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## TREATMENT OF THE RELEASED PRISONER.

AMOS W. BUTLER.<sup>1</sup>

In our penal system there are various stages in the treatment of the law-breaker. These include arrest, detention, trial, conviction, confinement, treatment, release and rehabilitation. This paper treats of the two last-mentioned phases.

There are three distinct forms of release: parole, pardon, and discharge. Parole is the more common form of release when the prisoner is confined under an indeterminate sentence. Both parole and pardon are resorted to for the benefit of deserving prisoners under definite sentence. A prisoner not otherwise released is discharged by the institution authorities when his sentence is served. This occurs either at the end of the term or at an earlier date if, as is true in most states, there is in operation a commutation or a "good time" law, which enables a prisoner, by proper conduct, to shorten the term of his confinement. All three methods obtain in many penal institutions, regardless of the form of sentence. *Paroles* are issued by a parole board composed of institution authorities, by a central state board, or by the chief executive of the state. *Pardons* are granted by a state board of pardons or by the executive; in some states only by the latter.

While modern ideas as to the treatment of prisoners are rapidly gaining ground, the old system of imprisonment and release is still in vogue in many parts of the country. Under it little thought is given the welfare of the convict. It is the satisfaction of the law that is all-important. All offenders are treated alike, with no special study of the causes which underlie their individual history, condition or needs. There was a time when the sick were treated very much this way. It is not so very long ago that cells and torture, shackles and chains, straight jackets and blows were the means used to subdue and control the insane—sick people suffering from mental and nervous affections. There are in Springfield, Ill., and in Philadelphia, Pa., interesting collections of various kinds of mechanical appliances used even up to recent times in institutions for the insane in those states. Doubtless other states could furnish equally interesting collections, not alone of mechanical restraints for

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<sup>1</sup>Indianapolis, Ind. President American Prison Association.

the insane, but also of instruments used for inflicting punishment on prisoners.

The modern idea, however, is far different, both in regard to the sick and insane and to those others, morally sick, who have violated the criminal laws. We are coming to believe that society is best protected by reforming the criminal if possible. The day is near when every law-breaker will be considered individually, to ascertain his condition and the cause of his criminality. These things understood, men will then know how to proceed with the treatment necessary for his reform. The indeterminate sentence law contemplates the detention of a prisoner for merely such time as is required to fit him to go out and live the right kind of life. Consequently his release depends upon his response to the treatment given. He shall literally work out his own salvation.

A hundred years ago our prisons received all classes of law violators—the young and the old, men and women, the first offender and the recidivist. While to some the march of time and its improvements appear slow; yet when we compare present conditions with those of a century ago, when we realize the change in sentiment, we must feel gratified. It was but half a century from the establishment of the House of Refuge on Randall's Island to the beginning of the New York reformatory at Elmira. Within that time throughout most of our land young offenders were separated from the old and placed in institutions for juvenile delinquents. A beginning has been made in the establishment of separate state prisons for women, the first of such being the Indiana woman's prison, at Indianapolis, authorized by law May 13, 1869, and opened for the reception of inmates October 4, 1873. In Massachusetts the act was passed in 1874. The prison was formally established October 30, 1877.<sup>2</sup> In a number of states young men, first offenders, have been separated from confirmed criminals and placed in reformatories, while New York has established similar institutions for young women.

The various peoples have not all moved together in the progress of the human family. The old stone age, the new stone age, savagery, semi-barbarism and civilization indicate culture stages in the development of the race. Our state prisons have a similar history. One after another has taken up the better way. In some states there has been rapid progress; in others little, or none at all. Some-

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<sup>2</sup>"An Account of the Prisons of Massachusetts." Frederick G. Pettigrove, 1904, p. 31.

where in this land of ours can be found practically all the stages of prison conditions that have existed in the United States within the past hundred years. Many states have wisely made provision for after-care of the paroled prisoner and practically all extend aid to discharged prisoners (and some to paroled prisoners) in the way of clothing, transportation and a small amount of money. Numerous private associations have also been organized for the purpose of befriending ex-convicts. For the most part these organizations are maintained by voluntary contributions, though a few receive some public aid. There are known to us twenty-four of these private organizations, having headquarters respectively in twenty different states. Many of them, however, extend their activities over a much wider territory, notably the Volunteers of America, the Central Howard Association, the Salvation Army, and the Society for the Friendless.<sup>3</sup>

While a state parole officer's work is usually restricted to supervision of paroled prisoners, the work of private organizations takes on many other phases, such as supplementing the institution's efforts at reformation; aiding destitute families during the enforced absence of their breadwinners; maintaining institutions in which the convict is given temporary shelter on his release from prison; arousing public interest; urging the enactment of prison reform laws. Not all societies undertake all these lines of activity. There is a difference of opinion as to the value of certain of them, particularly the maintenance of institutions. It may be said of all, however, that in their respective localities they have either been the leading spirit in reform movements or have joined heartily in their efforts, and much credit is due them for what they have accomplished.

The Pennsylvania Prison Society has the longest history. It was first organized in 1776. Other eastern organizations which have done excellent service are the Prison Association of New York and the Massachusetts Society for Aiding Discharged Convicts, the Connecticut Prison Association and the Maryland Prisoners' Aid Association. In the West, the Society for the Friendless of Kansas City, and its various branches, and the Central Howard Association of Chicago have been very active.

It is not practicable to name all individuals who have done good work, but special mention should be made of Mrs. Maud Ballington Booth, of the Volunteers of America, New York. She began prison work at Sing Sing prison in 1886. For the moral and spir-

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<sup>3</sup>Proceedings National Prison Association, 1907. p. 141.

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itual uplift of prisoners she organized the Volunteers' Prison League. Its members, 60,000 of whom have been enrolled since the inception of the work, are to be found in twenty-one state and two Federal prisons, located in eighteen different states. She has opened "Hope Halls" in New York, Illinois, Iowa and Ohio, to which men may go on their discharge and receive necessary help and encouragement. Since the opening of the two homes which have been longest established, those in New York and Illinois, over 8,000 men have been received and given a new chance in life, and Mrs. Booth has expressed her belief that 75 per cent of these lived honest and upright lives afterward. Considerable is also done for women prisoners. Mrs. Booth believes firmly in the indeterminate sentence and parole law.

Good work is also being done by the Salvation Army. It reports having prayed with and advised 55,564 prisoners and having assisted 5,183 on discharge in the year 1908. The D'Arcambal Home of Industry, Detroit, has for years done a noble work.

The so-called "indeterminate sentence" law is in effect in many of the states. The indeterminate sentence is not a new thing in this country. It is the extension to adults of a principle which has been applied here to delinquent children since the early part of the last century. The first separate institution for juvenile offenders was the New York House of Refuge, now on Randall's Island, established in 1824.

While a hundred years ago some of our states wrote into their constitutions that the penal code should be founded upon the principles of reformation and not of vindictive justice, it took us more than three-quarters of a century to learn the meaning and enact the law.<sup>4</sup>

New York was the first state to establish a reformatory under the indeterminate sentence law.<sup>5</sup> The following states now have reformatories operating under the indeterminate sentence and parole system: Colorado, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, New Jersey, New York (Elmira and Napanoch for men and Bedford and Albion for women), Ohio, Pennsylvania, Washington and Wisconsin.

In some states the indeterminate sentence applies also to the state prison. This is true in Indiana (state prison and woman's

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<sup>4</sup>Indiana Constitution, 1816, art. IX, sec. 4. Also Law 1897.

<sup>5</sup>Authorized by law, 1869; opened in July, 1876.

prison), Iowa, Massachusetts, Michigan (state prison), New Hampshire, New Mexico Territory (since July, 1909), and Washington.

Prisoners are committed to state prisons under either definite or indeterminate sentences in Arizona Territory and states of Connecticut, Illinois (Joliet and Menard), Kansas, Michigan (state house of correction and branch prison), Minnesota, New York (Auburn, Sing Sing and Clinton), North Dakota, Oregon, Pennsylvania (Eastern and Western penitentiaries), Vermont, West Virginia and Wyoming.

Those imprisoned under the indeterminate sentence are usually released upon parole, although the more refractory and confirmed criminals may be detained until they have served the maximum limit prescribed by statute for the offense. Who should be paroled? Those who by their ability to keep the rules inside the prison give evidence of their ability to keep the law on the outside; who have by their life gained the confidence of the management and whose release is not contrary to the public sense in the locality from which they came. Such prisoners may be released under supervision to test their ability to live as law-abiding citizens. While on parole they must report monthly to the institution, stating how they have spent their time and money. All of this must be certified to by the employer.

The length of time which the state maintains supervision over a paroled man has more or less to do with his success. There is considerable variation in this particular. In some cases it is a fixed time—for example, six months in the Elmira Reformatory, seven months in the Pennsylvania reformatory, nine months in the Illinois reformatory. Again, the law governing the institution requires supervision until the expiration of the maximum sentence, as in the Massachusetts reformatory at Concord, the New York Reformatories for Women at Bedford and Albion. As a rule, however, a prisoner paroled under the indeterminate sentence law is given final discharge after about one year's trial under supervision. Generally the paroled prisoners are given by the state needed clothing, transportation and some cash to assist them until they earn something for their own support.

In attempting to estimate the results of the indeterminate sentence law we naturally think first of the paroled men who have been able to keep the law. But the effect of the system is shown in other ways. Public interest has been awakened, public sentiment has been developed and the result is more humane considera-

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tion for the unfortunate and the offender. Special interest has been shown by the church, by colleges and universities, and by various organizations and clubs.

Another result is to be observed in the deterrent effect of the indeterminate sentence. While the first offender may be released at the end of the minimum sentence, the average time of imprisonment is lengthened. The law has resulted in extending the time of imprisonment of confirmed criminals. Those who formerly compromised with the officials by pleading guilty to a minor offense and received a short sentence now are given an indeterminate sentence, and if their full history is known, the probability is that they will serve the entire maximum sentence prescribed by law for the offense of which they are convicted. We find that when such persons are released from prison they do not want a railroad ticket to the place from which they were sentenced; they want transportation to some place without the state and generally leave expressing strong feelings against the law and avowing their intention of not being caught again in a state which has such a system.

The methods followed by the various states in the release and after-care of prisoners are set forth in detail in the following statements, which have been compiled from information furnished by the authorities of penal and correctional institutions. I am much indebted to these officials for the assistance thus rendered.

Endeavor has been made to gather herein accurate data from each institution in which the indeterminate sentence law is in force. From what has been secured it is possible to obtain a fuller statement than has yet been made, concerning the results of the law.<sup>6</sup>

Indiana.—The indeterminate sentence law applies to the Indiana reformatory, Jeffersonville, the state prison, Michigan City, and the woman's prison, Indianapolis. The board of trustees of each institution grants paroles. The governor may at his own discretion grant paroles or pardons. Prisoners appear before the parole board in their own behalf, but are not allowed to have attorneys. Each institution has one or more agents who find employment for paroled prisoners and visit them frequently during the paroled period, which is usually one year, but may be longer. Paroled women receive a complete outfit of clothes and transpor-

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<sup>6</sup>See Report of Committee on Discharged Prisoners. Proceedings National Prison Association, 1902, p. 282.

[“Because of limited space it has been found necessary to omit these statements from this article, except for the writer's home state, Indiana. The full text will appear in the souvenir volume of the International Prison Congress.—EDITORS.”]

tation; men, a suit of clothes, \$5.00 in cash and transportation. Prisoners not given a parole must serve the full maximum time prescribed by law for the offense committed. Discharged women are sent to their own home or one which has been found for them by the institution. They are given a complete outfit of clothing and an effort is made to find work for them. Discharged men are given a suit of clothes, \$10.00 cash and transportation and are released at the railroad station. The state makes no provision for further care. Some effort is made by the state prison authorities to find work for discharged prisoners, if they desire it. The Rescue Mission, Indianapolis, extends some aid.

In the twelve and one-half years ending September 30, 1909, 4,893 men were paroled from the Indiana reformatory and the Indiana state prison. Between April 1, 1900, and November 30, 1909, 160 women were paroled from the Indiana woman's prison. All of these were released upon conditions which impose honest, law-abiding lives for a period of at least one year each. During the term of their parole they were visited from time to time by the state agents and they were required to make regular written reports. The following tabulation contains the record of each of the three institutions named:

	Reform- atory.	State Prison.	Woman's Prison.	Total.
Received final discharge.....	1,576	1,025	79	2,680
Sentence expired during parole period.....	272	125	22	419
Returned for violation of parole.....	422	299	25	746
Delinquent and at large.....	432	126	22	580
Died .....	58	32	3	93
Reporting .....	339	187	9	535
<b>Total paroled .....</b>	<b>3,099</b>	<b>1,794</b>	<b>160</b>	<b>5,053</b>
Percentage of unsatisfactory cases.....	27.5	23.6	29.3	26.2
Earnings .....	\$821,488.89	\$484,858.23	*\$1,305,347.12	
Expenses .....	710,024.62	356,717.62	* 1,066,742.24	
Savings .....	\$101,464.27	\$128,140.61	*\$ 239,604.88	

\*Totals of Reformatory and State Prison.

In conclusion the following observations are made:

There are two forms of sentence: (1) indeterminate; (2) definite. Prisoners are as a rule (1) paroled—released conditionally under supervision—or (2) unconditionally discharged.

The fruit of the prison is in the men and women it turns out. Is the fruit good or bad? How many can be returned to self-supporting, law-abiding life? A prison or reformatory may be clean,



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well-organized, well-administered, and show well, yet it may do little in preparing its inmates to kee pout of prison hereafter. That is the fruit of such an institution. Fruit is what we want.

Why should we help the discharged prisoner? Not because he is a criminal and has been a prisoner, but because he is a man and needs help. That is the unselfish reason. Proper after-care of the discharged prisoner is right for the protection of society. That is the selfish reason.

In some of our states where statistics have been kept, they show that from seventy-five to eighty per cent of the prisoners had no trade when convicted. How is it when they are released? If in the prison they are taught industry, self-control, sobriety and acquisitiveness, there is some hope for our efforts.

While the men and women who are discharged from our prisons should be aided, what is done for them should be to help them to help themselves. As a rule, they should be helped by giving them work. Employment and personal friendship are the things most needed. Valuable hints may be had from charity organization society methods. Their motto, "Not alms, but a friend," is one fitting for this work.

Why is it that more has not been attempted to aid prisoners? Because the public lacks information and the people are indifferent. We must educate the public. It needs to know the facts. Mrs. Booth is doing a great work in this special field. Prison Sunday should be utilized all over our land to bring the facts to the public. The greatest work that can be done for the discharged prisoner is the education of the people.