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Editorial

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EDITORIAL

THE PAROLE SYSTEM A MEANS OF PROTECTION.

As long as the police and prosecuting attorneys in our large cities distrust the system of paroling prisoners from our penal institutions, the public who make the laws and supply the wherewithal to enforce them, want these officials to set out in concrete form the reasons for their faith. It is not enough to point to two or three or a half dozen paroled prisoners who are disturbing our peace. To make an appeal to people who are thoughtful enough to have a care for the public interest, evidence on this question of parole must be as comprehensive as the system itself. Then if, on the whole, the evidence is favorable, we, as thoughtful people, will think only of improving our administration at home to correct whatever weaknesses may be revealed in it; if it is unfavorable, on the whole, we may think of killing the system.

A detailed statement of the parole laws in the States of the Union and their administration may be found in the reports of Committee F of the Institute of Criminal Law and Criminology in the years 1912, 1913 and 1914. The first two reports are published in this JOURNAL in November, 1912, and November, 1913, respectively. The third report was submitted at the annual meeting of the Institute in Washington last October. Its publication is forthcoming.

The facts set forth below will supplement those reports. They indicate more fully than do the reports the degree of success or failure that accompanies parole administration as a settled policy in the treatment of prisoners. These facts have been collated under the direction of the U. S. Commissioner on the International Prison Commission by Mr. B. W. Brown, a graduate student in the Department of Sociology in the University of Chicago. Mr. Brown has secured his data by correspondence with state officials and by consulting the most recent state reports.

THE EXTENT OF THE PAROLE SYSTEM.

Where in force	When Adopted
United States (Fed.)	1910
Arizona	1911
California	1893-1901
Colorado	1899-1907
Connecticut	1901
Georgia	(under consideration)
Idaho	1907
Indiana	1897

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Illinois	1895-1899
Iowa	1907
Kansas	1903
Kentucky	1910
Maryland	1914
Massachusetts	1884
Michigan	1869-1905
Minnesota	1911
Missouri	1913
Montana	1907
Maine	1913
Nebraska	1911-1913
New Hampshire	1909
New Jersey	1898-1911-1913
New Mexico	1909
New York	1889-1909
North Dakota	1911
North Carolina	(under consideration)
Ohio	1891
Oregon	1911
Nevada	1913
Pennsylvania	1909
South Dakota	1911
Texas	1911
Virginia	1904
Wisconsin	1904
Wyoming	1909

In addition to its use in Federal cases and in these thirty-two states, parole is utilized, without the indeterminate sentence and the usual administrative features, as in Oklahoma, and has been applied extensively in other countries, notably Great Britain, including Canada (since 1899), Victoria, New South Wales and England, Scotland and Wales, and in France. Although administered in different forms and applied to different classes of offenders and modified in details, *the parole system, once adopted, has never been set aside.*

NUMBER AND PROPORTION OF MEN ON PAROLE WHO HAVE MADE GOOD.

State	Period covered	Per cent	No. Paroled
California	1893-1913	85.52	2533
Canada	1899-1913	94	5495
Colorado	1914	80	
Connecticut	1911-1912	91	45

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Illinois	1895-1912	84.3	12000	(approx. 6166 from
Indiana	1912	74.1	6945	Joliet)
Massachusetts ...	1911-1912	97	140	(State Prison)
Michigan	1911-1912	76.7	1048	
Minnesota	1912	74	1355	
Nebraska.....	1914	80		
New York	1913	79.2	5717	
New South Wales..	1909	93	112	
Oregon	1912-1914	79.3	381	
Pennsylvania ...	1910-1914	73	1007	(Eastern Penitenti-
United States ...	1911	97	345	ary)
Texas	1911	97	32	
Washington	1914	78	945	
Wisconsin	1907-1912	91	512	(prison & refor't'y)

Mean average made good.....84% 38593 (total paroled)

Mean average of failures.....15%

Actual number of failures 6721 or 17.4%.

Mr. E. M. Abbott of Committee F in 1913 made a rough estimate of the proportion who made good and set his figure at 80 per cent.

The above statement includes all the states from which exact figures have been secured. While it is possible that some states that have poor success do not publish their figures, it is also true that states that parole only a few men have the largest per cent of successes with their paroles, and all are for the most part the type of states not included in the above table. It seems safe to say, therefore, that 80% of men paroled fulfill the conditions and become law-abiding citizens.

In the figures just given the proportion of men who violated their paroles was 17.4%. Some of these violations consist simply in failure to report regularly each month to the state officer; some consist in leaving employment, in drunkenness, or vagrancy; still others in violations by committing felony. The number of new crimes committed by men on parole is significant as a test of the system. The figures available are as follows:

California	1893-1913	2533	74	2.9
Canada	1899-1913	5495	145	2.6
Canada	1912		21	2.5
Canada	1913		45	4.9
Illinois	1895-1912	Joliet—6166	404	6.4
Michigan	1911-1912	1048	72	6.8
New York	1909-1910	(Elmira returned on new chgs.)	2	.2
New York	1911-1912	(Elmira returned on new chgs.)	2	.2
New So. Wales	1909	112 (recvt.)	8	7.
Oregon	1914			4.05

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That careless charges of crime by paroled prisoners are not always well founded is indicated by the following statements of W. I. Day (Journal of Criminal Law, May, 1914, p. 134): "Claims that a recent wave of crime in California was caused by paroled prisoners, the state parole officer has proved unfounded. Out of several hundred crimes, only one paroled prisoner was involved, and he is only on suspicion." Similar charges in Englewood, Chicago, have proved false. The January, 1915 report of the Grand Jury to Judge Kersten, Chicago, states: "We find that a large number of the crimes committed are by men under parole. We believe that the parole law has failed in its purpose and therefore recommend its repeal." The jury returned 269 true bills but no evidence whatever is submitted with the above assertion. The public does not know therefore whether the Grand Jury has an iota of evidence to support its declaration.

The facts presented above, as far as they go indicate that the proportion of paroled prisoners who commit crime while on parole is relatively small; certainly they make it impossible to condemn the parole system as a whole.

It is commonly supposed that the introduction of the system of parole has shortened the "time done" by prisoners. On this point the following figures are reasonably conclusive. Such sentences as are indicated below are in addition to the time spent on parole which in no case is less than a year. In some cases—in Michigan for example—the average parole period has recently been more than a year. It was 13 months in 1911 and 18 months in 1912.

AVERAGE TERM SERVED BY EACH PRISONER.

	Before parole system.	After parole system.
Oregon	1908-1911 1 yr. 5 mo. 20 da.	1911-14 1 yr. 6 mo. 20 da.
Illinois	1894-1895 1 yr. 7 mo. 11 da.	1910-12 2 yr. 10 mo. 8 da.
Illinois	1890-1894 Joliet	1908-12
	2545 1st termers 1 yr. 6 mo. 28 da.	1385 cases 2 yr. 10 mo. 16 da.
	392 2nd termers 2 yr. 27 da.	162 cases 4 yr. 1 mo. 24 da.
	131 3rd termers 2 yr. 6 mo. 20 da.	38 cases 6 yr. 15 da.
Colorado	Average Minimum 1914	2 yr. 9 mo. 26 da.
	" "	3 yr. 3 mo. 24 da.
Massachusetts	" "	1911 182 men 5 yr. 5 mo. 9 da.

That the average term has increased is indicated, also by the estimate of F. L. Randall, now president of the Massachusetts Prison Commission. In the Nebraska state report (1908) we find the following: "In states where the indeterminate sentence law has been given a fair trial, the average term of sentence has increased rather than decreased." The following statement is made in the Oregon state report

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for 1914: "Men are doing more time in this prison under the indeterminate sentence system than they did under the definite sentence. In Idaho, California and Illinois they are doing almost double the amount of time." Massachusetts in 1911 imposed on 182 prisoners an average minimum term of 5 years 5 months 9 days in the state prison, at present the minimum is more than half a year in excess of that figure. The experience of the majority of states is well expressed in the report of the Commissioner for Scotland, 1910, at the International Prison Congress at Washington: "It was feared that the system would lead to unduly short terms of imprisonment, but it has been found in practice to have the opposite effect, the terms served being on the average longer than under the old system." The same result obtains where the parole system and the determinate sentence are administered together. The statistics from California afford evidence of this fact.

	San Quentin report.	Av. term of discharged convict.
1911.	Length of deter. sentence term—(419 men)—	2 yr. 4 mo. 19 da.
	Length of term of paroled men—(218 men)—	2 yr. 8 mo. 2 da.
1912.	Length of deter. sentence term—(425 men)—	2 yr. 4 mo. 7 da.
	Length of term of paroled men—(263 men)—	2 yr. 9 mo. 11 da.

Wherever figures can be obtained, they indicate that the introduction of the parole system has been followed by a longer term of service by convicts in prison.

There is division both in practice and opinion on the question of paroling men who have committed more than one felony or who have proven delinquent on parole. The laws of many states, as for example, Colorado, Idaho, Ohio, Minnesota, New Jersey and New York, make it possible to parole either recidivists or persons who have failed to live up to the conditions of their first parole. On the other hand, several states, including California and Illinois, Michigan and Connecticut, place restrictions on the granting of parole to such persons. The last two deny parole to those who have suffered previous convictions for felony; the other states require a longer minimum term in prison for "repeaters" than for first offenders. Many states afford evidence that, even though parole powers may be very broad, the administration is conservative. In Illinois, between July 1, 1895 and September 30, 1912, the record for Joliet is as follows:

Reparoled after violation.....	638
Paroled while serving second term.....	439 (7%)
Paroled while serving third term.....	76 (1%)

Evidence is conflicting on the point of extending parole to recidivists. Ohio and New Jersey have just made such an extension in 1913. The state board of Washington (1915 report) argues that these are

the men "whose conduct should be closely observed, after they step out from behind the walls of a penal institution on parole." The Controller of Prisons for New South Wales (1909) advances the same argument. From France comes the statement of M. Berenger, President of the Prison Society, Paris: "Far from having increased crime, as has been feared, it is the most efficient curb to recidivism, and it is desirable that even more convicts should be conditionally freed." "Statistics of the Napanoch Reformatory, N. Y., show that more than 20% of parole violators who are transferred there, and later paroled, finally secure their absolute release." (Report of N. Y. board of managers, 1913.) The 1912 report of the Scotland Prison Commission contributed also to the argument for paroling old offenders in these words: "During the year, of 120 men who were liberated on license from Peterhead, 33 have been unsatisfactory and reconvicted; 109 out of the 120 had been in prison before, many of them almost continuously for many years."

Very little evidence is available for making a hard and fast rule against paroling delinquents and recidivists. England, however, in 1908 passed a "Prevention of Crime" act, which has been copied in Indiana and elsewhere in this country, to insure more rigorous punishment of habitual criminals. The results of this act in checking habitual crime are under controversy owing to the method of administration. The act itself seems reasonable and well advised.

On the whole, conservative extension of parole in isolated cases, has been justified by conditions and results, but more severe treatment of habitual criminals as in England, if wrong, is at least erring on the safe side from the point of view of social protection.

The expense of administering parole laws varies from nothing whatever as in Washington to perhaps \$20,000 a year in the largest state. In 1914 Idaho spent \$231, New Hampshire \$300, North Dakota \$2,400, Nebraska \$3,300, the U. S. Government \$11,145, Colorado spent \$6,081 during 1913 and 1914, California \$35,000 during 1914 and 1915, Minnesota \$9,551 during 1911 and 1912. In spite of a general need and demand for more parole officers, the highest estimate possible on the cost of parole is relatively small.

The sum saved to the state is variously estimated. The California board sets the figure at \$60,000 per year for 1911 and 1912. The Indiana Board of Charities (1912) writes: "Had they (paroled prisoners) remained in prison, their maintenance for one year would have cost the state at the average per capita expense, the additional sum of \$1,152,555." In the report of the Minister of Justice for Canada, 1916, attention is called to the fact "that were these pris-

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oners still in custody in our prisons, they would not be producers but that they would be wards of the state, costing the country more than \$300 per capita per annum." It is evident that the number of paroles multiplied by the average cost of imprisonment of each man for one year (the parole period is in no case less than one year) minus the cost of administration gives us approximately the saving to the state by the parole system. Setting aside the Canadian estimate of \$300 as excessive, and taking four representative prisons in the United States as a basis, the net cost of each prisoner for one year is, for Sing Sing, \$163.60; Indiana State, \$145.23; San Quentin, \$103.27; Folsom, \$171.24; the average \$148. Assuming that some proportion of this cost is "fixed charges" for buildings, etc., not varying directly with changes in the number of prisoners (although for any period of years and large numbers, this proportion would be very small) let us set the saving in prison expense at the very conservative figure of \$125 for each parole each year. At that figure, the 38,593 paroles recorded in this report must have saved to the states concerned \$4,824,125. But these 38,593 are taken only from 18 states for an average period of less than five years each, whereas the parole system has been in existence in 32 states and several countries for an average of ten years. At this ratio the parole system has saved to the state well in excess of ten million dollars, while the most liberal estimate possible of its cost could not exceed two million dollars.

While the mere absence of a prisoner on parole from prison saves the state the sum indicated above, the actual productive work of paroled men is an additional saving to society at large. The figures available are as follows:

EARNINGS OF PAROLED PRISONERS.

California	(to 1914)	\$1,407,261.18
Oregon	(2 yrs.)	149,397.00
Washington	(to 1914)	326,340.79
U. S. Govt.	(in 1912)	81,222.21 (besides board, etc.)
	(in 1914)	168,272.91 (besides board, etc.)
Indiana	(to 1912)	1,886,995.53 (besides board, room and laundry of 25 per cent paroled.)

Estimated by the month, figures are available for several states.

Indiana	.....\$22.65	(As all these are cash wages, excluding
Oregon	..... 32.66	board, room, etc., frequently in addition
Texas	..... 28.00	the average must be well over \$32 a month
Canada	..... 32.00	for each man.)
Washington	..... 42.75	
Iowa	..... 39.00	
Idaho 35.00	
Nebraska 27.00	to \$30.00.
No. Dakota 30.00	farm hands; \$50 up, office help.

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Taking \$32 a month as the average income for the 38,593 paroled men noted in this report, the saving to society through the work of these men for a single year is \$14,819,712. Noting as before that these 38,593 cases are certainly not over 40% at the most of the total number paroled in all the states, we find the entire saving to society through the earnings of paroled men must run well over \$30,000,000.

Conclusions—1. The parole system is in force in more than thirty states and several foreign countries, and once adopted, has never been discontinued.

2. The latest and most inclusive figures from all sources show that more than 80% of men on parole make good.

3. The most accurate figures available indicate, in contrast to the large proportion of recidivists under the old system, that only about 5% of men on parole commit new crimes while paroled.

4. The parole system has been accompanied by an increased average time served in prison.

5. There is no evidence that society is endangered thus far through unwarranted parole of habitual criminals; rather the reverse, but their closer detention can do no harm.

6. The cost of parole averages less than \$5,000 a year for each state and not over \$25,000 in any case.

7. The parole system has saved to the state more than ten million dollars or more than five times what it has cost.

8. The parole system has saved to society through the earnings of men on parole, by conservative estimate, over \$30,000,000.

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