

Probation

Restitution As Innovation or Unfilled Promise?.....Burt Galaway

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California..... Walter L. Barkdull

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Considerations..... Deborah G. Wilson
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SEPTEMBER 1988

U.S. Department of Justice
National Institute of Justice

114136-

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Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts

VOLUME LII

SEPTEMBER 1988

NUMBER 3

This Issue in Brief

Restitution As Innovation or Unfilled Promise?—Author Burt Galaway discusses what we have learned about restitution since the establishment of the Minnesota Restitution Center in 1972 and in light of the early theory and work of Stephen Schafer. Noting that restitution meets both retributive and utilitarian goals for punishment, the author finds considerable public and victim support for restitution, including using restitution in place of more restrictive penalties. He cautions, however, that we must clarify the difference between restitution and community service sentencing and discusses challenges which exist for future restitution programming.

Parole and the Public: A Look at Attitudes in California.—Describing recent events in California, Author Walter L. Barkdull stresses the need for parole authorities to develop community support for the concept of parole. Public attitudes hostile to parole have been crystalized by the release of several notorious offenders at the end of determinate sentences. Community groups have discovered the power of organized action to thwart the state's ability to locate facilities and place parolees. Resulting court decisions have provided both the public and parole authorities with new rights, while legislation has imposed severe operating limitations.

Long-Term Inmates: Special Needs and Management Considerations.—Society's response to crime has contributed to a number of trends which have resulted in longer terms of incarceration for convicted felons. Determinant sentencing, modifications in parole eligibility criteria, enhanced sentences for repeat offenders, and longer terms for violent offenders have resulted in an increase in time served and a subsequent increase in the proportion of long-term inmates in state facilities. The incar-

ceration of greater numbers of long-term inmates brings a number of programmatic and management concerns to correctional administrators which must be addressed. Using data on Kentucky inmates incarcerated as "persistent felony offenders," authors Deborah G. Wilson and Gennaro F. Vito identify the programmatic and management needs of long-term inmates and delineate some possible strategies to address this "special needs" group.

The Use of Counsel Substitutes: Prison Discipline in Texas.—Although prison discipline has changed significantly through internally and externally initiated reforms, it remains a critical aspect

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Long-Term Inmates: Special Needs and Management Considerations*

BY DEBORAH G. WILSON AND GENNARO F. VITO

Associate Professors, School of Justice Administration, University of Louisville

Introduction

AMERICANS DEFINE crime personally, in terms of their fear of crime and their probability of victimization. Often they believe that the main objective of the criminal justice system should be to prevent future crime, but have little faith in its ability to do so. They blame the system's ineffectiveness for the "arbitrary, inefficient, and frequently too lenient" operation of the courts and the inability of corrections to rehabilitate (Doble, 1987). The attitudes of the American public have resulted in a number of statutory changes (like career criminal legislation) which seek to meet the objectives of public protection, specific deterrence, and retributive justice (Wolfgang, 1981).

The legislation produced in various states to address these concerns is widespread and varied. Between 1976 and 1984, 12 states enacted determinant sentencing legislation (Bureau of Justice Statistics, 1986a). As of 1985, 45 states and Washington, DC had repeat offender statutes. Sixty-nine percent of these jurisdictions required at least 10 years to parole eligibility or release for repeat offenders with two prior felony convictions (Kentucky Legislative Research Commission, 1985). Similarly, several states (i.e., Kentucky, Maryland, and Arizona) have adopted sentences of 25 years, life without parole; eliminated or increased parole eligibility dates for certain felons (i.e., Iowa, Kansas, and Kentucky); and altered good-time or sanctioning systems for institutional behavior (i.e., Alabama, Washington, and New Hampshire). Some jurisdictions, like Kentucky, are also experiencing a change in parole board decisions, independent of any legislative efforts to establish guidelines. The percentage of cases heard by the parole board which resulted in parole in Kentucky have decreased from 65 percent in Fiscal Year 1981 to 39 percent in Fiscal Year 1987 (Kentucky General Assembly, 1987). These trends all affect the length of sentence and/or the time served by felons in state

correctional facilities. This translates into more inmates serving longer sentences.

Long-Term Inmates

The definition of a "long-term" inmate is a relative one. Unger and Buchanan (1985: 1) defined a long-term inmate as "one who has or will be continuously confined for a period of seven years." Given that the average time served by inmates released from state correctional facilities in 1986 was 24.8 months (Camp and Camp, 1987), this seems to be a reasonable definition. Inmates who have or will serve 7 years are serving 238 percent longer than the national average for inmates released in 1986.

Data from a number of sources suggest not only an overall increase in sentence and time served by inmates but also a corresponding increase in the number of long-term inmates. Nationally, average time served for inmates released in 1982 was 23.9 months (Camp and Camp, 1983). By 1986, this figure had increased to 24.8 months (Camp and Camp, 1987). Similarly, the national average sentence for inmates entering state facilities increased from 65.9 months in 1983 (Camp and Camp, 1983) to 77.7 months in 1987 (Camp and Camp, 1987). The number of inmates who have or will serve a minimum of 7 years has also increased. Data from a survey of 23 corrections agencies reported that the percentage of males serving sentences of 7 years or more in state correctional facilities nationwide increased from 20.36 percent in 1979 to 24.79 percent in 1984. Similarly, the percentage of female long-term inmates in state institutions increased from 18.4 to 18.9 percent over the same years. Some states reported proportions of long-term inmates as high as 68 percent for males and 55 percent for females (Unger and Buchanan, 1985). Assuming that these agencies were representative, these figures reflect an average increase of 1,457 female inmates and 46,747 male inmates in state prison populations between January 1, 1979 and January 1, 1984 (based on data from Bureau of Justice Statistics Report, 1986).

Data on inmates serving sentences of 20 years or more reflect similar trends. As of January 1, 1983,

*This article is based on a paper presented at the "Perspectives on Corrections I" panel of the annual meeting of the Southern Association of Criminal Justice, October 7, 1987, Birmingham, Alabama.

13.4 percent of all inmates in state facilities were serving 20 years or more (Camp and Camp, 1983). By January 1, 1987, this figure had increased to 15.7 percent (Camp and Camp, 1987). If these figures are applied to the total state institutional population on these dates, it would represent an increase of 29,033 inmates, a 55 percent increase in 4 years.

Profile of Long-Term Inmates

Most long-term inmates are male, white, relatively young—late 20's to early 30's (Unger and Buchanan, 1985; Wilson, 1985)—and single (Unger and Buchanan, 1985). While Unger and Buchanan (1985) found whites to be over-represented, Wilson (1985) found whites to be under-represented and blacks to be over-represented in the long-term inmate population in relation to their representation in the general institutional population.

Table 1 contains a distribution of the scores for long-term inmates from the "needs" section of the Kentucky Risk/Needs Classification instrument. This instrument is based on the National Institute of Corrections Classification Model. These long-term inmates are offenders sentenced under Kentucky's Persistent Felony Offender Statute. They have had at least two felony convictions prior to their current conviction and must serve a minimum of 10 years to parole consideration or, if given a relatively short sentence, 7.5 years to release with maximum statutory good time. They will serve a minimum of 7.5 years. These scores show that long-term inmates have deficiencies in a number of areas. Fifty percent or more of those long-term inmates have some degree of identified problem in the area of: alcohol and substance abuse, vocational skills, job skills, education, living skills, and marital-family relations. Almost five percent were severely limited in their ability to function independently due to their level of intelligence.

TABLE 1. SELECTED VARIABLES FROM THE NATIONAL INSTITUTE OF CORRECTIONS CLASSIFICATION SYSTEM FOR INCARCERATED PERSISTENT FELONY OFFENDERS IN THE FIRST DEGREE (PFO I)

Health:	
Sound	88.2%
Handicap or Illness	9.9%
Serious Problem	1.9%
Alcohol Abuse:	
None	45.2
Occasional	31.7
Frequent	23.1

Substance Abuse:

None	42.6
Occasional	30.2
Frequent	27.2

Sexual Behavior:

No Problem	79.7
Minor Problem	8.1
Severe Problem	12.2

Emotional-Behavior Problems:

None	70.8
Symptoms	27.4
Problems	1.8

Vocational Skills:

Sufficient	19.5
Minimal	51.5
Needs Training	29.0

Job-Related Skills:

Good Work Habits	23.7
Some Deficits	48.1
Needs Strong Work Program	28.2

Education:

High School or GED	50.9
Some Deficits	35.9
Major Deficits	13.2

Living Skills:

Presents Self Appropriately	36.9
Basic Survival Skills	58.2
Lacks Living Skills	4.9

Intelligence:

Normal: Can Function Independently	56.8
Some Needs for Assistance	35.7
Independent Functioning	
Severely Limited	7.5

Marital-Family Relations:

Stable	31.0
Needs Improvement	54.8
Stress	14.2

Table 2 compares the needs data on long-term inmates in table 1 to data on repeat and first offenders who would not necessarily be long-term inmates. This table reflects more similarities than differences among these three groups. Based on the modal categories for a number of needs assessed at classification, all three groups show moderate or severe deficiencies. At least half in each group exhibit some deficiency or need related to: alcohol abuse, substance abuse, vocational skills, job-related skills education, living skills, and marital-family relations. Long-term inmates appear to be, in this sample, as "needy" as the remainder of the institutional population.

TABLE 2. SELECTED VARIABLES FROM NATIONAL INSTITUTE OF CORRECTIONS CLASSIFICATION SCALE OF INCARCERATED PFO I's AND COMPARISON GROUPS (MODAL CATEGORY)

Item	Repeat		First
	PFO I	Offenders	Offenders
Health:	%	%	%
Sound	88%	83%	78%
Alcohol Abuse:			
Occasional or Frequent	55	63	74
Substance Abuse:			
Occasional or Frequent	57	51	50
Sexual Behavior:			
No Problem	80	81	73
Emotional-Behavior Problem:			
None	71	67	70
Vocational Skills:			
Minimal or Needs Training	81	76	75
Job-Related Skills:			
Some Deficits or Needs Work Programs	76	79	71
Education:			
High School or GED	51	36	46
Living Skills:			
Basic Survival Skills or Lacks Living Skills	63	67	60
Intelligence:			
Normal: Can Function Independently	57	55	60
Marital-Family Relations:			
Needs Improvement or Stressed	69	65	63

While the data in table 2 show long-term inmates to be no more "needy" than the rest of the prison population, there are some differences in institutional behavior. Unger and Buchanan (1985) reported that 50 percent of the long-term inmates had on the average less than two serious disciplinary violations and that less than 20 percent had five or more major infractions. Wilson and Vito (1986) found comparable results. That is, 75 percent of the long-term inmates had no history of institutional violence in the last 5 years and 35 percent had no evident disciplinary infractions in the last 24 months. They were, however, more likely than other inmates to have had an incident of institutional violence and to have had one or more disciplinary infractions in the last 24 months.

Long-term inmates bring "special needs" to the correctional setting, not in the degree of their treatment needs but in the role that lengthy incarceration can have in creating additional "needs" and in ag-

gravating existing problems. The "special needs" of long-term inmates are: 1) needs created by long-term confinement, 2) existing deficiencies that may be aggravated by the length of confinement, and 3) special management needs created by the length of confinement.

Effects of Long-Term Incarceration

The characteristics of confinement that produce informal adjustments and coping mechanisms in inmates have been delineated by Sykes (1958), Clemmer (1958), and others. These conditions: routinization, debasement, mortification, and dehumanization "... subsume(s) in reality a set of debilitating events" (Guenther, 1982:235). In response to these events inmates make secondary adjustments (Goffman, 1961) and attempt to cope with the institutional environment.

While any experience with institutionalization produces adjustments, the impact of long-term incarceration may function to produce exaggerated varieties of coping and adjustment. The prison experience desocializes and resocializes. The desocialization is caused by loss of personal and private property, loss of civil rights, status deprivation, helplessness, and a redefinition of self. The resocialization produces an institutionalized personality "... devoid of initiative, living from day to day," blocked off from past and future (Fox, 1985:232). The resocialization produces submission to authority, glorification of self, acceptance of inmate norms, isolation from others, and social distancing (Peretti, 1970). The adjustment to long-term control is not a simple process. It involves coping with anxiety, homesickness, and grieving for losses and separations that accompany institutionalization. It produces protest, despair, and eventually detachment (Bowlby, 1962).

All inmates exhibit some mechanisms of adjustment or "prisonization." Anxiety and adjustment problems as well as adherence to outside (societal) values are related to an inmate's length of incarceration. The initial period after incarceration and the final period prior to release may produce the greatest anxiety, adjustment problems, and identification and/or concern with free-world values (Wheeler, 1961, Clemmer, 1958). These adjustments may become exaggerated in the instances of long-term inmates. The separation is more extreme and consequently the loss is more grievous. The grieving process may thus produce more exaggerated forms of protest, despair, and more complete detachment from family members and others. These family and friends outside also experience the loss and grieving (Smykla, 1987). Family members adjust to the long-term separation

with detachment. This may be immediate or may be gradual as found by Johnson (1981) in his study of death row inmates. In Johnson's study, the Alabama death row inmates feared and experienced a gradual diminishing of ties to their significant others. Their contact became less frequent, less intimate, and more hopeless. This adjustment by family members may be a psychological means of coping with the long-term absence or simply a product of time, energy, and effort. Time and absence weaken bonds. People change, schedules are altered, and visits and letters may become less of a priority. The fears of losing family and friends become realized and so the inmate's detachment from significant others and his or her outside life may become more extreme (see also Smykla, 1987).

This process of detachment facilitates the strength of resocialization into the prison culture and the production of the institutionalized personality. Tom Runyon (1953) discussed a 5-year period as the average time for an inmate to exhibit this institutionalization. Inmates who face longer sentences may reach this point sooner. Even if the length of time facing an inmate does not speed up the process, long-term inmates will spend longer periods of time socialized into the prison culture and will be immersed in the subculture for more years. The negative results may include heightened anxiety prior to release and a failure to reidentify with or adjust to free-world society. Social changes can only be experienced passively and vicariously by inmates. A period of 7, 10, 20 years lapsing without direct contact with and interaction in society results in release to an alien world. Time has stopped for these individuals. Time in prison is time lost (Goffman, 1961). Reintegration is made more difficult if lengthy periods of time have elapsed and major changes in life-style necessitated.

Lengthy incarceration may produce more specific psychological reactions. The Ganser Syndrome, characterized by mild confusion, flat emotional responses, and persecutory reactions—a neurosis, but commonly called prison psychosis—can be brought on when “anxiety and frustration become intolerable” (Fox, 1985). These inmates go “stir crazy” in a “stir bugs” (Jacobs 1977) attempt to adjust to a more controlled environment than they can tolerate. The only cure is release—once this occurs the symptoms may subside (Wholey, 1937). Long-term incarceration and adjustment pressures can produce this syndrome and exacerbate the symptoms.

Long-term incarceration also produces other forms of psychological disorders. Toch (1975) found that length of incarceration was related to the self-de-

structive behavior of inmates. Similarly, Wilson (1986) found that inmates with lengthy sentences and feelings of helplessness and futility were evident in cases of prison suicide.

Long-term incarceration may create special problems for inmates incarcerated at any age. However, those inmates who “age” in prison may face the special adjustment problems of elderly inmates. Most long-term inmates are 26 to 30 years of age (Unger and Buchanan, 1985). If they stay a minimum of 7 years they will be 33 to 37 years of age at release. However, Buchanan (1985) also reported that just over half were over 30 years of age. Wilson and Vito (1985), in a study which included long-term inmates, reported that 37 percent were 35 to 44 years of age and 14.5 percent were 45 or older. Assuming a minimum stay of 7 years, a number of these long-term inmates will become “elderly” prior to release. The aging in prison creates an additional set of concerns: fear of victimization, fear of dying in prison, increased medical needs, and increased differentiation from the predominantly young prison population (Wilson and Vito, 1986).

Lengthy incarceration also increases the need for enhanced skill training. Inmates with already deficient vocational, educational, and other skills related to self sufficiency will have their deficiencies exaggerated by the passage of time as their low-level skills become even more socially obsolete.

Correctional Management Concerns and Issues

The fact that the number of long term-inmates is growing and will continue to grow is obvious. Equally obvious is the tendency for correctional administrators to be unable or unwilling to plan for this eventuality—crisis management. With respect to long-term inmates, Unger and Buchanan (1985) found that responses to questions concerning the future were low partly due to the “unavailability or inaccessibility” of data to use in decision-making. Nonetheless, long-term inmates will create management, control, and programmatic demands for administrators.

Two of the most obvious demands that will be created by growing numbers of long-term inmates are: the need for more bed space and an increased financial cost for the duration of confinement. Even if the number of admissions to a correctional system does not increase, longer sentences will increase the length of time beds are occupied, reduce the turnover in occupied bed space, and increase the prison population. This will increase the expenditures of correctional systems as additional beds become necessary

and as the cost of housing an inmate for duration of sentence is increased solely by the length of the time served.

Long-term incarceration also affects the security level of inmates and consequently the availability of beds of specific levels of security. Classification criteria generally include length of sentence and/or time to release as factors in calculating risk level and the related security required for housing. Long-term inmates will spend lengthier periods of time in higher, more costly levels of security. Long-term incarceration may produce disruptive behavior, indebtedness on the yard, and perceived or actual threats from other inmates. This will increase the use of segregation—again, a costly form of housing. Similarly, the need to place long-term inmates in special segregation for observation to prevent self-destructive behavior or to reduce the consequences of erratic emotional states will further increase the burden on special segregation units.

Long-term inmates will have plenty of time to fill. A lack of structured activity to fill this time will create control problems. Educational, vocational, and recreational programs to “keep them occupied” will need to be instituted and/or expanded. This will enhance control and manageability as they are “kept busy” and not otherwise filling time with illicit activities. It should also enhance manageability by diverting inmates’ attention from feelings of hopelessness and loss.

Long-term inmates will require specialized programs in mental health services. These services can serve a dual function of assisting the inmate’s personal adjustment and reducing disciplinary problems arising from maladjustment or adjustment problems, therefore making the inmate more manageable. Including families in some institutional services should enhance the family’s adjustment with a similar effect on the inmate. Providing families with information about the inmate, what his or her life will be like in the institution, and some expectations of the inmate’s adjustment stages would be of great benefit. When possible, housing inmates in close proximity to family would help to maintain personal contact with significant others. Programs for overnight or weekend visits with children would also aid in retaining bonds, especially for female inmates for whom the separation from children is one of the most acute losses during incarceration. Other low cost strategies are more open phone call policies, more day-long visits, and possibly conjugal visitation.

Long-term inmates will require more financial assistance from institutional funds. As contacts with

the outside subsidy and terminate over the years, so will the deposits to the inmate’s account. Pay for work and/or monetary assistance will need to be provided to reduce the need to borrow and barter and the resulting indebtedness that can occur and create management problems.

Long-term inmates will increase the size of the elderly inmate population. This population requires specialized housing and services. For example, elderly inmates require housing that is accessible to the physically handicapped. Similarly, housing units which provide for separation from the general population to reduce victimization or the consequences of fear of victimization will be necessary. Greater accessibility to medical services as well as special recreation, education, and work programs will also be required. Currently, the small size of this population in many states does not justify separate housing. However, as more inmates age in prison this type of housing will be required. Expanded medical services will likewise be necessary.

Long-term inmates will require more educational, vocational, and pre-release programs to update their already deficient skills and to prepare them for the extreme changes they will face upon re-entry to the community. The need for halfway houses, nursing homes, and other forms of housing for inmates who have lost contact with family and support networks will increase. The need for graduated release will be important to “ease” the inmate back into society even where a support network exists. Movement from minimum custody to a halfway house setting, to intensive community supervision, to regular community supervision will facilitate the readjustment and will “test” the inmate’s progress at increasingly less stringent levels of control and supervision. This enhanced supervision and graduated release will be especially important for long-term inmates. The length of their incarceration, anxiety about re-entry, loss of family and community ties, and minimal or obsolete job skills will make them high-risk placements in the community. Increased supervision, i.e., enhanced surveillance and enhanced services, will be critical to their successful reintegration.

Conclusions

The number and proportion of long-term inmates is growing and will continue to do so. The management and control of this special needs group will require additional monies and planning to implement necessary changes. Long-term inmates have specialized needs which will require attention from correctional systems which currently do not always

effectively meet the needs of shorter-term inmates. Without anticipation of and planning for these needs, serious management and control problems will develop. Correctional systems need to begin to set in motion the strategies necessary to meet these needs. Long-term inmates need not be a problem unless, as a growing special needs group, they are treated with benign neglect. In fact, the longer time served may be turned into an asset if behavior control and behavior change programs are substituted in lieu of simple warehousing. Certainly, a concerted effort to change which is executed over a 7 rather than a 2-year period of time will have an increased probability for an impact on future behavior.

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