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The parole system in Rhode Island:

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THE PAROLE SYSTEM IN RHODE ISLAND

A Study of the Statute and Methods of Selection and Supervision

A Thesis

Submitted by
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FOREWORD

The author of this study has been actively associated with the parole system of the State of Rhode Island for more than ten years. Long affiliation with a system and those who administer it naturally results in some familiarity with it.

Almost daily contact with persons engaged in the administration of parole in Rhode Island has been, as might be expected, of singular advantage in making this study. The opportunity for observation over an extensive period of time has been of inestimable value. The accessibility of certain data and its presentation in the following pages has been made possible as a result of these favorable circumstances.
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A Study of the Statute and Methods of Selection and Supervision

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INTRODUCTION

1. The Nature of Parole

Over a long period of time parole has been the target of bitter criticism and zealous defense. As a result of controversy the subject has been brought to public attention. This may prove to be a favorable sign because growth and improvement have often come about after controversy over other matters and there can be no question as to the desirability for the development and refinement of parole.

The Attorney General's Survey of Release Procedures defines parole as a "form of release granted after a prisoner has served a portion of his sentence in a penal institution... an administrative act of the executive or an executive agency."1 The Declaration of Principles of the American Parole Association in 1933 defines and differentiates parole as a means of social control as follows:

In a formal or legal sense, parole is conditional release from a correctional or penal institution under supervision. Properly conceived and administered, it is not a form of clemency or leniency; it is not employed for the purpose of shortening an offender's term; it is not giving an offender a reward for being a good prisoner. Fundamentally, there are two ways in which an offender may be released from an institution. He may be completely and finally discharged, with no subsequent supervision, or he may be conditionally released, under supervision, the competent body retaining the authority to return him to the institution if he violates the conditions of his release or commits additional crimes. We

Chapter 1

Introduction

The purpose of this chapter is to introduce

...
believe that the second of these affords a fuller measure of protection to society. Parole is a carefully considered part of the whole process of treatment begun when the offender enters the institution or earlier. It is an extension of the authority and effort of the State beyond the doors of the institution and beyond the time of institutional residence. A period spent on parole is a period of supervision and readjustment from the extraordinary and artificial life of the institution to normal life in the community. In this view, parole is not based primarily upon consideration for the offender; it is based primarily upon protection of society, seeking that protection through the readjustment and welfare of the person who has broken laws. To this end, it uses and coordinates all the resources of the community, and aims at the prevention of crime and the reduction of recidivism.

In the interests of clarity, the distinction between probation and parole may again be pointed out. Probation is a form of supervision, in the community, applied by the courts in the place of sentences to institutions; parole is applied to persons who have already served sentences, or parts of sentences, in institutions.²

2. Parole Origins

Dr. S. G. Howe, of Boston, first used the word "parole" in connection with conditional release. In a letter written to the Prison Association of New York in 1846 he said: "I believe there are many who might be so trained as to be left upon their parole during the last period of their imprisonment with safety."³ The word is derived from the French parole, and implies "word of honor," parole d'honneur.⁴

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Parole is a part of the reformatory idea and the general trend of the nineteenth century criminology in which reformation began to replace punishment. The reformatory idea is here used in the institutional sense. Actually the idea of reforming offenders goes back to the philosophy of Plato and even beyond to the ancient Hindu books of law, preceding Plato by many centuries.

Churchmen were among the first advocates of reformation after the Middle Ages. Notable were Mabillon, the Benedictine Monk, Abbe of Saint-Germain in Paris; and Pope Clement XI. The final change from punishment to reformation came about with the French Revolution and the Declaration of the Rights of Man. Mirabeau was prominently identified with the movement at that time.

In 1847 Bonneville de Marsangy, the French pioneer, published an essay in which he discussed the pardoning power, conditional liberation, aid to discharged prisoners, and rehabilitation. In 1864 he wrote:

>Whenever you give satisfactory evidence of your genuine reformation, you will be tested, under the operation of a ticket of leave; thus the opportunity to abridge the term of your imprisonment is placed in your hands.


6 Ibid.

3. **Parole Development in America**

Although the fullest present-day development of parole is found in America its foundations were laid in Europe by Montesinos, a Spaniard; Obermaier, a German; Maconochie in Australia; and Crofton in Ireland. Maconochie and Crofton had the most pronounced influence in this country and as a matter of fact there is evidence that their experiments are more closely related to present-day parole than are the early administrative devices used in this country.\(^8\)

The work of Crofton in Ireland definitely demonstrated that the system of conditional liberation was valuable to protect society and to rehabilitate criminals, providing there was effective preparation and thorough supervision.\(^9\)

Parole was actually realized in this country with the opening of the Elmira Reformatory in 1876 in New York. Zebulon Brockway, Sir Walter Crofton, and Franklin Sanborn were leading figures in bringing about this new type of institution. Persons released from incarceration remained under the jurisdiction of the institution for an additional six months.\(^{10}\)

4. **The Extension of Parole in America**

Parole legislation has spread rapidly in this country and at this time all States but Mississippi, which has a


\(^{10}\) See Z. R. Brockway, *Fifty Years of Prison Service*. 
In certain cases the assumption and evidence of absence of a visible change in the atmosphere would be sufficient evidence. However, it is essential to consider the possibility that the apparent absence may be due to other factors such as the presence of other elements or substances in the atmosphere.

A careful study of these factors, including temperature, humidity, and wind direction, should be conducted. By doing so, opportunities may arise to refine our understanding of the phenomena observed.

Further research into this topic is needed. It may be that a more comprehensive approach is required to understand the nature of these changes. Additional observations and experiments could provide valuable insights.

In conclusion, the phenomenon observed warrants further investigation.

A thorough analysis and evaluation of the available data is crucial.
board of pardons to make recommendations on clemency applications, have parole laws. The parole practice in most States has not attained the ideal. There are jurisdictions where the type of release cannot with any degree of accuracy be called parole. Efficient and effective parole costs considerably less than institutional treatment, but the cry of economy is always raised when attempts are made to inaugurate a system of parole worthy of the name. Just so long as such conditions obtain, parole will be hamstrung, and the public will question it. Yet, in spite of these shortcomings in parole administration, there are results which are satisfying to even the loudest critic. Parole advocates can truthfully insist that there is nothing wrong with parole per se but only with its administration.11

Offenders come out of institutions upon parole, which means supervision and assistance, or they receive outright releases, which is tantamount to telling them, "Go, our interest in you is finished." It is not difficult for anyone to determine under which system persons are most likely to be good neighbors to the rest of us.

11 Barnes and Teeters, op. cit., p. 829.
CHAPTER I

THE PRESENT STUDY

If there existed an exact method for the measurement of parole systems it would not be a difficult matter to make a study such as this. Unfortunately there is no clear-cut procedure. Thus it is possible only to explain to the extent that we think we understand. It is generally acknowledged by those recognized as experts that a satisfactory system of parole is marked by very definite characteristics. Systems wherein these characteristics are absent do not function effectively. Thus it may be seen that although in measuring parole, there is no scale from a zero point upwards, there are minimum standards below which a parole system cannot fall if it is to render public service. By a cautious process of study it may be possible to arrive at conclusions which, if not precise, should be indicative.

1. Purpose and Scope

In the light of standards which have resulted from the deliberations of authorities in the fields of criminology and penal philosophy, this study attempts to portray and evaluate the system of parole release in the State of Rhode Island.

Good parole practice is made up of three fundamental processes: preparation, selection, and supervision. The phases of selection and supervision receive the emphasis throughout the study. The preparatory process is the insti-
 Hemoglobin is a crucial protein found in red blood cells. Its primary role is to transport oxygen from the lungs to the body's tissues, where it is used in cellular respiration. Hemoglobin is composed of four subunits, each containing an iron-porphyrin complex. This complex binds oxygen molecules, allowing the blood to carry oxygen throughout the body. The oxygen-binding capacity of hemoglobin is influenced by various factors, including its temperature, pH, and concentration of other substances in the blood.
tutional aspect of any parole system. Penal and correctional institutions are in a sphere wherein problems abound. Thus preparation for parole is a phase replete with ramifications; and a study, if it is to be of even little value, would call for exact and thorough probing in the area of administration of penal and correctional institutions.

Rhode Island for the past ten years has made effort to develop and strengthen the factors of selection and supervision in its parole program. An evaluation of their status is the primary object of this study.

2. The Method of the Study

Any determination which possesses validity must be based on valid data. Consequently the fundamental object of this study is fact finding in the first instance, followed by an evaluation or measurement.

The General and Public Laws of the State have been fully searched. Frequent contact has been maintained with officials concerned with parole. Annual reports of the Department of Social Welfare, the State Division of Probation and Parole, and the penal and correctional institutions have been utilized. Case studies and related material in the files of the Division of Probation and Parole have been examined at length.

Evaluation has been based for the most part on the principles enunciated by the Attorney General's Survey of

For parole fully to achieve its purpose ten standards were drawn up at the National Parole Conference meeting in Washington, D. C., 1939.

1) The paroling authority should be impartial, non-political, professionally competent, and able to give the time necessary for full consideration of each case;

2) The sentencing and parole laws should endow the paroling authority with broad discretion in determining the time and conditions of release;

3) The paroling authority should have complete and reliable information concerning the prisoner, his background, and the situation which will confront him on his release;

4) The parole program of treatment and training should be an integral part of a system of criminal justice;

5) The period of imprisonment should be used to prepare the individual vocationally, physically, mentally, and spiritually for return to society;

6) The community through its social agencies, public and private, and in cooperation with the parole service should accept the responsibility for improving home and neighborhood conditions in preparation for the prisoner's release;

7) The paroled offender should be carefully supervised and promptly reimprisoned or otherwise disciplined if he does not demonstrate capacity and willingness to fulfill the obligations of a law-abiding citizen;

8) The supervision of the paroled offender should be exercised by qualified persons trained and experienced in the task of guiding social readjustment;

9) The State should provide adequate financial support for a parole system, including sufficient personnel selected and retained in office upon the basis of merit;
10) The public should recognize the necessity of giving the paroled offender a fair opportunity to earn an honest living and maintain self-respect to the end that he may be truly rehabilitated and the public adequately protected.

Ralph G. Wales has said, "No better yardstick than the above could be provided any state anxious to measure and better its standards and performance in the field of parole."

12 Proceedings of the National Parole Conference, p. 120.

13 Ralph G. Wales, Delinquency and Crime Treatment in Nevada, p. 58.
CHAPTER II

THE PAROLE STATUTE

The character of any parole system is largely determined by the statutory basis upon which it operates. It is very true that good administration can overcome to a surprising degree weaknesses in a parole law. It is equally true that excellent parole laws do not predetermine an excellent parole system. On the whole, however, good parole laws are the only sound foundation for successful parole administration.

1. Parole Development in Rhode Island

The Rhode Island statutes contained not even a semblance of parole up to the year 1896. At that time an habitual criminal act was passed and thereby the principle of conditional release was introduced to the laws of the State. Though its use was limited to but one type of criminal offense and in that respect its application was confined to narrow limits, the important implication is that this was the beginning. The act granted the Governor the authority to release on parole any person serving a sentence as an habitual criminal when it appeared to him that reformation had occurred.\(^1\)

Parole, which at that time was nothing more than a shortening of the prison term, failed of further growth until 1904. Up to that year all other prisoners were required to serve out

\(^1\) R.I. Public Laws, 1896, Ch. 336; R.I. General Laws, (1909) Ch. 354.
none
their full terms in the institutions less time allowed under the good-time law.\textsuperscript{2}

The Board of State Charities and Corrections received authority from the legislature in 1904 to grant releases on parole to inmates of the State workhouse and house of correction\textsuperscript{3} upon such terms and conditions and limitations as the Board should subscribe.\textsuperscript{4} This step represented noteworthy progress in so far as the theory of parole is concerned though as a matter of actual practice it was not conceived as an attempt "to bridge the gap between the closely ordered life within the prison walls and the freedom of normal community living."\textsuperscript{5}

In 1915 a State parole law was passed. Actually this marked the initial appearance of parole, as such, on the statute books. The previous laws relating to institutional release, conditional or otherwise, were not parole laws, evidently were not considered to be and, of course, in the modern concept

\textsuperscript{2} R.I. Public Laws, 1877, sec. 30.

\textsuperscript{3} The State workhouse and house of correction was abolished in 1922. It was provided that where references were made to it in the laws, unless the subject matter or context otherwise required, they were to be interpreted to mean the "jail in the county of Providence." R.I. Public Laws, 1922, Ch. 2230, sec. 18; R.I. General Laws (1923) Ch. 413, art. III, sec. 6.

\textsuperscript{4} R.I. Public Laws, 1904, Ch. 1141; R.I. General Laws, (1909) Ch. 360, sec. 10.

they were not. The new law provided for a board of five mem-
bers. This board was composed of the Governor, the agent of
State charities and corrections, and three other citizens
appointed by the Governor. It was endowed with the authority
to grant releases on parole to convicts sentenced to the State
prison, or to a county jail for a term of more than six months.6
The basis of the parole law at the present time is the law of
1915 and the authority of the present Board of Parole7 is still
limited to those sentenced to the State prison, or to a county
jail for a term of more than six months.

Offenders whose sentences were for terms of six months
or less were not eligible for parole release under the parole
law. This condition prevailed until 1926. At that time the
legislature granted to the public welfare commission author-
ity to discharge from confinement under parole conditions
persons in any State institution or in a county jail because
of conviction of specified offenses8 if such persons were not
within the jurisdiction of the Board of Parole.9

6 R.I. Public Laws, 1915, Ch. 1186; R.I. General Laws,
(1923) Ch. 414.

7 The present Board of Parole is referred to as the
State Parole Board, the Governor's Board, or the Executive
Board.

(offenses).

9 R.I. Public Laws,1926, Ch. 863.
In 1935 the government of the State of Rhode Island underwent a reorganization and the Board of Parole was located within the State Division of Parole, a division of the Executive Department of the government.10

At this same time the duties of the then existing public welfare commission were delegated to the Department of Social Welfare and parole functions previously exercised by that commission were assigned to a three man board within the Welfare Department.11 This board was comprised of the Director of the Department of Social Welfare and two of his aides, the Chief of the Division of Jails and Reformatories and the Chief of the Division of Probation and Criminal Statistics.12 In 1939 the law was again changed so that the parole function within the Welfare Department was transferred to a board of three citizens of the State, appointed by the Director of Social Welfare with the approval of the Governor, one of whom is required to be a member of the Welfare Department.13

In Rhode Island parole supervision was for a great many years a State prison function and was carried on by a single parole officer under the direction of the warden. The average

10 Ibid., 1935, Ch. 2188 and Ch. 2250, secs. 17, 50, 150.
11 This board is referred to as the Welfare Board of Parole and as the Reformatory Board of Parole.
13 R.I. Public Laws, 1939, Ch. 679, sec. 85.
case load was in the vicinity of 300. It was not possible under these conditions to accomplish much in the way of case work nor was it reasonable to hope that rehabilitation could be aided. The lone parole officer made reports directly to the warden if any of his charges became involved in further difficulty with the law and, in turn, the warden made a report to the parole board. It is readily apparent on its face that an arrangement of this sort was nothing more than an empty gesture and amounted to almost nothing in so far as protection of the public was concerned. On July 1, 1932, this situation was done away with and the administration of the parole service was combined with the probation service of the State.\textsuperscript{14} Probation and parole counselors are responsible to the Administrator of Probation and Parole, who is in turn responsible to the Director of Social Welfare.\textsuperscript{15}

2. The Parole Boards

Parole development in the State has been such that there are two separate boards exercising the authority to grant releases on parole at the present time. Their respective areas of control are clearly defined but there appears to be no clear-cut reason for this dual arrangement. Prison cases are solely within the jurisdiction of the State Board of Parole. Reformatory cases are in a similar position in respect

\textsuperscript{14} R.I. Public Laws, 1932, Ch. 1930, sec. 2.
\textsuperscript{15} Ibid., 1935, Ch. 2250, secs. 2, 6, 56.
to the Welfare Board of Parole. The six months sentence to the county jails is the point where jurisdiction of the Boards is separated. Sentences over six months are within the authority of the State Board. All other jail sentences are the business of the Welfare Board.

In an address before the Annual Conference of the National Probation Association in 1939 David Dressler pointed out that "centralization of the paroling function of all similar institutions is desirable." A uniform parole policy within a given jurisdiction is vitally important. Unless there is but one parole board with authority to grant releases on parole from all of the state penal and correctional institutions for adults within a state it is extremely doubtful that uniformity can be attained.

The Attorney General of the United States has asserted, "For greatest responsibility, efficiency, and coordination all of the evidence seems to point to the superiority of a central parole-granting agency..."

In twenty-six States, New York City, the District of Columbia, and in the Federal parole system, parole is granted

16 See Yearbook of the National Probation Association, 1939, p. 283.

17 Proceedings of the National Parole Conference, 1939, p. 113.

solely by a central board.\footnote{Ibid., p. 75.}

The Rhode Island State Board of Parole includes the Governor and the Attorney General among its five members. The presence of these officials on the parole board is not in line with what is considered as good practice. Parole power should not be vested in one who is not chosen because of particular qualifications for the task. Ability with respect to penological problems is important. Furthermore, the Governor of any State is charged with many and varied duties and parole matters are not likely to receive the attention they require. The fact that the Governor is a political officer may place his decisions in parole cases under public suspicion on some occasions.\footnote{Ibid., p. 47.}

The Attorney General, as the State's prosecuting officer, is in a position similar to that of the Governor.

The report made by a special committee appointed by the Governor of Pennsylvania to study the probation and parole system of that State included the following:

It is essential that the parole system be shielded as completely as possible from the baneful effects of political and other subversive influences. Every witness who appeared before the commission, without a single exception, emphasized this as the most important safeguard for the efficient administration of parole. The commission fully concurs in this judgment, and therefore has also incorporated in the act herewith submitted a stringent prohibition of political activity...\footnote{Quoted in LaRoe, Parole With Honor, p. 74.}
The three citizens appointed by the Governor serve for no definite period of time but merely "at the pleasure" of the Governor. The wisdom of this practice is doubtful. The Attorney General has stated: "The advisability of the practice of appointing parole board members for a term equivalent to the term served by the Governor is questionable." The National Parole Conference concluded: "The terms of office should be relatively long and so staggered that the majority of members at any time will be experienced in the performance of their duties."

The Rhode Island State Board of Parole is a part-time board. The State does not have a large institutional population, as compared with many other States, and the number of cases handled by the Board in the course of a year is not large. Thus the Board should be able to devote ample time to its duties without difficulty.

It has been declared authoritatively that there are jurisdictions in which a full-time parole board would not be practicable. Where local conditions do not warrant a full-time board, part-time boards whose members give sufficient time to their board duties are considered as satisfactory.

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24 Proceedings of the National Parole Conference, p. 113.
25 Ibid., p. 113.
The Rhode Island law requires no qualifications of any kind of those appointed to the State Board of Parole. This is contrary to authoritative opinion that parole is a specialized field which demands satisfactory training and sufficient experience. As to qualifications of members of the Welfare Board of Parole, the law states that they "shall be chosen with due regard to their knowledge of social or welfare problems." 26

The viewpoint of the Survey of Release Procedures is expressed in the following words:

'It is probably an apt description of many parole board members to say that they are honest and respected but without qualification for their work. It is plain that they have not been selected, except in a few instances, because of their ability to give proper consideration to penological and correctional problems. This condition more than anything else is responsible for the charge that the administration of parole has broken down in many States. It also lends credence to the statement that the failures of parole boards have been due not to corruption but rather to lack of ability to cope with the problems peculiar to parole." 27

It is fundamental that members of parole boards should be selected primarily on the basis of their integrity and competence to deal with human and social problems and not with reference to their political connections. 28

The compensation of board members not already in the employ of the State is $1000 per year and expenses. This sal-

26 R.I. Public Laws, 1939, Ch. 679, sec. 85.


28 Proceedings of the National Parole Conference, p. 113.
ary applies to members of both boards. As a result of investigation on a large scale the Attorney General's Survey concludes:

If highly qualified men are to be obtained to serve on parole boards obviously a salary must be paid which is consistent with a high type of professional service. What constitutes an adequate salary depends, of course, upon living conditions in the State under consideration. In the States having effective parole systems, the salaries of board members range generally from $5000 upwards.29

Inasmuch as Rhode Island employs a part-time board the salary range mentioned above may not be properly applicable. The reference raises the point, however, that if the salary scale does not apply, small salaried part-time boards may lack the qualified professional service which is indispensable to a sound parole system.

3. Authority of Parole Boards

Offenses in Rhode Island are punishable by the imposition of definite sentences. There is no legal provision for indeterminate sentences.30 Only eight States of the forty-eight do not have indeterminate sentence laws and Rhode Island is within that group.31 All sentenced offenders whose parole is under the control of the State Board of Parole are eligi-


30 Sentences limited only by proof of reformation.

ble for consideration at half time. The Welfare Board of Parole may give consideration for parole at one third time. Under this arrangement the sentence imposed by the Court is a maximum and the one half and one third time aspect sets a minimum. Thus the boards of parole are enabled to determine the time of release within a lower and upper limit. LaRoe advocates as a basic need:

Wide discretion in the board of parole as to the time when parole shall be granted. There is no serious objection to a minimum sentence which must be served before the prisoner is eligible for parole, but the minimum should be a moderate percentage, certainly not more than one third, of the maximum... 32

The vote of the Governor and two other members of the State Board are required to grant a parole release. There are two exceptions to this practice: life sentences and habitual criminal sentences. In the matter of parole of lifers the law requires not only the unanimous vote of all the members of the Board but the prisoner must serve a minimum of twenty years before he is eligible for consideration. Any prisoner serving time as an habitual criminal must complete at least five years before his case may be acted upon. 33

Prisoners sentenced prior to the passage of the parole law in 1915 may be placed under the control of the State Board. The Board may recommend to the Governor that the sentence of

32 Wilbur LaRoe, Jr., Parole With Honor, p. 61.
33 R.I. General Laws, (1938) Ch. 617, sec. 3.
As a matter of fact, the fact that we may have a small proportion of people who do not wish to participate in the operations can also be seen. This is because some individuals may have reservations about certain aspects of the operation, or may feel that they are not adequately represented or understood by the organization. In such cases, it may be necessary to offer alternative solutions or to engage in further dialogue to ensure that all interests are considered.

In conclusion, it is important to recognize the diversity of perspectives and interests within any organization. By taking a proactive approach to communication and engagement, we can ensure that all voices are heard and that decisions are made in the best interests of all stakeholders. This will help to ensure a successful and transparent operation that meets the needs of everyone involved.
individual prisoners be made subject to its control. The Governor is empowered by law to issue a conditional pardon in such cases after receiving the approval of the State senate. The condition attached to the pardon is that the offender during the remainder of his term shall be subject to the control of the Board of Parole to the same extent as those parolees released under the regular procedure.34

A permit may not be issued to a prisoner unless it shall appear to the Board that the prisoner is deserving by reason of good prison conduct, has shown a disposition to reform, and will be able to secure employment upon release or is otherwise provided for so that he will not become dependent upon public charity.35

In the discharge of its duties the State Board of Parole is not required to receive or consider any petition, nor to give public or private hearings. It is authorized to secure information upon which it exercises its authority, or upon which it makes its findings in any case, in such manner and by such means as it may consider most fitting to carry out its purpose. The Board is required by law to give the Attorney General an opportunity to submit information he may have relating to the history and character of prisoners.36

34 Ibid., sec. 4.
35 Ibid., sec. 3.
36 Ibid., sec. 8.
Every parole permit issued by the State Board of Parole entitles the prisoner to whom it is issued to be at liberty during the remainder of the term which he is under sentence to serve, upon such terms and conditions as the board may see fit in its discretion to prescribe.\textsuperscript{37}

By majority vote of all of its members the Board may revoke any parole permit whenever it appears to the Board that the parolee has violated any of the terms or conditions of his permit, or has during the period of his parole violated any of the laws of the State.\textsuperscript{38}

In the event of a parole violation a Governor's warrant is issued authorizing the arrest and commitment of the violator to the county jail in Providence. He is detained at that institution until the Board has an opportunity to determine if parole shall be revoked. If parole is not revoked the parolee may be released under the terms and conditions of his original permit.\textsuperscript{39}

Whenever a parole is revoked the Board must order such prisoner to be returned to the State Prison or to the county jail as the case may be, to serve the remainder of the original sentence.\textsuperscript{40}

\textsuperscript{37} Ibid., sec. 5.  
\textsuperscript{38} Ibid., sec. 5.  
\textsuperscript{39} Ibid.  
\textsuperscript{40} Ibid.
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A discharge from parole is mandatory in Rhode Island at the expiration of the original sentence. The discharge is an informal matter. Life termers who have been paroled remain in parole custody until or unless granted a pardon.41

Those offenders whose cases come under the jurisdiction of the Welfare Board of Parole may be released upon such terms and conditions as are made by the Board. The Board may terminate a parole at any time and order the return of the parolee into actual custody.42

4. Good-Time Deductions

Rhode Island has had a good-time law since 1877 and up to the present there has been no change in the amount allowed. In the early days deductions required the consent of the Governor upon recommendation of the Board of Charities and Corrections and a report of the warden.43 This arrangement was in effect up to 1922, when the function of the Board was transferred to the State Penal and Charitable Commission.44 In 1935 the reorganization of the State government brought about a change whereby the Division of Jails and Reformatories assumed control.45 Again in 1939 a reorganization was effected and the authority previously established in the Division of

41 Ibid., sec. 3.
43 R.I. Public Laws, 1877, sec. 30.
44 Ibid., 1922, Ch. 2230.
45 Ibid., 1935, Ch. 2250, secs. 50, 51.
Thestatement is unremarkable. There is no evidence of any

Although the patient has been diagnosed with diabetes, there is no indication of any complications. The blood glucose levels are within the normal range. The patient's diet and medication are appropriate for diabetes management.

The patient's history is unremarkable. There are no past medical conditions that would contraindicate the initiation of insulin therapy. The patient's family history is negative for diabetes.

The examination was normal. The blood pressure is 120/80. The heart rate is 72. The abdomen is soft and nontender. The peripheral pulses are present. The neurologic examination is normal.

The laboratory results show a fasting glucose of 100 mg/dL, a hemoglobin A1C of 5.5%, and a cholesterol of 180 mg/dL. The insulin requirement is calculated to be 30 units per day.

The patient is started on insulin therapy with regular insulin. The patient is instructed to monitor their blood glucose levels and adjust the insulin dose as needed. The patient is scheduled for a follow-up appointment in one week.
Jails and Reformatories was assigned to the Director of Social Welfare.\textsuperscript{46}

The statute provides that the warden shall keep a record of the conduct of each convict, and for each month that a convict, not under sentence to imprisonment for life, appears by such record to have faithfully observed all the rules and requirements of the prison and not to have been subjected to punishment there shall be deducted from the term or terms of sentence the same number of days that there are years in the sentence. The maximum allowed is five days per month. For each day that a prisoner is shut up or otherwise punished for bad conduct a day is lost from good time allowed. Good time which has been lost may not be restored.\textsuperscript{47}

In as much as good-time laws hasten eligibility for parole in States such as Rhode Island they are a part of the parole system. Their value has been questioned.

Under an ideal prison and parole system, good-time laws could probably be abrogated as serving no very useful purpose. Such purposes as they do serve could probably be better served by an adequate, well-administered parole board acting under a flexible parole law, and a modern prison system.

However, these three prerequisites - a flexible parole law, a well-administered parole board, and a modern prison system - are all too rare. And unless all three exist, it is probably better to retain the good-

\textsuperscript{46} Ibid., 1939, Ch. 660, sec. 80.

\textsuperscript{47} R.I. General Laws, (1938) Ch. 55, sec. 18.
time laws.\textsuperscript{48}

Not only do Rhode Island good-time laws hasten eligibility for parole consideration but they hasten the day of discharge from parole in as much as good-time allowances accrue throughout the parole period.

CHAPTER III
THE SELECTIVE PROCESS

Who should be paroled? The advocates of parole assert that all who are released from penal and correctional institutions should be released under parole conditions. All prisoners, except those sentenced for life and those who die in prison, are one day to be released. The report of the Bureau of the Census, on the basis of the 1939 data, indicates that ninety-five per cent or more of all offenders, with the exception of those charged with murder, are returned free to civil life at some time. In as much as the average sentence in felony cases in the United States is less than two years most prisoners return to society in a short time with or without parole.\(^1\)

The parole board therefore is not faced by the question whether the offender is to be returned to the community but rather when and how. If society is to be protected the decision must be made before the maximum term is concluded. Many prisoners are ready for parole long before the completion of minimum time. Others are ready at varying times after the minimum and before the maximum. The parole board has a serious obligation to both society and the individual offender.

\(^1\) Prisoners in State and Federal Prisons and Reformatories, 1939, p. 45, explanation to Table 45.
The discussion in this chapter is devoted to the State Board of Parole. This Board is the primary parole agency of the State. It deals with the serious offenders, sets the standards, and is generally acknowledged as the parole authority of Rhode Island. Thus it represents State parole policy.

1. Application for Parole

The Rhode Island parole law makes no reference to application for parole. Thus application is not required by statute. However, the State Board of Parole does not give consideration to inmates who fail to make a request. Formal applications are available at the State prison and the county jails. Inmates eligible for parole consideration may complete the application forms under the direction and with the assistance of the Administrative Assistant to the Warden. The applications are not detailed. They refer to the date of sentence, term, Court, and date of eligibility. The information necessary is readily available in the institution files. Completed applications are forwarded to the State Division of Probation and Parole, where cases are assigned to parole counselors for investigation. Applicants who are denied parole do not receive further consideration from the Board unless an application for reconsideration is made or a member of the Board requests reconsideration. Prisoners' applications for reconsideration are not heard in less than six months after parole has been denied.
LIGHT AND SHADE

The light and shade of life are what make it interesting. Even the most uneventful day can be made memorable by a change in lighting or atmosphere. The sun's rays, as they pass through windows, create patterns on the walls and floors, adding an element of surprise and beauty to the ordinary scene. This interplay of light and shadow can be particularly captivating in the early morning or late afternoon when the sunlight is at an angle, creating long shadows and warm, golden hues. Even a simple room can be transformed by the addition of strategic lighting fixtures or the placement of mirrors, which can reflect light and make a space feel more open and lively.

In nature, the interplay of light and shade is even more dramatic. The play of sunlight filtering through leaves, casting dappled patterns on the ground, can create a sense of tranquility and wonder. The contrast between the bright, sunlit areas and the darker, shadowed spots can be visually stunning and can evoke a range of emotions. Whether it's the morning sun illuminating a garden or the moonlight filtering through the branches of a tree, light and shade are always present, adding depth and dimension to the natural world.

In art, light and shade are used to create a sense of realism and dimension. Artists use shadows to define shapes and add volume to their subjects, making them appear more three-dimensional. The play of light and shadow can also be used to convey mood and atmosphere. For example, a painting with dark, shadowed areas can evoke a sense of mystery or foreboding, while a bright, sunlit scene can convey a feeling of warmth and joy. Light and shade are essential tools in the artist's palette, allowing them to bring their creations to life.

In photography, light and shade are used to create a sense of depth and drama. The use of natural light can add a sense of realism and authenticity to a photograph, while the use of artificial light can be used to create a more dramatic or stylized effect. The interplay of light and shadow can be used to guide the viewer's eye through a photograph, leading them to focus on certain elements and ignore others. Whether it's the use of backlighting to create silhouettes or the use of side lighting to create dramatic shadows, light and shade are essential tools in the photographer's arsenal.

In architecture, light and shade are used to create a sense of warmth and comfort. The use of large windows or skylights can bring natural light into a space, creating a sense of openness and connection to the outdoors. The use of thoughtful shading with awnings or overhangs can create a sense of shelter and protection from the sun, making a space feel more inviting and comfortable. Light and shade can be used to create a sense of rhythm and movement in a space, with shadows creating a sense of depth and texture.

In design, light and shade are used to create a sense of atmosphere and mood. The use of lighting fixtures can create a warm, welcoming ambiance or a more modern, industrial look. The use of mirrors can create a sense of space and dimension, reflecting light and creating a more open, airy feel. Light and shade can be used to create a sense of hierarchy and focus, with certain areas being highlighted and others being allowed to recede into the background. Whether it's the use of natural light or artificial lighting, light and shade are essential tools in the designer's toolkit, allowing them to create spaces that are both functional and aesthetically pleasing.

Light and shade are not just elements of design, but also of life. They create a sense of movement and change, adding depth and dimension to the ordinary scene. Whether it's the play of sunlight through leaves or the shadows cast by the moon, light and shade are always present, adding beauty and wonder to the world around us.
LaRoe’s comment is pertinent:

The more dangerous criminals often refuse to apply because they dislike the restrictions which parole imposes. They have no desire to work, or to lead a better life. Their first desire is to join their old gang and to make an easy living by again preying on society. It is the increasing recognition of this fact that has led in some jurisdictions to a requirement that every prisoner shall be eligible for parole, whether or not he desires to apply. In Illinois, for example, and under the federal system, no formal petition for parole is necessary, and no advertising is required, but the prisoner is automatically brought before the parole board by virtue of the rules, or by automatic operation of law. In the District of Columbia the less satisfactory rule is observed that no parole shall be considered by the board unless the inmate applies for it. The fact that during the fiscal year 1938-1939 fifty-three per cent of the men eligible for parole in the District of Columbia failed to apply for it is highly significant.2

If the more dangerous prisoners fail to apply for parole, those against whom the public needs maximum protection are the very ones who will be eventually released without supervision. Theoretically at least, the more dangerous the criminal, the greater is the need for the safeguards which parole provides.3

The National Parole Conference concluded:

Consideration for parole should be given routinely and should not depend upon the filing of an application by a prisoner or upon the initiative of his relatives or friends.4

2 LaRoe, op. cit., p. 126.
3 Ibid., p. 123.
The Attorney General's Survey has this to say:

Two groups of jurisdictions may be distinguished: Those where a formal application is required for parole consideration, and those where parole consideration is automatic. On the whole the procedure of automatic consideration for parole seems more desirable.5

In discussing the passage of a new parole law in New York State in 1930 Governor Lehman asserted: "Public demand compelled impartiality of selection by abolishing application for parole and by making parole consideration automatic under the law."6

2. The Preparole Investigation

The preparole investigation is the corner stone of parole selection in Rhode Island. It provides the basic source of information for parole boards and as a consequence is a dominant factor in the approval or denial of applications for release on parole. As the Attorney General's Survey of Release Procedures says:

The importance of the preparole investigation in making parole selections cannot be overestimated. Since even the most thorough parole hearings are necessarily limited in time and scope, the all-important task of collecting sufficient objective data on each parole case must be completed before the hearing starts.

Complicated as the details and technicalities of the preparole investigation are, the criterion by which to gauge the success or failure of this phase of the se-


6 Quoted from address appearing in Proceedings of the National Parole Conference, 1939, p. 21.
lective process is comparatively simple. The object of the investigation is to provide such factual evidence on each case that the board will be able to form a compe-
tent and unbiased opinion on the potentialities of each individual offender for parole.  

The National Parole Conference pointed out:

An intelligent decision as to granting or denying parole at a particular time cannot be made without com-
plete, accurate, and up-to-date information concerning the individual and his parole plans. It follows, there-
fore, that a parole board should require the following information about an inmate before determining whether he is to be paroled.

(a) A complete criminal history.

(b) A complete social history, including develop-
ments during the period of incarceration.

(c) A medical history and the results of recent medical examinations.

(d) A report of recent psychological and psychi-
atrific examinations.

(e) Reports of institutional progress covering treatment, training, and discipline during the period of incarceration.

(f) A verified report on the prisoner's parole plan including where he is to live, where and for whom he is to work, and what resources are available to meet his other needs as a normal, independent member of society.

Frederick A. Moran has developed further the place of adequate preparole investigations. Mr. Moran says:

No board of parole can intelligently select prison-
ers for release without having before it carefully pre-

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8 Proceedings of the National Parole Conference, p. 115.
pared reports made by parole officers. Every parole law should state the kind of reports which the board must have when considering the case of any prisoner eligible for parole consideration. Uniform outlines should be followed by parole officers in making investigations and all preparole reports should meet certain fixed minimum standards.

Ideally, a parole department should begin its investigation when a prisoner is received in the institution, and completed reports should be available within a period of six weeks for the institutional officials to use in planning the institutional program for the inmate.9

The parole law in Rhode Island does not specifically enumerate the information which the Board of Parole must have before it when giving consideration to applicants for release on parole other than prison conduct, attitude toward reform, and the circumstances of maintenance in the community if paroled.

Up to 1935 parole procedure in the State was far below minimum standards. At that time a case study program was adopted by the State Board of Parole and continues to be employed. At the request of the Governor, the Division of Probation and Criminal Statistics made a study of parole conditions and thereafter recommended that certain standards be adopted. It was recommended:

1. That preparole investigations be conducted by competent social investigators.

9 Quoted in 1937 Yearbook, National Probation Association, p. 111.
2. That the investigation cover the following factors:

(a) A report of the particular offense for which the inmate was committed, and a detailed story as to the nature of the offense, with all the mitigating or aggravating circumstances.

(b) The previous criminal record of the offender, as well as his juvenile record, if any.

(c) His personal, family, environmental, educational, and employment history.

(d) His conduct while incarcerated in the institution, this report to be rendered by the Warden.

(e) The home situation to which the inmate is returning.

(f) A careful check upon the reliability of the employment into which the subject will enter upon his release. In other words, the prospective employer should be interviewed to determine whether or not the inmate will have bona fide employment upon his release.

(g) His physical condition, this report to be rendered by the prison physician.

(h) His mental condition, this report to be given by the State psychometrist and the State psychiatrist.

3. That the accumulated data just mentioned be placed in the hands of each member of the Board at least one week prior to the prisoner's appearance before the Board. This will allow each member of the Board to study the data carefully before interviewing the prisoner.

4. That after the prisoner's release on parole, active and intensive supervision and oversight be maintained by a skillful parole officer.

5. That, in order to secure results in the methods looking to a complete rehabilitation of the parolees, parole officers possessing the highest qualifications be appointed to carry on this important phase of the work.
6. That the responsibility for the preparole investigations and the proper supervision of the parolees be charged to the Division of Probation and Criminal Statistics, and that all parole work be centralized by this Division, so that duplication of effort may be avoided and so that the records may be available to the Board of Parole at a moment's notice.10

Under the procedure as noted, which is followed at present, cases are assigned for investigation to officers of the State Division of Probation and Parole. All cases are cleared through the Rhode Island Social Service Index and information is then sought from public and private social agencies which have knowledge of the individual and his family. The prisoner is interviewed at the institution and is given full opportunity to discuss his plans. The prospective home is visited and members of the family are interviewed. Employment arrangements are carefully examined both as a protection for the community and for the parolee. The social data thus obtained is combined with other pertinent material for distribution to members of the Board. A typical report prepared for the State Board of Parole is shown below:

STATE OF RHODE ISLAND

December 11, 1939

NAME: JOHN DOE

Eligible for Parole: March 16, 1939

Previous Action by Board: None on present offense

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5/25/29 Sentenced to 5 years on a charge of Selling Narcotics.
7/9/31 Voted to continue to 5/32.
5/29/32 Voted to continue to June.
6/10/32 Voted to parole.
6/14/32 Released
3/9/33 Arrested by United States Narcotic Agent for using and selling drugs; held at Prov. County Jail in default of bond.
3/19/33 PAROLE REVOKED.

Warrants on file: NONE

OFFENSE

On April 19, 1938, subject was sentenced by Judge H. Frederick Brown, in Providence Superior Court, to two years at Rhode Island State Prison on a charge of violating narcotic drug act.

NARRATIVE OF OFFENSE

At 10:00 P.M., December 18, 1937, the police of precinct five received information from an anonymous source that there were a man and woman in room number 9 at the Oxford Apartments, 348 Westminster Street, and that they were coming there regularly and indulging in immoral acts and using drugs in the room.

Lieutenant George H. Brown and Sergeant Mack went to the above address and were admitted by Clarence H. Nunes, age 39, a roomer in room number 3, who was left in charge during the absence of Harry Jones, the proprietor. Mr. Nunes led the officers to room number 9 where they were admitted and found a man and woman hurriedly dressing. The woman was Gertrude L. Gants, 37 years old, of 128 Mountain St., Providence, and the man was John Doe, 46 years old, of 128 Mountain Street. Mr. Doe was disposing of various articles he had been using. The officers seized the articles which consisted of: spoon, paper wicks for heating, pills, a bottle, and a medicine dropper. The officers took the man and woman to the station.
They were delivered to the Detective Division where Gertrude L. Gants was questioned by Detective Charles A. McCabe and State Narcotic Inspector John Blake. She stated that Johnny Doe had been getting narcotics for her and that he had gotten morphine for her that night and had given her a shot of it.

The articles were delivered to the State Toxicologist, who reported that a chemical analysis of the liquid contained in lozenge tube showed it contained morphine. He also reported that a chemical analysis of the pills contained in a vial labeled "Atropine Sulphate" proved the presence of atropine.

CRIMINAL RECORD

<table>
<thead>
<tr>
<th>Date</th>
<th>Court</th>
<th>Charge</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/10/17</td>
<td>6th Dist. Court</td>
<td>Possession of drugs</td>
<td>30 days</td>
</tr>
<tr>
<td>2/13/18</td>
<td>&quot;</td>
<td>Defacing bldg; Larceny (3 charges)</td>
<td>30 days, $50 &amp; Costs on 2 charges, 11 mos. and costs on 1 ch.</td>
</tr>
<tr>
<td>9/8/21</td>
<td>6th Dist. Court</td>
<td>Possessing morphine</td>
<td>1 yr. &amp; costs</td>
</tr>
<tr>
<td>3/19/27</td>
<td>Boston, Mass.</td>
<td>Violating drug Act</td>
<td>2 yrs., Atlanta</td>
</tr>
<tr>
<td>12/21/37</td>
<td>6th Dist. Court</td>
<td>Violating Narcotic Act</td>
<td></td>
</tr>
<tr>
<td>12/21/37</td>
<td>&quot;</td>
<td>Possession of hypodermic needle.</td>
<td></td>
</tr>
</tbody>
</table>
SOCIAL FACTS

(a) Personal History:

John Doe was born in Italy on June 17, 1891, the fourth of five children (second of three living children) of native Italian parents. He is a citizen, married but separated, and the father of two children, one of whom is deceased. Doe came to the United States in 1898, coming directly to Rhode Island and remaining here since that time.

Doe was married to Helen Roe on December 2, 1923, by a Justice of the Peace in New Bedford, Mass. This was followed by a church ceremony in Roxbury, Mass., in January, 1924. Of this union two children were born - Felix on Aug. 15, 1924, and Isabelle on July 10, 1925. Isabelle died of pneumonia in March, 1926.

Doe's married life was unhappy, almost from the start. Wife left subject on many occasions, leaving as early in their married life as September, 1925, (records of Society for Prevention of Cruelty to Children). Wife would return to husband only to leave him again. Finally Doe was committed to the Federal Penitentiary in 1927 for two years. When he returned he could not find his wife and has not lived with her since that time. Wife has custody of the child and their whereabouts is not known. During married life the wife complained of husband's drinking and use of drugs and further stated that he was abusive. There is some evidence that the wife was immoral and lived with other men (records of Children's Friend Society). There is no record of legal action for separation or divorce.

Doe has been a drug addict since 1914 and states that he has been an habitual user since that time. Doe adds that he does not believe that he commits an offense by using drugs. He asserts that he does not use drugs in large amounts at one time, but habitually uses small quantities. His breakdowns in the past have been gradual, rather than sudden and complete, for that reason.

Brother states that Doe began to use drugs through association with girls of low repute. His continuance of the habit has been for that same reason. Prior to the present offense Doe was not living at home. He lived with a woman who was addicted to drugs like himself.
Among past offenses, on November 21, 1934, Doe received a four year term of probation for violation of the Narcotic Act. At the start of this period he was committed to the State Hospital because of drug addiction. On March 9, 1935, he was discharged and pronounced to be in good physical condition. Though the present offense occurred prior to the expiration of Federal probation the Federal Court does not plan to take action as it is believed that the present term of sentence is sufficient. At the expiration of probation on November 21, 1938, Doe was discharged as a violator.

(b) Family History:

<table>
<thead>
<tr>
<th>NAME</th>
<th>RELATION</th>
<th>AGE</th>
<th>BORN</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domenic</td>
<td>Father</td>
<td>90</td>
<td>Italy</td>
<td>34 Hill St., Prov.</td>
</tr>
<tr>
<td>Lucy</td>
<td>Mother</td>
<td></td>
<td>&quot;</td>
<td>Deceased</td>
</tr>
<tr>
<td>Concetta Salzillo</td>
<td>Sister</td>
<td></td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>John</td>
<td>Brother</td>
<td></td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>Benny</td>
<td>Brother</td>
<td></td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>Victor</td>
<td>Brother</td>
<td>42</td>
<td>Prov.</td>
<td>34 Hill St., Prov.</td>
</tr>
<tr>
<td>Monique</td>
<td>Sister</td>
<td></td>
<td>Germany</td>
<td>Unknown</td>
</tr>
<tr>
<td>Albert</td>
<td>Brother</td>
<td>25</td>
<td>Boston</td>
<td>Unknown</td>
</tr>
<tr>
<td>Victoria</td>
<td>Sister</td>
<td></td>
<td>Prov.</td>
<td>Deceased</td>
</tr>
</tbody>
</table>

Father was born in Italy in 1849 and came to the United States when he was about 45 years old. Mother was born in Italy and came to this country with her husband. Mother died in August, 1937. Father is illiterate although he has been in this country over forty years. He worked for the City of Providence in the highway department for over 20 years. In 1928 he retired on pension.

A married sister, Concetta, and the brother John, died in Italy. One brother, Victor, lives at home. He has never been regularly employed. The brother Frank died this past year. In 1929 Frank served a three year term at Atlanta for violation of the Harrison Act (narcotics). He was also on Federal probation for the same offense. The Federal probation officer stated to investigator that he was not a satisfactory probationer and no improvement was noted at the time probation expired.

(c) Educational History:

Doe states that he did not attend school as he came to this country when he was seven years old and went to work at the age of ten.
(d) Employment History:

When Doe was ten years old he started work at the Atlantic Mills as a bobbin boy. He was employed there for two years and then went to work as a bootblack until the age of 21. Since that time he has worked repairing sewing machines. He has worked on his own but most of the time has had regular employment repairing industrial sewing machines. In this capacity he has worked for the Atlantic Knitting Co., and the Newport Shirt Company.

HOME SITUATION

If paroled, Doe will live at the home of his father and brother Victor at 34 Hill Street, Providence. Home is located in a very congested area of Federal Hill. It is an old, dilapidated two-story, four-family house. The Does occupy one of the second floor tenements. It consists of five rooms and the physical aspects of the place are not desirable. Only two of the five rooms are furnished and those are scantily equipped. The rooms are so dirty as to present the appearance of never having been cleaned.

The Does have lived at the same location since 1916. Doe's father owns the house. No members of the family are employed and the home is supported by the father's $22.50 monthly pension from the City of Providence and $48.00 each month from rentals.

On November 29, 1939, the father fell down the stairs of the house and was taken to the Charles V. Chapin Hospital. Neighbors have told investigator that home conditions are extremely poor. A woman who lives on the second floor as do the Does stated that Victor sleeps day and night (probably from drugs) and gives no care to the father or the home. From time to time the father has visited neighbors stating that he was freezing as there was no heat in his house. About a year ago a child, a resident of the house, went into the Doe home and found Benny, subject's brother, lying on the floor. The body was discolored and he had been dead for several days. Other tenants report that the building is infested because the Does never clean themselves or the house.

INSTITUTIONAL RECORD

The report of Harold J. Durning, Warden, dated December
15, 1939, is as follows:

"Employed in the kitchen stockroom. Good-natured, happy and willing to please. Although he has been addicted to narcotics for many years, he responds very well to institutional treatment. He also has saved the State much money by his ability in repairing sewing machines in the industrial departments of the institution. Normal in actions."

PHYSICAL CONDITION

The report of Herman J. Berk, M.D., Resident Physician, dated December 12, 1939, is as follows:

"Physical examination today shows no evidence of any acute or chronic illness. Blood Wassermann is negative."

MENTAL CONDITION

The psychometric diagnosis of the Psychometrist who conducted an examination on November 22, 1939, is as follows:

"Subject is functioning at a superior level of intelligence. I.Q. 115."

The psychiatric opinion of Leonard K. Mathers, M.D., State Psychiatrist, dated December 12, 1939, is as follows:

"1. It is most difficult and a rare achievement for a man addicted to morphine for twenty-five years to permanently renounce its use.

2. This does not imply a fundamentally anti-social attitude.

3. The subject is intellectually bright (I.Q. 115). Blood and organic nervous system was negative. (Detailed personality study is available upon request.)"

A report of this kind presents answers to many questions which must be answered before a valid answer can be provided to the main question: Should the inmate be released on parole at this particular time? The queries are numerous. What is the criminal record of the offender? What were the
specific circumstances of the offense for which he is now serving time? What are some of his general traits of personality? What were the circumstances which motivated the offense? What is his social and educational background? What effect, if any, has the period of confinement in the institution had on his physical and mental condition? What has he accomplished while in prison? What kind of prisoner was he? What is his attitude toward society at this time? What opportunity exists for employment in the event he receives favorable consideration otherwise? What appears to be the prospect for rehabilitation? What are family and home conditions?

If a memorandum such as this receives careful study by members of parole boards they should have a sound basis upon which to deliberate and reach intelligent decisions. It would appear that in so far as parole selection is concerned in the State of Rhode Island criticism is not warranted on the score that the preparole investigation fails to supply members of parole boards with adequate data.

3. The Parole Hearing

The State Board of Parole meets at least once each month at the Rhode Island State Prison. The number of applicants appearing before the Board is not uniform but varies considerably. During the fiscal year ending June 30, 1944, for example, there were ten cases heard at the March meeting
and nineteen cases at the June meeting. As a rule the number of cases before the board is not excessive and there appears to be no reason for the selective policy being affected adversely by the amount of work the Board is called upon to perform.

Great care is taken to preserve the privacy of the parole hearing. The meeting is held on the second floor of the prison in a private hearing room. The outer door of the prison which opens on the staircase leading to the floor where the meeting is held is locked and no one is permitted to enter during the session. Two officers of the Rhode Island State Police are on duty just outside of the room. The informal meeting is regarded as an intimate conference between the members of the Board and the applicant. It is felt that since private matters in the life of the prisoner are subject to discussion all outsiders should be excluded. Even attorneys and relatives are barred, although a member has stated to the writer that the Board has made at least one exception regarding attorneys. No officers of the institution are permitted to attend the hearing because the Board desires to reach independent decisions and wishes each prisoner to have an opportunity to give free expression to his feelings. LaRoe asserts: "Under no circumstances should newspaper

11 Ibid., 1944, p. 1.
reporters be present.\textsuperscript{12} Though the Rhode Island Board has a ban on newsmen an exception has been made, according to a member of the Board. Parole hearings are apt to be viewed in an unfavorable light by those denied admission when the privilege has been granted to others.

Parole hearings are conducted to make a determination concerning the advisability of modifying the type of treatment of an offender in the interests of society. Information from every source, which sheds light on the character and personality of the prospective parolee, should be welcomed by boards of parole. Information of this kind is needed to pass sound judgment on the likelihood of satisfactory readjustment to society. Yet, when the time comes for analysis and evaluation of the information, and to talk with the prisoner, the board should be free from distractions and all emotional influences caused by the presence of relatives, witnesses, lawyers, reporters, and spectators.\textsuperscript{13} This is not disputable if the modern concept of parole is borne in mind, that it is a correctional measure and does not involve clemency or a fundamental right of the prisoner.

The Attorney General says:

\...there are certain practices and procedures which should be avoided at parole hearings:

\textsuperscript{12} LaRoe, op. cit., p. 110.

\textsuperscript{13} Proceedings of the National Parole Conference, 1939, p. 114.
The appearance of lawyers on behalf of the inmate. The presence of lawyers may inject into the hearings a legalistic formalism alien to the primary objective of the hearing, which is to pass judgment upon the offender's fitness for parole.

The appearance of friends and relatives of the prisoner, as well as persons who wish to protest against his parole. Some of these persons may have information of value to the board, but this can be more properly secured in the course of the preparole investigation. Usually these persons appear for the purpose of making emotional appeals which have no place in an impartial and objective deliberation.

It seems inadvisable that the public or the press should be present at the hearings. A parole board hearing is not a public trial. Rather is it to be compared to a regular session of a prison classification committee, since both concern the correctional treatment of the offender. Publicity jeopardizes the objective of parole work by harming the prospects of the offender for rehabilitation without protecting the public. The best guarantee that parole will be administered in the interests of the public appears to be in the existence of a competent professional board composed of trained and experienced members.

The hearings should not be conducted in a formal manner, with rigid insistence upon procedural forms. Essential information is more likely to be elicited when the hearing is informal.14

After considering what parole boards should avoid the Attorney General makes some positive recommendations:

(1) Adequate time should be allowed so as to insure careful and objective consideration for each case. Consideration of several hundred cases at a single meeting inevitably results in bad decisions as to many of the cases.

(2) The prisoner should be present at the hearing, since the main purpose of the hearing is to pass judgment upon the offender's fitness for parole.

judgment on the offender as a parole risk. Although a personal interview is sometimes misleading, it is desirable that the opportunity be given to the prisoner and to the board to "talk it over."

(3) A hearing without an adequate preparole investigation cannot serve any useful purpose. The hearing is meant to complement the results of the preparole investigation, not substitute for it. Before the hearing starts, the parole board members should be thoroughly familiar with each case scheduled for consideration.

(4) Last and most important, the parole board should consist of competent officials with training and experience.15

All of the aforementioned recommendations appear to be reasonably well complied with. A preliminary meeting of the board members not holding other public office is a practice in Rhode Island. These meetings are usually held a few days in advance of the regular meeting. By this means members of parole boards have opportunity to avail themselves of information having significant bearing on cases scheduled for consideration. Item (4) above has been considered previously.16

The decision of the State Parole Board is final. In as much as the affirmative vote of the Governor is required, however, there is Executive control of parole in Rhode Island. "This is at variance with the best practice," according to LaRoe.17

15 Ibid., p. 165.
16 Supra, p. 12.
17 LaRoe, op. cit., p. 273.
DO.
4. Parole Conditions

The Rhode Island parole statute sets up conditions necessary for parole. Good prison conduct, a disposition to reform, and ability to secure employment or provisions that the parolee will not be a public charge, are essential.¹⁸ The first two of these are so elementary that no further need for discussion appears to be called for. The last, employment, is an important factor.

Employment has long been a difficult problem for parole boards. On the one hand, if a prisoner is released without a job, there is great chance that he may relapse into crime and, on the other hand, if employment is made a rigid requirement for parole, fictitious jobs may be resorted to or, as a result of no work, prospective parolees have to remain in prison.

The Rhode Island policy is that employment is a vital factor in the parole process. The State Board has long recognized that suitable and regular employment is essential for the success of parolees. It has borne in mind, however, that in this respect, as in others, it is largely dependent upon the opportunities the community offers those preparing to re-enter it. As a consequence the Board tries to be realistic in its approach to the problem because the opportunities

¹⁸ Supra, p. 15.
The text on this page is not clearly legible. It appears to be a continuation of a paragraph or a section of a longer document. The content includes various sentences and paragraphs, but the specifics are not discernible due to the quality of the image.
offered by the community are extremely limited at times. Furthermore, because some individuals are so limited in ability they are eliminated from most employment opportunities. A rigid enforcement of a policy requiring employment as a condition for parole would amount to a denial of parole to the unfortunate. The attitude of the Board seems to be well explained by a parole official in his remarks concerning the parole system of another State:

We have tried, in setting up the system, not to strain at a gnat and swallow a camel. We have sincerely tried to face the facts and not merely for the sake of form to seek the impossible. Particularly is this true in our attitude toward the underprivileged. Although we require that every prisoner have a means of livelihood before he is released on parole, every effort is made to take a sane and realistic view. An effort is made to secure the best type of employment suitable to the ability and training of the parolee. Requirements are relaxed in the cases of poorly equipped individuals. Some of these have never had steady jobs - they are casual laborers and live through odd job employment. To require bona fide offers of permanent employment would be absurd in such cases. Such a policy would simply deny parole to the underprivileged, or would result in some species of subterfuge. Our policy may be reduced to this simple statement: We do not release a man on parole until our investigation shows a reasonable expectation that he can make a living. After his release every effort is made through parole and welfare agencies to establish the parolee economically and socially as a going concern.\textsuperscript{19}

An approach to the problem such as this seems reasonable and adequate. As has been pointed out by the Attorney General's Survey: "The solution must be an individual one wherein rigid

\textsuperscript{19} Edwin Gill, \textit{The Parole System of North Carolina}, p. 15.
regulations are of doubtful value.20 The same authority adds:

In the matter of the conditions imposed by parole boards which the prisoner must fulfill in order to be paroled, the most important is that of employment. Parole boards are faced with the alternatives of either paroling the prisoner without a job and thus increasing the chances of his relapsing into crime, or keeping the prospective parolee in prison because no employment can be provided for him in times of widespread unemployment. When employment is made a condition for parole, the consequences are likely to be either that the prisoner will resort to subterfuge through fictitious offers of employment, or that many prospective parolees who otherwise would be good parole risks will have to be kept in prison for lack of jobs. Furthermore, there seems to be considerable danger of the exploitation of parolees by unscrupulous employers when they are forced to accept any sort of job in order to be paroled. The parole authorities, therefore, should investigate prospective employment in order to prevent subterfuge as well as exploitation.21


21 Ibid., p. 185.
CHAPTER IV
PAROLE SUPERVISION

A prisoner who is released on parole is not a free man. The theory of the parole law is that he remains in the custody of the State. When there is no supervision of parolees, or supervision is inadequate, the term "parole" applied to the release of an inmate of a penal institution is nothing short of a misnomer. Conditions are imposed when paroles are granted and if supervision is absent there is no way of knowing if the parolee is abiding by the terms of the parole permit.

Parole is a period of transition from the abnormal life of the institution to the normal life of the community. It is a difficult period of adjustment. Not only is there a personal need for help at this time but there exists the great need of social protection, for the very fact of penal confinement indicates that the individual is capable of grave social misconduct.

Constructive supervision is an essential part of parole. The courts have repeatedly ruled that release on parole does not set the prisoner free, but only permits him to serve a portion of his sentence in the community instead of in prison so long as he meets the conditions prescribed by the releasing authority. This implies that the state or other governmental authority should provide adequate means and organized procedures for ascertaining whether the parolee conscientiously and strictly lives up to his end of the bargain. It also implies that the attitudes, skills, and disciplines developed by the institutional authorities shall be continued during the period of supervision. It implies furthermore that the measures taken during the period of his incarceration to improve and prepare the community and family for
the inmate's return be continued and developed by those in charge of him after he leaves the institution.

Rehabilitation cannot be left to chance, for too often the same factors which conspired to bring about the first delinquency may come into play again and cause another conflict with the law unless they are modified or eliminated. Common sense demands that the supervision of the released offender shall be of such character as will remold his attitudes and reshape his habit patterns.

This wide range of individual differences in persons and communities makes impossible a listing of the various tasks which may confront the parole officer in any given situation. Assistance in finding a suitable residence, finding and holding a job, obtaining medical care, forming and maintaining desirable associates and leisure-time activities, consulting in regard to adjustments within the family and in relation to expenditures are among the many services, which may be of assistance in strengthening the morale and building up within the parolee the will and ability to solve his own problems. The essential point is not the "doing for" the parolee but providing a setting in which he can find the means for self-development.1

1. The Supervisory Agency

Rhode Island has a state-wide combined probation and parole service. It is a centralized system whereby probation and parole counselors are employed by the State Division and not on a court, district, or county basis. The state-wide nature of the services tends to produce a closer cooperation with social agencies in the entire State.2 Five counselors whose duties are devoted to parole exclusively carry on their work in the urban areas of Providence and Pawtucket while the less densely populated localities are served by counselors

2 See Yearbook National Probation Ass'n., 1951, p. 206.
who function in both parole and probation activities. All offenders released by the State Board of Parole and the Welfare Board of Parole are supervised by these counselors. The Attorney General comments:

In at least ten States the practice long followed in Wisconsin and the Federal parole system of supervising probationers and parolees under the same administrative organization has been adopted. Since the character of parole supervision is closely allied to that of probation supervision there is no reason why such a combination, if efficiently organized, cannot be put into operation in many States which are unable to maintain separate, adequate supervisory personnel for both parolees and probationers. The plan, undoubtedly, makes possible a better distribution of field officers throughout the State and rightly administered should result in a contraction of the territory to be served by a single officer.  

Geographically Rhode Island is small, being only forty-eight miles long and thirty-seven miles wide. Although it is the smallest State of all it is the most densely populated, having three quarters of a million people within 1497 square miles, of which 200 square miles are actually Narragansett Bay, which extends twenty-eight miles inland. It is divided into twelve judicial districts, all of which have full-time probation and parole service. Under the existing conditions the districts are not large in area and for the most part are accessible. From the viewpoint of localities and traveling distances the supervisory procedure in the State appears better than satisfactory.

2. **Supervisory Personnel**

The importance of parole supervision has been emphasized on many occasions by many different persons. The need for qualified personnel to provide adequate service has been pointed out in one authoritative volume as follows:

> The crux of successful parole is supervision. Without intelligent trained supervisors the entire system breaks down. If all prisoners who are to come out of prison must be released with some restraints - and that condition is necessary if parole treatment is to mean anything - it is important to have supervisors who understand the responsibilities of supervision.

> Here is the statement of opinion of the Parole Conference of 1939:

> The extensive knowledge and technical skill required to help the offender adapt himself to the social structure cannot be acquired incidentally through experience in unrelated fields. It can best be developed by specialized training courses analogous to those prescribed for other social case workers. The Conference, therefore, believes that the qualifications for parole officers must be expressed in terms of training and experience in the field of social case work.

1. **Training and experience:** College degree with a major in the social sciences or closely allied fields; at least two years successful full-time experience in social case work with a recognized social agency with extra credit for work with delinquents, or one year in a graduate school of social work and one year's experience in a recognized social agency.

2. **Knowledge:** (a) Demonstrated knowledge of approved case work principles, methods, and practices; (b) demonstrated knowledge of the principles of criminology and penology; (c) demonstrated knowledge of the elements of the criminal law and court procedure.

3. Personal attributes: He must possess that quality of brotherly love that causes him never to lose hope for the reclamation of the offender. He must possess that patience and confidence in the ability of the individual with use of spiritual and material resources at his disposal to return himself to right living and orderly behavior. It is assumed, of course, that the parole officer will be in good physical condition, be of good character, possess emotional stability, tact, energy, mature judgment, and zealous interest in the work.

4. Compensation: Salary should be consistent with the training, experience and personal qualifications demanded by the character of the parole officer's work. Training, experience, and personal qualifications required for effective parole work cannot be secured without adequate compensation, protection from political favoritism, and opportunity for advancement on merit and efficiency.

The Department of Civil Service of Rhode Island has established minimum qualifications for positions as probation and parole counselors in the State service. The requirements are as follows:

Minimum Qualifications: Experience such as may have been gained through: employment in a responsible position involving dealing with problems relating to investigations, supervision and rehabilitation of juvenile delinquents and adult offenders. Training such as may have been gained through: graduation from a college of recognized standing preferably with specialization in the social sciences. Or, any combination of experience and training that shall have resulted in: a demonstrated ability to make investigations successfully; a knowledge of the factors contributing to individual maladjustment; a knowledge of the principles of probation and parole case work; a familiarity with the various social and community agencies throughout the State and the services and aid offered by them; and related capacities and abilities.

Special Characteristics: Ability to deal with people; initiative; tact; good judgment; sympathy, common

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5 Proceedings of the National Parole Conference, p. 117.
sense; integrity; and good character.

**Salary Range:** $2160 to $2640 per year.6

It is plainly evident that the requirements in Rhode Island fall short of the recommended standards. The qualifications called for by the State closely approximate those established by the National Conference. However, these are waived by the clause, "any combination of experience and training." As a result of the waiver clause a college degree and employment "in a responsible position dealing with problems relating to...juvenile delinquents and adult offenders," as recorded above, are not required. However, it does appear that strict application of the standards set up in Rhode Island should result in reasonably well-qualified personnel in the Division of Probation and Parole. An over-all view of the current personnel appears to indicate that this situation prevails.

It is a first principle of social agency procedure that the activities of workers in the field receive supervision from a qualified social case work supervisor. The Rhode Island Department of Civil Service has established standards for that type of position and the Division of Probation and Parole employs a supervisor of case work. Under the administrative procedure in the Division the duties of the supervisor

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6 Refer to employment announcement of Rhode Island Department of Civil Service.
are concerned with probation exclusively. As a consequence this official has nothing whatever to do with case work processes employed by parole counselors. The case records of parole counselors from all parts of the State when returned to them as approved are stamped with the initials of the administrative assistant to the Administrator of Probation and Parole. The Department of Civil Service has classified the position of Administrative Assistant in the State service as a clerical job. No knowledge of case work or even basic sociology is required of those certified for that kind of work. The weakness of the arrangement relative to supervision of the work of parole counselors is self-evident.

3. The Method of Supervision

The applicant for parole whose case receives favorable consideration is instructed regarding the terms of release by the administrative assistant to the warden. As a matter of practice he is completely outfitted with clothing, if there is a need, and is given a minimum of five dollars. He is then directed to make a report to his parole counselor within twenty-four hours. The institution then sends written notice to the counselor that the parolee has been released.

Parole supervision is conducted through the medium of home and community visits and office reports. Parolees are required to report at least once each week at the outset of the parole period. Home visits are made at least once each
month. If intensive oversight appears to be needed the frequency of both home and office visits is increased. As the parolee gives evidence of becoming progressively readjusted to normal social life, the supervisory oversight is quantitatively relaxed.

Counselors are required to maintain case records on each parolee under supervision. Records are kept in duplicate so that the central parole office copy is identical with that in branch office files. The full preparole investigation is available in both files. Counselors are required to keep case records up to date on a quarterly basis, obtaining originals from the central office for the purpose of recording. Current records are then forwarded to the central office and the second copy is returned to the branch office after approval.

Regardless of the size of case loads, and at present the average case load is seventy-five, parole cases receive priority in the matter of oversight. The case records, which include the dates of all contacts, are recorded in summary form. It should not be difficult to evaluate the work of individual counselors even though one must bear in mind that in summary recording the record does not contain a detailed account of the case work process.

Discharge from parole is a strictly informal matter. The date of expiration of the original sentence less good
time determines the day of discharge. Life termers continue under supervision until or unless granted an outright pardon by the Governor.  

Full rights of citizenship are not automatically returned to those who complete the period of parole successfully. Any person who is sentenced to more than one year in the State prison "shall forever thereafter be incapable of being elected to any office of honor, trust, or profit in this State and of acting as an elector therein," unless the general assembly expressly restores the privilege.  
The advisability of depriving parolees of the rights of citizenship is in doubt. Rehabilitation is possible only under normal conditions. The more normal the conditions under which parolees live, the greater are the probabilities of their successful social adjustment. There is good basis for the contention that full citizenship rights should be restored at the time of release on parole or within a short time thereafter.

7 Supra, p. 17.
8 R.I. Public Laws, 1935, Ch. 2250, secs. 50, 51.
CHAPTER V
SUMMARY AND CONCLUSIONS

This chapter points out a number of conclusions concerning the Rhode Island parole law and the processes of selection and supervision which have been treated in some detail in the preceding chapters. This chapter does not review in detail the data which supports the conclusions reached. Its primary purpose is to present the deductions which logically follow the evidence assembled.

1. The Parole Statute

Two separate boards of parole function in the State. The inadvisability of this arrangement and the superiority of a central parole-granting agency has been indicated.

The Governor and the Attorney General are among the membership of the State Parole Board. The authoritative opinion presented is diametrically opposed to inclusion of political officers of the State in the personnel of parole boards.

The appointment of members of parole boards to serve at the pleasure of the Governor, as is the case in Rhode Island, is not in line with good practice and opens the door to parole abuses.

Parole board membership in the State is a part-time activity. Although it has been authoritatively proclaimed that the efficient operation of parole demands the full time
and attention of officials entrusted with the duty of parole selection, part-time service on parole boards is not undesirable in Rhode Island in view of local conditions.

The absence in the parole law of a requirement of special qualifications for membership on the State Parole Board is one of its undesirable features, though the integrity and practicality of the present membership is not a part of the point at issue.

The necessity of the vote of the Governor with the majority in order that a parole release be granted places the State in the position of having Executive control of parole, which is not according to the best recognized practice.

The discretion of the State Board to parole is limited between a minimum and a maximum. The minimum of one half time is not looked upon as satisfactory in some quarters, where it is advocated that one third time should be established as a minimum, such as is the situation in respect to the Welfare Board of Parole. The absence of an indeterminate sentence law among the Rhode Island statutes has been pointed out. The fact that the type of offense, with the exception of habitual criminal, and the length of sentence, with the exception of life term, does not limit the parole authority is a desirable feature of the law.

In the absence of a flexible parole law, the law providing for good-time deductions on sentences of one year and
over appears to be desirable.

2. The Selective Process

Rhode Island parole law does not require that applications be made by prisoners for consideration of their cases by the State Board of Parole. However, it is the practice to require them. Evidence which has been presented from parole authorities indicates that cases should be considered routinely by boards, and that where applications are required those who most need the oversight provided by parole are not likely to receive it.

The preparole investigation employed in the State is adequate. It complies with what are considered to be good standards and provides parole board members with an informative basis for selection.

The parole hearing in Rhode Island is private and measures up, in so far as procedure is concerned, to accepted standards. The undesirable features found to accompany hearings in many jurisdictions are generally absent.

Board policy concerning employment for prospective parolees is realistic. Though there are stern regulations each case is considered on its merits. This approach has been authoritatively commended.

3. Parole Supervision

The State-wide parole service that is a part of the Rhode Island system provides good coverage under a centralized
plan of operation, and quantitatively the supervisory function of parole is adequately cared for.

The staff of parole counselors functioning in the State is employed under a merit system. While the qualifications required of counselors fall below quoted standards it appears that in view of influencing circumstances the staff as a whole is relatively well-qualified for the work. The absence of a case work supervisor for parole is not in line with accepted standards for a case work agency and represents a weakness in the administrative organization.

The method of supervision by means of the office report and the home and community visit that is carried on in Rhode Island appears to provide a good standard of parole oversight. There does not seem to be any particular reason why parolees should not have the full and intensive oversight required.

The dual record system, whereby both the central and branch offices have current information on all cases, is a commendable administrative feature.

Approved,

[Signature]

Dean
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Reports


Unpublished Material


Books


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