

Fall 1932

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### Recommended Citation

L. W. Kolakoski, T. W. Broecker, Pennsylvania Parole System in Operation, 23 *Am. Inst. Crim. L. & Criminology* 427 (1932-1933)

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## THE PENNSYLVANIA PAROLE SYSTEM IN OPERATION

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L. W. KOLAKOSKI and T. W. BROECKER<sup>1</sup>

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Recent events in this country have focused the attention of all thoughtful persons on the growing problem of criminal control. Alarmists have voiced the thought that it is no longer a question of social control of the criminal, but that the criminal has actually gained the upper hand and is in control of the rest of society. However, even conservative observers must recognize that our social situation is a crucial one and that intelligent, well-planned steps must be taken to get it in hand, if dire consequences are to be avoided.

In view of these facts every portion of the social machinery is being scrutinized with regard to the part it is playing in helping to solve this urgent problem. One part of mechanism of social control which is still rather young and untested is the parole system, which, as a more intelligent means of discharging prisoners from their penal servitude than the old method of absolute release, is looked to for a large contribution toward the solution of the crime problem. In order to give a brief picture of what is being done in this direction in the State of Pennsylvania, we propose, in the present paper to set forth a brief survey of the Pennsylvania parole system.

It is true that the idea of parole is not new in Pennsylvania. The basic and original parole law of this state was passed by the legislature in the year 1909, and gave the boards of trustees of Pennsylvania prisons the authority to release on parole those prisoners who had completed their minimum sentences, requiring that both a minimum and a maximum sentence be meted out. In sentences passed under this law, the minimum was to be the minimum penalty prescribed by law for each offense; but in case the law fixed no minimum term, such term was to be determined by the court passing sentence, and could not be more than one-fourth the maximum term. This condition of affairs was altered by the passage of Act No. 812, approved June 19, 1911. One of the chief points of this act was the elimination of the provision that the minimum term might not exceed one-quarter the maximum term. Under the regulations thus provided, those judges who were opposed to a parole policy were enabled to affix sentences

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whose minimum terms were only very slightly shorter than their maximum terms. In reality, this was a serious step backward for the parole movement in the state. However, the passage of Act No. 340 by the Legislature in 1913 gave some encouragement to those interested in parole. This act provided that all prisoners sentenced prior to July 1, 1911, should be eligible for parole upon the expiration of one-third the sentence imposed upon them. However, in 1923, this situation was altered by the passage of the Ludlow Act, which provided that the minimum sentence might not exceed half the maximum sentence, though it might be less than half the longer period. In 1931 an act was passed which made the Ludlow Act retroactive, so that all of those men sentenced since 1911 were made eligible to share in its provisions.

The great handicap of the parole system under the above arrangement was the total lack of any adequate means of supervising those men who had been released on parole. Provisions had been made for releasing men conditionally from our prisons, but no provision whatever had been made for maintaining adequate supervision over them after release, to see that they lived up to the conditions of their agreement. The whole burden of this work was thrown on the Parole Director of each institution, with a hopelessly inadequate staff, so that, though a valiant effort was made to do everything that was necessary, it was impossible to do the job with the thoroughness which was needed. The only regular check on a parolee was provided by a formal report which he was required to mail to the prison each month. If parolees became so neglectful of their parole obligations as to find themselves in the courts, the prison authorities were notified by the various criminal identification bureaus, but many who were failing utterly to fulfill their obligations did manage to keep out of the courts, and so contrived to remain at liberty.

The other phase of a well-rounded parole system, that of assisting those parolees who are really anxious to re-establish themselves in the social life of the community, was also perforce neglected, so that a parolee was left entirely to shift for himself, without the possibility of reaching for the friendly aid of an official organization interested as much in giving him a kindly lift when needed, as in laying a restraining hand on him in moments of danger. Most of those interested felt that such aid should be available to parolees needing it.

#### *Present Pennsylvania System*

Various plans were proposed to correct the shortcomings of the old parole system, but these were without effect, as the Legislature

could not be brought to act on this important question until the session of 1929, when the efforts to establish a more effective method of parole supervision were crystallized in legislative action.

Three acts were passed by the Pennsylvania Legislature and approved by the Governor, May 1, 1929. The principal one of these, Act No. 416, vests in the Pennsylvania Board of Pardons the authority to supervise all inmates paroled from any state penitentiary and from the Pennsylvania Industrial School at Huntingdon, Penna. The Board of Pardons, in this act, is provided with a staff for carrying on the work of supervision. The responsibility for the appointment of this staff is placed upon the Attorney-General, and the staff so appointed comes under the governance of the Department of Justice, but is assigned to the Board of Pardons for the purpose of carrying on the work of parole supervision.

The Board of Pardons consists of the Lieutenant Governor, the Secretary of the Commonwealth, the Attorney General, and the Secretary of Internal Affairs. This body was created by the Pennsylvania Constitution of 1874, which provided that the Governor of the commonwealth should have power to remit fines and forfeitures, grant reprieves, commutations of sentence and pardons, upon the recommendation of the above-named group of men. This body is not designated in the constitution as the "Board of Pardons," but this name has come to be applied to it through the years since the adoption of the Constitution in 1874.

Act No. 416, referred to above, outlines the following duties and powers for the Board of Pardons in connection with its parole supervision work:

1. The establishment of standards for the selection of parole officers and for their guidance.

2. Preparation of case history outlines, to be filled in for each parolee to be supervised.

3. Co-ordination of pardon and parole work in the state.

4. Study and the making of recommendations for the improvement of the parole system of the state, including the selection of prisoners to be paroled.

5. Furnishing of reports on parole status of prisoners to the officials of the penal institutions and also information regarding proposed employers of paroled prisoners.

6. Assignment of parole officers to duty in the state, by geographical districts to be determined by the Board.

7. Co-operation with police officers to duty in the state, by

furnishing information concerning parolees who have violated parole.

8. Making of pre-parole investigations at the request of the various Boards of Trustees.

The other two acts mentioned above, along with others more recently passed, are in the nature of enabling acts, providing for the issuance of warrants, power of arrest, authority over commuted cases, and the provision that a parolee returned from parole by the Board of Pardons shall be entitled to a hearing by the Board of Trustees of the institution from which he was released.

An appropriation of \$70,000 to cover the expenses of an initial two-year organization period was made for the purpose of giving the new system a start.

For some time following the creation of the new parole supervision system under the Board of Pardons, the work lay dormant, as no appointments were made of any officials to carry out the organization of the new service. The Philadelphia Criminal Justice Association outlined a plan very much along the lines actually followed in the organization of the state service.

The first definite move toward putting the parole supervision machinery into operation was the appointment of a State Supervisor of parole. Since the organization of the new system involved the co-ordination of the supervision of the parolees of three different institutions, it was necessary to choose a man familiar with the parole procedure as already organized in the state. The choice of the Attorney-General for this important post fell upon Mr. Courtland Butler, Parole Director of the Eastern State Penitentiary, at Philadelphia. Mr. Butler left the Eastern Penitentiary staff after an association of over twenty years to take his new office June 15, 1930. To assist him in his work he took with him another member of the Eastern Penitentiary staff, Mr. Joseph F. Ursenbach, whose official connection with prison work had been as long as his own.

Mr. Butler and Mr. Ursenbach were occupied from June 15, until autumn, planning the details of the new organization. The parole supervision methods of several other states were studied in an effort to select their best characteristics for incorporation in the Pennsylvania plan. The work of the State of Illinois along this line received special attention, by Mr. Butler who studied it in actual operation at Chicago.

The plan finally decided upon consists primarily of two phases. One of these constitutes a set of reports submitted by the parolee at

stated intervals, and the other consists of reports made by field agents from time to time on the condition of the parolee as he finds it.

### *Parolee's Reports*

The first report required of a parolee is submitted on a printed form called the "Arrival Notice". This form is furnished the parolee before his release from prison. It must be mailed to the district office to which the parolee reports within forty-eight hours of his arrival at his place of residence. This form gives the time of arrival of the parolee at home, his exact residence address, and requires the countersignature of either his employer or his parole sponsor. At the time of release from prison the parolee receives along with his arrival report another form on which to make his first monthly report. This form provides blank spaces which are to be filled in with information identifying the parolee to whom it belongs, the date it is submitted, a statement as to whether the parolee has been employed, by whom, and for how long a period, savings, and the signature and exact address of the parolee. This report also requires the countersignature of the parolee's employer or of his parole sponsor. With his monthly report, the parolee submits a receipt card on which a notation is made each time a regular report is received. This receipt card is then returned to the parolee with a new report blank to be used in making his report for the following month. Monthly reports are due in the district office on the same date of the month as the date on which the parolee was released from prison.

As soon as the monthly report of the parolee is received at the district office to which he reports, it is credited on the records of that parolee's case, and then forwarded to Headquarters office at Harrisburg.

### *Work of the Field Agent*

The chief portion of parole supervision, however, falls to the part of the field agent. Each parolee living within the district is assigned to the care of a field agent. It is the duty of the field agent to make at least one call per month on each parolee, which provides occasion for routine inquiry into the parolee's welfare and his conduct. At such times any personal problem confronting a parolee may be discussed with the field agent and any outcropping of anti-social conduct on the part of the parolee may be checked. Frequently this phase of the work leads to the discovery of conditions of illness or destitution which can be met only with

the co-operation of the social agencies of the community. Where situations requiring medical, financial, or housing relief are discovered, these are referred to the existing social agencies in the community. Valuable co-operation has been received from social relief and housing agencies, and from government bureaus. Needy cases are referred to these organizations and a check is then made to determine the extent and nature of the relief given. In addition, all cases residing in counties having social service exchanges are cleared through these exchanges to learn what social agencies have had previous contact with the cases. As no relief funds are furnished by the Commonwealth, the aid of these charitable bodies is indispensable to our work.

Field agents in charge of cases are also assigned to the investigation of arrests of parolees and of complaints against their conduct, as well as making pre-parole investigations when these are requested by the authorities of the various penal institutions of the state.

This, briefly, is the plan of the work of the parole supervision force, as developed from the original outline of organization, and the experience of approximately a year and a half.

#### ORGANIZATION OF DISTRICTS

To inaugurate the work, two districts were organized and began work October 1, 1930. District No. 1, with headquarters at Philadelphia, included the counties of Philadelphia, Chester, Bucks, Montgomery, and Delaware. District No. 2, with headquarters at Pittsburgh, included the counties of Allegheny, Beaver, Washington, Green, Westmoreland, and Fayette. The Philadelphia office was staffed with a Senior Field Agent and five Junior Agents, while the Pittsburgh office was assigned a Senior and four Juniors. As only those parolees released subsequently to May 1, 1929 were to be supervised, the case load was at first only moderately heavy, though it has been steadily mounting since that time.

At the outset of the work, one of the problems of primary importance was the selection of a competent staff to carry out the intricate task of attempting to rehabilitate the social outcasts released from penal institutions. Fortunately it was possible to disregard the influence of politics in the selection of staff members, as both the Attorney-General and the personnel of the Board of Pardons felt that the responsibility involved was too great to make the appointments at all along political lines. Practical politics had no bearing on the selection of the agents. It is much to the credit of the above

officials that this attitude toward the parole supervising organization and its work still persists. It is fully recognized that the standard of work done by an agency such as this depends, in the last analysis, on the competence and integrity of the men in the field.

The work of the two initial districts following their establishment in October of 1930, formed the basis of an appeal to the Legislature in 1931 to appropriate \$245,000 for the next biennium, during which the scope of the work was to be broadened to cover the entire state. At the present writing six districts have been established, the headquarters of District No. 3 being at York, of No. 4, at Wilkes-Barre, of No. 5, at Bellefonte, and of No. 6 at Erie. These six districts comprise the entire state set-up for parole supervision.

### FUNDAMENTAL CONSIDERATIONS

Parole supervision is a highly idealized type of work. It takes for its objective the rehabilitation or readjustment of social misfits, so that they may fill a harmless, and possibly useful place in society. To attain this objective, it is well to be guided by a fundamental philosophy, so as not to stray aimlessly. Such a guiding philosophy has never been formally presented for the Pennsylvania Parole Service, but the fundamental principles of such a philosophy have been developed through practice.

Our chief criterion is the safety and security of the community. We consider it our primary duty to protect our society, as far as possible, from the depredations of those of its members who would seek to satisfy their own desires or ambitions at the expense of the well-being or happiness of their neighbors. However, we believe further that the best approaches to this end are through the individualized treatment of offenders against society and through improved social organization. However, from the nature of the task assigned us, it is necessary to confine our activities to the treatment of individual offenders.

The individualized treatment of offenders calls for untiring patience and a large amount of perspicacity in studying their cases. Wherever possible an attempt is made to gain the desired end by the reclamation of the released prisoner, by which process, when it is feasible, he is made a social asset, rather than a liability. However, when the individual happiness of the parolee comes into conflict with the well-being of the general social group, the latter takes precedence, and the former is considered only insofar as this can be done consistently with the broader social considerations.

Thus we consider individual welfare as long as we can do so without social danger, but when a parolee's liberty threatens harm to anyone else, we feel he should be eliminated from the social scene.

## DISADVANTAGES UNDER WHICH THE PENNSYLVANIA SYSTEM OPERATES

### Limitations of Administration:

The organization of the Pennsylvania Parole System has been outlined in detail, but in its actual operation there are a number of problems that complicate the supervision of men. The case load now handled by each field agent is 117 cases per man, whereas the standard case load for efficient work recommended by competent case workers is forty cases per agent. But with all other duties except case supervision eliminated, and with adequate automobile transportation available, a load of sixty cases might be handled efficiently. Thus, individual attention that is often urgent cannot be given because of the pressure of routine case work. Furthermore, the question of financial relief in emergency cases is not handled by our department as there are no provisions in our budget for the giving of relief. This problem is usually adequately handled through the co-operation of the local relief agencies, but as the depression has burdened the relief agencies with many more cases than they are equipped to handle, frequently it has been impossible to give men financial assistance. Also housing homeless men without families has been a troublesome task, especially with the negro group. Many of the rural counties have no facilities for handling destitute men. In one case our only recourse was to return the man to prison until suitable housing arrangements could be made.

Finally, the task of obtaining jobs for men, at the present time, presents an obstacle that cannot be removed. Not only is there a scarcity of jobs, but the social attitude against hiring men with prison records, though justified at times, works havoc upon men trying to adjust to society. The problem of employment is further accentuated by the fact that most of the men are unskilled laborers, and some are incapable of holding any kind of position. Nevertheless efforts have been made to obtain employment, and we have met with some slight success.

### Limitations of Environment:

Criminologists recommend that a man be placed in a different environment from the one that nurtured him in a life of crime, so

that new stimuli can effect a change from an anti-social to a social attitude in his behavior. But a man released from an institution with ten dollars in his pocket and no job, with no definite plans for his future, is like a fish out of water. He endeavors to leap right back to his original habitat, if he can possibly do so. All of the friends to whom he can go for assistance live in a certain type of neighborhood; all his associations are formed and fixed; it is almost impossible to coerce him into trying a new stamping ground. The largest number of the parolees are found in the poverty-stricken areas of the cities, sociologically termed the transitional areas. These areas are crowded with speakeasies, gambling joints, and houses of prostitution, and are usually bossed by a local political ward leader.

It is difficult to isolate and measure the effect of the neighborhood on the individual living in it, but the insidious manner in which it operates can be illustrated by an occurrence that was related by one of the field agents. The agent visited the home of a parolee, and was treated to a eulogy of a certain ward boss who had maintained a bread line running for a number of months. He had kept the bread line running for three months and had continued to run it after the Fall elections. The parolee commended him for his generosity to the poor of the community. It is known to everyone that this politician has made his fortune by handling all the protection for gambling joints, speakeasies, and bawdy houses. He is known as the racket king. His word is law. He is boss of every form of racket except actual larceny and indirectly fosters that, for he can put the "fix" in at the local magistrate's court. The ironical aspect of this man's activities is that every one in the community looks upon him as a benefactor and an idol. His generosity in times of depression, his ability to procure employment for his district, and his large expenditures of money for parties, weddings, baptisms, etc., make him the godfather of the community. His influence on the child-mind of society cannot be measured, but is, undoubtedly, one of the forces that create youthful predatory activities and tends to foster flagrant violations of the law.

Another example that is more personal, but equally insidious, was related to the writers by a job-hunting parolee, who had been out of prison for almost a year. For years he had been a successful business man, but the depression had forced him into embezzlement. He was a trained and intelligent worker. He had answered countless advertisements, both for genuine and for pseudo-employment. On a particular day he answered an advertisement published in the local

papers requiring a healthy middle-aged man of neat and cultured appearance, and paying a salary of two hundred dollars a month. Mr. X answered the advertisement, the advertisers checked his references, and then offered him the position. The job required six hours of work per day. His duties were to deliver liquor to the various office buildings in the triangle district of Pittsburgh. The man was afraid to take the position, but stated that he was sorely tempted to do so.

#### Limitations of the Individual:

In this discussion we do not wish to involve ourselves in the problem of heredity versus environment, nor in the one of group versus individual as a concept in social theory. As has already been stated, our task is one of handling individuals. In the handling of these individuals there are certain problems that have balked any effort to adjust certain individuals. For pragmatic reasons, we now group some of these problems as of the individual.

The parolee who has developed a definite psychosis presents a problem which cannot be coped with under ordinary methods of supervision. Not only is there the problem of treating the psychosis, but there is also the difficulty of segregating that individual from the social group. It has been our experience that both institutions for the feeble-minded and for the psychopathic are crowded to capacity; and it is almost impossible to place any but the most violent in an institution. In one case, although the man had committed no crime nor violated the rules of parole in any way, we were forced to send him to prison, as no institution for the psychopathic was willing to accept him on short notice.

Although the problem of the mild psychopath is not a large one, it is a difficult one to deal with. Psychiatrists are fairly capable of diagnosing some of the personality problems, but they are rarely able to give a constructive program for changing behavior through case supervision of men on parole. We are, of course, conscious that the problem psychiatry faces is a stupendous one, and that the therapeutic side of psychiatry is still in its infancy.

As to the much discussed subject of mental deficiency, here we do not have a clear-cut problem. Mental deficiency, while not a sole cause of criminal behavior, is a contributory factor, especially with the criminals who are apprehended. There are, no doubt, intelligent criminals who play successfully within the law, but whose effect on society may be much more devastating than that of the entire

prison population. Thus, if all the anti-social men who commit predatory crimes were lodged in prison, perhaps the distribution of intelligence quotients among the parole population would be the same as the distribution among the population at large. At the present time, as we have largely the dregs of criminal society, the mental level of our parolees is somewhat below that of the general population.

It might also be added that there are no sole causes of crime, and that we do not intend to deal with the subject of causation in this article. An individual who is mentally deficient, if thrown into a complex situation, finds himself unable to compete with other individuals, and frequently blunders into crimes for which he is apprehended. This same individual, reared in a simpler environment, for example on a farm, can become a useful member of the household and a law-abiding unit in the group.

In supervising men on parole, the factor of mental deficiency is not a large one; and it is the opinion of the writers that there is little correlation between the success of men on parole and their intelligence quotients. We have not handled this subject statistically, and present this as an observation, rather than as an established fact.

In our parole work we do not have a complete case history on the individual, which includes an intelligence quotient, based on the Terman revision of the Binet-Simon intelligence test. We use the intelligence quotient for roughly classifying men for placement in various positions. Of course, at the present time, this phase of our work has been greatly limited by the difficulty of finding employment of any type.

But the chief obstacle that prevents effective supervision seems to be the one of habit fixation in the individual. The habit of crime is difficult to break. The recidivist is always a threat to society, even under the closest supervision. This problem is not really one of the organization of the parole system as such, but rather one concerning the habit pattern of the individual that we are handling. Furthermore, institutional treatment under the present system seems only to suspend habits of crime, having very little effect in changing these long-standing patterns of behavior. A part of our inability to cope with this problem is the general lack of knowledge on the subject of motivation and habit changing. The habits formed into hardened anti-social attitudes are easily discerned by case supervision, but the question of how to change these attitudes without removing the individual from the group is still a moot one.

### *Advantages of the Present Pennsylvania System*

Nevertheless, in spite of the many limitations that confront any system of parole supervision, the Pennsylvania system does offer definite and concrete advantages, both to the social group and to the individual on parole.

First of all, it is a financial saving to the state in handling men under its jurisdiction. This is pointed out in a recent article by Dr. W. T. Root, wherein he states the following: "The approximate cost per prisoner per year for the Western Penitentiary at Pittsburgh, including the Rockview Branch in Center County, is \$534. (This includes upkeep and repairs but not new buildings or ultimate replacements.) The per capita cost of parole for the state of Pennsylvania<sup>1</sup> (from figures supplied by Mr. Courtland Butler, supervisor of paroles) is \$34.89."<sup>2</sup>

Institutionalization of many cases is a costly and somewhat ineffective method of handling them. Supervised parole cuts the costs, thus saving the state a considerable sum of money each year.

There is also a saving to the county in court costs and in the costs of prosecution. Men on parole, who are not willing to conform to the dictates of society, can be speedily removed without recourse to the ponderous system of court and criminal prosecution. The action for returning a man for parole violation is decisive and inexpensive.

The possibility for rehabilitation on parole, though it has not been fully tested by means of parole supervision, shows promise of being greater than that of any institutionalizing program so far proposed, provided the parolee's institutional background is of the proper sort. The individual on parole can obtain friendly guidance and counsel in the settling of his personal problems, many of them, though not anti-social, being significant in the rehabilitation of the criminal group. And through the parole system the public can be made aware of its own responsibility for its criminal group.

Finally, the parole system offers a method by which society can evaluate the individual and the institutions handling those individuals in order to arrive at some more scientific and effective way of handling its criminal population.

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<sup>2</sup>Dr. W. T. Root, *The Indeterminate Sentence and Supervised Parole*, Pittsburgh Record, April-May, 1932, Page 26.