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CUSTODIAL ASPECTS OF FEDERAL PAROLE

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Federal parole procedures begin when the sentence is imposed. The first step secures information to show to what community the prisoner belongs and what is known about him and his family. Through this procedure what is known about the family, their means of livelihood, who are their associates, how will they live during their member's imprisonment, who are relatives and friends of the family, are determined. When this information is at hand steps are taken to secure a suitable private or public agency or a reputable lay citizen to serve as "advisor" to the family and be of such help to them as their situation may require. This step provides a useful measure in the constructive program of parole but is also an important step from the point of view of custody.

If the family is well established in the community the prisoner, at his return, will have a reasonably favorable family situation to hold him to the community. The active reputable citizen (one for each parolee) is a community representative who has free access to the official supervisor for such assistance as he may need and to report for a warrant if necessary.

During the incarceration this early information is confirmed; where incomplete it is completed; as the current situation changes the records show the change and the prisoner is kept advised. An educational program deliberately seeks to affect the prisoner's attitude to the end that he will *wish* to live in an acceptable manner. The medical service helps in its way to correct what is correctible, and the social unit uses its facilities not only in the assembly of records but also to search out the factors in the case which are subject to social manipulation. The parole service coordinates the work of these services and those of the community. The record of the case development is kept on a "Calendar" card which later becomes the Supervision Card.

From the custodial point of view all this work gives a clear and complete identification of the prisoner. The detailed information acquired during the institutional period when added to the fingerprint record, and the other records of prosecution, provide the basis

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for securing and maintaining effective contacts during the parole period. When this work is well done all the places and persons with which the parolee has made and in reasonable probability will make contact are known. The conditions of parole take these i. to account and, during parole, these conditions are enforced. The work of the psychologist and psychiatrist provide knowledge to guide the Supervisor of Parole in determining to what extent the parolee may be expected to continue a stable program.

Before a prisoner is transferred from prison to parole supervision the community has been prepared for his return. The contacts with the community have continued during imprisonment. An advisor is selected, investigated and certified. Employment is found and the employer is investigated and certified. The parolee and his family's residence is proved. The results of the institutional study of the prisoner and of his social problems have been analyzed with the prisoner and his family and with the official contacts in the community, and the results of the work are sent to the community in a tentative summary for the community's study, recommendation and return. The plan for parole is prepared and the prisoner is given the final instructions in his preparation for release.

In the month preceding that of transfer to parole the official supervisor in the community receives notice of the day the prisoner will leave the institution. At the same time he receives the approved parole plan (on which he has worked in its preparation) and receives his supply of report blanks which are to serve not only as a report of progress but also as evidence of custody.

On the day the prisoner leaves the institution he is given a certificate of parole which bears the conditions he must observe, in all of which he has been instructed previously. He is given an arrival notice which must be signed by his advisor as soon as he reaches his home. This notice is mailed to the U. S. Probation Officer of the district and is checked against the notice of release received by him from the institution. He, in turn, sends a report form to the advisor for use for the next report. These reports are made routinely once a month but may be required more frequently. They show the contacts which have been made with the parolee.

When the parolee leaves the institution, the proper District Attorney is notified if a question of committed fine remains unsatisfied.

The place to which the prisoner is returned is selected with care. Unless adequate cause and preparation makes a new location desirable and practical in the public interest, the prisoner must go to the place of legal settlement—where the community has a direct claim on him and he on it. In a great majority of cases this is the community from which he was sentenced. While a prisoner who is wanted is not paroled by the Board, such a prisoner must be transferred to parole status at his minimum date. The fact that a local warrant exists against the prisoner will not in itself change this procedure.

Where the wife has divorced the prisoner or plans to do so it is frequently desirable to locate a new residence. The same type of problem exists with the "homeless" prisoner. From the custodial point of view it is important that any change in residence must be preceded by the preparation of the community for the prisoner to live there.

Through this procedure a prisoner goes to a definite place, which has been prepared to receive him. He can not change that place or any other part of his plan unless proper cause is shown and permission formally given by the parole authorities. If parole did not exist, we would still have the old dangerous practice of discharged prisoners going to any community they chose with no prospects ahead of them—except their former associates, and their family in whatever unknown state it may be. The community would have only the normal police forces to protect it.

If the prisoner who is transferred to parole does not conform to the conditions of his parole, a warrant will be issued for him. If he violates a local law a parole warrant will be issued. When a parolee is returned on a parole warrant he must serve the full maximum term originally imposed by the court. He gets credit on this maximum term only for the time he served in prison. Within the limits of the court's sentence the penalties of parole may be invoked on any violator.

If, for example, a prisoner has a two year sentence and is paroled after one year, he violates his parole on the last day of the second year, he must go back to serve a year of imprisonment. If this violation has resulted in his local imprisonment for any length of time, this time must be served and then he must go back to finish the sentence on which he was paroled. Any conviction of a new crime within the parole period results in a parole warrant.

At least for the period made available by the law and the sen-

tence of the court the protection which is afforded to the community through parole is greater than that available to the community where a released prisoner returns when not under parole.

The experience acquired since the introduction of Public 210, 72nd Congress, is providing evidence of the effect of this control. Where it was possible to complete planning with these prisoners, few warrants were necessary. There were some prisoners who refused to report. Warrants were issued and the violators went back to finish their time. Since these violators have been back and the inmates have visible evidence of the penalty for failing to comply with the conditions, there have been less warrants necessary. The trend is established for federal prisoners to conform to the law and to the conditions of parole. The longer this period is to be served in the community, the better is the community's assurance that the prisoner is controlled and aided in living lawfully. This learning he does not, and by reason of the situation can not, acquire in the prison. By providing to the community the contacts secured through the parole procedures the hit or miss manner of protection against potential criminals is replaced by the rational protections afforded through parole. The rate of recidivism, frequently offered to be 50%, is evidently "the gambler's chance." Even with an unselected population this is a reasonable expectation when the "hit or miss" method is followed. Since the criminal population is "selected," a higher per cent recidivism is reasonable if no community plan for contact is made. The fact that 93 out of 100 complete their federal parole without violation is not too high. But there are other factors than effective planning which help to account for this. In the matter of custody one factor is that the habitual criminal does not want parole. He would rather serve his time in prison and be footloose when he is discharged. It is this group above all for whom parole supervision is needed for community protection, and is now provided for Federal prisoners by Pub. 210, 72nd Congress.

The common error which presumes that parole is a form of leniency is probably traceable to the development of parole from the concepts of pardon or clemency. Parole is not any form of clemency. It is distinctly a measure for community protection. The humanitarian aspects of parole do not in any way diminish the value of the custodial provisions. The very nature of the social work done in parole requires contact with the subjects, and this contact is custody. The nature of parole contacts are constructive, they strike

at the voluntary actions of the parolee. The evidence of the fields of learning represented by Education, Psychology, Psychiatry, Mental Hygiene, Social Work, and the Social Sciences in general all point to the fact that surveillance alone, and repression alone, *add* a hazard to the mental, physical, social and economic health of the subject. The fact that parole contacts during custody are socially constructive is not an objection to parole method for custody—rather since these methods are more beneficial to society they are an added value.

Finally, it must be borne in mind that all the protective forces of the community are operating during parole. The parole authorities assist and receive assistance from all the peace officers and other social agencies in the community. Parole coordinates these resources and secures a reputable citizen whose interest is to represent his community in maintaining contact—one citizen for each parolee. With 10,000 prisoners released in the year 10,000 citizens are actively aiding in maintaining contact. To each local community is added the power of the federal government in its control of crime through the resources for investigation and enforcement available to the parole authorities.

While there are some who claim that recidivism is a mark of failure of parole, this is obviously not the fact. Actual prevention of crime must be achieved by the resources normal to all citizens in the community. Parole brings these resources to bear on those in parole custody and compels parolees to observe the requirements of the community and the parole authorities. It should be charged only with its failures during the parole period. Where the local resources are deficient or defective, it is difficult, within the limits of time fixed by the sentence, to make it certain that the community resources are in full control. While it is theoretically desirable that parole should terminate only when it is certain that the individual will never again commit a crime, this theory rests on an assumption, as yet unproved, and obviously false, that all criminals are completely changed into upright citizens by a day in court and a time in prison.

True protection lies in the interest of the citizens. No separate agency can promise to provide it. By its promotion of citizens' interest and its careful coordination of resources of the community aided by the efforts of the institution, parole adds to its own values the interest of an increasing army of citizens to serve in the protection of their community. By this practice parole alleviates the

“shock” to prisoners and community which has occurred when preparation has not been made for release. It is necessary to avoid such a “shock” at the termination of parole.

Through this cooperative procedure the custodial power of the parole authorities and of the community are joined until the sentence ends. Through this cooperative work the powers of the community to control the parolee, to the degree necessary, have been developed so that when the parole authority terminates the community’s resources will suffice—or be so well advised of the impossibilities in the case that such steps as it needs to take in its own interest can be taken.

Parole does not presume to claim for itself that it prevents crime. Only the entire community working together can do this. Parole should not be charged with the failure of the entire community. It does claim to take precautions that the released prisoner shall not again become a criminal, and within the limits of the time allotted to it, supplements the work of the community in crime prevention by adding knowledge, supervision, and penal control of the forces which are native to the community itself.