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## PAROLE: A FIVE YEAR STUDY<sup>1</sup>

W. C. Jones<sup>2</sup>

Tonight there will be no attempt on my part to deal solely with the theory of parole, but there will be presented to you concrete examples which will demonstrate the advantages of parole over any other known method of release of prisoners from our penitentiaries. In this connection, I should like to tell you some of the changes in Illinois law and procedure which affect the administration of parole, and to present statistics relative to men who were admitted to parole more than five years ago.

There is general agreement that parole is no longer limited to consideration by individual states but has become a problem of national importance. This has been recognized by the Congress of the United States when, effective as early as June 6, 1934, legislation was enacted, "Granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

Appreciating the advantages of such a compact, many states, including Illinois, enacted the legislation necessary to permit the making of agreements or compacts for the purpose outlined in

the Congressional enactment. As a result of this enactment, in 1937 twenty-five states, among them Illinois, entered into "An Interstate Compact for the Supervision of Parolees and Probationers." Since that time other states have signed the compact and it is expected eventually all states which have a semblance of a parole system, and of which there are now forty-six, shall become signatories to the compact.

As further evidence that parole has become a problem of concern to the nation is the fact that President Roosevelt, recognizing the desirability of closer cooperation between the Federal government and the governments of the several states as to desirable standards and procedure in the administration of parole, requested Attorney General Frank Murphy to call a National Parole Conference to bring together the best thought and experience on the national problem of parole for the purpose of promoting national well-being by the effective administration of parole in all jurisdictions.

At that conference attended by governors, judges, legislators, state attorneys-generals, prosecutors, police and prison officials, public welfare admin-

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<sup>1</sup> Read before the Central States Conference on Probation and Parole in Chicago, April 22, 1940.

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<sup>2</sup> Chairman of the Illinois Board of Pardon and Parole.

istrators, social workers, educators and representative citizens, as well as those directly engaged in parole work, speaker after speaker stated in substance, "We are agreed that the basic principle of parole is sound, that it is widely misunderstood, that we must educate the general public by selling its advantage to the man on the street." With this we all agree, but it is not an easy task.

Unfortunately parole is judged not by its successes but by its failures. It is difficult to dramatize the success of men who are paroled and then become law-abiding citizens and a credit to the community, just as it is difficult to make an interesting story out of the fact that a citizen who has never been in prison or committed a criminal act died while yet an honest man.

The rehabilitation of a criminal doesn't lend itself to success stories inasmuch as the man who has once been in prison, paroled, and has thoroughly adjusted himself, must, of necessity, be protected from publicity which in its very nature will call attention to his former lapse from grace. Of what interest to the general public is a story that a man has behaved himself? But how different the story when a parolee fails to react favorably to the trust and confidence placed in him and commits a new offense! That's news and, to the average reader, a fascinating subject. It is also glaring headlines. He may have been a young first offender who had committed a very minor violation of the law, but immediately he becomes a desperate character and another hor-

rible example of the inefficiency of the paroling authorities.

And let an ex-convict, who has never been paroled but discharged by expiration of sentence, commit a new criminal act and the chances are about even in the resultant story of his wrongdoing, some misinformed writer, by successive strokes of a pen, will change him overnight from an ex-convict to a parolee, and again parole will be wrongfully charged with another failure.

Not that there are no failures on parole—there are—too many. The informed realize parole is not perfect. Incidentally, neither is any other organization administered by human beings. Everything that has a human origin and a human administration must be subject to mistakes of judgment. This is inevitable. No group of men, however experienced, regardless of the amount of information at hand or the scientific data available, can definitely predict what any human being's reaction will be to unforeseen circumstances that may arise in the future. This is true whether the persons under consideration are part of the great law-abiding general public or inmates of penal institutions. The informed, however, do know that parole is the best system yet devised for the release of prisoners and their subsequent rehabilitation.

Of course there will not be complete agreement with this statement. There is a divergence of opinion as to its value. One group without full knowledge of the subject condemns it vigorously and those of you who by experi-

ence know whereof you speak, commend it highly.

Some opponents of parole contend parole is responsible for practically all crime and unfortunately the general public, which is entitled to the truth, has obtained substantially all its misinformation from articles that are frankly biased. Statements that fifty per cent of all crime is committed by men on parole have appeared in the public print. This is untrue, but is believed by the misinformed.

In Illinois, during the year 1937, of the total of all men on parole, but 2.30 per cent were returned under new sentences; in 1938, this was reduced to 1.72 per cent, and in 1939 there was a further reduction to 1.05 per cent.

Equally illuminating are the following figures. In 1937 there were 1,661 new commitments to the Illinois State Penitentiary and the State Reformatory for Women at Dwight and of this number 168, or 10.11 per cent, were parolees. In 1938, notwithstanding there was an increase in the number of new commitments to 1,834, the number of parolees received under new sentences was cut to 99, or 5.39 per cent. In 1939 there were 1,489 new commitments and of this number but 52, or 3.49 per cent were parolees. These figures definitely refute the statement that fifty per cent of all crime is committed by parolees.

It has been contended that under the administration of parole, prisoners have served shorter sentences than under the system of definite flat sentences in effect prior to the enactment of parole laws. So far as Illinois is con-

cerned, there is no basis in fact for this statement. Quite the contrary is true.

"Summary Statistics of Prisoners in State and Federal Prisons and Reformatories: 1937," released by the United States Bureau of Census and which reveal the average period of time served in Illinois prisons for all releases, disclose that the average length of sentence served in prison since the parole system was adopted was three years longer than the average term of sentence served under the old definite sentence system.

We admit parole does not function perfectly in every case but neither does marriage. Should they both be condemned because there are some failures? Why should parole be charged with responsibility for crime when it is but one important cog in the wheels of justice that all too often grind slowly? There are many other factors equally important.

How was the prisoner first conditioned in crime? Whose failure was it in the first instance? Was it the home, the schools, the churches, the community environment or society in general? None of these can be charged with sole responsibility but perhaps each of them may bear some small share of the burden for the cumulative factors which resulted in a criminal career.

Every criminal before he reaches the Parole Board has had experience with the law enforcing agencies, the courts, and the prison system.

What about the law enforcing agencies with which he has come in contact?

What, if anything, have they contributed to his success or failure.

And the courts—has there been a policy of vigorous law enforcement with convictions swift and certain where warranted, and has there been a policy of probation where the same is indicated?

And the prison system—has its administration been such as to prepare a man for parole?

And society in general—are its members ready and willing to cooperate in the rehabilitation of the unfortunates? Or are these same unfortunates thought of as ex-convicts, a menace to society, not entitled to employment, a home and a chance to again become useful members of society?

And lastly, and perhaps which should be first and foremost, have individual communities and society generally, so far as is humanly possible, eliminated the conditions that breed crime?

Illinois, as is true of many other states, has had experience with parole and its administration that permits of accurate appraisal of its results. We know it gives better protection to the public than any other method of releasing prisoners.

A paroled offender carefully supervised can be promptly re-imprisoned or otherwise disciplined if he does not demonstrate capacity and willingness to fulfill the terms of his parole agreement and the obligations of a law-abiding citizen. A discharged prisoner is subject to no restrictions. He leaves the institution a free man without the necessity for employment, sponsorship

and, in many instances, without a home; nor is he given any help to again find his place in society during the difficult period of readjustment following release.

The first General Adult Parole Act affecting inmates of Illinois penitentiaries was passed in 1895, and in 1897 in order that the parole system might become effective, an Indeterminate Sentence Act was added. In 1899 there was another amendment fixing the minimum time to be served at one year for all felonies except treason and murder. These acts were the beginning of the parole system in Illinois. In 1897 there was a provision for the creation of a State Board of Pardons which functioned in place of the Prison Board which had administered the Parole Act prior to that date.

In 1917 the Department of Public Welfare was created and the Board of Pardons and Paroles made a sub-division thereof. The nominal head was the Director of the Department of Public Welfare and the operating officer was the Superintendent of Pardons and Paroles. It was not, however, until 1927 that the Parole Board as now organized was created. In it were vested all the rights, powers and duties theretofore vested in the Department of Public Welfare in granting paroles. The supervision and after-care of parolees remained in the Department of Public Welfare.

But it was not until 1933 there was a radical reorganization of our penitentiary system in recognition of the fact that parole, to be successful, must be an integral part of a construc-

tive program of training begun when the inmate enters the penal institution.

That year the major penal institutions were consolidated into a single institution known as the Illinois State Penitentiary. The act provided for commitments to the Illinois State Penitentiary generally and the Department of Public Welfare was given full power to assign the committed person to the division of the penitentiary system appropriated to his class.

As a result of this authority, the various divisions of the penitentiary system were classified and a Classification Board consisting of a psychiatrist, a physician, a psychologist and a sociologist or trained social worker, was appointed for the purpose of assigning each inmate to the proper division. The Classification Board is not held strictly to any rule of allocation. The special needs for treatment of each individual primarily guide the Board in its recommendation for assignment.

Attention is directed to the medical, educational, vocational and social treatment to be accorded each inmate. A prognosis is made for his success on parole, either favorable, problematic, doubtful, guarded or unfavorable. This prognosis is based on clinical judgments and not upon statistical studies of prediction factors.

The same year, 1933, a sociologist-actuary and two assistants were employed and assigned to the institutions at Joliet-Stateville, Pontiac and Menard. They conduct a study of the individual prisoner during his incarceration and gather pertinent material. The data gathered by them is a result

of scientific examination and an analysis of the past and present factors in the life of 15,000 released prisoners that have been responsible for, or contributory to, anti-social behavior.

The sociologist-actuaries use the method of prediction originated by Ernest W. Burgess, Professor of Sociology of the University of Chicago, and by the use of expectancy tables and consideration of twenty-seven separate and distinct factors, offer a prediction for the success or failure of the prisoner on parole. While it is not contended prediction tables are infallible, they have proven their worth and are one of the many factors considered in a final determination of whether or not a prisoner should be paroled.

In addition to the foregoing, since 1933 there has been adopted a pre-parole educational system whereby each inmate before eligible to consideration for parole, is instructed in the state law regulating parole and the rules and regulations governing his period of supervision.

As further evidence of the desire of the Illinois authorities to correlate the agencies which have to do with the imprisonment, preparation for release, parole, and after-care of prisoners, once each month there is a meeting of an organization known as "The Prison and Parole Council of the Department of Public Welfare," for consideration and discussion of pertinent problems. As a result of a fine spirit of cooperation, many problems of administration and procedure have been successfully solved and there is a better under-

standing of the aims and plans of each agency.

Another noteworthy change was made as of January 1, 1937, when, through the personal direction of Governor Horner, a great humanitarian with a keen interest in his fellow men, particularly the unfortunate, and with a wide knowledge of parole, there was a correlation of the Division of Pardons and Paroles and the Division of Supervision of Parolees insofar as release procedures were concerned. Prior to that time the Board, in accordance with the limitations placed upon it by statute, entered parole orders in cases where it was believed the factors were such as to warrant parole, after which the questions of employment, sponsorship and home were determined by the Division of Supervision of Parolees. Under this plan the actual date of the release of the prisoner was determined by that Division.

Under the plan adopted, the Parole Board does not now enter an order paroling a prisoner even though the parole factors, excepting those of home, sponsor and employment, are such as to warrant the prisoner's release, until the Division of Supervision of Parolees conducts an investigation relative to these important factors and submits an approved report. Only upon approval of this report by the Parole Board is a parole order entered. Although adopted at an earlier date, this is in complete accord with Section Three of "A Declaration of the Principles of Parole" adopted at the National Parole Conference.

Paradoxical as it may seem, the first

year after the adoption of this plan there was an increase in the number of violations. This can be readily accounted for by the fact that effective as of the same date, January 1, 1937, the Division of Supervision of Parolees started an intensive drive looking toward the return of parole violators wherever located and however long they had been out of the institutions. The same policy has been followed religiously since that date and during the years 1937, 1938 and 1939 many parolees, some of whom had violated in years long past, were returned to the penitentiary and declared violators. This explains why the percentage of violations during the year 1937 jumped from an average of 12 per cent per year for the four preceding years, to 17.33 per cent.

Charged as violators are not only all parolees returned to the institutions under new sentences, but all parolees returned for technical violations of parole and all those who become defaulters by reason of their failure to make reports or because of their departure for parts unknown. In other words, whenever a parolee is charged with having violated his parole in any manner and a warrant issues for his apprehension, for the purpose of our statistics he is charged as a violator whether he is apprehended, dies while a defaulter, or remains a fugitive from justice.

In 1938 the average for all institutions was 14.82 per cent, a drop of 2.51 per cent. In 1939, the average was 12.74 per cent, another drop of 2.08 per cent.

The Illinois Parole Board, however, was not satisfied with these yearly figures, though accurate, inasmuch as they do not actually portray what thereafter happens to a group of men who are paroled during any given year. Accordingly, as of December 31, 1938, a survey was made of every man and woman paroled during the year 1933. The career of every parolee was followed until there was a Final Discharge from supervision, a return to prison for a new offense, or a violation of parole in a technical manner. During that year, 2,090 men and women were paroled. Six hundred and fourteen, or 29.38 per cent, violated their paroles in some manner.

One hundred and sixty-two, or 7.76 per cent, were returned to Illinois prisons under new sentences. Forty-seven, or 2.25 per cent, committed offenses in other states which resulted in incarceration and eventually were returned to Illinois prisons, making a total of 10.01 per cent who committed felonies while on parole. Thirty-eight, or 1.82 per cent, were returned for the commission of misdemeanors which resulted in short sentences in minor institutions. Three hundred and sixty-seven, or 17.55 per cent, exhibited an unwillingness or inability to conform to the parole agreement and were either returned to prison or became defaulters by reason of leaving for parts unknown. Those not apprehended were counted as violators. In other words, 70.62 per cent of the prisoners paroled during the year 1933 completed the parole period in good standing.

It may be of interest to you to know that more than 33 per cent of those who violated were men convicted of burglary; the next largest group, consisting of 16 per cent, were those convicted of larceny.

The same study was conducted for 1934 and out of a total of 2,440 paroled during that year, 662, or 27.13 per cent, were charged with some manner of violation. It will be noted this is a drop of 2.25 per cent from the year 1933. Seventy-two and eighty-seven hundredths per cent successfully completed the parole period.

These figures may seem high but you must remember this is not a yearly average, which is the basis for most of our parole statistics, but is a story of what actually happened to 2,090 men who were paroled in 1933, and 2,440 paroled in 1934. These figures, contrasted with the statement made at the National Parole Conference that nearly half the prisoners who are released by expiration of sentence return to prison within five years, are additional proof that parole is the most promising method of terminating prison sentences and gives better protection to the public than any other method of release.

To understand this, the public must realize that parole is not clemency, it is not leniency, it is not discharge from prison, it is not a privilege granted a prisoner, but is a condition imposed upon him for the protection of the public. It is not his right, but the right of the general public, to have adopted the proven best method of release of prisoners. It is an extension of discipline to protect society.