

1921

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### Recommended Citation

John L. Whitman, Illinois Parole Law Method and Results of Administration, 11 J. Am. Inst. Crim. L. & Criminology 375 (May 1920 to February 1921)

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# ILLINOIS PAROLE LAW: METHOD AND RESULTS OF ADMINISTRATION<sup>1</sup>

JOHN L. WHITMAN<sup>2</sup>

In Illinois, the Civil Administrative Code, which brought into being the Department of Public Welfare, July 1st, 1917, makes it possible, for the first time in the history of that state, a real and effective co-operation between the prison management and the administration of the parole law—without which co-operation the best results could not obtain.

The Division of Prisons, and the Division of Pardons and Paroles, each a part of the Department of Public Welfare, I am pleased to be able to say, work in hearty accord, and to the same end, as evidence of which better results in the administration of the parole law are obtained each year; and the policies of the Division of Prisons in dealing with prisoners are being recognized by the Division of Pardons and Paroles in the following procedure, as a necessary course for the preparation for parole:

1. Study of mental, physical, and social characteristics of prisoners.
2. Classification, according to needs and abilities of individual prisoners.
3. Operation of a progressive merit system working toward freedom.

The progressive merit system, being a thing that is entirely visible to the prisoners, serves to maintain discipline and promote industry, as well as to fit the prisoners for successful careers in after life; and provides that they pass through the following stages while in preparation for freedom:

- (a) Confinement within the prison, and subjection to all the prison rules, with very little, if any personal responsibility.
- (b) Increasing opportunity to merit more confidence on the part of prison authorities, by strict application to industry and adherence to prison regulations.
- (c) Positions of trust within the prison walls.

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<sup>1</sup>Read at the Annual Meeting of the American Institute of Criminal Law and Criminology, Indianapolis, September 17, 1920.

<sup>2</sup>State of Illinois, Superintendent of Prisons.

- (d) Life in "cottages" outside the prison walls; but under supervision of the prison officials.
- (e) Work on the prison farm, without guards.
- (f) Parole.
- (g) Freedom.

Under this plan, more importance is attached to character building than to the mere serving of time—or, in other words, the plan is, when carried out, in reality a course of preparation for parole and ultimate freedom, which can reasonably be expected to develop the qualifications necessary to good citizenship.

The Division of Pardons and Paroles is guided by the progress made under the merit system in fixing the date when the case of a prisoner will be considered. Then the nature of the charge, the previous history, and the prisoner's mental attitude, as well as the progress made under the merit system, are an aid to the Division of Pardons and Paroles in concluding upon the length of time it will take to complete the course of preparation and at the same time be a punishment, by way of confinement in prison, that will be commensurate with the crime committed.

The principles and provisions of the progressive merit system are, in each of the penal institutions of the state, carried out by a staff, which is composed of the warden, his assistant, the physician, psychiatrist, psychologist, and at least two of the subordinate prison officials who are in personal contact with the prisoners constantly, and have intimate knowledge of their natural inclinations and habits.

This staff meets daily, and their deliberations and conclusions are minutely recorded by a secretary. It considers cases and interviews prisoners at regular intervals, as progress or lack of progress is shown, as well as new cases.

Thus, there are (or there should be) no misunderstandings between the prisoners and the staff. Each prisoner is told just what he may or may not do; what is expected of him; and what he must learn before freedom is given him, through the operation, in his case, of the parole law.

While the law does not permit of a parole in any case until the minimum sentence of at least one year shall have been served; yet during all that year the staff is studying the individual—really gathering and recording valuable information, which, upon being furnished to the Division of Pardons and Paroles, enables it to pass intelligently upon the case, and determine, with a reasonable amount of assurance,

whether or not the prisoner is apt to become a fit subject for parole, and if so, how long a course of training should be given him.

Immediately upon commitment of a convicted person, he or she is thoroughly examined by the physician, psychiatrist, and the psychologist, each of whom prepares a report of his findings, which they submit for the consideration of the staff—of which they are a part. With this information before it, the staff, without delay, calls the prisoner into conference, at which time the progressive merit system is fully explained, and the prisoner's ability along industrial lines is considered. His mental and physical qualifications are taken into consideration, and a "work-program" is decided upon, which, in the judgment of the staff, will help him to assume a better mental attitude (if that is needed); and then, possibly, the individual attention the staff will give him later on will result in or be the means of giving to the prisoner a more correct viewpoint of life than he had entertained before. The progressive merit system also provides that progress, or lack of progress along these lines shall be recorded for the benefit of the Division of Pardons and Paroles.

Prisoners are divided into five grades: "A," "B," "C," "D," and "E." Upon commitment, each prisoner is assigned to grade "C," and is eligible for promotion into grade "B" after a period of three months. Each prisoner must show steady progress in grade "B" for three months before advancement into grade "A," then progress must continue for three months before they become eligible for a hearing before the Division of Pardons and Paroles.

The basis of markings in "workmanship" includes: sincerity of effort to produce results, as well as the amount and character of work produced.

The basis of markings in "behavior" includes not only the gradings of the keeper, but staff judgment—after considering the mental and physical capabilities of the prisoner, together with the general attitude and honesty of purpose displayed.

Failure on the part of the prisoner, which is shown by percentage markings, causes promotion to be withheld, or demotion into a lower grade, in accordance with rules formulated to govern the activities of the staff.

Advantages or penalties, by way of gain or loss of time to be served, are attached to each grade, except that while in grade "C" the prisoner must serve "flat time."

If the prisoner has not advanced through grades "C," "B," and "A" in accordance with the rules of the staff, he is not eligible for a

hearing before the Division of Pardons and Paroles, even though he may have served the minimum sentence provided for his crime.

It is possible, however, for the prisoner to gain promotion and maintain such a grade under the progressive merit system as to entitle him to a hearing before the Division of Pardons and Paroles in eleven months, which is the statutory minimum in most of the cases.

But whether he comes before the division in eleven months, or at a later time, the division has before it the record of the prisoner, which is the result of a comprehensive study pursued for at least a year, from different angles, by the psychiatrist, psychologist, and other prison officials. Finally their opinions are combined into a judgment, which is verified by the records of the staff operating the progressive merit system.

The staff does not consider the penalty to be fixed for the crime committed. It has simply studied the individual, and endeavored to conclude from that study what might be reasonably expected, so far as his future conduct is concerned.

The Division of Pardons and Paroles does consider the crime and the previous criminal history or record of the prisoner, as well as the staff findings, which may indicate that the prisoner should undergo treatment that may take several years to administer. So a time (within the maximum) is fixed by the Division of Pardons and Paroles for the prisoner to serve, which will be reduced or lengthened, depending upon the effort or lack of effort on the part of the prisoner to properly prepare himself for good citizenship.

When the time for release, as fixed by the Division of Pardons and Paroles (less whatever time may have been earned through the operation of the progressive merit system) approaches, preparations are made for the prisoner to go out upon parole—properly sponsored, and with a job to go to.

The State of Illinois provides for an organization to assist the superintendent of the Division of Pardons and Paroles in making these preparations, and in exercising supervision over paroled prisoners, which organization is composed of two assistant superintendents, a chief parole agent, an assistant chief parole agent, one supervisor of paroles at each of the penal institutions, and twenty parole agents, located in different parts of the state.

In order to facilitate the work of supervision, the state is divided into ten districts, with a headquarters, and at least one parole agent in each district.

The chief parole agent works out of the main office of the

Division of Pardons and Paroles at Springfield, which is, incidentally, the headquarters for the district in which Springfield is located. The assistant chief parole agent is in charge of the Chicago office, which is the headquarters for the district comprising the twelve northern counties of the state, including Chicago and Cook County. At least six parole agents are assigned to work out of this office, in addition to the one in charge.

The work of these parole agents in Chicago is supplemented by the assistance of six detective sergeants assigned to work out of the parole office by the chief of police of the City of Chicago, under an arrangement made between the Division of Pardons and Paroles and the chief of police, for the dual purpose of having ample supervision over the paroled prisoners, and to detect them quickly if they are inclined to commit crime, or in any way violate their paroles; and as a means of giving the police department information which would obviate the necessity of mentioning "paroled prisoners" in "drag-net" orders sent out by the police department, and other discriminations, which, in the past, have worked hardships upon parolees endeavoring to live up to their parole agreements; and which has oftentimes been the cause of ultimate violations. Under this plan the co-operation with the police department of the City of Chicago has worked out fairly well, and in some respects exceedingly well.

In other large cities of the state, such as East St. Louis, Springfield, Rock Island, Peoria, Moline, and Streator, this sort of co-operation has led to the chiefs of police, state's attorneys, and other public officials taking interest in the administration of the parole law. In some of the cities mentioned the chiefs of police act as sponsors for paroled prisoners, while in other localities the state's attorneys act in a similar capacity.

The state's attorney in Decatur, Macon County, has at various times expressed considerable pride in the fact that there has never been a violation of parole in cases in which he has acted as sponsor.

This co-operation of public officials does not mean that there is a "police supervision" exercised over parolees, but rather a "friendly," "big-brotherly" supervision, which proves to be of the greatest benefit to parolees who honestly desire to live up to their parole agreements.

In spite of the newspaper comments to the contrary, even in Chicago, the co-operation given by the police department is fast becoming more of a "friendly" supervision—getting away from the old-time idea, which meant the arrest of parolees whenever and wherever they were seen.

Some prisoners are fortunate, in that they have homes to go to, and relatives or responsible friends, who are willing to render assistance by seeking employment and securing a sponsor for them when the time comes for them to be paroled. When this is done, and investigation by a parole agent discloses it to be satisfactory in every way, it is approved by the supervisor of paroles of the particular institution in which the prisoner is confined, and a parole agreement is entered into between the Division of Pardons and Paroles and the prisoner about to be released. It remains then with the parole agents to see that it is carried out.

But in order that proper sponsors and jobs may be secured for those who have no means of getting help along that line, the parole agents in the several districts are required to keep in touch with conditions in their respective districts—the demand for work of all kinds, as well as the possibility of finding suitable homes for parolees.

The parole supervisors notify or instruct the parole agents in one or more districts (when it is thought advisable) that certain prisoners have been ordered paroled, and that sponsors and jobs are sought for them. A rather minute description of the prisoners is given, their condition of health is noted, and their ability to do certain kinds of work is emphasized. The parole agents experience but little difficulty in finding proper sponsors, the right kind of jobs, and suitable homes.

By holding the parole agents responsible for what they do in matters of this kind, the troubles and difficulties formerly had because of irresponsible sponsors and employers, is not experienced now. However parole agents frequently find it advisable to transfer a parolee from one sponsor to another, or from one job to another; but in most of the cases, when a transfer is made, it is because the parolee has shown the ability to hold a better position, or to assume greater responsibility—and not because the sponsor or employer has become dissatisfied.

The parole agent in a district supervises parolees from all the penal institutions in the state, who are located in his particular district.

When a parolee is released, he reports to the sponsor and the employer previously arranged for by the parole agent, after which an arrival report is mailed back to the institution supervisor of paroles, endorsed by both the sponsor and the employer. Thereafter, a report is sent to the supervisor of paroles on the first day of each month, which report contains a detailed account of earnings and expendi-

tures; and this report must also be endorsed by the sponsor and the employer as to its correctness. In the meantime, the parole agent either visits the parolee, or investigates the progress he is making at least once every month—or oftener—if circumstances justify or require it.

The parole agents make daily reports, in duplicate, upon all parolees visited or investigated by them during the day, a copy of which is sent to the supervisor of paroles of the institution from which the parolee was released; and the other to the chief parole agent at the main office at Springfield.

If a parolee has defaulted, or is missing, the sponsor or the employer notifies the parole agent in the district, the chief parole agent, or the supervisor of paroles at the institution. In either case, notice is subsequently sent out to all parole agents, advising that a certain parolee has violated. This notice is accompanied by a photograph and description of the defaulter—and the parole agent, incidental to his other work, searches for the defaulter.

At the end of each month, the parole agents make a monthly report showing the number of parolees in their district from all the institutions; how many times they have visited or investigated parolees; what transfers have been made, the number and character of violations, as well as any suggestions or recommendations they may deem advisable or necessary. These reports must check and coincide with monthly reports of the parole supervisors of the different institutions, and are considered by the Division of Pardons and Paroles at the regular monthly sessions at the institutions.

With this data before it, the Division of Pardons and Paroles is enabled to give specific directions to the parole supervisors, which, in turn, are transmitted to the parole agents concerned.

While the organization I have thus briefly outlined is somewhat new, it has been in operation sufficiently long to give evidence of improvement over previous methods and results. It had its basis in the enactment of the Civil Administrative Code, which became effective July 1, 1917. During the two years following this date, while the organization was being perfected, in some respects there had been very inadequate provisions made by the legislature, by way of a sufficient amount of help necessary to produce the best results. However, we were enabled to make such demonstrations as justified the last legislature in appropriating funds requisite to obtain the desired help; so it has only been since July, 1919, that the organization has had the opportunity to demonstrate its full worth.



In the meantime, it has been necessary to overcome, in some localities, and especially in Chicago, a very strong prejudice against the parole law, which prejudice was created, not so much because of the manner in which it was previously administered (as it is claimed), but because of the fact that heretofore there was not the close and consistent supervision which is now exercised; and consequently, it could not be proven that the statements made by those who, for reasons not understood, were opposed to the parole law, were false.

In times past, it has been sensationally heralded throughout the state (if not the country) that the Illinois parole law or its administration was responsible for the crime waves in Chicago. It was only after adequate supervision could be given, and actual facts ascertained, that statements of that kind could be disproved and parolees who were deserving protected against unjust attacks.

I have reasons to believe that now it is being learned by many that the public sentiment aroused against the parole law of Illinois was due to mis-statements made publicly, which were engendered by a lack of reliable information—to say the least.

During the winter and spring of this year, much was said publicly in Chicago about the bad effect of the parole law; and the public was led to believe that the crime wave then prevalent in Chicago was due largely to the presence of paroled prisoners in the city—and the inference, at least, was that they came from Joliet.

Here are the facts, which I quote from the semi-annual report of the supervisor of paroles of the Illinois State Penitentiary at Joliet, dated June 30, 1920:

“Fifty-eight prisoners released on parole into the *First District* (including the City of Chicago) since January 1, 1920.

“One charged with the commission of a crime, awaiting trial in the Cook County Jail.

“One suspected of having committed a crime—at large.

“Three were returned to the prison—conduct unsatisfactory—technical violators.

“The remaining fifty-three are serving their paroles, and are in good standing.”

In addition to this, there were 141 prisoners on parole from Joliet in the first district on January 1, 1920. Of this number, 12.06 per cent violated their paroles in one way or another, most of them technical violators. None were charged with the commission of serious crimes.

This would make only 199 prisoners in the first district from Joliet, and to put the worst construction possible upon the conduct

of the small percentage whose conduct was unsatisfactory would not justify such criticisms of the parole law as were made publicly.

There was, at the same time, a smaller number of paroled boys from the Illinois State Reformatory at Pontiac in the first district, with about the same percentage of violations. Inasmuch as Joliet and Pontiac are the only institutions which send paroled prisoners into the first district, the sum total of parolees in that district was less than 400; with not more than 40 violations of paroles. They assuredly were not (and our records give positive proof that they were not) to any noticeable extent, responsible for the so-called "crime-wave" in Chicago during the winter and spring.

Of the total 643 prisoners released upon parole from Joliet and Pontiac in the state, during the year ending August 31, 1920—

Thirty-seven or 5.75 per cent were returned to the institutions from which they were released, for technical violations.

Fifty-four or 8.4 per cent defaulted and are at large.

Ten or 1.55 per cent were committed to other institutions, including jails.

Five or .78 per cent were returned to institutions from which they were released, on new sentences.

Five hundred and thirty-seven or 83.52 per cent gave entire satisfaction.

It was claimed recently that during the last five years more prisoners were paroled into Cook County, Chicago, than were committed to the prisons from that county. The records of the institutions have been checked thoroughly, and this has been found untrue.

The records will show that during the five years, 1,539 persons were received from Cook County at the Illinois State Penitentiary at Joliet; and that during that same period, 1,218 were paroled to Cook County.

In the same period, 1,404 persons were received in the Illinois State Reformatory at Pontiac from Cook County, and 895 were paroled to Cook County in the same length of time.

It is quite often the case that those committed from Chicago have no real home there, and the Division of Pardons and Paroles finds that it would be to the best interests of the prisoner to serve his parole elsewhere. Consequently that is done, which accounts for the comparatively small number of prisoners paroled to Cook County.

Occasionally, those committed from Cook County have such a history or record there as plainly indicates that they would have difficulty if returned there to serve a parole. In such cases the Division of Pardons and Paroles orders that they must serve their paroles "out-

side of Cook County" (Chicago). The policy of paroling prisoners to localities where, it is believed, they will be better able to rehabilitate themselves, is consistently carried out.

An amendment to the parole law was enacted, and became effective in 1915, making it possible for those serving definite sentences to be paroled, under certain conditions.

The first of the conditions is that the prisoner must serve at least the minimum of the sentence provided by law for the crime committed.

Second, that the prisoner be required to serve at least one-third of the sentence imposed by the court.

For instance: A prisoner may have been sentenced for the crime of murder to a term of thirty years. The minimum for murder under the Illinois statutes is fourteen years, which, reduced by the "good-time" law (provided it is earned), makes eight years and three months. So the prisoner would not be eligible to make application for a definite sentence parole until after he had served one-third of his sentence, which, in the case outlined, would be ten years. If a parole was granted, the prisoner would be required to serve the maximum of his sentence on parole—and the maximum sentence of thirty years is sixteen years and three months, allowing the good time; so in this case if the prisoner was released at the expiration of ten years, he would be required to serve six years and three months upon parole.

A prisoner serving a life sentence is, under the provisions of this amendment, eligible for a definite sentence parole after he has served fully twenty years (without allowance for "good time"). Then, if paroled, he may be required to serve the remainder of his life on parole—if conditions and circumstances justify.

In long term paroles, such as outlined above, the rules of the Division of Pardons and Paroles require that the parolee report to the parole supervisor at the institution from which he was paroled, for the first two years, monthly; for the following two years, quarterly; for the fifth year, semi-annually, and thereafter, annually, until such time as he shall, in the discretion of the Division of Pardons and Paroles, be granted his final discharge.

Under the 1919 amendment to the parole law, prisoners may be released on parole to their homes, outside the State of Illinois, under rules and regulations as follows: First, the sponsor must be a public official, such as the mayor or chief of police of a city, or the state's attorney or sheriff of a county.

Great care is exercised in securing employment for these prisoners paroled outside the state, which is done through correspondence by the

supervisor of paroles. The choice is subject to the approval of the sponsor, who agrees to keep the parolee under his personal supervision, and to see that he remains steadily employed at some legitimate business during the length of the parole period. This is necessary because of the fact that there are no parole agents to supervise these outside the state parolees. It is the policy of the Division of Pardons and Paroles to release only those outside the state whose actual residence is established in the state to which they are paroled.

Illinois was one of the first, if not the first state, to enact a parole law. That was about twenty-five years ago; and the official records showing the results of its operation since that time are conclusive evidence of its efficacy and consequent advantages to the state over the definite sentence law. I might produce a volume of figures to prove this, but I doubt the necessity of that before this audience. Suffice it to say, that the percentage of recidivism has been materially reduced; and that prisoners are now being released from prison under such supervision as makes it possible and probable that they can and will profit by the training they received in prison; and develop into better citizens.

All the various features of the Illinois parole law as it now stands are being administered with great care and good results. The law is being administered by men who give all their time and attention to some particular phase of the work.

The superintendent of the Division of Pardons and Paroles has as associates who sit with him as a pardon or parole board the assistant director of the Department of Public Welfare, the superintendent of prisons, and the criminologist, all of whom are on the staff of the Department of Public Welfare.

We believe that the essential things to be considered in perfecting the best possible plan to produce desired results from the operation of the parole law is first, the *mental health* problem presented by a certain per cent. of mental defectives to be found in any prison population; then the *preparation* of prisoners for parole while they are in prison, as outlined in this paper; and finally wise and consistent *supervision* that will give the finishing touches to the work of returning convicted persons to society as citizens who will at least not be a menace.

It should be kept in mind that a very large percentage of those who are sent to prisons must in the course of a few years be released in accordance with the statutes; and consequently much thought, attention and effort should be given to the possibility of returning them to society as good citizens.

This is what we are doing in Illinois.