

NEW HAMPSHIRE CORRECTIONAL STAFF TRAINING PROJECT

TRAINING MANUAL OF 18 SESSIONS

PRESENTED TO

NEW HAMPSHIRE CORRECTIONAL PERSONNEL

SEPTEMBER 11, 1968 to JANUARY 20, 1969

FUNDED BY

OFFICE OF LAW ENFORCEMENT ASSISTANCE

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

O.L.E.A. GRANT #323(S-214)

F O R E W O R D

Publication of this training manual was made possible by funds from the Office of Law Enforcement Assistance, Department of Justice, Washington, D. C. New Hampshire correctional administrators, with the assistance of members of the staff at the University of New Hampshire, set up an eighteen-session training program for all state correctional personnel.

Speakers came from all areas of the Eastern United States to present programs of what has gone on in the correctional field, what is being done at present, and what will be done in the future. Personnel were exposed to the wide knowledge and varied experience of many of the outstanding experts in the correctional field.

All of the lectures were taped and then transcribed with no changes in the presentation so that all correctional personnel will have the advantage of the valuable material presented during this project. Much of the material contained in this manual could be used in training programs in the various departments and institutions in the future.

The tapes taken of all the sessions are also available for use in future training programs. Section II of this manual explains the procedure to be used for borrowing these tapes.

JOHN W. GEARY
Project Director

I N T R O D U C T I O N

Members of the Planning Group responsible for setting up the New Hampshire Correctional Staff Training Program are as follows:

CO-CHAIRMEN

Stuart Palmer, Professor and Chairman
Department of Sociology
University of New Hampshire
Durham, New Hampshire

Parker L. Hancock, Warden
New Hampshire State Prison
Concord, New Hampshire

MEMBERS

Mr. Robert A. Johnson
New Hampshire State Parole Officer

John A. King, Director
New Hampshire Probation Department

Dr. Michael Morello, Superintendent
New Hampshire State Industrial School

Professor Ralph Sibley
Department of Psychology
University of New Hampshire

Professor Roland B. Kimball
Department of Education
University of New Hampshire

Mr. Anthony S. LaFleur
Member, Board of Trustees
New Hampshire State Prison

Attorney Richard F. Cooper, Chairman
New Hampshire Board of Probation

Justice William A. Grimes
New Hampshire Supreme Court

Members of this group spent many hours setting up the program contained in this manual in hopes that the material can be used by correctional personnel in New Hampshire and other areas to better understand what is going on in corrections, what will be done in the future, and also to help all personnel to perform their duties in a satisfactory manner.

Material contained in this manual can also be used to train future correctional personnel.

C O N T E N T S

FOREWORD	I
INTRODUCTION	II

SECTION I

Content of 18 sessions presented to
New Hampshire Correctional Personnel
from September 11, 1968 to January 20, 1969

<u>Session I</u>	<u>THE COURT, CRIMINAL CODE AND LAW ENFORCEMENT AGENCIES</u> Honorable William W. Keller, New Hampshire Superior Court Judge, Honorable Alfred J. Chretien, Manchester, New Hamp- shire District Court Judge Lt. Paul O'Leary, New Hampshire State Police Officer	Page 1
<u>Session II</u>	<u>THE PAST AND FUTURE OF CORRECTIONS</u> Harold V. Langlois, Warden, Adult Correctional Institutions, Howard, Rhode Island	Page 11
<u>Session III-A</u>	<u>THE TREATMENT PROCESS - INTAKE, CLASSIFICATION AND ORIENTATION</u> Charles L. McKendrick, Warden, Wallkill Prison, Wallkill, New York Bruce Grant, Chief of Classification and Parole, Federal Correctional Institution, Danbury, Connecticut (Institutional Personnel)	Page 19
<u>Session III-B</u>	<u>PROBATION REPORTS</u> Frank Waterson, Chief Probation Officer, Albany, New York (Probation and Parole Departments)	Page 25
<u>Session IV</u>	<u>THE INMATE COMMUNITY</u> John A. Gavin, Commissioner, Massachusetts Department of Correction	Page 35
<u>Session V</u>	<u>AN INQUIRY INTO ATTITUDE FORMATIONS AND MOTIVATIONS</u> Richard F. Hechtl, Staff Psychologist, New Hampshire State Industrial School, Manchester, New Hampshire	Page 42
<u>Session VI</u>	<u>CLASSIFICATION AND PROBATION REPORTS</u> Arthur V. Huffman, Illinois State Criminologist	Page 48
<u>Session VII-A</u>	<u>INMATE PROGRAMS</u> Mrs. Betty Cole Smith, Superintendent, Massachusetts Correctional Institution, Framingham (Institutional Personnel)	Page 56
<u>Session VII-B</u>	<u>DOMESTIC RELATIONS</u> John Conlin, Director, Division of Family Relations, Hartford, Connecticut (Probation and Parole Departments)	Page 63

- Session VIII INDIVIDUAL AND GROUP THERAPY COUNSELLING Page 80
 Dr. Gerald J. Pine, Professor, University of New
 Hampshire, Durham, New Hampshire
- Session IX-A TECHNIQUES OF COUNSELLING Page 92
 Robert Golden, Staff Psychologist, Massachusetts
 Correctional Institution, Concord
 (Institutional Personnel)
- Session IX-B TECHNIQUES OF COUNSELLING Page 96
 Mr. Walter Rest, University of Chicago, Chicago,
 Illinois
 (Probation and Parole Departments)
- Session X-A COUNSELLING, GROUP CONTROL, BEHAVIORAL PATTERNS, GROUP
SUPERVISION Page 103
 Abraham Novick, Superintendent, Berkshire Farm for
 Boys, Canaan, New York
 Reactor Panel: Mr. Walter Foster, New Hampshire State
 Industrial School, Manchester, New
 Hampshire
 L. Wendell Knight, Jr., Federal Probation
 Officer, Concord, New Hampshire
 John C. Meyers, Vocational Rehabilitation
 Unit, New Hampshire State Industrial
 School, Manchester, New Hampshire
 (Institutional Personnel)
- Session X-B PROBATION AND PAROLE - CRITERIA FOR PROBATION AND PAROLE Page 112
 Harry Schloetter, Deputy Director, Federal Probation
 Training Center, Chicago, Illinois
 (Probation and Parole Departments)
- Session XI-A SUPERVISION VS. SURVEILLANCE Page 115
 Panel: Robert G. Smith, Warden, Vermont State
 Prison and House of Correction for
 Men, Windsor, Vermont
 James L. O'Shea, Superintendent, Massa-
 chusetts Correctional Institution,
 Concord
 Frederick E. Adams, Associate Warden,
 Connecticut State Prison, Somers,
 Connecticut
 (Institutional Personnel)
- Session XI-B GROUP AND FAMILY COUNSELLING Page 129
 Dr. Joseph Mazurkiewicz, Eastern Correctional Diag-
 nostic and Classification Center, Philadelphia,
 Pennsylvania
 First two hours - Group Counselling using group of
 boys from the New Hampshire State Industrial
 School, Manchester, New Hampshire
 Second two hours - Family Counselling
 (Probation and Parole Departments)
- Session XII-A ROLES OF THE TREATMENT SPECIALIST IN CORRECTIONS Page 143
 Lars V. Hendrickson, Deputy Warden - Treatment,
 Maine State Prison, Thomaston, Maine
 Reverend Robert Dutton, Prison Chaplain, Massachus-
 etts Correctional Institution, Norfolk
 (Institutional Personnel)

<u>Session XII-B</u>	<u>INVESTIGATION TECHNIQUES</u> John Manson, Deputy Commissioner for Field Services, Connecticut Department of Corrections (Probation and Parole Departments)	Page 152
<u>Session XIII</u>	<u>HOW TO HANDLE THE OFFENDER, INCLUDING THE DIFFICULT OFFENDER</u> Dr. Robert Levinson, Chief of Psychology Services, Federal Bureau of Prisons	Page 160
<u>Session XIV-A</u>	<u>THE DIFFICULT OFFENDER - THE ASSAULTIVE, SUICIDAL AND THE MALADJUSTED OFFENDER</u> Dr. G. Donald Niswander, Director of Psychiatric Education and Research, New Hampshire (State) Hospital, Concord, New Hampshire (Institutional Personnel)	Page 167
<u>Session XIV-B</u>	<u>CRITERIA FOR PROBATION SELECTION</u> Ben Meeker, Director, Federal Probation Training Center, Chicago, Illinois (Probation and Parole Departments)	Page 174
<u>Session XV</u>	<u>MISUSE OF NARCOTIC AND DANGEROUS DRUGS</u> Henry Foderaro, Special Agent, Bureau of Narcotics and Dangerous Drugs, Boston, Massachusetts	Page 182
<u>Session XVI</u>	<u>PROBATION - THE ROLE OF PROBATION IN CORRECTIONS</u> <u>PAROLE - DEFINITION AND PURPOSE, THE PAROLE HEARING, ETC.</u> Charles P. Chew, Director, Virginia Probation and Parole Board	Page 186
<u>Session XVII</u>	<u>NEW DEVELOPING TRENDS IN SENTENCING, PROBATION, PAROLE AND INSTITUTIONAL PROGRAMS</u> Rolf W. Stageberg, Director, Division of Corrections, Wayzata, Minnesota Leo Nauceder, Work Release Supervisor, Vermont State Prison and House of Correction for Men, Windsor, Vermont	Page 196
<u>Session XVIII</u>	<u>RESEARCH IN CONTEMPORARY CORRECTIONS</u> John Conrad, Chief of Research, Federal Bureau of Prisons Ellis C. MacDougall, Commissioner, Connecticut Department of Correction; President, American Correctional Association	Page 211

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SECTION II

List of tapes taken at each session which can be borrowed for training programs.

Procedure for ordering tapes.

S E S S I O N I

Wednesday, September 11, 1968
7 to 9 p.m.

Representative Hall
Concord, New Hampshire

Meeting Chairman -- Justice William A. Grimes

Honorable William Keller - Superior Court Judge
Honorable Alfred Chretien - District Court Judge
Lt. Paul O'Leary - State Police Officer

The Court, Criminal Code, and Law Enforcement Agencies

Types and functions of courts. Jurisdiction of various courts. The problem of sentencing. Criteria. How does a judge arrive at the sentence. New Supreme Court rulings. The effect of the Gault case on juvenile cases.

Justice Grimes -- The purpose of this first session is to acquaint you correctional officers with court structure in New Hampshire and the methods by which you get these people into your institutions -- whether on probation or in one of the county houses of correction, the Industrial School, or the Prison. How do they get to you?

I also want to emphasize the purpose of this entire course of fundamental service is to get you people so that you are better able to turn these people loose into the community safer than they were in the community before. We are just wasting our time if a judge commits one of these individuals to one of your institutions and you keep him there a while and then turn him loose and he is no better than when he went in. It is particularly bad if he is worse than he was when he went in.

We have to keep in mind that at least 95% of the people committed to these institutions are returned to the community; and unless we can do something with them while we have our hands on them so that we can turn them loose better than they were when they came in, all we did was put them in cold storage. We didn't accomplish anything toward making them safer when they go to live in the community.

The first contact a person has with authority if he commits a crime is with either the State Police, the county sheriff, or the local police. You might say that this is the front gate. This is where they enter the system if they enter it at all.

The fear of getting caught is the greatest deterrent to crime, even more so, in my opinion, than the fear of getting convicted. The more chances there are of getting caught, the more a person is deterred from committing the crime. The police officer serves this very important function in our society.

Lt. Paul O'Leary from the State Police who is in charge of the State Police Training Program -- Judge Grimes wanted me to explain the police role to you. My immediate reply was that I have been in the business fifteen years; and I am not sure that I understand the police role yet myself. It is a matter that has been widely discussed by people who now feel that the police may have many roles. Their main job was conserving the peace. It didn't take a great deal of training, but it did take a great deal of muscle. We have gone from using our muscles to using our minds.

We understand that to prevent crime a great deal of discretion is used by the police officer today. This discretion may be hampered or influenced by many things. It is influenced by the courts. It is influenced by the society around us in which they work. It is influenced by the working conditions that the policemen work under. It is influenced by many things. The policemen are looked upon today as referees of social feelings. His work is influenced by practical matters.

For instance, in starting at the bottom of the system of criminal justice he is starting with the people who are responsible for you people being here; because if we didn't start this thing, there would be no place for you people. People blame everything, generally, on the police so you can blame your presence here today on us. It is a fact that we assist, but these practical matters are based on the legal strength of the willingness of the victims to press charges.

We cannot hope to arrest people for every crime that takes place. It is evident that it is the discretion that is going to be the most important thing in this service of the policeman. Any misuse of this discretion is going to affect not just an individual but the entire community. Some crimes are so irrational and unpredictable, explosive and resistant to analysis and explanation that they cannot possibly be prevented any more than a tidal wave or hurricane. Yet the role of the police is to prevent crimes.

I am not sure just how we are going to do this. I am not sure whether I am out there to struggle with the community at large. I am not sure how to enforce the role. I am not sure whether I am to go out and start the criminal justice system. I am not so sure who I should arrest. I am not so sure what I should arrest them for. I have no guidelines. The law has not given me any mandate, no directive. I am not told how to enforce the law. I am only told what the law is. I have no part in making that law. I am certainly sure that everyone here knows that the law that is enacted here in this chamber is a little different than the law I know and see out on the street. But I have no part in it. My job is to enforce it. My job is to first try to prevent it.

Justice Grimes said that the greatest deterrent to crime is the feeling of being detected. The second is the fear of swift apprehension. The police think of the conviction and the punishment; and I think this influences him a great deal as he starts out in the criminal justice system.

We are told in the basic police school that our job stops at the court house steps. Our job is to bring them before the court and present the available evidence, but you can't help get the feeling that you are operating in somewhat of a challenging area. You are running into competition -- it is the criminal and the police. And if we win, we want something to happen. That doesn't always happen because we have no way of influencing what will happen.

This is how the policeman's philosophy perhaps has been distorted over the years. We look at rehabilitation as something that doesn't happen. Maybe because the people we deal with consistently come back to us. It is a little bit depressing to look at the uniform crime reports that have just been published by the Department of Justice. They tell us that 60% of the offenders repeat within four years after the initial apprehension and conviction. So we are beginning to wonder is there any rehabilitation there? I do know they are the same people who are dealt with time and time again. The names are familiar to you people, and I don't know as the system of justice can rehabilitate them. At the same time I have seen people who in the first instance something inside them mentally stops working that makes them commit some heinous crime that they will probably never repeat again. But I am not so sure of the criminal element.

So to say that I don't know what my role is is to say that I think the police role remains to this day undefined, but it does start the system of criminal justice. It gets it off the ground. It starts it to the court.

A policeman has a great deal of discretion and this discretion is influenced by a great many things. Is he going to make an arrest and what are the implications of the arrest -- the political, the social, the personal? He doesn't have a great deal of time to utilize this discretion. Time is something that he doesn't have a great deal of. Yet his conduct in that moment of determining what discretion will be is later reviewed in the courts when a great deal of time is spent in analyzing whether he made the proper judgment at that time.

So the role of the policeman today, although they will tell us that this is the year of the policeman, is fuzzy. Perhaps he will get some guidelines that are definite; perhaps he will get something beyond just the law; perhaps he will take a part more actively in the system of criminal justice and will know where he is going.

The best I can say is that we get it started by our communication with the people that you later deal with.

The district court cannot sentence a person to over one year. It has to be one year or less. He can commit the individual to the jail or the house of correction only; and, of course, he can always place him on probation. Juveniles who are found guilty can be sentenced to the Industrial School or placed on Probation.

Presiding over the largest such court in the State, which is located in Manchester, is Judge Alfred Chretien; and he has been kind enough to come here to tell us a few things about his court.

Judge Chretien -- Ladies and Gentlemen: It is a pleasure to be associated with you. I have certainly been associated with quite a number of you in the past, and I was always very glad to make your acquaintance.

Now you have heard Judge Grimes tell you about the functions of the district or municipal court judge. Let me tell you that despite the fact that this is a court of limited jurisdiction, the district or municipal court, it is still a very important court because of the large number of people that are

brought before it. We handle a great variety of cases: the traffic cases; we have all the drunks; we have larceny up to \$100 and most of the thieves that are arrested do not steal more than \$100; the non-support cases; we have the assault cases; we have many other types of violations of the law such as disorderly conduct, etc.

As to the conviction of offenders to either the jail or the House of Correction, we certainly don't commit anywhere near as many as the Superior Court in the same jurisdiction does except in the area of drunkenness or alcoholism. This is something that even as of now seems to be necessary occasionally.

We do commit to the House of Correction an individual because he has been convicted of being drunk in a public place or in his home disturbing his family or disturbing the peace outside although it is a private place. Most alcoholics do not want to improve themselves; they are satisfied as to their way of life. In the matter of handling the alcoholic we send persons to the House of Correction most frequently. Otherwise not too many are sent to either jail or the House of Correction.

Now what are the aspects that have to be taken into consideration by a judge as he approaches the matter of sentencing an individual after the individual has been found guilty? Well, first of all there is definitely the matter of the offense. What is the type of the offense has been committed? The more serious the offense is the more seriously the judge should approach the matter of sentencing. Then there is the matter of the offender. What is to be done with the offender? Will merely a fine be sufficient to correct this individual, to impress upon him that he should not repeat his offense. Of course, in the matter of traffic cases, most frequently, nearly all of the time, it is a matter of the imposition of fines or suspension of the license. Incidentally, our court is not sufficiently able to exercise a role in the matter of suspending licenses. We are limited to a seven-day suspension for any type of violation of the law that is not used too often.

Then there are many other types of cases such as what do we do with an individual who does not support his family properly? If the individual has run away from the State and has not been supporting his family for a whole year, that is a more serious case than if there was some controversy between the man and his wife and the wife told her husband to leave and he does leave. He is very angry and for a few weeks he doesn't give enough to the support of the family. This is one type of case.

We have another case where an individual has had a few drinks and he gets into another argument with his wife and beats her up or punches her in the face. Then she has him arrested and he is brought before the court. How is this case going to be approached by the judge? What kind of a sentence should be imposed?

These are situations, as I said, where you have to consider many factors. Shall we just think in terms of punishing this individual? Or shall we think in terms of trying to correct his bad habits and to rehabilitate him. Now supposing there is repetition on the part of this same man; supposing he doesn't support his family three months later; supposing he repeats again after three or six other months have gone by; then what should be done? Will his

being on probation be adequate to correct this individual or should he be punished? Should he be made to serve a period of time and at the same time suspend a part of it and put him on a period of probation? Perhaps having to serve a period of time either in the jail or the House of Correction may teach him a lesson. It may help him and may help to correct him. He may realize then that he has done something serious and that he should make an attempt to do better in the future. This again has to be taken into consideration depending on the repetition of the same offense.

Then come the larceny cases. There are some that steal from a store a small article. Usually a small fine will be enough. The main factor, I have discovered, is getting caught. I have heard parents tell me, when it was a 15- or 16-year-old child, "I'm glad he got caught". There are many many circumstances that have to be taken into consideration as to correction and as to rehabilitation.

Some time ago I was the chairman on a committee on sentencing procedures and I prepared a statement of certain principles of sentencing. I would like to read some of the principles that I arrived at at the time.

A just sentence comprises consideration of many factors such as the matter of the offense. The circumstances extenuating or aggravating the offense; the prior criminal record, if any, of the offender; his record as to employment; his background with reference to home life; sobriety and social adjustment; his emotional and mental condition; the prospect for his rehabilitation and the possibility of his return to a normal life in the community; the possibility of his treatment and training; the possibility that his sentence may serve as a deterrent of the criminal behavior according to the community needs, if any, for such a deterrent.

Punishment in the form of a fine or confinement for a conviction or a fine or confinement with a period of probation may be the appropriate means of correction and deterrent. Repeated short sentences imposed for repeated misdemeanors or petty offenses are ineffective both as a means of correction and as a punitive deterrent. These sentences are often a contributing factor in the care of the petty recidivist.

An integrated system of control by means of special institutional facilities and community supervision is essential to the solution of this problem. A punitive sentence for the purpose of deterring should properly be commensurate with the seriousness of the offense and the degree of the guilt of the offender.

Inequality of sentences for the same or similar crimes is always experienced as an injustice by both the offender and society. Cite this as an example of the inequality of justice: In a Federal Penitentiary one individual for robbery received a five-year sentence in one state; and in the case of another individual, who had been arrested for robbery in another state, although the circumstances were very similar, received a sentence of fifteen years. Both of them were sent to the same institution. How do you suppose the man who received fifteen years would feel as to the justice of the courts? So the inequality of sentences has a great meaning.

Of course, this means more uniformity is being desired. This is applicable in all courts, even in our so called minor courts. Recommendations have been made to reach more uniformity than we have now. Greater uniformity is an

extremely important in the administration of justice. The task of evaluating the individual offender and planning the most appropriate treatment program for him must draw on all the available knowledge and professional skill represented by sociology, psychology, psychiatry, social case work, and related discipline. To perform such a task properly the sentencing judge needs an adequate and well qualified probation department to make an informative pre-sentencing investigation.

Public protection allows for the maximum use of probation in respect to offenders who are not dangerous or confirmed criminals and who manifest a capacity for the possibility of rehabilitation as useful citizens. Public protection, however, requires appropriate periods of incarceration for dangerous or the habitual criminal who is not reasonably receptive to rehabilitation as a useful citizen.

In the district or municipal courts we meet these circumstances especially where we are dealing with a repeater or recidivist either to non-support or disorderly conduct, wanton damage to property, etc. In those cases we have discovered that just the imposition of a small fine is not sufficient. We have to use more severe measures. The moral feelings of the offender at the time of sentencing are repenting, promising to make amends, and expressing the desire to correct himself and not to repeat the violation. There are all these factors to take into consideration.

The weakness and willpower of the offender or his partially defective understanding of the difference between right and wrong at the time of the commission of the offense and his willingness when he appears in court to accept psychiatric or psychological treatment looking toward rehabilitation would always be considered. Under certain circumstances it is appropriate at the time of sentencing for the judge to explain to the offender that he cannot always use as the excuse for his offense the faults of his wife, who is always arguing with him about this or about that. Or he should make this individual understand that he cannot always blame his parents or companions for everything that happens to him. He must assume personal responsibility--both moral and legal behavior if he wants to rehabilitate himself and become a useful citizen.

Justice Grimes -- At the beginning of each term of the Superior Court in the various counties, the jury is selected. That body consists of not more than twenty-three nor less than twelve persons. They hear the evidence which the State has against the individual and determine whether there is probable cause to send him to trial. If any twelve of those people decide that the evidence is sufficient to send the person to trial, then the foreman of the jury signs a paper which is called an indictment. That is returned to the Superior Court, and the individual is then put on trial, unless he decides to plead guilty.

If he decides on a trial, he is entitled to a trial by jury; or if he wishes to elect to do so, he can waive his right to trial by jury and have his guilt or innocence determined by a single judge of that court.

A juvenile may also be tried in this court on an appeal from a lower court. He may be tried as an adult or as a juvenile at the discretion of the court and the seriousness of the crime committed. The sentencing power

of this court is greater than that of the other courts, because it is the only court that deals with the sentencing of felons. A superior court judge can commit an individual who has committed a misdemeanor to either the jail or a house of correction. He can also commit a person who has committed a felony to a jail or a house of correction if he does not decide to send him to the State Prison. Of course, he can also place the individual on probation. The superior court judge is the only person who is authorized to sentence an individual to the State Prison. The sentence to the State Prison must have a maximum and a minimum date.

Now the Honorable William Keller will tell us something about the sentencing in his court.

Judge Keller -- I would like to mention only a few of the things I consider the more important aspects as to sentencing in felony cases. It is generally accepted that the primary purpose of sentencing is to protect the public and this you have done either through deterrents or through rehabilitation. Consequently, the question arises in a judge's mind as to whether deterrents or rehabilitation is the more effective. There is no question, of course, if a man is sent to Prison. While he is in Prison, he is going to be deterred from committing further crimes and so the public is going to get 100% protection. But some 95% or more of the prisoners are eventually released. Sooner or later some of the protection to the public terminates. Now many experts feel that sentencing has a limited effect in deterring the particular individual from further commission of crime and from deterring other people from commission of crime. On the other hand, if a person can be rehabilitated, this is 100% protection to society and that person becomes a useful citizen.

There is no question but what there are some people who are so addicted to crime that under any present methods of services that we have available it would be impossible to rehabilitate them. On the other hand, there are many more where the chances of rehabilitation are very good. Consequently, it is felt by many to be in the best interest of society to undertake to change a convicted prisoner or offender to a law-abiding citizen, either while they are in some institution or while they are on probation or a combination of both. The judge who is interested in rehabilitation may well be faced with the problem as to the best method of accomplishing the rehabilitation. His disposition of the case will, of course, depend upon what services the particular offender needs, as well as how and where the services can be obtained, if they can be obtained. I would like to discuss this factor as it pertains to certain cases.

Today a judge frequently has before him in felony cases offenders who are in need of psychological, and psychiatric attention or services; and I would like to read to you in that connection a report that was received from the New Hampshire Hospital in one of these cases. The report reads as follows:

"With reference to the above-named patient who was admitted to this Hospital on December 9, 1966, by order of the Hillsborough County Superior Court, I would like to inform you that his evaluation has now been completed. The evaluation consisted of psychiatric interviews, psychological testing, electroencephalogram, as well as routine studies. It is our conclusion that this patient shows a severe personality disorder classified as schizophrate personality and characterized by suspiciousness, a sense of isolation, mistrustfulness, incongruity of feelings of life, the feeling of inferiority, a poor socialization and resentfulness of advice and of supervision of correction. However, there is

no evidence of any psychosis or insanity that would impair his criminal responsibility. He is capable of understanding the legal proceedings against him as well as to advise council on preparing his own defense. Thus his return to court to stand trial is recommended, but he should be maintained on mild tranquilizing drugs for a definite period of time. On release from jail, he should be advised to seek psychiatric treatment on an out-patient basis."

Of course, the question arises as to what does the judge have available to try and solve a case like that. If you noted, the report says that he has no psychosis so he cannot be committed to the State Hospital. So what can be done with him? The State Prison, as a great part of the audience knows, has available psychological services which are reasonably adequate together with supportive therapy. They also make use of psychiatrists from the State Hospital to a certain extent. They make use of group programs, in work, recreation, education, and religion.

On the other hand, most county farms have few, if any, of these services available. There are some of the county farms which are an exception to this and which are doing considerable in trying to obtain some of these services. Consequently, when an individual is to be confined in such a case as this, it may well be that because of the services available at the State Prison, that is the better place to send him than the county farm; although without this particular factor, it might well be that the county farm is the place to send him.

Another possibility available to the sentencing judge, of course, is to sentence such an individual as this to the county farm for a period of time, suspend part of the sentence, and put the offender on probation or to put him on probation without any confinement. The judge who is contemplating doing that, however, is going to be faced with the limited services which are available in such a case to somebody who is placed on probation. It is true that the New Hampshire Hospital has an out-patient clinic; but these out-patient clinics, in cases such as I am referring to, could only give from ten to fifteen minutes once or twice a month to help patients and that is not even a drop in the bucket. Furthermore, even though we do have certain community clinics which have some of these services, these community clinics are not anxious to take these cases. Some of those will if they are specifically asked and will give what help they can. Occasionally we run into a situation where the parents of the offender will say that they will furnish psychiatric assistance and pay for it. Of course, that is always quite welcome but does not happen too often. So although it is not impossible to obtain the services for the one who is on probation, it is frequently difficult and sometimes the services obtained are really not adequate for the particular case.

Another type of criminal with a specific problem is the alcoholic who is already mentioned here tonight. We frequently find in felon cases that this is linked up with the commission of the crime and in some cases, it is found that the offender is an alcoholic. In the case like this, I think that the judge can, if he puts such a person on probation, make it an order that the person join Alcoholics Anonymous. I have done this on occasion, and I had it reported to me that this has worked out quite well. Furthermore, as I understand it, there are now in the State on a full-time basis some clinics on alcoholism; and these clinics are perfectly willing and happy to take criminal offenders and do what they can with them. It is true that we have had clinics like them

the past, but it is just this year that we have them on a full-time basis. On top of that, as you know, they dedicated a Halfway House in Manchester which was established this year.

Another problem with which the judges are often faced is the deciding what is the best pattern of rehabilitation and whether or not the person should be confined or whether he should be put on probation. That is the choice which the judge has to make in each particular case. It may well be that the crime is so serious or the defendant's record is so bad that it is clearly a question of confinement. On the other hand, there are many cases where there is a genuine problem of whether it should be confinement or rehabilitation.

As you know, today there is a group who think that whenever a person commits a felony that he should be confined for at least some period of time irrespective of other facets. There are some who believe probation is used too much today. On the other hand, there are those who consider that probation is preferable to confinement in many cases.

The Advisory Committee on sentencing and review of the American Bar Association published a report last December. It said, "the Advisory Committee believes that the starting point for each sentence should be probation or some other sentence not involved in confinement. The extent to which confinement or commitment is employed in a given case should be determined by specific reasons which seem to warrant that disposition. The Advisory Committee is thus convinced that sentences which do not involve imprisonment are more likely to be effective in the vast majority of cases and that such sentences represent a great deal less in public expense."

Each judge will take these opinions and any other opinions he has at hand into consideration in making up his own mind as to the relative weight to be given to probation or confinement.

Most sentencing in felony cases is of offenders who come into court and plead guilty and in most of those cases this is what happens - the judge will go into the courtroom without any prior knowledge of the case. The defendant will enter his plea of guilty. The court and the lawyers will read the probation report. The county attorney or an attorney from the Attorney General's office will make a recommendation. The defendant's lawyer will make an argument and recommendation and then the court will impose the sentence.

Of course, in deciding what sentence to impose, there are numerous factors relating to the defendant that are taken into consideration, in addition to those that I have mentioned. These factors are normally obtained for the judge from the probation officer. The probation officers act in an impartial manner making a thorough and detailed investigation; they study the case and make a considered recommendation of what disposition they think should be made. So the reports are a valuable aid to the sentencing judge. Under the rules of the court, the probation report is not to be examined by the court or the contents disclosed to anyone until the defendant has pled guilty or nolo or until he has been found guilty. Then on such a plea or finding, the report is opened and the county attorney and the defendant's lawyer are given an opportunity to read it and they are also given an opportunity to rebutt anything that doesn't agree with the report. If it should happen that the defendant does not have a lawyer, then he himself is given an opportunity to read the report. If there is anything in

it that he should not read, then the court can suppress that and inform the defendant why it is being suppressed and disregard it in passing sentence.

Of course, the probation report is in fact a short biographical sketch of the defendant going through his entire life. Ordinarily one item which a probation report contains is the criminal record of the defendant; and in my opinion, the criminal record is one of the more important factors to take into consideration in sentencing because it shows what kind of a person he is and whether or not it is going to be possible to bring about his rehabilitation.

It sometimes happens that a defendant will dispute his criminal record as contained in the probation report; and if he does that, they would ordinarily disregard what he disputes unless the State does have records to support what was set forth in the probation report.

These are just a few of the factors that are involved. There are many, many factors involved in sentencing; and as I say, I have limited my presentation to felony cases. I should mention that we do make use of the Industrial School and am well acquainted with the services which they have available there.

SESSION I I

Wednesday, September 18, 1968
7 to 9 p.m.

State Industrial School
Manchester, New Hampshire

Meeting Chairman -- Dr. Michael Morello

Speaker -- Warden Harold V. Langlois, Adult Correctional Institutions,
Howard, Rhode Island

The Past and Future of Corrections

Origin, history, and development of correctional institutions and programs-- probation and parole in the United States, including county jails and juvenile institutions. (Should include agencies, persons, and purposes, and recent changes such as reception centers, diagnostic centers, and therapeutic community.) Stress changing role in corrections from security to treatment to counseling to blending of roles. What's ahead for the Correctional Worker? Professionalization.

Warden Harold V. Langlois -- Recently we have witnessed across these United States rebellion, discord, and protests by various small segments of our society of a kind and of such a nature as to make us ponder seriously the tone and direction our country points. Watts and Syracuse - Chicago and Miami - Columbus and Detroit - yea, Boston and Hartford, Newark and New York - the list is long, the heartaches longer and the end is not yet in sight.

What has happened to the domestic tranquility we enjoyed for so long? What has happened to the respect for tradition and established principle that the American people have been hallmarked for lo these many years? What has come to pass to cause the frustration of social justice to the point that established law and order and the mass news media have been at each others' throats hurling brick bats back and forth to the indignity of each? Chicago - why, and I ask you most profoundly, why do we have a third national party this year whose candidate will draw several million votes and probably cause the selection of a president of these United States to be made in our House of Representatives? Surely, these are times and these are matters of grave concern to every American citizen in every American town, city, and state the length and breadth of the nation.

I submit to you for your consideration the very core of our democratic process is under scrutiny like never before. I tell you world wide our allies are confused, apprehensive, and downright concerned about their allegiance to our posture and where they think they may be left in the scheme of things internationally if we continue the course we seem to be pursuing.

We have seen the "Bill of Rights" section covering "the right to bear 'arms'" come under a torrent of attack. Supporting and sustaining such attack have been the massive and catastrophic events of the Medger Evers, the John Kennedy, the Martin Luther King, and the Robert Kennedy.

We have seen the "right to peaceful assembly" similarly be scrutinized, strained and weighed. We have heard bitter castigation of the hippies, the

yippies, and the freedom marchers all give testimony that within this country many protest and yet many, many others smolder, mutter, and clench their teeth in silent and bitter resentment, confusion, and downright fear over the course and route we seem to be moving. Frankly, I do believe we have deep and serious trouble within our borders which will take generations to heal. The constitutional guarantee of "free speech" has by the standards of many been prostituted, misused, and abused to the point of the fundamental purpose of the guarantee almost being turned against the best interests of the United States. While traveling across these United States by automobile, one becomes started to see rising out of the land huge billboards reading: "Impeach Earl Warren"; like it or not he is the Chief Justice of the United States Supreme Court! Yes, fellow Americans, we have trouble! The core of democracy is being examined as never before. The process of minority expression and the blending of the world's greatest melting pot are heaving and sighing with the strain and pain of broken heads, broken hearts - with burning embers and brown bodies - with bitter speeches and broken promises - yes, with a spirit of national disunity such as we have never seen before.

Perhaps you wonder why and how this relates to the subject of corrections in these United States. Perhaps you ask what have these remarks and observations got to do with education and training for the discipline of correctional practice. My friends, the problems of corrections and the status quo of correctional practice are rooted in the community at large. They are within the training schools, they are within the prison and jails, they are found in the points of view of your probationers, just as they exist in the minds and emotions of your neighbors across the street, the man who pumps your gas, the grocer, the shoe salesman. You had better be aware of this - you had better face up to it - you had better cope with the reality of what is going on or you will have lost the day and never realized what you experienced.

Twenty years ago, generally speaking, prisons had an attitude of servility and conformance that was marked by regimented discipline, by mass movement, by uniform dress and by common treatment for all. Twenty years ago the attitude of guards, lieutenants, captain, and wardens toward prisons was one of superior but comfortable feeling, firm but kind benevolence tempered with the heavy hand of discipline if belligerency - smoldering underneath - broke to the surface.

Twenty years ago society, frankly, was not very much interested in what went on inside a penal institution. In fact, what interest, if at all, stemmed from the sense of curiosity, thrill-seeking or in some instances morbidity of the self-seeking personal gratification.

Twenty years ago we were a country with a penal code - with a penal practice - with a penal philosophy.

The advent of the great American dream - of education for all - of giving my sons and daughters more education than I had - has brought us to the threshold of where we are today. Like it or not the news media, television, automobiles, air travel, and a list of other influences has caused a cultural upheaval not understood by many and certainly not accepted by all. Our young people who demonstrate, who question, who protest at first blush we coddle - then trouble and, finally, reject them with a varying degree of hostility and a graduated level of preventive response. Upon analysis of our national attitude - responsive

that is - I sincerely believe we are thoroughly confused, thoroughly fearful and annoyed beyond reason. What we are really thinking, really saying and really doing is to offer them a trust - establish a trust - and when the dynamics of response come tumbling over and upon us, we act and react in tradition. We respond with stiffly worded expressions of recognition. We react with gingerly-offered hand clasps of token acceptance yet accompanied by an underlying fear of a new experience. It is a terrible, terrible fear of what will happen if we are identified with the new movement should it fail. In short, we are progress prone but production petrified. To put it bluntly, through education of our young, through sensitive adherence to the basic principles of our democratic way of life, through abiding and deep respect for law and order by the majority, everywhere, through an attitudinal disposition of honor, respect, tolerance, and understanding, we have arrived at a point of confusion, diffusion, diffidence, hostility, fear, frustration and, generally, mass confusion.

This, in my opinion, is true both in our free community and in our imprisoned society. I will dwell for the remainder of this presentation with that segment of people stigmatized - for they are surely that - by arrest, conviction and sentence to our various probation, parole, and institutional facilities throughout these United States.

Previously we locked all prisoners in following the day's work and the evening meal (which, by the way, was usually in mid-late afternoon); they remained so confined until breakfast the following morning. Today they are locked in for a count and thereafter let out to watch television, go to school, attend a meeting of a newspaper staff, go to a meeting of a club they have joined, attend a drug therapy meeting or attend any one of a myriad of activities.

These kinds of activities have been conceptually evolved in the thought of meeting individual differences and assisting in the rehabilitative scheme of things. All too quickly have we in administrative and keeper positions permitted ourselves to jump to conclusions such as "well there, I've done this for them so they should be satisfied", or "we've given them just about everything - where does this all end?", or "how much can you do for prisoners - we're molly-coddling them now!" I say to you this is a shallow deduction in logic and a short-sighted investment in treatment. The prisoner will experience temporary emotional relief by escaping the boredom of the cell during the early evening hours. He will luxuriate in watching T.V. or satisfy temporarily invest of himself in school work, but soon - very soon - we see discontent, discouragement, and insecurity manifest itself in many ways, talking back to the officer, destroying a library book without apparent reason, quitting school work in a silent almost unnoticed manner, getting into a quarrel with a fellow staff member of the institutional newspaper and walking out to stay - yes, and deriding the paper to other inmates in the compound. You know what I mean. If you cannot conquer - destroy. When these things happen, and they do and will, we react unfortunately all too often from a moralistic platform - "if they don't behave, the hell with them!"; "they don't appreciate what we are doing for them!"; "well, what do you expect, they're no good anyway!"

Do we stop to think we have created a treatment climate - we have brought into existence the theme of recognition of individual differences - we have said let us treat - yet with this when the dynamics of human action and reaction inevitably takes place, we put up the wall of fear and drop down the gate of negativism. We turn our backs to a needed human confrontation of inadequate seeking adequacy, of inferiority toying to seek security. We cannot be timid or self-effacing about treatment; either we treat all the way or forget about it. Make a decision, if you offer treatment, be prepared and expect to go the whole way with what is involved in treatment. Window dressing will not work. The prisoners will know it, your employees will know it, and you will know it. Everyone lives the lie and the lie cannot long endure.

Now to accomplish or at least start on the treatment road, we must be conditioned for the trip. We need the tools of the journey. We need experience. We need communication! Why do we need these commodities? Because we are now in the business of human therapy, of administering to the needs of others. We need to understand. We need to feel. We need to recognize frailty and strengths! How do we acquire these attributes? We study, we think, we talk with each other, we listen, we share experiences. Above all we do not remain apart from others. We do not lock ourselves within our own fears and frustrations. We communicate. The open mind is a healthy mind; the doer is a prover; the giver is a getter! Correctional practice demands personal involvement in the scheme of things and dictates acceptance of responsibility by one and all. If this is done, the climate will truly be one for correction and truly point to the dignity of man!

Most, if not all, of the previously described actions and reactions of prisoners are well known to those in the business of character building assistance. The reaction of the paid help interestingly enough is enigmata, anachronistic and almost archaic! We are so quick to moralize the actions of our charges! We are so ready to judge the responses of our prisoners to the programs we have designed for them! We are so compulsive to see good results to what we think is right that we are first, hurt - second, confused - and third, frightened when we see our best developed plans for rehabilitation for prisoners accepted then rejected, accepted then prisoner improved upon (and this hurts our vanity) and accepted and after considerable experience have prisoner reaction such as to make management originally conceived concepts seem childish. This is submitted to you workers in the limbo of the humanities is almost too much to take; almost more than your humble egos can swallow. In fact understanding of the dynamitist work in these situations takes the patience of Job, the tolerance of John and the perseverance of Peter. Underriding and constant throughout the emotional and intellectual experiences of change within programming is ever present the danger of human frailty. Those of us in corrections for the most part are sensitive people with a character propensity to gentleness, to have a need to help others, to desire tranquility, to love. Under the former system we could offer our positive attributes. If accepted (and there are always some waiting to receive), we and they were satisfied. If rejected, we could pull our offerings back in a social system designed with built-in safeguards to insulate ourselves from hurt and social embarrassment. Remember the institution was built away from the city; it was built with a wall around it; it was constructed and operated as a thing apart from the rest of us. Today this has all changed or is changing so fast that one must take a quick breath if one is to be psychologically up

to the response and action needed to work in, interpret, administer or analyze the correctional service of the now.

The sincere offer of help today is frequently received by the prisoner who reacts by calling out "what's in it for you?"; "what's your angle?"; "why should I say yes I want help? if I do and if you help me and if I am helped and if I change, you will look good and your position will improve why should I help you?"

Yes, my fellow workers, the climate we work in has become complex, profound and more difficult than ever before. What do we do? Why we even find prisoners talking about the quality of the paid prison employees. Many, many times I have heard it said, "He's O.K., but his wife is bugging him." "He's stupid, he's scared, he tries to run a bluff", or "He's a real fine man, he never lies - if he says he will do it, be assured he will." I do believe we in the field of corrections have overlooked the significance of interpersonal relationship. I submit to you we have done this not because of indifference but because of ignorance. Today's probation officer, today's parole officer must visit the institution and get to know "prison psychology". Today's probation and parole officer must visit this industrial school complex and know the points of view of its inhabitants both committed and employed. You see when you are working with your people, they act and react to a free society with its pressures and demands from their background and total life's experiences. If these have been industrial school oriented and prison spawned, how in God's World can you relate unless you understand?

Today's "guard" and this work while accepted by society as having an honorable significance due to its cultural inheritance, must not only change its title but the total concept and way of conduct of the office must be altered. The man working in the visiting room today is not a "guard". What is he guarding against? The employee teaching men how to perform certain kinds of work in a shop is not guarding. What would he be guarding against? Think about this. Think about the concept underlying and intertwined within our social system of corrections. This employee is a man with an intellect, with emotions, with a cultural inheritance, with attitudes, with aspirations, with fears, and, yes, with prejudices. He is no different than you and I. Yet in the past we have soft pedalled his influence within the prison system. We have let the clang of gates and the watch tower concept influence an opiated society calculated at best to produce smothered existence. Yes, smothered because we were physically controlling hostility, hatred, deviancy and insanity by the wall, the iron bar, the isolation cell and the watch tower. The correctional officer of today must be prepared and equipped like never before. He must be oriented in the humanities. His presence here tonight attests to the realization of this need. Psychology, an understanding of the whys of human behavior, educational techniques - a methodology of how to influence a man's thinking, how to subtly assist him in shifting attitudes, how to help infuse inspiration and a desire to help himself and how to set a good example, these are some of the qualities needed in a good correctional worker today. This is true at the truant officer level, the training school, the prison, the parole and the probation officer and all other positions in the correctional category. Let us stand up and be a profession.

We are not policemen; we are not social workers; we are correctional practitioners. Gradually, but as night follows the day, the institutional island is being bridged to the main stream of the community. Again, if we are to treat in attempting to help develop normal humans or reasonably well adjusted people, we must set up normal values and have normal standards. This means using normal humans in normal environments. Work release and educational release programs provide this normalcy because the prisoners involved in these activities go forth to the community each day and associate with normal people in a normal way doing normal things and getting normal rewards. Such is not the case, however, for the prisoner who is under close confinement. We must bring society and its normal influences to him. We do this by community involvement. This is not easy and presents a tremendous challenge to all in the correctional system. In doing we open the institution up for the first time to public inspection. The general public gets a look at what we are doing and how we are doing it. We must take stock and run a program that can stand being looked at - this is not always easy! In opening the doors, we must expect and inevitably will get the "do-gooder", the "soul saver", and the "gossip". We will experience the annoyance of the question asker and experience the patience of the Lord in relating to the good woman who has many helpful suggestions on how to run the institution, any one of which if adopted would cause riot and bloodshed or shoot the annual budget up \$300,000. You can expect to have some inmates use and attempt to use the volunteers as a pressure instrument or pressure group for them against management. You can look for some prisoners trying to, and in some instances succeed, in duping the civilian or layworkers. Yes, these are but a few of the headaches or problems found in citizen participation and community involvement. I have gone through this change in our own state. I have had all and more of the problems I have just enumerated. I say this, the experiences have been frustrating, the headaches have been great, but everyone of them has been worthwhile.

Today we have sixteen men actively engaged in our work release program, two of whom go to school five days a week in the community.

We have a program of drug therapy patterned after Day Top in New York City functioning within our Maximum Custody Institution. A former drug addict, a staff member of Marathon House in Rhode Island, comes to the Institution twice a week and works with the addicts who are trying to help themselves. In fact we have gone further, a former member of our institutional drug addict therapy group passed up parole board appearances twice in the last year and a half and left the institution upon expiration of his full sentence. He returns three times a week - Monday, Wednesday, and Friday from 1 to 3:30 p.m. - every week on a voluntary basis and works with the addict group in therapy. We even let him bring in his own tape recorder and record the session, and we do not edit the tape nor do we intend to!

A woman volunteer in her middle forties visits the Maximum Custody Institution three times a week, all afternoon on each occasion. She is escorted by a correctional officer to the Inmates' Activities Building located in the interior of the Maximum Custody building where she is left on her own. She meets with fifteen to twenty prisoners who are members of the institutional staff. Together they review material for publication and put the paper together. They exchange points of view, argue, discuss, agree, and generally ameliorate attitudes.

Tomorrow night is our second annual "Little Joe" banquet. One hundred and sixty people - some fifty inmates included - and the remainder their families and friends will get together at a dinner within our Maximum Custody auditorium. The prisoners will co-mingle with their families and friends and sit with them at tables throughout the room. This is our A.A. group. Present will be two judges of our Superior Court, who while not members, have a keen interest in volunteer activities of this kind. Interestingly enough, last year the speaking program turned out to be much, much too long. We found that the inmate speakers were very good and the A.A. community volunteers felt the inmates has stolen the show they spoke loud and long.

Our Junior Chamber of Commerce Chapter competed this past August in the Annual State Contest for the various prizes given for service and work performed. We won four first-place awards, three second-place and one third-place prizes for various community activities. This was judged by J.C.'s from New Hampshire and Vermont, by the way.

We sent our newly-elected J.C. President to the meeting in the company of a lieutenant in civilian clothes. This is a Maximum Custody J.C. chapter; the inmate is a Maximum Custody prisoner. We loaned him a camera to record the event. He took colored slides and after they were developed showed them to fellow J.C.'s. Incidentally, this same chapter raised in hard cash \$3,500 this past year and presented it to our Governor as partial payment for modernizing our visiting room. In return the Governor appropriated \$20,000 in State funds to complete the project.

For the past two years, we have had twenty students - juniors and seniors - come to the Prison or Maximum Custody unit twice a week from September through June for two three-hour sessions each week. They are volunteer workers who are members of the Brown University youth guidance group. They tutor inmates in subjects above a high school level. These are mathematics, French, Spanish, history, sociology, and others. Out of this program has grown a computer training project which is starting next week. One of the student's fathers is a high-placed executive in I.B.M. and through his efforts they are providing the material, instruction, and total programming for the project. Some thirty-four inmates passed the original screening eligibility standards and ready to go.

These are some of the volunteer activities of an ongoing nature. There are several others which time will not permit for description. I illustrate to you and submit for your consideration, we are community oriented, recognize and practice what we preach, but desperately are in need of more education and varied kinds of positions for some of our correctional officer personnel to reach for. Incentives such as specialized counselling positions and teaching situations, especially for a manual training nature, can well be considered goals for some of our capable correctional officers to aspire. We need to create inmate and employee relationships, such as roundtable discussions.

Perhaps I have sounded radical or highly theoretical to you tonight. I only ask that upon your reflections you consider I have come to these beliefs after nine years experience as an FBI agent and almost eighteen years as a warden or director of corrections. I have experienced riots, fires, cuttings, sit-downs, stand-ups, and stay-ins. I have had men on a roof who

would not come down and have gone through hunger strikes. I repeat to each and every one of you the directions of corrections must be toward the recognition of the dignity in all men and a dedication to the principle of helping others to help themselves.

S E S S I O N I I I A

September 25, 1968
7 to 9 p.m.

New Hampshire State Prison
Concord, New Hampshire

Meeting Chairman -- Warden Parker L. Hancock

Speakers -- Charles McKendrick, Warden, Walkkill Prison, New York
Bruce Grant, Chief of Classification and Parole, Federal
Correctional Institution, Danbury, Connecticut

The Treatment Process - Intake, Orientation, Classification

Intake and orientation - discussion of procedures and purposes. Classification purpose, organization, content, procedure, and criteria of assignment of placement.

It gives me great pleasure to introduce Warden Charles McKendrick of Walkkill Prison, Walkill, New York. Ladies and gentlemen, Warden Charles McKendrick.

Good evening ladies and gentlemen. The topic I am to present tonight is based on the admission and orientation of the offender.

The object of this lecture is to point out to the admitting officer the proper procedure in receiving a new inmate, and to alert the officer to the fact that the new inmate forms first impressions of both the officer and the institution by the attitude and methods used at this time.

To start we will go back to the arrest of the inmate. Here he goes through the police procedures of being charged with a certain crime, goes to the local police court and usually because he cannot post the bail is sent to the county jail to await trial in court. In many cases he is held for the next term of court which could be six months or more. He goes through a jury trial being transported to and from the county jail as necessary. He is found guilty and is given a prison sentence. The sheriff or his deputy then transfer him to the State Prison.

This is where you receive the prisoner. He is nervous, worn out from waiting, and is at his lowest level mentally and physically. At this time he makes decisions which can reflect on his future attitude at your institution. This is correctly defined in the Correction Officers Training Guide, and I quote, "One of the most important phases of correction work is the procedure of receiving the new prisoner. The first hours of confinement and the handling of the new prisoner many times sets the pattern of his prison life and behavior after being released."

First you make sure of the identity of the officers delivering the prisoner. After seeing these officers repeatedly, you will get to know them by sight. Careful examination of the commitment papers can save unnecessary travel and clerical work. The prisoner must be committed by proper legal authority. This must be indicated by and signed and sealed document showing:

1. The court - Supreme, etc.
2. Name of presiding judge
3. Indictment number
4. Name of defendant
5. Name of counsel of defendant present
6. Crime of Indictment
7. Crime of conviction and date of conviction
8. Plea or conviction
9. Length of sentence
10. Place of imprisonment
11. If more than one sentence, how sentences are to run: consecutive, or concurrent
12. Signature of clerk of court or judge
13. Seal of court
14. Marital status, occupation, etc.

Many of the older institutions, because of their physical structure, lack proper areas for the receiving of new inmates. Newer institutions and those having been remodeled are providing an area to be used strictly for the receiving and orientation of the new inmate.

Next step is to shake down the prisoner for weapons and articles of contraband. All articles shall be taken from the inmate, with a list being made of everything taken from him. The receiving officer should never take the word of another, and either he or a responsible officer designated by him should make the search. The failure to do this has been known to cause bloodshed and other incidents that cannot be explained satisfactorily to anyone.

The next step is the strip-search and bathing of the prisoner. He takes off all his clothes, removing dentures or orthopedic devices for examination. A nurse or doctor present is very helpful but not always practical - note all cuts, bruises, scars, needle marks, injuries, etc.

Any artificial limbs that are necessary to the mobility of the inmate are thoroughly inspected before the prisoner is allowed to have them. Prison clothing shall be issued at this time and special care should be taken to see that the clothes fit him properly. Everyone has pride in being properly clothed and many times ill-fitting clothing is soon damaged and/or destroyed.

All of the prisoner's clothing, money, and other articles shall be checked in his presence and made out in triplicate, being signed by the receiving officer and the prisoner. One copy goes to the prisoner, one in his file, and one in the Office. If clothes are to be sent home, his home address is also placed on the clothing list. Any claims of loss of clothing or other articles can be easily answered this way.

The inmate is now given a haircut, if received during day time; if not, this is taken care of first thing the next day. He also receives necessary bedding, such as sheets, blankets, towel, soap, glass, etc.

While the inmate is dressing, the officer gives him a quick rundown of the cell block rules. These should be carefully explained and the officer should repeat them if necessary.

He is now assigned a cell in the quarantine section and turned over to the cell block officer who escorts him to his cell and makes a name tag for his door for identification. The normal stay for an inmate in quarantine in New Hampshire State Prison is two weeks. Copies of the rules and regulations are given to the prisoner and he is also called up by a lieutenant as soon as possible and all rules

regulations are carefully explained to him in detail. As soon as possible after admission the prisoner is fingerprinted and photographed to assure positive identification in case of escape. Any tattoos, scars, etc., are also listed at this time.

We speak of orientation of prisoners: Why do we need orientation? This is why!

Most inmates enter the institution with fears, resentments, misconceptions, and frustrations. They picture the institution as a place of punishment. They probably have been in jail in idleness for several weeks or months. Many feel they have been treated unfairly by police, prosecuting attorneys, and the courts, and expect persecution by institution officials. They face months and years of confinement and fear what may happen to them while confined; they fear the prospect of broken ties with family and friends, and fear the problems they will face upon eventual return to the community. Obviously, prisoners who are preoccupied with such anxieties are not in the frame of mind to enter upon a program of self-improvement.

Before the establishment of orientation programs, new inmates received their orientation from other inmates, and usually from the more anti-social and institutionally sophisticated and disgruntled ones. This process emphasized how to get "soft" jobs, how to connive without getting caught, escape plots, and disparaged any participation in the constructive activities of the institution. This type of orientation set up a barrier between the personnel and rehabilitation influences on one side and the inmate population on the other.

The first orientation programs were limited to an explanation of rules and regulations. Later, a description of the facilities of the institution available to the inmates, such as the educational and vocational programs, was added. Still later, it was recognized that the period following commitment presented a most critical time from the standpoint of institutional adjustment and also a most opportune time for the institution of treatment.

Today, interviews are arranged with the caseworker, psychiatrist, chaplain, or others on the staff. Group sessions are held in which new inmates are encouraged to discuss their problems under the leadership and guidance of trained, understanding staff members. Through this technique the prisoners find that others face the same problems as they do, which in itself brings relief. There is provided a setting in which the discussion of their problems becomes easier. They begin to seek solutions to their problems and their tenseness, rigidity, and general opposition to the institution, its personnel, and programs begins to disappear. This phase of the program, then, has much to offer the offender by placing him in a frame of mind to accept a constructive program and to cooperate in carrying it through.

In addition to the interviews, examinations, and group discussions, the orientation program provides regular recreation and exercise periods, religious services, reading material, and work for short periods on special assignments. Experience has proven that good orientation establishes positive attitudes toward a positive institutional program.

Chief of Classification and Parole - Mr. Bruce Grant:

I believe we need to start by discussing what classification is and what goals we hope to achieve by the process. A few short years ago, classification was crude and used primarily to meet the needs of an institution. A man was classified on the basis of his prior record and the severity of his offense. This determined what type of an institution he would be placed in and the degree of custody and control he required. Work was based on prior experience and the needs for institutional operations.

Classification has had to become more sophisticated as a direct result of our growing recognition that prisoners are people, and as such they have particular treatment needs. Very few of us believe in this day and age that you can develop one regime of treatment for all offenders or even for large groups of offenders. We believe each individual must have a treatment program prepared to meet his own needs and this calls for more complex and highly individualized classification.

We see classification as the procedure of making diagnostic findings and planning treatment programs for individuals. Perhaps our committees should be renamed Diagnostic Program Planning and Evaluation Committees to designate more correctly their functions.

To illustrate what I am talking about, let me use a greatly over-simplified illustration. Suppose we have a man being classified. We have complete reports concerning his developmental history, his health, his educational achievement, his present psychological condition and so forth. From these reports, the committee is convinced that he becomes involved with law-enforcement agencies because he has never learned to earn a living. In this greatly over-simplified case, we have now made a diagnosis. The next step is to develop a program. In this case, the program would probably be vocational training, counseling aimed at his attitude toward work and the development of good work habits. Using our counseling and testing resources, we would decide on a vocational program and make some evaluation of the time we believed it would require to bring the man to the point that he could compete in the labor market. It would follow that once this man has learned sufficient vocational skills, had developed a constructive attitude toward work and had developed good work habits, he would be referred to the parole board with a recommendation that he be given a trial in the community.

When we first tried this system, we had committees composed of all the so-called top staff and they usually averaged about 12 to 14 people. After a few years, we found this large committee to be very unwieldy and inefficient. At that time, we reduced the size of the committee to about five. This was a more efficient and more workable committee, but we found in many instances the time we were able to allot to each individual was less than we believed desirable. In recent years, most of the federal institutions have gone to what we term a "treatment team" approach to classification. Under this system, rather than having one classification committee, we have several treatment teams. The number of teams depends primarily on the size of the institution. The teams are usually comprised of an associate warden or department head as a team chairman. The other members are a social caseworker, a representative of the education department and one line staff member, usually but not always from

the custodial staff, who acts as a liaison man with other line staff involved in the treatment of the particular individual.

This system allows us to spend more time with each individual in going through this process of diagnosis, treatment planning, the evaluation. By dealing with only a portion of the inmate population, the committee is in a much better position to become more familiar with the inmates attached to their particular team. We believe it also has value in placing the primary responsibility for training programs in the hands of people who are directly involved in these programs. As an added bonus, we have found this approach to be extremely valuable in staff training, particularly line staff and first-level professional people who have responded with great enthusiasm. While each treatment team feels free to call on professional assistance or assistance from the "top staff", we do not believe, and experience would not indicate, that only the "top staff" is able to make these kinds of decisions. As with any system, it is only as good as the people operating the system. In particular the caseworker must be a leader and function as the "quarter back" for the committee.

At this point, I would like to mention something we call the ISM approach. The first letters of three treatment categories Intensive, Selective, and Minimal are ISM; and we use this name for this approach. The ISM approach. In this approach, we break down all persons into one of three categories of treatment. We are realistic enough to know that everyone is not treatable. Therefore, a committee or team that sees a man as untreatable and not likely to benefit from treatment programs designates him as Minimal Treatment. This means he is not assigned to educational, vocational, counseling, or other programs. Whenever he evidences an interest in a program and placing him in the program would not prohibit a treatment case from being in the program, he is allowed to participate. However, if he wants into a school program, for example, but we have only a certain number of spaces and they are filled with treatment cases, he would not be assigned to the school program. This classification of inmates is used to staff industries or other necessary institutional maintenance operations.

If a man is found to need treatment in only one or two areas, such as the hypothetical case in the work area, he is designated as a Selective Treatment Case. He is given preference for assignments in his area of need but not in other areas. If for example a man is seen as a selective treatment case because he needs medical attention only, he would be used for institutional maintenance or industries within his physical limitations. A case of plastic surgery would be a good example. In brief, we see one or two problems which we believe led to delinquency and we work intensively with only these problems.

Men who seem to require a complete social reconstruction are designated as Intensive treatment cases. This means that all resources of the institution are brought to bear on him. In these cases the entire emphasis of his institutional program is on his treatment needs. His entire time, insofar as possible, is devoted to structured programs. He is given preference in these programs with other minimal or selective treatment cases assigned to institutional operations. He may spend most or all of his time in educational classes, vocational training, group therapy, etc. Of course, the groupings are not static. A man may move from one classification to another as we learn more about him, his problems and his motivation to use our resources.

This approach has several advantages. It allows us to use our limited resources in the most productive manner. We do not end up using expensive resources on persons who do not really need them or use them, as treatment resources to meet our mission of correcting the offender. It makes work assignments easier by identifying those who can be used in institutional operations and also those who need special assignments. It helps us to plan the type, number, and sizes of programs we need. It tells staff members who needs and should get their attention.

Another technique we use is that of pre-classification screening. One staff member, usually a senior caseworker with proven skill, screens all cases within forty-eight hours of their commitment. On the basis of what information is available (usually F.B.I. report, commitment, and pre-sentence report), he makes several basic decisions. He may refer the individual for transfer if he is obviously not suited for the institution he is in. He determines what types of reports are needed for classification. For example, he might find a man has a college education and decide that educational testing and evaluation is unnecessary. On a high school graduate, he might request only an abbreviated report. On a drop-out in the ninth grade, he might ask for a very detailed report.

In brief, he makes decisions regarding the reports and information needed to do a good job of classification. He also sets the date of classification; dependent upon the time required to get the information needed. For example, the lawyer who at age 54 first comes to prison because he was convicted of frauds on his income tax is not in need of intensive study or treatment in most cases. He would have only brief, if any, reports prepared in most areas and would be removed from the orientation program and put to work as soon as possible. Doing a complete work-up of this individual would not be the best use of these resources.

To summarize, classification certainly must include the routine things such as institution, custody, housing, job assignment, etc. However, if we are to operate treatment facilities the classification process must include as its most important function the diagnosis, treatment planning, supervision of treatment programs, and ultimate evaluation of the success or failure of the treatment provided. It must be an ongoing process flexible enough to evaluate and change individual treatment programs at any point in the treatment process when such changes are needed.

This then is the challenge, to acquire the expertise and experience to be able to make an accurate diagnosis and to plan realistic treatment programs which can be evaluated on the basis of empirical evidence.

S E S S I O N I I I B

September 25, 1968
2 to 4 & 6 to 8 p.m.

Highway Hotel
Concord, New Hampshire

Meeting Chairman -- Director John A. King, New Hampshire Probation Department

Speaker -- Frank Waterson, Chief Probation Officer, Albany, New York

Probation Reports

What to include. How to compile Information Forms.

Chief Probation Officer Frank Waterson -- Years ago we had this type of program to get probation officers together. Some eighteen or twenty years ago these sessions used to be half excursion and half interest training. But we used to come back and say to ourselves the real value of any of those conferences, institutes, schools, or what have you is meeting the other officers, talking with them; discussing their work problems; and settling our practical problems. We may be stimulated by something we heard, but then we return home and do everything the same way we did it before. We solved these problems in the theoretical. We didn't solve them in the concrete. Invariably we would say they can't work here. They can't work in my court situation. They can't work in this district. They can't work with my judge. They can't work with my chief probation officer. This is just not so. It just isn't so over the long pull.

I know you have heard before that no changes can ever be made. You have heard before that this is a distinct little domain in which we can't change any practices that we have ever been through. We have to keep them that way. It just isn't so. We see training sessions start like this. Ideas congealed, new thoughts come back, and things can be changed. Some type of direction, some type of thought, some type of direction from above that can be changed. We have learned to come to grips with reality situations within the courts over the years. And let's face it, things are beginning to break in our field.

Probation, Parole, Correction, the thing is getting ready to move and it can be found. Some changes can be made. Some improvements can be made and are being made in these directions. They start out in training sessions such as this.

Everything is not necessarily in the abstract. Some of them are concrete problems and the solutions can be put into effect maybe only through piecemeal, maybe somethings we ourselves believe in but they can be put into effect. They are not all abstracts.

When we talk about things here, we sometimes talk in the abstract and do not get right down to facts and figures and the effects. We are forever going to change some of the ways which we get into. If I am going to change some routine which I think is best in my office and some inspector comes in, immediately I am on the defensive because I know that this worked for me for years. It was good enough when I came there fifteen years ago, and I like it the way it is. We don't like to change. Some changes we would like to see, but they can't because of some other reason. Many problems can be solved and can be solved in the concrete. And not necessarily just here at a conference. Sometimes you bring

it back and talk about it among yourselves and with a little money and a little help and a little something else the thing can work out both for our benefit and to the benefit of the people that we are to serve and do a good job for.

When we start talking about the pre-sentence investigation, we know pre-sentence investigations vary somewhat from district to district from county to county from state to state in different areas of the country; but fortunately, a pre-sentence report is a pre-sentence report. When you are sitting here and we are breaking in probation officers, most of you are probation officers (maybe one or two parole officers), and when you hear that somebody is going to talk about the pre-sentence report, I see some guys smile. Now when we analysis it, we went to school, had some field work in school, and probably we might have written three sentences. In the field workers' school we studied something about them on the undergraduate or graduate level. People go to social workers' school and they write more pre-sentence reports and get more practical experience. Then after two or three or up to ten and twenty years experience in the field they come to one of these meetings and the question comes out, "what else is new?" Then you start describing the duties of a probation officer.

We have all read and seen it in various articles how some minister, or priest, or do-gooder describes the duties of a probation officer in layman's terms or else he uses some high-sounding, high-meaning term on the duties that he is part psychiatrist, part psychologist, part social worker. You name it and he is part of that. I think a lot of those things are true. However, when you analyze it and when you get right down to the basic facts, the probation officer does, fortunately, just two things: he writes pre-sentence investigation reports, and he supervises probationers.

If you talk about officers to a fellow on the street, he immediately thinks of a probation officer and what does he do. He feels he goes around checking on people on probation and parole. And he is right. Their activities are to supervise people who are under supervision and help them to rehabilitate themselves. If we are honest with ourselves, we all know we have some of those built-in limitations in some of the situations in which we work.

Now I work in the Federal System. That sounds like it is all peaches and cream. As Mr. Knight described it before--that everything is fine. That you always have enough time to do everything. That everything falls right into place. That is just not so. In the Federal System, particularly, I know we are handicapped in some ways. We have built-in limitations not only in heavy case loads which we all like to talk about but because of the large classification area that we have to cover. There is no consolidation of probationers or parolees at one particular point. There is no section, village, county, or anything else that you can walk down the block and see ten or fifteen people and have such close contact as that. That is a disability also because we supervise probationers and parolees, and we make presentence investigation reports just like you do.

What happens in many of the cases we have, pressure dates that pre-sentence investigations due. We all know that so what really happens, we say there is little possibility that we can get that presentence investigation done on the date it is due and something suffers. The cause are long-range plans for supervision of somebody under probation. We had a long-range plan to solve.

Something has to give and that is it. I think that is the way it is in many, many offices. Sometimes it has to be that way. There is only so much time, there is only so much personnel, and we find that in our system during the year something has to give. We don't like it that way but often times it is the supervision. Therefore, because that is the case, we feel that our real strength is in probation reports--pre-sentence investigations--in writing them. You can't say the reason I can't adequately supervise is that I am writing pre-sentence reports, and the reason I can't adequately write pre-sentence reports is that I am supervising. Something has to give. I think, generally speaking, we have to accommodate the court and the judges.

Now for some thirty or forty years, the Federal System has been operating the Federal courts and probation. In fact, in the late 30's or middle 30's they came out with a mimeographed couple of sheets; and a few years later, they put out a book like this as the pre-sentence investigation report.

Mr. King showed me before the meeting the reports that are being done here in New Hampshire. I looked at them and thought I was reading our reports. Fortunately, they are the same. For thirty or forty years, and I can remember eighteen of them, we have been having a conference in Washington, at our training school in Chicago, at institutes like this one to meet with the other officers. Programs sometimes go for two or three days; but invariably, there was always something to do with the pre-sentence investigation.

Things move on. If it is a machine, it should be changed. But in this book back here in the 1930's, it was published and later revised in 1933. It was revised about three or four years ago. Better facilities and more money allowed them to publish a better book. But the start gave the purpose of the pre-sentence report. We all know the purpose of the pre-sentence report. No matter how you phrase it or anything. We have used the book all this time and will probably follow it next year and the year after that.

The book says that the purpose of the primary report is "serious writing on the personal life of the defendant to offer insight into his personality needs and discover those factors underlying the offense and to aid the court in deciding whether probation or some other kind of treatment is the best for the defendant and so-called society."

We also had a secondary purpose that was set forth in this book and the one that followed some thirty years later. Actually, the only changes in these books that have been made are in the titles. The rest is the same. I think we can honestly say that the pre-sentence format that we have used for over thirty years and apparently the pre-sentence format that you are using now is almost immune to change as far as the foreseeable future is concerned. Now obviously a lot of progress has been made in pre-sentence report writing over the last thirty years. Obviously, the changing or the improving in pre-sentence report writing had to take place. They took place not in the format but in the content, in the professional matter of the report.

You know yourself that if you look at the reports that you are doing today and you look at the reports that were written fifteen or twenty years ago by your predecessors, in most of the cases we find that they are the same format but they are now making them more meaningful. This is based

on our own increased knowledge, the additional education we may have picked up, the additional reading, and the additional training and improved judgment.

You know how you did on your first report if you remember what it looked like. I can remember, not too long ago, I took 225 consecutive pre-sentence reports prepared in my office. Girls pulled them out and stacked them up. For a long period of time, I sat and scanned them. They were ones that had been written over the years, and picking them up brought back memories. For you fellows that have been in a long time, you look back and see the name and you remember the character that you did the pre-sentence for. Some are humorous; some are tragic; some are just nothing; some you can't recall; a few sensational cases you can recall. What did strike me, of course, was the similarity of the reports. The same hackneyed expressions. Maybe these reports did present a reasonably good picture of the defendant. Maybe there are only mechanical changes. But then again, maybe not.

So we went to the judges -- the judges in the district who are getting these pre-sentence reports. I asked them if they were satisfied with the pre-sentence investigation reports that they were getting. I got back the answer that I was hoping for, suspected, and wanted. The judges said they were fine; they were good just the way they are; don't change a thing. Now obviously judges have orderly minds and have disciplined them to reading research so they like to be able to find things in the same place all the time.

When pressed, they still said we like them the way they are. I insisted they tell me how they could be improved. How can pre-sentence reports be improved as far as you are concerned? He might be a judge and he might be a smart judge; but it would be pretty difficult to say that something cannot be improved. Anything can be improved; and, of course, that started them coming up with some pretty pointed replies. I again asked how can they be improved? Do you want them longer? Do you want them shorter? More objective or more subjective? More analytical or more concise? What do you want in them? More interpretation? Less repetition?

Then, of course, they had to make some decision. They said why don't you probation officers say what you mean? Why don't you eliminate the technical cliches and the pseudo-scientific names and the jargon you just keep throwing in every now and then. Don't leave me up in the air. Don't just leave me hanging. If you can show me why an apparent racial should be placed on probation instead of being sent to jail, show me. Actually, what he was saying was stress the positive factors or any qualities that this inmate or defendant has. Show them to me. Show me how you can use them to help rehabilitate him to help make the grade and to help so-called society. Show me and help me justify this disposition.

They want things to the point. They want completeness, and they want a spade called a spade based on fact. When we talk about pre-sentence report writing or anything else, nobody stands still. I am sure that when conferences like this are started, you either go ahead or you go backwards; and I do think we have gone ahead in pre-sentence reports in most all areas. We have gone ahead in our own offices. Of course, it is our improvements. I think there

are improvements as more resources become available to us, and we utilize them as we advance our education through training sessions and so forth.

Then, too, as we advance in our knowledge and experience, the aid of our new officers coming into our system helps. I don't think I could be hired today. A worker today should have a masters degree preferably a degree in social work. They don't hire many without that, but that is the way things are going in the field of probation, corrections, and parole.

Now most of you, who have been probation officers for any length of time, I am sure, have received a probationer or parolee transferred to you from another district according to what is known as a phantom report. A probationer perhaps whose entire background with the exception of the offense in itself is in your city, your county, or your district. No request for background information was ever made to you. There is no background, no verification, no criminal or delinquency records ever furnished. Yet here it is -- a complete probation report. A complete pre-sentence report received from some other district miles and miles away. But analyze it carefully. Don't just look it over. The fellow that has been around a while can spot it immediately. Statements made that are not in agreement with any source. Perhaps the pre-sentence report was written by a more conservative-type probation officer. Everything clearly set forth. Each paragraph starts with "it appears," "it would seem," "according to the defendant," "according to the state." A weighty four to six pages of common sense nonsense. Thank goodness this type of pre-sentence report is becoming extinct. It is becoming less prominently prevailing than it has been in the past.

If we are honest with ourselves, I think we must all admit that at some time or other we have all written pre-sentence reports of which we are not particularly proud. If I know some potentate or someone like that is going to come into the office, I have some investigations on the desk. I would much rather have some of my good reports on there for them to pick up and flip through. That is human nature.

We have all written some of these reports of which we are not particularly proud. We have been rushed when the courts and the judges and whoever else might be involved in our situation require an unreasonable time. What can we do? That is where the fellow says you don't know my situation. What can we do? Whether you write the pre-sentence report after he pleads guilty or whether he was arrested yesterday, the court wants to have three or four reports out by Monday or Tuesday. What do you do?

Perhaps the only thing you can do is give the judge the report -- the only thing that time allows. A short readable digest of the investigative report and an evaluation of the defendant presented in a clear, concise fashion, buttressed by a few phone calls or something like that. If this is all that is asked for and all that time allows, it has to be done. But in all honesty we have to indicate in the report that it is just that and nothing more. Let it be known to the court or to the institution into whose direction this fellow finds himself as a probationer or parolee that this was all that was asked for and it was all we could do under the circumstances. We have nothing to be ashamed of if it is the best we can do under the circumstances. But let it be known right in the report itself what is fact and what is conjecture; and this is all that time allowed in the particular case.

I honestly believe that a pre-sentence report should be prepared in almost 100% of the cases we have (we don't prepare pre-sentence reports for about 5% of the cases). Overwhelmingly, I believe that pre-sentence reports should be adequately prepared in every case.

Now you know yourself if you receive a probationer as a transfer from somebody else, another officer in your own district, city, county, far away place, or out of court, what effect it can have on the number of probationers to supervise. You have so many pre-sentence reports to prepare. He comes in and reports to you to supervised every two or three months on probation. You scan through the presentence report and here is what it looks like: he has no record because his mother says it right here that he takes care of his wife and kids and goes to church regularly. He does everything that is good and holy.

Let's face it. You have to make a decision where you have to put that fellow. You have got this report. If this is one of those phantom reports, you are better off to have nothing. Because you are going to tell that fellow, in effect, don't call me; I'll call you. You can't tell what you have. You are better off if you have nothing about him because then you might take some time to find out what you have here. Minimum supervision or real problems? You don't really know unless it is an adequate pre-sentence report. The so-called clinic conclusion or recommendation or diagnosis as you rap it up at the end of the report is only as valid as the facts upon which it is based. We all recognize that there is a high correlation between successful probation supervision and the number of contacts we have with the probationer himself, his family, friends, parents, wife, at the shop, in school or where ever you might have it. We all know the high correlation between the good type of supervision which time allows and his success on probation. Likewise it is often strictly shown that a high correlation exists between probation failure and a scarcity of the contacts that were made during the pre-sentence investigation reporting.

There is no substitute for good old-fashioned leg work to gather facts upon which our evaluation or recommendation is based. The key to all this is time -- adequate time. It is time-consuming to gather facts. It is time-consuming to conduct the interviews. We know that. It is time-consuming to do all this and then come up with a recommendation that we feel is adequate. So really many of the excuses that we use at conferences are old habits. We all tend to sometimes hide under the cloak of the heavy case load. But I don't think any three strange probation officers can be together more than an hour or two when one asks the other about his case load. And we always get a negative reaction. It is handy that we do have that because sometimes we use that heavy case load bit for the unreasonableness of the short time allowed for the investigation, to escape or to minimize our real responsibility. However, I think it is our obligation, the obligation of the probation officer, the chief, or the police chief, or who ever is in charge of the unit to strive and try his utmost to see that adequate time is given to prepare adequate pre-sentence reports and make them valid.

We all know that the walls of justice move slowly. I think this feature is a shame. Cases drag on -- serious cases drag on day after day, week after week, month after month, year after year. You know in your own history, in your own situation, how cases will drag on. The district attorney and the

prosecutor and the defense counsel get adjournment after adjournment. The defendant himself might have adequate reason for an adjournment. The judge perhaps steps right in and needs more time. Everybody seems to be taking his time to do a good job. Until the fellow pleads guilty or he is ready to plead guilty or he is found guilty. Then you see it happening all the time. The walls move slowly until that fellow becomes guilty. Then everyone connected with the court wants to get the fellow off and have him start serving his time. Give him the sentence he deserves.

Or we have it the other way. Let the guy out of jail and put him on probation where he belongs. Get him out to support his wife and children. You see it all the time. I used to see it in my court all the time.

Our district runs 300 miles wide. A judge expects the full pre-sentence report when the fellow is to be sentenced on Monday. I realize some of our directors start the pre-sentence reports before, but the same rule applies. The man is going to be sentenced next Monday. That is fine but does the judge know the officers are trying to do their case load and trying to supervise what other cases he is doing? All a prosecutor knows is that next Monday they have to get out. What happens? They get out,

In our district a deserving case comes along. You ask for an adjournment. An adjournment for what? You are a probation officer and you do a good job. We have here an eighteen- or nineteen-year-old defendant that you are making a pre-sentence report on. You go to the court, you go to whoever is in charge, and you say, "Look I have here Johnny Jones. I don't know what we can do. It looks like we will have to send him to jail. Can I have a little more time to dig a little deeper? Maybe I could come up with something. Could you give me another week, Judge?"

If you are sincere and if you mean what you say and you are putting out your utmost, I would like to see the judge put down that request. Why are you doing that? You are doing it to see justice done. Doing it to try to save some kid from going to prison or the other way around. It might also be just as necessary that someone else go that they are trying to give a hurry up trial to. You mean to see that that judge of the court or the group of judges who has charge of that unit would have more respect for you than "just get me anything."

These days are going by very very fast -- that is living in the past. I did that a number of times when a United States attorney (which is an equivalent to your prosecuting attorney or your district attorney) asked what was going on there. How can we have an adjournment on the case? How about this adjournment -- can I ask him why he put it off for terms and terms and terms? In order for him to do his job. In order for him to get the guilty plea. To prove that this rascal committed the crime. I didn't ask him. I didn't ask the district attorney why he asked for an adjournment.

Let's face it. In my district right now, nobody is sentenced until the pre-sentence report is ready. It was not always that way. We always had this harem-scarem thing. Get out anything. Give it to them and the injustices that we are doing year after year to people and to the community. It was just ridiculous. Now what has happened and is happening more and more throughout the country either before plea or not the pre-sentence report.

Whether you are doing it before he pleads guilty or not, or whether you are found guilty and then you start it, the sentence is not set until the pre-sentence report is completed. So the director of probation or chief of probation said the pre-sentence report is ready. The pre-sentence investigation report is completed. Then the district attorney can put it on the calendar. We are ready for whatever is going to happen. What really happens then?

The judge who is making the big decision now has an adequate report. If you just gave him a flimsy report now, what is your excuse? It is not the heavy case load. It is not that you are overburdened. If the report is not complete, it goes right back to you. You better have that report complete. Because you have the time to do it. In others words, you are being given the time and the authority to effect the responsibility. And believe me that is the direction we are going. Let's face it. It is not wrong to say that we are the experts. We are the sentencing experts. I don't care who else is in the picture. The district attorney is not the sentencing expert. The assistants are not the experts. The police are not the experts. The investigative agencies, the troopers, the state police, or the cops or anybody else are not the experts. You are the expert. We are the ones who spend the hours or days with the defendant. We are the ones who diagnosis the investigative reports. We are the ones who in a specific case went to the investigative office in the area and asked what is really behind this theft, this burglary, this car theft or whatever it might be. We are the ones who went to his mother and father and talked with them. We checked out his employment record. Maybe we even had him examined and taken to a doctor in a serious case. Who knows that case better than we do? Nobody!

If the pre-sentence report is adequate, we become the expert. We are the experts, if we are given the time to do the job properly. Those things don't come overnight, but they do come by striving and letting people know that we are doing the job properly under the circumstances. You obviously have to build here and build there. But on the average of all case loads under a court condition, know that defendant, what is best for him, and what is best for your community. Because you know the defendant best.

Now sometimes it is very easy when we are writing pre-sentence reports to pick out one particular defect in the defendant's character, point it out, and kind of weave it all through the pre-sentence report. Without giving it second thought, perhaps to the possibility that there is aso-called multiple positive factor that one cause didn't make this fellow commit this particular crime. It is a combination of these. Then again, sometimes we tend to overlook some real positive factor in the defendant's background. Some redeeming quality or characteristic that we do not utilize.

We start up by a so-called long delinquency or criminal record. Now this record, as you know by looking over it, might not be too significant in itself. A long record doesn't necessarily always tell you something. Now the residuals may be important in this case. The fact that probation has been tried in the past and has failed or that under some particular circumstances probation actually did work sucessfully is important. But sometimes we tend to give a fellow short trips by just looking at the record and just filling in the space in the pre-sentence report.

Now even in a group such as this, we should stress the strengths of the defendant rather than his weaknesses. It is rather naive to even talk about that, but sometimes we tend to do that because it is the easy way. It do it all the time and then have to check myself. It is easier to write about his defects. They stink! His past record stinks! It is easy to stress the negative side. Except sometimes we forget there is a positive side. A redeeming side to a defendant's character.

Some eighteen years ago or thereabouts, I was in a state county probation office, and the chief had a wonderful practice and a wonderful method of training new probation officers and students connected with the local university who came into do their field work training in the office. He had a wonderful practice of always impressing on the young boys that they should always emphasize the strong points and not to stress the pathological side of the defendant's character or his personality. They made a practice of reviewing the pre-sentence report giving the new students a long time, if it was no hurry in the case, let him work on the pre-sentence report, complete it in its entirety, and still have a week or so in order that it might be criticized -- it might be judged -- it might be corrected.

We all know that when a new officer shows up in our office or a new worker of any kind or a field worker student, you can't dump everything on him at once because he doesn't know that much. So usually he is given the one investigation. You know anybody who has one investigation can go out and do a good job. His mind is not cluttered by telephone calls. If you are jumping from one case to another in court or out of court, things get mixed up. He does that one and he can prepare a reasonably good investigation.

Now he might, of course, not have the judgment and experience that comes from being in a work situation, but he can get it there. This one particular case the old chief probation officer assigned a case to a new student. It involved a young man who was involved in a payroll robbery in which he also tried to rape or fondle the payroll clerk who was forced into the car. Obviously it was a fierce type of case for a neophyte to step into. It was a serious case. He was appalled by the type of case that it was. But this young student went out and meshed all his efforts to get a good report and at that time we had a heading in our pre-sentence reports, which is similar to the one you have right here, and I think it read something like "Habits, Characteristics, and Associations." It was one of those headings that you could let yourself go, and really a probation officer could throw into it everything and give himself lots of leeway. In this particular heading, this student orated on the litney of the so-called three "l's": lust, luxury, and love. The whole thing was uninterrupted by anything good about the fellow. He was just rotten and it was all laid out there.

But the last sentence, he says the defendant's nickname was "Smokestack". HE was asked by the old chief if he ever took the trouble to find out why they called him "Smokestack". The student's reply was that he had not. The student was then sent out to develop why somebody started calling him "Smokestack". He traveled around again making the contacts with the family. Talking with the mother, father, family members, or his school teacher. A repeat of what he did before. But on a little better basis because he gets to know his way around. He discovered many new slants about this particular defendant, and he was able to write almost a completely new reversed history

under "Habits, Characteristics, and Associations", because the closer you get to the defendant, the harder it is to think something bad about him. Because initially he had that terrible offense, but he was able to rewrite the whole section of the report and the fellow did end up on probation.

It is an exaggerated example, of course, but it goes to show that sometimes we jump to hasty conclusions. We know that regardless of what training we had when we came into the work, we picked up better judgment from our experience in past cases. It is easy to single out a few areas of the environment and personality and to get the chance to eliminate certain deficiencies in the defendant's character and then to protect the possibility of rectifying these defects in his character and making recommendations on them.

It is even easier in the pre-sentence writing just to relate the facts themselves. It takes courage to interpret, analyze, and recommend. How many times in the tracing of the defendant's career through child care agencies, local jails, etc., do you see this same particular phrase repeated in their histories: "they just repeated right through the adult prison." We never make any effort to check that. It could have originally been written by some neophyte social worker whose capability and ability will never be known to us. Yet we have all taken it and we are happy when we get a defendant. Look at the report sheet -- he was in Elmira, Duninora, Statesville, and that means I am going to get all those histories. There are, however, many contradictions. The danger of your arriving at a pre-conceived conclusion is great. It has been said that in a high portion we do that. Every case is not a complicated psyche drama. We know that. We get these bread and butter cases day after day after day.

It has been said that in a high portion of cases in any particular court any probation officer who has been around for any length of time or any district chief or court crier or some other one can predict with reasonable accuracy what the sentence will be. They can also tell whether he will be committed or be on probation for a particular thing with a particular judge. We only have to know three things -- the charge, observe the defendant's appearance in court, and get a peek at his prior record.

It is not professional to take the cases home and worry about them; but we all find ourselves doing this. When we put a little extra effort in, we feel better about a particular probationer-to-be. If you can do that, you know that that produces for you the greatest satisfaction in the world. That is the day you will be glad that you became a probation officer and you didn't take the job making big money in the life insurance field or selling encyclopedias.

S E S S I O N I V

Wednesday, October 2, 1968
7 to 9 p.m.

New Hampshire State Prison
Concord, New Hampshire

Meeting Chairman -- Stuart Palmer, Ph.D., University of New Hampshire

Speaker -- John Gavin, Commissioner of Corrections, Boston, Massachusetts

The Inmate Community

An analysis of the various kinds of populations--their formal and informal structures. A sociological analysis of inmate-personnel relationships and an understanding of the emergence of prison leadership, formulation of cliques, symbols of prestige, inmate culture, and the inmate code.

Commissioner John Gavin - Thank you very much. When I was asked to take on this assignment, I was torn between two areas of responding to it. One was the academic type of approach which would deal with articles and books written about the prison community; and the other was to approach the form through experience both in the field working as a line officer and in several areas of administration.

I dislike very intensely those who purportedly know what they are talking about yet have to read a paper at people. However, I am equally conscious that these proceedings are going to be recorded and perhaps made into a manuscript, book, or some other type of pamphlet to be used in the future or additional training sessions. So I think my talk this evening will be a combination of both. A little of the academic and a little more perhaps of the experience.

What I have been specifically asked to do is to talk about the inmate community from the point of view of the inmate culture, the inmate code, the informal and formal structure of a correction institution. I think to start this off we should set the stage by talking about briefly the type of population you get into a correction institution, whether it is located in Massachusetts, New Hampshire, California, or what have you.

By and large, the few surveys that have been made over the years, and one was made in Massachusetts a few years back, indicate the following: that the man or woman coming into our correction institution who has been apprehended by law enforcement, has been taken before a court of justice, where in the procedure of the District Attorney or the prosecutor has had his say, and the defense lawyer has had his say, and the judge has made a judgment to send this person away for X number of months or years, then what persons arrives in the correction institution. We find that this person who comes to our doors meets pretty much, with rare exceptions, the following criteria:

They are, by and large, people from broken homes, A survey which we made covering 3,000 cases indicated that 90% of these persons in our correction institutions were from broken homes. These were homes that were broken from divorce, alcoholism in one or both of the parents, immorality in the homes in front of minor children, lack of supervision in the homes, both parents being in the home but being inadequate parents, and you could go on and enumerate

thirty or forty other subdivisions but they all add up to this one basic one: that about 90% of the people with whom we are going to have to deal come from a broken home.

The second think that came out of that study indicated that the bulk of our individuals also have little or no formal education. In fact, every two out of three have less than a grammar school education.

The third factor that came out of that particular study indicated that these persons also had little or no moral training, regardless of religious denomination. This person was one that had fallen away from religious practices if he had ever had it, or never did have religious practices, or was indifferent to it. So I think you can begin to see the type of individual with whom we must deal.

Here, in effect, is a person who has not had the stability of a good home, who has not been trained to respect authority at any level, with whom the school has failed, with whom the community has failed. And now we suddenly are to perform a miracle that in X number of months or years of returning this person habilitated (and I use the word deliberately) to the community—a man made whole. This is a pretty large order, and it is no small wonder that we do not have larger percentages of succes than we do.

This person is also very lacking in the sense of responsibility, whether that responsibility is to his parents as a grown-up child, a teenager, to his family after he marries, to his wife and children, to his job assignment in the open community, to his training in school, to his his sense of responsibility as a citizen of a community and now within the prison walls, to the rules and regulations thereof. By and large, these people lack this responsibility.

Now the prison community organization is not a normal one. It is a very abnormal community, whether we are talking about the female or the male offender, the institution is an all-male institution in the case of men or an all-women institution in the case of the women. In the case of the men, and I would rather dwell a little bit on the men with all due respect to Mrs. York, who is here and not only heads up the women's institution but is now the deputy commissioner of Connecticut for all women's prisons, the women are well taken care of. They are taken care of much better than the men are.

In an all-male institution what does that individual who has been confined have around him? He has nothing but all men around him. The whole thing is geared to an all-male institution. Occasionally in these days a woman therapist or a woman nurse is available but the persons that this man offender has handling him in the criminal institution day after day, year after year are other men. So this becomes an abnormal community.

Secondly, these men are totally regimented. Twenty-four hours a day. They are told when to get up, when to eat, when to go to work, when to recreate, when to get ready for bed and so forth and so on.

Another thing that happens in our inmate community is that little things that don't mean a tinker's damn on the outside in the open community becomes extremely exaggerated and entirely out of proportion. So they are not

important, but they become important to the inmate who is serving time in this kind of a system.

I think another area of the prison community that I would like to comment on is that the system itself kills initiative. I think this is borne out more times than we would like to admit even in so-called successful correctional systems. The man who goes out of the correctional institution into a world work situation outside, and my experience with men whether they are from a minimum security, one of our camps, a maximum security institution, or medium security or what have you, they go to work for an employer who knows what the problem is and has agreed to accept him for a job assignment. He puts him to work and then the employer finds, much to his chargin, that this man lacks initiative. It is not that he is not a good worker. He is a good worker at anything that he is assigned to do. But let him be placed in a small plant with a minimum of supervision and run out of a particular chore that he has been assigned to start the morning work, and the inclination of this man, because of his training in the institution, is to stand stock still until somebody in authority comes along and says to him "now you do this next chore."

We are not aware of this sometimes. Perhaps I wouldn't be so aware of it except that I placed five men with the same employer within a period of two years. These were men who had been excellent workers in one of our own honor camps. One lasted a week; one lasted a month; one lasted ten months; and the others worked for less than a week period. But in every instance, the employer was not angry about this. He said to me, "I have no complaint about the work that he did, but I have a small plant of only sixty men and I do not have the type of supervision that can follow this man around all day and say 'Now you do this job when you have completed this one.'"

Think about it. The very system which is meant to correct, to teach good work habits is very chary about permitting an inmate confined to begin to assimilate a sense of responsibility to his work, to his initiative, and so forth.

They asked me to talk on something about inmate culture. There have been books written about inmate culture and inmate codes. I am going to leave a small bibliography which I have made up for any of those who want to go into it in a little more detail.

Let me just talk about a few highlights of inmate culture. Inmates within an inmate culture must, of necessity, appear to be anti-administration in order to survive with the structure. Note too, that they form cliques to protect themselves or to buck administration with some degree of impunity.

Number three, inmates seek status jobs within the institution as symbols of prestige. If they can be clerk to the Deputy, or inmate clerk to the Chaplain, or the inmate clerk to the doctor in the hospital, this is a status job. This is a symbol of stature for them among the inmates.

There is another angle to the status drive particularly if it has any degree of providing that inmate with information that he can use to his own advantage in advance of the information being published or promulgated within the institution. This gives him tremendous status.

They talk about formal structures of institutions and informal structures. I would submit that a formal structure of an institution would contain, for example, that the usual organization charts start from the commissioner down to the Warden, superintendent, or the personnel who are involved in the staffing of that institution or the whole department. This would be part of the formal structure. I would say that the spelling out of goals of this department or institution would also be part of the formal structure. What the philosophy on the part of the current administration is is also part of the formal structure.

In spelling out the goals, of course, we have to always be aware of the fact that our goals are very determinant by what the public wants or what the public expects. The public, I am sure in most instances, expects that we are going to keep them confined, that they have been sent away for a sentence. The public expects that we are going to do a certain amount of programming for them. The public expects that we are going to treat them humanely. And finally the public expects that we are going to habilitate them.

I repeat, I use that word deliberately. The word rehabilitate means to reform someone to his former status, and their former status was as a criminal in the community. So we don't want to return them as such. We want to habilitate them.

Then we talk about the further structure that is the breakdown of the areas of responsibility. This would be part of your formal structure. The type of personnel, for example. Professional personnel would be charged with the medical and psychological welfare of the inmates. Second, the maintenance personnel would be charged with keeping in good repair the plant and the facilities. The third area of responsibility would call on the work supervisor, who would be charged with the training and supervision of good work habits of these inmates confined. The fourth and one of the most important, if not the most important, would be the function of the correction officer himself, who must act not only as a counsel but almost in direct antithesis to that of being a keeper. He must be a happy medium within himself where when he could, at one and the same time, be the keeper of men and counsel people under his charge. Because lets face it, the correction officer is that individual within any correction institution that has the most contact with the inmates throughout the day or evening.

The doctor may be there an hour or two a day. The psychologist may be there once a week. The social service worker may have a case load of seventy or eighty people within the institution that he sees only when they have problems. But that correction officer, not the same one to be true, is with those inmates twenty-four hours a day. They have the greatest influence of good or bad on his behavior within the institution and his subsection behavior once he gets out of the institution. These all might deal with the official objectives that the public expects of us.

Now what about the inmate code? Regardless of the size of a correctional institution population, the make-up of the code of the inmates is basically the same. I broke it down into five categories. This is the inmate interpreting his own code:

First the inmate says don't interfere with inmate interests. This is to other inmates. Don't have a loose lip. Don't be noseey. Don't put a fellow inmate on the spot. Don't get on another inmate's back needlessly. Be loyal to your class. The inmates present a united bunch against the other side of the fence, as they term it, who are the correctional officers, the members of the staff and the administration itself.

Second, in the inmate code says play it cool and do your time. Avoid grudges and feats which might bring the heat from the administration.

Third, the prisoner asserts that inmates should not take advantage of their own by stealing from their own-, by committing fraud against another inmate, or by exploiting another inmate or welching on debts, etc. This is definitely in the inmate code.

Fourth, the inmate says don't be a whiner. If you can't act like a man and do your time, forget it. Don't push around personnel. Don't start fights; but, if one starts, don't run from it. In other words, be a tough guy but a tactful man.

Ad lastly, a prisoner forbids giving any kind of prestige or any kind of respect to their custodians, who are represented by the night officer, by any superior within the custodial force, by professional people, by treatment people, or by the administration itself.

So they say treat guards or screws as they call them with suspicion at all times. They mean no good. In any conflict between the inmate and the keeper, the inmate is always right. This is the inmate code.

Of course, you have diviations. You have the kind known as the merchandiser, who would sell his own mother if he thought he could make a profit on her. You have the fellow that they call the rapist which no one has too much regard for. You have the weakling inmate who everybody takes advantage of. But the norm of the inmate code is the one that is called the "right guy". He wouldn't give the administration the right time. He commands the respect of the other inmates. He is the right guy. There are other kinds of gradations up and down the scale from this so-called norm which they call the "right guy".

Anybody who has been in institutional work for any length of time knows that there are all kinds of defections from the so called inmate code. This sounds very nice in books. Several of my conferrers over the years have written about this so I must give it to you as an academic discussion.

"As far as inmate structure is concerned, the social structure of the prisoner or prisoners who run afoul of the law and come into our institutions is one of failure in every areas of their life." The very isolation of the prisoner from the free community into a cold abnormal community, a cold prison or correctional institutions means that he has been rejected by that society of which he was once a part. He is considered a diviant from the norm of the society which he has left or dangerous to that society or can in no manner be trusted. His reception only confirms in his own mind the low regard. He knows he is held in by the society of the free community. He has lost the privilege of being trusted and his every act is viewed with suspicion of the keepers charged with the responsibility of confining him and holding him.

He must find some way to ward off these attacks that present further hurt to himself and his ego. This he does by setting his defenses against any member

of the staff penetrating his inner self, getting too close to him. This is particularly true because he feels the staff, no matter what category, as a whole represents that very society that has turned its back on him. The inmate culture and thinking is such that he has not done anything wrong or does not think he has done anything wrong. This society has turned against him for no reason what so ever.

You add to this kind of thinking and feelings of the inmate which is part of the culture an all-man community without the softening influences of women and you drive this man further into an unnatural society called a prison with all its subsequent dramifications.

Add further to this man's problem that he must now associate with murderers, rapists, thieves, confidence men, and serious deviants who are going to be his constant companions twenty-four hours a day. They then formulate a culture that is loaded with dynamite for all of normal society.

Give this same man now the rules for when he will eat, when he will sleep, when he will work or recreate, when he may go to chapel, and then you have stripped him of all individuality. You have damaged his ego and created distrust and hatred against all officials.

Now you add to this package this very special culture of the inmate with more rules and regulations, more restrictions to his contact through visits and correspondence with his family and friends and irritation will hinder good habilitation.

Officials in our country today are using the expression at all their major meetings which is very simple in its nature but very pregnant with meaning when you digest it. They are saying that the deeper you shove the man into the correctional process, the more difficult it is to get him out and return him to the free society.

In all my thirty-three years of correctional work, I wonder whether we ever get to know the inmate, whether we really ever get to know what motivates him to participate in a particular incident. Or do we really understand the inmate who has been a good worker, minds his own business, and follows the rules and all of a sudden cracks up. Do we know what haunts him. Or do we know why another inmate suddenly turns on a fellow inmate and kills him or seriously maims him. Do we know what goes through this man's mind when that cell door closes on him at night.

Despite the fact that he might have done some very heinous things to bring him to the institution, he is still a human being. He still has the same emotions. He still has the same ability to love, to hate, to want and to desire as we all have. The shutting of the cell door at night might just awaken all the losses that he has suffered. His loss of independence.

A very fine warden, and I think he has held the position for longer than anyone else in this country as he is now completing thirty years as warden in Wisconsin, once wrote a little pamphlet which was entitled "So You Know About Prisoners". It was a very revealing pamphlet to me as I was younger in the business and it set me to thinking about do we really know the products that we are working with.

I would just close with one final comment. I think one of the more difficult things we have to combat in our corrections systems and institutions is getting the right type of personnel, getting the man to serve as a correction officer who can maintain discontent with a minimum of offense, who can command respect of the inmates who are employed under him as all other correction officers have one, three, five, or twenty people at some time in their tour of duty immediately in their charge. Whether he is a wing officer, a supervisor of clean-up detail, a shop officer supervising somebody else, a maintenance officer who takes them around on repair work, or what have you. They all are employers in a sense. The inmates are the employees.

I think one of the most difficult things that a training session has to get over is that how much work you can get from a member of your personnel. How he should operate without making him an automaton. Of course, the two most important ingredients that we need in personnel are common sense and good judgment. If you have that, you can build a good number of the staff. We should constantly be on guard as correctional officers, line officers in particular, that we do not permit our personal beliefs to enter into our judgment in the handling of inmates on the day to day basis.

I don't think any of us like the man who commits a rape on a young girl on the way to church or on her way home, minding her own business, leaving her in a real trauma mentally for the rest of her life. But that fellow is still a human being. I don't thin any of us like a child molester. If we have children of our own, we are inclined to transmit this thing to our own children, and say God forbid that that was one of mine that he did it to. But I think we, as correctional people, line officers in particular, must guard ourselves constantly against letting the judgments that we make, and we make so many of them, in the course of an eight-hour day, let our personal feelings, personal emotions enter into that judgment.

If we could ever attain that millennium where all personnel will operate with common sense and good judgment, we could fire all the wardens in the country and have a wonderfully smooth institution.

S E S S I O N V

Wednesday, October 9, 1968
7 to 9 p.m.

State Industrial School
Manchester, New Hampshire

Meeting Chairman -- Mr. Anthony S. LaFleur, Member, Board of Prison Trustees

Speaker -- Mr. Richard Hecht1, Staff Psychologist, New Hampshire State
Industrial School, Manchester, New Hampshire

An Inquiry into Attitude Formation and Motivations

Moral and social standards of inmates as revealed in pre-sentence reports, classification interviews, reports, observation, therapy session, counseling and background of inmates.

Mr. Richard Hecht1 -- Now we will talk about psychology a little bit. What does it mean. Maybe we have heard this word in the past. It an abbreviation which might mean head shrinker. Most of the people that we work with can call psychologists head shrinkers.

A psychologist is a person who has spent considerable time and energy trying to unravel or understand a little bit about community aids. If that is true, that means that everyone sitting here is to some extent a psychologist because he spends considerable time trying to unravel problems. The basic difference, I guess, is that psychology is a scientific study. Our approach is to try very hard not to have our opinions and our impressions biased or contaminate our vision. Therefore, we work to a great extent with animals and little white rats that we can control.

We are very cautious when it comes to making statements about people. There are a lot of myths about psychologists. We can't read minds. We can't tell the future. Yet a lot of people are quite worries and upset as to the type of role that the psychologist does play. Perhaps because he is taking a good look at people with a magnifying glass and this is sometimes threatening.

If you think that it is threatening to have a psychologist around you observing, then you ought to be one. I have the pleasure of people looking at me and saying "you should know better because you are a psychologist." Baloney! I am a human being.

Of course, my children's teachers just delight in writing little notes home telling what my little angel had done today.

I'll tell you a bit about what I do at this institution and also at the Prison. Basically I do testing to help unravel the mystery of human behavior, to find out what tensions of people really are, and to try to find out what roadblocks they have in front of them. Then the most interesting part for me, I talk a great deal with people about their problems and how they come to be here.

It is a real problem to try to understand human behavior especially with people we work with. They are complex. All people are complex. When they get really troubled and mixed up like a ball of yarn that has been kicked around by kittens for a couple weeks, it is pretty hard to tell where the beginning and the end is.

A noted psychologist has recently written a book entitled Psychology, a Human Dilemma. The reason that he called it a dilemma is that people are two-faced at the same time and this is very confusing to us. We are both objects and subjects.

We are objects in the sense that we are not completely free. We are forced to breath air by the nature of our beings. Just sit and try not breathing air for five minutes. It would not be nice to watch.

We are also forced by the nature of beings to have a certain amount of intake of food. If you don't do this over a period of time, you will be in big trouble and so on.

On the other hand, there is a weakness about the human being that we are not completely determined by the forces around us. At least I hope we aren't. It is called free will and the freedom within ourselves to take a direction, to decide to go this way rather than that direction. The dilemma is to determine when a person is capable to be free to take a direction to go one way or the other or when that is being determined by other forces that you may not have control of.

I talk with people who have dealt with alcoholics. You don't really talk very long with the idea that these people have a great deal of free will. It takes a fantastic amount of energy. These people have to dig down so deep in every available resource that they can come up with in order to cope with this problem. This horrible force that seems to have taken them over. We understand the alcoholic a little bit better today than we did a few years ago. In the same sense, we talk about the people who are mentally ill. We talk about being in the state hospital as psychotic - it seems they are not there. At least they are not there for us.

I take the point of view that a good many people that we are working with, offenders against society, are also being driven by forces and are not in a real sense free to make the choices that the most of the human element is able to make here tonight.

Our real job then as psychologists or as workers in the field of corrections is to help these people regain the freedom that I do believe they have the potential to have. How do we do this? We have to take a good look to which there is nothing more to say. Take a good look at the human organs. The human organism is alive. You are alive. If you don't believe me, put your hand over your heart and, hopefully, it will be beating. In addition, a human is made up of these needs that we have talked about - the needs for food, the needs for drinking water, the need to breath air. These are relatively simple needs to understand. It is not terribly hard to accept this. Few people will argue with them.

Some children at some ages argue with the idea that they need breathing. They discover by holding their noses and not breathing for a long period of time they become purple in the face. Unfortunately, they can hold it just long enough so they convince their parents that they really have the choice here of suffocating themselves. A lot of kids succeed in manipulating their parents by almost convincing them that they don't need breathing. But this is not so. You can stand there with your hands on your hips and say "Ok, sonny. Have a ball. Don't breath." They will probably pound their heads on the floor or something.

My little one once did quite regularly, whenever she was upset by a certain situation, would fall down on her hands and knees on the hard-wood floor and proceed to bang her head on the floor. This sends us into a tizzy for even psychology has its hangups. You say "my God what is going to happen." Of course, this worked until the day finally arrived that I became so desperate that I fell on my hands and knees next to her and proceeded to bang my head on the floor. I found out it didn't hurt at all. It made a noise but it didn't hurt. Well, sometimes it takes a long time to realize how we have been conned by our kids.

Our point is that all people have needs and they try to satisfy these needs in a variety of ways. The physical needs are relatively easy to understand except the ones geared to the heart, blood pressure, and other medical aspects of our being. It then becomes more difficult to understand the physical needs.

The most complex needs, though, the psychological needs, are indeed very difficult to unravel, to know about, and to understand. Even within ourselves, let alone with the guy sitting next to us.

Everyone needs to see himself as a person of worth. You have a need to see yourself as a somebody who other people will look up to, will respect. A feeling of self-sufficiency that you are capable of moving two feet, one ahead of the other, doing a job, having respect for others and so on. We are very sure that this is true. I am the most austere person in the world. Until somebody walks up to and looks you right in the eye and says, "You, bastard." Then how secure are we? What are the feelings that start turning around inside your belly. You say it's not so. Say it again and I'll poke you right in the nose. Then the psychiatrist sits there and smiles saying "You're so secure?" What's the trouble? If you are so secure, don't get shook. Just cool it now and everything will be all right.

We are all human beings and we all have needs. Hopefully we understand our needs a little bit better. In satisfying these needs, a college came up with the concept called Ego. People today have confused ideas of what ego means. Actually I think the best word is self - when you think of the word need, you think of the word ego. The problem then becomes this need, this self, has a function of reaching out around you to satisfy all of the pleasures cropping up inside.

As a group of people, you all have a need to have a better understanding about people and why they do the things they do. This is a terribly important affair as to how we arrive at this point. How did each one of you finally arrive at where you are sitting tonight? What were the needs that drove you to the kind of work that you are involved in? This is pretty hard to figure out. Sometimes by accident the force just seems to bump you hard and there. Other times it's by self-determination. You make up your mind. I have a choice to make and this is the choice I'm going to make. In my case, it is partly like a pool ball being hit by another pool ball pushed to hit the other side of the table and bouncing off.

I was, in a sense, brought to this type of work accidentally not by my own free will. I was working in industry and decided to get out. I had a choice of becoming a teacher or becoming a psychologist at the Industrial School. I made that choice.

As we go around the process of living these days, it is our problem of making sure everything is up tight, that we are always ship-shape, that we have enough to eat, sleep. Carl Sanburg called this process the vital balance. He quotes this concept in medicine for many called homeostasis which means a balance of the physical needs. But it is also a balance of the psychological needs and we go about trying to balance our needs as they keep coming up whether it's the need to be fed, or the need to have someone in particular pat us on the back and say we are doing a good job.

This is where we sometimes get into trouble. Because people we are working with get into trouble and fall into this trap. The great trap is when we have a basic, fundamental need that is exactly like everybody else's but as the mind reaches out and tries to satisfy the need to do work, it runs into all kinds of roadblocks. When this happens, we set up defenses because we don't like to be hurt. Nobody likes to be called names. No one likes to be hurt either physically or psychologically. We start setting up defenses.

Normal growth of people occurs in such a way that hopefully they are able to grow with some feeling of worthiness, that I am a good person, that I have some defenses here that indicate that things are OK. However, when it works the other way where both these defenses are made out of a paper mache or are not real, they are excuses that lack the motivation. They are false defenses such as children sometimes do. A very insecure child will sometimes go around and pick at other children saying that the other children are no good and can't do a good job at that. I can do much better and so on. You see some children pulling down the accomplishments of others in an attempt to see himself as a superior child. He spends so much time pulling people down that he doesn't have any real accomplishments himself. He knows it, his mind knows it, and it becomes a vicious cycle. He can't get out of it. He is trapped. Then he becomes neurotic or he becomes psychotic, mentally ill.

Another way to look at this business of free will is what about the infant that is born? Does that child have the freedom to make many decisions in that part of his life? His responsibility is completely determined by the world around him. He has very little freedom to make a choice. As he grows up, he gradually starts to reach out and make decisions. The trap is that we lose this freedom by setting up unreal defenses. These defenses can be taking on the wrong set of values, of taking on ideas of concepts that will consider helping us which tend to destroy us.

One of the problems that the sociopath has run into in his life is that as he aspires to satisfy the needs that he has like being loved, being wanted, or being worthwhile person he very early in his life has been thwarted a hundred times. You say I have been thwarted too but it didn't stop me. That is right. You are very fortunate to have the energy to overcome these roadblocks. There are limits as to the number of roadblocks we can tolerate.

One of the very important ingredients in growing up and establishing an ego that can cope with the work and satisfy it is to have people around us who very sincerely care about our existence. When this happens to a child, when a child is brought up in an atmosphere of love, care, and affection that child almost says "hey I'll make a bargain with you, parents. You're not so bad after all. I'll do anything as long as it's my own way." He tries very hard as I indicated before by banging his head on the floor. I would like very much to have my own way all the time.

Kids are in a great sense sociopaths. They don't have very much conscience. They have grown up certainly more at age 12 than they were at age 6. They have more control and free will to make a choice in our future.

One of the reasons they make bargains with their parents to debate the rules and regulations that parents insist on is because of this love and affection that the parents are a security, the parents really need the kids. As we grow up we have a sort of agreement with the parents where we make a deal with the parents and they make us secure by setting down rules and regulations. This seems to be what happens. Erickson called it the identification process.

In a family where this does exist where this feeling of affection and security is not present the child has no affection no security no bargain voice. I don't take on your rules and regulations. I don't accept your bargains because you are not fulfilling something that I need.

We are back to needs now. He needs to be secure, feel wanted. It is not enough to have food and clothes. A lot more is terribly important. We learn more about this a few years ago when we had infant asylums. They couldn't understand why so many of these children died. The reason they did die was because they lacked love and affection. They lacked someone to hold them, to rock them, to pick them up, and to comfort them. Without this they couldn't survive.

Let's say they did make it through infancy; but they still need contact with the parents when they are two, three, four, and five. If they lack this attention, they will fail to accept the rules and regulations set down by the parents or society. This is where the whole problem starts. Later on when we are dealing with men 30 or 35 years old and most of their emotion values are twisted and distorted, we wonder how that started. If you have the time and patience to go back into their life, we can discover how that started.

This is the way it comes about. With this understanding we arrived at by studying human behavior in this way this means that the excuses condone the behavior. This is one of the mistaken ideas about the role of psychology in corrections and its unfortunate and I can't help being a little defensive about it and always want to talk about it. Because I just as much commend a person for good behavior in this institution and any where else. I don't excuse misbehavior. I don't condone it but I think what we have to do is try to understand why does the behavior exist. How did this happen? How did this crisis occur?

Once we answer that there is the next question. What are we going to do to change this? What can we do to break through this pattern that has been developing for years and years and years. This is how. This is one of the toughest jobs anyone can have. But it can be done.

Maybe what we have to do next is say well what can we do then to make a change. I think the first thing we can do is to have a fundamental philosophy believing that they have the capacity to become a good human being. Acceptance is tremendously important. If you expect him to atone and give him a chance, he may come through for you. They will be good.

Somewhere along the line we start expecting good behavior out of kids, out of delinquents, and out of adult offenders, expect that they can do something better, that they have the capacity. This will take a tremendous effort on our

part because we are at the bottom of the barrell. You look at them and say don't you have this feeling of believing in yourself? Oh, no, they are the most depressed bunch of critters I've ever seen in my life. They have no hope. It is all drained out of them and we have to supply this hope for them.

A couple of experiments have been conducted one recently you might have read about in regard to this role of expectancy and what you would think about people and how that feeling makes them behave in certain ways. One experiment was where teachers were told that certain groups of children had superior potential, that all performed at an A level. In reality they had done superior work and what happened was in the beginning these kids were picked at random from the total population of the school. No one knew who they were. They just took 25,000 kids and at random picked 28. The teachers were told that they all had superior potential and they lived up to it.

Another type of experiment was held by psychologists, the rat running variety, with rats, and one group of graduate students were told that they were to do experiments with the rats and get to perform and learn how to make their way through a certain maze.

One group of graduate students was told that this particular group of rats was bred to learn things faster than any other rats. Group B on the other hand was told this was a plain bunch of white rats to run through this maze. They were told to let them do it and learn how by themselves. What do you suspect happened? There were strict rules as to what they would do with the rats, they couldn't coax them, they couldn't touch them. They had strict rules to follow. They put a rat in a certain place, took their hand off the rat close to its run. In spite of the fact that they didn't encourage them in any way. The rats that were given the label of superior maze runners learned much faster. They beat the other rats all to pieces and they came from the same litter. They were identical. The only explanation they came up with for their learning faster is that somehow the experimenters, without knowing it, gave the rats something in their behavior that helped their rats learn. Maybe the experimenters stood there and the rats started to make a wrong turn then the students would move one way or the other. The fact is that it happened this way. The students actually by their thoughts and actions guided the rats through the maze faster.

We need to have more expectancy that we can see in changing value systems and the change in motivation of people who are way out of status mentally. Once we start believing that this is possible, once we start behaving ourselves, it will not be quite as tough as it has been.

It is not just enough to control this, we have got to do more than control it. We are willing to more than just control it. We are going to get more understanding to get a better environment and hopefully we believe that they can make it. This new expectancy we certainly might change their beliefs.

I had my say and now you are going to have yours. I will be around to visit each group to answer questions.