

REPORTS



PRISON WITHOUT WALLS - REPORT ON NEW YORK PAROLE

Citizens' Inquiry on Parole and Criminal Justice, INC., New York: Praeger Publishers, 1975, 210 pp., 7.25 (U.K.)

Following the uprising at Attica prison in 1971, the Citizens' Inquiry on Parole and Criminal Justice was formed as a private research corporation and it decided to study the New York parole system. The chairperson of the Citizens' Inquiry was Ramsey Clark, former U.S. Attorney General and the Director was David Rudenstine. After negotiations with state officials, Rudenstine was permitted to observe parole hearings, 210 in all in April-May 1973, and he was allowed to interview state parole personnel. He was also provided with all statistical material that was normally accumulated, but was not allowed to examine individual case files. In return for the State's co-operation, the state officials requested the opportunity to review the report prior to its release to the public. This request was agreed to. During the investigation the state officials were asked for a variety of additional statistical information, in many cases straightforward material, but every request was refused on the grounds that

the information was "not maintained" or "not available". Upon completion of the enquiries, which included interviews with 30 parole officers and over 100 parolees, the report was forwarded for comment to the Commissioner of Correctional Services in New York State and the chairperson of the state parole board. Both officials refused to either comment or meet with the Citizens' Inquiry. Rudenstine regrets this reaction but notes that the officials' primary loyalty appeared to be to maintaining the status quo rather than responding to suggestions and criticisms.

Much of the book deals with the law relating to parole in New York State and to the methods of the Inquiry. However, many of the comments are relevant to any country where the system of parole, both the aspect of determining release and the aspect of subsequent community supervision, is part of a so-called advanced criminal justice administration.

In his foreword Ramsay Clark comments that the twelve person (there is one woman) state parole board possess no qualification required by law, are of an average age twice that of the prisoners processed, and from a completely different background. The board "without standards measurable by man" (p.vii) make more than 17,000 parole decisions a year. He adds that the functions of parole, both in determining release and in community supervision, fails in theory and in practice. If the only conclusion had been the failure of parole in practice, the book would not have been deserving of any great attention. Commentators on parole have criticized various aspects of practice for many years but the assumption that ideally parole is useful and equitable has seldom been challenged. The suggestion for reform have advocated



efficient and reasonable programmes and all will be well. Another reason why most commentators have avoided examining the assumptions on which the theory of parole is based is clearly stated by the chairperson of the U.S. Board of Parole. He acknowledges that parole is a device of social control for prison administrators. To remove parole, he observes, would remove the incentive for prisoners to behave themselves, which would make prisons "impossible to run".¹

The Citizens' Inquiry points out that the primary goal of a parole board is to release an inmate at the "optimum moment of his rehabilitation". (p.167). After reviewing various prison programmes, it concludes; "The ineffectiveness of treatment and rehabilitation programs combined with the problems of prediction strip parole of its basic justification. The role of a parole board releasing an inmate at the 'optimum moment of his rehabilitation' is a myth". (p.175). Other reasons advanced for parole, such as a social control system for prisons or as a method of mitigating harsh sentences, the Inquiry considers neither necessary nor desirable. Such problems should be dealt with at their root causes, rather than through the use of a parole system.

The Inquiry's conclusion is that parole in New York should be abolished as it is oppressive and arbitrary, it cannot fulfil its stated goals and it is a corrupting influence. There are six long term recommendations covering such matters as the need for shorter finite sentences and alternatives to incarceration, and seven transitional recommendations urging immediate improvements in practices.

Some parts of the book may have little relevance to readers outside the United States, although such items that a new parole officer in New York must demonstrate proficiency in the use of firearms and that in 1970 an officers' training course was held in the use of a service revolver, security, search and seizure, are both horrifying and mind-boggling. The Citizens' Inquiry thoughtful and well documented conclusion as to the lack of any justification for parole provides support in the struggle to abolish the oppressive parole system in the United States and elsewhere.

1 - Sigler Maurice H., Abolish Parole? Federal Probation, June 1975 42-47.