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RECOMMENDATIONS FOR LEGISLATIVE REFORM IN PRISON, PAROLE, AND PROBATION

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At the suggestion of Professor Thorsten Sellin, the writer has examined the reports of various commissions and state legislative committees, and of the Osborne Association, to discover, if possible, to what extent, over the twenty-year period, 1913-1932, recommendations by responsible public organizations have been made concerning reform in administration or policy with respect to the probation, imprisonment, and parole of convicted offenders.

Recommendations were accumulated from forty-four different reports. Fourteen of them, made by representatives of the Osborne Association in 1925 and 1928, were adopted in the absence of reports made by state-appointed commissions, to obtain a more representative sampling of the states as a whole. The states studied through the useful medium of these latter reports, and which generally speaking lack information embodied in other reports, are: Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Mississippi, Nebraska, North Dakota, Oklahoma, Oregon.

It is the opinion of the writer that the twenty-six states included in this report are fairly representative of the United States as a whole.

What types of recommendations were most frequently made? Prison reform will be considered first.¹

In nine states² recommendations were made favoring less brutal punishment; in three³ comments were made on abuses in the "trusty" system; and in three reports⁴ it was advocated that positive incentives in the way of additional credits for good conduct should be adopted.

Nine states⁵ were advised to improve their prison personnel

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¹ Prison labor problems, being highly technical and already subject to specialized consideration by experts, are not here included.

² Alabama, Arkansas, Georgia, Maryland, Mississippi, Missouri, Ohio, Texas, and North Dakota.

³ Alabama, Florida, and Ohio.

⁴ Maryland, New York, and Texas.

⁵ Georgia, Illinois, Montana, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Virginia.

by, for example, more careful selection, security of tenure, shorter hours of labor, better pay, increase in number of employees, and the establishment of training courses for employees.

The reports on six states⁶ referred broadly to the undesirability of overcrowding; thirteen⁷ specifically recommended new physical construction or the improvement of existing structures; and five⁸ called for both. Road camps were severely condemned.

Reports on nine states⁹ recommended the establishment, the elaboration, or the enforcement of provision for the education of prisoners.

Reports of four states¹⁰ recommended the employment of experts as division heads.

Proposals were made in twelve states¹¹ that the administration of the state penal institutions be centralized. Some also referred to the desirability of taking the control of prisons out of politics.

In seven states¹² purely general recommendations were made for the classification, or improved classification, of prisoners. In nine states¹³ reports referred specifically to the desirability of segregating women prisoners, usually in a separate institution. In eight¹⁴ they referred specifically to the segregation or classification of insane or mentally defective criminals. In four¹⁵ they recommended a special classification for the diseased or medically or physically unfit. And in three¹⁶ they called for the segregation of first or juvenile offenders.

Turning now to parole reforms:

Recommendations in nine states¹⁷ proposed some form of indeterminate sentence or legal enactment making possible an earlier

⁶ Alabama, Arizona, Colorado, Illinois, Nebraska, and Oklahoma.

⁷ Alabama, Arizona, Arkansas, Illinois, Maryland, Massachusetts, Missouri, Montana, New York, Ohio, Pennsylvania, Rhode Island, Virginia.

⁸ Florida, Georgia, Missouri, North Dakota, and Oregon.

⁹ Alabama, Arkansas, Florida, Michigan, Mississippi, Missouri, Montana, New York, and Texas.

¹⁰ Illinois, New York, Ohio, and Pennsylvania.

¹¹ Alabama, Georgia, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Texas.

¹² California, Illinois, Maryland, Massachusetts, Michigan, New York, and Ohio.

¹³ Arizona, Colorado, Florida, Maryland, Missouri, Montana, Nebraska, North Dakota, and Virginia.

¹⁴ Colorado, Massachusetts, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island.

¹⁵ Maryland, Missouri, New York, and Ohio.

¹⁶ Missouri, Montana, and Rhode Island.

¹⁷ California, Illinois, Maryland, Minnesota, Missouri, New York, Ohio, Pennsylvania, and Texas.

or later release from prison than the sentence period prescribed by the courts.

In New York and Ohio it was proposed that the supervision of parole officers be centralized. In Illinois it was recommended that the parole board be removed from politics and that the members of the board should consist of persons well versed in penal problems.

In five states¹⁸ the establishment of a parole board or the improvement of the organization of the existing parole board was recommended.

In five states¹⁹ extension of the functions, powers, personnel, or funds of the parole board was proposed.

In Illinois and New York the commissioners advocated a more adequate system of parole records.

In Minnesota, Montana, and Ohio it was recommended that the pardoning function be limited and controlled.

And turning finally to probation reforms:

In Illinois, Minnesota, and New York recommendations were made that probation and parole should be combined in one department, and that the functions of probation and parole be carried out equally by the same staff.

In Illinois and Michigan it was further proposed that greater flexibility should be allowed to the courts with respect to probation.

In Michigan, New York, and Minnesota it was recommended that the selection and service requirements of probation officers be made more severe.

In four states²⁰ it was proposed that a special department for the administration of probation be established

The summary of this evidence is especially interesting. For convenience the states in the sample have been divided into four groups: the Mississippi River separates the Eastern from the Western groups; the Northwestern states are separated from the Southwestern by a line running a little north of the fortieth latitude; and the Southwestern states including Mississippi, Alabama, Georgia, Florida, and Virginia, are separated from those of the Northeast by the old Mason-Dixon line. These four groups of states reflect such individual peculiarities as groups that they have been considered almost as separate regions.

The findings follow:

¹⁸ Maryland, New York, North Dakota, Pennsylvania, and Texas.

¹⁹ Michigan, Minnesota, Missouri, New York, and Ohio.

²⁰ Michigan, Minnesota, New York, and Ohio.

1. Most recommendations have been made since 1924.
2. The Northeastern states have had by far the most commissions of inquiry, whereas, for information on the remaining states the writer has had to depend, with few exceptions, almost entirely on the reports of the Osborne Association.

3. The Northeastern states, as might in consequence be expected, have contributed the preponderant share of recommendations. The average number of recommendations recorded per state is 5.5; the Northeastern states average 8.4 each, and the states in each of the remaining regions 4.0 each. Roughly the same relationship holds with respect to the number of recommendations of different types per region. Thus both quantitatively and qualitatively the Northeastern states are far in the lead.

4. The recommendations of the Northeastern states deal in fairly large part with parole (21 per cent) and probation (12 per cent); those of the Northwestern states also deal with these two more recent developments in the treatment of offenders, but in slightly greater degree (parole, 25 per cent; probation, 15 per cent). However, as these latter percentages are attributable almost entirely to the recommendations made in the state of Minnesota—a highly progressive state—it may be assumed that the remaining states in this region show an almost negligible proportion of parole and pardon recommendations. In the Southwestern states some 18 per cent of recommendations relate to parole, but none to probation. And in the Southeastern states parole and probation recommendations are completely overshadowed by prison recommendations.

5. Further analysis, relating to the kinds, as distinct from the number, of recommendations made, throws some light on the immediately preceding observation:

Prison recommendations in the Northeastern states most frequently concerned increased physical construction, centralization of control, and classification. In the Northwestern states physical construction retains first place, together with the need for segregation of women prisoners. In the Southwestern states several problems together receive major consideration: overcrowding and physical construction, the segregation of women and mental cases, education, and incentives. And in the Southeastern states, where education is a major need, the problem of incentives (less brutal treatment, credit marks, etc.) is second only to recommendations for the improvement of the existing physical equipment (with especial refer-

ence to road camps). Evidently the South is in general more immediately concerned with remedying primitive prison conditions and penal concepts by the establishment of substantial prisons, the education of prisoners, and the segregation of special groups of prisoners; whereas the Northern states, having in general passed that stage, are wrestling with problems of improved construction, classification, the coordination and centralization of authority, and with the broader concepts of parole and probation improvement.

Parole recommendations deal predominantly with the desirability of some form of the indeterminate sentence, and, in minor degree, with the extension and control of parole powers.

Probation recommendations (limited almost entirely to the states of Illinois, Michigan, and Minnesota) emphasize the need for a special probation department, and the more extensive use of probation as a form of treatment.

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