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PAROLE CAN BE SUCCESSFUL¹

(Five Year Study—New York)

Edward R. Cass²

Intelligent parole costs no more than the stupid variety.

A good parole law costs no more than an ineffective law.

Good supervision costs no more than mediocre supervision.

A parole personnel appointed by merit costs no more than one that is subservient to racketeering politicians.

For nearly thirty years I have been associated with the development of parole in New York State, and the Prison Association of New York has, for a much longer period, championed the cause of sane, intelligent and sensible parole. The Association was an outstanding critic of poor parole in New York prior to the rebirth of parole in 1930, and since that time has been intimately associated with what we pride ourselves as knowing to be one of the most effective parole systems in existence.

You and I who are professionally engaged in parole and probation become momentarily disturbed when the "word-bombs" of some of parole's most forceful critics smash our eardrums. The dramatic remarks of J. Edgar

Hoover usually come to mind when we speak of critics of parole but frankly, I, for one, can find no argument with him as long as he continues to support the principle of parole as intelligently as he did in a recent letter to me. Mr. Hoover said, and I quote:

"I, of course, have always favored parole of the right type—as you know, I have never condemned parole in principle, although I have condemned the maladministration of parole in so many of our states—I do hope that the time will come when those who are actively engaged in parole administration will recognize existing faults which are so widespread in connection with this humanitarian policy, that a concerted effort will be made to correct them, rather than to attack those who cannot honestly countenance a continuance of such widespread maladministration of parole.

. . . Certainly there can be no middle ground insofar as parole is concerned. Either its maladministration and abuses will *not* be tolerated, or they will be condoned. One must choose between one or the other. . . ."

Now, what could be clearer or fairer than that? We *do* have to choose between good or bad parole, and I am proud to be associated with a state that has aligned itself with *good* parole. However, I am here to say, in agree-

¹ An address delivered before the Central States Parole and Probation Conference, Chicago, Illinois, April 22, 1940.

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sociation; General Secretary, The Prison Association of New York; Member, New York State Commission of Correction; Past President, American Prison Association.

ment with Mr. Hoover and other critics, that parole as practiced and administered in too many states is definitely in need of a thorough-going overhauling.

Would you not agree with me in inquiring, for example, as to the value of parole in that state that has one state-paid parole officer to supervise the 800 on parole? Or, what can be said for the state that operates a parole system with 2,500 parolees supervised by *no* parole officer? Or, consider the state that has over 250 on parole without any form of supervision and whose authorities, in reply to our inquiry said:

“—we are suffering from what amounts to a total lack of parole facilities and advantages.”

Again, I ask, of what value is such a system?

Parole is “out on a limb” and it is up to those of us closest to the problem to initiate and carry through the needed “house cleaning.”

The Prison Association of New York was largely responsible for the introduction of the indeterminate sentence and parole in this country at the time of the founding of the first reformatory at Elmira, New York, in 1876, and since that time parole has held the attention of the people of New York. As far back as 1916 I recall making a study of parole in New York State, which revealed that approximately 91% of the prisoners were being paroled at the expiration of their minimum sentence. In short, this meant that we were having automatic parole and that therefore, a parole determin-

ing body was hardly necessary. Unfortunately, the supervision of those released was just about as ineffective. Then, in 1921, I canvassed the states to learn what proof existed to substantiate claims of success in parole which ranged from 65% to 95%, and I am sorry to have to repeat again that what did exist was meagre and unconvincing. Again in 1927, when I revised the study of 1921, the Association was articulate in presenting to the public the true facts of parole. In 1935 the Association completed another survey conducted by its Assistant Secretary, Roberts J. Wright, and we again presented to the public the best available data on the true status of parole. At that time it was stated that, “Not more than six or seven states have what can be termed suitable and scientific parole methods.” We can only report at this time that parole, in too many states, exists in name only. Commendable progress has, of course, been made in certain jurisdictions, but parole has a long way to go before it can qualify as wholly adequate. Many states have provided no facilities whatever for the primary function of supervision, neither have they provided by law for the intelligent, painstaking and non-political procedure that should be identified with the determining of fitness and eligibility for parole.

Parole, today, cannot sell itself to the public until it can stand on its own two feet, instead of the feet of political corruption and crooked administration.

At the specific request of your program committee—and not in what might appear to be a boastful manner

—I want to share with you some of the experience of the New York State Division of Parole. Such states as your own of Illinois, Wisconsin, Minnesota, New Jersey, Maryland, Massachusetts, and a few others including the Federal government, are maintaining the most efficient of the parole systems now in existence. New York spends more than half a million dollars in administering a highly efficient system of parole, based on a sound and intelligent law, and controlled by a conscientious and courageous, non-political board.

New York's parole organization was not created overnight, and long before parole was a popular subject of conversation, some of us insisted on many of the fundamentals upon which the system is now based. Parole, as is the case with the improvement of any other sociological procedure, must await sufficient public demand before it can be made to operate in an adequate and intelligent fashion. Progress can be no more rapid than the public demands—and the people of New York, after making the best of a decentralized and starved system for many years, passed legislation in 1930 that inaugurated the present organization and procedure. This legislation removed the parole function from the Department of Correction and transferred it to a separate division in the Executive Department, under the direct supervision of the Governor. The Division is headed by a Board of three members, appointed by the Governor for terms of six years at annual salaries of \$12,000 each. Members of the Board hold office for staggered terms thus precluding a

complete change of membership at any one time. This, of course, preserves the uniformity of policy and well-planned administration that is so necessary to sound parole procedure.

Governor Herbert H. Lehman, by whom I have the honor to be appointed a member of the State Commission of Correction, a constitutional body, has always been an ardent devotee of clean, progressive parole. The Governor, in an address at the First National Parole Conference, held in Washington a year ago, said:

“The answer to weak, vacillating, corrupt parole is not the abolition of parole but the community courage to compel impartial, effective, honest parole.”

I am glad to recognize at this point the Governor's support of good parole, because much of the success of New York's procedure, which I want to discuss in a few moments, is due, in a large measure, to his genuine interest and staunch support.

Several significant features were written into the parole law of New York that warrant mention. First, the law specifically limits the maximum case load per parole officer, and does so by providing for a staff of officers—and I quote from the law, “. . . sufficient in number so that no such officer shall be required to supervise more than seventy-five persons at one time.” Unfortunately the status of public funds has precluded a strict adherence to this provision of the law. Some five years ago case loads were running in the neighborhood of 150 to 200. Such supervision was inadequate, and since that time additional officers have been

provided so that at present case loads average in and about the nineties for each parole officer. In some instances it is down in the eighties, but altogether a little more than ninety.

In the second place, budgetary appropriations have been made to adequately care for the proper functioning of the system. In this connection it should be noted that the entire personnel of the Division of Parole, with the exception of the three commissioners, is appointed under the high standards and rigid requirements of the civil service law. I might add, also, that in the New York City office alone 80% of the staff hold bachelor's degrees, 22% hold master's degrees, several hold doctorates, and 55%, in addition to other academic work, have had training in schools of social work. Furthermore, 68% had previous social work experience in accredited social agencies before their appointments as parole officers. Right at this point let me qualify what I have just repeated by stating that no one appreciates more than I, the fact that academic training is not the panacea of good parole supervision, but it must be admitted, of course, that it is of vital importance in the perfection of intelligent relationships with behavior problems. Criminal conduct is a behavior problem, and to effectively deal with it requires a thorough understanding of the human mechanism.

The salaries of parole officers range up to \$3,000, thus attracting a high type of person; and there are, at the present time, about 87 regular parole officers. Other staff positions include ten senior

parole officers, five case supervisors, three employment officers, a chief parole officer and an executive director. In addition, there are four executive clemency investigators, one transfer and warrant officer, and approximately seventy-five clerks and others of secretarial rating. The total staff numbers roughly 225. Each of the three Commissioners, one of whom is elected chairman by the others, is in charge of the three district offices. Chairman Joseph J. Canavan is in charge at New York City, Commissioner Frederick A. Moran at Albany, and Commissioner Frank I. Hanscom at Buffalo.

Before continuing this discussion I want to make mention of the fact that much of the credit for the unusually high standards and intelligent procedure of the Division of Parole in New York belongs to Chairman Canavan. His tireless efforts and conscientious spirit has done much to maintain the high level of parole demanded by the people.

In our professional anxiety to hasten the acceptance by the public of the theory of parole, many idealistic parole administrators and arm-chair experts have claimed outrageously high percentages of success. I have known some to claim as high as 99% success, but those of us who devote sensible thought to the problem would consider it foolhardy to even hope that parole could ever be as successful as some would believe. After all, does not the prison receive society's failures—has not the school failed—or the home—or the church—or medical science—or social science? And, furthermore, are we

not aware of the degradation which many encounter after being thrust behind prison bars? Then why should we retard the progress of parole as a modern correctional procedure by setting up unsubstantiated claims?

The New York Board of Parole recognized the need for truthfulness in parole statistics and, for the past five years, has carefully and diligently recorded the parole behavior of those released each year. For what is undoubtedly the first time, we have the continuous parole history of those released during that period.

Choosing the most unfavorable year—1934—in an effort to present truth and not meaningless propaganda, I want to give you some of the highlights found by the New York Parole Board. The year 1934 was unfavorable because of certain legislation reducing minimum terms that affected an unusually high number of those eligible for release. Pre-parole investigations, in view of the over-taxing of the staff, were not complete and did not and could not meet the high standards generally demanded. The year of 1934 witnessed the largest group of releases to parole supervision in the history of the present Parole Division—and this group had to be handled by a staff of officers already burdened with high case loads. Nineteen Thirty-four was an unfavorable year—but listen to some of the findings.

Only nine and four-tenths per cent of all these parolees were convicted of new felonies. Only another eight and one-tenths per cent were convicted of

the lesser degree of crime, misdemeanors.

Sixty-four and two-tenths per cent were not convicted of any crime, nor did their behavior require their return to prison as violators or potential violators of parole. It can be seen, then, that, so far, sixty-four per cent made good on parole.

The Board felt that the *remaining* eighteen and three-tenths per cent should be returned to complete their sentences, or for a period dependent upon their better preparation and readiness for parole. This group was returned before an apparent or probable lapse into criminal conduct took place.

Thus, the record of five years shows a total of eighty-two and one-half per cent who were not convicted of any crime whatsoever while they were on parole. It should be mentioned that since 1937 there has been a steady and uninterrupted decrease in the number of men returned to prison for a parole violation, thus definitely, over a period of well in excess of two years, placing parole in the position of having reduced the prison population. So far this year, the same situation has continued.

It is of special significance to point out that from the beginning of District Attorney Dewey's services as a Special Prosecutor in his "racket busting" and continuing down to the present, no man actively on New York State parole was convicted, or even shown to be deeply involved in any of the racket operations. I do not mean, of course, that the District Attorney has not convicted

men on parole, but I do mean to say that in his spectacular record of breaking organized crime such as the Luciano affair, the loan shark group, the vice rackets and so forth, there has been no conviction of a parolee. Likewise, to date, in the investigation of so-called "Murder, Inc.," in Brooklyn, about which you have probably been aware, there has been no man actively on parole placed under arrest or charged with anything.

I do not want to boast, because boastfulness is exceedingly dangerous, and a dozen parolees may show up any time, but I do want to point out that parole in New York today is maintaining an enviable record. Here is another interesting point—in the last two or three years no New York City newspaper has editorially attacked parole; and you can take my word for it that this has not always been the case!

While I am on the subject of newspapers and parole, let me tell you of an interesting incident that occurred recently in up-state New York. The noteworthy factor is that prisoners in the Attica State Prison brought this incident to the attention of the officials. Up-state residents—and particularly the prison inmates—were startled last month when they read a series of advertisements in a local newspaper's classified advertisement column, such as:

"Beat the Rap even though convicted! My secret connections make it possible for me to get anybody out of jail, no matter what the crime or length of sentence, through parole. Don't give up hope until you've seen me! Parole Fixer, Broad and State Streets, Friday."

Another one read:

"Public Notice to Persons contemplating crimes! Be on the safe side before pulling the 'job,' see me and arrange for a parole fix in case you should be convicted! Rates commensurate with seriousness of crime and severity of sentence. Ask for 'Parole Fixer,' Broad and State Streets, Friday."

The New York State Parole Board instantly took cognizance of these notices and notified the county district attorney. Even U. S. postal inspectors went to work on the case, and it was eventually brought out that the advertisements had been inserted by the manager of the local theatre in an effort to stimulate interest in a film entitled "Parole Fixer." Most of the interest, however, centered on him when he was fined fifty dollars on a charge of placing "untrue, deceptive, or misleading advertising." Enthusiastic press agents who had concocted the idea, immediately flashed word to all representatives to desist from further use of the items.

This is additional proof that the people of New York, including the prisoners, emphatically resent the implication of a crooked parole system.

To return to the study of New York's parole successes and failures, let me repeat that the percentages I gave you were not taken from a selected small sample. There were 2,257 parolees released in 1934—the year of the Board's unique study—and the percentages were taken from a study of their histories during the subsequent five year period. These persons came from the breeding places of crime, such as the crowded areas of large cities, and a

composite case history would disclose an early cessation of schooling, employment instability and conflicts with juvenile courts and the police. While these men were on parole every attempt was made to assist them in the difficult task of adjustment to the free community. The bridge between the strict and routinized life of the prison of today and the freedom of your city and mine, is a long one for the ex-convict to cross. Facing the free world the parolee generally finds himself unfamiliar with the ever-changing tempo of the outer world, and unless there are life-savers and safe anchorages, a return to crime is inevitable.

The records of the parole class of 1934 are of added significance when compared to the post-prison records of those released during the same year at the expiration of their maximum sentences, less the deduction of time earned for good behavior. These persons were released in accordance with the law—which has since been amended by virtue of an extension of the use of the indeterminate sentence and were not recommended for parole by the Board for various reasons. They were under supervision for only the time they had earned by legislative allowances for good behavior. A considerably higher degree of failure was noted in this group, about 25% being convicted of new felonies or misdemeanors as compared with the seventeen and one-half per cent of regular parolees.

While the general crime rate of the state has shown an increase from year to year, there has been a steady de-

crease of convictions among parolees. For example, consider this record:

In 1935, only 211 parolees committed new felonies while on parole. In 1936, parolees were convicted of only 179 felonies, while in 1937 this figure dropped to 163, and in 1938 to 120. This drop continued during 1939 but sufficient time has not elapsed to reach a final figure. The percentage of the decrease, however, has remained about the same. The Parole Board is insistent upon a thorough investigation of the record before the actual figure is disclosed, proving, furthermore, that New York's parole statistics *must be accurate and substantiated*. Guess-work has no place in the compilation of true parole data. The figures quoted include even those receiving suspended sentences. Thus, intensified supervision has resulted in an uninterrupted decrease of the number of parolees committing new felonies. In New York in 1938, for example, there were nearly 6,000 convictions for felonies, *less than two per cent were parolees*. Remember that during this period crime, as a whole in the State, increased eight and one-half per cent over the previous year, 1937. Furthermore, the ratio of felony convictions among parolees on out-of-state parole has decreased in approximately the same percentages among the men under supervision *outside* the State, as it has decreased among the parolees *inside* the State.

In 1935, eleven men on out-of-state parole were convicted of new felonies while on parole, and were returned that year to New York State prison by the Parole Board upon the completion

of the sentence imposed for the new crime.

In 1936, eight out-of-state parolees were so returned; in 1937, seven; in 1938, four; and in 1939, five. During each of these years, there were approximately nine hundred New York State parolees on out-of-state parole.

The year of 1938 was the last for which complete, detailed statistics are available in published form, and the record shows that there were 9,096 parolees under jurisdiction for all or part of that year. Deducting those discharged from parole by virtue of completion of maximum sentences, and others, there was a grand total of 7,236 persons on parole as of December 31, 1938.

As Governor Lehman has so often

reiterated, the public gets exactly what it wants in parole, and that in addition to getting what it wants, it does get what it demands, and, ". . . what public opinion can exact in one state it can exact in another."

The people of New York, in demanding a respectable parole administration, have greatly improved public understanding of parole through their insistence on a trained, non-political, experienced and intelligent personnel. Inmates of institutions naturally want to get out and generally they have an affection for parole. In New York, however, parole is not too well liked by the inmates as they know that *parole means parole* in the real sense of the word and that there is nothing "phony" about it.