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SCIENTIFIC PAROLE — A PROPOSAL

JOSEPH M. RAY

The author has for many years been concerned with teaching and research in the field of state and local government. During the past year he has been Professor and Head of the Department of Government and Politics in the University of Maryland. Earlier he was, through several years, Assistant Director of the Bureau of Public Administration at the University of Alabama. In that position he was closely associated with the preparation of a study of parole performance in Alabama (See *These Came Back*, 1946, by Mary Ruth Graham). The Alabama Board of Pardons and Paroles is now in the process of implementing the system proposed in this article.—EDITOR.

The Need

Most states in recent decades have established boards of pardons and paroles. The movement in this direction has resulted partly from abuses of the pardoning power. It has come, also, from the growing conviction that the granting of pardons and paroles requires more judicious handling than a harrassed governor, even with the best intentions, is able to give to the problem. These boards of pardons and paroles have generally been authorized to recommend pardons to the governor and to exercise at their own discretion the function of granting paroles. It is with the latter function that the present discussion is concerned.

The assumption is well-founded that a group of persons authorized to spend their whole time on problems of parole can bring to the task a more judicious approach. A meeting of minds which usually have pursued investigations along different lines is much more conducive to just decision than the hurly-burly politics of the governor's office. This basic assumption is valid. The fallacy in our public thinking in the matter of parole, however, is that we have not analyzed fully the function to be performed. We have assumed that the paroling of convicts should be entrusted to a small group of people of judicious temperament and that thus the matter will surely be handled properly, without favor or politics. What we have failed to recognize is that there is a basic difference between the function performed by regular judges and those exercised by parole board members.

The judge of a court at law has a well-channelized function. The manner in which he prepares himself for the bench is fixed by law after a fashion dictated by long social experience to be sound. The actual work which he does as a judge is confined within strict limits. He takes jurisdiction under the law. He applies the law to the case at bar. In doing so, he is frequently

required to decide nice issues. This duty calls for refined powers of judgment. The judge who does not have this faculty we consider a poor judge. The faculty is sometimes characterized as the judicial temperament. And yet how sad would be the judge's plight if there were nothing to govern his official behavior except his powers of judgment!

Such is the plight of the member of a state parole board. He is usually a person of broad social or political experience. More frequently than otherwise, he is a personal or political friend of the governor, tired of rigorous politics and seeking comfort. Assume that he is well-informed, wise with years, and an expert on criminal behavior; even then he comes to his duties with no dependable guides for his performance. He must operate on the broad injunction to release from prison those who are likely to behave properly and to leave others to serve out their terms. Where is the standard upon which he may base his decision? The answer is that his broad humanity, his understanding of the human creature and of society, will lead him to make correct decisions. Thus we are back where we started: his judicial temperament is his only guide.

He learns certain lessons as his career progresses. Older members of the board tell him that this or that type of criminal will not succeed on parole. He learns by trial and error. He sees increasing numbers of paroled burglars returning for parole violation. He learns that men with no family ties make poor parole risks. But he operates necessarily under the philosophy that each parole applicant must be considered individually, and frequently the lessons he has learned are outweighed by a hunch that somehow this particular applicant is different.

The challenge to the student of parole is how to devise methods of prediction in matters of parole outcome. These methods of prediction should never be advanced as establishing criteria that would control despite the board member's judgment. Certainly that judgment must remain paramount until long experience indicates dependable standards by which the process may be guided. A scientific approach on the problem of parole outcome, however, will disclose patterns which may best be followed in granting paroles.

The Method

Many studies of parole outcome have been made.¹ Recently a thorough-going study has been made of the outcome of all

¹ United States Department of Justice, *The Attorney-General's Survey of Release Procedures* (Washington, 1939); Elio D. Monachesi, *Prediction Factors in Probation* (Minneapolis, 1932); Walter C. Reckless, *Criminal Behavior* (New York, 1940); Walter A. Lunden, *Statistics on Crime and Criminals* (Pittsburgh, 1942); George B. Vold, *Prediction Methods and Parole* (Minneapolis, 1931); Sheldon Glueck and Eleanor T. Glueck, *Five Hundred Criminal Careers* (New York, 1939); Andrew

paroles granted during the first five years of operation of the Alabama Board of Pardons and Paroles.² What is the nature of parole studies? In the first place, most such studies have concentrated on the discovery of methods of predicting parole outcome. Secondly, emphasis in all studies of parole has been upon the empirical approach. The field is new; few standards are set; and the problem is perhaps the most complex which our society faces. The only dependable guide is experience. Thirdly, these studies have sought to relate selected criteria to parole outcome. Economic background, length of sentence, length of time served, type of crime for which convicted, type of work to which paroled, education, intelligence, place of residence, and other similar factors have been used. These criteria used in most parole studies have fairly well exhausted the field. Certainly they would need to be adapted for a given jurisdiction and perhaps new ones added. In the fourth place, all of these parole studies have been spot studies, in a given jurisdiction at a given period, with no follow-up to carry into actual use either the specific lessons learned or the procedures used in arriving at the findings.

The Proposal

Contemplation of this fourth characteristic of parole research leads to the query: Why cannot the procedures and findings of parole investigations be implemented in operation by parole boards? To be sure, board members do become acquainted with the important discoveries made by parole research. Doubtless they do utilize constantly some of the accepted facts of parole history. When such parole lore is called into use, it is sometimes out-of-date and not infrequently ill-adapted to the specific jurisdiction concerned. It is used only as the board member happens to call it to mind. How much better would be a regularized system of parole outcome prediction, based on past performance data, to buttress the board's judgment. It is for the purpose of making this proposal that this article is written.

Parole studies have customarily been statistical. The most effective method of conducting such investigations is to prepare schedules of all criteria likely to bear some relation to parole outcome, score them on punch cards, sort them mechanically on the basis of particular factors, and reduce the answer to

A. Bruce and others, *The Workings of the Indeterminate-Sentence Law and the Parole System in Illinois* (Springfield, 1928); Clark Tibbitts, "Success or Failure on Parole Can Be Predicted: A Study of the Records of 3,000 Youths Paroled from the Illinois State Reformatory," *XXII Journal of Criminal Law and Criminology* (May, 1931); Luman H. Sampson, "After Careers of 424 Paroled Wisconsin Criminals," *XXV Journal of Criminal Law and Criminology* (November, 1934).

²Mary Ruth Graham, *These Came Back* (University, Alabama, 1946).

percentages in terms of the total number of parolees. It is thus possible, for a given time, place, and factor, to show the likelihood of parole success.

In the process of evaluating performance, the first step is to find the average percentage rate at which paroles have been revoked. In the Alabama study, for example, this figure proved for a five-year period to be 10.9 per cent. Taking the general average figure as the norm, other factors appear as having a favorable, unfavorable, or negligible relationship to parole outcome. The validity of a given percentage derived in this fashion depends in considerable measure on the size of the group possessing the given factor in relation to the group as a whole. Thus if there were only two bigamists in a group of 5,000 parolees, little reliance could be placed on a percentage derived concerning them. On the other hand, any conclusion derived from the parole performance of 800 burglars in a group of 5,000 parolees would be quite dependable. The validity of any given finding may be ascertained by the use of statistical formulae.

Once the relationship of isolated factors to parole outcome is determined, then patterns of factors may be derived. Let us say, for example, that paroles for the total group have been revoked at the rate of 10 per cent; for unmarried persons, 15 per cent; for convicted burglars, 20 per cent; for factory workers, 18 per cent, and for persons serving a second prison sentence, 22 per cent. A cross-sort of all might show that unmarried factory workers, serving a second sentence for burglary, fail on parole at the rate of 50 per cent. On the other hand, paroles may have been revoked for persons with six children at the rate of 2 per cent; for those convicted of manslaughter, 3 per cent; for farmers, 6 per cent; and for first offenders, 8 per cent. A cross-sort of all parolees might prove that farmers, with six or more children, serving a sentence for a first conviction for manslaughter, fail at the rate of one per cent.

Few comparisons, to be sure, would prove to be so conclusive as the examples given. In many if not most cases, both factors that were highly favorable and highly unfavorable to parole success would be present. Cross-sorts again could be made to determine the relationship of favorable and unfavorable factors. Despite this, however, there can be little question as to the utility to the parole board member of such a scientific approach. Tabulations could be run on the factors affecting the case of any given prisoner immediately before his application for parole is considered. Pointed up on the tabulated results would be the factors applicable to this prisoner which had proved to be decidedly favorable or unfavorable, with cross-sorts where indicated. Perhaps of more value, however,

would be the general conclusions, disclosing that certain factors constitute hazards to parole success.

The Cost

The most difficult task in giving effect to the proposal would be the preparation of schedules of factors judged to relate to parole outcome. Much of this work has already been done in various studies on the subject. The difficulty and hazard would arise from the need to adapt the schedule to the needs of the particular jurisdiction. This would have to be done in close consultation with the board members. Most states already have punch-card tabulating machinery in their revenue departments or their unemployment compensation agencies. A research worker could be devoted to the project at moderate cost. The greatest expense would arise from the need to improve the records of prisoners. This, however, is a reform that should be instituted regardless of the present proposal. Once established, the cost of maintaining it would not be great. In the average state the task of keeping up to date punch-card records of parolee performance could easily be handled by the part-time labor of one person.

The Advantages

The advantages to be derived from the application of parole research techniques to the actual granting of paroles would be great. Perhaps the most important would be the bringing into the process of a more specific set of criteria than has heretofore been used. The board member would have available something besides his intelligence or emotion to guide his decision. His decisions would thus be in some measure channelized and rendered less "unconfined and vagrant." They would almost certainly have sounder basis than they do at present. And the board member, when challenged for having granted a parole that turned out badly, would find something besides his unsupported personal judgment to offer in justification.

A second advantage would be that the board member would have immediately available the most advanced thought in the field of parole behavior in application to his particular jurisdiction. Certain parole behavior patterns might exist in his state and not elsewhere. A given community, city, or county might prove to have special significance. Factors affecting parole outcome negligibly elsewhere might prove important in his state. Special considerations, such as a preponderantly manufacturing economy or great urban concentrations, might shape the entire parole policy.

Still another advantage would be the stimulus provided by such a system toward the improvement of personal data rec-

ords of convicts as well as parolees. In too many prison systems, only sketchy records are available. Even under present parole practices, parole boards are handicapped by inadequate data on prisoners. Processing of prisoners upon admission is not regularized. Background information for case histories is often lacking. Intelligence tests are given only occasionally. One of the main reasons why case histories of prisoners are not complete is that prison officials have not always been convinced of their utility. A regularized process, with specific information required by the parole board as the agency most vitally concerned with the prisoner's career, would go far toward filling in the gaps in the prisoner's records. This reform would benefit not only the parole board but the prison officials as well.

A final advantage of the proposed system would be its utility as a current body of information in a complex and troublesome area. After a number of years of operation, the board could test its performance. If its policies along certain lines proved ill-advised, it could take a new tack. Later it could compare the results under the new policy with those found previously. Thus the board would be able to standardize and refine its product much more effectively than is possible at present.
