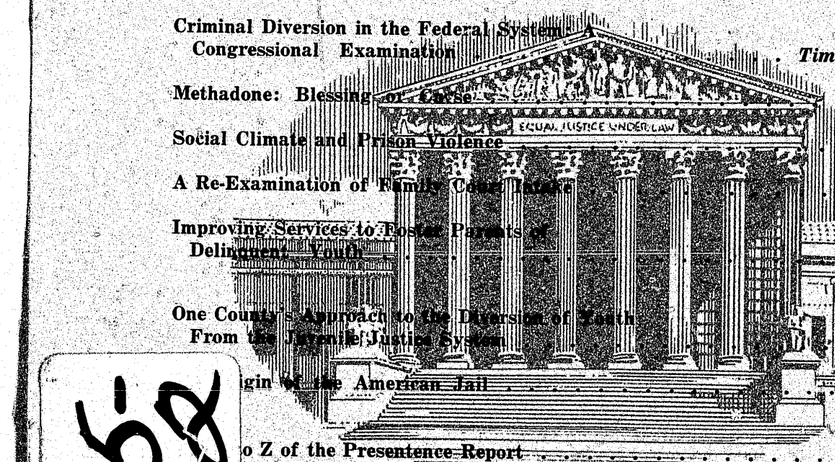
Federal Probation



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This Issue in Brief

The Future of Parole—In Rebuttal of S.1437.—While S.1437 appears to deal with the problems of uncertainty and disparity in criminal sentences, it actually would cause more harm than good, asserts Cecil C. McCall, chairman of the U.S. Parole Commission. Disparity would increase with the elimination of the parole release function and judicial discretion would be needlessly restricted, he adds. Congress should preserve the gains made in the 1976 Parole Reorganization Act, and retain the Parole Commission in its present role as the term-setter for prison sentences of more than 1 year, he concludes.

Criminal Diversion in the Federal System: A Congressional Examination.—Timothy Kevin McPike, deputy counsel to the Senate Subcommittee on Improvements in Judicial Machinery, examines the history of Federal involvement with the pretrial diversion concept, including a chronology, a brief description of the contents of past legislative attempts, and an indepth examination of the current legislative proposal. The hearings held by the Senate and the position taken by the Subcommittee are thoroughly discussed as they reflect the trend in current thinking on several important issues in the pretrial diversion area.

Methadone: Blessing or Curse.—The use of methadone in the detoxification and maintenance of narcotic addiction has been accepted as a viable treatment method. However, diversion and abuse of methadone are becoming serious problems. This article by Dr. George Gubar does not advocate one position or the other concerning the long-standing controversy about the use of methadone. Rather, there is an attempt to describe the historical background of methadone, its diversion, and some suggestions as to possible approaches to reduce its abuse.

Social Climate and Prison Violence.—Some explanations of prison violence center on the personal motives of chronically disruptive inmates, and assume that such persons are violence-prone in all sorts of settings, asserts author Hans Toch. Other explanations have centered on prison conditions, but have over-generalized prison impact, or (more frequently) they have highlighted deterrent features, such as security measures. This article examines and illustrates ways in which prison subenvironments may contribute to the

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Social Climate and Prison Violence

BY HANS TOCH, PH.D.

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THERE are two favored perspectives relating to prison violence. One—which appeals to would-be prognosticators (and to some wardens)—centers on *violent inmates*. This view has it that some inmates are consistently violent persons, who happen to be explosive in prison, but are likely to act out in almost any setting. A second portraiture conceives of inmate violence as at least partly a *prison product*. The most extreme version of this view is that of abolitionist critics who see prison aggression as a natural (and presumably, legitimate) reaction to the frustration of being locked up. Other critics also argue that prison incidents denote lax security, and thus suggest negligence. This view is to some extent shared by prison administrators, who think of controlling violence through perimeter architecture, ingenious hardware and deployment of custodial personnel. This context-centered view is a *negative* one, because it seeks to prevent violence by reducing the opportunities for aggression, rather than by trying to affect the motives and dispositions of violence participants.

In this article, I shall argue for a different context-centered view of prison violence which may offer more positive programming options than those that are conventionally envisaged. The view is also one that may have implications for research and policy.

The Advent of the Contextual View

In the mid-sixties, the inmate-centered tradition was at its peak, and unusual prison incidents were viewed as correlates of offender background characteristics (MMPI profiles, prior criminality, etc.) with an eye toward locating high-risk offender groups.

Among exceptions to this trend was a subgroup of The California Task Force to Study Violence in Prisons. In studying inmate aggression, this group partly focussed on the victimization *incident*, highlighting the immediate motives of inmate participants (aggressors and victims) that went into producing each incident (Mueller, Toch, and Molof, 1965). This sort of analysis illuminated (among other things) the contribution of extortion, homosexual relationships and pressures, debts, stealing, and routine prison disputes to the genesis of violent prison encounters in the mid-sixties.

This focus made possible a new approach to the motivational patterns of chronic, recurrent aggressors (in prison and outside prison), which dealt with trends in the way violent incidents arose for the same individual (Toch, 1969). This approach involved seeing violence-precipitation as an intersection between violence-prone personal dispositions and the situational stimuli that in-

voked these dispositions. In this view, a prison incident could result, for instance, given a perceived affront to an inmate who is oversensitive to such affronts, or from the availability of a tempting target to an inmate who is a habitual bully.

There are probably several ways of defining violence-relevant contextual stimuli such as the examples (peer challenges or vulnerable victims) we mentioned. One appealing term is "social climate" (Moos, 1974; Toch, 1977), because the concept of "climate" includes the inmate himself. In prison, the concern would be with each inmate's immediate world (staff, other inmates, physical setting) as the inmate experiences it and reacts to it. The presumption is that any prison setting in which inmates spend a significant portion of time (tiers, shops, classrooms, etc.) has behavior-relevant attributes that stand out for individual inmates. A shop, for instance, may feature a paternalistic foreman, relaxed (or firm) supervision, a group of street-raised youths (or lifers), high (or low) levels of noise, a playful (or businesslike) regime. Such factors may be more salient for most inmates than the fact that the shop teaches the plumbing trade, though this learning opportunity is another climate attribute that will be significant to inmates. Three fairly obvious points are of theoretical and practical concern: (1) any social climate feature may be critical in the life of one inmate and irrelevant to another; (2) the same feature may be welcomed by some and noxious to others, and (3) positive and negative reactions to features of climate helps motivate inmate behavior, including participation in violent incidents.

How do climate features enter into the genesis of violence? Consider the following examples, some of which are more complex than others:

(1) A farm setting in a youth prison is an informal haven for "problem" inmates because of its low level of supervision, which reduces the level of resentment and rebellious behavior; inmates who have been aggressors before arriving on this farm become relatively well-behaved; however, (a) an inexperienced rural inmate is assigned to the farm; he promptly becomes the target of homosexual pressure; (b) the victim evolves a panic reaction to the setting and the other inmates; in an effort at self-protection he assaults one of his tormentors.

(2) A recreation room is popular on a tier because it offers opportunities for playful socializing; (a) recreational preferences develop into conflicts between two inmates, which produces a fight. (b) The incident-participants are members of ethnic cliques, which become polarized and divide the recreation room into turfs; incidents arise as a result of jurisdictional disputes, and in retaliation for prior incidents.

(3) A prison is tightly supervised, except for certain areas in which an acknowledged need for privacy, or constant comings and goings, produce custodial lacuna; the places-and-times of low supervision acquire standard connotations; for instance: (a) the yard shower room is avoided by many inmates because it is frequented by sexual aggressors; a new inmate may wander into such an area unaware, and become an incident-victim; (b) a stairway used for movement from a tier to breakfast is comparatively unsupervised; it comes a "gladiating arena" in which aggrieved inmates (some armed with knives) challenge their enemies; (c) in a tier with a tradition of informality, officers open gallery doors on request; the practice is abused by inmates wishing to invade the cells of fellow inmates to victimize them; (d) the inmate picnic becomes a drug-trafficking bazaar, with resulting jurisdictional disputes.

I have included examples in which traditional variables (particularly, the extent of supervision) play a role, but my implication is not that we must have 1984ish prisons in which monitoring is omni-present. For one, custody is logically related to programming, and officers cannot be stationed where they are not otherwise needed, on the off-chance that incidents may occur. Deployment of security measures (whatever the level of security) of necessity must be uneven, leaving times and places of lower-density supervision. My point, in fact, is that neither custody deficits nor other formal arrangements of the environment produce violence. Incidents arise (as they do in the free world) because the relationships that spring up among people in a subsetting misfire or become sequentially destructive. There are chains of these motives, some of which get imported from outside the prison (such as the toughness-proving needs of our farm youths and the ethnic tensions in the recreational room). Personal motives get mobilized by environmental impingements, which press the relevant motivational button. Once a violence motive exists, meanings assigned to features of the environment (such as sex to the shower or gladiating to the stairway) then determine where and when incidents may occur.

Social Climate and Aggressors' Motives

I have implied that to understand incident-motives in violence-proneness means more than to locate prior behavior patterns or consistencies; it also means that we must know the stimuli that invoke the person's motives, the contexts that facilitate or invite them, the group that encourages or applauds them, and the milieu that makes them fashionable or susceptible to rationalization.

We must start with the incident; we ask ourselves how the victimizer arrived at his resolve. Was his goal, profit? Retribution? Loyalty to his group? Wounded self-esteem? Search for reputation? Escape from danger? The temptation of another's vulnerability? Ethnic prejudice? Resentment of authority? Adherence to a "code"?

It is true that we can often infer the inmate's motives from his folder where the information we have about his prior behavior is richer than the data we have about victimization incidents; and it helps us differentiate *chronic* victimizers—whose personal behavior *patterns* must be addressed—from occasional victimizers, whose conduct is more of a product of specific situational forces.

But situational context is *always* of relevance—even with chronicity. A bully merits rehabilitative attention, but what such a person *immediately* needs is to be deprived of access to inmates with victim-attributes. In a setting that is exclusively composed of self-styled "toughs" the predatory inmate's pattern is less likely to be elicited. Similar impact may be achieved by promoting solidarity among victim-prone inmates (because bullies pick on isolates) or by promoting antibully norms among the bully's peers.

Violence-Promotion by Climate Features

Our point about situational context is not that the context *produces* the incident but that it *increases* or *reduces* the *probability* of incident-occurrence. If our view holds, it follows that *incident-prevalence can be increased or decreased through contextual interventions,* even though incident motives are personal and may be symptomatic of personality traits. Contextual facilitation of violence in prison occurs in several ways, some of the more obvious being:

(1) *By Providing "Pay Offs":* We can reinforce the motives of aggressors by conferring status or other types of rewards for violent behavior. In some cases the rewards are obvious, as when the aggressor secures peer-admiration. Elsewhere there are more "hidden" reward systems, as when "punishment" consists of sending a predator to a status-conferring segregation setting.

(2) *By Providing Immunity or Protection:* Violence in prison benefits from the same "code of silence" that is highlighted by Westely (1970) for police violence; however the significance of the protective code in prison is compounded by inmate-staff social distance, by taboos against "ratting," by fear of retaliation, etc. Legalistic solutions to the victimization problem are encumbered by difficulties in securing reliable evidence, such as witnesses and victim-complainants. Prisons share this difficulty with other "subcultural" settings, such as those of organized crime.

(3) *By Providing Opportunities:* The prison world features predictability and routine, such as in physical movement, custodial supervision patterns, and types of staff reactions. The inmate aggressor is in the same position as the residential burglar who knows home-owner vacation patterns, and can plan time-and-locus of his victimization incidents. (Predictability, paradoxically, cuts both ways; by studying incident-concentrations, we can readjust supervision patterns; staff readjustments can produce short-term amelioration, but must result in new incident clusters over time.)

(4) *By Providing Temptations, Challenges and Provocations:* Climate features may unwittingly or unavoidably contain stimuli that spark victimization, as does the "red flag" that mobilizes the bull. Prison juxtaposes "strong" and "weak" inmates, members of rival gangs, dealers and consumers of contraband, homosexual rivals, debtors and creditors, racketeers and "marks." Such stimuli are often "built into" population mixes, or into personal characteristics of inmates; others are "taken up" as optional roles. For instance, there are gangs that spring up in prison, in reaction to other indigenous inmate groupings—such as among Mexican-American inmates in California. Prison gangs may engage in mutual retaliatory exercises in which each serves as the occasion for the other's violence.

(5) *By Providing Justificatory Premises:* Most inmates have more-or-less serious reservations about other inmates (Toch, 1977 a). The norm "never interfere with a (fellow) con" (Clemmer, 1958) includes a restricted range of select peers. Other fellow inmates may be (1) viewed as natural enemies or as personally contemptible; or (2) "dehumanized" to make them "fair game"

for violence-prone exploitation. If these considerations hold, controlling population mixes separates or combines potential aggressors, victims and violent contenders.

Research and Program Implications

Prison outsiders have a penchant for outlandish recommendations. Worse still, they often ship coal (old ideas) to Newcastle. Some of my points will be familiar to prison staff; some suggest formalizing what is done, and affirming its value:

(1) *Understanding violence "hot spots" and low-violence subenvironments:* Measures such as disciplining aggressors require little information about the causation of violence because the issue is culpability. Furthermore, incident participants are reticent in such inquiries, except for arguments-in-mitigation of their involvement. A corollary is that control and prevention of institutional violence cannot depend on information secured through factfinding that occurs in disciplinary contexts.

I am not suggesting that formal research must be deployed in relation to violence, but that inquiries into the reasons for "cold" violent incidents (those no longer being processed) be undertaken. One form of such inquiry that strikes me as useful relates to settings in which violent incidents are generated, or where violence is scarce. (Parallel investigation can trace the institutional careers of violent inmates for "high points" and "low points" in their profiles.) Staff and inmates in violent subsettings—including incident participants—should be interviewed for clues about the high or low level of violence in their settings. Given everyone's stake in minimizing trouble, there is incentive for problem-centered information-sharing which has no disciplinary consequence.

Available statistics about unique subsettings (types of inmates, schedule of activities, levels of interaction, population movements, patterns of supervision) can be collated, and compared to (1) other subsettings, and (2) information about incident participants. Such data are merely *clues* to violence motives, but they serve to check (validate) data from interviews. Moreover, statistics "fed" to inmates and staff help them understand their violence problem.[1] This use is related to:

[1] One use of data feedback relates to fear of violence (secondary victimization), a topic I have not touched upon because it deserves detailed rumination. Fear relates *imperfectly* to violence, and this means that we may be afraid-without-cause, or unafraid where apprehension might well be functional. Information about violence that *does* occur in a setting can be a corrective to irrational apprehension. Similarly, fear can be separately mapped, and such data can be discussed as a direct effort at fear-reduction/or fear alignment.

(2) *Helping inmates and staff in high-violence settings address their own violence problem:* This gambit presumes that solutions that originate with those affected by their implementation are least likely to mobilize resistances. It also assumes that (as mentioned above) subsettings are communities that have a stake in reducing localized danger and disruption. The point holds even for violent individuals. Such persons have elsewhere become successfully engaged in "solving the violence problem" in their settings (Toch, Grant and Galvin, 1975). Staff and inmate groups can be run separately or together, charged with documenting the reasons for violence patterns, and asked to recommend policy changes to neutralize violence patterns. This must obviously be done with the understanding that documented and practical suggestions will be implemented.

(3) *Creating Support Systems for Victims and Potential Victims:* Reactive violence-measures address aggressors; by segregating them, they form prison enclaves (such as segregation wings) in which levels of violence become disporportionately high. Obvious victim-centered strategies also entail problems. They stigmatize inmates (such as in "sissie companies") or may secret prisoners in program voids, such as protective segregation areas. Less drastic options are available through the creation of new settings in which victim-prone inmates are mixed with others, with clear programmatic purposes. Activity-centered inmate groups in high-violence settings can also provide victims with peer support and with respectable staff links.

(4) *Crisis Intervention Teams* are an example of support measures designed to be invoked where the violence problem is still "hot." One use of this strategy is the California deployment of inmate Social Catalysts (Sumner, 1976) who act as liaison and calming influences in gang wars, racial conflict and other group disturbances. Staff interventions can take forms counterpart to police family crisis teams, persons who are trained to defuse violent conflicts and who refer participants (if necessary) for professional assistance. Such teams can range in composition from chaplains to custodial officers or inmates. A less drastic option is to "debrief" violence participants (separately or in confrontation) to prevent lingering disputes from flaring up after the protagonists leave segregation and return to the yard.

(6) *Using Violence-Related Data in Staff Training and Inmate Indoctrination* requires no

technology beyond collation of relevant information. My suggestion is that such data should be as setting-specific as possible. In other words, the information would *not* consist of general "human relations" coursework for staff, or of rule-centered, legalistic lectures to inmates, but of statistics and illustrations which sensitize staff and inmates to situations they are likely to encounter on the tier, on the job, in the classroom and in recreation areas. This means that "canned" curricula should be avoided in favor of updated information about contemporary interpersonal problems, group tensions, etc., and about solutions that have been tried and that have worked. Inmates and staff could also be specifically informed about the parameters of their assignments (informal routines, special population and their habits, etc.) so as to avoid dependence on scuttlebutt or trial and error learning.

None of these strategies will "solve" emerging problems. No matter what any of us do, low-visibility disputes can arise and dedicated predators can find room for predation. The goal is the reduction of violence through the creation of a climate that faces occasions for violence and begins to defuse them. If we accomplish this goal, residual violence will be "person centered," and can be addressed as such.

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