forgery	7	—	—	—	—	—	7
Larceny	14	1	5	—	—	—	20
Petit larceny	36	3	8	1	1	—	49
Grand larceny	6	—	2	—	—	—	8
Receiving stolen property	17	—	1	—	—	—	18
Robbery	8	—	1	—	—	—	9
Other offenses	6	—	—	—	—	—	6
Total	115	4	22	1	1	1	144

TABLE 37—WOMEN

(Municipal Court of Chicago)

Probation results of *women discharged* during the period from October 1, 1921, to September 30, 1926, according to *offenses* for which probation was granted.

Offenses	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
Adultery	57	9	15	—	—	—	81
Assault	87	3	9	—	—	—	99
Assault with attempt to rob	2	—	—	—	—	—	2
Assault and battery	5	—	—	—	—	—	5
Assault with deadly weapon	3	—	—	—	—	—	3
Carrying concealed weapons	15	1	—	1	—	—	17
Confidence game	5	—	—	—	—	—	5
Contempt of court	1	—	—	—	—	—	1
Contributing to delinquency	73	6	13	3	—	1	96
Contributing to dependency	82	2	23	4	—	1	112
Disorderly conduct	521	40	157	6	—	—	724
Driving auto while intoxicated	1	—	—	—	—	—	1
Embezzlement	3	—	—	—	—	—	3
False pretenses	48	1	20	1	—	—	70
Failed to pay hotel bill	1	—	—	—	—	—	1
Fornication	41	4	9	—	—	—	54
Gambling offenses	3	—	—	—	—	—	3
Inmates disorderly house	171	18	138	5	—	2	334
Keepers disorderly house	87	9	37	1	—	3	137
Larceny	493	18	160	4	—	3	678
Petit larency	836	32	255	4	—	6	1,133
Malicious mischief	4	—	1	—	—	—	5
Patrons disorderly house	4	—	4	—	—	—	8
Receiving stolen property	39	—	2	—	—	—	41
Soliciting	52	7	36	1	—	—	96
Violating misc. city ordinances	22	1	7	—	—	—	30
Violating motor vehicle laws	20	2	1	—	—	—	23
Violating prohibition laws	213	8	15	1	—	1	238
Other offenses	31	5	19	—	—	1	56
Total	2,920	166	921	31	—	18	4,056
		562					

TABLE 38—WOMEN

(Criminal Court of Cook County)

Probation results of *women discharged* during the period from October 1, 1921, to September 30, 1926, according to *judges* who granted the probation.

Judges	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
Barnes	1	—	—	—	—	—	1
Barrett	1	—	—	—	—	—	1
Bugee	—	—	1	—	—	—	1
Caverly	4	1	—	—	—	—	5
Cook	1	—	—	—	—	—	1
David	1	—	—	—	—	—	1
Dever	1	—	—	—	—	—	1
Eller	2	—	—	—	—	1	3
Fisher	4	—	1	—	—	—	5
Fitch	1	—	3	—	—	—	4
Foell	1	—	—	—	—	—	1
Friend	2	—	—	—	—	—	2
Gemmell	4	—	—	—	—	—	4
Gridley	1	—	—	—	—	—	1
Hebel	2	—	—	—	—	—	2
Holdom	—	—	1	—	—	—	1
Hopkins	5	—	1	—	—	—	6
Hurley	3	—	1	—	—	—	4
Johnston	1	—	—	—	—	—	1
Kavanaugh	2	—	1	—	—	—	3
Kersten	10	1	4	—	—	—	15
Lewis	1	—	1	1	—	—	3
Lindsay	1	—	2	—	—	—	3
Lynch	4	—	1	—	—	—	5
McDonald	3	—	—	—	—	—	3
McGoorty	4	—	2	—	—	—	6
McKinley	5	—	—	—	—	—	5
Miller	3	—	—	—	—	—	3
Pam	6	—	2	—	—	—	8
Rush	1	—	—	—	—	—	1
Scanlan	1	1	—	—	—	—	2
Steffen	7	—	—	—	—	—	7
Sullivan, D. E.	3	—	—	—	—	—	3
Sullivan, J. J.	7	—	1	—	—	—	8
Sullivan, P. J.	3	—	—	—	—	—	3
Swanson	2	—	—	—	—	—	2
Wells	8	1	—	—	—	—	9
Williams	6	—	1	—	1	—	8
Wilson	3	—	—	—	—	—	3
Total	115	4	23	1	1	1	145

TABLE 39—WOMEN

(Municipal Court of Chicago)

Probation results of *women discharged* during the period from October 1, 1921, to September 30, 1926, according to *judges* who granted the probation.

Judges	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
Adams	79	1	15	2	—	1	98
Allegretti	14	2	4	—	—	—	20
Anderson	3	—	—	—	—	—	3
Barasa	17	—	2	—	—	—	19
Bedinger	1	—	1	—	—	—	2
Borelli	67	1	12	—	—	—	80
Bugee	60	5	16	—	—	—	81
Burke	35	4	15	—	—	—	54
Carrier	6	—	1	—	—	—	7

TABLE 39—WOMEN—Continued

Judges	Satisfactory	Doubtful	Unsatisfactory	H. of C.	Pen. or Pontiac	Dead	Total
Caverly	5	—	—	—	—	—	5
Chapman	2	—	—	—	—	—	2
Cook	15	2	5	—	—	—	22
Crabtree	1	—	—	—	—	—	1
Curran	21	—	2	—	—	—	23
Eberhardt	145	4	71	3	—	—	223
Ehler	25	1	4	—	—	—	30
Eller	32	1	5	—	—	—	38
Fetzer	122	6	17	—	—	1	146
Finnegan	42	1	8	—	—	—	51
Fisher	17	2	3	—	—	—	22
Fitch	5	—	—	—	—	—	5
Fort	2	—	—	—	—	—	2
Gemmell	42	4	10	—	—	1	57
Gentzel	52	3	5	1	—	—	61
George	12	—	3	—	—	—	15
Gilster	2	—	2	—	—	—	4
Haas	193	9	66	3	—	—	271
Hamlin	13	1	11	—	—	—	25
Harris	25	1	17	—	—	1	44
Hartigan	21	1	4	—	—	—	26
Hayes	204	4	74	—	—	2	284
Hazen	1	—	—	—	—	—	1
Heap	61	6	26	—	—	—	93
Helander	23	2	17	1	—	1	44
Holmes	48	5	14	1	—	2	70
Immenhausen	150	17	110	—	—	—	277
Jacobs	58	2	11	2	—	—	73
Jonas	6	—	3	—	—	1	10
Hill	1	—	—	—	—	—	1
LaBuy	25	6	4	—	—	—	35
Lane	1	—	—	—	—	—	1
Lupe	12	—	1	—	—	—	13
Luster	2	—	—	—	—	—	2
Lyle	41	2	15	—	—	—	58
McCarthy	28	1	10	—	—	—	39
McKinley	27	1	7	—	—	—	35
Morgan	75	6	19	5	—	1	106
Moran	1	—	—	—	—	—	1
Newcomer	42	2	12	—	—	1	57
O'Connell	31	—	3	—	—	1	35
Olson	4	—	1	—	—	—	5
O'Toole	16	—	8	—	—	—	24
Padden	57	3	28	2	—	1	91
Prindiville	71	—	11	1	—	1	84
Richardson	147	7	34	—	—	—	188
Rooney	32	4	5	—	—	1	42
Schulman	124	7	36	—	—	—	167
Schwaba	79	9	17	—	—	—	105
Smith	1	—	—	—	—	—	1
Stewart	25	—	4	—	—	—	29
Sullivan, D. W.	12	—	4	—	—	—	16
Sullivan, F.	22	—	10	—	—	—	32
Swanson	2	—	—	—	—	—	2
Trude, D. P.	219	26	91	4	—	2	342
Trude, S. H.	109	4	23	3	—	1	140
Viner	1	—	2	—	—	—	3
Walker	47	3	11	2	—	—	63
Ward	7	1	1	1	—	—	10
Weaver	4	—	—	—	—	—	4
Wells	14	—	3	—	—	—	17
Williams	10	—	1	—	—	—	11
Total	2,918	167	917	31	—	19	4,052

120. Same: Comments of Judges and State's Attorneys.

We now turn to comments received from judges in various parts of the state. The inquiry was made of them, "About what proportion of the persons on probation are apprehended violating probation or committing new crimes?" To this a down-state judge replied: "20 per cent. In other words, my experience for the past five years indicates that 80 per cent of probationers make good." Another thought, "about one in four." Still another placed it at 25 per cent. One, possibly more pessimistic, wrote, it is "impossible to state, but it is a very great per cent." Another replied, "I am advised that more than 80 per cent of the prisoners placed on probation profit by the experience and that less than 10 per cent are apprehended violating probation." Finally, one judge wrote in his jurisdiction "not over 3 per cent violated."

A similar inquiry was addressed to various state's attorneys. One replied, "about 20 per cent in this locality" violate. Another gave his opinion, "in this county about twenty-five per cent should be" apprehended for violations. One state's attorney wrote that in his jurisdiction "about one-half of those on probation violate." The impression of another was that "many persons violate the probation and are apprehended violating other laws."

The general comment from prosecuting officers in down-state counties bespoke the success of probation. One wrote "less than 10 per cent" violate. The estimate of another was that "less than fifteen per cent of our probationers have not made good." Another placed the proportion of unsatisfactory cases at five per cent. One wrote that in his county there had been only "two or three violations in nearly seven years." Another found that about 3 per cent violated in his county, and one wrote "in my county the per cent has been small because of the strict requirements necessary to be shown before probation is granted."

121. Summary and Findings.

1. The Committee found that there is a widespread misunderstanding and misinformation in the general public about the history, purposes, operation, and results of the indeterminate sentence, parole and probation in Illinois.

2. The Committee finds that parole arose as a redefinition by legislative action of the Governor's power of pardon and commutation of sentence, and differs from a pardon in being a conditional release under supervision for a certain period after leaving the penal or reformatory institution. Since the introduction of parole, the number of pardons has declined until in the year ending June 30, 1926, only eight were granted.

3. The Committee finds that the strongest argument for the indeterminate sentence and parole consists in the protection for society it affords, not only through the opportunity for reformation of the criminal under supervision, but through its use as an instrument to return the parole violator to the penitentiary without the delays and technicalities of court procedure.

4. The actual time served by the criminal in penitentiaries and reformatories is longer under sentences fixed by the Parole Board than when flat sentences were fixed by the courts. Under the system of parole since 1897, the period of incarceration in the Illinois State Penitentiary at Joliet has

increased from 1.9 to 2.6 years; in the Southern Illinois Penitentiary at Menard from 2.0 to 2.4 years; in the Illinois State Reformatory at Pontiac from 1.5 to 2.1 years.

5. The critics of parole would substitute longer sentences for the parole system. But if the average time served were increased one year, this would require the immediate construction of new penitentiaries and reformatories, and an addition to the present expenditure for maintenance of approximately $1,000,000 to $1,500,000.

6. The Committee finds that there is a general distrust on the part of the public of the freedom of the Parole Board from political influence. The Committee finds that any such general belief on the part of the public or among the paroled men themselves is detrimental to the best workings of the Parole Board.

7. The Committee finds that prior to the amendment of 1927 to the Civil Administrative Code Act of 1917 the placing of the sole power of administering paroles upon the Supervisor of Paroles was too great a burden of responsibility, and that he was provided with inadequate assistance and funds to cope with the situation of over 7,500 men, women, boys, and girls in the two penitentiaries, reformatory, and the two training schools under his parole jurisdiction. The cases coming before the Parole Board were too numerous (1,531 in 1926) to receive sufficient consideration. The staff of officers supervising men on parole was too small to give the degree of oversight contemplated by the statutes. As a consequence, a large number of persons, estimated by the Committee at from one-fourth to one-third of the inmates of the penitentiaries and reformatory, remained in these institutions whose cases demanded immediate serious consideration for parole.

8. The legislative changes of 1927 proposed by the Honorable Hinton G. Clabaugh, the Supervisor of Paroles, were designed to deal with this emergency. The measures enacted into law made provision for establishment of the Parole Board with nine members in addition to its chairman, the granting of the power of parole previously held by the Supervisor of Paroles to this Board, and a greatly increased appropriation for parole administration. The measure proposing to give the Board the power to require attendance of witnesses at its hearings by subpoena passed in the Senate but failed in the House. Other important measures sponsored by Mr. Clabaugh were enacted into law.

9. Under its present administration the Parole Board of nine full-time members besides the chairman are divided into three sub-committees which sit three days out of each week at the different institutions in order to secure all facts for or against parole on every case coming up for action. The Board meets once a month to review the work of the sub-committee and to act upon it.

10. The Committee finds the present administration has strengthened the term of parole supervision by extending it from one year to five years with the requirement that the paroled men report to the supervisor of paroles, monthly during the first year; bi-monthly during the second year; every three months during the third and fourth years; semi-annually the fifth year; and annually thereafter unless finally discharged after a hearing by the Parole Board.

11. The work of the new Parole Board in the short period of its existence merits the indorsement of the Committee by its grasp of the theory and the practice of parole, by its plan of reorganization, and by its adherence to the principle of open hearings adopted at the beginning of the Clabaugh administration. The new Board in its work, however, is still hampered by the scantiness of the information about the applicant for parole, which is now provided from other sources, by its lack of power to subpoena a witness, by the indirect nature of its control over the personnel of the supervisional force, and by the uncertainty of the tenure of office on the part of the members of the Parole Board.

12. The Committee is of the opinion that the Parole Board does not have in its work the full cooperation of the courts as contemplated by the statutes. A careful study of parole records showed that the official statement of the trial judge and the state's attorney seldom contained anything concerning the career of the criminal "relative to his or her habits, associates, disposition and reputation" as required by law.

13. A study made by the Committee of all the prisoners present in Pontiac on April 26, 1927, or 1,637, showed that 60.4 per cent of all inmates from Cook County as compared with only 12.0 per cent from down-state had been sentenced on the basis of the acceptance of lesser pleas.

14. Occasionally serious problems arise between the Parole Board and the state's attorney and even the trial judge over representations made to a prisoner when a plea of guilty is secured. It is obvious that any representations by the state's attorney and the trial judge that in consideration of a plea of guilty, the Parole Board will release the prisoner at the minimum of his sentence, are due to a mistaken conception of the relation of the court to the Parole Board and find no sanction in the statute.

15. The Parole Act of 1917 specifically states that "it shall be the duty of the Department of Public Welfare to adopt such rules concerning all prisoners and wards committed to the custody of said department as shall prevent them from returning to criminal courses, best secure their self-support and accomplish their reformation." The prevention of return to a criminal career, industrial training, and reformation are stated in the law as the criteria by which to judge the administration of the state's penal and reformatory institutions, and of parole supervision.

16. The Committee finds on the basis of an inspection of the Illinois State Penitentiary at Joliet, the Southern Illinois Penitentiary at Menard, and the Illinois State Reformatory at Pontiac that in none of these institutions is the work definitely organized so as to realize its possibilities for the industrial training of the men. Idleness was prevalent in all three places, conspicuously at Joliet, largely because of the great excess of men over the normal number suited to the physical and industrial plant.

17. Except at Southern Illinois Penitentiary little evidence was found of an attempt to vitalize the education afforded by the prison school in terms of the needs and interests of different types of inmates. Particularly noticeable was the lack of coordination between the school work and what industrial training might be secured out of occupational activities.

18. In all three institutions, the library enjoys a large circulation of books among the inmates, in spite of the inadequate number and inferior

quality of the books, and the lack of standard modern library methods of listing, cataloguing, and circulating now in vogue.

19. The Committee was favorably impressed by the beneficial influence exerted by the administrative officers and professional men like the physician, the psychiatrist, the schoolmaster, and the chaplain upon those inmates with whom they came in close contact. The Committee was unfavorably impressed by the type of men selected for prison guards and by the fact that appointment to these positions largely depends upon political influence. In the opinion of the Committee many of the problems of prison discipline arise out of the reaction of the inmates against the crude and often brutal methods of handling them employed by men untrained and often temperamentally unfit for this work.

20. Particularly in view of the great amount of idleness, the provision for recreation is entirely inadequate except perhaps during the summer months at Pontiac.

21. The Committee finds in the reports furnished the Parole Board by the institutions on each inmate eligible for parole no inclusion of his health examination or of his school progress or of his work record in the institutions, although all these have a direct bearing upon determining parole.

22. In the judgment of the Committee the present staff for parole supervision is too small and its personnel, for the most part, without the training required for dealing with essential aspects of the rehabilitation of the paroled man, as the skilled investigation of family backgrounds, type of associates and neighborhood conditions, before parole is granted; adequate employment placement; specialized supervision of difficult cases; and constant friendly contact with the paroled man to insure observance of the conditions of parole.

23. By an intensive study of a limited number of paroled men, the Committee is convinced that the properly placed paroled man does not chafe under supervision, even when its length is extended from one to five years. The professional criminal, however, is the deadly enemy of the entire parole system, which is its best recommendation.

24. Of the 3,000 youths and men paroled from Pontiac, Joliet and Menard, on the basis of the information available in the parole record 55.8 per cent were first offenders, 31.3 per cent were minor and occasional offenders and only 11.0 per cent were classed as habitual offenders and 1.5 per cent as professional criminals. In other words, the first and occasional offenders, totaling 87.1 per cent of the men paroled, probably deserved an opportunity to make good. The habitual and professional criminals, totaling together only 12.5 per cent, are not such "good risks" for rehabilitation. So far as can be determined, 56.6 per cent of the 3,000 paroled youths and men have had no previous criminal record and only 19.1 per cent have had either reformatory or penitentiary records. The remainder, or 24.1 per cent, have had industrial school or jail records or have been fined or placed on probation.

25. The Committee finds that it is unable to substantiate the statistics of success and failure under parole made under the previous administration. It is only proper to state that while statistical comparisons were not practicable for the years 1926-1927 by the method approved by the Committee,

the evidence available indicates a decline both in the number of men paroled and in the percentage of parole violations.

26. In its statistical study of 3,000 paroled men the Committee found that it was possible to determine certain factors making for success or failure on parole. For Joliet 71.6 per cent are not reported as violators of parole, while 28.4 per cent are so reported, while for Menard 73.5 per cent are not classed as violators of parole, while 26.5 per cent are so classed. For Pontiac 77.9 per cent of paroled men were non-violators, while 22.1 per cent were violators. The percentages of violators and non-violators of parole were found to be directly correlated with certain factors making for failure or success on parole. Certain factors are correlated with "making good" on parole, and certain other factors with "failure" on parole. Were the records more accurate, it is certain that higher correlations would be secured. Under the new procedure of the Parole Board, more information will be available, particularly because of the extension of the period of parole supervision from one year to five years.

27. The Committee was also interested in determining how soon after release from the institution the violations of parole occurred, on the part of parole violators. In all institutions the largest proportion of all violations occurred during the first month, 12.5 per cent for parole violators from Joliet and 21.8 per cent for parole violators from Menard. Indeed, in the first four months 43.5 per cent of the total parole violations for Joliet and 55.0 per cent for Menard had already occurred. These facts indicate the importance of especially careful supervision during the first months on parole.

28. A study of the granting of parole since the enactment of the Parole Act by the different four-year periods corresponding to the administrative term of the Governor shows that the proportion of paroles to prison population reached its high point in 1917-21 and has since then receded.

29. Finally, the Committee was desirous of determining whether or not a scientific basis for the granting of paroles could be secured on the basis of reliable predictions of the violation or non-violation of parole. The Committee made a study of 1,000 Joliet cases and found that by combining the different factors favorable or unfavorable to success on parole, the paroled men could be divided into nine groups with the following probability of violation of parole.

EXPECTANCY RATES OF PAROLE VIOLATION AND NON-VIOLATION

	Number in Group	Parole Violation Rate Per Cent	Parole Non-Violation Rate Per Cent
Group A	68	1.5	98.5
Group B	140	2.2	97.8
Group C	91	8.8	91.2
Group D	106	15.1	84.9
Group E	110	22.7	77.3
Group F	88	34.1	65.9
Group G	287	43.9	56.1
Group H	85	67.1	32.9
Group I	25	76.0	24.0

This table indicates that this method of predicting parole violation can be of real service to the Parole Board in deciding the advisability of parole and to the Division of Parole Supervision in determining the nature and degree of supervision desirable for each paroled man.

30. Wide approval is given to the principle of probation by the judges and prosecuting officers of the state. Since those officers have been in positions to observe intimately the operation of the system—its defects as well as its strong features—their testimony particularly is pertinent.

31. Probation is employed as a method of release of offenders on good behavior. We found the jurisdictions of the state varying considerably in the application of the probation law. In one jurisdiction practically every offender, who was able to qualify under the law, was given probation, and in another sixty-six and two-thirds per cent were so admitted. On the other hand, the percentage in some jurisdictions was negligible. In Table 29 we have shown a variance from 32.06 per cent admitted to probation in eight of the more urban counties to 2.67 per cent in Williamson and Franklin counties.

32. We gave attention to the prevalence of probation in Cook County and found there that over a period of years from 1922 to 1927 a total of 2,633 offenders were admitted to probation from the Criminal Court and 23,189 from the Municipal Court, making a total of 25,822 for both courts. For the same period but 2,205 were paroled to Cook County from the penitentiaries and the reformatory.

33. We have stated it as our opinion that a thorough investigation of the antecedents of an offender before probation is essential to good administration. Consonant with this the Probation Act provides, "before granting any request for admission to probation, the court shall require the probation officer to investigate accurately and promptly the case of the defendant making such request." Notwithstanding, it was found that this feature commonly is being disregarded by the courts. This is true in Cook County particularly, where, according to the report of the chief probation officer, during the course of one year, 4,986 offenders were admitted to probation without preliminary investigation, and but 476 were investigated.

34. There is some evidence that political influences enter into the consideration of probation, but, on the whole, there seems to be little of that. We discovered, however, that political considerations, at times, weigh heavily in the matter of employing and discharging probation officers. The inference is strong that such considerations were uppermost when, at a meeting of the municipal judges of Cook County, thirteen probation officers were discharged.

35. The statute bars from probation those offenders who have committed murder, manslaughter, rape, kidnaping, willful and corrupt perjury or subornation of perjury, arson, larceny and embezzlement, where the amount taken or converted exceeds two hundred dollars ($200) in value, incest, burglary of an inhabited dwelling house, conspiracy and acts made an offense under the election laws. We found that instances were not uncommon in which the courts had granted probation in offenses excepted by the statute. We found, also, that the records frequently showed that the courts had accepted pleas of guilty to lesser offenses when the crimes

charged were among those offenses excepted by the statute. We cannot know what prompted the courts in accepting "lesser pleas." The inference is strong, however, that these pleas were taken to bring the offenders within the benefits of the Probation Act.

36. Supervision is of the essence of probation. The kind of supervision that is given depends upon the personnel of the officers and upon the sufficiency of the force employed. We found here again great variance among the jurisdictions of the state. Some made no provision for supervision, others had some individual employed who gave part time to the work, and still others had the work well in hand with a full-time officer in charge or, in some of the more populous jurisdictions, with a force at work. In general, with some marked exceptions, the personnel of the supervising force was not high. Want of careful discrimination in the selection of officers and inadequate salaries were responsible.

37. Considerable difference was discovered among the counties of the state in the results obtained from probation. It is very difficult even to approximate satisfactory conclusions on this point. Many factors enter which are difficult to measure. In some jurisdictions it was claimed that the probation violations were negligible, in others it was frankly admitted that they were heavy. Naturally that would be true, for the success of the system depends on the careful sifting of probation risks and upon the kind of supervision given. And that, as we have already seen, varies over the state.

38. The Probation Act gives wide discretionary powers to the courts. The courts *may* grant probation. Since this is discretionary, and with little by way of standards to go by, probation is common in some jurisdictions and not in others. The court *may* appoint probation officers, and again, since this is discretionary, there are to be found probation officers in some jurisdictions and none in others. This, in fact, has resulted in such lack of uniformity in the various jurisdictions of the state that we have found it very difficult to arrive at any satisfactory conclusions.

122. Recommendations. 1. That the system of indeterminate sentence and parole be continued in Illinois.

2. That the Parole Board should be taken out of politics as nearly as possible under our form of government. The members appointed should hold office for definite terms which should expire at different times and in such manner as to free the Board from the pressure of political influence. With a Board of nine members as at present a term of office of nine years would permit the expiration of the term of office of one member each year. In appointments to the Parole Board the statute should provide that one member be a lawyer, one member a physician or psychiatrist, one member a sociologist or professional social worker, one member an educator, one member an employer and one member a representative of labor.

3. That the members of the Board should seek to become serious students of the principles underlying parole and of the application of science to parole administration.

4. That the power to administer oaths and to require attendance of

witnesses by subpoena and subpoena *duces tecum* should be given the Parole Board.

5. That the trial judge and the prosecuting attorney give the Parole Board the full measure of cooperation contemplated by the statute in supplying information on "the habits or associates, disposition, and reputation" of each prisoner.

6. That the courts, especially in Cook County, give consideration to the problems arising out of the increasing practice of accepting lesser pleas than the original offense named in the indictment. When, however, a plea to a lesser offense than the one charged has been accepted and the facts appear that the offense committed was the one charged, the Parole Board should take this into consideration in determining the inmate's period of imprisonment as it would any other material fact bearing on his imprisonment and his parole.

7. That prosecuting officers and other law enforcing agencies should be extremely careful not to make promises or overtures to a prisoner relative to the possible length of time he will be kept in confinement by the Parole Board before his parole. Such promises can only have the effect of causing misunderstanding between such agencies and the Board and they are embarrassing to the Board.

8. That a determined effort should be made to reconstruct our prisons and reformatory, both in their physical plant and in their administration so that the necessary training, education, and recreation be provided to prepare prisoners for parole. Since this is a responsibility placed by law upon the Department of Public Welfare, the Committee respectfully suggests that it give its immediate and serious consideration to these questions. The suggestion is further made that a well-trained expert in industrial education and vocational guidance and a professionally equipped recreational director be employed by the Department of Public Welfare to cooperate with the superintendent and staff of the different institutions in making and carrying out a plan for the reorganization of the industrial, educational, and recreational activities of the institution. The suggestion is made that the Department of Public Welfare give serious consideration to the establishment of a plan of wage payment in order to provide incentive to the inmate in the formation of work habits.

9. That a plan of classification be adopted under which the prisoner would be given treatment and guidance as his case requires. This would necessitate the employment of experts, but would not necessarily involve more expense than the present system is costing. The psychiatrist is the only expert in criminology at present employed; his work should be supplemented by a sociologist or professionally trained social worker to study the prisoner's behavior in its group relationships, and by an expert in industrial education and a recreational director as suggested in previous recommendation.

10. That a plan for the segregation of the inmates according to the likelihood or possibility of their reformation be worked out and put into operation in these institutions.

11. That the principle be recognized of placing only one man in a cell,

and that this be carried out so far as practicable, particularly in the case of the individual prisoner who shows vicious tendencies. The crowding of three human beings into a cell should be positively condemned.

12. That the material on the prisoner now available in the files of the Parole Board should be enlarged to include reports of physical examination, school progress, and work record in the institution as well as a fuller past history of the prisoner with data upon his family, conditions in his neighborhood, his associates, his membership in gang or criminal groups, the causes and circumstances of his delinquent career.

13. That with the authority recently given the Parole Board to have full possession of its records, the parole officer at the institution or other agents of the Board be given the duty of arranging the materials upon each inmate in the files, and of making records of the contents of files in orderly sequence of the material filed. This would expedite the review of records and increase the efficiency of the work of the Parole Board.

14. That provision be made for the employment of trained investigators, such as professionally trained sociologists and social workers, working under the Parole Board. The duties of these investigators should be to gather facts upon the social history of the criminal. The same or other investigators should make thorough inquiries relative to the environment the paroled man is likely to go into upon his parole. This investigation should be made prior to parole and should have a material bearing upon his parole.

15. That since supervision has not been intelligent nor effective in all cases, the staff for supervision should be chosen of persons trained for the different divisions of the work who are likely to show progression and insight in this field instead of being merely political hangers-on. There should be an assurance of tenure of office to these persons so that their terms would not be closed with each new administration.

16. That since an employment department is an almost indispensable part of an adequate program of parole supervision, the State Legislature be asked to provide the funds necessary for its establishment.

17. On the basis of its findings the Committee recommends that the Parole Board seriously consider the placing of its work on a scientific basis by making use of the method of statistical prediction of the non-violation or violation of parole both in the granting of paroles and in the supervision of paroled men. One competent statistician could compile the necessary information from the records and still further develop the accuracy of prediction by this new method.

18. That the Parole Board, as well as all other organizations dealing with the problem of crime, submit before publication its annual statistical report to a statistical expert or competent committee for analyzing and auditing the same. This is necessary in order to obtain public confidence in the validity, not only of the figures, but of the method employed.

19. We believe that probation is correct in principle and that there should be no thought of abandoning it.

20. Investigation before probation is vital, and any practices to the contrary must be condemned.

21. The granting of probation in violation of the express provisions of the statute must be condemned. Further, while the acceptance of pleas to lesser offenses than charged is at times justifiable, such practice, if commonly employed to bring offenders within the Probation Act, must be condemned.

22. Supervision should be given in all jurisdictions where there are probationers. No community should seek to avoid that responsibility. Further, supervising personnel must be improved. This can be done only if the appointing and discharging features are taken out of politics. The tenure of the officers should be made secure and higher salaries should be paid.

23. We recommend that careful consideration be given by the courts, and if necessary, by the Legislature, looking to a reform of the conditions of the granting of probation in order to correct existing abuses.

24. We recommend that the courts, with whom now is lodged the power to grant or withhold probation, take cognizance of the marked lack of uniformity in various parts of the state in the application of the Probation Act, and that through conference and study the effort be made to evolve common standards.

25. In order to unify and standardize the work of probation administration, we recommend that the supervision of persons on probation be placed by law along with the supervision of persons on parole, under a central state agency.

123. Conclusion. The Committee wishes to express the opinion that in the wisdom of its legislation on the indeterminate sentence and parole, Illinois is not surpassed by any other state, and that in the generosity of its appropriation for parole administration, for which the legislature for 1927 is to be commended, it is now possible more than in any other state in the Union for an adequate parole system to be developed and maintained. The Parole Board and the Department of Public Welfare in cooperation with the police, the courts, and the penal and reformatory institutions of the state, have a unique opportunity for taking the next great forward step in the constructive solution of the crime problem through the rehabilitation of the criminal.

The Committee repeats its conviction that the indeterminate sentence and parole laws should be continued, but that their administration can and should be improved both by the placing of the work of the Parole Board on a scientific and professional basis and by further safeguards against the constant pressure of political influence.

The Parole Board should enjoy the standing and independence of the Supreme Court of Illinois in order to discharge fully its equally great responsibility, and the compensation of its members should be the same as that of the judges of the Supreme Court in order to attract and to hold men and women of the highest qualifications. Parole has not yet had a fair trial in Illinois or elsewhere. The Committee appeals to the Legislature and to the people of Illinois to give it the conditions most favorable for its success.