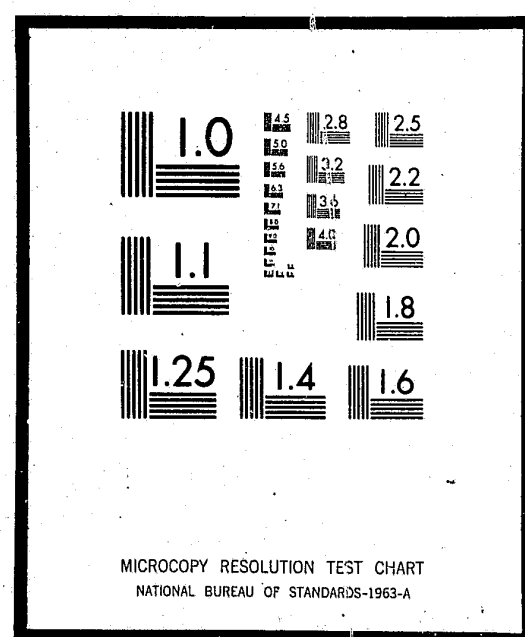


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## VOCATIONAL REHABILITATION OF THE DISABLED PUBLIC OFFENDER. A GUIDE FOR THE REHABILITATION PRACTITIONER

William R. Phelps

West Virginia Division of Vocational  
Rehabilitation  
Charleston, West Virginia

1 April 1974

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VOCATIONAL REHABILITATION OF THE  
DISABLED PUBLIC OFFENDER

April 1974

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VOCATIONAL REHABILITATION OF THE  
DISABLED PUBLIC OFFENDER

I. INTRODUCTION

Vocational Rehabilitation Agencies are providing increased services to public offenders as a result of the passage of Public Law 89-333. This represents a new challenge to Vocational Rehabilitation as these individuals have received only limited services in the past. Since agencies have had little experience in providing services to public offenders, it seems desirable to provide guidelines to staff so they can have a better understanding of this very difficult group of vocational rehabilitation clients. In the future, vocational rehabilitation counselors will be receiving referrals of public offenders from local parole and probation offices, from state correctional institutions and a few from federal correctional institutions and agencies. A counselor can expect to have a certain number of offenders in his caseload and should have a better understanding of the nature of this particular rehabilitation problem together with some very general suggestions as to how he might best deal with these problems.

The information contained in these guidelines has been gleaned from the experiences of many state vocational rehabilitation agencies in providing services to public offenders. It was obtained by reviewing a number of research project reports and a perusal of some selected literature. Also a fair amount of useful information was obtained from the notes taken at several conferences and meetings dealing with correctional rehabilitation programs. It should be emphasized that these ideas and suggestions do not represent the final word in correctional rehabilitation. Any given suggestion might work well with some individuals and poorly with others. It is hoped that as agencies gain experience in rehabilitating public offenders we will be able to refine and extend these guidelines. This process of refinement and extension will be

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greatly aided if counselors serving public offenders will make mental and perhaps written notes of their experiences in providing services to this group. This sharing of experiences probably will be the most valuable source for future guidelines. Increasingly sophisticated research projects are being developed in this field and as these projects yield results, views and practices to accommodate new knowledges will be required. Therefore, no one should consider these suggestions as final answers but simply as starting points.

## II. THE "VALUES" PROBLEM

The most profound difference the vocational rehabilitation counselor will encounter in working with public offenders is the social values associated with criminal behavior. Physically, mentally or emotionally handicapped persons generate in most of us feelings of sympathy and compassion. They are considered unfortunate yet worthy and we find little difficulty in empathizing with them in their tribulations. The disabled person is felt to be a victim of circumstances over which he had little or no control. As such the counselor feels no hesitation in extending both his personality and the resources of the agency to help the individual solve his vocational problems. "There but for the grace of God, go I" is an often used cliché that expresses rather clearly the value orientation towards disabled persons.

The situation is quite different with respect to public offenders. Society's attitude towards offenders has been, is, and for some time will continue to be one of judging the offender's behavior as morally bad, socially damaging and of such consequence as to engender fear. The offender is looked upon not as an unfortunate person but as a morally evil one who, as a result of his own willful acts, has created complex problems for himself and society. With this value orientation present in society, it may be difficult for counselors to feel much compassion or even much empathy for offenders. Counselors, too, could easily view the offender as a morally bad person, one who is to be feared and one

who is not worthy of his help. To be effective with the offenders, the counselor will need to acquire a new perspective.

The history of society's attempts to deal with offenders reflects this value orientation, in that retribution is extracted and punishment is used to deter future wrongdoing. Only recently has the field of corrections been encouraged to approach the offender in a rehabilitative spirit. Currently corrections' philosophy holds that the offenders' behavior must be changed to conform to the values of society. Correctional workers and settings are seen as agents of change, aiding the offender in modifying and adapting his behavior. It is obvious that if the counselor is to contribute his skills in modifying vocationally related behavior he must recognize his values toward offenders and attempt to control and channel them constructively. He will need to be aware that the offender may be more difficult to "feel with"--more difficult to accept. He needs also to recognize that he can't be of much help to a person he fears or actively dislikes. More knowledge of this population will help in enabling the counselor to work effectively with the offender...but so will a good deal of self-discipline.

It should not be implied that while the counselor will need to develop acceptance for individual offenders he must condone or pardon specific anti-social acts on the part of his client. To do so would be to merely reinforce inappropriate and maladaptive behavior and would be of no service to the offender. Perhaps what is most needed is an open, non-judgemental view of each individual with recognition of the factors that contribute to the individual's criminal behavior.

If this sounds like a large order, one only need review the history of vocational rehabilitation services to the mentally ill and the mentally retarded to see that the vocational rehabilitation counselor has risen to unusual challenges in the past. There's every reason to believe that he will rise to this

new challenge every bit as well.

### III. SOME CHARACTERISTICS OF DISABLED OFFENDERS

Below you will find summarized some characteristics of offenders. It should be remembered that the summary is quite broad and for any individual offender it may prove inaccurate. However, in a general way the following material does represent some of the dimensions of the offender population.

#### A. Socio-Economic - Family Dimensions

The "typical" offender is a rootless, homeless male (more men than women run afoul of the law). He is single, divorced or separated, or if married, likely to have an unstable marriage. He has probably changed his residence recently, as this group is highly mobile. He may very well be a member of a minority group and probably lived a good portion of his life in cultural deprivation. Chances are he is or has been financially dependent either on public welfare or other persons. Socially, he's an isolated person who has few ties with community groups or organizations, or little association with religious organizations. Family ties may be more important to him but tenuous due to his anti-social behavior. While intelligence is relatively normally distributed in the offender population, education is not. Offenders have less education than the general population. Many offenders have little trouble getting employment. Keeping the job and gaining gratification from work is a major problem.

#### B. Psychological Dimensions

The offender tends to be a suspicious, distant person who holds others at arm's length. He may have great difficulty controlling his impulse and usually needs quick and direct gratification of his wants and desires. Often he is an overactive, hypomanic sort

of person who has a great deal of difficulty sitting still, planning ahead, or considering alternatives. Many would describe offenders as "con artists" who will try to get whatever they can from whomever they can. This behavior may be direct and bristling with hostility or smooth, indirect and manipulative. Offenders, especially those entering penal institutions, may be more fearful and anxious than their "bravado" would indicate.

It has been hypothesized that the sociopathic adjustment exhibited by most offenders has part of its roots in the unreliable environment of the offender in his younger days. In many instances the offender experienced very little stability and predictability in other people's reaction to him. Reactions to him may have been so variable and so unpredictable that he learned to expect unreliability, unpredictability and undependability. To control and deal with the anxiety and fear generated by this kind of environment, he learned to strike out in hostility or to manipulate. This concept implies that the counselor should relate to the offender in a stable, dependable, predictable way, if he is going to be effective in helping him change his behavior. The offender must perceive the counselor as one part of his environment that is reliable and worthy of his trust and confidence (e.g., Reality Therapy, William Glasser, M.D.).

#### C. Other Dimensions

Among offenders are found a higher percentage of individuals who have problems with alcoholism, narcotics addiction, and sexual deviance expressed either as homosexuality or sexual aggressiveness. Not all offenders are mentally retarded or mentally ill but the number of retarded or emotionally disturbed individuals is significant. Offenders are vulnerable to the full range of physical

disability although studies reviewed indicated a lesser incidence of physical disability than might have been expected. On the matter of physical disability perhaps one of the most identifiable problems has to do with facial disfigurement. Facial disfigurement can contribute to emotional problems which may in turn be related to the individual's criminal behavior.

In correctional circles there's an interesting concept with respect to the timing of services which holds that the offender is more vulnerable to help from professional persons at certain times and for certain reasons. This theory suggests that the offender is most vulnerable to help shortly after he has been incarcerated. His vulnerability decreases while he is institutionalized and learns to adjust to institutional life and then increases again as his release draws near. This concept has implications for counselors with respect to the point at which vocational rehabilitation services are offered to an individual.

#### IV. IMPLICATIONS FOR THE COUNSELING PROCESS

Given the nature of the population of offenders suggested above, there are some implications which can be drawn in terms of how the vocational rehabilitation counselor might best relate to and counsel with offenders. It should be remembered, however, that counseling is a highly individualized process and these suggestions may prove inappropriate for specific individuals.

There seems to be two not-very distinct "schools" of thought on how best to relate to the offender. The first line of thought holds that it is a waste of time to try to alter the basic personality structure of the offender. This view holds that it is more profitable to modify small segments of vocationally relevant behavior. The best way to do this is to attempt to reinforce acceptable responses of the offender and to extinguish unacceptable vocationally relevant behavior.

The counselor should not concern himself if the basic personality of the offender is not changed as long as he is capable of making an adequate vocational adjustment (Behavior Modification Approach).

The other "school," if it can be called that, holds that the offender must be confronted with his anti-social behavior, and must be motivated to change it. This is done by being genuine and accepting while at the same time focusing on those areas of the offender's behavior that must be changed, helping him recognize the need for change and develop the strength to change. Through frank discussion, the offender is brought to realize that his illicit acts are not working for him and that there are more effective ways of dealing with his environment. Both schools agree that nothing is gained by "moralizing" the offender or attempting to show him the evil of his ways (Reality Therapy Approach).

Of course, these "schools" of counseling are not mutually exclusive. In most instances the vocational rehabilitation counselor will want to use the approach outlined in the first "school," changing to the techniques of the second "school" when appropriate for a given client. One counselor serving offenders suggests that the approach outlined for the first "school" is most suitable for the vocational rehabilitation counselor to use, while the approach outlined for the second "school" most appropriate for the cooperating parole or probation agent to follow.

Referring to Section III, we may imply that since the offender's behavior was, in part, caused by an unreliable, unpredictable environment, it is most important that the counselor epitomize dependability, reliability, and stability. This means the counselor must make good on any and all commitments to offender clients and should correspondingly use threats only when he can and will follow through on them. In the same vein it would seem best for the counselor to relate to the offender in a direct, straightforward implacably honest, rather blunt fashion, setting limits constructively. Since the offender may be quite suspicious and

doubting he might not believe what the counselor says. Several project counselors have been astonished by the fact that offenders do not believe what they say even in the most innocuous situations. This can be a frustrating and irritating experience for counselors and one that can be overcome only with reliable performance and patience. The counselor's interest in the offender and his vocational problems must be genuine as it will frequently be tested. By the same token, over involvement in the personal and nonvocational affairs of the offender would impair the counselor's effectiveness as a vocational advisor and expert.

Counselors should understand that this particular population will probably not be among the most cooperative, friendly, cheerful and pleasant groups to work with. He should get used to having the clients coerced, cajoled or in other ways propelled to his office for vocational rehabilitation services. In fact, one study indicated that those offenders who volunteered or actively sought vocational rehabilitation services showed less potential for ultimate rehabilitation than those selected on the basis of other criteria. Counselors may also expect a fair number of dropouts from training or other rehabilitation programs. They may also find a distressing number of "no-shows" for office appointments as this group probably does not respond well to letters asking them to come to the counselor's office for a chat. A counselor may find it necessary to pursue this type of client to greater lengths than with other clients. Of course this "reaching out" to the offender can't go on indefinitely. One project suggests that the counselor actively attempt to offer services to the potential client for six months. If the individual is still unwilling or incapable of availing himself of the service, the case is then closed. This might serve as a useful guideline. In any event the offender will require a great deal of counselor time.

Another difficulty the counselor may encounter is resistance on the part of some training agencies and perhaps rehabilitation agencies to serving this group of clients. Counselors should do whatever they can to overcome any resistance

of this sort and of course the administrative office will lend whatever assistance they can. In planning specific services for offenders it is desirable to structure the program so that the offender knows clearly what is expected of him and what the consequences are of his failure to live up to these expectations. A well-structured training or service program is desirable as is a highly-structured living situation. Unfortunately there are only very limited resources for structured living. More are in the process of being developed. More frequent supervision of clients in training is desirable.

No doubt it would be helpful to counselors to have available a neat tested set of criteria for selecting offenders referred to them for vocational rehabilitation services. Unfortunately, no such tried and true criteria exists. Common sense might tell us that offenders with fewer serious offenses might be better rehabilitation risks. We might also assume that the offender who is not retarded, not emotionally ill and who is physically whole, would offer better potential. We might also assume that the younger offender would have a better rehabilitation potential. The only problem is that one study indicated that the older (age 35 or so) offender fared somewhat better in rehabilitation than did the youthful offender (age 18 to 22). So it is with several characteristics that might be used as criteria. Common sense might have suggested that the person who volunteered for vocational rehabilitation services would offer better potential. Yet, as was mentioned previously, just the opposite was found in one project. These examples should serve to caution any counselor against an uncritical acceptance of untested criteria for case selection. No doubt, the research being presently conducted will yield useful criteria in the future. In the meantime it is best to consider each individual referral on its merits, making the best judgement possible with the information available.

Perhaps the most unfortunate thing a counselor could do in working with this group is to fail to recognize the nature of the population with which he is dealing.



An attitude of "Pollyanna-like naivete" would lead to certain frustration for the counselor and probable failure for the offender client. The counselor should recognize that many of the offenders will attempt to "con" the counselor and the agency out of everything they can. He should also recognize that with knowledge and discipline he can bring about the rehabilitation of the offender. To do so, however, he must approach the task with his mind and his eyes open.

#### V. VOCATIONAL REHABILITATION SERVICES - SPECIAL PROBLEMS

In dealing with a different group of clientele we probably will find a need for new services in addition to those provided other handicapped persons. It will behoove us to seek creative solutions to the problems presented by this group and to obtain the services which the offender needs to complete his vocational rehabilitation. Some of the special services mentioned below may be purchased directly by the agency, others may need to be obtained from other resources. In any event, the counselor should be aware of the possible need for the services mentioned:

##### A. Medical Evaluation

In view of the fact that many offenders are not physically handicapped, there may be a temptation to gloss over the need for comprehensive medical evaluation. To do so would be a serious mistake. Careful medical evaluations are as important with this group as with any other. Small, perhaps easily overlooked, matters (e.g. - glasses, dentures) may have large consequences in terms of vocational rehabilitation outcomes. Certain types of physical problems may assume greater proportions among this population than among others. For instance, facial disfigurement or severe problems with dentition may contribute to the offender's vocational adjustment problems. Some authorities have urged careful psycho-

logical evaluation to detect possible brain damage.

##### B. Marriage Counselor

The offender frequently has family problems of major proportion. There may be occasions when it is important to obtain marriage counseling to help overcome these problems.

##### C. Group Counseling

Several studies have shown the value of group vocational counseling sessions in shaping vocationally related behavior. The use of group techniques with offenders has been tried in a number of places and has proven helpful. Experimentation with this technique may prove desirable.

##### D. Legal Aid

One area in which all projects indicate a problem is the matter of legal aid for offenders. Some counselors have found it necessary for the completion of a vocational rehabilitation plan to purchase legal aid for their clients. This problem is particularly serious in the matter of civil actions. However, at the present time there is only very limited help available for civil suits through legal aid societies and Office of Economic Opportunity programs.

##### E. Financial Counseling

The offender may have numerous problems with respect to the management of money and his financial affairs. He may need guidance in going through the various options of bankruptcy as well as handling garnishments. He may need financial counseling from a professional source.

##### F. Maintenance and Transportation

The counselor may very well find that since the offender



is frequently a homeless, highly mobile person, he will have a greater need for maintenance and transportation from our agency while receiving other rehabilitation services.

G. Treatment for Alcoholism and Narcotics Addiction

In view of the frequency of problems with alcoholism and narcotics addiction, it may be desirable and indeed absolutely necessary for the counselor to get his client to a treatment resource for alcoholism or drug addiction.

H. Reconstruction Plastic Surgery

One of the more expensive services that may prove desirable for a few offenders is that of reconstructive plastic surgery. A research project in New York is testing the hypothesis that reconstructive plastic surgery for severe facial disfigurement will materially contribute to the rehabilitation of offenders.

I. Sheltered Workshop Services

Sheltered Workshop services have not been used for offenders very often. This would seem to be a fruitful area of service to explore. Counselors could enlist the cooperation of a sheltered workshop in providing personal adjustment training to selected offenders. It could prove valuable to find out how the patterns of service of a sheltered workshop might be utilized or modified to accommodate this group.

No doubt many other services will be identified as necessary and desirable to vocationally rehabilitate offenders. We must assume a flexible and creative position with respect to providing or acquiring these services for the offender. Certainly the counselor should make known to their supervisors any needs they see with respect to special services for offenders.

VI. THE CORRECTIONS SETTING

Corrections, like rehabilitation, denotes a setting and a process rather than an occupation or profession. Again, like rehabilitation, corrections is a setting where a number of different professional and occupational groups meld their skills and knowledges to accomplish a goal...to return the offender to society as a law-abiding citizen. This major goal of corrections should be emphasized...to reduce recidivism. In so highlighting the major goal of corrections, it should be clear to counselors that their role is to provide vocational services designed to enable the offender to become vocationally rehabilitated thus contributing to the corrections goal of reducing recidivism.

Social work is the principle and most prominent professional work in corrections as rehabilitation counseling is the prominent profession in vocational rehabilitation. Unlike rehabilitation, the object of the process--the offender--has no choice in undergoing the process of corrections. The full force of society's sanctions require his participation. In rehabilitation, on the other hand, voluntary participation by the client has been considered the sine quo non of the process. Reconciling these divergent philosophies in practice will be no simple matter.

The corrections process and settings is guided comprehensively by law and legal process as would be expected. Their scope of operation is more clearly defined and delimited than that of rehabilitation. The vocational rehabilitation counselor should develop a healthy respect for the legal structure within which the corrections process is carried on. Necessarily, legal requirements must take absolute priority in terms of rehabilitation planning. We should also remember that the relationship of the parole and probation worker to the offender is quite different and much more pervasive than that of the rehabilitation counselor. The role of the parole or probation worker is in part legally defined and he has certain legal responsibilities towards the offender which must be recognized and accounted for in rehabilitation planning. This implies that the rehabilitation counselor will

need to work very closely with the parole or probation worker and develop the capacity to communicate rehabilitation concepts to them. The parole or probation agent's cooperation and assistance will be essential in rehabilitation planning. We should remember, though, that their work loads are as large and difficult as those of vocational rehabilitation counselors.

In the corrections setting, issues of authority, treatment, and control are of great importance. Authority and its effective use is a necessary component of the corrections process. Correctional workers are constantly attempting to develop ways of using authority more effectively and the vocational rehabilitation counselor would do well to be sensitive to the dialogue in correctional circles with respect to the use of authority.

The issues of authority and control are perhaps most clearly brought to bear in what is considered in correctional circles to be the hiatus between the concepts of custody and treatment. A discussion with corrections workers will reveal that there is not universal agreement on whether the major goal of incarceration in a penal institution should be to "treat" the offender or to keep him securely in "custody" away from society. The balance struck in any given institution, state or agency, is the result of many pressures brought to bear on the correctional administrators. Probably the balance between treatment and custody changes with time and events. We should recognize the changes in philosophy taking place in the corrections field and accommodate to a situation as it currently exists.

Another interesting difference between corrections and rehabilitation is their respective theoretical tap roots. Vocational rehabilitation on the one hand has as its major source of concepts and operating models the fields of psychology, education and medicine. The field of corrections, on the other hand, has received much of its theoretical base from the fields of social work, law and sociology. This difference in basic background need not be

blown out of proportions but it would be a serious mistake to assume that these differences are insignificant. In working with parole or probation workers and others in correction, the counselor should remember that the words and concepts considered clear and understandable in the rehabilitation setting may not be understood the same way in the corrections setting. For instance, workers in corrections have used the word "rehabilitation" for a good many years, yet we all realize that vocational rehabilitation and correctional workers do not mean the same thing by this term.

As was the case when vocational rehabilitation services were extended to patients in institutions for the mentally ill and retarded, counselors working in correctional institutions should remember that working in someone else's house requires humility and tact. All counselors should recognize that correctional workers are the real "experts" in this area and they will have a great deal of knowledge and insight to share with the counselor.

#### VII. SUMMARY

This new population will present many challenges and difficulties to the vocational rehabilitation counselor. We can meet these challenges as we have in the past. On the basis of the experience of a number of projects we may anticipate a 40 to 50 percent rehabilitation rate of those cases accepted for services. We may anticipate a high average cost per rehabilitant (some cases will be very inexpensive, some very costly) and we may anticipate a high amount of counselor time required in working with these individuals.

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Vocational Witness - Social Security Administration (Bureau of Hearings and Appeals)

Psychological Consultant, Nicholas County Mental Health Center, Summersville, West  
Virginia. 1970 -

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**PROFESSIONAL ORGANIZATIONS:**

American Psychological Association - APA  
West Virginia Psychological Association  
American Personnel and Guidance Association - APGA  
National Rehabilitation Counseling Association - NRA  
American Rehabilitation Counseling Association - APCA  
West Virginia Welfare Conference, Inc.  
American Association on Mental Deficiency - AAMD  
National Association for Retarded Children  
West Virginia Rehabilitation Association (Board of Directors)  
West Virginia Mental Health Association, Inc.  
West Virginia Association for Retarded Children, Inc.  
West Virginia Guidance Association  
International Association of Rehabilitation Facilities, Inc. (IARF)

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## 18

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Appointments held: Social Caseworker, Putnam County Department of Welfare, W. Va., 1951-55; High School Instructor, Putnam County Board of Education, Poca High School, 1955; Rehabilitation Counselor, Division of Vocational Rehabilitation, 1955-59; State Psychologist, Feb. 1959-61; Assistant Administrator, West Virginia Rehabilitation Center, 1961-62; Project Director, Feb. 1962-65; Assistant Administrator, 1965-66; Administrator, 1966-68; Program Director, National Council on Training Center, Charleston, W. Va., 1968-; Lecturer, Mental Retardation Training Institute, Durham, N.C.; Vocational Welfare, Social Security Administration, Bureau of Medicine and Mental Retardation, Bureau of Medicine and Mental Retardation, Bureau of Medicine and Mental Retardation.

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