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# Federal Probation

The Myth of Corporate Immunity to Deterrence:  
Ideology and the Creation of the Invincible Criminal

*Francis T. Cullen  
Paula J. Dubeck*

Racism, Sexism, and Ageism in the Prison Community  
Sentence Planning for Long-Term Inmates

*Ann Goetting  
Timothy J. Flanagan*

Profiles in Terror: The Serial Murderer

*Ronald M. Holmes  
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PCI Fort Worth Substance Abuse Evaluation:  
A Pilot Study

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Probation Officers

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Custody: The Emerging Crisis  
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The Criminal

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Officers Speak: Analysis of Probationers'  
Views and Attitudes

*G. Frederick Allen*

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# Federal Probation

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## This Issue In Brief

*The Myth of Corporate Immunity to Deterrence: Ideology and the Creation of the Invincible Criminal.*—Commentators frequently assert that the criminal law is ineffective in deterring corporate crime because either (a) the public will not support sanctions against businesses or (b) companies are too powerful to be swayed by existing legal penalties. Authors Francis T. Cullen and Paula J. Dubeck suggest, on the contrary, that studies reveal the public favors the use of criminal sanctions against offending corporations and such sanctions will ultimately diminish future illegality.

*Racism, Sexism, and Ageism in the Prison Community.*—A survey of literature suggests that blacks, women, and the elderly experience differential treatment in prison and that such treatment is somewhat in concert with that afforded them in the outside community, according to Professor Ann Goetting of Western Kentucky University. She concludes that such discrimination is likely to persist in the institutional setting until such time it is no longer tolerated in society at large.

*Sentence Planning for Long-Term Inmates.*—Recent sentencing law changes throughout the United States are likely to produce an increase in size and proportion of long-term prisoners in state and Federal correctional facilities. Professor Timothy J. Flanagan of the State University of New York at Albany addresses a number of issues involved in planning constructive sentences for these prisoners and discusses administrative structures for the implementation of long-term sentence planning.

*Profiles in Terror: The Serial Murderer.*—One alarming aspect of contemporary serial murder is the extent to which its perpetrators believe that violence against human beings is a normal and acceptable means of implementing their goals or motives, assert University of Louisville professors Holmes and

DeBurger. Their article describes a systematic typology of serial murders and indicates some of the general characteristics of the offender.

*Computers Can Help.*—Until recently the computer-assisted instructional options available to correctional educators were not very practical, reports Federal prisons education specialist Sylvia G. McCollum. The situation has changed sharply, however, and correctional educators can now choose

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from a wide variety of user-friendly equipment and software which includes vocational, high-school equivalency, career assessment, job search, and life-skill courses. Those interested in using computers in correctional education may benefit from the Federal prisons experience.

*FCI Fort Worth Substance Abuse Evaluation: A Pilot Study.*—Dr. Jerome Mabli, research administrator for the South Central Region of the Federal Bureau of Prisons, and members of his staff, discuss the preliminary results of a pilot Substance Abuse Program Evaluation. The unit evaluated after 8 months of testing was the FCI Fort Worth STAR (Steps Toward Addiction Recovery) Unit which houses 200 inmates. The authors present a research paradigm which concentrates on cognitive-attitudinal variables and outline recommendations for future evaluation.

*Female Correction Officers.*—Author Peter Horne presents a current overview of the status of female correction officers in the American penal system, examining data and levels of utilization of females in corrections. The limited progress that female correction officers have made in working in all-male prison facilities is noted and the problems which have impeded their progress are explored. Recommendations are made and administrative strategies outlined in order to promote increased employment of females in opposite sex prisons.

*Protective Custody: The Emerging Crisis Within Our Prisons?*—The use of protective custody (PC) in North American prisons has increased dramatically over the last two decades with current rates varying from 6 percent to 20 percent of prison populations. According to authors Gendreau, Tellier, and Wormith, the increased use of PC was probably caused by changes in judicial and court-related practices, changing trends in prison populations, and liberalized institutional regulations. They express concern for equitable treatment and an acceptable quality of life in PC.

*Changing the Criminal.*—Gad Czudner describes a theoretical proposal for a way to change the criminal. The proposal is for a cognitive model with an added moral component which assumes that, only if a person is capable of feeling "bad" about doing "bad," is he able to feel "good" about doing "good." He believes that guilt can be a guide for moral behavior and that awareness of others is the key to this approach.

*The Probation Perspective: Analysis of Probationers' Experiences and Attitudes.*—Using the

theoretical perspectives of rehabilitation, deterrence, desert, and the justice model as points of reference, this study evaluated probationers' experiences and obtained their ideas as to what the mission of probation should be. Author G. Frederick Allen's findings suggest that probationers are able to conceptualize criminal sanctions as rehabilitation, deterrence, desert, and within a justice model perspective, simultaneously; and that they have useful suggestions for improving the system.

*ERRATA:* The concluding lines of the article "The Effect of Casino Gambling on Crime" by Jay S. Albanese, which appeared in the June 1985 issue, were eliminated during the printing process. The last two paragraphs of that article should have read as follows:

As a result, states having support for the legalization of casino gambling should not fail to consider legalization due to fear of increases in serious crimes against persons and property. Based on this analysis of the Atlantic City experience, the advent of casino gambling has no direct effect on serious crime. Such finding suggests that any city which undergoes a significant revitalization (whether it be casino-hotels, theme parks, convention centers, or other successful development) that is accompanied by large increases in the number of visitors, hotels, and/or commercial activity, may experience increases in the extent of crime but a *decrease* in the risk of victimization—due to even faster increases in the average daily population of the city.

Although crimes known to the police have increased in Atlantic City since the introduction of casino-hotels, this increase has been more than offset by changes in the average daily population of the city and a general statewide increase in crime. States that follow New Jersey's example in providing a significant crime prevention effort as part of their casino legislation are also likely to experience success in introducing casino-hotels to revitalize a local economy, without an increase in the risk of victimization of its citizens. As this investigation has found, the average visitor to Atlantic City in 1982 was less likely to be the victim of a serious violent or property crime than he or she was before casinos were introduced there.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

# Sentence Planning for Long-Term Inmates

BY TIMOTHY J. FLANAGAN, PH.D.

*Assistant Professor of Criminal Justice, State University of New York at Albany*

LONG-TERM incarceration is a "growth industry" in America. In fact, long-term prisoners may be the fastest growing segment of the United States prisoner population during this decade. This growth can be attributed to: (1) public demand for longer prison terms for serious offenders; (2) enhanced law enforcement and prosecution efforts focused on career criminals; (3) changing judicial attitudes in sentencing, and (4) legislative revision of sentencing codes to require longer, more determinate, and in some cases mandatory terms.

For example, mandatory sentencing legislation has reduced or eliminated judicial discretion over the "in/out" decision for a variety of offenses. The Bureau of Justice Statistics reported that as of January 1983, 43 states had mandatory imprisonment legislation for specific violent categories. Mandatory prison terms for "habitual offenders" (variously defined) were in place in 30 states. Twenty-nine states and the District of Columbia had enacted mandatory imprisonment laws for drug law violators, and 37 jurisdictions had enacted firearms laws that incorporate mandatory imprisonment provisions for certain offenses.<sup>1</sup> In addition, in several jurisdictions where determinate sentencing structure has been adopted, provisions that explicitly recognize aggravating factors such as an extensive criminal record or weapon use during the commission of the crime increase sentence lengths when these factors are present.

Sophisticated projection models are not necessary to suggest that the "downstream effects" of much of this legislation will be an increase in the number and proportion of long-term inmates in the American prisoner population. Not only is the absolute and proportional *size* of the long-term prisoner population likely to increase, but the *composition* of the long-term group may change as well. In the past, for example, the lifer population in most state prisons included a large proportion of homicide offenders, many of whom had few prior contacts with the correctional system. Today, however, and increasingly in the future, the long-term inmate group is more diverse on a number of

important characteristics, including offense, prior record, criminal sophistication, age, and others. Correctional administrators perceive this new cohort of long-term inmates to be younger, more violent and more volatile in prison than their predecessors.<sup>2</sup>

## *Managing Long-term Prisoner Populations*

Are correctional agencies prepared to manage inmate populations that include an increasing share of long-term inmates? The answer to this question appears to be negative on several counts. First, the correctional "experience" in most state prison systems was designed with rapid turnover of short-term inmates in mind. For example, vocational and educational programs in prisons are designed to cycle inmates through in periods of 12 to 36 months. Except for sequential secondary and postsecondary educational programs, few efforts are planned to involve inmates in a sustained effort of learning and growth over many years. Hypothetically, a long-term inmate could select from these training programs cafeteria-style, and emerge from the sentence an odd sort of "Renaissance Man" with certificates in plumbing, computer programing, small engine repairs, and an A.S. degree in sociology.

In addition to the historical legacy of correctional programing, administrators face several contemporary obstacles to designing relevant programs for long-termers. First, the present body of knowledge about institutional experience of long-term prisoners provides little insight into which programs are relevant for this group, or how a lengthy but meaningful prison career can be organized. Second, pressure to reap the greatest possible return on agency efforts argues for focusing program resources on short-term inmates. Short-termers present the most immediate need (and also the most immediate danger of appearing in the recidivism statistics by which many agencies are judged). Third, long-term inmates' serious crimes and/or extensive prior records make them the least inviting group in which to invest resources and attempt innovative efforts.<sup>3</sup> Fourth, the immediate demands of

<sup>1</sup> U.S. Department of Justice, Bureau of Justice Statistics, *Setting Prison Terms*. Washington, D.C., August 1983.

<sup>2</sup> Correctional Services Group, Inc., *The Long-Term Inmate Phenomenon: A National Perspective*. Draft Final Report. Kansas City, Mo: Correctional Services Group, 1985.

<sup>3</sup> Timothy Flanagan, "Correctional Policy and the Long-term Prisoner", *Crime and Delinquency*, January 1982, pp. 82-95.

Editor's Note: This article is based on a paper presented at the 47th Annual Meeting of the Middle Atlantic States Correctional Association, Farmington, Connecticut, May 7, 1985.

managing crowded prisons may paralyze official thinking and relegate program development for long-term inmates and other "special category prisoners" to the back burner.

The combined influence of these obstacles helps to explain why little has been attempted in terms of innovative programs for long-term offenders, but the increasing size of this inmate group suggests that the problem cannot be ignored much longer.<sup>4</sup> To shape a prison system that is responsive and relevant to the *needs* of long-term inmates (in the context of security levels that are appropriate to the *risk* presented by these offenders) will require administrators to begin thinking, planning and testing new approaches, ideas and programs.

### *A New Perspective*

This planning and development must proceed on three interdependent levels. First, correctional administrators must adopt a rational *perspective* toward long-term prisoners, one which simultaneously recognizes the *differences* between the experience of long-term incarceration and shorter term incarceration, but which is also cognizant of the *diversity* of the long-term inmate group.<sup>5</sup> This perspective requires administrators to consider that long-term confinement may entail problems and needs that are different from those presented by shorter-term incarceration.<sup>6</sup> Thus, the potential and consequences of new policies, programs, construction plans, and other developments must be assessed for long-term inmates and others *independently*. Efforts that appear to be relevant and appropriate for shorter-term prisoners may be inappropriate or even dysfunctional for the management of long-term inmates.

This statement does not imply, however, that there are singular prescriptions for managing the

"long-term inmate group." The second element of the perspective requires that the diversity within the long-term group also be considered. An example of correctional thinking that ignores this element of the perspective is the continuing debate over *concentration* of long-term prisoners in single facilities versus *dispersal* of this group throughout a multi-facility correctional system.<sup>7</sup> It is clear that the concentration model would have merit for *some* long-term prisoners (depending on the nature of the facility) but that it would be contraindicated for others. Toch's research, for example, suggested that socio-environmental features favored by long-term prisoners are distinguishable from those which are prized by shorter-term inmates.<sup>8</sup> To ignore these differences is analogous to prescribing a single therapeutic regimen to all patients, regardless of symptoms.

Another feature of a reasonable perspective toward management of long-term inmates is the concept of *time-bounding*. For short-term prisoners, the correctional experience can be conceived as a series of discrete programs which provide the inmate with skills, experience and learning directed toward release. Sound correctional practice in the case of short-term inmates focuses on the relevance and utility of "release preparation" programs, and sentence planning for these inmates essentially consists of "release planning." For long-term inmates, however, this model may be largely irrelevant. The notion that a job training program in which the prisoner enrolls during the second year of a 25-year minimum sentence will be relevant to the job market a quarter-century in the future is obviously questionable. The concept of "release planning" at this point in the term may be similarly questionable. The Council of Europe's Committee on Crime Problems has observed that:

A term of five, ten or more years of imprisonment cannot reasonably be planned from the outset *only* as a transition to future life in freedom. There must also be provision of more immediate aims which the prisoner can achieve, involving some adjustment to the inevitable conditions of prison life and meaningful use of the prisoner's abilities.<sup>9</sup>

Similarly, Toch has observed that:

Freedom for the long-term inmate is decades away and is thus not a meaningful behavioral goal, and life without goals is an exercise in eventlessness and monotony. The challenge is that of building highlights into imprisonment, things to aim for and achieve and to take pride in when achieved.<sup>10</sup>

Sentence planning for long-term inmates must emphasize *prison-relevance* of work, training and educational experiences offered to these inmates, at least during the majority of the prisoner's confinement. This does not mean that release preparation should not be considered, and a release focus will ob-

<sup>4</sup> See Lawrence Bennett, "Some Suggested Programs for Long-term Inmates," in S. Rizkalla, R. Levy and R. Zauberman (eds.), *Long-Term Imprisonment: An International Seminar*. Montreal: University of Montreal, 1977, pp. 413-434. Also, a recently completed survey by Correctional Services Group found few programs for long-term inmates in U.S. state correctional systems. See Correctional Services Group, note 2.

<sup>5</sup> Timothy Flanagan, "Correctional Policy and the Long-term Prisoner," *supra*, note 3.

<sup>6</sup> See Barry Richards, "The Experience of Long-term Imprisonment," *British Journal of Criminology*, April 1978, pp. 162-169; Timothy Flanagan, "The Pains of Long-term Imprisonment: A Comparison of British and American Perspectives," *British Journal of Criminology*, April 1980, pp. 148-156.; Correctional Services Group, Inc., *Long-Term Offenders in the Pennsylvania Correctional System: Findings and Recommendation*. Kansas City, MO: Correctional Services Group, Inc., 1983.

<sup>7</sup> Home Office, Advisory Council on the Penal System, *The Regime for Long-Term Prisoners Under Conditions of Maximum Security*. London: Her Majesty's Stationery Office, 1968; Home Office, *Managing the Long-Term Prison System: Report of the Control Review Committee*. London: Her Majesty's Stationery Office, 1984.

<sup>8</sup> Hans Toch, *Living in Prison: The Ecology of Survival*. New York: Free Press, 1977.

<sup>9</sup> Council of Europe, Committee on Crime Problems. *Treatment of Long-Term Prisoners*. Strasbourg: Council of Europe, 1977, p. 14.

<sup>10</sup> Hans Toch, "Quo Vadis?," *Canadian Journal of Criminology*, October 1984, p. 514.

viously become more relevant as release nears. However, to focus on release preparation during the early period of the term is tantamount to preaching retirement planning to students in high school.

### *Guiding Principles*

The second stage of the planning process involves the formulation of *principles* to guide the development of *programs* for long-term prisoners. Overarching goals for the management of long-term inmates must be defined, and objectives to guide program development must be articulated. I have suggested elsewhere that since removal from society is the principal sanction that falls most heavily on long-term prisoners, reduction of the "secondary sanctions" inherent in imprisonment should be the superordinate goal in managing long-term offender populations.<sup>11</sup> This approach has been characterized by Cohen and Taylor as the pursuit of "humane containment" under conditions of maximum security.<sup>12</sup> This may sound like a "minimal" goal for the management of long-term offender populations, but a great investment on the part of correctional officials will be required if the goal is to be more than a convenient slogan.

Several objectives in pursuit of this goal have been offered. The Home Office Advisory Council on the Penal System considered the objectives to be sought in designing a "regime" for long-term prisoners. These objectives included maintenance of self-respect, preservation of opportunities for choice and variety in the environment, a degree of movement and the ability to change environmental stimuli, and opportunities for the inmate "to *earn* for himself improvements in the conditions of his existence."<sup>13</sup> Similar principles were embodied in the report of the Council of Europe's Committee on Crime Problems, *Treatment of Long-term Prisoners*.<sup>14</sup> Bennett contends that the principal objective of programing for long-term prisoners should be to foster *involvement* in constructive endeavors, and to develop *commitment* among long-term prisoners to prosocial activities and relationships.<sup>15</sup>

<sup>11</sup> "Secondary sanctions" refers to conditions of confinement that are usually associated with life in prison. These features of the prison, which Sykes referred to as the "pains of imprisonment," are generally regarded as a necessary element of imprisonment. As suggested here, they need not be. See Gresham Sykes, *Society of Captives*. Princeton: Princeton University Press, 1957.

<sup>12</sup> Stanley Cohen and Laurie Taylor, *Psychological Survival: The Experience of Long-Term Imprisonment* (Second Edition). New York: Penguin Books, 1981.

<sup>13</sup> Home Office, Advisory Council on the Penal System, p. 28.

<sup>14</sup> See note 9, *supra*.

<sup>15</sup> See note 4, *supra*.

<sup>16</sup> Hans Toch, "The Long-Term Inmate as a Long-Term Problem," in S. Rizkalla, R. Levy, and R. Zauberman (eds.), *Long-Term Imprisonment: An International Seminar*. Montreal: University of Montreal, 1977, pp. 283-292.

<sup>17</sup> Mark Williams, "Commentary," in S. Rizkalla, R. Levy and R. Zauberman (eds.), *Long-Term Imprisonment: An International Seminar*. Montreal: University of Montreal, 1977, pp. 435-442.

Toch has argued that programing for long-term inmates should focus on four objectives: accurate and beneficial placement of inmates (in facilities and programs that help such prisoners to cope); making the prison permeable so that positive extra-prison relationships can be maintained and nurtured; helping the inmate's ego fashion successful coping strategies; and providing options which enable long-term inmates to build effective prison careers.<sup>16</sup> I have argued that a relevant management *strategy* for long-term inmates, including its programs and policies, should be guided by three basic objectives. First, *maximization of choice* is important to foster not only the "illusion of control" (which is a basic human need) but also to allow real opportunities for inmates to design their futures and chart their development. This objective must, of course, be read in the context of resource availability and the security constraints which inhere to these offenders, but these constraints should be regarded as outside boundaries rather than as excuses for inaction. Second, the concept of a *meaningful life* in prison should guide program development for long-term inmates. "Meaning" refers to the opportunity to contribute positively to one's environment and to others, to make linear progress toward realistic and important goals, and to engage in activities that foster a sense of personal worth. The third objective of program development for long-termers is to sustain a measure of *permeability* of prison walls. That is, efforts must be made to reduce the social isolation of long-term inmates from family and friends as well as other positive role models in the free community (to the extent that this is possible within the constraints of security).

### *A Brief Catalog of Attempts*

It is difficult to move from pious principles about the management of long-term prisoners to concrete examples that illustrate those principles. First, as noted earlier, little in the way of innovative or imaginative programing has been attempted with long-term inmates, so tailor-made examples of generalizable programs are hard to find. Second, suggesting ways to build meaningful careers for persons who will spend most of their adult lives behind bars spawns feelings of impotence in even the most dedicated reformer.<sup>17</sup> Nevertheless, we can learn from the few attempts that have been made.

Bennett observed that the oldest prison programs for long-term inmates are the "Lifer's Clubs" and similar organizations that have existed in many prisons for years. "These groups or organizations attempt to-serve a variety of functions all related to

ameliorating the debilitating effects of long-term deprivation of normal social stimulation."<sup>18</sup> The scope, impact and importance of these groups has varied widely, and has depended on the composition of the membership, the support of key staff, and the nature of the activities in which the organizations engage.

Related to these organizations are the "prison preventers" groups, often involving long-term inmates, whose goals are to communicate to persons outside the walls (usually youth) the risks and costs of criminality. Bennett notes that maintenance of both of these types of organizations requires openness and flexibility on the part of staff.

Some long-term prisoners groups have adopted a broader "community service" orientation. The "community" may be either the institutional population or the broader community outside of prison. Palmer described the work of the *LifeServers* organization operating at the Warkworth Institution in Canada since 1976. The group's constitution describes the focus of the organization: "It shall be the goal of the *LifeServers* to initiate, develop and maintain community programs or projects which will serve to contribute to the mutual benefit of the *LifeServers*, our own community and the community at large."<sup>19</sup> This community service orientation is also part of the charter of the Long-Termers Program at the Utah State Prison.<sup>20</sup> A strong public service focus also characterizes a number of programs in which long-termers are engaged within the Connecticut Department of Corrections.

Beyond involvement in these specialized activities, it is imperative that programs for long-term prisoners be developed within the "mainstream" of institutional life. It is in this context that many observers have seen real opportunities for long-term prisoners to engage in sustained, growth-potential involvement. For example, the "prison career" model of education programs described by Toch, Flanagan, and Palmer goes far beyond the inmate-as-student conception of these programs. Instead, this model views education as a long-term *process* in which considerable resources are invested in the education of prisoners, but where these investments are returned to the correctional agency through the involvement of inmates as tutors, teacher's aides,

and eventually as instructional staff. The involvement of long-term offenders in prison industry can also be structured so well-trained and experienced inmate-trainees graduate to positions of responsibility, share their experience and training with other inmates, and provide a valuable service to the prison. Bennett had provided examples of more imaginative roles that long-term inmates can assume, and many of his examples share the community service focus that characterizes much of the thinking in this area.

The catalog of previous efforts is not long, and much of the writing on programing for long-term inmates is suggestive rather than descriptive of successful efforts. This is both a strength and a limitation. For while the anxious administrator may desire a catalog of proven programs from which to choose, and such a catalog might provide a useful reference point for program development, the dearth of "proven remedies" in this area encourages exactly the sort of experimental, imaginative thinking that this problem requires.

#### *Responsibility and Authority for Sentence Planning*

Planning constructive prison terms for long-term inmates involves developing an answer (or group of answers) to what Williams calls "the most basic question": "What should these people be doing for these long periods of time?"<sup>21</sup> To provide the broadest possible set of alternatives to address this question, the correctional agency must consider *where* to locate responsibility and authority for this task. In multifacility correctional systems, program opportunities and housing alternatives for long-term inmates will span more than one facility. Therefore, should responsibility for sentence planning for long-term prisoners be located within the central office of the agency, or should this task be distributed to program officials in specific institutions? A task force within the British penal system recently considered this issue. The Control Review Committee described sentence planning in these terms:

We propose that an individual career plan should be drawn up for each prisoner at the start of his sentence. The plan would be discussed with the prisoner and would take account of his personal circumstances and needs; it would suggest the likely shape of his sentence including when he might be expected to be re-classified, the sort of establishments he should be transferred to at different stages of his sentence and for how long, and kinds of vocational training, education or other programs from which he might benefit. In time it might be possible to draw up more detailed career plans than this. But the important point is that a plan of any sort, however basic, would be preferable to the present arbitrary and unintelligible prison experience . . . .

Since the decision about appropriate facility

<sup>18</sup> Bennett, "Some Suggested Programs for Long-term Inmates." *supra*, note 4, p. 416.

<sup>19</sup> William R.T. Palmer, "Programming for Long-term Inmates: A New Perspective," *Canadian Journal of Criminology*, October 1984, p. 441.

<sup>20</sup> Utah State Prison, *Longtermers* (pamphlet). Draper, Utah, no date.

<sup>21</sup> Williams, "Commentary," p. 441.

<sup>22</sup> Home Office, Report of the Control Review Committee, p. 11.

placement constrains subsequent program, security and work assignment decisions, the British task force concluded that rational sentence planning for long-term offenders could only be achieved if administrative responsibility for planning was centralized. The task force noted that "We do not think that sentence planning could sensibly go ahead on any other basis."<sup>23</sup> This approach calls for the establishment of "Sentencing Planning Units" within reception facilities. The role of these units is much broader than the current view of reception units. Operating in conjunction with central office staff, the Sentence Planning Units would serve as the coordinative link between the long-term inmate and the resources of the *entire* correctional system.

If a long-term prisoner presented serious control problems that made him unacceptable in a particular prison or program, the Control Review Committee's proposal would send the inmate back to the Sentence Planning Unit for reassessment:

In some cases the reassessment period may reveal that prisoner's disruptive behavior was a response to a particular problem; after receiving help in the sentence planning units such prisoners might well be transferred back to the same or another long-term prison. In other cases, however, a prisoner may be identified as presenting control problems which cannot be dealt with in normal prison conditions and we propose that a number of small units should be established to cater for prisoners in this group.<sup>24</sup>

The concept of a coordinative link between the long-term prisoner and the entire correctional system was also endorsed in a recent report of the Long-term Offender Task Force of the Arizona Department of Corrections. The Arizona task force suggested the creation of staff positions titled "long-term offender program manager" to serve as a focal point for sentence planning and programing for long-term prisoners. This proposal envisions the formulation of contracts between the long-term inmate and the agency. These contracts would specify short and long-range goals, and would contractually bind the agency to rewards (including reduced custody status, participation in prerelease programs, and others) for achievement of these goals.<sup>25</sup>

Centralization of decisionmaking authority will be resisted by many correctional administrators. Objections will range from perceptions of unwarranted central office intrusion in the daily management of facilities, to the position that staff who are

"closest" to the prisoner at any point in the sentence are best equipped to judge the inmate's progress and needs. These objections may have merit, but the fact remains that in correctional systems where inmates move from facility to facility during the course of the term, rational sentence planning for long-term inmates requires coordination of the inmate's progress throughout the term. Moreover, these Sentence Planning Units represent a resource not only for inmates, but also for the institutional officials in the prisons where long-termers will be housed.

### *Problems and Prospects*

Planning and executing constructive sentences for long-term prisoners will tax the resources and imagination of the entire correctional agency. Centralized coordination of planning may introduce conflict between facility staff and personnel of the Sentence Planning Units. Other prisoner subgroups, including violence-prone prisoners, the mentally and physically handicapped, the drug-dependent, the retarded, and others demand specialized attention as well. Why should an agency with this menu of problems and demands focus resources and staff talent on long-term prisoners? This question is particularly ironic given the perception among correctional staff that long-term inmates tend to be among the most quiescent and least troublesome of inmates.<sup>26</sup> Shouldn't squeakier wheels be greased before an agency makes a commitment to long-termers?

The answer to this dilemma lies in appreciation of the unique circumstances of the long-term prisoner. These are the inmates who have the most time to fill, the least hope, and who are most in need of credible incentives in order to cope. The direction of public policy in terms of recent sentencing legislation is toward the reduction of hope. Natural life terms and minimum sentences of 25, 30 or more years illustrate this direction.

It is correctional staff, however, who must live with the consequences of these policies. These consequences can be profoundly negative, not only for inmates but also for prison staff and the correctional agency. Thus while it may *seem* cheaper to operate prisons "in which inmates unobtrusively and very gradually waste away"<sup>27</sup> the true costs of this nonstrategy may be enormous. Conversely, when long-term prisoners are viewed not only as an economic drain but as a potential resource, the marginal costs of imaginative and sustained programing for these inmates declines. As the Arizona Department of Corrections' Long-term Offender

<sup>23</sup> *Ibid.*, p. 13.

<sup>24</sup> *Ibid.*, p. 16.

<sup>25</sup> Arizona Department of Corrections, *Long-Term Offender Task Force Report*. Phoenix, AR: Arizona Department of Corrections, no date.

<sup>26</sup> Grant Wardlaw, "Are Long-term Prisoners a Management Problem in Australian Prisons?" *Australian and New Zealand Journal of Criminology*, 1980, pp. 6-10.

<sup>27</sup> Hans Toch, "The Long-term Inmate as a Long-Term Problem," p. 268.

Task Force recently observed: "The use of long-term offenders in the institution is a logical and reasonable step in providing benefits for both the institution and the offender."<sup>28</sup> The subsequent improvement in institutional climate, inmate-staff relations, and other less easily measured dimensions cannot be discounted. As Toch has observed, "prisons must promote constructive change especially in long-term inmates because prisons benefit from such impact themselves."<sup>29</sup>

#### *Postscript: A Note on Program Elements*

As noted earlier, garnering support from correctional administrators, budget personnel, legislators and the public for innovative programing for long-term inmates is a difficult task. While the needs of these inmates for such programs can be easily documented, the label of "least deserving" also characterizes these serious offenders. Several elements found in a number of operating programs may help to generate support (or at least temper opposition) to the development of programs for long-term inmates.

First, a *public service focus* may be critical to engendering public and political support for program efforts for long-term inmates. Involvement of long-term inmates in nonprofit, nonpartisan "worthy" causes will highlight the contributory nature of these efforts.

Second, the presence of an *external advisory board* or group serves several important purposes. First, it helps to legitimize the program in the eyes of prison staff, administrators, and others. Second, these groups may have important benefits for inmate participants, in terms of permeability of the prison walls, new stimuli, and contact with real-world role models, issues, and problems.

Third, innovative programing efforts require staff linkages that are sympathetic/supportive in nature. Staff members selected to work with long-term inmates in specialized programs should be recruited on a voluntary basis, and should indicate a clear interest in working with long-term inmates. In many such programs the supportive role of the staff member is apparent, but it is also clear that staff do not *direct* program activities in authoritarian ways. This approach enhances the inmates' sense of ownership of the effort, particularly in the case of inmate-initiated community service projects. However, the unobtrusive but supportive staff posture may be difficult to maintain in the face of

constantly changing staff. Given this issue, a degree of permanence of staff assignment to long-term inmate programs is important.

Fourth, many innovative long-term inmate programs involve a *small, self-selected group of inmates*. There are a number of benefits to keeping such programs small and to allowing member selectivity. These include fostering of group cohesion (both within the group and between the group and staff members), reducing the problems associated with large inmate groups, and continuity of program participants over time.

Fifth, programs for long-term inmates will have a better chance to succeed if they present *minimal costs* to the state. Minimization of costs can be achieved through cost recovery (if products or services are sold), or if the program's efforts are very labor-intensive. Costs can also be contained by donations of time and/or materials from extra-prison resources. In any event, modest investments by the agency can be balanced by the "experimental" or innovative nature of the program, and by the public service element.

Sixth, it is critical that programs for long-term inmates not be competitive with the private sector. Given the undesirable nature of these offenders in the public eye, and the abuses of profitable inmate enterprises that periodically come to light, this is likely to be an important and highly sensitive aspect of programing for long-term offenders.

Seventh, institution-based programs often benefit in many concrete ways from a regular liaison person with the outside, either in the form of a volunteer or paid staff member. These people help mobilize community involvement and support, help cut red tape, and provide opportunities to solve "little" problems that are endemic to the institution such as purchasing materials, mailing correspondence, conducting library research, gathering information, and others.

Finally, many small, selective programs for long-term prisoners provide what Toch calls a "sanctuary" for long-term prisoners. Program activities take place in an environment that provides a definable "place" for inmates to go each day. This environment is important as it allows lower social density than other areas of the prison, promotes group identity, allows closer and more natural interaction with staff members, and represents a respite from "general population." This aspect of programing for long-term inmates may be difficult to achieve in crowded prisons, but flexibility and a time-sharing approach to these "sanctuary" areas may alleviate these space problems.

<sup>28</sup> Arizona Department of Corrections, p. 80.

<sup>29</sup> Hans Toch, "Quo Vadis," p. 513.