

1943

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Recommended Citation

E. R. Cass, High Parole Standards Should Prevail, 34 J. Crim. L. & Criminology 147 (1943-1944)

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HIGH PAROLE STANDARDS SHOULD PREVAIL

The following has been received from Mr. E. R. Cass, a member of the Advisory Editorial Council of this JOURNAL. Mr. Cass is General Secretary of the Prison Association of New York and also of the American Prison Association. He is a member of the State Commission of Correction for the State of New York.—
R. H. G.

The comment in the last number of this JOURNAL (July-August, 1943) by Mabel A. Elliott on what is called in the title "The Von-Hentig-Bates Parole Controversy" requires further rejoinder by those who like myself have been active for decades in the development and maintenance of sound, effective systems of parole, and have given the greater part of their lives to the cause of prison reform. Throughout this discussion it should be kept constantly in mind that no organization is more anxious than the American Prison Association to advance and safeguard the best interests of the inmates of our reformatories and prisons. The Association's 73 years of agitation is ample proof of this and its statement of principles toward which it strives has been in a sense the penological Bible of this country, worthy of emulation throughout the world.

The two statements, one by Professor Von Hentig and the other by Commissioner Sanford Bates of New York, need not be referred to as a "controversy," but they do represent an important difference in point of view. Professor von Hentig looks almost entirely to the psychological reactions of the parolee and Professor Elliott's comments indicate a belief that the important purpose of dealing with prisoners and parolees is to minimize the restrictions and to assist in the free psychological development of the personality. No one can gainsay the fact that the medical profession, including psychiatry, has made valuable and significant contributions to the deeper understanding of the lawbreaker, but on the other hand, no one is more conscious of the fact than the experienced administrator, that the grim business of law enforcement can not be left entirely to the medical men and the scholars. The significant progress that has been made in the field of prison reform within the last few decades is in part due to the fact that practical men and women have adopted many of the suggestions of scientific people, but they have also refused to be led astray by theories or to place too great a reliance upon the promises of one or another of the newer social sciences. The strong point in Commissioner Bates'

insistence upon adhering to certain standards of behavior on the part of parolees is an indication that intelligent parole administration has gone beyond the point of just reporting and "standing in right" with the parole officer. One has only to read the record of reduced criminality in states where well supervised and efficiently administered parole is being undertaken to realize that truth.

Those who have been at the wheel for years have reason for gratification in noting by comparison what was the general pattern of parole organization and administration and what is now deserving of commendation. I recall vividly in my own State the days when there was very limited supervision of parolees and when the men had pretty much their own fling. As a matter of fact, a parole board was not needed because a study made by me in 1916 revealed that 92 per cent of the men were released at the expiration of the minimum sentence.* That type of parole administration was popular with the inmates, but in time it did not meet with public approval. Under a well organized parole procedure, such as we now have in the State of New York, if the parolee fails, the records of his parole supervision will show that all necessary steps were taken to guard against a breakdown. The hit or miss procedure of the past is no more, and the sooner this spreads throughout the country, the better it will be for parole and the welfare of the community generally, and of course, the parolee is part of the community.

Professor Elliott in pointing out the difficulty of maintaining standards in some states where parole is inadequately supported certainly cannot mean that we should not strive for the maintenance of such standards everywhere. Because prisoners usually come from the lower strata of society (which some people now doubt) they need not necessarily be encouraged to live less acceptable lives. If that theory is to prevail, then the church and all other agencies intended for the good of mankind might just as well quit. Because a practical administration of parole supervision sometimes makes it advisable, in view of all the surrounding circumstances, to condone certain peccadillos and indulgences in the interest of good individual case work, it certainly does not mean that the attempt to raise the general level of living should be abandoned. Nor need we forego the attempt to encourage some of the more cultural activities by parolees, because, according to Professor Elliott, they cost money. The indiscriminate consumption of liquor is one of our most expensive sports nowadays. The cost of one drink will buy

*By same author "Parole Laws and Methods in U. S." Proceedings, American Prison Association Congress 1921; also study *Parole Laws and Procedures in the U. S. 1927*—annual report Prison Association of N. Y., Legislative Doc. No. 13 (Revised in 1936); also "De-Bunking the Parole Experts," *The Prison World* July-August, 1941.

an admission to the movies. Furthermore, I am constrained to believe that the public (even though it may take an occasional cocktail, too) does not wish the parole officer to overlook or justify intoxication and promiscuous living among men and women who have been in trouble for crimes of violence, acquisitiveness or sex delinquency. Despite the disordered conditions throughout the world, I would dislike to think that we should be obliged to accept standards that embrace the thought that a little thieving and a little raping, a little corruption, might just as well be winked at so that certain people can have their fling, as long as I am not the victim. Indeed, a parole officer is not to be forgiven if he detects trends or tendencies similar to those that led up to the commission of the prior crime in an individual parolee and fails to take the necessary steps to protect the public from its repetition. If anyone who takes a social drink is not to be permitted to arrest or confine a dangerous alcoholic, then there is little left to the idea of law enforcement. Personally, I would not take the responsibility of proclaiming that all parole officers have been wisely chosen or are exemplary of generally approved standards of living. Yet I think the percentage of decent parole officers is just as high as can be found in the professions and among people in other forms of public life.

No widely experienced person would dare to defend the prisons as being perfect, and it is a question whether they ever can be; but certainly well informed persons know that progress has been made in the administration of prisons in this country. Slow to be sure, but we are moving forward. The American Prison Association and other bodies can justly claim credit for the advance. Those of us who are familiar with the prison systems of foreign countries can safely state that considering the age of our country, while we have advanced not quite as fast in a few instances, generally speaking we have advanced as fast and even faster. The experienced observer knows that the old world can learn much from the new and vice versa, and that all of the best knowledge is not centered in one part of the globe. If Professor Elliott's strictures are to be taken as a plea for a more wholehearted acceptance by the community of the thesis that every prisoner is entitled to a fresh start, then her thought should be cheerfully accepted as added strength in the renewal of a longstanding plea.

But in conclusion, if the article is intended as a criticism of parole procedure which has as its basis not only the policing of parolees but at the same time the attempt to improve their personalities and their standards of living, then it seems to me that there is lack of breadth of understanding of correctional treatment of which parole is a part, and an unwillingness to ally the principles of case work treatment with parole.