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INDETERMINATE SENTENCE; RELEASE ON PAROLE AND PARDON

(REPORT OF THE INSTITUTE COMMITTEE)

EDWARD LINDSEY, Chairman.

There has been no further extension of the indeterminate sentence principal during the past year. None of the legislatures which met this year passed any provisions on the subject. In Maryland the constitutional amendment authorizing legislation on the subject of indeterminate sentence which was submitted to the voters at the election last November was carried but the Legislature did not exercise the authority so granted by passing any act at this year's session.

On the other hand there has been some further extension of the parole system. In Kentucky the Parole Act of 1914 was amended by Act of 1916 so as to extend the benefits of parole, which had previously been provided for those having received indeterminate sentences to all inmates of penal institutions confined under flat sentences. The Act provides that after any prisoner has been confined in one of the penal institutions of the state for at least half of the sentence imposed upon him he may apply for a parole to the Board of Prison Commissioners, except that persons sentenced for sixteen years or longer or for life cannot so apply until they have been confined eight years. It is made the duty of the Board to ascertain the conduct of the applicant during the time he has been confined and (except in the case of prisoners under sixteen and female prisoners) whether the applicant has a contract for employment for at least six months after parole at a compensation sufficient to render him self-supporting. The Act further provides: "After said Board has ascertained the facts mentioned above and the prisoner's previous life as to probity or criminality and as to the indications of his purpose to reform they shall consider said application and shall have full discretion or power to refuse the same, but if they wish to have the parole granted they shall make a brief report in writing to the Governor, stating the facts mentioned in this section, together with the reasons in favor of granting the application

for parole and if the Governor then approve the granting of the parole by his signature thereto, said parole shall be granted and the certificate thereof with the Governor's signature attached thereto shall be given to said prisoner."

In Massachusetts, by Act of May 20, 1916, the board of prison commissioners and the separate boards of parole for the state prison, the Massachusetts reformatory and the reformatory for women were abolished and a Bureau of Prisons established, to consist of a director of prisons, not more than two deputies, an advisory prison board of five members of whom three shall be men and two shall be women and a board of parole of three members. All the rights, powers and duties conferred on the separate boards of parole are transferred to the new board of parole. The members of the board shall each receive a salary of Twelve hundred dollars a year and actual expenses.

Maryland, by Chapter 556 of the Laws of 1916, provides for a state Board of Prison Control to consist of three members, to be appointed by the Governor, which board is to succeed to and take over all the rights, powers and duties vested in the Directors of the Maryland Penitentiary and the Board of Managers of the Maryland house of Correction and shall have full power and control over the said institutions. The board is directed to establish and maintain a system of labor for prisoners to supercede the present system of contract labor, "as soon as it shall deem the same expedient and proper."

In New York the Parole Act of 1909 relating to persons sentenced for a definite term with the addition of 1910 relating to those under indeterminate sentence continues in force unchanged. It may be of interest to note that under the parole Acts in New York there were released on parole during the period from October 1, 1901 to October 1, 1915, 7785 prisoners. During that period the number declared delinquent because of violations of parole was 1704. There are now under parole 1584 prisoners.

In general we may say that the system of release on parole or probation continues to be extended and improved and seems by general opinion to be productive of beneficial results. The parole system can be applied to definite as well as indeterminate sentence by the expedient of conditional liberation after serving a certain portion of the sentence and is increasingly so applied. There seems to be less interest manifested as to whether the original sentence shall be determinate or indeterminate and more attention paid to perfecting the

parole system and the machinery of its administration as manifested in the Acts reorganizing boards of parole, prison boards, etc.

The complete membership of the Committee is as follows:

Edward Lindsey, Warren, Pa., Chairman.

Frank L. Randall, State House, Boston.

Edwin M. Abbott, Land Title Bldg., Philadelphia.