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FACTORS DETERMINING PAROLE FROM THE MASSACHUSETTS REFORMATORY

SAM B. WARNER^a

PREFACE BY SANFORD BATES^b

THE REPORT OF THE DIRECTOR OF COMMITTEE ON CRIMINAL RECORDS AND STATISTICS

To the late Frank L. Randall, one of my predecessors, is due a large part of the credit for the attempt to establish parole in Massachusetts on a scientific basis. He also it was, who established a system of institution statistics, which he believed would have an important relation to parole and which, summed up in a "history chart," would be of value to all officials dealing with the inmates of our penal institutions.

Personal visits to institutions in eighteen states of the Union and a study of penal statistics in general have confirmed my belief that Massachusetts has as good a system as any. Nevertheless, the Massachusetts Department of Correction has been anxious to improve its system and test its reliability. We were glad, therefore, to have the collaboration of the Institute of Criminal Law and Criminology, and have worked with Professor Warner, whose analysis of our statistics, made at our request, has not only been of help to us, but must be of interest to all penologists.

It was, of course, necessary for him to take cases all of which arose and were decided some years ago. As to the rather startling conclusions reached in the following article (that the facts gathered by the department do not bear on the success or failure on parole) it may be noticed—

(1) That the means for collecting and verifying data have been inadequate and have recently been much improved.

(2) That through the Board's reliance on the superintendent's and psychiatrist's recommendations, they *are* indirectly relying on the inmate's history. And

(3) That the mere decision of the Board to release or not to release is not the only occasion for gathering data. The assign-

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ment to labor, the right to visit, the classification in an institution, the handling and placing on parole, all need to be based on an acquaintance with facts. The apparent lack of cogency in our statistics will not lead us to abandon their collection. Rather will it lead us to more care in their selection and verification. Whether or not the particular member or members of the Board of Parole are or should be guided by the information furnished them, this much is true—if family history, former record, conduct in industry, conjugal relations, property, education, etc., do not have a bearing on a man's conduct, what does? Is crime a fortuitous circumstance not to be analyzed and therefore not to be prevented?

We are all indebted to Mr. Warner for the ideals he suggests as improvements in the scientific granting of parole. In no profession is the breach between the theoretical and the practical greater than in penology. Unwillingness of legislatures to adopt our programs, lack of appropriation, difficulties in the way of personnel, misunderstanding by the public, will wreck many an ideal. And above all, the innate perverseness of the human nature with which we have to deal will discourage many of us.

It is the habit of society to be critical of the prisons, and to claim that persons issue therefrom worse than when they went in. After the home, the school, the church, the civic and philanthropic agencies, the settlement house, the boys' clubs, the scouts and the Big Brothers, the Juvenile Court, the probation officers and the training schools have failed to awaken the better nature of an offender, is it any wonder that the reformatory sometimes likewise fails? It *may* stand as the last milestone on the road to ruin, but its failure is none the less the failure of society as a whole. Probation and preventive measures are intercepting increasing thousands every year. This sifting out of promising cases, however, but *increases* the difficulties of our problem. The penal institutions are beginning to realize that incarceration presents opportunities for a daily ordered regimen of correction rather than punishment alone. However well we may direct our corrective institutions, with how great wisdom our parole boards act, however keen and intelligent may be the supervision of those released, the same human perversity will bring us many failures to spur us on to greater effort.

One thing, however, is certain. Scientific analysis must precede benevolent altruism, and investigations such as the one the results of which are here published, cannot but help us to travel in the right direction.

INTRODUCTION

This report deals with the factors determining parole from the Massachusetts Reformatory.¹ The report contains, first, the sources and nature of the various pieces of information concerning each prisoner which are at the disposal of the Board of Parole² when it determines whether or not to grant the prisoner a parole. Second, the information used by the Board and the weight it attaches to each item. Third, the results of the Board's action measured by the success of the prisoners it paroles. Fourth, the correlation between the success of prisoners on parole and the reasons which led the Board to parole them. Fifth, a critique of the value of the information at the disposal

¹Paroling prisoners from the Massachusetts Reformatory is a function entrusted to the State Board of Parole. The Board of Parole consists of three, a Deputy Commissioner appointed by the Commissioner of Correction and two appointees of the Governor. The Deputy Commissioner is a regular employee of the Department of Corrections as is also one of the appointees of the Governor; the other, a physician, gives about six days a month to his work as member of the Board of Parole and Board of Pardons.

The Board of Parole visits monthly each penal institution in the state and there hears petitions for parole. It also holds hearings in the State House and determines the advisability of revoking paroles because of the misconduct of persons on parole. The Board of Parole also acts as a Board of Pardons advisory to the Governor. The Deputy Commissioner, who is a member of the Board, also has other duties to perform in the Department of Correction. I have thus gone at length into the composition and duties of the Board to show that it is impossible for the Board of Parole to make a careful personal investigation into the merits of each prisoner's claim to parole. It is forced to rely on information furnished by other people, rather than on its own impressions. Consequently it is possible to ascertain the considerations that influence it.

²The following is a brief description of the constitution of the Board of Parole during the period covered by this investigation:

In 1914 the Board was composed of Prison Commissioner Frank L. Randall, four attorneys, and a newspaper man. That Board continued with only one or two changes in the personnel, until 1916, when there was created a Board of Parole composed of the chairman and two associates. The associates were both attorneys and the chairman had previous experience in handling prisoners for several years. This Board of three continued with only one change until 1920. That one change was the substitution of one member who was an attorney by another attorney.

The present Board has been in existence since 1920, when the Department of Correction was reorganized. The chairman, Mr. Frank A. Brooks, continued in office. Mr. Henry A. Higgins, the Deputy appointed by Commissioner Bates, had previously been Deputy Commissioner of Penal Institutions in the City of Boston and Master of the Deer Island House of Correction. The third member, Mr. George H. Wrenn, had been inexperienced in prison work, but had wide knowledge of men as an adjuster of labor problems. Only one change has taken place in the present Board in three years, when Dr. Hugo O. Peterson replaced Mr. Wrenn in January, 1922.

The present Board is the first one composed without attorneys and Dr. Peterson is the first physician ever to have been appointed to the Board. He had special qualifying experience in handling prisoners by virtue of his training as City Physician of Worcester for six years, which work embraced examination of criminals and mental defectives for the courts.

of the Board. And sixth, suggestions as to the factors which should determine parole.

I

INFORMATION AT THE DISPOSAL OF THE BOARD

The information concerning each prisoner at the disposal of the Board of Parole is obtained from the following sources: 1. The report on the crime, trial and prior criminal record made by an agent of the Board. 2. Examination of the prisoner at the Reformatory. 3. Letters written in reply to inquiries about the prisoner and sent without request by persons anxious to secure the prisoner's release. 4. Oral representations made to the Board by friends of the prisoner. 5. The oral and written reports by Reformatory officials.

It was not possible to ascertain the nature of the information obtained by the Board from all these sources. The information obtained from the first source, the report of the agent, has all been examined, classified and tabulated. The same thing has been done with regard to the information obtained from the prisoner at the Reformatory, except that collected for the purpose of identification, the prisoner's musical achievements, part of the psychological report and the examiner's opinion of the prisoner.

The third source is letters concerning the prisoner. They are to be found in the files of the Department of Correction and an examination of some hundred of them shows that in some instances they throw light upon the prisoner's case that cannot be obtained from any other source. They were not considered in this investigation, because of the great labor that would be required to examine them all and classify the answers. The methods used by the Board of Parole in handling cases make it probable that it also pays little attention to these letters in the ordinary case and for the same reason.

The fourth source was, of course, entirely ignored, because it was impossible in the very nature of things to ascertain what oral representations were made to the Board by the prisoner's friends.

The fifth source consists of written and oral reports by Reformatory officials. The written reports only were considered. The oral reports are those of the Superintendent to the Board of Parole. Failure to consider them is probably not an important omission, because they must in most cases be based upon the prisoner's conduct record and upon reports of subordinates to the Superintendent, both of which are in writing and so were studied.

This information obtained from these sources is set forth in Tables II to XI,³ appended hereto, and includes sixty-four items. Table II, Family Background, states character of father and mother, their education, financial circumstances, marital relations, religion, criminal records and alcoholic propensities. Table III gives the prisoner's race, nativity and residence; Table IV, his education; and Table V, his habits so far as those relate to alcohol, tobacco, drugs, gambling, and sexual indulgence. Table VI, Circumstances at Time of Crime, deals with the prisoner's age, marital conditions, church attendance, occupation, financial circumstances, life insurance, religion, the extent to which he contributed to the support of others and corresponds with relatives,

³To determine whether the data upon which the Board acts are really criteria of reformation and whether there may not be other data at the disposal of the Board that would furnish better criteria, an investigation was made of the records of 680 persons sent to the reformatory. The files in the office of the Commissioner of Correction are arranged alphabetically by name of prisoner. Starting with prisoners whose names commenced with "J" every folder was examined until 680 had been covered, 300 of parole successes, a like number of parole violators and 80 of prisoners not paroled. Only 80 cases of prisoners not paroled were examined because a larger number of cases with complete records could not be found. The folders of prisoners admitted before 1912 and those whose maximum sentence had not yet expired were skipped. As only 3% of the prisoners sent to the reformatory had a sentence of over five years and in only three cases was the sentence over six years, the failure to consider prisoners sentenced before 1912 cannot affect the composition of the group. These figures, like all others given in this report, are based on the examination of the 680 cases referred to above.

It was necessary to leave out of consideration in this investigation the cases of prisoners whose maximum sentences have not yet expired, because it is impossible to tell whether a man will violate parole or not until the end of his parole period. This omission was unfortunate, however, because the Department of Correction and the Board of Parole were reorganized in 1920. So while the discussion relates to how the present Board of Parole acts, the cases examined nearly all came up before the old Board, that is, between 1912 and 1920.

The new Board came into being at the time of a large increase in crimes of violence and of sex crimes, and so inaugurated the policy of paroling only under exceptional circumstances gunmen and sex offenders. During the entire period covered, the Board has been furnished with the same kinds of information. So it is not believed that the change, important as it was in other respects, at all affected, except as to gunmen and sex offenders, the bases of parole from the Massachusetts Reformatory.

The report on the crime, trial and prior criminal record of each prisoner is both placed in the file and copied into the "Inmate's History and Record." This history also contains the results of the prisoner's physical and psychological examination, the answers to a long list of questions he is asked and the examiner's opinion of him. All the information in the "Inmate's History and Records," except that collected for the purpose of identification, the prisoner's musical achievements, part of the psychological report and the examiner's opinion of the prisoner, was copied onto a large sheet. A separate sheet was made out for each prisoner. These large sheets were sorted into three piles, those of prisoners not paroled, those paroled who did not violate their paroles, and those paroled who did violate their paroles. The data was then examined to see what facts differed in the three classes and the tables, appended hereto, compiled. The tables, except where otherwise indicated, are all arranged on the basis of a hundred.

the character of his home and sweetheart and the relationship to him of the persons with whom he lived. Table VII, The Crime, deals with the nature of the crime, the sentence, loss occasioned, amount recovered, restitution made, etc. Table VIII gives the prisoner's prior criminal record. Tables IX and X contain the results of the prisoner's physical and mental examinations at the Reformatory. Tables XI and XII relate to his conduct at the Reformatory and on parole, respectively.

II

THE ACTION OF THE BOARD

In considering the way in which the Board of Parole acts it is necessary to differentiate three things: 1. The criterion for the Board's action which is laid down by the statute. 2. The criteria adopted by the Board. 3. The criteria actually used by the Board.

The law⁴ provides that whenever a prisoner has in the opinion of the Board of Parole reformed, he may be granted leave to be at liberty. Strictly interpreted the statute would seem to require that the Board of Parole should consider merely whether such a change had occurred in the prisoner between the commission of his crime and his application for parole as to lead it to believe that he has changed his character for the better sufficiently to constitute a reformation. The Board has never so interpreted the statute. It has always acted on the assumption that it was to determine not whether a man had reformed in the strict sense, but how the community was likely to be affected by setting him at liberty. It refuses to parole gunmen without regard to reformation. It has paroled prisoners whom it believed would not again commit crime, but for reasons other than moral regeneration. Many of the criteria of parole which it has laid down and upon which it acts are criteria of danger to the community from the prisoner, not of his moral transformation. The impossibility of applying the strict interpretation in practice undoubtedly influenced the Board. It will be assumed throughout this report that the Board's interpretation is correct.

The law provides no criteria for determining when a prisoner has reformed, but the Board states that in determining that question it is influenced by the following considerations:⁵

⁴Mass. General Laws, ch. 127, sec. 135.

⁵Rules of the Board of Parole, published by the Department of Correction, January, 1922.

A few prisoners are sent to the Reformatory for a determinate period, but the great majority are given an indeterminate sentence of which only the

1. Whether or not a man has profited by his stay in the institution, and has so far reformed as to be unlikely to commit another offense.

2. His conduct record while in the institution.

3. Whether or not a man has suitable employment awaiting him upon release.

4. Whether or not he has a home or other proper surroundings to which to go.

5. A man's ability to tell the exact truth when interviewed by the examiner or the Board.

6. The seriousness of a man's offense and the circumstances surrounding it.

7. His previous record in court or otherwise.

8. The appearance which a man makes before the Board in applying for his parole.

9. Behavior on former parole.

Let us consider these criteria in order and determine the extent to which they actually govern the conduct of the Board.

One. Whether or not man has profited by his stay in the institution and has so far reformed as to be unlikely to commit another offense. This is merely another way of saying that if a man has reformed he shall be paroled, and so is not a criterion for determining whether he has reformed or not.

Two. His conduct record while in the institution. There are three things that the Board wishes to know concerning a man's conduct at the Reformatory: the recommendation given by the Superin-

maximum is fixed. As the Board may parole the members of both groups, it is not necessary for our purposes to distinguish between them. Three per cent of the prisoners have a sentence of over five years, usually between five and six years. Sixty-one per cent have a five-year sentence and the remaining sentences range from one to five years.

The regulations of the Board now in force give a prisoner sentenced to the reformatory for one year the right to petition for a parole after eight months. A prisoner who has never before been to the reformatory and has a two-year sentence may apply after eleven months; if he has a five-year sentence, he must wait fourteen months. If the prisoner has served one or more previous terms in the reformatory and is now sentenced to two years or more, he may petition after twenty months. If a prisoner is sentenced to more than five years, he may petition after he has served one-half of his sentence. The same rules apply to prisoners transferred from the state prison that would apply if they remained there. If an applicant is denied a parole, he has the right to petition again after two or four months unless the Board orders otherwise.

These rules were adopted by the Board on August 1, 1920. The rules in force before that date enabled prisoners to petition a little sooner. The attitude of the Board towards its rules has still further cut down the time actually served. The Board considers that these rules express its customary mode of action, but are not binding upon it. In unusual cases it has always heard petitions for parole before the time stated in its rules.

tendent to men whose conduct is exceptionally good, the conduct grade the prisoner is in, and the number of marks he has lost for bad behavior. Prisoners are divided into four grades, depending upon their conduct. Those in the first grade wear diamonds just above the two yellow stripes, similar to the stripes of an army sergeant, on the sleeve of the prison coat. Prisoners in the fourth grade are those whose conduct at the Reformatory is very bad. They are regularly denied parole on this ground alone.

I am informed that the Superintendent's recommendation of a prisoner and the conduct grade the prisoner is in usually depend more upon the number of marks a prisoner has lost for bad conduct than upon any affirmative good behavior of the prisoner. The usual things for which a prisoner is punished by loss of marks are: disturbance, lying, profanity, insolence, carelessness, theft, shirking, malicious mischief, smoking, and communicating. The usual number of marks a prisoner loses for one offense is from ten to twenty-five, but for an escape a prisoner loses 150. The Board says that these offenses with the exception of an escape are so monotonously similar when examined into carefully and represent such a similarity of attitudes that it is not interested in the number of offenses or their nature, but wishes to know merely the total number of marks a prisoner has lost. The usual procedure is for the Reformatory official in charge of the records to say when a candidate for parole has taken his seat before the Board: "He has lost 150 marks"—or whatever the number may be—"none of them within the last six months." The Board lays great store by this last piece of information. A man who had lost 150 marks but none of them within the last six months would stand an excellent chance of being paroled, but a man who had lost fifty marks, all of them within the last two months, would have almost no chance. The Board would say that the record of the former showed that he had made a sustained and successful effort to gain control of himself and go straight, while the latter had suffered a relapse, to recover from which he needed further treatment in the Reformatory.

Three. A job waiting on the outside is an absolute requirement for parole. But this requirement practically never prevents a man from being paroled, as the Reformatory or the prisoner's friends are usually able to get the prisoner the promise of a position as soon as he is eligible for parole.

Four. If a man is to be sent back to his home rather than into a strange community, where he will not be known, the sort of home awaiting him is a question of prime importance. But though the Board

makes this its fourth criterion as to whether a man has reformed or not, it has usually no information as to the character of the man's home, except the man's own statement as to the relationship between himself and the person with whom he is living, and his answers to certain questions about his parents and wife, if any, which will be discussed later and shown to have practically no bearing upon the character of the man's home or surroundings.

Five. A man's ability to tell the exact truth when interviewed by the Board is seldom an important factor. The interview is so short and the nature of the conversation and the man's position is such as to give even a habitual liar small opportunity to betray himself.

Six. There are only two things that interest the Board with regard to the seriousness of a man's offense and the circumstances surrounding it. They are whether the crime for which the man was convicted was rape, and whether he used force endangering human life in committing his crime, especially whether he is a gunman.

Seven. The information the Board has concerning the prisoner's previous criminal record consists of the date of each conviction, the crime for which sentenced and the sentence imposed. If one of the former sentences was to the Massachusetts Reformatory, the Board will know the prisoner's conduct in the Reformatory and his record on parole, but if he went to Shirley or some other institution, the record does not show how he behaved there except that it may show whether he escaped from that institution or not.

Eight. The appearance which one man makes before the Board is so like that made by every other as to be unimportant. Of course, occasionally a cantankerous soul will blurt out: "I don't expect nothing from you and I don't want nothing from you!" thus displaying an attitude of mind that makes the solution of his case extremely easy for the Board. But such a man is very exceptional; the ordinary candidate for parole is so anxious to get out that he would kiss the Board's feet if that would help any. Of course he is respectful and scared and says that he realizes that he has done wrong, is sorry, and knows he can go straight if given just one more chance.

Nine. Behavior on former parole may be a good criterion of probable conduct on the next parole. If the prisoner was successful on his former parole, that is a strong point in his favor, especially if some time elapsed between the end of his parole period and his next crime. But though the majority of inmates of the Massachusetts Reformatory have been in various penal institutions before, few, except returned escapes, have ever been to the Massachusetts Reformatory and hence

had a prior parole known to the Board of Parole. Further, a prisoner who has violated a parole granted to him from the Massachusetts Reformatory may not be returned to it, but to a house of correction or other penal institution, because the Department of Correction has lost confidence in his reformability. This practice still further decreases the number of cases in which behavior on former parole is available as a criterion.

We have now discussed the nine criteria which the Board of Parole says influence it. We have seen that in the great majority of cases it can get assistance only from numbers two, six and seven: Conduct in the Reformatory, Nature of the Crime, and Previous Criminal Record. We shall next consider the extent to which the Board acts upon these criteria and what other considerations, if any, influence it.

The Board of Parole takes pains to ascertain the nature of the crime committed by each prisoner appearing before it for parole. Though the Board has always been slower to parole gunmen and sex offenders than prisoners convicted of other crimes, it has recently adopted the policy of denying parole to gunmen and prisoners convicted of rape except under very unusual circumstances, and of being severe upon other sex offenders as well. The reasons for the Board's severity towards gunmen and sex offenders are: first, the damage likely to result to the community from a repetition of their offenses is great; and, second, the Board believes that it can greatly curtail such crimes by having it known throughout the penal institutions of the state that it treats such offenders with special severity.

The piece of information to which the Board attaches the most importance is conduct in the Reformatory as measured by the number of marks lost for bad behavior. A prisoner who has lost few or no marks for bad behavior is almost certain to be paroled the first time he appears before the Board, unless, of course, he is a gunman or sex offender.

The Board of Parole is being continually urged by the Superintendent of the Reformatory to make the granting of a parole turn upon the prisoner's conduct at the Reformatory. He repeatedly says to the Board: "A man who knows he will have to serve out his full time does no good either to himself or the Reformatory by his stay here."

The reason the Superintendent keeps urging the Board to give consideration to the requirements of institutional discipline in determining questions of parole is easy to ascertain. Through fear of solitary confinement and physical pain, he can maintain discipline and exact a slave's pretense at labor. But if he is to do more than instill

fear of the punishments of the law, he must have some incentives to lay before them. The law makes no provision for paying prisoners for their labor and the customary methods of treating prisoners give him few favors to bestow. The hope of an early parole is the only considerable inducement he has to offer as an urge to industry and good conduct.

The third item of information upon which the Board regularly relies is prior criminal record. Just as the Board will parole model prisoners on the ground that their good conduct has earned them parole and without regard to their prior criminal record or other circumstances, so it will parole first offenders without regard to any other considerations unless their conduct has been so bad that their parole would endanger institutional discipline. The cases of gunmen and sex offenders constitute, of course, an exception to the above rules.

First offenders, as the term is used by the Board in this connection, are prisoners who, though they may have been fined or put on probation one or twice, have never before served a term behind the bars. The theory upon which the Board paroles first offenders is that they are novices at crime and therefore much more likely to be reformed by a short term in the Reformatory than more hardened criminals.

As most prisoners neither behave remarkably well⁶ nor are first offenders,⁷ if the Board acted on these two criteria alone, many of the prisoners in the Reformatory would serve out their full sentences without being paroled. But an examination of the records showed this not to be the fact.⁸ Twelve per cent of the paroled prisoners having a five-year sentence, whose records were examined, were paroled in ten months or less.⁹ Thirty-three per cent served less than one year and only 11 per cent over two years. An average of fifteen months was spent in the Reformatory by prisoners having a five-year sentence. Only about 6 per cent of the men sent to the Reformatory serve out their full sentences.⁸ Ninety-nine and three-tenths per cent of those who have a five-year term are paroled before the expiration of their sentences; but only 70 per cent of those having a one-year sentence.¹⁰

This shows a fourth fact influencing the Board of Parole to be the length of time a prisoner has been in the Reformatory. The longer a man has been in the Reformatory and the more times he has appeared

⁶Tables, Questions 66 and 68.

⁷Tables, Questions 47, 48 and 49.

⁸Tables, Question 4.

⁹Tables, Question 72.

¹⁰Tables, Question 39.

before the Board, the less the Board requires of him before it will parole him. To put the matter in another way, the Board of Parole exercises real discretion in determining whether to parole prisoners with a sentence of from one to two years. But in the case of men with five-year sentences, the problem of the Board is not whether to grant a parole, but whether to do so in one year or in two.

Whether the Board should be so lenient or whether it should parole only half as many people as it does now is no concern of ours in this investigation. What we are interested in is ascertaining the criteria the Board should use in determining whether to parole a man. Nevertheless, a word of explanation as to why the Board has always paroled, and still does parole, nearly all the prisoners having a five-year sentence, may not be out of place.

Many of the crimes for which the prisoners are given five-year sentences are of a trivial nature. In one case, for example, a young first offender was given five years for prying open the window of a store and stealing ninety cents' worth of cigarettes. Most of the men coming to the Reformatory would receive a minimum sentence of not over two and a half years if sent to the State Prison. If they had been sent to the State Prison they would be entitled to parole as a matter of right at the expiration of their minimum sentence, provided they had not been punished for misconduct. The judge gives the prisoner a five-year sentence at the Reformatory instead of a much shorter sentence to some other penal institution, because of his hope that a short period of incarceration at the Reformatory and a long period on parole will work the reformation of many youthful criminals.

In view of this practice of the judges, the Board of Parole feels that it is not justified in keeping prisoners longer in the Reformatory than they would have to serve in the State Prison for the same offense. It thinks that any other policy would result in shorter sentences with less chance for the beneficent influence of parole.

Another consideration influencing the Board is great faith in the system of parole. It believes that, in spite of the large number of paroled prisoners who violate parole, many are saved to society by parole. The Board is confident that many men who would revert immediately to crime if turned loose at the expiration of their sentences are kept from doing so by parole. The hope of parole spurs them on to good behavior and hard work while in the Reformatory. On parole they are kept in the same path by strict supervision and the fear of a summary return to the Reformatory. By the time the parole period is

over, the Board hopes that regular work and straight living will have become a habit.

By refusing to parole sex offenders, gunmen, and others likely to injure society greatly if they have a relapse, the Board believes that it is protecting society from any great injury by persons on parole. All others it paroles freely in the expectation that some will be saved to society by parole and that the damage done by the others will be relatively small. But the reading of this report has convinced the acting chairman of the Board that, in spite of the reasons given above, the Board is acting too leniently with prisoners having a five-year sentence in letting them petition for parole after fourteen months.

The Board tries not to act capriciously but to treat all offenders whose cases are similar in the same way, so as not to create a feeling of favoritism and injustice among the prisoners. This attempt at equality and standardization sometimes causes the Board embarrassment. The Board may feel obliged to parole Smith, whom it would not otherwise parole, just because it has paroled Jones whose crime and record are similar to Smith's, but whom it believes to be much less likely to violate parole.

What has been said as to the action of the Board of Parole applies to its action in usual cases; in unusual cases it does not hesitate to act differently. For example, Richard Roe was recently paroled after serving four years and eleven months of a five-year sentence. Richard is a bad character. Though he is but twenty-eight years old, he has committed rape three times while under the influence of liquor and each time has been sent to jail for doing so. He committed rape the third time within a week from release from jail. He ought to have been operated on or sent to jail for life, but was given only five years in the Reformatory. No matter what the Board did he would have been at large again within a month. The Board believed that he would commit rape again as soon after he was set at liberty as he went on a jag. It thought that he was not cured and was incurable, but that by setting him at liberty a month before his maximum sentence expired, getting him a job, and supervising him for that month, the chances of his again committing rape would be slightly reduced. I am not prepared to say that the Board acted wrongly and that society would have been benefited by his staying in the Reformatory another month, even if within that month he had again committed rape.

I asked the Board what it would do if a prisoner should appear before it whose conduct record at the Reformatory was perfect, but who had cheated many people in such a way as to create great public

indignation. The Chairman at once replied: "We should not consider paroling him even if we believed that he has reformed. A board of parole should not fly in the face of public opinion. To do so is to endanger the whole system of parole. The people will repeal the parole law if the Board paroles prisoners against whom they cry out for vengeance."

III

PAROLE RESULTS

The usual method of evaluating the work of a board of parole is to ascertain to what extent it has selected prisoners for parole who succeeded on parole and no others. If a large proportion of the prisoners paroled are successful on parole, the parole board is said to be very efficient; otherwise, not.

Before applying such a test, it is necessary to determine what constitutes a parole success and a parole failure. As the law says that the Board may parole those who have in its opinion reformed, it may be assumed that a board trying to administer the law would only in very exceptional cases desire to parole a man who was going to violate his parole. Of every hundred parolees who have their permits to be at liberty revoked, the reason for the revocation is commission of a new crime in 71 cases, disappearance in 15 cases, failure to report in 6, and in 8 cases the doing of an act forbidden by the Board but not amounting to a crime.¹¹ It would seem hard to maintain that the legislature by reformation meant less than the non-commission of another crime during the period of parole. Similarly it would seem that a man who did not obey the regulations of the Board and report or offer some satisfactory excuse for failure to report had not gone far on the road to reformation. So among the parole violators are probably very few men who could properly be classified as reformed. Whether it would have been better either for society or for these prisoners if they had not been paroled, is, of course, another question and one very difficult to answer.

The situation with regard to the parole successes on the other hand is undoubtedly different. A man is a parole success if he does not violate his parole. The reason why he has not violated his parole may be because he has reformed. On the other hand, he may be astute enough to realize that he is being watched while he is on parole and that if he is caught committing a new offense he will be returned

¹¹Tables, Question 70.

promptly to the Reformatory to serve out the balance of his term in addition to running the chance of conviction for the new crime. Or he may be plying his trade as usual and simply be lucky enough not to be caught. Further the regularity of the work he happens to get and the surroundings into which he falls, rather than anything in the man himself, may be the factors which will determine whether the man is to be a parole success or failure. Or again, the determining factor may be the quality of the supervision supplied by the particular agent to whom the prisoner is assigned.

If we assume that all prisoners whose paroles are not revoked are parole successes, then prisoners paroled from the Reformatory are practically evenly divided between parole successes and parole violators.¹² Unfortunately this assumption cannot fairly be made even if we assume that all parole violators are caught and that no criminals wait until the end of their parole period before resuming their criminal careers. Some of the parole successes were such because immediately sent to insane asylums or other institutions in which they had no opportunity to violate parole. Others were permitted to leave the state and thus freed from all effective supervision. These prisoners may well have committed crimes in other states without the matter coming to the attention of the Massachusetts authorities. Further, the period investigated covered the Great War and many prisoners were permitted to enlist in the army and navy and all track of their subsequent careers lost.

So it is probable that considerably over half the prisoners paroled from the Massachusetts Reformatory are not reformed and violate their paroles. It is, of course, impossible for the Board to do much better so long as it maintains its present policy of paroling sooner or later practically everybody in the Reformatory whose conduct has not been so bad that his parole would endanger institutional discipline. As previously stated, the Board paroles 94 per cent of all prisoners and $99\frac{3}{10}$ per cent of those having a five-year sentence. So the criteria used by the Board do not really determine the question of whether the prisoner shall be paroled or forced to serve out his maximum sentence, but of how soon he shall be paroled.

The answers to question 73 in Table XII show what would be the effect of a reduction in the proportion of prisoners paroled without a change in the criteria for parole. Twelve per cent of the prisoners having five-year sentences are paroled in less than ten months. These are all special cases which the Board for some reason or other has

¹²Tables, Question 72.

paroled before they became eligible for parole under its rules. These specially favored prisoners do exceedingly well on parole, making parole successes in two-thirds of the cases. Twenty-one per cent of the prisoners were paroled after serving between ten and twelve months. This class of prisoners received no special favors, but were paroled the first time they applied for parole. They failed to make good on parole in more than half the cases; doing, in fact, very little better than those the Board paroles the second or third time they appear before it. Thus, unless only 12 per cent of the prisoners are to be paroled, no mere cutting down in the number paroled will affect in any considerable degree the proportion of parole violators. The explanation of the failure of the Board of Parole must be sought in its criteria for parole.

IV

VALUE OF INFORMATION

The value of each of the sixty-four pieces of information at the disposal of the Board of Parole will be tested by correlating it with success or failure on parole. If the information is such as to give any indication of the likelihood of a man's being a success on parole, there must be some difference with regard to it in the records of the parole successes and the parole violators. It follows that no information should be considered by the Board of Parole unless it differs as to parole successes and parole violators.

This test assumes that there is some difference between parole successes and parole violators. If no prisoners reform or if reformation depends entirely upon the environment that a prisoner happens to encounter upon parole, then the information should not differ between the two classes. But we can dismiss both possibilities: the first, because the Board does not, and will not, seek to defend its judgment on that assumption; and the second, because if it is true, then information as to the future environment of the prisoner should be the basis of parole.

The value of the information at the disposal of the Board will be considered under two heads: first, the information used by the Board; and second, that which it does not, but could, use.

As previously stated, the four pieces of information used by the Board are: nature of offense, conduct in Reformatory, prior criminal record, and length of time in Reformatory.

The first thing the Board wants to know is whether the prisoner is a sex offender or a gunman. The number of persons convicted of rape was too small to furnish the basis of a comparison—only nine. Of these nine, five were paroled and only one broke parole. Five per cent of the total number of convictions were for some sexual offense.¹³ Of this 5 per cent, 90 per cent were paroled as compared with the general average of 94 per cent paroled. Only one-third of those paroled violated parole, while half of the entire number of prisoners paroled from the Reformatory violated parole. So the experience of the Board in the past does not justify its present hesitancy to parole sex offenders, if the sole consideration influencing the Board is the probability of success on parole. The Board, however, as has been previously explained, is actuated by other motives.

Unfortunately it is impossible to make a similar comparison for gunmen, because of the difficulty of ascertaining from the record who are gunmen.

Of those committed for assault and battery, and manslaughter, less than the average number are paroled.¹³ This is probably due in the case of those committed for assault and battery as much to the shortness of the average sentence as to any hesitancy of the Board to parole them. When they are paroled they make a better record than prisoners sentenced for any other crime, violating parole in less than 23 per cent of the cases.

Compare the relatively good record on parole of prisoners sentenced for sexual offenses and assault and battery, who have some difficulty in obtaining parole, with the bad record of those confined for larceny, and breaking and entering, whom the Board most readily paroles.¹³ Only 25/10 per cent of those convicted of the two latter crimes were denied parole, but 57 per cent of those paroled broke their parole.

Thus it is evident that the attention which the Board pays to the crime the prisoner has committed reduces rather than increases the proportion of parole successes. But that does not mean that the Board is acting improperly in being slower to parole certain classes of offenders whose records on parole are better than the average. In view of the impossibility of the Board's being sure whether a prisoner has reformed and will stay reformed, it may properly be influenced by what it believes to be the extent of the probable damage to the community if it has made a mistake.

¹³Tables, Question 38.

An examination of the answers to questions 66 and 68 in the tables shows that there is very little connection between conduct in the Reformatory and success on parole. Parole successes lose on the average 68 marks apiece, or 11 marks per prisoner more than are lost by parole violators. Seventy-eight per cent of the parole successes and 80 per cent of the parole violators lose 100 marks or less. On the other hand, 32 per cent of the parole successes as against 27 per cent of the parole violators were never punished in the Reformatory. Seventy-four per cent of the former and 62 per cent of the latter were punished less than five times. This small difference, but 5 per cent in one case and 12 per cent in the other, does not seem sufficient to justify the great importance which the Board places on punishment in the Reformatory as a criterion of parole, in view especially of the smaller number of marks lost by parole violators. The advisability of using conduct in the Reformatory as a basis of parole for the purpose of maintaining the morale of the Reformatory is, of course, another matter.

The reports of the Reformatory officials on the conduct of prisoners in the Reformatory and the Reformatory school, their disposition and willingness to work, their work in the Reformatory school and their ability to earn a living on the outside, show practically no difference between parole successes and parole violators. These reports are not made out in half the cases. The small number of unfavorable answers in these reports would seem to indicate that officials often make no report when they have nothing good to say about a prisoner. If this is not so and if the reports turned in are a fair sample, it is difficult to explain the discrepancies between the answers to questions 60 and 66. The answers to question 60 indicate that Reformatory officials believe the conduct of only 1 per cent of the prisoners is bad. But the answers to question 66 show that they punish, at least by loss of conduct marks, each of 6 per cent of the prisoners over 21 times. Why are they punishing these prisoners so many times if their conduct is not bad?

This discrepancy in the answers may in part account for the fact, previously mentioned, that the Board of Parole pays no attention to such reports and usually wants to know merely the number of marks a prisoner has lost for bad conduct.

The prisoner's prior criminal records are set out in Table VIII. Question 47 gives the number of crimes which each prisoner upon being questioned at the Reformatory admitted having committed without being caught. Question 48 states the prisoner's criminal careers as

obtained from the official records. Question 49 is a combination of the two.

The answers to all these questions show that prior criminal record is a true criterion of parole. Parole successes confessed to committing less crimes than parole failures, were caught committing fewer crimes, and served fewer sentences. Nineteen per cent of the parole successes and 7 per cent of the parole violators had never previously committed a crime, so far as was known. Forty-three per cent of the former and 65 per cent of the latter had been previously behind the bars. Previous terms in the Reformatory had been served by 12 per cent of the parole successes and 21 per cent of the parole violators.

The extremely good showing of prisoners not paroled is probably not due to chance or to the small number involved. Prisoners not paroled have on the average much shorter sentences than prisoners obtaining parole and so represent as a class persons less experienced in crime.

These three questions also show that over half the Reformatory population had committed previously three or more crimes and had served one or more sentences. This experience in crime undoubtedly greatly lessens the probability of reformation and of success on parole.

The fourth piece of information used by the Board is length of time in the Reformatory. This is a true criterion of parole in the sense that the longer a prisoner is in the Reformatory, the shorter time he is on parole and hence the less chance he has to break parole.¹⁴ The practice of the Board in paroling all but 11 per cent¹⁵ of the prisoners with five-year sentences before they have served two years in the Reformatory leaves too small a number serving a large proportion of their sentences in the Reformatory to form the basis of any comparison between the reformative value of various lengths of incarceration.

Having considered the value of the information upon which the Board relies, we come next to the information to which it pays no attention. This information in its turn may be divided into two parts: the alienist's report and all else. Consider the latter first. This class constitutes the bulk of the information supplied to the Board; over fifty separate items. A glance at the tables shows a remarkable correspondence between the columns relating to parole successes, parole violators and those not paroled. No considerable difference between the columns appears. All this data obtained by the Department of Correction at so great labor and expense, whatever its value for other

¹⁴Tables, Question 71.

¹⁵Tables, Question 73.

purposes, is worthless as a basis of parole. The Board of Parole is correct in paying to it no more attention than it does.

The alienist's report is the only piece of information at the disposal of the Board that has yet to be considered. The answers to question 57 show that in over 40 per cent of the cases the alienist made no report. The reason for this is that Dr. Guy Fernald, the Reformatory physician and alienist, has so much to do that he has not been able to examine all the prisoners. As he takes the prisoners in turn, those with a short sentence have less chance to be examined. This accounts for the large percentage of prisoners not paroled, who are not examined. If we assume that the worst cases psychologically receive the longest sentences, the alienist's report gives too pessimistic a view of the mental caliber of all the prisoners. But as the parole successes and parole violators serve approximately the same length of sentence in the Reformatory before being paroled, the alienist's classification ought to be correct as between these two classes.

The alienist's reports consist of three parts. The first part is a classification of prisoners according to "grades of efficiency" into "adult," "subnormal," and "segregable." Adult prisoners are those who should be able to care for themselves outside of the Reformatory. Subnormal prisoners are those who should be successful on parole with proper supervision, while segregable prisoners are those requiring permanent institutional care. Thus this classification represents the alienist's judgment of the ability of the prisoners to lead an independent existence. A glance at question 58 shows that the alienist is not much more successful than the Board of Parole in picking parole successes. Fifty-six per cent of the "adults," 43 per cent of the "subnormals," and 50 per cent of the "segregables" are successful on parole.

This test is not, however, quite fair to the alienist, because it fails to take into account the amount of supervision which the prisoner received on parole. For example, one of the two prisoners whom the alienist pronounced segregable because insane was a parole success. The reason for success on parole of this insane prisoner is that he was at once sent to an insane asylum, where he had no opportunity to break parole. Unfortunately the records do not contain a sufficiently full account of the life of the prisoners on parole to make it possible to determine the amount of supervision by relatives, etc., that the prisoner in fact received on parole. So it is impossible to tell whether the alienist was mistaken in the cases which he pronounced "segregable."

The failure of the alienist to pick "adults" seems clear. For this failure he should probably not be blamed. It is probable that no man, no matter how competent, could do much better under similar circumstances. The alienist's knowledge of the prisoner's past is confined to the information at the disposal of the Board of Parole plus what he can obtain from a single interview with the prisoner. As to the prisoner's conduct in the Reformatory, he has the same meager and insufficient information that is supplied to the Board. About the environment to which the prisoner will have to adapt himself while on parole he knows nothing. He can, and does, give the prisoner an intelligence test, but this alone is too meager a basis upon which to base predictions as to future criminality.

The failure of the alienist in the first part of his report to successfully predict the conduct of the prisoner on parole is not a cause of the similar failure of the Board of Parole. The alienist gives his recommendation to the Board by means of secret letters put at the top of his report. He does this so that the prisoners who typewrite his reports will not understand his recommendations. The times I have attended the hearings of the Board it has paid no attention to the advice of the alienist. The acting chairman of the Board states that neither he nor any other members of the Board, so far as he is aware, knows, or ever has known, what if anything these secret letters of the alienist signify.

The second classification in the alienist's report is also shown in question 58. It is into "competent," "deviate," and "deficient." If the Board should make a practice of always paroling prisoners reported to be competent and never paroling those deviate or deficient except to institutions or to persons able to look after them, it would considerably increase the proportion of parole successes. Sixty-nine per cent of the prisoners reported to be competent, as compared with 43 per cent of those deviate and 44 per cent of those deficient, are successful on parole.

The alienist's greatest success in distinguishing parole successes from parole failures lies in the three subclasses which he designates as "accidental offenders," "recidivists," and "feeble-minded." Seventy-two per cent of the accidental offenders and but 39 per cent of the recidivists and but 33 per cent of the feeble-minded are successful on parole. The alienist uses a psychological test to determine whether a prisoner is feeble-minded, but he has no definite criteria by which to judge whether a man is an accidental offender or a recidivist.

This second classification is in some ways inconsistent with the first, or perhaps it would be fairer to say that I have not accurately expressed the alienist's meaning in stating that the designation "adult" means that the alienist believes that the prisoner will do well on parole. It more nearly expresses my understanding of the alienist's conception to say that an "adult" prisoner is one having the intelligence and moral sense of an adult person and who could go straight if he so desired. This explains why the alienist in several instances classifies a prisoner both as a recidivist and as "adult."

The third part of the alienist's report consists of a three to five line diagnosis of the character of the prisoner. Question 59 contains five sample diagnoses. In 100 cases compared by the writer, the alienist never gave the same diagnosis twice. The writer was totally unable to classify these diagnoses and so has left them out of consideration in this report.

V

CRITIQUE ON VALUE OF INFORMATION

The information supplied to the Board of Parole may be objected to from several angles. Before taking up the relevancy of the questions themselves, it is well to consider whether the answers are the best that can be reasonably expected. The answers may be classified as to accuracy depending upon whether they are obtained from the prisoner alone, the observation of Reformatory officials, or matter of record and examination of the person of the prisoner.

Answers to most of the questions in Tables II to VI are obtained solely from questioning the prisoner. How far the answers obtained from the prisoners themselves, which are not verified by outside investigation, are correct it is hard to tell. The entire contents of fifty files were read carefully in an attempt to answer this question. In a quarter of the cases examined, some discrepancies were discovered between the answers of the prisoner himself and other statements contained in the file, or between his answers to different questions. It would not be fair to the prisoners, however, to assume that they lied in every case; in fact, many of the discrepancies were undoubtedly due to differences of opinion and observation and to inaccurate statements. The prisoners showed the greatest mendacity in answering questions which might form a basis of identification, such as their names and the names and addresses of their relatives and employers. They often lied also about their prior criminal record. In many cases the official

filling out the case history wrote at the end that the prisoner was a liar. This fact is, of course, consonant either with the theory that the prisoner's account of himself is untrue or that, though he lied at first, the examiner has now got the truth out of him.

In spite of these known cases of lying, the Reformatory officials believe that the prisoners in the main tell the truth. The experience of the Massachusetts Reformatory for Women where the answers of the prisoners are checked by independent investigation indicated that this may well be the fact.

But even if the prisoner is trying to tell the truth, his answer may not be correct. He is not a trained observer and evaluator of social facts. It would seem impossible for him to answer correctly the questions on the character of his father, mother, home, associates and sweetheart, for example. He cannot tell whether, if his mother had been more or less strict with him in youth, he would have turned out differently. Only one prisoner essayed anything along this line, replying to the question concerning his home conditions, that his mother was too lenient with him and let him run around too much. The others answered that the character of their homes was good, fair or bad, or used some similar expressions. It would seem of little aid to the Board of Parole to know that 65 per cent of the prisoners said they had good homes, and 5 per cent, bad;¹⁶ or that only 1 per cent said that their mother's character was bad.¹⁷

The fault for these answers, however, should not be placed entirely on the prisoner. The spaces on the printed history blanks for the answers to most of the questions are so small that an answer of only one, or at most only two or three words, could be recorded. No wonder that whatever the answer of the prisoner, the examiner fell into the habit of writing certain stereotyped expressions, such as "good," "bad," and "fair."

The accuracy of the answers to the question in Table XI, Life in Reformatory, depends upon the observation and diligence of Reformatory officials. It is to be regretted that it was not possible to obtain careful answers to these questions. In over half the cases the questions are not answered at all, and where they are answered the same indefinite expressions, "good," "bad," and "fair," are used. With the Board paying as much attention as it does to conduct in the Reformatory as a criterion of parole, it is strange that provision was not made for obtaining better information on this head.

¹⁶Tables, Question 29.

¹⁷Tables, Question 6.

Answers obtained by examining records should be absolutely accurate and subject to criticism only as to relevance. The same thing should be true as to answers, except the alienist's report, obtained by examination of the person of the prisoner.

So far we have seen that the answers to many of the questions are too general, often not given and sometimes inaccurate. We shall next consider their relevancy. Aschaffenburg tells us that whether a man will commit crime depends upon his power of resisting evil as compared with the strength of the temptation he is called upon to resist. If we assume this to be correct, the worthlessness of most of the information now supplied to the Board should be apparent. The statement of the prisoner that he has a good home and that the character of his mother and father is good, for example, is not sufficiently comprehensive to throw any light upon the probable influence, past or future, of the father and mother upon his criminal career. The nature of most of the questions, combined with the nature of the answers, is such as to supply information which the Board of Parole has been quick to recognize as valueless.

VI

SUGGESTED CHANGES

It would seem impossible for the Board of Parole to increase the proportion of parole successes to any considerable extent without a complete change in the information upon which it bases parole. The change should be both in the method of obtaining the information and in the content of the information obtained. All statements made by the prisoners should be checked carefully. Loose expressions, such as "good," "fair," and "bad," had best be avoided. In short, there should be a detailed investigation made of each case by a trained investigator.

The content of the information supplied should be changed to include some such items as the following: 1. A more careful investigation into the causes of the crime. 2. A medical and a psychiatric examination of the prisoner, such as those now given. 3. A record of the reactions of the prisoner to the various conditions represented by prison life. 4. An investigation into the environment in which it is contemplated placing the prisoner on parole.

CONCLUSION

The factors now determining parole from the Massachusetts Reformatory are four: The first is the nature of the crime and the

method of its commission. The Board looks at this to see whether the prisoner is guilty of a sex crime or is a gunman. If he is, it is very slow to parole him. In so acting the Board is not influenced by any belief that such prisoners are unsuccessful on parole, but by a desire to reduce such crimes by treating severely persons committing them. The second is the prisoner's prior criminal record. This is a true, but by no means infallible, criterion of success on parole. By and large, the more crimes a man has committed, the more likely he is to commit another. The third factor is the number of marks the prisoner has lost for bad conduct at the Reformatory. This has very little significance as a criterion of success on parole. The fourth is length of time the prisoner has been in the Reformatory. Its value as a criterion for parole has yet to be demonstrated.

But poor as the criteria now used by the Board are, the Board would not improve matters by considering any of the sixty-odd pieces of information placed at its disposal, which it now ignores, except the alienist's report. This would be of considerable assistance to the Board in a few of the cases, but in many cases it would be of little assistance, because the alienist is no more able than is the Board to work without data.

No considerable improvement is possible without a complete change both in the methods of obtaining information for the Board and in the nature of the information obtained.

The blame for the Board's failure to obtain better criteria for parole should be placed upon the present undeveloped state of the science of criminology rather than upon either the Board of Parole or the Department of Correction. The Board has done excellently, considering the amount of work it has had to do and the tools furnished it for doing that work. The Department of Correction has furnished the Board of Parole with information which this investigation shows to be for the most part valueless. But the Department of Correction had no reason to know this. People with whom the writer has talked have always spoken of the Massachusetts records as the best in the country. One of the reasons why the writer made this investigation in Massachusetts was that he believed, and still believes, that Massachusetts has the best system of criminal records in the United States.¹⁸ Nothing but an investigation like the present could show the uselessness to a parole board of the information which Massachusetts and other states are supplying. To make such an in-

¹⁸See statement by Dr. H. M. Pollock, 12 *Journal of Criminal Law and Criminology*, 515.

vestigation requires so great an outlay of time and money that the Department of Correction was powerless to undertake it.

TABLE I. POPULATION STATISTICS OF REFORMATORY

	1912	'13	'14	'15	'16	'17	'18	'19	'20	'21
1. <i>Population</i> at beg. of year	806	618	672	716	733	528	533	401	428	359
Population at end of year	618	672	716	733	528	553	401	428	359	502
2. <i>No. Received</i> —total	518	627	701	744	564	622	393	462	349	453
From courts	353	453	441	473	294	291	221	267	203	268
From other institutions	111	120	142	99	106	124	64	73	52	48
Parole violators retur'd	51	50	115	172	157	199	105	120	91	136
Escapes	3	4	3	0	7	8	3	2	3	1
3. <i>No. Discharged</i> —total	706	573	657	727	769	597	545	435	418	310
Expiration of sentence	51	45	61	46	38	43	16	21	17	12
Paroled	590	439	573	639	676	515	453	307	344	253
To other institutions	36	63	16	32	40	35	66	103	52	41
Other	29	26	23	42	55	39	10	4	5	4
4. <i>Comparison in Per Centum of Those Discharged by Expiration of Sentence and by Parole.</i>										
Expiration of sentence	.08	.09	.10	.07	.05	.08	.03	.06	.05	.04
Parole	.92	.91	.90	.93	.95	.92	.97	.94	.95	.96

TABLE II. FAMILY BACKGROUND

	Successes	Violators	Not Paroled
5. <i>Character of Father</i>			
Good	62	57	64
Fair	3	4	4
Questionable	2	2	0
Bad	3	7	6
Drank	25	22	15
Unknown	5	8	11
6. <i>Character of Mother</i>			
Good	92	87	90
Bad	1	2	1
Drank	1	4	4
Unknown	5	5	5
Not answered	1	2	0
7. <i>Marital Relations of Parents</i>			
Pleasant	66	60	66
Fair	4	7	4
Unpleasant	3	5	3
Questionable	0	3	0
Separated	10	10	8
Widowed	7	8	1
Unknown	5	3	14
Not answered	5	4	4
8. <i>Education of Father</i>			
Illiterate	18	12	11
Read and/or write	60	68	63
Common School	12	9	14
High School	1	2	0
College	1	1	3
Unknown and not answered	8	8	9

	Successes	Violators	Not Paroled
9. Education of Mother			
Illiterate	17	16	19
Read and/or write.....	62	66	59
Common School	12	9	12
High School	2	2	3
Unknown and not answered.....	7	7	7
10. Financial Circumstances of Parents			
None	62	51	49
Realty	20	31	23
Personalty worth \$1,000.....	1	3	1
Personalty worth \$1,000 and realty..	1	1	1
Unknown	7	8	10
Not answered	9	6	16
11. Religion of Parents			
Both Catholic	67	70	66
Both Protestant	21	18	21
Both Jewish	3	3	1
Both Greek	2	1	0
Catholic and Protestant.....	2	5	1
Other answers	5	3	11
12. Religion of Prisoner			
Catholic	71	78	69
Protestant	13	13	25
Jewish	2	2	1
Other answers	14	7	5
13. Life with Parents			
Lived with both until left both at age of less than 10.....	9	9	10
11-15	20	22	15
Over 15	35	37	48
Ceased to live with one under 10 but lived with other until less than 10..	5	5	0
11-15	6	10	9
Over 15	10	9	9
Lived with both until 10 and there- after with one.....	13	8	7
Unknown and not answered.....	2	0	2
14. Heredity			
No intemperance, arrests, jail sen- tences, insanity, epilepsy, delin- quency, or dependency of father, mother, brother, sister or relative...	43	40	59
Insanity or epilepsy in father, mother, brother or sister.....	3	3	6
Intemperance in father.....	18	15	9
Father intemperate and sent to jail..	5	11	6
Jail sentences: father.....	1	15	0
Jail sentences: mother.....	0	2	1
Jail sentences: brother.....	8	12	14
Arrests only: father.....	2	2	5
Arrests only: mother.....	0	2	0

(There are other answers and because of duplications this table should not balance.)

TABLE III. RACE, NATIONALITY, AND RESIDENCE

	Successes	Violators	Not Paroled
15. <i>Color</i>			
White	96	96	91
Black	3	3	9
Not answered	1	1	0
16. <i>Citizen</i>			
Yes	79	83	75
No	20	17	23
Not answered	1	0	2
17. <i>Nativity of Parents</i>			
Both born in U. S.	22	24	19
Both born in foreign country.....	60	56	58
Only one born in U. S.	14	16	21
Unknown and not answered.....	4	4	2
18. <i>Residence of Parents</i>			
Both dead	8	13	11
One dead	39	37	42
Both in Massachusetts.....	37	38	32
One in Massachusetts.....	30	33	32
Both in foreign country.....	4	3	14
One in foreign country.....	5	5	6
(There are other answers and because of duplications this table should not balance.)			
19. <i>Number of States in Which Resided</i>			
One only	42	44	37
Two only	33	30	35
Three or more.....	25	26	22
Not answered	0	0	6

TABLE IV. EDUCATION

	Successes	Violators	Not Paroled
20. <i>Education</i>			
Illiterate	3	4	7
Read and write.....	2	1	5
Common school—last grade attended			
1	0	2	1
2	4	2	1
3	3	4	6
4	7	11	1
5	17	12	19
6	10	10	8
7	18	14	10
8	14	19	14
9*	12	12	19
High school—years attended			
1	2	3	2
2	2	3	1
3	2	1	1
4	2	1	2
College	1	1	0
Not answered	1	0	3

*Grad..included in 9th grade.

TABLE V. HABITS

	Successes	Violators	Not Paroled
21. <i>Alcohol</i>			
Abstinent	50	50	45
Temperate	18	17	17
Intemperate	31	32	38
Not answered	1	1	0
22. <i>Tobacco</i>			
No	10	12	7
Yes	90	88	93
Cigarettes	59	77	71
Cigars	38	43	35
Pipe	40	41	37
Chewing	30	27	29
23. <i>Drugs</i>			
No	98	93	99
Yes	2	7	1
24. <i>Gambling</i>			
Yes	35	39	25
No	64	61	75
Not answered	1	0	0
25. <i>Sexual Indulgence</i>			
Yes	76	77	83
No	21	21	15
Not answered	3	2	2
Commenced			
Under 14	3	2	3
14-15	20	21	28
16-17	26	28	29
18-19	17	13	13
20 and over	5	3	6
Not answered	5	10	4

TABLE VI. CIRCUMSTANCES AT TIME OF CRIME

	Successes	Violators	Not Paroled
26. <i>Age</i>			
14-15	1	1	0
16-17	14	12	5
18-20	41	44	39
21-25	31	27	36
26-30	9	13	9
Over 31	4	2	5
Not answered	0	1	6
27. <i>Marital Condition</i>			
Single	77	79	89
Married	11	9	8
Married on Parole	7	10	0
Separated	3	1	2
Other answers	2	1	1
28. <i>Lived with</i>			
Parent	61	62	56
Wife	7	5	4
Blood relative	12	10	12
Other	18	19	25
Not answered	2	4	3

	Successes	Violators	Not Paroled
29. Character of Home			
Good	66	64	73
Fair	24	20	20
Bad	2	8	0
None	4	4	4
Not answered	4	4	3
30. Corresponds with Relatives			
Regularly	88	85	85
Occasionally	2	0	0
No	10	10	14
Not answered	0	4	1
Other answers	0	1	0
31. Character of Associates			
Good	21	14	36
Fair	18	17	26
Good and bad.....	13	9	0
Bad	43	56	29
None	2	2	4
Not answered	3	2	5
32. Sweetheart's Character			
Good	8	11	9
No sweetheart	88	86	83
Not answered	3	2	6
Other answers	1	1	2
33. Church Attendance			
None	16	11	11
Occasional	3	3	3
Regular	14	23	17
Not answered	0	1	0
Neglected			
1-3 months	14	10	11
4-6 months	10	10	10
7-11 months	6	4	2
1-2 years	9	14	9
Over 2 years.....	28	22	34
Always	0	2	3
34. Extent of Occupation			
Regular	22	14	29
Intermittent	61	71	64
None	6	2	2
Not answered	11	13	5
35. Financial Circumstances			
None	95	98	99
Realty	3	2	1
Not answered and others.....	2	0	0
36. Life Insurance			
Yes	6	9	11
Yes: Premium paid by another.....	37	39	27
No	54	51	59
Other answers	3	1	3

	Successes	Violators	Not Paroled
37. <i>Contributes to Support of Others</i>			
Wholly supports wife	5	4	4
Wholly supports other person.....	1	1	1
Partly supports wife.....	4	3	5
Partly supports parent	40	55	49
Partly supports other relative.....	4	3	13
Partly supports unnamed person.....	14	2	1
No	28	31	26
Not answered	4	1	1

TABLE VII. THE CRIME

	Successes	Violators	Not Paroled
38. <i>The Crime</i>			
Breaking and entering.....	24	37	10
Larceny	28	37	22
Robbery	6	6	3
Assault and battery.....	10	3	15
Forgery	1	2	0
Sexual crimes	6	3	10
Delinquent child	4	5	1
Drunkenness	5	2	12
Vagrancy	5	3	9
Other	11	2	18
39. <i>Sentence</i>			
Minority	1	4½	4
Balance of term.....	2	6	1*
Over 5 years, less than 6 years†.....	4	3	3
Five years	62	67	8
Four years	1	½	1
Three years	1	½	5
Two years	17	10	16
One year	8	4	40
Other answers	4	4	22
Not given	0	½	0
40. <i>Plea and Admission of Guilt</i>			
Guilty and so pleaded.....	76	76	60
Not guilty and so pleaded.....	9	11	18
Guilty but pleaded not guilty.....	9	9	9
Not guilty but pleaded guilty.....	4	3	7
Not answered	2	1	6
41. <i>Means of Commission</i>			
Force	17	12	19
Fraud	46	59	31
Not answered	37	29	50
42. <i>Association in Commission</i>			
Singly	33	35	68
With accomplices	43	45	25
Not answered	24	20	7

*From another institution.

†Two 7 yr. terms; one 10 yr. term; other terms less than 6 yrs.

	Successes	Violators	Not Paroled
43. <i>Loss Occasioned by Acquisitive Crimes</i>			
Cases involved	66	82	48
None	7	6	6
Under \$10	14	20	6
\$11 to \$100	25	29	14
\$100 to \$500	11	11	10
Over \$500	3	3	5
Auto	0	2	0
Unknown	4	5	7
Not answered	2	6	0
44. <i>Amount Recovered</i>			
Cases in which there was loss	59	73	42
All	24	28	21
Part	14	22	9
None	15	15	9
Not answered	3	2	0
Unknown	3	6	3
45. <i>Restitution Made</i>			
Cases involved	35	45	21
Complete	2	3	1
Partial	1	2	0
None	22	29	14
Other answers	3	1	3
Not answered	7	10	3
46. <i>Intention as to Restitution</i>			
Cases involved	33	42	20
Willing	25	29	11
Not willing	6	8	3
Other answers	0	1	0
Not answered	2	4	6

TABLE VIII. PRIOR CRIMINAL RECORD

	Successes	Violators	Not Paroled
47. <i>Crimes Committed Without Being Arrested</i>			
None	69	53	75
One	11	18	1
Two	3	5	4
Three or more	14	16	20
Not answered	3	8	0
48. <i>Criminal Record</i>			
None	24	11	38
Arrests only	7	3	4
Fined without probation	8	7	6
Probation with or without fine	18	14	9
Jail without or with other punishment			
One	22	27	27
Two	11	17	5
Three	3	9	4
Four	3	5	4
Five	1	3	1
Over Five	3	4	2

	Successes	Violators	Not Paroled
49. <i>Criminal Record</i>			
None in No. 47 or No. 48.....	19	7	34
One in No. 47 or No. 48.....	15	10	14
Two in No. 47 or No. 48.....	12	12	8
Three or more in No. 47 or No. 48..	51	68	42
Shirley	7	6	5
Lyman	5	8	2
Reformatory	12	21	0
Never arrested but admits committing crimes	3*	3†	2‡

Note: One per cent of successes had more than 15 previous arrests; 3.3% of violators had more than 15 previous arrests.

TABLE IX. PHYSICAL EXAMINATION IN REFORMATORY

	Successes	Violators	Not Paroled
50. <i>Physique</i>			
Very good	18	12	11
Good	63	62	74
Fair	9	11	5
Poor	1	2	2
Not answered	9	13	8
51. <i>Mental Condition</i>			
Good	1	2	0
Sane	74	74	50
Feeble-minded	1	1	1
Not answered	24	23	49
52. <i>Evidence of Disease</i>			
None	61	54	57
Disease named	29	29	35
Not answered	10	17	8
53. <i>Serious Illness</i>			
None	93	84	92
Illness named	1	1	0
Not answered	6	15	8
54. <i>Surgical Operations</i>			
None	93	83	92
Name of Operation.....	1	1	0
Not answered	6	16	9
55. <i>Heredity</i>			
Yes	1	4	0
Name of disease.....	3	2	3
Not answered	96	94	97
56. <i>No. of Cases in Which No Report of Any Sort Appears.....</i>	19	24	9

*One per cent were sexual crimes; 1% were train riding; 1% were larceny and breaking and entering.

†Six-tenths per cent were sexual crimes; 1.2% were train riding; 1.2% were breaking and entering, larceny, forgery.

‡Sexual crime.

TABLE X. REPORT OF ALIENIST

	Successes	Violators	Not Paroled
57. <i>Report</i>			
No	41	44	75
No classification	26	12	25
Complete	33	44	

58. *Intramural Descriptive Designations*

	Total		Adult		Subnormal		Segregable	
	Suc.	Viol.	Suc.	Viol.	Suc.	Viol.	Suc.	Viol.
Total	300	300	145	112	110	142	45	46
Competent								
Accidental offender ..	26	10	26	10	0	0	0	0
Responsible offender..	71	51	68	51	3	0	0	0
No classification	46	47	17	23	23	16	6	8
Normal offender	20	14	17	14	3	0	0	0
Deviate								
Recidivist	16	25	1	5	11	19	4	1
Psychopath	35	40	9	4	22	32	4	4
Epileptic	3	2	0	0	2	1	1	1
Congenital syphilitic..	2	2	1	0	0	1	1	1
Sex offender	2	5	1	0	1	4	0	1
Alcoholic degenerate .	20	28	5	5	13	23	2	0
Insane	1	1	0	0	0	0	1	1
Deficient								
Moron	52	63	0	0	32	46	20	17
Feeble-minded	6	12	0	0	0	0	6	12

59. In the first 100 cases examined, the alienist gave the same diagnosis, except as to the classification given in No. 58, in no two cases. Five sample diagnoses taken at random are:

1. Responsible offender. Can't handle fraction or abstractions. Ideals are underdeveloped. Is well schooled in vicious idleness; though he denies drinking and venereal diseases. Is too self-satisfied.
2. Responsible offender. Is suggestible and easily admits disagreeable shortcomings, lying included. Denies venereal diseases. Lacks worthy ambition. Admits he has wasted much valuable time "fooling around" evenings.
3. Congenital syphilitic. Is fairly well equipped formally and is alert and of good grasp. Has eloped many times and been a "quitter" as he smilingly admits. Has never seriously tried any but the path of least resistance apparently.
4. Unclassed. Is antisocial in attitude. Cares not for advancement, in fact, admits he knows not the meaning of the word. Is very opinionated and has many wrong ideas. Long division in his arithmetical limit. Claims that this is his first arrest.
5. Normal offender. Is self-satisfied and claims he never went wrong and is not guilty of the charge against him. Mental horizon is very narrow. Not amenable to reason.

TABLE XI. LIFE IN REFORMATORY

	Successes	Violators	Not Paroled
60. <i>Conduct in Reformatory</i>			
Good	36	37	14
Fair	13	15	4
Bad	1	0	0
Not answered	50	48	82

	Successes	Violators	Not Paroled
61. <i>Disposition in Reformatory</i>			
Even	25	22	3
Excitable	4	5	10
Other answers	4	3	2
Not answered	67	70	85
62. <i>Willing to Work in Reformatory</i>			
Yes	39	35	14
Fair	10	16	3
No	2	2	2
Not answered	49	47	81
63. <i>Ability to Earn Living on Outside</i>			
Good	26	24	8
Fair	23	26	9
Bad	2	3	1
Not answered	49	47	82
64. <i>Conduct in School of Reformatory</i>			
Good	37	33	7
Fair	4	7	4
Bad	1	1	0
Other answers	0	1	0
Not answered	58	58	89
65. <i>Work in Reformatory School</i>			
Good	23	23	3
Fair	17	15	10
Bad	2	2	0
Not answered	58	60	87
66. <i>Number of Times Guilty of Misconduct</i>			
None	32	27	19
1-5	42	35	40
6-10	11	17	13
11-20	10	12	15
Over 21	5	9	13
67. <i>Number of Persons Guilty of Various Offenses at the Reformatory</i>			
Disturbance	56	62	73
Communicating	3	6	10
Lying	7	8	10
Profanity	8	10	10
Insolence	18	25	28
Carelessness	19	18	15
Theft	8	9	4
Shirking	19	25	35
Malicious mischief	15	19	19
Other, including smoking	28	33	28
68. <i>Number of Persons Losing Marks in the Reformatory</i>			
No. of marks			
0-25	59	57	..
26-50	8	13	..
51-100	11	10	..
101-200	9	12	..
201-300	9	6	..
301-400	2	1	..
401-500	1	0	..
Over 500	1	1	..
Average No. of marks lost per person	68	57	..

TABLE XII. PAROLE DATA

	Successes		Violators	
	Cases	Months	Cases	Months
69. <i>Actual Time Served to First Parole</i>				
Sentence over 5 years.....	11	23	11	24
5 years	129	15.5	203	15.8
4 years	3	23	3	23
3 years	2	14	4	13
2 years	55	13.7	29	10
1 year	21	7.7	10	7.7
70. <i>Method of Violating Parole</i>				
New crime				71
Disappearance				15
Failure to report.....				6
Violation of Parole.....				8
71. <i>Time to Violation of Parole</i>				
Immediately				4.5
Less than 1 month.....				6.5
1-6 months				38.5
7-12 months				23
1-2 years				16
Over 2 years.....				11
Wrong record5
72. <i>Persons Paroled Who Are Successful on Parole.....</i>				49.75
73. <i>Time Served to First Parole by Prisoners Having Five Year Sentences</i>				
	Successes		Violators	
10 months or less.....	16		8	
10-12 months	21		21	
1-2 years	51		51	
2-3 years	9		9	
3-4 years	3		1	
Over 4 years.....	0		0	