

The Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT, BOSTON, Mar. 18, 1913.

To the Honorable Senate and House of Representatives:—

On February 27th last I sent to the General Court a message setting forth the number of jail commitments in this State which were ordered by our courts in default of the payment of fines by the persons so sentenced. I showed that 11,550 persons were sent to jail in Massachusetts in 1911, not for crimes requiring such punishment under our laws, but for failure to pay fines; and I urged the Legislature to give a more emphatic expression to our probation law, and thus bring all our courts up to the standards established by those now acknowledged to be the most wisely administered.

I find, now, that our parole system equally requires improvement. Both the parole and the probation system must be brought up to high efficiency. Common humanity demands such results. But aside from this, we now incur an enormous economic loss through the failure of both systems. We must bear in mind the costs of committing and maintaining in jail the many thousands of men and women who are sent there solely from failure to pay fines. We must remember that, under our present system, prison inmates are either idle or put to some work which shows no appreciable economic return; and that on their release all prisoners are handicapped for life and their chances of earning a living greatly reduced. It is these economic, as well as humanitarian considerations, that must be respected.

I am convinced that the legislation which authorizes the prison commissioners to delegate their powers to the chairman is very unwise, especially in reference to our parole system. No one man can do what is expected of the chairman; and in any event the concentration of so much author-

ity in one person is undesirable. Each of the commissioners should feel a personal responsibility for the administration of our prisons; otherwise we could as well dispense with the commission. I submit herewith the draft of a bill to revoke the present law, which authorizes the commission to delegate its duties to the chairman, and requiring that three members of the commission shall act in person as a board of parole for each of our penal institutions; the chairman to be a member of each of these boards. Each such board should be required to meet at least once a month at the institution for which it acts. Candidates for parole should be seen in person by this board, and no permits to be at liberty should be granted unless signed by two members of the board. The undoubted failure of our present parole methods, and the large percentage of persons recommitted to jail, make these reforms of method absolutely imperative.

Also, the supervision of paroled prisoners lacks the thoroughness and effectiveness which is absolutely essential if the best results are to be obtained. The most thorough supervision of paroled prisoners, and prompt return for the violation of parole conditions, are vital to success. An organized parole department, which shall have a large part of the attention of a competent deputy, seems to be essential.

The method of granting paroles from the state prison is unsatisfactory. I am told that in some other states a grading and classification system prevails under which men demonstrate their fitness for release. One of its greatest advantages is that it removes all reason for believing that favoritism prevails. When men secure release by their own efforts, they have no grounds for dissatisfaction with the administration. It must be of great advantage, also, as an inspiration to effort on the part of the prisoner. It is to be regretted that no attempt has been made to establish the grading and marking system authorized by law.

The law which requires agents to obtain employment for those who are to be released from state institutions is only partially complied with. The agents are not required to give their entire time to the work of gathering information regarding prisoners committed to the state institutions, and to

the care of discharged prisoners. Some of them are used to transfer prisoners from one institution to another, and receive extra compensation for work done in time paid for by the state. I am certain that we are spending too little money and too little effort upon the after-care of prisoners. We ask no questions about appropriations of millions for police, courts and prisons, but grudge a few thousands for the restoration of those who have been imprisoned.

As far as is possible, all prisoners should have work found for them before discharge. In some cases they can do this themselves, but many must have it done for them. Otherwise they are penniless soon after they are released, and are under great temptation to repeat their crimes. I have no doubt that if the agents were relieved of transfer work, and were required to give all their time to their other duties, many discharged prisoners could be kept from relapsing.

COUNTY PRISONS.

The county prison has no place in a model prison system, and no logical reason for continued existence. On this point I cannot do better than to quote one of my predecessors, Governor Wolcott, who, in 1899, in his inaugural, said:

“There appears no sufficient explanation in theory of the fact that the State controls certain institutions in which is confined a portion of the criminal population, while the remaining portion is in institutions controlled wholly by the several counties.

“Nor is there any clear line of division between prisoners convicted of minor offences who are supported by the State and those supported by the counties. For many offences prisoners are committed either to a State or county institution at the discretion of the judge before whom the case is tried.

“All offences, of whatever nature, are committed, both in fact and in contemplation of law, ‘against the peace of the Commonwealth,’ and not of any particular locality, and are heard and determined before magistrates holding the commission of the Commonwealth.

“This divided control of penal institutions, not justifiable on any easily comprehensible theory, results in practice, as might be expected, in lack of uniformity of discipline, diet and employment; in imperfect classification of the inmates as regards sex, age and degree of criminality and degradation, and in consequent unnecessary difficulty in the application of reformatory treatment.”

CLASSIFYING MINOR OFFENDERS.

But the county prison can be greatly improved, even though it remains in the control of the county. It now receives prisoners committed for all kinds of offences; of all grades of criminality. It is inevitable that under these circumstances it shall be a school of corruption rather than a place of correction.

For many years the law has authorized the prison commissioners to classify county prisoners, but they have never attempted to do so. If all the men who have long sentences could be gathered in a few county prisons, it would be possible to employ them to better advantage. Prison schools could also be established in county prisons, if prisoners were classified. There is a growing belief that when the state has a man in its custody, it should do its utmost to improve him, mentally, physically and morally. The prison school is one of the most effective agencies. In the state prison, it has accomplished a great work. Rarely has a man returned who has learned to read and write there. The long sentenced offender, in the county prison, should have as good an opportunity as the man who is sent to the state prison for the gravest crime.

I can conceive of no condition more likely to produce a confirmed criminal than that of a man of average intelligence confined in a prison on a long term. Practically no appeal is made to him along the lines of his higher nature. Many hours of every day he is idle; and if he thinks at all, it is likely to be about the pleasures of his old life. Nothing is done to improve his mind, or to give him a larger or better view of life. All his wants are supplied without any effort of his, and his companionships tend to draw him downward. Such a process produces mental and moral weaklings, ready to yield to the first temptation. The prison school would do much to improve these conditions, and classification would make prison schools possible and practicable.

I submit herewith the draft of a bill providing for the better classification and education of prisoners.

EUGENE N. FOSS.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

AN ACT

Relative to the Classification of Prisoners and to the Establishment of Prison Schools.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The prison commissioners may establish
2 and maintain in not more than five houses of correction,
3 schools for the mental and manual instruction of pris-
4 oners. When said commissioners have voted to establish
5 any such school, they shall notify the state board of edu-
6 cation, which shall thereupon devise plans for the organi-
7 zation and administration of said school and shall have
8 the supervision thereof. The teachers and instructors
9 in said school shall be appointed by the prison commis-
10 sioners from eligible lists established by the civil service
11 commission, and may be removed by them. The cost of
12 carrying out the provisions of this section shall be paid
13 by the commonwealth.

1 SECTION 2. In making removals of prisoners for the
2 purpose of classification, under the provisions of section
3 sixteen of chapter two hundred and twenty-five of the

4 Revised Laws, the prison commissioners shall, so far as
5 practicable, place those who have sentences of one year
6 or more where they will have opportunities for mental
7 and manual instruction. If a prisoner is so removed
8 from a house of correction in one county to a house of
9 correction in another county, on an order of the prison
10 commissioners, the cost of removal shall be paid by the
11 commonwealth. Said commissioners shall fix the amount
12 to be paid for the cost of his support, and shall also
13 decide what part of such cost shall be paid by the county
14 from which he was removed or sentenced. The remain-
15 der of such cost shall be paid by the commonwealth.
16 The county commissioners of either county may appeal
17 to the superior court for a revision of such action of the
18 prison commissioners, and said court, sitting in either
19 county, shall determine the question. So much of sec-
20 tions one hundred and eight and one hundred and ten
21 of the Revised Laws, as is inconsistent with the provi-
22 sions of this section, is hereby repealed.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

AN ACT

Relative to the Paroling and Supervision of Prisoners and
to the Duties of the Board of Prison Commissioners.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. The board of prison commissioners may
2 appoint a deputy commissioner, who shall receive a salary
3 of twenty-five hundred dollars a year; shall hold office
4 during the pleasure of the board; and shall perform his
5 duties under the direction of the chairman. The board
6 shall require him to direct and supervise the work of
7 the agents for the care, assistance and oversight of
8 paroled or discharged prisoners, and to perform such
9 other duties as it shall direct. It may depute to him
10 powers and duties relating to the visitation of county
11 prisons and the inspection of their books and affairs.

1 SECTION 2. The board may appoint at a salary of
2 twelve hundred dollars each, such number of agents, in
3 addition to those now authorized, as may be needed to
4 secure employment for prisoners who are to be, or have
5 been, released from the state prison, the Massachusetts

6 reformatory and the reformatory for women, and to
7 enable the board to carry out the laws relative to the
8 identification of criminals and the parole of prisoners
9 from the state prison. It shall be the duty of the board,
10 through its agents, to exercise a careful supervision over
11 all prisoners absent from said institutions upon parole,
12 and it shall require from said agents reports regarding
13 such prisoners as are not complying with the conditions
14 upon which they were released. Every agent appointed
15 by the board shall give his entire time, during business
16 hours, to his duties. So much of section one hundred
17 and twelve of chapter two hundred and twenty-five of
18 the Revised Laws, as authorizes an agent of the board
19 to serve orders of removal or transfer of prisoners, is
20 hereby repealed. No additional agents shall be ap-
21 pointed under this section until the governor and council
22 shall authorize the making of such appointments.

1 SECTION 3. The state prison, the Massachusetts re-
2 formatory and the reformatory for women shall each
3 have a parole board, consisting of the chairman and two
4 other members of the board of prison commissioners.
5 Each parole board shall meet at least once a month at
6 the institution to which it belongs. The powers of the
7 board of prison commissioners to issue permits to be at
8 liberty to prisoners in the state prison, the Massachusetts
9 reformatory and the reformatory for women, and to re-
10 voke the same, are hereby transferred to, and hereafter
11 shall be vested in, said several boards of parole. Two
12 members of each board shall constitute a quorum and
13 shall have power to transact business. Permits to be
14 at liberty shall be signed by at least two members of the
15 board. No permit to be at liberty from the state prison,
16 authorized by chapter four hundred and fifty-one of the

17 acts of the year nineteen hundred and eleven, and no
18 permit to be at liberty from the Massachusetts reforma-
19 tory or the reformatory for women, shall be granted until
20 the prisoner has been seen by the parole board of the
21 institution in which he is held.

1 SECTION 4. So much of section one of chapter two
2 hundred and twenty-two of the Revised Laws, as author-
3 izes the board of prison commissioners to delegate any
4 of its powers and duties to the chairman of the board,
5 is hereby repealed, and all powers and duties so dele-
6 gated are hereby revested in the board.

