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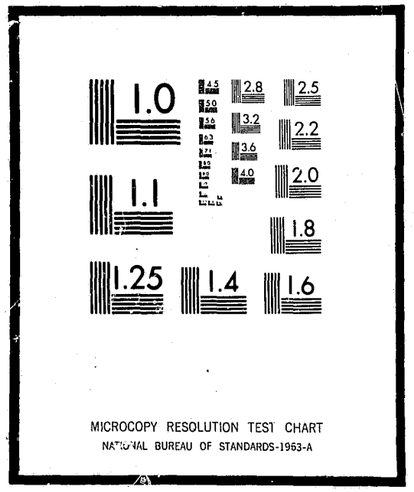

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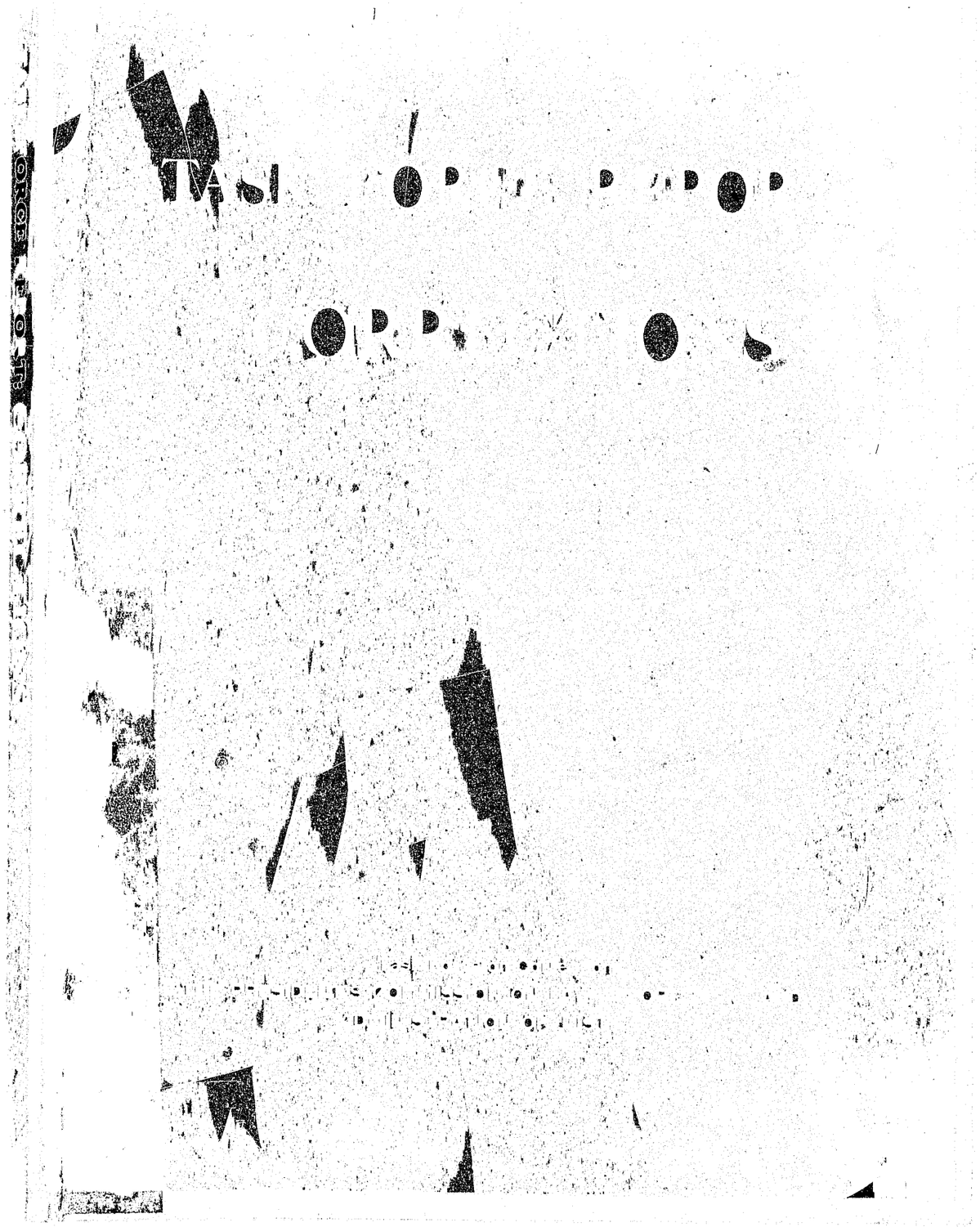

TASK FORCE REPORT: CORRECTIONS

Task Force on Corrections

THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE

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Copies of other task force reports and other supporting materials can also be purchased.

FOREWORD

In February of this year the President's Commission on Law Enforcement and Administration of Justice issued its general report: "The Challenge of Crime in a Free Society." As noted in the foreword to that report, the Commission work was a joint undertaking, involving the collaboration of Federal, State, local and private agencies and groups, hundreds of expert consultants and advisers, and the Commission's own staff. Chapter 6 of that report made findings and recommendations relating to the problems facing the Nation's correctional system.

This volume embodies the research and analysis of the staff and and consultants to the Commission which underlie those findings and recommendations, and in many instances elaborates on them. The materials in this volume have been distributed to the entire Commission and discussed generally at Commission meetings, although more detailed discussion and review have been the responsibility of a panel of five Commission members attached to this Task Force. The organization of the Commission and Task Force is described in the general report at pages 311–312. While individual members of the panel have reservations on some points covered in this volume but not reflected in the Commission's general report, this volume as a whole has the general endorsement of the panel.

As indicated in the Preface to this Report, the National Survey of Corrections, prepared by the National Council on Crime and Delinquency, provided an important basis to the work of the Task Force. Data from the report of the survey are included as an appendix in this volume, along with a paper on projections of correctional population, because of their interest and value as source material. Of course, the inclusion of these papers does not indicate endorsement, by the panel of Commission members or by the staff, of positions or findings included in these appendices.

The Commission is deeply grateful for the talent and dedication of its staff and for the unstinting assistance and advice of consultants, advisers and collaborating agencies whose efforts are reflected in this volume.

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PREFACE

This volume is the report of the Task Force on Corrections of the President's Commission on Law Enforcement and Administration of Justice. The material in it is intended to supplement and amplify the discussion of corrections in the general report of the Commission to the President, which contains the Commission's formal recommendations.

Staffwork was done by a small core of full-time personnel, assisted by the many consultants and advisers listed in the beginning of this volume, as well as by hundreds of respondents across the country. Much assistance came from associates on the Commission staff who, because they were specialists in fields other than corrections, brought differing perspectives to bear on critical issues.

An advisory committee, consisting of the five Commission members indicated earlier and of outside authorities from the field of corrections, worked closely with the Task Force. The representatives from the correctional field included: Myrl E. Alexander, Director of the Bureau of Prisons in the U.S. Department of Justice; Richard L. Clendenen, professor of law at the University of Minnesota; Richard A. McGee, director of the California Youth and Adult Correction Agency; Milton G. Rector, Director of the National Council on Crime and Delinquency; Garrett Heyns, Executive Director of the Joint Commission on Correctional Manpower and Training; and Lawrence W. Pierce, chairman of the New York State Narcotic Addiction Control Commission.

The Corrections Task Force brought together a group of its consultants on a full-time basis during the summer of 1966 to prepare working drafts for the corrections report. They drew on papers submitted by many other task force advisers. Included in the group were Daniel Glaser, Clarence Schrag, David Twain, John Conrad, Kenneth Polk, Gilbert Geis, and Milton Burdman. Their affiliations are listed at the beginning of the volume.

Through the cooperation of the Office of Juvenile Delinquency and Youth Development, materials from the Office's publication "Alternatives to Incarceration," by La Mar T. Empey, were made available to the Task Force in draft form. Materials from the publication are used at several points in this volume.

The Federal Bureau of Prisons, the Department of Health, Education, and Welfare, and numerous other Federal, State, and local agencies were of great assistance in providing needed information and staff help. Very useful help was also rendered by staff of the Joint Commission on Correctional Manpower and Training who were actively involved with the Corrections Task Force throughout.

THE NATIONAL SURVEY OF CORRECTIONS

Assertions about the correctional enterprise in the United States have been characterized more by rhetoric and polemic than by factual documentation. The most urgent task faced by the Commission when it began its study of corrections was to develop reliable information about correctional operations—their size, costs, nature, and, if possible, their effectiveness. Relevant information existed in bits and pieces around the country, but nowhere was there a picture of the system as a whole. No one knew how many offenders were under correctional treatment on an average day or how many individuals were touched by the system within a given year. No one knew the total costs of corrections or even the cost of any single component such as probation, parole, or institutions.

There are several reasons for this knowledge void, most of them quite obvious. Correctional operations are administered by several thousand independent jurisdictions. There is no uniform reporting system which would provide comparable information about either the operations of the system or the offenders within it. More striking yet, hardly any of the administrative agencies collect statistics on the costs or the consequences of their operations.

The Commission, therefore, decided that a nationwide survey of correctional operations was essential for its work and would be of continuing value for those seeking to put into effect major improvements in the system. Arrangements were made for a grant from the Office of Law Enforcement Assistance in order to contract with the National Council on Crime and Delinquency for the needed research. The survey obtained basic information about correctional programs in every State and in a sample of 250 counties. In addition to gathering statistical data about the costs, nature, and magnitude of correctional operations, National Council on Crime and Delinquency staff interviewed knowledgeable persons individually and at special group meetings in every State to obtain their perceptions of major problems and needs as well as of promising innovations. The data developed in the survey were drawn upon in approaching all aspects of American corrections and are meant to be read in conjunction with the relevant chapters in the Task Force volume. The survey data are summarized in appendix A.

Projections based in part on the correctional population data collected by the survey were made by Ronald Christensen of the Commission's Science and Technology Task Force at the Institute for Defense Analyses, and are presented in appendix B.

STANDARDS AND SPECIAL STUDIES

The survey results were interpreted on the basis of standards established by a special advisory committee to the Corrections Task Force after reviewing various former efforts to define minimum criteria for correctional operations. The standards previously promulgated by such agencies as the American Correctional Association, the Children's Bureau of the Department of Health, Education, and Welfare, the National Council on Crime and Delinquency, and the National Association of Training Schools all were examined for this purpose. An effort was made to identify the minimal conditions required to carry out correctional programs satisfactorily and to permit experimentation for continued change and improvement. The standards used in the survey are included at the end of appendix A.

The Commission sponsored some 25 research studies and position papers to probe particularly troublesome and demanding problems related to correctional operations. Authorities from the correctional field and from university and research backgrounds were recruited to appraise these varied topics. Some papers, the contents of which were not substantially incorporated in this report, are printed in a separate appendix volume.

In addition to probing special problems, an effort was made to identify the major themes which should stand out in a greatly improved correctional system of the future. A combination of the best theory and the most promising practice was sought in developing these concepts to serve as guides for corrections in the future.

CONTENTS

TABLE OF RECOMMENDATIONS

This Table of Recommendations is reprinted from the General Report of the Commission, "The Challenge of Crime in a Free Society." It lists the Commission's recommendations on corrections and shows where in this volume each is treated in more detail.

American Corrections: An Overview and Directions for the Future

The American correctional system is an extremely diverse amalgam of facilities, theories, techniques, and programs. It handles nearly 1.3 million offenders on an average day; it has 2.5 million admissions in the course of a year; and its annual operating budget is over a billion dollars.[1] Correctional operations are administered by Federal, State, county, and municipal governments. Some jurisdictions have developed strong programs for the control and rehabilitation of offenders. But most lack capacity to cope with the problems of preventing recidivism—the commission of further offenses. Some fail even to meet standards of humane treatment recognized for decades.

CORRECTIONS TODAY

Corrections remains a world almost unknown to law-abiding citizens, and even those within it often know only their own particular corner. This report therefore begins with an outline of the system as it operates today, and a brief account of its development, as background for the presentation of the directions it must take in the future.

THE PEOPLE UNDER CORRECTIONAL AUTHORITY

The offenders with whom corrections deals were assigned to the various facilities and programs shown in table 1.[2] About three-quarters of those under custody or community treatment on an average day in 1965 were adults, the great bulk of them felons. One-third of all offenders (426,000) were in institutions; the remaining two-thirds (857,000) under supervision in the community.

Individual offenders differ strikingly. Some seem irrevocably committed to criminal careers; others subscribe to quite conventional values or are aimless and uncommitted to goals of any kind. Many are disturbed and frustrated boys and young men. Still others are alcoholics, narcotic addicts, victims of senility, or sex deviants. This diversity poses immense problems to correctional officials, for in most institutions or community treatment caseloads a wide range of offender types must be handled together. Several broad special offender groups are, however, generally recognized and accorded distinct treatment.

For some serious crimes in certain States, juveniles (usually persons under 18, but ranging from under 16 in some jurisdictions to under 21 in a few others) are held responsible as adults and are handled together with them. But, by and large, juveniles are processed in spe-

Table 1.—Some Characteristics of Corrections in the United States, 1965

Type of program	Offenders		Operating costs			Employees	
	Average daily population	Percentage distribution	Annual operating costs [1]	Percentage distribution	Average cost per offender per year [2]	Number	Percentage distribution
Juvenile corrections:							
Institutions	62,773	4.9	$226,809,600	22.5	$3,613	31,687	26.2
Community	285,431	22.2	93,613,400	9.3	328	9,633	8.0
Subtotal	348,204	27.1	320,423,000	31.8		41,320	34.2
Adult felon corrections:							
Institutions	221,597	17.3	435,594,500	43.3	1,966	51,866	42.8
Community	369,897	28.9	73,251,900	7.3	198	6,352	5.2
Subtotal	591,494	46.2	508,846,400	50.6		58,218	48.0
Misdemeanant corrections:							
Institutions	141,303	11.0	147,794,200	14.7	1,046	19,195	15.8
Community	201,385	15.7	28,582,900	2.9	142	2,430	2.0
Subtotal	342,688	26.7	176,477,100	17.6		21,625	17.8
Total	1,282,386	100.0	1,005,746,500	100.0	0	121,163	100.0

[1] Rounded to the nearest $100.
[2] Rounded to the nearest dollar.

Source: Computed from the National Survey of Corrections and special tabulations provided by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts.

[1] Unless otherwise indicated, data in this chapter are drawn from the National Survey of Corrections and special tabulations provided by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts.

[2] Throughout this report, statistics from the National Survey of Corrections for "jails and other local adult institutions" refer only to institutions where a convicted offender may serve 30 days or longer. These do not include local police lockups or institutions whose sole function is the detention of persons awaiting trial. Offender population counts in this report do not include persons awaiting trial.

cial courts under special procedures and referred to special correctional programs. Five States and the Federal Government make special provisions for young people who cannot reasonably be classified as juveniles but who, it is thought, should be dealt with differently from the fully responsible adult. The various statutes differ in the age limits set for these "youth offenders"; the lowest age is 16 and the highest is 23.

Correctional systems everywhere must provide at least to some degree for special handling of mentally ill offenders. Many of the smaller States have set up segregated quarters for them within their prisons and training schools and a few larger jurisdictions have provided special institutions. Probation and parole agencies also confront the need to provide clinical services for these persons. In recent years there has been some contention that several other classes of offenders would be more appropriately handled as psychologically disturbed persons than as criminals. Among these are alcoholics and narcotic addicts.

But beneath such diversities, certain characteristics predominate. About 95 percent of all offenders are male. Most of them are young, in the age range between 15 and 30. Juveniles alone comprise nearly a third of all offenders under correctional treatment, 63,000 in institutions and 285,000 under community supervision on an average day in 1965.

Many come from urban slums. Members of minority groups that suffer economic and social discrimination are present in disproportionate numbers. In fact, the life histories of most offenders are case studies in the ways in which social and economic factors contribute to crime and delinquency. Education, for example, is as good a barometer as any of the likelihood of success in modern America. Census data show, as displayed in figure 1, that over half of adult felony inmates in 1960 had no high school education.

Offenders also tend to lack vocational skills. Census data displayed in figure 2 show a higher proportion of unskilled laborers among prisoners than in the civilian labor force.

Many too have had failures in relationships with family and friends. This pattern of cumulative failure has prevented many offenders from developing a sense of self-respect, thus creating another obstacle to rehabilitation.

THEORIES AND METHODS OF CORRECTIONS

Corrections today displays evidences of a number of evolutions in thought and practice, each seeking to cope with the difficult problems of punishing, deterring, and rehabilitating offenders. None has resolved these problems, and change from one to another has probably been more a product of humanitarian impulse than of rational or scientific process.

Until about the middle of the 18th century, European corrections was motivated principally by punishment and retribution, the state taking upon itself the tasks of vengeance that had earlier fallen to a victim's neighbors or kinsmen. Most crimes were dealt with by corporal punishment, and a great many by execution. The death penalty was freely prescribed by statute as deterrence; transportation and banishment to other lands were also used to accomplish the purpose of incapacitation. Those familiar with such incidents as the Salem witch trials in the late 17th century will also recall that corporal punishment and execution were used to exorcise the evil spirits that were seen as the cause of a person's crimes, and to prevent harm and contamination of the innocent.

Notions of punishment still underlie much of corrections today, particularly in popular views of what ought to be done with those who commit criminal acts. The criminal too in many cases accepts the idea of retribution—"paying the price" by undergoing punishment. However, the extent to which, and the situations in which, various sorts of punishment act as deterrents is wholly unestablished by objective research or study.

In the late 18th and early 19th centuries, with the rise of the rationalism of the Enlightenment, criminals came to be seen not as possessed by evil, but as persons who had deliberately chosen to violate the law because it gave them pleasure or profit. As developed notably by Jeremy Bentham, the rational response to crime was to penalize lawbreakers in the measure deemed necessary to offset the pleasures of illicit gain and to effect deterrence. The prison, previously used chiefly for debtors, political prisoners, and criminals awaiting other dispositions, was developed as the major correctional tool.

Comparison of Educational Levels — GENERAL POPULATION AND INSTITUTIONAL INMATES Figure 1

	Years of School Completed*	%	General Population	Inmate Population	%
College	4 years or more	8.4			1.1
	1 to 3 years	9.4			4.2
High School	4 years	27.5			12.4
	1 to 3 years	20.7			27.6
Elementary	5 to 8 years	28.0			40.3
	4 years to none	6.0			14.4

*By persons aged 25-64.

Source: U.S. Department of Labor, Manpower Administration, Office of Manpower Policy, Evaluation, and Research, based on data from the U.S. Department of Commerce, Bureau of the Census, 1960.

Comparison of Occupational Experience — GENERAL LABOR FORCE AND INSTITUTIONAL INMATES[1] Figure 2

	%	General Labor Force	Inmate Prior Work Experience	%
Professional and technical workers	10.4			2.2
Managers and owners, incl. farm	16.3			4.3
Clerical and sales	14.2			7.1
Craftsmen, foremen	20.6			17.6
Operatives	21.2			25.2
Service workers, incl. household	6.4			11.5
Laborers (except mine) incl. farm laborers and foremen	10.8			31.9

[1] All data are for males only; since the correctional institution population is 95 percent male, data for males were used to eliminate the effects of substantial differences between male and female occupational employment patterns.

Source: U.S. Department of Labor, Manpower Administration, Office of Manpower Policy, Evaluation, and Research, based on data from U.S. Department of Commerce, Bureau of the Census.

Not only did imprisonment suit the deterrent theories of the time, since its length could be varied with the crime, but it also served two other ends that were beginning to be emphasized in contemporary thought. One of these was humanitarianism; for incarceration seemed generally less severe than former punishments. This movement was in line with the rise of ideas associated with the Quakers and various evangelical sects that also brought reforms in the treatment of the poor, slaves, and the mentally ill. The other was reformation, for the prison was intended to serve as a place for reflection in solitude leading to repentance and redemption.

This concept gave rise to such establishments as the Eastern State Penitentiary in Pennsylvania, with cells arranged so that the inmate lived, worked, and was exercised and fed without seeing or talking to his fellow prisoners. This kind of prison was eventually abandoned in the United States because it was so inconvenient to manage, but it was copied abroad perhaps more than any other American correctional invention.

A more widespread architectural survival in this country is the kind of prison originally built at Auburn, N.Y., where inmates were housed in single cells but fed and employed together. Forbidden to speak with each other, prisoners were marched in mute lockstep from cell to factory to messhall. Discipline was maintained by the lash. Labor of prisoners under this system was profitable to the State. Economies of constructing and maintaining such an institution appealed to legislators, and fortress prisons served effectively to incapacitate and punish even when the finer points of the philosophies that fostered them were forgotten.[3]

The idea of restraint as a necessary ingredient in corrections remains as a philosophic legacy of this era. And, to an extent that no outsider can appreciate, corrections today is shaped also by the tangible remnants of the outmoded but durable structures in which it is housed. The barriers to communication which are literally built into prisons designed for the old "silent system" of managing prisoners, have remained as barriers to attempts to promote normal human relationships long after the rule of silence has been abandoned.

It is difficult to hold group counseling sessions when there are no rooms of a size between a cell and a messhall. It is difficult to have modern work release when available jobs are miles away in the nearest town. It is difficult to instill self-discipline and responsible independence in an institution dedicated by its architecture to constant authoritarian control.

In practice, the operations of many such fortress prisons fell far short of the ideals which prompted the originators of the restraint model. Offenders and social misfits of all kinds were confined in immense institutions, unsegregated by sex, age, or health status. Epidemics decimated the populations of many prisons as the result of filthy surroundings, bad food, and callous administration.

Such abuses gave rise, shortly after the Civil War, to a reform movement that continues to this day. At its establishment in 1870,[4] the American Prison Association adopted an almost visionary declaration of principles and established a goal that American correctional leaders have struggled ever since to achieve: "Reformation, not vindictive suffering, should be the purpose of penal treatment." The reform movement was heavily influenced by the rise of the psychological sciences, which helped

[3] For a contemporary account of the Auburn system, see Gustave de Beaumont and Alexis de Tocqueville, "On the Penitentiary in the United States and Its Application in France", ed. H. R. Lantz (Carbondale, Ill.: Southern Illinois University Press, 1964), pp. 54-60, 161-165.

[4] For a fuller treatment of the reform movement than is possible here, see Harry Elmer Barnes and Negley K. Teeters, "New Horizons in Criminology" (third ed., Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1959), pp. 322-347.

to shape its emphasis on treatment of the individual, and its view of the offender as a person with social, intellectual, or emotional deficiencies that should be corrected to a point that would permit him to resume his place in the community.

On the reform model was built a far more complex approach to corrections than had existed before. Specialized institutions for various categories of offenders were developed. A wide range of services were to be provided: Education, vocational training, religious guidance, and eventually psychotherapy in its various forms. It was assumed that prison schools and workshops would cure some and prison factories accustom others to the satisfactions of regular employment as against the irregular gains of crime.

Perhaps the most important product of this movement was the initiation of community treatment programs—probation and parole—beginning with the pioneering work of John Augustus in 1841. These services provided an alternative to confinement and opportunity to confront an individual's problems in the environment where eventually almost all offenders must succeed or fail. Such approaches, and the development of innovative institutions that attempt to incorporate some community programs, have been most widely developed with juvenile offenders.

The reform model introduced into corrections some of its most valuable concepts and methods—the idea of rehabilitation, diagnosis and classification, probation and parole. But these and similar measures have never been tested definitively. And the reform movement has seldom managed more than uneasy coexistence with earlier methods and purposes.

CORRECTIONAL INSTITUTIONS

There are today about 400 institutions for adult felons in this country, ranging from some of the oldest and largest prisons in the world to forestry camps for 30 or 40 trusted inmates. Some are grossly understaffed and underequipped—conspicuous products of public indifference. Overcrowding and idleness are the salient features of some, brutality and corruption of a few others. Far too few are well organized and adequately funded. Juvenile institutions tend to be better, but also vary greatly. The local jails and workhouses that handle most misdemeanants are generally the most inadequate in every way.

Although most inmates of American correctional institutions come from metropolitan areas, the institutions themselves often are located away from urban areas and even primary transportation routes. The original reasons for such locations were diverse and, to a large extent, now outdated: interest in banishing dangerous persons to a remote locale; belief that a rural setting is salutary for slum-reared delinquents; the desire of rural legislators to create public employment among their constituents. Remoteness interferes with efforts to reintegrate inmates into their communities and makes it hard to recruit correctional staff, particularly professionals.

Prisons designed for secure custody typically have been built of stone, steel, and concrete. They are noteworthy for their endurance. Sixty-one prisons opened before 1900 are still in use. In the juvenile field, 16 percent of the living units in State training schools are at least 50 years old.

There are still many large maximum-security prisons operating in the United States today. The directory of the American Correctional Association showed a 1965 average population of over 2,000 inmates in 21 prisons. Four of these had well over 4,000 inmates each: San Quentin in California; the Illinois State Prison complex at Joliet and Stateville; the Michigan State Prison at Jackson; and the Ohio State Penitentiary at Columbus.

Rehabilitative services for the adult offender are most likely to be available in correctional facilities for felons. Very few jails, where misdemeanants are confined, have advanced beyond the level of minimum sanitation and safety standards for inmates and guards. The net result is that only a small fraction of the adult offenders who were incarcerated in jails in 1965 were receiving any correctional services except restraint.

The picture is somewhat brighter for juveniles. In 1965 there were 220 State-operated facilities for juveniles, with a total capacity of 42,423. In addition, there were 83 locally operated institutions for juveniles, with a total capacity of 6,634. Many of these institutions were well staffed and equipped.

Juvenile institution programs have been the subject of considerable attention. Although many principles are generally agreed to—including the importance of using small units, relatively brief periods of confinement, and stress on remedial education—there still remains much difference of opinion concerning the type of rehabilitation required for the young offender. Some institutions emphasize discipline and strict conformity to the rules. Others focus on psychiatrically oriented programs administered by clinical personnel. Still others seek to achieve a "therapeutic community" in which the total milieu of institutional life itself becomes a medium of change. And this enumeration is not exhaustive.

COMMUNITY TREATMENT

While most offenders now under correctional control—some two-thirds, including those on parole after institutionalization—are in the community, the "treatment" afforded them is more illusion than reality. Impressive probation and parole operations do exist here and there around the country. Some experimental projects have built up evidence for particular techniques and documented their superiority to penal confinement for reducing recidivism. But the United States spends only 20 percent of its corrections budget and allocates only 15 percent of its total staff to service the 67 percent of offenders in the corrections workload who are under community supervision.

Probation and parole officers have too much to do and too little time in which to do it. Over 76 percent of all misdemeanants and 67 percent of all felons on probation are in caseloads of 100 or over, though experience and available research data indicate an average of 35 is about the highest likely to permit effective supervision and assistance. At best, they receive cursory treatment from overworked probation officers who must also spend typically half of their time preparing presentence investigations for the court. In addition, their efforts often are held suspect by employers, police, school officials, and other community figures whose help is essential if the offender is to be fitted into legitimate activities.

The statistics from the National Survey of Corrections make clear the enormity of the community treatment task and the smallness of the resources available to accomplish it. They do not, however, convey the everyday problems and frustrations which result from that disparity. These incidents are only examples:

A probation officer has arranged a meeting with a 16-year-old boy, on probation for car theft for the past 2 months. The boy begins to open up and talk for the first time. He explains that he began to "slip into the wrong crowd" a year or so after his stepfather died. He says that it would help to talk about it. But there isn't time; the waiting room is full, and the boy is not scheduled to come back for another 15-minute conference until next month.

A parole officer feels that a 29-year-old man, on parole after serving 3 years for burglary, is heading for trouble. He frequently is absent from his job and there is a report of his hanging around a bar which has a bad reputation. The parole officer thinks that now is a critical time to straighten things out—before it is too late. He makes a couple of calls to find his man, without success, then considers going out to look for him. But he decides against it. He is already far behind in dictating "revocations" on parolees who have failed and are being returned to prison.

A young, enthusiastic probation officer goes to see his supervisor and presents a plan for "something different," a group counseling session to operate three evenings a week for juvenile probationers and their parents. The supervisor tells him to forget it. "You've got more than you can handle now, getting up presentence reports for the judge. Besides, we don't have any extra budget for a psychiatrist to help out."

In each of these situations the offender is denied the counseling and supervision that are the main objects of probation and parole. Because the officer is too overworked to provide these services, the offender is left on his own. If he does not succeed, he loses and the community loses too.

COST OF THE SYSTEM

Expenditures for corrections in the United States during 1965 totaled about one billion dollars, excluding new construction, amortization, the cost of some services shared with other agencies and paid for out of other budgets, and many other items which an accountant would use to arrive at the true cost picture. (See table 1.) The National Survey of Corrections found that the various governmental units plan to spend over a billion dollars on capital improvements during the coming 10 years. This is a conservative estimate, since construction costs can be expected to rise and some jurisdictions do not project capital expenditures over a 10-year period.

By far the largest item in table 1 is the $435 million spent to operate institutions for adult offenders—more than 40 percent of all spending for operating corrections in 1965. The bulk of this $435 million was spent to feed, clothe, and guard prisoners. Add to this sum the $148 million spent on county and city jails, where the great bulk of prisoners were adults, and it will be seen that well over half the national investment in corrections went to the management of adult criminals in institutions. About $320 million was spent for all juvenile corrections, with over two-thirds of that sum allocated for institutional programs.

Although more dollars were spent on adult corrections than on juvenile programs, the average per capita expenditure for the juvenile was much larger than that provided for the adult felon or misdemeanant. The average annual cost of institutionalizing a juvenile in 1965 was $3,613 whereas the comparable figures for the felon and the misdemeanant were $1,966 and $1,046, respectively.

ADMINISTRATION OF CORRECTIONS

Corrections is fragmented administratively, with the Federal Government, all 50 States, the District of Columbia, Puerto Rico, most of the country's 3,047 counties, and all except the smallest cities having one or more correctional facilities, if only a primitive jail in which to lock up overnight those who are "drunk and disorderly." Typically, each level of government acts independently of all the others. The Federal Government has no control over State corrections. The States usually have responsibility for prisons and parole programs, but probation is often a county or municipal function. Counties do not have jurisdiction over the jails operated by cities and towns. This situation is in sharp contrast to correctional systems in other urban and industrialized countries, where correctional activity usually is the responsibility of the central government.

Responsibility for the administration of corrections is divided not only among levels of government but also within single jurisdictions. There has been a strong historic tendency for juvenile and adult corrections to follow separate paths. The development of public support for rehabilitative programs occurred earlier for juveniles than for adults. Today, however, progressive programs for adults resemble those for juveniles, and the separation of adult and juvenile programs sometimes interferes with overall planning and with continuity of program for offenders. The ambiguity and awkwardness resulting from this division are nowhere more apparent than in the handling of older adolescent and young adult offenders, who often defy precise classification and are handled poorly by both the juvenile and the adult correctional systems.

There has also been a historic barrier between institutional and community programs. In many jurisdictions there has even been a barrier between probation and parole, the one connected with the courts, the other with States correctional agencies.

CORRECTIONAL STAFF

Over 121,000 people were employed in corrections on an average day in 1965, 15 percent in community programs, which handled 67 percent of all offenders, the other 85 percent in institutions, where 33 percent of all offenders were confined.

Functionally classified, 63,000, or 52 percent of all staff, were custodial employees—guards, supervisors, and house parents. Another 34,000 or 28 percent, were engaged in service or administrative functions. Thus, only 24,000 workers, or 20 percent, were primarily engaged in activities specifically designated as aimed at treatment. This figure includes all the probation and parole workers, as well as social workers, psychiatrists, psychologists, and teachers.

Correctional agencies across the country face acute shortages of qualified manpower, especially in positions charged with responsibility for treatment and rehabilitation. Thousands of additional probation and parole officers are required now to achieve minimum standards for effective treatment and control. Many more thousands will be needed in the next decade.

Similar, though not as acute, shortages are commonplace in specialist positions within correctional institutions. Teachers, caseworkers, vocational instructors, and group workers are all needed in great numbers, as are personnel to carry out classification and screening functions within both institutional and community programs.

Guards and house parents are substantially more numerous, but there is a major need to recruit more adequately qualified persons and to develop new skills and perspectives, so that these thousands of workers may play a significant role in rehabilitative programs. Today the great potential which they have for changing offenders, rather than merely overseeing them, goes largely unrealized.

Many correctional manpower problems stem from conditions which make the field unattractive to competent and ambitious persons. Salaries are very low. For example, the median starting salary for custodial employees in adult institutions is between $4,000 and $5,000 per year. In juvenile institutions, it is even lower—$3,000 to $4,000. Teachers, social workers, and counselors do not fare much better. Higher education in the United States has displayed little interest in the special problems involved in dealing with offenders under correctional treatment. In addition, working conditions are difficult, and the public image of the work—and therefore its prestige—are generally poor.

As a result of these conditions, administrators of correctional programs tend to have limited backgrounds. Too often they are promoted to their managerial posts from within the system, without adequate training, experience, or fitness for their task. A number are also chosen largely on the basis of political considerations.

DIRECTIONS FOR THE FUTURE

In several senses corrections today may stand at the threshold of a new era, promising resolution of a significant number of the problems that have vexed it throughout its development. At the very least, it is developing the theory and practical groundwork for a new approach to rehabilitation of the most important group of offenders—those, predominantly young and lower-class, who are not committed to crime as a way of life and do not pose serious dangers to the community.

It is beginning to accumulate evidence from carefully controlled experimentation that may help guide its efforts more scientifically. Its increasing focus on rehabilitation has, according to recent opinion polls, found widespread acceptance among members of the general public. And, sitting as it were at the crossroads of a dozen disciplines—among them law, sociology, social work, psychology, and psychiatry—dealing with problems of poverty, unemployment, education, and morality, corrections has also attracted the interest of increasing numbers of talented people.

Estimates indicate that corrections will have to cope with very substantial increases in offender populations over the next decade. Figure 3 indicates the projected growth of various correctional populations from 1965 to 1975, based on population increases and on the assumption that present trends in arrest, conviction and release rates will continue. Figures 4 and 5 show breakdowns of these projections by specific treatment classifications for the juvenile and adult systems.

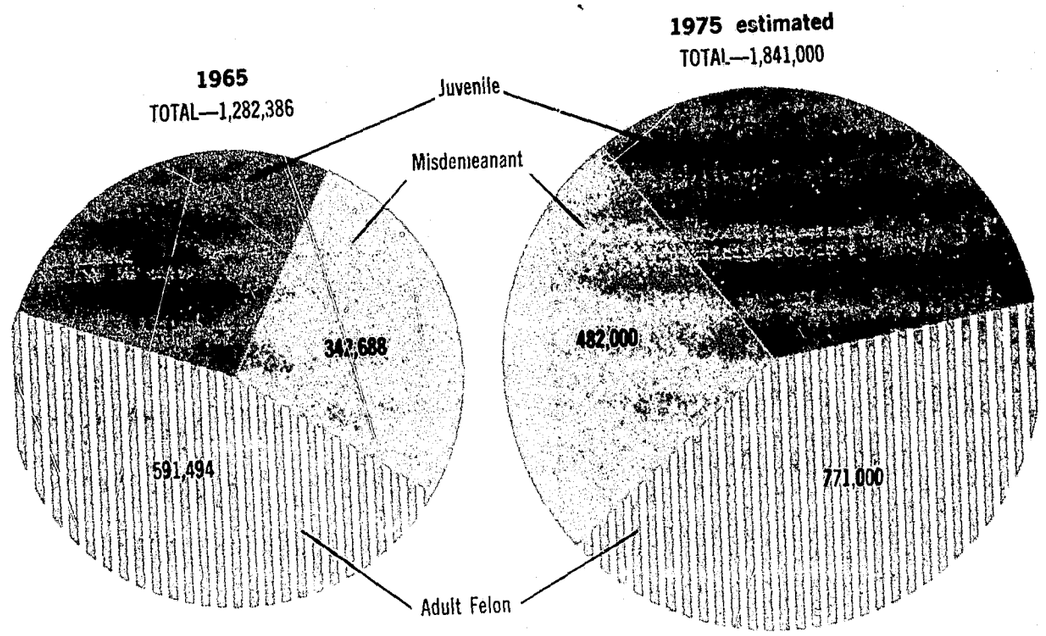
The assumptions on which these projections and those in ch. 6 of the Commission's General Report are based, and the manner in which they were computed, are discussed in appendix B.[5] Data with respect to the use of probation, as opposed to incarceration, are not available on a nationwide basis. Most correctional officials believe that probation is being used increasingly across the Nation. To take this into account, data from California were used. It is the largest State; it has a variety of probation agencies; it has had a definite increase in the use of probation; and its records in this regard are quite complete.

Because probation terms are longer on the average than jail terms, projections assuming a growth in its use yield a larger total population under correctional control at any given time than would have been the case if sentencing trends had been held constant. Thus the estimates of the total correctional population in 1975 (figure 3) would be about 7 percent lower if no allowance were made for an increased use of probation. A corresponding analysis of figures 4 and 5 is shown in appendix B.

However calculated, all evidence indicates that there will be increasing pressure on adult and juvenile probation and on the juvenile system generally in the coming years. Changes in correctional practice must deal simultaneously with these pressures as well as old practices.

[5] The projections were developed by R. Christensen of the Commission's Task Force on Science and Technology.

AVERAGE DAILY POPULATION IN CORRECTIONS **Figure 3**



Sources: 1965 data from National Survey of Corrections and tabulations provided by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts. Projections by R. Christensen, of the Commission's task force on science and technology; see Appendix B.

The following sections of this chapter outline some of the bases on which this "new corrections" is proceeding. There are, of course, substantial uncertainties, conflicts, and difficulties attendant upon its course, and the most important of these are noted and discussed. The goal is to provide a general analytical framework for the more specific issues dealt with in the remainder of the volume.

REINTEGRATION OF THE OFFENDER INTO THE COMMUNITY

The general underlying premise for the new directions in corrections is that crime and delinquency are symptoms of failures and disorganization of the community as well as of individual offenders. In particular, these failures are seen as depriving offenders of contact with the institutions that are basically responsible for assuring development of law-abiding conduct: sound family life, good schools, employment, recreational opportunities, and desirable companions, to name only some of the more direct influences. The substitution of deleterious habits, standards, and associates for these strengthening influences contributes to crime and delinquency.

The task of corrections therefore includes building or rebuilding solid ties between offender and community, integrating or reintegrating the offender into community life—restoring family ties, obtaining employment and education, securing in the larger sense a place for the offender in the routine functioning of society. This requires not only efforts directed toward changing the individual offender, which has been almost the exclusive focus of rehabilitation, but also mobilization and change of the community and its institutions. And these efforts must be undertaken without giving up the important control and deterrent role of corrections, particularly as applied to dangerous offenders.

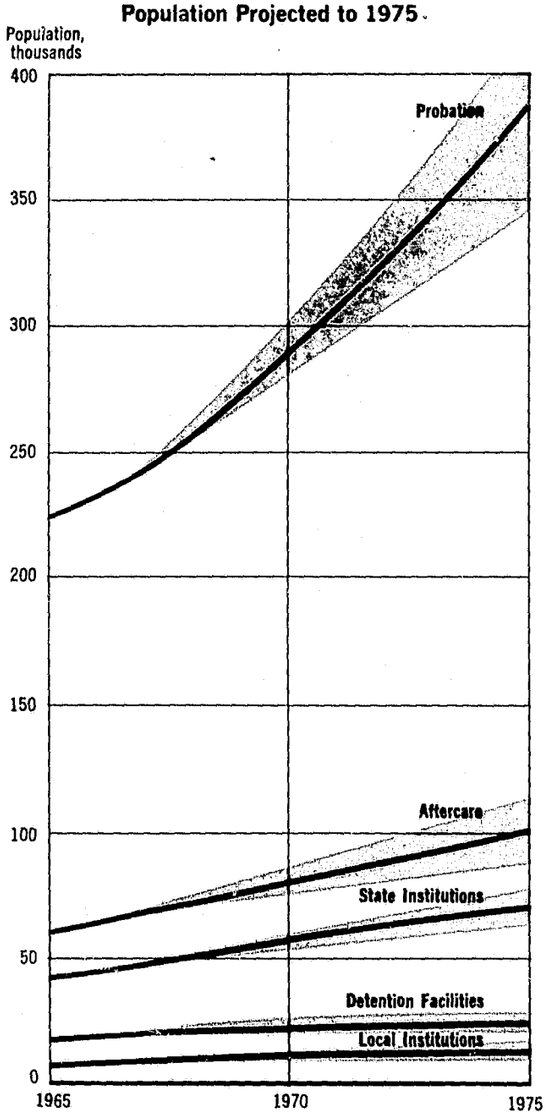
The common sense of this conclusion is patent, though of course its implications and implementation in practice are not so simple. Its academic and research antecedents are discussed in greater detail in chapters 2 and 3 of the Commission's General Report, dealing with assessment of crime and delinquency, and in its volume on juvenile delinquency.

The connection between social factors and crime was first systematically revealed in a series of studies carried on by Shaw and McKay at the University of Chicago during the 1920's.[6] These showed consistently high rates of delinquency in deteriorated areas within large cities, areas characterized by poverty and unemployment, residential mobility, broken homes, and evidence of disrupted social relationships such as mental illness, suicide, alcoholism, and narcotic addiction. Crime became in this perspective one of a wide array of symptoms of urban disorganization.

[6] See, for example, Clifford R. Shaw, Henry D. McKay, and others, "Delinquency Areas, a Study of the Distribution of School Truants, Juvenile Delinquents, and Adult Offenders in Chicago" (Chicago: University of Chicago Press, 1929).

JUVENILES UNDER CORRECTIONAL SUPERVISION IN THE UNITED STATES **Figure 4**

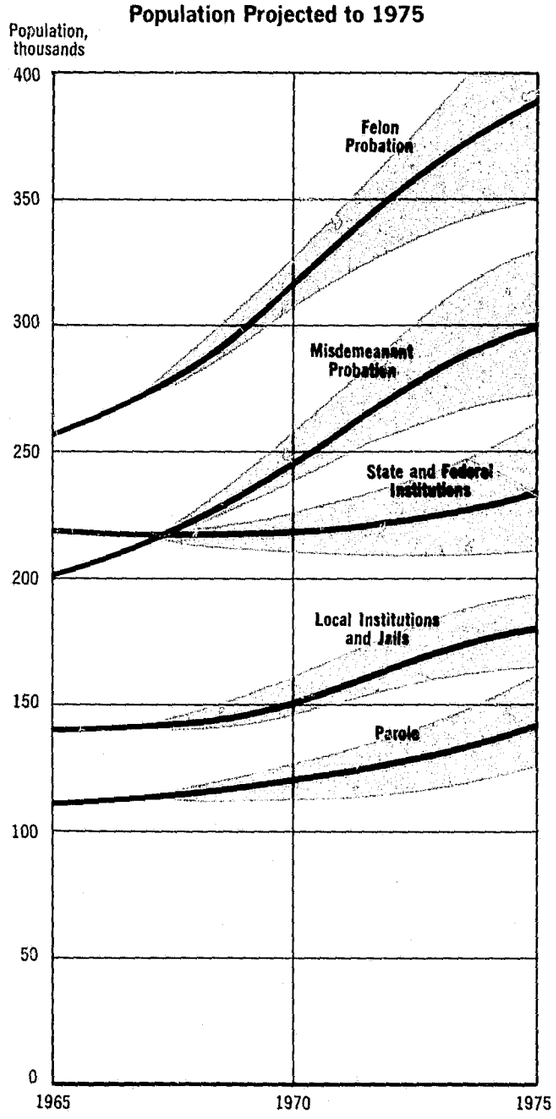
Population Projected to 1975



Sources: See Figure 3. (Shaded area indicates possible deviation.)

ADULTS UNDER CORRECTIONAL SUPERVISION IN THE UNITED STATES **Figure 5**

Population Projected to 1975



Sources: See Figure 3. (Shaded area indicates possible deviation.)

Other researchers undertook to explain the connection. One key to understanding delinquency in such deteriorated areas is the fact that people acquire the beliefs, values, attitudes, and habits of the groups with whom they are most closely associated. This idea is elaborated in Edwin Sutherland's theory of differential association,[7] which hypothesized that people become delinquent to the extent that they participate in groups and neighborhoods where delinquent ideas and techniques are viewed favorably. The earlier, the longer, the more frequently, and the more intensely people participate in such social settings, the greater is the probability of their becoming delinquent.

An important corollary of this theory is that a person's attitude toward himself is determined by the evidence of support or opposition he sees in the responses of others toward him. If he receives praise, he comes to think of himself in the same light. When praise is associated with violations of society's codes and laws, the individual may accept nonconformity as a pathway to the favorable appraisals of others. The reverse, of course, is also true.

Other modern theories place emphasis on the concepts of "cultural disorganization" and "delinquent subcultures." Culture in this context refers to the system of goals and values that guide the conduct of a society's members. Cultural disorganization occurs when goals are contradictory and values conflicting. The term subculture describes a group that strongly endorses values and goals at odds with those of the dominant culture; a delinquent subculture is a system of values, beliefs, and practices that encourages participation in law violation and awards status on the basis of such participation.

Perhaps the development of these concepts most pertinent to reintegration as a mode of correctional treatment is that of Cloward and Ohlin[8] which built on work by Cohen[9] and others. It asserts that much delinquency is the result of inability to gain access to legitimate opportunities in our society, coupled with availability of illegitimate opportunities that are seized as alternatives by frustrated persons. Corrective action therefore should seek to increase the opportunities of the offender to succeed in law-abiding activities, while reducing his contacts with the criminal world.

Such theories have been formulated mainly in the context of crime by slum dwellers, particularly the young. The experiments and data on which they are based have most concerned this group, and their concentration on economic and social deprivation as the causative background of crime and delinquency reflects this perspective. But in fact these theories are not so exclusive in their implications. They can, for example, be applied to the many instances of middle-class and suburban delinquency in which school failure, family problems, and even the lack of exciting and challenging legitimate opportunities for use of leisure time are precipitating factors.

Nor do they deny that psychological causes operate in many criminal cases, particularly because the social and family disturbances on which they concentrate are also recognized today as important in psychological disturbance. Admittedly, however, further research and experimentation are necessary to develop these theories of social effect to the point where they can be of specific help in correctional treatment of particular offender types.

It should be noted that the theories of social causation underlying emphasis on reintegration in corrections have analogies in other fields. Mental health is one of these. In early times persons who exhibited strange or bizarre behavior were considered possessed by devils. They were severely punished, chained in dungeons, or burned at the stake. Later these persons were simply incarcerated, and more recently given individual psychiatric care. In the last decade the problems of the community have been perceived as contributing to much mental illness, and treatment of the mentally ill has shifted significantly from institutional to community bases. New occupational roles, such as that of the community organization specialist, have appeared, along with new areas of knowledge, such as social psychiatry.

There is also a parallel in education. In an earlier era, slow learners were considered lazy; they were kept after school, birched, or rapped on the knuckles. Later, counselors and other clinical workers were introduced into the school system to treat the problems of individual students. Today there is also concern for community factors, such as family disorganization and the culture of poverty, as determinants of scholastic aspiration and achievement. Indeed, the motivations and premises of poverty programs in general are very closely connected with those underlying the new directions in correctional treatment.

INCREASED USE OF COMMUNITY TREATMENT

The main treatment implication of reintegration concepts is the value of community-based corrections. Most of the tasks that are now carried out by correctional officials would still be required if the goal of reintegration were adopted: diagnosis and classification, counseling, application of necessary controls and sanctions.

But probation and parole would have wider functions than are now usually emphasized within their casework guidance orientation. They would have to take much more responsibility for such matters as seeing that offenders get jobs and settle into responsible work habits; arranging reentry into schools and remedial tutoring or vocational training; giving guidance and counseling to an offender's family; securing housing in a neighborhood without the temptations of bad companions; or getting a juvenile into neighborhood club activities or athletic teams.

Only in a few areas like jobs or schooling do probation and parole officers now generally attempt anything like such functions, and even in these cases the most that is usually done is to refer the offender to an employment office or to make limited contact with a school official. Detailed treatment of what more active intervention in the community entails is given in chapter 3 on probation.

[7] Edwin H. Sutherland and Donald R. Cressey, "Principles of Criminology" (seventh ed., Philadelphia: J. B. Lippincott Co., 1966), pp. 77–100.

[8] Richard A. Cloward and Lloyd E. Ohlin, "Delinquency and Opportunity" (Glencoe, Ill.: The Free Press, 1960).

[9] See Albert K. Cohen, "Delinquent Boys: The Culture of the Gang" (Glencoe, Ill.: Free Press, 1955).

Obviously it will require more complex probation and parole organization, with specialists concerned with various areas of help and treatment. In many cases it will clearly require that community treatment officials take an advocate's role in fighting against such barriers as rules prohibiting readmittance of offenders to their former schools or employment of those with convictions. And it will require that corrections officers have funds with which to purchase needed services, such as special training or medical attention, that cannot otherwise be obtained.

None of these things is going to be easy to accomplish. While in many respects the barriers to reintegration erected by the community are irrational, they do at base reflect, for example, the often severe disruption that delinquents can cause in school classes or recreational groups and the risks that an offender may present to employers. To some extent the community's exclusion of the offender is inevitable. Moreover, in a great many cases the services and community institutions that offenders need simply are not there in the first place—which may of course have contributed to their initial involvement in crime or delinquency. There is little sense in getting an offender readmitted to a slum school so poor that he will not profit from it; funds for the purchase of clinical services are useless if there are no clinics to go to. Mobilization of community institutions is a larger task than corrections alone can accomplish and it involves much broader interests than prevention of recidivism.

While the efforts of corrections to date to alter the operations of community institutions as they affect offenders have not been extensive or highly visible, they have shown that much can be done within the existing framework of communities. For example, arrangements have been made with employment service agencies to assign special staff for the placement of offenders in jobs. Schools have developed special counseling and work-study programs for delinquent youth in cooperation with local correctional officials. Some recreation agencies have focused their efforts upon young people referred and supervised by probation departments. Gains have been made in breaking down the legal and administrative procedures which exclude offenders from employment through bonding and licensing requirements and through policies which make them ineligible to compete for many jobs because of a criminal record.

A somewhat different set of examples of what can be done along these lines are the special community programs that have been established in several places, including New Jersey, California, and Utah, for juveniles so involved in delinquency that they would ordinarily be incarcerated. It has been found in some cases that they can achieve higher rates of success if, instead of being committed to an institution, they are assigned to new types of community facilities where they must report daily for intensive counseling, work, and training, or where they live while working or attending school in the community. These programs are discussed in chapter 4.

In the sense that they employ residential facilities or themselves provide rehabilitative programs exclusively for offenders, they are pragmatic modifications of the community treatment-reintegration ideal. But their location in cities and their wide use of neighborhood facilities and opportunities avoids the inward orientation and isolated subculture of the conventional institution.

These special community programs also have a major advantage in that they permit staff to become closely aware of the offender's relationships at home, at school, and in community social groups. Their cost in relation to the number of youths handled is generally much higher than the cost of regular probation supervision, but lower than the cost of institutional confinement.

Closer to the model of reintegration through employment of community resources is the Youth Services Bureau proposed and discussed in chapter 3 of the Commission's General Report and in the volume on juvenile delinquency. These facilities would handle not only adjudicated delinquents referred to them by juvenile courts but also youths who had not gotten into trouble but needed various kinds of activities or help to avoid it. The bureaus might themselves provide some of these services—tutoring; after-school, weekend, and vacation jobs; recreation and social contacts; and clinical treatment. Or they might employ the resources of schools, private welfare agencies, and other community institutions. To the extent that, by accepting others than adjudicated offenders, they could avoid labeling those who came to them as delinquents and thus setting them off from normal society, the Youth Services Bureaus would fulfill one of the main aims of reintegrative community treatment.

For even without the addition of new roles for probation and parole in working with community institutions, treatment outside of a prison or training school avoids the breaking down of community ties and labeling that makes rehabilitation doubly difficult. Correctional practice can thus begin, as indeed some progressive jurisdictions already have begun, simply by making maximum use of conventional probation and parole. There have been several recent demonstrations that the proportion of persons on probation or parole can be increased without increasing rates of recidivism. For example, the State of Texas doubled the number of persons placed on parole in the period between 1958 and 1960 and maintained a constant rate of recidivism. The Saginaw project described in the chapter on probation is another example of similar findings.[10]

BLURRING LINES BETWEEN INSTITUTION AND COMMUNITY

Closely allied in premise and method to new concepts in community treatment are a variety of attempts to remove some of the isolating effects of institutionalization and to ease the difficult transition back into the community for those who have been confined to prison or training school. Historically, parole itself began in part as such an attempt, and such other means as halfway houses and work-release programs have also been used in a few States for years.

[10] Michigan Crime and Delinquency Council, "The Saginaw Probation Demonstration Project" (New York: National Council on Crime and Delinquency, 1963).

But this report envisions such basic changes as construction of a wholly new kind of correctional institution for general use. This would be architecturally and methodologically the antithesis of the traditional fortress-like prison, physically and psychologically isolated from the larger society and serving primarily as a place of banishment. It would be small and fairly informal in structure. Located in or near the population center from which its inmates came, it would permit flexible use of community resources, both in the institution and for inmates released to work or study or spend short periods of time at home. Its closest existing models are some of the residential centers developed in the special juvenile treatment programs mentioned above, and the halfway houses that have been developed in a number of communities for released prisoners.

This type of institution would perform many functions. It would receive newly committed inmates and carry out extensive screening and classification with them. For those who are not returned quickly to community treatment, the new institutions would provide short-term, intensive treatment before placing them in the community under appropriate supervision. Still other offenders, after careful diagnosis, would be sent to the higher custody facilities required for long-term confinement of more difficult and dangerous inmates. But they might be eventually returned to the small facility as a port of reentry to the community.

The "partial release" programs that such a community-based institution would facilitate can also in many instances be employed in traditional facilities. In recent years the most dramatic increase in programs of graduated release from prisons has been in the area of work release. A work-release program was first introduced in Wisconsin institutions for misdemeanants in 1913 under that State's Huber Act, but for over four decades its use spread slowly. Large-scale extension to adult felons began with North Carolina legislation in 1959. Favorable experience there led to work release for felons in the early 1960's in South Carolina, Maryland, and other States in rapid succession. Work release for Federal prisoners was authorized by the Prisoner Rehabilitation Act of 1965. The record with work release has been predominantly favorable, despite some difficulties inherent in the lack of experience in administering it.

A variant of this program, sometimes called study release, is particularly appropriate for juvenile and youthful offenders. It is highly developed at several State establishments and at the Federal prerelease guidance centers. Prerelease guidance centers and halfway houses are themselves central to the concept of reintegrating offenders into the community and should be developed as complete alternatives to traditional institutionalization for some offenders. The New York State Youth Board, for example, has several centers consisting of a few apartments within large apartment buildings that serve primarily as an alternative to traditional training school commitment but are also used as prerelease centers.

Such programs permit offenders to cope with release problems in manageable pieces, rather than trying to develop satisfactory home relationships, employment, and leisure-time activity all at once. They also permit staff to carry out early and continuing assessment of individuals' progress under actual stresses.

MAXIMIZING PARTICIPATION IN TREATMENT

Traditional prisons, jails, and juvenile institutions are highly impersonal and authoritarian. Mass handling, countless ways of humiliating the inmate in order to make him subservient to rules and orders, special rules of behavior designed to maintain social distance between keepers and inmates, frisking of inmates, regimented movement to work, eat, and play, drab prison clothing, and similar aspects of daily life—all tend to depersonalize the inmate and reinforce his belief that authority is to be opposed, not cooperated with. The phrase much heard in inmate circles—"do your own time"—is a slogan which expresses alienation and indifference to the interests of both staff and other inmates. Such an attitude is, of course, antithetical to successful reintegration.

In contrast with this traditional system, a new concept of relationships in correctional institutions, the "collaborative regime," has been evolving during the past few decades. An outstanding feature of this trend is increased communication between custodial staff, inmates, and treatment staff. Custodial staff, by virtue of their number and their close contact with all aspects of an inmate's life, have a great potential for counseling functions, both with individual inmates and in organized group discussions. Instructors, administrators, and business staff also have been brought into the role of counselors and have been assigned rehabilitative functions in some programs.

Another important dimension of this collaborative concept of institutional life is the involvement of inmates themselves in important treatment functions. Group counseling sessions, particularly, have become settings in some institutions for inmates to help each other, often through hard and insistent demands for honesty in self-examination, demands that cannot be provided with equal force and validity by staff who have not as individuals shared experience in the manipulative world of criminal activity. Group counseling has also been extended with success to community treatment.

DIFFERENTIAL HANDLING

More individualized and systematically differentiated treatment and control of offenders is another major requisite of more rational and effective corrections. Mass handling remains the predominant practice today. It is true that there is some attempt in the more progressive institutions to fit programs to each inmate's needs. And a small proportion of probationers and parolees receive handling determined by staff evaluations of their individual requirements. But most offenders under correctional control are given quite standardized attention.

A number of research projects have indicated the importance of differential handling of various types of of-

fenders from the standpoint of rehabilitative treatment. One attempt at early release of a sample of all types of offenders with intensive supervision in special small caseloads found, for example, that first offenders so treated had markedly fewer violations on parole than their counterparts given longer institutionalization, while those with prior records had more,[11] suggesting that shorter institutional terms followed by intensive supervision may be appropriate for first offenders but ineffective for some of those with prior records.

Another study of three treatment methods—parole, forestry camp, and training school—found that the effectiveness of each of these treatments varied with different kinds of offenders. Conforming and overinhibited boys had higher success rates when assigned to parole or to forestry camps. Emotionally disturbed offenders, with no evidence of progressive involvement in criminality, did best on parole and poorest under training school assignment. Aggressive and antisocial delinquents had a uniformly high violation rate under all of the alternatives investigated.[12]

The relationship between the characteristics of offenders and the characteristics of those supervising them has also been explored. The Camp Elliott study by Grant and Grant, for example, investigated the response of military offenders to an experimental living group program. Among the conditions controlled were the level of maturity of the offenders and the social and psychological characteristics of the team of supervisors who were in charge of the group. The treatment methods of some supervisory teams did more to increase the success rates of some kinds of offenders, but they were markedly detrimental to the chances for success of other kinds of offenders.

The study showed that, if the characteristics of both the offenders and their supervisors are considered, there are wide variations in the success rate among the different combinations. It also showed that when all offenders are lumped together the effects of variations in treatment are negligible.[13] Similar results were reported by Adams in the Pilot Intensive Counseling Study, a program of individual therapy with training school wards.[14]

Attempts to apply such findings to the practical classification of offenders for treatment, and in particular to develop "offender typologies" as an aid in classification, are discussed in chapter 2 on intake.

A great deal of further research and demonstration is needed to confirm and refine these conclusions. But at least such studies demonstrate the importance of differential treatment and help explain the fact that, while evaluation has shown a few treatment efforts to yield some subsequent improvement on the part of offenders, a few have shown negative effects and the great majority no appreciable difference in the conduct of offenders to whom they have been applied. Bailey, for example, reviewed the outcome of correctional programs in 100 studies conducted between 1940 and 1959 and noted that those studies in which the greatest care had been taken in the experimental design reported either harmful effects of treatment or, more frequently, no change at all.[15] In most cases, the subjects who received treatment improved according to some measure of change, but they showed no improvement or changed for the worse by other measures.

Differential treatment would involve identifying dangerous offenders who require rigorous control and surveillance as well as selecting appropriate methods of rehabilitation. It would also lead to economies, since offenders who need minimal supervision could be handled expeditiously, while those who require intensive treatment and control could be handled accordingly.

CONCERN FOR FAIRNESS

It is perhaps ironic that trends in modern corrections toward more humane treatment and greater emphasis on rehabilitation and community supervision have increasingly raised issues of fair process and the rights of offenders. At one time an offender's correctional course was largely determined at trial. If he was sentenced to prison, he went and served the term appointed for him by the judge or statute, and by and large he was treated in prison just like everybody else. But today correctional decisions are far more numerous and complex, and many of them are made administratively by correctional staff rather than by a judge or statute.

What sort of program or treatment an offender should receive at various points in his correctional career; whether and when he should be moved into or out of halfway houses, work-release programs, minimum-security facilities; whether he should have his probation or parole revoked or suspended—these and other questions are now becoming routine in corrections. They would become even more important and more frequent under the sort of regimen this chapter envisions for the future.

At the same time, there is today growing concern for the rights of persons subject to administrative process in the criminal justice system. Courts have already, of course, probed deeply into questions of police handling of suspects, and the U.S. Supreme Court has recently accepted two cases involving right to counsel in probation revocation.[16] Changes in correctional philosophy have encouraged this concern for the rights of offenders. As long as the dominant purpose of corrections was punishment, the treatment of offenders could be and was regarded in law as a matter of grace in which offenders had few rights. But when decisions are made with the object of helping offenders, and when moreover they purport to have some rational or even scientific basis, it becomes anomalous to regard them as unreviewable matters of grace.

Chapter 3 explores in some detail the issues and problems involved in this area. Their resolution is in most cases not at all easy. The need for correctional officials to maintain authority, the need in many cases for quick and simple decisional procedures, and the development of relatively greater expertise among corrections professionals than among judges, all militate against applying the full panoply of judicial due process to all correctional decisions.

[11] Don M. Gottfredson, "A Strategy for Study of Correctional Effectiveness" (paper presented at the Fifth International Correctional Congress, Montreal, Canada, 1965).

[12] Paul F. Mueller, "An Objective Approach to a Behavior Classification of Juvenile Delinquents" (unpublished Ph. D. dissertation, University of Washington, 1959).

[13] J. D. Grant and M. Q. Grant, "A Group Dynamics Approach to the Treatment of Nonconformists in the Navy," Annals of the American Academy of Political and Social Science, 322: 126–135 (1959).

[14] Stuart A. Adams, "Interaction Between Individual Interview Therapy and Treatment Amenability in Older Youth Authority Wards," in "Inquiries Concerning Kinds of Treatment for Kinds of Delinquents", Monograph No. 2 (Sacramento: California Department of Corrections, 1961), pp. 27–41.

[15] Walter C. Bailey, "Correctional Outcome: An Evaluation of 100 Reports," Journal of Criminal Law, Criminology and Police Science, 57: 153–160, June 1966.

[16] *Memphis* v. *Rhay*, *Walkling* v. *Rhay*, Nos. 424, 734, 1966 term.

On the other hand, the need to insure that coercive decisions vitally affecting the lives of offenders are not made through prejudice, on the basis of inadequate or incorrect information, or without rational relation to their purposes or justifications, requires significantly greater safeguards than now exist in most correctional systems. *A fortiori* offenders should have recourse against corrupt or brutal treatment and against the deprivation of minimal rights to worship and the like.

Legal requisites in this area remain almost entirely undefined. Certainly one approach to a sensible reconciliation of interests is through the development of adequate administrative procedures within correctional systems themselves. Hearings involving the offender, review of decisions by persons removed from the immediate situation, explicit policy guidelines and standards, and adequate records to support decisions are examples of lines that should be followed. The adequacy of recourse for grievances against officials should be subject to the oversight of some external authority.

The continued neglect of this task by corrections may, as it has in the case of police procedures, make it difficult for courts to do anything but write their own rules. The necessity of procedural safeguards should not be viewed as antithetical to the treatment concerns of corrections. The existence of procedures both fair in fact and perceived to be fair by offenders is surely consonant with the "collaborative regime" emphasized as desirable by modern corrections, in which staff and offenders are not cast as opponents but are united in a common effort aimed at rehabilitation. In a prison no less than in society as a whole, respect for and cooperation with authority requires the guaranty of fairness.

REQUISITES FOR IMPROVEMENT

The "new corrections" requires to achieve its goals several fundamental conditions: extended research and program evaluation; better decision-making; improved organization; and more and better qualified staff.

RESEARCH AND EVALUATION: THE STRATEGY OF SEARCH

The most conspicuous problems in corrections today are lack of knowledge and unsystematic approach to the development of programs and techniques. Changes in correctional treatment have been guided primarily by what Wright calls "intuitive opportunism," [17] a kind of goal-oriented guessing.

If the range of alternatives for solving correctional problems were narrow, well-organized, and familiar, the best approach might be this intuitive and pragmatic one. But this is not the case. Failure to attempt really systematic research and evaluation of various operational programs has led to repetitive error. Even more, it has made it impossible to pinpoint the reasons for success when success did occur.

The possibility has not been adequately considered, for example, that the impact of new techniques may be overwhelmed by negative influences already existing in correctional systems, or the possibility that introduction of new techniques may produce negative effects upon procedures already present. Individual practices which by themselves might have been helpful often seem to generate conflict when joined irrationally with other practices. For example, the tendency for custody and treatment people to be at odds with each other in correctional institutions (a schism reinforced by organizing them as separate divisions) often contributes to the cynicism, rather than the reformation, of offenders. Inmates are encouraged to concentrate on means for exploiting the rift among staff members rather than working with staff to resolve common problems.

The beginnings of correctional research stemmed from several different interests. Correctional administrators have required population accounting procedures for budget and capital outlay planning. Theoreticians began studying correctional populations because of their interest in the causes of criminality and the processes of correctional change. Some research was instigated to demonstrate to legislatures and others the cost-effectiveness of the various treatment alternatives born of increasing emphasis on rehabilitation.

From these beginnings, the scope of research expanded after World War II, with increasing emphasis on scientific management and operations research in other fields. Since universities were unable to provide systematic, ongoing evaluation services, university-trained research persons were employed by correctional organizations to evaluate program. During the 1950's, correctional research divisions were created in several States.

Initially, research activities in correctional agencies tended to be isolated. The creation of an ongoing research activity did not mean that the correctional organization utilized research for program formulation and policy decisions. There were two reasons for this. First, researchers tended to approach organizational problems from an academic frame of reference and were not acquainted with operational problems of correctional organizations. They used mysterious language, and their techniques for evaluation were alien to correctional administrators. Second, correctional administrators were not versed in a social science approach to problem solving and did not know how to incorporate an ongoing research program into the correctional program of their departments.

The contemporary trend is toward the integration of research and action. Researchers are becoming increasingly acquainted with correctional organizations and correctional managers with the uses of social science research in the development of action programs.

The role of research demands a close integration of these two concerns. Broadly characterized, research can provide basic information about offenders, such as number, rates, trends, and individual characteristics. Researchers can contribute information on research findings and theoretical developments that have implications for correctional program development and thus help assure that program formulations are in accord with the strongest

[17] John C. Wright, "Curiosity and Opportunism," Trans-Action, 2: 38–40 (January–February 1965).

evidence and best theorizing. And researchers can participate in planning programs to help frame hypotheses for the testing of program claims and devise experimental designs to test them. Researchers must cooperate too in program operation, to observe and record implementation and insure that results are substantiated.

If various program strategies are to be evaluated in terms of their effectiveness in achieving objectives, it is necessary to designate criteria of outcome and instruments of measurement. This procedure is complicated if goals for different populations of offenders differ, as is usually the case. Moreover, at the present time it is not possible to compare outcomes from different correctional populations or systems because of the lack of comparability or the simple unavailability of outcome data. This handicap must be reduced through attempts to secure greater comparability of standards and definitions. Better communication of results is also needed.

The first requirement for an efficient use of research in correctional program development is an organizational arrangement that calls for integration of the functions of administration, treatment, and evaluation. Prior to the introduction of research, there was only one communicational channel within the system: the channel between administration and treatment. With the advent of research, the channels of communication increase to three.

There is a need to overcome such barriers through the development of a common commitment subscribed to by administrators, program operators, and researchers. The gap between administrator and treater could be substantially lessened if management committed itself to specific treatment strategies which would be given adequate tests and if it shared program decisions with treatment personnel. The gap between administrator and researcher could be narrowed through adoption of a common frame of reference as to the role of evaluation in the total management process. The gap between treaters and researchers could be lessened through mutual commitment to the goal of improving treatment by evaluation. Treaters would be called upon to enter actively into the evaluation process and would be seen as indispensable collaborators in research. Research would be seen as an aid rather than a threat to the treatment of the offender.

IMPROVING DECISION-MAKING

Correctional decision-making is characteristically handicapped by several deficiencies. First, data essential to the making of sound decisions often are not available. In determining whether to grant parole, for example, decisions usually are based on scanty information collected at the time the offender was committed to the institution. Information on changes that have occurred during confinement is not usually available or is inadequate.

Second, information that is available may be irrelevant to the outcomes which determine whether the decision was sound. It is characteristic of any decision-making process that those involved often are not aware of the particular bits of information they employ in arriving at a judgment. Moreover, the information they do use may, by empirical standards, be unrelated to the judgment being made. The question of relevance cannot be answered by argument but only by careful research.

Studies of the decisions made by juvenile court judges indicate that, while some judges are interested primarily in psychological information, others are equally fixed in their orientation to social background items. This raises a question as to the types of information which should be employed. Some studies have suggested that if information believed by the decision-makers to be extremely important is arbitrarily withheld, there appears to be no significant change in the decisions made.[18] Although he may vigorously deny it, the decision-maker tends to make the same decisions whether or not he has access to the information desired.

There is an even more interesting finding from such studies. By withholding certain items of information from the directors of juvenile institutions in England, decisions regarding the prognosis of inmate performance could often be improved.[19] In other words, certain items of information tended to mislead the officials because they attached greater weight to them than was warranted.

A final and related problem is that the volume of information often overloads human capacity for analysis and utilization. The sheer number of offenders under correctional supervision is staggering and is growing rapidly each year. Adequate disposition of these offenders may require tens or hundreds of items of information on each offender at each step in the correctional cycle. Computerized information systems have a potential for simplifying access to these data.

A core responsibility found in all phases of the correctional process is the requirement of gathering and analyzing information about the offender that will provide an adequate basis on which to predicate the series of correctional decisions.

Whether the decision is to invoke the judicial process, to choose between probation or imprisonment, to select the appropriate degree of security in a correctional institution, or to determine the timing for release from incarceration or the necessity for revocation of parole, judicial and administrative decision-makers are concerned with very similar issues:

1. The degree or extent of threat to the public posed by the individual. Significant clues will be provided by the nature of the present offense and the length of any prior record.
2. The nature of the response to any earlier correctional programs.
3. The kind of personal stability and responsibility evidenced in his employment record, residential patterns, and family support history.
4. The kind of personal deficiencies apparent, including educational and vocational training needs.
5. The personal psychological characteristics of the offender that determine how he perceives the world and his relationship to it.

A few correctional research programs are seeking to test the way in which these personal dimensions can be

[18] Leslie T. Wilkins, "Social Deviance and Prediction Methods" (New York and London: Prentice-Hall and Tavistock, 1964), app. 4.

[19] Herman Mannheim and Leslie T. Wilkins, "Prediction Methods in Relation to Borstal Training" (London: H.M. Stationery Office, 1955), pp. 123–125.

subjected to objective analyses and used as the basis for predicting the probable response of given offenders to alternative correctional programs. Some progress is evident in both statistical and psychological research experiments.

Paralleling these general needs is the need for professional clinical personnel to assist in the evaluation of the bizarre-acting, seriously disturbed, and mentally deficient offenders and to provide consultation and advice to the line staff who must deal on a day-to-day basis with this special group.

Central to such evaluation is the necessity for identifying those dangerous or habitual offenders who pose a serious threat to the community's safety. They include those offenders whose personal instability is so gross as to erupt periodically in violent and assaultive behavior and those individuals whose long-term exposure to criminal influences has produced a throughgoing commitment to criminal values that is resistive of superficial efforts to effect change. For these persons the still primitive state of treatment methodologies can only offer some long-term confinement followed by the kind of parole supervision that will provide maximum possible control.

There is a clear need for an improved capability in the information gathering and analysis process and continued experimental development to improve the predictive power of the information gathered. These needs imply increased manpower and the training requisite to the development of sophistication and skill in the investigative-diagnostic process.

There are many problems to be solved. The technological ones are perhaps the least difficult since we have entered an area when rapid processing, communication, and display of information are possible.

A much more difficult problem lies in developing data which are sufficiently exact, relevant, and reliable to place into an automated system. Much of the existing information about offenders consists of "soft" descriptions (e.g., "aggressive" or "dependent") which are highly impressionistic and unreliable. The most sophisticated data-processing systems can do nothing to improve the quality of the information fed in. Indeed, there is a danger of creating an illusion of scientific omniscience through premature use of advanced methods for handling data.

Painstaking efforts are needed to define which data are relevant to particular decisions, to "harden" the data through scaling and through standardization and validation techniques, to obtain improved criteria on the basis of which judgments are made as to success and failure of various types of offenders and correctional programs. None of these tasks is impossible, but each is extremely complex. Much pilot work is needed before major financial and organizational commitment is made to new techniques and equipment.

ACHIEVING ORGANIZATIONAL COHERENCE

The administrative and jurisdictional fragmentation that characterizes corrections in this country has had some significant advantages. Diversity has been important in a period of development when no one aim or method could lay claim to infallibility, and a monolithic system might well have discouraged experiment and innovation. With increasing official recognition for research and demonstration efforts, fragmentation no longer is essential to this process, and a greater degree of consolidation and coordination seem to afford offsetting advantages in the efficient utilization of resources and in the elimination of irrational disparities and contradictions in policy and treatment.

One such need is for the consolidation or pooling of services and facilities where this would result in their improvement or significant gains in efficiency. Tiny county jails, for example, cannot begin to meet necessary standards or provide effective rehabilitative programs; neighboring jurisdictions need to group together to do this. Indeed the entire split in most jurisdictions between misdemeanant facilities (under local control, usually of law enforcement officials) and those for felons (usually handled by State correctional authorities) has operated generally to hinder advances in misdemeanant systems. To a lesser extent, the administrative separation of the juvenile and adult systems has created anomalies. At another level, specialized services for offender groups such as women, the mentally ill, the dangerous inmate, and long-term prisoners cannot in most States be provided as well as they could be in regional or even Federal facilities.

The development of close cooperation between institution and community programs is another essential organizational need, touched on above in connection with discussion of reintegration strategy. Institutional programming must point toward preparing the offender to reenter the community rather than isolating him from it, as has predominantly been the case in the past. This requires close and constant attention to the interaction between the two worlds and underscores problems arising from the separate administration of institutions and field services.

In heavily populated jurisdictions, combined authority could be regionalized to keep the management function close to operations and to encourage creative leadership and program development. Such an arrangement would be consistent with the concept of a small, multipurpose institution serving as a center for community treatment as well as handling offenders who are either moving toward or returning from specialized and higher custody facilities.

Corrections also needs to collaborate with employment services, mental health, social welfare, public works, and other agencies as well as with other parts of the criminal justice system. There are offenders—mentally ill criminals and drunks, for example—for whom it is difficult to determine which system should assume primary responsibility for handling. Joint or multi-agency task forces could contrive programs to improve education, work, family services, mental health, and many other services directed toward offenders. Adjustments could be worked out in law, policy, and financing to facilitate such collaborative approaches to solving problems. And this could be done without diminishing (indeed it could strengthen by more sharply defining) the special capacity

of corrections to supply needed controls over the behavior of offenders.

Changes are also needed in the internal organization of most correctional agencies. Their bureaucratic structure is typically hierarchical, with rigid chains of communication and command. Official directives tend to lose their rationale and justification as they filter down through the system. For every official directive there are likely to be many unofficial interpretations which occur in discussions outside of the official channels of communication. Many subordinate officials have to depend upon unofficial versions of policy in order to gain any sense of what is expected of them.

Steps can be taken to minimize these problems of management. Offender advisory bodies and group discussion programs are needed to create a more significant role for offenders and for rank-and-file staff. The trend towards smaller institutions and "flatter" tables of organization have the same general objective. In some places, teams of staff and offenders are assigned responsibilities for program planning, implementation, and assessment.

Another approach to revitalizing correctional administration is to categorize the staff according to broad program functions instead of the positions occupied in the table of organization. Its aim is to seek a true collaboration instead of a mechanistic division of effort. Thus, groups of staff working in a unit of an institution might collectively be given responsibility for guiding, disciplining, and training inmates, rather than sharply separating these functions between counselors, guards, and teachers.

This model of functional collaboration assumes that, whatever the worker's special skills or major responsibilities, he will devote some time and energy to the performance of other functions. Treatment personnel would participate in the collection and analysis of research data, researchers would be involved in program planning and in direct contact with offenders. Hopefully, such sharing of experience might broaden the perspectives of staff members, communicate the interdependence of the organization's various functions and roles, and encourage the development of common goals and expectations.

UPGRADING PERSONNEL

The manpower needs of corrections are discussed separately in chapter 9 and touched on in a number of other chapters. The most acute shortages in terms of numbers are among professional staff—probation and parole officers, teachers, psychologists, and psychiatrists—who carry on diagnosis, treatment, and research. Improvements in salary, working conditions, and educational opportunities will help to overcome these shortages. The much greater involvement of guards and house parents in treatment functions, discussed above, will also be valuable. Corrections has great potential for the use of volunteers and subprofessional aides, particularly as these people help bring offenders and staff into greater contact with the community.

In many areas, corrections remains in the hands of persons without adequate qualifications or training for their task. Administrators, even in some cases individual wardens or probation supervisors, are, as noted, often appointed largely on the basis of political considerations. Standards for appointment, and education and training programs to meet them, are badly needed.

At present, the meager training which is available is mostly of an inservice variety. There is need for advanced training in universities. Administrators, for example, need training in the fields of law, government, social sciences, and business administration. Specialists need advanced work in mathematics and statistics, social science research, computer sciences, sociology, and psychiatry and psychology.

THE PURPOSES OF CORRECTIONS

The focus of this volume, as of this chapter, is on rehabilitative treatment, and specifically on methods for reintegrating the offender into the community. Such treatment is often, though not always, less burdensome and unpleasant than traditional imprisonment. Rehabilitation efforts therefore may to some extent conflict with the deterrent goal of the criminal justice system. Rehabilitation has been opposed in the past by some people for these reasons.

But the issue is not simply whether new correctional methods amount to "coddling." The ultimate goal of corrections under any theory is to make the community safer by reducing the incidence of crime. Rehabilitation of offenders to prevent their return to crime is in general the most promising way to achieve this end. Varying degrees and periods of incarceration must be recognized as the most appropriate way to deal with some offenders, and efforts must be made to screen out such persons and treat them accordingly.

Deterrence—both of people in general and offenders as potential recidivists—and, where necessary, control remain legitimate correctional functions. Unfortunately there has been little attempt to investigate by research and evaluation the extent to which various methods of handling offenders succeed in these respects. It is no more logical, however, to suppose that various methods operate with uniform effect in deterrence than to suppose that any sort of rehabilitative treatment will work with all sorts of offenders. Some research has indicated that firm discipline and an authoritarian approach are the most effective ways of handling certain types of offenders, while they are likely only to intensify the antagonism and violence of other types.

Excessively harsh penalties may simply backfire by fostering hostility and despair. Revocation of a driver's license may be a more effective deterrent to vehicle offenses than even a heavy fine. The punitive impact of imprisonment may all lie in the first few months. Simple arrest may be deterrence enough in many cases. For the most part the choice of methods can be made meaningfully only at the level of specific types of offenders and individual cases. And at this level there is in practice frequently no apparent conflict in purposes.

Chapter 2

The Role of Corrections in Intake and Disposition

The role of corrections in intake—the stages of the criminal justice system between arrest and sentencing—is relatively undefined in theory and unsettled in practice. There are wide differences in what various correctional officials mean by the term "intake." To many, it refers only to pre-judicial screening; to others, it includes all dispositional decisions prior to correctional treatment. Here it is employed in the latter sense.

The special province of the correctional expert in these determinations is in assessing an offender's need for and susceptibility to various sorts of correctional treatment. If he is treated as an offender, what will be the effect on him? Should he be put on probation, or would he do better in an institution? If in an institution, what sort would be best? How long should he be subject to restraint, considering the nature of his offense, his perceptions of it, and the kind of treatment he needs? These are questions to which correctional training and experience are relevant, although obviously for each of them other considerations are also involved. In the great bulk of cases processed by the courts, they are of far greater importance than guilt or innocence, for the majority of offenders plead guilty.

The gravity of the offense, the adequacy of evidence for prosecution, the desirability of prosecution from the standpoint of law enforcement policy—these are likely to be paramount in determining whether to prosecute and what to charge. The age, character, and circumstance of the offender, the likelihood of his committing further offenses, and his willingness and ability to make restitution for the present one—these are also likely to enter into the decision of police or prosecutor. But for the most part there is little formal consideration of the prognosis for correctional treatment. Judges too, particularly in misdemeanor cases, often determine sentences with only slight reference to correctional considerations.

It is probably fair to characterize the police or prosecutor's intake decisions, and those of sentencing judges in many cases, as focused on the offense at issue and on the offender only in relation to it, whereas the correctional concern with treatment tends to focus on the offender as a person and on his act only as one event in his life. Such a characterization oversimplifies, but its implications have great importance.

Often police, prosecutors, and courts lack sufficient information even to make certain types of decisions properly. It is only with recent bail projects, for example, that release pending trial has begun to be decided on the basis of a systematic check of a suspect's residential, family, and employment stability; and in most jurisdictions, bail and release are still based on a quick appraisal of arrest records and the arresting officer's statement, or simply on a flat schedule of fees for various offenses. Prosecutors continue to route may people through the full course of the criminal justice process who could doubtless be better disposed of—in terms of their own rehabilitation as well as conservation of the criminal justice system's resources—by dismissal or referral to noncriminal alternatives.

But to say that improvement is needed here is not necessarily to say that correctional personnel or methods are the sole means for achieving it. Chapters 4 and 5 of the Commission's General Report and the separate volumes on police and courts discuss various procedures for improving the information available to police and prosecutors for making dispositional decisions and for regularizing the whole pretrial decisional process from their standpoint. Determining the appropriate role for correctional personnel and agencies in such a reformed process raises additional questions.

The intake decisions in which corrections is formally involved today are only a small minority of those actually made in the criminal justice process as a whole. As chapter 1 of the Commission's General Report notes, the bulk of offenders are disposed of by the police or the prosecutor informally prior to conviction. The largest number of cases are misdemeanors, for which there is rarely even any presentence screening by probation officials. Decisions in these cases are at least nominally, and probably in most cases actually, made on the basis of considerations apart from the correctional ones noted above.

Intake by that name and as a uniquely correctional function is generally recognized in practice today only in the juvenile system, where rehabilitative concerns are accorded greatest official weight. In most larger juvenile courts, probation staffs screen all referrals initially, often disposing of a majority of them informally without adjudication. In cases not disposed of informally, probation officers also generally participate heavily in judicial hearings, and the juvenile court hearing is typically focused much more on correctional issues than is the adult

criminal trial and sentencing. (A more detailed discussion of juvenile intake is presented in ch. 3 of the General Report and in the volume on juvenile delinquency.) Some of these functions are exercised on a much more limited basis at sentencing in most felony and a few misdemeanor cases, where probation officers conduct presentence investigations and prepare reports to assist the judge.

The nondecisional aspects of intake, especially for adult offenders—the handling of suspects awaiting trial, in jail or released on bail—have also received little correctional attention. Jails are generally run by law enforcement officials and, as noted in chapter 7, provide little more than custody even for convicted persons. Yet a person awaiting trial may spend weeks or months in jail. Bailed offenders typically receive no correctional help or supervision, yet the period of their release could provide a valuable opportunity to assess their prospects for success on probation or to arrange the diversion of appropriate cases to noncriminal treatment. The anomaly of correcting those who have not been convicted has been one reason for the lack of attention by corrections to this area. But in practice the provision of some of these services could be of great value to offenders as well as to society and the criminal justice system, and the consent of the individual involved would remove much of the seeming anomaly in such action.

This chapter will consider the nature of the screening, classifying, and detention functions that correctional intake personnel now perform through such techniques as presentence investigations. It will discuss present problems in these areas and will touch in a very preliminary manner on some of the issues involved in determining whether the correctional role in intake and disposition should be expanded and how this can best be done.

PRESENTENCE INVESTIGATION AND DIAGNOSIS

Analysis of the correctional role in intake may well begin with discussion of the investigation and screening conducted, usually by probation staffs, at the time of sentencing. Presentence investigations are probably the best established and most formalized correctional intake function; and, together with such more recent dispositional tools as diagnostic commitment and reception and classification centers, they offer a representative picture of the approach and methods of corrections in intake decisions generally.

At present, many jurisdictions fall far short of achieving optimum dispositions of offenders at sentencing. Sentencing patterns even in terms of the grossest alternative, between probation and institutionalization, vary radically among jurisdictions and even judges. A study in one State of county-to-county variations in commitments to State institutions as opposed to placement on probation, for example, revealed differences as great as 10 to 1 between counties. Even when those counties with similar ethnic, social, and economic compositions were compared, they showed differences of from 50 to 100 percent in commitment rates to institutions as opposed to probation.[1]

Similar studies have documented the same kind of disparities in other systems. They tend to be even greater with respect to relatively more subtle dispositional distinctions such as length of sentence and type of institutional confinement. Such disparities are explained in part by the differences from jurisdiction to jurisdiction in the type and quality of correctional programs available. Another contributing factor is the difference in philosophy among courts. Chapter 5 of the Commission's General Report recommends a number of procedures for reducing irrational disparities resulting from factors outside the correctional system, such as sentencing institutes and councils for judges and fuller procedural checks in the sentencing process itself.

The lack of adequate dispositional information of the sort corrections could provide is, however, without a doubt a major cause for irrational sentencing. In the vast majority of cases, particularly less serious ones, the judge's exposure to a defendant is far too cursory to give an adequate impression of his character and background for determination of the best correctional treatment for him. Moreover, a courtroom setting is unsuited to discovering many of the sorts of information relevant to sentencing, and many judges lack the training and experience to evaluate such information as they can elicit.

PRESENTENCE INVESTIGATION

At present, the main tool for providing background information for sentencing is the presentence report. This report is prepared in most cases by the probation staff of a court on the basis of investigation and interviews. It seeks to assess the offender's background and present circumstances and to suggest a correctional disposition.

A fully developed presentence investigation usually includes, among other items, an analysis of the offender's motivations, his identification with delinquent values, and his residential, educational, employment, and emotional history. It relates these factors to alternative plans of treatment and explores the resources available to carry out the suggested treament.

The compilation of the standard presentence report is extremely time-consuming. In addition to the offender himself, numerous persons must be located and interviewed. Records must be secured and verified. The information collected must be discussed and analyzed and recommendations formulated. The Special Committee on Correctional Standards formed to advise the Commission's staff in connection with the National Survey of Corrections concluded that a probation officer could adequately prepare no more than 10 such reports during a month—and that exclusive of any other duties. In fact, in most cases the staff who carry on presentence investigations are also engaged in supervising probationers. Since presentence investigations usually take precedence, the officer may have so little time left that "supervision" may take the form of receiving monthly reports filed by probationers.

The high manpower levels required to complete reports have caused some authorities to raise questions as to the need for the kind and quantity of information that is typically gathered and presented. These questions are raised particularly with respect to the misdemeanant system, where millions of cases are disposed of each year and relatively few presentence investigations made.

In order to evaluate the information needed in a presentence report, it is important first to take account of the variety of decisions that depend upon it. Besides helping the judge to decide between probation and prison, it also assists him to fix the length and conditions of probation or the term of imprisonment. Beyond these functions, the report is usually the major information source in all significant decisions that follow—in probation programing or institutional handling, in eventual parole decision and supervision, and in any probation and parole revocation.

Not all of these decisions are involved, of course, in every case. Particularly in many misdemeanant cases, where correctional alternatives are usually limited, less information may suffice. Bail projects have developed reporting forms that can be completed and verified in a matter of a few hours and have proven reliable for decisions on release pending trial, which often involve considerations similar to those of ultimate disposition. These forms cover such factors as education and employment status, family and situation, and residential stability. In many lesser cases, these and similar easily obtainable facts may help at least to determine whether more detailed investigation or diagnostic processes are needed. Much information of this kind can also be collected by nonprofessional personnel under the supervision of trained correctional staff. There is also a need for development of information systems that can provide more rapid and reliable access to records.

Experimentation with new and simpler forms of presentence investigation is important for reasons beyond the conservation of scarce resources of probation offices. Presentence reports in many cases have come to include a great deal of material of doubtful relevance to disposition in most cases. The terminology and approach of reports vary widely with the training and outlook of the persons preparing them. The orientation of many probation officers is often reflected in, for example, attempts to provide in all presentence reports comprehensive analyses of offenders, including extensive descriptions of their childhood experiences. In many cases this kind of information is of marginal relevance to the kinds of correctional treatment actually available or called for. Not only is preparation time-consuming, but its inclusion may confuse decision-making.

CLINICAL DIAGNOSIS

Presentence investigations are supplemented by clinical diagnosis by psychologists and psychiatrists in some cases where severe emotional problems, mental illness, or retardation appear to have played a distinct role in an offender's conduct, particularly where it may form the basis for his defense or where he may be committed to a mental institution in lieu of normal correctional treatment.

Diagnostic resources of these sorts are, however, in many cases presently not available; and, even when they are, their use frequently produces such delays that they tend not to be used in order to avoid holding cases in abeyance for extended periods of time. The National Survey of Corrections stated with respect to clinical services in the juvenile field:

> Of the agencies included in the sample, 12 percent report that they have no such services available to them; the remainder report the availability of at least some psychiatric or psychological resource. The survey did not attempt to evaluate the available community clinical resources, but observations by qualified observers are almost universally to the effect that they are rarely adequate. The length of the waiting list usually makes the clinic of dubious value to the child, who cannot be helped unless he becomes involved in the treatment process at the point of crisis. Commonly, also, the clinical service builds up in the child, through diagnosis, an awareness of the need for and some expectation of treatment, and then it frustrates the entire process by failing to provide any form of continuing treatment.

One solution to the problem of lack of local clinical facilities is diagnostic commitment to a mental health agency or department of mental hygiene. Such a temporary commitment allows diagnostic staff to observe offenders closely, to gather and analyze detailed information on all aspects of their past behavior, and to formulate carefully documented recommendations for disposition.

If such facilities are to fulfill their potential, it is important that procedures be developed to divert cases to them at the earliest opportunity and to secure reports without undue delay. Failing this, cases in which clinical study is needed may go without it and opportunities for diversion to more effective specialized treatment be lost; or the rights of offenders may be abridged by lengthy confinement prior to conviction or sentencing.

RECEPTION AND CLASSIFICATION CENTERS

Reception and classification centers operated by correctional agencies represent another resource now being developed to improve intake decision-making. Such centers provide a chance for more extended testing and screening to secure data to be used in choosing the best correctional program for offenders. Such information can be gathered over the course of several weeks, during which interviews, observation, and testing can explore the past behavior and present attitudes of an offender, his educational level and vocational skills and aptitudes, his family and social background, and other factors relevant to development of a plan of disposition and treatment.

[1] California Department of the Youth Authority, "Annual Statistical Report, 1965" (Sacramento: The Department, 1966), p. 17.

Such centers are used in many cases after sentencing, for determination of the particular kind of treatment most appropriate. Experience in some States with the more intensive diagnosis and preliminary treatment which they afford has shown, as noted in chapter 4, that significant numbers of offenders committed to them can be referred to community treatment programs very rapidly.

The referral of offenders to reception and classification programs prior to final sentencing disposition for study and recommendation is also proving of considerable value. Under Federal sentencing procedures, for example, judges are empowered to make a final decision as to disposition after committing an offender to the Bureau of Prisons for study and diagnosis. Kansas provides a similar service on a more routine basis. Cases committed and studied in the reception center may be referred back to the court with a recommendation for "recall from commitment." The ultimate discretion remains, of course, with the courts. In California, the Youth Authority and Department of Corrections provide a similar service to local courts. A 1965 study of this program concluded that the success of the service had been substantial. In the case of the Department of Corrections, over 55 percent of the cases studied had been granted probation following their return from the clinics—a figure that represented 85 percent of the cases for which the clinics recommended probation.[2] In most of the cases in which the Youth Authority clinics recommended probation, it was granted, illustrating the effectiveness of the service in helping to screen out persons not requiring institutional treatment. Of course, such screening should also ascertain more clearly the desirability of institutionalization in cases that might otherwise have been released. As chapter 7 on the misdemeanant offender suggests, such classification and reception centers should be available at the local level to assist courts in making appropriate decisions regarding offenders.

CLASSIFICATION OF OFFENDERS

Academics and researchers in the delinquency and correctional fields have become increasingly interested in the development of classifications and typologies of offenders that can aid in explaining and predicting delinquent and criminal conduct and in determining appropriate correctional dispositions. Dozens of different classification systems of widely different varieties have been formulated, some based on type of offense, some on psychological, sociological, physical, or other characteristics of offenders. Some have been based largely on theory, some on observation or case histories, some on empirical statistical data.

Classification systems have had quite different purposes. Some are of immediate relevance to corrections, either in determining treatment or enabling more efficient and effective management of offenders in institutions. Some have less immediate implications, seeking out causes or explanations for criminal behavior that may bear on correctional treatment ultimately but are not framed in these terms directly.

Behind all of the attempts to classify is the recognition that criminal behavior has no single cause or common manifestation. To understand it and try to correct it therefore requires a diversity of approaches. As noted in chapter 1, a method that succeeds with one offender may have no effect with another or, worse, may do positive damage. From a management or treatment standpoint, it would be of great help to have some relatively simple screening process, capable of administration in general day-to-day correctional intake procedures, that would group offenders according to their management and treatment needs. To the extent that such screening procedures could be regularized, the errors attendant upon having a wide variety of persons make decisions on the basis of different kinds of information and presumptions would be reduced.

It has been pointed out more recently that the development of relatively uniform groupings and methods of classification would aid immeasurably in the comparative evaluation of different programs and might form the basis for more accurate predictions of the performance of a given offender under different correctional alternatives. The intake process would thus become one in which correctional screening produced dispositional recommendations based on previous empirical experience with like offenders under a variety of treatment alternatives. The establishment of typologies would open the way to a science of correctional intervention.

A PRELIMINARY TYPOLOGY

With these advantages in mind, several efforts have been made to work toward a common basis for groupings. At a conference on delinquent typologies sponsored by the National Institute of Mental Health in 1966, a cross-tabulation of a number of classification systems was attempted. There are many areas of present agreement and overlap among the different typologies and there seems to be considerable agreement about the validity as a preliminary grouping of the following major types of offender.

The Prosocial Offender. Most offenders of this type are viewed as "normal" individuals, identifying with legitimate values and rejecting the norms of delinquent subcultures. Their offenses usually grow out of extraordinary pressures. They are most frequently convicted of crimes of violence, such as homicide or assault, or naively executed property offenses, such as forgery.

Some prosocial offenders, while attached to the legitimate system, may exhibit various neurotic manifestations. They are referred to in the descriptive typologies as "intimidated," "disturbed," "overinhibited," "anxious," "depressed," or "withdrawn."

Many of these offenders, it seems agreed, really need no rehabilitative treatment at all. The problem with some of them is to get them out of the correctional cycle before they are harmed by contact with other offenders.

[2] Robert L. Smith, "Probation Study" (Sacramento: California Board of Corrections, September 1965), pp. 82-89.

For example, one study of prosocial offenders in a reformatory setting found that the lowest recidivism rates occurred among the members of this type who served the briefest possible sentences and who were isolated and not involved in therapy programs. By contrast, those who stayed longer and took part in treatment programs—that is, participated actively with other inmates—did less well.[3]

Those prosocial offenders who exhibit neurotic symptoms of various kinds need treatment aimed primarily at resolving the anxiety and conflicts exhibited. Ordinarily, these offenders need greater insight into the reasons for their delinquent behavior and need to learn how to manage conflicts and anxieties more effectively. Thus, individual and group counseling, psychotherapy, and family services are most frequently recommended.

The Antisocial Offender. This type of offender identifies with a delinquent subculture; if he resides in an area which has such a subculture, or exhibits a generally delinquent orientation by rejecting conventional norms and values. He is usually described as "primitive," "underinhibited," "impulsive," "hostile," "negativistic," or "alienated." It is generally agreed that he does not see himself as delinquent or criminal but rather as a victim of an unreasonable and hostile world. His history often includes patterns of family helplessness, indifference, or inability to meet needs of children, absence of adequate adult role models, truancy in school, and inadequate performance in most social spheres.

The antisocial offender, it is agreed in many of the typologies, should be provided an environment with clear, consistent social demands but one in which concern for his welfare and interests is regularly communicated to him. Methods of group treatment are recommended in order to increase the offender's social insight and skill.

In the last analysis, however, the offender's value system must be changed. The attempt to get him to identify with a strong and adequate adult role model is an important part of most treatment programs designed for this group. Treatment also aims at enlarging the cultural horizon of the antisocial offender, redefining his contacts with peers, and broadening and revising his self-conception.

The Pseudosocial Manipulator. This type of offender is described as not having adopted conventional standards, as being guilt-free, self-satisfied, power-oriented, nontrusting, emotionally insulated, and cynical. Personal histories reveal distrustful and angry families in which members are involved in competitive and mutually exploitative patterns of interaction, parents who feel deprived and who expect the children to meet their dependency needs, parental overindulgence alternating with frustration, and inconsistent patterns of affection and rejection.

Many and diverse recommendations are made for handling this type. Some investigators recommend long-term psychotherapy. Others encourage the offender to redirect his manipulative skills in a socially acceptable manner. Still others call for the establishment of a group setting in which the offender's capacity for playing contradictory roles is immediately discovered; he is confronted with evidence of his inconsistent conduct and is forced to choose among the alternatives. In general, the investigators give a rather discouraging picture of prospects for successful treatment.

The Asocial Offender. Another type of offender is one who acts out his primitive impluses, is extremely hostile, insecure, and negativistic, and demands immediate gratification. An important characteristic is his incapacity to identify with others. This distinguishes the asocial from the antisocial type who, although committed to delinquent values, is often described as being loyal to peers, proud, and capable of identifying with others.

The asocial offender requires elementary training in human relations. The most striking characteristic of this group is an inability to relate to a therapist or to the social world around them. Most investigators recommend a simple social setting offering support, patience, and acceptance of the offender, with only minimal demands on his extremely limited skills and adaptability.

Before pressures toward conformity can be exerted, the asocial offender needs to learn that human interaction is always a two-way process. Methods need to be used which reduce the offender's fear of rejection and abandonment. When these fundamentals have been learned, he is probably ready for more conventional therapy in both group and individual settings.

USES AND DIFFICULTIES OF CLASSIFICATION

Interesting as this classification system is in itself, suggesting some of the ways in which standardized correctional treatment may fail to touch (or may even compound) the unlawful behavior of an offender, it is obvious that it does not deal with important factors which must be weighed in intake decisions. To classify a murderer as prosocial, for example, certainly does not mean that he automatically merits the same correctional treatment as the prosocial check forger. And there is still the tremendously difficult question, on which the differences among many of the typologies are really founded, of what methods should be used to classify offenders into appropriate groupings.

While a standardized typology for all correctional purposes and the quantified science of corrections that it would make possible remain, for the present at least, merely theoretical possibilities, the value of classifications formed for specific management and treatment purposes seems much clearer.

A study by Beck, for example, suggests that socialized delinquents should be placed in open and relaxed institutions where their energies can be channeled into nondelinquent activities, but that unsocialized aggressive delinquents should not be placed in a permissive institutional environment since that would only make them more difficult to handle.[4] Another typologist, Gibbons, suggests that predatory gang delinquents be segregated from other boys and that casual, nongang delinquents be kept

[3] Duane Stringden, "Parole Prediction Using Criminological Theory and Manifold Classification Techniques" (unpublished master's thesis, University of Washington, 1959). See also Donald L. Garrity, "The Prison as a Rehabilitation Agency" in D. R. Cressey, ed., "The Prison" (New York: Holt, Rinehart, and Winston, 1961).

[4] B. M. Beck, "What We Can Do About Juvenile Delinquency," Child Welfare 33: 37 (1954).

as far as possible entirely out of the correctional system.[5] These are obviously only very general examples, and most typologists would identify a variety of subgroups within such classifications for whom treatment should vary.

Work along these lines has, however, been confined to relatively small and highly staffed experimental programs, and methods of classification are still in almost all cases far too cumbersome for routine administration. In many cases it has been found that treatment typologies are effective in predicting success almost in the degree to which they become complex and elaborate. The Community Treatment Project in California, for example, began with a fairly elaborate classification system developed by Warren on the basis of the maturity levels of delinquents and has been developed into an extremely detailed classification system with increasingly specific treatment strategies.[6]

A failure to view data in sufficiently complex fashion and to classify subjects accordingly in a way relevant to management and treatment may defeat attempts to secure differential treatment. It is probably such overly simple and theoretical approaches to classification which have made many treatment-oriented correctional workers resistant to the notion of typologies. Schematization, it has been claimed, almost inevitably results in losing or ignoring information about individual needs and differences crucial for selecting appropriate treatment. Certainly the desire to conceptualize causes and cures for crime and delinquency in terms sufficiently simple for quantified experimentation is very strong in correctional research. And it may be that classifications sufficiently subtle and complex to avoid the pitfalls of overgeneralization and to be of real help in management and treatment will ultimately prove too cumbersome to serve their original purposes. Development and experimentation in the area are still too new to draw certain conclusions, but there appears to be increasing promise in much of the work that is being done. It may well never become a quantitative "science," but that does not mean that it will not greatly improve the accuracy of various intake decisions.

DIVERSION PRIOR TO ADJUDICATION

The correctional function in sentencing decisions has been outlined above. But there remain the substantial number of persons who come into the system of criminal justice, particularly at the juvenile and petty offender levels, who are or could be diverted well before the sentencing point to alternative treatment programs or simply released with a warning.

There is increasing evidence, discussed with respect to juveniles in chapter 3 of the Commission's General Report, that, for many lesser and first offenders, full exposure to criminal justice processes and formal correctional treatment may only contribute to the possibility of recidivism. Labeled as delinquents or criminals, cast among hardened offenders in jails and prisons, separated in many cases for weeks or months from jobs, school, and other important institutions in the normal community, persons may be confirmed in crime who would otherwise have returned to law-abiding ways.

The reintegrative services necessary to rehabilitate many of these minor offenders are much easier to provide in a noncorrectional setting, preferably through normal noncriminal institutions in the community. It is simpler and more effective, for example, to provide remedial education and job training, necessary to secure for a delinquent a responsible place in society, in regular schools than it is in a reformatory.

There are also a large variety of offender groups for whom specialized treatment of a noncriminal nature holds in many cases greater promise than traditional correctional approaches. Drunkenness offenders, vagrants, nonsupport and domestic relations cases, the mentally ill and retarded are among such groups. Civil detoxification and residential aftercare facilities for drunks, welfare and conciliation services, mental hospitals and sheltered workshops are all in many of these cases more rational and effective dispositions than the regular criminal justice process.

At present, police and prosecutors are chiefly responsible for pretrial diversion of such cases in the adult system. In the juvenile system the police also handle many cases informally, but there correctional intake staffs generally bear prime responsibility for screening all cases referred to court, and they often adjust the majority of these cases or refer them to alternative treatment.

Major problems in initial screening programs in the juvenile court are the lack of community resources to which youngsters can be diverted, lack of skilled staff, and too often the lack of carefully developed policy statements to govern intake workers. The failure to articulate and closely enforce policy guidelines has resulted in quite variable behavior by correctional staff, in terms of which youngsters are diverted from the court and which are continued in the system.

In the juvenile system, too, as chapter 3 of the Commission's General Report points out, the correctional involvement in intake, with its stress on the provision of rehabilitative services rather than determination of legal culpability, has meant that at times treatment is prescribed without really addressing the question of whether a youth committed the acts which brought him within the jurisdiction of the court. There have been strong attacks on screening services which attempt treatment of a child when not even a prima facie case of jurisdiction has been established.

The Commission's report suggests several procedural changes in the juvenile court intake process to correct this tendency. It also proposes the development of Youth Services Bureaus—agencies outside the criminal justice system that would receive intake and nonofficial referrals and provide or arrange for others to provide necessary services on a noncoercive basis. These bureaus would hopefully compensate for two present deficiencies in the juvenile intake process: the frequent lack of adequate community resources for alternative treatment of those diverted from the criminal process, and the labeling

[5] D. C. Gibbons, "Changing the Lawbreaker" (Englewood, N.J.: Prentice-Hall, 1965).

[6] M. Q. Warren et al., "Interpersonal Maturity Level Classification (Juvenile): Diagnosis and Treatment of Low, Middle, and High Maturity Delinquents" Community Treatment Project Report (Sacramento: California Youth Authority, 1966).

of delinquents that tends to result even from informal treatment by intake staff who are part of the criminal justice system.

The broad responsibility for intake screening on the part of correctional personnel in the juvenile system is generally consistent with the higher proportion of cases there in which early diversion to alternatives outside the juvenile justice system has been seen as feasible. The lack of comparable correctional involvement in preliminary screening in the adult system means that a number of cases in which early diversion might be recommended from a correctional standpoint are retained in the criminal system, at least until trial and sentencing; other cases, where correctional diagnosis might indicate that release was unwise, are diverted irretrievably.

With a view to correcting these deficiencies, some experimentation is already taking place with the use of corrections personnel to aid in preliminary screening. The National Survey indicated that in Detroit the adjustment division, a special unit of the Recorder's Court probation department, sees persons with complaints of nonsupport and other domestic problems. The vast bulk of problems are worked out without the necessity of legal action. This service handles between 4,000 and 5,000 persons a month, with warrants of arrest having to be issued in only 3 percent of the complaints filed. In Chicago, the police department refers many cases to the Municipal Court social service department. In Minneapolis, the probation office performs a screening service in conjunction with the prosecutor's office.

Particularly extensive cooperation between prosecutors and probation officers has been achieved in New York City, where statute provides (as it does in the Federal system) that probation staff must conduct a pre-pleading investigation of youth offenders and the probation office has also taken over screening for pretrial release under bail reform legislation. It is interesting to note that the "short form" investigation and reporting developed in the bail project is now also generally used for the pre-pleading investigation of youth offenders.

It is neither feasible nor desirable that corrections take over complete responsibility for early screening. For one thing, decisions in many cases are sufficiently simple that it would be wasteful to interject additional personnel and processing and would merely delay release and referral. For another, police and prosecutors have an important role in formulating law enforcement policy which requires that more than correctional factors affect intake decisions.

But it is important that correctional resources be available to assist in early screening where needed, and that police and prosecutors be alerted and trained to recognize where this need exists and how they can cooperate with corrections in meeting it. Chapter 5 of the Commission's General Report calls attention to the need to coordinate and regularize decision-making in these early processes, and experience in the juvenile system makes clear that this need is particularly acute where correctional as well as law enforcement considerations become involved in decisions.

DISPOSITION PENDING TRIAL

Corrections also has an important role in the nondecisional aspect of intake: the handling of persons pending adjudication. At present this role is almost entirely confined to detention of those not released on bail or on their own recognizance. For adults, local jail facilities used for detention are in fact, as chapter 7 points out, generally operated by law enforcement officials and limited to merely custodial functions. Both for those who are held in custody and for those released in the community pending adjudication, however, there are much wider possibilities for correctional service.

JUVENILE FACILITIES

The National Survey found that it is routine in some jurisdictions to detain all arrested children, whether they are referred to the court or not. In others, less than 5 or 10 percent are detained. However varying the policy, it results in the detention of fairly impressive numbers of juveniles; 409,218 were reported detained in 1965. In counties studied by the Survey, the range of stay in jails and detention homes was from 1 to 68 days. The cost of detention of juveniles throughout the country was estimated at $53 million. The Commission's General Report recommends that detention of juveniles in custody pending judicial action be authorized only in restricted instances, and that review procedures be developed for insuring compliance with these conditions.

Detention costs at present are more than two-thirds of the entire cost of probation service for juveniles. If the detention volume could be halved, which it might well be if effective intake services and resources were available, and the savings were diverted to probation, funds available for probation services would be increased by about one-third, with no additional appropriations.

Like the jails, detention homes typically serve a catchall function, housing the delinquent with the neglected and dependent, frequently in unsegregated quarters. At any one time, the vast majority of the detainees are awaiting court hearing, having not as yet been adjudicated. The basic purpose of the juvenile detention home is to hold a delinquent youngster pending court hearing or transfer to another jurisdiction or program. The provision of shelter care for dependent or neglected children who are temporarily without a home or parental supervision should be provided through the much less expensive medium of a foster or group home.

Far too frequently detention, although justified on a variety of grounds, is utilized as a punishment device or to impose needless controls prior to adjudication. The National Survey of Corrections referred to a county in which about two-thirds of the youngsters detained prior to hearing were subsequently placed on probation in their own homes. Clearly, the great majority of these juveniles could have awaited a hearing without detention, with little risk of failure to appear in court.

Some dramatic improvements in the rate of detention are noted where jurisdictions have moved to reexamine

long-prevailing practice. As noted in the National Survey, one State revised its juvenile court law so as to eliminate the free use of detention homes by the police and to establish a practice of predetention hearings before the court or a referee. The statewide detention rate dropped from an average of 41 percent to 29 percent of all juveniles referred to the court.

Detention facilities for youngsters in many communities do little to induce law-abiding behavior on their part and in many instances may actually contribute to later violations of the law. The National Survey found that an estimated 100,000 juveniles are detained in jails and similar facilities for adults in the United States each year. Only three jurisdictions—Connecticut, Puerto Rico, and Vermont—can actually claim that their jails are never used for children, though many States have laws forbidding such practices.

The use of jails for children has been universally condemned by responsible law enforcement organizations, social scientists, and correctional officials for many years. Such condemnation is based not only on theories of criminality but on humanitarian grounds as well, because of the deplorable results which have been associated with this practice over the years.

The National Survey reported the case of four teenage boys who died of asphyxiation due to a defective gas meter when they were left alone in a county jail for 11 hours. In another jail, a 13-year-old boy, charged with auto theft from the most recent of five successive foster homes, hanged himself.

Excellent juvenile facilities in a number of jurisdictions in the United States provide models which can be employed in almost any community. These facilities are relatively small. They are used sparingly and only for delinquent youngsters who need them. They have sufficient staff to carry out the tasks of diagnosis and short-term programs which are needed. Every community must have access to such services.

ADULT FACILITIES

While the situation for juveniles in detention is deplorable in many jurisdictions, conditions for adult detainees can only be described as worse. Local jails are commonly used not only for prisoners serving sentences but for detention of suspects awaiting trial and not released on bail or otherwise. The lengthy delays often attendant upon pretrial processes give rise to frequent situations of persons serving weeks or months while legally innocent only to be released or given a shorter term upon conviction. Bail and other prosecutorial reforms discussed in chapter 5 of the Commission's General Report and in the report of the task force on administration of justice would go far to alleviate this situation by eliminating unnecessary delays and obtaining release pending trial for a greater number of individuals for whom detention is not necessary for community security. Corrections has an important role to play in providing information for the decisions which must be made in these programs. Indeed, over one-third of the 42 bail projects operating in 1965 utilized correctional personnel for screening.[7]

Largely because of the historical development of bail procedures and the shortage of probation staff, there has been very little use of correctional resources to supervise persons released in the community pending trial. It is quite common for persons released on recognizance to be placed under the responsibility of their families, their lawyers, or other private citizens interested in them. In some jurisdictions, such as St. Louis, persons released on recognizance are required to check in periodically with a probation officer. Such supervision is also authorized by the Federal Bail Reform Act of 1965. With adequate resources, it might be employed to advantage in many cases, at least to ascertain a suspect's presence in the jurisdiction.

For those who must be detained, the Commission recommends where possible the maintenance of entirely separate facilities. In a large city this might be economically feasible; in smaller jurisdictions full separation will be much more difficult. Even here, however, efforts should be made to avoid confining youthful or first offenders with others.

It is probably true that persons who have not yet been convicted of a crime are subjected to the worst aspects of the American correctional system. Unconvicted persons, as yet legally innocent, are almost inevitably subjected to the tightest security and receive the least attention of any group in jails.

One of the Commission's correctional consultants who visited a number of facilities described the situation in one county where a group of women were awaiting trial described the place as follows:

> The building dates back to the mid-1800's. It consists simply of a large four-story building with four floors of cells around the outside perimeter of the building and a four-story open courtyard in the middle. On each of the floors, only 2 of which are used extensively, is 1 bathroom, each of which would accommodate the 25 or 30 women who live on that tier. The individual cells, which are locked at night, have an old bucket underneath the bed for sanitary purposes. In the open court in the center of the building are conducted all of the limited activities of the center. The only outdoor space is a small yard on the penitentiary side, and it is infrequently used because it would provide an undesirable opportunity for communicating with male felons in that institution.

This description could be repeated many times across the country. Detention facilities for unconvicted persons are usually the worst of all institutions and are operated under maximum-security conditions.

This primary concern for security imposes regimentation, repeated searches, and close surveillance on detainees. Most jails also have poor facilities for visiting, thus hampering a detainee's efforts to arrange for his defense and maintain contacts with the community. A detainee's lawyer, family, and friends have little opportunity for privacy. Where extreme security measures are the rule, visiting takes place in rooms where visitors are separated from the prisoner by heavy screens and conversation is carried on by telephone. Detention conditions were summarized in one jurisdiction by a legislative report as follows:

> * * * we doubt whether any innocent person (as all before trial are presumed to be) can remain unscarred by detention under such a degree of security * * *. The indignities of repeated physical search, regimented living, crowded cells, utter isolation from the outside world, unsympathetic surveillance, outrageous visitors' facilities, Fort Knox-like security measures, are surely so searing that one unwarranted day in jail in itself can be a major social injustice.[8]

It is doubtful that the situation in this State is much worse than in most others, and it may be superior to many.

Pretrial detention involves substantial numbers of persons each year, although incomplete reporting makes it difficult to estimate precisely the number of persons detained. Some data from various jurisdictions gives an indication that the numbers are quite large. A one-day census in California revealed that about 25,000 persons were confined in local jails and camps. Of this number 9,000 were unsentenced prisoners.[9] In Multnomah County, Oreg., more than 1,700 were confined awaiting trial during fiscal year 1966.[10] The District of Columbia held 10,520 during a comparable period.[11] According to several surveys, the percentage of persons charged who were subsequently detained awaiting trial ranged from 31 percent in a New Jersey County to 75 percent in Baltimore. Average time served in detention ranged from 6 weeks to 8 months in some jurisdictions.[12]

TREATMENT IN DETENTION

The lack of correctional programing in jails and detention facilities means, for one thing, that those who are least culpable receive the most inadequate treatment, often without even minimal physical comforts. It also means that opportunities invaluable from the correctional standpoint are lost: the chance to counsel an offender immediately after his offense, when he may be most responsive; the chance to secure social services with little or no disruption of the fabric of an offender's life; the chance to become acquainted, through early treatment attempt, with how an offender would be likely to respond to later correctional efforts, knowledge which would help in intake and sentencing decisions.

Acute shortages of resources are, of course, responsible in large part for the lack of detention programing. The National Survey material on juvenile detention contained in Appendix A of this volume outlines clearly the shortage of trained staff and lack of program in many detention facilities. These problems of scarce resources, low salaries, and inadequate facilities must be solved if detention services for juveniles are to provide effective programs. It is important, for example, that juveniles continue to receive education in order to minimize the disruption of their schooling. In jails, it may take several weeks to ascertain the degree of risk a detainee presents and to accustom him to institutional procedures and requirements sufficiently to permit the relaxation of security necessary for many sorts of programs. Even in State and Federal institutions for sentenced prisoners, programing usually cannot begin to any significant extent until after an orientation period of several weeks.

The difficulties of programing for misdemeanants with short terms, which are noted in chapter 7, are, of course, even more pronounced in the case of detainees and persons released pending trial. When treatment necessitates coercion or any extensive attempt to alter a person's life or way of thinking, it is to many repugnant if not warranted by formal determination of guilt. Though on the one hand correctional intervention at early stages may reduce further criminal processing and labeling, it also has the potential—as illustrated by such juvenile intake practices as "informal probation" in some courts—of itself growing into a coercive regime without adequate protection for the rights of those being treated.

Nonetheless, there is clearly much that can be done by way of intake programing within these limitations and without raising these dangers. Particularly in jails and detention centers, recreational and educational opportunities can be greatly expanded. Few detainees pose substantial security risks in supervised activities within an institution; in many other cases there is no reason for denial of access to television or reading materials that can help to relieve boredom even for those confined to a cell. In many cases further treatment can be instituted, given the resources to do so, if adequate procedures for avoiding coercion and securing a suspect's full consent are developed.

IMPROVING CORRECTIONAL ASPECTS OF INTAKE

The exact definition of the correctional role in intake will vary from one jurisdiction to another. As this chapter has pointed out, much further experimentation and development are needed before it will be clear in any case just what this role should be. But in large part the success of correctional innovations discussed in the remaining chapters of this report depends on the strengthening of correctional resources at the intake stage. On the knowledgeable diagnosis and disposition of offenders depends the success or failure of treatment. Police, prosecutors, and courts should work with correctional agencies to develop procedures permitting maximum use of correctional expertise in intake decisions. Corrections itself must expand research into offender classification and diagnostic methods and undertake extensive improvement in jails and detention facilities.

Improvements in the correctional aspects of intake will require the investment of funds substantially beyond current levels. It will also require a vastly expanded leadership role for the State.

In many local jurisdictions, the size of the population will warrant development of full correctional intake facilities and services. Experience has shown that the State

[7] "Bail and Summons: 1965," Institute on the Operation of Pretrial Release Projects, New York, October 14–15, 1965, and Justice Conference on Bail and Remands in Custody, London, November 27, 1965 (Washington: U.S. Department of Justice and Vera Foundation, Inc., 1966), foldout sheet.

[8] Quoted in Daniel J. Freed and Patricia M. Wald, "Bail in the United States: 1964," Working Paper for the National Conference on Bail and Criminal Justice (Washington and New York: U.S. Department of Justice and Vera Foundation, Inc.), p. 45.

[9] "Crime and Delinquency in California, 1965" (Sacramento: California Department of Justice, 1966), p. 131.

[10] Data supplied by the Sheriff's Office, Multnomah County, Oreg.

[11] Data supplied by the District of Columbia Department of Corrections.

[12] Freed and Wald, op. cit., pp. 10–11.

will need to provide consultation, set standards, and supply training and supplementary financing. In many areas with smaller populations, it will be impractical to maintain all of the specialized personnel and facilities required for a fully operative correctional intake program. Here the only practical solution appears to be State sponsorship of services on a regional basis.

State leadership is also needed for a number of collateral services. It is important, for example, that the State assure the availability and encourage the use of shelter facilities and foster-care programs for neglected and dependent children and thus avoid the necessity of placing them in detention homes. Needed also are programs developed in close cooperation with State departments of mental health to expand the availability of diagnostic service in all areas of the State.

A most important State function would be to provide a central research, statistical, and planning service for intake and detention programs. Such a service, for example, should yield continuous and full reports on the numbers and characteristics of offenders held in detention and those referred to other agencies at different points in the intake process. It should also provide information about the relative success of such policies for various kinds of offenders.

Chapter 3

Probation

Slightly more than half of the offenders sentenced to correctional treatment in 1965 were placed on probation—supervision in the community subject to the authority of the court. Table 1 sets forth data from the National Survey of Corrections and the Federal corrections system on the number of persons under probation on an average day in 1965 and the number in institutions or on parole. Also shown are estimates of what these populations are likely to be in 1975 on the basis of assumptions detailed in appendix B. As the table indicates, probation is the correctional treatment used for most offenders today and is likely to be used increasingly in the future.[1]

Table 1.—Number of Offenders on Probation, and on Parole or in Institutions, 1965; Projections for 1975

Location of offender	1965		1975	
	Number	Percent	Number	Percent
Probation	684,088	53	1,071,000	58
Parole or institution	598,298	47	770,000	42
Total	1,282,386	100	1,841,000	100

SOURCES: 1965 data from National Survey of Corrections and special tabulations provded by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts; 1975 projections by R. Christensen, of the Commission's Task Force on Science and Technology, as described in Appendix B of this report.

The estimates for probation shown in the above table project a growth in the number of adults on probation almost 2½ times greater than the growth in institutional and parole populations. The projected growth in juvenile probation is also substantial. As chapter 4 will show, there are rapidly developing very promising intensive community supervision and residential programs, which could further shift the number of juveniles destined for institutions to community-based treatment. Thus, the projections for juvenile probation might actually be low.

The best data available indicate that probation offers one of the most significant prospects for effective programs in corrections. It is also clear that at least two components are needed to make it operate well. The first is a system that facilitates effective decision-making as to who should receive probation; the second is the existence of good community programs to which offenders can be assigned. Probation services now available in most jurisdictions fall far short of meeting either of these needs.

PRESENT SERVICES AND NEEDS

Current probation practices have their origin in the quasi-probationary measures of an earlier day. The beginnings of probation are usually traced to Boston, where in 1841 a bootmaker bailed a number of defendants in the lower court on a volunteer basis. In 1897, Missouri passed legislation that made it possible to suspend execution of sentence for young and for petty offenders. This statute did not make provision for the supervision of probationers. However, Vermont established such a plan on a county basis in 1898, and Rhode Island established a State-administered system in 1899.[2]

After the turn of the century, the spread of probation was accelerated by the juvenile court movement. Thirty-seven States and the District of Columbia had a children's court act by 1910. Forty of them had also introduced probation for juveniles. By 1925, probation for juveniles was available in every State, but this did not happen in the case of adult probation until 1956.

Within States, probation coverage is still often spotty. Services for juveniles, for example, are available in every county in only 31 States. In one State, a National Survey staff observer noted, only two counties have probation services. A child placed on probation in the other counties is presumed to be adjusting satisfactorily until he is brought back to court with a new charge.

Table 2 shows the number of delinquents and adult felons on probation at the end of 1965 and the annual costs of these services. It is quickly apparent in terms of the number of persons served and of total operating costs that the juvenile system has relatively greater resources than the adult. Cost comparisons, however, require qualification. The juvenile total includes the cost of many foster homes and some private and public institutional costs.

Table 2.—Number of Felons and Juveniles on Probation, 1965, and Annual Costs of Services for Each Group

Type of probation	Number on probation	Annual costs
Felony	257,755	$37,937,808
Juvenile	224,948	75,019,441
Total	482,703	112,957,249

SOURCES: National Survey of Corrections and special tabulations provided by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts.

[1] These projections are drawn from the special study completed by R. Christensen, of the Commission's Task Force on Science and Technology, which is described in appendix B of this report. The projections, together with the 1965 data supplied by the National Survey of Corrections and special tabulations provided by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts, indicate the following: The number of adults in jails and prisons and on parole in 1965 was 475,042; for 1975 it is projected as 560,000. There were 459,140 adults on probation in 1965; for 1975 the number is projected as 693,000. The population of juvenile training schools and parole programs in 1965 was 123,256; for 1975 it is projected as 210,000. The number of juveniles on probation in 1965 was 224,948, and for 1975 the number is projected as 378,000.

[2] Paul W. Tappan, "Crime, Justice, and Correction" (New York: McGraw-Hill Book Co., 1960), pp. 546-549.

Furthermore, juvenile probation in some jurisdictions has a substantial responsibility for orphaned or other nondelinquent dependent children.

Probation in the United States is administered by hundreds of independent agencies operating under a different law in each State and under widely varying philosophies, often within the same State. They serve juvenile, misdemeanant, and felony offenders. In one city, a single State or local agency might be responsible for handling all three kinds of probation cases; in another, three separate agencies may be operating, each responsible for a different type of probationer. All of these probation programs must contend with similar issues. However, because of the particular problems of the misdemeanant probation system, most further discussion about it will be reserved until chapter 7.

ADVANTAGES OF PROBATION

There are many offenders for whom incarceration is the appropriate sanction—either because of their dangerousness or the seriousness of their offense, or both. But in the vast majority of cases where such a sanction is not obviously essential, there has been growing disenchantment with relying heavily on institutions to achieve correctional goals. The growing emphasis on community treatment is supported by several kinds of considerations.

One has already been discussed in some detail in chapter 1. As pointed out there, the correctional strategy that presently seems to hold the greatest promise, based on social science theory and limited research, is that of reintegrating the offender into the community. A key element in this strategy is to deal with problems in their social context, which means in the interaction of the offender and the community. It also means avoiding as much as possible the isolating and labeling effects of commitment to an institution. There is little doubt that the goals of reintegration are furthered much more readily by working with an offender in the community than by incarcerating him.

These justifications seem to be borne out by the record of probation services themselves. Probation services have been characteristically poorly staffed and often poorly administered. Despite that, the success of those placed on probation, as measured by not having probation revoked, has been surprisingly high. One summary analysis of outcomes observed in 11 probation studies indicates a success rate of from 60 to 90 percent.[3] A survey of probation effectiveness in such States as Massachusetts and New York and a variety of foreign countries provides similar results with a success rate at about 75 percent.[4] An exhaustive study was undertaken in California when 11,638 adult probationers granted probation during the period 1956–58 were followed up after 7 years. Of this group, almost 72 percent were successful in terms of not having their probation revoked.[5]

These findings were not obtained under controlled conditions, nor were they supported by data that distinguished among the types of offenders who succeeded or the types of services that were rendered. Nevertheless, all of the success rates are relatively high. They are the product of a variety of kinds of probation administered at different times and places. Even when interpreted skeptically, they are powerful evidence that a substantial number of persons can be placed on probation and have a relatively high rate of success.

In the next chapter two controlled experiments are described, one in Utah and one in California, in which the relative effectiveness of institutionalization and community supervision under special conditions with small caseloads and specifically designed treatment programs were directly tested with randomly selected groups. In both instances the special community treatment was clearly superior in terms of reducing recidivism.

Perhaps the best known effort to determine the extent to which probation services could be used was a demonstration project conducted in Saginaw, Mich., over a 3-year period.[6] Here, trained probation officers with relatively low caseloads were assigned to an adult criminal court that had used probation a little more than the 50 percent average for the State. With full services available, including complete social histories for the use of the court at the time of sentencing, judges imposed prison sentences for only about 20 percent of all of the defendants who appeared before them. There is some evidence that the revocation rate for those granted probation was lower than in the prior 3-year period. Although these findings require more rigorous testing, they lend weight to the view that a high percentage of offenders can be supervised in the community and succeed.

Offenders can be kept under probation supervision at much less cost than in institutions. The National Survey found, for example, that the average State spends about $3,400 a year (excluding capital costs) to keep a youth in a State training school, while it costs only about one-tenth that amount to keep him on probation.

Objections might be raised as to the validity of such comparisons, since expenditures for probation services are now much too meager. However, with the 1-to-10 cost ratios prevailing, probation expenditures can clearly be increased several fold and still remain less expensive than institutional programs. This is especially true when construction costs, which now run up to and beyond $20,000 per bed in a correctional institution, are included. The differential becomes even greater if the cost of welfare assistance for the families of the incarcerated and the loss in taxable income are considered.

PROBATION SUPERVISION

There is an extremely wide variation among States in both the laws permitting probation and the way in which probation is practiced. Probation agencies range from those that depend on the ingenuity of a single probation officer to large multidivisional programs offering clinical, diagnostic, detention, foster care, and local institutional programs.

[3] Ralph W. England, Jr., "What Is Responsible for Satisfactory Probation and Post-Probation Outcome?" Journal of Criminal Law, Criminology, and Police Science, 47: 667-676 (March-April 1957).

[4] Max Grunhut, "Penal Reform" (New York: The Clarendon Press, 1948), pp. 60-82.

[5] George F. Davis, "A Study of Adult Probation Violation Rates by Means of the Cohort Approach," Journal of Criminal Law, Criminology, and Police Science, 55: 70-85 (March 1964).

[6] "The Saginaw Probation Demonstration Project," Michigan Crime and Delinquency Council of the National Council on Crime and Delinquency (New York: The Council, 1963).

Badly undermanned in general by staff who are too often undertrained and almost always poorly paid, probation agencies only occasionally mount the type of imaginative programs that fulfill their potential for rehabilitation. The extent to which probation is used varies widely from jurisdiction to jurisdiction, paralleling to a large extent the adequacy of staffing ratios.

THE STANDARD CASELOAD

The administrative problem that has probably plagued probation officials most has been the achievement of a manageable workload for probation officers. Whenever probation programs are subject to criticism, the oversized caseload is usually identified as the obstacle to successful operation. Efforts to reduce caseloads have been the source of a continuing struggle between probation administrators and local and State budget authorities. Some apparently simple but quite important issues are involved.

Over the past decade, a number of efforts have been made to improve the effectiveness of probation and parole supervision by simply reducing the size of an officer's caseloads. Caseloads have been reduced under experimental conditions from 75 to 30 and to 15.[7] It appears from these studies that the simple expedient of reducing caseloads will not of itself assure a reduction in recidivism. Those experiments with reduced caseloads have shown that to reduce recidivism requires classification of offenders with differential treatment for each class.[8]

The concept of an "average caseload" is administratively convenient when calculating broad estimates of the resources necessary to effect some improvement in staffing ratios. However, this useful idea usually becomes translated into the "standard caseload" that each officer should carry. Differences in individual probationers' needs require different amounts of time and energy from a probation officer. The typical probation caseload is usually a random mixture of cases requiring varying amounts of service and surveillance but usually treated as if all the cases were much the same. Clearly, the value of differential treatment requires that probation manpower ratios vary directly with the kind and amount of services to be performed.

Further work is needed to specify with greater accuracy the levels of service required for various kinds of cases. But enough experience is already available to implement a broad, if somewhat rough, system of differential treatment such as is already being used in various forms by a number of agencies.

PLANNING FOR DIFFERENTIAL TREATMENT

Differing caseload sizes are only one aspect of the need for differential treatment adapted to the type and circumstances of the offender. Another major requirement for using a differential treatment system is an adequate case analysis and planning procedure. Probably no deficiency is more universally apparent in current programs than the nearly complete lack of careful planning by probation officers, their supervisors, and clinical program consultants, including the active participation of offenders themselves. A common observation of probation officers who have moved from routine to intensive experimental programs is that, for the first time, they are provided an opportunity to develop systematically a plan that is carefully tailored for the offender.

Such planning must determine the kind and intensity of supervision needed by the probationer. For some, assignment to relatively high caseloads for nominal supervision may well be indicated.[9] Other probationers will require assignment to specialized caseloads with varying intensity and kinds of supervision. Programs may range from assistance in dealing with important social agencies such as schools, to group counseling or family counseling. Alcoholics, addicts, and those with mental or physical problems may require special treatment. Still other kinds of treatment for probationers are the various community residential programs described in the next chapter.

In planning, the ability to place an offender in the community where he is most likely to succeed is an important factor. Of significant assistance in providing this capacity has been the Interstate Compact for the Supervision of Probationers and Parolees. Under the leadership of the Council of State Governments, this program has developed to the point where today thousands of probationers and parolees are able to return and be supervised by agencies in their home States, after being adjudicated criminal or delinquent elsewhere. All States are members of the compact for adults. Several have yet to ratify a similar compact for juveniles, and this failure creates a needless gap in services.

Another important part of probation planning is determination of the period during which various kinds of probation supervision are required. Studies of both probation and parole outcome reveal consistently that most difficulties with offenders occur within the first 1 or 2 years under supervision. For those who avoid difficulty through this period, the probability is exceedingly good that they will no longer be involved in criminal activity. Some offenders require extended periods of probation; for them, reduced supervision may be feasible during the latter portion of their probation terms. However, for the vast majority of offenders, inflexible and lengthy probation terms result in unnecessary restraints and costs.

MANPOWER NEEDS

More manpower is needed for probation services than is now available. Data as to exact size of the manpower gap based on careful experimentation with differential treatment must await further studies. However, sufficient data are available now to give a fair approximation of the numbers of officers needed. These are discussed in chapter 6 on parole and aftercare.

[7] California Department of Corrections, Division of Adult Parole, "Special Intensive Parole Unit, 15-Man Caseload Study" (Sacramento: The Department, November 1956) and "Special Intensive Parole Unit, 30-Man Caseload Study" (Sacramento: The Department, December 1958). See also Bertram M. Johson, "An Analysis of Predictions of Parole Performance and of Judgments of Supervision in the Parole Research Project," California Youth Authority Research Report No. 32 (Sacramento: The Authority, December 1962).

[8] See Stuart Adams, "Effectiveness of Interview Therapy With Older Youth Authority Wards, An Interim Evaluation of the PICO Project", Research Report No. 20 (Sacramento: California Youth Authority, January 1961); Joan Havel and Elaine Sulka, "Special Intensive Parole Unit, Phase 3" (Sacramento: California Youth Authority, March 1962); Walter Burkhart and Arthur Sathmary, "Narcotic Treatment Control Project, Phases 1 and 2," California Department of Corrections, Division of Research, Publication No. 19 (Sacramento: The Department, May 1963); M. Q. Warren et al., "Community Treatment Project, 5th Progress Report," California Youth Authority, Division of Research (Sacramento: The Authority, August 1966).

[9] Joseph D. Lohman, Albert Wahl, and Robert M. Carter, "The Ideal Supervisor Caseload: A Preliminary Evaluation," The San Francisco Project Research Report No. 9 (Berkeley: University of California School of Criminology, February 1966). For a study of differential caseload levels, see "California Department of Corrections Parole Work Unit Program, Report Submitted to Joint Legislative Budget Committee" (Sacramento: The Department, December 1966).

Using as a desirable caseload average for juveniles and adult felons the level of 35 suggested in chapter 6 an approximate picture of the need for probation officers can be gained. Table 3 shows the size of caseloads in which probationers are currently supervised. With fewer than 4 percent of the probation officers in the Nation carrying caseloads of 40 or less, it is obvious that the gap between optimal and actual levels of staffing is great.

Table 3.—Percentage Distribution of Probationers, by Size of Caseload in Which Supervised, 1965

Caseload size	Juvenile probation	Felony probation
	(Percent)	(Percent)
Under 40	3.7	0.8
41–60	19.7	5.0
61–80	49.2	14.1
81–100	16.7	13.1
Over 100	10.7	67.0

SOURCE: National Survey of Corrections.

In 1965 there were 6,336 juvenile probation officers and 2,940 probation officers supervising offenders convicted of felonies.[10] These officers are responsible for both presentence investigations and supervision. Providing enough officers to conduct needed presentence investigations and also reduce average caseloads to 1 officer for each 35 offenders would immediately require an additional 5,300 officers and supervisors for juveniles and 8,500 for felons.

PROBATION AND REINTEGRATION

Probation was introduced initially as a humanitarian measure. The early pioneers simply wished to keep first offenders and minor recidivists from undergoing the corrupting effects of jail. They were volunteers—ministers and others—whose philosophy was that the offender was a deprived, perhaps uneducated person who needed help in adjusting to his environment.

During and after World War I, however, a marked change occurred in this orientation. As probation services continued to expand, there was increasing demand for professionally educated people, especially trained social workers, to serve as probation officers. The training of social workers, in turn, was profoundly influenced by the introduction of psychiatric, especially psychoanalytic, theory, and was primarily concerned with the individual and his emotional problems and deficiencies.

The emphasis was on seeing the offender as a disturbed person for whom some degree of psychotherapy was indicated. The professional probation caseworker, therefore, came to be valued for his ability to offer such individually oriented therapy.

More recent theories of reintegration, as discussed in chapter 1, are now influencing the training of probation officers and place greater emphasis on developing the offender's effective participation in the major social institutions of the school, business, and the church, among others, which offer access to a successful, nondelinquent career. Experience with programs that have attempted rehabilitation in isolation from these institutions indicates that generally such efforts have only a marginal bearing on an offender's success or failure.[11]

This point of view does not deny the importance of increasing individual capacity, but it does make clear that correctional techniques are nearsighted when they fail to take into account and make needed changes in an offender's social and cultural milieu. Successful adjustment on his part will often require some kind of personal reformation, but it will also usually require conditions within the community that will encourage his reintegration into nondelinquent activities and institutions.

This type of approach has several implications. One of these is the location of probation offices. Characteristically, most are now located in a county courthouse or in a juvenile hall. Probationers are expected to report to these places for counseling and then are visited occasionally in their homes or on their jobs. The kind of approach discussed here would indicate that many probation offices should be relocated, particularly into the centers of high crime and delinquency and close to the community resources that are needed for an effective program.

For those offenders who need minimum supervision, probation officers need to have immediate access to channels to which these persons can be diverted. For others, probation officers need to be close to and interacting with major social influences in the offenders' lives. Centers situated in areas of caseload density, for example, could provide an opportunity for frequent, possibly daily participation of probationers in organized programs calculated to contribute to their socialization.

Neighborhood-based probation services could well be housed with other community services such as welfare, employment, and health agencies. Already some experimentation in this direction indicates that probation services can be brought more directly into the social as well as the psychological life of the probationer.

The reintegration procedures through which the offender is geared into the school or the job are not clearly defined or established. The problems are much easier to describe than the solutions. However, an approach can be defined and some specific correctional strategies discussed for dealing with the major social institutions—the family, the school, and employment.

THE FAMILY

Few would challenge the all-important role of the family as the universal social institution that nurtures, protects, and shapes the individual from infancy to independence. The dysfunctional, inadequate, or broken family emerges as a principal source of delinquency. Particularly in the case of the preadolescent or early adolescent delinquent the effort to strengthen the family function is of prime importance.

[10] Estimate derived from the National Survey of Corrections and data supplied by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts.

[11] See H. G. Meyer, E. F. Borgatta, and W. C. Jones, "The Girls at Vocational High" (New York: Russell Sage Foundation, 1965), pp. 180, 205–217; and Evelyn S. Guttman, "Effects of Psychiatric Treatment on Boys at Two Training Schools," Research Report No. 36 (Sacramento: California Youth Authority, 1963).

Two major approaches shape the methods of family therapy. One is the use of the family as a field for corrective intervention on behalf of one or more of its members. Personality difficulties of these members are addressed with the family as the milieu from which the individuals emerge, but the focus is on the individual rather than the family as a whole.

The other approach sees the whole family as the target for treatment. This is the essentially reintegrative type of family therapy. Its objectives are the rehabilitation of the entire family as a healthy functioning unit. There is heavy concentration on instilling healthy child-rearing practices in cases where the children are young, on developing in adolescents the ability to cope with their present situation and those in which they may eventually find themselves, and on making complementary the dual roles of husband-and-wife and father-and-mother. An effort is made to strengthen family ties generally, and to help the family (including the delinquent or predelinquent) become effective in the community.

The Youth Development Project, conducted at a psychiatric outpatient clinic connected with the University of Texas Medical Branch, involves a team of therapists who engage in an intensive diagnostic-treatment effort lasting 2 or 3 days, during which the entire family of a delinquent are patients at the clinic. Described as multiple impact therapy, the treatment seeks to give insight and direction to the family that is motivated to seek help with its problems. Probation officers participate in these programs and later maintain contacts with the family in an effort to encourage and renew the self-reformation effort. The technique is particularly appropriate to those sparsely populated regions where treatment resources are scarce.

Other forms of family therapy have been used with the families of delinquents in large cities, often from lower socio-economic groups. Nathaniel Ackerman, of New York City, a pioneer in family therapy, has worked with families of delinquents using an approach which combines analysis, group therapy, and family education. Virginia Satir, of a group in Palo Alto, Calif., which has developed "conjoint family therapy," has coached a variety of workers in correctional institutions and community-based programs in methods of family therapy.

At Wyltwick School for delinquent boys in New York, an experiment has been carried on for some time with families of delinquents from slum areas. At first, the family is interviewed together, using joint therapists. Then the parents talk with one therapist and the children with another. Often in these second sessions "the lid comes off" and the parents and children express their true feelings about each other and what is wrong with the family situation. Delinquent acts may be revealed as rooted in complete misunderstanding by the children or the parents. Reassembled once more, the family may be able to clear up some of these misunderstandings and jointly find a way to deal with the roots of delinquency.

The experiment is now being evaluated. Charles H. King, superintendent of the school, believes that the vast majority of families of delinquents can profit from family therapy, although some families will gain more from it than others and retain their gains better.

THE SCHOOL

Among social institutions, the school clearly is second only to the family in its universal impact. It encompasses all youth, including those most prone to law violation. Chapter 3 of the Commission's General Report examines the operation of the school, particularly the slum school, in relation to delinquency. The inability of poorly financed, overcrowded, and inadequately staffed schools to meet the needs of delinquency-prone populations is described in some detail. The linkage between a child's failure in school and his involvement in delinquency is clearly drawn.

The inability or disinclination of many school systems to cope with the problems of the potential delinquent is intensified where the identified offender is concerned. Once the delinquent label has been officially affixed, all the problems of the marginal youth become more acute; the school's anticipation of trouble tends to be realized, and the level of tolerance of deviant behavior is lowered. Behavioral difficulty and failure to achieve in school frequently lead to truancy, then to dropping out or to expulsion. Once the delinquent youth's ties with the schools are severed, the probability of further delinquency is substantially increased.

The general problems of education for disadvantaged youth have great relevance to corrections, but the solutions obviously lie well beyond the capacity of correctional agencies to undertake. Large-scale programs, now underway, stimulated by Federal legislation in 1965, attempt to create substantial educational opportunities for the disadvantaged. Identified delinquents will benefit directly from these programs. Educational programs for delinquents in institutions are being assisted by Federal grants from the Office of Education.

Educational programs for offenders in the community are of several kinds. The first group is directed toward increasing the competence of offenders to participate more effectively in school programs through special classes for the educationally retarded and the use of programed learning techniques, discussed in chapter 5. The availability of funds for probation officers to purchase such services when needed would be particularly useful here.

Other programs directed toward offenders include those which simultaneously affect their motivations, behavior, and education skills. A particularly interesting attempt in this direction is the Collegefield project carried on in conjunction with the Newark State Teachers College, New Jersey. Delinquents assigned by a juvenile court participate in group counseling sessions for half of the day and then are taught by teachers experienced in the public school system. In this setting, youngsters are enabled not only to upgrade their academic skills but also to learn the kind of behavior required to participate in school. Moreover, the group experience increases moti-

vation as peers define success in school as important to status in the group. When youths complete this program, they are moved into regular classroom situations.

Another major category of programs for offenders are those which direct their effort toward the school system itself. Some juvenile courts, for example, make a probation officer responsible for encouraging a specific school to develop intensive programs to attract and hold youths with deficiencies and to develop a greater tolerance on the part of administrators and teachers toward them.

A program which focuses on the school and the offender at the same time is carried out as part of the California Community Treatment project described in the next chapter. Experienced and certificated tutors assist marginal students to meet the demands of the educational system. In addition to educational coaching, the tutor counsels the youth concerning his personal behavior in school. He invests considerable time in communication with school counselors and other officials in order to interpret the youngster's needs and problems, to secure development of specialized, low-stress school programs—in short, to increasing the tolerance level of the school system. Program supervisors credit this special program with maintaining a substantially larger proportion of the delinquent population in school and with assuring some educational achievement for the youth who has been suspended or expelled.

EMPLOYMENT

The kind of job a person holds determines, to a large extent, the kind of life he leads. This is true not merely because work and income are directly related, but also because employment is a major factor in an individual's position in the eyes of others and indeed of himself. Work is therefore directly related to the goals of corrections. Glaser concludes in his extensive study, "The Effectiveness of a Prison and Parole System," that "unemployment may be among the principal causal factors in recidivism of adult male offenders." [12] It is difficult for probationers, and often to a greater extent for parolees, to find jobs. They are frequently poor, uneducated, and members of a minority group. They may have personal disabilities—behavior disorders, mental retardation, poor physical health, overwhelming family problems. And they have in any case the stigma of a criminal record to overcome.

A recent study of Federal releasees shows that, during the first month after release, only about 1 out of every 4 releasees was employed at least 80 percent of the time, and 3 out of 10 were unable to secure jobs. After 3 months, only about 4 out of 10 had worked at least 80 percent of the time, and nearly 2 out of 10 still had not been able to find work of any kind.[13]

Vocational Training and Placement Programs. The problem can be alleviated somewhat by improving the employment skills of offenders and by having more job-placement programs in correctional agencies. Offenders typically lack information about the local labor market as a whole, especially if they have not had very much work experience. Several Federal antipoverty agencies have established programs specifically aimed at improving employment opportunities for offenders and have included offenders in other programs. The Department of Labor has initiated several special projects for offenders, including a parole employment evaluation center in New York City under the auspices of the New York Division of Parole that provides intensive and continuing vocational counseling services and makes special provision for bonding when indicated.

The 1965 amendments to the Vocational Rehabilitation Act also opened significant vocational opportunities to offenders. By previous definition, the handicapped were persons with physical and mental conditions which created obstacles to employment. The amendments revised this definition in such a way as to cover offenders by interpreting physical and mental to include behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, and environmental factors. A number of research and demonstration programs in correctional institutions and community programs have been funded under these provisions. The most far-reaching of the demonstration programs was inaugurated in November 1965 to serve Federal offenders. This is a series of eight projects in which State vocational rehabilitation agencies provide intensive service to offenders at Federal probation offices and correctional institutions.[14] Programs such as this offer distinct promise for the future and merit active support.

The offender, like any other citizen, may take advantage of the placement service offered by the local public employment service. In some States, the U.S. Employment Service has undertaken special cooperative arrangements with correctional agencies. Some employment offices report a significant number of referrals and placements of offenders; others achieve minimal results. One significant factor appears to be whether there is an especially interested placement officer who is willing to devote extra time, provide some special counseling, and persist even though initial referral or placement of an individual offender does not effect permanent employment. The other important ingredient is the close support of probation or parole staffs in seeing that offenders keep their appointments and follow through when referrals are made.

In most States, parole and probation officers must help find employment for offenders. Many experience severe difficulty in discharging this task. Some correctional personnel, however, have exhibited special interest and skill in the employment field and have found work for a significant portion of their caseloads. Their performance indicates that, with the appropriate commitment of correctional manpower and training, the unemployment problem of offenders could be better controlled. In larger probation and parole agencies, special staff could profitably be provided for job placement.

Response of the Community. A survey conducted in 1966 by the Minnesota Division of Adult Corrections gives an idea of employer policies on hiring offenders. Among 983 firms, it found that almost 40 percent indicated at least a general reluctance to hire offenders for any position. Another 28 percent would hire them for specific jobs only. Perhaps these attitudes toward offenders are similar to those expressed by the average citizen. In any case, they represent a substantial barrier to employment and a challenge to correctional agencies. Where negative attitudes have existed, agencies have shown that they can be diminished by good communication between correctional personnel and employers. It is clearly the responsibility of all correctional agencies to seek out that kind of communication as a basis for more specific efforts.

Some unions have been hostile toward providing opportunities for offenders, and others have been indifferent to requests for assistance. However, where union and correction officials have attempted to discuss the problem of the employment of offenders and work toward solutions, the results have been gratifying. In Connecticut, New York, Ohio, and Washington unions have been found sympathetic to the employment of offenders, and some have taken positive steps to help. For example, at the Federal penitentiary in Danbury, Conn., the International Ladies' Garment Workers Union has established a program to train sewing machine repairmen on machines furnished by several local companies and provides a card to graduates of the program which helps them to find employment on release.

Business has also set up training programs at Danbury. The Dictograph Corporation trains microsoldering technicians in the penitentiary and employs them when they are in work-release or parole status. In several prisons IBM trains key punch operators, programers, and systems analysts, hiring some itself and referring others to jobs elsewhere.

Training programs offered either directly by unions or by employers with union approval have been a useful method of developing positive relationships between corrections and employment. The creation of trade advisory boards and other liaison groups has also helped to improve the employment climate.

Restrictive Policies and Procedures. General attitudes toward offenders have in some cases been formalized into policies that do not allow for special circumstances and require specific changes in laws or rules. Among these are bonding and licensing. Bonding against theft by employees is common practice in larger retail and service businesses, usually through blanket bonds covering all employees.

Both employer and offender often assume that all bonding automatically excludes individuals with criminal records, and some employers probably use bonding requirements as an excuse to turn away applicants with records. In some cases, bonding requirements do automatically bar offenders, and in others offenders have difficulty in satisfying the bonding company of their reliability. Letters received from 12 correctional administrators in answer to the Commission's inquiries agreed that bonding is a problem for the offender, particularly in clerical, sales, and commercial occupations.

Some experimental programs to overcome bonding problems are now underway. The Labor Department has funded a bonding demonstration project under the Manpower Development and Training Act that will contract with a bonding company to provide bonds for 1,700 individuals in New York, Washington, Chicago, Los Angeles, and other cities. Programs similar to these are also being funded by the Department of Health, Education, and Welfare. An interesting variation is offender participation in the development and operation of such programs. In one project, persons bonded will become members of a corporation, Trustworthy, Inc., and will participate in recruiting and screening prospective candidates for bonding. Efforts of this type need extensive expansion and support, and individual employers and insurers must be encouraged to eliminate flat restrictions on bonding for offenders.

The same need for elimination of blanket or irrational restrictions on offenders exists with respect to regulatory and licensing laws relating to employment and other activities. In the employment field, a survey by Spector in 1950 for the Council of State Governments found that most States regulate entry to over 75 different occupations, ranging from law and medicine to barbering and undertaking.[15] Conviction may well be relevant in some cases to the protection of the public through such regulation. It is relevant to the offense they have committed to revoke the license of a lawyer convicted of embezzling the funds of clients or a teamster convicted of vehicular homicide. But it is hard to see why, on the other hand, a man convicted of larceny should not be permitted to cut hair or run a restaurant.

Nonetheless, licensing laws and authorities usually do not confine restrictions to situations in which there is a rational connection between an offense and the practice of an occupation. Licenses are in many cases primarily revenue measures or else products of pressure by unions or trade associations to limit access to an occupation. In other instances they may indeed serve the purpose of protecting the public through the establishment of standards of competency and honesty, but they may rely on excessively broad prohibitions to do so. Licensing authorities may interpret a general requirement such as "good moral character" as a flat proscription against all offenders. A general overhaul of all State and local licensing and employment regulations to eliminate such irrational barriers, as discussed in chapter 8, would do much to help in the reintegration of offenders as useful citizens.

Government Agencies. Local and Federal Government agencies have traditionally barred offenders from employment. In doing so, they have raised serious questions about their commitment to the rehabilitative efforts of other public agencies and have set a conspicuously poor example for private employers.

Recently, the Federal Government has significantly modified its position. The Civil Service Commission, on August 15, 1966, announced a new Federal employment

[12] Daniel Glaser, "The Effectiveness of a Prison and Parole System" (Indianapolis: Bobbs-Merrill, 1964), p. 329.
[13] Ibid., p. 328.

[14] Richard A. Grant, "Vocational Rehabilitation Involvement in the Field of Corrections" (paper presented at the Midwest Institute on Correctional Manpower and Training, Topeka, Kans., Mar. 28, 1966).

[15] Sidney Spector and William Frederick, "A Study of State Legislation Licensing the Practice of Professions" (Chicago: Council of State Governments, 1952), pp. 1–8.

policy regarding the hiring of former offenders. The Commission and the employing agencies will accept applications from persons who have records of criminal convictions and will consider for employment those adjudged to be good risks.

A number of State governments have made outstanding gains in employing offenders. Local governments are reexamining their policies. In January 1966, the city of New York ended its 50-year-old policy of automatically rejecting persons as employees who had been convicted of crimes and began to hire such persons, including parolees. The new standard is based on individual evaluation of the applicant. According to the city, its experience has been very good.

While these are encouraging steps, much more needs to be done. Every level of government should revise its policies to provide the offender a reasonable opportunity for appropriate employment.

RESTRICTIONS AND CONDITIONS ON PROBATION

The use of probation is influenced importantly by requirements imposed by statute or sentencing courts. The basic structure of sentencing laws is discussed in chapter 5 of the Commission's General Report and the report of the Task Force on Administration of Criminal Justice. The most important types of legal restrictions and conditions on probation use are touched on here.

STATUTORY RESTRICTIONS

The use of probation in juvenile cases is rarely restricted by statute. Whatever restraints courts may labor under in this area are usually only the result of custom or the pressure of community feeling about certain offenses. This is not the case in probation for adults.

Only 15 States have no statutory restrictions on who may be granted probation in felony cases. In the remaining 35 States, probation is limited by such factors as type of offense, prior convictions, or whether the defendant was armed at the time of offense. The type of offense is the most commonly used device for restricting probation; offenders guilty of rape and murder are the most widely excluded from probation consideration. Beyond these two there is little consistency between States.

The report of the Task Force on Administration of Justice advocates the general reduction of the various outright prohibitions and restrictions on probation and, in their stead, the provision of statutory standards to guide courts in using their discretion in decision-making. The sense of this approach is that probation legislation cannot take into account all possible extenuating circumstances surrounding the commission of an offense or the circumstances of particular offenders.

The key to differential treatment of various offenders lies in the ability of decision-makers, in this case the sentencing judge, to base their decision on a full appraisal of the offender, his personal and social characteristics, and the available types of programs which are best suited to those characteristics. Inflexible restrictions based on narrow criteria defeat the goals of differential treatment by restricting the options from which a judge may choose.

PROBATION CONDITIONS

This is another area where patterns typically vary between juvenile and adult systems. A number of juvenile courts follow the common adult practice of spelling out probation conditions in detail and of routinely imposing a standard set when granting probation. A more usual practice in juvenile courts is simply to require the cooperation of the probationer with the probation officer. In effect this leaves the imposition of restrictions to the discretion of the probation officer responsible for the supervision of the case.

Delegating rulemaking power to a probation officer invites possible abuse of that discretion. Additionally, a number of correctional officials will argue that a difficult role conflict is created when the probation officer is given the task of being simultaneously rulemaker, enforcer, and helper. If a violation of a rule can serve as the basis for a revocation of probation, it needs to be clearly defined to the probationer. Best practice would require that such rules and conditions imposed be carefully reviewed by the court.

Differential treatment requires that rules be tailored to the needs of the case and of the individual offender. The procedure followed in a number of courts is to have the probation officer who submits a presentence report make recommendations about the conditions which seem indicated in a specific case. They therefore can be discussed with the prospective probationer and his counsel as well as the probation officer. Such a procedure is superior on several counts and could well be emulated by all courts.

Other issues related to probation and parole conditions are discussed in chapter 6 in connection with parole. Two points, however, are peculiar to probation. The first of these is the practice in some courts of routinely imposing a jail term as a "condition" to probation prior to the start of the probation period. The argument usually advanced for this practice is that it gives the offender a taste of incarceration that tends to deter him from further criminal activities.

Correctional personnel have generally sought to discourage commitments to jail as a condition of probation, questioning whether it in fact operates as a deterrent and pointing out that a jail term may complicate reintegration by causing an offender to lose his job and otherwise disrupting his community ties.

The question of the deterrent effect of such a condition requires research and experimentation that has yet to be undertaken. It seems clear, however, that the indiscriminate use of incarceration in a class of cases that presumably includes many offenders not likely to repeat their acts and amenable to other corrective methods is unwise. Whether or not to use short-term detention as a deterrent should be carefully determined in each individual instance, and until more knowledge is available as to its effectiveness in accomplishing these purposes it should be used extremely sparingly.

Financial reimbursement to victims is another condition used quite frequently in probation. It is not uncommon for a large probation agency to supervise the collection of millions of dollars in restitution for crime victims each year. Restitution can serve a very constructive purpose and of course it represents practical help for the victim. The central problem is to make certain that the rate of such payments is related to the ability of the offender to pay so that it does not prevent an offender from successfully reestablishing himself in the community, or so that it does not automatically destine him for a jail term for failure to meet the conditions of probation. An installment plan is a partial remedy for the problem. In many cases only partial restitution may be possible. Perhaps the best approach is for the probation officer to include in his presentence report an analysis of the financial situation of the defendant, an estimate of a full amount of restitution for the victim, and a recommended plan for payment.

ADMINISTRATION AND ORGANIZATION

Chapter 1 emphasized the need to develop organizational coherence in corrections. Nowhere is this more needed than in probation services. In the main, as shown in table 4, adult probation services are State functions while juvenile probation services are local functions, though there are within these generalizations a very wide variety of administrative patterns.

Table 4.—Administration of Juvenile and Adult Probation, by Type of Agency, 50 States and Puerto Rico, 1965

Type of agency	Number of jurisdictions	
	Juvenile	Adult
State:		
Corrections	5	12
Other agencies	11	25
Local:		
Courts	32	13
Other agencies	3	1
Total	51	51

SOURCE: National Survey of Corrections.

In 32 States, juvenile courts administer probation services. Elsewhere, juvenile services are operated by State correctional agencies in five States, by the State welfare department in seven, and by other State or local agencies in the remainder. In 30 States, adult probation is combined with parole services. In the others such services are administered by a separate State board or agency or are under local jurisdiction. This diversity is largely the result of historical accident. Since juvenile probation services were developed in juvenile courts, they were administered locally. Services for adults, in the majority of States, were grafted onto existing statewide parole supervision services.

There are two major questions in regard to organization and administration. The first is the desirability of direct administration of local probation services by a judge, and the second is the relative merits of State and local administration.

LOCAL ADMINISTRATION OF PROBATION BY COURTS

Some city and county probation systems are administered directly by a judge and others by relatively independent probation agencies. When probation is administered immediately by a judge, there frequently exists the kind of shared knowledge of function and communication about program content that is found nowhere else in the correctional apparatus. The judge in these jurisdictions is probably as well informed about correctional alternatives as any decision-maker in corrections. This is particularly true of the juvenile system. Moreover some juvenile court judges have, by virtue of their position, succeeded in developing considerable attention and official support for juvenile probation services. This has also happened to a much lesser extent in adult services.

In most major cities, however, the probation department is a complex organization requiring continuous and intensive administrative attention by professional, full-time managers. This is particularly true of local juvenile probation departments, which often operate detention homes, psychiatric clinics, and foster homes, as well as carrying out supervision functions. To manage so widely dispersed an operation requires specialized expertise and close control which are almost impossible for a judge whose career investment is not in administration. Moreover, organizational effectiveness and continuity of policy are apt to be seriously impaired in an agency subject to detailed administrative direction by both a judge and a chief probation officer.

Various procedures have been adopted by city and county probation agencies to give greater autonomy to probation staffs. One of the most common is to provide that a chief probation officer is hired by a committee of judges and is responsible to them in broad policy matters. Detailed administration is left in his hands. Other systems involve the use of citizen groups or city or county officials in the appointment of probation staffs.

A consideration frequently voiced against shifting probation services away from direct judicial administration is that a judge may more fully trust the information and services provided by staff under his immediate control. However, probation administrators in city, county, and State jurisdictions where probation services are provided to the courts by independent agencies contend that this is not a significant problem. They point out that, in many localities and States where such systems exist, close and very satisfactory working relationships develop between sentencing judges and probation staffs.

STATE VS. LOCAL ADMINISTRATION

The second major organizational issue is that of State as against local administration. Table 4 showed that in the juvenile field 16 States have centralized State administration for probation services, while in the adult field 37 States are so organized. Other States continue to locate probation departments at the county level. In this group are 9 of the most densely populated States.

A number of reasons are advanced for probation being a local function. First, local programs can typically develop better support from local citizenry and agencies. Once the offender is adjudged criminal or delinquent, and turned over to a State agency, there is a tendency to withdraw local services. Agencies at the same jurisdictional level tend to be united by a variety of administrative and traditional ties that do not extend to other levels. Employees of local jurisdictions usually have greater identification and ties with their communities, hence greater access to local resources.

Secondly, smaller operations tend to be more flexible and less bound by bureaucratic rigidity. Given aggressive leadership and community support, they may indeed outstrip the larger, more cumbersome State service. Finally, combining all local probation services in several large States, such as New York, Illinois, or California, could result in very large State operations. It would place a tremendous burden on administration. If it were weak, ineffectual, or politically determined, serious damage could result. While all of these risks prevail at lower levels of government—indeed they probably occur more frequently—the impact of any single poor leader is less widely spread.

On the other hand, State administration has some clear advantages. First there exists a greater probability that the same level of services will be extended to all areas and all clients. Uniform and equitable policies will be applied in recommendations for institutional and out-of-home placement. Wide variations in policy are manifest where administration is local. Some economies in detention and diagnostic services are possible if they are operated regionally rather than locally.

Another major advantage in the State's operation of probation services is the possibility of combining them with parole services and also better coordinating them with institution programs. Presently 30 of the 50 States combine felony probation and parole services for adults while 13 do so wholly or in part for juveniles.

The advantages of such combined services are several. A single agency is able to offer a continuity of service. Thus, the youngster placed on probation who fails and is sent to a training school can be handled by the same community agency when later released on parole. Information about the youth is readily available to the agency and important contacts with families and other significant persons can be maintained and further developed.

Combined services provide economies in the distribution of services. A single officer in a sparsely populated area of a State can service both probation and parole cases in the area. Similarly, the officer in an urban area can mobilize community resources in a given area of a city for both types of cases.

Additionally, there is a tendency for a local agency to "solve" a problem case, or one that requires a substantial investment of services or money, by commitment to the State institution. This would be minimized if a single agency operated both programs.

The greatest resistance to combining probation and parole services generally stems from the fact that this inevitably means that probation services would become part of a State system and move away from local control. The opposite alternative—parole supervision services being administered by a series of local agencies—is clearly undesirable. Virtually every correctional authority contends that parole services must be centrally administered and coordinated with the institutional system, particularly in view of the increasing need to coordinate such services with various institutional and part-way programs.

A final argument for State administration of probation services is the historical fact that State agencies have generally been in the forefront of developing innovative programs, demonstration projects, and correctional research. The promising programs reviewed in the next chapter are primarily State programs. Extensive research and demonstration are almost nonexistent at the local level.

STATE RESPONSIBILITIES TO LOCAL PROGRAMS

Even without State administration, various State services can nonetheless be used to bolster local programs significantly. As in the case of intake and detention services, a central agency concerned with probation administration is needed at the State level. It could provide centralized statewide statistics on such matters as probation recommendations and adjudicative dispositions; frequency of use of jails and State institutions; the number of successful completions and revocations of probation; and the use of residential centers and homes.

Information on outcomes of various treatment efforts needs to be maintained at a central information center. Such a center could also provide assistance in the design and operation of demonstration and research projects at the local level and provide data-processing capability that only the larger operations can develop. Through these devices all jurisdictions could be assisted in program experimentation and innovation.

A most important service for the State agency is the provision of assistance to local services in staff training and recruitment. The State agency could do much to bring together the academic community and the world of practice. The "career day" program, where social science faculty and students are invited to observe correctional programs and participate in discussions with practitioners, is an example.

Training is another area in which vigorous State agency efforts might develop not only the knowledge and talent of local staff but some uniform levels of program adequacy and policy consistency as well. Traveling teams, local or regional institutes, seminars based at universities and colleges, training conferences for administrators and supervisors are all media that can be used by a State agency to assure statewide dissemination of current correctional theory and practice concepts.

Standard setting is commonly considered an appropriate State agency function. Normally, this would consist of establishing some objective norms for staff qualifications, possibly for staff salary level, and some outlines of the kind of information to be contained in various reports. Standards of treatment or practice are more difficult to define, although some norms concerning fair procedures could be developed with reasonable clarity. Standard setting should be done jointly by State agencies and local agencies, both public and private. Statewide consultation services are vital to the implementation of those standards.

Perhaps the most effective way of improving local services is by direct State subsidy for all or part of the cost of local probation services. Such subsidies now are used quite effectively in many States. Some of the most effective State subsidies include salaries; cost of local camps, institutions, foster homes, group homes, and halfway house operations; and cost of special clinical, diagnostic, and consultation services. Logic would dictate that the State subsidy be invested in a manner calculated to effect the greatest improvement for the tax dollars spent. That is, it should not be simply a device for transferring a portion of a local correctional budget upward to the State level, but rather should depend upon measurable improvement and performance.

A variant of the subsidy is the provision of specific services by the State agency. Noninstitutional placements in State-operated group homes and residential centers, clinical diagnosis, and consultation are examples.

Probation services under optimal conditions would be administered at the State level. If they are located there, they require sound financial support and backing. If they are to continue to be administered at the local level, it is clear that staff training and program content can be assured only if the State government provides undergirding services and vigorous leadership in making sure that local programs are effective.

Chapter 4

Special Community Programs: Alternatives to Institutionalization

In recent years a number of experimental community programs have been set up in various parts of the country, differing substantially in content and structure but all offering greater supervision and guidance than the traditional probation and parole programs. The new programs take many forms, ranging from the more familiar foster homes and group homes to halfway houses, "guided group interaction" programs, and intensive community treatment. As such, they offer a set of alternatives between regular probation supervision and incarceration, providing more guidance than probation services commonly offer without the various disruptive effects of total confinement. They also greatly enrich the alternatives available in parole supervision. The advent of these programs in the postwar decades and their recent growth in numbers and prominence are perhaps the most promising developments in corrections today.

These programs are by and large less costly, often far less costly, than incarceration in an institution. Evaluation has indicated that they are usually at least as effective in reducing recidivism and in some cases significantly more so. They therefore represent an important means for coping with the mounting volume of offenders that will be pouring into corrections in the next decade. Although population forecasts indicate that the number of adult criminals who will be incarcerated in the next 10 years will increase only slightly, the projections for juveniles on the basis of present trends are alarming. As noted in chapter 1, it is estimated that by 1975 the number of juveniles who would be confined would increase by 70 percent; whereas in 1965, there were about 44,000 juveniles in State and Federal correctional institutions, by 1975 this number would reach about 74,000. Such an increase would place a burden on the correctional system that increased community programing could go far to alleviate.

Among the special community programs at least five types are important enough to warrant special discussion: guided group interaction programs; foster homes and group homes; prerelease guidance centers; intensive treatment programs; and reception center parole. These programs are reviewed here as examples of approaches that are capable of, and deserve, widespread application in a variety of modifications.

GUIDED GROUP INTERACTION PROGRAMS

Underlying one of the newer programs for treating the young delinquent in the community is the premise that juvenile delinquency is commonly a group experience and that therefore efforts to change delinquent behavior should focus primarily on a group like that within which the individual operates. A number of group counseling methods have been employed but the method called guided group interaction has been used most extensively in those programs which involved a research component.

The general strategy of guided group interaction calls for involving the offenders in frequent, prolonged, and intensive discussions of the behavior of individuals in the group and the motivations underlying it. Concentrating on participants' current experiences and problems, the approach attempts to develop a group "culture" that encourages those involved to assume responsibility for helping and controlling each other. The theory is that the offender-participants will be more responsive to the influence of their fellow offenders, their peers, than to the admonitions of staff, and less likely to succeed in hoodwinking and manipulating each other.

As the culture develops and the group begins to act responsibly, the group leader, a staff member, seeks to encourage a broader sharing of power between the offenders and the staff. At first, group decisions will be limited to routine matters, such as the schedule of the day, but over time they may extend to disciplinary measures against a group member or even to decisions concerning readiness for release from the program.

HIGHFIELDS

The Highfields project in New Jersey was the pioneer effort in guided group interaction.[1] Initiated in 1950, it has been duplicated in communities and also in institutions and used with both juveniles and adults. Highfields limits its population to 20 boys aged 16 and 17, who are assigned directly to it from the juvenile court. Boys with former commitments to correctional schools are not accepted, nor are deeply disturbed or mentally retarded youths. The goal is to effect rehabilitation within 3 to 4 months, about half the average period of incarceration in the State training school.

The youths are housed in the old Lindbergh mansion. They work during the day at a mental institution immediately adjacent to their residence. In the evening they participate in the group counseling sessions. On Saturdays, they clean up the residence. Saturday afternoon is free, and Sunday is reserved for receiving visitors and going to religious services. Formal rules are few.

Early efforts to evaluate the effects of the project on recidivism, as compared with those of the State reformatory, are still the subject of academic dispute. However, it is clear that Highfields was at least as effective as the reformatory, perhaps more effective, and that it accomplished its results in a much shorter period of time at greatly reduced monthly costs.

PINEHILLS AND OTHER DEVELOPMENTS

Important variations on the Highfields project developed at Essexfields, also in New Jersey, and at Pinehills in Provo, Utah. As at Highfields, program content at Essexfields and Pinehills centered around gainful employment in the community, school, and daily group meetings. The most significant difference was that, in the Essexfields and Pinehills experiments, the offenders continued to live at home.

The regimen at both Essexfields and Pinehills was rigorous. At Pinehills, for example, all boys were employed by the city. They put in a full day's work on the city streets, on the golf course, in the cemetery, wherever they were needed. They were paid 50 cents an hour. During the late afternoon, after the day's work was finished, all boys returned to the program headquarters where they met in daily group sessions. About 7 p.m. they were free to return home. They were also free on Sundays.[2]

In the daily group sessions all group members, not just adult staff, were responsible for defining problems and finding solutions to them. By making the program operations to some extent the work of all involved, both offenders and staff, it was possible to make a better estimate of just how much responsibility for his own life a given offender could take.

The fact that these guided group interaction programs are located in the community means that the problems with which the group struggles are those that confront them daily in contacts with their families, friends, teachers, and employers. This is one great strength of a community program over an institutional program. The artificiality of institutional life is avoided, and concentration can be placed upon the issues with which every offender eventually has to deal.

The Pinehills experiment was one of the first to set up an experimental design by which to assess the effectiveness of the project. Offenders assigned to the program were compared with two control groups: One group which was placed on probation, and another which was committed to a training school. The initial design was such that all three groups could be drawn randomly from a common population of persistent offenders living in the same county. Although there was some difficulty in exactly maintaining the research design, the data appear significant. The results, as measured in terms of recidivism, are shown in table 1.

Table 1.—Effectiveness of Three Programs for Juvenile Delinquents, Utah, 1964, as Measured by Percentages of Releasees Not Arrested Within 6 Months of Release.

Program	Percentage of releasees not arrested within 6 months	
	All boys assigned to program	All boys completing program
Pinehills (experimental)	73	84
Probation (controls)	73	77
State school (controls)	42	42

SOURCE: Adapted from LaMar T. Empey, "Alternatives to Incarceration," Office of Juvenile Delinquency and Youth Development Studies in Delinquency (Washington: U.S. Government Printing Office, 1967), pp. 38–39.

Other variations of guided group interaction projects have been developed in the Parkland project in Louisville, Ky., in the GUIDE (Girls Unit for Intensive Daytime Education) program in Richmond, Calif., and in another girls' program in San Mateo, Calif. All three of these projects entail the daily gathering of the group in a center for participation in a combination of educational activities, craft projects, center development and beautification, and group and individual counseling. The Parkland project took its name from its location in two portable classrooms on the grounds of the Parkland Junior High School. In addition to morning classes in the school, the program entails afternoon work in and about the Louisville Zoo and terminates with group counseling sessions and dinner.

CONTRIBUTIONS OF GUIDED GROUP PROGRAMS

These projects, like Highfields, represent an authentic departure from traditional community programs for delinquents. The Highfields type of program is unique in that the group process itself shapes the culture and social system of the total program. The key element seems to be the amount of decision-making authority permitted the group, which has considerably more authority to decide than in traditional group therapy programs. J. Robert Weber, who made a study of promising programs for delinquents, said of the Highfields type of program:

> If one asks a youth in most conventional institutions, "How do you get out?" one invariably hears some version of, "Be good. Do what you are told. Behave yourself." If one asks a youth in a group treatment program, "How do you get out?" one hears, "I have to help myself with my problems," or "When my group thinks I have been helped." This implies a basic difference in the social system of the organization, including staff roles and functions.[3]

In the large institution, Weber concluded, the youth perceives getting out in terms of the problem of meeting the institutional need for conformity. In the group treatment program the youth sees getting out in terms of his solution to his own problems, or how that is perceived by other youths in the group.

[1] See Lloyd W. McCorkle, Albert Elias, and F. Lovell Bixby, "The Highfields Story: An Experimental Treatment Project for Youthful Offenders" (New York: Henry Holt & Co., 1958). See also Paul Keve, "Imaginative Programming in Probation and Parole" (Minneapolis: University of Minnesota Press, 1967), pp. 137–173, and J. Robert Weber, "A Report of the Juvenile Institutions Project" (unpublished report to the Osborne Association and the National Council on Crime and Delinquency, Sept. 1966), pp. 123–126, 223–230.

[2] For further discussion of Pinehills and Essexfields, see LaMar T. Empey, "Alternatives to Incarceration," Office of Juvenile Delinquency and Youth Development Studies in Delinquency (Washington: U.S. Government Printing Office, 1967), pp. 37–40.

[3] Weber, op. cit., pp. 225–226.

FOSTER HOMES AND GROUP HOMES

Foster-home placement has long been one of the most commonly used alternatives to institutionalization for juvenile probationers. The National Survey of Corrections reported that 42 percent of the 233 probation departments surveyed utilized this resource. A sizable proportion of juvenile aftercare programs also make foster placements a routine part of their work.

The utilization of foster homes or group homes in lieu of institutional confinement has several obvious advantages, provided the offender does not require the controls of an institution. Such placements keep the offender in the community where he must eventually work out his future. They carry less stigma and less sense of criminal identity, and they are far less expensive than incarceration.

Weber reported in 1966:

> Discussions with State administrators would seem to indicate that foster care is in an eclipse. Reception center staffs report disillusionment with foster care for delinquents. Yet a look at actual placement practices of the State agencies and local courts indicates an unabated use of foster care.[4]

The opinions encountered by Weber may be a reflection of the long and controversial history of foster-home placement for delinquents. The decision to sever family ties, even temporarily, is a hard one to make for the youth who might otherwise be placed on probation at home. And more difficult juveniles who might be sent to institutions are often beyond the capacity of the usual foster home to manage. It is obvious, however, that many delinquent youngsters come from badly deteriorated family situations and that such conditions are significant, perhaps critical, factors in generating delinquent behavior. When the delinquency-inducing impact of a slum neighborhood is added to a destructive family setting, placement of the delinquent away from home becomes increasingly necessary.

A number of States have begun to develop group homes as a variant to traditional foster-home care for youths who need a somewhat more institutional setting or cannot adjust to family life. The Youth Commission of Minnesota, for example, reported using seven group homes under arrangements with the home operator or with an intermediate agency. A nominal retaining fee was paid for each bed licensed; and, when a youth actually was placed in the home, the rate of pay was increased.[5]

The Wisconsin Division of Corrections in 1966 was operating an even more ambitious program. Thirty-three homes for boys or girls were in use under a payment plan similar to that employed in Minnesota. With four to eight adolescents in each home, the total population handled was equivalent to that of at least one institution, but operating costs were one-third to one-fourth less.[6]

In both States the adolescents placed in group homes were those who had been received on court commitment as candidates for institutional placement. In Wisconsin, approximately one-fourth of the group had been released from institutions for placement in a foster home. Other jurisdictions are experimenting with the group-home technique. Michigan, for example, reported a plan to use larger homes operated by State employees for parolees from their institutions.[7]

There is some doubt about the wisdom of committing offenders to State agencies for placement in foster homes or group homes, when this function could as readily be performed by the courts through associated probation and welfare services. It is far less expensive for a local court to commit a youth to the State, even though that commitment entails some additional stigmatization, than to undertake the development and operation of local resources of the same kind. This problem derives from the fragmented administrative structure of American corrections, and could be overcome by a carefully planned program of subsidies from State to local governments. Such a plan was developed in California in 1965. Under its terms subsidies are given to those county probation departments which are successful in reducing commitments to State institutions by the development of improved community-based programs.

HALFWAY PROGRAMS: THE PRERELEASE GUIDANCE CENTER

In corrections as in related fields, the "halfway house" is an increasingly familiar program. Initially, such programs were conceived for offenders "halfway out" of institutions, as a means of easing the stresses involved in transition from rigid control to freedom in the community. The prerelease guidance centers of the Federal Bureau of Prisons are the best-known halfway-out programs in the United States. Recently the halfway house has come to be viewed as a potential alternative to institutionalization, and thus a program for those "halfway in" between probation and institutional control.

FEDERAL PRERELEASE GUIDANCE CENTERS

The first prerelease guidance centers of the Federal Bureau of Prisons were opened in 1961 in New York, Chicago, and Los Angeles, and others were established subsequently in Detroit, Washington, and Kansas City. Each center accommodates about 20 Federal prisoners who are transferred to it several months before their expected parole date. Thus they complete their terms in the community but under careful control.

Some of the centers are located in what were large, single-family houses; some occupy a small section or scattered rooms in a YMCA hotel; and one is located in a building once operated as a small home for needy boys. All are in neighborhoods with mixed land usage, racial integration, and nearby transportation.

Offenders transferred to these centers wear civilian clothes. They generally move from prison to the centers by public transportation without escort. For a day or two they are restricted to the building, although they may receive visitors there. In the YMCA's they eat in a public cafeteria in the building and use the public

[4] Weber, op. cit., p. 173.
[5] Ibid., p. 176.
[6] Ibid.
[7] Ibid., p. 179. Cf. Keve, op. cit., pp. 250–251.

recreation areas, taking out YMCA memberships. Following a day or two of orientation and counseling, they go out to look for jobs. After they are on a job, they are gradually given more extensive leaves for recreational purposes and for visits with their families. As their parole date approaches, some may even be permitted to move out of the center, although they are still required to return to the center for conferences several times a week.

These centers are staffed in large part by persons rotated from regular institution staff who are highly oriented to counseling. One full-time employee is an employment counseling specialist. Several others, such as college students in the behavioral sciences, are employed on a part-time basis and provide the only staff coverage during the late night hours and part of the weekend. In addition to individual counseling, there are several group sessions a week. Federal probation officers, who will supervise the offenders when they go on parole, participate in the center's counseling activities. By the time a resident is ready to begin his parole, almost all of his individual counseling has been assumed by his parole supervision officer.

A major function of these temporary release programs has been to augment the information available to correctional staff. This information includes both diagnostic data on the individuals temporarily released and information on the assets and deficiencies of correctional programs and personnel. In addition, they provide optimum circumstances for counseling, since the counseling can deal with immediate realities as they are encountered, rather than with the abstract and hypothetical visions of the past and the future or the purely institutional problems to which counseling in institutions is largely restricted.

Inmate misbehavior while on work release or in prerelease guidance centers is not a rare thing, particularly for youthful offenders. Although a majority adjust quite satisfactorily, some get drunk, some get involved in fights and auto accidents when out with old or new friends, and some are late in returning to the center. An appreciable number of the youth have difficulty in holding jobs, some fail to go to work or to school when they are supposed to be there, a few abscond, and a few get involved in further crime. The important point is that they would be doing these things in any case, and probably more extensively, if they had been released more completely on their own through parole or discharge. Under the latter circumstances, however, correctional staff would know of the releasee's difficulties, if at all, not nearly so promptly as is possible with temporary release measures.

When an individual returns from a temporary release to home, work, or school, his experience can be discussed with him by staff, to try to assess his probable adjustment and to note incipient problems. Many difficulties can be anticipated in this way. The inmate's anxieties can be relieved by discussion, and discussion may also help him develop realistic plans for coping with prospective problems. When persistent or serious misbehavior occurs, sanctions are available to staff, ranging from restriction of further leaves or temporary incarceration to renewed institutionalization, with a recommendation to the parole board that the date of parole be deferred.

A number of offenders on work release, discussed in chapter 5, live in prerelease guidance centers. Some of them attend school part- or full-time, in addition to or instead of working; this sometimes is called "study release." It is particularly appropriate for juvenile and youthful offenders and is highly developed at several State establishments resembling the Federal prerelease guidance centers.

STATE PRERELEASE CENTERS

The Kentucky Department of Corrections, under a grant from the Office of Economic Opportunity, has a series of vocational training courses in its State reformatory which are identical with courses established at several centers in the State under the Department of Labor. Prerelease guidance centers were established near these centers in three cities, so that reformatory inmates could continue their institution courses in the community, where as trainees they receive a small stipend, in addition to highly developed job placement services.

The Federal Bureau of Prisons assisted in establishing these centers and sends Federal inmates from these cities to the centers. Conversely, State correctional agencies share in the operation of the Federal prerelease guidance centers in Detroit and Kansas City, assigning some State inmates there, and the District of Columbia Department of Corrections plays a major role in the operation of the center in Washington. This State-Federal collaboration could well serve as a model for many types of correctional undertaking.

INTENSIVE COMMUNITY TREATMENT

Perhaps the best known of the country's efforts at controlled experimentation in the correctional field is the California Youth Authority's Community Treatment Project, now in its sixth year. Operating within a rigorous evaluative design, it offers an excellent illustration of the profitable partnership which can develop when carefully devised program innovations are combined with sound research.

The subjects of the project consist of boys and girls committed to the Youth Authority from two adjacent counties, Sacramento and San Joaquin. While under study in a reception center, each new group is subjected to a screening process which excludes some 25 percent of the boys and 5 to 10 percent of the girls because of the serious nature of their offenses, the presence of mental abnormality, or strenuous community objections to their direct release. The remaining youngsters are then either assigned randomly to the community project—in which case they form part of the experimental group—or are channeled routinely into an institution and eventually paroled.

An interview by a member of the research staff provides the basis for classification of the offender subgroups. This categorization is made in terms of the maturity of the

youth, as reflected in his relationships with others, in the manner in which he perceives the world, and in the way he goes about gaining satisfaction of his needs. A variety of standardized tests seeks to measure the extent of his identification with delinquent values as well as his general personality characteristics.

The program provided for the experimental group offers singly or in combination most of the techniques of treatment and control which are in use in corrections today: individual counseling, group counseling, group therapy, family therapy, involvement in various other group activities, and school tutoring services by a certificated teacher with long experience in working with delinquents. The goal is to develop a treatment plan which is tailored to the needs of each type of offender. The resulting plan is then implemented at a level of high intensity, made possible by the availability of carefully selected and experienced staff on a ratio of 1 staff member for each 12 youths.

A program center serves as the hub of activity; it houses the staff and provides a recreation area, classrooms, and a musicroom. A limited outdoor sports activities area also is available. In the late afternoon and some evenings, the center resembles a small settlement house operation as the wards come in after school for counseling, tutoring, and recreational activity.

An unusual and controversial feature of the experiment is the frequent use of short-term detention at the agency's reception center to assure compliance with program requirements and to "set limits" on the behavior of the participants. The detention may vary from a few hours to a few days.

Results have been measured in several ways. A repetition of the psychological test battery seeks to determine what movement has occurred in the socialization of the individual offender. The responses of the various categories of youth have revealed greater success with some than with others, and may eventually provide a more reliable indicator of who should be institutionalized. Finally, the "failure rate," as measured by the proportion who are later institutionalized because they have committed additional offenses, is carefully compared with similar information on members of the control group who have been institutionalized and then returned to the community under regular parole supervision.

The latest report of the project activity available to the Commission revealed that checks of parolees, at the end of 15 months of parole exposure, showed that 28 percent of the experimental group had been subject to revocation of parole, as compared to 52 percent of the control group which was afforded regular institution and parole handling.[8]

After several years of pilot work, the California Youth Authority decided in 1964 to extend the community treatment format to the Watts area of Los Angeles and to a neighborhood in west Oakland. Both are high-delinquency areas; both are heavily Negro in population. Essentially duplications of the original experiment, the two new program units do not have a research component. Instead of random assignment of the subject, the youths committed from a given area are screened by project staff for direct release from the reception center.

In the absence of a control group, the success of the program has been measured by comparing the failure rate of the youth assigned to it with equivalent statewide rates for youths of the same middle to older adolescent age range. At the end of 15 months of parole exposure, 39 percent of project wards had been subject to parole revocation as compared to a statewide revocation rate of 48 percent for youths of the same age bracket.

The Los Angeles and Oakland adaptations of the original demonstration were initiated, in part, to alleviate acute population pressures in the institutions. With caseloads of 15 youths per officer, the $150 per month cost per boy is three to four times as much as that of regular parole. But it is less than half the average monthly cost of institutionalizing an offender. These experiments are now handling a group that is larger than the capacity of one of the new institutions that the Youth Authority is building. Thus they obviate the investment of $6 to $8 million.[9]

RECEPTION CENTER PAROLE AND SHORT-TERM TREATMENT PROGRAMS

Diagnostic parole is a program whereby all commitments from the juvenile court are referred to a reception center where they can be screened for eligibility for parole, either immediately or after a short period of treatment. This program has reached significant proportions in an increasing number of States.

While most State systems have long had some informal arrangements for returning a few cases to the community at an early date, more organized procedures developed almost simultaneously in New York, Washington, Kentucky, and California in the early 1960's. These programs were conceived in part as a response to acute population pressures in overcrowded institutions. The seemingly successful results have led to a substantial increase in the volume of cases diverted from the training school to short, intensive treatment programs followed by parole in the community.

In New York the screening is undertaken by special aftercare staff while the youngsters are in New York City's Youth House awaiting delivery to the State school system. The youths selected to return to the community are those who are thought to be amenable to conventional casework procedures. Those selected are placed in an intensive casework program. The apparent success of the original unit in New York City has led to an expansion of the program and to the practice of returning still other youngsters to the community after the intake studies carried on in the State schools.

Washington, another State with a central reception center for juvenile offenders, is also screening those committed. A significant percentage of cases are assigned to immediate placement in foster homes or other community-based programs, including four halfway houses.

[8] Communication from Keith Griffiths, chief, Division of Research, California Youth Authority, December 1966.

[9] The development of the Community Treatment Project is reported in "Community Treatment Reports" issued by the Division of Research, California Youth Authority, Sacramento, Nos. 1–7, 1962–66.

The California Youth Authority apparently is making the greatest use of the reception center release procedure. Currently some 20 percent of the boys and 35 percent of the girls processed are being released to regular parole or to foster-home placement at the termination of reception period. This is typically a month long, but in some instances release may be postponed for another 30 to 90 days.[10]

The California Youth Authority's Marshall Program represents an interesting variation in the practices discussed above. The program was initiated 3 years ago as a device for easing population pressures in the institutions. It provides for the selection of cases by the clinical staff and the project director for a 3-month intensive treatment program at the reception center at Norwalk.

Based on "therapeutic community" concepts, the project involves the youths in a half-day work program in institution operation and maintenance, some specialized education classes, and daily group counseling. Active participation is rewarded by progressively longer and more frequent home furloughs. Parents provide the transportation, and furloughs are scheduled so that parents can participate in group counseling activities as they return their sons to the center. Parental involvement is seen as a significant program component.

While the performance of the project graduates has not been subjected to comparison with a control group, agency research staff have sought to match the subjects with youths possessed of the same characteristics who have been processed through the regular institution programs. With 15 months of parole exposure time, 44 percent of the Marshall youths, as against 47 percent of the matched group, were subject to parole revocation. Moreover, the relatively short program period of 3 months, as compared against the average stay of 8 to 9 months in the State schools, means a significant saving of public funds.[11]

The success of reception center parole has been encouraging. Other States will undoubtedly develop reception centers that feature sophisticated screening techniques and intensive treatment for those offenders who are deemed most susceptible. To date, parole from reception centers has been confined to the juvenile field. However, there is no inherent reason why this approach should not be taken with adults, and hopefully it will be so used in the near future.

PROSPECTS FOR DEVELOPING ALTERNATIVE PROGRAMS

This chapter has described some of the most promising programs in the correctional field. Unfortunately, however, only a few correctional agencies are developing any of them. The great bulk of correctional programs in this country today still consists of either traditional supervision in the community under probation or parole or confinement in institutions. And further, the newer alternatives to institutionalization are not even known to many correctional personnel.

[10] Data provided by the California Youth Authority.
[11] Ibid.

COMPREHENSIVE PROGRAMING

Such programs can be developed with effective leadership. The State of New York, for example, has established a particularly comprehensive set of programs as alternatives to incarceration of juveniles.[12] The Division for Youth was launched initially as an agency for dispersing funds to local jurisdictions for general delinquency-prevention and character-building programs. In 1962 it initiated an imaginative effort to modify the conventional probation-incarceration sequence. Operating as an independent entity in State government, it has provided a series of community programs for youthful offenders who might otherwise have been committed to either State training schools or the prison system. Approximately three-fourths of its intake comes through referrals or commitments from the juvenile and criminal courts. The others are referred from other agencies or come in on their own initiative.

The agency has developed three distinct program forms. For the more sophisticated delinquent there are a number of installations that replicate the Highfields model. Work during the day at some State facility is followed by daily group counseling sessions in a nearby residence that houses 20 to 25 older adolescents. Other program elements are minimal and are left largely to the residents' ingenuity. For the more immature and dependent youngster, a small forestry camp operation provides a combination of work, academic instruction, and group counseling.

Finally, for the youth who is not too committed to delinquency and who possesses some stability and maturity, there are residential centers in the cities of the State. These take two organizational forms. The earlier projects were located in houses that would accommodate 20 to 25 youths. Recently the division has experimented with the use of large apartments in conventional apartment houses. The pattern calls for a cluster of three units, each housing seven or eight wards and house parents. A program director supervises and divides his time among the three operations. The organized program is minimal, although the group counseling pattern prevails on a daily basis. Primarily, jobs or schooling are sought within the communities adjacent to the centers.

The Division for Youth is providing some postrelease supervision, although it would not be described as a strong aspect of this innovative effort. An interesting feature is the employment of graduates of the program in modified staff roles in both the residential and postrelease phases of the operation.

The division's research arm, only recently organized, is attempting some objective evaluation of operational effectiveness. An analysis of the postrelease performance of all youthful graduates after 7½ months of exposure to the community indicated that 13 percent had been convicted of further offenses, and only 8 percent reconfined. While the nature of this operation precludes the establishment of a control group and thus prevents the creation of a yardstick against which performance can be measured,

[12] Data in this section communicated to the Commission by Milton Luger, director, New York State Division for Youth, December 1966.

the "failure" rate appears impressively low as compared with performance of typical State school releasees.

PROBLEMS TO BE CONFRONTED

Extensive development of alternatives to institutions requires that several problems be solved, and solved simultaneously. First is the need to make administrators and legislators aware of these programs and thus create conditions favorable for developing them. Demonstration projects which duplicate successful alternatives to institutionalization will have to be set up in various parts of the country. Such a process would require changes in the funding policies of many Federal and private agencies, which usually will support only a new type of program and not a duplication of one already proved successful. Such duplication is essential if correctional personnel and citizens are to become aware of the potentials of alternatives to institutions.

A second major problem is the familiar one of manpower. Most of these programs require skills which many correctional personnel do not have. Several centers should be established at sites of successful programs of all kinds, to train workers in the skills involved. This proposal would have particular application to training personnel for the special community programs described here.

The variety among correctional administrative structures in the country makes it difficult to determine how the new community programs could best be administered. The limited history of the prototypes indicates that the State itself will have to play a major and continuing role in order to coordinate services.

In some jurisdictions, the State may well operate virtually all of the alternative programs; in others, only part of them. For example, it is anticipated that the State will usually operate community programs for parolees. For probationers, the situation is different, since a number of counties will continue to operate probation services. Where the State does not operate all community programs, it should at least supply leadership and subsidies in order to promote their development.

Whatever the administrative arrangement, it is essential that all elements of corrections should be involved. Special community programs must be perceived by all parts of the correctional apparatus as legitimate and integral parts of the system. There is a great tendency for each part of the system to push forward with its own existing programs. For example, institutional managers are apt to urge new institutions rather than looking at the possibility of alternative programs. Failure to involve important elements of the correctional community can jeopardize not only the creation of new community programs but the survival of those which prove successful. The Pinehills project in Provo, Utah, described earlier in this chapter as exciting both in its operation and in its research design, does not exist today. This project and other successful ones were not picked up by a correctional agency once the initial grant moneys were exhausted. It is clear that new community programs must be integrated into the main line of corrections if they are to succeed and survive.

It is also essential that representatives of allied service agencies, such as welfare and mental health, be involved in planning for community programs. Correctional foster-home placements, for example, are closely involved with such placements by welfare agencies, and consideration must be given to the needs of both systems. Many of the specialized community programs in corrections will lay demands on the same resources as mental health agencies. It is essential that corrections and the mental health field work out accommodations, so that there is a functional relationship.

Finally, one of the most critical problems in developing new community programs is to secure the involvement and participation of the community itself. Too often, promising programs such as halfway houses have failed simply because the community was not prepared to tolerate them. Thus it is essential that the public be brought into planning early and that correctional managers make intense efforts to insure citizen understanding and support.

Correctional Institutions

The special community-based residential programs discussed in chapter 4 represent a considered balance of community treatment and institutionalization that is relatively rare in corrections. Just as probation and parole fail to recognize their potential, so do prisons, training schools, and other institutions. Incarceration can serve not only as a means of incapacitating offenders for whom considerations of community safety permit no other alternative, and as a deterrent and sanction in a wider range of cases, but also as an aid to treatment and rehabilitation. A period of institutionalization can in some cases help an offender by removing him from the pressures and undesirable influences of his outside life, so that he may be subjected to intensive treatment which will provide a basis for reconstruction of noncriminal community ties.

The present use of institutionalization, however, almost universally falls short of this optimum. Deficiencies in resources, inadequate knowledge, and lack of community support handicap institutions as they do community treatment. Institutional corrections suffers also from long and indiscriminate use simply for punishment and banishment, purposes which inspire in the system little imagination, hope, or effort to improve.

The average daily population handled by all correctional services in the United States in 1965 was about 1.3 million. Of this total, about 5 percent were in juvenile institutions and 28 percent were in prisons or jails. Table 1 shows the institutional populations in 1965 and populations projected for 1975.

Table 1.—Average Daily Population in Correctional Institutions, 1965, and Projections for 1975

Type of institution	1965 (actual)	1975 (projected)
Misdemeanant	141,303	178,000
Juvenile	62,773	108,000
Adult felon	221,597	237,000
Total	425,673	523,000

SOURCE: 1965 data from National Survey of Corrections and special tablulations provided by the Federal Bureau of Prisons; 1975 projections by R. Christensen, of the Commission's Task Force on Science and Technology, using methods described in Appendix B of this report.

The number of inmates in State and Federal prisons for adults has decreased about 1 percent per year in the past few years, despite increases in the total population of the country and in serious crime.[1] Apparently the courts are making increased use of alternatives to commitment at the adult level. The population projection for the prison system shows the smallest aggregate increase of any of the correctional activities. By 1975 an estimated increment of some 7 percent is expected to bring the State and Federal prison load to a total of 237,000 inmates.

Institutional needs for the growing juvenile offender population pose a markedly different picture. The rapid expansion in this population group has placed existing juvenile institutions under severe strain. Only 17 percent of the Nation's institutions are operating at less than capacity; the other 83 percent are at or in excess of their capacity.

Because both the growth rate and the arrest rate of the youthful population will continue to increase, projections for 1975 envision 108,000 inmates in State training schools, local juvenile institutions, and detention homes. This is an increase of approximately 70 percent, 10 times larger than that projected for the adult felon group.

Both projections are predicated on the continuation of present arrest, adjudication, and commitment trends. Hopefully, the special community programs described in the prior chapter and the increased use of probation and parole resulting from strengthened services will curtail the projected institutional growth, particularly for juvenile institutions.

In any case, institutions will continue to play an important role in corrections in the future. Substantial changes are necessary if they are to play a more effective one than they presently do.

This chapter will deal only with the institutions for long-term confinement—prisons and juvenile training schools. Local jails and workhouses are discussed in chapter 7, juvenile detention homes in chapter 2.

According to the National Survey of Corrections, there were 398 State facilities for adults in 1965 and 220 for juveniles. These included a variety of special facilities such as forestry camps, reception centers, minimum-security prisons, institutions with specialized functions such as trade training, and maximum-custody institutions. Most of the special facilities were found in a relatively few States. The majority of States typically had only a train-

[1] U.S. Department of Justice, Bureau of Prisons, "National Prisoner Statistics: Prisoners in State and Federal Institutions for Adult Felons, 1965" (Washington: The Bureau, 1966), table 1.

ing school for boys, a training school for girls, a penitentiary, and usually a separate facility, such as a reformatory, for younger felons.

This chapter focuses primarily on the adult prison, for it is there that the forces which inhibit correctional institutions from carrying out a program of social reintegration are most easily identified. However, the problems described also exist in many juvenile institutions, although they may manifest themselves in different or more subtle ways.

THE TRADITIONAL INSTITUTION

To appreciate the problems and potentials of correctional institutions, one must have an understanding of the kind of regime that developed in the authoritarian, fortress-style prisons described in chapter 1, and that still persists to a greater or lesser degree in many institutions today.

PREMISES OF THE AUTHORITARIAN REGIME

A major premise of traditional institutions is that, in order to minimize the danger to both the institutional staff and the community, security should be regarded as the dominant goal. Mechanical security measures are instituted, including the building of high walls or fences around prisons, construction of gun-towers, the searching of inmates as they pass through certain checkpoints, pass systems to account for inmate movement, and counts at regular intervals. The objective of custody is met quite effectively, since few prisoners escape and those who do usually are quickly apprehended.

These measures also serve the idea that deterrence requires extremes of deprivation, strict discipline, and punishment, all of which, together with considerations of administrative efficiency, make institutions impersonal, quasi-military places. Mail is censored, visiting is limited and closely supervised, privacy is virtually nonexistent, inmates march in groups and are identified by number.

Rules stressing custodial control result in special forms of "etiquette" for maintaining distance between staff and inmates. Staff are discouraged from, or even suspended or dismissed for, calling inmates "mister"; they must address prisoners only by first name, last name, or nickname. But prisoners are required to address staff members as "mister," "officer," "lieutenant" or some other title, together with their surname. Staff are not to "fraternize" with prisoners; they must deal with them in an authoritative and impersonal manner, while inmates may not "act familiar" with staff. If differences of opinion occur, particularly as to how an inmate behaved, the staff version is always to be regarded as correct.

Social distance between staff and inmates is reinforced by the mass handling of prisoners. If inmates are almost always marched in groups—to work, to eat, to play, to the barbershop, to the commissary, to their sleeping quarters—there is little chance for staff to treat them on a personal basis, especially when the groups are large. If staff see most inmates only for brief specialized functions, such as checking them through a gate or issuing them prison clothing, there also is likely to be little opportunity for them to be viewed as individuals.

Actually, in a traditional institution, these differences frequently break down, particularly when the assignment of inmates places them in contact with staff over an extended period of time. The differences also tend to break down where the staff and inmates cooperate in a common job which they share an interest in completing satisfactorily. But they still give to life in traditional institutions its basic character.

The authoritarian institution often seems to proceed, too, on the premise that it, and it alone, should be responsible for changing the offender. This assumption justifies the isolation of inmates from community contact and results in similar isolation for staffs. Not only are such institutions generally located away from large cities and frequently even from main transportation lines, but they are also generally expected to operate without any disturbance or incident that would attract public attention: Escapes resulting from failures of security, crimes committed by parolees, even the appearance of inmates in the community.

An exaggerated concern for security and the belief in autonomous institutional responsibility for handling offenders combine to limit innovation and the development of community ties. Isolated, punitive, and regimented, the traditional prison and many juvenile training schools develop a monolithic society, caste-like and resistive to change.

INMATE SUBCULTURES

Distance between staff and inmates is accentuated by forces that operate unofficially through inmates. Because staff have nearly absolute authority to punish or reward, inmates are especially concerned with keeping many of their activities covert. Accordingly, whenever an inmate communicates with staff, he runs the risk of being accused by his fellows of informing on them and thus of suffering violent reprisals.

In a situation where inmates have minimal recourse to staff, they are also more vulnerable to abuse and exploitation by other inmates. As a consequence, inmates tend to become progressively more wary of each other as well as of staff. "Do your own time" becomes the inmate slogan, signifying aloofness from and indifference to the interests of both staff and other inmates. This self-centeredness is, in turn, encouraged by staff as a device to inhibit solidarity among inmates.

As a result of this situation, a peculiar social structure develops among both inmates and staff.[2] The elite inmate group, the "politicians" or "big shots," are those inmates who have not only earned respect among their fellows but also have developed rapport with staff. These tend to be persons with extensive institutional experience, who have been tested in interactions with other inmates sufficiently that they are neither readily "pushed around" by their fellows nor distrusted as "stool pigeons."

They have also been tested sufficiently by staff to be assigned jobs in offices or other locations where they can communicate readily with staff and often have access to institutional records. Because of their possession of "inside" information and their access to staff, they can command considerable deference from other inmates. However, they can also convince inmates that they generally work for their interest through manipulating the staff. They are thus the leadership in the inmate caste and the middlemen between the staff and inmates.

Beneath the "politicians" in status are the great mass of inmates, often called "right guys" or "straights." Among them a few may ultimately move to politician status. Most of them, however, are not routinely thrown into very personal contact with staff. Should they have an opportunity for private communication with staff, they are likely to be suspected by inmates.

The lowest stratum of inmate society is occupied by the sex offenders, the physically weak and immature, the mentally disordered and retarded. Aggressive inmates are distrusted by both staff and inmates and do not necessarily occupy a high position in the inmate society. They are feared by inmates and sometimes by the staff. Their tendency toward violence rather than manipulation imperils the stability of the institution and the maintenance of reciprocal relationships between staff and inmates.

In all institutions, but especially in those for juveniles, the achievement or preservation of a reputation for toughness, smartness, and independence from authority can be a primary inmate concern—even an obsession. Such a reputation may be nurtured by conspicuous challenge to staff authority or by evasion of institution rules. In institutions for juveniles and youth, these pursuits are often collective endeavors by cliques or gangs, organized at least partially in groups reflecting lines of affiliation in the large cities from which the inmates come.

In a stable repressive institution, the staff controls inmates largely through other key inmates. A few State prisons still use selected inmates to guard others. In many other prisons there is less blatant but still serious exploitation of inmates by those who are in strategic assignments and on good terms with staff. The resulting system permits extensive rackets, coerced homosexuality, and much violence to occur unknown to the staff.

A prisoner's prime concern in such an institution is to cope with the most aggressive inmates. He comes to have extreme distrust of all persons, but especially of all officials. He sees violence or threat of violence as a practical necessity for preserving self-integrity in even relatively minor conflict situations.

In this kind of institution, custodial staff clearly dominate, and such treatment staff as may be employed—chaplains, teachers, caseworkers, physicians—either share the repressive orientation of custodial staff or are relatively isolated and uninfluential. The treatment emphasis of the past century has promoted a very gradual expansion in the number and influence of treatment staff of all types in traditional institutions. They usually affect decisions on institutional programs through such relatively mechanical methods as participating with senior custody staff in a prison's classification committee.

However, in most prisons such a committee's recommendations tend to be advisory only and affect primarily the work and living assignment plans for new inmates. Because custody has traditionally been considered the first function of prison management and because custodial staff are more numerous and have more firsthand knowledge of inmates than do treatment staff, they make most of the day-to-day decisions in inmate management.

It is easy to see why deterring offenders from further crime is almost impossible in such a climate. Despite its avowed purpose, the authoritarian regime is deficient in instilling discipline and respect for authority. The maintenance of distance between staff and inmates reinforces the idea of many criminals and delinquents that law and authority are ranged against them; the emphasis on a myriad of rules, unexplained to inmates and often unreasoned in their operation, hardly educates a prisoner in the values of order in society. The existence of an illegitimate subculture of inmate relationships, often founded on violence and corruption, intensifies the criminal's commitment to these values.

THE COLLABORATIVE INSTITUTION

In the past few decades, and increasingly in recent years, the traditional institutional regime has been undergoing modifications along the "collaborative" lines discussed in chapter 1. The collaborative institution is structured around the partnership of all inmates and staff members in the process of rehabilitation. It tries to oppose the tendency for an institution to become isolated from the community physically and in terms of values, and instead seeks to assimulate inmates in normal noncriminal ways of life, partly through close identification with staff and partly through increased communication with the outside community.

REDUCING MASS TREATMENT AND DEPERSONALIZATION

A comparatively simple revision of rules and procedures is a necessary first step for the realignment of correctional institutions along these lines. Changes in dining procedures are an apt example at the most elementary level. In traditional prisons, inmates procure their food in a highly regimented fashion. Marched in long lines carefully scanned by many guards, they move in single file into a large dining hall, pick up their trays of food, and sit in silence on one side of long, narrow tables. All face in the same direction, with orders not to talk at meals. At some prisons they are given only large spoons, because knives and forks can be stolen and fashioned into weapons. Custodial staff worry over possible riots

[2] See chapter 8 by Clarence Schrag and chapters 4 and 7 by Richard H. McCleery in Donald R. Cressey, ed., "The Prison: Studies in Institutional Organization and Change" (New York: Holt Rinehart and Winston, 1961). See also John Irwin and Donald R. Cressey, "Thieves, Convicts and the Inmate Culture" in Howard S. Becker, ed., "The Other Side: Perspective on Deviance" (New York: Free Press, 1964), pp. 225–245.

in dining halls, and with reason, for at times these are tense places. Outbursts occur despite all of the restrictions; indeed, perhaps because of them.

When prisons have experimented with permitting normal conversations among inmates at meals, both staff and inmates have been more comfortable. When the Federal prison system, as well as some State systems, experimented with installing four-man restaurant-style tables in prison dining halls and allowed the men to go there informally during the serving period, not only was tension considerably reduced but much of the staff and inmate time previously needed for marching to and from meals was no longer required. Some newer prisons have eliminated large halls altogether, in favor of scattered small and informal dining rooms, to which most food is brought from a central kitchen. This trend has been particularly evident in recently designed juvenile institutions.

Elimination of mass treatment has also been furthered by decreasing the size of residential units. In many juvenile training schools it is impossible for inmates to experience any privacy. They are housed in large dormitories and kept in large groups for most activities. Even the toilet rooms are large and without private booths. Under these conditions, youths always have to act in a manner which is oriented to the expected reactions of their peers, and usually this means acting as tough and aggressive as the toughest present, in order not to invite being pushed around.

Newer trends in correctional institution construction emphasize small rooms, each housing only one inmate, thus reducing the proportion of the inmate's day in which he must be preoccupied with the orientations of other inmates toward him. Indeed, some institutions have been so constructed that it will be physically impossible to house a second person in a room, thus forcing the future construction of additional facilities rather than permitting the overcrowding that has been such a common feature of past growth in correctional populations.

Similarly, schedules in some institutions have been made more flexible, with greater discretion left to individual inmates about times for waking up, eating, working, and going to bed, and for the use of leisure time. In the CASE experimental program at the National Training School for Boys, described later in the chapter, many boys bought alarm clocks so they could awaken early to start studying and thus earn the incentive points on which the experimental program was based.

STAFF TEAMS

Physical and scheduling changes are paralleled in the collaborative model by new staff structures, initiated to develop cooperation between caseworkers, custodial officers, and other staff in classification and counseling functions. One of the best examples is the "staff team," an approach that has been developed most extensively in juvenile training schools and in several Federal correctional institutions. This combines each caseworker with several of the other staff members assigned to a particular living unit to form a classification team for the inmates assigned to that unit. Usually such teams, in addition to a social worker, include one set of cottage parents (or the unit's group supervisors) and a teacher, a work supervisor, or both. Chaplains and other specialized members of the staff may also participate, but they usually serve on several living-unit teams.

In training schools, the office of the social worker sometimes is moved into the cottage with which his team is concerned. Thus he is on hand to share with the cottage parents the problems of counseling or directing residents as difficulties arise, and he is more accessible to the youths wishing to talk with him. Most important, he gets to know them informally, and he sees them in their normal situations and group alignments, rather than only in his office at the time of formal interviews.

With such physical moves, the function of the social worker has, in a growing number of juvenile institutions, undergone extensive scrutiny and change. Social workers have moved into positions as living-unit administrators responsible for the youths and staff at such institutions as the Central Ohio Training Institute, the Girls Training School at Hudson, N.Y., the Family Rehabilitation Center in Marin County, Calif., and the Maxey Training School in Michigan. One result of this approach has been the integration of the casework services with diverse living-unit activities, permitting staff to be allocated and assigned flexibly on the basis of changing needs and circumstances.

This pattern is in sharp contrast with classification and counseling practices that prevail in traditional institutions. In these, there is usually a single classification committee for an entire institution, dominated by senior custodial personnel and chiefly concerned with work and security assignments. Caseworkers present information on an inmate to this committee and make recommendations for educational, vocational training, and work assignments. Rarely is an inmate significantly involved in the determination of his program, and therefore he lacks commitment to it. Program changes are frequent and are made without adequate attempt to explain to an inmate his progress or failures.

With as many as 200 prisoners for each caseworker, counseling contacts between the caseworker and the prisoner are necessarily brief. Inmates know that the caseworker has very limited authority concerning them, and thus he has little influence upon them and little impact in effecting change. Indeed they may exploit the animosity that frequently exists between rehabilitative and custodial personnel by playing one off against the other.

This traditional procedure leaves many daily decisions on inmate management exclusively to custodial or cottage parent staff. The closer contact of these officers with inmates, together with the fact that they are often closer to the inmate in background and outlook than the caseworkers, gives them great potential advantage for classifying and counseling. This advantage is utilized in the collaborative model by giving custodial staff training and explicit responsibility in these areas and by promoting closer contact and cooperation between them and treatment staff.

INCREASING COMMUNICATION

A significant feature of the trend toward the collaborative model has been the growth of custodial staff communication with both inmates and treatment staff. As institution staff have been encouraged to be more relaxed about maintaining custody and discipline, they have relied more on inmate morale and cooperation than on repression for maintaining order. With the greater accessibility of staff to inmates, the inmate politician's special access to staff becomes less valuable as a source of influence among other inmates.

Measures to augment staff communication with inmates have been both formal and informal, and they have had varied results. The social climate of an institution is the result of many factors. It often reflects a style of leadership and of personality traits at the management level as much as it does the particular type of program or organization found in the institution. Staff members who inspire high inmate morale appear to be distinguished by a clearly communicated interest in the welfare of the inmates which goes beyond the minimum requirements of the job and by a knowledge of institutional life sufficient to prevent their being readily duped or corrupted.

Apart from these informal and personal features of leadership, a number of specific programs and policies have been introduced in various institutions to increase communication and establish a more open regime.

Group counseling is a prime example of a technique used to promote communication. In American correctional institutions group counseling has come to connote a system most extensively developed in California, in which every institutional employee is invited to meet regularly with a group of inmates, on a daily to weekly basis, for 1 or more hours of discussion on matters of inmate concern. A great variety of California institutional staff have engaged in this program. A few counseling specialists provide training and consultation for the rest of the staff, but the latter actually conduct the counseling.

The counseling method is primarily nondirective, so that the inmates do most of the talking, with the staff members presiding and seeking to generate frank discussion on critical issues of inmate behavior and motivation. Criticism has been voiced that the sessions are sometimes dominated by the few most articulate inmates, and often these are personalities who blame their troubles on correctional officials, police, "stool pigeons," and others. But this, of course, would occur in informal discussions among inmates in any event, and staff or inmates in the group are generally able to focus the discussion on more realistic perspectives. Indeed, other inmates have proven to be very effective in "setting the record straight."

There seems to be general agreement that group counseling has been successful in reducing tensions among inmates and between them and the staff. Inmates express their feelings in the counseling sessions with impressive frankness, and early exposure of their complaints often permits incipient problems to be resolved before they become serious. The experience also demonstrates to many inmates that staff members are more tolerant and reasonable than they might have appeared to be. For both inmate and staff groups, this process tends to break down the stereotype that each holds of the other.

SHARED DECISION-MAKING

A fascinating aspect of the history of American correctional institutions consists of the attempts made to formalize inmate-staff cooperation by establishing inmate "governments" to direct a large part of institution operations. Such attempts began in the late 19th and early 20th centuries in private training schools which were organized as "Junior Republics," with elected inmate legislatures, courts, and "police." In the first quarter of the present century, Thomas M. Osborne established inmate governments at the Auburn and Sing Sing Prisons in New York and at the Naval Prison at Portsmouth, N.H. They were copied in several State prisons elsewhere in the Eastern United States. Staff, of course, always had ultimate authority and veto power over inmate government actions.

Many of these inmate self-governments were remarkably successful at first, maintaining secure, orderly, and efficient institutions, but almost all were eliminated before long. Sometimes their demise came primarily because all the prison staff were politically appointed, and the political party or faction out of power made the "mollycoddling" of prisoners by inmate self-government a political issue, exaggerating its harmful consequences and obscuring its accomplishments and prospects. In several instances, however, self-government failed because a clique of corrupt inmates gained key positions in the governmental structure and exploited or abused the other inmates. In a few cases the self-government was terminated by vote of those governed.

Formal efforts to involve inmates in the management of institutions now occur at only a minority of prisons.[3] No tabulations are available on their frequency in training schools. In any case, this involvement is never a systematic effort to maximize self-government, as were the enterprises of pre-World War I days. It consists, instead, of "inmate advisory councils" that are somewhat comparable to student councils in high schools and colleges. Often they are given primary responsibility for organizing inmate recreation and cultural activities—athletic contests, talent shows, art exhibits, and writing contests—rather than actually advising on problems intimately connected with institution management.

Opposition of most prison officials to advisory or governing functions by inmate groups stems from scattered episodes of abuse by such groups. Sometimes inmate cliques have controlled elections to councils or have put pressure on those elected to reduce their orientation to staff objectives. Frequently, advisory groups are oriented primarily to articulating and exaggerating inmate complaints and presenting staff with their demands, without addressing the merits of the complaints objectively

[3] J. E. Baker, "Inmate Self-Government," Journal of Criminal Law, Criminology and Police Science, 55: 39-47 (March 1964).

or responsibly appraising the difficulties involved in trying to meet the demands. On some occasions, inmate councils have been blamed for riots or lesser disturbances.

Nevertheless, some institution officials report that inmate advisory groups are highly useful. In these cases there generally have been some conditions in the election process that assured a diversity of inmate representation, and there has been more stress on delegating responsibility to the inmate groups than on soliciting unrestricted advice. This delegation takes such forms as giving the inmate group the task of organizing safety and sanitation campaigns or contests, mutual aid funds, and participation in blood donation or other civic activities, in addition to organizing recreational affairs. Some prison administrations maximize the distribution of inmate influence on these diverse activities, yet reduce concentration of inmate power, by organizing a separate inmate committee for each project rather than assigning them all to a single institution council.

In a few institutions there have been experiments with joint staff and inmate committees to deal with important areas of mutual concern, such as food service, housekeeping, and safety. In these cases, and also when inmate councils have been encouraged to advise on these matters, the inmates have sometimes been given all of the relevant information for management in these problem areas, including the financial data on costs and appropriations.

As a consequence, in many cases, inmates have organized campaigns against waste or have made suggestions which were valuable in improving conditions for the comfort and safety of all concerned.

From a rehabilitation standpoint, such inmate involvement with staff is not so important for its practical contribution to the efficiency of institution management as for its social function in bringing inmates and staff into collaborative interaction. Inmate involvement in institution management groups can thus be still another mechanism, in addition to those already described, for reducing the extent to which prison social structure alienates inmates from noncriminal persons and increases their identification with other offenders.

DISCIPLINARY PROCEDURES

Obviously, no institution can be operated safely and efficiently unless its occupants conform to some minimal standards of orderly behavior. Furthermore, a requirement that inmates be peaceable and industrious can be justified as preparing them for a law-abiding life in the free community. The important issues with respect to such concerns for discipline of inmate behavior are what standards are essential or desirable and how conformity with them is to be attained.

PRISON RULES

As has been indicated, under conditions of mass treatment and great concern for custody there is a tendency to accumulate numerous restrictions on inmate behavior. Each disturbance inspires an attempt to prevent its recurrence by establishing a new rule. Once established, rules have great success at survival. Rarely is there any systematic review that looks to the elimination of unnecessary restrictions.

When a disturbance occurs, for example, as men are going from one place to another, it is decreed that if any group of five or more men is moving from one building or area to another, they must walk in a line and be accompanied by an officer. Later an argument between two men in such a line escalates into a fist fight, and henceforth no talking is allowed in line. Someone is attacked with a "shiv" made from a table knife smuggled into a cell and sharpened to a point, and henceforth no forks or knives may be used by inmates in the dining hall.

By such accumulations of permanent rules passed in reaction to episodic disturbances, many prisons have evolved into places of extreme regimentation. They go through periods of tense competition, with staff oriented primarily to enforcing rules and inmates to evading them. What is most striking on investigation is that these efforts do not clearly decrease the amount of disorderly or even dangerous behavior.

When the staff treat inmates as if they were dangerous, they become dangerous, although not so much to staff as to each other. For, if alienated from staff, they fall more than ever under threat of domination by other inmates whose claims to authority they resist by counterhostility. Therefore, a first principle for any correctional institution is that staff control can be greatest, and certainly inmate life will be most relevant to that in the free community, if rules regulating behavior are as close as possible to those which would be essential for law and order in any free community, together with such minimal additional rules as are essential to meet the conditions peculiar to the institution.

METHODS OF ENFORCEMENT

Almost every correctional institution includes a special confinement unit for those who misbehave seriously after they are incarcerated. This "prison within a prison" usually is a place of solitary confinement, sometimes without bedding or toilet facilities, accompanied by reduced diet and limited access to reading materials or other diversions, and occasionally without any kind of light. Lesser penalties, such as extra work or denial of cigarettes, desserts, movies, or other small pleasures, are imposed for less serious infractions. In addition, many adult correctional systems automatically provide time off a sentence (good time) for each month of good behavior in the institution, and deny or withdraw this time if inmates seriously misbehave. These, together with adverse parole recommendations, are the main traditional disciplinary tools in institutions.

There are strong indications in modern psychology and practical experience, however, that reward regulates behavior more effectively than punishment. This means that staff will procure conformity to desired behavior

standards more effectively by making conformity gratifying to inmates than it will by imposing penalties for nonconformity, even though some imposition of penalties undoubtedly is unavoidable. Among the most powerful influences on behavior are approval and praise from another person whose respect, admiration, or friendship one values; and among the most effective penalties is the actual or implied threat of losing a valued friendship. Furthermore, the imposition of penalties tends to evoke hostility in the inmate towards the punishing officer. Certainly when penalties seem excessive, capricious, or otherwise unjust, it is difficult for the officer to be accepted also as a friend or counselor.

A variety of institution management practices have developed which take the foregoing principles into account. One is the use of inmate groups as sources of praise or disapproval in regulating the behavior of their members. This is done by a policy, established in advance rather than after disapproved behavior occurs, whereby all inmates in a residential unit, work or other group are rewarded for satisfactory performance and penalized for unsatisfactory behavior of any of their members. It is an especially effective technique in achieving housekeeping or production standards, particularly if there are not only minimal standards which must be met to avoid penalties but also a scale of rewards for achievement above these standards, with several groups competing for the rewards.

Under such systems, the staff with each unit have more of a coaching than a disciplinary function. However, they will still have problems of keeping the group from becoming a "kangaroo court" imposing excessively harsh penalties on deviant members.

To reduce behavior that is forbidden, such as the collection of contraband material, theft, or violence within the unit, it may also be possible to penalize an entire group for infractions by any of its members and thus obtain group concern with regulating behavior. However, in this case the staff generally have to be effective leaders of group discussions to arrive at consensus on optimum methods of group control other than violence. There is, of course, the prospect of group collaboration in hiding the infraction from the staff. Nevertheless, a staff member who is not readily duped frequently can muster group support for the enforcement of reasonable rules.

While these methods of organizing groups to regulate inmate behavior have a widely demonstrated effectiveness, they still will not eliminate staff responsibility for controlling behavior which cannot be tolerated. There are some situations where staff alone must confront an inmate who has committed a serious offense within the prison. When this occurs, all of the issues that arise in the regulation of criminal behavior within the larger society become relevant to the institutional situation.

More progressive institutions approach discipline with several considerations in mind. They view the disciplinary process as one that should contribute to an offender's general understanding of the nature of rules and need for abiding by them. The duration and type of punishment varies within limits according to the offender's situation and response.

When confined for misbehavior, the inmate still should be contacted by members of the staff concerned with his classification and counseling. These include custodial officers, caseworkers, chaplains, and others. They should discuss with him the causes and consequences of his misbehavior, trying to reach agreement on what the causes are and how they may be corrected. This sort of effort to connect discipline and treatment accords with the approach to legal rights of offenders discussed in chapter 8.

TREATMENT SERVICES

The collaborative institution provides a setting in which programs designed to change offenders' behavior can be more effectively executed. But staff resources are needed also, to take advantage of the opportunities offered by this environment. Table 2 shows the allocation of institutional staff to rehabilitative functions as compared to service and custodial jobs in 1965.

Table 2.—Employees in Correctional Institutions, 1965

Type of institution	Average daily population	Number of employees, by function		
		Custody	Service	Education, counseling
Juvenile	62,773	14,612	11,454	5,621
Adult	362,900	48,572	18,768	3,721
Total	425,673	63,184(62%)	30,222(29%)	9,342(9%)

SOURCES: National Survey of Corrections and special tabulations provided by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts.

The data vividly illustrate how few institutional staff in 1965 had counseling or educational functions—9,342, or less than 10 percent. Sixty-two percent performed custodial tasks, while the remainder carried out service and maintenance functions. The juvenile field was somewhat better staffed than the adult with educational and counseling personnel, but even there they constituted only about 17 percent of the staff. The great majority of all institutional personnel were and are assigned to custodial and service tasks. Few are directly available for the prime task of rehabilitation.

CLINICAL SERVICES

Medical personnel, for example, are important. Inmates frequently are in acute need of dental care and have a variety of physical problems which long have been neglected. A physical examination is prerequisite to classification decisions regarding an inmate, and it often reveals defects requiring corrective treatment. Research has suggested that a reduction of recidivism is associated not only with medical services for the standard types of handicap but also in some cases with plastic surgery to correct defects of appearance.

An important element in classification, screening, and placement is psychological testing and diagnosis. Measures of intelligence, aptitudes, and personality traits are helpful in assessing the potential performance of inmates in available programs.

Clinicians are in short supply, and their services are not readily available to most correctional institutions in the United States. As a result, many clinicians serving correctional institutions do so on a part-time or consulting basis. In recent years, and particularly in juvenile institutions, psychiatric and psychological services have been used to train staff and consult on program even more than to provide diagnosis and therapy for the inmates.

Some clinicians view almost all crime as evidence of character disorder and assume that therapy is appropriate for most inmates. The most highly developed psychotherapeutic services, however, such as those in Massachusetts and Wisconsin, report that they give primary attention only to about 10 percent of the institutional population. In youthful, particularly female, populations the estimates of percentage of inmates in need of some form of psychotherapy run from 15 to 50 percent. These are generally inmates with severe personality disturbances.[4]

Because of the shortage of clinically trained persons, as well as the presumed therapeutic advantages of group methods over one-to-one psychotherapy, the expansion of psychotherapeutic services in corrections in the past few decades has occurred primarily through group therapy. In addition, following trends in mental hospitals, efforts have been made to involve all staff in group sessions with inmates. When all people in the institution collaborate in a therapeutic effort, the term "therapeutic community" has been applied to such programs, following the practice in mental hospitals.[5]

Where therapeutic community programs have been introduced in corrections, they have usually been established in a single residential unit. Participants in such programs are, as a rule, kept separate from the other inmates and assigned to separate work, school, and recreational programs as well. This practice maximizes their opportunities for interaction with each other. It is also convenient for scheduling purposes, since all inmates in a unit generally meet with staff for a discussion session of the entire group once a day, and each inmate also meets with staff in a small-group session once a day.

A statistical analysis of the early years of the California experience with group counseling concluded that inmates in this program returned to crime somewhat less frequently than comparable inmates not in the program, but only when the inmates spent a minimum of 1 year in a single counseling group with no change in the group leadership.[6] This is consistent with a variety of additional evidence suggesting that individual counseling relationships with particular staff members are especially influential in helping some inmates to identify with the law-abiding elements of the society.[7]

One limitation of these programs is the fact that most offenders have had more successful experience in crime and delinquency than in legitimate ways of achieving self-sufficiency. In addition, at State-operated institutions, despite efforts to direct the group discussion so as to expose and correct a participant's misrepresentation of the process which led to his involvement in crime, the other participants seldom know much about the facts. They have to rely on him as the sole authority in these matters. Therefore, the group may tend to serve primarily as a place for collective myth-making and rationalization.

Finally, the fact that the discussion usually refers to events of some weeks, months, or years past or to plans for a hypothetical future, accentuates the prospect that the group's achievement will consist of developing an illusion. For this reason, some leaders of institutional groups establish the ground rule that participants will not "take trips" into the past but will talk only of events in the here and now. This, however, limits the group to coping with problems of adjustment in institutional life, which may not be highly relevant to a participant's attraction to illegal pursuits on the outside.

Because of these problems, group discussion techniques seem to be most effective in reducing recidivism when used in conjunction with the temporary release programs to be discussed later. Meetings are especially free of these problems when participants depart regularly to work or to attend public schools, particularly if these activities are in the community to which they will be released. Under these circumstances, many of the participants know of each other's experiences in the community, so that they are not so readily misled.

When the participants in group sessions depart daily to the community, the difficulties they encounter may be discussed in their group the same day or within a day or two. They are likely to be the kinds of difficulty which offenders will have to solve if they are to avoid further offenses—the problems of meeting the expectations of an employer, of getting along with peers or with family, or of avoiding conflict in school. The plans that are discussed are likely to be plans for the immediate future, the next day or two, and a participant can express his anxiety or reveal his ignorance in time to procure helpful counsel and increased self-confidence from the discussion.

RELIGIOUS PROGRAMS

A unique and potentially influential component of the correctional institution's counseling staff is its chaplains. Two chaplains, one a Protestant and one a Catholic, are legally required in most correctional institutions. They are usually supplemented by visiting rabbis for Jewish prisoners, and representatives of other religious faiths. In an institution, away from the social involvements and pressures of a delinquent and criminal life, with time for reflection and heavy emphasis on the need for repentance, some offenders are particularly amenable to religious influence.

The impact of religion is especially great when the influence of the chaplain is supplemented by religious lay organizations in the community. Frequently, in advance of an inmate's release, they arrange membership in an organization and friendly contacts. The extent of these supplementary services usually depends upon the initiative and skill exercised by the chaplain. In juvenile institutions, religious activities have proved an excellent source of community contacts. Youths participate in the activities of community churches, and volunteers from such churches participate in a variety of institutional programs.

Religious services are characteristically weak where the chaplaincy staff is deficient. This frequently is the case in institutions at remote locations, especially where the State provides only enough funds for a part-time chaplain. In these instances the institution often employs a chaplain whose primary commitment is to his outside congregation. He has little time for functions at the institution other than the weekly conduct of religious services. Also, such an appointee often is more oriented to a rural audience than to the predominantly urban institution population; so he has difficulty in communicating effectively with the inmates. Where the institution is large, he may have a thousand or more inmates under his charge, far too many for much personal communication of any sort.

EDUCATIONAL AND VOCATIONAL PROGRAMS

The deficiencies of most offenders in education and the skills and experience necessary for employment have been noted in chapter 1. Successful reintegration of the offender into the community after release often requires that institutions repair these lacks. Recent research and experience with poverty programs and other work in slum areas has produced a number of new ideas and methods relevant to correctional populations.

EDUCATION AND TRAINING

As chapter 3 of the Commission's General Report points out, those who become involved in delinquency frequently have a history of failure or retardation in school, caused or compounded by the inability of many schools in slum areas to interest students and their tendency to ignore or push them out when they fail or cause disruptions. Training school and reformatory inmates are particularly likely not only to be far behind in school but to associate education with their failure and rejection. Even if they come from higher income areas, inmates tend to be the most maladjusted people in their groups. Consequently, their academic attainments are often far below what their intelligence test scores indicate they are capable of attaining, and even the scores are often deflated by their hostility and insecurity in test taking, as is evident by sharp increases in score when their confidence is increased. The problem in instructing them is essentially to make learning a more relevant and rewarding experience for them, rather than a situation where they anticipate only failure and humiliation.[8]

Use of Programed Learning. One promising approach to this problem is that of programed learning. Special texts or machines start the student at his existing level of achievement and present the material to be learned in small and logical pieces. The student must have almost perfect mastery of each increment before he takes up the next. In this way the student experiences continual success as he learns, and he proceeds at a pace determined solely by his rate of learning. Ideally, he is not in a class in competition with others, but he is motivated by diverse rewards—credits, praise, diplomas, money, or anything else that is practicable to administer and warranted by his progress.

In the past half-dozen years, research and experience in the application of programed instruction to correctional education have been extensive. Most notable are two centers for this purpose, both funded by Federal grants. At the Draper Youth Center, a correctional institution in Alabama, psychologist John M. McKee has integrated the correctional education program closely with efforts to change the social climate of the entire institution. Inmates who progress well in their studies are enlisted in a Service Corps to help other inmates and to develop programs that will achieve maximum effectiveness for the types of youths in the institution. College students from nearby Auburn University are also recruited to work with the inmates, and those inmates who advance through high school in the institution and seem reasonably safe for trial release, become students at the university. Much enthusiasm and notable instances of rapid educational and occupational progress have resulted from this program.

At the National Training School, a Federal institution located at Washington, D.C., but scheduled to move in 1968 to Morgantown, W. Va., a pilot project was conducted over the last 2 years in using a "programed environment" for rehabilitative learning. Under the direction of educator Harold L. Cohen, a system identified as CASE was initiated whereby inmates had maximum choice in how they occupied themselves and were paid in "points" equivalent to money for their accomplishments in desired behavior. They could also be fined points for misbehavior, and they did not earn any if they chose to be lazy or indifferent. They all had a full schedule of schooling at which they earned points for each test passed with 90 percent or higher accuracy on units of programed instruction. They were paid in points if they chose to work in the cafeteria or as janitors after or before school, and they were given awards of points for exemplary behavior.

With these points they could pay "rent" for an individual sleeping cubicle if they preferred it to the regular "free" space. They could purchase meals better than those regularly served and a large variety of small comforts from a commissary or a mail-order catalog. They paid rent to use a pool table or a jukebox.

Initial experience indicated grade advancements averaging approximately 1 year's academic level in about 5 months. No research has yet been conducted on the maturity of inmates in dealing with analogous discretion in the free community upon release. With the termina-

[4] See "Crime and Delinquency," special issue on mental health services, January 1966.

[5] Maxwell Jones, et al., "The Therapeutic Community: A New Treatment Method in Psychiatry" (New York: Basic Books, 1953). It is noteworthy that the "therapeutic community" concept, originated by the psychiatrist Maxwell Jones in England, was developed at a hospital for war veterans who had difficulty in finding and keeping jobs. They went forth from their residential treatment center to the community to work at trial jobs, and afterward they discussed problems encountered on the job. When therapeutic community programs were established in closed institutions in the United States, this crucial difference was overlooked.

[6] Robert M. Harrison and Paul F. C. Mueller, "Clue-Hunting About Group Counselling and Parole Outcome," California Department of Corrections Research Report No. 11 (Sacramento: The Department, 1961).

[7] Daniel Glaser, "The Effectiveness of a Prison and Parole System" (Indianapolis: Bobbs-Merrill, 1964), ch. 6.

[8] For more detailed discussion and documentation, see Daniel Glaser, "The Effectiveness of Correctional Education," American Journal of Correction, 28: 4-9 (March-April 1966).

tion of the CASE experiment, the techniques and methods developed are being adapted to the entire educational program of the National Training School.

These programed learning experiments are dramatic because to a remarkable extent they seem to have helped inmates to overcome hostility and indifference to learning and to achieve progress in test scores. But while programed learning is the core of both programs, it has been accompanied by quite radical changes in the whole approach of the respective institutions and the addition of substantial numbers of able and imaginative staff members. Neither project has attempted to substitute machines for personal contact; indeed, counseling and instructional help have been substantially increased, and the presence of program innovation attracted more able and imaginative staff. Under such conditions, the potential of more conventional educational methods would undoubtedly be much greater too.

Teachers for Institutions. In institutions for adult offenders in all but a few states, most notably California and New York, academic instruction is provided mainly by inmate teachers. Often a majority of them lack a college education, and some have not completed high school. All are subject to pressure from their inmate pupils to make the classes effortless, with resulting deceptive reports on student progress. Inmates frequently can be used as useful teaching assistants with benefits for themselves as well as their students, but this requires intensive training and monitoring by staff.

When civilians are employed as teachers at correctional institutions, those hired are sometimes the castoffs of public school systems. Like the inmates, they are primarily interested in putting in their time with a minimum of effort.

By contrast, there also are many teachers, particularly in juvenile training schools, who are intimately involved in the entire institution program, and are key counselors and members of classification teams, in addition to being dedicated teachers. These are the models which should be augmented for a maximum rehabilitative impact.

In addition to academic education, there is a great need for vocational training programs. Ideally these should be integrated with work programs, so that the inmate leaves the institution not only with classroom instruction but also with actual experience on a job resembling as closely as possible his most promising occupational career opportunities in the free community.

Self-Improvement. While the greatest need is at the elementary and secondary levels—83 percent of correctional institution inmates 25 to 64 years old have not completed high school—there should be no ceiling on educational opportunities in corrections. Once educational progress becomes rapid and gratifying, a momentum for self-improvement develops which the institution should not impede. Increasingly, correctional institutions are making arrangements with State universities to have extension courses taught within the institutions, sometimes mixing inmates with staff or even outside students. Frequently the instructors of junior colleges or private colleges and universities near institutions are available for employment on a part-time basis to give courses at the institution, and sometimes accredited courses are available through educational television broadcasts.

In addition, many noncollege self-improvement courses have been brought into correctional institutions, with outside instructors and sometimes outside students or participants; these range from Dale Carnegie courses to Great Books seminars and courses on hobbies and games. All of these activities hopefully augment the offender's social skills, promote alternatives to illegitimate uses of leisure time in the institution and outside, and increase the offender's "stake in conformity."

CORRECTIONAL INDUSTRIES

Workhouses for "sturdy beggars" were established in Europe during the 16th century. Instilling habits of industry was also one of the major arguments during the 19th century for the establishment in America of "houses of refuge" for juvenile delinquents, the "reformatory movement" for youthful offenders, and Auburn-type penitentiaries for adult felons.

Many impediments have prevented the realization of this objective in correctional institutions. When labor is forced and unrewarded either in money or in pride of accomplishment, there is little motivation to strive for diligence or skill. These features have characterized most of the drudgery to which prisoners have been subjected. When the period in which assigned work is expected to be done is several times the period really needed to complete it, there is little motivation to work diligently. When "work" involves only the most menial tasks or is carried out with antiquated equipment and methods, it is of little help in training offenders for later employment.

Restrictions on Prison Industries. The amount and type of work available for prisoners has always been influenced greatly by the labor market in the free community. When labor was scarce, prisoners often were leased out for custody and employment by private employers, or the prison itself contracted to perform work for private concerns, utilizing inmate labor. Following complaints about harsh conditions and corruption under these arrangements, the prisons established factories within their confines, where they manufactured goods for sale on the public market. For example, during the 1920's a large proportion of certain types of work clothing in the United States was manufactured in prisons.

Whenever unemployment has been extensive or private businesses could not sell their goods, political pressure has mounted to prevent prisons from engaging in enterprises which might otherwise be conducted by private business and free labor. This culminated during the depression of the 1930's in a variety of State and Federal legislation to restrict prison labor, most of which remains in force today.

The Hawes-Cooper Act, which became effective in 1934, divested prison-made goods of their interstate character on their arrival at the destination point, thus facilitating State restrictions on their sale. The 1935 Ashurst-Sumners Act prohibited the transportation of prison-made goods to States where such products were prohibited, and required the labeling of all prison-made products in interstate commerce. Finally, the Act of October 14, 1940, prohibited the interstate transportation of convict-made goods for any purpose, excepting commodities manufactured in Federal or District of Columbia correctional institutions for use by the Federal or District Governments, and commodities manufactured in State correctional institutions for use by the States or their political subdivisions. Parts for the repair of farm machinery and agricultural commodities were also excepted. The three acts were consolidated in the revision of the Criminal Code (18 U.S.C. 1761, 1762). In addition, Executive Order 325–A, dated May 18, 1905, prohibited Federal agencies from contracting with the States for the use of State prison labor. A clause barring the purchase of prison-made goods still is routinely added to most Federal appropriations acts.

Untapped Markets. As a result of this body of law, persons confined in State correctional institutions in the United States are restricted in employment to maintaining the facilities of the institutions, manufacturing goods for use by the institution or by other governmental agencies within the State, producing farm equipment parts or agricultural commodities for sale where State law permits, or engaging in State public works. However, only a small fraction of the potential of these markets has been utilized. Hardly any State colleges and universities make an appreciable proportion of their purchases from State prisons, and there are also few sales by prisons to local school systems. In most States there also has been little utilization of the municipality markets. Some States permit sales to nonprofit organizations, such as hospitals and parochial schools, but this market also is little tapped.

Several factors have limited access of prisons to State-use markets. Political pressure brought to bear by private industry and by labor organizations still remains one of the basic impediments to the development of prison industries. These pressures are effective despite a model law enacted in many States which makes it an offense punishable by fine or incarceration for a State purchasing official to procure goods from the private market without first assuring that it cannot be provided by prison industries. Numerous instances could be cited of expensive plants being constructed in prisons, operating for a few years, then becoming idle because of campaigns by private business lobbies to persuade State officials to purchase from them, often at much more than the cost of the prison-made goods. Instances also could be cited of construction firms and labor organizations successfully preventing inmate labor from being used in construction and maintenance work on prison buildings, and even in the destruction of old prison buildings.

Failure of Prison Industries. However, political pressure has not been the only reason for failure of State and local agencies to purchase from correctional institutions. In many cases the prison-made goods are inferior in design and workmanship to those available from private firms; their delivery has been unreliable; and, despite the availability of cheap prison labor, the State still may charge more than the price of the products on the open market. The limited market and lack of a trained labor force result in small, inefficient industrial operations. For many kinds of manufacture, the size of the State-use market or the amount of inmate labor available, or both, do not suffice to support the size of plant needed to achieve the standards of cost reduction and quality control which can be attained by a large plant selling mainly to the private sector of the economy.

The principles of traditional prison management have also discouraged growth of industries that would foster diligence. Assigning to maintenance and service tasks, including housekeeping and food preparation, several times the numbers of inmates that would be required to perform these tasks in a private business, has been thought to be the best way to minimize discontent. Furthermore, there usually are no provisions to pay these inmates anything for their work, and where they are paid, the rates and conditions of payment do not suffice to evoke high productivity. Yet it has been demonstrated, notably in Federal prison industries, that inmates can be motivated to achieve the highest standards.

Although the foregoing discussion has applied primarily to prisons for adults, much of it is also relevant to institutions for juveniles. Of course, most of the latter establishments are concerned mainly with the provision of schooling, and they engage in agriculture, service, or manufacture only for their own institutional needs. Nevertheless, the standards of performance accepted from inmates, both at school and at work, are usually much lower than those which are needed for success in the free community. The use of industries for vocational training, which could be especially useful in juvenile institutions, is hampered by the fact that equipment is often outdated and methods heavily colored by the excess of manpower for any given task and the overriding concern with security and surveillance.

Requirements for Effective Prison Industries. The most basic requirement for promotion of more industrious correctional industries is recognition on the part of the public and leaders in government of the undesirability of idleness in prisons, not only from a correctional standpoint but in terms of the loss to society at large. In today's economy prison labor is no longer a substantial threat to free labor and industry, if indeed it ever really was. Correctional industries are capable of being operated in a manner that makes the work experience they provide comparable to that required for employment in private industry. The products of these industries can gain sufficient access even to presently available markets to make them economically feasible.

The success in these respects of Federal Prison Industries, Inc., makes it a useful model for the improvement of State correctional industry operations, although in some cases States will have to join together to enjoy its advantages of size and quality. In the first place, achievement of the Federal model requires operation of industrial plants large enough to employ types of equipment, product design services, production management, and quality control comparable to that employed in private industry. Secondly, it requires a sales staff to keep informed of the needs of the potential market and to inform State purchasing agents that correctional industries can meet some of their needs. Thirdly, it requires a system of variable incentives, including pay, for those employed in industries.

These goals will not be attained easily. To achieve them will require understanding of the problems of prison industry and participation in their solution on the part of both private industry and labor. These two groups have immense amounts of expertise and experience which have seldom been available to corrections.

REDUCING ISOLATION FROM THE COMMUNITY

With all the innovations and improvements discussed above, an institution still remains, of course, an institution—isolated from the community where its inmates must eventually make their way. The small-unit, community-oriented model institution discussed later in this chapter and based on experience with the special community residential programs discussed in chapter 4, attempts to overcome the institution's handicap in promoting reintegration. Its position in the cities from which it draws the bulk of its inmates, its small size and relative informality, would greatly facilitate the use of work- and study-release programs, furloughs and field trips, and the employment of subprofessionals and volunteers in the institution to help overcome the isolation of correctional staff.

But, while aiming for this goal, more traditional institutions can employ many of the same concepts. Doing so will not only help greatly in achieving successful reintegration but also will make it possible for staff to evaluate more accurately the readiness of offenders for release, by noting and discussing their adjustment to the stresses of community life.

For while observation in an institution may add somewhat to the information available on the prospects of an offender's continuation in crime, there are serious inherent limitations on this source of information. Recidivistic offenders who are committed to a life of crime often learn to adjust to imprisonment well and strive to make the most favorable impression possible in order to obtain the earliest opportunity to be free to engage in crime again. And, in many cases, the conditions of imprisonment and the requirements for successful adjustment there differ radically from those prevailing in the free community.

These deficiencies of observation during confinement are diminished greatly in an institution run on the collaborative model, which minimizes the artificialities of prison societies. Nevertheless, the crucial test remains that of observation after release in the community. Parole is supposed to provide observation through its supervision staff, but this usually means brief observation by a parole officer only once in several weeks, and typically in the parole office. A major augmentation to these sources of knowledge about an inmate's readiness to assume responsibility has come from recently developed or expanded procedures for temporary release.

Furloughs from the institution for a few days are one such means of temporary release. These have been most developed in institutions for juveniles, where their use is especially extensive at family occasions such as Christmas, Thanksgiving, weddings, and funerals. Their use for adults is more often to facilitate release arrangements, for example, to contact potential employers. Furloughs from prisons have been most extensive in Mississippi and Michigan, each of which has reported less than 1 percent failure to return.

Liberalization of policies governing visits and letters for inmates is also helpful and can be used even for inmates who cannot be released. A number of volunteer groups, notably the Quakers, visit inmates who desire it, mostly those who have no family visitors. Censoring of inmate mail, except for occasional spot checks, has been abolished in Federal prisons and in several State systems. Classes and lectures bringing in outside leaders or participants are widely used to encourage social contacts among inmates, their families, and groups of citizens who are particularly interested in the field of corrections. Debating societies organized by inmates, discussion groups, bridge and chess clubs, and therapeutic groups such as Alcholics Anonymous are among the institutional organizations that have frequent contact with counterpart groups in the community.

The corollary to bringing people and programs in from the community is the practice of taking groups of inmates out to participate in a wide variety of recreational and educational activities in the community. Most progressive juvenile institutions use such trips as a reward for good performance. Its value is, of course, substantially curtailed when the institution is in a remote location that offers few of the needed resources.

WORK-RELEASE PROGRAMS

The most dramatically rapid increase in temporary release from prisons that has occurred in recent years has been in work-release programs. The record with work release has been predominantly favorable, despite some difficulties inherent in the lack of long experience in administering it. In North Carolina, even inmates serving longer sentences for more serious offenses are eligible for work release when they have served as little as 15 percent of their sentences, and others are eligible immediately after commitment. In that State, cancellation of work release for serious misbehavior—which generally involves absconding—has occurred in only 15 percent of the cases. The rate of serious infractions has been lower in the brief Federal experience, where the date of entry into work release is usually about 6 months before the expected release date.

With their earnings prisoners usually pay costs of transportation to work, as well as lunch and incidental expenses. They also buy necessary work clothes or tools, pay union fees, and pay income taxes. In some States they have also been charged for room, board, and prison-issued clothing. With the surplus above these expenses, they send money to dependents, pay fines and debts incurred before their incarceration, and save money for release. Perhaps the major limitation of current work-release efforts is that few prisons are near the home communities of most of their inmates, so that a large proportion of work-release jobs are temporary, and inmates must leave them upon their parole or discharge.

STUDY RELEASE

The use of study release for juveniles, to whom continuation of or return to school is obviously of greatest importance, is handicapped by the frequent difficulty of securing their readmission in regular schools, or indeed the undesirability of doing so if they pose extreme behavior problems. Various of the special community programs discussed in chapter 4 have nonetheless established successful arrangements for the continuation of schooling in the community, sometimes supplemented with special remedial work provided by the correctional center. Certainly this is a viable course for inmates who have progressed sufficiently far in counseling to be able to meet the responsibilities of participation in normal classes and for whom the possibility of revocation of the privilege may indeed provide additional incentive to good behavior. School systems and correctional officials should cooperate in establishing arrangements to make study release available to a much greater number of offenders.

For those beyond the normal school age, night school and technical and vocational courses often provide credits very helpful in improving employment potential. The Federal Bureau of Prisons has instituted programs for this group at several institutions with excellent results. At the prison at Danbury, Conn., for example, 70 inmates—10 percent of the population—are currently attending school at night to complete high school or take vocational courses.

When an individual returns from a temporary release to home, work, or school, his experience can be discussed with him by staff, to try to assess his probable adjustment and to note incipient problems. Many difficulties can be anticipated in this way, the inmate's frustrations can be relieved by discussion, and help can be given him to develop realistic plans and insights for coping with everyday problems. When persistent or serious misbehavior occurs, sanctions are available to staff, ranging from restriction of further leaves or temporary incarceration to renewed institutionalization with a recommendation to the parole board that the date of parole be deferred.

In addition to devices that encourage contact between inmates and the community, there are programs aimed at increasing public interest and participation in institutional management. Private citizens are brought into contact with the institution's programs and policies. Advisory councils are recruited to provide the technical and professional assistance necessary for maintaining adequate standards in institutional education, vocational training, and other specialized operations. They are also effective in educating the public regarding problems and issues. In this way they tend to encourage informed public support of correctional programs. Use of volunteers and subprofessional aides drawn from the community backgrounds of offenders, discussed in chapter 9, is also important in establishing community contact.

MANAGEMENT OF SPECIAL OFFENDER GROUPS

Despite the importance of greater utilization of community treatment and noncriminal alternatives for many of the special offender types discussed in chapter 1, many of these individuals must continue to be handled in institutions. In addition to these groups—the mentally disordered and retarded, sex offenders, violent offenders, and women—there are offenders who are "special" in the sense that they pose problems that cannot be resolved by the reintegrative programs applicable to most offenders. Long-term prisoners, organized crime members and white-collar criminals, those under sentence of death, hostile or aggressive inmates—what, if anything, can be done to improve their correctional treatment? The problems of dealing with the main run of offenders have been so urgent that corrections has as yet given comparatively little attention to special groups.

PROBLEMS IN INSTITUTIONAL HANDLING

Most special offender groups in correctional institutions are treated much like other offenders except as they pose unique custodial problems, as for example do prisoners under sentence of death, women, and those with extreme mental illness or retardation. One explanation for the situation is lack of resources. This is perhaps most dramatic in the case of mentally disturbed offenders, where the shortage of clinical personnel even for the treatment of the general population has meant that offenders, who generally come at the end of the line of social priorities, have received few of the benefits of recent advances in the treatment of mental illness. Referral to civil mental hospitals is often attempted by correctional officials who are unable to undertake treatment themselves and for whom the mentally disordered offender often creates severe disruption in handling other offenders. But to the mental hospital the criminal offender may present unwanted custodial problems, and in some cases treatment there may also be nearly nonexistent.

Many special offenders present problems which society does not know much about solving, quite apart from their criminal manifestations. This is true to a large extent with mental illness and also with alcoholism and narcotic addiction.[9] Ignorance about treatment methods has indeed been one of the reasons why offenders such as drunks and sexual psychopaths have been brought into the criminal system in the first place. Without means of cure, society has been interested chiefly in securing custody of these people who are—or at least are thought to be—a threat to the peace. This has been provided by corrections, but unfortunately simple incapacitation has come in many cases into direct conflict with newer knowledge and theories about treatment.

Much of mental illness and retardation, for example, is now viewed outside corrections as best treated in a normal community setting as far as possible. In the late 19th and early 20th centuries, intense correctional interest in retardation as a probable major cause of crime, resulted in the building of a number of special institutions for "defective delinquents" and permanent incarceration of large numbers of retarded persons. But these facilities, and the theories they represent, are very much at odds with modern belief that most retarded persons can be trained to do useful menial tasks and care for themselves in sheltered surroundings in the community.

Similar evolution in medical thought has occurred with respect to many sexual psychopaths. Yet public fear of the acts which such persons may indeed commit has hindered corrections in resorting to such new treatment methods. And with respect to the large number of offenders with mental problems who are legally responsible for criminal acts they have committed, penal purposes have restricted community treatment as they have in the case of other offenders.

The small numbers of many special offender groups add to the problem of handling them. This is especially apparent with a group like female offenders, who usually either receive no rehabilitative treatment or are placed under a regime adapted for the quite different needs of male prisoners. The problem of accommodating special offender groups within general institutional programs is illustrated by the remarks of an institutional superintendent interviewed in a 1963 survey of programs for retarded offenders: [10]

> As we see it, an institution such as ours has a choice of alternative operational policies. First is the possibility of pitching our program to the needs of the two-thirds majority of normal inmates, in which case the one-third minority of retarded inmates would suffer. A second alternative is to lower our standards and alter our program as required by the one-third minority, which would deprive the majority group. The third alternative would be to run two separate programs in the same institution, which would require at least a 50 percent increase in budgeted staff if we are to do justice to both segments of our population.

But undifferentiated handling has generally resulted in neglect or positive detriment to special groups. Women exposed to institutional conditions reflecting the needs of male offenders are often drawn even farther away from a normal adjustment to domestic life. Retarded offenders required to conform to standard rules and share work-detail assignments with normal inmates tend to react by withdrawing from competition completely—thus making it harder to prepare them for life on the outside—and by becoming more erratic and difficult to manage.

The aggressive inmate is usually handled either by running an entire institution on lines adapted to his demands, in which case repressive measures interfere with the rehabilitation of other inmates, or by segregating him completely, which prevents his adjustment to the demands of living among others in society. Many correctional authorities now advocate scattering aggressive inmates throughout an institution, but often sufficient personnel are not available to provide the supervision necessary to prevent harm to, or exploitation of, other inmates. And those staff members who are available often lack training in the causes of aggressive behavior and approaches to counseling that may prevent it.

POOLING OF FACILITIES

Problems such as the shortage of clinical personnel and the lack of knowledge about how to treat sexual psychopaths and other special groups of offenders are not going to be quickly or easily resolved. But one approach which does hold general promise of providing a better basis for resolving these problems is the pooling or joint operation of facilities for them. Already a few small States, for example, send their female prisoners to adjoining States. Other minority offender groups, notably the mentally disordered and retarded, could also profit from the more specialized handling which pooling facilitates. Retarded offenders, for example, could be provided with a program in which they did not have to compete with normal offenders and could be brought gradually to levels of ability to care for themselves that would permit their release to the community.

Long-term prisoners, who tend to vegetate under traditional maximum-security conditions, might also be transferred to special institutions. This would permit States with few offenders to concentrate on rehabilitation and employ institutional facilities on the community-oriented model. It might also encourage the development of more imaginative programs for long-term prisoners—special industries, perhaps greater independence and self-sufficiency within the confines of a secure institution.

Specialized treatment is not, of course, a panacea. It has been noted that the segregation of aggressive and hostile inmates may well in the long run simply increase the problems of managing them. There is a decided danger that the existence of special facilities will imply a comparable existence of special expertise, encouraging society to shuffle off on correctional institutions problems that should be dealt with elsewhere. There are many indications that this has been the result, for example, of schools for defective delinquents and programs for sexual psychopaths.

[9] Treatment of alcoholics and drug addicts, the two largest special offender groups, is discussed in separate volumes of the Commission's task force reports.

[10] This study is reported in Bertram S. Brown and Thomas F. Courtless, "The Mentally Retarded Offender in the United States" (report prepared for the President's Commission on Law Enforcement and Administration of Justice).

ADMINISTRATION

In many jurisdictions the administrative framework of institutional corrections is a basic barrier to establishment of collaborative regimes focused on reintegration of offenders into the community. The position of warden in State prisons too often has been a political reward. It has carried numerous fringe benefits, such as a lavish residence, unlimited inmate servants, food and supplies from institutional farms and warehouses, furnishings, and a large automobile. Furthermore, for anyone who enjoyed power, the warden's position was most attractive, for his control over both inmates and staff tended to be quite autocratic. Conditions in institutions for juveniles have often resembled those in prisons in this respect, although juvenile institutions usually have been more closely linked administratively with parole and other community correctional services than have adult prisons.

As chapters 3 and 6 note, the administrative autonomy of individual institutions has often been compounded by the separation of institutional corrections as a whole from community treatment. There are arguments in favor of this latter separation, but it is clear that it tends to make correlation of community and institutional treatment more difficult, and that cooperation towards this end, whatever the administrative situation, is extremely important.

The old style of administrative autonomy has altered considerably in some States but not much in others. Wardens and superintendents of State adult institutions now are appointed under a civil service or other merit system in 23 States. Even in some States without such systems, governors in recent years have appointed professional correctional officials to head most institutions, rather than filling these posts on a political patronage basis.

The National Survey found that the institutions in 47 jurisdictions operate under some type of central agency. Some States place institutions under a department of public welfare; others, under a board of institutions; most States place them in a department of corrections. However, these departments vary in the extent to which they have reduced the administrative autonomy of the separate correctional institutions, and not all of them also control parole supervision or other community corrections.

Juvenile institutions, with their historic emphasis on the protection and treatment of children, have tended to be less autonomous. The link between them and welfare services, based on protection of the child, has tended to draw juvenile institutions into centralized administrative services.

In 46 States, juvenile institutions are administered by a central agency. In 21 of these States, the central agency is a correctional one. The next most common pattern, used in 14 States, places juvenile institutions under the welfare department.

CENTRALIZED LEADERSHIP

This chapter has focused on the reform of institutional corrections within the general limitations of physical plant that handicap most jurisdictions today. It has noted that, for some classes of offenders, maximum security and long-term incarceration will continue to be necessary and that for such persons corrections has yet to find very significant ways to improve management.

But this must not obscure the need, noted in chapter 1, to direct the bulk of future institutional planning towards the establishment of small-unit institutions located in the communities from which they draw their offenders and making maximum use of the resources which such a proximity affords. Such models would permit maximum integration of the resources of institutions and community treatment programs. Their physical size and design would be ideally suited to the sort of regime discussed in this chapter.

To use such institutions effectively requires a highly organized and coordinated correctional system. It must be possible to assign offenders to appropriate programs with ease and flexibility. Strong and centralized administrative leadership is needed to carry out such a program of differential treatment.

Parole and Aftercare

The test of the success of institutional corrections programs comes when offenders are released to the community. Whatever rehabilitation they have received, whatever deterrent effect their experience with incarceration has had, must upon release withstand the difficulties of readjustment to life in society and reintegration into employment, family, school, and the rest of community life. This is the time when most of the problems from which offenders were temporarily removed must be faced again and new problems arising from their status as ex-offenders must be confronted.

Many offenders are released outright into the community upon completion of their sentences, but a growing number—now more than 60 percent of adult felons for the Nation as a whole—are released on parole prior to the expiration of the maximum term of their sentences. Parole supervision, which in general resembles probation in methods and purposes, is the basic way—and one of the oldest—of trying to continue in the community the correctional program begun in the institution and help offenders make the difficult adjustment to release without jeopardy to the community. Furloughs, halfway houses, and similar programs discussed in chapters 4 and 5 are important supplements to effective parole programs, as are prerelease guidance and other social services discussed later in this chapter.

Parole is generally granted by an administrative board or agency on the basis of such factors as an offender's prior history, his readiness for release, and his need for supervision and assistance in the community prior to the expiration of his sentence. The Federal system and those of a few States have a mandatory supervision procedure for offenders not released on parole. Under such a procedure, when an inmate is released for good behavior before serving his maximum term, he is supervised in the community for a period equivalent to his "good time credit."

Table 1 shows the average number of offenders under parole supervision in 1965 and the yearly cost of operations. Data include the small number of offenders released under mandatory supervision but do not include the very limited number of persons on parole from misdemeanant institutions.

Table 1.—Average Number of Persons on Parole from State and Federal Correctional Institutions, 1965, by Type of Institution from Which Released, and Annual Costs of Supervision

Type of institution	Number on parole [1]	Annual costs of supervision
Prisons	112,142	$35,314,047
Training schools	60,483	18,593,975
Total	172,625	53,908,022

[1] Includes a small number of persons released under mandatory supervision.

SOURCE: National Survey of Corrections and special tabulations provided by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts.

HISTORY AND PRESENT EXTENT OF PAROLE

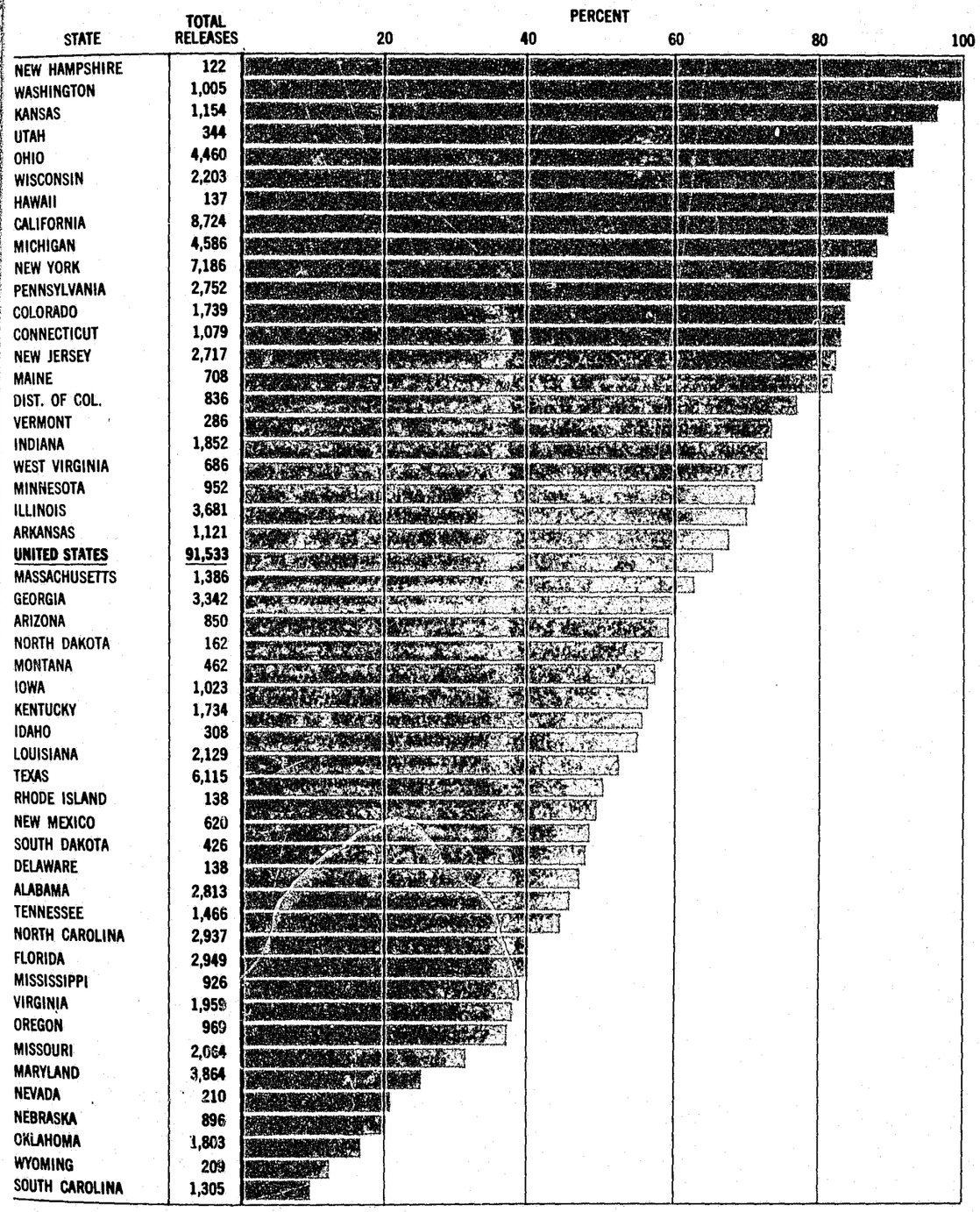
Parole has had a long history. Its early traces appeared in the United States in the 19th century. The first official recognition came in 1876 at New York's Elmira Reformatory. Parole for juveniles, sometimes referred to as "aftercare," can be traced back to the houses of refuge for children established in the latter half of the 19th century. Juvenile parole developed for many years as part of the general child welfare field, but recently, while still retaining a close involvement with child welfare programs, has assumed a more distinct status.

The growth of parole services has been continuous, though uneven, the adult field expanding more rapidly than the juvenile. There remain, however, significant gaps in its use. The one of probably most general importance is its infrequent use for misdemeanants sentenced to jail. The National Survey of Corrections found that most misdemeanants are released from local institutions and jails without parole. Information available from a sample of 212 local jails indicates that 131 of them (62 percent) have no parole procedure; in the 81 jails that nominally have parole, only 8 percent of the inmates are released through this procedure. Thus, 92 percent are simply turned loose at the expiration of their sentence. Parole for the misdemeanant is considered in chapter 7 of this volume.

In the juvenile field, the administrative fragmentation of parole programs makes it difficult to develop precise statistical data on the extent to which parole is used as a method of release. The National Survey found that, although most youngsters are released under parole status from training schools, supervision programs for them often are inadequate.

More exact data can be obtained about the use of parole for adult offenders released from prisons. Figure 1, adapted from the National Prisoner Statistics of the Federal Bureau of Prisons, discloses sharp variations

INMATES RELEASED ON PAROLE [1]
as Percentage of All Persons Released from State Prisons, 1964 Figure 1



[1] Includes a small number released under mandatory supervision. Alaska data not available for 1964.

Source: U.S. Department of Justice, Federal Bureau of Prisons, "National Prisoner Statistics: Prisoners in State and Federal Institutions for Adult Felons, 1964," National Prisoner Statistics Bulletin, 38:11 (November 1965).

in the extent of parole use among individual States, from one in which only 9 percent of prisoners were released on parole to others where virtually all were. These reflect in large part differences in sentencing practices as well as parole policies.

THEORY AND PURPOSE

While parole has on occasion been attacked as "leniency," it is basically a means of public protection, or at least has a potential to serve this purpose if properly used. Actually prisoners serve as much time in confinement in jurisdictions where parole is widely used as in those where it is not. No consistent or significant relationship exists between the proportion of prisoners who are released on parole in a State and the average time served for felonies before release. The most recent tabulation of median time served for felonies before first release, which was made in 1960, showed that the five States with the longest median time served were Hawaii, Pennsylvania, Illinois, New York, and Indiana. The percentages released by parole in these States in the same year were 99, 89, 47, 87, and 88 respectively. The five States with the shortest median time served for felonies before first release were New Hampshire, Maine, South Dakota, Montana, and Vermont, with percentages of release by parole of 98, 92, 49, 90, and 5 respectively.[1]

Arguments couched in terms of "leniency" deflect attention from a more important problem. The fact is that large numbers of offenders do return to the community from confinement each year. The task is to improve parole programs so that they may contribute to the reintegration of these offenders. The best current estimates indicate that, among adult offenders, 35 to 45 percent of those released on parole are subsequently returned to prison.[2] The large majority of this group are returned for violations of parole regulations; only about one-third of those returned have been convicted of new felonies. Violation rates are higher for juveniles. However, because additional kinds of violations are applicable to them, such as truancy and incorrigibility, precise comparison with adult rates is difficult.

Ideally, the parole process should begin when an offender is first received in an institution. Information should be gathered on his entire background, and skilled staff should plan an institutional program of training and treatment. A continuous evaluation should be made of the offender's progress on the program. At the same time, trained staff should be working in the community with the offender's family and employer to develop a release plan.

Information about the offender, his progress in the institution, and community readiness to receive him would, under such ideal conditions, be brought together periodically and analyzed by expert staff for presentation to a releasing authority whose members were qualified by training and experience. After thoughtful review, including a hearing with the offender present, the releasing authority would decide when and where to release him. On release, he would be under the supervision of a trained parole officer able to work closely with him and the community institutions around him. If there were a violation of parole, a careful investigation would be made and the reasons behind the violation evaluated. A report would be submitted to the releasing authority which, on the basis of careful review of all the evidence and a hearing with the offender, would decide whether to revoke his parole.

Unfortunately, there are wide discrepancies between this description of what parole purports to be and the actual situation in most jurisdictions. One purpose of this chapter is to explore the nature and implication of those discrepancies.

LEGAL FRAMEWORK

The legal framework within which parole decisions are made varies widely from one jurisdiction to another. The general structure of sentencing laws is discussed in chapter 5 of the Commission's General Report and in the volume on the administration of justice, and it will not be detailed here.

PAROLE FOR ADULTS

Basically, the parole decision for adult offenders may depend on statutes enacted by the legislature, on the sentence imposed by the court, or on the determination of correctional authorities or an independent parole board. For certain offenses some statutes require that various amounts of time must be served before parole can be considered, or they prohibit parole entirely. The basic trouble with such restrictions is that they allow no consideration of individual circumstances. Consistently, correctional authorities have found that they interfere with effective decision-making; at times they cause unnecessary confinement; and at times they result in substantial inequities.

If minimum sentences are to be imposed, clearly the law needs to provide that they can be neither excessively long nor set so close to the maximum as to make discretion in granting parole illusory. In a few States, indeterminate sentencing is authorized, permitting consideration for parole at any time, without service of a minimum term. "Good time" or other credits earned by conduct during imprisonment may reduce the time that must be served in some jurisdictions prior to eligibility for parole.

Under any such variant, eligibility for parole does not, of course, mean that parole will in all cases be granted. In some, offenders may be released outright at the end of their term. The requirement of mandatory supervision in force in the Federal system and several States is one attempt to deal with this problem. In general, mandatory supervision laws require that any prisoner released prior to the expiration of his term by reason of having earned good time or other credits during imprisonment, must be released to a parole officer subject to parole supervision and conditions. Since virtually all prisoners earn good time credits, which may amount to a substantial fraction of their term of sentence, such a provision insures supervision for a period on release unless it is explicitly waived by a parole authority as being unnecessary. The limitation of mandatory supervision to the period of good time credit is one means of insuring that supervision does not become a mere extension of sentence, but obviously it is a rule-of-thumb standard that may bear no relation to the need for supervision.

[1] U.S. Department of Justice, Federal Bureau of Prisons, "National Prisoner Statistics: Characteristics of State Prisoners, 1960 (Washington: The Bureau, n.d.), table R–1, p. 67.

[2] Daniel Glaser and Vincent O'Leary, "Personal Characteristics and Parole Outcome," National Parole Institutes, Office of Juvenile Delinquency and Youth Development, U.S. Department of Health, Education, and Welfare (Washington: U.S. Government Printing Office, 1966).

PAROLE FOR JUVENILES

With respect to juveniles, a number of legal issues are involved in commitment and subsequent release. Those which most directly affect parole practice are restrictions as to when a juvenile can be released. Of these the most important are: (1) stipulated periods of time a youth is required to stay in a training school; and (2) the requirement of approval from a committing judge before release can be authorized.

The National Survey found that three States stipulate by law a minimum period of confinement before parole can be considered for a youngster. One State has a 12-month minimum, another 18 months, and a third varying minimums. In many other States, minimum terms are established by administrative action. Such requirements ignore the facts of the individual case and can require unnecessary and damaging stays in institutions. While the usefulness of minimum sentences is debated extensively in the adult field, no authoritative body advocates their use for juveniles.

More widespread, and in some respects more difficult to change, is the procedure found in nine States, under which committing judges must become officially involved before juveniles can be released on parole. The problem with this approach is that a judge must be aware of a child's behavior in an institution after commitment by the court as well as current factors in the community situation. Since it is difficult at best to provide both kinds of information to a judge, he is apt to have to act on the basis of incomplete knowledge. Furthermore, such control by the court unnecessarily complicates programing for youngsters while they are in institutions. Judicial control over release has been eliminated by the vast majority of States and should be eliminated in the remainder.

THE DECISIONAL PROCESS

In the main, releasing authorities must depend on others for information about persons being considered for release. The size and quality of the staff who compile and analyze this information is therefore crucial. They must be able to develop and assemble vital information and present it in such a way as to establish its relevance to the decision.

Far too typically, overworked institutional caseworkers must attempt to gather information on a prisoner from brief interviews with him, meager institutional records, and letters to community officials. This information is often fitted into a highly stereotyped format. Frequently, the sameness of reporting style and jargon makes it very difficult for board members to understand the individual aspects of a given case and assess them wisely. This can lead to decisions which are arbitrary and unfair as well as undesirable from a correctional standpoint.

A significant increase in the number of institutional caseworkers responsible for compiling and analyzing information and great improvement in the quality of their work are required. The ratio recommended by the U.S. Children's Bureau for this kind of staff for young offenders in juvenile training schools is 1 to 30. The National Survey shows that it was 1 to 53 in 1965. For adult prisons, the American Correctional Association recommends a ratio of 1 to 150. This appears to be quite minimal when compared to juvenile standards, but it would be a great improvement over the actual 1965 ratio of 1 to 253.

Not only must caseworkers be of sufficient number and quality, but they must also have access to channels of essential information. Close coordination is needed with parole field staff to obtain information about the offender's background, attitudes of his parents, conditions in the community, and the availability of a job. Other vital channels exist within the institution itself. Caseworkers often have far less contact with offenders than do group supervisors, vocational teachers, and others. These individuals are valuable sources of information and should be consulted in preparing reports. Methods need to be devised to use them more fully.

Another type of staff in acutely short supply is clinical personnel. Psychiatrists and psychologists are badly needed for better assessment of cases such as those involving sex offenders and various types of violent offenders. Their skills are important, for example, in helping to decide whether a violent crime was an expression of persistent emotional disturbance likely to be manifested in further violence.

The National Survey showed that in the juvenile field there were the equivalent of only 46 full-time psychiatrists serving 220 juvenile institutions across the United States. More than half of these were in 5 states; one State had 10 of the 46. Not only were these psychiatrists responsible for diagnostic work, but most were carrying treatment responsibilities as well.

USE OF STATISTICAL AIDS

The data presented to releasing authorities are of many kinds. Assuming that the information is accurate, parole officials must still face the problem of evaluating its meaning. One method, by far the most common, is for the decision-maker to depend basically on his own judgment of the circumstances in an individual case.

Another way of approaching a parole decision is through the use of statistical analyses of the performance of offenders paroled in past years to determine the violation rates for various classifications. Violation rates are related to age, offense, education, work history, prior record, and other factors. The categories are then com-

bined to produce a "probability-of-violation score" for an offender according to his characteristics.

A series of efforts have been made in recent years to develop such procedures.[3] Experiments have also been undertaken to compare the case method and the statistical method. Psychiatrists, psychologists, sociologists, and prison officials have been asked to classify large numbers of cases on the basis of probable success on parole. When statistical prediction methods have been applied to the same group of cases, they have proved better able to determine the probabilities of parole violation for groups of inmates.[4]

Despite the utility of statistical techniques and the potential for increased usefulness with the advance of computer technology, no serious authority has proposed the substitution of the statistical for the case method. Factors unassociated with risk must be considered. Moreover, any individual case may present considerations which are too detailed for statistical analysis or which must be weighed from the standpoint of fairness.[5] Nonetheless, statistical analysis is useful as a general means for educating parole authorities in the significance of various factors in assessment of cases, as a way of evaluating the effectiveness of various treatment alternatives upon parole, and as a check for individual case dispositions. As noted in Chapter 2, much further work is needed to develop statistical analysis, particularly to predict the likelihood of violent crimes, as opposed to other offenses, and as a means for determining the optimum time for release.

NATIONAL REPORTING SYSTEM

Closely related to the development of such research within each parole agency is the need for a national system of sharing parole statistics. At present, it is very difficult to assess the significance of different rates of revocation, since gross figures do not permit any comparisons among programs in different jurisdictions.

Some data are now available from pilot attempts to develop a national parole reporting system that would permit comparisons. Under a grant awarded by the National Institute of Mental Health to the National Parole Institutes [6] in 1966, 30 States were experimenting with the development of common definitions and methods for reporting. Only as such definitions are developed can meaningful comparisons be made. And only when these comparisons are made can answers be found to such questions as these: How do the results of parole compare from one agency to another? What are the results of different parole programs for different kinds of offenders? What is the result of releasing certain kinds of offenders earlier or later?

PAROLE HEARINGS

Releasing authorities can also achieve more rational decision-making by improving their hearing procedures. Improvements must promote both fairness and regularity, as well as effective correctional treatment. In several States there are no hearings at all for adult offenders; decisions are made by parole authorities solely on the basis of written reports. In juvenile programs, hearings are even less common, with reliance again on written reports and also on staff conferences at which the offender may not be present.

Procedures for parole hearings are extremely diverse. In many States, especially those with numerous institutions, the parole board is divided into subcommittees, each of which conducts hearings. In some States, one or more board members conduct hearings and report back to the rest of the board. In still other States, boards conduct all hearings *en banc*.

Policies with regard to hearings on revocation of parole are even more varied. About half the States grant hearings as a matter of "grace," rather than regarding them as a normal function of the parole board. Again, some States have no hearings at all on revocation questions. Often, when hearings are held, they occur some time after a parolee's freedom has been terminated and he has been returned to prison. Chapter 8 discusses the relationship between carefully conducted hearings and the problems of due process and fairness in correctional procedures.

Authorities on parole procedures regard well-conducted hearings as vital to effective decision-making, in terms of expanding the information available to the board as well as for their effect on offenders. Hearings commonly give parole boards an opportunity to identify important points on which information is needed in making their decision. For example, a board may well find from interviewing an inmate that he has several contacts in the community not mentioned in any official report, which later investigation by staff may reveal to have considerable bearing on the place to which he might subsequently be paroled.

The other aim of a hearing is to create conditions which enhance the treatment goals for an inmate. This does not mean that the hearing should take on the character of a counseling session. The simple opportunity of being given what he perceives to be a fair hearing can be important in creating those conditions. Board members also can often influence the behavior of inmates by encouraging their participation in institutional programs and other self-improvement efforts or by frankly discussing with them, at appropriate times, the probable consequences of failure to participate in programs or of misconduct.

Well-conducted hearings further the trend for parole boards to increase the involvement of inmates in the decisions which affect them and to confront them more directly with the information upon which a decision is being made. Earlier concepts concerning the treatment of offenders placed most emphasis upon the need to resolve their emotional problems. A more recent refinement of this view stresses the need for offenders to be helped to confront and deal with "here and now" issues as a means of strengthening their problem-solving abilities.

An illustration of the trend toward "confrontation" is the way in which inmates are notified of parole decisions. Typically, parole decisions have been communicated in writing or it has been left to others, usually institution staff, to tell inmates if parole was granted or denied. They have had little opportunity to discover the reasons for the decisions and discuss them with parole board members. An increasing number of parole boards have adopted the practice of calling inmates back after a hearing to discuss the decision on their cases. Institution staff and board members in these States—for example, Minnesota and Iowa—report it to be an improvement over prior methods.

Board members are most helpful when they demonstrate a genuine interest in the welfare of an inmate, an ability to withstand manipulation or deception, and a willingness to discuss candidly with an inmate the realities of his case. It is important, however, that board members avoid trying to use the hearing for extensive problem-solving with inmates or as a substitute for work which should be done by staff.

[3] See Norman Johnson, Leonard Savitz, and Marvin E. Wolfgang, "The Sociology of Punishment and Correction" (New York: John Wiley and Sons, 1962), pp. 249-309.

[4] Don Gottfredson, "Comparing and Combining Subjective and Objective Parole Predictions," California Department of Corrections Research Newsletter, 3: 11-17 (Sept.-Dec. 1961). See also Hermann Mannheim and Leslie T. Wilkins, "Prediction Methods in Relation to Borstal Training" (London: Her Majesty's Stationery Office, 1955).

[5] Norman S. Hayner, "Why Do Parole Boards Lag in the Use of Prediction Scores?" Pacific Sociological Review, 1: 73-78 (Fall 1958).

[6] The National Parole Institutes are cosponsored by the Interstate Compact Administrators Association for the Council of State Governments, the U.S. Board of Parole, the Association of Paroling Authorities, and the National Council on Crime and Delinquency.

ORGANIZATION OF PAROLE AUTHORITIES

The administrative organization of parole authorities is another factor that aids or impedes decision-making. Again, there are wide variations in practice among jurisdictions and also a historical separation between the juvenile and adult fields that persists to this day.

EXISTING PATTERNS OF ORGANIZATION

In the adult field, every State has an identifiable and separate parole authority, although in four States the power of these authorities is limited to recommending a disposition to the Governor. A sense of the growth of parole in this country can be obtained by a review of the Wickersham Report of 1931 which indicated that 20 States had no parole boards at all. By 1939, the Attorney General's Survey of Release Procedures indicated there were still 16 States in which the Governor was the paroling authority.

In 41 States today the parole board is an independent agency; in 7 States, it is a unit within a larger department of the State; and in 2 States, it is the same body that regulates correctional institutions. In no jurisdiction in the adult field is the final power to grant or deny parole given to the staff directly involved in the operation of a correctional institution.

The situation in the juvenile field is quite different. The great majority of releasing decisions directly involve the staff of training schools. This is the case in 34 of the 50 States and Puerto Rico. In the other 17 jurisdictions, boards and agencies are used that, to varying degrees, are independent of the training school itself. Table 2 illustrates the variety of releasing authorities used in those 17 States.

Table 2.—Types of Parole Authorities for Juveniles, Other than Training School Staffs, 17 States, 1965

Paroling authority	Number of jurisdictions
Youth authorities	4
Training school board	3
Institutions board	2
Department of Corrections	2
Department of Public Welfare	2
Parole board	2
Board of control	1
Ex-officio board	1

SOURCE: National Survey of Corrections.

INDEPENDENCE AND INTEGRATION

The two dominant patterns of the juvenile and adult fields—the juvenile centering parole decision-making primarily in the institutions and the adult centering it in autonomous groups—symbolize two points of view about parole decision-making. The basic argument for placing release decisions in the hands of institutional staff is that they are most intimately familar with the offender and are responsible for developing programs for him; thus they are most sensitive to the optimum time for release. It is also argued that autonomous boards tend to be unconcerned or insensitive about the problems of institutional programs and the aims of their staffs, that their tendency to be preoccupied with issues apart from the rehabilitative aspects of an individual's treatment leads them to make inappropriate case decisions. Such autonomous groups are often viewed by institutional personnel as unnecessarily complicating decision-making and infringing on the "professional judgment" of competent staff.

Division of labor between institutional staff and autonomous releasing authorities is complicated by the growing use of partial release programs, for work, study or the like. The result may be anomalous as when, for example, an institution decides that an inmate should be allowed to go into the community on a work-release basis and he does well there, but a parole board subsequently decides that he should not be paroled. This can occur because a parole board usually takes into consideration various factors which are less emphasized by institutional officials, such as the disposition of co-defendants' cases or his probable behavior in an environment other than the town adjoining the institution, where leisure time will be much less structured.

A major argument against giving the parole decision power to institutional staff is that they tend to place undue emphasis upon the adjustment of offenders to institutional life. There is a temptation to set release policies to fit the needs of the institution, to control population size and even as a means for getting rid of problem cases even though longer control may be desirable. The opposite, but equally unfortunate, temptation is to use unwarranted extensions of confinement as penalties for petty rule violations. Finally, decision-making by institutional staff lends itself to such informal procedures and is so lacking in visibility as to raise questions concerning its capability to maintain fairness or even the appearance of fairness.

There have been a number of attempts to devise organizational means for promoting closer coordination between the staffs of institutional programs and releasing authorities. At one extreme is the integration of the

releasing authority within a centralized correctional agency, with the parole board appointed by that agency. Wisconsin and Michigan have had such a system for some years, and Ohio has recently adopted a variant of it for its adult system.

Another way of promoting integration between releasing authorities and correctional systems can be found in the youth authority structures in Illinois, Massachusetts, Ohio, California, and Minnesota. Here the power of release is given to the board that has general control over the entire correctional system, both in institutions and in the community. No serious efforts in recent years have been made to extend such patterns to the adult area.

A third method, used in Alaska, Tennessee, and Maine, is to have the director of corrections serve as chairman of the paroling authority, with the members appointed by the Governor. This system may produce better coordination, but the director of corrections usually has so many other responsibilities that he cannot adequately carry parole board duties. To meet this problem, Minnesota has the parole board chairman appointed by and serving at the pleasure of the director of corrections, with other members appointed by the Governor. Other States have used coordinating committees, on which parole board members sit with institutional officials, or they housed both agencies in the same State department, giving each a great deal of autonomy.

In juvenile parole, where only a few totally independent parole boards exist and there have been no significant efforts to establish more, the main issue is whether there should be a central correctional authority with release power, or whether this decision should rest entirely with the institutions. The view of most leading juvenile authorities is that there should be a decision-making body within a central correctional agency of the State that controls all releases to the community and returns to institutions. Institutional recommendations and opinions should, in their view, weigh heavily, but final decisions should rest with the central body.

The principal advantages cited for this system are that it would meet the need in large multi-institution programs for maintenance of consistency in policies among institutions or among field offices which make revocation decisions and would minimize policy conflicts that can arise between releasing authorities and institutions. Properly developed, it also could provide procedural safeguards against capricious or irresponsible decisions.

Such an independent decision-making group within a parent agency seems to be the most effective solution to the problem of coordination within juvenile agencies. It is the one to which the juvenile field is apparently moving and is the alternative to which the adult field also seems to be heading.

PAROLE BOARD PERSONNEL

Sound organizational structure is important, but it cannot substitute for qualified personnel. Increasing the competence of parole decision-makers clearly deserves high priority for the development of effective correctional programs.

In the juvenile field, staff responsible for the paroling functions are in most States persons drawn from central juvenile agencies or juvenile institutions. Thus, the quality of parole personnel is generally related to the level of training and experience required of staffs in the juvenile programs of specific jurisdictions. Improving personnel quality for juvenile parole decision-making can be undertaken generally in a straightforward way.

For boards dealing with adult offenders the problem is more complicated. For example, the National Survey revealed that in four States, in 1965, membership on the parole board was automatically given to those who held certain public offices. In one of these States, the board consisted of the Governor, the Secretary of State, the State Auditor, the State Treasurer, and the Superintendent of Public Instruction. Clearly, such ex-officio parole board members have neither the time nor the kind of training needed to participate effectively in correctional decision-making. Correctional authorities have uniformly advocated the elimination of ex-officio members from parole boards.

A more pervasive problem in the adult field is the part-time parole board. At present, 25 States have such part-time boards; 23 States have full-time boards; and 3 jurisdictions have a combination of the two. Part-time parole boards are usually found in smaller States; of the 21 jurisdictions with the smallest population, 19 have part-time parole boards. Among the 10 largest States, only Illinois has a part-time parole board.

Usually the part-time member can give only a limited amount of time to the job and almost inevitably part-time parole board members also have business or professional concerns outside the parole field which demand their attention and energy. Even a relatively small correctional system requires a considerable investment in time and energy if careful study and frequent review are to be given to all parole cases and if prompt and considered action is to be taken in parole revocation. It would appear that a full-time releasing authority should be the objective of every jurisdiction. Even in smaller correctional systems there is enough work generally to occupy the full-time attention of board members. An alternative to the complete replacement of the part-time parole board members in States with very small populations is to supplement them with parole examiners, a concept discussed in more detail in a subsequent section.

APPOINTMENT OF BOARD MEMBERS

One of the most critical issues in obtaining qualified parole board members is the method of their appointment. Table 3 on the following page shows the methods by which adult parole board members were appointed in 1965. As indicated there, parole board members in 39 States were appointed by Governors.

In many jurisdictions, highly competent individuals have been appointed to parole boards and some have gained experience through service for many years. But

Table 3.—Method of Appointment to Adult Parole Boards, 50 States and Puerto Rico, 1965

Appointing officer or agency	Number of jurisdictions
Governor	39
State officials	4
Corrections agency	4
Ex-officio	4

SOURCE: National Survey of Corrections.

in 1965 parole board members in 44 jurisdictions in the United States were serving terms of 6 years or less. It is not unusual to have new parole board members appointed whenever there is a change in a State administration. On some occasions, this system has resulted in the appointment of board members largely on the basis of political affiliations without regard to qualification for making parole decisions.

To avoid this situation, Michigan and Wisconsin have adopted a "merit system" for appointment of parole board members. Appointees are required to have a college degree in one of the behavioral sciences and also experience in correctional work. Some have previously held important positions in correctional institutions or in field supervision.

Other steps can be taken to help insure the appointment of parole board members with requisite education and training. Maine, California, and New Jersey outline some qualification requirements in their laws. Florida requires that appointees pass an examination in penology and criminal justice, administered by experts in these fields. The system of making appointments from a list of candidates nominated by committees of qualified persons, as used in the appointment of judges in some jurisdictions, could be adapted to the parole setting.

QUALIFICATIONS AND TRAINING OF MEMBERS

The nature of the decisions to be made in parole requires persons who have broad academic backgrounds, especially in the behavioral sciences, and who are aware of how parole operates within the context of a total correctional process. It is vital that board members know the kinds of individuals with whom they are dealing and the many institutional and community variables relating to their decisions. The rise of statistical aids to decision-making and increased responsibilities to meet due process requirements make it even more essential that board members be sufficiently well trained to make discriminating judgments about such matters.

The number of persons with the requisite skills is presently quite limited. Training programs designed especially for parole board members are badly needed. An effort in this direction was the National Parole Institute's training programs. Supported by a grant from the Office of Juvenile Delinquency between 1962 and 1965, the institutes provided a series of week-long intensive training programs for parole decision-makers and developed useful publications and guides. Programs of this type need to be expanded and maintained on a regular basis.

USE OF PROFESSIONAL EXAMINERS

Another device to aid in improving parole decision-making is the use of professional parole examiners to conduct hearings and interviews for the parole board, which delegates to them the power to make certain kinds of decisions within the policies fixed by the board. Under this system, a parole board can concern itself with broad policy questions, directly pass on a limited number of specific cases, and act as an appellate body on the decisions of its examiners.

California now has examiners in both its adult and youth authorities. The U.S. Board of Parole has recently appointed an examiner. The decision-making responsibility given to these persons varies according to the system. Experience thus far indicates that the use of such officers could be greatly expanded.

The major argument for this approach is that it permits the development of a corps of professional examiners who have the background and skills necessary to perform the complex tasks involved. At the same time, it frees the parole board to carry out functions that should not be delegated. Another argument for this system is that professional examiners with tenure, training, and experience in the correctional field would be able to bridge more effectively the gap between parole boards and institutions.

The use of examiners would also reduce the need for constantly increasing the size of parole boards to meet increasing workload. One State now has a parole board of 10 members; in others, 7-member boards are not uncommon. With examiners a parole board would perhaps need no more than five members. As noted, in those States where part-time boards were still retained, the professional hearing examiner would be particularly useful.

One objection to use of examiners is that inmates wish to confront decision-making authorities directly. However, the limited experience to date indicates that this need not be a serious problem if examiners are given prestige and authority.

SUPERVISION OF PAROLEES

Among the principal sorts of limitations on the parole decision-maker are the resources available for community supervision: number of staff, their training and organization, and the community resources at hand for effective programing. Releasing authorities face one sort of question in considering parole for an offender who will be supervised in a small caseload by a trained parole officer working intensively with the offender and community agencies. The questions are very different in considering release to a parole officer who is so overburdened that he can give no more than token supervision.

The principal problems of community-based correctional treatment are discussed in chapters 3 and 4 on probation and alternatives to institutionalization. Most of the points made in these chapters apply to parole supervision as well. Several which are unique to parole and aftercare will be discussed in this chapter. Chief among

these are issues concerning control of offenders, which are in general emphasized more in parole than in probation.

SOME MAJOR SUPERVISION ISSUES

Originally, parole involved a "ticket of leave" system under which a released prisoner reported regularly to police officials. Emphasis was almost entirely on controlling the offender to make certain that he conformed to the conditions of his release. Increasingly, as parole agencies developed their own staff, the tasks of control were supplemented by efforts to provide assistance to parolees. At first such assistance was direct and tangible in form, such as obtaining housing and money for the parolee. Later, more stress was placed on referral to other agencies and counseling of various kinds. Most recently, as in the case of probation, emphasis has been placed also on use of the parole officer to mediate between offenders and community institutions and to stimulate and organize needed services.

Again as with probation, control and assistance constitute the main themes of parole supervision. In fact, several research projects have been able to classify parole officers on the basis of their relative concern about the two.[7] These differences in emphasis are associated with different behavior on the part of officers.

Experiments indicate that certain offenders perform more successfully with parole officers who use certain styles of supervision than with others.[8] This has led to the development of specialized caseloads in which offenders with designated problems or characteristics are supervised by officers with special aptitude for managing them. In the adult field, 10 States now report the use of caseloads of this kind. The majority are for narcotic offenders; others are for alcoholics, mental defectives, or violent offenders. The State of New York has even developed specialized caseloads for "gifted offenders."

Research is needed to develop two kinds of information: (1) an effective classification system through which to describe the various types of offenders who require different styles of supervision and the types of parole officers who can provide them; and (2) a set of treatment theories and practices which can be applied successfully to the different types of parolees. As was indicated in chapter 2, a beginning has been made in the development of such typologies.

THE TRANSITION TO THE COMMUNITY

The time when an offender re-enters the community presents special problems and needs. Statistical data clearly demonstrate the critical problems of prerelease preparation. Table 4 shows the months on parole completed by those who were declared violators during 1964 in the State of Washington where because of its sentencing system virtually every parolee has a number of years remaining on his sentence when he is paroled. The pattern of violation which is shown is common to all jurisdictions. Violations or parole tend to occur relatively soon after release from an institution, nearly half of them within the first 6 months after offenders are released, and over 60 percent within the first year.

Table 4.—Months Completed on Parole by Parole Violators, State of Washington, 1964

Months on parole	Violators	
	Number	Percent
6 or less	476	43
7–12	208	19
13–18	93	8
Over 18	328	30
Total	1,105	100

SOURCE: "Post-Institutional Behavior of Inmates Released from Washington State Adult Correctional Institutions," Washington Department of Institutions Research Review, 19:58 (April 1965).

Obviously, prerelease and immediate postrelease programing should receive a very high priority among efforts to strengthen parole services. Theoretically, as noted above, preparation for release—the ultimate goal of correctional institution programs—should begin on the first day of admission. In reality, concern about release, as measured in specific program efforts, usually begins during the last days of confinement.

The Federal system and several States, however, have prerelease classes in penitentiaries. Michigan and Colorado, among others, have separate facilities to which inmates are assigned for a period of time before release. Although such programs are a step forward, they suffer from being located far from the community where the released offender must make his adjustment. Location of prerelease centers in the heart of the community would overcome some of these obstacles, permitting inmates to go into the community, deal with real problems, and return each day to receive some help in coping with their problems. Parole staff would be given invaluable opportunities to observe progress under the actual stresses of community life. Existing half-way house programs in a number of cities provide models for such centers.

The role of the parole officer is also crucial in preparing for the return of an offender. The officer should be in contact with the offender's family prior to release and make arrangements when necessary with schools, mental health services, potential employers, and other community resources. Prerelease visits by parole agents to offenders in institutions are very useful in providing continuity of treatment upon release, although distance makes such visits difficult in some jurisdictions.

EMPLOYMENT AS A CONDITION FOR RELEASE

Over the years, parole systems have been plagued by large numbers of inmates who have been granted parole but have no jobs to go to on release. As chapter 3 points out, stable and meaningful employment has been consistently stressed by correctional authorities as critical to the successful reintegration of offenders into the community.

Many releasing authorities therefore require the offender to have a job as a condition of release. Thus a number of inmates have been held in prisons pending the development of employment, a situation highly demoralizing to the inmates and their families. Moreover, the inmate who is required to find a job before release may well secure one which is temporary or unattractive as permanent employment.

Several States have adopted modified requirements that provide for release without employment for certain inmates under stipulated conditions. An example is a New York plan called "release on reasonable assurance." Under this procedure, selected parolees can be released without a prearranged job if they have a stable home situation, a marketable employment skill, or evidence of clear community interest in helping them to find work.

Research has found that inmates released under these circumstances have no higher violation rates than those who were required to find a job before release.[9] Inmates who are allowed to find jobs after release must, of course, be able to be able to do so quickly and to hold the jobs they find. Success in this depends heavily on the ability of the parole agency and allied community resources to generate employment opportunities, a problem discussed in chapter 3.

GENERAL CONTROL CONCERNS

The major frame of reference around which a parole officer exercises control is the rules and conditions established by the paroling authority. Such rules for adults generally forbid unauthorized association with persons having a criminal record and seek to control behavior in such areas as drinking, employment, and mobility. Parolees usually must secure permission to change their residence, to travel to another area, to marry or to buy a car. With juveniles there is much less uniformity, and in some jurisdictions few specific conditions are used.

The strictness with which parole rules are enforced varies greatly from jurisdiction to jurisdiction, depending in part on the training of the parole officer but chiefly on the formal and informal policies of the parole system. Enforcement involves many unofficial understandings. Extremely detailed rules are often overlooked by parole officers, particularly if they have reason to feel confident about a parolee. On the other hand, where conditions are relatively broad, researchers have demonstrated that both officers and parolees understand that certain rules operate although they are never explicitly set out in the parole agreement.[10]

A key problem in both situations is how to enhance a parole officer's ability to use discretion and at the same time provide checks against its abuse. It is important to recognize that parole rules are not an end in themselves. They are meant to be tools of supervision that assist an officer to work with an offender to prevent further crime. Overly stringent rules that are strictly and universally enforced are self-defeating. Conditions that are rarely enforced make parole supervision almost meaningless.

Rules of parole seem to be best when they are relatively few, simple, and specifically tailored to the individual case. But no matter how well rules are chosen, the final test lies in how well they are applied and sanctioned. This involves great skill and sensitive judgment on the part of the parole officer. Training, rigorous personnel screening methods, and effective staff supervision are critically needed if that level of skill and judgment is to be developed and maintained.

SPECIFIC LAW ENFORCEMENT DUTIES

A number of parole laws provide that officers can order a parolee to be taken into confinement, usually pending an investigation about commission of a new offense. Clearly, this is a power that can be badly abused, and on occasion it has been. There have been instances in which parolees have been confined for extended periods of time on alleged parole violations or simply as punishment for misconduct. Consequently the parole officer's power to detain the parolee has been increasingly surrounded with procedural safeguards in many parole systems.

A more general question that has troubled parole authorities, especially those in the adult field, is the method by which essentially law enforcement functions should be carried out when serious violations of parole conditions are suspected. The predominant opinion in the parole field is that supervision staff should not assume the role of police officers. A recent survey of parole board members, for example, showed that only 27 percent of them believed that parole officers should be asked to arrest parole violators and only 13 percent believed that parole officers should be allowed to carry weapons.[11] The task of a parole officer is generally seen as developing close working relationships with police departments rather than performing law enforcement functions directly. But this does not mean that parole officers can neglect responsibility for control and surveillance.

Programs to effect liaison with police departments have been developed in the States of New York and California. There, certain parole officers, designated as investigators, are specially trained and assigned to units responsible for liaison with police departments. They cooperate in police intelligence efforts, and they relieve parole officers of some surveillance responsibilities. Most often they undertake investigations in cases at the request of a parole officer who suspects that a parolee is involved in criminal activities. They also initiate inquiries on the basis of information from other contacts, often the police.

These efforts to achieve effective police relationships need careful study. Some observers question the practice, contending that it is not an appropriate activity for a parole agency or that it could better be handled by each parole agent in his own district. Advocates of this system contend that it creates much closer cooperation with police agencies, defines the role of the regular parole officer more clearly, and relieves him of tasks for which he has little training.

[7] Daniel Glaser, "The Effectiveness of a Prison and Parole System" (Indianapolis: Bobbs-Merrill Co., 1964), pp. 429–442.

[8] Stuart Adams, "Interaction between Individual Interview Therapy and Treatment Amenability in Order Youth Authority Wards," in "Inquiries Concerning Kinds of Treatment for Kinds of Delinquents," Monograph No. 2 (Sacramento: California Board of Corrections, 1961), pp. 27–44.

[9] John M. Stanton, "Is It Safe to Parole Inmates Without Jobs?" *Crime and Delinquency*, 12: 147–150 (April 1966).

[10] Glaser, "The Effectiveness of a Prison and Parole System," in. 7 supra, p. 428.

[11] "Description of Backgrounds and Some Attitudes of Parole Authority Members of the United States," National Parole Institutes (New York: National Council on Crime and Delinquency, August 1963, mimeo.).

STAFF NEEDS

The National Survey found that in 1965 there were about 2,100 parole officers and administrative staff responsible for adult parole services in the United States and another 1,400 assigned to parole for juveniles. Table 5 shows the estimated size of caseloads in which parolees were being supervised in 1965.

One fact stands out: There are simply not enough parole officers available to carry out the tasks assigned to them. The Survey shows that adults released on parole are supervised in caseloads averaging 68. Not only is the parole officer responsible for those 68 cases, but in 30 States he will probably be conducting presentence investigations in probation cases. In virtually all States, he will be investigating release plans and developing future employment for offenders still in prison. It should be noted, too, that over 22 percent of adult parolees were being supervised in caseloads of more than 80 in 1965.

In the juvenile field, a number of States have well-developed aftercare programs, but in many others such services are nonexistent or depend upon extension of help by local probation officers or welfare departments. The average caseload for juveniles is about 64. This average does not include those juveniles released on parole in 10 States where the Survey found it impossible to estimate the adequacy of aftercare services because the parole cases were so mingled with others such as welfare clients or were handled on such an informal basis that virtually no organized data were available. As in the case of adults, this caseload average does not include the heavy time commitments that juvenile aftercare workers must make to contacting parents and others in the community in preparing for release of juveniles.

As with probation, there is no single caseload standard which can be applied to all parolees. Different cases require different kinds of supervision. Some need intensive contact, while others can be managed in larger caseloads. The most complete data available as to the optimum average caseload was developed from a series of studies made in California during the last decade, which was referred to in chapter 3. Recently the State's adult parole system has sought to determine what an average caseload would be when different types of parolees were matched with appropriate kinds and degrees of supervision. At present, the results from this particular study indicate that caseloads should average around 37, although the average has been dropping the longer the study has run.[12]

The best estimate available from current research seems to be that caseloads should generally average 35 per officer. At that level, some offenders who needed it could be closely supervised in caseloads of 20 or lower, and others could be handled adequately in caseloads as high as 75 or even more. Such a caseload average would permit intensive supervision of those offenders who appear to have a potential for violence, as well as those with special treatment needs. It would enable the officer to have significant face-to-face contacts with offenders and to deal with emerging problems before they led to failure and perhaps to further offenses. With such a reasonable workload, the officer would have time to contact employers, families, schools, and law enforcement agencies as well as the parolees themselves.

Table 5.—Percentage Distribution of Parolees, by Size of Caseload in Which Supervised, 1965

Caseload size	Juvenile parole (percent)	Adult parole (percent)
Under 50	28.2	7.9
51–60	4.7	25.4
61–70	48.8	20.1
71–80	5.7	23.2
Over 80	12.6	22.8

SOURCE: National Survey of Corrections.

FIELD STAFF ADMINISTRATION

In 34 States, the agency that administers the State training schools and camps also provides parole supervision services for juveniles released from those institutions. In the remaining 16 States, these services are provided through a variety of sources. Some of those States provide virtually no services at all. In five States, local probation departments are given responsibility for aftercare programs, though they have no official relationship to the agency administering the training schools. In other States, training schools make special arrangements with local agencies to provide aftercare supervision, sometimes on a case-by-case basis.

Although there is some disagreement, the dominant view among standard setting agencies such as the U.S. Children's Bureau is that parole supervision in the juvenile field should not be the responsibility of an institution but should be administered by an agency with responsibility for both the institution and the field staff. There is no significant support for an independent parole board controlling the field staff that serves juvenile offenders.

The existence of independent parole boards in the adult field, however, has meant that controversy has centered on whether parole officers should report to the independent parole board or to a central department of corrections which also operates correctional institutions. The National Survey covering the 50 States and Puerto Rico showed that 31 jurisdictions have field parole staff reporting through an executive to the parole board responsible for the release of offenders. The other 20 jurisdictions have field staff reporting through an executive to a State department of corrections or similar agency.

[12] See "California Department of Corrections Parole Work Unit Program, Report Submitted to Joint Legislative Budget Committee" (Sacramento: The Department, Dec. 1966).

The arguments for placing parole supervision services under an independent parole board can be summarized as follows:

1. The paroling authority is in the best position to promote parole and gain public acceptance for it. Since it is held responsible for parole failures, it should be responsible for supervision services.
2. Paroling authorities in direct control of administration are in the best position to evaluate the effectiveness of parole services.
3. Supervision by the paroling authority properly divorces the parolee from the correctional institutions.
4. An autonomous paroling authority in charge of its own services can best present its own budget request to the legislature.

Among the arguments for including both parole supervision and institutions in a single department of corrections, with the parole authority having responsibility and authority only for case decisions, are these:

1. The correctional process is a continuum. All staff, institutional and parole, should be under a single administration rather than being divided, with resultant competition for public funds and friction in policies.
2. A consolidated correctional department has the advantage of consistent administration, including staff selection, in-service training, and supervision.
3. Boards are ineffective in performing administrative functions. Their major focus should be on case decisions, not on day-by-day field operations.
4. The growing number of programs part way between institutions and parole can best be handled by a single centralized administration.

Local factors are quite important in deciding on the best course to follow. If the management of a State prison system is stagnant and the parole board is active and effective, obviously parole supervision should stay with the parole board. On the other hand, where there is at least equal capacity and motivation on the part of the parole board and the department of corrections, the value of integrating institutional and field programs seems to be an overriding reason for one responsible administration covering all correctional programs. The trend in recent years has been in this direction.

The Misdemeanant in the Correctional System

The focus of corrections generally is on felons and juvenile offenders. But misdemeanants form a far larger group than both of the others combined in terms of the number of cases handled by the criminal justice system.

A 12-State study revealed that 93.5 percent of persons arraigned in 1962 in these States for offenses other than traffic violations were charged with misdemeanors.[1] The ratio of misdemeanants to felons showed wide variation from State to State. Iowa had 4 times as many misdemeanants as felons; New Hampshire had 30 times as many. (See table 1.)

Table 1.—Misdemeanor and Felony Defendants in 12 States, 1962 [1]

	Misdemeanor defendants		Felony defendants	
	Number	Percent of total	Number	Percent of total
Alaska	8,098	93.2	587	6.8
California	505,521	93.6	34,767	6.4
Connecticut	53,009	96.8	1,769	3.2
Iowa	26,985	79.1	7,115	20.9
Kansas	66,516	95.0	3,502	5.0
Massachusetts	126,365	93.7	8,498	6.3
New Hampshire	31,348	97.0	955	3.0
New Jersey	122,398	91.4	11,566	8.6
New York	[2] 412,330	55.8	18,027	4.2
North Carolina	[2] 122,153	90.4	[3] 13,000	9.6
Oregon	62,111	94.4	3,676	5.6
Wisconsin	27,061	83.5	5,352	16.5
Total	1,563,895	93.5	108,812	6.5

[1] Motor vehicle offenses excluded.
[2] Inferior courts only.
[3] Estimated.

SOURCE: Lee Silverstein, "In Defense of the Poor" (Chicago: American Bar Foundation, 1965), p. 124.

Determination of the total number of misdemeanant offenders in the United States can only be approximated because of the variations in definition, the lack of record-keeping, and the large number of felony arrests which are subsequently reduced to misdemeanors.

The definition of a misdemeanor varies from jurisdiction to jurisdiction. Typically a misdemeanor is an offense carrying a maximum sentence of up to 1 year, usually in the local jail rather than the State prison. Some criminal codes specifically identify offenses as misdemeanors or felonies. Other statutes stipulate that all offenses not specifically enumerated as felonies are misdemeanors. Still other jurisdictions distinguish between "high" and "low" misdemeanors—with a "high" misdemeanor carrying a sentence in excess of 1 year. In some cases, a single act may be either a felony or a misdemeanor, depending upon prosecutorial or judicial discretion. Finally, some statutes add an additional category of crimes called "summary offenses" or more simply "offenses," among them disorderly conduct, vagrancy, and public drunkenness.

In its Uniform Crime Reports, the Federal Bureau of Investigation does not distinguish between felonies and misdemeanors but employs instead various offense categories such as gambling, homicide, burglary, rape, and vandalism. When arrests for offenses commonly identified as misdemeanors are totaled, the number of arrests for misdemeanors reaches almost 5 million a year. The large bulk of these cases are disposed of by fines or suspended sentences.

Misdemeanants who are committed to correctional programs are characteristically handled in institutions or probation departments administered locally by city or county officials. High population turnover is one of the chief features of these programs. Of the nearly 2 million commitments to all correctional facilities and programs in 1965, over two-thirds were based on a misdemeanant conviction. However, because of the misdemeanants' generally shorter sentences, the average daily population in misdemeanant corrections was only 342,688 in 1965, as compared with 591,494 felons and 348,204 juveniles.

About 41 percent of the misdemeanants were in institutions, the rest on probation. These figures do not include facilities receiving persons committed for less than 30 days. Such inclusion would undoubtedly raise the proportion of institutionalized offenders significantly.

DIVERSITY OF MISDEMEANANT GROUPS

The range and diversity of misdemeanant offenders are far greater than those of the felony and juvenile groups. Some appreciation of this diversity and the problems it poses for corrections is a necessary starting point for any analysis of how improvements could be made.

For one thing, a considerable volume of misdemeanors involve motor vehicle laws. Misdemeanor courts also handle a variety of other regulatory violations in health, housing, safety, and commercial fields. This class of cases seldom reaches corrections, since in most instances such matters are disposed of by fines or license suspensions.

Another very large group consists of drunkenness offenders. The National Survey of Corrections indicated that, excluding traffic offenders, nearly half of all misdemeanants are arrested for public drunkenness or offenses related to drinking. In some jurisdictions, strict enforcement of such laws is the policy; in others, relatively few cases even reach the courts. Many drunkenness offenders, as noted in chapter 9 of the Commission's General Report, are skid row derelicts who may spend much of their lives in and out of local jails and work farms on short sentences. Much the same pattern holds true of prostitutes and vagrants. In some of these instances, police, prosecutors, or courts refer offenders to various welfare agencies outside the criminal justice system. In most cases, however, they are handled by misdemeanant correctional facilities.

These facilities have generally not attempted much by way of rehabilitation. But neither have they been exclusively concerned with punishment or even custody. In practice, jails and other misdemeanant institutions have become adapted in many such instances to the performance of miscellaneous social tasks for which they are not suited and which they generally do not perform as well as programs specifically aimed at doing such tasks. Jails are used in many cities, for example, to get skid row drunks off the street and dry them out, to give prostitutes medical checkups, to house the homeless. But these have been simply stopgap measures, not solutions to underlying problems, and indeed they may often aggravate the situations they are employed to alleviate. Often these tasks have come to be carried out under deplorable conditions, with little attention to the rights of individual offenders or the dignity of the law.

Another substantial and varied group of misdemeanants have committed offenses generally characteristic of inner-city life, including among others, after-hours liquor offenses, weapons offenses, and gambling. Some of the offenders in this group can easily become involved in the kinds of crimes with which the mainstream of corrections deals. Indeed, weapons offenses, such as "pointing a gun," suggest the ease with which this may happen and the consequent seriousness of such matters. But many of these offenders are also engaging in behavior which their community does not strongly and generally condemn as an offense. "Playing the numbers," for example, is an established part of life in many slum neighborhoods.

In many such instances, extensive correctional programs may not seem warranted. The cost of successfully changing behavior not strongly condemned by the community is, for one thing, extremely high in comparison to the interest of society in being protected against such offenses. Moreover, it is difficult to justify in other terms any very extensive interference with the liberty or values of persons who have not engaged in crimes directly threatening in any substantial way the person or property of another.

The correctional challenge in those personal and property crime misdemeanors that more resemble felonies is not so unique. As a group, these misdemeanants present the same dangers to the community and the same need and potential for rehabilitation. It is with respect to them that the statement of Myrl Alexander, director of the Federal Bureau of Prisons, holds most true: "In distinguishing between a felony and a misdemeanor the laws are directed to the deed rather than the doer." [2] Indeed, even the deed in many of these cases is not very different in the case of misdemeanors and felonies. The distinction is in general one of degree, but the dividing line is necessarily often arbitrary or elusive—$99 thefts are often misdemeanors, $100 thefts are felonies; simple assault is generally a misdemeanor and aggravated assault a felony—but the distinction turns on questions of intent or possession of weapons that do not always make sense within the confines of a single case.

In fact many cases are processed initially as felonies and later reduced to misdemeanors, often as the result of negotiation between prosecutor and defense counsel. A housebreaking felony will, for example, be reduced to a petit larcency misdemeanor, a forgery to a "bad check" violation. In the District of Columbia in 1965 more than half of felony arrests were thus disposed of,[3] and this rate is not uncommon.

The less serious nature of misdemeanor property and personal crimes means, of course, that there are likely to be more "casual" offenders and marginal cases than with felonies. Driving a car without the owner's consent can be a relatively innocent frolic of youth, quite different from habitual auto theft or the abandoning, stripping, or selling of stolen cars. Shoplifting, if not habitual, is usually diverted from the criminal justice process at an early stage. Full-scale correctional intervention, whether aimed at deterrence or rehabilitation, does not appear appropriate in most such cases.

But in many of the more serious misdemeanors against property or persons, correctional intervention clearly is just as necessary as in the case of felonies. It is in these cases that the misdemeanor-felony distinction seems least meaningful from the correctional standpoint. This is particularly true since many misdemeanants subsequently commit felonies. Table 2 presents results of a study of a sample of first felony admissions in California. Of the total, 73.5 percent had a history of previous misdemeanor offenses. These offenses fell preponderantly in the personal and property crime groups, a fact especially significant considering the relatively small absolute volume of such offenses compared to traffic and public order violations. Also although its analysis did not specifically focus on misdemeanants, the Commission's Science and Technology Task Force studies of recidivism patterns in the so-called "Index crimes" of the FBI Uniform Crime Reports indicated that, at least with respect to traditional property and personal offenses, there is some evidence of a tendency for offenders to graduate to more serious crimes. (See chapter 11 of the Commission's General Report.)

[1] Lee Silverstein, "In Defense of the Poor" (Chicago: American Bar Foundation, 1965), p. 123.

[2] Myrl E. Alexander, "Current Concepts in Corrections" (Tacoma, Wash.: Pacific Lutheran University, 1960), p. 7.

[3] Harry Subin, "Criminal Justice in a Metropolitan Court" (Washington: U.S. Government Printing Office, 1966), pp. 33-36.

Table 2.—Sample of First Felony Admissions to State Prison with Previous Misdemeanor History, California, 1964

Previous misdemeanors	Number	Previous misdemeanors	Number
Offenses against property	67	Drugs	6
Offenses against persons	27	Other	15
Offense against public order	13		
Drunkeness	25	Total	173
Traffic	20		

SOURCE: California Department of Corrections.

PRESENT MISDEMEANANT SERVICES

The handling of such diverse groups creates perplexing problems for modern corrections. The classic sentencing alternatives for the wide assortment of acts denominated misdemeanors or petty offenses have been a fine and jail, often in the alternative, such as "$30 or 30 days." This sentencing structure provides generally the same alternatives in terms of deterrence and punishment as the felony and juvenile systems; and, as long as the function of corrections centered on these purposes, there was nothing particularly anomalous in the way misdemeanants were treated.

But as the correctional focus has turned with other offenders to rehabilitation, the processes of misdemeanant corrections have become harder to justify. Suspended sentences are widely used in many jurisdictions; but formal probation is much less common, and the supervision offered is rarely more than nominal. Parole is virtually nonexistent. The lack of meaningful rehabilitative intervention in community treatment programs is even more true of jails.

The general inadequacies of misdemeanant corrections are indicated by the fact that its average yearly expenditure per offender is only $142 for community treatment, compared with $198 for felons and $328 for juveniles. Misdemeanant institutions spend on the average $1,046 per offender per year, felony institutions $1,966, and juvenile institutions $3,613.

Moreover, the lack of rehabilitative efforts, with respect to such misdemeanant groups as drunks, has also pointed up the frequent failure of misdemeanant corrections to deter, at least in terms of preventing recidivism. Studies consistently indicate that a large number of misdemeanants are repeatedly convicted of criminal offenses. For example, a survey of 5 county misdemeanant penitentiaries in New York State found, as shown in table 3, that half of the men committed in 1963 had prior commitments and a fifth had been committed 10 times or more.

While it is true that misdemeanants with extensive prior records are most often found among those convicted of a petty offense or for an alcohol-related charge such as disorderly conduct, they do not totally account for all the severely recidivistic groups found in misdemeanant corrections. In a special study, a sample of 1,342 persons sentenced to jail in Los Angeles and San Joaquin Counties, Calif., in 1966 was divided into two categories.[4] Group A included more serious offenses such as assault, burglary, and theft. Group B contained violations considered less serious, including gambling, vandalism, and drunkenness; of these, over 50 percent had 10 or more prior convictions. While the more serious offenders in group A had on the average fewer prior convictions, 18.4 percent of them had 10 or more.

Table 3.—Number of Times Male Prisoners Committed Have Been Confined, New York County Penitentiaries, 1963

	Counties					Total	
	Albany	Erie	Monroe	Onondaga	Westchester	Individuals	Percent
1st time	931	765	715	542	615	3,568	49.6
2nd time	13	243	82	108	247	693	9.6
3d time	11	141	56	23	177	408	5.6
4th time	3	68	37	20	107	235	3.2
5th time	2	53	40	21	91	207	2.8
6th time		78	28	26	48	180	2.5
7th time		45	30	28	53	156	2.1
8th time		33	29	23	50	135	1.8
9th time		22	25	16	42	105	1.4
10th time and over		342	436	305	421	1,504	20.9
Total	960	1,790	1,478	1,112	1,851	7,191	100.0

SOURCE: Adapted from New York State Commission of Correction, "Thirty-Seventh Annual Report, 1963," p. 485.

Misdemeanant corrections is a collection of relatively autonomous and uncoordinated programs and institutions. Probation departments are administered by local courts, county jails by sheriffs, and some other local institutions for adult misdemeanants by corrections personnel. The other institutions differ from jails in that as a rule they handle only sentenced prisoners and not those detained for trial. There are several varieties of these institutions: the workhouse, which is in effect a penitentiary for misdemeanants; and work farms and work camps, where programs (conducted for the most part outdoors) tend to be more flexible than those of workhouses.

By and large, each unit acts independently of both higher governmental authority and similar units at its own level. Minimal coordination of operations is accomplished out of obvious need to service a common offender population, but there is virtually no comprehensive planning or conduct of programs.

Indeed, such planning would be next to impossible at present, if only because of the lack of coordinated statistical reporting. Law enforcement agencies collect statistics on arrests but not on court dispositions. Although court reports commonly show the number of convictions, they do not ordinarily reveal the dispositions which follow. Jail statistics show the number of offenders admitted but do not relate these figures to the total number of offenders processed by police and judicial agencies. The result is that the limited information which is collected does not begin to provide an accurate account of the handling of the misdemeanant offender in the United States.

[4] Data taken from reports submitted by Malcolm Matheson, a task force consultant who conducted the study and developed other materials for this chapter.

MISDEMEANANT INSTITUTIONS

The National Survey of Corrections estimated that there were about 3,500 local institutions for misdemeanants in the Nation in 1965. Three-quarters of the institutions in the 250-county sample were jails, and the remainder were designated as workhouses, camps, farms, or institutions having some of the characteristics of all three. Not only are the great majority of these facilities old, but many do not even meet the minimum standards in sanitation, living space, and segregation of different ages and types of offenders that have obtained generally in the rest of corrections for several decades.

Of one State, a consultant noted:

> This State has 9 jails which confine nearly 25,000 people a year. Five are more than 100 years old, and 3 have been standing for 160 years. In 4 jails, there were 899 cells without sanitary facilities.

Another consultant concluded after covering the jail system of a Western State:

> Most counties and cities persist in operating their own jails, nearly all of which are nothing more than steel cages in which people stay for periods of time up to a year. Most of the jails are custody-oriented and supervised by ill-trained, underpaid personnel. In some cases, the institution is not manned except when a police officer on duty can look in once during his 8-hour shift.

Two-thirds of the sample of 215 local correctional institutions covered by the National Survey reported no type of rehabilitative program at all. If consideration were given to facilities handling those sentenced for 30 days or less, not included in the National Survey, the proportion of institutions without such programs would undoubtedly be greater. Table 4 sets forth the number of institutions having various kinds of programs.

Table 4.—Rehabilitative Programs in 215 Jails and Other Local Correctional Institutions, 1965

Type of program	Institutions having programs [1]	
	Number	Percent
Group counseling	19	9
Work release	24	11
Alcoholics	15	7
Educational	22	10
Other	44	20
None	140	65
Unknown	3	1

[1] Institutions having more than 1 type of program are counted for each.

SOURCE: National Survey of Corrections.

Over 19,000 persons were employed to staff jails and local correctional institutions in 1965. The distribution of this staff, by type of assignment, is presented in table 5.

This distribution reveals in striking clarity the priority of custody as an objective of jail programs. Only 500 people, less than 3 percent of total staff, perform rehabilitative duties in the country's 3,500 jails and other local misdemeanant correctional institutions, and some of these people work only part time. On the average, in the Nation's jails, there is 1 psychologist for each 4,300 inmates and 1 academic teacher for each 1,300 inmates. Most treatment positions are concentrated in the larger facilities, leaving the great bulk of institutions without any teachers, psychologists, or social workers.

Table 5.—Personnel in Jails and Other Local Correctional Institutions, 1965, by Type of Position and Ratio of Staff to Inmates

Position	Number	Ratio of staff to inmates
Social workers	167	1:846
Psychologists	33	1:4,282
Psychiatrists	58	1:2,436
Academic teachers	106	1:1,333
Vocational teachers	137	1:1,031
Custodial officers	14,993	1:9
Other	3,701	1:38

SOURCE: National Survey of Corrections.

COMMUNITY SERVICES

Community treatment programs for misdemeanants suffer from the same lack of resources as do programs for felons and juveniles, but in aggravated form due to even higher average caseloads and generally shorter periods of supervision.

Probation. As the study of misdemeanant sentencing in 8 jurisdictions presented in table 6 shows, formal probation is used relatively infrequently in most jurisdictions. This appears to be true even in jurisdictions with strong and well administered probation services, such as New York City, where probation is used in less than 2 percent of misdemeanant cases. Apparently, judges in such jurisdictions choose to concentrate probation resources on a small proportion of offenders where they are most needed, using fines or suspended sentences in other cases.

In 11 States there are no probation services for misdemeanants in any county. None of these States encompasses a very large metropolitan area, and most are not highly urbanized. Only 2 of these 11 jurisdictions were above the median per capita income in 1964, and 6 were in the bottom quarter.

About one-third of the 250 counties in the National Survey had no probation services for misdemeanants. Eight counties reported having a probation service but no cases; 4 counties did not report; and 59 counties were unable to report the total cases on probation during their last reporting year.

Over the country, then, probation services to misdemeanants are sparse and spotty. Some exceptions are seen in a few States which have combined services to felons

Table 6.—Disposition of Misdemeanors in Selected Lower Courts, 1964, 1965

[In percent]

Jurisdiction	Disposition				
	Jail sentence	Probation	Fine	Suspended sentence	Other
Baltimore	28.6	2.5	15.7	17.8	35.3
Denver	20.6	19.7	31.2	28.5	
Detroit	26.4	5.7	56.6	8.7	2.6
Los Angeles County	32.0	8.9			[1] 59.1
New York City	47.6	1.7	18.9	31.8	
San Mateo County, Calif.	66.2	19.6			[1] 14.2
Washington, D.C.	63.3	10.0	16.7	10.0	
Westchester County, N.Y.	30.8	2.4	51.3	11.4	10.6

[1] Includes fine and supended sentence cases.

SOURCES: New York City data from Criminal Court of the City of New York, "Annual Report," 1964; Westchester County data from a special study by the National Council on Crime and Delinquency; San Mateo County data from California Department of Justice; all other data from studies by Commission Consultants.

and misdemeanants and in large metropolitan areas which have probation departments either exclusively for the misdemeanant or as part of an integrated service for both misdemeanants and felons. Even here caseloads are too high to permit adequate presentence investigations and meaningful supervision of probationers.

In 20 States misdemeanant probation is organized nominally on a statewide basis. Some of these programs, however, provide only minimal services. Comments such as "service provided occasionally" or "as the caseload permits" or "will so provide if asked" typify the reports on probation service to misdemeanant offenders in several of these States. In another 20 States, probation services are organized on a city, city-county, county, or court district basis. These States contain slightly over half of the Nation's population.

Both the State-level and the local services vary widely in the adequacy of the service provided. In California, for example, a full range of probation service is provided to the lower courts, with misdemeanant cases constituting 57 percent of all offender groups placed on probation. However, the adequacy of this service is seriously handicapped by extremely high caseloads.

As table 7 shows, such high caseloads are the rule in most jurisdictions. A few counties covered by the National Survey reported caseloads in excess of 200, and one county reported 400. Of all misdemeanants on probation, 76 percent were supervised in caseloads of over 100. For the country as a whole, the average caseload was estimated at 114 cases. Added to this workload is an estimated average of 85 presentence reports per officer annually.

Field researchers describe the probation process in high-caseload areas as one in which the client comes to the office once a month, sees his probation officer for a few minutes, and then departs. Probation here is a checking rather than counseling function, and even its checking aspect is so limited as to be of very little value. Other surveys of probation services have concluded that, as a result of inadequate staffing, individuals are jailed when they should be placed on probation, and those who are placed on probation often fail because of inadequate supervision.[5]

In the National Survey, 62 percent of the sample counties reported no unusual rehabilitative programs for misdemeanants in operation by probation departments. Given the high workload and limited financial support, this lack of program development is not surprising.

Legal restrictions on the use of probation at the misdemeanant level exist only in nine States. In two States and Puerto Rico, misdemeanants are specifically not eligible for probation. In another State, a variety of qualifications must be met, such as no prior felony convictions or imprisonment within the last 5 years. Two States prohibit probation for particular misdemeanant offenses.

Table 7.—Distribution of Misdemeanant Probationers, 1965, by Size of Caseload in Which Supervised

Caseload size	Percentage supervised	Caseload size	Percentage supervised
Under 40	0.7	71–80	2.4
41–50	.2	81–90	1.4
51–60	4.2	91–100	10.9
61–70	3.9	Over 100	76.3

SOURCE: National Survey of Corrections.

Parole for Misdemeanants. The use of parole for misdemeanants is extremely limited. As indicated in chapter 6, the National Survey found a very small number of misdemeanants on parole in 1965. Short sentences undoubtedly contribute to this low rate of parole. However, more significant is the fact that, in a number of jurisdictions, parole for misdemeanants is not even provided by law. Further, many of those States which have statutory provisions for the parole of misdemeanants have very inadequately staffed programs and parole boards often include local law enforcement officials as ex-officio board members, a procedure rejected as poor practice in the parole of felons.

Considerable attention needs to be focused on the development of parole services for misdemeanants. As the next section will illustrate, such services are vital for effective misdemeanant programs of community reintegration.

IMPROVING MISDEMEANANT PROGRAMS

A commonly cited obstacle to the improvement of correctional programs for misdemeanants is the short period of the misdemeanant sentence. The average institutional stay before first release among the misdemeanant institutions covered by the National Survey (which excluded those handling only persons sentenced for less than 30 days) was slightly less than 8 weeks, as compared to 20.9 months for adult felons and 9.3 months for juveniles. While it is true that the majority of misdemeanant offenders are in custody only a short period of time, there are important differences within the group.

A Commission consultant's study of jail sentences in Los Angeles and San Joaquin Counties in California (table 8) showed that over one-third of all offenders and almost one-half of the misdemeanants in the more serious offense categories were serving sentences of more than 3 months. In terms of some traditional rehabilitative approaches, this time is still too short to do much, but the intensive methods used in some recent programs are geared to just such brief periods. The Highfields program, for example, is premised on the belief that the major correctional impact occurs early in treatment; it aims at rehabilitating offenders in 3 or 4 months. (See chapter 4.) Clearly, then, for a significant number of offenders, time is available for many sorts of rehabilitative programs.

Moreover, while short sentences may be a limitation in carrying out rehabilitation programs in many cases, misdemeanant corrections in other respects starts with several advantages. For one thing, institutions are generally small and located in or near the metropolitan areas they serve. As has been noted at various points in this report, such a location greatly facilitates work release and other programs that aid in reintegration of offenders.

Another advantage is the relatively small proportion of offenders who need maximum-security or even medium-security facilities. Community treatment and various partial release programs are much more acceptable to members of the public concerned with security in the case of minor misdemeanant offenders than in the case of most felons. Here again there is a distinct advantage for reintegrative approaches.

A third advantage of misdemeanant corrections is the fact that the criminal element in many minor offenses is so obviously overshadowed by various social problems that there is relatively great community receptivity to diversion of offenders to noncriminal treatment. This has been notably true of drunks, but it is also the case with a number of lesser welfare problems. In many such cases, the deterrent value of criminal sanctions is recognized as slight enough to permit their reservation for the exceptional case.

Even the short term of most misdemeanant sentencing can be turned to advantage, given more adequate resources and better-developed processes for referral to community treatment agencies outside the criminal justice system. A few weeks is quite sufficient in the bulk of cases for corrections to screen and diagnose offenders and start them on a course of intensive treatment. Referral to community programs upon release, with a transition period of parole supervision to assure that they are established, would permit the continuation of treatment under noncorrectional auspices.

While the prospect of such referral clearly presents many problems, it is not merely wishful thinking. The Boston project for treatment of alcoholic derelicts referred to below found that nearly all were amenable to undergoing treatment. Other groups would no doubt present greater problems; but with job training and referral services, counseling and other programs, and persistent staff followup, a significant proportion of offenders would probably stay with a referral program.

The greatest difficulty is that referral resources of the sort needed are virtually nonexistent. Nor is there the support for their development that there is in the case of such resources for juvenile offenders. Demonstration projects to create centers for misdemeanants analogous to the Youth Services Bureaus recommended by the Commission for juveniles would be one way to help call attention to the problems and potentials in the area. Such centers could be responsible for developing programs for persons diverted during or prior to prosecution, as well as some of those under probation and parole supervision and some released from correctional treatment.

PROGRAMS OF PROMISE

Effective rehabilitative programs require not only an increase in the use of community resources but significant changes in misdemeanant correctional programs as well. There are isolated instances around the country of programs that give some promise of what can be done in this regard.

The St. Paul, Minn., workhouse has in the last 8 years developed a broad range of work and educational programs, augmenting professional staff with volunteers. Programs include: an educational program, supported by a foundation grant under which 97 inmates have obtained high school diplomas; an institutional work program; and work release. Counseling and testing services are provided for men under 21 years of age by a grant from the

Table 8.—Jail Terms, Los Angeles and San Joaquin Counties, 1966, by Offense Categories

Offenses	1–15 days		16–30 days		1–3 months		3–6 months		6 months to 1 year		1 year		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Group A [1]	6	1.1	51	18.5	84	30.6	67	24.4	53	19.5	14	5.1	275	100.0
Group B [2]	40	3.7	356	33.4	369	34.6	229	21.5	60	5.6	13	1.2	1,067	100.0
Total	46	3.4	407	30.3	453	33.7	296	22.0	113	8.4	27	2.0	1,342	100.0

[1] Persons convicted of such crimes as assault, burglary, theft, stolen property, auto theft, fraud, embezzlement, weapons offenses.
[2] Persons convicted of such crimes as gambling, offenses against family, drunk driving, drunkenness, liquor laws, disorderly conduct, vandalism, vagrancy.

SOURCE: Special studies by a Commission consultant. See footnote 4 supra.

[5] Robert L. Smith, "Probation Study" (Sacramento: California Board of Corrections, Sept. 1965).

Office of Economic Opportunity. Only 7 percent of the selected offenders participating in the work-release program have been returned to the workhouse.

Westchester County, N.Y., has for some years had a program of basic education in its county penitentiary set up by the Westchester Citizens Committee of the National Council on Crime and Delinquency. A pilot program for women, staffed by 41 volunteers and offering courses in needlecraft, typing and shorthand, personal grooming, nursing, and arts and crafts, has recently been added.

Multnomah County (Portland), Oreg., has a special program in a satellite facility of the county jail. Prisoners serving more than 60 days may apply for transfer to this facility and are accepted only after case history review and psychological testing. The program includes work, counseling, tutoring by college student volunteers, corrective surgery, and dentistry. Work release has been added recently. The population includes all categories of misdemeanants, among them skid row alcoholics and persons with felony sentences.

San Diego, Calif., has established five honor camps to which prisoners sentenced to the county jail can be transferred. One camp accepts only younger prisoners and has a specially trained staff selected for its ability to train and counsel these offenders. The honor camps combine work programs with individual and group counseling. Recently they have been supplemented, through a grant from the National Institute of Mental Health, with a halfway house which serves as a base for work release.

Twenty-four States have statutes authorizing work release for misdemeanants, though in most States there is little if any implementation of them.[6] Wisconsin, California, Minnesota, and North Carolina, however, have well-established work-release programs. Wisconsin has increased the use of work release from 35 percent of misdemeanants in 1956 to 48 percent in 1964.[7] The Minnesota Corrections Departments made a statewide evaluation of 1,700 misdemeanants whose work-release sentences terminated in 1965. Only 9 percent of the releasees failed to serve their sentences to a successful conclusion. After release, 74 percent retained their jobs.[8]

The largest number of innovative programs for misdemeanants cited during the National Survey are those dealing with alcoholics. St. Louis and Boston have programs, described in chapter 9 of the Commission's General Report, which handle alcoholics entirely outside the criminal justice system with short-term civil detoxification centers and aftercare treatment. The Denver Municipal Court conducts an "honor court" program of group therapy for offenders with drinking problems, manned entirely by the chief judge and members of his administrative staff. A large alcoholism treatment unit in a city hospital provides inpatient and outpatient care for referrals. In Atlanta, the probation department has been using Antabuse in connection with a halfway house program. The experiment is being evaluated by a local university.

New York City has a hostel program for men without funds who need short-term residential care. A group home in Denver, established for skid row inhabitants, is available for probationers as well. Such programs supplement the efforts of the Salvation Army, Volunteers of America, and many other groups who provide care for those often subject to arrest for vagrancy.

A number of probation departments are experimenting with the use of halfway houses for misdemeanant offenders in both urban and rural settings. A variety of private agencies, such as churches, voluntary agencies, American Legion posts, and Alcoholics Anonymous, help with funding or staffing of some of these facilities.

USE OF FINES AND SUSPENDED SENTENCES

In many lower courts, fines are routinely imposed on misdemeanants and petty offenders, and those unable to pay are routinely put in jail. A recent study of the Philadelphia County jail, for example, showed that 60 percent of the inmates had been committed for default in payment of fines. In 1960 there were over 26,000 prisoners in New York City jails who had been imprisoned for such default.[9] In many jurisdictions, imprisonment for default is based on a ratio of as much as a day for each dollar owed. This kind of alternative sentence is inherently discriminatory, and the report of the task force on courts recommends its abolition.

On the other hand, it is undesirable to remove all penalties from those unable to pay. Legislation permitting more flexible methods of collecting fines, by installments or within a specified period, is one alternative; the Model Penal Code takes this approach and also provides a method for civil collection of unpaid fines. It might also be desirable to institute programs permitting offenders to work off fines without imprisonment, through work on public projects at a reasonable rate, if necessary in the evenings or over weekends. Indeed, for some offenders such a program might be a more effective sanction than the payment of money.

And finally, attempts should be made to set fines with more regard to an individual's ability to pay than is now usually done. This means not only decreasing amounts in appropriate instances but also authorizing sufficiently stiff fines to deter offenders who consider fines simply a "cost of doing business."

The revocation of licenses and loss of other privileges bearing a reasonable relation to the offense committed have been found in many instances to be far more effective sanctions than fines. Rehabilitation is not an issue in a significant number of misdemeanant cases, and a broader and more flexible range of deterrents is needed.

PRESENTENCE INVESTIGATION AND CLASSIFICATION

No doubt one reason for the undiscriminating approach of much of misdemeanant corrections is the general unavailability of presentence reports or intake classification procedures. (See chapter 2.) This is a particular handicap to wider use of probation or suspended sentences. Without sufficient information about offenders, judges are often understandably reluctant to consider these alternatives to jail. Lack of screening and classification also inhibits development of more feasible fine systems and a wider range of dispositional alternatives.

There is great variation in the use of presentence investigations by the court. In a sample of 75 counties where full data were available on sentencing investigations, the National Survey found that a presentence report was provided on only 19 percent of the cases sentenced to jail or placed on probation. In the Denver, Baltimore, and Detroit courts which were studied by Commission field staff, use of investigations varied from none to approximately 2 percent of the misdemeanants who were sentenced. In Detroit, a rapid screening was carried out by two probation officers to give the judge at least a modicum of information on which to pass sentence on the mass of cases passing before him.

As a rule, presentence studies are provided only for those sentenced to jail or given probation. If these figures are viewed as a percentage of the total of all misdemeanants sentenced, the proportion of those who receive presentence investigations becomes extremely low. In those jurisdictions where a probation service is provided to the court, probation officers are apt to be burdened with excessive caseloads. Presentence reports prepared under such circumstances lack sufficient information to give the court an adequate basis for decision.

Undoubtedly other information is available to the court from the police and prosecutor's office on the nature of the offense and prior record. However, in terms of the rehabilitative problems and potential presented by the misdemeanant, the court is forced to operate in relative ignorance. Also, by virtue of the volume of cases to be processed, very little time is available to a judge in which to study a presentence report.

Every jurisdiction also needs access to a reception program through which newly sentenced misdemeanant offenders who are destined for rehabilitative treatment can be routed for evaluation and assignment to an appropriate correctional facility. At such a center could be concentrated clinical and other resources needed for diagnostic efforts. These could be available to provide services to courts and prosecutors in their decisionmaking, as well as to correctional officials.

ORGANIZATIONAL AND ADMINISTRATIVE NEEDS

Misdemeanant corrections developed as a locally administered system because the misdemeanants' less serious offenses and shorter sentences usually made the greater security of most State prisons unnecessary and transfer to distant facilities inconvenient.[10] City and county facilities were generally run by law enforcement personnel, since they were in any case responsible for locking up suspects pending trial and were often the only likely officials around to do the job of running a security institution.

The organization and management of jails remains today almost exclusively a local concern. The National Survey estimated the number and distribution of jail facilities by level of government as shown in Table 9.

Table 9.—Estimated Distribution of Jails and Other Local Correctional Institutions, by Level of Government, 1965

	Number	Percent
City institutions	762	22.0
County institutions	2,547	73.3
City-county institutions	149	4.3
Other	15	.4
Total	3,473	100.0

SOURCE: National Survey of Corrections.

Although the distribution shows that jails are overwhelmingly a county or county-city function, there are some exceptions. In Alaska, jails are administered by the Youth and Adult Authority; in Connecticut, by the State Jail Administration; and in Rhode Island, by the Department of Social Welfare.

Most jails continue to be operated by law enforcement officials. The basic police mission of apprehending offenders usually leaves little time, commitment, or expertise for the development of rehabilitative programs, although notable exceptions demonstrate that jails can indeed be settings for correctional treatment. Many law enforcement officials, particularly those administering large and professionalized forces, have advocated transfer of jails to correctional control.

The most compelling reason for making this change is the opportunity it offers to integrate the jails with the total corrections network, to upgrade them, and to use them in close coordination with both institutional and community-based correctional services. As long as jails are operated by law enforcement officials, no matter how enlightened, it will be more difficult to transform them into correctional centers. As a major step toward reform, jails should be placed under the control of correctional authorities who are able to develop the needed program services. The trend should be away from the isolated jail and toward an integrated but diversified system of correctional facilities.

There is particular need for this in the case of that class of more serious offenders whose personal and property crimes are similar to felonies and who in general need similar correctional treatment. The removal of these offenders to State facilities need not depend upon the complete integration of misdemeanant corrections into State systems. Some States now empower sentencing judges to commit certain classes of misdemeanants to State correctional facilities. In other cases this might be done through a contractual process discussed with respect to State-Federal prisoner exchange in chapter 10. Whatever the method, the transfer of such offenders should permit local institutions to take advantage of their proximity to the community through orienting future construction and program development around the model of the community-based treatment center discussed in

[6] Stanley E. Grupp, "Work Release and the Misdemeanant," Federal Probation, 9:7 (June 1965).

[7] Wisconsin Department of Public Welfare, Division of Corrections, "Wisconsin Huber Law—Day Parole and Employment of County Jail Inmates, 1964" (Madison, Wis.: The Department, 1964), table 1.

[8] James F. Hulburt and Nathan G. Mandel, "Work Release in Minnesota" (St. Paul, Minn.: Minnesota Department of Correction, 1966), p. 2.

[9] Sol Rubin, "The Law of Criminal Correction" (St. Paul, Minn.: West Publishing Company, 1963), p. 253.

[10] In fact, in many jurisdictions the distinction is not clear. The National Survey found in 1965 that about 22 percent of the prisoners in State institutions were misdemeanants, and in some jurisdictions felons with short sentences are confined in local jails.

chapter 1, without the need for the present great concern about maintenance of security.

Bringing jails and other local misdemeanant institutions under the administrative control of correctional agencies is one of the most badly needed basic changes in the field. However, these programs need not in all cases be directly operated by State correctional agencies. In some instances, misdemeanant facilities might best be incorporated into a unified local corrections agency. In large metropolitan centers, for example, parole, probation, and misdemeanant institutions might be administered by a single department of corrections and coordinated with a State program. In other areas, reorganization of misdemeanant corrections on a State basis may be the best solution.

There are a number of intermediate steps that can be taken where full integration is not feasible. One of these is the setting of State standards accompanied by financial assistance in meeting them.

Only about 40 percent of the States now set any standards for the operations of local institutions or jails, and these focus almost exclusively on construction and health standards. Personnel, salaries, and programs are rarely considered. Inspection by State authorities occurs in 19 States, but only 6 States provide any subsidization of needed improvements. Thus the impact of these inspections, in terms of capacity to enforce the State standards, is limited. Sixteen States offer consultative services for the operation of jails, and 12 collect statistics on jail prisoners and programs. The quality of these services could be also greatly improved.

Nine of the 20 States where probation is organized on a local level set standards for personnel and salaries. Two other States set caseload standards. One State provides a subsidy to local departments, and two States subsidize local misdemeanant probation services through grants-in-aid. In New York State a 50 percent reimbursement is made to county probation departments for operating expenditures, thus enabling the State to set standards for education and compensation of staff and for administration and record-keeping. The National Survey found that this subsidy promoted better-qualified staff, more adequate salaries, lower staff turnover, and smaller caseloads. Standards for investigation, supervision, and intake and staffing patterns are scheduled to go into effect by 1968.

Regionalization of misdemeanant corrections is another important approach to improvement. Most rural counties cannot afford the personnel, facilities, and services a good short-term institution should have. Possibly under State control or with State assistance, many "satellite" camps or institutions could be established to which inmates could be sent. Small jurisdictions should arrange to contract with nearby metropolitan areas for all the needs they cannot meet effectively themselves. In some cases this is already being done where States have condemned local jails.

Unless such steps are taken with State financial assistance, it will be nearly impossible for misdemeanant institutions to absorb future increases in the number of inmates projected, as shown in table 10, on the basis of present trends in offenses and court dispositions. The age and conditions of many existing facilities is such that their replacement will be needed within the next few years. The National Survey revealed in 1965 that over one-third of the Nation's jails had been built more than 50 years ago and another third between 25 and 50 years ago.

The Survey also reported plans for adding about 47,000 new beds to current capacity, an overall increase of nearly 25 percent. Capital outlay for planned construction through the year 1975 is expected to be in the neighborhood of $471 million. However, in view of the age of current institutions, most of the facilities being planned will serve merely to replace obsolete ones. Hence, it is unlikely that by 1975 there will be sufficient bed space for the number of prisoners projected for that year, as shown in table 10. Institutions that are now overcrowded will be even more so, unless there is a reversal of present trends.

Table 10.—Population of Jails and Other Local Correctional Institutions, Number of Commitments, and Operating Expenditures, 1965, and Projections for 1975

	1965	1975
Average daily population	141,303	178,000
Number of commitments for sentence during the year	1,016,748	1,281,000
Operating expenditures	$147,794,214	$186,221,000

SOURCE: National Survey of Corrections and Commission's Task Force on Science and Technology.

PERSONNEL NEEDS

The wide variety of needs and potentials on the part of misdemeanant offenders makes it difficult to state how many additional staff members of what sort are needed. Obviously ratios such as 1:846 for institutional caseworkers are grossly inadequate; many times the present number of probation and parole officers could be used to good effect.

Poor pay and inadequate training are characteristic of staff in misdemeanant corrections even more than those in other systems. Salary levels, as indicated by the example of probation staff set forth in table 11, are clearly in many cases too low to attract competent people. Full-scale

Table 11.—Beginning Salary Schedules for Misdemeanant Probation Staff, 250 Counties, 1965

Position	Range	Median
Chief probation officers	$2,400 to $18,300	$8,000
Staff supervisors	$2,400 to $13,000	$7,000
Probation officers	$2,400 to $9,000	$5,000

SOURCE: National Survey of Corrections.

CONTINUED

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training programs exist in only a few of the larger jurisdictions.

In over half of the counties there is no educational requirement for custodial officers or administrators. In the rest, a high school education is the minimum educational requirement. For counselors, 41 percent of the counties require a high school diploma and 50 percent a college degree. The remaining counties have no education requirements for counselors. Inservice training is not provided in 62 percent of the facilities.

Chapter 9 explores in greater depth solutions to the personnel needs of corrections as a whole. Of these possibilities, the need to increase institution caseworkers and probation officers and the training of custodial personnel for rehabilitative functions would seem to be of particular relevance to misdemeanant systems.

The Legal Status of Convicted Persons

A variety of rights and privileges are traditionally lost upon conviction of a crime. While before conviction the Government must justify every assertion of authority, after conviction such assertions stand on a different footing. An offender threatened with discipline for misconduct is not provided with the elaborate procedural protections which surround the defendant in a criminal trial. And virtually all of an offender's activities may be subject to regulation by correctional officials, particularly in institutions. He has no absolute right to see friends or relatives or to do any of a multitude of things that the rest of society takes for granted. Moreover, a criminal conviction ordinarily affects the offender's legal status not only during the period of his sentence but for the rest of his life. A felony conviction commonly results, for example, in permanent loss of the right to vote and ineligibility for certain professions and businesses.

A substantial portion of our population is affected by the law in this area. Approximately 1.3 million people are at any one time subject to correctional authority; untold millions have criminal records. There is increasing doubt as to the propriety of treating this large group of persons as, in varying degrees, outcasts from society. And there is increasing recognition that such treatment is not in the ultimate interests of society. Denying offenders any chance to challenge arbitrary assertions of power by correctional officials, and barring them from legitimate opportunities such as employment, are inconsistent with the correctional goal of rehabilitation, which emphasizes the need to instill respect for and willingness to cooperate with society and to help the offender assume the role of a normal citizen.

This chapter does not discuss problems regarding the rights of juvenile offenders as distinguished from adult offenders. While much of what is said in this chapter is, in principle, applicable to the juvenile area, there are significant differences in the two legal systems as they operate today. The juvenile correctional system is, for example, simpler: There is no legislation comparable to the elaborate sentencing, good time and parole eligibility provisions in the adult area. And juvenile records do not result in nearly so many disabilities and disqualifications as do criminal convictions.

LEGAL NORMS AND THE CORRECTIONAL SYSTEM

Correctional officials have always had enormous power over the lives of imprisoned offenders. But as noted in chapter 1, the present range of discretion following conviction is to a great extent the result of developments in penology which emphasize differential treatment and rehabilitation. Formerly conviction of crime led quite automatically to a set penalty. But emphasis on the individual offender and his potential for rehabilitation produced sentencing legislation which allowed judges and correctional authorities to take into account individual characteristics in determining sentence. The new penology has led also to the development of a whole variety of correctional programs. Instead of a simple choice between freedom and imprisonment, sentencing judges and correctional decision-makers in a number of jurisdictions are now faced with a large range of possibilities—maximum versus minimum security institutions, a variety of rehabilitative programs, work-release furloughs, probation and parole, to name but a few. In addition, decisions as to both length of imprisonment and kind of correctional treatment have increasingly been relegated to correctional authorities. They are thought to be more qualified than the sentencing judge to make judgments about how to treat individual offenders, because of their training and experience and because they are in a position to observe offenders following conviction.

Sentencing, the major correctional decision, is itself generally in need of reforms to regularize it and minimize the chance for unfairness. Chapter 5 of the General Report and chapter 2 of the Task Force report on courts discuss various methods of guiding and controlling sentencing discretion—improved legislative guidelines, appellate review, and sentencing councils.

There is a similar need to develop means for guiding and controlling the numerous important decisions which must be made following the imposition of sentence: decisions by correctional authorities regarding the treatment of offenders during imprisonment, the date and conditions of release from imprisonment, and the revocation of parole; and decisions by judges regarding the revocation of probation or a suspended sentence.[1]

Legislation ordinarily provides little guidance for these correctional decisions. Correctional administrators have been slow to develop policies and procedures to guide correctional officials and protect the rights of offenders. And trial and appellate courts have been reluctant to review either the merits of such decisions or the procedures by which they are made.

Yet it is inconsistent with our whole system of government to grant such uncontrolled power to any officials, particularly over the lives of persons. The fact that a person has been convicted of a crime should not mean that he has forfeited all rights to demand that he be fairly treated by officials.

> A first tenet of our governmental, religious, and ethical tradition is the intrinsic worth of every individual no matter how degenerate. It is a radical departure from that tradition to accept for a defined class of persons, even criminals, a regime in which their right to liberty is determined by officials wholly unaccountable in the exercise of their power and through processes which deprive them of an opportunity to be heard on the matters of fact and policy which are relevant to the decisions made.[2]

There are increasing signs that the courts are ready to abandon their traditional hands-off attitude. They have so far been particularly concerned with the procedures by which parole and probation are revoked. But recent cases suggest that the whole correctional area will be increasingly subject to judicial supervision. The real question is what form this supervision will take. There is some danger that in the absence of legislative and administrative action, the courts will impose inflexible and unrealistic requirements on corrections. Chapter 2 of the Task Force volume on the police discusses the need for and advantages of administrative policymaking in a comparable area—that of police practices. It is important that correctional administrators, who are most knowledgeable about the problems involved, develop policies and procedures which will accommodate the needs of the system as well as the interests of convicted offenders. The more adequate such internal controls are, the less it will be necessary for courts to intervene to define necessary procedures or to review the merits of correctional decisions. This need has been recognized by many in the correctional field and in a number of jurisdictions substantial progress has been made.

But there continues to be strong resistance to the introduction of increased legal controls in the correctional area. Legal controls are often said to be inappropriate because the decisions to be made in this area are professional and diagnostic in character. But expert judgments in the field of corrections are no less fallible than judgments by labor boards or other administrative agencies. There is some concern that introduction of increased legal controls will unduly limit flexibility and experimentation. It has for example been argued that correctional authorities will be more reluctant to release an offender on parole if they know that he cannot be returned to the institution without some kind of inquiry into the justification for his return. But there is no evidence that this has happened in jurisdictions which have expanded the safeguards surrounding parole revocation. And, while these may be valid arguments against infusion of the full requirements of judicial due process into the correctional system, they do not justify complete exemption of the system from legal norms.

> * * * [T]he common demand twenty-five years ago for freedom of the administrator to get on with his job free of the harassment of legal imperatives is the same demand made today by those who administer the new penology. A beginning in the correctional area awaits a general recognition that the correctional agency is not sui generis, but another administrative agency which requires its own administrative law if it is to make its maximum contributions harmoniously with the values of the general social order in which it functions.[3]

There is some danger that if prisoners are conceded certain legal rights they will devote their energies to fighting legal battles, rather than accepting the correctional regimen and devoting themselves to more productive activities, and that, therefore, rehabilitation will be impeded. But the fact that rehabilitation may be one aim of correctional treatment does not remove the need for legal controls. Justice Brandeis warned that "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent."[4] There is increasing recognition today of the need for legal controls in mental commitments and juvenile court proceedings,[5] despite the fact that the government's primary purpose in such proceedings is assumed to be benevolent.

In any event, it is clear that the purposes of correctional treatment are not limited to rehabilitation. Correctional decision-makers are, for example, concerned with maintaining orderly institutions, restraining dangerous offenders, and, at times, issues of deterrence. Moreover, a system which recognizes that offenders have certain rights is not inconsistent with the goal of rehabilitation. A person who receives what he considers unfair treatment from correctional authorities is likely to become a difficult subject for reformation. And the "collaborative regime" advocated in this volume is one which seeks to maximize the participation of the offender in decisions which concern him, one which seeks to encourage self-respect and independence in preparing offenders for life in the community. It is inconsistent with these goals to treat offenders as if they have no rights, and are subject to the absolute authority of correctional officials.

Some correctional authorities believe that legal controls will make it difficult to maintain security within institutions and to protect the community against dangerous offenders. There is concern, for example, that expanding offenders' rights upon parole revocation will prevent parole boards from removing from the community offenders they consider dangerous but against whom they have no proof of parole violation. The same problem arises throughout the criminal justice system—legal safeguards such as counsel at trial make it more difficult to convict the guilty as well as the innocent. A balance

[1] See generally Cohen, "Legal Norms in Corrections" (paper prepared for the President's Commission on Law Enforcement and Administration of Justice). Much of the material in this chapter is drawn from this paper.

[2] Kadish, "Legal Norm and Discretion in the Police and Sentencing Processes," 75 Harv. L. Rev. 904, 923 (1962).

[3] *Id* at 930-931.

[4] *Olmstead* v. *United States*, 277 U.S. 438, 479 (1928) (dissenting opinion).

[5] See the discussion of the juvenile justice system in chapter 3 of the Commission's General Report.

must be struck in the correctional area as elsewhere between protection of the community and fairness towards the individual accused.

An obvious danger in conceding some legal rights to convicted offenders is that courts, as well as correctional authorities, will be flooded with frivolous claims by prisoners who have little better to do with their time. This is no doubt a major reason why courts have for so long treated claims regarding correctional treatment as beyond their jurisdiction. But with respect to similar problems raised by the availability of habeas corpus to challenge the validity of conviction, chapter 4 of the Administration of Justice Task Force volume points out that there are ways of discouraging frivolous claims, or at least disposing of them quickly, which do not silence offenders with legitimate claims. For example, provision for legal assistance in prisons, discussed in more detail below, would help courts to distinguish between frivolous cases and cases deserving serious consideration. Fuller administrative review would dispose of many cases. The standard of judicial review in most matters would be such as to avoid detailed inquiries or concern for minor grievances.

It is not easy, however, to determine what legal rights offenders should have. The fact of conviction justifies treating the offender, at least for the period of his sentence, differently from the average citizen. The deprivation of a certain measure of rights seems a necessary concommitant, and perhaps a desirable instrument, of correctional treatment. Correctional officials must be able to make some decisions quickly. And there are serious practical problems with introducing too many legal controls into the correctional process. Their cost in money and in the time of already overburdened defense counsel and correctional personnel would be great. Given scarce resources throughout the criminal justice system, it is obvious that some priorities must be established.

What is needed is to provide offenders under correctional authority certain protections against arbitrary action, not to create for all correctional decisionmaking a mirror image of trial procedures. What sorts of protections are proper will depend upon the importance of the decision. For some kinds of decisions, such as decisions to revoke probation or parole, offenders should be accorded the basic elements of due process, such as notice, representation by counsel, and opportunity to present evidence and to confront and cross-examine opposing witnesses. For other less important decisions it might be enough simply to allow offenders a decent opportunity to hear the basis of an official's proposed decision and to present any relevant opposing facts and arguments.

For certain decisions, providing offenders with legal assistance might be appropriate. But for many decisions, representation by a member of the correctional staff or a nonlawyer might be adequate. Hearings and representation are one way to ensure careful decision-making. But for many decisions it may be enough simply to provide for detailed administrative review.

It is too early to attempt to define absolute standards in this area but it is of utmost importance that a beginning be made in considering and experimenting with a variety of methods of safeguarding the rights of offenders.

IMPRISONMENT

Enormous discretion is left to correctional administrators to define the conditions of imprisonment. They determine the way in which the offender will live for the term of imprisonment; how he is fed and clothed; whether he sleeps in a cell or a dormitory; whether he spends his days locked up or in relative freedom; what opportunity he has for work, education, or recreation. They regulate his access to the outside world by defining mailing and visiting privileges. They define rules of conduct and the penalties for violation of such rules. And, increasingly, they make classification decisions—assigning different prisoners to different kinds of correctional programs. This may involve decisions to place prisoners in different institutions or to grant certain prisoners relative freedom in the community, as for example on educational or work-release programs.

Traditionally, few external controls have been imposed on correctional decisions in this area. Present legislation may set certain outside limits. It may, for example, prohibit corporal punishment and define the sorts of institutions and programs to which prisoners can be assigned. But it does not generally provide guidelines for the exercise of the vast discretion which remains, or indicate the procedures by which important decisions should be made. And courts have traditionally denied prisoners' claims on the ground that questions involving treatment during imprisonment are beyond their jurisdiction to consider.

But in recent years courts have been much more ready to intervene.[6] They have been more willing to consider on the merits claims that prison authorities have denied prisoners decent medical care, or have imposed cruel and unusual punishment, or have violated prisoners' First Amendment rights. In addition courts have taken steps to ensure that prisoners have some means of enforcing their legal rights. Thus the writ of habeas corpus has been made increasingly available to those with legitimate grievances against correctional treatment. And the Supreme Court recently broke with tradition to hold that federal prisoners could sue under the Federal Tort Claims Act for injuries caused by the negligence of prison officials.[7]

Courts have also begun to show some concern with practical limits imposed by correctional authorities on prisoners' rights of access to the courts. It has been held that prisoners cannot be disciplined for filing suit against prison officials [8] or for making allegedly false statements in court petitions before the merits of the petitions are decided by the courts.[9] Courts have been increasingly solicitous of prisoners' right of access to legal advice [10] and materials.[11]

But there are practical limits on the extent to which the courts alone can guarantee fair treatment during imprisonment. If, for example, a prisoner is denied the opportunity to prepare legal papers or to send papers to the court, he has no way to raise the problem of access in the court. One solution would be for defender organizations to establish prison legal aid programs. In the last few years such programs have been established at Leavenworth, Lewisburg, and a number of other prisons, by law schools and defender organizations, working in cooperation with correctional authorities. These can serve a number of important functions in addition to guaranteeing access to the courts. They can provide increased visibility for a system that has generally been too isolated, helping to mobilize public opinion and bring political pressure to bear where needed for reform. The mere presence of outsiders would serve to discourage illegal, unfair or inhumane practices. The potential dangers of leaving the correctional system entirely isolated from the outside world are illustrated by the recent investigation of conditions in the Arkansas prison system, which included widespread corruption and physical abuse. Such programs can, moreover, help indigent inmates with meritorious claims present those claims to correctional authorities as well as to courts, and could be instrumental in helping develop better protective procedures within corrections. There are of course dangers that lawyers will view their role in this area in an unduly narrow and restrictive fashion. Similar problems are raised in expanding the right to counsel in the juvenile justice system, and are discussed in some detail in the Task Force report on juvenile delinquency and youth crime. There is a need to train and educate criminal lawyers in skills other than those suited for trial litigation, and to expand traditional notions of the lawyer's role.

Many of the functions that would be served by introducing lawyers into the correctional process could also be served by non-lawyers. If, for example, a jurisdiction decided to establish some sort of ombudsman to deal generally with problems involving abuse by government officials, it would be appropriate for this official to assume some responsibility for safeguarding the rights of prisoners.

The legal controls needed will depend on the kinds of decisions being made and the importance of the matters at issue. Correctional authorities should, for example, remain free to make most treatment and management decisions without elaborate procedural formality. Decisions as to what employment or educational program a prisoner is assigned to would not ordinarily seem appropriate subjects for extended administrative process, let alone court contests. But some safeguards should be provided to ensure that such decisions are not made arbitrarily. And where such decisions have major impact upon the prisoner's freedom, and turn on adjudicable facts, the offender should be given an opportunity to present facts and arguments relevant to the decisions. Thus, a decision to transfer a prisoner from a halfway house to a high security institution or to expel him from a work-release program, on the grounds of alleged misconduct, should not be made without informing him of the misconduct of which he is accused and allowing him a reasonable opportunity to explain his side of the story.

Haircuts, clothing, personal belongings, reading matter and many minor details of daily routine are in some institutions the subject of official regulations. As chapter 5 indicates, these regulations may in many cases be unnecessary or unwise from a correctional standpoint. But it appears that such minor matters should ordinarily remain within the discretion of correctional authorities.

There has so far been little consideration of the procedures appropriate for different kinds of correctional decisions. Correctional administrators should assume responsibility for experimenting in this area, and developing procedures which will accommodate the interests both of prisoners and of the correctional system. Similarly, they should develop guidelines defining prisoners' rights with respect to such issues as access to legal materials, correspondence, visitors, religious practice, medical care, and disciplinary sanctions. Many correctional systems have taken important steps in this direction, but there is a long way to go.

Such action on the part of correctional administrators will enable the courts to act in a reviewing rather than a directly supervisory capacity. Where administrative procedures are adequate, courts are not likely to intervene in the merits of correctional decisions. And where well thought-out policies regarding prisoners' procedural and substantive rights have been established, courts are likely to defer to administrative expertise.

EARLY RELEASE AND CONDITIONAL FREEDOM

Probably the most important correctional decisions which are made subsequent to the judge's initial sentencing decision are those governing the release of imprisoned offenders and, conversely, the imprisonment of offenders previously granted conditional freedom.

Date of Release From Imprisonment. Ordinarily, broad power is vested in correctional authorities to determine the length of an offender's term of imprisonment. He generally becomes eligible for parole when some fraction of his maximum term is served—one-third or one-half—or at the end of the minimum, sometimes less good time. In some jurisdictions he may become eligible as soon as he begins to serve his term. In addition, "good time" laws generally provide for the reduction of an offender's term of imprisonment for good behavior.

Legislation usually provides for some type of hearing when parole eligibility is established, but does not further define the prisoner's rights. Parole boards tend to rely primarily on presentence and institutional reports, and parole investigations. They usually give prisoners what can best be described as an interview. Thus prisoners rarely are represented by counsel. No right to appointed counsel is generally recognized; and many parole boards refuse to allow representation by retained counsel either in preparation for the hearing or at the hearing itself.[12]

Claims that parole was wrongfully denied have been uniformly rejected by the courts. Even those courts that have insisted upon procedural safeguards on parole revocation, are reluctant to extend them to the parole granting decision. Courts are even more reluctant to review the merits of such decisions.

The usual answer to all claims regarding release on

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[6] See generally Barkin, "The Emergence of Correctional Law and the Awareness of the Rights of the Convicted," 45 Neb. L. Rev. 669 (1966); Note, "Constitutional Rights of Prisoners: The Developing Law," 110 U. Pa. L. Rev. 985 (1962); Note, "Beyond the Ken of the Courts: A Critique of Judicial Refusal to Review the Complaints of Convicts," 72 Yale L.J. 506 (1963).

[7] *United States* v. *Muniz*, 374 U.S. 150 (1963).

[8] *Cleggett* v. *Pate*, 229 F. Supp. 818, 821–22 (N.D. Ill. 1964).

[9] In re Riddle, 22 Cal. Rptr. 472, 478, 372 P. 2d 304, 308-09 (1962).

[10] *Brabson* v. *Wilkins*, 45 Misc. 2d 286, 256 N.Y.S. 2d 693 (Sup. Ct. 1965) (involving correspondence with counsel); *Johnson* v. *Avery*, 252 F. Supp. 783 (M.D. Tenn. 1966) (appeal taken) (involving prison rule prohibiting one inmate from drafting legal pleadings for another).

[11] *Bailleaux* v. *Holmes*, 177 F. Supp. 361 (D. Ore. 1959), *rev'd sub nom. Hatfield* v. *Bailleaux*, 290 F. 2d 632 (9th Cir.), *cert. denied*, 368 U.S. 862 (1961).

[12] See Sklar, "Law and Practice in Probation and Parole Revocation Hearings," 55 J. Crim. L., C. & P.S. 175, 176, 177 (1964); Kadish, "The Advocate and the Expert—Counsel in the Peno-Correctional Process," 45 Minn. L. Rev. 803, 813–14 (1961).

parole is that parole, like probation, is "an act of grace and clemency," a matter of "privilege" not of "right"—terminology inherited from the era of executive clemency. Probation and parole were originally designed, like executive clemency, to ameliorate the harshness and rigidity of the early criminal law. But today judges and parole boards are expected to exercise their discretion to determine the proper sentence based upon the characteristics of the individual offender—the legal maximum is not considered the norm. Parole and probation should not be considered any more a matter of grace than any sentence which is less than the maximum provided for by statute.

Parole legislation involves essentially a delegation of sentencing power to the parole board. The parole decision involves many of the same kinds of factors that are involved in the original sentencing decision. An offender who is eligible for parole [13] should therefore be provided with safeguards similar to those recommended by the Commission for the defendant who is being sentenced. He should, for example, have an opportunity to present to the board facts and arguments regarding his behavior during imprisonment and his readiness to return to the community, as well as an opportunity to challenge any opposing position taken by correctional authorities.

And there seems no legitimate reason for limiting representation by retained counsel at parole hearings.[14] The role that counsel can play in presenting relevant facts and in preparing plans for release into the community has been recognized at sentencing hearings. Counsel could serve essentially similar functions in parole hearings. Providing indigent offenders with free legal representation would, however, involve a significant additional burden on available legal resources. By contrast, representation at the original sentencing hearing adds only slightly to the obligations of a lawyer who has represented a defendant throughout the trial. The establishment of legal aid services in prisons, discussed above, and enlisting of the help of nonlawyers, might provide an answer.

It will often be of great importance to the offender being considered for parole that he have access to the data on which the parole board will base its decision. The issues involved are directly analogous to those involved in determining the defendant's right to disclosure of the presentence report, and rules similar to those advocated by the Commission in that area should govern. In the absence of compelling reasons for nondisclosure of specific information, the defendant and his lawyer should be permitted access to all such information.[15]

Some record of the proceedings and the reasons for the board's decision should be made so that, where a denial of parole is challenged in court, meaningful review is possible. Courts would presumably be concerned primarily with the adequacy of parole board procedures; experience with appellate review of sentencing decisions indicates that even if courts assumed the power to review parole decisions on the merits, reversals on the ground of an abuse of discretion would be rare.

Decisions regarding the withholding or forfeiture of good time credit generally differ from the parole decision in that they turn solely on the offender's behavior during his period of imprisonment: Good behavior entitles him to early release regardless of anyone's judgment as to his potential for living a law-abiding life in the community. He should therefore have an opportunity to challenge charges of misconduct. Where such charges may lead to a substantial loss of good time and a resultant increase in the actual length of imprisonment,[16] the prisoner should be given reasonable notice of the charges, full opportunity to present evidence and to confront and cross-examine opposing witnesses, and the right to representation by counsel.

Parole Conditions. When offenders are released on parole, parole boards have the power to define the conditions of their release. As described in chapter 6, numerous restrictions on liberty may be imposed: The offender may, for example, be required to meet with his officer at regular intervals, pursue some program of treatment, avoid certain companions, obtain permission before marrying, or make restitution to a victim.

Legislation gives almost no guidance to the sorts of conditions which should be imposed on parole, and correctional authorities again have done little to work out guidelines in this area. The traditional judicial answer to almost all claims that conditions placed on liberty are illegal has been that the alternative of imprisonment was more onerous and therefore the offender has no legitimate complaint; ordinarily this is joined with the argument that the offender was free to choose imprisonment, but instead consented to the imposition of the conditions.

But if parole is the appropriate disposition the fact that the conditions may be less onerous than imprisonment is irrelevant in determining whether those conditions are proper. Some conditions may be too burdensome or too unrelated to the rehabilitation of the offender or the protection of the community to be justified in the particular case. Conditions may violate other important values of our system without serving any necessary correctional purpose. They may, for example, interfere with freedoms of speech, press and religion, protected by the First Amendment. And conditions may be so vague that the parolee is not adequately warned of the kind of conduct which will justify revocation.

Courts are beginning to assume some responsibility in this area by striking down conditions that are too vague and indefinite, and insisting that rules be reasonable and not against public policy. It is essential that parole boards act to develop adequate policies. They should, for example, as recommended in chapter 6, make sure that conditions are simple and clear, that they are put in writing, and that they are understood by the offender.

Revocation. Judicial concern for fair procedure in the correctional process has focused primarily upon revocation of probation (or a suspended sentence) and parole. A survey of the reported decisions reveals that there are about as many cases dealing with some aspect of revocation as there are dealing with all other aspects of the correctional process. And there has been a marked increase

[13] Obviously the legislative scheme will determine such questions as when the offender has a right to a hearing and whether he has a right to more than one. The discussion here is focused on the typical situation in which, after serving a portion of his sentence, the offender becomes eligible for parole.

[14] The American Law Institute's Model Penal Code provides that the prisoner is entitled to the assistance of counsel in preparing for the parole hearing, but apparently the board need not permit counsel to appear at the hearing. An earlier draft expressly permitted counsel to appear at the hearing. Model Penal Code § 305.7, comments (Proposed Official Draft, 1962).

[15] The Commission's recommendation regarding the disclosure of presentence reports is discussed in chapter 5 of the General Report, pp. 144–145. The issues are discussed in more detail in chapter 2 of the Administration of Justice Task Force volume.

[16] The Bureau of Prisons' policy statement on the withholding, forfeiture, and restoration of good time (No. 7400.6, issued December 1, 1966), provides fairly elaborate procedures for the forfeiture of good time, but permits the withholding of good time creditable for the single month during which the violation occurs without such procedures.

in the last few years in the volume and variety of issues being presented for decision. Some courts, interpreting statutory guarantees of a revocation hearing, have held that the defendant has a right to be represented by retained counsel, to present evidence, and to hear and controvert the evidence against him. And as noted in chapter 1, the Supreme Court has recently accepted two cases involving the right to counsel on probation revocation.[17]

There is an enormous variety of legislation in this area, ranging from express authorization of revocation without a hearing to express guarantees of a hearing. In general legislation is vague and ambiguous in the extreme. Where hearings are required, statutes ordinarily do not elaborate on what the bare right to a hearing entails.[18]

In most jurisdictions offenders threatened with revocation are in fact provided with only minimal procedural safeguards. This is particularly true on parole revocation. About half the States grant hearings as a matter of grace rather than regarding them as an obligation of the parole board. Some States have no hearings at all. Generally, where hearings are held they occur sometime after a parolee's freedom has been terminated and he has been returned to prison for an alleged violation. Hearings are often perfunctory. Almost nowhere does the parolee have a right to appointed counsel. In many places he does not even have the right to be represented by retained counsel at the hearing. Indeed only half of the States responding to a recent survey indicated that the parolee could retain counsel if he chose. In a few jurisdictions the charges are not made known to the parolee until the actual hearing. Parole revocation hearings "are usually limited to an appearance by the parolee before the board at which time he may explain, admit, or deny the charges. Witnesses against the parolee rarely appear before the board, even if the facts are disputed by the parolee. Instead, the board relies on reports submitted by the parole authorities. The reports are generally kept confidential." [19]

Probation revocations are generally characterized by more procedural formalities, presumably because they are conducted by courts rather than parole boards.[20] The trial court has the power to order witnesses produced, and witnesses generally are produced if the facts are disputed by the probationer. But in some jurisdictions the probationer has no right to confront and cross-examine opposing witnesses or to present evidence. In most cases probation revocation is based on a prerevocation report, perhaps in conjunction with informal testimony by the probation officer. Only about one-third of the jurisdictions responding to a recent survey indicated that the report was made available to the probationer or his counsel on request. Although almost all jurisdictions permit probationers to be represented by retained counsel, only about half of the jurisdictions reporting to the survey indicated that the court would assign counsel for indigents.[21]

Claims to greater procedural safeguards are again met with the traditional grace argument. But even if it were conceded that the grant of conditional freedom was a matter of grace it does not follow that that freedom can be arbitrarily withdrawn. A related argument is that freedom was granted, and accepted, on the condition that it might be summarily revoked. But this simply avoids the essential question as to whether such a condition would be appropriate.

It is also argued that revocation of parole requires no elaborate procedural safeguards because the parolee "is legally in custody the same as the prisoner allowed the liberty of the prison yard, or of working on the prison farm. The realm in which he serves has been extended." [22] But, as discussed in the previous section, the fact that an offender is legally in custody does not mean that decisions to transfer him from, for example, a low security institution to a high security institution should be free from all procedural safeguards.

Moreover, there are vital differences between probation or parole and prison custody, including custody in a halfway house or prerelease guidance center. These differences justify requiring more elaborate procedural safeguards for revocation than for any transferrals during the term of imprisonment. In the first place the conditions of probation or parole seldom involve restrictions on freedom that are at all comparable to the restrictions imposed during a term of imprisonment. The trend is, of course, for the distinction to be less sharp. And in the future it may be usual to allow offenders relative freedom in the community before the end of their term of commitment, or to require as a condition of parole that an offender reside in an institution comparable to a halfway house. But in any event there is an enormous difference today in the degree of freedom accorded prisoners as against persons on probation or parole.

And there are differences beyond the actual restraints on liberty. The offender whose sentence is suspended, or who is placed on parole or probation, is given a guarantee by law that unless he violates certain defined conditions he will not be placed under more severe restrictions. Correctional authorities are not authorized to imprison him solely because they have reason to believe prison would be more appropriate correctional treatment; they can intervene only if he violates the conditions of his release. Prisoners who are assigned to some particularly desirable program or institution are given no such guarantee—they may be returned to regular custody if they are not adjusting, or if for some other reason it is considered appropriate. In addition, a probationer or parolee, or a person whose sentence is suspended, ordinarily has no right to credit for "street time," but upon revocation may be imprisoned for whatever part of his full sentence he has not served.[23] For these purposes he is not considered to be in custody. Revocation, therefore, may mean an increase in the total period during which he is subject to correctional authority. In a very practical sense, therefore, the decision is not comparable to, for example, a decision to transfer an offender from a low-security institution to a regular prison. Thus if an offender with 4 years of his original sentence remaining, serves 3 years in such an institution, he would have only 1 year to serve if transferred. If, however, he spent those 3 years on parole, he might have the full 4 years to serve upon revocation.

[17] *Memphis* v. *Rhay*, *Walking* v. *Rhay*, Nos. 424, 734, 1966 term.

[18] See Sklar, "Law and Practice in Probation and Parole Revocation Hearings," 55 J. Crim. L., C. & P.S. 175, 176–77 (1964).

[19] *Id* at 191–92.

[20] Offenders on suspended sentence are generally dealt with in the same manner as probationers where revocation is threatened. Their rights—like the probationer's—may turn on whether the imposition or the execution of sentence has been suspended. If sentence has not yet been imposed, they are ordinarily granted a fuller hearing.

[21] Sklar, *supra* note 18 at 193.

[22] *McCoy* v. *Harris*, 108 Utah 407, 410, 160 P. 2d 721, 722 (1945).

[23] Of course, where statutes do not give the offender a right to credit, it is often possible for the judge or the parole board to exercise their discretion to give credit. This is always true where the judge has suspended imposition of sentence.

The offender threatened with revocation should therefore be entitled to a hearing comparable to the nature and importance of the issue being decided. Where there is some dispute as to whether he violated the conditions of his release, the hearing should contain the basic elements of due process—those elements which are designed to ensure accurate factfinding. It may not be appropriate to require the heavy burden of proof required for criminal conviction, or to provide for jury trials. But the hearing should include such essential rights as reasonable notice of the charges, the right to present evidence and witnesses, the right to representation by counsel—including the right to appointed counsel[24]—and the right to confront and cross-examine opposing witnesses. Parole boards should have the power to issue subpoenas; and subpoenas should be issued by boards and courts upon a satisfactory showing of need.

Where the basic facts as to the alleged misconduct are undisputed, a decision must still be made regarding disposition. This, like the parole granting decision, ordinarily deserves the kinds of safeguards which the Commission recommends for the sentencing decision.

Of course, the procedures required might vary according to such questions as whether the offender receives credit for street time, or how long a term of imprisonment he is subject to upon revocation.

It is not possible at this time to establish definitely what rights offenders should have while they are under correctional authority. This is an essentially uncharted area—little consideration has been given to the issues involved. But this does not justify deferring action. Moreover, there is unprecedented opportunity in this area for experimentation and flexibility. Compared, for example, to the police, the correctional system is relatively free from restrictions imposed by constitutional provisions and court rulings. Legislatures and, especially, correctional administrators must begin now to explore the area—to define offenders' rights and to establish procedures which will protect those rights.

COLLATERAL CONSEQUENCES OF A CRIMINAL CONVICTION

Convicted persons are subjected to numerous disabilities and disqualifications quite apart from the sanction imposed in their sentence, and though their sentence may eventually be served, these may never be removed. The inhumanity and irrationality of much of the law in this area has received severe criticism from those who have considered it, but reform has been slow.[25]

Persons convicted of felonies and certain serious misdemeanors have traditionally lost a number of "civil rights"—rights possessed by most citizens, such as the right to vote and hold public office, to serve as a juror or testify in court. In addition a convicted person may be prohibited from participating in numerous activities regulated by the government for the protection of society. He may, for example, be barred from obtaining professional, occupational and business licenses and from certain kinds of employment.

Rights may be suspended for some period of time such as the period of imprisonment or of sentence, or they may be forfeited permanently. Most States have some procedure for the restoration of rights which have been forfeited. Generally restoration statutes have the effect of restoring only certain rights, namely the "civil rights," but they may also remove legal barriers to the restoration of licenses and such, enabling the respective regulating agencies to act as they see fit.

The loss and restoration of rights raise confusing jurisdictional problems. Each jurisdiction generally determines the extent to which convicted persons can exercise various rights and privileges in that jurisdiction, relying as it sees fit on convictions in other jurisdictions. One jurisdiction may remove disabilities and disqualifications resulting from convictions in other jurisdictions through its own procedures. It may on the other hand demand that the convicted person obtain a restoration certificate or pardon in the convicting jurisdiction.

The problem with much of present-day law in this area is not inherent in the concept of imposing various disabilities and disqualifications as consequences of a conviction of crime, but rather results from the misuse of that concept. Many deprivations during imprisonment can be justified on the grounds of administrative convenience or on the grounds that they are appropriate to punitive aims of imprisonment—thus rights to hold public office or to serve as a juror or to carry on one's business, may properly be considered incompatible with the purpose and nature of imprisonment. Further, it is clear that certain deprivations may be useful as independent sanctions for criminal behavior. Thus suspending or revoking a driver's license for a conviction involving dangerous driving might be a far more appropriate sanction than a fine or term of imprisonment. It is likely to be a highly effective deterrent. It protects society from the particular kind of danger this person poses, thus providing almost as effective incapacitation as imprisonment without its costs or harmful side effects.

But little of the present law in this area can be so justified. As a general matter it has simply not been rationally designed to accommodate the varied interests of society and the individual convicted person. There has been little effort to evaluate the whole system of disabilities and disqualifications that has grown up. Little consideration has been given to the need for particular deprivations in particular cases. It is quite common to provide for the blanket loss or suspension of "civil rights" or "civil liberties." And even where rights or privileges are dealt with specifically, it is common to provide that conviction of any felony, or any misdemeanor involving moral turpitude, justifies forfeiture. As a result, convicted persons are generally subjected to numerous disabilities and disqualifications which have little relation to the crime committed, the person committing it or, consequently, the protection of society. They are often harsh out of all proportion to the crime committed. And by cutting the offender off from society, including, perhaps, his chosen occupation, they may impede efforts at rehabilitation.

The law in this area is inordinately complex and confusing. The relevant statutes are hard to locate, even within one jurisdiction. Enacted for various reasons at various times, they are spread throughout the legislative code. Statutes providing for the blanket loss or suspension of civil rights produce great uncertainty as to exactly what rights are lost and for what period of time. Similarly, where provision is made for the restoration of rights, it is often unclear what rights are restored and what disabilities and disqualifications remain.

The legal situation, confusing even to the trained lawyer, is generally quite beyond the understanding of the convicted offender who ordinarily is not advised as to the disabilities and disqualifications accompanying his conviction, nor as to any procedures which may be available for their removal. Such complexity and confusion would seem to detract from whatever deterrent function disabilities might serve. Similarly, restoration procedures cannot accomplish their purpose if convicted offenders are unaware of their availability.

There is a general need to clarify legislation so that offenders are adequately informed of rights lost and of restoration procedures available. But it is of even more basic importance to reevaluate all disabilities and disqualifications to design a system more responsive to the various interests of society as a whole, including the interests of convicted persons themselves. To do this it is necessary to consider each right or privilege individually to determine whether its forfeiture would be appropriate as a deterrent or means of protecting society, and if so what particular crimes should call for forfeiture, and for what period of time. Where practical, cases should be considered individually to determine whether the various applicable disabilities and disqualifications are necessary and appropriate.

Section 306.1[1] of the American Law Institute's Model Penal Code is an example of legislation that would insure that careful consideration be given to the need for particular disqualifications and disabilities:

> No person shall suffer any legal disqualification or disability because of his conviction of a crime or his sentence on such conviction, unless the disqualification or disability involves the deprivation of a right or privilege which is:
> (a) necessarily incident to execution of the sentence of the Court; or
> (b) provided by the Constitution or the Code; or
> (c) provided by a statute other than the Code, when the conviction is of a crime defined by such statute; or
> (d) provided by the judgment, order or regulation of a court, agency or official exercising a jurisdiction conferred by law, or by the statute defining such jurisdiction, when the commission of the crime or the conviction or the sentence is reasonably related to the competency of the individual to exercise the right or privilege of which he is deprived.

To a large extent the law in this area represents an archaic holdover from the past. At common law, conviction of a felony generally meant death and forfeiture of property. In the United States early statutes provided for "civil death" where the sentence was for death or life imprisonment. Present laws regarding the loss of civil rights, inherited from this era, are simply not appropriate today, when the death penalty is nearly extinct and most offenders given life sentences are eventually released. Similarly, many laws suspending civil rights during sentence date from times when sentence for a period of years meant imprisonment for that full term; the result today is that persons released on probation or parole are subjected to deprivations appropriate only for prisoners. Efforts to improve the situation have generally been piecemeal—elaborate procedures are established to restore rights which should have been removed either not at all or only temporarily.

To give a brief description of the law in this area is difficult because there is such variation between different jurisdictions, and often complexity and confusion within particular jurisdictions.[26] Most of the rights and privileges in this area derive from the States, and it is primarily State statutes and constitutions which provide for their deprivation. Federal law provides for the loss of certain rights such as the right to sit on a Federal jury, the right to hold Federal offices, and to hold union offices. The State statutes which provide for the blanket loss or suspension of "civil rights" are variously interpreted to include rights to sue; to contract; to transfer, devise or inherit property; to vote; to hold public office; to testify; and to serve as a juror.[27] States may, in addition, provide specifically for the loss of other rights. Many States have no such blanket statutes; each deprivation is specified. A few States provide that no civil rights are lost.

State statutes generally do not refer to specific convictions. Ordinarily any felony results in forfeiture; sometimes any misdemeanor involving moral turpitude has the same effect.

Forfeiture of rights may depend on whether conviction results in imprisonment, probation or suspension of sentence—even on whether it was the imposition or the execution of sentence that was suspended. Rights may be merely suspended until discharge from the period of imprisonment or supervision, or until satisfaction of the sentence, or for some other period of time. (This may be termed "automatic restoration.") Often, however, they are forfeited permanently unless restoration is obtained through some formal procedure.

Without attempting to be all-inclusive it is worth discussing some of the more significant disabilities in some detail.

Voting. There may be some justification for suspending the right to vote during imprisonment, on the ground that prisoners as a class have an insufficient interest in the outcome of elections.[28] But there seems no justification for permanently depriving all convicted felons of the vote, as the laws in most States provide. The convicted

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[24] The Model Penal Code (Proposed Official Draft, 1962) is more solicitous of the probationer than the parolee. For example, on probation revocation the defendant has a right to be represented by counsel, while on parol revocation he is only allowed to advise with retained counsel. Compare § 301.4 with § 305.15.

[25] See generally Note, "Civil Disabilities of Felons," 53 Va. L. Rev. 403 (1967). This chapter discusses civil disabilities and disqualifications imposed through legislative, judicial or administrative action. Chapter 3 discusses limitations, both private and official, on offenders' ability to secure employment.

[26] See generally Federal Probation Officers Association, "A Compilation of State and Federal Statutes Relating to Civil Rights of Persons Convicted of Crime" (1960); Cozart, "Civil Rights and the Criminal Offender," 30 Fed. Prob. 3 (1966); Tappan, "The Legal Rights of Prisoners," 293 *Annals* 99 (1954); Note, "The Effect of State Statutes on the Civil Rights of Convicts," 47 Minn. L. Rev. 635 (1963); Comment, "The Rights of Prisoners While Incarcerated," 15 Buffalo L. Rev. 397 (1965).

[27] Under civil death statutes the life prisoner, in addition to the above disabilities, lost the right to hold property (it was distributed as if he were dead), his marriage might be automatically dissolved, and his children adopted without need for his consent. Such statutes are, happily, almost extinct today and are therefore not discussed here.

[28] The American Law Institute's Model Penal Code provides that "a person who is convicted of a crime shall be disqualified * * * from voting in a primary or election if and only so long as he is committed under a sentence of imprisonment * * *." Model Penal Code § 306.3 (Proposed Official Draft, 1962) [hereinafter cited as Model Penal Code].

person may have no strong personal interest in voting, but to be deprived of the right to representation in a democratic society is an important symbol. Moreover, rehabilitation might be furthered by encouraging convicted persons to participate in society by exercising the vote.

Holding Public Office and Positions of Private Trust. Many States deprive convicted felons permanently of the right to hold public office, presumably appointive as well as elective. In some States, provision is merely made for forfeiture of offices held at the time of conviction or suspension of the right to hold office during some period such as the term of imprisonment.

Although certain offenses are clearly related to fitness to hold such positions, it is rarely necessary to provide for automatic disqualification in order to protect society. Instead, where there is someone with authority to appoint or remove, or where the public has such authority through its power to elect, it seems generally preferable to rely on their judgment. The relevance of particular convictions or terms of imprisonment to fitness for the particular position can then be considered.[29] It may however, be necessary to provide for forfeiture of elective office and any appointive office for a term, since there may be no other feasible means of removing an unfit officer.[30]

Jury Service. Suspension of the privilege of serving as a juror may be necessary during imprisonment. But there seems little justification for the laws which exist in a number of States permanently disqualifying all convicted felons from serving as jurors.[31] Reliance should instead be placed primarily on the powers given both parties to challenge jurors, since they and the judge are in a position to consider the relevance of a particular case. The legislature might prescribe certain convictions as grounds for challenges for cause; the judge could allow other convictions to constitute such grounds according to their relevance to the case. In addition, it might be appropriate for the legislature to provide for disqualification in certain cases at least for some period of years.

Testimonial Capacity. The right to testify is commonly suspended during imprisonment. In a few States, persons convicted of perjury are permanently disqualified from being a witness. Such provisions often harm unnecessarily not only the convicted person but others interested in obtaining his testimony.

Certain limits on prisoners' ability to testify in court may be justified during imprisonment but provision should be made for prisoners to give testimony by deposition or in response to interrogatories; and where necessary in the interests of justice to appear in court.[32] No conviction should make a person incompetent to testify. Instead, any convictions particularly relevant to credibility should be admissible to impeach the witness, permitting the finder of fact to weigh the value of the testimony.

Property and Contract Rights; Right to Court Process. In a few States, convicted felons may lose or have suspended during imprisonment, rights to contract and to take or transfer property. Similarly, the rights to sue civilly may be lost or suspended during imprisonment.

Since such rights may be essential in order to live a normal life in the community, it is inconsistent with the correctional goal of rehabilitation to impose such restrictions on any persons not actually imprisoned. Moreover, while certain limitations on these rights may be necessary incidents of imprisonment, absolute suspension during imprisonment is inappropriate. Thus it may be proper to restrict prisoners' rights to conduct personal business from within prison or to appear in court to conduct law suits. But if the prisoner is allowed to retain his rights to possess property he should be allowed to inherit property. And rights to transfer property and to contract may be necessary to preserve assets and to support dependents.

Similarly, the right to sue may be necessary to protect assets against third parties and to attack illegal treatment by correctional officials. Allowing suit upon release by tolling the statute of limitations during imprisonment, as many jurisdictions do, is not an adequate substitute for granting the immediate right to sue. Irreparable damage may be done in the meanwhile; and proof may be made impossible by the passage of years. Suit would not necessitate absence from prison. Conduct of the suit could be put in the hands of an attorney; the prisoner's testimony, if needed, could be taken in prison.

Some jurisdictions provide for the appointment of a committee or trustee to manage the affairs of prisoners deprived variously of rights to convey and transfer property, to contract, and to sue in court. But such legislation often is designed primarily to protect rights of creditors and dependents. There seems no reason not to permit the prisoner simply to act through his own agent, when it is impracticable for him to act directly.[33]

RIGHTS TO PARTICIPATE IN ACTIVITIES REGULATED BY THE STATE

Primarily because of the potential danger—actual or ostensible—to the public welfare posed by a number of private activities, State and local governments frequently limit participation in such activities to those considered qualified. Criminal convictions often result in disqualification either as a direct result of legislation, or because of action taken by a court or, more frequently, an administrative agency entrusted with regulation of the particular activity.

Chapter 3 discusses the extent to which private employment activities are regulated in this way, and some of the problems involved. Numerous activities not necessarily involving employment are similarly regulated. Persons may be unable to drive a car, possess a gun, or fish without a license. As pointed out in chapter 3, there are

[29] If it is found necessary to provide for some mandatory disqualifications, then the kinds of convictions and sentences resulting in such disqualifications should be narrowly defined and disqualification should ordinarily be limited to relatively short periods of time. Thus only certain relevant convictions will bar a person from holding Federal office. Similarly, Federal law provides that certain felony convictions bar a person from holding certain union offices within 5 years from the date of conviction. Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. § 504(a), 73 Stat. 519, 536–37.

[30] See Model Penal Code § 306.2; ALI Proceedings 299–300, 305 (1961).

[31] Compare Model Penal Code § 306.3(2), providing that a person convicted of "a crime" be "disqualified * * * from serving as a juror until he has *satisfied his sentence*." [Emphasis added.]

[32] The Model Penal Code's provisions seem appropriate. See, *e.g.*, § 306.4(2): "*Upon the order of the Court the Warden or other administrative head of an institution* in which a prisoner is confined *shall arrange for the production of the prisoner to testify* at the place designated in the order. Such order shall be issued whenever the Court is satisfied that the testimony of the prisoner is required in a judicial or administrative proceeding and that the ends of justice can not be satisfied by taking his deposition at the institution where he is confined." [Emphasis added.]

[33] See Model Penal Code § 306.5, Appointment of Agent, Attorney-in-Fact or Trustee for Prisoner: (1) "*A person confined* under a sentence of imprisonment *shall have the same right to appoint an agent, attorney-in-fact or trustee to act in his behalf with respect to his property or economic interests as if he were not so confined.* (2) *Upon the application of a person confined* or about to be confined under a sentence of imprisonment, *the Court* [insert appropriate court of record] of the county where the prisoner resided at the time of sentence or where the sentence was imposed *may appoint a trustee to safeguard his property and economic interests* during the period of his commitment." [Emphasis added.]

legitimate uses of such disqualifications. Thus it seems appropriate to suspend or revoke licenses for offenses involving dangerous driving, both to remove the unfit driver from the road and to deter such behavior. But to ban convicted persons from numerous activities without regard to the particular conviction's relevance to the particular activity can be expected seriously to impede efforts to rehabilitate offenders by encouraging their participation in society, without any compensating benefit to society.

Most of the law in this area is overly broad. Thus, good character is often made a prerequisite for activities where it is of no particular relevance. It is, for example, a common requirement for obtaining a barber's license. Yet it is doubtful whether good character is of any more importance to exercise of one's duties as a barber than to most other occupations. And regulatory legislation generally makes no effort to define the kind of character, and thus the kind of convictions, relevant to fitness. Instead, where legislatures provide for automatic disqualification, all felonies and sometimes all serious misdemeanors are likely to result in such disqualification. Thus in several jurisdictions any felony will bar a person from the practice of law or medicine. Similarly, where discretionary power is given to regulatory agencies to disqualify on the basis of criminal convictions, there is generally no attempt by the legislature to ensure that only those convictions relevant to fitness for the particular activity be considered. Thus, the California Business and Professions Code makes conviction of any felony or any offense involving moral turpitude grounds for disciplinary action in approximately 40 occupations and professions, including those of physical therapy, nursing, barbering, and guide dog training.[34] Often discretionary power is given to disqualify simply on the basis of lack of good moral character. Most convictions would reflect on one's character, and could thus constitute bars to qualification. Of course, an agency can exercise its discretion and refuse to disqualify on the basis of a conviction it considers irrelevant to fitness. But such general statutes do not invite discrimination among convictions, and the agency's decision to disqualify would be virtually unreviewable.

Most of the disabilities and disqualifications in this area result from the actions of various administrative agencies, rather than directly from the conviction. In the area of individual licenses, professional and occupational groups are often given the power to determine who is initially qualified to receive a license, and to regulate the standards of those licensed by defining rules of conduct and revoking or suspending licenses for breach of those rules.[35] Such groups tend to be primarily concerned with advancing the interests of their own members. Thus, when faced with the problem of whether to license persons with criminal records, they may be unduly concerned with the effect on the status of their professions. Further, to the extent they try to consider the public interest, they are likely to have an unrealistic view of the importance of their own profession or occupation and the potential harm to the public that might be done by unfit persons. They tend to give inadequate weight to the interests of the convicted person, and to those of society as a whole in having the contributions of this person and in not forcing him back into a life of crime.

The need for a thorough overhaul of licensing and regulatory restrictions on exoffenders has been noted in chapter 3. Criminal convictions should be considered only to the extent actually relevant to fitness to participate in activities posing particular dangers to society. The legislature might specify particular convictions as grounds for disqualification, leaving it to a court or agency to determine the merits of each case. The legislature might mandate disqualification on the basis of selected, particularly relevant convictions. But it would ordinarily be best to provide for discretion so that the relevance of particular convictions could be weighed in light of, for example, the period of time since the criminal offense, the behavior of the individual during that time, and the hardship that disqualification might cause.

The power of excluding offenders from certain activities could be given to the sentencing judge and the correctional system. They could be given the responsibility for deciding the extent to which disqualification is justified for the purposes of public protection and deterrence. This is frequently done today with respect to loss or suspension of drivers' licenses for driving offenses.

But where a licensing or other regulatory agency is entrusted with power to determine fitness to pursue a particular activity, that agency would ordinarily be the appropriate body to determine whether an offender should be disqualified. Wherever discretion is confided to a licensing agency, however, and particularly where that agency is associated with the occupation or interests it licenses, care must be taken to guard against the tendency to discriminate against offenders without rational basis that such bodies have commonly exhibited. This should be done by providing explicit legislative guidelines where possible and perhaps by requiring that the agency justify any license denial in terms of a specific danger in an individual case. But irrational discrimination against offenders by regulatory agencies may be inevitable, particularly where such agencies are quasi-private in nature.[36] It may therefore be necessary to provide some procedure whereby decisions regarding the qualification of offenders can be made by a court or an independent board. This is discussed in more detail in the following section.

Assuming that regulatory agencies are given the power to decide, within limits set by the legislature, on the qualifications required for participation in certain activities, there should be some procedure whereby they can obtain relevant information from correctional authorities. Such information would be valuable in deciding whether to license someone with a criminal record, or whether to suspend for some definite or indefinite period of time or to disqualify permanently someone previously licensed, or whether to reinstate someone whose license had been withdrawn.

RESTORATION OF RIGHTS

If rights are "permanently" forfeited, partial or total restoration will often be possible through a variety of

[34] Calif. Bus. and Prof. Code §§ 2685(d), 2761(f), 6576, 7211.9(d); see Note, 14 Stan. L. Rev. 533, 541 (1962).

[35] Barron, "Business and Professional Licensing—California, as a Representative Example," 18 Stan. L. Rev. 640, 654–57 (1966).

[36] See *id.* at 664, suggesting that licensing power be removed from quasi-private agencies and entrusted to official agencies. Compare suggestion in Note, 15 Hastings L.J. 355, 359 (1964), that the solution to the problem of narrowly oriented professional boards might be to remove the power of reinstatement from them and place it with the court having power to grant certificates of rehabilitation.

procedures,[37] the most common of which is some form of clemency procedure, ordinarily gubernatorial pardon: since this power is generally designed primarily to remedy wrongful convictions and unduly harsh sentences, the result is an erratic and irrational pattern of restoration.[38] In a few States, offenders can apply for restoration to an administrative board or to the warden of their institution. Such procedures ordinarily have the effect only of restoring such civil rights as have been lost. They may, in addition, remove legislative barriers to participation in regulated activities. But where the power of disqualification has been vested in licensing or other agencies, pardons or restoration certificates ordinarily cannot erase the effects of convictions, although agencies will presumably consider their relevance along with that of convictions.

In general, restoration procedures are, for practical reasons, not very effective solutions to the disabilities problem. Offenders often lack the funds, knowledge, or ability to pursue such procedures. And those who have established themselves in a new life are understandably reluctant to request restoration since this usually involves an investigation with all the risks that the past will be brought to light again. Rights should therefore be removed only where there is clear justification and only for the period of time necessary, eliminating the need wherever possible for offenders to pursue formal restoration procedures.[39]

But some restoration procedures will probably nevertheless be necessary. Thus where the legislature considers it necessary for the protection of society to provide for the automatic loss or suspension of certain rights, there should ordinarily be some procedure whereby the offender can obtain relief from the legislative mandate. Such rights could be considered individually,[40] but where many rights are automatically lost by operation of law, the convicted person should probably be able to obtain a general certificate of rehabilitation or restoration. Such procedures may be necessary simply because the offender's rights in other jurisdictions may be unjustly restricted unless he is able to obtain such a certificate in the convicting jurisdiction.[41]

Some such procedure may also be necessary to restore rights to offenders disqualified by licensing or other regulatory agencies. Where authority is vested in such an agency to determine fitness to participate in a particular occupation, it would in general seem irrational to give to the court or another agency power to determine whether convicted offenders should or should not be disqualified.[42] But this may be the only practical way of dealing with the problem of discrimination against offenders by such agencies.

Some authorities have proposed establishment of an annulment procedure, whereby the offender's records would be expunged or sealed, and he would be entitled to say he had never been convicted, or, alternatively, private individuals and official agencies would be prohibited from asking about such convictions.[43] Somewhat the same dilemma is presented in this area. Logically, annulment procedures seem unnecessary to deal with problems of State-imposed disabilities and disqualifications. The convicting jurisdiction can accomplish the same result by simply not depriving the offender of the rights or by restoring them in some appropriate fashion. Actually to expunge records removes all discretion from those legitimately concerned with previous convictions. Thus, while it may not be justifiable to deprive convicted felons of the right to hold public office, those in the position of electing or appointing should presumably know of such convictions. And it would be nearly impossible to determine in one annulment procedure that particular convictions had no relevance for any future decision. In addition to these practical problems, some would question the propriety of government telling an offender that he has a right to deny a prior conviction, and of removing from private individuals or other jurisdictions the right to consider for themselves the relevance of a prior criminal record. But some annulment procedure may be necessary to deal with problems of irrational discrimination against past offenders by licensing agencies, private employers, and society generally.

[37] See, *e.g.*, Amer. Correctional Assoc., "Manual of Correctional Standards" 272 (1966); Tappan, "Crime, Justice and Correction" 428–29 (1960).

[38] See Tappan, "The Legal Rights of Prisoners," 293 Annals 99, 102–05 (1954); Tappan, "Crime, Justice and Correction" 428 (1960).

[39] Compare the position of the National Council on Crime and Delinquency in its Standard Probation and Parole Act:

"Dispositions other than commitment to an institution, and such commitments which are revoked within sixty days, shall not entail the loss by the defendant of any civil rights" (§ 12); "Such discharge [discharge from parole], and the discharge of a prisoner who has served his term of imprisonment, shall have the effect of restoring all civil rights lost by operation of law upon commitment, and the certification of discharge shall so state" (§ 27).

[40] Thus the Labor Management Reporting and Disclosure Act of 1959 prohibits persons convicted of certain crimes from being eligible for certain union offices for a period of 5 years from the date of conviction, but provides that this prohibition is terminated if the Governor grants a certificate of restoration, or the U.S. Board of Parole certifies eligibility to hold office. 29 U.S.C. § 504(a)(2) (A) & (B), 73 Stat. 519, 536–37.

[41] See Model Penal Code § 306.6(2); A.L.I. Proceedings 312 (1961).

[42] See Model Penal Code § 306.6 (1); (3)(a), (d)—Order Removing Disqualifications or Disabilities; Vacation of conviction; Effect of Order of Removal or Vacation.

"(1) In the cases specified in this subsection *the Court may order that* so long as the defendant is not convicted of another crime, *the judgment shall not thereafter constitute a conviction for the purpose of any disqualification or disability imposed by law* because of the conviction of a crime."

"(3) An order entered under subsection (1) or (2) of this section: (a) has only prospective operation *and does not require the restoration of the defendant to any office, employment or position forfeited or lost* in accordance with this article. . . . (d) *Does not preclude proof of the conviction as evidence of the commission of the crime, whenever the fact of its commission is relevant to the exercise of the discretion of a court, agency or official authorized to pass upon the competency* of the defendant to perform a function or to exercise a right or privilege which such court, agency or official is empowered to deny, *except that in such case the court, agency or official shall also give due weight to the issuance of the order.*" [Emphasis added.]

[43] See Nussbaum, "First Offenders—A Second Chance" 26–27 (1956) (proposing that 5 years after the date of discharge by probation or suspended sentence, or after the date of release from incarceration, first offenders receive total absolution—"in every aspect of his activities and interests of a noncriminal nature, he shall have the absolute right to affirm that he has never been arrested or convicted of any past crime or offense").

See also N.C.C.D. Model Act (1962) (in 8 Crime and Delinquency 97, 100 (1962)), providing for discretionary power in judge to expunge records:

"In any application for employment, license, or other civil right or privilege, or any appearance as a witness, a person may be questioned about previous original record only in language such as the following: 'Have you ever been arrested for or convicted of a crime which has not been canceled by a court?'"

Compare Model Penal Code § 306.6(3)(f):

"An order entered under subsection (1) or (2) of this section, does not justify a defendant in stating that he has not been convicted of a crime, unless he also calls attention to the order."

Under Nussbaum's scheme, even after a first offender's record has been "totally expunged," licensing boards would retain the right to consider such convictions in determining fitness for reinstatement. Nussbaum, "First Offenders—A Second Chance" 26–27 (1956).

Chapter 9

Manpower and Training

Changing corrections into a system with significantly increased power to reduce recidivism and prevent recruitment into criminal careers will require, above all else, a sufficient number of qualified staff to perform the many tasks to be done. In corrections, the main ingredient for changing people is other people. Each of the previous chapters has shown that, by and large, this ingredient is in seriously short supply. There are gaps in the quantity and, perhaps even more significantly, in the quality of available manpower.

For more than a decade, correctional leaders have attempted to come to grips with the basic issues involved in ascertaining and meeting these manpower needs. A series of regional and national conferences, limited survey studies, and a few demonstration programs related to personnel training have concluded that most correctional institutions and agencies are clearly understaffed, deprived of essential professional services, and manned by personnel with little or no educational preparation for correctional work.

This activity culminated in a manpower conference at Arden House, New York, in June 1964.[1] Emanating from the conference was the proposal that there be organized a Joint Commission on Correctional Manpower and Training. With the passage of the Correctional Rehabilitation Study Act in September 1965, a 3-year study of correctional manpower practices and needs was authorized. The Joint Commission, funded by this act, has the responsibility to produce a detailed appraisal of needs and specific proposals for meeting them. To these ends, it is now conducting extensive studies. Findings from these studies should result in a unified plan for approaching the Nation's correctional manpower and training problems. Meanwhile, the general nature of some of these problems and the steps necessary to solve them can be seen.

RECRUITMENT AND PERSONNEL PRACTICES

The recruitment problems of corrections are aggravated by low salaries, long working hours, lack of effective contact with colleges and universities, and other specific handicaps. Some of these—pay and academic contacts, for example—can be remedied. Others are inherent in the correctional task and must simply be adjusted to as well as possible; for example, corrections like medicine will always have 24-hour responsibilities.

But at another level there are a series of severe handicaps to correctional recruitment, handicaps that will not yield so easily to direct solutions. To a great extent in many parts of the country, corrections is still thought of, and may in fact largely be run as, a merely custodial operation. The few rehabilitative personnel in many systems operate against such overwhelming odds in the number of offenders with whom they must seek to deal, that success is virtually impossible. In a good many institutions, staff as well as offenders come to feel they are merely marking time, cut off from the central concerns of the outside world. Such systems can easily become refuges for those unable to succeed elsewhere.

Even in many agencies that do draw a number of able and imaginative staff members, rules and procedures work to frustrate the exercise of their abilities. Policies in corrections, as in many large bureaucracies, tend to be formed at the top of the organization and promulgated in a series of regulations that leave little room for initiative. Probation and parole officers in particular are often heavily burdened by report-writing requirements and are sharply restricted in the degree to which they can exercise wide discretion in devising treatment programs.

Corrections is in fact a difficult and often discouraging field. A teacher works with students far less likely to succeed than those he might teach in the outside world. A counselor faces in offenders people who have already failed seriously, and he must overcome the initial barrier often imposed by the criminal label before he can begin work on the causes of criminal behavior.

The challenge of attempting these tasks is as great as any in society today, and the problems involved in doing so are the same ones that have attracted so many of the country's ablest young people to programs like the Peace Corps and VISTA. But unless correctional personnel are allowed to participate in planning programs, unless they are given the satisfactions of some independence and the feeling of achievement and usefulness that can come from commitment to rehabilitation, their attempt to meet this challenge is likely to be frustrated.

[1] See Charles S. Prigmore, ed., "Manpower and Training for Corrections: Proceedings of an Arden House Conference, June 24–26, 1964" (New York: Council on Social Work Education, 1966).

As important as the direct measures discussed in the following pages, then, is the pursuit by corrections of the new directions outlined in preceding chapters.

STANDARDS AND SELECTION

In many correctional systems, employment policies do not encourage people of ability, and standards for recruitment and promotion are not adequate. Appointment simply on the basis of political influence is today a general problem in only a few jurisdictions, though it remains more widespread with respect to a few positions such as parole boards and prison wardens. Civil service merit systems cover a majority of correctional systems, with the minority being generally smaller, local organizations. Less than 40 percent of the custodial personnel in detention homes, for example, were covered by an organized merit system in 1965 and slightly less than half the probation officers.

Important as coverage under formal civil service systems may be, these systems typically have a range of undesirable features, especially their stress on seniority in promotion, their relatively inflexible entrance requirements, and the obstacles they pose to removal of unsatisfactory personnel. The Commission's General Report discusses these problems as they pertain to civil service for police, and most of that discussion is also germane to corrections.

Entrance requirements with respect to residency and related matters are typically too strict. Lateral entry should be permitted for qualified personnel above beginning levels, so that a talented casework supervisor in a county probation department, for example, can compete for a similar position in another county or State. This kind of mobility is particularly important in such a fragmented field as corrections. Without it, there can be little transfer of experience and learning between systems. Length of service required for promotion should be kept to a minimum.

Education and assessment of actual performance on the job should be the principal criteria for entry and promotion, with screening procedures at the level of recruitment to help assure that candidates are suited in character and temperament to their work. Educational standards at present vary widely among jurisdictions and most fail to meet the levels promulgated by correctional standard-setting agencies. For example, the U.S. Children's Bureau, the National Council on Crime and Delinquency, and the American Correctional Association advocate that fully trained probation and parole officers should have graduate training. Table 1 shows that educational qualifications for such positions are often not required or are fixed at a discouragingly low level.

Many interviewing techniques and questionnaires have been developed which provide a measure of assistance in screening potential employees. However, to a large extent the existence of needed traits and skills is best identified when they are demonstrated on the job; and even here first impressions frequently are misleading. Hence, as in many fields, there seems no better screening device

Table 1.—Educational Qualifications Required for Probation and Parole Officers, 1965

Agencies	Educational requirements (percent)			
	No requirement	High school	College	Graduate degree
Juvenile probation	8	14	74	4
Juvenile aftercare	5	10	82	3
Misdemeanant probation	11	13	74	2
Felony probation	16	21	62	1
Adult parole	21	20	59	0

SOURCE: National Survey of Corrections.

than an opportunity to observe the prospective career employee carefully through a period of internship or probationary employment.

SALARY LEVELS

In most correctional systems today, salary levels are not sufficiently attractive to permit successful competition with alternative fields. Table 2 shows beginning salaries in the 50 States for selected classes of persons employed in State adult correctional institutions.

Table 2.—Entering Salaries for Selected Employees in State Correctional Institutions for Adults, 1965

Entering annual salary	Number of States reporting salaries for—		
	Counselors	Teachers	Custodial officers
Under $3,000			2
$3,001 to $4,000	3	3	22
$4,001 to $5,000	6	16	13
$5,001 to $6,000	18	23	12
$6,001 to $7,000	8	3	
Over $7,000	5	3	1
States reporting	40	48	50

SOURCE: National Survey of Corrections.

For the 40 States which had a classification designated "counselor," the midpoint of the median beginning salary range was $458 a month. This position calls for at least a B.A. degree in most jurisdictions and graduate training in many. Teachers in corrections in 23 States are in a starting salary range of which the midpoint is also $458 a month. Three States pay less than an estimated $300 a month. Twenty-two States pay custodial personnel a starting annual salary of between $3,000 and $4,000. In two States, it is less than $3,000.

The considerations involved in improving correctional salaries vary of course according to the duties to be performed. Staff may be divided initially into two major categories. The first consists of those employees whose occupational role is defined independently of correctional settings, such as secretaries, cooks, and medical doctors. Their salaries obviously must first of all be comparable to the prevailing rates for their particular occupation in a given region.

But beyond this, those such as teachers who deal directly with offenders, face extraordinary challenges in corrections and must have qualifications in addition to those

regularly required in their occupations. To obtain competent people with the required aptitudes from these occupational groups typically requires financial inducement beyond the prevailing salary rate. Such an amount might, for example, be fixed at 20 percent above the prevailing regional rate for a given occupation. Thus a teacher who would be paid a prevailing rate of $500 a month for work outside corrections could earn a salary of $600 a month if he were willing to take an assignment in a prison.

The issues are somewhat different for the group of employees whose occupation is derived from corrections itself. Custodial officers, house parents, and probation and parole officers are examples of this type. The most deprived of these groups, in terms of salary, are clearly the custodial personnel who make up the majority of correctional manpower. As table 2 showed, many States pay them an entering salary of between $3,000 and $4,000 a year. Many dedicated and effective workers can be found among them, but generally they are "undereducated, untrained, and unversed in the goals of corrections." [2] Unless salaries are raised, substantial improvements cannot be expected in the kind of people who can be recruited.

Custodial personnel play roles ranging from watching over a prison yard to caring for children under diagnostic study in a detention center. Educational levels required may vary from completion of high school to possession of a college degree. Different salary levels are needed for different custodial tasks. Starting salaries at the $7000–$8000 level (based on norms prevailing in the mid-1960's) would, for example, be appropriate for group supervisors with a college education who give close and intensive supervision to children or adults.

The other major category of correctional employees consists of probation and parole officers and institutional caseworkers and counselors. Generally, these positions require persons with a college degree; optimum standards require two years of graduate study. The National Survey reveals that the median entering salary for parole and probation officers in the United States is between $5,000 and $6,000 a year. Such salaries cannot attract the kind of persons these positions require. They also encourage probation and parole officers to leave caseload responsibilities behind in favor of administrative positions.

Salary plans should be adopted to correct these faults. One good model is found in the Federal probation system. Annual salaries of probation officers are in three ranges: $7,696 to $10,045; $9,221 to $12,056; and 10,927 to $14,338. Under this system, a newly recruited probation officer begins in the first salary range. After a year, upon the recommendation of the court he serves, he may be moved to the second salary range. After another year, and again with the recommendation of the court, he can be moved to the third, without having to assume administrative responsibilities.,

Salary revisions are also badly needed for correctional managers. The following examples, taken from the National Survey, show median ranges for starting yearly salaries of chief correctional administrators: superintendents of juvenile detention homes, $7,000–$8,000; directors of parole, $9,000–$10,000; chief juvenile probation officers, $8,000–$9,000; and wardens or superintendents of adult correctional institutions, $10,000–$11,000. The salaries fail to attract and retain enough capable personnel and act as a ceiling on the salaries of all subordinates.

[2] Judith G. Benjamin, Marcia K. Freedman, and Edith F. Lynton, "Pros and Cons: New Roles for Nonprofessionals in Corrections" (New York: National Committee on Employment of Youth, 1965), p. 9.

MANPOWER REQUIREMENTS

For the purpose of identifying manpower requirements, four major correctional functions can be identified, each containing a number of different occupations, but generally homogeneous from the standpoint of manpower development needs. The first category consists of group supervisors, guards, and other institutional personnel concerned generally with the custody and care of offenders in group settings. The second comprises case managers, responsible for assembling information about individual offenders, developing specific treatment programs, and supervising probationers and parolees in the community. The third category consists of the specialists, academic and vocational teachers, and therapists who work in correctional programs. The last category includes a diverse group of technical and service personnel.

Table 3 indicates the number of persons in each of these categories. It does not reflect, nor will subsequent discussion include, many other persons who participate in correctional programs. For example, the table does not include clinicians from mental health clinics who give services to probationers and parolees, vocational teachers engaged in community programs in which offenders participate, or foster home personnel who care for juvenile court wards. The number of these kinds of persons is considerable, and they are vital to sound programing. The need to enlarge their involvements is described in other chapters. Relevant managerial and administrative staff are included in each of the categories.

Table 3.—Number of Correctional Employees, by Functional Categories, 1965

Category	Number	Percentage distribution
Custodial personnel, Group supervisors	63,184	52
Case managers	17,416	14
Specialists	6,657	6
Technicians	33,906	28
Total	121,163	100

SOURCES: National Survey of Corrections and special tabulations provided by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts.

CUSTODIAL PERSONNEL AND GROUP SUPERVISORS

This category of employees comprises over half of the total correctional manpower. It includes those who are variously designated as prison guards or correctional officers in adult institutions and those who are called cottage parents or group supervisors in juvenile institutions. In adult institutions, these are the employees who man the walls, supervise living units, escort inmates to

and from work, and supervise all group movement around an institution. In juvenile institutions, they provide the bulk of hour-by-hour supervision for youngsters.

All such personnel are of critical importance, not only because of the tasks they perform directly but also because their contribution makes it possible for other programs to operate. Shortages of custodial officers in a prison, for example, mean curtailment of all kinds of institutional programs, including school, counseling and recreation, because such personnel are needed when inmates are outside of their cells and moving about an institution.

Table 4 presents the number of persons employed in group supervisor roles in 1965 in juvenile, felony, and misdemeanant institutions across the Nation. It also estimates the number currently required.

Table 4.—Number of Custodial Personnel and Group Supervisors Employed in Institutions, 1965, and Estimated Number Needed

Type of Institution	Number employed	Number needed
Juvenile	14,612	19,000
Felony	33,579	43,100
Misdemeanor	14,993	27,500
Total	63,184	89,600

SOURCES: National Survey of Corrections and special tabulations provided by the Federal Bureau of Prisons and the Administrative Office of the U.S. Courts. For bases of estimates, see text.

The number estimated as needed is based on information about the minimal staff-offender ratios necessary to operate correctional institution programs. In the juvenile field, for example, it would require approximately 4,400 more group supervisors to meet the standards suggested by the U.S. Children's Bureau.

For adult State institutions, the prisons of this Nation, the present ratio is approximately 1 custodial officer for every 7.7 inmates. The desirable ratio of custodial personnel to inmates depends upon the institution's program and the type of inmates involved. No standard ratio exists, nor are data available which would allow an estimate of the average ratio needed. The National Survey did reveal, however, that, with the present average ratio, many institutions had such a shortage of custodial personnel in 1965 that programs were curtailed. For purposes of estimating staff needs, an average ratio of 1 custodial staff person for every 6 inmates was employed. Present shortages and the increasing use of smaller facilities in the future make this ratio seem a conservative one. To meet it would require 9,500 more custodial personnel.

The greatest shortage in this category is among those who work in jails and other local adult institutions. Using the average ratio employed for prisons—1 custodial person for each 6 inmates, a ratio needed as much in jails as prisons—would require 12,500 more such staff for jails and other local adult institutions.

There is, as previous chapters have noted, need to modify and upgrade the role of custodial personnel in corrections, to bring them more actively into the task of rehabilitation. They may be the most influential persons in institutions simply by virtue of their numbers and their daily intimate contact with offenders. It is a mistake to define them as persons responsible only for control and maintenance. They can, by their attitude and understanding, reinforce or destroy the effectiveness of almost any correctional program. They can act as effective intermediaries or become insurmountable barriers between the inmates' world and the institution's administrative and treatment personnel.

If custodial personnel are to fulfill this role, it is reasonable to establish high school completion as an immediate minimal educational requirement. With inservice training and supplementary education, many subsequently can assume managerial and specialist positions. With the establishment of such career patterns, recruitment should be extended to the graduates of junior colleges and 4-year colleges. The latter qualifications are particularly necessary for those group supervisors who deal with special kinds of offender populations, such as the emotionally disturbed.

Custodial personnel and group supervisors should all receive thorough training and orientation upon recruitment and periodically on the job. Statewide, regional, or, in the case of large systems, agency-based training programs need to be established in conjunction with university resources. Opportunities also need to be made available to individuals to receive more formal education through work-study programs, educational furloughs, and university extension courses.

CASE MANAGERS

Table 5 presents an estimate of the number of caseworkers employed and needed in the correctional institutions of the United States in 1965. It should be stressed that all caseload estimates are only averages. As indicated in earlier chapters, some offenders need intensive attention in small caseloads, others in larger caseloads, while still others require only nominal contact with an officer. This principle applies equally to institutional and community-based staff.

Table 5.—Number of Case Managers Employed in Correctional Institutions, 1965, and Estimated Number Needed

Type of Institution	Number employed	Number needed
Juvenile	1,497	2,700
Felony	1,021	2,000
Misdemeanor	167	5,500
Total	2,685	10,200

SOURCES: See table 4.

Standards of the Children's Bureau call for 1 caseworker for every 30 children in a training school, while the American Correctional Association standard calls for 1 caseworker for every 150 inmates in an adult institution. In addition, caseworkers are needed to study and plan treatment programs for newly admitted cases. The standard for the latter task is 1 caseworker for every 30 inmates. Thus, 1,200 more caseworkers are needed in juvenile institutions; another thousand are required in prisons. As is consistently the case, it is the jail which requires the largest staff increase. Using the ratio of 1 to 30 because of the high turnover, relatively short stay for offenders in jails, and the need for intensive efforts to develop community resources, it is estimated that some 5,300 additional caseworkers are needed to perform the tasks which are now attempted by a mere handful of professional staff.

The need for probation and parole officers in the community is detailed in table 6. Here the juvenile field shows a needed increase from 7,706 to 13,800. This increase is explained primarily by the number of juvenile officers needed for probation and parole services to bring caseloads to an average of 1 officer to 35 cases. In addition, juvenile probation officers must provide screening and service for 700,000 youths referred to juvenile authorities each year and complete diagnostic investigations for the approximately 200,000 children annually placed on probation or committed to institutions.[3]

Table 6.—Number of Case Managers Employed in Community-Based Corrections, 1965, and Estimated Number Needed

Type of program	Number employed	Number needed
Juvenile	7,706	13,800
Felony	5,081	15,600
Misdemeanor	1,944	15,400
Total	14,731	44,800

SOURCES: See table 4.

In the felony field, the number of probation and parole officers needed in 1965 was three times the number then employed. This increase would reduce caseloads from their present high levels (as illustrated for probation by figure 1 on the following pages) to an average of 35 per officer, and in addition would provide sufficient officers to perform essential presentence investigations.

The misdemeanant field again demands the largest increase. An effective program for misdemeanant offenders requires an increase in the number of probation and parole officers from the 1965 level of 1,944 officers to 15,400. This includes some 6,700 officers to supervise the relatively small proportion of selected persons placed under probation supervision for misdemeanor offenses as well as officers for those placed on parole. It also includes 8,700 officers in misdemeanant courts to provide screening services and to conduct presentence investigations for the proportion for whom jail, specialized programs, or probation would seem to be an appropriate alternative.[4]

Any efforts which seek to improve the quality of correctional services must immediately confront the need for more case managers. Simply to meet existing needs requires an increase from 17,400 to 55,000 case managers—more than tripling present staffs. Substantial funds will be needed to create these positions and to maintain them. It is doubtful that an expansion of this magnitude can be financed by State and local governments alone, especially during the transitional phase.

Obtaining sufficient manpower for these positions is complicated by the skill levels which are required. Not only must the caseworker have investigative and diagnostic capacity, he must also have the ability to work with communities and institutions to obtain services for probationers and parolees; and he must be able to give effective counseling and supervision.

The desirable level of education for a fully qualified case manager, it is generally agreed by authorities in corrections, is graduate work at least to the master's degree level. To achieve that level immediately for all of the large number of personnel required is clearly impractical. Fully trained caseworkers must be utilized in teams with volunteers, subprofessional aides, and specialists in tasks such as obtaining employment and providing remedial education.

College graduates at the bachelor's degree level provide a rich source of recruitment for some of these positions. Once attracted to corrections, they can be given training and subsequently provided an opportunity to obtain graduate education.

SPECIALISTS

The staff members classified here as specialists possess essential professional skills needed in the rehabilitation of offenders. Included in this category are vocational and academic teachers, psychologists, and psychiatrists. The standards for most personnel needed in these categories have been developed by the U.S. Children's Bureau and the American Correctional Association.[5] The present drastic scarcity of such personnel is made clear by the data in table 7. The situation is most acute with regard to programs in the misdemeanant area, although programs for felony offenders also are characterized by severe manpower shortages.

Table 7.—Number of Specialists Employed in Corrections, 1965, and Estimated Number Needed

Type of institution	Number employed	Number needed
Juvenile	4,124	8,100
Felony	2,199	7,500
Misdemeanor	334	4,800
Total	6,657	20,400

SOURCES: See table 4.

In considering strategies to meet these shortages, it is well to separate the teacher from the clinician. Reintegration as a major theme of correctional practice places emphasis on academic and vocational educational programs which strengthen the ability of offenders to cope successfully with everyday problems of work and community life. For the youth, the primary emphasis is on academic education; for the adult, on vocational education.

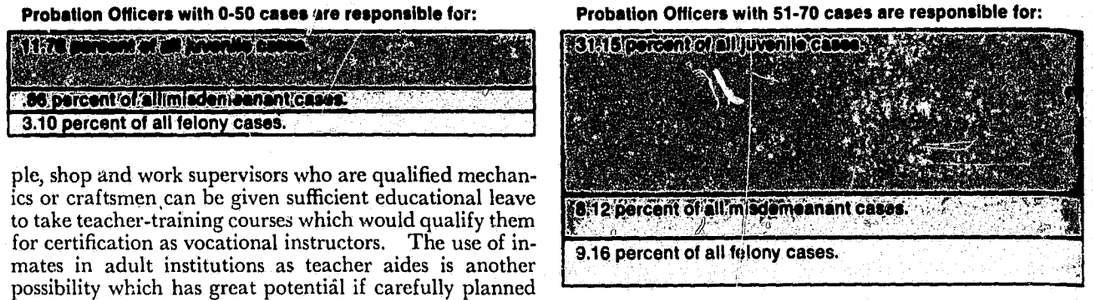
One source of recruitment for additional instructors is the staff of the correctional institution itself. For exam-

[3] The intake standard is that of the National Council on Crime and Delinquency, which provides 1 intake worker for every 500 cases.

[4] The intake standard for misdemeanants is derived from the National Council on Crime and Delinquency standard for juveniles (1 worker per 500 cases). For misdemeanants, the number of cases was raised to 1,000 per worker because of assumed differences in the two populations, such as the number of repeaters and minor offenders among misdemeanants. It was further assumed that full presentence investigations would be completed on 1 out of 6 offenders processed through initial intake.

[5] In a few cases where such standards did not exist, they were derived after consultation with appropriate representatives of the relevant professions.

Caseloads of Probation Officers Figure 1
Source: National Corrections Survey



ple, shop and work supervisors who are qualified mechanics or craftsmen can be given sufficient educational leave to take teacher-training courses which would qualify them for certification as vocational instructors. The use of inmates in adult institutions as teacher aides is another possibility which has great potential if carefully planned and administered. Volunteers can also help to fill the gap.

The most effective way to recruit fully qualified teachers into corrections would be to attract undergraduate students to careers in that field through special stipends and other forms of assistance. Similarly, efforts should be made to recruit fully trained and experienced teachers for correctional work by providing attractive salaries and especially rewarding work opportunities.

The clinical specialist represents somewhat different manpower problems, partly because of his changing role and partly because of extremely scarce supply. It is clearly impossible that corrections in the near future will obtain all the full-time therapists needed for work in correctional institutions. An important avenue to be explored is the use of clinical manpower available in the community, particularly for local institutions. Indeed, using specialists—teachers as well as clinical personnel—who work primarily outside corrections would do much to counter the isolation of corrections, helping those in the community to understand its tasks, exposing correctional staff to new ideas and views, and creating links for the offender with the outside world.

A program of stipends and fellowships similar to that which has been employed in the mental health field would be of great help in obtaining needed specialists. The attractiveness of corrections as a place of employment for specialists will also increase as they are given greater influence in shaping program directions and a larger role to play in research and development activities.

TECHNICIANS AND SERVICE PERSONNEL

Another major manpower group to be considered consists of those who are responsible for the maintenance and operation of the correctional system as well as for providing various specialized services to offenders. This diverse group includes electricians, farm managers, foremen of industrial shops, researchers, and secretaries. The bulk of these employees work in institutions. Most have no special preparation for working with offenders other than random experience, but they have potential for participating in treatment.

Detailed data are not available by the various types of personnel in this category. Simple projection, however, based on the ratio of the total number of such personnel to offenders, does permit gross estimates of manpower needs in this category. At present, about 34,000 persons are employed in technical and service tasks in corrections. By 1975, it is estimated, about 81,000 technicians and service personnel will be needed. (See table 8.)

Manpower and training programs for this group are in some respects similar to those for specialists. However, except for several important categories, such as research personnel, the problems are not as acute. Given adequate salaries and opportunities for training and advancement, technicians and service personnel can be recruited. Needed for this group are staff development programs which orient them to the correctional field and prepare them to work skillfully with offenders.

CORRECTIONAL MANAGERS

Deserving of special comment are the administrative personnel who manage the correctional system. This group may well be the key to the introduction of much-needed changes. Present estimates indicate that there are more than 17,000 middle managers and supervisors now at work in corrections.[6] Traditionally, these persons as well as top administrators have been recruited from rank-and-file staff in both juvenile and adult fields. Very few have had special training or preparation for managerial responsibilities.

The trend toward change in correctional agencies puts a premium on managerial skill. The reduction of existing barriers between institutions and community services, as well as the effort to eliminate the schism between custody and treatment, demands flexible and sophisticated performance of management functions.

Correctional managers need more training in public administration. They need to know more about the nature of formal organizations, the dynamics of administrative decision-making, the principles of personnel management, and the use of strategic information and research findings in order to effect organizational change. The correctional manager needs the same opportunities for personal development which have been urged for other staff: educational leaves, extension courses, institutes, and workshops. Beyond this, it is imperative that universities develop curricula leading to careers in correctional administration.

[6] The estimate is based on a ratio of 1 supervisor for every 6 employees, derived from the data of the National Survey of Corrections.

GENERAL TRENDS

An overall numerical profile of present manpower needs is portrayed in table 8, together with estimates of needs in 1975 derived from projections of population, crime rates, and disposition patterns.[7] The projections need to be treated with caution, but the estimates do give some idea of the order of needs for manpower for correctional programs in 1975. By that year, more than 300,000 personnel will be needed for corrections—nearly 2½ times the number employed in 1965.

In addition to this growth in overall numbers, there will be significant shifts in the distribution of the kinds of employees needed. Table 8 indicates the relative proportions of the four major categories of correctional manpower employed in 1965 and the estimated proportions of these categories which will be needed by 1975.

Although group supervisors and custodial personnel continue as the largest class in 1975, their relative proportion shrinks dramatically. The percentage of technicians and service personnel shows a smaller decrease. Specialists increase, reflecting a growing need for psychologists, psychiatrists, and teachers for offenders in institutions. Far and away the most striking growth rate lies with the case managers, reflecting not only the present need for many more probation and parole officers to service existing programs but also the expected growth of community treatment during the next decade.

Table 8.—Manpower Requirements for American Corrections, 1965 and 1975, by Personnel Categories

Personnel category	Number employed, 1965	Number needed, 1965	Number needed, 1975
Group supervisors	63,184	89,600	114,000
Case managers	17,416	55,000	81,000
Specialists	6,657	20,400	28,000
Technicians	33,906	60,300	81,000
Total	121,163	225,300	304,000

SOURCES: 1965 employment and requirements from tables 4 to 7 above and in text. 1975 estimates made by applying standards used in these tables to projections of correctional workload described in Appendix B.

[7] The Commission's Task Force on Science and Technology, provided the projections for 1975 for each correctional subsystem. (See figures 3-5 in ch. 1.) The primary data benchmark for all the curves was the 1965 correctional population as determined by the National Survey of Corrections. Further notes on methodology are given in appendix B.

EDUCATION AND TRAINING

The great shortage, particularly in case manager and specialist positions, of correctional personnel with college and graduate degrees is at least in part a product of the lack of interest and programs in the area at most colleges and universities. A recent survey by the Pilot Study of Correctional Training and Manpower found that, in the 1965–66 academic year, only 96 (16 percent) of a sample of 602 colleges and universities offered courses in corrections or correctional administration. The most usual number of courses offered was one, and it was typically located in the department of sociology-anthropology.[8] More than three-quarters of them required no practical field work with the courses. The schools reported that shortages of funds, space, and faculty were responsible for lack of courses in corrections; that enough able and interested students were available, as were opportunities in correctional agencies for field work experience.

Important as such factors doubtless are, they are only part of the story. Like other areas of criminal justice, corrections has long been regarded by many colleges and

[8] Herman Piven and Abraham Alcabes, "Education, Training and Manpower in Corrections and Law Enforcement," Source Book 1, Colleges and Universities (Washington: U.S. Department of Health, Education, and Welfare, 1966), pp. 13–15. This study was sponsored by the National Council on Crime and Delinquency under a grant from the Office of Juvenile Delinquency, U.S. Department of Health, Education, and Welfare.

universities as inappropriate for academic specialization. Courses in corrections have in many cases been vocationally oriented, and preparation in such relatively established fields as sociology and psychology has often been at least as valuable for imaginative correctional service. Indeed, the recruitment advantages that a discrete corrections curriculum no doubt offers may ultimately be offset by the danger that such an approach will intensify the intellectual isolation of corrections and perpetuate its status as a second-class occupation.

But it is also true that courses in sociology, psychology, social work, and other fields relevant to corrections have tended to ignore the potential of corrections, both as a career for graduates and as a source of example and experience for the enrichment of classroom discussion. The advantages of bringing a "community of skills" to bear on corrections have, in other words, seldom been fully realized.

HIGHER EDUCATION

It is apparent that institutions of higher education possessed of the necessary competence and interest should receive substantial funding to provide the personnel so sorely needed by corrections. A number of examples can be cited where such an investment is needed.

The disciplines of chief importance for case managers and specialists include sociology, psychiatry, education, social work, and psychology. Funds are specifically needed in these disciplines for: (a) Faculty recruitment and retention; (b) research and knowledge-building programs to increase correctional content in the appropriate disciplines; (c) fellowships and stipends for promising students and those already employed in the correctional field who wish to return to school for additional training; and (d) sustained support for internships and field placement programs developed within correctional agencies to provide both practical training opportunities and liaison between the correctional field and university life.

Specific programs will vary according to occupational categories. For the case managers, social work, psychology, and sociology seem to be especially important fields. To provide needed graduate work in these areas, fellowships would have to be made available to students interested in placement in a correctional agency. Similar programs are needed for specialists and certain technicians and service personnel. Correctional agencies need to be encouraged to provide financial resources to assist employees already on the job to return to universities for graduate education, with adequate support for both themselves and their families.

For administrators, public administration, criminology, and industrial sociology are examples of relevant fields of study. A variety of programs are needed, such as scholarships for promising middle-management executives to prepare them for critical management roles, and grants for top executives to pay salary, living expenses, and tuition for advanced education.

For psychologists, 3 to 4 years of graduate study are usually required for a doctorate. A program for recruitment into corrections would need to include fellowships which would increase progressively in amount, as well as tuition and an allowance for the support of dependents. Psychiatric fellowship programs usually vary according to the level at which the psychiatrist is recruited and the type of correctional setting involved. Most fellowship plans are set up as medical traineeships. Programs of this kind, aimed directly at corrections, are greatly needed.

In addition to graduate education, support is required to develop a basic supply of manpower from students who reach the bachelor's degree level. Some Federal agencies are now awarding grants to institutions of higher education for the development of undergraduate programs in social welfare and mental health. The purpose is to develop basic curricula so that a student who completes the program will have a solid academic foundation to begin a career in a related field.

Thus a number of models for undergraduate programs are available to corrections. One, which seems to have considerable utility, is the student loan program developed under the provisions of the National Defense Education Act. Students who make a commitment to a career in a specific field are able to obtain loans which are partially forgivable if the student enters the designated occupation for a specified period of time. Such a loan-forgiveness plan might be very useful in attracting able college seniors to corrections and would provide funds to assist correctional personnel who are already employed to attend college.

STAFF TRAINING

Nondegree training programs with vocational orientation are needed both to prepare entering personnel for service and to upgrade their skills in light of the continually increasing knowledge about corrections. As part of the National Council on Crime and Delinquency's training study, questionnaires were sent to administrators in correctional systems throughout the country. The questionnaires contained a number of items designed to secure information on the status of correctional training in 1965. Perhaps the most striking finding was that more than half of the responding agencies had no organized training programs at all. Table 9 shows the overall results.

Table 9.—Correctional Systems Reporting on Organized In-service Training Programs, 1965

Type of system	Systems reporting programs		Systems reporting no programs	
	Number	Percent	Number	Percent
Probation and parole systems	359	44	448	56
Correctional institutions	197	59	137	41
Total	556		585	

SOURCE: Herman Piven and Abraham Alcabes, "Education, Training and Manpower in Corrections and Law Enforcement," Source Book II, In-Service Training (Washington: U.S. Department of Health, Education, and Welfare, 1966), pp. 3,139. See footnote 8 supra.

The National Survey of Corrections elicited fairly similar responses, although a slightly higher number of probation and parole systems reported some kind of inservice training program. The National Survey also obtained information on the frequency of training sessions as an indication of program quality. Among those agencies reporting which had an inservice training program in 1965, a little more than half in the juvenile field had sessions at least monthly, but there were monthly sessions in less than half of the felony probation and adult parole agencies. For a number of the agencies, the inservice training program consisted of meeting quarterly or even once a year.

Most correctional systems reporting an inservice training program to Piven and Alcabes did not have a central training unit to plan and organize such programs.[9] This is a serious handicap to effective training, particularly in systems where there are many kinds of employees with widely differing duties and backgrounds.

Universities and colleges can offer considerable help in planning inservice training programs. Agency administrators in the training study listed as one of the key factors in producing good training programs the help received from university faculty acting as trainers or consultants. The need for widened collaboration between colleges, universities, and correctional agencies also was voiced by many administrators.

Financial support for improving training can take various forms. Tuition reimbursement funds need to be made available to employees who participate in special institutes and other outside programs. Operating expenses are needed for expanded inservice training programs. Funds also are needed to purchase the services of additional faculty and training specialists.

Planning for Inservice Training. Corrections is such a fractionalized field that only a few States have a central corrections agency which can provide general planning for coordinated training programs. In the great majority of States, there are a wide variety of programs and no dominant organization which can provide such planning for training activities. There is a clear need for specialized personnel in each State to be concerned with the development and administration of training programs. It is simply not feasible to set up separate training efforts for 20 or 30 independent probation offices and scores of jails in a given State. Further, the training needed by an officer in a jail is not so dissimilar to that needed by an officer in a prison as to call for widely different training programs. But in most States these staff members are in different and widely separated agencies.

Planning should involve all correctional agencies as well as colleges and universities capable of developing or assisting with education and training programs of various kinds and levels. The Office of Law Enforcement Assistance in the U.S. Department of Justice is now promoting such planning efforts in each State. This is an important beginning and should be expanded.

Planning at the interstate level also needs support. The Western Interstate Commission for Higher Education, for example, has demonstrated the value of a regional approach to training and education in juvenile corrections in the West. Among the interstate programs promoted by WICHE have been: Faculty and staff exchange between correctional agencies and institutions of higher education; placement of expert faculty and staff in geographically isolated correctional systems to help with staff development, consultation, and research; and interstate sharing of scarce resources in education for corrections.

Such interstate organizations are particularly useful in providing the forum for specialized kinds of training. Juvenile court judges, parole board members, and administrators, for example, need the opportunity for specific training. Where there are only a few such personnel in a given State, the regional approach has obvious advantages in the development of effective programs.

Proposal for a National Academy. Some correctional administrators have called for the establishment of a national corrections academy to supplement State and local training programs. They argue that such a national academy would be a focal point for knowledge about corrections and a center for training correctional leadership. Critics of the national academy proposal agree that these two goals are important, but they maintain that a single national academy is too restrictive a concept and might tend to develop a correctional orthodoxy.

It is well to recognize that the goals being sought are related but are sufficiently distinct that they might best be served by different methods. Thus chapter 13 of the Commission's General Report recommends the development of research institutes, generally at universities. The objective of increasing information about correctional effectiveness would probably be served best through such institutes. The orderly development and transmission of practitioners' skills requires other patterns, one of which is a regional teaching center.

Regional Teaching Centers. In a field like corrections, where new methods are emerging rapidly, practitioners must have opportunities to become acquainted with the latest techniques. Some of the most promising lines of correctional intervention, for example, require skills in handling offenders in small groups. The lack of training sites where such skills can be learned seriously handicaps the widespread use of group techniques.

Regional teaching centers might well be established at selected correctional agencies such as probation departments, juvenile courts, prisons, juvenile training schools, and community prevention programs. These centers could be developed in close collaboration with colleges and universities, but located at agencies chosen on the basis of demonstrated capacity for developing and sustaining innovations in correctional skill and knowledge, such as group treatment, vocational training, remedial education, new forms of probation service, and community organization techniques.

It seems desirable for Federal grants to be used to encourage such correctional teaching centers. The grants

[9] Piven and Alcabes, op. cit., Source Book II, In-Service Training, p. 173.

would be needed for: recruitment and development of a core faculty, in addition to special faculty for short-term and continuing education programs; research, experimentation, and knowledge building; and stipends for short-term educational and staff development programs for correctional personnel. All categories of correctional employees would benefit by the staff development and continuing education programs provided by such centers.

NEW SOURCES OF MANPOWER FOR CORRECTIONS

The use of persons without full professional training has become an increasingly active area of investigation in corrections as in related fields. How can limited skills be apportioned most effectively? What practical substitutes for lengthy training can be developed? How can the talent of existing staff be most effectively tapped? In short, how can persons with less training be successfully employed in corrections? These are the questions which increasingly engage the attention of those concerned with correctional manpower problems.[10] The development of new career patterns has been motivated largely by the shortage of skilled personnel. But another impetus to examine nontraditional training and new career roles has been recognition of the potential of those with lower-class backgrounds similar to those of most offenders.

SUBPROFESSIONALS

An authoritative study in the use of subprofessionals was published by the National Committee on the Employment of Youth in 1965.[11] In this study, the authors identified possible ways in which corrections could use persons without traditional training.

1. The tasks now being performed by professionals can be broken up and the jobs redesigned to create viable functions for nonprofessionals.
2. Some of those who have been traditionally employed as nonprofessionals can, with appropriate inservice training, be upgraded to semiprofessionals and provided with career steps and training leading to professional accreditation.
3. Jobs can be developed to provide needed services which nonprofessionals can perform suitably.
4. Offenders and ex-offenders can be employed not only in the ways mentioned above but also as participants in their own rehabilitative process.

Redesigning Professional Jobs. The basic approach here is to reallocate functions so as to allow the use of persons with specific training to undertake portions of a total task previously assigned to one professional. The classic example of this process has occurred in the Nation's hospitals. Here a limited force of physicians and registered nurses has been supplemented by the use of practical nurses and various types of technicians teamed with administrative and clerical personnel.

Examples of similar, though less elaborate, reallocation of functions have occurred in corrections—the custodial officer who doubles as a group counselor, and the case aide in both probation and institutional work. The case aide program developed in the Federal prison system, uses selected custodial personnel who have volunteered for the assignment and who are seen as having the qualities necessary to perform this function. The duties include conducting interviews, preparing reports, obtaining information about inmates, and communicating with custodial personnel about the many decisions which affect offenders. Most of these duties were formerly the exclusive province of institutional caseworkers.

Group counseling techniques employing nonprofessional personnel received their major impetus in the correctional field through the work of Dr. Norman Fenton in the State of California. In the early 1950's a large number of staff, the majority of whom were custodial personnel, began to conduct group counseling sessions throughout California correctional institutions. Similar programs have been carried out at the Federal institution in Seagoville, Texas, and many other institutions in recent years.

Providing Opportunities to Become Professionals. Correctional administrators have expended considerable energy in attempting to recruit directly from the ranks of qualified professionals. The difficulty with this approach is that the attraction of corrections has often been much less than that of competing fields. Moreover, those who practice successfully in other settings may not find the same degree of success in a correctional agency. One seemingly effective alternative to conventional recruiting efforts concentrates on upgrading personnel employed with less than full qualification, principally by sending them to universities for advanced study after a period of on-the-job training.

The Corrections Division of the Wisconsin State Welfare Department has developed this kind of program with apparent success. Large numbers of staff have been recruited, given experience in the field, and then provided with financial assistance to obtain graduate degrees. Now the Wisconsin staff consists largely of personnel with graduate training who are scattered throughout its programs at all organizational levels.

Similar approaches have been undertaken in other parts of the country, but they have usually suffered from a lack of financial resources. There is evidence that many persons in corrections who have sufficient capacity to undertake professional training would take advantage of the opportunity for graduate work if an attractive program were made available.

The methods described above apply equally well to nonprofessional employees. Some carpenters, for example, who are employed as maintenance workers in correctional institutions could be qualified as vocational teachers if an opportunity for suitable training were made available. Many persons who enter the correctional field as group supervisors would take advanced academic work, if given the opportunity to do so, and thus add measurably to the quality of correctional manpower.

Creating New Tasks for Nonprofessionals. Because of the manpower shortage, many important tasks have not been undertaken by correctional personnel. These hold great promise for the use of the nontraditionally trained person. The development of community residential programs, halfway houses, and other alternatives to institutions offer rich opportunities in such programs as group counseling for personnel with limited beginning skills, if appropriate training can be provided. In probation and parole programs even broader opportunities are available.

There is a great shortage of manpower for the screening programs required in misdemeanant and juvenile systems. A substantial number of persons possessing less than what are usually considered full qualifications for a probation or parole officer, can be utilized to help in these functions. For example, persons with very modest educational backgrounds have been used as assistants to probation officers in Seattle, obtaining information for presentence investigations and performing related duties which leave the professionally trained person more time for other critical tasks.

Excellent potential also exists for the use of subprofessionals in community correctional programs. Here persons from slum neighborhoods particularly, even those with limited training, can provide essential linkage between the agency, the community, and the offender. The New York State Division for Youth has taken significant steps in using such indigenous persons in its aftercare program.

Use of Offenders and Ex-offenders. Some of the most promising work in the use of subprofessional personnel has been that of J. Douglas Grant in California. Beginning with the concept that barriers between inmate and staff should be reduced and that new career possibilities for inmates are needed, Grant understook a series of experiments utilizing offenders and ex-offenders.[12]

Offenders were introduced to group counseling techniques and given an opportunity to employ them with fellow offenders. Other experiments with offenders have included community surveys and the performance of a variety of research tasks, from coding to developing programed learning materials. Offenders have also been employed as tutors.

Ex-offenders are a promising source of manpower for corrections. Several experimental programs have been developed to use ex-offenders as counselors, on the assumption that they can be particularly effective in producing change in offenders.[13] It was also assumed that involving the ex-offender in treatment roles provides an excellent vehicle for his own movement into legitimate channels.

Much more experimentation is needed, of course, before decisions can be made as to the appropriate use of offenders and ex-offenders. That question must be judged, however, by criteria other than simply financial cost. For example, if it were found that ex-offenders caused positive change in other offenders, there would be reason to employ them even if it were more costly than the use of other personnel. The opposite conclusion, of course, would be to curtail the use of ex-offenders if it were found that they had a negative effect.

Problems of Implementation. Formidable obstacles must be overcome if new approaches to the use of nonprofessionals are to be utilized fully. One of the most fundamental is the restructuring of corrections to create defined and satisfying career lines for the nontraditionally trained. It is possible, for example, to employ aides to help probation and parole officers, but such persons need to have widely accepted roles and channels for promotion within correctional organizations. Without these, the aide position would be quite vulnerable because of lack of support within the correctional system, and would almost inevitably breed job dissatisfaction among those nonprofessionals seeking advancement.

Those conducting the survey for the National Committee on the Employment of Youth suggest three levels of tasks in corrections which could be organized for the nonprofessional. Each of the levels would require a progressively greater degree of training and would be accompanied by a salary advance. Thus a career line would be established, with known opportunities leading to steadily increasing status in the correctional world.

The first level would use the nonprofessional in the many activities in corrections which call for screening large numbers of offenders: Intake screening in juvenile courts, presentence investigations, and reception functions in all kinds of institutions are examples. A second level would use nonprofessionals as mediators between the offender and the criminal justice system. Some of these tasks might include the use of minority group members to overcome language barriers, the assignment of workers to specific geographic areas to interpret the function of the juvenile court, or the provision to defendants awaiting trial of a staff member who would make needed contacts with responsible persons in the criminal justice system. The third level would involve using nonprofessionals in a capacity requiring a fairly high degree of skills, such as probation officers supervising cases which do not require intensive or specialized supervision.

Another important obstacle to the use of subprofessionals is a number of persons in corrections who view them as a threat to professionalization of the field. For many years, some correctional administrators have insisted on the employment of as many fully qualified persons as possible. Such administrators pride themselves on high entering requirements for their staffs and may see the use of subprofessionals as a watering down of agency professionalism. Demonstration programs and consultation can help these agencies to adjust to the creation of new roles. This process of change would involve not only administrators but also employee organizations, which sometimes are resistant to the introduction of unorthodox solutions. Civil service systems will also have to change restrictive procedures if new roles are to be incorporated into correctional practice.

[10] See Jack Otis, "Correctional Manpower Utilization," Crime and Delinquency, 12: 261–271 (July 1966).

[11] See footnote 2 supra.

[12] See "The Offender as a Correctional Manpower Resource" (Sacramento, Calif.: Institute for the Study of Crime and Delinquency, undated).

[13] See Donald R. Cressey, "Social Psychological Theory for Using Deviants to Control Deviation" in "Experiments in Cultural Expansion" (Sacramento: California Department of Corrections, 1964).

There is also specific resistance in the correctional field to the use of ex-offenders as participants in the treatment process. Custodial considerations in institutions, for example, are advanced as objections to even quite restricted use of ex-offenders in such roles. While such considerations should not be lightly dismissed, neither should they be accepted at face value. The present situation calls for an attitude of experimentation and evaluation.

VOLUNTEERS

Another manpower source with potential for corrections is the volunteer. Despite a tradition of participation in corrections beginning with the late 18th century Prison Society in Pennsylvania, the use of volunteers has not kept pace with the growth of the field. There has been a consistent trend to replace volunteers with skilled specialists, as illustrated by the gradual decline in the number of "parole sponsors," or volunteer parole officers, during recent years. Yet current demonstrations of the vitality of the concept of the volunteer in corrections argue strongly that he can still be a strong ally in correctional programing.

One major reason why voluntary efforts should be expanded is that corrections has too long been isolated from the mainstream of community activity. The direct contact of the volunteer with the correctional system provides a means of countering this situation. It is not enough simply to increase public understanding of corrections through programs of public education. Rather, intimate personal experience with the offender has the capacity to make the volunteer an important participant in correctional work and a supporter of correctional effort.

Volunteers can be particularly effective in dealing with certain kinds of offenders. Youthful delinquents respond well to interest and help offered by volunteers, particularly those who are young enough to fill the role of model which is so often lacking in the lives of young offenders. Students at the University of Colorado are used very successfully as assistant counselors to wards of the local juvenile court and to youngsters in the two State training schools.

Misdemeanants, who are undoubtedly the most neglected group of offenders in the country, also respond to a well-planned volunteer program. At Royal Oak, Mich., volunteers are a major element in an extensive program for misdemeanants which offers individual and group counseling, job placement assistance, and aid with family problems. The program provides partial compensation for some participants who have key roles—among them professional people—and many other citizens serve without pay.

A project in the juvenile court of Eugene, Oreg., illustrates the organization of a large number of citizens around the operations of a juvenile probation department and a detention home. A group of volunteers varying "from ditchdiggers to college professors" contribute many kinds of services. They arrange social activities, provide help with crafts and hobbies, tutor detained youngsters. They also help probation officers through counseling and recreational activities. Significantly, the organization and management of this activity is considered of sufficient importance to warrant the investment of most of the time of an assistant chief in the probation department and lesser amounts of the time of other staff members.

The volunteer has much to offer in corrections if he has personal access to the community situation where crime begins. The Lower East Side Neighborhood Association in New York City has enlisted a number of community organizations to work for the prevention and control of delinquency. Among the organizations are: A council of Puerto Rican groups with 26 affiliates; an association of church groups from 39 Pentecostal congregations; a council of Negro ministers; and a Negro action group. The association and the nearly 1,000 members of the affiliated groups are effectively influencing their community to provide opportunities to offenders and potential offenders for employment, schooling, and participation in social institutions.

Volunteers can also be very helpful through correctional advisory councils. A number of juvenile courts have citizen advisory boards which play key roles in interpreting the community to the court and the court to the community. Trades advisory councils have been instrumental in developing inmate apprenticeship programs which permit offenders to learn important skills and subsequently provide them with an opportunity to use those skills by opening up job opportunities.

Administrators believe that the most important element in a successful volunteer program is a serious commitment on the part of the agency to use volunteers. This always means a commitment of staff time and sometimes a commitment of funds. Other elements which administrators believe essential are these:

1. Careful screening of those who offer their services, to assure selection of persons who have good capacity for the work that needs to be done.
2. An organized indoctrination and training program to interpret the offenders and their needs to volunteers and to give them a realistic perspective of the problems they will meet. Training should continue at intervals and focus on problems encountered by the volunteers.
3. Careful supervision that will insure the optimum use of the volunteer.
4. Systematic procedures for giving recognition to the efforts of the volunteers.

The Joint Commission on Correctional Manpower and Training is designing studies on the use of volunteers in corrections. A number of grants by Federal agencies have been directed toward encouraging the use of volunteers. These efforts need to be expanded and given impetus toward enlarging and defining the volunteer's role and toward utilizing him to expand the critically short supply of correctional manpower.

Chapter 10

Creating Change

It is clear that the correctional programs of the United States cannot perform their assigned work by mere tinkering with faulty machinery. A substantial upgrading of services and a new orientation of the total enterprise toward integration of offenders into the main stream of community life is needed.

To achieve this end, new divisions of labor, cooperative arrangements between governments, and a better balance between institutional and community programs must be developed. A wider variety of techniques for controlling and treating offenders is needed, techniques that can be used more flexibly and interchangeably. A strategy of search and validation must be substituted for random methods of determining how correctional resources should be used.

The implementation of such pervasive changes will require strong and decisive action. The purpose of this final chapter is to note where responsibility for taking action rests and to indicate some of the costs and consequences of inaction.

The present problems and disabilities of American corrections reflect the relatively low priority given it in the places where political and administrative choices are made and public and private resources are allocated. Corrections is frequently investigated, worried about, and viewed with alarm. But, significantly, its most spectacular gains have been precipitated by prison riots or scandals which temporarily increased its power to bid for support against highways, schools, and other more popular objects of governmental spending.

The public has usually not been willing to tolerate the most visible and frightening symptoms of a poor correctional system—escapes, riots, corrupted officials—but neither has it been prepared to provide the resources and conditions required for the development of a truly adequate system. As a consequence, change has been sporadic and short-run in nature.

The immediate costs of upgrading corrections are substantial, while the ultimate return—reduced recidivism—will be realized only over a long period of time. There are few services or facilities visible to those who pay the bill. But the new currents in corrections discussed in this report appear to offer at last an opportunity for effecting some rational and important solutions to the problems of correctional treatment. Yet these reforms will occur only if many individuals and groups assume responsibility for creating needed change. And that, in turn, will depend upon a more complete and realistic public understanding of the problems.

THE ROLE OF GOVERNMENT

The present gaps and duplications caused by administrative fragmentation of the correctional enterprise can be cured only by major changes in the organization and financing of services. This will be difficult. It will require cooperative action by thousands of autonomous governmental entities.

Certain guidelines should govern assumption of responsibility for corrections. Correctional operations should be located as close as possible to the home of the offenders being handled. Reciprocal arrangements between governments should be developed to permit flexible use of resources. Regional sharing of institutional facilities and community programs should be greatly increased. Large governmental units should take responsibility for a variety of forms of indirect service to smaller and less financially able units, helping them to develop and strengthen their correctional services.

These principles have been discussed as they apply to State and local corrections in previous chapters. But they have a special bearing on the Federal role in corrections. The Federal Government should divest itself systematically of much of its present direct service to offenders. It should operate fewer institutions and community correctional programs. Ultimately it should retain responsibility only for those services which it can operate more effectively or economically than the States and the local governments. And in turn it should provide a substantial and diversified program of assistance to State and local corrections.

Another major role for Federal corrections should be the initiation of innovative programs to serve as proving grounds and as models for State and local corrections. This role as innovator would not, of course, be the exclusive domain of the Federal Government. Such programs should be primarily a stimulus to change at the local level. Much that is new and promising will continue to be generated locally. But the prestige and visibility of the Federal service and its national character give it unique advantages. Current experimentation with

work and study release, the use of programed learning, and the development of a community service division in the Bureau of Prisons illustrate the value of this role.

The thrust of the Commission's recommendations for Federal activity in corrections, although in keeping with present trends, nevertheless represents a profound change in the status quo. The new pattern of Federal activity called for here is perhaps the most important single key to the pervasive changes which are needed in corrections throughout the United States.

PRESENT FEDERAL ROLE IN CORRECTIONS

On May 14, 1930, President Hoover signed an act of Congress creating the Federal Bureau of Prisons in the Department of Justice. The fledgling Probation Service—8 probation officers and 4,280 probationers—was placed in the Bureau's structure. An independent Board of Parole was established to replace the old system of separate institutional boards.

In 1940, the act creating the Administrative Office of the U.S. Courts transferred the Federal Probation Service to that agency. In 1946, the then Chairman of the U.S. Board of Parole urged greater separation of the Board from the Bureau of Prisons. The process of supervising parolees became a separate entity. Today the Bureau of Prisons, the Probation Service, and the Board of Parole share responsibility for the administration of correctional programs for persons convicted of Federal offenses.

There are a variety of proposals for consolidation of the Federal correctional establishment, and strong controversy with respect to each. Most observers would agree that present arrangements are too fragmented for optimal functioning, but there is no consensus on a satisfactory solution.

The most important consideration, when the long view is taken, is not the specifics of reorganization but the goals to be sought and the general character of the Federal responsibility in the years ahead.

Since 1930, the Federal prison, probation, and parole services have steadily grown and improved. They have provided State and local agencies with examples of good management and successful programs; for example, the prison industries of the Bureau of Prisons. More recently the Federal Government has begun several small but promising programs of aid to local corrections: funds for research, demonstration, staff training, consultation, and other forms of technical assistance.

Federal officials have shown leadership and imagination in identifying opportunities for new and different contributions. In fact, much of the initiative for a greatly enlarged and refocused Federal role in American corrections stems from existing leadership in the national establishment. In the course of the National Survey, meetings were held in every State with groups of correctional leaders and citizens. Over 750 persons attended these meetings. There was agreement on the need to expand the Federal role in initiating and financing development.

Commission consultants surveyed the correctional operations of the Federal Government and solicited opinions from over 100 knowledgeable persons concerning problems, needs, and opportunities for improvement of Federal services. The Commission found a strong consensus on the objectives of change.

REDISTRIBUTION OF THE FEDERAL-STATE WORKLOAD

Most Federal crimes are also violations of State statutes. The large majority of Federal offenders could have been prosecuted in State courts and committed to State correctional systems. Many of these State systems are at present inferior to Federal facilities and resources. But State and local programs of good quality have a number of advantages over Federal correctional programs. As far as institutional treatment is concerned, the Federal system is generally handicapped by the distance of its facilities from the home communities of their inmates. Handling the offender closer to home provides more opportunity for maintaining family and community ties; it facilitates reintegration into community life.

This is particularly true in the case of juvenile and youthful offenders, where rehabilitative efforts should be directed toward family members as well as the young offender himself. It is difficult to do so if the individual has been transported hundreds of miles away from home to a Federal correctional institution.

A large proportion of Federal juvenile offenders, for example, are Dyer Act violators, convicted of transporting stolen automobiles across State lines. Many Dyer Act cases today are persistent offenders, and for some of these, who need long-term custody or high security, Federal correctional treatment is sensible. It is important to screen and classify carefully this heterogeneous group to separate these persons from less dangerous offenders whose needs may be no different from those of most juvenile offenders. Federal authorities already have announced a goal of diverting as many juvenile offenders as possible to State authorities. This objective is generally consistent with the position stated above and should be implemented thoroughly.

Female offenders are convicted and sentenced in Federal courts at an annual rate of about 2,000. About 500 of these individuals are committed to prison, while 1,500 are placed on probation. Their offense patterns differ significantly from those of males: 60.9 percent of the women convicted in U.S. district courts in 1964 had no prior record, and only 7.8 percent had a prior conviction. Over 50 percent were convicted of nonviolent offenses such as embezzlement, theft, and forgery.[1] Local or, in sparsely populated areas, regional treatment centers would, as noted in chapter 5, seem to offer greater promise for female offenders than institutionalization far from home.

Short-term sentence cases represent another category of offenders which should be considered for diversion from Federal to State and local authorities. In 1965, about 1,500 inmates in Federal correctional institutions were serving sentences of 1 year or less, and almost 300 of these were serving sentences of less than 6 months. Most were "split-sentence" cases, with a probation period following confinement.[2]

The offenses of this group, as well as their backgrounds, were similar to those of many prisoners serving similar sentences in State and local facilities. The brief sentences to be served, the expense involved in transporting these offenders long distances, and the general desirability of treatment close to home all suggest that diversion to State or local facilities be seriously considered.

In most cases it would be more feasible to develop a process of post-sentencing diversion, such as contracts for service, in instances of transfer from the Federal to State or local systems. This is the only possible process in cases where there is no concurrent jurisdiction.

Of course, if the programs of local institutions are inferior in quality to those of the Federal system, this reasoning loses its appeal. All too often the inferiority of State and local corrections is apparent. The diversion of Federal offenders into State channels therefore must be accompanied by vigorous efforts to upgrade the quality of State and local correctional programing. Funds saved through reducing direct services of the Federal Government could of course help contribute toward Federal aid to improve State and local corrections.

On the other hand, some offenders with special needs who are now in State and local facilities could be managed more effectively in Federal facilities. One such group is career criminals, offenders whose involvement in criminal activities is deliberate, profit-seeking, professional. Individuals in this group commonly have a long history of criminal activity, intimate relationships with criminal or delinquent associates, and deep alienation from society and its laws and authority. The Federal prison system, with its efficiently operated, custodially secure network of institutions, is much better prepared to provide long-term confinement for such individuals than are most States. Its prison industries are well suited to their program requirements. Diversion of larger numbers of offenders in this class to Federal custody would lessen the burden now carried by State correctional agencies, permitting them to concentrate on more promising cases and allowing them to give added emphasis to community programing.

Central or regional facilities operated by the Federal Government could also generally be more effective and more economical for providing intensive institutional care for mentally disordered or retarded offenders under State and local authority. However, for many such offenders, medical and correctional treatment are facilitated by keeping subjects close to their homes. When this is true, consideration should also be given to the development of regional centers by several States, perhaps with financial and technical assistance from the Federal Government, which might also be used for diagnostic purposes.

ORGANIZATION OF STATE AND LOCAL CORRECTIONS

As has been abundantly revealed throughout this volume, there is the greatest diversity among States and local governments in the quality and quantity of correctional services and in the organizational arrangements developed to carry them out. For this reason, general prescriptions for improving corrections at these levels are hazardous. Nevertheless, some major problems can be identified, and some guidelines can be offered to assist in their solution.

Integration and Coordination of Services. The present fragmented array of correctional services in the United States should be organized into coherent systems that include diversified resources ranging from intake screening to parole supervision. Figure 1 on the following page suggests the elements of such systems. Generally speaking, the States are best able to undertake the management of such integrated programs. Several States, in fact, already have done so. Some large and urbanized counties and cities may find it advantageous to develop and operate a complete range of correctional services. Most will do better to cooperate with State authorities in efforts to reintegrate offenders, while taking care not to duplicate State-administered programs.

A major effort is needed to integrate institutional and community-based programs. Management of operations could well be focused upon geographic areas within which various types of institutions could be related to probation, parole, and special community programs. Thus, all services could be used flexibly, in concert, and consistently with the basic strategy of reintegration.

The centralized administration of correctional activities, within an appropriately strong governmental entity, also would permit a variety of specialized staff services to be furnished to operating units. Research and information systems, technical assistance to improve training and therapy for offenders, expertise in fiscal and personnel procedures—these and many other kinds of assistance could contribute significantly to the effectiveness of correctional programs.

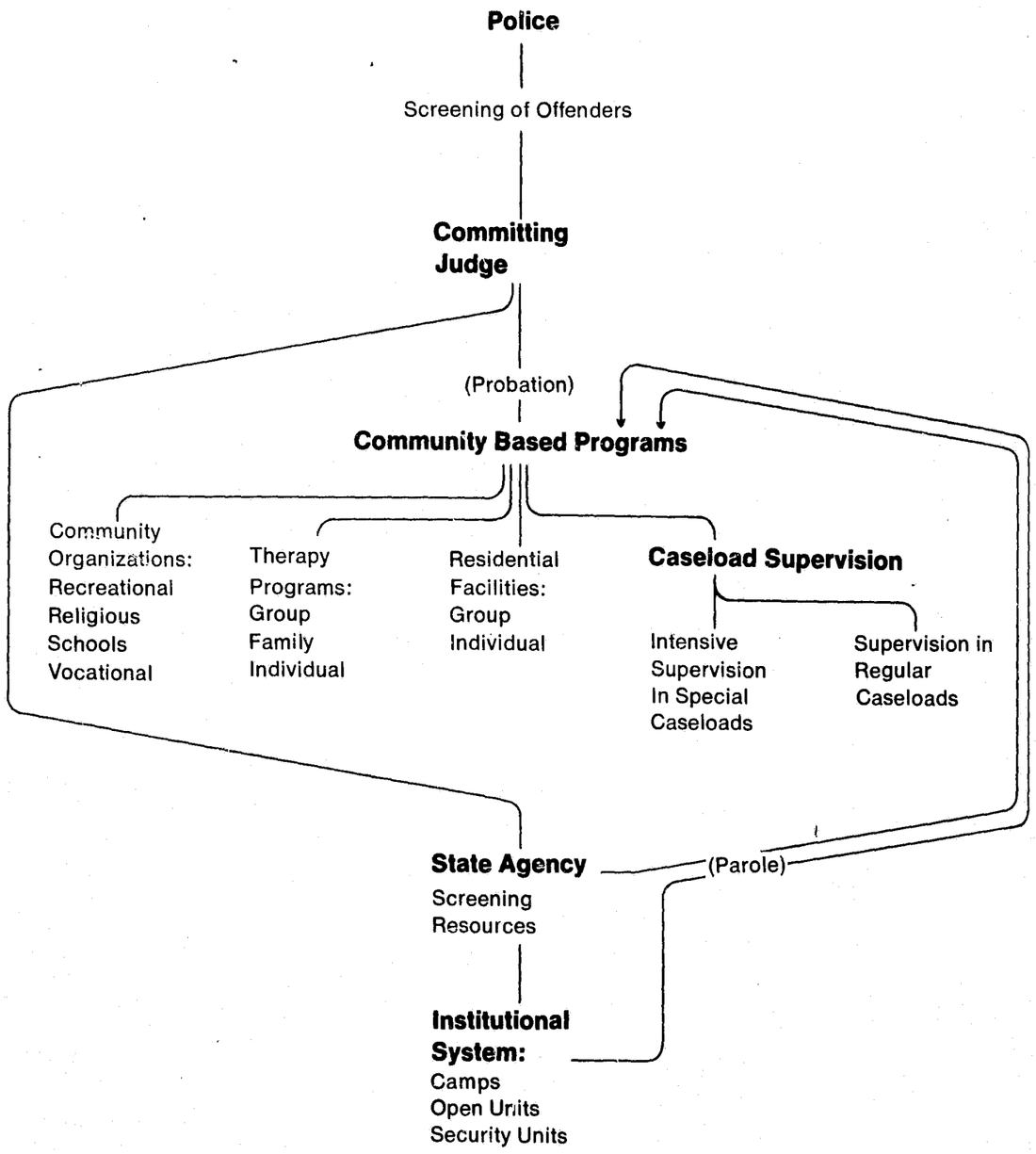
The most challenging task facing State and local correctional systems is the integration and upgrading of correctional services for misdemeanants. The operation of jails and workhouses, the strengthening of now-rudimentary probation and parole services, the encouragement of innovations such as the use of volunteers and subprofessionals—these tasks can only be undertaken on a broad scale if misdemeanant programs are brought under the administrative control of the correctional establishment. In order to accomplish this, each jurisdiction must develop a coherent plan of action, a plan which provides answers to the many questions which surround such massive changes in public policy.

Planning Programs. To accomplish the continuous planning essential to an expanded and comprehensive system, three elements must be actively provided. First, there must be a process of constant analysis of data. The basic questions to which the analysis must produce answers are: How many offenders came in? What happened to them? How many went out? What happened to them?

[1] Administrative Office of the U.S. Courts, "Federal Offenders in the United States District Courts, 1964" (Washington: The Office, n.d.), table 16, p. 36, and table 25, p. 49.

[2] Richard A. McGee and Ernest Reimer, "The Federal Government's Role in Corrections" (paper prepared for the President's Commission on Law Enforcement and Administration of Justice), p. 30.

Elements of a Modern Correctional System Figure 1



Second, after all the data are in, after the results of last year's plans have been digested and the trends forecast for next year and the years to come, the implications must be translated into an agency program. Such a program must provide for remedies for present deficiencies and future workloads for which no existing resources are now available. Differing options should be formulated depending on what results can be obtained from differing financial outlays. The anticipated consequences of each option should be projected for executive and legislative decisions.

Third, there must be a systematic means of providing for public interpretation and reaction to the plan. This is a crucial step. Every enlightened administrator will concede its desirability, but in the press of daily business the great necessities are often pushed to one side in favor of routine matters.

A system is needed which will assure that a continuing public dialog on correctional development is maintained throughout the State. Regional planning and liaison councils should be set up in the principal population centers in such a way as to assure statewide coverage. The tasks of the councils would be simple but significant. They would be asked to consider the effectiveness of the correctional apparatus in their areas and to make recommendations for its improvement. They would also be asked to review the plans and projects of the corrections system and to make recommendations for change.

Every effort should be made to inform and involve individuals and groups which have a concern for improving public policy and solving social problems. Voluntary associations, labor and management groups—these and other organizations provide ready-made structures for increasing public understanding and participation in the development of effective correctional services.

Decentralization of Decision-Making. There are many advantages in a diversified and administratively integrated system of correctional services, supported and managed by a jurisdiction of sufficient size and fiscal capacity to perform the essential tasks responsibly. But this model carries with it the serious danger, familiar to all large organizational enterprises, of overcentralization and bureaucratic deadening of creativity and ability to respond sensitively to operational demands. Reintegration of offenders into local communities requires flexibility at the local level of correctional administration.

This requirement must be met in different ways by different jurisdictions. In a large State or county, it may mean an authentic decentralization of operations into relatively autonomous regional offices. In a sparsely populated jurisdiction, it may place a premium on recruiting strong, imaginative heads of small institutions and field offices and giving them much latitude for solving problems within the context of their own situation, as well as developing resources for the special programs and experiments they identify as desirable.

FEDERAL ASSISTANCE TO STATE AND LOCAL CORRECTIONS

Most of the financial support required for the upgrading of corrections in the years ahead must come from State and local governments, since the responsibility belongs primarily to them. But that responsibility long has been avoided; and it is unrealistic to suppose that major and reasonably uniform improvements will now occur throughout the Nation unless the Federal Government assumes leadership and pays part of the cost of change.

A long-term but gradually diminishing system of subsidies aimed at bolstering the basic elements of correctional practice is needed. These elements include: The staff required to screen and plan appropriate programs of treatment and control for the million-plus offenders who are in the correctional system on a typical day and the much larger number expected in years ahead; probation and parole officers in sufficient quantity to permit small caseloads for effective, differential supervision; small multipurpose institutions providing confinement selectively while serving as hubs for community treatment operations; service-purchase arrangements permitting quick access to needed training, counseling, and other assistance while also drawing the institutions that provide such services into regular contact with offenders.

The development and effective administration of Federal aid in this area will be a difficult and complicated task. Some States and localities will require more assistance than others. Some will be prepared to move more rapidly than others. All must participate actively in deciding what is to be done, and all must control the actual operation of the new programs if success is to be achieved.

The granting of subsidies should be preceded by comprehensive planning, establishment of priorities, and commitment of local leadership and resources to the tasks so defined. Federal aid should be continued long enough to permit the new services to be firmly woven into the local establishments. But from the very beginning there should be a realistic understanding of the expectation of ultimate State and local support. The eligibility of the recipient to participate in Federal assistance should depend upon eventual assumption of financial responsibility for the basic ingredients of a strong correctional endeavor.

In two areas Federal action is particularly urgent—research and training. Correctional operations, as pointed out in earlier chapters, suffer from a dearth of information on offenders and on the effects of different programs and techniques of treatment and control. Improved effectiveness and economy of services will depend on a capacity to identify different types of offenders, determine which forms of intervention are most appropriate for particular types, and monitor future operations on the basis of such information. Formidable problems are involved in developing, disseminating, and putting to use the required information. Federal leadership and financing will be required to solve these problems.

Education and training of many kinds and at many levels is another vital ingredient for correctional progress.

The thousands of institutional staff who have operated principally as keepers and custodians require assistance in moving into new roles as treaters, and so do the inmates with whom they must collaborate in this process. Professional staff—teachers, social workers, psychologists, and others—need aid in understanding the behavior of angry and alienated persons and in working effectively within programs in which the presence of a criminal sanction helps to determine the nature of authority relationships. Community leaders need aid in confronting and understanding the problems of the offenders in their midst and in effectively mobilizing and coordinating a wide range of resources to meet those problems.

Through grants and subsidies, through scholarships and stipends, through support of programs to communicate the results of research and demonstration projects, the Federal Government should undertake a major involvement in the varied education and training activities needed to work major changes in the American correctional system.

The Federal Government should accompany aid for research and demonstration projects and for education and training, with considerable enlargement of its limited programs of consultation and technical aid to State and local corrections. Such services, if skillfully employed, could serve to catalyze needed change and to link local correctional endeavors with Federal subsidy programs and with each other. They could also help corrections to maintain liaison with developments in law enforcement and judicial administration.

Technical assistance should be provided in conducting surveys of existing needs, projecting them into the future, and planning long-range programs to meet those needs. Information should be supplied on program innovations attempted in other jurisdictions, on the results of research and demonstration projects, and on a variety of special problems associated with change—for example, organizing and starting a new community-oriented institution, preparing probation and parole staff to use service-purchase techniques, and establishing staff teams on which subprofessional persons could play significant roles.

ORGANIZATION AND ADMINISTRATION OF FEDERAL AID

The development of Federal services capable of stimulating and catalyzing needed action at the State and local level will not be easy. State and local officials responsible for operating correctional programs around the country are often unable to define their needs intelligibly or to tap potential sources of assistance in the Federal Government. Federal officials, on the other hand, encounter difficult problems in coordinating their diverse aid efforts so as to achieve a coherent total effect.

There is at present no focal point in the Federal bureaucracy at which correctional services to State and local governments can be planned and coordinated. The Bureau of Prisons inspects and sets standards for local jails used temporarily to house Federal prisoners. The Children's Bureau provides consultation services for juvenile detention, probation, and parole programs. The National Institute of Mental Health funds research and demonstration projects to investigate varied correctional techniques and approaches.

The Office of Juvenile Delinquency and Youth Development subsidizes research, training, and demonstration aimed at improving juvenile correctional practice (a program expiring at the end of fiscal 1967). The Office of Law Enforcement Assistance offers funding in these same areas for both adult and juvenile corrections. Moreover, the Department of Labor, the Office of Economic Opportunity, the Vocational Rehabilitation Administration, and the Office of Education increasingly are involved in meeting the employment and educational needs of offenders under the supervision of State and local authorities.

So fragmented are the indirect service programs and so few are the communication lines between them that it is impossible to obtain a clear overall picture of current operations or of planned expansions or contractions in service. But it is quite clear that there are both duplications and large gaps in the Federal programs now available.

There is, of course, much advantage for corrections in receiving assistance from a variety of Federal agencies. Corrections is not so much a professional field as an intersection in which many interests meet to promote the reintegration of the offender into the community. The organizational problem posed by the present situation should therefore not be approached by concentrating the dozens of indirect Federal services in one agency and excluding the participation of all others. Solution of the organizational problem will require that responsibility for planning and development of new programs be centralized and that workable mechanisms be developed for coordination and exchange of information among the many agencies involved.

One recurring complaint received by Commission staff was that Federal aid stresses demonstrations and other short-term programs which temporarily afford more intensive rehabilitative efforts but do little to meet the general problem of inadequate resources. Some State and local officials criticized the sizable effort required to apply for Federal assistance and to mount a new project, as compared with the small results which could be achieved over a period of 2 or 3 years. There has been a broad gap between expectations and accomplishments in many projects.

There is much frustration among local officials responsible for operating correctional programs arising from unsuccessful efforts to gain access to Federal assistance or just to find out what assistance was available. Increased Federal activity in the delinquency-prevention area in recent years resulted in wide expectations that help soon might be available to deal with longstanding and seemingly irremediable problems. And indeed many correctional agencies did begin, in collaboration with university-based researchers, to receive funds for research, demonstration, and training activities. But most local officials with whom the Commission spoke seemed to feel that the Federal aid available left much to be desired.

A related problem often reported had to do with the alleged preoccupation of Federal staff and committees with funding "innovative" programs. Local officials did not question the need for change in corrections or the appropriateness of Federal leadership in helping to bring about change. But they felt that the emphasis resulted in the funding as "new projects" of many programs that were simply old ideas with different labels. It was widely felt that more responsibility should be assumed by the Federal Government for transplanting genuine innovations widely and helping them to grow healthy roots before withdrawing financial and technical aid.

A final area of frustration for correctional program operators arose from beliefs that access to Federal aid depends more upon effective "grantsmanship" then actual need for assistance. It was pointed out that the relatively few correctional agencies with representatives who know the Washington scene and are adept at the art of writing and processing proposals have secured a highly disproportionate share of the limited resources available. Some correctional leaders felt that those agencies which least need Federal assistance are most apt to obtain it, while the agencies with greatest need are unable to compete effectively or even to find out the place, time, or rules to be observed in seeking assistance.

While this problem may be due partly to the premium put on innovation, it would seem to arise as well from other important sources. Dependence upon research and demonstration projects as a major vehicle for effecting change in corrections limits participation to those few agencies which have a proven capacity for experimentation and evaluation and those which can work out a cooperative arrangement with outside institutions that have such a capacity. Few correctional programs can qualify by this criterion, and the examples of successful collaboration between operating agencies and outside researchers are rare indeed.

It seems clear that there should be not only expansion but also much more effective coordination of Federal services to State and local governments relating to the control of crime and delinquency. This does not mean that all such services should be administered from a single administrative base. Indeed, it is to be hoped that services in all of the categories described above will proliferate in many areas—employment, welfare, education, and elsewhere.

But there should be one place in the Federal structure at which the function of coordination itself is centered—where there is complete intelligence concerning all related programs, where creative and comprehensive planning can take place, where relationships with State and local efforts can be focused. This base should have responsibility for coordinating indirect Federal services relative to the entire spectrum of criminal justice activities: law enforcement, prosecution, the judiciary, and corrections. It should directly administer certain of these services, thus maintaining an active influence over the substance of programs rather than simply monitoring the work of other agencies.

Strong and coordinated Federal leadership would constitute an unprecedented opportunity for corrections. The fragmentation of the correctional apparatus, the lack of resources, the information gap, the faddish and random character of program development—these and other basic problems could be addressed more effectively with such aid than has heretofore been possible. Closer coordination with the other agencies in the criminal justice system and with community institutions important in preventing delinquency and crime might also be furthered through a Federal program that embraced all these areas.

The Federal Government has generally divided its aid to adult and juvenile corrections between different Cabinet departments. While correctional programs for juveniles and those for adults should achieve a closer integration, they are nevertheless partially distinct systems. Juvenile programs in corrections have traditionally been more allied with social services. But the changes recommended in this report will necessitate closer relationships between adult corrections and these services. Federal leadership should also be organized so as to relate all of corrections to the criminal justice process, while still fostering strong cooperative relationships with agencies concerned with education, employment, welfare, recreation, and mental health.

PRIVATE AGENCIES IN CORRECTIONS

A sizable number of nongovernmental organizations are involved in efforts to improve correctional practices and supplement the services of official agencies. Among them are such national professional groups as the National Council on Crime and Delinquency, the American Correctional Association, the Joint Commision on Correctional Manpower and Training, and various affiliated groups. Historically, the national associations have engaged in five kinds of correctional functions:

1. Research studies, evaluation surveys, and demonstration projects.
2. Professional information collection, assessment, and dissemination.
3. Public information and education.
4. Promotion of legislation.
5. Promotion of citizen participation in social action to help change existing programs and to establish innovations.

A number of local social welfare and church groups are engaged in providing direct services to offenders or ex-offenders.

Private groups of both sorts, operating relatively independently of vested interests in ongoing programs and of the limitations imposed by public office, have an opportunity to play a most important role in bringing about needed changes in corrections.

RESEARCH AND DEMONSTRATION PROJECTS

Often an organization under private auspices can move more easily than governmental agencies in initiating and

carrying out projects designed to test innovative ideas. Among the principles governing their choice of projects might be:

1. Projects which by their nature would be inappropriate for governmental implementation. An obvious example would be a survey of public agencies in a situation in which the independence of the surveyor is a prime consideration.

2. Projects in community situations where research is needed but no competent public research resources are in sight.

3. Projects where the findings could be communicated and put to use through the network of a private organization.

The national organizations often conduct special studies and surveys to evaluate programs and services. This is still an important function; the methods of program evaluation are developing so rapidly and are becoming so complex that only the largest organizations can employ staffs and equipment to carry them out properly. Governmental agencies are not strategically well placed to criticize other agencies or to be searchingly self-critical.

COLLECTION AND DISSEMINATION OF INFORMATION

The national associations have always played the principal part in collecting and disseminating information and research findings through the publication of journals and newsletters and through regular professional meetings and conferences. These functions should continue; indeed, if possible, they should be expanded.

Most public officials can be trusted to inform the world about their triumphs. They are more reticent about their failures and their mistakes. It is here that the national association and like agencies have essential roles to play. A public agency cannot successfully bring pressure to bear on itself or on the elected officials to which it is responsible. The critic must mount a rostrum outside the agency.

Governmental agencies should respect this role. Informed criticism is of the greatest use in correcting error and improving practice.

PROMOTION OF LEGISLATION

The legislative programs of correctional agencies are seldom the most appealing to reach the desks of Congressmen and State legislators. The beleaguered legislator is in constant need of the support and interpretation which only a well-informed and fully competent voluntary agency can furnish. If he is to have that support, he must keep the representatives of the national associations in his confidence about the programs which he is submitting to the legislature. Their views should be invited in the planning stage; their participation in legislative committee hearings should be solicited as a necessary phase of the strategy. Sometimes the lay membership of the association can be mobilized to bring their views to the attention of the legislature.

DEVELOPMENT OF CITIZEN PARTICIPATION

Chapter 9 touched on the need for active citizen participation in correctional programs. Voluntary agencies, particularly the national associations, are in good strategic positions to develop citizen action groups.

An outstanding example of such a program is the citizen action movement pioneered by the National Council on Crime and Delinquency. This movement is now active in 19 States. It grew out of the Council's experience in using citizen groups when conducting surveys of public agencies. Recommendations for change were much more readily adopted when interested citizen leaders worked as advisers to the survey team, and much more effectively carried out when the leaders were asked to serve as a follow-up action group after the completion of the survey.

The citizen action group has become a vital resource in bringing about correctional advance in many jurisdictions. Its effectiveness depends on the ability of private agency staff to identify community leaders and potential leaders, to induce them to play parts in correctional policy and program development, and to see to it that when the time comes there are appropriate parts to play. A citizen action group cannot function without staff to provide information for discussion and action; organizing and staffing citizen participation programs may well be one of the major contributions that private associations can make.

DIRECT SERVICE FUNCTIONS

It was not long ago that private philanthropy was the only recourse for a released offender needing help. This is still true in many communities, but the situation has been greatly altered by the development of parole and aftercare services under public auspices. Nevertheless, there is much left for private agencies to do in providing service. Parole agencies have not yet attained their full scope as helping services. There is still, for example, the absurd notion that if a parolee cannot manage until his first payday with his "gate clothes" and $20 or $30, he is demonstrating a culpable lack of resourcefulness. There are not enough private agency resources to remedy this problem but, where they exist, they serve an important function.

Discharged prisoners have no access to parole help at all, nor are there other public agencies with a specific charge to help provide substitute services. Although most cities have social service agencies which will listen to a problem, such agencies usually find themselves peculiarly helpless in dealing with the special difficulties of the adult offender. The availability of voluntary agencies which are staffed with persons familiar with the predicament faced by a released offender and with access to the channels through which difficulties of that kind can be straightened out, might prevent a good deal of continuing criminality.

Most of the private agencies which provide institutional or aftercare services for offenders operate on severely limited budgets, frequently competing with numerous other programs for community chest funds. Agencies which have established adequate financing through the exercise of initiative or the generosity of donors, often have made distinctive and important contributions. An example is Boys' Republic in southern California which combines treatment for delinquent boys in a minimum-security institution with the operation of two halfway houses, one an experimental program in which research is carried on by the University of Southern California.

In the main, however, private programs for offenders are very rudimentary. There has been a small-scale replication in the United States of Great Britain's John Howard Society, which includes both direct service to released offenders and community pressure for correctional reforms. But, in view of its great potential, this area has been barely touched.

Much more direct service under private auspices is needed in corrections to achieve the special flexibility of operations possible only in the absence of the constraints which attend public management; to promote experimental, even speculative, innovations in service; and to draw into corrections the interest and the support of citizens.

PHILANTHROPIC FOUNDATIONS

The interest of private foundations in supporting research, demonstration, and training in corrections is not and never has been large, but there were indications at the time of the Commission's work of increasing interest and desire on the part of at least some foundations to participate in bringing about needed changes. This interest seemed to be greatest in connection with programs for juveniles, and especially those programs directed to preventive as well as corrective goals. The discouragingly hard and unglamorous tasks involved in handling recidivistic adults have not as yet had much appeal to foundations.

The contributions of private foundations can be particularly valuable if they are designed to explore new fronts and open up pathways for more substantial and permanent funding from regular sources. This strategy will be most effective if it is worked out consciously and in cooperation with the officials at all levels who have responsibility for changing and improving correctional practice in the United States.

INTERNATIONAL LIAISON AND COOPERATION

International cooperation is an important aid to increased understanding of crime and the criminal. This kind of international cooperation has had a long, illustrious, and generally profitable history. Beginning with John Howard, the 18th-century English sheriff who became the conscience of European justice, a steady stream of humanitarians, criminologists, correctional administrators, and social scientists have crossed borders, comparing experience and observations and trying to arrive at principles to govern the treatment of offenders.

SIGNIFICANT INNOVATIONS IN FOREIGN COUNTRIES

In our own day, Dr. Maxwell Jones, of England, has contributed significantly to corrections in the United States and many other countries. At Henderson Hospital in Belmont, England, Jones found himself charged with the treatment of hundreds of psychologically disabled veterans of World War II. His "therapeutic community" approach was an innovation aimed at the resocialization of troubled men by bringing the community into the hospital and imposing its responsibilities on patients, rather than permitting the hospital to provide them a haven from reality. It was not long before correctional program leaders all over the world came to recognize the logic and the utility of this basically simple concept of the institutional community. Its applicability to the peculiarities of the correctional institution seemed obvious. From Jones's program at Belmont came a significant impetus for change in prison climate throughout Western Europe and America.

In Sweden, a tremendous increase in rates of crime and delinquency during the postwar years has required an accelerated program of building institutions of all kinds. Small units have been erected according to the different needs of specific types of offenders with emphasis on industry and conventional norms of efficiency. These units are in such sharp contrast with recent American institutional design that they present an excellent base for comparative studies. Such studies would be extremely useful to any country where plans for institution building are under consideration—and this, of course, would mean almost every country.

Several European countries, most notably France and the United Kingdom, have organized national training programs for staff at every level of correctional practice. They are based on the assumption that intensive basic training of the recruit at the time of his entry into service, followed by periodic refresher training, will maintain progressive standards of performance. Such a program should be examined carefully to ascertain its value for use in this country.

DEVELOPMENT OF INTERNATIONAL COOPERATION

Formal international action in corrections began with the organization of the International Penal and Penitentiary Congress in 1872. Through its work, the principles of classification and individual treatment of prisoners, developed at the Elmira Reformatory in New York, became known and used throughout Western Europe. Eventually the British borstal system grew out of these concepts. The borstal plan in turn was one stimulus for the American Law Institute's Model Youth Corrections Act. This and many other examples have demonstrated the utility of formal international cooperation.

Since 1950, the United Nations has been the center of international action in the correctional field. The U.N. Social Defense section has convened three international congresses on the prevention of crime and the treatment of the offender, and a fourth is planned for 1970.

In addition, the Social Defense section has made its specialist staff available to make correctional studies and surveys in many countries. It prepares reports of research and surveys of interest to the correctional community. The staff has organized institutes for training correctional administrators and correctional staff.

Much more could and should be done to further international cooperation. A central agency in this country would be useful for such purposes as maintaining liaison with all the international agencies with interests in corrections; facilitating study and research by foreign scholars and administrators in this country and by Americans abroad; and coordinating American activity in international training activities, institutes, and conferences. Financial support is also needed for activities such as fellowships for Americans to study corrections in other countries.

THE CONSEQUENCES OF INACTION

It would be very helpful to have available a quantitative statement of the costs and consequences of continuing the present faltering correctional system and of the gains which could be achieved through implementation of the recommended changes. How much reduction of crime and delinquency could be achieved over 5, 10, or 20 years? When would the economies implicit in more effective handling of offenders equal or surpass the increased cost of a renovated correctional system? What would be the cost to the Nation, in human lives and suffering as well as in dollars, of inaction in the face of today's critical conditions?

It is impossible to answer such questions in quantitative terms. The cost of additional personnel and facilities can be estimated roughly, but there is at present no solid basis in experience for predicting the impact of a changed correctional system.

However, the ineffectiveness of the present system is not really a subject of controversy. The directions of change—toward the community, toward differential handling of offenders, toward a coherent organization of services—are supported by a combination of objective evidence and informed opinion.

The costs of action are substantial, and everyone should understand that reality. But the costs of inaction are immensely greater. They mean, in effect, that our Nation would continue to avoid, rather than confront, one of its most critical social problems; that it would accept for the next generation a huge, if not immeasurable, burden of wasted and destructive lives; and that it would do so without employing the most effective intervention available.

Decisive action, on the other hand, could make a difference that would really matter within our time.

Data Summary from

CORRECTION IN THE UNITED STATES

by the National Council on Crime and Delinquency

Contents

Introduction

This is a survey of correctional agencies and institutions operated by States and communities throughout the United States. It presents a nationwide picture of correction, but it does not include Federal agencies [1] and correctional programs operated by the armed services.

The survey was undertaken by the National Council on Crime and Delinquency at the request of the President's Commission on Law Enforcement and Administration of Justice and was jointly financed by NCCD and a grant from the Office of Law Enforcement Assistance (Grant No. 003).

To formulate recommendations to the President, the Commission had to know the current status of correction in the United States. Because of the urgency of the request, NCCD undertook and completed the survey by committing its total resources, including national, regional, and state staffs, state citizens' councils, and members of the Professional Council. The survey, including a draft of the report, was completed in 6½ months, from February to September 1966.

This project could not have been undertaken, much less completed within the short time allowed, without the help of more than 3,000 correctional administrators, wardens, probation and parole officers, sheriffs, statistical chiefs, and others. These officials cooperated with NCCD's survey team and answered the questions, compiled the data, and, in many cases, made special studies and audits to comply with a request for data.

As a consequence this report brings together, for the first time, comparable information on many aspects of correction in the United States today.

SCOPE

For many years valuable statistical data voluntarily reported by a number of juvenile courts, training schools, and State-operated correctional institutions have been published by the U.S. Children's Bureau and the U.S. Bureau of Prisons. Each decade certain information on correctional population and costs is developed by the U.S. Census Bureau. Information from selected correctional agencies is regularly solicited by NCCD, in addition to its annual salary surveys and detention home inventories. Besides these compilations and many other sources of information, a large number of surveys of State and local agencies provide "in-depth" views of correctional programs throughout the United States.

[1] Local agencies in Washington, D.C., are included.

Existing data alone, it was soon found, could not serve the needs of the President's Commission and the Office of Law Enforcement Assistance. We decided, therefore, to design this survey so that the status of all segments of correction could be described comparably in terms of organization, patterns of administration, volume of clientele, types of services, personnel practices, and expenditures. In addition, questions on the role of the State, construction plans, legal problems, and innovative and unusual programs peculiar to specific fields of service were included.

The survey made use of three sources of information: (1) data from correctional programs, (2) group meetings with key correctional leaders in each State, and (3) published reports and special studies.

METHOD

Correction was divided into nine functional services or systems: (1) Juvenile detention, (2) juvenile probation, (3) juvenile training schools, (4) juvenile aftercare, (5) misdemeanant probation, (6) local adult correctional institutions and jails, (7) adult probation, (8) State correctional institutions for adults, and (9) parole. Schedules for collection of the desired information for each of these segments were developed, and also one on the subject of youthful offenders to serve the needs of a special project.

This survey does not include the courts, which is the subject of another study made for the President's Commission, and local lockups and jails which receive offenders for sentences of less than 30 days. Since pretrial adult detention is part of another study, this function of jails is also excluded here.

Neither time nor resources permitted qualitative evaluation of correctional programs. The findings are, therefore, largely descriptive and are related to standards developed by the Commission's Special Committee on Standards. The Committee reviewed all previously published standards, including those of the U.S. Children's Bureau, the American Correctional Association, NCCD, and other organizations and selected those by which correctional agencies might be measured within the limits of a survey of this type.

SCHEDULES

Information was collected from a combination of State and local sources.[2] State information schedules were developed for each correctional service or system to determine organization, coverage, and the State's role with respect to each service. Agency information schedules called for a description of case volume, personnel practices, and programs for each State-operated aftercare and parole service and each State-operated institution. Agency schedules were also designed for those services that are usually operated by local agencies. Included in the latter were juvenile detention, juvenile probation, misdemeanant probation, local adult correctional institutions and jails, and adult probation, which is also, in many instances, a State service. Schedules were also completed for public, locally operated juvenile training schools.

SAMPLING METHOD

National estimates were needed for those correctional services which are not usually operated by State agencies and for which data are usually not available at any State source.

The U.S. Census Bureau helped us select, scientifically, 250 counties [3] which constitute a valid sample of the more than 3,000 counties in the United States. The selected counties, scattered throughout the country, constitute about 50 percent of the Nation's population (both rural and urban). The scientifically derived exponent assigned to each county in the sample is its weighting factor—that is, the number of counties of which the sample county is representative. The sampling procedure is based on the assumption of a correlation between the general population and such variants as number of offenders, personnel, and costs. Thus a national estimate for a quantitative item such as cost or inmate population or number of staff serving correctional agencies can be computed by (*a*) determining, in a county, the figure expressing the item (for example, total cost of adult probation service), (*b*) multiplying that figure by the county's weighting factor, (*c*) repeating these 2 processes in all of the 250 counties, and (*d*) totaling the results.

Certain informational items—for example, method of appointment, innovative programs, personnel qualifications, etc.—do not lend themselves readily to quantitative measurement. These, therefore, are presented not in the form of a national estimate, but as findings in the 250 counties. Since these counties, as explained above, are cross sectional and make up half the country's population, it is assumed that the trends found there on the subject matter in question are characteristic. Observations of persons familiar with the subjects in all parts of the United States bear out this assumption.

COLLECTION OF DATA

In an effort to obtain the broadest coverage and the highest degree of reliability in the shortest possible time, members of the NCCD field survey team took the schedules to the 50 States, Puerto Rico,[4] and the 250 counties. Interviews were held with administrators and staff responsible for operating the agencies and institutions at all State and local levels. All told, 2,500 State and local schedules covering over 1,600 correctional institutions and agencies were completed, either by NCCD survey staff from the information received or by staff of the agencies with the aid of the survey team member.

The data collection was supplemented by narrative reports, prepared by the survey field staff, on correctional programs in each State, including those in local communities visited. These reports provided a perspective for analyzing the findings of the survey.

[2] Copies of all schedules are available in the NCCD Library, 44 East 23 St., New York, N.Y. 10010. Throughout this appendix, NCCD refers to the National Council on Crime and Delinquency.

[3] Washington, D.C., is included as the equivalent of a county.

[4] In the tables, and in summary statements in the text, Puerto Rico is counted as a State for the sake of convenience, making a total of "51 jurisdictions"; in a few instances, the District of Columbia also is included, making the total "52 jurisdictions."

DATA PROCESSING

Completed schedules were examined for accuracy by NCCD's regional directors and then were forwarded to Austin, Tex., for screening, coding, and machine tabulation. The number of items punched on cards for tabulation was about 160,000.

EVALUATION AND REPORT WRITING

Basic tables developed from the data, together with the survey team's narrative reports and other recent reports and special studies, were furnished to a team of correctional specialists, who drafted sections of the preliminary report. Preliminary drafts were revised in the light of critical comments received from 28 correctional leaders, NCCD staff, and others connected with the project.

STATE GROUP MEETINGS

In each of the 51 jurisdictions, key correctional personnel representing all parts of correction and various levels of State and local government were invited to attend a 1-day meeting. They were asked to identify the most important correctional needs and problems of their States, to make suggestions for dealing with them, and to discuss the ways in which Federal assistance might be useful. Generally the meetings were held in the capital or in one of the State's principal cities. Total attendance was 759—over 95 percent of those invited; and many who could not attend wrote opinions for consideration in the State report. Many persons also submitted position papers reflecting opinions of others on their staffs. In several States, the meeting was the first time all elements of correction were represented in a discussion of the State's needs.

A summary of the meetings is included in this report.[5]

A FEW PROBLEMS

Certain problems encountered in collection of the data are noted here so that persons who will be using this report will understand why some of the information—a relatively small portion—was incomplete or not completely accurate.

1. Correction seems to have been less dependent on organized facts than any other American enterprise interested in continued growth and support. (One of the most important inferences of this survey is the need to develop statistical accounting methods so that data necessary for planning and monitoring correctional systems can be constantly maintained and periodically reported.)

Extreme difficulty was experienced in collecting hard data from local jurisdictions. Juvenile arrest data were incomplete for so many places in the sample that the rate of juvenile detention could not be estimated nationally. Few local jails statistically separate persons serving sentences from those detained for trial. In most instances, therefore, the number of sentenced persons, their length of stay, prorated costs for them, and the number of prorated personnel had to be estimated.

Where data were missing on items for which national estimates were desired, agencies were contacted a second time and a special effort was made to supply missing data and secure the best estimates possible. As a result, all information needed was secured with the exception of prorated operating cost estimates in 21 small county jails and average daily jail inmate population in 18 small counties. In order to lessen the degree of error in figuring national estimates, we applied to these counties information from others of like size in the same geographic region.

2. Totals for offenders in caseloads and institutions were for "a recent month"—in most instances, January 1966. Yearly totals were reported for the 1965 fiscal year in some States and for the calendar year in others. As a rule, State agencies were able to adapt their information to the schedules. Some reported biennial instead of annual appropriations; others reported total staff instead of prorated staff; and a number of institutions could not report average length of stay or the number of inmates by sex. Where errors or omissions were spotted, we corrected them by going back to the source.

Since many probation agencies carry mixed caseloads, the problem of prorating cases, staff, and costs was difficult, especially so for agencies carrying some combination of probation, parole, aftercare, and misdemeanant cases. Aftercare cases are carried by child welfare and public welfare workers in some States, and their estimates on case count, cost, staffing, etc., could not be obtained. To derive a national estimate, we computed the figure for these States as a group according to the averages of the other States, based on the rate per 100,000 of the juvenile court age population.

3. Opportunities for unavoidable human error arose at all stages of the survey. Despite precautions, some requests for information were occasionally misinterpreted. For example, in reporting the number and size of units planned for construction, a few agencies supplied floor dimensions instead of bed capacity. Where such errors were noticed, they were, of course, corrected; but misinterpretations may be a source of some remaining error.

These acknowledged imperfections in delineating the correctional "state of the union" are irksome but not sufficiently serious to distort the picture of correction in the United States today.

[5] See ch. 11 infra.

SURVEY PERSONNEL

Special assistance in the design of the schedules and development of statistical method was provided by Keith Griffiths. Henry D. Sheldon provided liaison between the survey project and the U.S. Census Bureau.

The survey team, made up of NCCD staff and nine pro tem staff drawn largely from the NCCD Professional Council, was responsible for collecting data in Alaska, Hawaii, Puerto Rico, and every corner of the U.S. mainland. It consisted of the following persons:

East	*Midwest*
Willis O. Thomas [6]	Paul Kalin [6]
Fred D. Fant [7]	Alfred C. Ball
Edwin R. LaPedis	Robert W. Cassidy
Lawrence C. Larsen [7]	Willard M. Green
Richard W. Lindsey	L. Wallace Hoffman [7]
James E. Luce	Gordon S. Jaeck [7]
C. Boyd McDivitt [7]	Charles S. Mann [7]
Harold L. Patton	Bernard J. Vogelgesang
Robert E. Trimble	
Goesta Wollin	

South	*West*
Frederick Ward, Jr.[6]	Tully L. McCrea [6]
John A. Cocoros	Robert E. Keldgord
Lawrence E. Higgins [7]	Howard Leach
Ben Overstreet, Jr.[7]	Duane C. Lemley
Don Rademacher	Loren Ranton
Donald J. Weisenhorn	Mrs. Helen Sumner
Stewart H. Werner	Warren E. Thornton [7]

Handling a variety of chores which were sometimes tedious and always formidable was a team of general assistants in the Austin office headed by Don Rademacher. Mrs. Annette Ward served as general secretary.

Library assistance was provided by Arminé Dikijian and William Kirkwood.

Arrangements were made for use of computers and data-processing machines through the cooperation of Chief R. A. Miles, of the Austin Police Department, and Prof. Martha Williams, of the Southwest Center for Law and the Behavioral Sciences, University of Texas. Robert O. Humble, assisted by Roger Ayers, directed the data processing and machine tabulation.

Don M. Gottfredson and Kelley Ballard provided consultation on use of data.

Staff responsible for interpreting the data and helping prepare the report were:

William T. Adams	William G. Nagel
Milton Burdman	Sherwood Norman
Edward J. Hendrick	Prof. Charles Shireman
Prof. Barbara Knudson	Prof. Louis Tomaino
Howard Leach	Frederick Ward, Jr.
C. Boyd McDivitt	

The staff of correctional specialists selected to review preliminary drafts were:

F. Lovell Bixby	John P. O'Brien
Manuel N. Brown	Howard Ohmart
Kenneth S. Carpenter	Vincent O'Leary
Walter Dunbar	Russell G. Oswald
Jewel Goddard	Nick Pappas
Don M. Gottfredson	Violet Park
Philip G. Green	Robert F. Perkins
Maurice A. Harmon	Margaret S. Perrin
L. Wallace Hoffman	Milton G. Rector
Bruce Johnson	Hugh P. Reed
Kenneth E. Kirkpatrick	Mark S. Richmond
Alfred R. Loos	C. Eliot Sands
Frank Loveland	Stewart C. Smith
Milton Luger	Robert E. Trimble
Austin H. MacCormick	J. Robert Weber
Ellis C. MacDougall	Roberts J. Wright
Ben S. Meeker	

The report was edited by Matthew Matlin.

Vincent O'Leary, on loan from NCCD to the President's Commission, provided liaison with Federal agencies. Help on all aspects of the project was given by E. K. Nelson, Associate Director, President's Commission on Law Enforcement and Administration of Justice.

For all those who gave so generously of their time and for the President's Crime Commission and the Office of Law Enforcement Assistance, which made the survey possible, we hope that this report will serve as a basis for immediate as well as long-range planning and that it will be a bench mark from which future progress in correction can be measured.

FREDERICK WARD JR.,
Survey Director.

[6] NCCD regional directors supervising collection of data.

[7] Pro tem staff.

1. Juvenile Detention

At one time, detaining an accused person was based on the fear that, if left at liberty, he would fail to appear for trial or might commit other violations. Times have changed. Pretrial release on bond or recognizance is now commonplace for adults, especially those with money or influence. Not so for children, who may be detained—no matter how inadequate the place of detention or the type of care given—by exercise of the *parens patriae* doctrine upon which juvenile courts were established.

I. INTRODUCTION

Juvenile detention is the practice of holding children of juvenile court age in secure custody for court disposition. The most common reason for its misuse and overuse is that it is allowed to function as a substitute for probation and other community services and facilities.

Unlike statutes pertaining to adults, juvenile court law permits a child to be taken into custody for his protection from situations that endanger his health and welfare. This purpose can be served by two distinctly different types of temporary care:

1. Detention. Temporary care, of a child who has committed a delinquent act and requires secure custody, in a physically restricting facility pending court disposition or the child's return to another jurisdiction or agency. Any place for temporary care with locked outer doors, a high fence or wall, and screens, bars, detention sash, or other window obstruction designed to deter escape is a detention facility. If a substantial part of a building is used for detention as defined above, it is a detention facility no matter how flimsy the restricting features may be.[1]

2. Shelter. Temporary care in a physically unrestricting facility pending the child's return to his own home or placement for longer term care. Shelter care is generally used for dependent and neglected children in boarding homes, group homes, and, in the larger cities, temporary care institutions; it is also used for children apprehended for delinquency whose homes are not fit for their return but who, with proper handling, are not likely to run away and therefore do not need secure custody.

Juvenile detention, properly used, serves the juvenile court exclusively; shelter care is a broader child-welfare service not only for the court but also for child and family agencies, both public and private.

A. STATUTORY BASE

Legislative intent as to the quality of detention or shelter care to be given a child is expressed in most juvenile court laws essentially as follows:

> Each child coming within the jurisdiction of the court shall receive, preferably in his own home, the care, guidance, and control that will conduce to his welfare and the best interests of the State, and . . . when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him.[2]

In 41 States the juvenile court law declaiming such a purpose is directly contravened by statutory exceptions—the child's age, the judge's discretion, or the lack of appropriate facilities—that allow use of jails for children.

In some States the statute specifically makes the county responsible for providing a detention home even though few counties in the State have enough children requiring detention to justify establishing a facility.

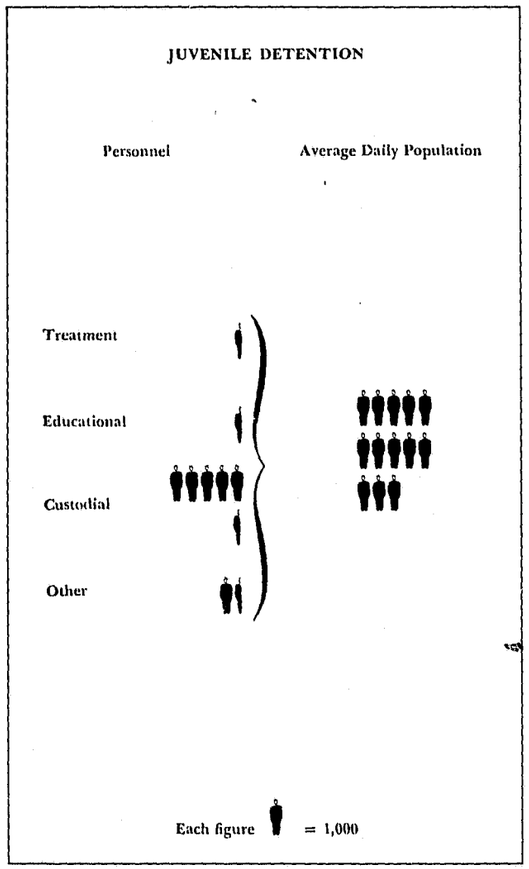
B. HISTORY

The history of detention in the United States is a history of rejection of troubled children and youth who trouble society.

Since 1899, when the first juvenile court was established in Chicago, noncriminal procedures and a detention home, separate from the adult jail, have come to be its accepted resources—at least in principle. As State after State enacted juvenile court legislation before World

[1] NCCD, "Standards and Guides for the Detention of Children and Youth," second edition, 1961.

[2] NCCD, "Standard Juvenile Court Act," sixth edition, 1959.



War I, detention homes—most of them were converted private homes—were established in our larger cities. By 1915 specially designed buildings had been constructed for the detention of children in Milwaukee, Newark, and Chicago, but most jurisdictions continued to use the jail even though on occasion an old residence was remodeled and called a detention home.[3] In some jurisdictions, the workhouses, county infirmaries, and even hospitals were pressed into use. In others, notably in Massachusetts, Connecticut, and New York, boarding homes were subsidized for 24-hour-a-day operation for children 15 years of age and under, and so successfully that the jails were comparatively empty of children.

By the end of World War II, specially designed buildings had been constructed in only a few of the larger jurisdictions. Cleveland led the way with the unit concept, a departure from congregate care. Groups of children of similar age and problems were given separate sleeping and living accommodations, all units sharing central school, dining, and gymnasium facilities in the same building. Several other midwestern cities followed the Cleveland design; all these buildings, with their large dormitories and inadequate activity areas, are now outdated.

Later on other communities, almost exclusively in the Far West, constructed detention homes within a walled area resembling a large English boarding school, with trees, grass, and playing fields—thus, the name juvenile hall (which has come to mean a large detention facility that in no way resembles an English boarding school).

One of the major problems has been a confusion between child welfare and court services, reflected, for example, in detention homes that provide care, in the same or adjacent buildings, for dependent and neglected as well as delinquent children. At the turn of the century, public child welfare services had not been developed, so the juvenile court became an all-purpose child welfare agency which included, in its *parens patriae* concept, protective services, shelter care, and even financial aid. With probation and child welfare service now provided in separate agencies, the distinction between judicial and administrative responsibilities is becoming clearer.

The first standards for juvenile detention, formulated by a committee on juvenile court standards appointed by the U.S. Children's Bureau in 1921, were adopted by a 1923 conference held under the auspices of the Children's Bureau and the National Probation Association.

Ten States have developed their own standards for detention. Six of these documents are concerned with building construction; the others deal with program, personnel qualifications, or health and safety. Most of the State standards are minimal and have proved so difficult to enforce in the absence of consultation services that they have done little to offset the damaging effects of confining deliquents together.

A comprehensive refinement of detention principles was published by NCCD in 1958, under the title of "Standards and Guides for the Detention of Children and Youth," this was followed in 1960 by "Detention Practice," a description of significant programs. Statutory material appeared in NCCD's "Standard Juvenile Court Act" (sixth edition, 1959) and "Standard Family Court Act" (1959).

C. SOME MAJOR ADVANCES

1. A clear definition of detention distinguishing it from shelter care has been generally accepted throughout the Nation. Only in two or three States are there an appreciable number of facilities that combine secure detention with the temporary care of dependent and neglected children. The all-purpose institution sometimes miscalled a detention home has been largely replaced by specially designed and staffed detention homes not confused by other functions. Better child welfare and probation services, group homes for the shelter care of neglected children, and group homes for the shelter care of delinquent children who do not need secure custody[4] are beginning to be recognized as necessary court resources. Detention cannot satisfactorily substitute for these.

2. A new type of architecture has been tested during the past 10 years, and well over 100 specially designed detention facilities have been built, most of them embodying NCCD basic principles of detention home design and each replacing a county jail or makeshift facility. Group units rarely exceed 15 youngsters of the same sex, except in two eastern cities and the larger western juvenile halls, where 20 is the usual size of groups.[5] Individual rooms, visual and auditory control, attractive but foolproof furnishings, and equipment designed to facilitate constructive supervision, inherent in the standards, can be found in most of the modern detention homes.

3. Redefined objectives and new staff requirements have gone beyond the care and custody function. The better detention homes now adhere to social group work standards and provide casework and clinical services, a full and varied school and activities program, and a professional diagnostic report on the child as seen in detention. Use of professional personnel has increased markedly.

4. Regional detention centers have been established in eight States.

II. SURVEY FINDINGS

The average daily population of delinquent children in places of detention is more than 13,000. In 1965, the total number admitted to detention facilities was more than 409,000, or approximately two-thirds of all juveniles apprehended (see table 1). These youngsters were held in detention homes and jails for an estimated national average stay of 12 days at a total cost of more than $53,000,000—an average cost of $130 per child. (The average length of stay of children detained in the sample counties is 18 days.)

Table 1.—Estimated Number of Children Detained in 1965, by Place of Detention [1]

Juvenile detention homes	317,860
Jails	87,951
Other facilities	3,407
Total	409,218

[1] Figures based on 250 counties surveyed, with the rest of the country prorated. Where annual figures were unavailable, statistics for the fiscal year 1964–65 were used.

These estimates do not include children held in police lockups; they do include children held, prior to any official court disposition, in 242 juvenile detention homes, 4 training schools, and an unknown number of county jails and jail-like facilities in 2,766 [6] jurisdictions.

A. JAILS AND POLICE LOCKUPS

The standard declares that no child should be admitted to a jail or a jail-like place of detention.

The survey found that 93 percent of the country's juvenile court jurisdictions, covering about 2,800 counties and cities comprising 44 percent of the population (*a*) have no place of detention other than a county jail or police lockup and (*b*) detain too few children to justify establishing a detention home.

To these add, to the 87,951 children of juvenile court age held in county jails (table 1), the number who are held in police lockups, the total number admitted to jails and jail-like facilities in the United States would exceed 100,000.

The claim that jails are never used for children is made by only Connecticut, Puerto Rico, and Vermont. Several States have successfully reduced their jailing of delinquent children by using shelter care in special boarding homes when secure custody is not essential.

Less than 20 percent of the jails in which children are held have been rated as suitable for adult Federal offenders.[7] Nine states forbid placing children in jail, but this prohibition is not always enforced. In 19 States the law permits juveniles to be jailed if they are segregated from adults, but this provision also is not always adhered to.

When children are segregated from adults, lack of supervision (even by adult prisoners) has resulted in physical and sexual aggression, suicide, and even murder by other children held in the jail.

In Arizona in January 1965, four teenage boys, jailed on suspicion of stealing beer, died of asphyxiation from a defective gas heater when they were left alone for 11 hours in a jail.

In Indiana, a 13-year-old boy, who had been in five foster homes, drove the car belonging to the last of his foster fathers to a county jail, considered one of the finest in the State, and asked the sheriff to lock him up. The boy was well segregated from adults pending a hearing for auto theft. When he had been detained for about a week, his body was found hanging from one of the bars of his cell. Next to it was a penciled note: "I don't belong anywhere."

Incidents such as these, which have occurred from time to time in all parts of the country, graphically illustrate not only the lack of proper facilities, but also the lack of child welfare and court personnel to implement the intent of juvenile court law so that when a child is removed from his home and his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him. The jailing of children is condemned not only by the law in most States and by the standard, but also by psychologists, psychiatrists, sociologists, penologists, the International Association of Chiefs of Police, the National Sheriff's Association, the U.S. Children's Bureau, and the National Council on Crime and Delinquency.[8]

Although 13 States have taken some responsibility for juvenile detention, only 9 States have taken responsibility for providing regional detention centers for counties with too few children to detain to justify constructing local facilities.

[3] Florence M. Warner, "Juvenile Detention in the United States—Report of a Field Survey of the National Probation Association," Chicago, University of Chicago Press, 1933.

[4] Open-ended jurisdiction of the juvenile court, in all States but New York, subjects children to the classification of delinquents whether or not they have committed offenses which would be crimes if committed by adults. Hence many children in need of supervision or shelter care are placed in secure custody (detention).

[5] California's "Standards for Juvenile Halls" calls for 2 adults with each group of 20 during the day and evening shifts after school hours, and on weekends. NCCD standards set 15 as the maximum.

[6] This figure includes 5 jurisdictions each of which has more than 1 detention home, and a number of small jurisdictions in which no children are detained; it does not include 63 jurisdictions known to use detention homes in other counties.

[7] "Report of Attorney General's Committee on Poverty and the Administration of Criminal Justice," p. 69.

[8] See "Children in Jail," a careful onsite documentation, in Parade magazine, Nov. 17, 1963.

Children under 7 years of age have been held in substandard county jails for lack of shelter care in foster homes. Some of the youngsters had committed delinquent acts; some were merely dependent or neglected. On the same day that the Arizona tragedy was reported, a police chief in New Jersey took two teenage runaway larceny suspects to his own home for lack of any suitable place of detention pending hearing and commitment.

Jail detention is characterized by enforced idleness, no supervision, and rejection. It is a demoralizing experience for a youngster at a time when his belief in himself is shattered or distorted. Repeated jailing of youth has no salutary effect on the more sophisticated youngster; on the contrary, it reenforces his delinquency status with his peers and his self-identification as a criminal. Enforced idleness in a jail gives the sophisticated juvenile ample time and reason for striking back at society.

Juvenile detention is frequently misused as an immediate punishment for delinquent acts. If punishment is the court's only disposition, it ought to be administered only after all the facts are in—not as an immediate reaction to the charge.

B. DETENTION HOMES

A detention home is defined as a secure but non-jail-like facility separate from any jail and from any public building other than a juvenile court. Of 242 such homes in the United States, 48 percent have been constructed for the purpose; the others, usually remodeled residences or other makeshift facilities, are often found to be neither fire resistant nor designed for proper supervision.

Because of their jail-like character, a few of the specially designed buildings barely come within the detention home definition. Others meet most NCCD standards on secure but non-jail-like custody, 24-hour-a-day direct supervision, small groups, individual counseling and constructive group interaction, and observation and study for the court.[9]

Because of their generally urban location, detention homes serve over 50 percent of the population of the United States, but only 7 percent of the counties (see table 2).

Table 2.—Distribution of Detention Homes, by States

Number of States	Number of detention homes	Number of States	Number of detention homes
1	39	10	3 or 4
3	17 to 24	17	1 or 2
3	9 to 12	11	None
7	5 to 8		

The detention homes that are satisfactorily designed or staffed are able to hold juveniles without supplementary use of the jail whatsoever; the others merely serve as an unnecessary supplement to the detention of children in jail.

Detention homes are usually administered by courts or their probation departments. A few are run by the city or county government, the welfare department, a State agency, and, in one State, by a lay board. The type of administering agency appears to have little effect on the quality of detention service rendered. NCCD surveys show that better coordination between probation and detention can usually be achieved when detention is administered under a director of court services. Regional detention appears to be most satisfactory when administered by a State agency.

1. Personnel

(*a*) *Professional services.* Table 3 shows that more than half the detention homes still provide storage-type detention. A child disturbed enough to require secure custody pending court disposition must be studied—which cannot be done in a program vacuum.

Table 3.—Professional Service Provided in Facilities Used for Juvenile Detention

Service	Percentage of facilities	Service	Percentage of facilities
Medical	82	Psychological and psychiatric	46
Dental	55	Casework	42
Recreation	48		
Education	47		

(*b*) *Number of staff.* About 7,900 persons are employed to care for an average daily population of 13,113 delinquents in detention (see table 4).

Table 4.—National Estimate of Staff Positions in Facilities Used for Juvenile Detention

	Number	Percentage
Group supervisors	4,269	54
Teachers	917	12
Staff supervisors	839	11
Recreational workers	409	5
Social workers	262	3
Others	1,202	15
Total	7,898	100

(*c*) *Educational requirements.* The educational level of personnel has risen considerably in the past decade. Sixty-three percent of the facilities from which information was obtained required at least a bachelor's degree for the detention superintendents, with 16 percent requiring a graduate degree. Fifty-three percent require a bachelor's degree for staff supervisors, and 14 percent set the same educational standard for group supervisors (see table 5). In the larger cities it is not unusual to find college graduates in the behavioral sciences working in detention homes while completing work for a master's or doctor's degree.

Table 5.—Educational Requirement of Detention Personnel, by Position and Percentage of Agencies

Position	Percentage of agencies			
	None	High school	College graduate	Graduate degree
Superintendent	18	19	47	16
Staff supervisor	17	30	53	
Group supervisor	25	61	14	

(*d*) *Inservice training.* Working with confined delinquent children calls for unusual staff skills. The rapid turnover of children in detention, the degree of their anxiety, and their withdrawn or explosive behavior call for the kind of staff intervention that will relieve rather than aggravate their problems. Continual inservice training of a high caliber is therefore essential; a college degree in itself, even with training in social work, by no means guarantees ability to work successfully with delinquent children.

In spite of the increased professional services noted above, only 39 percent of the counties visited claimed to have any inservice training program at all and only one-third of these had such training as frequently as once a week (see table 6). In many instances "training" was a euphemism for "staff meeting" at which professional training rarely, if ever, took place.

Table 6.—Percentage of Agencies Providing Inservice Training,[1] by Frequency of Training

Frequency of training	Percentage of agencies	Frequency of training	Percentage of agencies
Weekly	33	Other	9
Monthly	46		
Quarterly	8	Total	100
Annually	4		

[1] Only 39 percent of detention facilities in the sample counties reported having inservice training programs.

(*e*) *Hours.* In accordance with committee standards, 71 percent of the counties visited maintained a 40-hour workweek or less. Fifteen percent worked 41 to 50 hours; 14 percent worked over 50 hours weekly. Some small homes employed alternating couples who were on duty for 72 hours at a stretch.

(*f*) *Salaries.* In the survey sample, the median salary for superintendents was $7,001–$8,000; the lowest salary was in the $1,501–$2,400 range and the highest in the $17,001–$18,000 range. The median for staff supervisors was $5,001–$6,000; the lowest salary was in the $1,501–$2,400 range and the highest in the $9,001–$10,000 range. The median for group supervisors (child care workers) was $4,001–$5,000; the lowest salary reported was under $1,500 and the highest was in the $7,001–$8,000 range (see table 7).

Table 7.—Beginning Salaries of Personnel in Juvenile Detention Homes,[1] by Percentage Reported in Sample

	Superintendent	Staff supervisor	Group supervisor
	Percent	Percent	Percent
Under $1,500	0	0	1
$1,501–$2,400	2	6	7
$2,401–$3,000	2	7	9
$3,001–$4,000	5	9	32
$4,001–$5,000	12	16	25
$5,001–$6,000	17	16	15
$6,001–$7,000	10	18	10
$7,001–$8,000	12	18	1
$8,001–$9,000	12	9	0
$9,001–$10,000	7	1	0
$10,001–$11,000	11	0	0
$11,001–$12,000	5	0	0
$12,001–$13,000	1	0	0
$13,001–$14,000	2	0	0
$14,001–$15,000	1	0	0
$15,001–$16,000	0	0	0
$16,001–$17,000	0	0	0
$17,001–$18,000	1	0	0
Over $18,000	0	0	0
	100	100	100

[1] Does not include jails.

(*g*) *Appointment.* In 43 percent of the counties visited, the superintendent and staff supervisors were employed through a civil service or merit system (see table 8). With a few notable exceptions, personnel in detention homes are not subject to political interference.

Table 8.—Appointment by Civil Service or Merit System, by Position and Percentage of Agencies

Position	Percentage of agencies
Superintendent	43
Staff Supervisor	43
Group Supervisor	39

(*h*) *Relationship to probation.* Nine detention homes use group techniques ranging from supervised group discussion to a limited form of guided group interaction. Nearly half of the detention homes conduct school programs, and 12 have special education activities including remedial reading. Six homes have programs in vocational training and three in paid work. Three use volunteers.

One of the largest detention homes with well-controlled intake found that, by improving program and supervision under a professionally united staff, it could unlock the

[9] NCCD, "Standards and Guides for the Detention of Children and Youth," second edition, 1961.

doors of three of its buildings without losing children. This demonstration of shelter care for delinquent children awaiting court disposition was achieved in a jurisdiction which already had a low rate of detaining. It is here too, that State agents work in the detention facilities, orient youngsters committed to State institutions, and, in a growing number of cases, arrange for placement in community treatment programs in lieu of institutionalization.

In spite of these advances, detention personnel have had to struggle for a salary level and status equal to the probation officer's. This struggle sometimes has a "cold war" tone, with probation regarding detention as nothing more than a custodial operation, and detention critical of probation officers for the way they use detention and for their failure to understand adolescent youngsters in a group living situation. Even so, improvement has been noted on two fronts: (a) Directors of court services have been given responsibility for both detention and probation, so that these services are brought into a more cooperative relationship; (b) the Standing Committee on Detention of the NCCD Professional Council has been publishing detention workshop material and is now regularly issuing a "Detention Administrator's Newsletter." [10]

C. STATE'S ROLE

1. State Responsibility

Fourteen States have assumed responsibility for detention, in whole or in part, as follows:

Alaska—State jurisdiction over all juvenile programs, including jails in which children are detained. Standards for juvenile detention have not yet been developed.

Connecticut—State juvenile court has a State system of detention homes. Does not use jails.

Delaware—State-operated detention home serves all three counties. A second facility will shortly serve the two southernmost counties.

Georgia—about to establish six State-operated regional detention centers to serve juvenile courts in counties without detention homes.

Massachusetts—four regional detention centers serving local juvenile courts are State-constructed and operated by the youth service board; State-inspected juvenile quarters in police lockups are used for 24- to 48-hour holding, pending release or transfer.

Maryland—two State-operated regional detention and diagnostic facilities available to all counties in the State; county jails and State training schools are also used for detention of juveniles.

Michigan—does not operate detention homes but has a part-time consultant; provides standards; reimburses counties for half the cost of care; and conducts an annual workshop on detention for judges, probation officers, and detention administrators.

New Hampshire—State training schools are used for the detention of juveniles on local court order pending disposition; jails are used only for the overnight holding of juveniles when imperative.

New York—does not operate detention homes but has a full-time consultant on detention; provides standards; reimburses counties for half the cost of care.

Puerto Rico—four State-operated detention homes with diagnostic facilities and correctional treatment programs.

Rhode Island—same as New Hampshire.

Utah—State standards for regional detention and substantial reimbursement to counties meeting these standards; subsidy does not guarantee statewide coverage.

Vermont—State training school, used on local court order, is the only place of detention for juveniles; the jail is not used.

Virginia—same as Utah.

2. Regional Detention

Eight States have established regional detention centers, and two others have promoted regional detention by State subsidy. Vermont, New Hampshire, and Rhode Island utilize State training schools for predisposition holding (a practice which neither NCCD nor the States themselves consider satisfactory); they have, however, demonstrated the practicality of a State-operated regional facility to serve county courts.

Massachusetts, Maryland, and Delaware operate regional detention facilities as a service to county juvenile courts. Puerto Rico operates four regional detention homes (not constructed for this purpose) for district courts. Connecticut's statewide juvenile court is served by four regional detention homes; with exclusive original jurisdiction to age 16, it claims it has never had children kept in jails and police lockups since it was established more than 20 years ago.

By no means are all these regional facilities up to recognized standards of building design or staffing; not all of them have achieved statewide coverage; and all but two find it necessary to use the jail for overnight holding or because full State coverage has not yet been achieved. In Massachusetts the legal authority to establish standards and to inspect and control jails and police lockups used for the overnight and weekend detention of juveniles (pending release or transfer to regional detention homes) has resulted in the improvement of the holdover facilities.

The experience in operating a State detension service for local courts has proved that problems of transportation and intake control can be worked out. Delaware is expected to achieve full State coverage with two detension homes by 1967. Maryland, with two facilities for partial State coverage and a statutory detention period limitation of 30 days, offers a well-designed program that includes clinical observation reports to the courts prior to disposition. Training schools and jails are still used, but a new State agency for children and youth services will help to control the use of juvenile facilities.

Virginia and Utah have assumed responsibility for regional detention through State subsidy. Virginia has established juvenile court and detention districts for purposes of planning. Eight of these districts now have regional detention homes with two others on the drawing board. The State reimburses counties meeting its regional detention standards up to $50,000 for construction, two-thirds of the staff salaries, and all of the operating expenses.

Virginia provides consultation services through four full-time consultants and a supervisor in probation and detention. These services include planning assistance, approval of plans, and State leadership in staff training through workshops and special grants. As a result, the State is acquiring a system of well-designed detention homes to replace its former use of jails.

Utah's State Department of Social Welfare has a similar approach but with only a part-time consultant. The State reimburses the counties up to 40 percent of their building and operating cost if they meet specific standards established for any one of three classes of detention homes: (*a*) overnight holdover facilities separate from the jail, (*b*) detention homes for predisposition care with program but no psychiatric services, and (*c*) detention homes with program and clinical services. (At present the only one in this class is in Salt Lake City.[11])

The holding of children in Utah's jails received much publicity several years ago. Jail detention of children has now been reduced by three county-operated regional detention homes with regional detention services and two holdover facilities. Jails are used for detention because of lack of other facilities. Utah is the first State to promote the use of approved overnight holdover facilities instead of jails and police lockups for children requiring immediate secure custody until released or transported to a regional detention facility. Problems of transportation and communication have been worked out even though some regional detention homes are more than 150 miles away from the court.

3. Consultation and Inspection

Effective consultation calls for a trained person who has worked in a juvenile detention center, has studied national standards and practices, and is familiar with the better detention homes in other States. When such a person is hired—not easily done at the salaries paid to State personnel—he cannot accomplish much if he is responsible for other statewide functions and is available only on request.

Exemplary practices cannot be reduced to simple formula because they may depend upon other services and facilities not up to par. A jurisdiction with an excellent detention building may be poorly staffed; one with a good child-care staff may have communication problems with the probation department; one with an excellent probation department and detention facility may be overused by the police without court control. For this reason high caliber consultation and coordinating services on a State level are of utmost importance if poor routine practices are to be avoided.

Twenty States have provision for consultation services on detention care to counties, half of them by the Department of Welfare and the rest by various State agencies ranging from the board of training schools to a department of mental health. Examination of the extent of these services reveals that little consultation is actually given and that few States have staff qualified to give it. Most consultation is given on request only, although 15 States claim to have an inspection service.

4. State Planning and Cost Sharing

Although no State has a model program as yet, all nine regional facilities including those in Virginia and Utah favor State constructed and State-operated regional detention homes for counties unable to provide a satisfactory detention service.

County operating costs for detention are shared in Michigan and New York, under a plan whereby the State reimburses counties for half the cost of detention care and counties reimburse the State for half the cost of training school care. Both States employ consultants to inspect and advise, and funds can be withheld if standards are not met.

Only Virginia and Utah share in county detention construction costs.

5. New Construction

About half the detention homes are more than 20 years old (see table 9).

Table 9.—Age of Detention Homes, by Percentage

Age	Percentage
Over 20 years	48
10 to 20 years	18
Under 10 years	34

The survey found that facilities with a total capacity of more than 1,700 are now under construction (see table 10). In addition, construction has been authorized for a capacity of more than 2,200 and is projected (for completion by 1975) for about 3,100. If all are built, there will be, by 1975, space in detention facilities for about 7,100 more juveniles than at present.

Table 10.—Estimated Detention Capacity Under Construction, Authorized and Projected

	Detention homes	Separate quarters in jails	Totals
Under construction	1,008	703	1,711
Authorized	2,159	88	2,247
Projected to 1975 but not yet authorized	2,038	1,098	3,136
Totals	5,205	1,889	7,094

If the availability of new facilities raises the current rate of detaining, as has always happened in the past, and if this new construction is carried out as a substitute for

[10] See "A Practical Bibliography on Detention" (1966), available free from NCCD.

[11] Utah Department of Public Welfare, "Minimum Standards of Care for the Detention of Children," Salt Lake City, 1961.

sufficient probation and clinical staff at the local or regional level, the buildings will be insufficient by 1975, aside from the fact that they will have become dumping grounds of questionable value.

On the other hand, if intake controls are established so that the presently high rate of detaining can be reduced, the new facilities now under construction, authorized, and projected will turn out to be unnecessary.

State planning for detention calls for strategic location of detention centers. Where there is no State control, counties tend to build detention facilities for their own needs regardless of the needs of surrounding counties. Thus, later regional planning is obstructed by a number of small facilities badly located from the point of view of State planning.

D. THE USE OF DETENTION

The child's first experience in detention influences his attitude toward society, for good or bad. The assumption that a disagreeable experience will assure his staying out of trouble has no foundation in fact. Removed from parents and community agencies which failed him, he sizes up society's intentions by the kind of substitute care, guidance, and control he receives in detention.

The use of detention differs so widely from county to county and State to State that whether a youngster will be detained is a matter of geographic accident.

1. The Statutes and the Criteria

One of the many reasons for variance in practice is the juvenile court statute itself. Juvenile court jurisdiction in most States is so broad that almost any child can be picked up by the police and placed in detention. The following, in abbreviated form, lists the acts or conditions included under the heading of delinquency in juvenile court laws in the United States:

Violates any law or ordinance.
Immoral or indecent conduct.
Immoral conduct around schools.
Engages in illegal occupation.
Associates with vicious or immoral persons.
Growing up in idleness or crime.
Enters, visits house of ill repute.
Patronizes, visits policy shop or gaming place.
Patronizes place where intoxicating liquor is sold.
Patronizes public poolroom or bucket shops.
Wanders in the streets at night, not on lawful business (curfew).
Wanders about railroad yards or tracks.
Jumps train or enters car or engine without authority.
Habitually truant from school.
Incorrigible.
Uses vile, obscene, or vulgar language (in public place).
Absents self from home without consent.
Loiters, sleeps in alleys.
Refuses to obey parent, guardian.
Uses intoxicating liquors.
Deports self so as to injure self or others.
Smokes cigarettes (around public place).
In occupation or situation dangerous to self or others.
Begging or receiving alms (or in street for purpose of).[12]

Because of confusion between court and child welfare functions, many legal definitions of delinquency make no distinction between crime and child neglect; hence children are often detained when their only offense is one of the acts or conditions listed above.

Most statutes which attempt to regulate the use of detention leave the admission door legally wide open. This is particularly true when they provide for detention when the child is in physical or moral danger in his own home. In such a situation, the law should provide for shelter care, not detention.

The standard declares that no child shall be placed in any detention facility unless he is delinquent or alleged to be delinquent and there is a substantial probability that he will run away or a serious risk that he will commit a serious offense pending court disposition. Detention, the standard continues, is not to be used as punishment, or as a convenience for officials.

Most State laws emphasize that a child apprehended for delinquency should be returned to his parents where practicable, pending the court hearing. Herein lies room for conflicting interpretation unless legal criteria further limit the area for police and court judgment.

The director of detention in the country's largest metropolitan area made the following statement:

> The decision to detain should be based on demonstrated behavior, not on subjective opinion . . . To assume that a child will abscond, there should be a history of absconding. To assume that he will not appear in court, he should first be given the opportunity to appear. For a child to be considered a menace, there should be some serious malbehavior supporting the thesis. We must get away from present practices of incarcerating children because their parents or their neighborhoods are not adequate. These are cases for shelter care, not cases for detention.[13]

Another variant in the statutes is the age of juvenile court jurisdiction. In some States the court has exclusive original jurisdiction to 16, so that no child under that age may be waived to criminal court; in other States the age is 18, with concurrent jurisdiction to 21. Until recently in one State in the Midwest, a child of 10 could be tried in criminal court and held in jail even though a detention home was available.

The result of the low age limit in many States is that large numbers of children under 12 years of age are detained when they are in need of shelter care and child welfare, not court services. Here again, wide differences in detention practice are noted. Jurisdictions with age limitations to 16 detain more children under 12, proportionately, than do jurisdictions where the age limit is 18.

[12] Sol Rubin, "Crime and Juvenile Delinquency—A Rational Approach to Penal Problems," second edition (New York: Oceana Publications, 1961) p. 49.

[13] From an unpublished letter by J. Martin Poland, director of Youth House, New York City's detention institution.

2. Divided Authority

Ultimate responsibility for detention rests with the judge but, in practice, probation and police officers often make decisions to detain for which the court takes no responsibility.

The first decision to detain or release is usually made by the police. Unlike probation services, which are technically subject to court control, police services are administered by a separate agency. Therefore, unless an authorized person is available to make a decision for the court shortly after apprehension, a child may be detained as a result of a police officer's judgment or a police agency's practice. When the source of referrals to a single juvenile court is more than a hundred police agencies, the use of detention as an initial step in the court process is far from uniform.[14] The exception occurs where court control over detention has been achieved through cooperation with the law enforcement agencies so that common practice prevails and authorization for detention, during or after court hours, rests with a court intake service.[15] Without such court intervention at the point of intake, some children are detained overnight only to be released the following morning by a probation officer after an interview with the child and the parent which could have taken place the day before had probation staff been available. In some jurisdictions children, once placed in detention by the police, remain there until released by the court at a hearing, which may not take place for a week or more.

The second point of decision is reached when a probation officer releases a child or continues the detention initiated by the police. Only in a few States does legislation require the judge to review this decision.

According to the standards, a petition should be filed for every child detained.

In 21 States, children may be detained without the filing of a petition. Police and probation officers in these jurisdictions are free to exercise what should be exclusively a court prerogative.

The third point of decision, after a petition is filed, rests with the court itself. According to the committee standard, the juvenile court is responsible for detention admissions and releases and for establishing written policies and procedures for detention. The Standard Juvenile Court Act requires that, when a child is taken into custody, both the parents and the court are to be notified immediately, and, should the child be detained, the parents must be notified in writing that they are entitled to a prompt hearing regarding release or continued detention. The act provides, furthermore, that no child shall be held in detention longer than 24 hours unless a petition has been filed, or 24 hours beyond that (excluding nonjudicial days) unless the judge signs a detaining order.

Data are not available to show the proportion of jurisdictions in which children and parents are, in fact, assured or denied these legal protections. Professional observers note that once police or probation officers detain a child, the court seldom challenges the wisdom of their decision even though it may release the youngster pending disposition of the case. Furthermore, when a child is detained and social information justifying his release is not available to the judge, chance revelation in the brief factfinding or detention hearing will usually determine his continued detention or release. Court rules make the acquisition of preliminary social data by the probation officer a mandatory requirement for the initial hearing.

3. Inconsistency in Rate of Detaining

The rate of detaining is the total number of children detained for delinquency divided by the total number apprehended and booked for delinquent acts. (Both figures exclude dependent children, traffic cases, and material witnesses.) Much as police statistics vary, the arrest base is generally more satisfactory for establishing a rate of detaining than is county population or court referrals for delinquency. Where arrest figures are not available, court referrals can be used, modified by estimates of the police-to-court referral rate.

NCCD's recommended rate of detaining—10 percent of juvenile arrests—is merely an indicator of the need to examine intake practices when the detaining rate rises significantly above it.

Inconsistency in the use of detention from one jurisdiction to another raises serious question about the validity of detaining in many cases. Judges and court personnel in counties with low detaining rates were questioned to find out whether released children fail to appear in court or commit other offenses while awaiting hearings. Replies consistently said "rarely," "less than with adults released on bond," etc.

In some jurisdictions all arrested children are detained routinely; in others, less than 5 percent are detained. A 30-percent rate is not uncommon. Whatever rate of detaining is customary in one jurisdiction is usually defended to the death, by the judge and the probabtion or law enforcement officers, against another wholly different concept defended with equal fervor in another State or in another county in the same State. No research has been designed to prove the efficacy of either practice. Since removal of a child from his home before all the facts are available is drastic action, the burden of proof rests on judges whose courts have high detaining rates, not on judges who detain sparingly.

An increasing rate of detaining often creeps up on a court after the construction of a new building without anyone aware of the change. The courts usually explain the increase by a rise in population or an increase in delinquency. They rarely compute the rate of detaining and compare it with the alleged increase in the alleged causes.

Even the recommended 10-percent rate referred to above may some day be regarded as too high. Where intake is held down, by design or by custom, the rate can drop below this figure.[16]

A midwestern county judge, who believed in making children responsible for their own behavior and parents

[14] Nathan Goldman, "The Differential Selection of Juvenile Offenders for Court Appearance" (New York: NCCD, 1963), pp. 101–102.

[15] Lane County (Eugene), Oreg., Harris County (Houston), Tex., Summit County (Akron), Ohio, and New York City have developed intake controls through court rules which keep detaining rates low. Intake workers on duty or on call 16 hours or more daily, agreements with law enforcement agencies, availability of counsel, and careful court review of all admissions and length of stay are among the techniques used for controlling detention.

[16] NCCD's annual detention inventories indicate variation in rates of detaining that are apparently unrelated to size or type of jurisdiction. In Greene County, Ohio, population 125,000, plans to establish a 20-bed detention home were postponed and efforts to control the use of the substandard county jail were doubled. The consequence: Out of 475 children referred to the court for delinquency in 1965, only 16 were detained.

responsible for their children pending court disposition, reduced the overcrowded population of the detention home from a previous average of 53 to an average of 36 delinquent children within 2 weeks and suffered no repercussions about lack of community protection.

Of all the children detained in a western county, approximately two-thirds were referred to the probation department after adjudication; of these, less than half were placed under official supervision. A Governor's commission suggested that most of the two-thirds originally detained could have been left at liberty to await court hearings without endangering the community. Following a juvenile court law revision which eliminated the free use of detention by the police, the statewide rate of detaining dropped from an average of 41 percent to 29 percent; in some counties there, the rate is considerably lower and is still going down.

A 1965 study of detention in New York City showed a detaining rate of less than 13 percent (computed on the total number of juvenile arrests).[17] The intake service established by the New York City Office of Probation under the New York Family Court Act reduced the volume of delinquency referrals to the court by 37 percent in 1 year and reduced the daily detention population of boys from 554 to 316.

A recently conducted intensive study of all types of detention, including detention of juveniles, made the following observation:

> Out of all children detained overnight or longer, 43 percent are eventually released without ever being brought before a juvenile court judge, and half of all cases referred to juvenile courts are closed out at the intake stage before any judicial hearing.[18]

It is evident from the above, as well as from a case-by-case examination of detained children in almost any court, that the minor or first offender constitutes the largest group unwisely detained. Many youngsters who have committed more serious offenses are detained when they could have been released under the close supervision of a probation officer, without danger to the community.

Where backed up by proper probation services, such release helps parents to assume greater responsibility for the supervision of their child during a crucial period, and helps the child to assume responsibility for his own behavior pending the court hearing. Examples of effective intake procedures have been developed at the Lane County Juvenile Court in Eugene, Oreg.; the Summit County Juvenile Court in Akron, Ohio; the Kent County Juvenile Court in Grand Rapids, Mich.; and the Harris County Juvenile Court in Houston, Tex. Other and somewhat different but comparatively effective intake practices adapted to the special conditions in each jurisdiction can be seen in the New York City Family Court, the juvenile court for the State of Connecticut, and a number of juvenile courts in Massachusetts recently studied by the Special Delinquency Branch of the U.S. Children's Bureau.

4. Statistics for Planning and Research

Twenty-two States don't bother to keep any detention statistics at all. Of the 29 that do, most keep statistics that are so incomplete and so varying in form that they cannot be relied on for planning purposes. To accumulate statistics without using them for planning is a meaningless exercise, particularly when States do not agree on what kinds should be gathered and for what purpose. Those States that assume some responsibility for regional detention have good reason to know, specifically, how many children of what ages are detained, where, by whom, for what reasons, and for how long. Other facts regarding juvenile arrests, numbers referred to the court, staffing patterns, and costs are important for purposes of research and planning. Statistics recommended for counties and States are listed in "Standards and Guides for the Detention of Children and Youth."[19] California, Pennsylvania, Michigan, and Ohio head the list for the most complete statistics on detention, but even these States have difficulty securing consistent data from every county jail since each keeps statistics in its own way or, more often, not at all. Estimates have frequently been found wholly unreliable.

5. Length of Stay

Theoretically the detention stay is the length of the predisposition period, usually 10 days to 2 weeks in a court with good probation and clinical services—and in a court where juvenile sessions are held only twice a month. In some courts without adequate probation services, the average length of stay may be only 2 or 3 days at most.

The average length of detention stay may be lowered by a number of overnight to 3-day police detentions, or it may be raised by a number of cases waiting for psychological or psychiatric interviews. More frequently, the reason for long average stays is the large number of children who have been committed by the court to a State institution but cannot be sent there because of lack of room. For this situation the counties that have high commitment rates are usually as responsible as the State through its failure to provide correctional treatment resources. Detention, inappropriately, is left holding the bag.

Another reason for long detention stay is the time spent on looking for an appropriate foster home or private institution placement for a child. Frequently, after considerable time the child either is returned to his home on probation or is committed to a State institution for delinquents. A partial solution to this problem is a 30-day statutory length of stay. A better solution is for the courts to demand, more clearly and forcefully than they have in the past, the kind of probation and placement resources they need and to encourage citizen action for appropriation of funds to obtain them.

The range of stay in the detention places in counties studied in the survey, which included jails as well as detention homes, was from 1 day to 68 days; the average was 18 days. Nearly all the smaller county jails reported stays of usually 1 to 3 days. Longer average stays were consistently found in the detention homes and other facilities. These survey data raise questions about the purposes for which detention homes are used (see table 11).

[17] NCCD, "Juvenile Detention in the City of New York" (a study to determine the capacity of detention facilities needed), 1965.

[18] Vera Foundation, "Bail in the United States: 1964"—a report to the National Conference on Bail and Criminal Justice, Washington, D.C.

[19] Supra, note 9.

Table 11.—Length of Stay in Sample Counties

	Mean	Median for all children	Median of averages for facilities
	Days	Days	Days
Jails	[1] 6	5	3
Detention homes	18	16	10
Other facilities	28	29	21

[1] Excludes, by reason of atypical situation, 63 children staying an average of 67 days in 3 jails, all in 1 State. If they were included, the mean stay in jails would rise to 26 days.

High ratios of admission to detention homes and long stays there usually stem from the mistaken motion, held by many judges, that these facilities are all-purpose institutions for (*a*) meeting health or mental health needs, (*b*) punishment or treatment in lieu of a training school commitment, (*c*) retarded children until a State institution can receive them, (*d*) pregnant girls until they can be placed prior to delivery, (*e*) brain-injured children involved in delinquency, (*f*) protection from irate parents who might harm the child, (*g*) a material witness in an adult case, (*h*) giving the delinquent "short sharp shock" treatment, (*i*) educational purposes ("He'll have to go to school in detention"), (*j*) therapy, (*k*) "ethical and moral" training, (*l*) lodging until an appropriate foster home or institution turns up.

The problems of proper care for these children can hardly be imagined. The comings and goings of detained children fresh from encounters with the police make a place of detention inappropriate for rehabilitation. Program geared to short stays does not lend itself to long-term treatment, particularly when the treatment called for is so varied. No research has yet proved the validity of extensive or long-term detention. Hence, standards do not endorse the construction or use of detention homes for dependent and neglected children or for a variety of other purposes.

6. Confused Objectives: A Summary

Confusion and misuse pervade detention. It has come to be used by police and probation officers as a disposition; judges use it for punishment, protection, storage, and lack of other facilities. More than in any other phase of the correctional process, the use of detention is colored by rationalization, duplicity, and double talk, generally unchallenged because the law is either defective or not enforced, and because it is always easy to make a case for detaining on the grounds of the child's offenses or the demands of the public as interpreted by the police or the press.

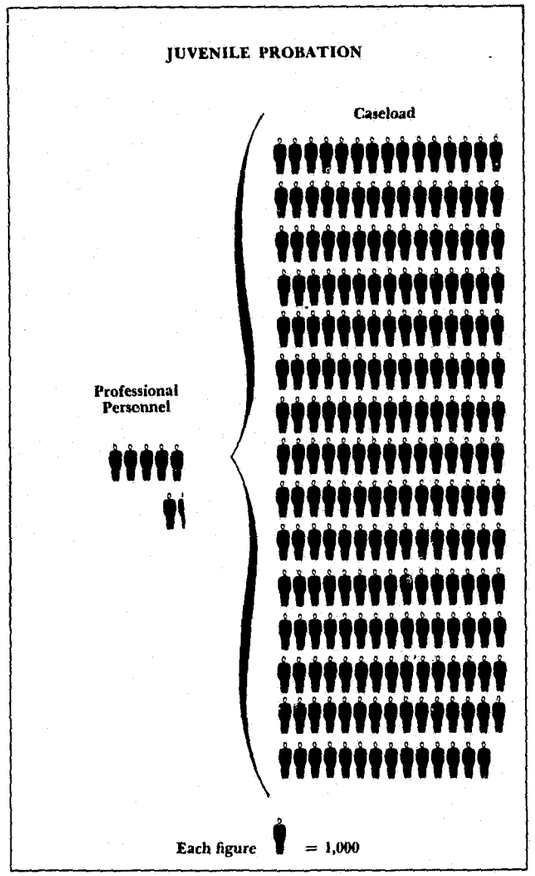
Detention too often serves as storage, a means of delaying action. It protects the police, the probation officer, and the judge from criticism in the event that a released child commits another law violation while awaiting court hearing. It removes from the probation officer his obligation to help parents assume responsibility for supervising their child in his own home and to help the child assume responsibility for his own behavior in the community. In short, it serves as a substitute for the casework so urgently needed by both parent and child to begin unraveling the problem of which the delinquent act is but a symptom. What are some of the "delinquent acts" for which many children are detained? Truancy, for one; the child is detained because the school has failed to deal with the causes of his truancy. Incorrigibility, for another; often it is the parents that need help as much as the child. Or he may be a runaway, frequently with good reason for running. These youngsters and their parents need assistance, which is frequently delayed by the detaining process; sometimes, they never get it.

The child, the parent, and the public are led to believe that the youngster's detention was, in fact, his correctional treatment and that, after a lecture from the judge and possibly a postcard type of probation, he is supposed to straighten out. Little wonder that many law enforcement officers object to the leniency of the juvenile court. They reason that if they detain, at least they have played their part in punishing the child and safeguarding the community, even though the court may dismiss the case. (The statistics show 409,218 children detained but only 242,275 children placed on probation or committed to an institution.)

Many judges, realizing that prolonged detentions are unsatisfactory and bending to community pressures for prompt action, are quick to commit delinquent children to training schools already crowded with youngsters who failed to receive effective probation services in the community.[20] The result of a high commitment rate is a backlog of children in jails and detention homes awaiting transfer—and so the vicious circle continues.

If the evils of detention are to be corrected, it is necessary first to strengthen probation and other correctional treatment services; second, to develop community resources for shelter care; third, to use detention only for its proper functions.

[20] NCCD surveys show that in approximately half the commitments to State training schools, probation had not been attempted at all or had been only nominal—that is, there was no recorded attempt to work with the child and parents around the problems which resulted in his delinquency. In many instances there was failure to investigate other more appropriate placement possibilities.



2. Juvenile Probation

Juvenile probation, which permits a child to remain in the community under the supervision and guidance of a probation officer, is a legal status created by a court of juvenile jurisdiction. It usually involves (*a*) a judicial finding that the behavior of the child has been such as to bring him within the purview of the court, (*b*) the imposition of conditions upon his continued freedom, and (*c*) the provision of means for helping him to meet these conditions and for determining the degree to which he meets them. Probation thus implies much more than indiscriminately giving the child "another chance." Its central thrust is to give him positive assistance in adjusting in the free community.

I. INTRODUCTION

A. HISTORICAL DEVELOPMENT

Though juvenile probation has had its major development in the present century, its roots run back through a rather considerable history. In England, specialized procedures for dealing with youthful offenders emerged as early as 1820, when the magistrates of the Warwickshire Quarter Sessions adopted the practice of sentencing the youthful criminal to a term of imprisonment of 1 day, followed by his conditional realease under the supervision of his parents or master.[1] This practice was soon thereafter further developed in Middlesex, Birmingham, and

[1] Paul W. Tappan, "Crime, Justice, and Correction" (New York: McGraw-Hill, 1960), p. 542.

London, where probation supervision was first supplied by police officers, then by volunteer and philanthropic organizations,[2] and finally by public departments.

In the United States, juvenile probation developed as a part of the wave of social reform characterizing the later half of the 19th century. The new and enlarged definition of the state's responsibilities to its children produced such precursors of the future of child welfare practice as laws directed against cruelty to children, philanthropic associations for the protection and aid of the dependent and neglected child, and specialized institutions segregating the child offender from adult criminals. Probation emerged as another of the new era's means of mitigating the harshness of the criminal law and of employing the developing knowledge of the behavioral sciences on behalf of the child. Massachusetts took the first major step toward the development of a juvenile probation service. Under the act passed in 1869, an agent of the State board of charities was authorized to appear in criminal trials involving juveniles, to find them suitable homes, and to visit them periodically. These services were soon broadened and strengthened so that by 1890 probation had become a mandatory part of the court structure throughout the State.[3]

The emerging social institution, with its individualized, parental approach to the erring child, made a central contribution to the development of the concept of the juvenile court. In fact, in some States the early supporters of the juvenile court movement accepted probation legislation as its first step toward achieving the benefits that the new court was intended to provide.[4] In turn, the rapid spread of the juvenile court during the first decades of the present century seems often to have brought about the development and enrichment of probation. The two closely related and to a large degree interdependent institutions sprang from the same dedicated conviction of the educability of the young and the same positive affirmation of public responsibility for the protection of the child.

At the mid-1960's juvenile probation has become a large, major, complex social institution touching the lives of an enormous number of our children and young people. In 1964, about 686,000 delinquency, 150,000 dependency and neglect, and 442,000 traffic cases were referred to the country's juvenile courts.[5] According to rough estimates, about 11 percent of all children will be referred to the juvenile court on delinquency charges during their adolescent years, and as much as 18 percent of all boys will be so referred.[6] Juvenile probation has the main responsibility for processing and servicing most of these cases. As a service, it represents investments in future citizens. It cannot be cheaply purchased. At present, it costs an estimated $74,750,727 a year.

B. GOALS AND FUNCTIONS

1. Goals

The dominant purpose of the total correctional process is promotion of the welfare and security of the community. Within this overall goal, juvenile probation's specific assignment includes (*a*) preventing a repetition of the child's delinquent behavior, (*b*) preventing long-time deviate or criminal careers, and (*c*) assisting the child, through measures feasible to the probation service, to achieve his potential as a productive citizen.

Thus, the central services of probation are directed to the child found delinquent by the court and, often, to his family. However, in some jurisdictions probation departments are also assigned responsibilities in broader, delinquency prevention programs. Though the proper boundaries of probation's services in this role are not clear and may vary from one jurisdiction to another, it seems clear that a probation department should at least assume the responsibility for assembling and reporting its special knowledge about delinquent children, their needs, and the community conditions that produce delinquency. It is also vitally necessary for the department to be an active partner in the process of community planning for meeting the needs of young people.

2. Functions

The modern probation department performs three central—and, sometimes, several auxiliary—functions. Its central services are (*a*) juvenile court, probation department, and detention intake and screening, (*b*) social study and diagnosis, and (*c*) supervision and treatment.

(*a*) *Intake and screening.* The juvenile court and the probation department are highly specialized sociological agencies. The scope of their jurisdiction and services is defined and limited by law, but their limitations are not understood by everyone in the community, and their intervention is not effective in all types of cases. Further, many of the agencies referring cases to them do not have the time or the staff with trained diagnostic skill to determine whether a specific case can best be served by the probation department. As a result, a probation staff member must engage in preliminary exploration with the child, the family, and the referring source to determine with them whether there is a legal basis for court intervention or whether the problem can be resolved better by use of the services of some other community resource.

Frequently the probation department must also decide or participate in deciding whether the child should be admitted to, continued in, or released from detention pending disposition of his case by the court. Removing the child from his home and family and holding him in a detention facility, even for a temporary period, constitute a major intervention in his life and his family's. For some children this may be necessary and helpful; for others it may be deeply damaging and may contribute powerfully to alienation from conforming society and its institutions. The problem is rendered even more tragically complex by the fact that, in many jurisdictions in the United States in the 1960's, juvenile detention is provided in facilities that degrade and brutalize, rather than rehabilitate.[7]

(*b*) *Social study and diagnosis.* Characteristically, the juvenile court exercises tremendous power to make authoritative decisions concerning vital aspects of the lives of children and families found to be within its juris-

[2] Ibid.
[3] Margaret K. Rosenheim (ed.), "Justice for the Child" (New York: Free Press of Glencoe, 1962), p. 3.
[4] Ibid.
[5] U.S. Department of Health, Education, and Welfare, Children's Bureau, "Juvenile Court Statistics—1964" (Washington, D.C.: Children's Bureau, Statistical Series No. 83, 1965), pp. 1–6.
[6] Ibid., p. 1.
[7] The frequent overuse and misuse of juvenile detention and the complications of the probation department's role in detention intake and release screening are detailed in ch. 1 supra.

diction. The delinquent child may be returned to his home and family without further intervention, he may be placed under probation supervision, or he may be removed from his family's control for a period ranging from a few weeks to several years. Such decisions, therefore, which may powerfully shape for good or evil the total future of the individuals involved, must be made only on the basis of the most careful and competent diagnostic study.

Such a study involves the awesome task of predicting human behavior. The focal concern is the probable nature of the child's response to the necessary demands of society. Will he or will he not be able to refrain from offending again if permitted to continue to reside in the free community? An even more complicated question is: What will be his adjustment under the various possible conditions of treatment—i.e., if he is returned home without further intervention, or if he is provided differing sorts of community supervision and service, or if he is confined in an institution? Only by illuminating such questions can the social study be of value to the court's dispositional decision.

If the diagnostic study is to accomplish its purpose it must include skilled analysis of the child's perceptions of and feelings about his violations, his problems, and his life situation. It must shed light on the value systems that influence his behavior. It must consider the degree of his motivation to solve the problems productive of deviate behavior, as well as his physical, intellectual, and emotional capacities to do so. It must examine the influence of members of his family and other significant persons in his life in producing and possibly solving his problems. Neighborhood and peer group determinants of his attitudes and behavior must be analyzed.

All of this information must be brought together into a meaningful picture of a complex whole composed of the personality, the problem, and the environment situation which must be dealt with. This configuration must be considered in relation to the various possible alternative dispositions available to the court. Out of this, a constructive treatment plan must be developed.

Accomplishment of this enormously complicated task by the probation staff requires dedication, intelligence, professional understanding of the forces shaping human behavior, and highly developed skills in interviewing and in making use of the potential contributions of medicine, psychiatry, education, religion, and numerous other professional disciplines.

(*c*) *Supervision and treatment.* Probation involves far more than giving the child "another chance." This last phrase often describes a course of action in which the child is returned unchanged to a family and community situation that produced delinquency in the first place and can be relied on to do it again. Consequently, probation has been assigned the task of contributing to the process of change, through supervision and treatment, in the situation and behavior of the offending child.

The three major elements of effective supervision and treatment are surveillance, service, and counseling. Usually, no one of these elements is effective by itself; each is a part of an interrelated whole.

(1) Surveillance. The officer must keep in touch with the child, his parents, his school, and other persons involved in and concerned about his adjustment. He must keep generally informed of the extent to which the probation plan is being carried out. Is the family providing adequate care and supervision? Is the child responding to parental supervision? Is he attending school, or working, or in other ways conforming to the general probation plan? Properly used, surveillance constitutes much more than a threat. It is a method of helping the child become aware of his responsibilities and the demands that life makes upon him as a member of the society. It is a resource for the individualization of such demands as they apply to his particular life situation. It constitutes a confrontation with reality, and it may be a source of support by contributing a precise understanding of that reality and the consequences of his failure to respond to it. It provides assurance that society, represented by the court and a court officer, is aware of and interested in him, is concerned that he not engage in future violative and self-defeating behavior, and is determined to assist him in avoiding such behavior.

(2) Service. The officer must determine the extent to which the problems confronting the child and the family may be alleviated by use of available community services. He must then muster such services in an organized way and help the child and family make use of them effectively—often an extremely complicated task when he is dealing with a family that has long been at odds with and suspicious of any agency it regards as representing the authority of society.

(3) Counseling. Counseling, the third aspect of the officer's task, makes it possible to perform the other two effectively. The child and family and other persons concerned must be helped to understand and face the existence of the personal or environmental problems productive of the child's delinquency. Frequently they must be helped to gain some degree of understanding of their roles in the production—and thus in the solution—of such problems. They must be encouraged and stimulated to mobilize their strengths and energies and to invest them in the problem-solving process. The performance of this function depends upon the officer's professional ability to offer them understanding, his obvious dedication to helping them find satisfaction in a socially acceptable manner, his skillful presentation to them of society's demands that they conform to its minimal expectations, and his determination to help them do so.

(*d*) *Auxiliary functions.* In addition to the three central functions noted above—(1) intake and screening, (2) social study and diagnosis, and (3) supervision and treatment—probation departments frequently perform significant auxiliary tasks. Large departments often operate mental health clinics providing diagnostic and, sometimes, treatment services for children referred to the court. Some administer a variety of other treatment services, which may include foster home programs, forestry camps, group homes, and other residential or nonresidential treatment facilities. Others vigorously engage in community planning and community organization efforts on behalf of children and youth. Some operate delinquency prevention services for endangered youth.

Direct operation of many of the treatment and delinquency prevention programs noted above is considered by most authorities to be a proper responsibility of community agencies other than the court and the probation department. Some experienced practitioners disagree with this position, however, and they point out that, in many instances, courts organize and operate these programs through community default—that is, because no other resource has shown willingness or capacity to do it.

C. STANDARDS FOR EVALUATING PRACTICE

Universally accepted standards proven by research methods to correlate with movement toward specified goals have not been developed for the field of juvenile probation. The same statement can be made of all other aspects of correction, as well as of education, public administration, political science, and most other fields concerned with human behavior. This does not mean that the quality of a probation system cannot be assessed. However, the criteria by which such assessment is made must be recognized as a sort of distillate of current "practice wisdom" rather than the product of definitive inquiry. This process has resulted in standards generally accepted among experienced practitioners and eminently applicable to today's practice. Among the most useful compilations of such standards are (*a*) the one prepared by the Special Committee on Standards (President's Commission on Law Enforcement and Administration of Justice), (*b*) NCCD's "Standards and Guides for Juvenile Probation,"[8] and (*c*) The Children's Bureau's "Standards for Juvenile and Family and Courts."[9]

As noted above, juvenile probation is charged with the loftiest of goals. Like any other major social institution, its worth, in the long run, must be judged not only by its goals but also by its performance.

The assumption that probation contributes to the achievement of its defined goals depends on the validity of two prior assumptions: first, that probation actually does have the theoretical and knowledge base that would enable it to predict and influence behavior; and, second, that the manpower, the money, and the other resources necessary to its effective performance actually are or can be made available.

The survey permits only very general consideration of the degree to which probation's theoretical and knowledge base are adequate to the task at hand. However, it does make possible some fairly specific assessments of the availability of necessary manpower and other resources.

The theoretical and knowledge base upon which probation operates is still in the process of formation, is by no means universally agreed upon, and is nowhere clearly stated.

Traditionally, the theory embodied in the law and its allied functions has been that behavioral change can be coerced by deterrent punishment. Probation cannot perform so as to undermine the deterrent power of the law; however, few persons are unaware of the peril of too easy reliance on the ancient but never tested assumption that our deterrents do, in fact, usually deter. The correctional agency's clientele seems to consist largely of persons repeatedly subjected to—and unaffected by—many of society's sanctions. We can produce fear in the offender. But in so doing we also produce hate and the determination to strike back. Further, he appears generally not capable of weighing the pleasure of immediate gratification against future (and uncertain) punishment; and he is subject to peer group and other pressures stronger than those we are able to engender.

Thus, modern probation is generally dedicated to other theories of behavioral change. These depend largely on the combination of (*a*) confronting the offender with the behavioral alternatives available to him and the probable consequences of each and (*b*) helping him solve the problems of social functioning that impede his securing necessary and normal human satisfactions in socially acceptable ways. Thus, it is hoped, he will internalize conventional value systems and will come to perceive such values as inherently appealing and productive of satisfaction.

In their efforts toward these ends, some practitioners seem to operate on the basis of little or no organized theoretical framework. Others are committed to any one of a variety of theoretical positions, some of which stress the dominance of one variable or another—intrapersonal, intrafamilial, subcultural, or sociocultural—in the production of deviant behavior. Many of these positions stress only the origins of such behavior and provide few action guides for influencing behavioral change.

Nonetheless, there seem to be gradually emerging a practice wisdom and a practice theory that stress the work of the officer in (*a*) seeking out, stimulating, and drawing into the problem-solving process the offender's motivations and his capacities to solve his problems of social functioning and (*b*) working with the offender and other persons and social institutions in his environment toward expansion of the opportunity structure available to him.

One of the major challenges facing scholars and practitioners is to formulate the assumptions upon which present practice is based and then to test and further refine them.

II. SURVEY FINDINGS

A. PROBATION COVERAGE

Juvenile probation service is authorized by statute in each of the 50 States and the Commonwealth of Puerto Rico. The study conducted in conjunction with the preparation of this report shows that in one recent year some 192,000 written social studies were made on behalf of children referred to our courts and that some 189,000 children were placed under probation supervision. At the time of the survey, approximately 223,800 children

[8] National Council on Crime and Delinquency, "Standards and Guides for Juvenile Probation" (preliminary draft), a report of the Juvenile Court Services Committee of the Professional Council (New York: NCCD, 1965), mimeo.

[9] William H. Sheridan, "Standards for Juvenile and Family Courts," U.S. Department of Health, Education, and Welfare, Children's Bureau (Washington: U.S. Government Printing Office, 1966).

were under such supervision. Supervision usually extends over significant periods of the child's life. Among the agencies included in the sample, the average period of supervision ranged from 3 months to 3 years, with a median of 13 months. In the sample of 250 counties, 233 had probation services.

Fundamental to any definition of desirable probation practice is the availability of paid, full-time probation service to all courts and all children needing such service.

The survey reveals that, though every State makes statutory provision for juvenile probation, in many States probation service is not uniformly available in all counties and localities. The data on this point may be summarized as follows:

1. In 31 States all counties have probation staff service.
2. A total of 2,306 counties (74 percent of all counties in the United States) theoretically have such service. In some of these the service may be only a token.
3. In 16 States that do not have probation staff coverage in every county, at least some services are available to courts in some counties from persons other than paid, full-time probation officers. The sources of such services include volunteers (in six States), child welfare departments (in five States), and a combination of child welfare, sheriff, and other departments (in five States).
4. In 165 counties in 4 States, no juvenile probation services at all are available.

Generally, the country's more populous jurisdictions are included among the counties served by probation staff. However, in the smaller counties service may be expected to be spotty. Comments such as the following occur in the observations of the experienced practitioners gathering the survey data:

> The . . . State Department of Public Welfare does provide, upon request, probation and aftercare services to the courts and to institutions. These services are part of the child welfare program, and no differentiation is made as to specific caseloads. A general impression is that . . . there is not an acceptance of this service, and it is not used in many counties.

Many of the State agencies that are theoretically responsible for providing services are not prepared to do so. However, some child welfare departments acknowledge the provision of probation services as a major responsibility, assign capable staff to the function, and provide services of good caliber. However, the development of practitioners in the court setting who have specialized knowledge of the diagnosis and treatment of acting-out, behavior-problem children remains a challenge to probation practice. This task is doubly difficult when the staff is not oriented specifically to these problems. It is particularly inappropriate to expect specialists in law enforcement (sheriffs, police, etc.) to become skilled in probation diagnosis and treatment as well as in their own specialized functions. And rare is the volunteer who has the time, energy, and resources to so equip himself (though the volunteer often plays a valuable role when working upon carefully defined problems in cooperation with a trained and experienced member of the probation staff).

Whether a child subjected to the truly awesome powers of the juvenile court will be dealt with on the basis of knowledge and understanding, usually the product of a good probation social study, is determined by chance—the accident of his place of residence. The same accident determines whether the community treatment resource of probation as an alternative to incarceration will be available to him. The following observation about one State was made by a member of the survey team:

> In the entire State, only two counties have probation services. The other counties have no service. A child placed on probation in these counties is presumed to be adjusting satisfactorily until he is brought back to the court with a new charge. . . . The Department of Welfare will not accept referrals of delinquent children from the courts.

B. ORGANIZATION OF SERVICES

Juvenile probation services are organized in a State in one of the following ways:

1. A centralized, statewide system.
2. A centralized county or city system, the services of which are strengthened and supported by State supervision, consultation, standard setting, recruitment, assistance with in-service training and staff development, and partial State subsidy of the local department.
3. A combination of the above systems, with the more populous and prosperous jurisdictions operating their own departments and with service being provided by the State in the other areas.

Which of the three organizational plans is to be preferred is a question that has to be resolved by such factors as prevalent State administrative structures, political patterns and traditions, and population distribution. However, for many States, a well-coordinated State plan appears preferable. Such a pattern (*a*) has greater potential for assuring uniformity of standards and practice, including provision of service to rural areas; (*b*) makes certain research, statistical and fiscal control, and similar operations more feasible; (*c*) best enables recruitment of qualified staff and provision of centralized or regional in-service training and staff development programs; (*d*) permits staff assignment to regional areas in response to changing conditions; and (*e*) facilitates relationships to other aspects of the State correctional program.

In some States, it may be that local agencies are in a better position to respond to changing local conditions and to assure investment of local resources in the solution of essentially local problems. These benefits usually occur in a city or county relatively high in tax potential and progressive leadership; corresponding progress does not take place in adjoining jurisdictions. To assure at least acceptable performance throughout a State where probation is a local responsibility, State supervision, standard-setting, consultation, assistance in staff recruitment and inservice training, and similar services are required.

The problems all too often resulting from the absence of either a centralized State probation service or adequate standard-setting for local services are illustrated by another comment emerging from one of the State studies:

> In [the small State of . . .] juvenile probation . . . offers 11 different programs, with widely differing philosophies of institutional use, much variation in procedures, and no possibility of influencing the quality of probation work through any centralized training effort. Political appointment of officers is standard practice and there is no merit system offering the possibility of a career in probation.

Intrastate uniformity in achieving acceptable standards often requires that local probation be subsidized by the State. State expenditure for this purpose is an excellent investment, for it mitigates against the ever present danger of indiscriminate commitment to the State correctional program. This and similar benefits seem to have been obtained by such a program recently introduced in one State, where the conference with correctional officials held in connection with the survey produced the following observation:

> Juvenile probation has . . . seen substantial improvement in the past few years with the help of a State subsidy that provides that in order to participate the local county must add to its existing staff. A number of small counties which had never had probation services prior to this study have now created departments. Larger counties have been able to expand their services. . . . The general effect of the subsidy has been to generate considerable interest on the part of some judges where little or no interest previously existed.

1. Court Administration Versus Administrative Agency

County and city systems are organized mainly according to two patterns. In the prevalent one, probation services are administered by the court itself or by a combination of courts; in the other, the services are provided to the court by an administrative agency, such as a probation department established as a separate arm of local government.

The survey reveals that juvenile probation is administered as follows:

	In States
By Courts	32
By State correctional agencies	5
By State departments of public welfare	7
By other State agencies	4
By other agencies or combination of agencies	3

Some authorities arguing in behalf of the first pattern, in use in most jurisdictions, hold that administration by the court is necessary and desirable since it is the court that is responsible for determining which delinquents are to remain in the community and under what circumstances they are to be permitted to do so. Proper discharge of this responsibility, they say, means that the judge must have the authority to select and control the probation officer, who functions as an extension of the court.[10]

Other authorities argue that the more widespread use of the first pattern may well be the result of historical accident rather than careful analysis of the advantages and disadvantages of the two plans. They point out that conditions have changed since the administration-by-the-court pattern was first established and that now many probation departments are large, complex organizations. Their administration requires a background of training and experience in, as well as an inclination toward, administration—qualifications that do not necessarily accompany judicial function. The judge should be an impartial arbiter between contending forces. His administration of an agency often party to the issues brought before him in the courtroom may thus impair—or may seem to one or the other of the parties to impair—performance of his judicial function. Further, if the court is composed of many judges, it is likely that the juvenile court judgship assignment will rotate frequently, so that true assumption of administrative leadership may never take place.

In any event, the major administrative leadership role in the operation of probation services must be clearly recognized. The total juvenile court function is rendered almost impossible without good probation service, which cannot develop without good administration. It may be that some judges can perform both the judicial and the administrative function effectively. But, as Keve points out:

> It seems that at this point in its history, the juvenile court must face its growing administrative task and decide whether it is to relinquish its administrative duties to a separate administrative body, or accept the administrative character of the juvenile court and deliberately develop the structure and capacities of the court to a greater extent than is is usually true now.[11]

(*a*) *Citizens advisory committees.* Whether administered at the State or the local level, the juvenile probation department often finds that a carefully selected citizens advisory committee or board is enormously helpful. The functions of such a committee should include: (*a*) Participation in the department's policymaking processes so that the thinking of major forces in the community and major sources of pertinent expertise is represented; and (*b*) constant interpretation to the community of the functions, problems, and needs of the department.

The committee should include representation from business and industry, organized labor, the bar, medicine (including psychiatry), the social services, education, religion, and other pertinent community forces.

2. State Standard-Setting

In 13 of the 45 States in which some or all of the courts are served by local departments, an agency of the State government sets at least some standards governing proba-

[10] For discussion of this issue see: Paul W. Keve, "Administration of Juvenile Court Services," in Rosenheim, op. cit. supra note 3, pp. 174-176.
[11] Ibid., p. 177.

tion performance. The aspects of the local departments' functions so governed are as follows:

	States
Staff qualifications only	6
Standards of practice only	2
Combination of staff qualifications, salary, etc.	5

Efforts were made during the course of the survey to discover whether, in the professional opinion of the experienced practitioners gathering survey data, the introduction of State standard-setting had resulted in the improvement of local probation service. In 9 of the 13 States, such improvement was considered to have taken place; in 2, no change could be observed; and in 2, evaluations could not be secured.

3. State Subsidy of Local Probation

In 19 of the 45 States offering probation on a local basis, some subsidization of the service is available from State funds. The items covered by such subsidies are as follows:

	States
Personnel	7
Personnel and other items	5
New personnel only	1
Operational costs	2
Other items	4

Complete data on the proportion of the local department's budget coming from state subsidy are not available. In six States this proportion is 50 percent or less; in one, it is more than 50 percent; and in three, the total costs of local probation services are subsidized by State funds.

In nine States professional judgments were generally to the effect that subsidy programs had resulted in the improvement of probation service. In two States no change was considered to have resulted.

4. Other State Services

In 19 States a central State agency provides consultation service to local courts. Other services sometimes rendered for local departments by State agencies include statistical analysis (10 States), staff training programs (6 States), and direct probation service in some counties (2 States).

(*a*) *Statewide statistics.* The pressing need for continuously available, up-to-date information about the nature and extent of juvenile delinquency, juvenile probation, and other correctional problems can be satisfied only by a State agency that assumes responsibility for the collection, analysis, interpretation, and publication of the statistical data in each of the State's local jurisdictions. This function is now performed in only 38 States, by (*a*) the correctional agency, in 13 States; (*b*) the department of public welfare, in 9 States; (*c*) an administrative office of the State's courts, in 4 States; and (*d*) some other State agency (including the department of health) in the other States.

C. AGE GROUPS SERVED BY JUVENILE PROBATION

The upper age limit for eligibility for the services of juvenile probation is determined by the statute establishing the jurisdictional limits of the juvenile court. The Standard Juvenile Court Act provides that the court shall have jurisdiction over a child alleged to have committed an offense "prior to having become 18 years of age." [12] Setting the upper age limit of juvenile court jurisdiction at 18 years is endorsed by the U.S. Children's Bureau and is generally supported by most serious students of the problem; however, as is shown in table 1, it is far from universal practice.

Persons 16 or 17 years old are not considered, for most purposes, to be adults. In many jurisdictions they are restricted in the employment in which they may engage and are not permitted to enter into contracts, to marry, to vote, and even, in some instances, to be abroad upon the streets at night. Yet in 15 States a 17-year-old boy who violates the law is dealt with as a fully responsible adult.

Table 1.—Upper Age Limits of Juvenile Court Jurisdiction in 51 States [1]

Birthday to which jurisdiction extends	Number of States	
	Boys	Girls
16th	6	5
17th	9	7
18th [2]	35	38
21st	1	1

[1] Data derived from juvenile court statutes, July 1966.

D. PROBATION OFFICERS

1. Criteria for Employment

For a long time society has protected its citizens by establishing procedures for admission of lawyers and surgeons to practice and by specifying criteria for certification of veterinarians, barbers, and architects. But only now is it beginning to determine the necessary qualifications for those to whom it assigns the duty of mending the broken lives of its children and families. Obviously, the enormously complicated task of the probation officer described above, which is essentially a matter of diagnosis and treatment of problems of social maladjustment, cannot be performed by persons about whom nothing much more can be said than that they are "men of good will."

The Committee on Standards endorsed the previously recommended personal, experimental, and educational criteria for the employment of probation officers. These suggest two sorts of qualifications. First, officers performing the basic probation function should possess the highest personal attributes. They should have emotional and intellectual maturity, ability in interpersonal relations, positive value systems, and dedication to the service of others. Second, they should have the training and experience that will supply the knowledge and skill necessary for their enormously complicated work. Since their tasks include diagnosis and treatment, they must have professional training in these functions. Thus, they should have a master's degree from an accredited school of social work or comparable training in one of the related social sciences.

It is impossible now, however, to find the necessary number of staff possessing this preferred educational background. The recommended standards, therefore, set forth these minimum qualifications: (*a*) A bachelor's degree in the social sciences; and (*b*) 1 year of graduate study in social work or a related social science, or 1 year of paid, full-time experience under professional supervision in a recognized social agency. Persons recruited under this provision will particularly require on-the-job training in the essentials of probation diagnosis and treatment.

No survey or research evaluation has been made of the personality attributes of probation officers serving children in the United States. However, most qualified observers agree that the personality coefficient of present juvenile probation staff is quite high. Although some positions are still held by political appointees who probably have good intentions but also have little true interest in, aptitude for, or dedication to the job, probation departments are attracting alert, capable, and dedicated individuals who possess the personal attributes vital for positively influencing the attitudes and behavior of the young.

The survey data on the educational qualifications for employment as a probation officer or chief probation officer are not encouraging. They indicate that many appointing authorities have no understanding of the necessary attributes of persons who are to be assigned the task of producing change in human behavior.

Table 2.—Minimum Education Required for Employment in Sample Counties, by Percentage

Position	Minimum education required			
	None	High school	College graduate	Graduate degree
Probation officer	8	14	74	4
Chief probation officer	10	12	63	15

Table 2 shows that in 22 percent of the departments included in the survey sample, the educational qualifications for employment of probation officers are below the recommended minimum educational standard. In 74 percent of the departments, that part of the minimum standard calling for at least a bachelor's degree is maintained, but no information is available on the requirement for 1 year of graduate education or 1 year of supervised employment in a social agency. Only 4 percent of the agencies maintain the preferred educational standard of a master's degree in social work or one of the allied social sciences.

In employing chief probation officers, only 15 percent of the sample agencies apply the preferred educational standard; 63 percent meet the recommended minimum and 22 percent fall below even that line.

There are no reliable data on the proportion of presently employed probation officers meeting the minimal recommended standards for employment. However, one survey conducted a few years ago indicated that, of some 2,000 officers responding to a U.S. Children's Bureau questionnaire on the subject, only 10 percent had graduate degrees.[13]

It thus appears that most of the country's juvenile courts employ as probation officers and chief probation officers persons who lack professional training in diagnosis and treatment. This clearly suggests the necessity for extensive use of inservice training and other staff development tools in probation departments.

2. On-the-Job Training

The standards call for on-the-job training opportunities for staff. In addition to an orientation program for new workers calculated to help them become acquainted with the agency's rules, procedures, and policies, the major forms of such stimuli for development are the following:

(*a*) A continuing inservice training program carefully designed to meet the needs of staff at various levels, including the supervisory and administrative. Larger agencies should assign full-time staff to this function; smaller agencies should be assisted by appropriate state departments in organizing training regionally.

(*b*) Casework supervision (teaching and consultation on diagnosis and treatment). Without this help it is extremely difficult for the untrained worker to translate into practice the teachings of the training program.

(*c*) Educational leave provisions for both part-time and full-time salaried leave so that particularly promising or key staff members will be helped to meet desired qualifications and improve their professional competence.

(*a*) *Inservice training.* The survey reveals that 48 percent of the departments included in the sample have an inservice training program; 52 percent do not have one. A qualitative survey of these programs was not possible, but the data show that where such programs exist, training meetings are held weekly in 21 percent of the departments, monthly in 33 percent, quarterly in 21 percent, annually in 6 percent, and irregularly in 19 percent—figures that point to a discouraging picture of the quality of training provided. No substantial impact on the probation officers' understanding of the situations, problems, and persons he deals with can be achieved in sessions meeting less frequently than once a week.

(*b*) *Casework supervision.* The generally approved supervisor-officer ratio is about 1:6. The survey data

[12] National Probation and Parole Association (now National Council on Crime and Delinquency), "Standard Juvenile Court Act" (1959), sec. 8. The act also provides that the court may retain jurisdiction until the child reaches his 21st birthday (sec. 10) and that it may transfer certain 16- and 17-year-old children to the adult court (sec. 13).

[13] U.S. Children's Bureau and National Institute of Mental Health, Department of Health, Education, and Welfare, "Report to the Congress on Juvenile Delinquency," 1960, p. 42.

for juvenile probation departments permit an estimate that there are 1,084 supervisors and 5,236 officers—an actual ratio of 1:4.8. However, the casework supervision picture is not as encouraging as the impression given by these figures. The data include the heads of small departments whose functions are essentially administration with some supervision included (a situation which is known to occur very frequently). Further, qualified observers who have studied many individual departments find all too often that the supervisor himself is untrained in the professional aspects of probation and does not even regard teaching and consultation as part of his function.

(*c*) *Stipends for educational leave.* Not all of probation's training needs can be met by inservice programs, which presume the availability of well-prepared training and supervisory personnel. Further, the continuing growth of the correctional agency and of the field in general demands that particularly promising or key personnel should be assisted toward completing their professional education so that they may make their maximum contribution to training and practice.

This graduate professional training consists of (*a*) education at the master's degree level in social work, which normally requires 2 years' work beyond the bachelor's degree or (*b*) education at the master's degree level in sociology, psychology, criminology, public administration, or correctional administration, which usually requires 1 year's work beyond the bachelor's degree.

The agencies in the survey sample report a total of 108 educational stipends. At the time of the survey (which took place during the normal university year), only 84 persons were on educational leave from these agencies.

Obviously, the correctional agencies' educational leave programs on the scale suggested by the figures above will not solve the field's educational problems. Related assistance from other sources is also very limited.

Although probably more persons enter probation from social work than from any other academic discipline, the field recruits only a small portion of social work's graduates, and the percentage will remain small unless probation sharply increases the volume of its scholarship aid. Of the 6,039 students enrolled in graduate social work schools in 1963–64, 5,135 received scholarship aid,[14] which generally is given in return for the recipient's commitment to enter practice in a particular agency or a particular field of social work endeavor. Though some correctional systems (for example, Wisconsin) offer such aid, the total number is pitifully small. The major source of educational stipends in correction is the National Institute of Mental Health. During 1963–64, 156 NIMH stipends were available in 27 schools of social work.[15] As these are for both first- and second-year students, however, only about half that number of graduates are available to the total field of correction; an unknown but small proportion of that number will enter juvenile probation.

Other sources of training aid are similarly limited. The Federal Juvenile Delinquency and Youth Offenses Control Act of 1961, which provides funds for various training programs, spent approximately $6 million during 1962–64 on 67 grants[16]; generally, however, these supported curriculum development, workshops, short courses, institutes, and seminars—in short, training centers for purposes other than full professional training. The impact of this program on the training needs of juvenile probation does not seem to date to have been extensive.

3. Method of Appointment

Formal State or county merit and civil service systems commonly apply by statute only to employees of the administrative arm of government. In the majority of States, as has been noted above, juvenile probation services are administered by the court; thus, probation becomes identified as part of the judicial branch of government. Of the 235 agencies reporting in the survey, only 47 percent had civil service or merit system coverage, while 53 percent were without such coverage.

Some persons argue that civil service and the merit system have frequently been perverted in correction and are, in effect, protecting the status quo at a time when the field has many marginal employees.[17]

The best current thinking is that some form of merit system appointment through competitive examination, without residential restrictions and with assurance against arbitrary discharge, is both possible and eminently desirable in the probation system, whether it be administered by the court or by an administrative agency. It is usually considered desirable that the judge participate, either personally or through a chief probation officer, in the appointment of staff; however, it is quite possible for him to appoint from a list of persons certified as qualified by a State or local merit system.

4. Salaries

The probation standards call for salaries commensurate with employment in positions of high trust and responsibility. Provision should be made for regular salary increments according to merit and performance. Expenses incurred in the performance of official duties should be reimbursed. Policies comparable to those in the best private social agencies should be established for sick leave, annual leave, hospital and medical insurance, disability and retirement coverage, etc.

Some variation in probation salary scales according to general wage scales and the cost of living in the locality is to be expected. It should not, however, be extreme. Probation departments compete nationally, not locally, for qualified staff, and therefore ought to be in a position to do so on even terms.

The survey reveals tremendous variation in annual salary scales. In the sample (see table 3 for agency percentages), the salary of the chief probation officer ranged from less than $2,400 to more than $18,000 (median, $8,001–$9,000); staff supervisor salary ranged from less than $3,000 to about $11,000 (median, $7,001–$8,000); and probation officer salary ranged from under $1,500 to about $11,000 (median, $5,001–$6,000). A considerable proportion of our country's juvenile probation departments have salary schedules that make it impossible for them to compete in a national (or even a local) market for staff with the recommended minimum qualifications, to say nothing of the recommended preferred qualifications.

[14] Milton Wittman, "An Assessment of Scholarship Aid in Correction," in Charles S. Prigmore (ed.), "Manpower and Training for Corrections" (New York: Council on Social Work Education, 1966), p. 67.
[15] Ibid., p. 68.
[16] U.S. Department of Health, Education, and Welfare, Office of Juvenile Delinquency and Youth Development, "Summaries of Training Projects, Juvenile Delinquency and Youth Offenses Control Act," April 1965, p. 1.
[17] Joseph W. Eaton and Menachin Amir, "Manpower Strategy in the Correctional Field," in Prigmore, op. cit. supra note 14, p. 79.

Table 3.—Beginning Salaries in Juvenile Probation, by Percentage of Sample Counties

	Chief probation officer	Staff supervisor	Probation officer
Under $1,500			1.9
$1,501–$2,400	.6		1.5
$2,401–$3,000	1.7	.8	1.0
$3,001–$4,000	.6		5.3
$4,001–$5,000	3.3	1.7	20.3
$5,001–$6,000	12.1	8.5	42.0
$6,001–$7,000	9.3	24.6	19.8
$7,001–$8,000	14.4	31.4	7.2
$8,001–$9,000	16.6	23.7	.5
$9,001–$10,000	9.3	8.5	
$10,001–$11,000	12.1	.8	.5
$11,001–$12,000	2.8		
$12,001–$13,000	1.7		
$13,001–$14,000	4.4		
$14,001–$15,000	6.1		
$15,001–$16,000	.6		
$16,001–$17,000	2.2		
$17,001–$18,000			
Over $18,000	2.2		
Total	100	100	100

All agencies in the sample were asked to state what they considered to be the chief obstacle to effective juvenile probation service. "Lack of staff" was the answer by 37 percent of them (see table 4 for percentages giving other responses).

Table 4.—Main Barriers to Effective Service in Juvenile Probation, by Percentage of Agencies

Main barrier	Percentage of agencies	Main barrier	Percentage of agencies
Lack of staff	37	Lack of community resources	4
Lack of training	15	Poor leadership	3
Lack of funds	11	Poor working conditions	2
Lack of group care facilities	8	Other	15
Lack of diagnostic and treatment resources	5		

E. INTAKE SERVICE

As previously noted, the juvenile court and its probation department are specialized agencies whose services are appropriate only for selected children and problems. The best utilization of probation staff time, therefore, requires an intake screening service.

The intake unit receives referrals to the court and immediately reviews available reports, undertakes initial interviews with children and parents, and clears with schools and similar sources of information. It then determines which cases require immediate referral to the court or to field staff for further social study, and which seem to fall outside the legal purview of the court, to need no further court service, or to require referral to a noncourt agency. Given the support and confidence of the judge, a capably staffed intake service can often adjust as much as 50 percent of all incoming cases without further court action. The need for specialized intake service in a large department is obvious, and it is beneficial even in a department staffed by only two or three officers.

The survey shows that approximately 50 percent of the agencies in the sample provide intake and referral services, assigning a total of 541 intake officers to this function. The remaining agencies were reportedly without intake staff.

Standards call for a social study to be made in all cases referred to the juvenile court. According to the survey, 190,000 prehearing studies were reported to have been made in the 250-county sample from which juvenile probation data were collected. This number of prehearing studies represents 61 percent of the children committed or placed on probation by the courts in these same counties. It was not possible to obtain a national estimate for the ratio of social studies to dispositions, but it can be noted that, in some of the sample counties, prehearing studies were made regularly, as a matter of court policy, in all cases, while, in other counties, none were made.

F. CASELOAD SIZE

An obvious major determinant of the quality of probation service is the size of the caseload assigned to the officer. If the social study is undertaken in circumstances permitting him to make only a cursory inquiry into the motives and feelings of the child, the nature of his family life, the family's potential to meet his needs, and the community pressures that shape his attitude and behavior, it will produce only misunderstanding at best and, at worst, actual injury to the child. If probation supervision is attempted under circumstances that make possible only superficial contact with the child and the family, it is worse than meaningless, for the child subjected to it may become convinced that the officer, who to him represents conforming society and its institutions, may readily be duped or hoodwinked, is unaware of him as an individual human being, or simply is not much interested in him.

It is obviously impossible to set forth precise standards by which the proper size of a probation caseload may be determined under all sorts of conditions. Differences will exist from time to time and from jurisdiction to jurisdiction in types of cases carried, levels of officers' skills, degrees to which supplemental services are available in the community, size of the geographic area served, and financial ability of the community to invest in good service.

The generally recognized minimal standard, developed from practical experience, calls for a caseload of not more than 50 units of work a month. One case under probation supervision is counted as one unit; a new investigation and diagnostic study counts as five units since, if properly done, it may be expected to require about five

times as much time and effort as will a case under supervision in 1 month.

Thus, 1 officer can carry 50 supervision cases a month if he is not making any new investigations. Ten new investigations per month comprises a full-time job, as does any combination of investigation and supervision cases totaling 50 units in any 1 month.

This standard is minimal. A 50-unit caseload allows an average of only 3 hours a month for each supervision case. When the hours spent in traveling, court attendance, supervisory conferences, dictation, etc., are accounted for, the total time available for face-to-face confrontation with the child is probably not more than 1 hour a month. Obviously, 1 hour a month is not enough time in which to reshape defective attitudes and behavior. Some cases must be given much more time than this; consequently, other cases will get even less than the 1-hour average.

Minimal though it is, this 50-unit standard is seldom met in practice. The survey data do not permit calculation of the number of work units in the average probation caseload, but they do provide information on the number of cases under probation supervision by officers in the counties studied. The median load in these agencies falls between 71 and 80 cases under supervision. Of all children being served, 0.2 percent were in caseloads where the number of supervision cases was less than 20. On the other hand, 10.6 percent were in loads where the number of supervision cases was over 100. The highest average supervision caseload reported was 281.

In most probation departments at least half of the officer's time is spent on social studies (investigations in new cases). Therefore, the number of work units in the departments included in the survey is at least twice the number of cases under probation supervision reported above.

G. SUPPORTING SERVICES

1. Foster Family Care and Group Homes

Probation is essentially a resource for helping the child make an adjustment in his community and his home. For some children this is an unreachable goal, and, whether they cannot adjust in the home or the home cannot meet their needs, commitment to an institution is generally the disposition. But it has been demonstrated that considerable numbers of children who cannot adjust in their own homes have the capacity to adjust within the free community in other environments, of which the most frequently used is the foster family home. Another type of resource highly appropriate to the needs of many adolescents is the small, open, group home, which often offers the external controls needed by the adolescent without the emotional demands common in the foster home where he may be expected to accept adults in a substitute parent role (a particularly difficult demand on a youngster who, in the normal course of development, is in the process of achieving emotional emancipation from parental figures).

Of the 233 agencies in the sample, 42 percent used foster homes for juvenile probation cases. At the time of the survey, they reported a total of 4,967 probationers under foster home care. (Interestingly, more than half of these children were in three California counties.)

Only 10 of the agencies operated group homes. They reported a total of 332 children under group home care at the time of this survey.

2. Psychological and Psychiatric Services

Psychological and psychiatric services to the probation department are not only extremely valuable in inservice training and staff development but also vitally important to diagnosis and the continuing treatment process in the cases of some children. Of the agencies included in the sample, 12 percent report that they have no such services available to them; the remainder report the availability of at least some psychiatric or psychological resource.

The survey did not attempt to evaluate the available community clinical resources, but observations by qualified observers are almost universally to the effect that they are rarely adequate. The length of the waiting list usually makes the clinic of dubious value to the child, who cannot be helped unless he becomes involved in the treatment process at the point of crisis. Commonly, also, the clinical service builds up in the child, through diagnosis, an awareness of the need for and some expectation of treatment, and then it frustrates the entire process by failing to provide any form of continuing treatment. Frequently, even when a psychiatric resource is available, diagnostic and not treatment services are called on.

3. Experimentation and Research

As in other behavioral science endeavors, probation's methodology for change in human behavior and attitudes still demands much experimentation and research, some of which is now being conducted in creative departments. For example, the Los Angeles County Probation Department maintains a research division, staffed by research-trained personnel, which engages in numerous inquiries that have proved to be of great practical value to that department and to the probation field as a whole.[18] Some research has been undertaken on enriched, community-based treatment programs in both probation and parole.[19]

Other departments not having research staff engage in comparatively unstructured experimentation with new methods and techniques. For example, the following creative projects are reported by one of the agencies included in the sample:

1. Group therapy with delinquent youth and parents.
2. Short term (4 months) maximum-impact probation supervision and treatment for selected probationers.
3. Assignment of staff and provision of consultation to a protective services project.
4. A program developed in cooperation with a law school for the provision of guardian *ad litem* services to strengthen the legal protections available to children and parents.
5. In cooperation with a bar association committee, development of a handbook that outlines juvenile court procedures.
6. Carefully organized endeavors to siphon off clerical and other routine processes so as to make best use of probation staff time and skills.

Efforts such as these remain all too rare. The agencies in the sample were requested to report any imaginative or unusual rehabilitation program. Approximately 56 percent reported none in progress; 10 percent reported group counseling with children; 5 percent, group counseling with parents; and 29 percent, a miscellany of other programs including work with street gangs.

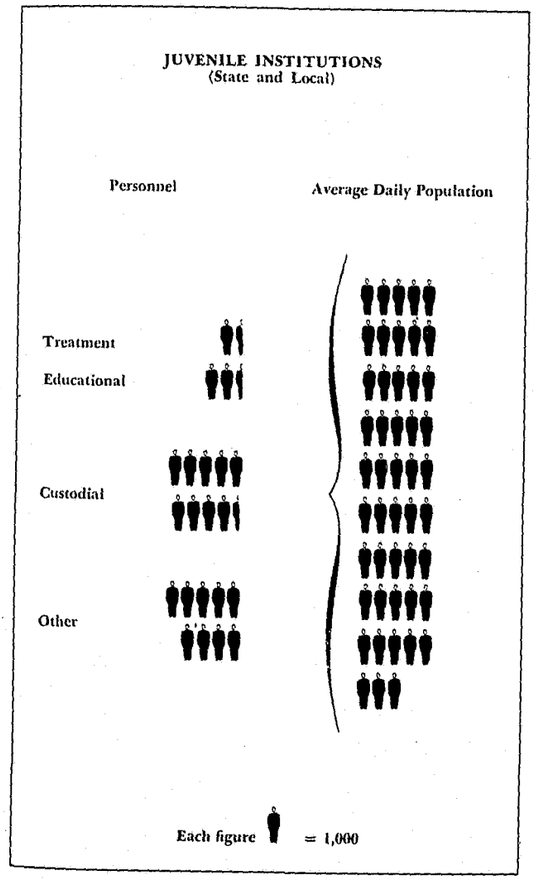
If carefully designed and executed, these programs can provide a learning experience of great potential value to the field. Actually, this potential is often not realized, for two reasons: First, many of the projects are organized without the assistance of research staff or consultation and therefore do not have built into them the means to evaluate their effectiveness. Second, many of them are repetitious or unreported.

[18] Stuart Adams, "The Value of Research in Probation," Federal Probation, September 1965, pp. 35-40.

[19] See for example: California State Board of Corrections, "The Treatment of Delinquents in the Community: Variations in Treatment Approaches," monograph No. 1, July 1960; "Correction in the Community: Alternative to Incarceration," monograph No. 4, June 1964.

3. Juvenile Institutions

A juvenile training facility is normally part of a system separate from other State and local juvenile correctional services, which usually include, at a minimum, the courts, juvenile probation, and supervision (aftercare) of those released from the training facility. Together these services provide resources for the differential treatment required for juvenile offenders committing offenses from various levels of motivation.



I. INTRODUCTION

A. PURPOSE SERVED BY TRAINING FACILITIES

The role of the training school is to provide a specialized program for children who must be held to be treated. Accordingly, such facilities should normally house more hardened or unstable youngsters than should be placed, for example, under probation supervision.

The juvenile institutional program is basically a preparation and trial period for the ultimate test of returning to community life. Once return has been effected, the ultimate success of the facility's efforts is highly dependent on good aftercare services. These are needed to strengthen changes started in the institution; their value can be proved only in the normal conditions of community life.

B. HISTORICAL DEVELOPMENT

The training school [1] originated as a State activity early in American history. So far as can be determined, the first public training institutions exclusively for juveniles were established in Massachusetts, New York, and Maine. The Lyman School for Boys opened in Westborough, Mass., in 1846. Then came the New York State Agricultural and Industrial School in 1849 and the Maine Boys Training Center in 1853. By 1870, Connecticut, Indiana, Maryland, Nevada, New Hampshire, New Jersey, Ohio, and Vermont had also set up separate juvenile training facilities; by 1900, 36 States had done so. They appear now in every State, including Alaska, which opened a youth conservation camp at Wasilla in 1960, approximately 2 years after achieving statehood.

Consistent with their historical development, training programs by and large are administered by the State.

C. WORKING PHILOSOPHIES

The term "school of industry" or "reformatory" often designated the early juvenile training facilities, thus re-

[1] This generic term, used throughout, includes camps and other training facilities.

flecting the relatively simple philosophies upon which their development was based. Their reform programs sought chiefly to teach the difference between right and wrong. Teaching methods were primarily on a precept level, tending to emphasize correct behavior, formal education, and, where possible, the teaching of a trade so that the trainee would have the skills to follow the "right."

To a large extent these elements continue to bulwark many programs, but the efficacy of the old methods has been increasingly questioned, and working philosophies now are moving in new directions, primarily for two reasons.

First, although statistics vary from school to school and can be differently interpreted, most experts agree that about half of the persons released from juvenile training facilities can be expected to be reincarcerated.[2]

Second, they agree that if treatment is to produce lasting change, it must (regardless of technique) touch upon the personal reasons for delinquency. Like most people, juveniles caught in the "wrong" usually find it more comfortable to justify themselves as "right" than to acknowledge responsibility for being wrong and seeking to change. For the delinquent this means that, from the view he has of himself, he does not act out of "evil" but out of a "good" which makes sense and can be justified. Delinquent behavior may be a satisfying experience to a youngster, especially if it meets his emotional needs. The approach, therefore, cannot be merely an appeal for a change in behavior that is offensive to the school; it must be concerned with what the behavior means to the youngster himself. Therefore, according to this view, the function of a training facility is to help a minor look honestly at his own attitudes and see to what degree they create difficulties in the sense that "as ye sow so shall ye reap." Having seen this, a minor then has a personal reference point for change that is connected with his own perception of "good"; he can arrive at personally responsible behavior because he feels this personal connection.

Evidence of the practicality of this viewpoint is found in observations common among training school youngsters themselves, who are quite capable of pointing out those in their group who are "really doing good" and those who are "just playing it cool." If the training school makes conformity the hallmark of progress, it teaches duplicity because, in so doing, it is suggesting that the real problem to be met is not "genuine change of feelings" but only change of "appearances," simply doing whatever the outer situation demands to "get by." The implications of this for further involvement in trouble are clear.

II. SURVEY FINDINGS

The survey findings are organized around three factors that significantly affect the operation of juvenile training facilities—(1) the presence of working philosophies that are consistent with what makes change possible; (2) a use of juvenile institutions by the courts and related groups that allows a program focused on change to operate; and (3) the presence of personnel, physical facilities, administrative controls, and other resources tailored to the job of producing change.

A. WORKING PHILOSOPHY

A good working philosophy clearly relates the institution's activities to its purpose and to the problems it must meet in serving this purpose.

Such a relationship between purpose and program is clearly outlined in the operations of some facilities. As a general matter, however, the absence of a clear working philosophy that ties programs to the achievement of more responsible attitudes is a significant weakness crucial to the problem of improving services.

Lack of understanding concerning the practicality of newer philosophies is a major problem. The difficulty of securing their acceptance is clearly illustrated by developments in the issue of discipline. For some years standards have declared that "corporal punishment should not be tolerated in any form in a training school program." The misbehaving youngster should see, to the greatest degree possible, the reason for a rule and its meaning for the particular brand of difficulty he encounters on the "outs." In this way discipline can become an avenue to new behavior having the force of personal meaning. The use of force shifts the emphasis away from the youngster and onto the smooth running of the institution. For someone with antagonistic attitudes, hitching behavior to the good of something he dislikes can be expected to have little lasting effect.

Thus, apart from the issue of whether physical abuse results, use of corporal punishment can reasonably be taken as a rough statistical indicator of the degree to which treatment viewpoints are actually operating. The survey found that corporal punishment is authorized in juvenile institutions in 10 States.

Another indicator of working philosophy is found in an institution's answer to the question, "How much security?" The institution's need to develop the youngsters' self-control often collides with the public's concern over escapes. Caught between the two, the administrator may set up a system of tight management which, he rationalizes, is for the youngsters' "own good." Thus the juvenile is used to serve the institution instead of the other way around.

A solution can be achieved by public and professional education. Though public expectations toward training facilities are often unrealistic, they must be met by the administrator if he wants to hold his job. Therefore, maximum efficiency—doing the best that current knowledge will allow—cannot be reached until this blurring effect is looked at honestly. If training facilities are to change youngsters, they must be allowed to operate out of philosophies consistent with this purpose. The public needs to learn that treatment approaches which allow "breathing room" are not naive but are, on the contrary, extremely practical. Properly conceived, they are directed at getting the trainee to assume more responsibility for his life rather than assigning it later to the police.

[2] Osborne Foundation and National Council on Crime and Delinquency, "A Report of the Juvenile Institutions Project" (preliminary draft), 1966.

B. USES BEING MADE OF TRAINING SCHOOLS

In theory, training schools are specialized facilities for changing children relatively hardened in delinquency. In practice, as the survey shows, they house a nonselective population and are primarily used in ways which make the serving of their theoretical best purpose, that of "change," beside the point.

This is not to say that other purposes being served by the typical training facility are not important in themselves. Rather, the point is whether they can best be served by a training facility, and, if they cannot, the effect of this extraneousness on the facility's prime reason for existence, the basic job for which it is intended. The extent to which its ability to do this job is diminished becomes clear from the following list of its "other" expedient purposes:

> Use as a detention or holding facility for youngsters awaiting completion of other plans for placement.
>
> Providing basic housing for youngsters whose primary need is a foster home or residential housing.
>
> Housing large numbers of youngsters whose involvement in trouble is primarily situational rather than deep-seated and who could be handled more efficiently under community supervision.
>
> Caring for mentally retarded youngsters committed to the training school because there is no room in a mental retardation facility or because no such institution exists.
>
> Providing care for youngsters with severe psychiatric problems who are committed to the training school because of no juvenile residential treatment program.
>
> Use of girls' facilities to provide maternity services.

The problem of varied intake is further complicated by differences in court commitment philosophies, each of which is a working view of "the best purpose a training facility should ideally serve." In summary, the effects of the diverse elements cited contribute to training facilities wherein no one is best served and most are served in default.

Variations in use of training schools are found among the states as a whole, as well as among the counties of a single State, and further show that many reference points other than "change" are the determiners of practice. If juvenile institutions were actually working in allegiance to a common "best use," statistics which reflect practice would have some uniformity of meaning. That this is not true is revealed by some of the statistical sketches below. For example, length-of-stay statistics do not now reflect differences in time needed to effect "change." If they did, one system's length of stay could be compared with another's, as a guideline for the efficacy of a given program. Rather, the data show that length of stay reflects some extraneous factor such as "overcrowding," or a population whose primary need is "housing," or children awaiting unavailable placements, or children who, though better suited to a probation program, must be held "long enough" to avoid court or community problems.

C. RESOURCES TO PRODUCE CHANGE

1. Capacity

The survey covers 220 State-operated juvenile institutional facilities in all States, Puerto Rico, and the District of Columbia.[3] These facilities, constituting 86 percent of the juvenile training capacity in the United States, had a total capacity of 42,423 in 1965 and a total average daily population of 42,389, which was 10.7 percent more than the population reported to the Children's Bureau in 1964 by 245 State and local facilities.[4]

The overcrowding suggested by daily population figures is not uniform. In 17 jurisdictions, in programs housing total average daily populations of 7,199 children (17 percent of the total), the average daily population is more than 10 percent below each system's capacity. Conversely, in 11 States, in programs housing 9,165 children (22 percent of the total reported by all 52 jurisdictions), the average daily population is 10 percent or more above their respective systems' capacities.

In many States the capacity of State and locally run training facilities is extended through use of private facilities. In some instances these are publicly subsidized, but control of the program remains in private hands. During the survey, 31 States reported using private facilities for the placement of delinquents. An estimate of the use of private facilities was not possible in eight of these States. The 23 States submitting estimates reported they had placed 6,307 youngsters in private facilities in 1965.

Concern about the increasing numbers of delinquents being housed in training facilities is growing. Only eight States at present have no plans for new construction which would increase the capacity of their institutional programs. Construction under way in 17 States will add space for 4,164 youngsters at a cost of $41,164,000. Thirty-one States report that they have $70,090,000 of construction authorized for an additional capacity of 7,090. Projecting still further ahead, 21 States report plans for additional capacity of 6,606 by 1975 at an anticipated cost of $66,060,000.

Thus, new construction, under way or authorized, will increase the present capacity (42,423 in State-run facilities) by 27 percent. By 1975, planned new construction will have increased present capacity by slightly over 42 percent.

2. Program

(*a*) *Diversification.* In contrast to the diversified program "balance" recommended by the standard, juvenile training facilities in most States present limited diversity of programs. Six of the larger jurisdictions now have nine or more facilities, but 8 States have only one facility

[3] For the sake of convenience, the total will be designated as "52 jurisdictions."

[4] "Statistics on Public Institutions for Children: 1964," U.S. Department of Health, Education, and Welfare, Children's Bureau Statistical Series 81, 1965. The remaining 14 percent not included in the present survey consists of 83 locally operated programs located in 16 States. In 1965 these had a projected capacity of 6,634 and an average daily population of 6,024. Approximately half of these programs are in California, where they are partially State subsidized.

serving juveniles and 14 States have only two facilities—a boys' school and a girls' school, a pattern that characterized State juvenile institutional systems for many years (see table 1).

Table 1.—Distribution of Training Schools, by States

Number of jurisdictions	Number of facilities	Total facilities
6	9 or more	69
18	4 to 8	97
6	3	18
14	2	28
8	1	8
52		220

In States which have expanded their facilities further, the most numerous separate new programs are small camps for boys and reception centers (see table 2). The camp is one of the fastest growing developments in the institutional field; 49 camps have been established in 20 States, with Illinois alone operating 10 of them. Ten States now have a total of 14 separate reception programs.

Table 2.—State-Operated Juvenile Institutions, by Type and Number

Type	Number	Type	Number
Boys institution	82	Residential center	4
Girls institution	56	Vocational center	1
Co-ed institution	13	Day treatment center	
Camp	49		
Reception center	14	Total	220

The rapid growth of camp programs has been attributed to low cost of operation, often half that of a training school in the same State, and to a good success rate, which in turn has been attributed to size and selection of population. Many of the camps have a capacity of 50 or less; standards call for capacities of 40 to 50.

(*b*) *Average stay.* The length of stay for children committed to State training facilities ranges from 4 to 24 months; the median length of stay is 9 months. The number of children at the extremes of the range is relatively small (see table 3). Five State systems, housing 3 percent of the total, report an average length of stay of 6 months or less; eight State systems, housing 8 percent of the total, report average lengths of stay of more than 12 months. The remainder of the State systems—three-fourths of the total, housing nine-tenths of the institutional population—have an average length of stay of 6 months to a year.

Reception centers which serve primarily placement diagnostic purposes and do not include a treatment program for segments of their population report a surprisingly uniform average length of stay, ranging from 28 to 45 days.

Table 3.—Average Length of Stay in State-Operated Juvenile Institutions, by Number of States

Average length of stay (months)	Number of jurisdictions	Average length of stay (months)	Number of jurisdictions
4–6	5	13–15	5
7–9	22	16–18	2
10–12	17	19–24	1

(*c*) *Actual availability of service.* Services that look the same "on paper" are revealed by the survey to differ widely in quality. For example, 96 percent of the facilities contacted report the provision of medical services, and 94 percent report that dental services are provided. In fact, however, examination of operating practice in each jurisdiction shows major differences in the quality of these services. Where medical and dental services represent an especially expensive drain on hard-pressed budgets, as is true in many programs, the decision that treatment is "needed" may be reached less quickly than where services are routinely available and "paid for." Thus quality differences are born.

Similar differences between what is available "on paper" and what is available "in fact" are to be found among other services offered by training facilities (see table 4). The survey data indicate that nearly all programs (95 percent) provide recreational services; 88 percent, educational programs; 86 percent, casework, and 79 percent, counseling services; and 75 percent, psychological, and 71 percent, psychiatric services. The question of concern, however, is not their provision "on paper" but their adequacy for the problems being faced. From this viewpoint, with the possible exception of education, improvement of all types of services seems badly needed. Support for this view is based on the existing ratios of treatment personnel to training school population (see chart 1).

Table 4.—Services Available in State-Operated Juvenile Institutions, by Number of Institutions

Service	Number of institutions (total: 220)	Percentage
Medical	211	96
Recreation	208	95
Dental	206	94
Education	193	88
Casework	190	86
Social work service	173	79
Psychological	165	75
Psychiatric	156	71

(*d*) *Costs.* Regardless of the adequacy of services, the cost of care in a training facility is high. The 52 jurisdictions report a total operating cost of $144,596,618 to care for an average daily population of 42,389 youngsters. This means an average per capita operating expenditure of $3,411. The national average, however conceals considerable variation in costs among the States. Forty-two jurisdictions operate training facility systems without a separate reception and diagnostic center, at an average per capita cost ranging from $871 to $7,890. Within this group, 6 States operate juvenile institutional systems for average per capita costs falling below $1,600 per year; 8 report average costs between $1,600 and $3,000; 13 report costs between $3,000 and $4,500; and 13 report average annual per capita costs above $4,500.

The inclusion of a reception and diagnostic center as part of a diversified juvenile institutional system helps to individualize institutional placements. Ten jurisdictions have set up programs consistent with the idea of specialized facilities, and another 10 are on the verge of doing so. This trend makes especially significant the costs experienced in States with separate reception programs. Among the 10 that operate such systems, per capita costs range from $1,757 to $5,723. Average per capita cost is less than $2,000 in three of these States; from $2,000 to $2,500 in two States; from $3,900 to $4,500 in three States; and $4,877 and $5,723 in the two remaining States.

3. Staff

The impact of a program upon children is largely determined by adequacy of staff, both quantitatively and qualitatively.

In 1965, State-run juvenile facilities employed 21,247 staff in programs housing an average daily population of 42,389 trainees.

(*a*) *Treatment personnel.* Of the total number employed, 1,154 were treatment personnel—psychiatrists, psychologists, and social caseworkers.

The standard calls for a minimum of 1 full-time psychiatrist for 150 children. On the basis of the average daily population of 42,389 in 1965, the number of psychiatrists required is 282.

The survey data show that the equivalent of 46 psychiatrists served the 220 State-operated facilities. More than half of them are found in only 5 States, with 1 State having the equivalent psychiatric time of 10 out of the total of 46 psychiatrists. Each of 37 States has less than the equivalent of 1 full-time psychiatrist available to its juvenile institution population. Only 4 States have enough psychiatric service available to satisfy the required 1:150 ratio.

To meet the requirements nationally, juvenile institutions need a total of 236 more psychiatrists than they now have.

The standard calls for a minimum of 1 full-time psychologist for 150 children. On the basis of the average daily population, the number of psychologists required is 282.

The survey data show that the equivalent of 182 psychologists work in the State-run juvenile facilities. However, as with psychiatrists, psychologists are found to be unequally distributed among the States: 106 (almost 60 percent of the total) are found in 9 States. Each of 21 States had the equivalent of not more than 1 psychologist. Only 12 States come up to the standard ratio.

[5] Two State systems have no treatment staff at all.

To meet the requirements nationally, juvenile institution systems need a total of 100 more psychologists than they now have.

The standard declares that under ordinary conditions, a full-time caseworker in a juvenile institution should be assigned not more than 30 children. On the basis of the average daily population, the number of caseworkers required is 1,413.

The survey data show, in the 220 institutions, a total of 926 caseworkers, or 66 percent of the number required. To meet the requirements nationally, juvenile institution systems need a total of 487 more caseworkers than they now have.

Because the lack or absence of clinical personnel in many programs made comprehensive assessment uncertain, the survey established a general treatment potential index by stating the number of psychiatrists, psychologists, and caseworkers found in a system, combined in one category called professional personnel, in proportion to the number of trainees in the system. Since no single ratio was available as a national standard for such an index, the existing standards applicable to psychiatrists (1:150), psychologists (1:150), and caseworkers (1:30) were combined, making a total of 7 professional personnel per 150 trainees, or a ratio of 1:21.43 as a guideline.

Chart 1 shows that the range of indexes for 50 States[5] is from 1:30 to 1:522. The average index is 1:64; the median is 1:33. In all, 14 State systems have treatment ratios better than the 1:21 suggested. Among the 38 jurisdictions with ratios poorer than this guideline, 22 have ratios of 1:42.9 (double the suggested guideline) or more.

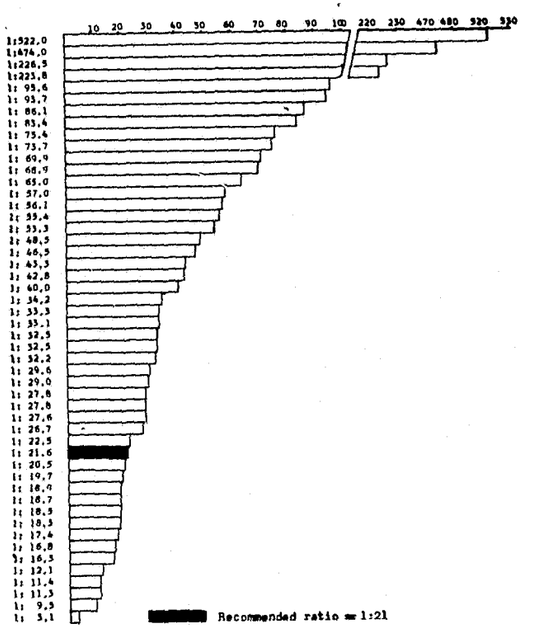
(*b*) *Teachers.* The standard calls for a teacher-pupil ratio not exceeding 1:15.

Standards bearing on teacher ratios in training facilities are difficult to apply to survey data. Where public school systems assume a portion of the training system's academic burden, their teachers were not counted as institutional employees for purposes of the survey.

There were 2,495 teachers in the 220 institutions, an overall teacher-pupil ratio of 1:17 (see ch. 2). In 24 States, the teacher-pupil ratio is better than the 1:15 standard cited, and in 36 States it is better than 1:20. Moreover, in the remaining States several jurisdictions have ratios that are high because of the reasons cited above.

The general picture given by the survey data is consistent with experienced observation: The established standard for training facilities is met to a far greater degree in teaching than it is in the casework or psychological counseling function. The reason is probably that, in many facilities, academic teaching has been the traditional mainstay of programing; also, the teaching role is better understood, and training for teachers is well established. In those facilities where there aren't enough teachers, the problem is more likely to be budget than an insufficient supply of trained teachers. Even where salaries are competitive the training school is handicapped

Chart 1.—Ratio of Treatment Personnel to Institutional Population, in 50 States



in recruiting the good teacher because its working conditions are usually less attractive than the public school's.

(*c*) *Chaplains.* Standards call for chaplains on each staff in a number sufficient to serve the major religious faiths represented in the institution. A fair application of this standard to statistics is difficult; no clear criteria exist whereby adequate chaplaincy service may be determined. Here, probably more than in any other aspect of institutional program, a standard on adequate number should be viewed as an emerging guideline to be modified according to specific operating conditions. Review of survey data makes possible a valuable commonsense appraisal of the overall level of chaplaincy services. It shows a clear general need for more chaplains in most systems.

The 220 State institutions are served by 158 chaplains. Further, 32 State systems have less than the equivalent of 1 chaplain per facility; of these, 18 have less than half-time services per facility, and 12 have no chaplaincy service staffing at all. The overall chaplain-trainee ratio is 1:268. The ratios in 40 jurisdictions having chaplains range from 1:23 to 1:258. In 26 State systems the ratio is above 1:150—which is particularly significant in light of the standard of 150 recommended for institution capacity.

(*d*) *Merit system coverage.* Standards call for placing all training school personnel under a merit or civil service system.

While the majority of State training facility staffs are covered under a merit system, the superintendents still remain outside such protection in 30 States (see table 5). With only two exceptions, States covering professional staff under a merit plan also cover supervisory and cottage staff in this manner.

Table 5.—Percentage of 52 Jurisdictions Providing Civil Service or Merit System

Position	Coverage (percent)	No coverage (percent)
Superintendent	42.3	57.7
Professional workers	63.5	36.5
Cottage staff	59.6	40.4

(*e*) *Salaries.* In general, salaries in merit-covered systems are higher than in nonmerit systems for comparable positions. Table 6 shows comparative salaries for some positions. Table 7 shows beginning salaries according to position and the number of institutions paying that salary.

(*f*) *Workweek.* Prevailing practice in juvenile institutional facilities is approaching the recommended

Chart 2.—Ratio of Educational Personnel to Institutional Population, in 52 Jurisdictions

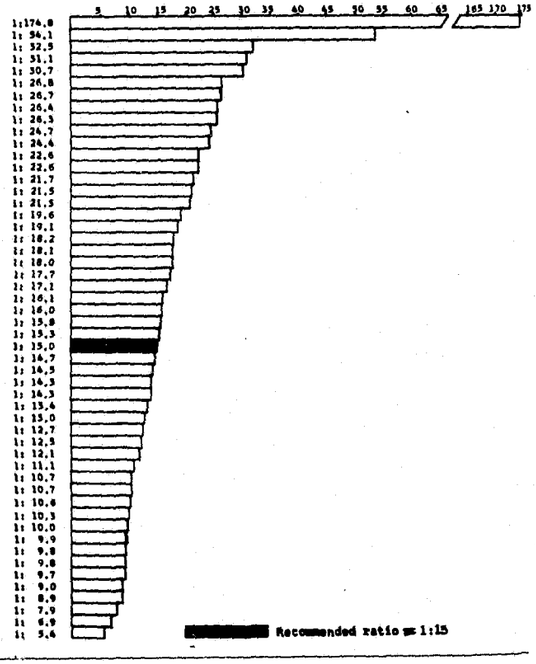


Table 6.—Minimum Starting Salaries for Merit System States and Nonmerit System States

Position	Minimum starting salary	Merit States average	Nonmerit States average
Superintendent	From $5,000 to $15,000	$9,446	$9,473
Caseworker	From $3,240 to $9,000	5,824	5,109
Academic teacher	From $2,400 to $8,640	5,395	4,552
Vocational teacher	From $3,600 to $8,640	5,302	4,752
Cottage staff	From $1,600 to $8,592	3,912	3,199

Table 7.—Beginning Salaries of Juvenile Institutional Personnel, by Number of Agencies

	Psychiatrist	Superintendent	Psychologist	Caseworker	Academic teacher	Vocational teacher	Cottage staff
Under $1,500	0	0	0	0	0	0	0
$1,501–$2,400	0	0	0	0	1	0	3
$2,401–$3,000	1	0	0	0	1	0	6
$3,001–$4,000	0	0	0	3	2	3	24
$4,001–$5,000	1	1	0	6	14	15	12
$5,001–$6,000	0	3	1	14	22	18	4
$6,001–$7,000	0	2	8	19	5	6	1
$7,001–$8,000	1	4	12	4	2	1	0
$8,001–$9,000	0	8	4	1	1	1	1
$9,001–$10,000	0	11	2	0	0	0	0
$10,001–$11,000	1	7	5	0	0	0	0
$11,001–$12,000	1	8	0	0	0	0	0
$12,001–$13,000	6	3	0	0	0	0	0
$13,001–$14,000	1	3	0	0	0	0	0
$14,001–$15,000	1	1	0	0	0	0	0
$15,001–$16,000	2	0	0	0	0	0	0
$16,001–$17,000	2	0	0	0	0	0	0
$17,001–$18,000	0	0	0	0	0	0	0
Over $18,000	2	0	0	0	0	0	0
Total	19	51	32	47	48	44	51

standard of a 40-hour workweek. In 16 States the workweek is more than 40 hours, and in 7 of these States, it is more than 50 hours.

(*g*) *Educational qualifications.* The standard calls for the superintendent to have completed graduate training in the behavioral sciences or related fields of child development.

The survey found substantial variation among systems on educational requirements for the position (see table 8). Twelve jurisdictions require the superintendent to have a graduate degree; 28 require a college background; 10 have no formally established educational requirements—but this does not necessarily mean that trained persons are not sought. A number of systems recruit by trying to get the best person possible without formulating the requirements.

The standard calls for the caseworker to have graduated from an accredited school of social work.

Only three jurisdictions have failed to establish requirements for this position. Thirty-six require a college background; 11 require, in addition, a graduate degree.

The cottage staff in charge of the living unit, where most of the minor's time is spent, is the backbone of the training facility program. The key to effectiveness for this classification is ability to relate to children, emotional maturity, and flexibility in adapting to new situations.

Table 8.—Educational Requirements, by Number of States

Position	None	High school graduate	College graduate	Graduate degree
Superintendent	10		28	12
Caseworker	3		36	11
Cottage staff	25	25		

No standard for this position has been offered. The traditional standard has been a high school education. Particularly in more sophisticated systems, graduation from college would be the preferred qualification. [6]

Under present salary schedules for the cottage staff position, college graduates, or even persons having not more than a high school education (as required in 25 States) are virtually unattainable. Salaries are so low that establishing educational requirements is beside the point; as shown in table 8, 25 States set no requirement for the position. One State reports that some of its cottage staff are on public welfare.

4. *Housing*

Much of the Nation's training facility plant is old but being improved. In many States patched-onto use of the first old reform school is still evident, but sharp increases in the population of these facilities have produced, along with problems, some benefits, including mainly the development of smaller living units.

(*a*) *Facility size.* The standard recommending that a juvenile institution be limited to 150 children is based on experience which shows that the smaller the facility the more likely it is to enhance the impact of program. "The treatment atmosphere tends to break down in institutions where the population rises above [150]" because of "such therapeutic dangers as rigidity and formality necessary to help a large organization function." [7]

Despite the advantages cited for the smaller institution, the trend has been in the other direction. The great bulk of the juvenile institutional population is now housed in facilities considerably larger than the prescribed standard. The principal concession to the standard is an occasional attempt to break down large institutions into several small administrative units in the hope that each will take on the climate of a small separate entity.

(*b*) *Living-unit size.* Standards generally call for the living unit to have a maximum capacity of 20 where groupings are homogeneous; the size for a heterogeneous group, or a group of severely disturbed children, should be from 12 to 16.[8] Girls should have private rooms.

Standards pertaining to size should not be applied arbitrarily; their spirit is more important than the letter. The existence of many excellent living-unit programs in living units that do not meet the accepted size standard shows that ingenuity of staffing, effective group techniques, and sincerity of effort are important, and that the lack of understanding implied by mechanical application of the standard probably guarantees a poor program.

[6] "Institutions Serving Delinquent Children—Guides and Goals," U.S. Department of Health, Education, and Welfare, Children's Bureau publication No. 360, revised 1962, p. 52.

[7] American Psychiatric Association, "Training Schools for Delinquent Children," p. 19.

[8] Ibid.

This is merely a cautionary note; it does not impair the validity of the standard. Large living units require compensating staff and program efforts to produce results equivalent to those expected and more easily achieved in the small unit. The degree to which massness can be compensated for is limited.

The importance of the standard calling for a maximum capacity of 20 is just beginning to be realized. Of the 1,344 living units in State-run juvenile institutions only 24 percent have a capacity of 20 or less. In 68 percent of them, the capacity is from 21 to 50; in 8 percent, it is 50 or more.

In general, living-unit size is related to period of construction. Typically, the smaller units are relatively new. About 34 percent of all living units are 10 years of age or less; 16 percent are 50 years old or more.

While the standard is not met by most living units, its importance is increasingly being recognized. Survey data on living units under construction, authorized, and projected show that, in all 3 categories, over 90 percent of the units will have a capacity of 30 or less. A capacity of 20 or less is found in 55 percent of present construction, 63 percent of authorized construction, and 45 percent of projected construction (see table 9).

Table 9.—Capacity of New Living Units in State Juvenile Training Schools, by Number of Units

Capacity of unit	Units under construction		Units authorized [1]		Units projected		Total units	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Single room	.....	.....	22	8.2	.....	.....	22	3.2
2 to 10	2	1.5	17	6.3	.....	.....	19	2.8
11 to 15	2	1.5	3	1.1	18	6.5	23	3.4
16 to 20	70	51.9	126	47.0	107	38.8	303	44.6
21 to 30	49	36.3	76	28.4	127	46.0	252	37.1
31 to 40	6	4.4	11	4.1	10	3.6	27	4.0
41 to 50	2	1.5	2	.8	.....	.....	4	.6
51 to 100	4	2.9	7	2.6	1	.4	12	1.8
100 to 200	.....	.....	1	.4	3	1.1	4	.6
Over 200	.....	.....	[2] 3	1.1	[3] 10	3.6	13	1.9
Total	135	100	268	100	276	100	679	100

[1] Does not include a $13,900,000 allocation for 2 institutions and 2 camps.
[2] Includes 1 at 375 and 2 at 400.
[3] Includes 10 at 250.

(*c*) *Location.* The institution should be separated from a metropolitan area by a buffer zone, but not of so great dimensions that the institution is virtually inaccessible. Isolation aggravates problems of staff recruitment and housing and reduces use of services offered by related agencies. Training schools have often been established in an isolated section of the State by a legislature concerned largely with bolstering the surrounding community's economy. The lack of foresight in the decision is brought home forcefully a few years later when the institution's location is shown to make its program expensive to operate and difficult to staff.

Reasonable access to a university allows for use of its faculty in staff development, research, consultation, and recruitment.

Of the 29 jurisdictions reporting bad location of 1 or more facilities, 46 percent cite it as a reason for difficulty in recruiting professional staff; 15 percent cite it as a deterrent to visits by parents.

5. Administrative Resources

Administration of a program consistent with the purpose of change is affected by issues of (*a*) the source of direction, (*b*) custody and release, (*c*) inspection and subsidy, and (*d*) quality of research and information.

(*a*) *Centralized direction.* Some control over the types and numbers of children going to a given facility is necessary for development of an individualized program. Selection of the facility in which a youngster is to be placed, particularly in States having diversified programs, should preferably rest with the parent agency, if one has been established. (Direction of activities important to program within the institution—for example, the academic school service—should rest chiefly with the institutional administrator.)

The survey data show that the direction of training facility programs is increasingly being centralized to produce better coordination with related agencies and more specialized use of facilities. Centralization is resulting in common use of a parent agency to administer institutional programs. In only three States do juvenile institutions now completely administer their own programs as agencies. In 46 jurisdictions the institutions work under some type of parent agency, which, in 21 States, has only correctional responsibilities. Other common administrative arrangements place juvenile facility operation under a State department of public welfare (in 14 States) and under a State board of institutions (in 6 States).

(*b*) *Custody and release.* The standard declares that legal custody of a child committed to an institution should be vested in the parent agency rather than the institution.

Consistent with the trend toward centralized direction, more control is being vested in the parent agency, which assumes legal custody upon commitment in 31 jurisdictions. Legal custody during commitment is vested in the institution in 13 States and in the court in 3 States.

Similarly, administrative control of release is the more common pattern. In 31 States the release decision is made either within the facility or by its controlling parent agency. In 9 States the decision is made by a parole board. In 10 States the court is involved to a varying degree in the release decision: in 5 of these States the court grants all releases; in 1 or 2 others it has the power to control release only in certain types of cases; and in the remainder it shares responsibility for the release with the institution.

(*c*) *Inspection and subsidy.* The standard calls for the parent State agency to have inspection and subsidy authority over local delinquency treatment programs.

The survey data show that, of the 16 States that have locally run facilities, 4 set standards on personnel qualifications in local institutions and 2 of the 4 set standards on program content and details of new construction. Seven of these 16 States also subsidize the local programs to some degree. Subsidy forms include partial assumption of operating costs, various formulas for subsidizing construction, and the provision of consultation and training services.

(*d*) *Research and information.* Programs, like people, must know what they are doing to do it well. To do an institutional job well calls for statistics and research that can help solve day-to-day program-management problems and provide a guideline for evaluating the parolees' degree of success in staying out of trouble. The information gathered for these purposes is also a resource for better public understanding of institutional problems. The standard recommends that the central parent agency be responsible for research, consultation, and collection of statistics concerning juvenile populations and programs.

Thirty-eight of the 52 jurisdictions have a central source for the collection and dissemination of statistics (see table 10), which evince, unfortunately, no agreement on the purposes for which they have been gathered. Much of the data collected has no reference to problems of operational importance. Few States have information on subsequent adjustment of juvenile parolees.

Table 10.—State Agencies Responsible for Collection of Statistics

Type of agency	Number of States	Type of agency	Number of States
Correction	14	Bureau of research	2
Department of public welfare	9	Not reported	4
Youth authority	4		
Department of institutions	3	Total	38
Board of control	2		

6. New Programs

The press of mounting delinquency problems in recent years has stimulated the development of numerous kinds of programs significant to the juvenile institutional field. Three of the most significant of these new types are described briefly below:

(*a*) *Community-based treatment services.* As the name implies, these services include various methods of handling juveniles in a community setting as alternatives to commitment or for reducing the number of commitments. They are of special interest because of their relative economy compared with institutional commitment and because of the advantages of treatment in a setting as normal or "close to home" as possible.

The principal vehicles include intensified and selective probation and parole caseloads offering special counseling and community help plus "in and out" and trial furloughs; group homes and agency-operated residential treatment programs; "day care" in specialized institutional programs that return youngsters home at night and on weekends; regional detention centers with diagnostic service intended to reduce "dumping" into institutions; special "closed" local facilities with intensive counseling; and family involvement.

(*b*) *Group treatment.* Group treatment techniques offer essentially the advantage of economy over one-to-one counseling relationships, plus treatment advantages gained from insights on behavior through viewpoints pressed from several sources. In the institutional setting they have included families of the trainees. Their common goal is acceptance of responsibility rather than satisfaction with shallow conformity.

(*c*) *Diversification.* Development in this direction is represented by the growth of small camp programs, halfway houses, group-treatment centers, reception and screening centers, vocational training centers, and special short-term programs.

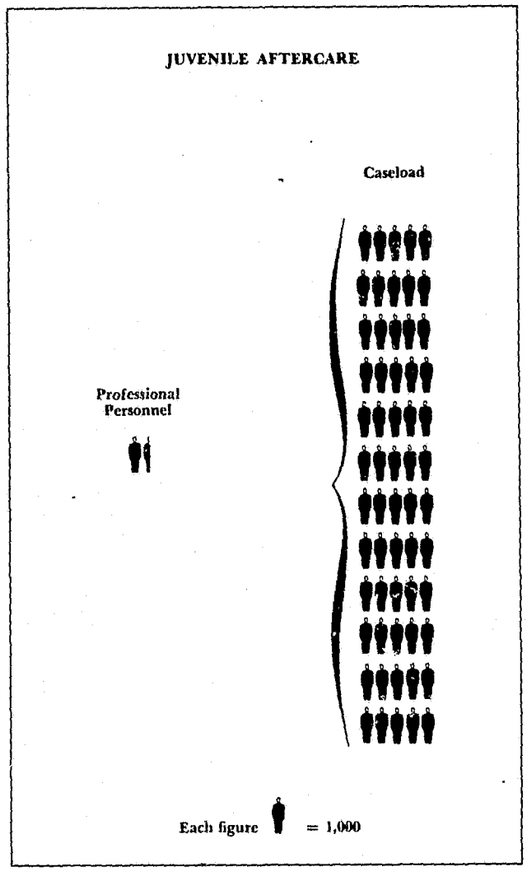
4. Juvenile Aftercare

Juvenile aftercare is defined as the release of a child from an institution at the time when he can best benefit from release and from life in the community under the supervision of a counselor. Use of the term "aftercare" rather than "parole," though not yet fully accepted even within the field of juvenile correction, has been encouraged by persons interested in social service in order to separate juvenile programs from the legalistic language and concepts of adult parole. The concept of aftercare has wider acceptance than the term, but the survey of aftercare programs in the United States today reveals wide variations in structure and program content.

I. INTRODUCTION

Aftercare service for juveniles first appeared in the United States in the early 19th century, but it has become an integral part of correctional rehabilitation for the young offender only in the past decade. In most States, aftercare is the least developed aspect of correction; in the opinion of many observers, it is less adequate than its counterpart, adult parole.

Aftercare originated in New York and Pennsylvania, where houses of refuge indentured child inmates to work in private homes for several years. The child's daily



regimen rarely included anything but work. Total responsibility for the child was vested in the family that undertook to feed and clothe him, and it was the family that determined when he had earned his freedom. This form of postinstitutional treatment persisted for over half a century.

A. THE RATIONALE OF AFTERCARE

When the behavior of a juvenile becomes sufficiently antisocial to warrant confining him in an institution, a complex array of correctional services is set in motion. Part of it deals with the planning and operation of a program that will help him when he leaves the institution.

In the United States, children and youth from 8 to 21 years of age are committed to juvenile training schools. On any one day, the total population of these schools is about 42,000. Because of the wide range of age and experience, differing placement plans are essential. Preadolescent children need programs different in content and philosophy from those needed by young adults, who may have been in the labor force before confinement. To meet such varied needs, aftercare programs must be flexible and creative, rather than routine and superficial as they are in parts of this country today.

The rationale for aftercare is simple. Each juvenile must have a carefully planned, expertly executed, and highly individualized program if he is to return to life outside the institution and play a constructive role there. Successful reentry into society is often made difficult both by the effects of institutional life on a juvenile and by the attitudes of the community to which he returns. The aftercare plan for him must take both these factors into account.

Institutionalization does different things to different children. Some become more antisocial and more sophisticated in delinquency than they were when they entered the training school. Others become dependent on the institution and must learn how to break the ties gradually.

Community settings also differ widely. Some juveniles go back to the very conditions in which their previous delinquency was rooted. Most must face the possibility of the stigma attached to confinement in a correctional institution.

Aftercare is traditionally described as the last point on the juvenile correctional continuum. Yet, because it is in some respects the last opportunity to achieve the correctional objective, planning for aftercare must be an integral part of institutional programs. Indeed, it should begin immediately after commitment to an institution.

A good aftercare plan uses many resources inside and outside the institution. Since implemention of the plan takes place within the community, the aftercare counselor should use a variety of community resources to make the juvenile's reentry meaningful and productive. He should be working with all details of the case related to the ward's community even during the period of confinement in the State institution, forestry camp, or other setting attached to the training school.

It has taken this Nation a long time to recognize the importance of aftercare services for young people leaving correctional institutions, forestry camps, or halfway houses. Few well-developed aftercare programs were in existence 15 years ago. Some States have not yet initiated organizationally sound programs. On the other hand, a few have developed programs which stand out as models for those emerging elsewhere.

II. SURVEY FINDINGS

A. AN OVERVIEW OF AFTERCARE TODAY

The major items in this survey include data from the 40 State-operated special aftercare programs,[1] but not from programs administered by city and county correctional systems, private institutions, and noncorrectional services of child and public welfare departments, since full information could not be obtained from them.

The 40 States reported a total of about 48,000 youth under aftercare supervision. Estimates for the other States, based on a projection of that figure, indicate that about 59,000 are under aftercare supervision in the United States. The number of juveniles in State programs ranges from 110 to 13,000.

Any study of aftercare today at the national level is plagued by inadequate statistics coming from the 50 States and Puerto Rico. As long as this situation persists, attempting a thorough study of juvenile aftercare can be described only as an exercise in futility. The gaps in vital information are so great that the reliability and validity of the few national statistics that can be gathered must be viewed with extreme caution. Efforts are being made to change this condition, but extensive organizational programing for statewide data collection is needed.

State operating costs range from $7,000 to over $4 million a year. Together the States are spending about $18 million a year. Average per capita cost is $320 a year.

This expenditure is small in comparison with the cost of State-operated juvenile institutions, which spend over $144 million a year to care for an average daily population of slightly over 42,000 at an average per capita cost of about $3,400 a year.

The fact that aftercare costs less than one-tenth as much as institutional care is nothing to be proud of. As reported by the 40 States, its relative cheapness reflects the inadequacy of the programs at least as much as it demonstrates inherent economy. It is not uncommon for 250 adolescents to be assigned to a program staffed by only 2 or 3 aftercare counselors located at the State capital or training school, which may be hundreds of miles from the communities where the juveniles are supposedly under supervision. Aside from the excessiveness of the supervisors' caseloads, sheer distance reduces the effectiveness of the program.

Thus, aftercare programs should not be judged solely by their relative economy of operation. Rather, the question should be asked: How much should be spent to make aftercare truly effective? For it should be remembered that effective aftercare is one of the best methods of preventing recidivism.

B. ORGANIZATIONAL ARRANGEMENTS

According to the standard, responsibility for aftercare should be vested in a State agency which is administratively responsible for institutional and related services for delinquent children.

As shown in table 1, the organizational arrangements through which juvenile aftercare services are administered vary widely among the States. In contrast to other programs for juveniles, such as public education, which is always administered by a State educational agency, juvenile aftercare has no clear organizational pattern. Administration may be the responsibility of, for example,

Table 1.—Organizational Arrangement for Administration of Aftercare

Type of structure	Number of States	Type of structure	Number of States
State department of public welfare	13	State training school board	4
State youth correction agency	12	State department of health	1
State department of correction	10	Other	5
Institution board	6	Total	51

a lay board, an adult correction program, a public welfare agency, a youth authority, or the training school itself.[2]

The issue of administration is further complicated by the survey finding that in only 34 States does the State department which administers the State juvenile institutions also provide aftercare services for juveniles released from these institutions. For example, in five States local probation departments are given responsibility for aftercare even though they have no official relationship to the agency administering the training schools. Patterns of local jurisdiction have developed for various reasons. In some States, there was no State agency which could provide supervision at the local level, and therefore a local social service agency was asked to perform this function. In other States, State officials preferred to give jurisdiction to local agencies because they believed the youth would receive better care from local agencies than from centralized, State-operated programs. In their opinion, local programs helped avoid duplication of services at the State level.

According to the standard, the law under which a juvenile enters a State training school should provide that the agency granted legal custody should have the right to determine when he shall leave the institution.

The opportunity for legal and jurisdictional disputes is always present. In nine States, the problem is complicated by the fact that the committing judge becomes involved in the decision to release a juvenile for aftercare services. If he is thus involved in the release decision, he must be thoroughly aware of the child's behavior and growth at the training school as well as of the factors in his home community; actually, in the nine States where this procedure is followed, he rarely has this information. In five of the nine States, the committing judge must approve all releases; in the others, he must approve only certain ones. A training school staff that has worked daily with a ward may find its aftercare plan disapproved by a judge unfamiliar with all the circumstances of his case. Where the State provides aftercare services, it should be unnecessary for the committing judge to approve aftercare plans for children released from State institutions.

C. LENGTH OF COMMITMENT

According to the standard, the law under which a juvenile enters a State training school should provide that the child remain there for an indefinite period of not

[1] States which do not operate centralized juvenile aftercare programs are Alabama, Arkansas, Kansas, Maryland, Mississippi, New Mexico, North Carolina, North Dakota, Pennsylvania, and Virginia.

[2] William E. Amos and Raymond L. Manella, "Readings in the Administration of Institutions for Delinquent Youth" (Springfield, Ill.: Charles C. Thomas, 1965), p. 185 ff.

more than 3 years and of no specified minimum before being released on aftercare.

The survey found that specific minimums are authorized by law in three States: In one, the specified minimum is 12 months; in another, it is 18 months; in the third, it varies. And in many other States, the survey found, specific minimum length of stay in the training school has been established informally—without legal authorization of any kind but firmly established nonetheless—by superintendents, classification committees, and other groups or individuals.

D. STATEWIDE REPORTING

According to the standard, an adequate statistical reporting system should be maintained, with data on parole and aftercare uniformly and automatically reported to a central correctional statistical agency in the State.

The survey found that more than two-fifths of the States fail to meet this standard. A few States have excellent reporting systems, but the great majority have no reliable procedure, not even for simple data. A little more than half the States have a central statistical unit responsible for statistical information on the State juvenile aftercare operation. Table 2 shows the auspices under which these units function.

Table 2.—State Central Statistical Reporting Units for Juvenile Aftercare

Location	Number of States	Location	Number of States
Correctional agency	17	Not specified in the report	4
Department of public welfare	6	Total	29
Board of control	1		
Department of health	1		

E. JUVENILE PAROLING AUTHORITIES

According to the standard, the authority to approve placement should be vested in the parent State agency. The decision on the readiness of the youngster for placement should be based on the considered opinion of the appropriate training school staff committee.

According to the data gathered in the survey, the authority to release juveniles from State training schools rests with a wide variety of persons, groups, or agencies. Table 3 shows the patterns of organizational structure of central paroling authorities. (Releasing mechanisms operated by individual training schools are not included in this table because they are not central paroling authorities.)

In most cases, these authorities are composed of members appointed by the Governor. Only seven States in the Nation have aftercare boards on which the members serve full time. Over half the States that have aftercare boards do not pay the members—State officials or lay

Table 3.—Central Paroling Authorities for Release of Juveniles

	Number of States		Number of States
Youth authority	4	Ex officio board (members: Governor, Secretary of State, State treasurer, State auditor, State superintendent of public instruction)	1
State training school board	3		
State institutions board	2		
Department of correction	2		
Department of public welfare	2		
Parole board	2	Total	17
Board of control	1		

citizens—for this service. In eight States aftercare board chairmen are paid, and in seven the board members receive salaries ranging from $6,000 to $18,000 a year, most frequently at the lower figure. Most board members are unpaid, are not trained for the board's special responsibilities, and are politically appointed.

Use of a central board, a relatively new event in juvenile correction, has been debated extensively. Those favoring it say the board can make sounder decisions than any other kind of releasing authority. Those questioning its usefulness say that board members are, in effect, assuming staff functions and cannot possibly know the details of the cases well enough from reading reports or hearing short presentations to make proper decisions. They believe further that competent staff in the training school or other facilities within the parent agency is better equipped than any outside group to make realistic decisions based on a thorough awareness of the details of a case.

The trend in the mid-1950's was toward the establishment of juvenile aftercare boards. This trend has ended. A large group of juvenile correctional administrators is now urging establishment of a pattern in which the training school (or other facility such as a forestry camp or halfway house) would make release recommendations to the parent agency, which in turn would authorize release.

F. LENGTH OF AFTERCARE PERIOD

The survey found that approximately 59,000 young people—about 47,000 boys and 12,000 girls—received aftercare services during the most recently reported annual period, 1964–65. The boy-girl ratio, slightly less than 4 to 1, is the same as other findings in most other statistical reports on delinquency comparisons by sex.

The average length of stay under aftercare supervision varies.[3] Of the States reporting, 12 keep their juveniles in active aftercare supervision programs for an average of less than 1 year; 25 give aftercare supervision for an average of 1 year or more.

The State reports show a trend toward keeping girls under aftercare supervision longer than boys. The explanation may lie in our society's attitude that the young female requires protection for a longer period than the young male. Girls are kept longer in institutional settings than boys are, and staff working with the delinquent girl feel she needs more intense and prolonged services than

[3] Thirteen States did not report average length of stay on aftercare.

the delinquent boy does. Of 14 States reporting on length of aftercare supervision, 10 show an average substantially longer for girls than for boys; 4 report an average period longer for boys.

G. PERSONNEL

Standards have been developed for appointment of juvenile aftercare staff, educational requirements, and salaries.

The standard on the first of these matters states that all aftercare personnel, as well as supporting personnel, should be appointed through a civil service or merit system from a register established through rating of examinations opened to qualified candidates without consideration as to residence. Much of the correctional field has been plagued by its close association with politics at the State and local levels. The courts, institutions, and parole programs in a number of States have been affected by political considerations that have influenced staffing and program operations.

Of the 40 States reporting personnel data for the survey,[4] 23 have civil service or merit system coverage for the director of juvenile aftercare services, 26 have such coverage for the district supervisor, and 29 have it for the aftercare worker.

The standard for minimum educational requirements states that the juvenile aftercare worker should have a bachelor's degree with a major in the social or behavioral sciences, plus 1 year of graduate study in social work or a related field, or 1 year of paid full-time casework experience in correction.

Of the 40 States, 34 report that they have such a requirement. The survey found, however, that not all juvenile aftercare directors actually enforce this requirement when they hire aftercare workers. The fact of the matter is that many aftercare workers have less than a college education. The minimum standard is approved in principle but not observed in practice.

Another standard calls for payment of adequate salaries commensurate with the qualifications, high trust, and responsibility required for aftercare work.

That this standard is seldom met is shown by table 4. The reported annual salary ranges of $4,000 to $18,000 have little meaning. The median is $8,000–$9,000 for a director, $7,000–$8,000 for a district supervisor, and $5,000–$6,000 for an aftercare counselor. The opportunity for a counselor to earn more than $6,000 a year is extremely limited in most States. One State reports that it pays male counselors more than female counselors for presumably the same work. Even if the counselor does advance to a supervisory level, he can rarely earn more than $9,000 a year.

H. CASELOAD AND WORK ASSIGNMENTS

The standard calls for the juvenile aftercare counselor to have a maximum workload of 50 active supervision cases, with one prerelease investigation being considered

[4] No data on personnel were reported by Alabama, Arkansas, Illinois, Kansas, Maryland, New Mexico, North Carolina, North Dakota, Pennsylvania, and Virginia.

Table 4.—Beginning Salaries of Juvenile Aftercare Personnel, by Number of Agencies

	Director	Supervisor	Counselor
$4,001–$5,000	0	0	10
$5,001–$6,000	0	4	17
$6,001–$7,000	1	7	10
$7,001–$8,000	7	11	0
$8,001–$9,000	11	6	1
$9,001–$10,000	4	0	2
$10,001–$11,000	8	0	0
$11,001–$12,000	3	1	0
$12,001–$13,000	2	0	0
$13,001–$14,000	0	2	0
$14,001–$15,000	0	0	0
$15,001–$16,000	0	0	0
$16,001–$17,000	0	0	0
$17,001–$18,000	0	0	0
Over $18,000	1	0	0
Total	37	31	40

as equal to three cases under active supervision. (Although no standard has been formulated on the matter, good practice calls for assignment of every child in a training school, or in some other facility of the parent agency, to an aftercare counselor, who should work with the parents and others in the interest of planning for the child's release.)

Table 5.—Aftercare Caseloads in States Having Special Aftercare Staff

Size of caseload [1]	Number of States	Number of children under supervision	Category's percentage of total number under supervision
Under 30 cases	3	536	1.12
30–40 cases	10	8,612	17.98
41–50 cases	5	4,339	9.06
51–60 cases	5	2,244	4.68
61–70 cases	6	23,382	48.81
71–90 cases	9	4,875	10.18
Over 91 cases	2	3,914	8.17
Total	40	47,902	100.00

[1] Number of children under aftercare supervision. Does not include children in institutions.

Table 5 presents the variation in caseload size, the number of children under supervision, and each caseload category's percentage of the total number of children under supervision throughout the 40 States where special aftercare staff are employed. Average caseloads range from 30 to 125 supervision cases, with the median in the 61–70 range. Since these caseloads are not weighted for the number of investigations made or for the number of children worked with by the aftercare counselors in the institutions, the actual caseload size is substantially larger than is indicated in the supervision caseload.

Caseload geography complicates the operation of a statewide juvenile aftercare service for wards released from a State training school or some other facility within the parent agency. In many States a vast distance must

be covered by each member of the small aftercare staff. Thus his contacts are usually crisis oriented; that is, the counselor sees the child only when an emergency arises. In many states, supervision generally consists of a monthly report written by the juvenile himself and mailed to the State office. Wards released to rural areas rarely, sometimes never, see the aftercare worker. Youths from urban areas are likely to receive more active supervision than those from small towns. Unless several regional offices are set up in the State, released wards whose homes are distant from the central office are neglected. Courtesy supervision is occasionally requested of local welfare, court, or voluntary personnel, but these services are spotty and irregular. In short: supportive, sustained, and positive implementation of an aftercare plan is, more often than not, rare.

The total staff complement in the reporting States is as follows: District supervisors, 133; district assistant supervisors, 76; aftercare counselors, 1,033.

The range in number of State juvenile aftercare workers is from 2 to 273 per State, and the number of counselors for the entire country is exceedingly small. Isolation of the training school, vast distances to travel, diversified and excessive caseloads, and low salaries serve to complicate and frequently frustrate the work of aftercare staff.

As previously indicated, caution must be used in stating personnel totals. In many States the juvenile aftercare counselor works for a probation or welfare or similar agency and carries a caseload for that agency in addition to his aftercare assignment.

I. STAFF DEVELOPMENT

According to the standard, a staff development program should be provided, with staff assigned specifically to the training function.

The findings in this survey reveal a great lack of inservice training programs. Aside from the 11 States that have no statewide aftercare services at all, 8 of the 40 that do have such services have no inservice training program. Table 6 points to the failure of many States to train their staffs properly. No information is available on the type, format, instructional quality, faculty, curriculum, or other important details of the training programs—information necessary for evaluating their quality. The table shows only availability and frequency; quality is another matter.

According to the standard, an agency training program should include educational leaves with pay for graduate training.

Table 7 shows the number of stipends with educational leave reported as available for personnel in juvenile aftercare services. The figures further reflect the little attention paid to staff development through graduate stipends with educational leave for personnel assigned to correctional programs having exclusive responsibility for juvenile aftercare cases. Stipends are provided in not more than 13 States; the other 28 States with special State-operated aftercare programs have no educational enrichment programs outside the agency for their staff personnel.

Table 6.—Inservice Training Programs in Juvenile Aftercare Agencies

Frequency	Number of States	Frequency	Number of States
Weekly	4	Irregularly	2
Monthly	14	Never	8
Quarterly	9		
Annually	3	Total	40

Table 7.—Educational Stipends for Aftercare Personnel

Number of States	Number of stipends	Number of States	Number of stipends
1	22	3	3
1	18	1	2
1	17	3	1
1	7	28	0
1	5	10	Does not apply
1	4		
		51	79

J. DIVERSIFIED AFTERCARE SERVICES

The standards call for the previous of diversified aftercare services and facilities for children returning to the community from the institution or other correctional facility.

The survey found that services to released juveniles range from superficial supervision, consisting of nothing more than the juvenile's written monthly reports, to highly sophisticated aftercare innovations that meet the standards of good practice.

The survey asked the question: "Does the aftercare program also operate foster homes, group homes, and halfway houses?" Of the 40 States with statewide programs, 12 answered yes, including 2 that reported they did not pay for foster care but did use free home placements, and 3 that qualified their positive reply by stating that local child welfare departments found and supervised foster homes for aftercare placements. Individual foster homes are used more frequently than group foster homes. Four State-operated programs reported the use of halfway houses for aftercare.

Three types of imaginative or unusual rehabilitation programs were reported more frequently than others. They are best described as efforts at the use of groups in treatment, family centered services, and youth employment programs specifically designed for the released ward. Some of these programs were described as experimental and new. They occur only where the State-operated program is well established and has an adequate budget.

5. Misdemeanant Probation

Perhaps the single most pressing aspect of misdemeanant crime in the United States is the enormous number of persons passing through the lower courts.

I. INTRODUCTION

A. MAGNITUDE OF THE PROBLEM

While no definitive count of such crime exists, a rough idea can be obtained from certain figures in a recent issue of "Uniform Crime Reports," representing information from areas constituting 92 percent of the Nation's population.[1] Table 1 shows that over 2½ million arrests were made in 1964 for a small selected list of offenses, each of which would be defined as a misdemeanor in most jurisdictions. As an indicant of the extent of misdemeanant crime, this estimate (for the offenses shown) is conservative; it includes only offenses known to and reported by the police.

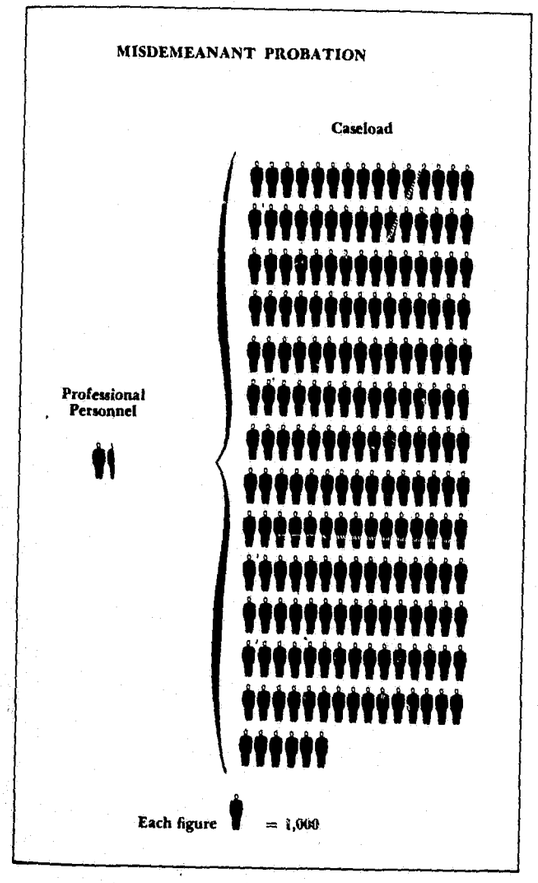


Table 1.—Arrests for Selected Misdemeanant Offenses[1]

Prostitution and commercialized vice	28,190	Drunkenness	1,458,821
Liquor laws	153,829	Vagrancy	132,955
Driving while intoxicated	225,672	Gambling	103,814
Disorderly conduct	475,756	Total	2,579,037

[1] Adapted from "Uniform Crime Reports," *supra* note 1, table 18, p. 106.

The burden of the administration of criminal justice for the great number of persons indicated by these arrest figures,[2] plus attendant law enforcement and correctional services, is massive—financially and in terms of the troubled and wasted human lives involved.

A small illustration of the financial cost is given in table 2, in which the figures cover a recent 6-month period in one eastern city. In that brief period, 40,233 cases were processed through the municipal court. The incomplete accounting (estimates for certain portions of the cost were not available) shows an expenditure of almost $4 million, of which the largest part is for the initial costs of investigation, arrest, and detention by the police. A prosecutor's office is used, though not heavily. The court system has eight courtrooms, each staffed with bailiffs, court reporters, clerks, and the like. Disposition costs vary; not guilty and suspended sentence dispositions cost less than others [3]; fines bring in small revenue (for the moneymaking courts are generally those that deal with traffic offenses). Though the jail expense is only $2.35 per day per man, the 10,269 persons committed (8,265 of them in default of a fine) cost the city between $1½ and $2 million a year. Mental examinations for over 800 cost from $25 to $100 each in fees to private practitioners. The number of persons placed on probation is small—less than 1 percent of the number committed to jail; at a cost of supervision (by a State agency) of $100 per case per year, the total is about 6 percent of jail costs.

Also not included in the total cost, in addition to items for which estimates were not available, are the expense of supporting the dependents of a jailed family man and society's loss of his job productivity.

Heavy as it is, this financial burden would be justified if the activities it supported were demonstrably affecting the clientele. But the lower court system is aptly described as a revolving door, through which pass many of the same clients time and time again, virtually unaffected in positive directions by the experience.

Crime in our Nation has been likened to an iceberg. Its visible portion is the relatively small volume of serious felonies; its larger portion, the submerged section, is the misdeameanor mass. While petty crime does not always

[1] Federal Bureau of Investigation, U.S. Department of Justice, "Uniform Crime Reports for the United States—1964", p. 41.

[2] A substantial recidivism rate among misdemeanants is well documented; therefore, though still enormous, the number of misdemeanants is unquestionably smaller than the number of arrests for misdemeanors.

[3] Though the disposition cost of finding a defendant not guilty is small, the accumulative costs of processing him through the criminal court system are enormous. The Social Service Department of the Chicago Municipal Court reports that up to 70 percent of the cases in that court are dismissed or found not guilty, with high arrest, detention, and court costs accomplishing essentially nothing. The potential personal costs—the trauma, the damage to reputation, worktime missed and possible loss of job, etc.—are of even greater concern. A related aspect is the neglect of the opportunity to screen persons with serious personal problems, though not necessarily criminal behavior patterns, to refer them to the proper community resources.

threaten our security as obviously as more serious crime does, it frequently masks the needs and cries for help of the poor, the mentally ill, the alcoholic, the displaced, and the old; and in its mass is also to be found the potentially more dangerous offender.

Table 2.—Cost Estimates for Municipal Court Charges of Misdemeanor, in 1 City for 6 Months [1]

	Number	Cost estimate
Law enforcement (prorated)		$2,570,000.
Prosecutor's office		None available.
Court system:		
1 chief judge (at $19,500 annually)		$9,750.
14 associate judges (at $18,000 annually)		$126,000.
Other court costs (bailiff, reporters, etc.)		None available.
Cost of dispositions:		
Not guilty	4,370	None available.
Suspended sentences	6,401	Do.
Fines	5,631	Do.
Probation (by State agency, at $100 each annually)	901	$45,000.
Psychiatric services	812	$40,000 to $50,000.
Committed (at $2.35 per day)	10,269	$750,000 to $1,000,000.
Other (held for grand jury, postponed, etc.)	11,849	None available.
Total charges	40,233	$3,540,750 to $3,800,750.

[1] From figures cited in Harry Subin, "Administration of Criminal Justice in the Municipal Court of Baltimore" (mimeograph) and Barbara Knudson, "Correctional Services to Misdemeanant Offenders, Baltimore, Md." (mimeograph).

B. LEGAL DEFINITION OF MISDEMEANOR

The commonly understood meaning of "misdemeanant" (literally, "misbehaver") is "minor or petty offender." However, the legal definition of "misdemeanor" varies from State to State, generally: (1) According to severity of the penalty, (2) according to the level of government, or (3) according to a specific listing:

1. In some States a specified amount of fine or period of incarceration is the dividing line between a misdemeanor and a felony.
2. A city ordnance violation is frequently a misdemeanor; State laws may define each separately; and most Federal laws define felonies (though some Federal offenses are misdemeanors).
3. In some States, a specific enumeration of offenses lists them as either felonies or misdemeanors; in others, misdemeanors are defined by default—that is, all crimes not listed as felonies are misdemeanors.

In some States a trichotomy of felony, misdemeanor, and "summary" offense or "disorderly conduct" is used, with the latter more nearly comparable to most States' use of the term "misdemeanor." A further complication is use of the term "high misdemeanor" or "gross misdemeanor" for a crime somewhere between the misdemeanor and felony levels.

Thus, no definition of misdemeanant crime fits neatly throughout the country. In general, the term is commonly used to mean such crimes as drunkenness, vagrancy, disorderly conduct, breach of the peace, minor assaults, larcenies of small amounts, small-scale gambling and other forms of "vice," shoplifting, and the like.

C. DISPOSITION OF MISDEMEANANT CRIME

Consistent with the absence of a uniform definition of misdemeanor is the absence of a uniform system for dealing with misdemeanants. The States, and cities within the same State, vary in organization of court systems and in quantity and type of correctional services provided. The systems are intertwined in complex and varying ways with felony, crime prevention, and judicial systems, as well as with State and local correctional services. In some jurisdictions the systems dealing with misdemeanant and felony crime are separate from each other; in others, a unified court deals with offenders at all levels of severity of crime. In some jurisdictions, correctional services for misdemeanants and felons are operated independently of each other; in others, the legal difference between misdemeanor and felony is dropped after sentencing, with identical probation services being provided.

Despite such variation certain patterns are almost universal. One such pattern is a heavy volume in the lower court, with the judge handling 100 or more misdemeanant cases in a single morning court session. A second frequently observed pattern is inadequate court staffing for diagnostic aid in the disposition decision. A third is the limited range of treatment alternatives and the limited quality of those that are used. A fourth is the nearly complete absence of adequate statistical data and of attempts to evaluate the effectiveness of the various dispositions employed.

Almost nothing is known about the overall disposition of misdemeanors in this country. Attempts to obtain data on the flow of misdemeanant crime from law enforcement through the judicial system and into the correctional process have been made in several major American cities by another task force of the Crime Commission; by and large, the data are not available. Table 3 is a rough attempt to see how dispositions of misdemeanors compare in the lower courts of three not necessarily representative American cities. It shows that the various dispositions are differentially utilized, with fining the chief "treatment" alternative in two of the cities and commitment in the third. Probation, with the range of 2.5 percent to nearly 20 percent, is the least frequently utilized disposition in all the cities. Alternatives other than these relatively standard ones are used infrequently. Certain innovative ventures currently in use in conjunction with one or another of the above alternatives are discussed below.[4]

In none of the cities cited in table 3 were data available on type of disposition according to type of offense; in none was there satisfactory theoretical guidance available to persons making the decisions; in none was there any objective evaluation of the efficacy of the various alternatives. In short, they did not know what they were doing, why they were doing it, and how much good, if any, was being done.

[4] See sec. II F.

Table 3.—Types of Misdemeanor Disposition in 3 Urban Municipal Courts, by Percentage of Annual Number of Convictions

	Number of convictions	Percentage of convictions				
		Commitment	Fine	Suspension of sentence	Probation	Other
Eastern city	35,863	28.6	15.7	17.8	2.5	35.3
Midwest city A	17,681	20.6	31.2	28.5	19.8	
Midwest city B	26,500	26.4	56.6	8.7	5.7	2.6

1. Dispositions Other Than Commitment and Probation

(*a*) *The fine.* In two of the three cities referred to in table 3, the fine is the major type of sentence used. Though related, in its origins, to tort law, in which compensation for injury was levied upon an aggressor for the benefit of the injured, in American criminal law it is not used to aid the victim, though a restitution order may accompany a sentence and some legislation has been recently passed or proposed in several States to provide for compensation to the victim. The fine is generally used either as an alternative to imprisonment or in addition to the serving of a sentence. Though many misdemeanant offenders are given the former option, a high percentage of all offenders in jail for short terms are confined for failure to pay a fine.[5] In most misdemeanant courts, the judge does not know whether the convicted person is able to pay the fine, and he never knows, furthermore, whether the convicted person is sent to jail in default of payment. "Price tag" justice is an apt term for this procedure.[6]

(*b*) *Summary probation.* Though most professionals in correction disapprove of summary probation—probation without presentence investigation and without supervision—it is used extensively in the lower courts, usually in connection with a jail sentence which "hangs over the head." In some jurisdictions it equates fully with suspension of sentence; in others, the terms and conditions of probation are specified and the probation office is closely involved in necessary referrals and is available for requested assistance. Often it is used in connection with a requirement to be fulfilled, such as attendance at Alcoholics Anonymous meetings or driver education clinics, maintenance of support payments, or the like.[7]

(*c*) *Probation without verdict (deferred conviction).* In a number of jurisdictions, use is made of the "probation without verdict" alternative, which means, in effect, a nullification of conviction if no other offense is committed within a specific period. It may be used alone, with some degree of supervision, or in connection with other requirements such as those mentioned under summary probation. Little mention of this method is made in current criminological or penological literature; no evaluative studies have been published.

(*d*) *Suspension of sentence.* Suspension of sentence is deemed "an appropriate sentence where apprehension and conviction have so thorough a corrective impact on the offender that supervision by probation is unnecessary." [8] Despite judicial endorsement and its relatively heavy use (up to 28.5 percent in the three cities of table 3 above), nothing is known of its efficacy as a deterrent to further criminal activity.

In addition to the dearth of information on the distribution of disposition alternatives and their relation to offense categories, the biggest deficit of all is an answer to the question, "Who is the misdemeanant?" What types of persons are concealed in that amorphous cohort, totaling several millions, which passes through the lower courts of our Nation each year? Until at least the beginning of an answer is given in the form of tentative typologies, correction will not be able to meet the court's and the offender's demands for help.

2. Misdemeanant Probation Services

In its origins, in the work of John Augustus over a hundred years ago, the probation caseload consisted mainly of drunkards and vagrants in Boston's municipal court. In 1891, statewide probation was established, requiring probation services in all lower courts. The development of the juvenile court movement in the early part of the 20th century introduced probation in juvenile systems. Then, without anyone knowing exactly how the transformation happened, the process of growth in adult probation, which had begun primarily as a service to misdemeanant offenders, occurred in the felony system.

II. SURVEY FINDINGS

The outstanding single fact in the survey data on misdemeanant probation is the paucity of the service.

A. LEGAL RESTRICTIONS ON USE

According to the standard, "the statute should authorize the court to use probation at its discretion, following adjudication or conviction, when it serves the best interests of the offender and society."

Most statutes are in accord with the standard; in only six States is there any kind of restriction on the use of probation at the misdemeanant level. In three States misdemeanants are not eligible for probation. Two States list certain misdemeanant offenses for which probation cannot be used. In one State a variety of qualifications must be met, such as no prior felony conviction and no imprisonment in the last five years.

B. PATTERNS OF ORGANIZATION

The survey data reveal, as shown in table 4, three major types of organizational patterns for provision of misdemeanant probation services.

[5] See discussion of jail figure in table 2 supra.

[6] For a discussion of the merits of payment of fine on the installment plan, see Cicely Craven, "Criminal Justice in England," Canadian Bar Journal, November 1959, pp. 403–14; and Charles H. Miller, "The Fine—Price Tag or Rehabilitative Force?" NPPA Journal, October 1956, p. 383. Contra, see Thomas Herlihy, "Sentencing the Misdemeanant," NPPA Journal, October 1956, p. 368.

[7] According to Glenn Wallace, "Summary Probation," Crime and Delinquency, October 1960, pp. 391–95, "the procedure succeeds in enough cases to justify its use." Empirical data that would substantiate the claim has not thus far been published. In all likelihood, the technique will continue to be used; a rational approach would appear to be investigation to find out in what circumstances, with what types of persons, under what additional conditions, etc., the method will prove valuable.

[8] Advisory Council of Judges, National Council on Crime and Delinquency, "Guides for Sentencing" (1957), p. 24.

Table 4.—Organization of Probation Service for Misdemeanants

Agency providing service	Number of States, total	Agency providing service	Number of States, total
No services	11	Combined State and local system	7
State systems:		Local systems:	
Correctional agency	14	County	9
Court agency	3	City	4
Department of public welfare	3	Total	20
Total	20	Grand total	51

1. No Service

According to the standard, "Each State government has the responsibility for the quality of all correctional systems and programs within the State even though parts of the correctional system and programs may be operated by local jurisdictions (county or city)."

Eleven States, including three which statutorily exclude misdemeanants from eligibility for probation, have no probation services of any kind for misdemeanants.

An examination of the States without such services shows them to be, in the main, those with small populations, both overall and per square mile. All except two are below the median in a ranking of State populations from large to small. They are widely scattered with the majority in the West and the South. Most of them are below the national average on the Census Bureau's index of urbanization. A list of these States would not include any of the Nation's 10 largest metropolitan areas (New York, Los Angeles, Chicago, Philadelphia, Detroit, San Francisco-Oakland, Boston, Cleveland, Washington, D.C., and St. Louis).

Provision of service to misdemeanants, then, appears to be related to degree of urbanization, though certain exceptions to the pattern are seen. According to the Uniform Crime Reports, average rural crime rates are markedly lower than in the cities, but rural rates covering all crimes are markedly rising, with increases from 3.6 to 57.2 percent in the seven misdemeanant offenses cited in table 1 above. The problem of misdemeanant crime and, consequently, the need for adequate correctional services to misdemeanants are not confined to the large city or the urban State. This fact is not acknowledged in nearly one-fourth of the States.

2. Statewide Systems

The most common organizational pattern for the provision of probation services to misdeameanants is, technically, the statewide system. In the 20 States in this category, the State probation system is authorized to serve misdeameanant courts.

A number of these State systems provide only minimal services. Table 4 notes that 14 State systems provide probation service for misdemeanants through a correctional agency; however, many of them do so only "occasionally," or "as the caseload permits," or "if asked." Probation service is integrated in several States in this group, with no distinction between the legal categories of offenders as felons or misdemeanants. Even in these States, however, as one surveyor comments, the integrated service "handles very few referrals from the lower courts;" another concludes that "the system for probation to misdemeanants is here but hasn't yet been implemented."

In the three States where statewide coverage is organized and administered through the court system (table 4), probation service to misdeameanant offenders appears to fare somewhat better. In one of these States the surveyor noted: "The great bulk of probation service is devoted to misdemeanants, who are handled almost exclusively in the district and municipal courts, each of which has its own staff of probation officers." In another, one official estimated that 33 percent of all misdemeanants are afforded probationary services, but, since no statistics are kept there, this is not verifiable. In the third State, the courts were recently unified; no estimate of the efficiency of the probation service can be made at this time.

Seven States have statewide coverage by a correctional agency plus supplementary probation services either in selected counties or in cities, mainly in the large metropolitan areas (table 4). In five of these States, only one supplementary agency exists. In two others a network of local independent systems covers the state.

Clearly, misdemeanant probation is the stepchild of State correctional systems.

3. Local Systems

Once again, in the 13 States having only local services (see table 4), the question of the State's responsibility for correctional programs must be raised. While the standard declares that two organizational patterns—a statewide system and a centralized county or city system—are workable, it also calls for the provision of paid full-time probation service to all courts needing such service. By and large, statewide coverage does not exist in States with local services, and, where statewide services are absent, locally provided probation services are often underdeveloped. The format in these 13 States usually consists of county or city services in metropolitan areas, with little or no service in the remainder of the State. In two States where county or city systems exist, the State does little or nothing; the surveyors noted that "service for misdemeanants is virtually nonexistent" and that "officials at the State level are vague and uncertain about the extent or even the existence of probation services for misdemeanants." Perhaps these States should be added to those categorized in table 4 as having "No services." In two of these States, crime is divided into felonies, misdemeanors, and a minor crime class. In one State where this division occurs, probation service is available to only the misdemeanant and the felon; in the other, probation services are provided to all courts, with similar standards pertaining, but "only a very small percentage" are referred from the lower courts.

C. THE STATE'S RELATION TO LOCAL PROBATION SERVICES

The question of the State's role in relation to local systems applies specifically to the 20 States where local jurisdictions operate all or part of correctional systems or programs. There, the standard declares, the State should have a parent agency responsible for consultation, standard setting, recruitment, and provision for financing and subsidy.

Consultative services to local departments are provided in 7 of these 20 States.

In five of the local-system jurisdictions, the State sets no standards whatever.

In 9 of the 20, the State sets standards on personnel, staff qualifications, and salary; in two of these, it also sets standards on service—for example, in regard to caseload size.

Only one State participates in local probation services for misdemeanant offenders via a financial subsidy—a 50-percent reimbursement to local departments, which enables the State to set standards on minimum education and salary of staff, methods and procedure for local administration, recordkeeping, and so on. This subsidy was responsible for better qualified staff, adequate salaries, lower staff turnover, and smaller caseloads; and, in this State, work volume standards for investigation and supervision, intake, staffing patterns, etc., are scheduled to go into effect by 1968. How effective can standard setting be if it is not supported by financial reward? The standard suggests that subsidy offers "the means by which the State can achieve the goal of developing and maintaining the quality of correctional systems and programs."

D. STATISTICAL INFORMATION

The standard calls for an adequate statistical reporting system through which information is uniformly and routinely recorded at a central State agency. The system should provide for the collection, storage, analysis, and tabulation of statistical data and case information, and for distribution of the data within the State, between States, and between the State and agencies of the Federal Government.

Only 14 States collect data, of a limited sort, on misdemeanant crime and correction through some State agency. In 11 of the 14, this agency is a probation or parole commission; in 1, an agency of the courts; in 2, the State welfare agency.

E. DATA FROM SAMPLE COUNTIES

About one-third of the 250 counties in the national sample do not have misdemeanant probation services.

1. The Court System

The great number of courts in the lower court system is itself a source of difficulty in the provision of probation services. The 175 counties which were reported on this question list a total of 3,136 courts, not counting traffic courts. Table 5 shows how unevenly these courts are distributed. The range is from 1 court per county, in 55 counties, to more than 100 courts per county, in 6 counties. One county in the latter group listed 286 courts.

Table 5.—Number of Courts in Sample Counties Having Probation Service

Number of courts in county	Number of counties	Number of courts in county	Number of counties
1	55	26 to 30	5
2	25	31 to 35	2
3	12	36 to 40	5
4	11	41 to 45	3
5	3	46 to 50	0
6 to 10	16	51 to 100	9
11 to 15	10	100 plus	6
16 to 20	7	Total	175
21 to 25	6		

2. Relative Use of Commitment and Probation

In 1965, an estimated 300,440 persons were placed on misdemeanant probation; in the same period, more than three times that number—an estimated 1,016,748—were committed to a jail, workhouse, or other short-term institution. Table 6 illustrates this contrast in relative use of commitment and probation by way of a special sample of 75 counties where full data were available. The commitment-probation ratio is seen to be almost 4:1. A presentence investigation had been made in only 19 percent of the cases.

Table 6.—Relative Use of Probation and Commitment and Frequency of Prehearing Studies in 75-County Sample

Total number committed or placed on probation	Committed	Probation	Presentence investigation
277,185	217,345 (78.4%)	59,840 (21.6%)	52,829 (19.1%)

3. Length of Probation Period

Length of stay on misdemeanant probation ranges from 6 months to 3 years; the median is 12 months. Both the range and the median are considerably longer than the comparable figures for jail commitment. Thus, although the number of persons placed on misdemeanant probation annually is less than one-third the number committed, the average daily population is greater—201,385 on misdemeanant probation, compared with 141,303 in local institutions and jails, reflecting the rapid turnover of short-term institution inmates.

4. Average Caseload

No standard specifically for the misdemeanant probation caseload has been formulated. The standard for

felony probation is 50 units a month, with each case under active continuing supervision computed as 1 unit and each presentence investigation computed as 5 units.

The survey data show that, in misdemeanant probation, the average caseload size is 114. Table 7 shows the distribution of caseload size. In some counties the caseload is specialized—that is, it consists only of misdemeanants; in others the caseload is mixed. In each kind of service, specialized or mixed, about 80 percent of the probationers are in caseloads of more than 50 persons and about 50 percent are in caseloads of more than 100. In several counties the average caseload is over 200; in one county it is over 400.

Since most misdemeanant probation officers also do some presentence investigations, the actual caseload is higher than the average supervision load of 114.

Table 7.—Caseload Size in Sample

Caseload size	Specialized misdemeanant caseload—percent distribution	Misdemeanants included in mixed caseloads—percent distribution
Under 40	17.0	14.7
41 to 50	1.9	5.3
51 to 60	5.6	5.3
61 to 70	5.6	2.7
71 to 80	9.4	8.0
81 to 90	7.6	5.3
91 to 100	7.6	8.0
101 to 120	11.3	12.0
121 to 150	24.5	9.3
151 to 200	3.8	14.7
201 to 250	0	8.0
251 to 300	0	2.7
301 to 350	3.8	2.7
351 to 400	0	1.3
Over 400	1.9	0

Table 8.—Beginning Salaries of Misdemeanant Probation Officers, by Percentage of Sample Counties

	Chief probation officer	Staff supervisor	Probation officer
Under $1,500			
$1,500 to $2,400	0.8		1.5
$2,401 to $3,000			
$3,001 to $4,000	1.6		7.4
$4,001 to $5,000	7.9	1.0	41.5
$5,001 to $6,000	10.3	32.3	37.8
$6,001 to $7,000	15.9	31.3	9.6
$7,001 to $8,000	14.3	26.3	2.2
$8,001 to $9,000	11.1	8.1	
$9,001 to $10,000	8.7		
$10,001 to $11,000	7.9		
$11,001 to $12,000	0.8	1.0	
$12,001 to $13,000	4.8		
$13,001 to $14,000	9.5		
$14,001 to $15,000	2.4		
$15,001 to $16,000	2.4		
$16,001 to $17,000			
$17,001 to $18,000			
Over $18,000	1.6		
Total	100	100	100

As shown in table 9, educational requirements currently used for employment in a misdemeanant probation system vary widely. The requirement for the three major levels calls clearly for a college degree; requiring a graduate degree is rare; a relatively high percentage require only a high school diploma or less. Approximately one-fourth of the counties report either high school graduation or no requirement for the chief and officer categories. The old but lessening tie between correction and politics is reflected by the percentage of counties (17 percent) with no educational requirements for a chief probation officer.

Table 9.—Educational Requirements for Misdemeanant Probation Staff, by Percentage of Agencies

	No requirement	High school graduate	College degree	Graduate degree
Chief probation officer	17	9	68	6
Staff supervisor	7	4	85	4
Probation officer	11	13	74	2

5. *Personnel*

(*a*) *Salary.* Table 8 shows the great variation in starting salary for misdemeanant probation personnel in the sample counties. For a chief probation officer, it ranges from about $3,000 to more than $18,000 (median, $8,001–$9,000); for a staff supervisor, from about $5,000 to about $13,000 (median, $7,001–$8,000); for a probation officer, from less than $3,000 to about $9,000 (median, $5,001–$6,000).

(*b*) *Civil service coverage.* Standards call for probation personnel to be appointed through a civil service or merit system.

Only 46 percent of the counties report coverage by a civil service or merit system; the remainder have no such employee protection. The appointing agent in 55 percent of the reporting counties is the judge; in the remaining counties, the probation administrator appoints staff.

(*c*) *Educational requirements.* Standards call for, preferably, a graduate degree in social work or a social science field; the minimum requirement is a bachelor's degree plus experience for the probation officer and similar educational and correspondingly longer experience at the supervisory and administrative levels.

(*d*) *Inservice training.* Fourty-four percent of the sample counties do not have an inservice program for the development of skills in doing the misdemeanant probation job. In the remaining counties a full-scale training operation is rarely seen. In some States, local and State cooperation, arrangements with universities, and conferences of State and regional professional associations provide a modicum of inservice aid, but most administrators are hampered by the lack of inservice training in depth.

(*e*) *Cost.* Misdemeanant probation services nationally are estimated to cost $28,682,914 a year. The total number of personnel operating these services is the equivalent of 1,944 full-time staff.

F. INNOVATIONS IN MISDEMEANANT PROBATION

Survey data show 62 percent of the sample counties not reporting any "imaginative or unusual rehabilitative programs for misdemeanants in operation by probation departments." New creative approaches found in the remaining 38 percent of the survey sample and in other sources are described here briefly.

1. The Alcoholic

The largest number of innovative programs for misdemeanants cited during the survey pertain, appropriately enough in view of the clientele, to programs dealing with alcoholics.[9] The Denver municipal court, for example, conducts a group therapy "honor court" program for offenders with drinking problems. Since the court has limited probation services available, this program is manned entirely by the chief judge and members of his administrative staff. A large alcoholism treatment unit in a city hospital provides inpatient and outpatient care for referrals and is planning a study using misdemeanant offenders from probation caseloads and from the county jail as subjects for experimental treatments.

In Atlanta the probation department has been using Antabuse on a take-the-drug-or-serve-your-time basis, in connection with a halfway house program. The experiment is being evaluated for effectiveness by a local university.

2. *The Homeless Man*

New York City has a short-term hostel care program, reminiscent of the Federal shelters of depression days and undoubtedly meeting a genuine need. Denver has established a "group home" for elderly evacuees (not all probationers) from a skid row renewal project. Boston is attempting to deal with the problem of the homeless man through an Office of Economic Opportunity program.

3. Use of Volunteers

One of the most widely publicized new approaches to providing service to misdemeanant offenders is the extensive use of the citizen volunteer. The Royal Oak (Mich.) form of this plan, which uses several hundred volunteers, claims a success rate of 94 percent.[10]

4. Screening Units

In several cities probation departments screen cases prior to the filing of a charge to avoid criminal proceedings wherever possible. In Detroit the adjustment division, a special unit of the recorder's court probation department, sees some 4,000–5,000 persons monthly, mainly women with complaints of nonsupport and other domestic problems. Warrants of arrest are issued for only about 3 percent of the complaints filed. Marital and financial problems are thus handled largely outside the criminal process, in surroundings and circumstances more suitable than the typical misdemeanant court setting.

In Chicago the police department refers many cases, again primarily family problems, to the municipal court's social service department, which sees about 10,000 clients yearly, most of whom are, by counseling or referral to other agencies, diverted out of the criminal justice process.

In Minneapolis a somewhat similar arrangement operates, although in this case, the probation office performs the screening service under the auspices of, and as a courtesy to, the prosecutor's office.

A screening, counseling, and referral program conducted by the probation department has been operating in Buffalo for several years.[11]

5. The Halfway House

A number of cities are experimenting with the use of halfway houses for misdemeanant offenders, both probationers and releasees from jails, in both urban and rural settings and with a variety of sponsorship including churches, voluntary agencies, American Legion posts, AA chapters, etc. A number of halfway houses have met opposition by neighborhood residents who objected, for example, to the danger presented by "ex-cons" (mainly homeless elderly men) in a residential area. While many halfway houses have not been resisted in this way, opposition occurs frequently enough for correctional staff to be aware of the public education task still ahead.

6. OEO Participation in Misdemeanant Problems

An Office of Economic Opportunity program has established a probation office in an area of King County (Seattle), Wash., which had previously had only limited probation service. The unique feature of the program is the extensive use of probation officer aids in the area, in the "New Careers for the Poor" tradition.[12] Residents, often ex-probationers themselves, are hired and trained to serve as assistants to correctional professionals. The program illustrates the need for new definitions of role and function for aids and professionals alike.[13]

7. Promising Research Developments

Several research projects, now in process, are descriptive or analytic studies of the characteristics of misdemeanant offenders. One of these is being conducted in the five-county area of Metropolitan Atlanta, by NCCD's Greater Atlanta Committee. Its study of some 25,000 misdemeanants will be completed early in 1967.

In a number of cities, Detroit and Denver among them, misdemeanant probation offices are preparing to move into computerized recordkeeping, which, in the years to come, should yield information never before available on the nature of the clientele, effectiveness of methods, and other questions of concern to correctional workers.

[9] The recent decision by the U.S. circuit court of appeals, in Richmond, Va., which ruled out drunkenness as a crime may have considerable effect on the number of alcoholics coming before courts in the future.

[10] See "Concerned Citizens and a City Criminal Court," Royal Oak, Mich., Probation Department, April 1966. The National Institute of Mental Health has granted funds for a full-scale program evaluation, to be completed in 1969.

[11] Howard A. George, "Counseling the Petty Offender," Crime and Delinquency, October 1960, pp. 396–399.

[12] Arthur Pearl and Frank Riessman, "New Careers for the Poor" (New York: The Free Press, 1965).

[13] See Donald R. Cressey, "Social Psychological Foundations for Using Criminals in the Rehabilitation of Criminals," Journal of Research in Crime and Delinquency, July 1965, pp. 49–59; Carl Terwilliger, "The Nonprofessional in Correction," Crime and Delinquency, July 1966, pp. 277–285.

6. Local Adult Correctional Institutions and Jails

In the vast majority of city and county jails and local short-term institutions, no significant progress has been made in the past 50 years.

I. INTRODUCTION

In the second decade of this century, Louis Robinson wrote:

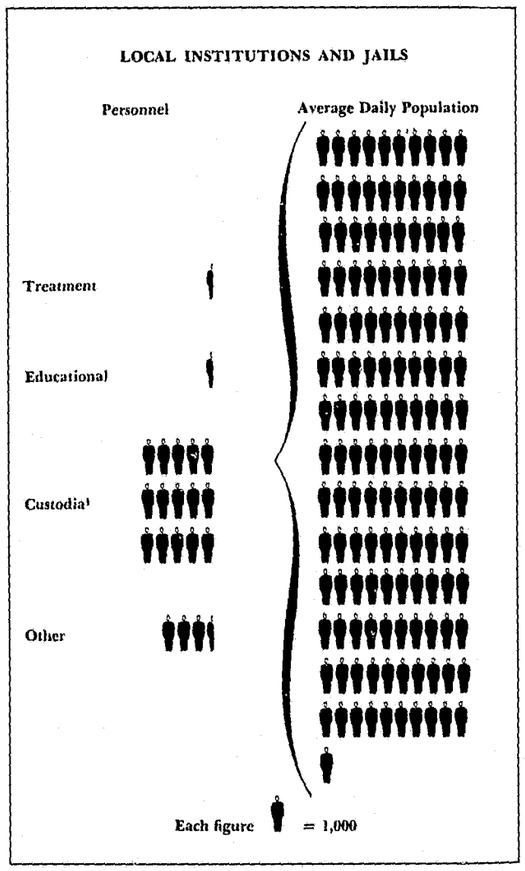
> From many points of view, the jail is the most important of all our institutions of imprisonment. The enormous number of jails is alone sufficient . . . to make [one] realize that the jail is, after all, the typical prison in the United States. . . . From two-thirds to three-fourths of all convicted criminals serve out their sentence in jails. But this is not all. The jail is, with small exception, the almost universal detention house for untried prisoners. The great majority, therefore, of penitentiary and reformatory prisoners have been kept for a period varying from a a few days to many months within the confines of a county or municipal jail. Then, too, there is the class, not at all unimportant in number, of individuals, who, having finally established their innocence, have been set free after spending some time in the jail awaiting trial. Important witnesses also are detained in jail, and it is used at times for still other purposes, even serving occasionally as a temporary asylum for the insane. The part, therefore, which the jail plays in our scheme of punishment cannot be overestimated. Whether for good or for evil, nearly every criminal that has been apprehended is subjected to its influence.[1]

Now, in the seventh decade, this statement by Robinson and his comments on filth, neglect, and maladministration still accurately describe the role and status of jails and short-term institutions in the United States.

These institutions have a long history. As a place of detention for accused persons, the jail traces its lineage back to Biblical times. The workhouse was conceived and developed in the latter half of the 16th century to deal with unemployment, vagrancy, petty thievery, prostitution, and disorderly conduct. So successful was it in clearing the streets and public places of the economically depressed and the socially offensive that Parliament ordained establishment of such an institution for minor offenders in every county in England. The innovation of this type of imprisonment spread during the 17th century to Holland, Belgium, and Germany, and, eventually, to America.

Successful reclamation of vagrants, prostitutes, and disorderly persons through programs of constructive work and training in the houses of correction, combined with concern for the basic dignity inherent in every human being, began to evolve into a new penology in which the focus was on penitence and reform. Punishment as an end in itself was replaced by punishment as a means of deterrence and reform. In the 20th century, the dominant trend in penological thinking—but not, for the most part, in the jail itself—has been toward substitution of constructive treatment programs for mere custody as more promising and more effective controls over offenders.

The deeper the offender has to be plunged into the correctional process and the longer he has to be held under punitive (though humane) restraints, the more difficult is the road back to the point of social restoration. It is logical, then, to conclude that the correctional process ought to concentrate its greatest efforts at those points along the criminal justice continuum where the largest numbers of offenders are involved and the hope of avoiding social segregation is greatest. In a sense, the intensity of the treatment process should be in inverse ratio to the degree of custodial care required. On the correctional continuum, jails are at the beginning of the penal or institutional segment. They are, in fact, the reception units for a greater variety and number of offenders than will be found in any other segment of the correctional process, and it is at this point that the greatest opportunity is offered to make sound decisions on the offender's next step in the correctional process. Indeed, the availability of qualified services at this point could result in promptly removing many from the correctional process who have been swept in unnoticed and undetected and who are more in need of protective, medical, and mental care from welfare and health agencies than they are in need of custodial care in penal and correctional institutions. In a broad sense, the jails and local correctional institutions are reception centers for the major institutions; in effect, they are mausoleums more than first-aid emergency rooms.



[1] Louis N. Robinson, "Penology in the United States" (Philadelphia: John C. Winston, 1921), p. 32.

II. SURVEY FINDINGS

The survey data are concentrated, by design, on those jails and institutions (including farms, camps, etc.) where a convicted offender may serve 30 days or longer. In the sample counties, 215 facilities were found which meet this condition. It is difficult to consider them only as sentence institutions because most of them also receive and hold persons awaiting trial and prisoners serving sentences of less than 30 days, but they are viewed here mainly in this light. Some observations on their function as places of detention for untried offenders are made at the end.

A. NUMBER AND TYPE

Table 1 gives a national estimate of the number of local correctional institutions and jails in 1966. In addition to this State-by-State count, more detailed information was secured from the 250 counties in the survey sample concerning types of facilities, number of prisoners, etc. The 215 local institutions which receive inmates for 30 days or longer in the sample counties are classified as shown in table 2. The term "jails" adheres characteristically to the county level of government; the designations "correctional institutions, camps, and farms" have been adopted principally by larger municipalities and State-controlled short-term confinement facilities. Thus, it may be noted that the percentages for institutions by type in the 250-county sample are extraordinarily close to the national percentages in table 1.

Table 1.—Local Institutions and Jails, by Type of Jurisdiction

Type of institution	Number	Percent
County institutions	2,547	73.3
City institutions	762	22.0
City-county combined	149	4.3
Other	15	.4
Total	3,473	100.0

Table 2.—Number of Local Institutions and Jails, by Type

Type	Number	Percent
Jail	158	73.5
Correctional institution	26	12.1
Camp	18	8.4
Farm	9	4.0
Combination or other	4	2.0
Total	215	100.0

The number of persons held in 1 year for service of a sentence (distinct from the number held under pretrial detention) is 1,016,748; the average daily population serving sentence is 141,303.

B. POPULATION CHARACTERISTICS

1. Types of Offenders

The law generally classifies violators according to the seriousness of the offense of which they are convicted. Two broad categories have been developed—felons and misdemeanants. "The distinction between misdemeanors and felonies is, in general, a distinction between less serious and more serious crimes; but it does not always hold. The line between a theft that is a misdemeanor and a theft that is a felony is drawn by the value of the property, a distinction which may be totally irrelevant in determining the sentence." [2] The inaccurate popular conception is that only misdemeanant offenders are committed to local institutions and that felons are sent to State prisons.

Of the 215 institutions studied, 49.6 percent admitted felony cases for service of sentence; 50.4 percent excluded felony cases. (It would be interesting to know how many prisoners serving misdemeanor sentences in the institutions which exclude felony cases are actually serious offenders who happened this time to get caught for a lesser offense or who committed a felony that was subsequently reduced to a misdemeanor.)

Every criminology textbook written within the past 40 years includes a graphic description of the physical and moral decay that grips the majority of jails across the Nation. The indiscriminate mixing of all types of prisoners—the sick and the well, the old and the young, hardened criminals and petty offenders, the mentally defective, the psychotic, the vagrants and alcoholics, the habitual recidivists serving life sentences in short installments—has been recognized for years but, with few exceptions, has remained unchanged. "Fully 50 percent of all commitments . . . are for drunkenness or other offenses directly related to alcohol. Multiple commitments are the rule and not the exception—10, 20, and even 50 commitments of one alcoholic are commonplace." [3] Recordkeeping procedures make it impossible to determine how many persons account for over 1 million commitments a year, but it is safe to estimate that the number of persons is considerably lower than the number of commitments. It is also evident—even though the per-

[2] Sol Rubin, "The Law of Criminal Correction" (St. Paul, Minn.: West Publishing Co., 1963), p. 170.

[3] Myrl E. Alexander, "Jail Administration" (Springfield, Ill.: Charles C. Thomas, 1957), p. 311.

centages cannot be computed—that the vast majority of those presently confined in these institutions will return after release for subsequent short terms or will graduate to major institutions as they become more criminally sophisticated.

2. *Length of Sentence*

The maximum sentence which may be served in jail is 12 months in most States; the range is from less than 6 months to life, as shown in table 3. The statutory limitation on terms which may be served in local institutions other than jails is somewhat similar (see table 4). Even in States where a maximum of 1 or 2 years is fixed, the legal limits are circumvented by use of consecutive sentences.

3. *Age*

In most States, commitment of persons less than 16 years old to jails and local adult institutions is now prohibited by statute. Such commitments are legal in 14 States, and 11 States still have offenders under 16 in these institutions. In 4 States no minimum commitment age is set, in 1 State it is 7 years, and in the others it is 12, 13, 14, or 15. In several instances, children aged 10, 12, 15, or 17 can be legally committed to these institutions for life.

Table 3.—Maximum Jail Sentence, by Number of States

Maximum legal sentence	Number of States	Maximum legal sentence	Number of States
Less than 6 months	3	Over 60 months	2
9 months	1	Does not apply	6
12 months	30	Unknown	5
24 months	2		
27 months	1	Total	51
30 months	1		

Table 4.—Maximum Legal Sentence in Local Institutions Other Than Jails, by Number of States

Maximum legal sentence	Number of States	Maximum legal sentence	Number of States
Less than 6 months	4	30 months	1
12 months	20	Over 60 months	3
15 months	1	Does not apply	14
18 months	1	Unknown	4
24 months	2		
27 months	1	Total	51

C. COST

The total annual national estimate of operating expenditures (capital outlay costs excluded) for prisoners serving sentence is $147,794,214 (38 percent as much as the comparable cost of all State institutions). For an average daily population of 141,303 prisoners, this means an average annual per capita cost of $1,046 and a daily per capita cost of $2.87 (55 percent of the comparable costs in State institutions).

D. PERSONNEL

1. *Number*

The national estimate of the number of positions totals 19,195, an employee-inmate ratio of 1:7. The types of positions and the number for each are shown in table 5.

Table 5.—Positions in Jails and Local Adult Institutions, by Number

	Number	Ratio
Social workers	167	1:846
Psychologists	33	1:4282
Psychiatrists	58	1:2436
Academic teachers	106	1:1333
Vocational teachers	137	1:1031
Custodial officers	14,993	1:9
Other	3,701	1:38
Total	19,195	1:7

Of these 19,195 positions, only 501 (less than 3 percent) are identifiable as professional (social workers, psychologists and psychiatrists, and teachers). The 3,701 labeled "other" can be assumed to be engaged in tasks classified as administrative, clerical, supervisory, vocational, medical, and culinary. Custodial officers constitute 78 percent of all employees.

2. *Qualifications*

Although specific standards for personnel in institutions primarily serving misdemeanant offenders are not formulated by the special committee, the general standards for personnel may be applied. These call for educational qualifications appropriate for the positions, civil service or merit system coverage, and adequate salaries.

The administration of most county jails is under the control of the sheriff, who has law enforcement and other responsibilities quite extraneous to and often considered more important than correctional functions. Numerous administrative, professional, and practical disadvantages flow from combining custodial and treatment responsibilities for offenders in agencies whose personnel are in the political arena (in most counties the sheriff is an elected officer) and to whom the community looks more specifically for the investigation, arrest, and prosecution of offenders rather than their reformation. There are unquestionably some progressive and interested sheriffs, unwilling to be mere custodians, who have developed sound correctional treatment programs. But generally, changing the sheriff (in many instances, every 2 years) results in changing the jail personnel: no worthwhile program can be built on such shifting sands.

(*a*) *Educational qualifications and civil service.* The minimum educational requirements for the principal administrator, the social worker, and the custodial officer are quite revealing. For the position of superintendent, warden, or head jailer, 53 percent of the institutions studied called for no specific minimum educational background; 39 percent required a high school education, and only 8 percent a college education. Of these positions, 56 percent were not under civil service or merit system coverage (see tables 6 and 7).

Table 6.—Minimum Educational Requirement, by Percentage of Institutions

Position	Minimum requirement, percent			
	None	High school	College	Postgraduate
Superintendent	53	39	8	
Custodial officer	53	46	1	
Social worker	9	41	44	6

Table 7.—Civil Service or Merit System Coverage, by Percentage of Personnel

Position	Coverage	No coverage
	Percent	Percent
Superintendent, jailer, or warden	44	56
Custodial officer	44	56
Professional positions	86	14

The educational requirements for the custodial officer closely resemble the superintendent's: No minimum requirement in 53 percent of the counties, a high school education in 46 percent, and college education in 1 percent. The merit system coverage for custodial officers is exactly the same as for superintendents—44 percent have it; 56 percent do not.

The picture changes radically in the social worker positions. For these, only 9 percent of the counties have no minimum requirements; 41 percent ask for high school graduation; 44 percent, for college; 6 percent, for postgraduate work. Likewise, 86 percent of these workers have civil service coverage and only 14 percent do not.

The difference in these percentages means that county and local institutions that do not have merit system coverage are also the ones that rarely have social workers.

In a generally progressive and economically sound Eastern State, regular personnel in all local institutions have merit system coverage under examinations prepared and conducted by the State civil service commission. However, about 50 percent of the staff are classified as temporary employees because they do not meet the requirements set up by the merit system—a situation that must be tolerated because wage scales are too low to attract qualified staff.

(*b*) *Salaries.* The survey showed that, in the sample institutions, the salary of the superintendent or head administrator ranged from under $1,500 to more than $18,000 a year, with a median salary range of $7,000–$8,000; the salary of a custodial officer in these institutions ranged from under $1,500 to $9,000 a year, with a median range of $4,000–$5,000 (see table 8).

Low salaries, low qualifications, and lack of good merit system coverage go hand in hand. The areas where improvement can be noted are those which first adopt civil service coverage and then move on to organization of unions or employee associations which gradually exert pressure and achieve salary upgrading. In spite of the discomfort that such organization may cause some administrators, the successful efforts of labor in obtaining salary increments can be utilized by the progressive administrator to obtain and retain better-qualified personnel.

Table 8.—Beginning Salaries of Local Adult Institutional Personnel, by Number of Agencies

	Superintendent or jailer	Custodial officer
	Percent	Percent
Under $1,500	.6	1.2
$1,500 to $2,400	.6	2.9
$2,401 to $3,000	1.8	6.3
$3,001 to $4,000	4.2	8.0
$4,001 to $5,000	10.8	33.3
$5,001 to $6,000	10.8	25.3
$6,001 to $7,000	12.6	16.6
$7,001 to $8,000	11.4	5.8
$8,001 to $9,000	16.2	.6
$9,001 to $10,000	9.0	
$10,001 to $11,000	7.2	
$11,001 to $12,000	10.2	
$12,001 to $13,000	1.2	
$13,001 to $14,000	.6	
$14,001 to $15,000		
$15,001 to $16,000		
$16,001 to $17,000		
$17,001 to $18,000	.6	
Over $18,000	1.8	
Total	100	100

(*c*) *Inservice training.* Since most persons employed as custodial officers are not equipped for performance of their duties by previous experience or training, a formal, continuous inservice training program is essential. It should consist of sessions on custodial procedures and techniques, classification and treatment policies and procedures, and similar subjects.

The survey showed that only 38 percent of the facilities offer any sort of inservice training and that, in most instances, it consisted of little more than training in the use of firearms, supervision of correspondence, and an occasional staff conference.

E. PHYSICAL PLANT

The national estimate of the total rated capacity of all facilities in this portion of the survey is 192,197 beds.

Thus we have approximately 36 percent more living space than is needed to accommodate the estimated daily population of 141,303. Yet we hear constantly of overcrowded jails and short-term institutions (and overcrowded they are in the metropolitan and urban centers). Some of the empty cells are in places where they are not needed, others are vacant because they are unfit for human occupancy.

One New England State, for example, reports four jails having a total of 899 cells without sanitary facilities. The construction of many existing local institutions predated inside plumbing and electricity; they still have slop buckets, bullpens, and unshaded electric bulbs dangling from exposed fixtures. A New England State has three jails that were built 160 years ago; a State in the Midwest reports that many of its local jails are 100 years old.

The age of all institutions for short-term prisoners is shown in table 9.

Table 9.—Age of Short-Term Institutions, by Percentage

Age	Percentage
Less than 10 years old	24
10 to 24 years	11
25 to 50 years	30
Over 50 years	35

The national estimate of new construction for short-term prisoners and for untried prisoners (with possible use for sentenced prisoners also) shows a total of about 47,000 beds (see table 10).

Table 10.—New Construction of Short-Term and Detention Institutions

	Capacity			
	Under construction	Authorized	Planned for construction by 1975	Total
For short-term prisoners	3,196	2,683	9,982	15,861
For untried prisoners	4,240	9,824	17,247	31,311

F. STATE SUPERVISION AND ASSISTANCE

In Connecticut, Rhode Island, Delaware, and Puerto Rico, the local jails are no longer autonomous; they are operated as State institutions. In several other States (e.g., Maine, Massachusetts, and North Carolina) short-term misdemeanant offenders are committed to the houses of correction, farms, and road camps; the county jails, usually operated by sheriffs and other law enforcement officials, are used only for persons detained for trial.

Committee standards call for the State governments to be responsible for the quality of correctional programs and systems operated by local jurisdictions. An important role for the State in this regard is standard setting.

Twelve States set standards for local institutions and 19 set jail standards for personnel, construction, salaries, health, etc. Eleven States inspect local institutions and 19 inspect local jails. Two States subsidize local institutions; six subsidize local jails.

Over 60 percent of the States accept no responsibility for standards in local institutions and jails. No such percentage can be found for State government inactivity in other fields of local human welfare—e.g., child care, public housing, nursing, hospital services, etc. Frequently the reason for this absence of interest is not the State's unwillingness to get into the jail and local institution picture but rather the resistance of local patronage interests to State interference. Even in those States that authorize and even legislate inspection and consultation services, the caliber and efficacy of the services are questionable. Elaborate and detailed reports of visits are written, filed, and generally forgotten; no attempt is made to enforce the standards.

G. PROGRAMS

Inmate work programs, other than janitorial and institutional maintenance tasks, are small in number and poorly organized, equipped, and supervised. The goods they produce are generally expensive and inferior, and the vocational or trade training is not constructive.

Insofar as behavorial change programs are concerned, the picture is still more dismal; see table 11 for the frequency of imaginative or unusual rehabilitation programs reported in the 215 institutions studied.

Table 11.—Rehabilitation Programs for Short-Term Prisoners, by Percentage of 215 Institutions

Program	Number of institutions	Percentage
Work release	24	11
Educational	22	10
Group counseling	19	9
Alcoholics	15	7
Other	44	20
None	140	65
Unknown	3	1

Little is being done for the inmates principally because the personnel and the institutions lack the necessary qualifications and services. Yet a few pilot programs show that greater investments at this point on the correctional continuum can produce substantial savings in manpower and money. A small but growing number of conscientious, qualified, and determined jail and workhouse administrators are developing community support and originating pilot and demonstration programs which show that correctional treatment can be successfully initiated and furthered within the time limits of short-term institutional commitments. The four institutions discussed below are examples of this progress.

1. *St. Paul, Minn.*—The workhouse receives misdemeanants, gross misdemeanants, and some felons; the maximum sentence is 1 year; the average sentence is 28 days; the average daily population is under 200 men and 15 women, about 80 percent of whom have had prior short-term sentences.

During the past 8 years, program operation has expanded considerably through the addition of professional staff and volunteers. All inmates are assigned to either work or school programs.

Work assignments include truck and livestock farming, and maintenance work for other institutions (painting, carpentry, laundry, etc.).

The educational program, using inmate teachers, started 5 years ago; unsatisfactory results led to hiring a part-time school teacher, who is paid from the inmate canteen fund. A recently obtained $44,000 foundation grant will pay for a regular teacher in special education, books, and equipment. Ninety-seven inmates have obtained high school diplomas; some of them have continued with extension courses given by the University of Minnesota.

Inmates on the work release program pay $3 a day for room and board and furnish their own transportation; men earning substandard wages or attending school are not charged. The work releasees pay the institution approximately $25,000 a year for room and board. Under provisions of the Economic Opportunity Act, interviewing, counseling, and aptitude and vocational testing services are available to men under 21 years of age on work release.

Since the work-or-school program started, more than 93 percent of the prisoners selected by the institution for work or school release have not returned to the institution on a subsequent commitment.

An Alcoholics Anonymous counselor (paid by the canteen fund) conducts four AA meetings a week.

Professional and lay volunteers from the community assist in all the programs.

2. *Westchester County, N.Y.*—The county has two adjacent, but separate, short-term institutions. One, the county penitentiary, houses men sentenced for periods up to 1 year. The other, the county jail, houses men and women awaiting sentence, and also women serving short sentences.

The penitentiary program (farming, carpentry, tailoring, Alcoholics Anonymous meetings) was supplemented some years ago by a program of basic education set up by the NCCD Westchester Citizens Committee.[4] This was followed by a pilot project for women in the jail, where there had been no activities program at all.

The women (average population, 20) ranged in age from 17 to 70, and were committed mostly for alcoholism, shoplifting, forgery, narcotics, abortion, and disorderly conduct; the average length of stay was 60 to 90 days. The objective of the project was to demonstrate how citizen volunteers could effectively serve to enrich the activities program in a short-term institution. Forty-one volunteers with a variety of professional backgrounds but without any prior experience working with offenders were recruited and trained in the special requirements governing work in a correctional institution. Courses in needlecraft, typing and shorthand, personal grooming, nursing, and arts and crafts were organized. The overall results showed that citizen volunteers can enrich the activities program in a short-term correctional institution. It also provided an example of how public agencies and community services can cooperate in this field.[5] All of this presumes, of course, a cooperative institutional management.

3. *Multnomah County (Portland), Oreg.*—The county correctional institution, a minimum security facility was opened on December 1, 1963. Per capita operating cost is about $4 a day for an average population of 80 inmates. The institution receives persons serving more than 60 days; the average length of sentence served is 180 days.

The operating staff consists of a counselor, a cook, and eight custodial officers who, assisted by a part-time chaplain, are frequently involved in counseling in one form or another in their daily contact with the inmates. The counselor, a trained clinical psychologist, chairs the classification committee and selects special cases for psychotherapy. Volunteer student tutors from a local college teach courses primarily for the illiterate but also give help to those seeking general education or specific instruction anywhere from grade school to college levels. Medical services, including corrective surgery and dentistry, are available through the county hospital. Selection of inmates suitable for work release is made by the institution, not by the court. Cooperative agreements have been reached with State and Federal authorities to accept prisoners from their penitentiaries and assume full authority and supervision of these men under the work release program.

In the 2½ years since the Multnomah County Correctional Institution received its first inmates, the recidivism rate of the more than 500 prisoners released—including vagrants, skid row alcoholics, and "installment plan" lifers—has been less than 20 percent; only 16 inmates (3.2 percent) have walked away.

4. *San Diego County, Calif.*—Recognizing the futility of mass treatment, San Diego County has established five honor camps to which inmates are sent after classification at the county jail. Three have minimum custody and a capacity of 96 inmates; another, also minimum custody, has a capacity of 29; the fifth has medium custody and a capacity of 51. The aim is redirection of the inmate through constructive work and therapeutic counseling. Grouping is based on inmate treatment needs. Individual and group counseling sessions, informal educational programs, and work projects involving forestry work, firefighting, firebreak construction, road building, roadside clearance, etc., keep inmates constructively occupied. Recreation programs stress participation rather than watching. Family visiting under relaxed but supervised conditions strengthens the inmate's ties with home and community.

In 1964, with supplementary financial support from the

[4] Paula K. Drucker, "Short-Term Education in a Short-Term Penal Institution," Crime and Delinquency, January 1966, pp. 58–69.

[5] See "Report on the Pilot Project for Women, Westchester County Jail," Westchester Citizens Committee of the National Council on Crime and Delinquency, Valhalla, N.Y., January 1965.

National Institute of Mental Health, Crofton House was opened in San Diego. Approximately 20 men, assigned from the total honor camp population, live in the halfway house, go out to work under a work release program, and, by living in the community, gain the experience of how to live socially acceptable lives and also enable the community to understand more clearly the problems of criminality. The house is managed by a husband-wife team but is maintained by the inmate residents.

H. PRETRIAL JAIL DETENTION

As stated above, the emphasis in this part of the survey was on the use of jails and local institutions for convicted offenders serving 30 days or more. In practice, of course, most of these institutions are also used for the detention of persons awaiting trial.

1. *The local jail should be used only for persons awaiting trial (and perhaps, for practical reasons, persons sentenced to terms of less than 30 days).*—Persons accused of crime who are kept in custody pending trial, because of the nature of the alleged offense or their inability to make bail, require a program radically different from the type that is appropriate for the convicted offender. Of the present charge the accused, no matter what his prior record may be, is still legally not guilty and cannot, under the Constitution, be subjected to punishment or to any measure of restraint and restriction greater than is necessary to produce him in court when his case is called. Program for him should permit him all reasonable means to prepare his defense and to maintain the status of a person accused but not convicted. It ought to be a separate and distinct function from the management and care of the sentenced prisoner. Failure to take the distinction seriously "is equivalent to expecting a community general hospital, without specialized staff and facilities, to undertake the inpatient treatment of physical handicaps, tuberculosis, mental illness, drug addiction, alcoholism, and all the infectious and degenerative diseases, in addition to the common illnesses appropriately dealt with in a general hospital." [6]

2. *The number of persons held in jail awaiting trial can be sharply reduced.*—Jails across the country are crowded with accused persons who remain in custody for substantial periods simply because they cannot afford to post even nominal bail. "The bail system has, almost from its inception, been the subject of dissatisfaction. Every serious study since the 1920's has exposed defects in its administration. Yet, proof of the need for reforms has produced little in the way of fundamental change. Committing magistrates misunderstand or misapply the criteria for pretrial release; bail determinations are made on the basis of skimpy and unverified facts; the final decision as to whether a defendant is to be kept in jail usually rests in the hands of the professional bondsman; and a substantial number of defendants, accused but not convicted, are denied release because they are poor." [7]

Not the least of the many reasons for delayed justice and delayed disposition is the lack of a "statistical monitoring system within the existing court structure [which] would enable the exercise of essential controls over the time required for the successive steps in the judicial process." [8]

Persons detained awaiting trial must be kept physically close to the courts and all persons and agencies concerned with the disposition. If the jail is to be raised from the level of a mere warehouse to the status of a purposeful detention center, there must be a well-organized and effective liaison process involving the agencies having an active interest in untried prisoners. The jail should have day-to-day knowledge of all changes in the prosecution process and should have qualified staff in sufficient quantity to recognize and promptly resolve any roadblocks to disposition. Pretrial release on recognizance or nominal bail of all eligibles should be so organized that those defendants for whom pretrial incarceration is not necessary can be released at the preliminary hearing. These procedures will require personnel and money for new functions. But some of these costs ultimately will be offset by reduction of man-days served. Additional savings will result from decreases in capital expenditures for new jail facilities and in welfare subsidies to dependents of persons who need not be detained.

3. *Specialized programs should be conducted at jails even for the untried and for prisoners sentenced to less than 30 days.*—Quite aside from the question of the untried defendant's guilt, undetermined in the pretrial period, 90 percent or more of the group—according to experienced jail administrators, particularly in the more populated jurisdictions—come from multiproblem families and are overwhelmed, not only in jail but even when free, with economic, health, family, educational, and religious problems which they cannot resolve and which make them antisocial, unsocial, and asocial. "Justice delayed is justice denied" has a corollary: "Correctional treatment too long postponed does not correct." The jail holding only untried prisoners and those committed for less than 30 days could, if properly staffed, be made a most effective clinic for the voluntary treatment (through counseling and referral) of thousands of persons who, because their root problems go undiagnosed and unattended, now keep coming back to jail.

[6] Mark S. Richmond, "The Jail Blight," Crime and Delinquency, April 1965, p. 134.
[7] C. E. Ares et al., "The Manhattan Bail Project: An Interim Report," New York University Law Review, January 1963, pp. 67–95, quoted by Richmond, supra note 6, pp. 138–139.
[8] Richmond, supra note 6, p. 139.

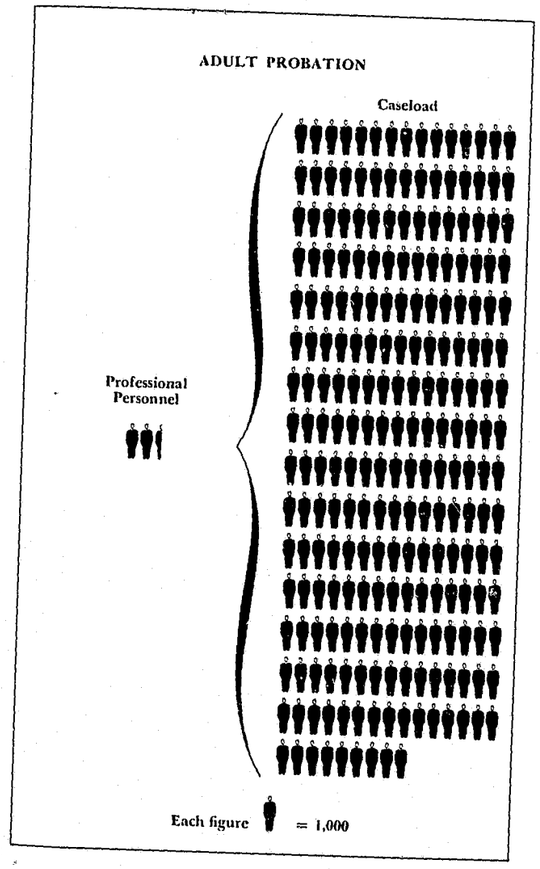
7. Adult Probation

This part of the overall survey report deals with adult probation in respect to its status, significant issues and problems, and implications for future development. It inquires into organizational structure and administrative patterns, the role of the State in promoting good practice, extent of use, level of practice, new and imaginative programs, and barriers to more effective operation. The survey studied all 50 States, Puerto Rico (reported as a State), and 250 counties selected as representative of the country as a whole.

The status of probation is viewed in relation to a set of prevailing standards (not a projection of goals to be ultimately achieved) prepared by a special committee of the President's Commission.[1]

For the purpose of this survey, adult probation is understood to be limited to courts that have felony jurisdiction.[2] Crimes classified as a felony vary from State to State. Generally, a felony is defined as an offense for which the period of imprisonment is more than a year as distinguished from a misdemeanor, a less serious offense for which the maximum period of imprisonment is generally 1 year.

Technically probation is a type of sentence which may be imposed on one convicted of a crime. The offender remains in the community, under the jurisdiction of the court. He is subject to conditions of good conduct and to the supervision of a probation officer. If he complies with the conditions, his probationary status is terminated and he is discharged from the court's jurisdiction. If he does not comply, the court may impose another type of sentence, including commitment to an institution. In the broad sense in which it is used here, the word "probation" means not only a legal disposition and a status but also a system of services and functions.



I. INTRODUCTION

Traditionally the target of probation has been the offender. The underlying assumption was that the offender has shown by his act that he must be influenced to change, that he needs treatment that will help him to conform to society—treatment that can best be given through casework.

Traditional explanations of crime are no longer satisfactory, and probation's role is now much broader than its traditional concern with the offender alone. To see crime only as an act of an individual is a narrow point of view. In large measure, crime is one manifestion of social disorder. New means must be sought for dealing with various forms of deviant behavior that have social disorder as their source. As a public law enforcement service that is part of a system for maintaining social order, probation has a responsibility to participate in this search and to be fully involved in community activity addressed to bringing about orderly social change.

A. HISTORY

Probation is a relatively recent innovation in the history of criminal justice. In 1841, a prosperous bootmaker in Boston bailed a defendant in the lower court, the first of nearly 2,000 defendants who were ultimately entrusted to his care,[3] with the court assuming that it had authority to defer sentence and await the outcome of the trust before making final disposition of the offense. In 1878, under the first probation statute, the mayor of Boston was authorized to appoint annually a probation officer as a member of the police force. The power to appoint probation officers in Massachusetts was granted to all towns and cities in 1880, to judges of the lower court in 1891, and to judges of the Superior Court in 1898.

[1] President's Commission on Law Enforcement and Administration of Justice, "Report of Special Committee on Standards." See appendix infra.
[2] Misdemeanant probation and juvenile probation are dealt with in chs. 5 and 2, respectively, supra.
[3] See John Augustus, First Probation Officer (National Probation Association [now NCCD], 1939), which includes reproduction of "A Report of the Labors of John Augustus, for the Last Ten Years, in Aid of the Unfortunate: Containing a Description of His Method of Operations; Striking Incidents, and Observations Upon the Improvement of Some of Our City Institutions, With a View to the Benefit of the Prisoners and of Society," published in Boston by request.

This early legislation pertained only to the appointment of probation officers. The first statute authorizing courts to grant probation was passed in 1898 by the Vermont Legislature, which made probation a condition appended to suspension or execution of the sentence. By 1915, 33 States had authorized probation for adult offenders; by 1957, all States had done so.

Development of the legal basis for probation was accompanied by a definition of the duties and responsibilities of the probation officer, formulation of criteria for granting probation, provision for and definition of the presentence investigation, authorization of the imposition of probation conditions and revocation, and refinement of policies, practices, and forms of administrative structure.

B. TRENDS

The probation agency has two primary functions—investigation and supervision. The character of each of these has expanded in several important ways.

Traditionally the investigative role was limited to providing the court with certain information on the defendant before sentence was pronounced; the document, known as the presentence investigation report, is designed to help the judge arrive at the best possible choice of sentence for that defendant. This role has recently been expanded so that information that helps the court differentiate one offender from another is offered not only at the presentence stage but also in other decisional situations—the prearraignment, prepleading, and pretrial stages of the court process. At arraignment, for instance, information is supplied by the probation department to help the judge decide whether to detain the defendant for trial, release him on recognizance, or release him on bail. In one State, a prepleading investigation helps the court determine the eligibility of a youthful defendant for a special noncriminal proceeding.

In addition, new goals of social justice are emerging which will further challenge the resourcefulness of the investigation service. These include: *(a)* Finding ways to screen and divert persons with special kinds of behavior problems to noncourt and noncorrectional modes of appropriate help (as is done by juvenile court intake), *(b)* increasing the range of alternatives for court dispositions, and *(c)* sorting out offenders for differential handling.

Traditionally probation's supervisory role has been limited to a "casework plus surveillance" approach. It is now being supplemented by other correctional devices—group methods, intensive counseling, more realistic concrete services, and other types of involvement in the community for improved social living.

Punishment and its avoidance are motivating forces in human conduct. But the old concept that the strength of the social order is relative to the severity of punishment has been exploded. As a Nation we have less faith than we used to have in the belief that punishment alone will bring about a change in conduct, in capacity, or in the will to conform. Correctional practice is moving toward the use of rational authority coupled with opportunity, an opportunity to reorient one's self with help, an opportunity for normal living. Indiscriminate imprisonment is no longer believed to be the only way or even the best way to insure the public's safety. All these changes favor an increased use of probation. The national experience with probation demonstrates that, properly financed and staffed, it is an effective method of maintaining social order.

II. SURVEY FINDINGS

A. LEGAL RESTRICTIONS

Every court should be authorized to use probation at its discretion following conviction for any offense. Fitting the disposition to the offender should be done by the sentencing authority, not by legislation. Statutory exemption of certain offenses or classes of offenders restricts the potential of probation. Such restrictions may be motivated by the belief that probation is too lenient, imprisonment is more protective, punishment is more deterrent, and judicial discretion is questionable and uncontrolled. While instances to support these contentions are by no means scarce, the onerous consequences of legislation that prohibits probation to classes of offenders and offenses are undeniable. The remedy lies in other than statutory prohibitions.

Most States have some statutory restrictions on the use of probation as a disposition; 15 States do not (see table 1).

Table 1.—Types of Legal Restrictions on Use of Probation

Statutory exclusion	Number of States [1]	Statutory exclusion	Number of States [1]
By—			
(a) Type of offense	28	(c) Armed at crime	4
(b) Previous convictions	[2] 9	(d) Maximum sentence	[3] 8
		No restrictions	15

[1] Some States restrict in 2 or more categories.
[2] Varies for these States by number of prior convictions and by prior conviction for specific offense such as sale or possession of narcotics.
[3] 5 years or more, in 1 State; 10 years or more, in 3 States; life in 4 States.

Table 2.—Legal Restrictions on Use of Probation, by Kind of Offense

Offenses excluded	Number of States	Offenses excluded	Number of States
Murder	19	Burglary	5
Capital offenses	9	Kidnaping	4
Rape	12	Treason	3
Arson	7	Embezzlement	2
Robbery	6		

The offenses for which probation is most frequently excluded by statute are murder and others classified as capital crimes (see table 2). For other offenses there is considerable variation from State to State; relatively few States agree on excluding any one offense, and, in each of 11 States, the exclusion of one offense (mayhem, use of poison, larceny over $200, assault to rape, etc.—not listed in table 2) is peculiar to that State.

B. CIVIL RIGHTS

Statutory denial of certain civil rights to one convicted of crime or imprisoned varies from State to State.[4] Exactly which rights are lost is generally not clear to either the convicted person or officials.

Though the court's imposition of sentence is individual and selective, the statutory deprivation of certain civil rights is general and automatic. Whether such a blanket denial of rights protects the public and maintains social order is questionable. Under the Constitution, individual rights are supreme and are taken away only by due process of law. It would be more consistent, therefore, to give discretionary authority to the sentencing body than to exercise these statutory prohibitions arbitrarily.[5]

Table 3.—Loss and Restoration of Civil Rights

	Number of States
No rights lost	5
Rights restored	20
Rights not restored	25
Undetermined	1

In 5 States, no rights are lost by conviction or imprisonment; 46 States impose statutory restrictions (see table 3). In 20 States, all rights that had been lost by conviction are restored when the disposition is probation and the probation term is ended satisfactorily by the court. In two States, the record of conviction is expunged. In one State, the convicting court has the authority to restore rights. In one State, pending legislation would automatically restore civil rights following discharge from a satisfactory probation term. In one State, conviction is deferred when probation is granted, and the indictment is set aside upon satisfactory completion of probation.

The rights that are lost include the right to vote, serve on a jury, hold public office or a position of trust or certain other kinds of employment, obtain certain licenses, and hold or dispose of certain property. Certain restrictions are imposed not directly by statute but by administrative discretion authorized by statute; these deal with professional licenses, public employment, deportation, etc.

The inescapable record of conviction is a State-imposed disability that haunts an ex-offender for the rest of his life. For those who have been imprisoned, virtually the only existing method of restoring their lost civil rights is executive clemency or the Governor's pardon power, which is seldom used for this purpose. One alternative is to authorize by law the automatic restoration of rights and to expunge the record upon the defendant's complying with certain conditions, such as satisfactory completion of the probation term. Another is to grant discretionary authority to the court to restore rights and expunge the record upon successful completion of probation. The Standard Probation and Parole Act provides that, on a sentence of probation or suspension of sentence, no civil right is to be lost[6]; thus, none has to be restored. However, the criminal record continues to harass a person who has successfully fulfilled the expectations of probation. Expunging the record is consistent with the purpose of probation.[7]

C. ORGANIZATIONAL STRUCTURE

The effectiveness of a probation system depends on a sound organizational structure, adequate financing, and progressive and enlightened administration.

The standards hold that the State government should be involved in the administration of probation in either one of two ways—*(a)* by financing or operating probation directly as a statewide program or *(b)*, when probation is operated locally, by setting standards and supplying overall supervision and financial support. There is no consensus on whether a statewide or a locally operated system is better, and on whether probation should be administered separately by a State agency or be combined with parole.

All 51 States authorize probation by statute. All counties in 48 of the States are covered by probation. Of the 3,082 counties and districts[8] in the 51 States, 91 percent have some probation service.

In 14 States, adult probation is a county-operated system[9]; in 37 States, it is a statewide system operated by a State agency. The latter group includes 17 States in which there is some combination of county and State service; for instance, the State agency provides minimal service to the courts upon request (in 3 States), or (as in 14 States) a varying number of counties (from 1 to 7) provide the service locally and the State agency does the job in the remainder of the counties.[10]

Table 4.—Organizational Structure

	Number of States
County program	14
State program	37

Of the 14 States that have retained the county organizational structure, nine are among the more densely populated. Five of them are in the Northeast—Massachusetts, New York, New Jersey, Pennsylvania, and Delaware; three are in the Midwest—Ohio, Indiana, and Illinois; and six are in the West—Oklahoma, Texas, Colorado, Arizona, California, and Hawaii.

[4] Persons convicted of felonies in the Federal courts do not lose their civil rights unless the law in the State where the Federal conviction is obtained provides that specified rights shall be lost.
[5] Sol Rubin et al., "The Law of Criminal Correction" (St. Paul: West Publishing Co., 1963), p. 611.
[6] National Probation and Parole Association, "Standard Probation and Parole Act," 1955 revision, sec. 12.
[7] See National Council on Crime and Delinquency, "Annulment of Conviction of Crime—A Model Act" (1962).
[8] The total includes five districts in Alaska, eight in Connecticut, nine in Puerto Rico, and five in Rhode Island, which have districts instead of counties.
[9] Includes Delaware, where presentence investigations are made by county probation officers but probationers are supervised by the State agency.
[10] Two cities operate adult probation services.

1. Administration

In the 14 States that have a county organizational structure, adult probation is administered generally by the court. In one of these States, a few of the probation departments are responsibile to the county commissioners.

In 30 of the 37 States where adult probation is a State-operated system, the administrative agency is responsible for parole services as well. Most commonly, this agency is separate from the administration of the correctional institutions.

Of the seven States where a State agency administers probation as a separate program, two have a probation commission, one a probation board, one a department of probation, one a bureau within the department of correction, and two an office of court administration.

Table 5.—Administrative Patterns of State Agencies

	Number of States
Probation combined with parole—	
Board, commission, or department (independent of correction department)	18
Division within correction department	12
	30
Probation separate from parole—	
Commission	2
Board	1
Department	1
Bureau in a department	1
Court administrator	2
Total	7

The essential ingredients of an effective probation service are (*a*) a sound legal base, (*b*) leadership, and (*c*) financial support. They are attainable within any one of the organizational and administrative forms mentioned above, and it cannot be said with assurance that one form or another will, by itself, result in a better service. Nevertheless, there are a number of reasons for endorsing the trend toward State-financed and State-administered probation programs, especially those for felony offenders. One is cost. With few exceptions, felons sentenced to imprisonment are committed to State institutions, and correctional confinement has become more and more expensive. Indiscriminate sentencing and unnecessary commitment are reduced by careful presentence investigation and probation supervision. Thus the State has a financial stake in effective probation at the local level. For example, one State that has a county probation structure subsidizes local service to the extent of the amount of money saved by avoidance of State institutional commitment through increased use of probation.

Another reason for State financing and administration is the wide disparity in use of probation under the county system caused, in part, by differences in county revenue and population density. When probation is combined with parole administratively on a statewide basis, field staff can be used more effectively for better coverage throughout all counties. Also, an integrated State service can afford better leadership than is generally found in a multiplicity of county structures and can better coordinate both service and planning. State administration can establish uniform standards and salaries and reduce administrative duplication by centralizing research, statistical reporting, fiscal control, recruiting, and training. A State service is more flexible in dealing with crimes that spill over county lines, a phenomenon that increased mobility has made more significant than in the past.

D. THE ROLE OF THE STATE

According to the standards listed by the special committee, a State having a county-operated probation system should provide general supervision, consultation, standard setting, recruitment, and financing or subsidy. Thus it should establish general rules and regulations for investigation and supervision, prescribe the form of probation records and reports, periodically evaluate the work of a local department, sponsor and conduct inservice training, and set standards for salaries, which should then be State subsidized.

1. Standard Setting

The survey discloses that 37 States having probation as a State-operated system include 14 where, in a few counties, it is a local system. Eight of these fourteen have a standard-setting agency that determines staff qualifications (in seven States), sets salaries (four States), prescribes practice (three States), or establishes certain ratios such as the maximum caseload size and the ratio of probation officers to supervisors. The State standard-setting agency is generally in the executive rather than the judicial branch of government. In the survey sample, it was a probation commission, a correction commission, a board of probation and parole, or an administrative office of the courts.

2. Subsidy

Five States offer a subsidy to the local department. In one of them the State pays the salaries of officers appointed by the judge from a State-certified list. In one State the subsidizing agency hires the probation officers, assigns them to the court upon request, and then administers the service directly. Another, starting in July 1966, provides to a county which meets the State's standards a subsidy that will be based on the county's ability to reduce commitments to State institutions by increasing the use of probation. Still another reimburses the county or city for 50 percent of the total probation expenditures except capital outlay. And finally, one State now beginning a subsidy program will share the cost of increased use of presentence investigations and probation as a disposition.

The States which have had a reimbursement plan in operation long enough to see the results report notable benefits. These include an increase in the number of probation staff, investigations, and cases under supervision, and improvement in the qualifications of staff and the quality of the service in general.

3. Consultation

Eight States give, to county departments, consultation and some other form of help including inservice training for staff, regional seminars, and limited scholarships to probation officers to attend graduate schools of social work.

4. Central Statistical Accounting

One of the components of a strong probation system is the preparation and dissemination of annual reports that portray clearly and accurately its work, achievement, and needs. A central statewide statistical unit using modern methods and equipment for the collection, storage, tabulation, and analysis of statistical data is essential.

The survey shows that 38 States have some central statistical accounting of probation activity. Most of the information collected is limited to data such as number of investigations made, number placed on probation, number under supervision, and type of discharge. These data are seldom related to court, police, or pertinent correctional department statistics.

Table 6.—Role of the State

Function	Number of States
Sets standards	8
Re: Staff qualifications	7
Salaries	4
Practices	3
Staff ratios (caseload size, officers-supervisor, etc.)	5
Subsidy	5
For: All probation officer personnel	1
Direct service grant	1
New probation officer personnel only	1
50 percent of total costs except capital outlay	1
Increased use of probation (subsidy formula not yet announced)	1
Consultation, etc.	8
Central statistical accounting	38

E. NUMBER OF PROBATIONERS

1. Officer Caseload

The special committee standards provide that the caseload of the probation officer should weigh not more than 50 work units. One probationer under supervision is rated as one work unit, and one presentence investigation per month is rated as five work units. Thus an officer's caseload should consist of not more than 50 probationers under supervision, or not more than 10 presentence investigations per month, or some combination of supervision and investigations that would not exceed 50 work units.

The survey reveals (see table 7) that 96.9 percent of the probationers under supervision are in caseloads of more than 50 persons.

Persons, not work units: The distinction is important for an accurate understanding of the adult probation caseload condition in the United States today. In table 7 the 51 to 60 category, for example, means 51 to 60 persons under supervision, not necessarily only 51 to 60 work units, because presentence investigation units are not included in the table. In short, the percentages above and in the rest of this analysis of caseload size are understatements of actual caseload excessiveness.

With this qualification in mind, note that 67.05 percent of probationers under supervison are in caseloads of more than double the 50-unit standard.

Table 7.—Size [1] of Caseloads During a Recent Month in Sample Counties

Size of caseloads	Number of probationers	Percentage distribution
50 or under	3,766	3.10
51 to 60	3,221	2.65
61 to 70	7,915	6.51
71 to 80	9,296	7.64
81 to 90	8,082	6.64
91 to 100	7,794	6.41
Over 100	81,561	67.05
Total	121,635	100.00

[1] Refers only to the number under supervision and not to total work units per officer; the investigations made by the officer are not included in the caseload ranges.

Table 8 shows that the average adult probation caseload is in excess of the standard in 88.5 percent of the counties in the sample and that, in 47.7 percent of the counties, the average caseload is more than double the standard.

Table 8.—Average Caseloads, by Counties

Number of cases	Percentage of counties	Number of cases	Percentage of counties
50 or under	11.5	151 to 200	10.0
51 to 100	40.8	201 and over	13.1
101 to 150	24.6		

2. The National Caseload

Although the quality of probation services, as a whole, is less than acceptable by even minimum standards of caseload size, the number of probationers continues to grow year after year. In 1965 (the latest annual period for which data are available), 144,199 defendants were placed on probation by the felony courts (see table 9).

At the end of that reporting period, 230,468 adults were under probation supervision.

In addition to the number placed on probation, 79,746 felony offenders were received by State institutions in 1965. The reported number of presentence studies (148,458) is about two-thirds of the probation and commitment total.

The range of the probation period is 3 months to 5 years. The average length of time on probation is 29 months; the median is 24 months.

In the average caseload of 103.8, 76.4 are probationers under supervision and 27.4 are other types of cases (juvenile, nonsupport, parole, etc.). In the sample counties, the range of probationers under supervision is from 12 to 800; the median caseload is 92.

Table 9.—National Data on Probation Service Compiled in February 1966 for Latest Annual Period Available

Presentence studies	148,458.
Received on probation	144,199.
On probation at end of period	230,468.[1]
Length of stay on probation:	
Range	3 months to 60 months.
Average	29 months.
Median	24 months.
Caseload size:	
Range	12 to 800.
Average	103.8 (76.4 probationers) (27.4 other types of cases).
Median of average caseloads	92.

[1] National estimate computed on the basis of the representative sample of counties.

F. PERSONNEL

1. *Qualifications*

The quality of probation work is affected not only by the number of officers (see tables 14 and 15 below) but also by their qualifications.

The preferred standard calls for completion of graduate training in social work or related studies. According to the survey sample of 250 counties, this qualification is actually required for the chief probation officer position by 7 percent of the jurisdictions; for the staff supervisor position, by 4 percent; and for the probation officer position, by 1 percent.

The minimum educational requirement in the standards is a bachelor's degree, with a concentration in the social or behavioral sciences. The survey sample shows that, for the probation officer position, 62 percent of the jurisdictions have this requirement and that 37 percent require not more than high school graduation or have no educational requirement at all. For the staff supervisor position, 71 percent have the minimum requirement and 24 percent require not more than high school graduation or have no educational requirement at all. For the chief probation officer position, 57 percent have the minimum requirement and 35 percent require not more than high school graduation or have no educational requirement at all.

Table 10 shows the distribution of educational requirements in the 250 counties in the survey sample.

Table 10.—Minimum Education for Entry Into Probation Positions, by Percentage of All Counties

Position	None	High school	College	Graduate school	Total
Chief probation officer	22.56	12.80	57.32	7.32	100
Staff supervisor	9.56	14.71	71.32	4.41	100
Probation officer	15.45	21.26	62.32	.97	100

2. *Selection and Appointment*

The standards provide that all probation personnel as well as supporting staff should be appointed through use of a civil service or merit system. A register should be etsablished by the rating of examinations open to qualified candidates without consideration as to place of residence. The survey discloses that, in most jurisdictions, this procedure is not followed.

Table 11.—Selection and Appointment of Probation Staff

	Percent of counties
Selected by:	
Civil service or merit	44
Other	56
Appointed by:	
Judge	52.6
Director of State probation agency	21.9
Board of probation	12.6
Director of correctional agency	6.5
Other	6.5

Appointment of staff is made by the judge in 53 percent of the counties, by the director of a State probation agency in 22 percent, by a board of probation in 13 percent, by the director of a correctional agency in 6 percent, and by one of a number of other persons in 6 percent.

3. *Training*

Staff in every organization receive some sort of training even if only in the sense that they learn their jobs from their own experiences or from one another. The question for management is the degree to which it provides for, participates in, and gives direction to the training program.

The low level of educational qualifications required for entry into probation positions in most jurisdictions (table 10 supra) points to the importance of having an active, formalized inservice training program. The survey disclosed that 49 percent of the jurisdictions do not have any such program. Table 12 reports the frequency of training sessions in the remainder of the jurisdictions where such programs are conducted.

Table 12.—Inservice Training for Probation Staff

	Percent of jurisdictions
Training:	
Do not have a formalized program	48.87
Have a formalized program	51.13
Frequency:	
Weekly	7.69
Monthly	29.81
Quarterly	25.96
Annually	30.77
Other	5.77

4. *Salaries*

Salaries should be commensurate with the qualifications and responsibility of the position and, because of the special nature of probation, should generally be higher than in other kinds of social agencies in the community.

The survey revealed, nationwide, great disparities in salary levels for the same position (see table 13). The beginning salary of the chief probation officer varied from $2,400 to over $18,000 (median, $8,001–$9,000); staff supervisor, from $3,000 to $13,000 (median $7,001–$8,000); probation officer, from less than $1,500 to $10,000 (median, $5,001–$6,000).

Table 13.—Beginning Salaries in Adult Probation, by Percentage

	Chief probation officer	Staff supervisor	Probation officer
Under $1,500			.5
$1,500 to $2,400			.5
$2,401 to $3,000	.6		.5
$3,001 to $4,000	.6	.7	.5
$4,001 to $5,000	1.9	.7	11.2
$5,001 to $6,000	6.2	2.2	50.9
$6,001 to $7,000	8.6	37.4	26.6
$7,001 to $8,000	19.8	32.8	7.0
$8,001 to $9,000	17.2	15.7	1.4
$9,001 to $10,000	6.8	6.0	.9
$10,001 to $11,000	6.8		
$11,001 to $12,000	7.4		
$12,001 to $13,000	1.9	4.5	
$13,001 to $14,000	3.7		
$14,001 to $15,000	10.5		
$15,001 to $16,000	1.2		
$16,001 to $17,000	1.9		
$17,001 to $18,000	.6		
Over $18,000	4.3		
Total	100.0	100.0	100.0

5. *Number of Probation Officers*

The total number of officers in the United States who are working with adult probationers is 3,518; if adjusted to the equivalent of officers working full time with adult probationers only, the number would be 2,273. On this basis, the number of officers in a State ranges from 2 (a ratio of 0.12 officer per 100,000 population in that State) to 922 (a ratio of 8.55 officers per 100,000 population in that State). Nationally, the average number of officers per 100,000 population is 1.17. Table 14 shows the number of officers per 100,000 population; table 15 shows the number of States according to the number of officers they have.

Table 14.—Number of Pro-rated Adult Probation Officers Per 100,000 Population

Number of States	Number per 100,000 population	Number of States	Number per 100,000 population
1	5 plus.	21	1 plus.
2	4 plus.	16	Under 1.
1	3 plus.	National average	1.17.
10	2 plus.		

Table 15.—Number of States According to Number of Prorated Adult Probation Officers

Number of officers	Number of States	Number of officers	Number of States
Under 5	6	51 to 100	12
5 to 15	9	101 to 155	5
16 to 25	6	400+	1
26 to 50	11	900+	1

Most of the highest staff ratios are found in the States along the Atlantic coast; the lowest are mainly in the North Central and South Central States. Higher population density tends to be associated with a larger number of probation officers in proportion to the population. States with a county organization structure are predominately also the more densely populated. Thus, this structure may seem to be casually related to the higher ratio, but closer inspection points to population density, and the characteristics associated with it, as the more significant factor.

G. COST OF PROBATION

The total national operating cost of adult probation (exclusive of capital outlay), in the most recent annual period for which data are available, was $31,507,204. Nationally, over 12 times this amount is spent on State correctional institutions.[11] In many States, expenditures for probation services are probably less than 2 percent of the total State costs of the administration of criminal justice.[12]

Although some jurisdictions are using probation for as much as 70 percent of their felony convictions, nationwide its potential has hardly been tapped. The national standards provide that a presentence investigation study should be made in every felony case. In some jurisdictions, this is done; in others, it is done infrequently; in several, it is not done at all. In one jurisdiction, for example, for the 4,500 persons received on probation, 2,100 presentence investigations had been made; in a second, the comparable figures were 4,000 and 200; in a third, 950 and 0.

If probation services are to be adequately staffed to meet caseload standards in light of current sentencing practices of the courts, the equivalent of 6,475 probation officers will be needed instead of the present 2,273, or an

[11] See ch. 10 infra, table 25.

[12] The distribution of expenditures in New York is probably reasonably representative of a number of other States. For New York in the fiscal year 1961–62, it was as follows: police, 70 percent; institutions, 20 percent; judiciary, 4 percent; prosecution, 2 percent; probation, 2 percent; parole, 1 percent; other, 1 percent. ("Local and State Government Expenditures for the Administration of Justice in New York State," executive chamber, Albany, N.Y., March 1965.)

increase of 184 percent. (This does not include supervisors or administrative personnel.)

Of this total, 1,866 probation officers would be needed to prepare presentence studies for 79,746 felons committed to institutions and 144,199 offenders placed on probation. Another 4,609 would be needed to supervise the current probation caseload of around 230,000 probationers if present caseload standards for supervision are met. However, experimentation with lower caseloads indicates that more positive results can be obtained with an even larger number of personnel.[13]

In a consideration of costs, the presentence investigation should be viewed as a separate item since it is needed by the court to determine disposition. The cost of probation supervision compared with the cost of institutional care can then be seen more clearly. Although this is difficult to analyze because of the general crudeness of cost accounting data, the above analysis of staff by function to meet standards means that 72 percent of total stafftime—and, therefore, about 72 percent of the cost of probation—could be applied to the function of supervision. Naturally, this cost percentage would increase if the percentage of persons placed on probation were to increase.

If the present estimated $31,507,204 cost of probation were increased to around $89 million (+184 percent) to meet current standards, then the cost for investigation would be about $25 million a year and the annual cost for supervision would be about $64 million. At current low salary levels, the annual cost per case for supervision of the 230,468 probationers would be about $280 per year, which is about one-seventh of the per-inmate cost of about $2,000 a year.[14] If salaries of probation personnel and other costs were increased by 50 percent, the average saving as a result of placing an offender on probation instead of committing him to a State institution would be about $1,500 a year. An increase of only 10 percent in the use of probation would save over $12 million a year.

The population increase means more convictions and, unless the commitment rate is sharply reduced, vastly greater expenditures for prison construction. The way to reduce that rate is to increase the effective use of probation. Economy demands it.

H. BARRIERS

Probation administrators of the 250 sample counties were asked to specify what they thought were the major barriers to the operation of probation. Their answers are listed in table 16, by order of frequency. Those included in the category of "Other" have a broad range—for example: Lack of clerical staff, space, and facilities; little or no psychiatric or psychological services; absence of community services and resources; inadequate funding of programs; politics; and turnover of staff. The major barriers related to funding are high caseloads, inadequate staff positions, low salaries, lack of training programs, inability to compete for staff, etc. Related to these also is the manpower shortage felt throughout correction, expressed by the frequently cited difficulty in training staff or in obtaining trained staff. Actually, these barriers express the aspirations of the administrators. They are asking for financial support of the probation program, to increase the number of staff positions in order to reduce workloads to reasonable proportions; for salaries that will attract and retain trained or trainable people and reduce turnover; for training programs; for supervised group homes, clinical services, and small caseloads for intensive supervision; and for supporting clerical staff services. The many responses noting need for proper office space suggest that in many counties the probation service still operates in "the courthouse basement." A few counties still feel the need to remove the selection of probation officers from politics and to get staff other than the county sheriffs.

Table 16.—Barriers to Probation

Type of barrier	Frequency percentage	Type of barrier	Frequency percentage
Insufficient staff	49.1	Lack of presentence investigation	1.8
Inadequate financing	16.6	Punitive attitude of court	1.5
Inadequate staff training	9.2	Other	15.9
Lack of leadership	3.7		
Judicial practice	2.2	Total	100.0

I. IMAGINATIVE PROGRAMS

Since the paramount feature of probation is that it operates in the community, a major concern is the use it makes of this setting for correctional purposes. Traditionally, we have been "supervising" the probationer. This is the general concept of the service and this is the general picture today. We have had one model for supervision—the casework approach. But some new models are emerging, although they are being adapted to adult probation very slowly. A few agencies are employing group methods. A few have specialized intensive counseling units, especially for alcoholics and drug addicts, and one has a residential treatment center for drug addicts. Several cite programs, such as vocational guidance, employment seminars, job preparation, and job placement, to increase the employment chances of probationers. Nine of the survey counties investigate the potential of defendants for release on recognizance in lieu of detention or bail while awaiting hearing (see table 17).

Table 17.—Imaginative or Unusual Programs for Adult Probationers

Method	Frequency percentage	Method	Frequency percentage
Special program for alcoholics	22	Bail screening	8
Special program for narcotic addicts	22	Halfway house	1
Group counseling	20	Other	17
Specialized caseloads	10	Total	100

By and large, however, the survey does not disclose many new imaginative programs. Only 27 percent of the agencies in the sample were able to list such programs.

[13] Heman G. Stark, "A Substitute for Institutionalization of Serious Delinquents—A California Youth Authority Experiment," Crime and Delinquency, July 1963, pp. 242-248; "Community Treatment Project," Research Report No. 5 (Sacramento: California Youth Authority, February 1964).

[14] See ch. 8, infra.