

ENGLISH STUDIES IN CRIMINAL SCIENCE

AFTER-CONDUCT OF DISCHARGED OFFENDERS

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AFTER-CONDUCT OF DISCHARGED OFFENDERS

A REPORT TO THE DEPARTMENT

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FOREWORD

FROM time to time some criminal episode dramatises the high rate of crime in the United States. The press exploits the incident with talk about "a crime wave", leaving out of account the long-standing inadequacies of American criminal justice, and encouraging both the sentimentalism and the vindictiveness which are characteristic of American public opinion regarding criminals. At such times sleazy explanations for our high incidence of crime readily gain popular acceptance. The admixture of races in our population is blamed although the crime rate in homogeneous, old-stock communities is nothing to boast of. The Puritan tradition of resistance to authority is offered as another explanation, although crime flourishes where the Puritan tradition is least rooted. America's youth as a nation is frequently blamed. But Canada, too, has claims to the indulgence of immaturity, and yet her criminal statistics do not tell as melancholy a tale as do ours.

When such inadequate causes are assigned, it is not surprising that the favourite remedies suggested are equally inadequate and produce little improvement, so far as crime is concerned, when adopted. Dissatisfaction with the processes of American criminal justice has resulted largely only in mechanical tinkering with the machinery of the law. I do not mean to belittle the need for improving such machinery. But to speak of the law in terms of machinery is to employ a dangerous metaphor. The problems raised by crime go far deeper than what is ordinarily implied by proper standards in the administration of the criminal law. And though the crime rate of Great Britain is lower and its administration of the criminal law less garish, in Britain as in the United States the phenomena of crime present social problems the elements of which have hardly begun to be analysed.

"What have we better than a blind guess to show that the criminal law in its present form does more good than harm? I do not stop to refer to the effect which it has had in degrading prisoners and in plunging them further into crime, or to the question whether the fine and imprisonment do not fall more heavily on a criminal's wife and children than on himself. I have in mind

more far-reaching questions. Does punishment deter? Do we deal with criminals on proper principles?" These questions were put by Mr. Justice Holmes nearly half a century ago. They could be put with equal relevance to-day. With equal relevance, but with a realisation that their relevance is receiving a growing acceptance and that their answers are being pursued with devotion by men equipped with scientific skill. The best of the legal profession is no longer content to repeat the formula of intellectual abdication attributed to a great mediaeval judge that the Devil himself knoweth not the mind of men, nor is it content to leave illumination of the dark recesses of a criminal's being to a rare great artist—a Shakespeare or a Dostoevski. To be sure, the secrets of personality can no more be unlocked by the mere accumulation of observed facts than can those of nature. Without the exercise of imagination no new insights can be gained. But the imaginative insight of a Shakespeare is no substitute for the systematic, scientific pursuits of a Freud. Mr. Justice Holmes' accusatory questions will be answered, or rather, properly framed for answer, only when enough men of talent spend their lives in the effort.

The authors of the pages that follow, Sheldon and Eleanor Glueck, have been among the most fruitful workers in this resistant vineyard. And so I could not but respond to the wish that I should send this book forth with a word of blessing. Not less notable than the new perspective given by this book to obdurate social problems, is the enterprise of the Faculty of Law at the University of Cambridge, through its Department of Criminal Science, grappling with these problems while Great Britain is a beleaguered island. This is indeed a striking piece of evidence of faith in the freedom which is espoused and of determination to use that freedom for progressively civilised ends.

In reporting their investigation of the antecedents of a thousand adolescents, and of five hundred male and five hundred female adult offenders, and of the careers of these persons after the heavy hand of the law was lifted from them, the Gluecks have not arrived at the Heavenly City of ultimate answers to the questions raised by crime. But they have blazed significant trails. No doubt many of the things which they report have long been suspected. But it means much to have speculation supplanted by facts and to prove quantitatively that which previously was merely surmised. Like so many of the conquests of science, the results of the enquiries re-

ported by the Gluecks have merely pushed back the boundaries of darkness. We still do not know what is chargeable to nature and irremediable by man. Nor do we know to what extent what is good in nature is thwarted by man's institutions—what potentialities can be realised that are now frustrated. One may well assume that the biological factors are of importance in the maladjustments that beget crime. But awareness of that truth hardly tells us what are the biological factors, their extent and their significance.

We have lived to see biological fictions and fantasies employed as justification for the most brutal practices. This has made us more wary than ever of untested biological explanations. On the other hand, this report of the Gluecks makes it abundantly clear that criminal acts are apt to be the product of the interplay of complex pressures and resistances that are but ill described and dealt with as though they constituted a single dominating spring of action called criminal intent.

Doctrines or judgments are no stronger than the facts on which they are based. The labours which this report reflects help to undermine still further a number of presuppositions of our present system of criminal justice. The characteristic of law in a progressive society is an adjustment between continuity and change. Our criminal codes should not too rapidly accommodate themselves to the latest guidance of scientific enquiry. But it is equally fatal to be heedless of such guidance. Whatever our metaphysical notions about the freedom of the will may be, we can no longer rest content with the adequacy of the conception of criminal intent as an expression of a full and free choice between doing a prescribed act and not doing it. Again, the inadequacy of our traditional methods for determining the appropriate treatment for offenders, once wrong-doing is established, can no longer be disregarded. The conclusion of this report on the deficiencies of our procedure in imposing punishment has been given weighty support, in essence, by a committee of the federal judiciary of the United States. (See Report [1942] to the Judicial Conference of the Committee on Punishment for Crime.)

Social phenomena like crime are imbedded in the texture of our society. To be understood they cannot be severed from the total environment. Only complacency will assume that the maladjustments which underlie crime are all reflected in our criminal statistics. And so, just as the study of disease illumines physio-

logical processes that are not pathological, critical and persistent enquiry into the social pathology that is crime ought greatly to further understanding of the interplay between society and the individual in its many manifestations that happily are not the concern of the criminal courts.

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PREFACE

IN view of Mr. Justice Frankfurter's "Foreword" and the "Editorial Note" of Dr. Radzinowicz and Mr. Turner, any further preliminary remarks may seem superfluous, but, brief as my preface will be, I am glad to have an opportunity of expressing publicly my appreciation of this volume, and of adding something more on my own account. The collection of statistics is often essential to improvements in the law, and here we have not merely the achievement of a task that in some respects involves a good deal of tedious work, but also useful deductions from the facts accumulated. Naturally those who administer criminal justice will seek in these pages an answer to the question, "What practical help can I get, pending all the social and administrative reforms that are needed for an ideal criminal system, in dealing with those who are convicted in my court of some crime?" For an answer to this, it is evident from what is said on pp. 68 *seq.*, that, in addition to the recommendations there given, the earlier publications of the authors of this book ought to be studied. As to the reform of criminal law in general, Chapter VIII is of outstanding importance.

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EDITORIAL NOTE

IT is hardly necessary to stress the exceptional importance of investigations undertaken to ascertain the behaviour of offenders having served the sentences inflicted upon them by the tribunals.

From the criminological point of view these investigations are most valuable because they aim at discovering which offenders continue their career of crime in spite of the punishment they have had to undergo, and at recording the combination of circumstances in which their new crimes have been committed. Such studies assist the detection of the factors which produce crime and are not less important when approached from a penological point of view. The fuller our knowledge of the future conduct of released offenders can be made the better can we judge and understand the value of our criminal legislation, the work of the tribunals, and the efficacy of our penal methods. Moreover, it is clear that these researches, sometimes called follow-up investigations, have a special significance in the countries where it has been recognised that the object of penal repression is not only to punish the offender for the crime he has committed but also to prevent him from committing further offences—both by the imposition of appropriate sanctions, and also by the proper execution of them.

It is, however, surprising how little the legislator, the judge, the penal administrator and the social worker know about the after-conduct of released offenders. It would not be possible in this note to point out all the reasons for this regrettable lack of knowledge, but there is no doubt that one of the most important of them is the extreme difficulty of collecting detailed and reliable data. Such investigations in order to be of value must be spread over a very long period; they have to be related to different groups of offenders who have undergone different types of punishments and must be conducted by persons who not only have an unbiased attitude of mind, but who combine a thorough knowledge of criminal science with skill and experience in social work. In 1929 Professor and Mrs. Glueck published in the *Harvard Law Review* the first chapter of the first of their books on this subject. With his usual *acumen* Dean Roscoe Pound appreciated that a new avenue of research was being opened, and in a preface to this publication indicated the future possibilities of the work which had thus been initiated.

Since that date Professor and Mrs. Glueck have continued their researches and have developed their method.

The importance of such work as this is the same in all countries. In England, a beginning has been made under official auspices. Before the outbreak of the present war, data of practical value had already been collected, and the need for further development has been fully recognised by the responsible authorities. It appeared to us that it could be of especial use in the task which lies before investigators here to have an account of the methods adopted by those who have achieved success in the same field elsewhere, and at our invitation Professor and Mrs. Glueck have been so kind as to provide the report of their work which forms the present volume in our series.

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AUTHORS' PREFACE

IN one of the late Dr. Richard C. Cabot's stimulating seminars held at Harvard University in 1925, one of the authors presented a paper on the penological situation in the United States. He made the assertion that only a few investigations into the post-treatment history of ex-prisoners had ever been made and that these were faulty both because they were made at the instigation of not altogether unprejudiced sources and because of inadequate technique of research. He expressed the opinion that only through a careful examination of the product of our penologic mills could we ever learn of their value. The grist of those mills in the United States consists of many thousands of young men and women (largely the former) who are annually poured into them by a society that has never been very clear as to just what it expects the mills of justice to grind out, and how the task is to be accomplished. Engineering inspections of those mills are valuable, but insufficient. More necessary is a careful, periodic analysis of their grist; and still more important is a thoroughgoing, honest evaluation of their product.

Dr. Cabot made possible the first such enterprise undertaken by the authors, which resulted in the publication in 1930 of *500 Criminal Careers*.¹ The reception of that volume encouraged the authors to continue their work in this field, with the result that follow-up investigations into the post-treatment careers were made of a thousand juvenile delinquents² and of five hundred "graduates" of the Massachusetts Reformatory for Women.³ It early became apparent that it would be particularly valuable to re-visit the offenders previously studied in order to determine what became of them during a period beyond the five-year span following treatment that had been the scope of the earlier enquiries. The result was a series of further follow-up investigations.⁴

¹ Alfred A. Knopf, New York.

² *One Thousand Juvenile Delinquents*, Survey of Crime and Criminal Justice, Boston, Vol. I, Cambridge, The Harvard University Press, 1934.

³ *Five Hundred Delinquent Women*, New York, Alfred A. Knopf, 1934.

⁴ *Later Criminal Careers*, New York, The Commonwealth Fund, 1937, covering an extra five years beyond the original follow-up span, in the lives of the young-adult offenders originally included in *500 Criminal Careers*; *Juvenile Delinquents Grown Up*, New York, The Commonwealth Fund, 1940, embracing another ten years in the lives of the boys originally reported on in *One Thousand Juvenile Delinquents*; and

In December, 1941, the Department of Criminal Science of the Faculty of Law in the University of Cambridge, kindly invited us to prepare a report on our follow-up studies, giving our views as to "the method to be applied, the conclusions which can be reached thereby and the value of these conclusions in judicial practice and in penal administration".

These pages are the result of that invitation.

This report is designed to give some conception, in a relatively narrow compass, of the nature, value, implications and methods of follow-up studies into the careers of delinquents and criminals.

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Criminal Careers in Retrospect, covering fifteen post-reformatory years in the lives of the men studied in *500 Criminal Careers* and in *Later Criminal Careers*, published in 1943 by The Commonwealth Fund, New York.

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NATURE AND VALUE OF FOLLOW-UP STUDIES

A NUMBER of researches into the "after-conduct" of delinquents and criminals have been made in the United States during the past fifteen or more years, most of them by the authors of this report.¹

What is the value of such follow-up investigations to the administration of criminal justice?

The authors are convinced that these check-up studies provide a highly useful instrument for the reform of several of the most crucial processes in the administration of criminal justice, particularly the sentencing function, the revision of sentences, and the paroling of prisoners.

What happens to the former inmates of our prisons and reformatories? What percentage of them become law-abiding citizens? How many return to a life of crime and vice? What portion of them change from aggressive and dangerous criminals to misdemeanants, vagrants, chronic alcoholics and the like? What *types* of offenders persist in serious criminality, what types become minor offenders, what types give up their lives of crime? And at what *ages* do these changes occur? Is imprisonment a preventive of recidivism? How, in the light of the human grist and human product of the mills of justice can we improve our methods of peno-correctional treatment?

These are but a few of the fundamental questions which it was long impossible to answer with any degree of reliability. This was so because no thoroughgoing researches had been made with the object of tracing down large numbers of former prisoners, study-

¹ Glueck, S. and E. T.: *500 Criminal Careers*, New York, Alfred A. Knopf, 1930; *One Thousand Juvenile Delinquents*, Cambridge, The Harvard University Press, Second Edition, 1934; *Five Hundred Delinquent Women*, New York, Knopf, 1934; *Later Criminal Careers*, New York, The Commonwealth Fund, 1934; *Juvenile Delinquents Grown Up*, New York, The Commonwealth Fund, 1940; *Criminal Careers in Retrospect*, The Commonwealth Fund, 1943. Cf. Burgess, E. W., "Workings of the Indeterminate-Sentence Law and Parole Systems in Illinois," in Bruce, A. A., Harno, A. J., Burgess, E. W., and Landesco, J., *Parole and the Indeterminate Sentence*, Illinois Board of Parole, Chicago, 1928; Clark, W. W., "Success Records of Prisoners and Delinquents", 6 J. of Delinquency, 444 *et seq.* (1921); Vold, G. B., *Prediction Methods and Parole*, The Sociological Press, University of Minnesota, 1931; Monachesi, E. D., *Prediction Factors in Probation*, The Sociological Press, University of Minnesota, 1932, etc.

ing their make-up and histories prior to and after incarceration, interviewing them and their families, and evaluating the penal institutions and corrective practices in the light of accurate facts and legitimate inferences. Hundreds of volumes had been written on the fascinating subject of crime and criminals, in addition to the numerous traditional treatises on the criminal law and criminal procedure; but until a relatively few years ago not one had furnished a reliable estimate of the work and worth of our sentencing and paroling practices, our punitive and correctional instrumentalities.

In most other important fields of human endeavour nobody would think it wise to keep on doing things as they had always been done before, unless a periodic inventory of the product showed that no change from customary practices was called for. In the administration of fair and effective justice—probably the most important single function of a civilised state—we have been much too content to drift along in the accustomed channels, without checking up on the direction or progress of our journey.

Is not the chief aim of criminal justice the reduction of crime? And if it is, have we been sufficiently concerned with discovering whether or not our existing methods bring about that result? "By their fruits ye shall know them."

Surely, one of the most important aspects of post-war reconstruction is that which is concerned with control of the issuance into anti-social behaviour of those aberrations of character and mind that the law calls crimes. If the output of the mills of criminal justice is as bad as many people have long suspected, a fundamental reorientation and redesign of the entire criminal law and its punitive-corrective apparatus may be called for.

But is the product of our penal and correctional institutions really poor? The only possible way to answer this basic question is by determining what happens to those who are subjected to peno-correctional treatment.

It was this conviction that led the authors of this monograph to embark on a series of follow-up studies covering ever-longer spans in the life history of delinquents and criminals who had been incarcerated in Massachusetts institutions or supervised in the community by probation and parole services.

Officials of courts, institutions, probation can of course themselves make follow-up investigations to check upon the outcomes of their efforts. But such officially conducted

investigations, while doubtless of some value, are not likely to be as reliable as those made by neutral, outside investigators who have no special interests to protect, no axe to grind, no apologies to make, and who have achieved a degree of special competence in this type of research.

We may cite two illustrations of differences in attitude between officially conducted investigations and those made by more neutral researchers: It was continually claimed in many quarters (and, unfortunately, it is still being claimed by some parole authorities) that 90% or more of parolees are "successes". Our own investigations amply demonstrated the gross exaggeration of such official claims. To really determine the behaviour of parolees or ex-parolees over a period of time, an extensive, intensive and patient investigation is called for.¹ In the United States, with its vast territory, large and crowded cities, and ready and easy means of getting about, it is especially easy for an investigator to go astray in the difficult business of checking up on the behaviour of ex-prisoners: they move about so much and can hide so readily. When a parole authority assumes that all his clients about whom he had not heard to the contrary are successes, he is of course violating an elementary canon of scientific enquiry in this field. Only if affirmative, thorough and far-flung investigation proves that an ex-prisoner, parolee, or ex-parolee is *not* committing further crimes can he justly be designated a "success".

Again, examination by an independent investigator into the actualities of parole supervision may disclose a very different picture from that sketched by a not unnaturally biased official agency. The reader is invited to note, in this connection, the illustrations of a few of the aspects of parole supervision given below.

Details of the methods employed in the assembling, verifying organising and tabulating of the materials that enter into a follow-up study have been amply set forth in our various works to which the interested reader can refer.² Naturally, the techniques would have to be modified in accordance with the exigencies of the situation in various European countries, should follow-up investigations be attempted there. Herein it need only be mentioned that this type of research enterprise requires the careful

¹ See *500 Criminal Careers*, Chap. V, "Method of This Research".

² *500 Criminal Careers*, Chap. V; *One Thousand Juvenile Delinquents*, Chap. I; *Five Hundred Delinquent Women*, Appendix A; *Juvenile Delinquents Grown Up*, Chap. XXI; and *Later Criminal Careers*, Appendix A.

planning of the scope of field investigations and interviews with ex-prisoners, their families, their employers and others; the gathering of data from many sources regarding the criminal record, industrial history, family life and other relevant aspects of the offenders' careers; the planning of statistical schedules covering the numerous factors to be assembled, including the careful working out of definitions¹ of various categories into which the findings are to be classified; and, finally, the tabulation, correlation and interpretation of the numerous items of information obtained from far-flung and varied sources. Behind the entire enterprise is of course a carefully conceived general plan of enquiry calculated to throw light on the changes that occur in the behaviour of criminals with the passing of the years and upon their responses to the various rehabilitative regimes to which they have been subjected.

¹ The definitions of factors that we have made and tested may be of use to European researchers. They are published in full in the foregoing works. In addition, reference is suggested to our latest work, *Criminal Careers in Retrospect* (Appendix A), Commonwealth Fund, New York, 1943.