

## THE AFTER CONDUCT OF CONVICTED OFFENDERS IN ENGLAND

Researches undertaken with the object of ascertaining the behaviour of offenders after serving their sentence undoubtedly provide most valuable material both from the criminological and penological point of view.

From the criminological point of view these investigations, particularly those conducted according to the "follow-up" system, are most important, inasmuch as they strive to demonstrate which offenders continue their career of crime in spite of the punishment which overtook them, and under what circumstances they commit further anti-social or criminal offences. Therefore such studies afford valuable information as to the factors which produce crime.

From the penological point of view, such investigations present a no less valuable contribution to our means of controlling certain reforms which are introduced in the field of penology and to the efficacy and use of certain sanctions. As such, they may be useful for elaborating the best possible and most efficient system for the treatment of criminals.

Moreover, it is clear that all researches of the "follow-up" type have special significance and are of permanent current application in those countries where the view has become established that the object of penal repression is not only to punish the offender for his criminal actions but also to prevent him from committing further offences by the imposition of appropriate sanctions properly carried out.

It is not surprising therefore that in Great Britain—where it is considered that the function of a prison does not consist merely in carrying out formally the privation of liberty to which prisoners have been sentenced, but also in seeing to it that the term is served in such a manner that the minimum number of persons so punished revert to crime after discharge—prison administration has felt the need for more detailed and precise information regarding the further conduct of prisoners discharged after serving their term, and, as a consequence, has begun to conduct investigations based on the "follow-up" method.

This was realized in the following manner. For some time the record of the subsequent convictions of prisoners discharged from penal establishments was continued, as this made it

possible to ascertain whether the offenders in question interrupted their criminal activity or not. In order to secure more detailed data, this method was applied not only to all the prisoners as a whole but also to certain particular groups of offenders, differentiated by age, previous criminal record, or by the mode of reform applied (Borstal treatment or Wakefield system).

In view of the great importance of such studies for criminology and penology, it has been deemed useful in this article to collect, interpret and analyse all the data at present available in Great Britain in this connexion.

The first group of data refers to the prisoners in general. An examination was made of the prisoners in order to ascertain how many of them received in prisons in 1930-1934 returned to prisons in 1936; the prisoners were differentiated into two groups: those without previous proved offences prior to first reception, and those who had proved offences prior to such reception. The offenders were also graded according to age-groups. (See *Report of the Commissioners of Prisons and the Directors of Convict Prisons for the year 1936*: Appendix 10, pp. 136-137).

We shall first of all analyse the data which indicate the number of offenders who returned to prison.

*Number of prisoners who have returned to prison after a first sentence of imprisonment for a finger-printable offence*

RECEPTIONS	NUMBER
<i>Received for the first time during 1930</i> .....	6,387
<i>Received again before the end of 1936</i> .....	1,396
<i>Percentage</i> .....	22%
<i>Received for the first time during 1931</i> .....	7,139
<i>Received again before the end of 1936</i> .....	1,575
<i>Percentage</i> .....	22%
<i>Received for the first time during 1932</i> .....	8,536
<i>Received again before the end of 1936</i> .....	1,938
<i>Percentage</i> .....	23%
<i>Received for the first time during 1933</i> .....	8,089
<i>Received again before the end of 1936</i> .....	1,557
<i>Percentage</i> .....	19%
<i>Received for the first time during 1934</i> .....	7,988
<i>Received again before the end of 1936</i> .....	1,198
<i>Percentage</i> .....	15%

These data indicate that the percentage of those who returned to prison does not evolve in uniform fashion during the period examined. Of those who were received in prisons during 1930-1932, 22-23% returned to prison before the end of 1936; of those who entered prisons during 1933, 19% returned before the end of 1936; whilst of those who were received in 1934, 15% returned before the end of 1936. Obviously, the data for the last two years are less reliable in view of the short period of observation; those for the first three years are more reliable.

The latter group of data is, however, most characteristic : the figures show that out of 5 prisoners received into prisons in 1930-1932, only 1 prisoner returned to prison before the end of 1936 and four did not.

We shall now give data with regard to prisoners who were received again, with due account taken of those without previous proved offences prior to first reception, and of those with such previous offences.

*Number of prisoners who have returned to prison after a first sentence of imprisonment for a finger-printable offence*

RECEPTIONS	WITHOUT PRE- VIOUS PROVED OFFENCES PRIOR TO FIRST RECEPTION	WITH PRE- VIOUS PROVED OFFENCES PRIOR TO FIRST RECEPTION
<i>Received for first time during 1930...</i>	4,006	2,381
<i>Received again before the end of 1936.</i>	692	704
<i>Percentage.....</i>	17%	30%
<i>Received for the first time during 1931</i>	4,470	2,669
<i>Received again before the end of 1936.</i>	737	838
<i>Percentage.....</i>	16%	31%
<i>Received for first time during 1932...</i>	5,385	3,151
<i>Received again before the end of 1936.</i>	936	1,002
<i>Percentage.....</i>	17%	32%
<i>Received for first time during 1933...</i>	5,129	2,960
<i>Received again before the end of 1936.</i>	678	879
<i>Percentage.....</i>	13%	30%
<i>Received for first time during 1934...</i>	5,071	2,917
<i>Received again before the end of 1936.</i>	481	717
<i>Percentage.....</i>	9%	25%

As with the data for all the prisoners, the above material is hardly reliable enough as regards the last two years, in view of the over-short period of observation. Examining the first three years, it can be stated that the general percentage of those who were again received into prisons during the period under examination follows a different course when we differentiate them into two groups: those who had previous proved offences to their name and those without. In all, 22-23% of the prisoners were again convicted to prison during the period in question. But in the case of prisoners without previous proved offences, 16-17% return to the prisons, whilst those with previous proved offences yield a ratio of 30-32% who return to prison before the end of the period under examination. Whilst taking all the prisoners together, every fifth prisoner returned to prison before the end of 1936, of those who had no previous proved offences against them, every sixth one was subsequently convicted after discharge and returned to prison. In the case of those with previous offences, every third one returned to prison before the end of the period examined.

These data, as already stated, also permit us to ascertain the percentage of those prisoners who are again sentenced to privation of liberty after discharge, with due consideration of their age-groups.

*Percentage of prisoners who were received for the first time during 1930-1932 and who returned to prison before the end of 1936, according to age-groups and previous record.*

AGE-GROUPS	WITHOUT PREVIOUS PROVED OFFENCES PRIOR TO FIRST RECEPTION	WITH PREVIOUS PROVED OFFENCES PRIOR TO FIRST RECEPTION
16-17	44.1%	71.6%
17-21	32.3	43.3
16-21	32.7	44.7
21-30	19.2	32.6
30-40	14.4	24.3
over 40	8.1	17.2
TOTAL	17.0	31.0

This table enables us to make the following remarks: (a) The percentage of those who return to prison follows a different course when differentiated by age-groups. A glance at the

table shows that the youngest age-groups exhibit the maximum chances of return to prison after discharge. This percentage is very high for the 16-21 group: amongst those without previous proved offences, every third prisoner, and amongst those with such offences, nearly every second prisoner returns to prison before the end of the period under examination.

(b) The percentage of prisoners who return to prison is already very high for the 16-21 age-group but is found to be greater when divided into two sub-groups: 16-17 and 17-21 years of age. It then appears that in the younger group (16-17) amongst those without previous proved offences 44.1% return to prison before the end of 1936, whilst 71.6% of those with such offences to their record are again convicted before the end of that period.

(c) The percentage of those who return to prison decreases in proportion as we pass from the youngest to the eldest age-groups. Thus, of those without previous proved offences nearly every second one aged 16-17 is again convicted before the end of 1936, and every third one who is aged 17-21. In the 21-30 age-group, every fifth prisoner returns, every seventh prisoner in the 30-40 age-group, and every twelfth in the group comprising prisoners over 40.

(d) Amongst those with previous proved offences, we note a similar movement, only that the percentage of those who return to prison is much larger in all the age-groups without exception. In this category, nearly three-quarters of the prisoners aged 16-17 returned to prison before the end of 1936, nearly every second one in the 17-21 age-group, every third one in the 21-30 age-group, every fourth one in the 30-40 age-group, and only every sixth prisoner in the over 40 age-group.

(e) The very high percentage of prisoners who return to prison is very noteworthy in the youngest age-group compared with the older ones. Amongst the prisoners without previous proved offences, those who serve their first sentence at the age of 16-17 have five times more chance of returning to prison later in life than those who undergo their first sentence when over 40 years of age. Amongst those with previous proved offences, those who served their first sentence in 1930-1932 at the age of 16 have nearly four times more chance of returning to prison than those in the age-group of persons over 40.

A second set of data collected by the Prison Reports refers to Borstal institutions; this material enables us to ascertain what percentage of lads discharged from such institutions during the three years 1933-1935 was again convicted before the end of 1936. (According to the Prison Report for 1936, p. 29).

*Position at the end of December 1937, of lads discharged from  
Borstal Institutions during the three years 1933-1935*

YEAR	TOTAL DIS- CHARGES FROM ALL INSTITU- TIONS	NOT SINCE CONVICTED	RECONVICTED ONCE ONLY	RECONVICTED 2 OR MORE TIMES
1933	883	474 (53.6%)	193 (21.9%)	216 (24.54%)
1934	900	549 (61.0%)	187 (20.8%)	164 (18.2%)
1935	808	547 (67.7%)	176 (21.8%)	85 (10.5%)
TOTAL	2,591	1,570 (60.6%)	556 (21.5%)	465 (17.9%)

The data in the foregoing table merit special attention because they have been compiled in a fairly precise manner and because they refer to a differentiated group of offenders subjected to sanctions in institutions of a uniform type. These data indicate that out of 4 lads discharged from Borstal institutions in 1933 2 were reconvicted before the end of 1937, and of these one was reconvicted once and the other two or more times. The material in question refers to lads discharged from Borstal institutions; the figures with respect to girls discharged from Aylesbury yield identical results, according to the Report.<sup>1</sup>

The third group of data collected by the Prison Report for 1936 refers to the institution at Wakefield, in which a group of adult prisoners has been singled out as giving more promise of reformation than others, and more intensive measures of education and social conditioning have been applied with regard to them than in other prisons. The material in question refers to two groups of prisoners: "Stars" and "Special Class", the former representing rather a fortuitous criminal element and promising very high chances of reformation, whilst the latter

<sup>1</sup> The Borstal Association (see Report for the Year 1925, p. 7) gives the following information about Borstal Results. "The licence controls lads for about two years after their release. During last year five hundred and seven of them passed beyond our care on the expiration of their licence. Three hundred and seventy eight of them were then living an honest and industrious life (i.e. nearly sixty-five per cent), thirty were not equally satisfactory, and one hundred and forty-nine had been reconvicted."

represents a type of more hardened criminal which, however, in view of the relatively younger age of the prisoners, also gives promise of fair chances of reformation. (See Table, Prison Report, 1936, p. 30).

*Numbers discharged from Wakefield Prison since 1931  
and since reconvicted*

YEARS	STARS		SPECIAL CLASS		TOTAL	
	DIS- CHARGED	RECON- VICTED	DIS- CHARGED	RECON- VICTED	DIS- CHARGED	RECON- VICTED
1931.....	445	79	...	...	445	79
1932.....	541	116	88	49	629	165
1933.....	524	100	103	47	627	147
1934.....	511	63	86	37	597	100
1935.....	510	46	107	41	617	87
1936.....	511	20	57	7	568	27
Total..	3,042	424	441	181	3,483	605

*% reconvicted*

since 1931.....	13.9%	41.04%	17.3%
Not reconvicted .....	86.1%	58.96%	82.7%

As can be seen from the above, the percentage of prisoners reconvicted after discharge in 1931-1936 from Wakefield Prison comes to 17.3%. The percentage is different for the "Stars" group from that for the "Special Class": 13.9% and 41.04% respectively. In other words, every seventh of the Stars returned to prison and in the Special Class nearly every other one returned to prison after discharge.

Taken from the Prison Report for 1936, these data can be supplemented by material with respect to Approved Schools and Preventive Detention; they are most characteristic, for they refer to the percentage of prisoners who revert to crime as it were at the beginning and at the end of their criminal career.

We first of all give data on the Approved Schools; these figures also afford information as to the satisfactory or unsatisfactory record of the lads discharged upon the completion of their term or prematurely from Reformatory Schools and from Industrial Schools (according to the *V Report of the Work on the Children's Branch*, 1938, pp. 132-134). The query as to what constitutes a satisfactory or unsatisfactory record, is best met by what the Report states regarding ultimate results:

"What may be regarded as the criterion of success? In the case of boys, failure generally entails, sooner or later, a police court appearance, and other information may confirm this as evidence of unsatisfactory life" (V. Report, p. 95).

*Results of training in Home Office Schools (Boys)*

RECORD	BOYS LEAVING DURING 1928-1930	
	REFORMATORY SCHOOLS	INDUSTRIAL SCHOOLS
<i>Available for analysis . . . . .</i>	1,605	2,009
<i>Of these, their record was :</i>		
<i>Satisfactory . . . . .</i>	1,340 (83.5%)	1,672 (83.2%)
<i>Unsatisfactory . . . . .</i>	265 (16.5%)	337 (16.8%)

*Boys who left the Schools on licence during the years 1931, 1932 and 1933 and have not, as far as can be ascertained, again appeared before a Court during the subsequent three years*

RECORD	REFORMATORIES	INDUSTRIAL SCHOOLS
<i>Number licensed . . . . .</i>	1,895	2,150
<i>Not again before a Court . . .</i>	1,481	1,572
<i>Percentage of those who have not been before a Court.</i>	78.1%	73.1%

The above data show that of the lads discharged during the years 1928, 1929 and 1930 from Home Office schools, every sixth one had an unsatisfactory record; the same ratio is true for industrial schools and reformatory schools. The percentage of lads discharged under licence from these schools and who later again appeared before a Court is higher : 21.9% in the case of the reformatories and 26.9% in that of the industrial schools.

The data regarding preventive detention, elaborated in the Prison Report for 1928, gives information on the further fates of prisoners either discharged from preventive detention or prematurely under licence; the period of observation has been extended to seven years (from January 1, 1920, to December 30, 1926). It follows from these data that :



<i>Discharged</i> .....	26	<i>Licensed</i> .....	55
<i>of whom :</i>		<i>of whom :</i>	
<i>Died</i> .....	3	<i>Died</i> .....	4
		<i>Became insane</i> .....	1
<i>Reverted to crime</i> .....	19	<i>Reverted to crime</i> .....	47
<i>Non-reverted to crime</i> ...	4	<i>Non-reverted to crime</i> ...	3

Deducting those prisoners who died or became insane, it is found that 82.6% of those who were discharged after expiration of preventive detention reverted to crime; the corresponding figure for those prematurely freed under licence was 94.0%.<sup>2</sup>

Finally the studies carried out in 1927 by the Metropolitan Police in collaboration with New Scotland Yard and published in "Criminal Statistics" for 1932 (Introduction, pp. XI-XVI) are also worthy of attention.

The basis of these studies was : (a) 15,417 men and 2,540 women, (b) aged over 16, (c) found guilty of offences for the first time in 1927, (d) found guilty of substantial offences, *i.e.*, such as were sufficiently serious to warrant the taking of finger-prints. In 1933, an examination of the files of the same persons was made in the Criminal Record Office in order to determine how many of them were again found guilty in the period 1927-1932.

When these data were published, they were differentiated according to sex, age and number of offences. In addition, due account was taken of the number of new offences committed by those persons who had in 1927 been sentenced to imprisonment, fine, or in whose case the Probation Act of 1907 had been applied. The results received in this field are not given here as they were elaborated on the basis of insufficiently differentiated material; but we analyse below the results obtained when differentiation was made in respect of age, sex and number of additional offences committed.

<sup>2</sup> In the light of the figures published by the Central Association for the Aid of Discharged Convicts (see *Annual Report for the year 1935*) it appears that among every hundred prisoners classified as "Stars" (beginners in crime or accidental criminals ranging from men of culture to unskilled labourers) ninety do not again offend; among every hundred of prisoners classified as "Intermediates" ("men who just finished their first sentence of penal sentence, after several shorter terms of imprisonment") nearly fifty are not convicted again; however among every hundred of men classified as "Recidivists and Persistent Criminals" over seventy of them return to prison again. As offenders serving preventive detention sanctions are more of the "persistent type" than offenders serving on imprisonment sentences and classified by the Central Association as being persistent offenders the coefficient of failure must be in the first case higher than in the later.

It turned out, first of all, that 21.5% of the men and 22.6% of the women had been found guilty of at least one additional offence. These percentages are derived from the following ratios :

AGE WHEN FIRST OFFENCE COMMITTED	MEN	WOMEN
<i>Up to 21</i> .....	30.3	23.6
<i>21-30</i> .....	24.3	26.4
<i>30-40</i> .....	17.8	16.2
<i>Over 40</i> .....	12.0	12.6
<i>Total</i> .....	21.5	20.6

(a) On the whole, during the five-year period in question, every fifth offender who had been found guilty of a first offence in 1927 became a recidivist by 1932.

(b) With respect to sex, no difference is observable; the percentage of recidivism among the men and the women follows an approximately similar course.

(c) The highest percentage of recidivism is encountered in the case of men up to the age of 21; in that age-group, nearly every third youthful offender becomes a recidivist during the five-year period following. This percentage decreases in measure as we pass to the higher age-groups, and in that embracing offenders over 40 years of age, only every eighth offender becomes a recidivist during the five years in question.

(d) A young man who commits his first offence when aged up to 21, has two and a half times more chance of becoming a recidivist than a fully mature man who commits his first crime when over 40 years of age.

(e) Likewise with women there is a considerable percentage of recidivism in the age-group of offenders up to 21 years of age. In that group, nearly every fourth woman who committed a first offence became a recidivist during the five years which ensued. This percentage grows in the next age-group (21-30 years of age) to 26.4%, marking the peak of recidivist intensity in the case of women. In further age-groups the percentages of recidivism follow a similar course to that of men.

(f) It is noteworthy that the shift in the maximum ratio of recidivism is with men up to the age of 21, but with women in the 21-30 age-group.

We have shown above that with men the percentage of recidivists is 21.5% and with women 20.6%. The query now arises : What was the intensity of recidivism among offenders differentiated by sex?

NO. OF SUBSEQUENT CONVICTIONS	PERCENTAGE OF MALE RECIDIVISTS CONVICTED	PERCENTAGE OF FEMALE RECIDIVISTS CONVICTED
1 .....	57.3	51.8
2 .....	20.9	21.7
3 .....	10.9	9.0
4 .....	4.9	4.9
5 .....	2.3	2.3
More than 5 .....	3.7	10.3
<i>Total</i> .....	100.0	100.0

These data are repeated in the following table in another form :

NO. OF SUBSEQUENT CONVICTIONS	PERCENTAGES OF MALE RECIDIVISTS CONVICTED	PERCENTAGES OF FEMALE RECIDIVISTS CONVICTED
1 .....	57.3	51.8
3 and more .....	21.8	26.5
5 " " .....	6.0	12.6

As will have been noted, recidivism is somewhat less intense amongst women than among men; it is, however, more serious among the former.

Among men, out of ten recidivists nearly six committed one offence subsequently, as against four who committed two or more later offences.

With women, out of ten recidivists, five committed one offence subsequently, as against the remaining five who committed two or more offences later.

The difference between the sexes grows in measure as recidivism increases in intensity; three or more offences are committed by 21.8% of the male recidivists and 26.5% of the female ones. The greatest recidivism (5 subsequent offences and more) is committed by 6.0% of the male recidivists and by 12.6% of the female ones.

Every fifth male recidivist commits three subsequent offences or more, but three offences or more are committed by every fourth female; whilst every sixteenth male recidivist commits five subsequent offences as against every eighth female one.

These figures confirm the view expressed by certain criminologists, that when women once enter upon the road of crime, they more early and more often commit subsequent offences. In order to explain this observation, the hypothesis has been advanced that it is more difficult for a woman than for a man to give up crime and to find some possibility of leading an honest life, owing to the fact that women are less energetic and more dependent economically than men.

We do not propose to ascertain whether this explanation is in accordance with the facts and the truth; but it is desired to draw attention to another factor — one which should not be disregarded when this interesting phenomenon is being investigated. The frequency of subsequent offences grows in measure as the given offence is less serious or not, if only for the reason that the less serious offences do not entail such lengthy terms of imprisonment as the more serious ones. (Very often, in fact, the milder offences are not punished by a prison term, but by the imposition of a fine or with the application of the Probation Act). In this connexion, it is necessary to keep in mind that women more often commit less serious offences than men, thus, in other words, the former have more opportunities of committing subsequent offences.

This will close our analysis of the material available to us as regards English conditions. The analysis may be summed up in the following table.

CATEGORY OF PRISONERS	PERIOD OF OBSERVATION	RESULTS	PERCENTAGES
<i>Prisoners sentenced to imprisonment for a "finger-printable" offence</i>	<i>Received in prison during 1930-32</i>	<i>Returned to prison before end of 1936</i>	<i>Total.....</i> 22.2
			<i>Without previous proved offences.....</i> 17.0
			<i>With previous proved offences.....</i> 31.0
			<i>Age-groups :</i>
			<i>16-17.....</i> 55.6
			<i>17-21.....</i> 37.7
			<i>21-30.....</i> 25.0
<i>Lads from Borstal institutions</i>	<i>Discharged during 1933-35</i>	<i>Reconvicted before end of 1937</i>	<i>30-40.....</i> 17.7
			<i>Over 40.....</i> 10.4
			<i>Total.....</i> 39.4
<i>Prisoners from Wakefield</i>	<i>Discharged during 1931-36</i>	<i>Reconvicted during same period</i>	<i>Total.....</i> 17.3
			<i>Stars.....</i> 13.9
			<i>Spec. Class. ....</i> 41.04

Boys from  
Home Office  
Schools

Reformatory	Discharged during 1928-30	Record unsatisfactory	Total.....	16.5
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Industrial School	Discharged during 1928-30	do	Total.....	16.8
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Reformatory	Licensed during 1931-33	Again before a Court	Total.....	21.9
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Industrial School	Licensed during 1931-33	do	Total.....	26.9
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Sentenced to  
Preventive  
Detention :

Discharged during 1920-26	Reverted to crime during same period	Total.....	82.6
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Licensed during 1920-26	Reverted to crime during same period	Total.....	94.0
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Found guilty  
of substantial  
offences for  
the first time  
in 1927  
(Scotland  
Yard  
Research)

An examination of the files of the same person was made in 1932	Percentage of persons again found guilty in 1932
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## SEX GROUPS

Men.....	21.5
Women.....	20.6

## AGE GROUPS

	M.	F.
Up to 21.....	30.3	23.6
21-30.....	24.3	26.4
30-40.....	17.8	16.2
Over 40.....	12.0	12.6

## RECIDIVISTS GROUPS

	M.	F.
1 new conviction.	57.3	51.8
2 " "	20.9	21.7
3 " "	10.9	9.0
4 " "	4.9	4.9
5 " "	2.3	2.3
More than 5.....	3.7	10.3

The following remarks can be made in connexion with these data :

(1) It must once again be stated that although these data are undoubtedly most interesting, they possess merely orientational value. The data of the first group (prisoners sentenced to imprisonment for a "finger-printable" offence, with mention of previous proved offences and age-group) may arouse the following objections : (a) the examination was conducted only with regard to prisoners sentenced to the more serious crimes which are finger-printable offences; (b) only that category of prisoners was dealt with who had been again condemned to privation of

liberty. This number did not include those prisoners who are again condemned not to imprisonment but to some other sanction, such, for instance, as the fine or probation sanctions which are so frequently applied; (c) the length of the term of privation of liberty to which the prisoners had been sentenced was not taken into consideration, although the length of this term has a decisive influence on the possibility or impossibility of committing a new crime; if then, among the prisoners examined and received into prisons in the years 1930-1934 there was a large percentage of prisoners condemned to long-term sentences, by the end of 1936 it must have been a physical impossibility for a great many of them to commit any new offence, and this must have fictitiously decreased the ratio of prisoners who returned to prison in the year in question; (d) the data do not take as their basis observation of prisoners who were discharged from prison, but of prisoners who were received into prisons; (e) it is also necessary to bear in mind that not all those prisoners who did not return to prisons really did not commit any offences after their discharge; some part of them must have committed some crime, but without detection.

The data on Wakefield prisoners (both with regard to "Stars" and the "Special Class") arouse the same objections as those specified above under (c), (d), (e).

The data on Home Office schools are open to the following objections: (a) the three-year period of observation is, with regard to juveniles, altogether too short; (b) the data refer only to cases of lads who are known to have again been before the Courts for any cause; but the divergency between the number of lads who thus appeared before the Courts and that of those who should have appeared before them is undoubtedly a very wide one. (In most cases, the offences committed by such boys are petty affairs, and the percentage of aggrieved parties who do not notify the police authorities is undoubtedly a very high one.) (c) Mention must also be made that we have no exact information regarding the actual mode of carrying out this observation of lads leaving approved schools by the various institutions in question; (d) it must finally be stated, that there is no lack of opinions which consider these figures to err on the side of optimism.<sup>3</sup>

<sup>3</sup> Thus, for example, S. K. Ruck ("The Increase of Crime in England", in *The Political Quarterly*, Vol. III, No. 2, p. 225) when giving data published by the Children's Branch for 1928, quotes the following view expressed in that report: "The School records of the after-careers of the children are on the whole being better kept", and adds that this remark would appear to indicate that it "Throws some doubt on the validity of

Much fewer and less serious objections can be levelled against the data in respect of Borstal and of preventive detention prisoners; it would seem that the data referring to these two categories of prisoners give us, with a fair amount of precision, the actual percentage of those who after discharge from these two types of institutions revert to crime.

The data elaborated by New Scotland Yard are highly interesting. They have supplemented the material so far published by the Prison Administration by determining : (a) the course of the further conduct of offenders differentiated by sex; (b) the extent of recidivism. But even these data are not adequately differentiated and hence possess only general value. The lack of proper differentiation is most keenly felt when the extent of recidivism is being established. It should be examined, not only in connexion with the sex of the offenders but also, and particularly, in connexion with age-groups, type of offenders, and length of term of privation of liberty.

It is most interesting to note that as far as we are concerned with the general percentage of recidivism by age-groups, the data published by New Scotland Yard for the period 1927-1932 and those published by the Prison Authorities for the period 1930-1936 on the whole agree with each other. Thus, for instance, according to New Scotland Yard, 21% of the first offenders found guilty of committing substantial crimes in 1927 were found guilty of subsequent offences of this type by 1932; according to the data of the Prison Administration, 22% of those received in prisons during 1930 returned to prison again before the end of 1936. Similar identity of results is secured by comparing the percentages of recidivism differentiated by age-groups on the basis of the data published by New Scotland Yard and by the Prison Administration.

(2) The data regarding the percentages of prisoners committing new offences after discharge from the various types of prisons are not comparable with each other, owing to the diverse methods of elaboration and the diverse periods of observation, etc. But if we consider data elaborated on the same uniform basis, it is possible to extract a general conclusion as follows : there is no uniform coefficient of reversion to crime

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the statistics". W. A. Elkin ("English Juvenile Courts", 1938, pp. 211-221) appears to show equal scepticism, writing : "One is inclined to suspect that they [the results given by the Report] are simply stock figures . . ." and goes on to cite data published by the Chief Constable of Liverpool, from which it follows that the percentage of successes from different schools varied from 25% to 75%.

which would cover all the categories of prisoners, but this coefficient varies with each category of the offenders. Thus, the general percentage of prisoners who are after discharge again sentenced to prison for a "finger-printable" offence comes to 22.2% : but if we take the 16-17 age-group, we find the percentage rises to 55.6%, whilst the group of prisoners over 40 years of age yields only 10.4%. Similarly, the general percentage of Wakefield prisoners who revert to crime is 17.3%, but the "Stars" group has the low percentage of 13.9%, whilst in the Special Class group it is as much as 41.04%. Also in the light of the material collected by New Scotland Yard the coefficient of reversion to crime evolves in different fashion in dependence on the different categories of the offenders and shows a large scale of variability.

(3) Although these data are far from possessing that exactitude which they should have, owing to the basis chosen for their elaboration, it cannot be denied that they do possess symptomatic and orientational value; in addition, they also demonstrate in very striking form what are the central points of the current problems of British penal policy.

The reader need be reminded only of two of the results obtained. Taking the offenders by age-groups, it appears that the probability of recidivism reaches the maximum level amongst very young offenders. Amongst the prisoners (without previous proved offences) those who serve their first sentence at the age of 16 or 17 have five times more chance of returning to prison later in life than those who undergo their first sentence when over 40 years of age. The data hence show clearly therefore how very important it is that some system of rational treatment of juvenile delinquents should be established. The data are shown to be still more important when we realize the great predominance of young offenders in the present-day body of criminality in Great Britain. Thus, according to our calculations, on the basis of the averages for 1934-1936, 30.3% of the indictable offences were committed in England and Wales by delinquents aged 10-16. The coefficient of criminality of this group (calculated per 100,000 head of population) is together with that for the 14-16 year age-group, the highest of all the coefficients; whilst the general coefficient of criminality comes to 199.6, that for the groups of offenders aged 10-16 is 507.8. In other words, it can be stated that the more youthful categories have a high coefficient of criminality and a high coefficient of recidivism.



The second observation made above also contributes to bring out into high relief another, no less important, problem in the present day penal policy of Great Britain. It has been shown that in the case of offenders with previous proved offences, every third one returned to prison before the end of the period examined, whilst in the case of those with no previous proved offences against them barely every sixth one was subsequently convicted. These data indicate what importance should be ascribed to the problem of affording rational treatment to first offenders, particularly when it is considered that, in spite of the high percentage of recidivists in British criminality, first offenders constitute quite a numerous category. It can be ascertained on the basis of the "Prison Report" for 1936 (pp. 123-125) that prisoners with previous sentences of imprisonment (without fine) or penal servitude constituted 52.9% of the total number of prisoners (16,000 out of 31,361). In this connexion it should be borne in mind that English criminal judicial statistics do not contain data on the recidivism of persons convicted, and we are hence obliged to base our examination on the above-mentioned prison data, which indicate that, in spite of everything, nearly half of the total number of prisoners were in prison for the first time in their lives. Action taken in order to prevent this category of prisoners from reverting to crime is undoubtedly one of the most important tasks facing any rational penal policy, especially when we recall that the probability of relapse increases with the number of previous offences.

Were the researches initiated by the Prison Commission along the lines of the "follow-up" system carried out in a more searching manner, with a methodological approach and with greater differentiation, they would undoubtedly do much to draw attention to a large number of other penological problems of first-rate importance.

(4) These data also show how difficult it is to restrain persons from crime, once they have committed an offence. Proof of this is furnished by the post-discharge records of lads freed from the Borstal institutions: 40% of them are again sentenced by the Courts and it must be also borne in mind that the percentage of those who actually reverted to crime is undoubtedly higher, since not all those who committed fresh offences need necessarily have been apprehended. True, the element housed in the Borstal institutions is a rather difficult one (a fair number of previous proved offences, criminal habits, etc.); on the other hand, the Borstal institutions are specially directed

towards the education of their inmates and the social conditioning of the lads is conducted in most intensive fashion, whilst after discharge continued efforts are made to keep the lads straight. It is by no means our intention to undervalue the results of the Borstal institutions (in fact, we consider them to be most favourable),<sup>4</sup> but we wish only to emphasize how difficult it is to reform the prisoners into decent, honest citizens.

(5) It must also be borne in mind that all the data regarding the percentage of prisoners who commit fresh offences after discharge from prisons throw light on the problem of the efficiency of the prison system, but they can in no circumstances be considered as an exclusive index of the efficiency of that system. So to regard them would be an over-simplified approach to the etiology and dynamics of recidivism. Whether a given offender undergoing privation of liberty as a punishment will continue his career of crime or not, depends on a large number of heterogeneous factors and not only on the penitentiary system.

(6) The material collected and analyzed above refers solely to subsequent records of offenders condemned to privation of liberty. Naturally, it would be difficult to prove convincingly why such investigations should be restricted to those offenders who have been imprisoned.

Studies of the conduct of offenders sentenced to other types of sanctions are not only desirable but also often, in view of the specific kind of sanction applied, absolutely essential. In this connexion we have in mind, for instance, the controlling of the conduct of offenders who, although convicted of an offence, were not punished by the application of penal sanction in the true meaning of the term but in whose case dismissal, binding over, or probation were applied. Detailed, searching investigations in such cases are particularly desirable, not only because of the special character of this type of penal "sanctions" (which are really alternatives to punishment and radically differ from the traditional system of penal repression) but also because of the increased employment by the Courts of these alternatives to punishment.

According to our computations (mean averages for the period 1934-1936), dismissal, binding over and probation account for 54.6% of the total number of sanctions applied in respect of indictable offences; in the case of such offences committed by juveniles, the figure rises to 82.2%. Out of every 100 sanc-

<sup>4</sup> "There are,—as the Borstal Association Report (for the year 1938, p. 26) states,—“over 15,000 men in England to-day, most of them married and in their own homes, who during the last thirty years have passed through a Borstal Institution, for the most part they are silent witnesses to the success of the system.”

tions of this type, there are 53 probations, 24 bindings-over and 23 dismissals; in absolute figures, this division can be expressed as follows : 20,112, 9,081 and 8,739 respectively.

It is obvious that in view of the application of such specific sanctions upon such a large scale, there is a burning need for the collection of the most detailed information regarding the further conduct of the offenders in question, *i.e.* those whom the courts decided not to punish but to leave at large within the community, in effect completely free, although they had violated certain rules of conduct considered as binding by the community.

It is easy to demonstrate that in this field there is an almost complete lack of such researches. There was a time when the Probation Committees of some of the larger towns conducted investigations on their own initiative regarding the further conduct of offenders who had been put on probation; for many reasons, however, these results do not present much value (see, in this connexion, "Handbook on Probation", London 1935, pp. 48-51). Likewise, investigations carried out some years ago by Scotland Yard, and published in one of the volumes of criminal statistics, fail to give adequate information in this sphere, as the studies are based on the aggregate number of sanctions envisaged by the Probation Act of 1907, and are not properly differentiated into dismissal, binding-over and probation groups (see "Criminal Statistics for England and Wales for 1932", Introduction p. xii).

As a matter of fact, the first data which shed any light on this problem were published as late as 1938 by the Home Office in a booklet intended for the use of justices of the peace regarding the general organization and tasks of the probation system (Home Office : "The Probation Service", 1938, pp. 12-14). In this work, the Home Office has published the findings of researches initiated by it some years before with the co-operation of fifteen courts of summary jurisdiction, investigations which sought to reveal the further conduct (during three years) of offenders put on probation for one year. This problem has, however, been treated in quite incidental fashion in the booklet, and the Home Office restricts itself to giving a few general figures. It follows from these data that out of the total number of 2,311 offenders put on probation for one year, after three years of observation 70% "according to the standard laid down were satisfactory." The percentage for youthful offenders more than 14 years of age was found to be 65.3%, for younger persons 68.3%, for persons aged 17 and under 21 the figure was 73.3%,

and for those aged 21 and over it was 81.8%. Although these data are most interesting, it is clear that they constitute only the first few steps towards the solution of such a complicated and extensive problem as the one under consideration here in respect of offenders to whom the Probation of Offenders Act of 1907 was applied. It would moreover appear to merit emphasis that it is important from the viewpoint of modern penal policy in England not only to investigate the conduct of offenders put on probation but also those who were dismissed or bound over. The latter groups constitute a very numerous category regarding which virtually nothing is known.

Eloquent proof of the great social and penological significance which such an investigation can have with regard to the various types of sanctions, is afforded by the recent inquiry held by the Departmental Committee on Corporal Punishment (the so-called Cadogan Report of 1938). This Committee, wishing to secure detailed information as to the effects of flogging as a punishment, carried out investigations with the help of Scotland Yard on the subsequent records of groups of offenders who had committed the same crime (robbery with violence), of which, however, one group had been submitted to another flogging subsequently and the other had not, (*cf. op. cit.*, p. 79 ff and Appendix, p. 131 ff.); these investigations played an important rôle during the animated discussion which public opinion recently conducted on the subject of the abolition or retention of this type of sanction.

(7a) The analysis above carried out with respect to the subsequent records of offenders previously convicted, leads us to the conclusion that such investigations are still in their very early stages at the moment in Great Britain.

(7b) So far, the greatest progress has been made in the investigation of the subsequent records of prisoners. It can be stated, however, that these studies have only a very general and merely orientational value; this is because the methods of conducting the research leave much to be desired in respect of accuracy and adequate differentiation.

(7c) With respect to other sanctions, the position is even worse; it can in fact be stated without fear of exaggeration that absolutely nothing is known regarding the further conduct of offenders to whom sanctions other than privation of liberty have been applied.

(7d) How very necessary it is to carry out investigations of this kind is shown by the results of the researches so far conducted into the subsequent records of prisoners. In spite of

their fragmentary and general character, these results have proved to be of considerable value for penal and penitentiary policy, thus demonstrating that the search in this direction should be continued along more scientific lines and upon a much larger scale.

(7e) In such a scheme of research it is not alone sufficient to carry out a formal and mass examination of the after conduct of various categories of offenders subjected to various types of sanctions — for to do this, it is enough merely to keep subsequent records of such offenders; it is also necessary to apply the real follow-up method which is not restricted to the mere record of offences subsequently committed but which endeavours to discover and examine the offenders in each case who have returned to crime. We have in mind here the studies recently conducted in the United States which have already assisted the advance of criminology and of penal policy in that country. An excellent example is afforded by the works of Sheldon and Eleonora Glueck; valuable material is also afforded by studies, based mainly on the follow-up system, which aim at elaborating and elucidating the mechanism of “criminological prognosis” adopted by Burgess, Glueck, and continued by Tibbitts, Vold, Monachesi and many others.

(7f) Particularly in Great Britain, where penal policy is undergoing drastic changes, (penal legislation is being thoroughly revised, the system of repression is being altered and the prison system is being reorganized), there is keen need for vigilant and searching supervision in order to estimate correctly the results of these reforms. The institution of broadly conceived research into the subsequent records of convicted offenders, jointly with investigations of the follow-up type, will undoubtedly do much to satisfy this need of present-day penal policy in Great Britain, viz., the need for a sensitive and efficacious instrument to control. The material thus collected would also be of great value in developing and extending research into the origin of crime.<sup>5</sup>

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<sup>5</sup> As Sir Alexander Maxwell points out: . . . “the treatment of offenders is a subject calling for study and research. Very little is being done to guide public opinion. More thought ought to be given to theories and principles, and more information ought to be compiled about practices and results.” See: Sir Alexander Maxwell—“Treatment of Crime”. London. Oxford University Press, 1938. Pp. 23–24.

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