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PROGRESS OF THE ATTORNEY GENERAL'S SURVEY OF CONVICT RELEASE PROCEDURES

JUSTIN MILLER¹

Late in December of 1935 the Works Progress Administration allotted a fund of \$1,400,000, to be used for carrying on a nationwide survey of convict release procedures, under the administrative direction of Attorney General Homer Cummings. A small percentage of this fund was allotted for administrative purposes, the balance for the employment of white collar workers to be taken from the relief rolls.

Although in the public mind parole is an all inclusive term, it is obvious that a survey, in order to be properly descriptive of existing conditions and useful in improving such conditions, must take account also of all other methods by which persons convicted of crime may be released. Consequently, the survey from its inception was planned, not as a "probe" or "purge" of parole administration, but to include as well the various forms of release which are used in the trial courts, such as suspension of sentence and probation, together with the various forms of release from penal institutions, including not only parole, but pardon, commutation of sentence, furlough and many others.

The first steps in the initiation of the survey came with the selection of Dr. Barkev Sanders as Technical Director and the bringing together in Washington early in January of a group of men who were selected to be Regional Directors and Regional Field Supervisors. Moreover, a headquarters unit was established in Washington for the double purpose of supervising the work throughout the country, and also for studying the records of the federal parole and probation systems, a large part of which are available in Washington.

Following a short period of training, the Regional Directors and Regional Field Supervisors were sent to their stations in the eleven WPA areas, where they began at once the setting up of work units for the collection of statistics in the various penal and correctional institutions throughout the country. Such work has now been

¹ Department of Justice, Washington, D. C.

initiated in every state in the Union, as well as the District of Columbia, and has progressed in varying degrees in the different states. Generally speaking, the collection of the desired statistical information concerning parole and other forms of release from the institutions is practically completed, as applied both to the federal and state systems. At the present time similar work is going forward in connection with probation and the other forms of court release procedures.

A third phase of the survey involves the securing of information concerning court personnel and administration, and probation personnel and administration.

A fourth phase of the survey has to do with the collection of similar information concerning the personnel and methods of administration of penal institutions. These last two phases of the survey, while well started, are far from completion. It is expected that this information when made available will reveal the extent to which intelligent investigation is possible preceding release, the methods which are used in granting release and the extent and nature of supervision following release.

A fifth important phase of the project consists in the collection of information concerning all laws regulating methods of release procedure as they appear in constitutions, statutes, decisions of courts, rules of courts and administrative bodies, and decisions of attorneys general. This phase of the survey is also well under way.

As the field work of the survey goes forward, the material collected is sent in to Washington, where it is being subjected to a process of tabulation and analysis in preparation for the report of the project, which is expected to be released about July 1, 1937. This material will be subjected to the careful scrutiny of a technical advisory committee as well as a larger advisory committee which is concerned primarily with general objectives and policies. The Attorney General, speaking recently concerning the project, has said:

"It is probable—in fact it is inevitable—that the survey will disclose a striking lack of uniformity among the various State jurisdictions. Such lack of uniformity is not in itself necessarily important, especially in the earlier stages of the development of a general plan. There is even some advantage in having so many laboratories at work.

"The report will, of course, show the standards now in use by many well-equipped institutions, courts, and boards of parole and probation. It will cite the methods of record-keeping employed by the most highly developed institutions and administrative agencies and present all avail-

able information for the interpretation of such successes as they have been able to achieve. It will make clearly manifest the inadequacies of many existing practices and shed a flood of light upon systems, or lack of systems, which have tended to bring parole into disrepute."

As the survey has gone forward, and as its probable far-reaching effects have become more apparent, the necessity for continuing work in this field under common direction is clearly indicated. Upon this point the Attorney General has said:

"It is not unlikely that the survey will reveal the desirability of establishing a permanent research organization, perhaps in the Department of Justice, for the purpose of carrying on such studies, in order to make available, both to the Federal government and to the States, valuable information as to procedures now in operation, new experiments undertaken from time to time, and suggestions for continued development and improvement."

One of the most encouraging phases of the work of the survey has been the keen interest and the cordial cooperation of state and local and federal officials throughout the country. This promises not merely the successful conclusion of the survey project, but also a healthy attitude toward improvement. It is only reasonable to assume that the report of the survey will provide a substantial basis upon which legislators, judges and administrators may work together for the further improvement of this highly important field of criminal law administration.