

1945

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Recommended Citation

Thorsten Sellin, Criminal History of Released Prisoners, 35 J. Crim. L. & Criminology 223 (1944-1945)

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THE CRIMINAL HISTORY OF RELEASED PRISONERS

Thorsten Sellin

The author, who is Professor of Sociology and Graduate Chairman of the Department of Sociology at the University of Pennsylvania, contends that the fingerprint files of penal and correctional institutions have not been sufficiently used for research purposes and that they may prove of considerable value in the study of the post-institutional career of prisoners. A modest illustration of the use of such data is offered.—(EDITOR.)

Penal treatment is designed to return the prisoner to society ready to live a law-abiding life. This is true no matter from what point of view the problem is approached. Those who still believe in punishment as such expect it to have such deterrent effects that fear of its renewal and self-interest combined will keep the released prisoner on the path hemmed in by the prohibitions of the criminal law, and those who see in penal treatment an educational and corrective instrument expect that its constructive measures will, in a positive way, make the released prisoner better fitted to cope with social obligations.

The proof of the pudding is in its eating. No matter how good it looks, a pudding should never be taken on faith. That is a maxim we have tended to forget in connection with penal treatment. Every penal agency, be it prison, a reformatory, or a parole office, is deeply concerned with what is happening to those in its charge. Records of varying degree of completeness are maintained and more or less studied, but the moment the prisoner is discharged and entirely on his own, when the real test of what the treatment has done to or for him arrives, the case is "filed" and the records put away. Has he succeeded in finding his little niche in the world outside? Is he putting to proper use what he learned during his incarceration? Nobody knows. If he fails, he returns perhaps to some punishment, in which case his failure may be discovered in the appropriate records by deliberate search, but if he succeeds, there is no systematic way of proving it or of measuring the degree of his success and its relation to his previous penal treatment.

Here is an aspect of penal administration which requires development, because we have not yet acquired the knowledge of human behavior which permits adequate prognosis by other means. A hospital physician may be able to discharge a patient as cured, because he *knows*, on the basis of scientific knowledge, that the disease has been removed, the wound healed, the germ destroyed and health restored, but we are not yet able to say with any degree of accuracy before a prisoner leaves an institution that he has been "cured," his social attitudes normalized, and his mind made ready to adopt law-abiding ways of life. That is why in penal administration the effects of the treatment must be studied

for some time *after* the official constraints have been removed from the prisoner. This is a job which should not be ignored in the hope that private research organizations or individuals will supply the need. On the contrary, it should be regarded as an integral function and responsibility of every penal agency engaging in the duty imposed on it by the state, the duty of carrying out effectively the purpose for which it was created.

Hitherto, so far as this writer knows, the only real studies of the post-discharge careers of prisoners have been carried out by scholars, such as the Gluecks, supported by research funds of private origin. These studies have revealed not only the failures, whether attributable to the previous penal treatment or to the pernicious stimuli of an unfavorable social environment encountered after release, but also the successful adjustments, whatever their causes. They are indicative of the type of follow-up studies, which should be regarded as a necessary task of every penal administration, in order to provide knowledge on which to base administrative reorganization and the improvement of treatment methods.

It will undoubtedly take time before some public agencies charged with penal treatment are convinced of the necessity for carrying out the above suggestion. It will probably take longer to convince, in turn, those in charge of appropriations, for there is no doubt that to maintain the research service required, considerable funds will be needed. The time will come, however, when legislators and administrators will be willing to supply for the study of human behavior funds approaching, if not commensurate with, the amounts now devoted to the discovery of improved breeds of cattle and cereals. Agricultural experiment stations should, of course, be well supported, but we need more of the experimental point of view in penal administration and better financial support to encourage and develop it.

In the meanwhile, there are sources of data already existing which should be more exploited in the study of what happens to the released prisoner. These are the fingerprint files. While it is true that these files contain nothing but records of failures, even such information is well worth more intensive investigation and analysis. Every penal institution has an identification bureau and those agencies who lack them have access to such information. Most important of these sources is, of course, the file of the U. S. Bureau of Investigation with its millions of cards and its daily contacts with law enforcement and penal agencies throughout the nation. The wealth of useful primary data in the Bureau's files is still literally buried. The brief and elementary analyses of the annual intake appearing in *Uniform Crime Reports* barely nick the surface and fail entirely to yield any of the information dis-

cussed in this article as essential to the penal administrator. A research division in the Bureau could, if created, unearth the treasures now hidden and render a great service to scholar and administrator alike.

The identification departments of our penal institutions are not quite as fortunate as the F. B. I. While the latter maintains a running inventory, so to speak, of the criminal history of all serious offenders at least, the penal institution does not. Its files contain for each prisoner, thanks to the cooperation of the F. B. I., the history of the prisoner up to his present commitment and provides therefore largely a retrospective view. That is, if the F. B. I. clerk should pull out of his file the card of a person first fingerprinted in 1930, the entire fingerprint history of that offender since that time will be found on the card, but if the identification officer of the prison pulls out the card of a prisoner first committed to his institution in 1930, what does he find? First, he finds a record of that prisoner's fingerprints prior to his 1930 commitment. Second, the record of further commitments to that particular prison, and again due to the clearing of each new commitment fingerprint through the F. B. I., the intervening fingerprints. Third, if the prisoner is no longer within the jurisdiction of the prison, there may be a modicum of later information, for when a prisoner is released from an institution, the F. B. I. continues to send it a report on every subsequent arrest "until the individual has been received into another institution."¹

Of course, a fingerprint history, even if complete, is not a criminal history, as everybody knows. Offenses which never reach the attention of any legal authority, offenses excluded by law or practice from fingerprinting, etc. are not recorded in a fingerprint file. Nevertheless, there is enough pay dirt in any fingerprint file to make it worth exploration. Retrospectively, the fingerprint history of a prisoner gives clues to his personality and habits, and prospectively it may serve as a crude prognostic instrument and as a gross measure of the effectiveness of penal treatment. Hitherto, prisons have, in so far as their annual reports indicate it, used their files only retrospectively and then merely to show the past criminal history of newly committed offenders. In this paper, another use of the file will be sketched. While the inquiry reported below is admittedly elementary and extremely crude, it is hoped that it may spur prison administrators to making similar, yet more detailed and refined analyses of their own records.

With the aid of Mr. Theodore A. Moore, chief of the Identification Bureau, Philadelphia County Prison, the fingerprint history of all the prisoners released during 1930 from the Holmesburg

¹Letter to the writer from Mr. J. Edgar Hoover, dated July 5, 1944.

Prison (one of the two institutions making up the Philadelphia County Prison) were analyzed for a period of ten years subsequent to their release in 1930. Altogether there were 1460 prisoners, including 20 who were known to have died during the decade in question, but excluding 6 prisoners who later had only a known record of fingerprints for civilian purposes.

The Fingerprint History of 1460 Prisoners During Ten Years Following Their Release from the Philadelphia County Prison in 1930

| | | "First Offenders" | "Repeaters" |
|---|-----|-------------------|-------------|
| Number studied (1460) | | 839 | 621 |
| No record since release | | 558 | 168 |
| With record | | 281 | 453 |
| Arrests only | | 69 | 55 |
| Number 1 | 43 | | 37 |
| 2 | 21 | | 10 |
| 3 | 8 | | 2 |
| 4 | 1 | | 1 |
| 5 plus | 1 | | 5 |
| Commitments on sentence to county or municipal institutions only | | 184 | 296 |
| Number 1 | 102 | | 135 |
| 2 | 52 | | 68 |
| 3 | 16 | | 41 |
| 4 | 5 | | 14 |
| 5 plus | 9 | | 38 |
| Commitments on sentence both to local institutions and to state or federal prisons or reformatories | | 15 | 56 |
| Number 1 | .. | | 2 |
| 2 | 6 | | 17 |
| 3 | 2 | | 8 |
| 4 | 2 | | 13 |
| 5 plus | 5 | | 16 |
| Commitments to state or federal prisons and reformatories only | | 13 | 46 |
| Number 1 | 13 | | 35 |
| 2 | .. | | 8 |
| 3 | .. | | 2 |
| 4 | .. | | 1 |
| 5 plus | .. | | .. |

The 1460 cards were divided into two classes. In the one were placed those of prisoners who had no fingerprint history before they were committed to the institution to serve the sentence from which they were released in 1930. The prior arrest fingerprint made in connection with the offense leading to that sentence was, therefore, ignored. In the second class were placed all others; they had been fingerprinted at least once and many of them several times in connection with earlier offenses than the one leading to their commitment which served as the point of departure

in our analysis. For the sake of brevity, and merely for the purpose of making the story easier to tell, we shall call the first class "first offenders" and the second class the "repeaters."

The cards were now studied in order to discover what could be learned about the histories of these two classes during the decade following their release. Of the 1460, there were 839 (57.5%) "first offenders" and 621 "repeaters" (42.5%). Insofar as we had the information, 221 of the "first offenders" and 453 of the "repeaters" were again fingerprinted after their original release. Putting these figures in percentages, we find that 33.5% of the "first offenders" and 72.9% of the "repeaters" had a subsequent record.

The two groups also showed differences in the character of their post-release record. Taking only those who had such records, i.e. the 281 "first offenders" and the 453 "repeaters" we find that 24.6% of the former and 12.1% of the latter had only arrest fingerprints, and no institutional commitments. At the other end of the scale only 9.9% of the former, but 22.6% of the latter showed records of having been committed on sentence at least once to a state or Federal prison or reformatory after their release from Holmesburg in 1930. An examination of the accompanying table will show that the "repeaters" also tended to have more frequent conflicts with the law. For instance, of those who had nothing more serious than commitments to local jails on their post-release record, nearly 13% of the "repeaters" and not quite 5% of the "first offenders" showed five or more such commitments during the decade.

The exploratory survey just reported was designed merely to test the utility of the fingerprint file for further analysis. It is undeniable that even the limited information available in an institutional file is worth more detailed study, taking account of racial factors, type of offense, age groupings, geographic dispersion, residence and perhaps other factors recorded in the file or deducible from the record. Not only a ten-year period but a twenty or thirty-year period could be analyzed, and changes in the "velocity" of the record studied, especially in its relation to ageing.
