

Winter 1937

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Recommended Citation

Courtlandt C. Van Vechten, Parole Violation Rate, 27 Am. Inst. Crim. L. & Criminology 638 (1936-1937)

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THE PAROLE VIOLATION RATE

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Perhaps there is no field of public information in which there is more confusion than that of "parole violation rates." There are many reasons for this, not the least of which is the lack of understanding on the part of the general public of the essential nature of parole.

While parole was originally conceived of as a means of shortening the period of incarceration of deserving inmates who could be trusted with conditional freedom, it has become, in actual practice, a mechanism by which something is *added on* to prison sentences. The universal conclusion of studies of time served *in prison* under the indeterminate sentence laws and time served under the old definite sentence laws in the same jurisdictions has been that the indeterminate sentences have very materially increased the time served within the walls.

With this change in the actual function of parole has come expansion of the group to which parole has been applied until at present many parole authorities believe that parole should follow every incarceration no matter how long or how short. Within this parole period the recent inmate is reintroduced to the free world with his work and his play, his home life and his associates under the control of a supervising agency with authority to return him to prison for either new criminal conduct or non-criminal conduct which contravenes the terms of his conditional release.

Parole violation rates mean one thing if parole is used to shorten the sentence of a supposedly deserving minority and quite another if parole is something added on to the service of practically all inmates. It may be argued that persons not likely to succeed on a parole should not be paroled in any case, but where the statutes provide penalties such as "one year to life" for burglary, as they do in Illinois, it is manifestly impossible from a purely fiscal point of view to hold any considerable per cent of those convicted to the maximum sentence provided by law. Furthermore, public and judicial opinion will not tolerate incarcerations that are considered to be excessive no matter what the probabilities of recidivism may

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seem to be to the parole authority. This intolerance is manifested in waves of refusals to convict or convictions for offenses less serious than those actually committed. These occur when the courts or public become convinced that the parole authority is "giving too much time." Such waves have occurred in recent years in Illinois and even now the ratio of requests for leniency made to the parole board by prosecutors and judges is four to one over protests against leniency by the same officials.

The high degree of recidivism of the so-called criminal class has long been recognized. If parole is used as something to add on to each sentence its results must be judged by comparison with recidivism rates before the advent of parole, not by a standard of hoped-for perfection; and any diminution or postponement of recidivism is to the credit of parole, as is the greatly facilitated procedure for reincarcerating the recalcitrant offender.

The question of the nature of the specific acts which constitute parole violation is important. Criminal acts are universally regarded as violations, but beyond that there is a varying range of actions which are ordered or prohibited. These may be classed as: (1) Rules aimed at preventing temptation, such as the prohibition of association with persons with criminal records, of being on the streets after 9 p.m., of frequenting pool halls and drinking places, and of riding in autos; (2) rules to aid in surveillance, such as the prohibition of crossing county lines or of moving without permission; (3) rules to protect others, such as the requirement of permission to marry; (4) rules to prevent the exploitation of the parolee, such as the requirement that the job be *bona fide* and the wage fair before the parolee is allowed to accept it.

Obviously the more detailed and restrictive such rules are the greater the per cent of parolees who will violate them.

Equally important with the nature of the regulations imposed upon parolees is the method by which compliance with these regulations is secured and determined. There are states in which parole supervision is hardly a theory; in a few, notably New York, Illinois, Massachusetts, and New Jersey, there are extensive staffs of full time parole agents under competent supervision and having tolerable if not adequate salaries and a fair degree of special training. Without such staffs technical requirements of parole mean nothing.

A fourth consideration of major importance is the time served on parole. While it is probably true that the period immediately following release from prison is the most critical it is also true that

many are released having good intentions and then when faced with discouragement and adversity tend gradually to forget the pains of incarceration or to feel that they can not "get by" honestly. These people need continued parole supervision; even with it some of them will fall by the wayside; and the longer the parole supervision is continued the greater the per cent of violations.

It is almost universally assumed that the lower the parole violation rate the better the parole system; and certainly none could argue for the contrary proposition that the higher the violation rate the better the system. Yet we have found a series of apparent paradoxes. (1) The larger the per cent of inmates required to do paroles the greater the service of the parole system to society and the higher the violation rate. (2) The more careful and comprehensive the technical rules of parole the greater the degree of protection of parolees and public and the greater the violation rate. (3) Rules, to protect, must be enforced; and the better the enforcement, the greater the number of detected violations. (4) Finally, the longer the period on parole, the longer the period of protection for society and, again, the greater the violation rate.

All these mean simply that the nature of parole is such that if it is used to its fullest efficiency the acceptance of conditions which make a considerable parole violation rate is inevitable. An extremely low violation rate, then, means either misrepresentation or a use of parole so curtailed as to give less than the protection of which it is capable to the state reporting it.

In Illinois almost all prison releases are on parole; rules are rather comprehensive and detailed; supervision is as good as in any state; and the average time on parole is in excess of three years, probably longer than in any other state. Judging from experience there I would hazard a guess that under existing conditions of knowledge and control of human behavior, and legislative and administrative organization providing for optimum use of parole, a violation rate of 50 to 60 per cent is about normal; any improvement over that reflects decided credit on the efforts and judgment of the administering authorities.