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"Incarceration: Benefits and Drawbacks"

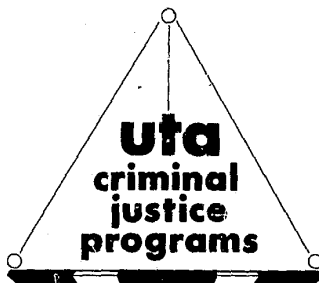
March 14-17, 1977
Arlington, Texas



**NEW DIRECTIONS
FOR CORRECTIONS**
Creative Concepts for Future
Criminal Justice Planning

MICROFICHE

Sponsored by:
**The Institute of Urban Studies
Research and Service Programs Division
University of Texas at Arlington
Arlington, Texas**



Second Annual

Southwestern Conference in Public Justice

**March 14-17, 1977
Arlington, Texas**

**Institute of Urban Studies
Criminal Justice Programs Division
University of Texas at Arlington
Arlington, Texas**

Volume III

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ACQUISITIONS

SECOND ANNUAL SOUTHWESTERN CONFERENCE IN PUBLIC JUSTICE

Conference Convenors

Mary G. Almore, Ph.D.
Gloria Eyres

INCARCERATION: BENEFITS AND DRAWBACKS

Conference Convenors

Isabelle Collora
Douglas W. Denton

Editors

Peter Eck
Georgeanne English

The conference, Incarceration: Benefits and Drawbacks was made possible by the Texas Criminal Justice Division and the Law Enforcement Assistance Administration on grant #DS-77-E01-4307. NEW DIRECTIONS FOR CORRECTIONS is administered by The Institute of Urban Studies, The University of Texas at Arlington. The views expressed by participants in this conference are their own, and should not be ascribed to The University of Texas at Arlington or the Law Enforcement Assistance Administration.

ACKNOWLEDGEMENTS

The two conferences, "Southwestern Conference in Public Justice" and "Incarceration: Benefits and Drawbacks", were presented concurrently by the Institute of Urban Studies, The University of Texas at Arlington. The "Southwestern Conference in Public Justice" is an annual event sponsored by the Criminal Justice Programs Division under the direction of Dr. Mary G. Almore. "Incarceration: Benefits and Drawbacks" was the third in a five conference series funded by the Law Enforcement Assistance Administration, U. S. Department of Justice (77-ED-06-0001) as a part of their citizen initiative against crime programming.

The proceedings are intended to paraphrase the presentations instead of reproducing them word-for-word. We strived to remain faithful to the concepts shared in the sessions and convey the nature of the interaction in the discussion sessions. Some material was inevitably lost in the process of recording, transcribing, and editing, but generally the quality of the reproduction has been excellent.

Gene Witsell had the primary responsibility for making arrangements, securing necessary equipment, and recording the presentations. She and Valerie Zilch handled publicity and registration for both conferences. Mary Almore, Gloria Eyres, Isabelle Collora, and I designed the programs for each conference and coordinated the scheduling of workshops in order to guarantee a program which would be of interest to professionals, practitioners, ex-offenders, and lay public.

Georgeann English and Peter Eck worked on the transcripts, filling the gaps and clarifying the discussion. Barbara Neylon, Project Secretary kept tabs on this process and prepared the manuscript for this publication. I want to express my appreciation to these people and those I was unable to mention.

Douglas W. Denton
Project Director
New Directions For Corrections

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INCARCERATION: BENEFITS AND DRAWBACKS

Institute of Urban Studies
The University of Texas at Arlington
March 14-17, 1977

March 14, 1977

Welcome: Isabelle Collora, Vice President, National Council of Catholic Laity
Address: Jim Kane, Associate Professor of Criminal Justice, University of Nebraska - Omaha
Address: Reverend Barbara Siekman, Chaplain, Dallas County Jail

March 15, 1977

*Joint Plenary Session:

Address: "Criminal Justice: Some Critical Issues"
Dr. Charles Newman, Professor of Criminal Justice,
The University of Texas at Arlington

Panel Presentation:

Moderator: "Citizen Action Programs for Jails"
Isabelle Collora, Vice President, National Council of Catholic Laity
Panelists: Howard Kurtz, Denton County Jail Project, North Texas State University; Richard Halpin, Jail Arts Program, University "Y", Austin, Texas; Chuck Fawns, Educational Services, Dallas County Community College District

Panel Presentation:

"Influences on County Jail Operations"
Moderator: Ron Cunningham, Regional Office, U.S. Bureau of Prisons
Panelists: Dr. Barbara Price, Assistant Professor of Law Enforcement and Corrections, The Pennsylvania State University; Charles Player, Director, Judicial Operations, Dallas County Sheriff's Office; Lon Evans, Sheriff, Tarrant County, Fort Worth, Texas

*Joint Session:

Address: "Corrections: Strategies for Change"
John Wallace, Program Director, National Institute of Corrections, Washington, D.C.

Discussion: "Corrections: A State of the Art"
Charles Campbell, Professor of Sociology, Texas Christian University; Ilana Hadar, Assistant Professor of Criminal Justice, The University of Texas at Arlington

*Keynote: The Honorable John Hill, Attorney General, State of Texas

Workshop: "Release from Incarceration"

Moderator: Paul Mansmann, Texas Board of Pardons & Parole

Panelists: Shari Miller, Administrative Assistant, Fort Worth Ex-Offender Association; Kevin Maguire, Texas Corrections Association; Sam Harris, National Alliance of Businessmen

Discussion: "The Future of Release Strategies"
William Amos, Commissioner, U. S. Board of Parole

Joint Panel Session:

Moderator: "Experiencing Imprisonment"
Lou Gengler, Warden, Federal Correctional Institute, Fort Worth, Texas

Participants: "Effects of Crowding in Prison"
Paul Paulus, Associate Professor of Psychology, The University of Texas at Arlington

"Self-Improvement in Prison"
Bob Heise, F.C.I. - Fort Worth

"Citizen Involvement in Prison Programs"
Ken Holton, Community Programs Administrator, F.C.I. - Fort Worth

"Women in Prisons: Neglected Issues"
Dorothy Dubose, National Organization for Women

March 17, 1977

Institutional Visit:

Federal Correctional Institute - Fort Worth, Texas

- * Joint Session: A presentation sponsored by both the Southwestern Conference in Public Justice and LEAA program, Incarceration: Benefits and Drawbacks.

SOUTHWESTERN CONFERENCE IN PUBLIC JUSTICE

Criminal Justice Division
Institute of Urban Studies
The University of Texas at Arlington
March 15-17, 1977

March 15, 1977

*Joint Plenary Session:

Address: "Criminal Justice: Some Critical Issues"
Dr. Charles Newman, Professor of Criminal Justice,
The University of Texas at Arlington
Address: "The Changing Faces of Law Enforcement"
A. J. Brown, Chief, Fort Worth Police Department, Fort
Worth, Texas

*Joint Session:

Address: "Setting Standards for Jails: Problems & Realities"
James Greenwood, Chairman, Texas Jail Standards Commission
Discussant: Dr. Charles Newman, Professor of Criminal Justice,
The University of Texas at Arlington

March 16, 1977

Workshop: "Computer Assisted Diagnostics in Juvenile Delinquency"
Co-Convenors: William Parsonage, Professor, Law Enforcement and
Corrections, The Pennsylvania State University
Dr. Hugh Urban, Professor, Individual & Family Studies,
The Pennsylvania State University
Dr. Fred Vondracek, Professor, Individual & Family Studies,
The Pennsylvania State University

*Joint Session

Address: "Corrections: Strategies for Change"
John Wallace, Program Director, National Institute of
Corrections, Washington, D.C.
*Keynote: The Honorable John Hill, Attorney General, State of Texas
Address: "Integrated Professionalism: A Model for Controlling Police
Practices"
Dr. Barbara Price, Assistant Professor of Law Enforcement
and Corrections, The Pennsylvania State University

*Joint Panel Session:

"Experiencing Imprisonment"
Moderator: Lou Gengler, Warden, Federal Correctional Institute,
Fort Worth
Participants: "Effects of Crowding in Prisons"
Paul Paulus, Associate Professor of Psychology, University
of Texas at Arlington
"Self-Improvement in Prison"
Bob Heise, F.C.I. - Fort Worth
"Citizen Involvement in Prison Programs"
Ken Holton, Community Programs Administrator, F.C.I. -Fort
Worth

"Women in Prisons: Neglected Issues"
Dorothy Dubose, National Organization for Women

March 17, 1977

**Workshop:

"The Death Penalty: Issues for Debate"

Co-Convenors:

Dr. Allan Butcher, Associate Professor, Criminal Justice
Programs Division, Institute of Urban Studies, University
of Texas at Arlington

Jack Strickland, Assistant Criminal District Attorney,
Tarrant County, Fort Worth, Texas

Tom Flower, Coordinator, Texas Coalition Against the Death
Penalty, San Antonio, Texas

Address:

"Legitimate and Illegitimate Uses of Authority in the Criminal
Justice System: Evaluation of the Discretion Hypothesis"

Dr. Madeline Aultman, Assistant Professor, Department of
Public Affairs, Lamar University, Beaumont, Texas

* Joint Session

** This workshop is not included in this publication due to an unfortunate
equipment malfunction.

ISABELLE COLLORA

Ms. Collora is Vice President of the National Council of Catholic Laity, an affiliate of the U. S. Catholic Conference. She also functions as the Project Advisor for the New Directions For Corrections project and coordinator for the seven national organizations which comprise a National Coalition cooperating in the implementation of the conference series recommendations. She has served on state and national levels in church organizations, most recently the Texas Conference of Churches, Texas Catholic Conference, and The Laity: A New Direction.

I see so much hope for our project. The project was launched two years ago (1975) at Notre Dame University. It began with a national conference dealing with the death penalty. At the time, we thought that the issue of capital punishment had been put to rest; we did not know that two years later it would be in the forefront again and become a topic of discussion. In this conference we attempted to implement an in-depth study of the causes of criminal behavior which result in capital punishment. The project itself was actually launched during this conference, and it was sponsored by the organization which I represent, the NCCL.

At this conference, a representative from LEAA, U.S. Department of Justice, suggested that we broaden our horizons a bit and put together a national coalition, taking a look at other aspects of the criminal justice system. The coalition was formulated after months and months of planning. The project took on a professional aspect when we came here to the University of Texas at Arlington. Since I live in Dallas, it seemed very logical to me to meet with the best Institute of Urban Studies in our metropolitan area; that is why I approached the group at U.T.A. I met with Frank Anderson, Director of the Research & Service Programs Division of the Institute of Urban Studies, explaining my limitations in such matters as the "jargon" of the LEAA and the criminal justice system itself. Thus, I asked for Frank Anderson's professional assistance to help make the program a reality. Doug Denton, a Research Associate,

became the project director, carrying the project along. I have been functioning as advisor and also as chairman of the National Coalition.

The National Coalition is comprised of seven groups who have local constituencies. They include: 1) the American Federation of Labor-Congress of Industrial Organizations, (AFL-CIO); 2) the American GI Forum (these are Mexican-Americans who came together after WW II to address issues that would impact social systems); 3) the American Jewish Committee; 4) the National Conference on State Legislatures. (It is very interesting to note that it is the first time that group has merged with anyone.); my own organization, 5) National Council of Catholic Laity, which is affiliated with U.S. Catholic Conference; 6) the National Alliance of Businessmen; and 7) the National Association for the Advancement of Colored People (NAACP).

Now, as a coalition, we must cooperate in implementing whatever programs are developed from our efforts. These seminars, or conferences, are a means for us to gain input from everyone here; everyone will plan an important and essential role in helping us attain our goal. Whatever experiences you have had, even those which you may think insignificant, will be very much welcomed by us. We are hoping to put together a final program (publication) that will be readily available and applicable to local communities. In order to do this, we are translating the criminal justice language and proceedings of these conferences into lay terms so that these programs can be initiated on local levels throughout the country.

I would like to close this section emphasizing that your input is invaluable; everyone here is a participant. Some of us are giving presentations, but that does not mean we are more important than anyone who is sitting in the audience. Please feel free to participate.

JIM KANE

Mr. Jim Kane is an Associate Professor of Criminal Justice at the University of Nebraska - Omaha. He has recently returned from a year-long sabbatical in England, conducting research on crime and teaching criminal justice. He has an extensive background in corrections, both in the field and academia.

I worked in prisons for thirteen years, and I tried very hard to change the system from within; however, found that I could not do that. After beginning my career as a guard at Attica State Prison (N.Y.), I worked at a youth institution for three years, then I was employed in different maximum security institutions. Finally, I went to a youth vocational center which had a reputation for halls that "flowed with blood". I was so proud of myself that I was able to stop the physical brutality. For example, a black inmate came to me and thanked me, but said, "We can handle the physical brutality; it's the psychological brutality we cannot handle." So I left in hopes that I had helped to mold some of the opinions of the professionals in the correctional system.

I would like to share some observations of mine with you upon coming back to America after being away for a year. The first observation is that of the irrational and inhumane over-use of imprisonment. I have been in the prison system for 15 years and I still am shocked at our over-use of incarceration. At this time we have 284,000 people incarcerated in prisons solely in America. That is 48% higher than it was just four years ago. European observers question this high rate in the United States in comparison with their generally low rate of incarceration. If, after considering the 284,000, then you must consider there is an additional 160,000 people in jails tonight in America, 45,000 more youth in children's detention centers, another 25,000 people that are in the various "lock-ups", and 55,000 additional children in training schools.

The United States has approximately 12,000 people civilly committed because of their condition. These commitments are usually narcotic related. As we are beginning this conference, there are approximately 500,000 people who will be incarcerated tonight. We should address ourselves to the future. As a man once told me, "Man, don't worry about me. Worry about those people, those kids on the streets that are eventually going to come here, and those children yet to be born." Observe the "housing" we have today in the form of institutions which house many of our poor. Currently the rate of incarceration per 100,000 in the U.S. is 215. In comparison, consider the Netherlands; their rate of incarceration is 13/100,000. Other rates of incarceration include: Japan, 40/100,000; England and Wales, 60/100,000. We as a nation are imprisoning 13 times as many people as the Netherlands which is a highly industrialized society as the United States.

While celebrating our bicentennial last year, we locked up 60,000 more people than normally for a given year. The United States incarcerates more persons under more lengthy sentences in comparison to any other country in the free world, if not any country in the world. Communist Poland is the second highest ranking country for incarceration rates: 189 per 100,000 people. We find our prisons to be greatly overcrowded. Virginia has purchased 96 trailers to house their inmates; other states which have followed "suit" are Arizona, Louisiana, Arkansas, and New Jersey. It appears that every prison and every jail is overcrowded. Several states have developed "tent" cities" in which to house their inmates because of lack of space. Arkansas and other states have purchased motels in order to house surplus inmates.

Who are these people that we are locking up? Certainly some of them are very dangerous people, but I suggest that they comprise less than 1% of those incarcerated. Of those 500,000 people incarcerated daily, 97% are male, 47% are black, 2% represent Spanish-speaking people, 61% are high school drop-outs, and 69% of them most recently worked in a blue-collar situation.

The economic cost of the criminal justice is astronomical; the State of New York estimated administrative cost to be approximately \$29,000

a year/offender. It was estimated to be \$23,000 for each juvenile in training school per year. The estimated cost per cell to construct a new prison in Wyoming is \$62,400. This expenditure is very disappointing to me, as is capital punishment. There are 700 people currently on death row today. The exact figures are very difficult to obtain. 53% of those are black. Evidence indicates that incarceration in prisons at best can only serve as a holding function. 98% of the people in prison will be out in the community some day. 66% of those 98% will be back into our community within 2 years. At its worst, incarceration severely damages some individuals.

Positive developments have taken place in corrections as well as the negative ones which I have cited above. The California fixed-sentencing law with which I am familiar will probably go into effect on July 1, 1977. It entails the lowering of many of the sentences as well as changes in parole as defined today. Every person will have to be on one year of state supervision instead of the normal parole procedure. Another development that I find encouraging is the attempt by the State of Maine to eliminate indeterminate sentences. I think this attempt to eliminate indeterminate sentences has failed, however, they have eliminated parole as a concept. I predict the State of New York will eliminate parole next. Several states are working to remove status offenders from a juvenile situation, as processes through the juvenile justice system. I find that a very important development; I know that Texas accomplished this step in the interest of juveniles.

The President's committee recommending to President Carter that the possession of marijuana be seen as an offense rather than a crime is a positive move forward. Many of us worked through the 50's and 60's with the heroin abuser and became scared to death. During this period of time, 9 million people were labeled as narcotics users. In the last two years there have been 2 million so labeled; 94% of those people were convicted of marijuana possession alone. Considering all the money we have spent and all the people we have labeled, I am afraid we are in no better shape than we were before.

As we begin to look for new directions in corrections, I firmly believe the answers will not come from people like me or others within the system, but from outside the system. Humanitarian methods of treatment - I'm speaking of probation...are no less effective in reducing the probability of an offender to recidivate. This statement appears to be true for all developed countries of the western world. Secondly, because humanitarian methods usually involve less intervention in the personal life of the offender, they are usually less costly than other methods which would require more stringent supervision. Until more is known about saving souls, it would seem to be a good policy to save money.

Money can be saved through the reduction of unnecessary expenditures on the provision of security devices. I think we should all be aware that very few incarcerated persons require maximum security. Most prisons in the United States are built to withstand the potential escape of the accomplished "escape artist" which means that the prison would then be over-secured for everyone except that particular "escape prone" individual. There are many things to consider when the security is an issue. I used to marvel at the wall at Attica--it is 20 feet high with a rounded-out top in order that no one could put a hook over it. It is 12 feet deep, at its base it is 12 feet thick a mile and a quarter long.

Harsh penalties are supported by the beliefs of many experienced persons, but there is to date no research that has shown any support for these beliefs. We have no research results that indicate that "the harder you hit them, the better they fall." There are no research findings indicating the warranting of higher walls. Studies of deterrence seem to indicate that for trivial offenses, there may be some relation to the severity of the penalty. This is not an invariable result. The parking meter research results in New York City (Bronx) showed that the more you publicize the penalty, and after tripling the penalty, the more people will put slugs in the meter. Therefore, sometimes there is an increase in crime following publicity regarding heavier penalties. For more serious crimes, there is evidence that neither the penalties which actually exist in law nor the beliefs about the penalty which would follow from a criminal act

have any impact upon the probability of committing the act.

These findings indicate that people do not think about the penalty, regardless how severe, at the time of committing the crime. Also, it is generally believed that when an object is defined or labeled, you do not change the nature of the item in question. However, there is strong evidence indicating that labeling people can influence their subsequent behavior. There is another truth that should be noted. It has been shown that the caseload size of a probation officer...is not associated in any way with the probability of the ex-offender committing further crime. It does not make any difference how large or small the caseload is. People with caseloads of 450 have no higher recidivism rate than people with caseloads of 30. In conclusion, I suggest that we change the directions in this conference. Redirect the course from the over-use of imprisonment. We can reasonably predict that people who we sentence to prison not only will commit more crimes when they are released but probably will commit more serious crimes. Let us look towards these directions. We have been studying the offender for a thousand years (that I am aware of) and we are still trying to defend the offender today. Turn your attention toward the one-third of the victims of homicide in 1976 who had a high alcohol content. It has been shown (in the Wolfgang studies and several others) that two-thirds of the victims of homicide strike the first blow. One such case studied showed that one man became the victim of aggravated assault 66 times in two years. Most of the homicides in America take place in the victim's bedroom. Most of the rapes take place in the victim's bedroom, usually by people who the victim knows by their first name. Are victims contributing to their own abuse? What does the American Criminal Justice system do to contribute?

Another possible contribution to consider is the American political system. When I was growing up in New York, people told me that American people "made" the law, which I believed until I found out about the legislative process. One legislator remarked to me in my home state, "Jim, you are right. It makes no sense at all for us to have large penalties for marijuana, prostitution, homosexual acts, obscenities, or any other

offense. I am coming up for re-election next year and if I support your bill my opponent would probably say, "I'm for mother, God, and country, and my opponent is for pot, prostitution, obscenity, etc." Finally, reflect upon the American economic system. Observe its workings and determine whether it contributes to the recurrent problems in the American criminal justice system.

REVEREND BARBARA HART SIEKMAN

Ms. Siekman is an ordained minister of the United Methodist Church and has functioned as an associate minister at the Highland Park United Methodist Church in Dallas. She has received her Master's Degree from Perkins School of Theology at Southern Methodist University and is presently in her sixth year as Chaplain of the Dallas County Jail.

I will talk about the county jail system, profiling incarcerated persons and outlining some community attitudes which help maintain the present system. I am proud to be a part of this criminal justice seminar that focuses on incarceration, for two reasons. One, it focuses attention on those who give the system its reason for being. If we did not have people incarcerated, we would not have a reason for maintaining the system. Secondly, it reminds us that the accountability of those who develop or design programs for those incarcerated, is not to an institution or to a funding agency, but rather to those they serve and who are on the "receiving end" of such programs.

The county jail is an important part of the whole criminal justice system. It is here that accused offenders either stay for some length of time or go back to the "street" or directly to prison. The system is sometimes so complex and confusing that it becomes hard to grasp all the knowledge concerning any particular part of it. An example of this complexity is the county jail. Its main purpose is to function as a holding institution; it is not primarily a penal institution. Its primary purpose as a holding institution, is to detain those persons who have been charged with a crime until they go to court for trial. The county jail is responsible for incarcerating persons: 1) who have been convicted of crime and must be sent to a penitentiary (in Texas it is the Department of Corrections as Huntsville); 2) who have been convicted but have their cases on appeal (i.e.usually offenders who have received sentences of 15 years or less); and

3) who have received sentences of less than two years.

I obtained statistics (1975) which showed that on one particular day there were 1569 persons incarcerated in the Dallas County Jail; on a few days that year there were over 2,000 people in the Dallas County Jail. This total was much larger than the number of inmates in many state penitentiaries. This total could be broken down into three categories: 63 out of 1569 were waiting to go to prison; they had been convicted and were ready to be transferred; 46 out of 1569 were actually serving their sentences; and the remaining 1460 people were "technically innocent" people waiting their trial in the county jail or had their case on appeal. I say "technically innocent" because of the principal that a person is innocent until proven guilty in a court of law. The average age of the male inmates for that day was 27 years, 2 months; the average age for the female inmates was 24 years old. The average time served for those surveyed on that particular day was 14 months for the men, 12 months for the women. Since this particular date the county has purchased a bus to transfer inmates to the state penitentiary more often, and so has cut this time down.

I will estimate that approximately 85-90% of these inmates have a court-appointed lawyer. This is important because this is one of the factors that contributes to the length of time that they remain in jail. Economically, they were poor, therefore could not afford to be out on bond. They are also unskilled or semi-skilled, due in part to a lack of educational background (they averaged a 9th grade education). A breakdown of the racial composition comprised 833 Blacks; 563 Whites; 150 Latin Americans and 23 Indians. Psychologically, they were unskilled in problem solving and did not know how to use our community agencies that might possibly have helped them in such a way that could have prevented their incarceration. They had a sense of powerlessness which led to loss of hope. They are not decision makers; they do not see themselves as determining their own fate. It is difficult for them to envision the future because of their lack of a time perspective, therefore they survive from one week to the next. Usually they possess a low self-esteem when they enter jail, and if they did not, they will upon release. Society views them as being a burden, not only because of what they are accused of doing, but because they cost \$10.29 per person a day to incarcerate them in the jail.

How many of you have seen the inside of a jail? One section of the county jail is the "tank" in which 40 inmates reside 24 hours a day; there are no windows to look out. One area of the tank is the day area where prisoners can walk, eat, play cards, or participate in very few other activities. The prisoners begin to react to this restricted environment and the subsequent lack of privacy. Each one of us have our own personal modesty, but prisoners must watch what goes on in that tank without doing anything about it or saying anything about it. They do not wish to be labeled a snitch. This is a dangerous label to acquire. Everyday something happens which demeans the human spirit as well as the human body. Regardless of the reason for their incarceration, they must endure, keeping themselves uninvolved from these happenings.

I am concerned with some of the biased attitudes I see originating in the community and wish to review a few of them. The first bias is that we assume a person is guilty when he is arrested. Most of us in our minds have already convicted them just because they are sitting in that jail. However there are some innocent people in jail. I will cite such an example. A young woman was walking home with her nephew from an eating establishment when a police car stopped and wanted to see her identification. The police officer said that there was a warrant out for her arrest. For this reason she was taken to the county jail at which point she claimed her innocence. After approximately six days I was able to talk with her. Eventually I found that there was a warrant out for a woman with the very same name, but no one had bothered to check that there was a difference in height (five inches), hair color, and eye color. We found also that the case involving this arrest warrant for the right person had been closed a year earlier. This example shows that there are people who have to struggle through the entire system, and sometimes sit there as long as eight or nine months, before being released.

Let us examine a second attitude of the community at large. I would assume most of the persons sitting in this room have done something of which they are not particularly proud; but if somebody had found out about their actions, they certainly would not want to be judged as a "totally bad" person because of this one mistake. We assume that those persons sitting in jail

who are accused of a crime are "totally bad" persons. It is amazing, however, the number of persons I have come in contact with who are charged with murder but are first-time offenders. They have neither a criminal record, nor have committed any prior offenses. They get into a situation in which they can find no other alternative than to commit an act of violence. I am not making an excuse for these offenders and their criminal behavior. However, even those offenders are not totally "bad" people.

And last, our "legal" system is not synonymous with a "just" system as it is operated today. I wish that we could call it a "criminal legal system" because the term "criminal justice system" is not appropriate. There are a few who must be separated from society because they cannot function in law-abiding society. But this does not release us from the responsibility to deal with persons as part of our own humanity, not to assess whether the punishments we are levying are possibly greater than the crime(s) in question. We must work toward a "criminal justice system" that has earned the right to be called such.

DISCUSSION

Question: What type of recreational activities do they have at the county jail?

Ms. Siekman: We are now under a court order (and have been since 1972) to provide recreation. In 1975 we instituted exercycles; and each day for an hour over our closed circuit television system, an athletic director shows the inmates exercises which they can do themselves. This is the only form of exercise we presently offer. The court order states we must build facilities in the future for recreation and other activities.

Question: Do you have any kind of educational programs or skill-developing programs?

Ms. Siekman: Again, what we have was developed in 1975 as a result of the court order mentioned above. We offer college courses sponsored by El Centro College. We also offer a typing course, GED courses, Human Development (Transactional Analysis) and a criminal justice

class. At one time we offered a cooking class.

Question: Why is it that some people can get away with large amounts of theft under the name of embezzlement, or large amounts in the misuse of public trust, and there is no punishment for that? Other people who hold up a liquor store for money for their children for Christmas end up with 60 years in jail. Why?

Ms. Siekman: I think if you have money for the lawyers, you can probably lessen your time. I see that happening. Our specialized division in the DA's office assigned to prosecuting embezzlers, etc., prosecutes cases with thousands of dollars involved, and sometimes they will be assessed a penalty that is not equal to what others who sit in the county jail will receive for theft of much less money.

Comment: I see it also as being part of the economic system. It simply is not good business, for instance, if the vice president of the bank steals \$360, to indict him and put the bank's name in the paper. What would happen to the bank? Therefore, they generally try to negotiate a settlement with that person. Rarely are they arrested. In 1975, eleven times as much money was lost to embezzlement than to bank robbery, but there were approximately 30 people sentenced for embezzlement. F. Lee Bailey stated in his book, THE DEFENSE NEVER RESTS, that there is no reason for anyone in this country with money to ever spend a night in jail. Bailey had eleven felony counts of mail fraud against him and never spent a night in jail. He just simply waited two years and went to federal district court in Miami and said, "I have a constitutional right to a quick and speedy trial", and all eleven indictments were dismissed that same day. Incidentally, one does not have to live in a capitalistic system to witness such situations. I see the same thing happening in England, Mexico, and other parts of Europe. I think maybe there is one other element involved, that is personal involvement. We usually

do not get upset at a white collar crime, but when we read about a burglary which could happen to you or I, we become outraged.

Question: Who is responsible in the Dallas County Jail to make sure those people who are incarcerated are appointed lawyers within a certain amount of time?

Ms. Siekman: When they are arraigned, they are asked if they have a lawyer. If they say no, then they must inform the court, and one is appointed.

Question: Is there anyone there to follow-up and be sure they get one?

Ms. Siekman: No. If their situation changes, I can make a call to the court where the case is and tell them about it. Nobody has this responsibility, however, to help inmates who know nothing about the system.

Question: How many people in the Dallas County Sheriff's Department are hired for the purpose of social services?

Ms. Siekman: None. The Sheriff controls a budget that is determined by the Commissioners Court. In 1974 or 1975 the Sheriff requested certain people like this to work in a social service area, but the Commissioners Court did not allot additional funds for it. After the request was denied a man was assigned to coordinate the recreation and educational activities that are under court order, but there were still no funds for social services.

Question: Do you see any relationship in the movement to control the sale of hand guns in the violent cycle?

Kane: The recent studies released from the police foundation show that in violent crime it is not the cheap "Saturday night special" but a sophisticated weapon, most of which are stolen. Therefore, it is very hard to obtain statistical material concerning such a relationship. The head of the police foundation says that there is a hand gun in America for every man, woman, and child.

If your house is burglarized and you have a gun, your chance of getting injured is six times greater than if you . not have a gun. I can prove that. Hand guns come and go. It is like heroin victims; we know so little about them. We also thought it was a male "pusher" in a trench coat hanging around a junior high playground involved with the distribution of the narcotics. But now it has been proven that most people are introduced to heroin by a member of their own family or a very close, life-long friend. I think we are learning more about the hand gun situation. Who kills whom in America in the street crime? A black male between seventeen and twenty-four years of age who has earned less than \$2,000 in the past two years. The victim is usually a black male between seventeen and twenty-four years old who also has earned less than \$2,000.

Question: Professor Kane, why do you have so much enthusiasm over the children's bill of rights?

Kane: We are reaching the point where the number one cause of death of children in America, under five years of age, is child abuse. Children should have a say in everything that happens to them. When you work with children, or parents of delinquents, you can sometimes negotiate contracts and parents can realize that most of the time we do not let children decide anything. We do not allow them to vote, to say anything about what the government does. Maybe it is a dream, but I would like to see children serve on city councils and come into conferences like this one.

Question: How would you recommend handling the widespread use of marijuana among young people, that is, as young as eight or nine years old, Professor Kane?

Kane: There are two ways you could go about it. One way to control its use is through legislation, that is monitor and tax its use through legal channels as is done with alcohol. Another

alternative is decriminalization which would remove criminal penalties and treat the use of marijuana as a fine regulated by city ordinances. I see problems in both areas. If we legalize it, I would probably recommend decriminalizing it first or putting a moratorium on it for a period of time and observe what happens.

I worry sometimes about the ritual effect. It was not very long ago we said that if you took marijuana, you took heroin. I hope we are away from that pattern of thought. I am more concerned with the family drug store than with the heroin. It may well be that parents and family are introducing many juveniles into drugs by abusing drugs themselves. Hard drug use in America connected with criminal involvement is decreasing. The new popularity is centered around cocaine use and distribution.

Citizen Action Programs for Jails

Moderator - Isabelle Collora
Vice President, National Council of Catholic Laity

There must be a commitment to implement the conference results through a "common" language into a working project in order that communities can adapt the results into their corrections programs on a local level. In order to achieve this, the following must occur:

- 1) The public must admit "ownership" of the criminal justice system.
- 2) Corrections must start with "us". It must be self-correcting, incorporating valued information.
- 3) There must be new levels of tolerance.
- 4) A humanization of the system must occur.



Moderator Isabelle Collora, National Council of Catholic Laity busily takes notes on the panel "Citizen Action Programs for Jails." Chuck Fawns (left) Assistant Director of Dallas County Jail Educational Program and Richard Halpin (right) University "Y" Arts & Education Program look on as they wait their turns.

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HOWARD KURTZ

Mr. Kurtz is presently the Coordinator for the Denton County Jail Project and an instructor in the Sociology Department at North Texas State University. He also has been a probation officer for the State of Pennsylvania.

The Denton County Jail Project (Denton, Texas) arose out of the joint efforts of the Citizens for Modernized Corrections, a local citizens' action group created for the purpose of examining the functioning of the jail system. Texas has quite a number of small county jails; a lot of these are old and little improvement has taken place to upgrade them over the years. This is why the citizens of Denton became concerned about the problem and decided to form this community action group. The project was initiated about two years ago when this Denton citizens' group merged with the School of Community Services at North Texas State University and received funds from the Criminal Justice Division of the State of Texas.

The program floundered during the first year of operation. In the second year of the program, I was hired and the program took a new turn. Since then we have established two primary goals. One is to provide social services to inmates who are currently in the jail and secondly, to develop a model that can be replicated in other small county jails. We feel that the small county jails have a series of unique problems which require careful analysis.

The project is comprised of four service areas of specialization. One is education; we are operating in conjunction with the Denton Independent School District offering GED courses to the inmates. The second service we offer is counseling. We have developed some innovative counseling material which we have labeled "street survival"; basically this program is aimed at helping the ex-offender survive in society or "in the streets". We use street language in the presentations, and we try to use street

logic as much as possible.

There is a lot of controversy surrounding this practice. Some people feel that if you expect someone to function in middle class society, you must teach him/her to act like a white middle-class human being. We disagree with this kind of thinking. Our community group feels that it is possible to release offenders from jail and aid them in their struggle for survival on their own level. So we are really not trying to change someone's cultural background. The third area of specialization is recreational. This is one of the biggest problems that small county jails face; there is not room for recreational programs. The best we have been able to do is provide them with TV sets. The fourth area is referrals. We have created referral cards which list all the social services available in Denton County. We try to work with each inmate individually to assure that proper referrals are made and so each inmate will clearly understand the services available to him.

It is believed that people are not in small county jails long enough to warrant any type of programming. We have compiled three years of statistics and we found that if you drop out the overnight drunk and the persons who spend less than three days in the county jail, the average period of incarceration spent in a county jail is in excess of ten to fourteen weeks. This means that there is enough time to offer college level courses on an accelerated basis, as well as many types of counseling programs which would require less time. We feel that educational and rehabilitative programs need to be altered to fit the needs of such inmates. What about the short term offender? What we have attempted to do is to construct our courses in such a way that they not only build from lesson to lesson, but also they are self-contained units, so if you are in a jail for a day, and we present a lesson that day, you can get something out of that lesson that requires no prior or subsequent study.

A quote from the 1976 criminal justice statistical report says, "235 county jails in Texas suffer from lack of repair, lack of programming to minimize social damage to detained persons, lack of financial and service resources, lack of community support and lack of personnel training."

Some typical reactions of people are, "if you can't do the time, you shouldn't do the crime"; or "it's your own fault, you are guilty, therefore you deserve to be punished. Prison should be a place for punishment; you should not be allowed to go there and lay around as if in a country club." But when you look at some statistics, you find that less than 10% of incarcerated people on the county level are actually serving sentences; that is, 64% are awaiting trial, 27% have not yet been arraigned, comprising a total of 91%. In other words, 91% of our county jail population is citizens like yourself; people who have not yet been convicted of any crime. We believe that if you try to rehabilitate one who has not yet been convicted, you are almost assuming that these people are, in fact, guilty before given a chance to prove their innocence. Thus, we are trying to teach offenders to survive; the skills we are trying to teach them are skills that anybody in this room could use.

I feel that there are a lot of solutions to these problems. I think Dallas County Jail has partially attacked the problem with their television instruction. However, since I think Chuck Fawns will elaborate on this point later, I will turn the floor over to questions.

Richard Halpin

Mr. Halpin is the Co-director of the University YM/YWCA Jail Arts and Education Project for the Travis County Jail (Austin) and also Project S.T.A.R.T. for the Texas Youth Council Gatesville Unit. He is also the Project Director of the Austin Institute for the Correction of Learning Disabilities and Juvenile Delinquency, a jointly sponsored program of the University YM/YWCA and Laguna Gloria Art Museum.

I am with the University "Y" Jail Arts and Education program in Austin. We have been working in the Travis County Jail for the last one and one-half to two years and recently in the Texas Youth Council facilities at Gatesville and Giddings. Our program is oriented to give incarcerated persons the opportunity to increase their educational skills.

I have been very fortunate the past few years to work with a number of qualified people in the area of institutionalization, and have learned a great deal from them. I admit that institutions do not always operate in an efficient manner today. Institutions are one of man's most destructive creations; then not only take away people's liberty, but also their humanity. It is a tragic situation, and I think the public has a responsibility to do something about it. It is that ability to respond which makes us different from all the other beings on this planet.

About three years ago I did a lot of reading about jails and I started talking to people in the community about what was happening inside our jails. We decided that both parties would investigate this matter by going into a couple of facilities to look at their needs. We would then decide what we could do with community resources to try and better the situation of the residents in these institutions. I have been fortunate to have had some training in family therapy and this interfaces very well with the "arts".

We decided that we would take some artists into the jail as a way to gain access into the jail and try to learn about the incarcerated people. We went to Commissioners Court and asked for \$30,000 to cover expenses and give us the access to go into these jails to determine the cultural needs of these people. We brought a number of performers into Travis County Jail. While we were doing this, we were doing surveys, trying to find out the educational levels, reading levels, literacy levels, representation levels and the conditions inside the jail. The process of institutionalization prevents the inmates from uniting inside the jail. For example, racism is an effective device used to "pit" different ethnic groups against each other. For example, we brought in the late Freddy King, a blues singer, to entertain. When Mr. King came in, there was incredible realization of cultural pride between ethnic groups. People started treating each other with a little more respect and awareness. Then we brought in a Mexican entertainer, and that had a similar effect on the inmates; for one, the brown prisoners had a lot more pride. This introduction to the "arts" was a great success and it was a tremendous experience to witness.

Of course, in order to have success, you must treat people in a humane manner, adding to their self worth. Usually in prisons we treat inmates as if they are not worth anything and are very dangerous; consequently there is a tremendous amount of fear between inmates and the correctional staff, ("They are going to hurt me, so I am going to hurt them first."). However, I did not wish to undermine the correctional staff, because it is one of the most incredibly difficult jobs. A prison can be a den of horror and psychic torment.

The program proved to be a tremendous success, in a sense, because people began to feel better, that is, the inmates had better attitudes and there was less violence against other inmates. We went back to county commissioners court and asked for funds to institute some educational courses. These courses would consist of a full-scale GED program, tailor classes, vocational skills, and yoga classes as a way for people to relax. We used the hallway in order to set up card tables and start teaching GED courses. These people would tune into the teachers, and

discuss, regardless of the incredibly high noise level in the prison. We set up an accredited GED testing program. People acquired their GED while they were in the facility, or they received credit for courses, and they continued this education when transferred to Huntsville.

Yoga classes did a tremendous amount of good, giving people a way and means to open up to each other in a positive way. We did it as an experiment with the inmates who volunteered. The results were overwhelming. People were more receptive to looking at their own problems and problems of the facility; they were more able to deal with their situation. Yoga is a very good component of any educational program. Tailoring was a good thing, as people were actually learning a skill. The sheriff purchased an industrial machine, and we had a master tailor come and teach these people four hours a week. There was never an incident during the year-and-a-half in any one of our classes, not even a quarrel or a fight. People really wanted to come to these classes.

The Commissioners Court gave us \$30,000 to operate that program for a year. We were able to pay qualified teachers to come in and implement these programs.

We had a federal suit against our jail five years ago which ordered the county to institute some of the services that we are implementing today. Our program was the first one to implement an educational program in jails. What we found was that we were teaching a GED program, and yet 40-60% of the inmates in that jail could not read; they were basically illiterate. I think you can see what that problem causes. People go back into the community, they cannot read, and they are going to end right back in jail.

We went to the sheriff, to the correctional staff, and said that we wanted to start a basic adult education program. They said we could not begin any more programs. They said that they had problems with their guards having to be responsible for accompanying the inmates to the different classes. The inmates told me that the guards made fun of them when they brought them to their classes. We were trying to build a delicate foundation to allow for self-confidence, and the guards were tearing

it down. I asked for permission to accompany the guard when releasing inmates from their cells in order to bring them to their classes. Not surprisingly, the problems of harassment stopped. It is a tense situation when you have ten inmates out in the hall, but I think there is no reason for a jailguard to undermine an inmate's chance to develop some positive self-identity. The very process of institutionalization makes it very easy to do that to inmates.

I did everything I could for the inmates in these classes who were really applying themselves, e.g., talking to the judge or their probation officer about their efforts and enthusiasm. We made a "deal". I said, you work as hard as you can, and I will work as hard as I can for you. We got a tremendous amount of response. The judges want to know all the information they can about people. Everybody was very receptive to this kind of holistic approach.

We brought the University of Texas drama department to the youth facilities. They gave us the academic school for the day which was an incredible experience. Drama can be used effectively to open up inmate's inner feelings. We operated that program for a long time. We brought artists to the jail and did a rock concert at Gatesville. The inmates were impressed that the performers came to do this for them.

From these programs, we discovered a great deal about the relationship of learning disabilities and crime. A study based in a Dallas hospital showed that 70% of the children in Gatesville Reform School had dyslexia, a reading disability. We also initiated another program, a statewide symposium on crime in which other problems contributing to crime were surfaced. People from all over the state were with us and we talked in depth about what the problem is in crime and what we can do about it. The outcome of the conference was that we have a lot to do in terms of setting priorities. We must stop labeling and discriminating against the poor and have an equitable law enforcement program. Unemployment is one of the problems that causes crime.

We have designed and started three programs at Gatesville and Giddings youth facilities. We have developed a school for pre-delinquent juveniles who would otherwise end up in a state school. Another thing which we are doing is teaching children with dyslexia (180) to learn to read. Also, we are using a rapid learning center and the "arts" to help these students work out a computer program whereby they will be able to plan their own course of learning.

CHARLES W. FAWNS

Mr. Fawns is the Assistant Director of the Dallas County Jail Educational Program in which GED certification and several college-level courses are offered to inmates through El Centro College, Dallas County Community College District. He is a social psychologist and social science instructor in the program.

The Dallas County Jail Educational Program was started in January 1973 at a cost of \$7,000. The duration of the project was to be approximately six months. The program was funded through a grant from the Criminal Justice Division, Office of the Governor to the Community Service Division at El Centro College in Dallas. Ten courses were initially offered, five for both male and female inmates. We are currently maintaining that ratio.

At first, we held our courses in the hallways, however we now have classroom facilities in our three county institutions. The old county jail houses the male inmates who are in our program on one floor (48 inmates) where we also have two classrooms; the female section is housed in the new jail in which there also are classroom facilities. A third institution is currently in the planning stages. It is a minimum security facility at Woodlawn. If it goes into operation as planned, we would probably expand our program even more, providing additional services other than just education.

Since 1973, we have offered classes to approximately 3,000 people. These classes are taught in six-week sessions. We provide a three-hour college credit course in a six week period offering all kinds of courses, e.g. psychology, sociology, human development, food service, developmental studies, communications, and a criminal justice service course which is taught by a probation officer (non-credit). Courses offered in the past were drafting, business courses, and cooking. All of our instructors

are qualified through the community college system. They are generally doing this teaching on a part-time basis and most are regularly full-time instructors, either in the community college system or in the Dallas Independent School District. In terms of skilled courses for females, we offer basic secretarial skills such as typing and training in the operation of business machines. The females really want secretarial courses; the males usually prefer academic courses. Thus, we offer and provide what they want. Again, this will become somewhat more flexible if we get into a minimum security situation.

Offered in conjunction to our program in the same classrooms is a GED program. We generally have eight to ten people qualified for their GED every two to three months. The average age of people taking our classes tends to be in the early twenties. I would point out again that one of the criticisms is that we do not have time to offer this kind of program in the jail. However, we have people who spend six to nine months, sometimes longer, in a county jail facility. Counseling is offered for specific problems. We help ex-offenders find jobs once released and also do follow-up studies on these inmates. These services other than education are demanded by the people who come to trust you as an instructor. We are the people they call on when they have problems, either in or out of jail.

As stated before, our program's funding has been through grants. The future of that funding is always somewhat uncertain, but with the apparent continuation of federal court orders, the desire and need for the program, and the fact that we have not created any problems since the program's inception all point in favor of our continued funding. It will probably become a part of basic county appropriations in the future. The problems that we encountered revolved around funding, space, and interfacing with the correctional people. I think the emphasis of a program should not just be on education, but as others have pointed out, should be an emphasis on personal growth and that can be brought about through a learning environment.

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Question: When you were talking about your sources of funding, did I hear you say that one possible source is TDCA? What is that?

Answer: Texas Department of Community Affairs.

Question: Mr. Halpin, when you were discussing the programs that you offer at the Travis County Jail, I was wondering if you were able to include the women in your program since segregation by sex is usually found in the county jail?

Answer: Oh, yes. We have offered classes to the women in the areas they requested. Sometimes we teach sewing; we have a full-scale GED (General Education Diploma) program and an art program. The art program is a drawing class, in which we try to help people develop their drawing talents. There are many talented people who are incarcerated. Our method of teaching is very interesting, in that we always try to have two teachers available in every class. The inmates are starved for positive attention, so the presence of two teachers aids them in receiving this attention. The program does not bring many male instructors into the women's section, because this seems to pose a problem. The object of the program is to make the women as comfortable as possible, and competition will occur if there is a male instructor. The art instructors, therefore, are mainly female.

Question: What do you consider to be your goals in teaching college courses in the county jail and are they being met?

Answer (Fawns): There is a definite need there, for one thing. Every six weeks we get 75 to 100 applications from people who are interested and qualified to take college level courses. The basic goal is to provide this service, have instructors available for consultation with residents, and a spin-off from this is to give the inmates some positive regard about themselves. This happens in all of the classes. I think part of this is due to being able to choose the instructors carefully from applicants who are really interested. There are residents who say "Hey, I did college

work in jail, so now I can do college work out here," as they move on into the community college system. It is very convenient because our El Centro campus is downtown, close to the jail, so the people who are registered in our courses in the community college district can register at the campus, and no one will know that they took the courses in jail.

Question: Do you know what percentage of inmates need that type of treatment? Are there a larger percentage who need a basic education, or a larger percentage who need the college type courses?

Answer (Fawns): I do not have any statistics on that. I know there is an unmet need. I find that there are a good number of inmates who do not have basic skills. I think the GED system is better because of its wide TV coverage for inmates. But the college level courses are only there for people who are interested, who feel motivated, and who have basic level skills already. I do not think that the chief jailer should screen the people, because it is very possible that a person who is serving time for a felony needs a course more than others. Under the GED program, the instructor goes around every afternoon and meets with the people, who are taking the course by TV, to give assistance and personal contact. Our basic budget is approximately \$50,000 a year for college programs, which still is not enough. Unfortunately, I am under the auspices of the decision makers, which has its limitations. There are restrictions concerning admission, according to what crime a person committed. I do not like it that way, but I have no authority to change this procedure.

Comment: It seems to me that perhaps the \$50,000 should go into the GED program to meet the unmet need there, in order to reach the greatest number of people, rather than those who are just "passing time."

Fawns: I guess I have a vested interest there, to keep it the way it is. I do not see our people as just "passing time." I think it is quite beneficial to be able to take college courses. You do not need a high school education to get into the community college system. Therefore, we have people who start our program, receive their GED, do some college level work (six or nine hours of college credit), and then move on into

the system when they get out. I think the important thing is that these programs are offered to inmates, which is something that we could not have said in a conference like this fifteen years ago. You must set up the programs first, and then establish priorities later based on funding and needs as they develop. One of the areas that we emphasize is the skills portion of our program (secretarial science courses for the female, food service programs for the male), which will expand, given money and space. In addition, the GED instructors work with basic education problems as their time permits.

Question: Do you have any entrance requirements for your program?

Answer: The only qualification requires that you have to be 18 years old and your high school class has to have graduated. I find myself accepting anyone who can pass the sheriff's screening committee.

Comment: I have an interest in education in the penal system. I received the first Associate of Arts Degree in the State of Texas, have a Bachelor of Arts degree, and am currently working on my Master's degree in Psychology at the University of Houston. I think that if you consider the individuals, everyone needs to advance their education, no matter what level it is. If they are illiterate, they need to learn how to read and write. If they have a high school education, they need to go a little bit further. Vocational courses also play a very major role. Education in a penal institution brings "free world" people into a closed system and influences the residents within it. External educational programs affect the way employees act toward the inmates, and vice versa. These programs are more conducive for learning, for living, and for rehabilitation because of the "free world" teachers.

Fawns: I am glad that you brought that up. It is an essential point to bring people from the community into the jail facility; it is imperative that we do this.

Question: Are you restricted as to whom you offer courses?

Answer: Yes. They are offered to people who are in the county jail. We are restricted in a sense by our screening procedure. They send applications to the jail and they are made available to everybody there. The Sheriff's Department makes the decision about who may be moved into the education floor, based on their idea of security. One of the problems is that we have found that some of our better students may be the repeat offender; for instance, one who has been through the system several times, but who is now ready to apply himself. Most often those people are screened out. The females do not have this problem because their classrooms are on the floor reserved for women in the jail.

RON CUNNINGHAM

Mr. Cunningham is currently an administrator for community programs with the Regional Office of the U. S. Bureau of Prisons (five-state area). He received his Master's Degree in Correctional Administration from Notre Dame University and has been a director of a halfway house and caseworker in several state and federal prisons.

As moderator I would like to say a few words which have a bearing on jail operations before I turn the discussion over to the panelists. We contract in this region approximately one hundred jails. I meet all of the sheriffs at one time or another, and the vast majority of jail administrators are sincere and dedicated individuals. They have plans and ideals, but for some reason many of them are unable to do their job because of outside influences that are being brought to bear upon them. Of course, on the other side of the coin, some of these influences can also be positive in nature which helps the jail administrators carry out their jobs.

I would like to briefly introduce the panelists to you in order of their presentation. Dr. Barbara Price is an assistant professor at Penn State, Mr. Charles Player is affiliated with the Dallas County Sheriff's office and lastly, Mr. Lon Evans is the Sheriff for Tarrant County.

At this time, Dr. Price will begin the discussion of our topic, Influences on County Jail Operations.

BARBARA PRICE

Dr. Price is an Assistant Professor of Law Enforcement and Corrections with the Division of Community Development at Pennsylvania State University. She received her B.A. from Smith College, her Ph.D. in Sociology from Pennsylvania State University. Dr. Price has published articles on several aspects of Criminal Justice, and was director of police supervisory in-service training. She is currently co-director of the National Jail Resources Study. In addition to her academic position, Dr. Price has served as Executive Secretary of the American Society of Criminology and is a member of its Executive Board and the Editorial Board of Criminology, an interdisciplinary journal.

I am addressing the topic of Influences on County Jail Operations from the perspective of a recently completed national study on local jails. I am the co-director of the National Jail Enforcement Study which was conducted at Penn State. Back in 1974, Penn State had an LEAA grant to investigate what jails were doing for inmates who had a drug problem. In the course of that investigation, we visited 118 separate jail systems. Many of those jails consisted of several facilities; sometimes there would be three or four facilities in the same or adjacent communities. In the extreme case of New York City, as many as twenty-seven facilities made up a local jail. We were particularly interested in the inmate with a drug problem.

In order to talk about the kinds of things that influence the administrative operations of a jail, I want to look at the jail in terms of the service it does provide. There are over 4,000 jails in the United States and at least 3,000 of them in 1974 did not have services for inmates with a drug problem. The project focused on the 1,000 jails that claimed to be doing something for the inmates with a drug problem.

Our study began by trying to collect a fair amount of demographic and administrative data about the jails, including their size capacity, actual number of people in them, and the processing of inmates, what happens to prisoners from the moment of incarceration. This processing included determining the amount of time elapsed before the inmates were: 1) booked; 2) given a medical examination; 3) granted an interview to identify immediate problems; and 4) put into the general population. Our study asked whether the inmates were provided with: 1) systems to meet their immediate problem(s); 2) medical services and 3) long-range assistance in planning their anticipated release.

One of the ways of looking at jails is in terms of the extent to which community agencies interact with the jail. For the drug abuser, this is particularly critical, because a heroin addict, coming into a jail as a methadone street client (that is, a qualified, registered, methadone street person) will need some help fairly soon. If the jail did not have its own FDA licensed doctor to provide some withdrawal assistance to "detox" an addict (that is administer decreasing dosages of methadone), the assistance of another community agency would be necessary. We quickly got involved in finding out who was providing such services. Was the jail providing the service, or was an outside agency being called in to help?

Those who know about methadone are aware that not just any doctor can provide methadone treatments to a heroin addict or methadone user in order to relieve the withdrawal symptoms. This person (doctor) must have a special FDA license, and this is one important instance of why a jail might need the help of another community agency. The kinds of services that inmates require while in jail obviously could be provided, and in many cases were, by jail staff. Our study concluded that most jails that provide services are essentially autonomous units with very little outside influences. They can provide routine medical services, support services, counseling for those who need it, and some pre-release counseling and identification of places where the individual can get help.

However, not all jails are totally independent; many jails, in one way or another, need and often want help from community agencies. They allow community agencies to come in and provide some of the services; the most common service provided by outside agencies is medical assistance, in which the methadone clinic comes in to the jail to provide some assistance for drug withdrawal. There are some benefits from that arrangement. For example, the jail has a high turnover; people do not stay there for very long. For any kind of assistance, particularly for the seven days that it takes to "detox" a person, some continuity of service between the time the inmate is initiated into the program and the time an inmate completes a program is needed. If a community agency is called in to provide counseling to the prisoner prior to his/her release, the inmate can continue to receive the same assistance from that agency in the community when released. Having community agencies come into the jail is also beneficial to jail staff. It is one way that they can have some interaction with other professionals and gain a sense of reinforcement for the kinds of things that they are trying to do with the inmates.

Community casefinding agencies also have an influence on jails. These agencies approach the jail administrator and offer to relieve him of the task of trying to identify all those community agencies that might be able to help inmates with vocational training, or other social services. A case-finding agency can serve as a link between the inmates and the community. We found a few jails that have this kind of administrative arrangement. Jail personnel are responsible for custody procedures, and community agencies interact with the jail as casefinding agencies identifying prisoners in need of social service assistance and helping them contact the appropriate agencies upon release. In some few instances, the offenders receive community agency services while still in jail; these agencies send staff into the jail and provide service.

During the course of our study, the "mixed bag" administrative jail structure was found to be the most common type of jail. Typically, the jail employs its own doctor for medical services, and uses outside agencies for educational training, counseling, and all of the other services. The

following are the most common services we found in jails which had services for drug abusers: medical services 100% (79% of which used detoxification techniques); 67% of the jails screened their inmates for any potential problems; of the 64% of the jails having work-release programs, 41% had re-entry help; 35% of the jails had vocational training; and 33% of the jails offered some psychological therapy.

In order to talk intelligently about the different influences on county jails, you have to distinguish between long-term and short-term influences; clearly, this study was looking more at short-term influences. Long-term influences on any county jail must take into consideration the whole socio-economic structure and value system of the community; these considerations translate into certain law enforcement policies and certain types of judicial procedures and sentencing practices.

Our study empirically demonstrated that the type of jail administration (whether a jail is run by a sheriff's department or by a department of corrections) does influence the way a jail delivers services to the inmate. If a jail is run by a department of corrections, it is much more likely to use community agencies. We also found that a strong charismatic and dedicated leader was a determining factor in the success of the county jail in "turning around" the behavior of the incarcerated people. In many jails, one person was responsible for efforts made in identifying needs and making resources available to the individual.

Based on our study, we believe that jails need to screen people, that is know what kinds of people are coming in, know what they require in terms of safety and protection from other inmates, and also identify their problems so that the staff can do something about them. Beyond that, medical care is an essential service. Drug care during imprisonment, screening before incarceration, and referral upon release comprise the range of essential services. This study offers information for those involved in planning of services for jails.

CHARLES PLAYER

Mr. Charles Player has been with the Dallas County Sheriff's Department since 1949. He is now the Director of the Division of Operations, after having worked in nearly all aspects of the Sheriff's Department. Mr. Player has several awards to his credit, including Officer of the Year in 1964.

I would like to begin with some personal viewpoints and observations, and then discuss what the community can do to aid the operation of the county jail. Classification of inmates is a relatively new process; it has been brought on by a series of court cases which has tremendously upset the old-time jailers. It appears that some jails have not progressed very much in instituting this new program because the classification of inmates within our jails still remains a tremendous problem today. The biggest problem in classifying prisoners and housing them with similar inmates is space limitation. Under the guidelines used in a classification and stratification program, an inmate coming into a jail is classified according to: 1) physical condition; 2) mental condition; 3) charge(s) (misdemeanor or felony); and 4) past convictions, if any. Sometimes these programs can be set up very shoddily. You cannot put a convicted misdemeanor with a convicted felon, or an extended misdemeanor with a convicted felon, or a 22 year old inmate with a 65 year old inmate. At the jail in which I am employed, there is an extension computer system. With the intensive classification of inmates (which is absolutely necessary to keep down the problems), there is the problem of space limitation because there may be 1200 beds in the jail, and 1200 prisoners, but under classification specifications the distribution of these beds is constantly changing. There is a need in today's jails for more and more single cells. Researching this subject I discovered that in 1887 in Pennsylvania the best type of jail setting was a facility with all individual cells. In accordance with this, a group known as the Philadelphia Society for the Alleviation of the Miseries of Public Prisoners was established.

They set up what was called a "fine type cell"; which was 6 feet wide, 8 feet long, 9 feet high and housed only one prisoner at a time.

I have been involved with the plans and construction of three jails, and each time the same mistakes are made. The building is constructed by architects on a low-bid basis, and somehow each time the same architects make the plans for the proposed construction. The last Dallas County jail was built and designed to last to the year 2000. By the time it was built, however, a capacity number of prisoners (1200) had already been moved into the jail; currently there is a population of 1500 to 2000. The old jail, the new jail, and the "Woodlawn Hospital are now in operation.

The average jail supervisor has no desire to mix a 17 year old "new-grounder" with a 35 year old "five time ex-con." But sometimes, when there are wall-to-wall prisoners, there is really no choice. It all boils down to one thing: money. You cannot hire good jail personnel for nothing, and if you read the surveys which the Justice Department conducts on salaries in sheriff's offices, it is not unusual to find a deputy sheriff making between \$300 and \$400 a month. A real "rehabilitative minded" individual cannot be hired for that price. At the present time, our jail personnel staff starts at \$932 a month. It is not a very enthusiastic type of job, and not too many people want to go to work in the jail under the existing circumstances.

I have found that the academic community sometimes does not understand the "real world" problems. Some time ago, I was taking a sociology course and the professor was talking about the caseload on probation officers being 50 to 75. I asked him the question, "What do you do with 400?"; that was the caseload on our probation officers at that time. He replied, "That is not possible, it cannot happen," and went right on with his lecture as if I had never asked the question.

In Texas an extreme problems exists in our jail system. The laws of Texas establish the sheriff as a jailer, and he/she shall maintain the safety of all prisoners lawfully assigned to him. The sheriff in Texas is charged with operating the jail, but the money comes from the commissioners

court. It says that the commissioners court shall provide a "safe and suitable" jail for the respective counties and the jail shall be maintained with proper sanitary conditions, proper ventilation, fire safety features and good food. Each time that the budget is discussed, there is disagreement over the necessary number of guards, and the amount of money to be allocated for food in the county jail. Unless the jail has a sufficient operating budget and qualified personnel, all the innovative programs in the world are not going to improve the jail system.

Moreover, I find that most jailers do not believe in rehabilitation or educational programs for the prisoners. The existence of a "cold shoulder" treatment or a "stone wall" attitude makes it somewhat difficult for the outside community group to interact with the jail community. If there is not a tremendous degree of cooperation, then the outside programs simply do not work in the jails.

In my opinion, the success of the jails depend on how much money the taxpayers are willing to approve for the operation of an adequate jail system. We are operating three facilities presently in Dallas, and I think there will be a bond issue in the summer or fall of 1977 to determine whether another jail will be built. The problems which will occur in the new jail will be the same problems that are being experienced presently in the three Dallas jails. In this bond issue, the construction of two jail towers across the street from the present jail is being considered. One tower will be built as soon as possible, and when it runs out of space, another one will be built. If people want a well-run jail, its possible only if they will come down and sit in the commissioners court and see that sufficient monies are appropriated for humane conditions and hiring of qualified people. It appears the public would rather hire an under-qualified jailer and then possibly have the sheriff liable for a civil rights violation because the jailer is not psychologically able to deal with the prisoners.

There is only one jail in Texas, I believe at the present time, that is not operated by the sheriff, and that's the Bexar County Jail. The commissioners decided that they could run the jail a lot better than the

sheriff. The commissioners took over all the jails, and from what I understand, implemented all the programs that the sheriff had previously begun. Furthermore, it cost them more to operate the jail than it did when the sheriff was in charge. Now the commissioners want the sheriff to take over the administration of the jail again. The commissioners court will only listen to the citizens of the community involved in monitoring jail operations. These citizens can "step in" and help to create a well-operated jail.

Lon Evans

Lon Evans has been involved in law enforcement for about 20 years, serving as Sheriff of Tarrant County for the last 17 years. He has been Director of the National Sheriffs' Association for eight years, is the past President of the Texas Sheriffs' Association and was named the outstanding sheriff of Texas.

As county sheriff, I have operated a jail for a long time and have seen a number of changes take place within the past thirty years. These changes have been good for both the prisoner and the community.

Problems, for example, a prisoner attempting to hang himself, can occur at two or three o'clock in the morning because jails operate 24 hours a day, 365 days a year. The public is not really concerned with these problems because they hardly know about them, and also they call jails the "garbage can" of the community. Any misfit, any mentally ill person, anyone who is not wanted at home, such as a narcotic addict, etc., will usually be put in jail. Many of your smaller jails still have this problem today. In this city, we are most fortunate in that we do have psychiatric additions to hospitals and places where we can put people, rather than putting them in a straight jacket in solitary confinement. In many states, the Commission on Jail Standards requires that padded cells be provided. I doubt that 10% of the jails in Texas have a padded cell, or a hospital in the town. A convalescent home may be the most similar facility resembling a hospital.

The problem that we have, as the jail directors, is that the jail is a community of 1,000 or 12,000 people; you have every type of person, including more "misfits" than an average size town has in the general population. About 60% of the people we put in jails were safer before we put them in there. People do not think about prisoners with special problems, such as diabetes, special diet, and other needs. In considering the need for rehabilitation and recreation facilities, the main point is overlooked: these people need basic help. They need treatment, even including such things as teeth and dental care. If the jail presents a \$800 or \$900 dental bill one month, the commissioners' court will wonder what you did with the money. These things are problems of the sheriff.

In my opinion, the best thing that anyone running a jail can do is classify prisoners when they first arrive. Classify them first, then recheck the classification a week later. If you have a person who is mentally ill or deviant, put that person under special observation so he/she cannot inflict injury on himself or others. These are things you learn over the years the hard way. Do not put someone who is accused of child abuse with other inmates; he/she would most likely be injured by other inmates.

The Tarrant County jail has one of the first training or vocational programs in the United States. The program trains inmates to become beauticians, welders, sheet metal workers, automobile mechanics, and has functioned for a number of years. Overall, the program has been successful. I get cards from men working on the Alaska pipeline, from Saudi Arabia and other places who are employing the skills they acquired in jail. Before vocational training is considered, basic education needs of the prisoners under consideration are examined. Some inmates do not know how to read a newspaper or count. Our program attempts to teach them to read and write, and give them mathematics lessons up to the sixth grade level. Another program is the chaplaincy program. Some of

the chaplains are extremely naive, and experiences with some of the inmates teach them that people do not always tell the truth. Actually, these chaplains have done more for me than any other one group of people.

There is a 240 hour training course to certify a police officer in the state of Texas. However, a specialized course for jail guards is necessary and our jail conducts this above and beyond these requirements. New types of standards are expected soon now that a Commission on Jail Standards was created in 1975. This commission is one of the finest things that has happened to our state. The only aspect concerning these standards is that the legislature forgot to appropriate money to run it. It affects the commissioners of the small counties over the state, because if a jail is not brought up to the standards of the Commission, they have the authority to close it. The prisoners are transferred to the nearest adjoining county. The county commissioners' court has to pay the maintenance costs for these prisoners. They do not like this cost burden. These are some fine standards, and if we could ever implement them in jails across the state, it would make a tremendous impact on the criminal element. However, it would cost the criminal justice system in our state. Presently, 1/5 of the taxes on the dollar are delegated for criminal justice, beginning when a prisoner is arrested until the time that he is released from prison.

I am not too familiar with other jails, although I have visited many, and I have taken and brought back prisoners. Our jail is fortunate; there are very few court suits involving our jail. I can sympathize with the jails and their administrators who have the problem of suits, because when you have to delegate authority to people who are untrained and who do not care, then you are in trouble. These are some of the things that we are faced with in the administration of jails at the county level.

-----DISCUSSION-----

Cunningham: Thank you, Sheriff. I just want to mention one thing in relation to what Mr. Player said about salaries. I do not think it is too uncommon around the country to find that deputies working in a jail will receive less salary than one who "works the streets." I do not know who sets the priorities, but this says something about them. I never could resolve this in my own mind, but I know it is true.

Question: You stated earlier that about 60% of the people who enter your jails are sick. Do you have a number, percentage wise, of the people who enter your jail who are actually innocent?

Sheriff Evans: It varies. I can make a guess at it. Probably 12%, although I do not have figures or statistics on it.

Question: If we are working on the premise that people are innocent until they are proven guilty, is there any way that people are treated as though they are innocent until proven guilty?

Answer: Prisoners who are being held for trial, and are housed separately, cannot be forced to work. I do not think this is necessarily a good thing. They should be asked to volunteer to work. If you can get a person to a prison where they have a rehabilitation center, they are better off.

Comment: In terms of services for inmates, there are a few jails that refuse detoxification for people who have not been adjudicated, claiming that they did not want them to go into court "all drugged up", and the strongest medicine they would give them to counteract withdrawal symptoms was a tranquilizer. They will not provide adequate medical treatment to someone who has not been adjudicated. Another thing you mentioned, not having nonadjudicated inmates work. This is a bad thing, if they sit around all day idle. Also, many jails refuse to give the prisoner clothing, which means that the visitor better come in, take those clothes home and get them cleaned.

Evans: I would like to add a point. The general community is not very enthusiastic about high jail standards, especially from the tax standpoint. When we put color television in the jail system, there was a tremendous cry from the community. It was found that color television reduced the vandalism in the jail about 80% to 85%, just on Christmas and Thanksgiving day alone. The jail always receives adverse criticism from the community because we give the prisoners pies and turkeys on Christmas and Thanksgiving. They should have bread and water. The vast majority of the community members feel that if someone violated the law, forget rehabilitation, and just punish that person. The criminal justice system can change very little that attitude of the majority of taxpayers. Even if the inmate is not living better than they are (community members) they think that he/she is because the inmate receives free dental and medical attention, as well as other things. Also, people do not like the idea of our taking the individual inmate and having cosmetic surgery performed on him/her in order to reduce a facial disfiguration so that he/she will be better able to cope with society.

Question: Could you say that is because the vast majority of taxpayers are ignorant about what actually goes on in jails?

Evans: This is very likely.

Question: Do you think the bond issue would be more likely to pass if all the county commissioners went on record as being for it?

Answer (Player): We are rather in a vacuum in Dallas County right now. We do not have a civic leader to organize, which is what we need.

Question to Player: Instead of building two jail towers, is there any way that the money could be used to help all of the people who are waiting in the county jail to get more prompt representation of an attorney?

Answer: The criminal justice system is like a very finely balanced machine. Even if we have all the legal counsel in the world, the court system cannot handle any more cases at the present time. For example, I had 163 prisoners out in various courts at the same time on Friday. The courts of Dallas County are trying more cases than all the major criminal court districts in the state of Texas. I think they are the leading court system in the United States on turning out prisoners. Extra legal help is not going to help. We cannot build another jail, because we are under federal court order. If sufficient classification room is not found for our prisoners, the federal courts will close the Dallas County Jail. They can do that. The Court closed the prison at New Orleans, and the "Tombs" in New York. There are jails in the state of Texas being closed. The commissioners are not furnishing the number of jailers required. The number of bailiffs in our courts was reduced this year. If we did execute the tremendous backlog of warrants, where in the world would we put them? The jails are full.

Question: How do you think we can reduce the number of people in the jails?

Answer (Player): I would like to reduce the inmate population. Actually, our pre-trial release system is one of the best. But we have released some of the ones we should not have released, because now we are looking for them.



Douglas Denton, standing, introduces the panel of jail experts to discuss "Influences on County Jail Operations". Seated left to right are: Lon Evans, Sheriff, Tarrant County, Texas; Ron Cunningham, U. S. Bureau of Prisons, Charles Player, Dallas County Sheriff's Department and Dr. Barbara Price, Pennsylvania State University.

CORRECTIONS: A STATE OF THE ART

Charles Campbell

Mr. Campbell is a former warden of the Federal Correctional Institution at Fort Worth, Texas. He presently is the court appointed master of the Federal Court Order placed on the Dallas County Jail by Federal District Judge Sarah T. Hughes.

Campbell reflected upon the fact that a number of people, perhaps even including his former employer, Norman Carlson, Director of the Federal Bureau of Prisons, United States Department of Justice, had more or less tended to celebrate the failure of rehabilitation programs. He felt as though studies done on rehabilitation efforts needed validation. He posed the question, "Why do we celebrate failure?" He viewed a "Sixty Minutes - CBS" program in which the main thrust was the failing of rehabilitation. Their main set of research data (which they documented out in the presentation) was a study completed by Dr. R. Martinson. Even though this study was over eight years old, Campbell found that the Attorney General, William Saxby, Norman Carlson, and to a degree, Norval Norris, all agreed that rehabilitation efforts had failed. Currently the emphasis in correctional policies throughout the United States is on punishment.

Campbell said that a revolution is indeed taking place in corrections but it was being very badly recorded by the media. People working in the Criminal Justice System were often discouraged and felt defeated. Surprisingly he found that the new influx of Criminal Justice Professionals were working into an "optimistic" frame of reference in regard to their jobs. Ironically, he felt that one should know the truth and keep it in mind even when it was discouraging.

Campbell often reflected upon the Federal Corrections Institution in Fort Worth, feeling that it was a new direction in correctional management and policy in the United States; it was in its own way a radical departure from what had been a traditional system. F.C.I. was a pragmatic endeavor in its original nature. Planning began in a normal sense, but eventually "came of crisis". The coordination and cooperation of the men and women working together, namely the offenders (residents) and staff was to a degree not anticipated. The facility had two hundred (200) former employees which it had to maintain as counselors and nurses, even though they were from the Public Health Service. After considering the strengths and weaknesses of these "inherited people," it was found that for the type of facility and its radical departure from the Bureau of Prison standards, these noncorrectional workers were very good in working with the residents of the facility. They were not pre-conditioned and proved themselves to be good workers with this type of client. Perhaps, that says something about a prisoner's reaction to his/her environment.

The Alderson, West Virginia, incident created the first crisis for F.C.I. Fort Worth. Forty-five women inmates of Alderson were labeled as instigators of a riot and transferred to Fort Worth. The original plan had been for "rehabilitated" persons to be transferred from that institution; but instead, F.C.I. Fort Worth received trouble makers. Amazingly, the four or five "militant leaders" became leaders and interventionists at F.C.I. Fort Worth. Once again, the concept in utilization of mutuality helped facilitate a calm integration with the staff and other residents.

We should be skeptical about past stereotypes. We find that the setting is perhaps as important as the modality of interaction. Depending on the setting, one will also find that a twenty-four hour experience under such adverse conditions is destructive.

Mutuality is basically the recognition that all human beings (with realization of their strengths and weaknesses) are "in this together." One finds that when dealing with the inmate subculture, the inmates have the greatest influence over other inmates. Staff members quickly

learn to work with this in one mode or another. Staff can either have this subculture defeat them, or they can work with it to gain control in order to develop a helping relationship throughout the subculture. Remarkable and magical things can happen in such a perspective. Mutuality often sees inmates helping others "get out of their bag"; however, correctional officials have always been told that there cannot be a true relationship with inmates even though it is possible to establish protocol in perhaps that of a father-son manner.

What are the options? There appear to be a wide range of choices not necessarily dependent upon money. One option is allowing volunteers to enter correctional institutions in order that there be simple human interaction between residents and volunteers in a (hopefully) non-stressful situation. Community involvement, to follow this point, is perhaps a larger key to mutuality-friendship. Institutions should not be built in distant places so as to allow maximum accessibility. Accessibility to citizens, newspapers, etc. is a positive thing. Campbell believes that the more known about the function and structure in an institution, the better it is for everyone concerned. However, one must be careful when developing an open institution or open society concept in a prison, because the privacy of inmates must be protected. Simple "ground rules" can be established, and the public then brought in.

One must exercise caution when venturing into corrections. When accessing correctional facilities one must remember that they must be careful to maintain the good order of control and security within the institution. One must take on the perspective that radicalism (that is, push for change) must be implemented conservatively. Mutuality and trust can aid this period.

Presently Charles Campbell is the court appointed master for implementation of Judge Sarah Hughes' orders on the Dallas County Jail. When Charles toured the County Jail the first day he felt: 1) depressed; 2) shocked; 3) appalled. However, when he went the next day he found

that there was really less of such an effect than before. He found himself becoming more and more conditioned. Even though intellectually he disapproved, there was a vulnerability to insensitivity and callousness. (One can understand this when taking a look at how we have allowed our environment to become more and more polluted while we have been essentially unaware). The function of a jail or a prison institution is that what you cannot see, you do not know about. Thus, what they, the people, cannot see, they do not care about. We need to develop some means of preserving high standards of human decency to counteract "insensitivity and callousness."

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ILANA HADAR PRESENTATION

INCARCERATION: BENEFITS AND DRAWBACKS

Dr. Hadar, at the time of this presentation, was an Assistant Professor in the Criminal Justice Program, Institute of Urban Studies, The University of Texas at Arlington. She received her Ph.D. in Psychology from Claremont Graduate School (Claremont, California) and her primary teaching interests include such topics as Psychology of Crime and Delinquency, Comparative Corrections and Violence. She is currently working on a post-graduate fellowship at the Illinois State Psychiatric Institute in Chicago, Illinois.

The basis of this presentation will center on drawing comparisons between the system of corrections in the United States and other countries and also how the public in each nation views this controversial issue. The people in attendance here today are those studying and addressing the problem of corrections in our country, but who make up only a small portion of the total population.

If one looks at the polls, he/she finds that the public maintains their own theories. They want the Criminal Justice System to become tougher, harsher and more retributive on "criminals." This is a serious problem. A large gap exists between what professionals and academicians understand and what society believes to be true about corrections and crime. We are not reaching society in terms of public education and facilitating their understanding of the problems of crime, criminal justice, or the ex-offender. Too many dollars are going nowhere. The only way to turn this situation around is to have society involve itself by studying the problems and issues involved with crime, corrections and criminality.

Intellectual discussion in which we often find ourselves engaged at these conferences have very little effect on the outside society since nobody else hears them. These closed-door arguments are important but they are not crucial, since we have argued the same issues for years and years. The criminal justice system has found itself trapped within a recurring cycle whereby professionals take one course of action for a while and then another. Rehabilitation must occur in the community and issues involving rehabilitation must be resolved in the community. What is the crux of the matter? What is the purpose of corrections? Punishment is the main function of prisons. We incarcerate offenders because we have

not had any other way to deal with the crime problem, even though this action probably is not dealing with the crime problem.

Let's start using the social sciences, such as sociology, anthropology, etc., to implement the perspective we have already established on human behavior. Unfortunately, the public's perception of the purpose of a prison is to take revenge and retribution on those who commit offenses against society. The public does not give a DAMN about rehabilitation. In their view, prison is solely for punishment. (However, look at it scientifically). For twenty to thirty years, studies have indicated that for punishment to be effective (and these principles work on every species) it must be mild, short in duration, non-traumatic, and humane. The reason we do not follow this particular formula is because we are motivated by fear; we do things that are based on illusion, misinformation, and especially POLITICS. Politicians too often use the fear of a crime problem to support their campaigns. However, let's look at the facts. Very few criminals are "caught", fewer go to trial, fewer yet go to prison. So the public tends to protect themselves with myths. Most offenders are running free outside the prison walls, but the public continues to bury its head in the sand, incarcerating a few criminals and feeling very safe because these criminals are being locked away for longer and longer periods of time.

In most western European countries and other places I have traveled, the Criminal Justice System is divorced from politics, starting with the judicial system. I have not found an example of any European politician using fear as a political device. Fear is not and should not be used as a vehicle for political platforms. Political groups in the United States lean toward and utilize fear very effectively, making people become very hysterical about such issues. Other countries are calmer; there tends to be more confusion among the subsystems involved. We find in other countries a more professional approach to the development of the practitioners in the criminal justice system. Judges in Holland are required to complete an internship in corrections before they ever become a judge. Other examples throughout Europe can be found.

Perhaps we should acknowledge the fact that revenge is, indeed, a very human reaction; however, we are using the wrong approach. Forget rehab-

ilitation if you must, but just remember that harsh sentences, etc., are an automatic block to any rehabilitation which may take place in the system.

Another example of the differences in Criminal Justice Systems between European countries (i.e. Holland) and the United States is the type of sentences which criminals receive. For instance, for killing the Queen there is a five year limit on the sentence and this is an extreme case. Most sentences last only one year or even less; most trials do not extend beyond two weeks. The court system is indeed perceived to be in trouble if it takes more than a month to process a case and conclude with a reasonable finding. (It almost involves a national scandal should a case last this long). We cannot even begin to compare this with the United States' practices. European judges and attorneys find that their actions must not be detrimental to the offender. I find them to be actively involved with the prisoners they handle. These professionals are the same ones who fight for rights and humaneness in the system and against the labeling aspect of the system.

Rehabilitation in these countries is indeed a viable issue; however, conditions are different in that sentences are shorter and most offenders spend their time without ever going to a "prison." European nation's social services delivery system is set up so that national organizations which would be similar to the Department of Health, Education and Welfare offer a full range of social services. An ex-offender is not labeled as such but has access to services available to any disadvantaged person. One may assert that this type of rehabilitation will not work in the United States, since we are different people and have different cultural values. Perhaps, this is true and we can never turn it around here, but let's look at an entirely different argument.

Problems with aberrant behavior should be recognized and corrected from childhood. With recognition that everyone is a potential criminal, perhaps, we should start observing changes in a person's life values. With the change in values, I think we are going to find that a very, very small part of the population, that is 6% of the group we presently

incarcerate, approximately 2% are actually what we would call incorrigible. Social responsibility which from the beginning should be given to parents, is perhaps one of the greatest aspects of personality development lacking in society today.

One suggestion is that we turn parental responsibility into curricula and teach it in mandatory classes. The problem is that parents have depended upon the church and schools to teach morality and respect for authority. These institutions stress individual achievement as opposed to group success. Success should be rated in terms of responsibility to function as a group member and the aid one offers in maintaining group standards. Too many people are motivated by the mindless dollar instead of positive societal goals.

Speaking of dollars, there has been a terrible waste of money on rehabilitation. Again, rehabilitation seldom occurs in prison. After a maximum of one year in an institution, anybody becomes socialized into the prison society. So, what happens when we construct the types of punishment that we have? Indeterminate sentencing is one structure in which the uncertainty most definitely creates an atmosphere for violence. Coerced, rehabilitation is a more harsh type of torture than what we really realize. But, if you want to have an effect on the offender population you have to remember that criminals should not be babied. Punishment, to be effective, must follow the rules listed earlier. Please think about them.

Rehabilitation cannot be limited to the values of society. We must engage in a non-crushing approach. Forcing rehabilitation upon people, again, is the torture of our prison system. Rehabilitation programs should be voluntary, not a condition for parole. An example of this is that a prostitute could well be happy with her lifestyle (a book I would like to refer you to is entitled Rain, by W. Somerset Maugham), but what we want to do is make sure that she learns a trade and tries to earn a "decent living" at \$2.25 per hour as opposed to \$50 a trick.

The public does not really understand or support the efforts of the criminal justice system. If we start from the beginning and allow the good guys vs. bad guys mentality of the United States to continue, this can only bring about bad results.

Let's look at incentive rewards for those who work in the criminal justice system. Let's put it on a private enterprise vs. government responsibility/assistance. In Holland, the system of corrections is, indeed, a private non-profit enterprise. So, to conclude, let me stress four points I would like to make:

1. There must be social responsibility on the part of the public in regard to how they perceive offenders, themselves, etc.
2. There must be more diffusion within agencies dealing with the same basic problems but yet kept apart by guidelines.
3. Incarceration for a person's benefit must be shorter; rehabilitation is okay in prison, but do not measure the effectiveness of those programs by traditional, short-sighted criteria.
4. As long as the public demands retribution, the outcome becomes hopeless.

In conclusion, I would like to thank two people who are here: Warden Lou Gengler, and ex-warden Charles Campbell, from Federal Correctional Institute - Fort Worth. FCI Fort Worth is a ray of light and I feel like the warden of such an institution is, indeed, a rare species of animal, an endangered species of animal. Thank you.

Release from Incarceration
Paul Mansmann

Mr. Mansmann is a Parole Commissioner for the Texas Board of Pardons and Pardons. He formerly served as a District Parole Officer for the State Board of Pardons & Parole in Fort Worth, Texas and also as a juvenile probation officer in the same jurisdiction.

There are a couple of things that I would like to reiterate. The resources for women are often neglected. I think there are a couple of reasons why this is so: 1) Generally the female population is an extreme minority in prison. In the Texas Department of Corrections, for example, well over 90% of the incarcerated persons are male. 2) The largest units are all-male units. Most of the vocational and educational opportunities would logically go to the largest unit. I think that this can be found throughout the country. In many cases, it is more a custody factor than a rehabilitative process. It continues when the inmate is released. I know of many times that I am faced with the decision to parole a woman, with no resources in the community. There are approximately four or five halfway houses in Fort Worth, but there are none for women. In just about every prison system the options on vocational training are much more limited for women compared with the options for men. Most female offenders do not have husbands or families to come back to as opposed to the popular myth that they do. So there is a real problem in women re-orientation, and oftentimes it is much more severe than a man's re-entry into society.



Ilana Hadar responds to earlier speech by John Wallace by reviewing the correction policies in the Western European nations and comparing them to ours here in the United States.

Shari Miller
Administrative Assistant
Fort Worth Ex-Offenders Association

Ms. Miller, an ex-offender, is working as an administrative assistant for the Fort Worth Ex-Offender Association. She also is a contributing editor of Joint Endeavor, a journal published by the inmates of the Texas Department of Corrections.

The Fort Worth Center for Ex-Offenders has been in operation since February of 1975. We offer services directly to those persons who have been through the judicial system. The only criteria is that a person must have been convicted of a felony or of a misdemeanor. Technically, the only people we can aid are those who live in the metro area, but we have found in the last year of operation that many times people are coming back to the Fort Worth and Dallas area from smaller towns, so we try to help them too. Anyone who seeks our help and has been convicted of a felony or a misdemeanor, will be offered employment assistance. Also, we have a male halfway house; we assist people in getting driver's licenses; and we aid them in legal matters. There is not a lawyer on our staff, therefore, we make referrals to the Tarrant County Legal Aid Society. Our center works with most of the community agencies in Fort Worth trying to set up appointments to enable our clients to utilize area agencies. Usually when people are released from prison, the thing they need most is a job, because they usually have no money. Our center offers group and individual counseling. There are nine staff members, four of which are former status offenders. We have a "job developer" who locates the job vacancies for us. The counselors are also "job developers."

We are in the process of instituting a female halfway house and a family center. In doing research in the last year, our organizations found that there seemed to be enough emphasis placed on the ex-offender, but the families of the ex-offender had been completely ignored. Offenders who have had no communication with their families are really at a loss and have no place to go when they are released. Not having contact with his family often affects an incarcerated person. We hope to set up a liaison between the institution and the family, acquiring information for the family about the person who is presently incarcerated. The female halfway house, which we are trying to get into operation, will be a type of state-contracted halfway house. There is a federal halfway house here in Fort Worth for women coming out of state institutions; but we also have many women coming out of city and county jails for small crimes, and they usually have no place to go. Most people think women who come out of prison usually have a family, children, a husband or someone to take care of them. This is not true in many instances. There are many women coming out of prison who have no place to go, no type of income, no one to help them, and that is exactly why they go back to committing small crimes.

In our halfway house we have a job readiness workshop. We are lucky in that we have a remedial setup, so that the staff can stage mock interviews. We try to help people see themselves through the interviews conducted at the center, in order that they can see what they are doing wrong. Our group and individual counseling is what we are currently emphasizing. Our center has "proven" that it can successfully handle job placement. Employers in Fort Worth have been very helpful. A serious problem that our center encounters is that many ex-offenders do not have marketable skills; it does not help at all to come out of prison unskilled. The ex-offender does not want to include on an application the job they held in prison. The Skills Center and Texas Rehabilitation Vocational Training assist our clients in job training. We have money to aid our clients financially, in order

to help them acquire medical help, and vocational training. Both are very important. Many of our clients are more interested in school than in employment. Unfortunately, unless one has the money, or unless there is a spot available in a particular agency, it is very difficult for an ex-offender to continue his/her education.

The counselors have been through a fairly long period of training; it seems to be working quite well. We have some graduate students from UTA working as counselors at the halfway house, and they seem to be doing very well too. Our center has found that people who are ex-offenders or who are still incarcerated make excellent counselors.

RELEASE FROM INCARCERATION
KEVIN MAGUIRE

Mr. Maguire is with the Texas Corrections Association working on a project entitled "Austin - Travis County Ex-Offender Employment Service Project." Since 1972, he has been under the jurisdiction of the State Bar of Texas and the Comprehensive Offender Manpower Program (COMP).

When COMP began, it was included in the Criminal Justice Division of the State; however, it was later removed from the Division and put under the jurisdiction of the Texas State Bar. The primary objective at that time was to expand employment opportunities for ex-offenders in the state of Texas, improve established programs, and also establish new programs. In order to meet that "gargantuan" goal of ex-offender employment opportunities in the state, COMP divided its major objectives into five major areas.

In technical assistance, we aided existing programs to rewrite money proposals and grants, and we talked about the way the programs were administered. Our association also worked with people who wanted to start new programs. The first thing we did, and probably one of the most important things that came out of the COMP program, was that some of the existing barriers to employment in the state of Texas were discovered. For various reasons stated in the state statutes, there

were some sixty or seventy jobs which related to having good moral character. What is good moral character? We worked out a proposal and designed model legislation to eliminate these obstacles so that ex-offenders could find jobs which they wanted. Just for example, you could not be an architect in the state of Texas because of various reasons. You could not be a boxing manager, a doctor, a nurse, or a corrections officer. Our Association published Barriers to Ex-Offender Employment; it was distributed to all the legislative people in the state, and all the people we thought might be interested in getting some changes made. We found out last week that there is a bill before the Texas Senate now which would remove many of the problems of employment in the state. We also provided a directory of services which had just been published. The directory is a compilation of different agencies in the state that relate directly to felons or ex-felons in the areas of housing, clothing, food, drugs, health, alcohol, or other things of that nature. Other agencies did not have much inter-communication, so in 1975 we distributed the first directory with programs listed statewide; it was just updated in order to provide additional listings and corrections. It is available to anyone who wants one.

In 1976, at the suggestion of Jim Estelle, head of the Texas Department of Corrections, the Comprehensive Offender Manpower Program moved part of its staff into the main office at a street level location, and concerned itself primarily with job placement, job development, and working with ex-offenders. At the time, we were told that it would probably fail because the community in Austin is extremely conservative, and because of the cost of hiring ex-offenders. Quite happily, the reverse was just the case. We met our goals in "x" number of months. Our employee need had been projected to have 100 ex-offenders employed, but we had actually helped obtain employment for over 260 ex-offenders. In working with people who hired the ex-offender, our association informed the prospective employer that we did not want special consideration. We just asked that our

clients be considered on their merits.

Our job bank is operated on the premise that our clients tell us what their skills are and what type of job they would like to have. Then with an active file of the people who are willing to hire, we go to them and say, "We have an individual who meets these qualifications; is there a job for him/her here?" We are open concerning the fact that he/she is an ex-offender, which helps from the credibility standpoint, and I think that it makes the ex-offender feel a little more at ease. We also work with job readiness. Most of our clients are people with very limited skills. Most of them have never had a real job, and have never had to sit down with a prospective employer and "sell" themselves; they just do not know how to do it. Hopefully we have developed a program which will help them learn to do this (such as writing resumes, etc.). At one time, we did work directly with prisoners, who were about to be released or paroled, through mail correspondence, in the hope that something could be established for them by the time that they were released, such as housing, skills training, and jobs. We kept that operating on a continuing basis. We have about an eight to twelve per cent recidivistic rate, which we feel is pretty good as it compares to the national average of 33%. The cost required for actually putting someone in a job is projected at about \$360, and we spent around \$240, so from a money standpoint, we thought that we were doing a good job. In most cases, when you have an inmate who gets out of prison, you have to multiply the problems by five or six times since he usually has a family. Placing an ex-offender in a job and taking his family off welfare makes the community happy and gives the family a feeling of self-respect.

In February we lost all but the job placement and job development part of the program. We switched sponsoring agencies from the State Bar to the Texas Corrections Association, and we lost all our statewide capabilities. We can no longer: 1) supply technical assistance to any

of the programs across the state; 2) have the capability to work with the legislature (this is the last tax directive that will come out); 3) publish a book on halfway houses; and 4) work with the inmates directly in prison. Presently, all our agency can do is work with placement procedure if a person comes to our office in Travis County. Hopefully, there is some possibility through some funding agency that our agency will be refunded, but presently it does not look too optimistic.

Release from Incarceration

Sam Harris

National Alliance of Businessmen

Mr. Harris is an ex-offender who is working for Rockwell International who loaned him to the National Alliance of Businessmen where he coordinated the Ex-Offender Program in the Dallas Metro Area. He has recently been appointed Director of Business Liaison, Ex-Offender Program, National Alliance of Businessmen in Washington, D.C.

First of all, I would like to explain a little bit about the background of the National Alliance of Businessmen. After the riots of the 1960's, former President Johnson, in 1968, called several businessmen together to form the National Alliance of Businessmen, with the purpose of finding jobs for the disadvantaged. At first this was mainly for people who were on welfare, and otherwise unemployable. However, in the next few years, veterans, and then, ex-offenders were added to the "list" of those aided by NAB.

All of the staff of the National Alliance of Businessmen were "loaned" from various corporation. My situation was a little bit unique, because I came to NAB almost directly out of the Federal Corrections Institute in Fort Worth. Upon seeking employment, I was referred to the National Alliance of Businessmen by Mr. Charles Hughes, who was Regional Director of the Bureau of Prisons in Dallas. In turn, they talked to the Metro Director in Dallas, who was on loan from Rockwell International. He went to his company and asked the President to see if they could hire me, giving me a decent job, if I could be accepted into the Ex-Offender Program. I was hired and immediately put "on loan" to the National Alliance of Businessmen to work in this Ex-Offender Program

for whatever time seemed feasible. Eventually, I will go back into full-time employment with Rockwell in their personnel department. They are one of two companies who are really working with disadvantaged people.

Specifically, my program is not with the placement agency. I do not do counseling or actual placement; my program is designed to work as a kind of liaison between the institutions and transitional agencies, such as halfway houses and parole offices. There are persons who have been out three or four years, who are not under supervision of any kind, who are still having trouble getting jobs. A lot of programs will not take someone like that; therefore, my caseload is larger than it should be, and it takes away time that I could spend contacting businessmen.

One of the things we discovered in Dallas is that most of the agencies working in the area of helping ex-offenders acquire employment, work with many of the same resources. When an offender gets out, he has a "little black book" with names and numbers of agencies who help ex-offenders, but there is little communication between agencies. One agency does not know with whom another agency is working. This is one of the problems that we have addressed recently. We hope to get support and cooperation from all of these agencies so we can eliminate a lot of wasted energy and wasted money.

I would like to tell you a little bit of personal history concerning my experience when I went to look for a job. I went to Texas Employment Commission (TEC): I was assigned to a special counselor who handled problem cases. The counselor advised me to lie on the application. I just could not see the sense in that. He got a little bit angry because I would not do that, but then he went to work finding me a job; I was fortunate enough to have been able to attend college during the time I was incarcerated and was just a few hours away from getting a degree in Criminal Justice. However, he got me a job driving a beer truck, then he got angry because I would not take it. This seems to be the attitude at a lot of agencies: "I'll help you, but you'd better do it the way I tell you. You don't really want to go to work

if you don't take this job I'm telling you about."

Another thing that we are working on is a pre-release program at the Federal Correctional Institution (FCI) in Fort Worth. If it is successful at FCI, we hope to extend it into rural communities. Our organizations bring businessmen, labor leaders, personnel from the drivers' license division, and credit people into FCI, and they talk to the residents about things they need to do, such as the situation on a driver's license which has been suspended due to incarceration. The residents find out how to establish credit, and personnel people come in and talk about what they expect. We are also working on an information system which will compile information from the various states about the employment situation, and information about organizations which help ex-offenders to get back into the community.

The Alliance is attempting to recruit support groups among churches and civic organizations, because, in my opinion, the main factor in an ex-offender returning to prison is this: if he cannot get some support from the community, then he will probably go back to the associates he knew before he went behind bars.

THE FUTURE OF RELEASE STRATEGIES

WILLIAM AMOS
U. S. Board of Parole

Dr. Amos is a member of the U. S. Board of Parole, and President of the American Society of Criminology. He has been a professorial lecturer at George Washington University, Chief of the Division of Counseling and Testing, U. S. Dept. of Labor and Assistant Director of the President's Commission on Crime in the District of Columbia.

I was formerly the Chief of the Youth Division, United States Department of Labor and had the responsibility of establishing a youth program based on the ideas of former President Kennedy's "New Frontier" program and former President Johnson's "Great Society". This allowed me to become involved in planning the Job Corps, neighborhood youth corps, youth opportunity centers, and other available services for disadvantaged youth throughout the United States, especially those services carried out through the state employment services and manpower administration.

Our agency established eleven regional offices throughout the United States, and hired youth consultants. Our organization met resistance in all stages of operation. Such resistance was especially noted when we tried to serve inmates who were being released from institutions because our focus was primarily on disadvantaged youth. We then conducted a number of workshops around the country and trained people to initiate their own community organizations for the disadvantaged.

Reviewing this operation, I have arrived at several conclusions. One is that we began with the idea that the basic need of most people is a job, and it was a shock to discover that a job really was not as attractive as the middle class ethic thought it to be. It also became quite a shock when you found out that it might not be so hard to land a job for this person, but it was more difficult to keep him/her on that job.

We found that what we were really trying to convey here was that we love people, we want to help people, and we really want to do something for them. It was just that the "do-gooder " approach didn't have a whole lot of pull when you got right down to the nitty-gritty issues involved.

In our country, we have found in the last thirty years in the behavioral sciences, that if you don't happen to agree with what's going on, just hang on, the philosophy will change, and what you believe in will become popular before long. I started off in criminology and psychology so many years ago when the analytical theories were all the rage. I got off into graduate school being trained as an analytical psychologist, and the thing to do was go off to Europe and be trained as a lay analyst. It suddenly dawned on me, after two years at the University of Innsbruck, being trained as a lay analyst, that if I wanted to go back and work with street kids, the training which I was receiving would do me little good. I then enrolled in a "self-theory" school, in which the self-concept predominated, based on the theory and teachings of John Groves Watson.

There are a couple of points which I wish to make about ex-offenders. First of all, if there is anything that I have learned about ex-offenders in the 25 to 30 years that I have been in the field, it is that you are not going to develop prototypes for many programs which will be duplicated around the country. After working with such programs as Reverend Sullivan's project in Philadelphia, and after applying his ideas in 50 cities throughout the United States, it was discovered that the uniqueness of the people, rather than the uniqueness of the program, was responsible for its success. Almost any concept can be used, and if you have dynamic, interested, concerned people who are pragmatic, realistic, and hard workers, nearly any idea or program can work. Secondly, there is not that much difference between the needs of the ex-offender and the needs of anyone else. If you believe in the uniqueness of people, you should not accept the package or wholesale treatment. It was discovered that inmates, particularly ones coming out of an institution, had to be in a particular frame of mind before they could benefit from the experiences they were being offered in community-based opportunities and services.

After spending several millions of dollars in hiring youth and directing the mobilization of youth in New York, we found three factors related to the prevention of delinquency. Our first discovery can be referred to as "geographical intervention," which meant the youth moved away from the neighborhood. Secondly, we discovered "biological intervention" which meant that youth just grew up or matured. It is amazing that many youth change delinquent behavior at age eighteen. The third thing we identified was the "good girl" complex. If a male youth was involved with a girl who wanted him to change his delinquent behavior, this influenced him a lot. We probably pinpointed many fallacies of commonly purported reasons for crime but it is doubtful that the cause for crime will ever be discovered, because there is not just one cause.

As long as there are unique people, there will be unique causes, but there are some factors that we have to acknowledge. Sometimes it takes a long time for people to modify their approach, gaining insight and understanding, organizing their own value system in order to realize its merits. We found that many youths have very short-term goals; they have very little insight and ability for self-criticism or an understanding that everyone who has material things did not "get them on a silver platter."

In 1969, I was appointed by the President for a six-year term on the Federal Parole Board. Also, I served as Commissioner in Washington for Juvenile Institutions for four years, so I have had approximately twelve years of experience in releasing people from institutions. One of the major characteristics that I have seen in those twelve years is youths' unrealistic self-concept and unrealistic perception of others. How do we prepare people in institutions to come to grips with the realities of their lives? I do not really know the answer to that question. Currently, there is a growing movement in the United States to abolish parole entirely and have mandatory sentences. Several states, such as Maine, Illinois, and California, have already implemented this program. There are two bills in the Senate to abolish parole, and establish a sentencing commission very similar to the sentencing guidelines that were researched and adopted by the United States Parole Commission. These

attitudes and beliefs are popular at the moment. People working in American criminology have been involved with other movements and ideas before which were believed to be the answer to everything. However, there is no one panacea. We are talking about a reorganization of many things. You cannot provide services to offenders coming out of institutions without talking about crime control. We must change the opportunities available for people. We should talk about a restructuring of the family and community which involves the socializing institutions in our community (e.g. schools, church).

What type of strategy should we have for people reentering the community from institutions? We have said for many, many years, based upon the model of the parole boards and commission, that an offender should make that decision by himself when the opportunity arises for release from incarceration. Parole decisions are "low levels" of witchcraft unless you have certain guidelines. And if the guidelines simply say, "If you have a certain type background and have been engaged in "x" number of rehabilitative programs, then you get out." But we defeat ourselves by going through a continuous process of saying that "this program does not work, but something else could." Then in about 35 or 40 years, it is demanded that the system start to do things it was stopped from doing several years before, or as stated in an earlier presentation, the criminal justice system is stuck in a circular modality.

It seems to me that we have got to come to grips with several things. One, we have to say that here are the different criminal laws of our society. Let us take a look and see if we want all these laws, or if there are some which should be abolished. Then, let us speed up the criminal justice process, so that the convicted offender can be readily held accountable for his/her offense. Finally, as Chairman of the Youth Division of the United States Parole Board, I had the authority under the Youth Correction Act to subside conviction and "wipe" the record clean.

Research shows that the United States should stop using incarceration as a major tool in our criminal justice system. There are three purposes that I can see for incarceration: 1) punishment; 2) deterrence; 3) and

protection of society, which is the long-term purpose. I do not know what percentage of people who go through correctional institutions should be confined for long terms in order to protect society; I do not know of any way to realistically determine this factor. For these three reasons, I have a strong feeling that most people who are incarcerated will "fall" outside of these three particular purposes of incarceration. My strategy for release in the future is simply this: let a person know what the penalty for his/her behavior is, and make him/her responsible and accountable for that particular period of time. Incarcerate fewer people, except when it is in society's interests for protection, deterrence, or punishment. Do away with the rehabilitation model as we know it today in corrections, and be concerned with the development of a philosophy and a code of humane and fair treatment within correctional institutions. I think people should be treated fairly, humanely, and there should be adequate medical services and adequate food. There should be opportunities for self-involvement, opportunities for reentering the communities, and opportunities for individual psychological and emotional health. The United States has not proven in the last 30 years that rehabilitation programs "rehabilitate". But from the standpoint of what kind of correctional system you want in a society which is based upon fairness and justice, opportunities to grow and experience positive change should be available. I also think halfway houses, public and private employment development and counseling services are terribly important. Any type of community involvement with corrections is important.

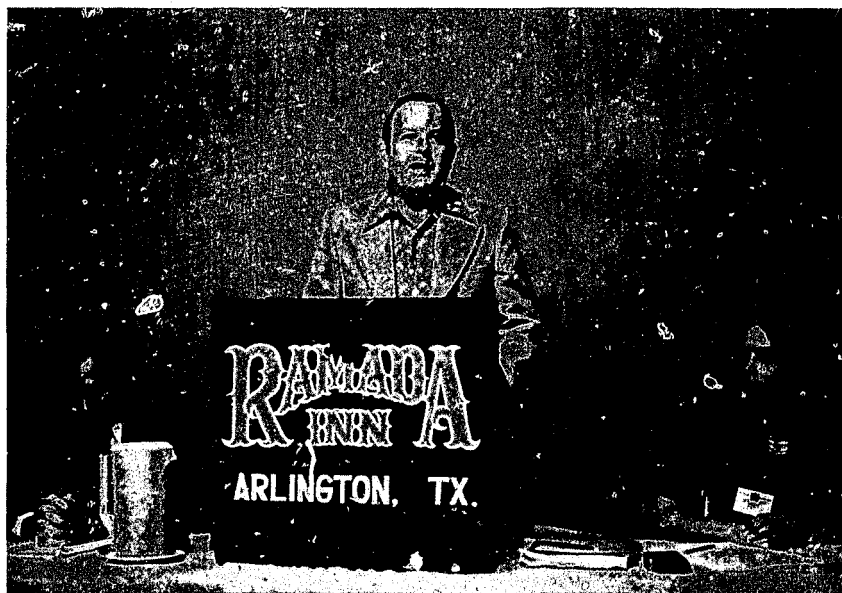
The only causal factor that we ever found for delinquency was the inability of youth to read. I would start a massive national program to teach children to read, and begin this program at the ages of two and three, so that they are not lost by the ages of five and six. During my days in the Youth Division, we learned from school dropouts that once they entered the sixth grade, it was too late. By the second and third grade, they were a year behind in development. In the sixth and seventh grade, they were two years behind. By the age of fifteen or sixteen, these children were several years behind, and then they dropped out.

I believe in treating people as human beings who have unique problems; I also believe in holding them accountable for their behavior. This is not the "age of the big excuse." Very few people commit crimes because they do not have a choice. But in the future, we must change our national philosophy to create more opportunities for disadvantaged families and their children at an earlier period in their lives. I do not see it on horizon right at the moment. I am not sure that the reorganization of the welfare system in this country would help either.

Another thing that I have found in the last 25 years is that the majority of people who end up in institutions or some type of care program, had families who were disorganized and disrupted. The children did not get the support at a very early period of their lives when it was necessary. I am not trying to "lay blame"; I am just saying that when people re-enter the community, if they re-enter through an intact family structure, it plays a tremendous role. Many of our female inmates re-enter society without families. In many ways, it is probably more important for the female offender to have family contacts. But we have not accepted removing sexism from our federal and state prisons. We treat the female offender completely different from the male offender. I cannot speak for all state systems, but I can certainly speak for the federal system. Even though we are trying to correct this, we still have not stopped giving preferential treatment to female offenders as opposed to male offenders.

Let me say that the three people on this panel presented comments on programs that I am very enthusiastic about. One such successful program is the National Alliance of Businessmen. It really began in 1968, when 50 corporation presidents were summoned to meet with the Department of Labor. The idea was to go back and attempt to get openness within their own corporation(s) through the hiring of people with limited job skills and disadvantaged backgrounds; this idea later developed into the inclusion of ex-offenders and handicapped people. Another program is the halfway house. Halfway houses have been over-utilized because they are considered a "cure-all" solution (sometimes wrongly) to prisoner release problems; however we do not nearly have enough of them. Too many people think that every ex-offender must go through a halfway house when in actuality a halfway

house is designed only to provide a particular type of supportive and creative service for an individual with specific needs. The third program deals with the development of local job placement programs for ex-offenders through private businesses. Although some businesses or agencies have already initiated such programs and appear to be quite successful, a greater number of private organizations need to be more involved in job development, placement and supportive services. Corrections personnel and the public must not become "hung up" on the idea that community corrections services will solve all our problems. The disheartening fact remains that even with halfway houses, job developers, and counselors, there will still be a high rate of crime.



Bill Amos sums up a panel presentation on "Release from Incarceration". Here he deals specifically with the future of parole in the United States.

56700

Criminal Justice: Some Critical Issues

Charles L. Newman, Ph.D.
University of Texas at Arlington
Arlington, Texas

Dr. Newman is Professor of Criminal Justice and Director of the Center for Criminal Justice Research and Planning, Institute of Urban Studies, The University of Texas at Arlington. He currently is also the Director of a National Jail Resources Study with Pennsylvania State University and has recently been appointed to the governing board of the Joint Commission on Criminology and Criminal Justice Standards and Education.

I could recite problems which face the criminal justice system, the facts of which have been well documented by the reports of the Joint Commission on Correctional Manpower and Training, the President's Commission on Law Enforcement and the Administration of Justice, the National Commission on the Causes and Prevention of Violence, the Advisory Commission on Criminal Justice Standards and Goals. Or, I could refer you to the hundreds of federal, state, local, and non-governmental reports which have been addressed to the problems of crime, the offender, the system, and the public concern as to its own safety. We have no difficulty describing a system in crisis or breakdown. However, if we shape our actions based solely upon these facts, we would be missing an important ingredient. The most important factor in the complex of the future is the way that the human mind responds to crisis.

For at least the past two decades, the problems of criminal justice have maintained a significant portion of our nation's attention. Crime continues to fascinate us. Our daily television diet of crime programming, whether in fiction or the national news, supports this notion. Never before has so much human energy and attention of the public media been devoted to the problems of law and order.

Yet, in spite of the billions of spoken and printed words, the activity of federal, state and local criminal justice agencies and planning commissions, the hundreds of millions of dollars invested by LEAA in research and development of service delivery systems, we have produced neither a satisfactory solution to the problem of crime, nor a viable national strategy to deal with offenders.

This is not to suggest that efforts have not been made, for indeed various experimental programs in enforcement and correction have demonstrated that we can have an impact upon some law violators under certain circumstances, given the appropriate set of resources - personnel, facilities, and programs.

The problem of crime is deeply imbedded in the social structure of our society, and only with the eradication of those problems which constitute the major breeding ground of crime, can we even begin to hope for any turn-around in the escalating crime problem.

The reality for corrections is that there are a substantial number of people who are involuntary participants in our systems, but they have neither the desire nor the capacity to lead law abiding lives. Some of these people like the protected environment which keeps them from maintaining themselves in the free world on a day-to-day basis. Anyone who is familiar with local jails knows the character who uses the jail as his home away from home. No matter how inadequate the jail may be either in facilities, program, or staff, the certainty of bed and board for this type of individual is far more important than any restrictions or discomforts that corrections may offer. Do not misunderstand my point. I am not suggesting that the archaic, inadequate facilities, which in some localities pretend to be correctional institutions, should be maintained because to some prisoners, it represents a place better than home. What I am saying is that we cannot hold corrections accountable for the failures of such individuals, though we can make the jail a more humane place to live.

Then there are a substantial number of individuals who see the risk of incarceration as the social price of their illicit activities. Such individuals, contrary to the misguided belief, are neither "sick" nor capable of being socialized. They will do their time, and they will be back again if they are caught.

Perhaps even more critical to us in the criminal justice field is the growing public expectation that the police, the courts, the correctional institutions and field services, will have to bear the burden of dealing with an increasing number of individuals who represent a new pattern of dissidence. Many of these dissidents are the people who have been warned to the expectation that a better world and a better life for themselves is emerging, only to discover that the political rhetoric of "the new deal," "the great society," the "fair deal" and the promises of hope do not include delivery, or at least in sufficient magnitude to represent any major change in the status quo.

The frightening thought is that the hard core of the unemployed and the underemployed, from whom a large segment of our criminal population is drawn, are augmented daily by people who are being displaced by recession, industrial collapse (as in the auto and lumber industries), and cost-cutting economy measures. When unemployment benefits are exhausted and the welfare system is reduced in its ability to respond efficiently, is it reasonable to expect rising incidences of violence, street crime, and other crimes arising from despair? And what happens to the rhetoric of the day which states that offenders should be given jobs in the community rather than placed in prisons?

In addition to the past failure of society to deliver promised resources is the current tragedy of our national scandals which have evoked both a distrust of elected officials and a questioning of constituted authority to serve the public good. Police officers find it on the street, college professors experience it in the classroom, and certainly correctional administrators and personnel have not been immune from the problem.

Finding Solutions:

We have no great difficulty in identifying the problems confronting the criminal justice sector. The difficulty seems to be in finding solutions which do not create greater problems in themselves. For example, in the effort to reduce crime in the streets of major cities, preventive detention was offered as a solution. But is the "medicine" worse than the illness, if we consider the long-range potential damage to all of our personal liberties?

In our attempt to protect people from the criminal justice system,

we have developed a whole series of alternative or diversionary routes. But unless the community is prepared to offer the requisite human services consonant with the diversionary practices, there is no reason to assume that the community will be protected (which is why the criminal justice system exist in the first place) or that the offender will be assisted in becoming a law-abiding citizen. I have seen no evidence that any state has been willing to make an investment of the magnitude required to support existing systems. Moreover, by adding layer upon layer of "new agencies," we starve the existing services even more. And in our search for instant answers to complex problems, the solutions not infrequently have been oversold, with the consequent disillusionment over the value of those new strategies. This is especially true in the areas which have attempted to redefine the offender as a "sick person" with all of the consequences of psychiatric manipulations. Not infrequently, "treatment" programs have been offered without theoretical rationale, or solid empirical support.

Imprisonment as Progress?

Curiously, when imprisonment was first introduced in this country in the 18th Century, it was represented as a more helpful and productive method of dealing with offenders than death or exile for serious crimes, whipping or mutilation for lesser offenses.

Around the same time that prisons were built as a humane approach to the offender, other social forms were developed to care for other people with problems. Almshouses served the aged, work houses the unemployed, orphanages provided homes for destitute children, insane asylums were established for the mentally aberrant. Congregate institutionalization, whatever the problem, was seen as the most productive approach.

We lived within the frame of reference for well into the 20th century, but gradually a new philosophy began to emerge. The almshouses have been replaced with family assistance. Unemployment compensation now substitutes for work houses. Most orphanages, both public and private, have been replaced with the Aid to Dependent Children (ADC) program and foster homes. Slowly institutions housing the mentally ill have given way to community based mental health settings.

. The point is that our heavy reliance upon isolation of problem people from the community has become less in vogue, and not the desired mode for the delivery of human services. The reasons are, of course, obvious: congregate institutions have proved to be expensive to operate, unable to attain objectives except for confinement, and in many instances, counterproductive to the solution of human problems. But let us not forget that for some people confinement is both desirable and necessary. Are we yet able to identify those people?

This nation's reliance in dealing with the public offender, as you know, is still heavily weighted on the side of jails and prisons, though many continue to be disguised behind such nice sounding terms as "detention center," "development facility," or "community correctional center." You may recall that one of the most violent of prison massacres took place not too long ago in a California facility for dangerous offenders euphemistically called an "adjustment center."

By changing the name over the door of the orphans home, by calling it a children's care facility, does not alter the way it functions, unless we are willing to change both the way the service is delivered to the recipient and the way that the recipient is viewed as a human being.

Admittedly, constructive changes have been made in corrections over the past several decades. But by and large, the depersonalization of people in large institutions remains unchanged. Even in newer institutions the emphasis seems more to be on warehousing, restriction of movement, and generally enforced idleness. Probation and parole continue to be ritualistic procedures, with the primary emphasis still on reporting. All of this leads me to a consideration of the questions of what corrections is all about, where should we be going, and how can we attain those goals?

What, Then Is Corrections?

At first glance, the questions appear to be naive. Corrections is that part of criminal justice which deals with the offender subsequent to conviction, but prior to release from the system. In many states, corrections refers specifically to the institutional component. Elsewhere, it includes probation and parole. But whatever its admini-

strative organization, we must recognize that corrections comes at the end of the criminal justice cycle, and that it is often left with the task of trying to resolve dilemmas passed on to it by the course. More frequently than not, the expected parameters of service to be provided by corrections are poorly defined. "Confinement at hard labor" may assuage the public anger, but is impractical operationally as a fulfillment of sentence. "Commitment for treatment" may sound more humane, but it assumes that we have a person who wants to be "treated," and that we have the capacity to assist in the process. There is little evidence to support the conclusion that even voluntary clients can be "cured" non-chemically. There is less evidence to support that conclusion with the involuntary client.

A Sound Philosophy Needed

We would agree that the objective of any correctional system is to protect society through the rehabilitation and reformation of its charges. But the goals and practices (what we expect to achieve and how we go about doing it) of our correctional services are often contradictory and work at cross purposes.

Just about one hundred and eighty years ago, a group of Philadelphia citizens met at the home of Benjamin Franklin to listen to a paper by Dr. Benjamin Rush, one of the signers of the Declaration of Independence, proposing a new method for the treatment of the criminal. His proposal included a system of classification of prisoners by housing, a system of prison employment which recognized the paramount importance of work as a rehabilitative agent, the need for making the period of punishment indeterminate and proportioned to the progress of prisoner, and the treatment of convicts based upon some determination as to whether the crime arose from habit, temptation, mental illness, or passion. Some progress has been made since that time. But our modern correctional programs are proceeding on a rather uncertain course because their administration is necessarily a series of compromises:

- Restrictive laws force prisoners into idleness, yet one of the objectives is to teach them to earn an honest living.
- The prisoner is denied a voice in self-government in the institution, but he is expected to become a thinking citizen in a democratic society.
- To some, prisons are "country clubs" catering to the whims and fancies of inmates, and to others the institution seems charged with bitterness, rancor, and an all-pervading sense of defeat.
- When we place a person on probation or parole, we expect that he will work to support himself and his family, but the community denies him the opportunity to productive employment.
- We tell him to act like everyone else, but deny him the right to live down his past.
- We tell him to use the services of his probation and parole officer, but deny him access because case loads are inordinately high.
- We talk of professionalization, and we continue to allow politicians to use the correctional field as a patronage dumping ground, or to emasculate programs at will by budgetary manipulation.
- They are expected to punish, yet at the same time they are to reform.
- They are expected to discipline rigorously, yet they are expected to fit men and women into living normal community lives.
- They are expected to operate in terms of fixed autocratic routines, yet they are expected to develop individual initiative.

The problems of the correctional field are manifold. They stem from lack of public interest, lack of public support, political interference, lack of funds, interservice jealousies, misunderstandings, lack of imagination and inventiveness in program planning. We have come a long way from the days of flogging, mutilation, branding, striped clothing, all of which resulted only in the degradation of the human personality. A reasonable conclusion to be drawn at this point, then, is that the success of corrections as an enterprise is in large measure conditioned by the efficient and effective operation of proceeding steps in the justice operation, as well as a commitment to follow a consistent pattern of objectives.

There are many other challenges which I could identify, but I'll stop with this last one because I believe it is the keystone to the entire process; the challenge is to become more fully informed about the accumulated knowledge that we already have but are not yet using. Some solutions to the problem we now face can be found in the vast literature which has been developed through careful research and planning. The task before us is to utilize that knowledge in as constructive a way as possible always with the understanding that the nature of perfection is such that it is sought by many and attained by few.

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Question: How can you compare the prison system in Texas with other states?

Answer: A cross-state or cross-cultural comparison is virtually impossible except in the most generalized kinds of terms. Certainly there are programs (I identified an educational program in the Texas system) which are worthy of emulation in other states. There are other states which have better defined kinds of programs in certain areas. My colleagues and I, over the past several years, have been looking at jails around the country very intensively. The types of problems that institutions, jails, and prisons face in various states around the country represent major differences. One could not compare, for example, the kind of pressures a jail in Austin, Texas, faces, or the kind of problems

the jail in San Diego, Detroit, or New York City faces. The basic factors to consider are the problems of community resources, and the problems of finances. The question is, how much are they doing with what they have? The State of Texas may or may not be doing as much with its resources as, say, the state of Mississippi, Massachusetts, etc.

Question: What are some of the weaknesses in the Texas prison system?

Answer: I would say the weaknesses in the Texas prison system are the weaknesses in all criminal justice systems. These are as follows: 1) They have no control over their intake. They get who they are sent, whether those people belong in the system or not. They must keep them for as long as the court or the parole board dictates that they must be kept, which may be appropriate or may be inappropriate. 2) They must seek funds based on the level or problems they face. 3) They are faced with the problem of inmates who almost entirely are there involuntarily. 4) The staff very frequently is not as well trained as people might be. 5) The communities very frequently are unreceptive to the return of the offender once the system has done what it possibly can to prepare the individual for the community. What I am saying is that the fault of the Texas correctional system, or any of the other 49 states I have not mentioned, are much larger than the system itself. They are the fault of society, they are the fault of our elected representatives, and they are our fault because we have not stood up and said this is what we want the system to be. I believe that there ultimately has to be a partnership between the community and the criminal justice system to alter these areas.

Question: What are the reasons for an increase in crime?

Answer: More people, in part. The crime prone age group in the United States has swelled continuously since about 1960. Indeed, there is some evidence to suggest that within about a year or two, we will start seeing some reduction in the crime rate. If we start enforcing our laws against white collar crimes, and start arresting people who have not been the target until recently for criminal justice processing, I think we may start seeing another rise in that area. These people will not be in

the 18 - 35 age group; they will be in the 35 and up age group.



Some "critical issues" of Charles Newman's presentation in which he reflected upon how the criminal justice components can create problems for themselves and each other.

56701

CORRECTIONS: A STRATEGY FOR CHANGE
John Wallace

Mr. Wallace is the acting Director of the National Institute of Corrections, Washington, D.C. Since graduating from the University of Minnesota, he has been employed as a probation officer, psychiatric social worker and a correctional administrator (for twenty years) for three different probation and parole systems. He also is an author of a dozen articles that have appeared in various professional journals and has been a staff member of several city, state & national commissions (e.g. New York City Office of Probation, Office of Probation & Parole, State of Minnesota and National Council on Crime and Delinquency) related to corrections, social work education, crime and delinquency and children services.

The comment is made that everything is in the state of flux - that everything is subject to change. That comment is applicable to corrections. Although there may be some who will argue that corrections in this country has been static and has essentially remained unchanged for years, I would say the evidence reveals that corrections is changing. A careful examination of corrections from the standpoint of several centuries or several decades will indicate that change is occurring. One primary issue is what form or direction will that change take.

Viewing corrections over a period of several hundred years, we find the "4-R's" of corrections - revenge, reform, rehabilitation, and reintegration. The first to appear on the scene was revenge, almost a pattern of "an eye for an eye and a tooth for a tooth." That era was followed by the building of institutions in which we would house and keep the wrong doer. This is when America made its unique contribution by the development of the penal institutions in which the emphasis was on reforming the criminal. Interestingly, our penitentiaries derived their name from the word "penitence." Prisoners were isolated from each other and provided a bible to study and become penitent. Later a new institution for the younger offender was introduced and this was called the reformatory. Here the emphasis was on training, usually vocational or educational, with the goal of reform. In time, the institutions added the concept of rehabilitation. That concept was also fostered by the develop-

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ment of probation and parole; the emphasis was on treating an offender and curing him of the causes for the wrong doing.

The concept of reintegration came to the forefront in the late 50's and early 60's when the questions were asked about how opportunities could be provided for the probationer, parolee, and ex-prisoner to make legitimate linkages within the community and thus take his/her place as a wage earner and law abiding citizen. To do this meant reducing the handicaps that had been placed on the ex-offender by society either through laws or other means of social stigma.

The interesting thing about the "4-R's" was that as each one came into prominence, each had been adopted by corrections without discarding any of the preceding R's. In other words, reformation was added atop revenge; rehabilitation had been added to all three. The effect remains with us today. Some studies that had been made on the attitudes and values of people working in corrections reflected that some staff members leaned toward rehabilitation, others were oriented toward reintegration, while some still viewed revenge as the primary mission.

If one were to examine corrections since the last two decades, this person would be amazed at how many changes have occurred. A decade ago, the concept of a union within a correctional agency was an issue only being discussed by staff members and considered to be a high priority confronting administrators. Within the past ten years, we have seen strikes by custodial staff, institutions, probation officers and a near strike of a state-wide parole agency. Probably even more fascinating is the idea of prisoners in institutions banding together and seeking a certificate for collective bargaining. This has happened in at least three states.

Two decades ago, people were talking about parole as a privilege, not as a right. Today parole boards are confronted with the fact that prisoners do have rights and that parole boards are being required to provide a reason as to why a prisoner is denied parole. Other important court decisions with respect to parole concern a prisoner's right for a hearing at which he is represented by legal counsel, a right to present witnesses in his own behalf and the right to examine any witnesses

being presented against him in a parole violation hearing.

Court decisions have also made an impact on probation. The court is the only legal body which can establish conditions of probation. This ruling resulted from a case in which a probation officer on his own had imposed conditions on a probationer. When the officer brought the matter before the court because of the latter's violation of those conditions, the court upheld the action of the probation officer, revoked the probation and sent the probationer back to an institution. An appellate court reversed the findings on the basis that only the court that passed the original sentence had the right to impose any conditions of probation.

Another court decision required the disclosure of the presentence investigation to the defendant and the defense counsel. This procedure will probably become a matter of right in all states within a period of time.

Courts have had an impact on institutions, ranging from the closing of the famous Tombs, a prison in New York City used to house prisoners awaiting trial, to the declaring of some state correctional systems and state institutions as being unconstitutional because the conditions in them violated the constitutional rights of the prisoners.

People in corrections have been concerned about court decisions. Their comments range from bemoaning the courts for interfering with the "profession of corrections" to remarks that the overall influence of the court has been beneficial both to the inmate and to the staff. As an example, some of the correctional staff, in one state in which the court has declared the system to be unconstitutional, indicated that they owe their new status and new salary raises directly to the influence of that federal court decision.

Changes have been initiated by others, including legislators. Several of our states have new penal codes and others have reorganized their departments of corrections. A decade ago the argument was whether paroling commissioners should have authority to direct and administer the staff and parole officers. That argument is not heard as frequently today; more and more paroling authorities have been separated from the

administration of the parole agency which supervises parolees.

Today in the juvenile field, legislators are discussing the possibility of limiting the jurisdiction of the juvenile courts and removing the so called status offenses, namely those acts that only children can commit such as truancy and incorrigibility. In some states more status offenders come before the juvenile court than those children who have committed actual criminal offenses.

Thus, if we examine history we see the changes that have occurred because of chance and sometimes because of planned change. We find cases in which there have been changes that have resulted from the impact of research in corrections. But all and all what we usually find is that although changes have occurred, the direction for those changes have rarely been down a specially designed path. However, there are some lessons that we might learn and use.

The lessons that we might use are six in number: 1) recognize corrections as a non-system; 2) state responsibility for leadership; 3) how can crisis be utilized positively; 4) what are the implications of research and evaluation that we have in hand today; 5) what is our business; and 6) how can I be an influence. I will try to illustrate each point in the following discussion.

Corrections has been described by more than one individual as a non-system in that "the only thing that links the criminal justice system or that links corrections is the offender passing from one agency to another." If we recognize the non-system, we will focus on a portion or portions of corrections. It is then that we will have more impact than if we attempt to turn the entire corrections around in a period of two or four years (the length of a governor's term). Take a lesson from the military: explore your front line; seek the weaknesses of your opponent; then exploit those weaknesses.

One of the most effective stimuli for change is the role that the state plays. Some correctional agencies are run and financed by cities; others are run and financed by counties; still others are run and financed by the state. When the city or county government operates

their correctional agencies there can be dramatic differences between two neighboring cities or counties. The state has a responsibility to exercise leadership because the criminal justice process is a result of state legislation. The state that begins to assume responsibility and exercise leadership will bring improvements and a change in corrections in that particular state.

The word "responsibility" does not mean that the state must necessarily take over and operate the city or county correctional agencies. The state can assume responsibility in various ways. There are some states that have taken over the operation of county probation services and centralized them in one state agency. On the other hand, states have exercised their responsibility without taking over a correctional agency. An example is the state that begins to work with the counties regarding standards for jails. The jails in this country have probably been the source of more criticism than any other part of our correctional process. States are now beginning to recognize that they must exercise a responsibility concerning jails.

Traditionally, crisis in a correctional agency is viewed as being a riot, but I also suggest that a crisis can be the introduction of a new commissioner into a correctional agency. Some of the most significant gains in corrections have been the actions taken at the time of a crisis. More than one administrator following a prison riot has made it very clear that riots can be expected again as long as the public and the legislator are creating the conditions conducive to it such as low pay for staff, inadequate numbers of staff, inadequate programs for prisoners, etc. Legislators have responded and gains were made. Some correctional administrators may react to crisis by putting his head in the sand and hoping the problem will disappear. However, the same problems are still there when he pulls his head from the sand. The administrator who endeavors to exploit a crisis with the goal of turning it into something positive is the individual whom we should try to emulate.

Fortunately, within the past decade, we are seeing both more opportunities for research and evaluation and more results being utilized.

Some research done in the 1960's indicated that the conventional pattern of a caseload of 50 persons eligible for probation or parole was not going to bring about more reform or rehabilitation of probationers or parolees than when there were caseloads of 100 or more. Those findings are discouraging to people who have sought for years to lower the caseloads in the probation and parole agencies. On the other hand, those findings are now requiring people to examine new models for providing probation and parole services, models that will lower the recidivism rate and at the same time provide the services needed by offenders.

Research in institutions has indicated that mandatory education is not reducing recidivism. Today, emphasis is shifting toward the idea of giving prisoners the right to determine their own developmental programs. In one penal system there is an increase in the number of people who are enrolled for voluntary academic and remedial education. We do not know if such programs will reduce recidivism but volunteering for involvement in these activities is in itself a valuable experience.

The question, "what is my business?", appears to be quite simple, but is probably the most difficult question any administrator faces. The success of Bell Telephone Company has been attributed to the definition provided by one of the early leaders in that company, namely "service." Service sounds like a simple word; maybe it is, but it is also a very complex idea. The word "service" can be translated into measurable definitions. For example, the telephone company can establish how quickly you should be able to complete dialing a telephone call, how soon they should be able to respond to your request for the installation of a new telephone in your home or office, how long they should be able to do repair work of a certain nature after they have been notified of the location of the problem, etc. A great deal of the success of the telephone company has been attributed to that definition. The point has been made that there are other companies including some of which you and I would recognize the names that have gone out of business because they made very inadequate definitions of their "business".

This task of defining your business came home dramatically to me in

two instances, one with respect to institutions and the other with respect to field services. One juvenile detention facility had been concerned for years about being a diagnostic facility and providing information to the courts at a time when a child was appearing for a dispositional hearing. However, when that institution got down to examining what they were actually doing and what was really happening to children, they realized that they were providing very little information to any judge. Also, they recognized that children were being damaged by the very process of being institutionalized. The result was a change in their mission; their primary business became that of reducing or minimizing the damage that would be done to children who were detained. I suggest that if you examine the consequence of that type of decision, you can see ways it can be measured.

The other example occurred while working in a probation system. We were focusing on the contents of the presentence investigation and an investigation for release recognizances while awaiting trial. Conventionally, we had defined our presentence investigation as being a document for use by: 1) the parole board; 2) the judge; 3) the probation officer; and 4) the administrators for research. When we began to look at what was actually happening, we realized that our primary mission was to provide information to the judge. Moreover, that information was being provided for a specific purpose, namely a decision being made at a particular time in the criminal justice process. We, therefore, defined our role as being that of providing information to the judge that was appropriate to his decision making at that particular time. The results were a shorter, simpler form for use on bail investigations and a reduced presentence investigation report. The manner in which we obtained these results was to ask the judges what information they needed for their sentencing decision. They told us that their real needs were limited to five or six pieces of information about the offender, not the complete life history which they had been receiving for years.

The last thought is what can I do to be an influence? This is a question that you have to examine both from the standpoint of yourself

CRIME IN TEXAS
JOHN HILL

The Honorable John Hill became the 45th Attorney General of Texas four years ago and has been acclaimed by Washington Monthly Magazine as the most outstanding attorney general in the U. S. in 1975. He also serves as co-chairman of both the Texas Organized Crime Prevention Council and the State-Federal Law Enforcement Coordinating Committee combating the narcotics traffic across the border of Mexico into the United States. Mr. Hill is an honor graduate of The University of Texas School of Law and has recently been appointed Chairman of the National Association of Attorneys General Special Committee on Energy.

The Attorney General's Office over the last few years has made constructive, progressive contributions to the system of justice in this state. In the area of law enforcement, we have tried to work with our local and state offices probably more dramatically than at any time in our state history. Certainly you and I know that one of the "missing links" in the matter of justice and criminal law is the element of respect for the law. One of our shortages is in the execution of the law by public officials. And it is along that line that I want to address myself today. Under the Declaration of Independence, it is proclaimed that each person in the United States has "inalienable rights." Thus, the criminal justice system seeks to protect citizens from violence, assault, and other crimes. And the laws which are passed, presumably to protect the law-abiding citizens of the state, also were intended to provide a system whereby we would protect the prosecuted parties.

Regrettably, the laws in this country do not always protect its law-abiding citizens, and neither does that system always deal justly with the accused. Our system of laws is one which guarantees freedom on the one hand, and also seeks to find the limit of that freedom under law. We

as an individual and from the standpoint of the role that you play in corrections. Your role as a parole officer or as a jailer may be different from that of an administrator, warden, superintendent, or a legislator. You as an individual or you as a representative of a social institution can be of more influence and more impact than you may realize. Here I would like to take an example from the National Institute of Corrections. One of our functions defined by law is "research." When we examine the activities of other federal agencies engaged in research some of us may quickly note that no single federal agency is devoting its primary emphasis to reinforcing the state and local correctional agencies in their research operations. As a consequence, we argue that with a limited budget for research in NIC, we will have a greater influence if that money is available primarily to state and local correctional agencies to supplement their research staff. The money is not being made available in large grants, in many instances totally less than \$15,000. This is not enough to create a research staff or to hire additional research personnel in an agency. It is enough to enable the research component of a correctional agency to do a task that would otherwise be beyond their present capabilities and financial resources. You might say that we are restricting ourselves, but we believe that this offers a way to influence positively the research and evaluation activities in state and local operating correctional agencies.

must recognize the tension which exists between the idea of freedom and the concept of an orderly society. In our state capital today, legislators are trying to resolve the questions surrounding freedom and justice which we want to provide for our citizens on the one hand, and yet trying to get some real "teeth" into our criminal justice system on the other. That is not going to be an easy task. I think the first thing, however, is that the Constitution of the State of Texas and the Constitution of the United States should extend rights more equitably to all people. Though this sounds like a cliché, it is still a necessity.

Unless the concept of equal justice is made a living reality, we will not be successful in making this law enforcement system effective in the protection of our citizens. Another concern is that this system should safeguard the lives and the property of the individual law-abiding citizen. It is a matter of rights. In my view, in order to protect our citizens, we must have adequate punishment to deter possible offenders, particularly in the area of the hardened, seasoned, repeater-type criminals. People are demanding, and I think rightfully so, added deterrents against those who seem to be indifferent to an individual's rights, particularly in the area of violent crime which has led to the restoration of the death penalty. I think that we simply have reached a "harvest" among the citizens in which a rebellion has begun to build up. More effective law enforcement should be provided, even as we are attentive to those areas such as rehabilitation. When the increase in crime over the past year is noted, pent-up emotions and responses on the behalf of the public can be seen and heard. This reaction has occurred in the rural areas as well as in the urban areas, as witnessed by the increase in rural crime. There has been an increase among youthful offenders also. I think that we will all agree that there is too much violence in this society; violence on television is a major influence on the young people in this country.

This leads me to what I believe is one of the greatest problems law enforcement officials face today, heroin. The heroin problem, and let me speak frankly about it, is causing an upswing in crime and cruelly destroying more lives than any disease or illness. The President is recommending that marijuana be decriminalized and treated as a fine instead of a crimi-

nal offense. Austin is acting on this issue on an "ad hoc" basis today. There are many who would urge that course of action. I was on the team of co-provisions commission for three years. I want to move away from penalties which are all out of proportion to the issue, but on the other hand, we should not go completely the other way and condone and encourage the use of marijuana by twelve and thirteen year olds. I do not claim to be a medical expert; I am a lawyer, not a physician or a psychiatrist. But we have 45,000 heroin addicts in this state today, and only 5,000 of them are under treatment. It is a sad and tragic "state of affairs." When we recognize the many human being who have been injured and virtually destroyed by the heroin "traffic", and still see Mexican heroin inundating our state, we realize this problem is far from being controlled. I am head of the Organized Crime Preventive Council which deals with the problem of heroin all the time. The Council is trying to coordinate its efforts with other states, in order to try and control this problem. While I do not claim that marijuana and heroin have any connection, I have found in our investigations that if there is heavy reliance on marijuana then there appears to be a lot of "double-dealing" with marijuana and heroin. We are dealing with a matter of extreme importance to the future of this country.

I think the need, basically, is for greater public support of our law enforcement system. For too long we have debated about the work of the law enforcement official. We would not have the kind of cases like Morales v. Hayes if we had highly trained, professionalized, dedicated law enforcement people at the local, state or federal level. I feel that highly trained law enforcement personnel are not even going to be questioned or accused of charges that they have misused their badge. Secondly, our university system will be training the future law enforcement personnel. We must make a commitment to bring about improved law enforcement training, professionalization, and pay for employees.

This same commitment must be made in the area of judicial processes. Nothing can be more discouraging to police than to be investigating a case and then seeing it "tossed" aside. We do not have a career-oriented prosecution at many of the local levels where it is needed. There should also

be a good solid public defender system. Finally, not until we take on the problem of judicial redistricting, will we be fair to the taxpayers of this state. The problem which we should address is still inherent in the legal system, and that is an unnecessary delay. It needs to be attacked directly. Our Criminal Justice System should guarantee a combination of good law enforcement and justice, guaranteeing also a combination of freedom with justice.

56702

SETTING STANDARDS FOR JAILS: PROBLEMS & REALITIES

JAMES GREENWOOD

James Greenwood has served as President of the Texas Junior Bar and is in private civil practice as an attorney in Houston, and is currently serving as Chairman of the Texas Commission on Jail Standards.

The jails in Texas range in age from one or two years to over one hundred years. The county jails in Texas maintain a prisoner population of one, every once in a while, to 2,500 in facilities which may have been designed for 1,700 or 1,800 inmates. This has been the case in most states for a long time.

In 1957, the Texas legislature passed a law called Article 5115. This legislation was designed to establish minimum standards, with a kind of a "broad brush" approach to jail standards. This law required: the separation of prisoners according to various kinds of classifications; certain minimum sizes of cells; a certain percentage of single cells; good nutritional and sanitary practices; and, gave the State Health Department jurisdiction to inspect jails and call non-compliance items to the attention of Commissioners Courts. That legislation passed in 1957; however, a "rider" was attached to the companion appropriations bill, which prohibited the State Health Department from using any of the money appropriated for their operations for the inspection of county jails. Thus, there was a law for quality inspections on the books, but there was no power for the State Health Department to carry out these inspections.

I learned about this in 1972 at a hearing of the Legislative Counsel Study Committee, as a representative of the Junior Bar of Texas. We visited several county jails and found them to be pretty deplorable. Sarah Hughes, Federal District Judge in Dallas, had begun to capture the attention of sheriffs and county commissioners by handing down a very comprehensive order involving the Dallas County Jail. She found that in virtually every respect, the Dallas County Jail failed to live up to state standards, but more importantly in terms of her jurisdiction over the case, she found various failings regarding: 1) separation of prisoners;

2) provision of exercise; 3) provision of sanitary facilities; 4) workable plumbing facilities; and, other aspects of incarceration in Dallas County Jails which constituted cruel and unusual punishment. She issued a massive and comprehensive order which dealt with virtually every facet of jail operations, and which primarily enforced state jail standards, marking the first time that Texas had had any enforcement of its jail standards according to Article 5115.

Finally, in 1970, the Health Department began doing inspections (apparently an oversight in the appropriations process), and found to no one's surprise that there were about three to six jails in the state of Texas which could comply with state law. Three to seven counties out of 254 maintained jails which measured up to the standards. The Legislative Council Committee, which is comprised of State Representatives and State Senators, followed this action with recommendations that a state commission be created to enforce jail standards in Texas. It made some other recommendations concerning bonding procedures, the utilization of personal bond as a means of reducing jail population, and other legislation which is not directly related to this commission. In the next session of the Legislature (1973), several jail-oriented bills were offered. However, none were reported out of committee, and none were passed into law. The problem persisted, more federal lawsuits were filed, more sheriff and county commissioners and judges remained as defendants in lawsuits, and more judgements were handed down enforcing the provision of state law as found in Article 5115.

The State Bar Association of Texas took an interest in this problem and created a committee which was called the Committee on Courtroom and Confinement Facilities. I was a member of that committee, and became Chairman in 1974. The Association soon began hearings and asked people to come and speak on the subject. They agreed that the county jails problem in the state of Texas was appalling and action must be taken. We invited the President of the Texas Sheriff's Association (at that time Robert Gladden of Missouri County) to come and discuss the problems Texas sheriffs had with their jails, and to tell the State Bar how we might help them solve those problems. He came and told us that there were very few

sheriffs who enjoyed the deplorable conditions in their jails, mistreating people, or being sued in federal court. He welcomed the opportunity to participate with the State Bar of Texas in drafting legislation which would create an authority with enforcement power. The indication was that a sheriff would request changes, but the commissioners courts, which held the authority to allocate funds, were reluctant to approve them because of the unpopular nature of the idea of improving jail conditions. They were more inclined to put money into areas that were more visible, and which directly affected people who actually voted in elections. This was not an unreasonable position for an elected official to take, however shortsighted it may have been.

The Bar Association prepared the legislation which: 1) created a jail commission; 2) essentially repealed Article 5115; and 3) gave the Commission authority to promulgate and enforce those regulations. This bill gave a great deal of authority to the Commission; it was structured so that the entities which were directly affected, (e.g. the sheriffs and county commissioner) would have representation on the Commission. This alleviated a problem with Article 5115 of Texas Civil Statutes, which was that the people who were directly affected by what the jail standards described, had no input into the development of the legislation. A bill was drafted that provided for a nine-member Commission including two sheriffs, one from a large metropolitan area and one from a county with a population of under 200,000 people, a county judge, a medical doctor, and an elected citizen membership.

In the hearing process in the legislature in 1975, the opinion was expressed by the American Civil Liberties Union, and an organization called Citizens United for the Rehabilitation of Errants, that what the federal courts were doing was good and needed. They felt that this was a sandbag operation in which the sheriffs and the lawyers of Texas were combining to repeal the state law, but once the Commission was established and the laws were off the books, then the Commission would probably never get around to meeting and establishing any state standards. Thus, nothing would happen, and the federal courts would not be able to pinpoint any

legal violations even if unconstitutional conditions were found to exist, and all this beneficial litigation would become void.

This did not bother me at all, and did not seem to bother the sheriffs. It was decided, as a compromise in order to encourage support for the Commission, that Article 5115 would be left "on the books"; however, the Commission would have the authority to promulgate a comprehensive system of standards in addition to the provision of Article 5115. In that posture, the bill cleared its committee in the House, but it "died" in the Senate committee. To my amazement one Sunday morning, I was looking through the newspaper and found that this bill had somehow made it through to the House floor, and had been passed by a tremendous majority. It then went to the Senate, passed, and a Commission on Jail Standards was created which consisted of nine members who had the really formidable responsibility and power to promulgate rules and procedures to:

- 1) establish minimum standards for the custody, care, and treatment of prisoners;
- 2) construct equipment and provide maintenance for county jails;
- 3) establish the number of jail supervisory personnel;
- 4) establish programs and services to meet the needs of the prisoners;
- 5) provide a myriad of services in terms of consultation and technical assistance to local government officials in connection with the county jails; and,
- 6) review and comment on all plans for the new jail construction.

Our next concern was that we had no legislative appropriation, and there was some question as to whether or not the governor would appoint anyone to the Commission. But in October, I received a call from the state Governor's office, and I and eight other people were appointed to the Commission. The nine members include two sheriffs, a county judge, a medical doctor, two attorneys, a retired gas company executive, a person in the construction business (jail construction), and myself. We met in November, 1975, with the hope that we could apply for some federal money and get started. We started a budget, formed some subcommittees in the areas of construction standards, prisoner treatment standards, and enforcement rules and procedures. The Committee met on its own with a limited

amount of money to cover expenses, and began working toward development of some drafts of standards. The Committee requested copies of the laws which dealt with jail standards in most of the states, including California, Oregon, Kansas, Nebraska, Michigan, New York. The material received was "narrowed down" by the Committee in order to arrive at some standards of rules and procedures. In July we hired an executive director, who was a former sheriff. We had great reservations about hiring a man who had been a sheriff. It was felt that he would have rapport with the other sheriffs of Texas, but there was uncertainty if he would have rapport with the inmates of the jails. But after several interview sessions and after a close, careful, thorough background search, we were persuaded that this was not your ordinary sheriff.

This Commission believed from the beginning that Article 5115 had failed because it had not allowed people who would be affected by the standards to participate in the process. We held ten public hearings throughout the state, five in conjunction with jail construction standards, and five in conjunction with prisoner treatment standards. Many people were invited to come; they were encouraged to comment, written and verbally, on the committees' suggestion and ideas. Some standards derived at were very specific in terms of ASTM standards for steel and concrete. We were criticized for that because some felt that it took a lot of flexibility away from the architects and engineers. Thus, it was decided to eliminate any reference to building materials, except in high risk situations where particular materials were necessary. With regard to prisoner treatment standards, the standards stated comprehensive, precise programs concerning the handling of correspondence, visitation privileges, libraries, education programs, etc. Criticism was received concerning specific areas in which some of the sheriffs, county commissioners, and members of the commission felt that these "specific" standards were too embroiled in the specifics of everyday jail operation, and were beyond the area of minimum standards. Thus, the Commission took that advice. We have said that every detention facility should have a written plan, approved by the commission, governing the availability and manner of privileges involving use of telephone, correspondence, commissary, visitation, and religious services.

The Commission decided to leave these considerations to the individual counties, as long as they came up with something reasonable. In some areas, the Standards were very specific in the area of prisoner treatment. These requirements included: 1) one hour of supervised physical exercise at least three days a week; 2) three meals a day. There were many jails in Texas which were not serving three meals a day, even after the standards had been adopted, and we were trying to do something about that.

The input to our Commission was interesting in these hearings. In addition to college professors and students, we had representatives from the American Civil Liberties Union, the Baptist General Convention of Texas, CURE (Citizens United to Rehabilitate Errants), Concerned Parents, the League of Women Voters, The Association of the State Bar of Texas, the Texas Association of Counties, the Texas Rural Legal Aid, Texas Library and Historical Commission, a group called Women in Action, the Texas Commission on Humanities, and a variety of organizations, as well as private citizens who came to these hearings representing a cross-section of architects, County judges, commissioners, etc. State legislators gave us input which helped to shape the kind of standards which were decided upon. Mr. Fred Morgan, who is Director of the National Clearing House of Criminal Justice, was shocked at our first and our final draft; however, he came to our meeting in El Paso, and spent a couple of hours sharing with us his observations about what should and could be done.

One of the problems that we wrestled with, and that was resolved, concerned the number of square feet per prisoner's cell. It is forty square feet of clear space, and not seventy square feet as the National Clearing House describes it. We tried to talk to people who were so-called "experts" in the area of corrections.

Another problem was the mentally ill inmate. That is a problem that has not been reconciled. There are dozens, if not hundreds of counties in Texas that do not have a mental health facility that has a capacity to lock up a mentally ill person accused of a crime, particularly one who is criminally insane, on a short notice basis. So these are some of the problems which we are trying to deal with.

The standards went into effect on December 23, 1976. We applied for

and received an additional grant, which will operate through August 8, 1977. There are six supervising inspectors in the field and a back-up staff of eight persons, including our executive director in Austin. The Commission is writing plans for correspondence privileges, visitation privileges, classification plans, etc., which will be made available to the counties. The Commission has inspected thirty-six jails. We have provided consultation services for some eighteen or twenty other counties. Every inspector will be inspecting at least two jails a week, and sometimes more. These are comprehensive, detailed inspections in which every item of the standards is going to be investigated in Texas. The Commission is seeking to do more than simply provide inspections; otherwise, it would not be of much help to the counties. In addition to inspection services, it must be remembered that the "spirit" of the standards is more important than the "letter" of it. The Commission is primarily interested in: 1) the safety of inmates and custodial personnel; 2) the healthiness and sanitation of the facility and, 3) the preservation of the dignity of the people who are confined there, and who work there. We are mainly concerned that every county in Texas which operates a jail will be working toward compliance with a set of minimum standards. Rather than have every jail close down or comply within the next thirty days, the Commission will work realistically with the counties who are willing to cooperate. We can order a county jail to close or transfer its prisoners to a county facility which does comply with state standards.

One of the really encouraging things that happened was on February 23, 1977 in Harris County. The Federal District Judge handed down a decision concerning the Harris County Jail. The Commission on Jail Standards has been asked to review the plans which Harris County has for their facilities. The court will call on the Commission to affirm that the new and old facilities, as operated, comply with state standards, or that they are operating under a variance granted by the Commission. The Commission wants the Texas jails to be cared for by the people of the state of Texas, rather than having the federal government take care of 254 jails. We want

to be in a position to provide for the counties, the sheriffs, and the people of Texas, to improve jail conditions as a result of state options, rather than to resort to federal courts and federal law.

-----DISCUSSION-----

Question: Does that list of privileges that you read earlier include the right of inmates to vote?

Answer: The list does not include that.

Question: How does the Commission view the availability of medical services, particularly for the person first entering the jail when there may be some loss of communication? Is this dealt with specifically or generally?

Answer: We address it generally. Each county is required to have a plan for providing medical services. It is right after classification and separation of prisoners in the prisoner treatment lab, which is considered to be a very important area. There should be a plan to obtain medical and dental services when they are needed on an emergency basis at any hour, day or night. The plan shall provide that the maintenance of security is not jeopardized while that service is rendered, and there is a list of items which is supposed to be covered there. The county commissioner should make available to the prisoners what the detention center shall permit, on a level which is generally made available to members of the county, and shall not be limited to the services of a licensed physician. I imagine that some first aid awareness will be a requirement for sheriffs and law enforcement personnel.

Question: Is there an address available for those who are interested?

Answer: The address to write to is: Texas Commission on Jail Standards, Law Center, Capitol Complex, P. O. Box 12587, 15th & Colorado, Austin, Texas 78701.

Question: Did your public hearings allow you to set standards for education and study release programs in jail or is that left to the prerogative of the county sheriff?

Answer: No, we did the same in the education area as we did in the area of privileges and medical care. The Commission prescribed that every county will have a plan for education which will utilize to the maximum extent possible the resources available in and to the county. Inserted as part of the plan was the requirement that every county and jail provide a library service. The library service and education rehabilitation is all up to the county. The Commission will have sample plans that they can follow. Utilization of volunteers in this area is going to be encouraged.

Question: Will there be a literacy plan, since many inmates are functionally illiterate?

Answer: I think that surely there should be some reading or literacy program available.

Question: In what ways are you going to give jails the "hotfoot" to get them to do something?

Answer: We can go to court and obtain a court order requiring the county commissioners to do something. We will first work with the counties who will work with us, and build up a reputation for credibility. It is necessary to educate the people to the advisability of having a jail which provides safety for jail personnel, as well as for inmates. I feel that better jail conditions will promote crime prevention and reduce crime. We do not know, because we have never had decent jails, anywhere.

Question: It seems as though there is a contradiction in terms when talking about building bigger and better jails. It is very important to build jails that will rehabilitate people, but it is also important to deal with the problem of crime in other ways, also. Restitution, for example, is one issue. Law breakers do not necessarily have to go to jail if they can be in the community providing restitution to fit that crime. It is more important to place them in that situation than to lock them up and take away their liberty. Is there any way that you are addressing the problem of removing people from the jail situation?

Answer: Not yet. I understand that there is legislation in this area. There are some places where a prisoner can be handled on a work-release

basis, in which he/she spends the night in the jail, but works a job in the daytime. It is my understanding that this legislation would authorize the sentencing judge to allocate the wages that this person earns to various things, like restitution.

As a comment on the previous question about the problem of overcrowding, a certain number of inmates could be transferred, rather than closing the jail altogether. It seems as though we could give a summons to accused persons to appear at a certain time rather than sending people who commit non-violent misdemeanors to jail.

Question: What do you see as the implications of inmate utilization of these standards in filing suits?

Answer: There is certainly no reason why a prisoner could not file a suit, particularly if the jail does not meet minimum standards. He/she can petition the county, but the problem is in getting the case into federal court.

CHARLES NEWMAN

My role as discussant would be somewhat limited if I did not at least take the opportunity to say that it seems, from the kinds of questions which have been received, that the majority of people here accord approval for the kinds of activity which the Board is now launching. I would like to make just two or three short comments that might have some relevance here. In many ways, the jails in Texas are faced with the same kinds of problems that our medical services system has been faced with, and that is that for a long time people have assumed that the only people who could render effective medical service were those who were licensed medical doctors. We found that system could not respond to the health needs of our society, and we began looking around for other alternatives, like paramedics, professional nurses, and a variety of other professional people who can provide medical services. For a very long period of time, our jails have become "catchalls" for many of the community's problems. If you had a drunk, a drug addict, a non-supporter, or a vagrant, the jails seemed the logical place to put them because we were not forced to think of anything else. But that situation has got to be changed, and I suspect that the pressures which are coming, in terms of asking the jails to provide certain kinds of confined security, and certain kinds of treatment services, will raise the question of whether we should be using the jails for essentially social or for humanitarian purposes, and in the final analysis, the answer becomes very obvious. We must find other kinds of resources to deal with community problems which are indeed not criminal justice kinds of problems. The final comment which I would make is that jails are not alike; they are not monolithic. There are big jails and there are little jails, located in rural areas and in urban areas, and the kinds of problems which they face vary as population differs. Some jails hold short-term populations, and others hold long-term populations, depending on how the jails are used. Indeed, if we start thinking of the jails as the consignment facility for

EXPERIENCING IMPRISONMENT

LOU GENGLER

Mr. Gengler is Warden of the Federal Correctional Institution in Fort Worth, Texas. He has Bachelor and Master of Arts Degrees in Criminology from the University of Iowa and has been Adjunct Associate Professor at Long Island University and Adjunct Associate Professor in Criminal Justice at Texas Christian University. He has been with the Federal Bureau of Prisons since 1955, serving most recently as warden of the New York Federal Detention Headquarters for five years prior to coming to F.C.I. - Fort Worth in 1975.

This session today is entitled Experiencing Imprisonment. Almost forty years ago, in 1938, one of the most startling books, dealing with the now outdated term "prisonalization", appeared on the bookstands and in university classrooms. Donald Plummer wrote The Prison Community as a result of his experiences in the Illinois Correctional Institution; he committed himself to writing some of his personal observations he had collected on inmates "doing time." Thirty-eight years ago, it was called "prisonalization," and today we are discussing the topic of experiencing imprisonment. I can assure you that the distinguished panel that we have in front of us today would have done Donald Plummer a great service if they had been able to share some of their experiences in his book. Dr. Paulus will speak in very technical terms concerning prison architecture. Dorothy Dubose will talk about the topic Women in Prison, a Neglected Issue. Ken Holton is on my staff at F.C.I. in Fort Worth, and will comment on the citizen involvement in prison programs. Last, but not least, Bob Heise will speak on the effectiveness of self-improvement programs in prison.

Our first speaker will discuss the effects of crowding in prisons. Perhaps there is no single problem in institutions today as important as overcrowding. People are desperately looking for space. A year ago at F.C.I. Fort Worth, I never thought I would have to face the issue of over-

those waiting trials, the nature of the jail services will have to differ significantly. We will need different kinds of screening resources, and different kinds of programmatic activity.

I certainly commend the efforts of the Commission to at least leave for another day the definition of a treatment program within a jail. Let us first know what is needed, then move toward the establishment of standards. It is very easy to build up a bureaucracy who are not serving anyone but themselves, going around making diagnostic statements that sound terribly impressive, which apply to everyone, but which do not serve inmates particularly. We need to know who the jail population is, what kinds of services they need, and we need the kinds of flexibility so jails can respond to problems as they occur, so we do not get the hardening of treatment systems. I hope that we as both professionals and members of the community can give some kind of response in Austin, so that the Commission can at least be given a chance to show us what they can do, and maybe they can solve some of the problems of crime.

crowding. And yet, within the last 90 days, 106 women have been admitted to that institution. The capacity of 220 women has been increased to 260 women; there are plans to house, perhaps, 280 or 290 women. I think it is good to have Dorothy here to share some of her concerns with us, and I hope that she will mention something about overcrowding. I have heard a lot of talk about corrections being such a futile situation. We ask ourselves many times, "What can I as an individual do when we are faced with so many constraints." We feel bad because of what we know we should do; however, we just cannot get it done. I would urge each and everyone of you to engage in the self-renewal process, and firmly commit yourselves to those things that you know should be done, because you as individuals certainly can bring about the changes which are needed. Each of you can make a viable contribution to solving the problems which you have heard about in the last few days, and will hear about in the next hour and a half.

EFFECTS OF CROWDING IN PRISON

PAUL PAULUS

Paul B. Paulus is an Associate Professor in the Department of Psychology at the University of Texas at Arlington. His area of specialization is social psychology with research interests in crowding and psychological modeling.

We can ask ourselves, are prisons really crowded to the extent that this situation has an effect on residents. We can say that people live in crowded countries, crowded cities, crowded houses, yet they do not seem to mind. So why is the issue of crowding being discussed here today, especially when it concerns prison, where primarily people of lower economic and education level people are incarcerated. These inmates should be more accustomed to overcrowded conditions (they come from larger families, more crowded home situations possibly, and more crowded parts of the city), and therefore can tolerate more crowded facilities.

If you look at the figures on crowding in prisons, you often see the term "square footage" mentioned, and some of this data is interesting. Let me cite you some examples of these figures. A recent report by a Congressional Committee on the federal prison system indicates that in all the federal prisons, 48% of the inmates have less than 45 square feet of space. Architects and designers recommend that a person should have at least 350 square feet of livable environment space, so we are talking about less than 15% of the amount of desirable space. Only 18% have 65 square feet or more. In the large, maximum security facilities in the federal prison system (e.g. Atlanta, Leavenworth, and McNeil Island), 80% of the inmates have less than 45 square feet of space, and only eight per cent have more than that. We can also examine the county and state institutions and find that a similar problem exists on a more extreme

basis. At Huntsville, they are putting four people to a room which has a capacity of 45 square feet, that is 11 square feet per person. They also have fairly large dorms, which house 50 to 75 inmates. In some cases, the Dallas County jail has 60 inmates residing in one unit consisting of about ten square feet per inmate; in other cases there exists up to 174 square feet per inmate. There are no standard-sized living quarters in these facilities. Yet, is the amount of square footage relevant or is total number of inmates more important? Most federal government and prison employees talk in terms of square footage or more specifically, spatial density (i.e. the number of square feet per man in a particular housing unit) rather than social density which is the number of individuals in an inmate's housing unit. There is a movement now to make the prisons have about 80 square feet per man. But is it important to have one or two person units as opposed to 26 or more inmates in a dorm?

My associates, Verne Cox, Garvin McCain and I have conducted our research primarily at Texarkana Federal Correctional Institution; however we have also conducted a study in the Dallas County Jail. We are presently doing some work at the Fort Worth Federal Correctional Institution. I have some figures on the social density, the number of individuals in a housing unit at Texarkana; it was either one or two inmates or 26 residents or greater (maximum of 48). The spatial density (square feet per person) ranged from 24 to 54 square feet per inmate in one-two person cells, to 30-84 square feet in dormitories. In this situation, there are dorms which have a lot more space, so the observation can be made whether the number of people or the amount of space is the important factor. I would like to show you a few slides of these institutions, and then talk about how our data relates to the effects of overcrowding on inmates. Our findings suggested that the social density factor was the major factor contributing to the effects of crowding.

When talking about prisons and overcrowding, it must be remembered that in some prisons the inmates can go outside; in other prisons they cannot. At F.C.I. - Texarkana, the residents have access to the out of doors; inmates are allowed to use recreation facilities when they are not

at work. In other words, these inmates can get away from conditions of overcrowding in their living environment since they have somewhere to go during the day. There are one-or two-person units at F.C.I. - Texarkana. However, there might be 18 - 64 people in the hallway of this unit. A touted feature at Texarkana is that inmates can lock their doors when they leave, but they cannot lock it once they are inside.

We had studied the effects of overcrowding in terms of stress. We found that people who are crowded in terms of social density, became more negative in their attitudes. Thus it seemed that inmates in large dorms yielded more negative affective responses toward physical environment than those in small units. Spatial density was not related to negative effects. We presumed that people would become accustomed to crowding, but we found that individuals who were surrounded by more inmates (e.g. residents in a dormitory) were less tolerant of crowding. Also, we found that the longer residents had been in this type of housing unit, the less tolerant they were of crowding. So even though inmates might have felt too crowded at first in the dorm, the longer they remained there, the less tolerant they became of large numbers of inmates confined within the same unit.

The next step in our study concerned itself with frequency of illness complaints among inmates both in the Dallas County Jail and at the Federal Correctional Institution-Texarkana. Substantial evidence exists which shows that crowding-induced psychological stress plays an important role in illness. Illness complaints have been shown to be systematically related to crowding-induced psychological stress in field situations (e.g. naval vessels, college campuses). Evidence from existing literature suggests the possibility that degree of crowding in a prison or jail setting might be systematically related to frequency of illness complaints. We found in Texarkana that inmates who resided in the dorms had twice as high an illness rate as those in the one or two-person units. These were mainly psychosomatic illnesses, such as back pain, nausea, headaches, constipation, rash and sinus. Colds which, of course, could be affected by the close proximity to a large number of residents were not included.

For five weeks, we collected all the illness complaints and noted those of a psychosomatic nature. It was found that the complaint rate was

was at least twice as high in overcrowded conditions, that is in housing units of 30 inmates or more.

My associates and I also measured the stress level of inmates in Texarkana. We counted the number of pores open on the finger; the more pores which are open, the more stress the person is experiencing. In Texarkana we discovered that dorm residents tended to be under more stress than other inmates in smaller housing units. Therefore, the data indicated that the degree of crowding in prison dormitories was sufficient to generate stress-related behaviors in the inmates.

We are presently studying aggression in prisoners. We are measuring aggression by the number of infractions of the rules by inmates which result in disciplinary action. Some studies indicate that the degree of assaults tend to be higher in more crowded prisons due to the effect of crowding-induced psychological stress. Of course this may not always hold true, but evidence exists that overcrowding may have some kind of impact. Different scholars have found contrary evidence in their studies of overcrowding in that overcrowding has been shown to produce lethargy or passivity, withdrawal, or feelings of lack of control over one's environment.

In sum, the findings of our study suggest that crowding, most probably the high social density factor, is positively related to high illness complaint rates, physiological stress, and negative effects among incarcerated persons. The data tends to indicate that in prisons the social density aspect of crowding is a more potent stressor than spatial density and hence may be the factor primarily responsible for the increased level of illness complaints of the more crowded dorms inmates at F.C.I. - Texarkana and the Dallas County Jail. If social density is indeed the important stress-producing element of crowding in prisons, a reduction of the crowding-induced stress and illness complaint rate could be accomplished by increasing the number of individual or single-man cells without vastly increasing the total amount of space in a prison.

SELF IMPROVEMENT WITHIN PRISON

Bob Heise
Federal Correctional Institute
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Mr. Heise is an ex-offender who has been incarcerated in several institutions including Leavenworth, Kansas and Federal Correctional Institution-Fort Worth. He has been a teacher at FCI-Fort Worth, a trainer in Correctional Programs, Lewis University (Lockport, Illinois) and lecturer at various universities, schools and institutions. He detests the great majority of prisons as they are and will continue working to improve them.

My name is Bob Heise. I am an ex-resident of F.C.I., Fort Worth, and a past resident of Leavenworth and other institutions. I think of the two places which I myself know better than others: McNeil Island which you mentioned, because of the scenery and also F.C.I., Fort Worth. I felt tremendously free at McNeil Island; the clean air, the beautiful pine trees on the island, the ships, the water, made me feel good, and of course, so did F.C.I. which is also built around a large open quad.

People have made the difference in talking about self-improvement while in prison. The staff in those two institutions were positive toward the possibility that self-improvement could occur in people; other staffs were more negative. I also think that the gray walls of Atlanta and Leavenworth just make you pretty sick. I want to expand on what I believe really improves a prison. You have to understand that there are some people in prison in this country that I would not release, not in the condition that they are in. I want you to understand that prison saved the rest of my life (and I spent about ten years there), and had it not been for prison and their getting my attention, I would probably still be there.

Here are five points which I think are tremendously important in creating environments conducive to positive change. Number one, the staff has to have a positive attitude. They have to be for self-improvement programs. There are literally thousands of these programs in the country now. In my study of these programs (my study covered the last 39 years), F.C.I. and McNeil Island were the first prisons where there were self-improvement groups. From the latter grew MASH (Mexican American Self Help); they have their own bank account now. They take care of their inmates in prison who have to go on furlough and take a guard with them. If one of the members of the family dies, they can provide money up to \$500. They all contribute, and work in industries, and their families contribute. There is a similar group comprised of Indians (native Americans) at F.C.I. - Fort Worth.

The second point is that the mission of that institution has to be spelled out. Why are they inmates there? Are they "doing time"? Are they trying to get their lives together? Are they trying to find out how they got there, and where they will go when released? Why does one person get ten years, and the other one receive fifteen for doing the same thing? The help of the staff is necessary in order to clearly define these things.

The third point is that there must be a recognized leader for representing most of the residents of the institution. I think this has to be "nurtured" and allowed to grow, and I think the representative has to be given some responsibility to explain to the other residents the purpose of the institution. It is very important for the inmates to understand the mission of the institution, which is not clear in the state prison system. When we are released, we need some kind of skill and/or trade, the ability to communicate, a place to go and a place to live, and people who care. The mission of the institution has to be spelled out with recognized leadership. They have to funnel down the information. If

they have a good staff whom they trust, and an identifiable mission, then when this information is "funneled" down to the new inmates arriving, they can say "This is what we're about. This is why we're here." F.C.I. is good about open communication, and they understand what it is all about. If you have that, you can win.

The fourth point is architectural space. There must be an environment that allows the inmates and staff to breathe. You have got to have air. When you are locked up in Leavenworth, you are stifled by the cigarette smoke.

Finally, there must be trust. The inmates must trust the staff, or someone on the staff. Without trust there is no communication. There will not be an environment conducive to change without trust. I have been in about fifteen other institutions in the last five years, in order to speak, do programs, etc. Charles Campbell was the first warden at F.C.I., and he is one of the best friends that I have in the whole world. I go to his home every weekend; we sit around and talk and are writing some things together. Many of the other wardens I have known were not trusted by the inmates. I have seen Charles Campbell use the points that I have mentioned right here. It is tremendously important to understand that when you incarcerate people and they are trying to get their lives together and trying to help themselves, they must have a way to do it, and the utensils in order to do it. I really believe that is the reason for the low recidivism rate at F.C.I.-Fort Worth; I have 250 to 500 friends in Dallas and Fort Worth who are out of that institution, and who have stayed out. I think the reason is because of the staff who said "yes", and who believed self-improvement would work.

I have a friend who has been in F.C.I.-Fort Worth. This person is bright, and was a teacher of self-improvement classes in prison. He has spent thirteen years of a fifteen year sentence in McAlester, Oklahoma. This persons desires very much to make it outside, but he cannot "make it." He is totally lost. He gets out, and will make it for a month, and then he says, "You know, I really don't like it out here, Bob.

I'm 30 years old and I'm scared to death of women: I've never been around one, and I don't know what to do when I get around one." He does not know how to build a relationship with a woman in prison. After taking a bus to Fort Worth, he gave himself up at the Tarrant County Jail be telling them that there was a warrant for his arrest. It took us fifteen years to get this individual into this sad condition, and it might take fifteen years of love and care, and understanding, to get him to be able to "make it" in the "free" world. You cannot give up on someone, just because they cannot make it the first or second time they try. I have been stepped on, crushed, and kicked, and spit on by people. I have tried to help, but I finally found something that worked--self-improvement. I guarantee it does.

Now there's one other thing I want to say about it. A number of organizations in this country have had an opportunity to do great jobs with residents of institutions by "catching" the imagination of the public. One such organization was "Job Therapy." It had the impetus to make it, to help people on a "one to one" basis. I watched it grow. The trouble was the staff on "Job Therapy" were just too narrow in a religious sense. These people would go into a prison and tell an inmate, "Yeah, we'll help you get a job, but you've got to read Psalm 29 every night. If you don't read it, I'm not going to help you." And then if the inmate did not interpret the passage the way they did, there were problems. You cannot be that narrow. Job Therapy had a tremendous opportunity to make it, but shut itself off.

There are hundreds, or thousands now, of books available in this country that deal with self-improvement programs. I guess if I had to pick one, it would be Guides for Better Living, a program that has been offered free through the years to institution residents by a foundation funded by W. Plint. This sponsor has given \$10 million dollars worth of books to male and female inmates and provided newspapers and seminars to help the self-improvement program. He has done a tremendous job. I have worked with the foundation off and on for years, and have attended a lot of their seminars.

There is another self-improvement program in prison called the "Achievement Motivation Program." I adapted it from an outside course (that charged \$200 a seminar) to be used within the environment of an institution. It has the identification of values; it helps people to understand what their values are. It is the identification of what "turns them on." Many people in the world hate their jobs. The only reason why they have that job is because that is all they know how to do, or their daddy had that job. I love what I do; I love being around people. I gave up a \$50 job to come down here today for free, because I felt someone in the audience would help someone in prison someday because of what this person might learn today. The "Achievement Motivation Program" is a goal setting program. Most people in prison do not understand what goal setting is. They do not know what a goal is, or how to set one, or how to identify a goal that would "turn them on."

I think that much of my life was saved in prison by the people in the prison. In Fort Worth, the staff at F.C.I. was not "prison oriented", but "people oriented." They were concerned about human beings, not security, and they still are. It takes people like that to help inmates change the course of their lives. Bars will not do it; sentences will not do it; time will not do it; it takes people, people to be there and care when you have a problem, who will listen when you are screaming and yelling and hollering.

I was at F.C.I. in the same room for eighteen months, and I thought the room was mine. It was important to me that this was my room. One night I came in about 5:30 or so, and a guy was sitting there who said, "You've got to move upstairs." But I refused. However, as a favor to a staff member whom I respected greatly, I agreed to move to another room. You must understand that when everything is taken away from a person, when that person is only a number in prison, that person must have something to hold onto. I think that when an inmate reaches the point where he/she can handle some responsibility, it is very important to grant responsibilities to that person in order to help him/her to grow.

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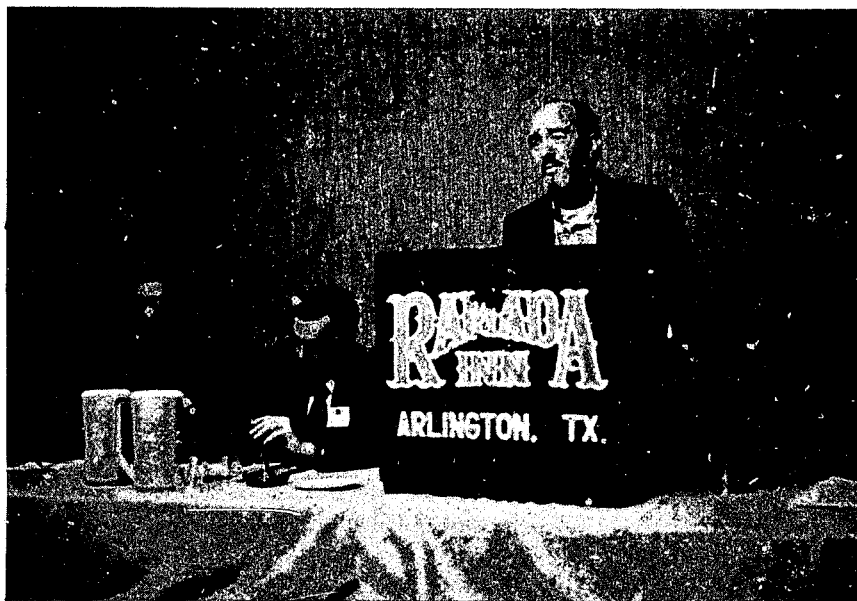
Gengler:

Thank you, Bob. I think I would be remiss if I did not make at least one statement in response to the things you have said to these fine people today. It is people like you that make us (the staff) look good. In regard to the question of architecture, space, and construction, just one note. It is not the square footage, but how you treat those prisoners who occupy it. Dorothy, in response to your statements about women, I think that sometimes we overprotect women, at least, in institutions. I recall a time when at Fort Worth we had double and triple coverage in women's units. We were concerned about their being preyed upon. Girls were concerned about how they would prey upon others. We had a woman unit manager who headed up our "Star" unit, which is an all-male unit of 115 people. The lady manager got real upset about women and preferential treatment at Fort Worth, when the men seemed to be getting the short end of the stick. At that time, women were given baby powder, bath powder, and bath soap, and they did not have to roll their own cigarettes like the men did. We stopped a lot of that, only because a woman brought it to our attention. Many people here have heard the term "do-gooders." Little old ladies, probably social workers, in little black uniforms come into institutions and want to save everybody. Believe me, a lot of people do not want to be saved. If they want to be saved, they would go to church. But I think what Ken has done in the program at F.C.I. is to put some meaning into the concept of volunteer. We have a desperate need to get people in the communities involved with us, and we need to get involved with them.

I agree 100% with Bob's comment on resident leadership. My position is that we will give them as much responsibility as they can handle, and if they cannot handle it, we "will give them an offer they can't refuse." I have mixed emotions; I feel like the guy who drives his mother-in-law's Cadillac off the cliff. I do not know if I feel good or bad. I came into the conclusion of a session next door, and the gentleman there was expounding upon the requirements of a warden. In five years, he felt that a wardenship will last only about ten years, that anyone involved in corrections as a warden would last only about ten years, because by that time he/she would be so frustrated that he/she would be looking for another job. I don't quite agree with him.

Question: (to Bob) Where is that book available that you were talking about?

Answer: There are four books available out of Chicago, Illinois, from Douglas Crow Foundation. It's called the Guides for Better Living Program. I am in the phone book in Fort Worth; you can call me and I will give you that address.



Bob Heise reflects upon his more than three decades in various penal institutions while Warden Lous Gengler and Ken Holton prepare to respond to questions regarding corrections in America today.

Citizen Involvement in Prison Programs

Ken Holton
Federal Correctional Institute
Fort Worth, Texas

Mr. Holton entered the Federal Prison Service in 1956 as a Junior Correctional Officer and subsequently was promoted to Senior Officer, Sr. Officer Specialist, Training Officer, Correctional Counselor and Correctional Supervisor. His station assignments have been: U. S. Penitentiaries at Atlanta, Georgia, McNeil Island, Washington, and the Federal Correctional Institution, Fort Worth, Texas. He presently holds the position of Community Programs Administrator at F.C.I.-Fort Worth.

We are very fortunate here at F.C.I. to be able to have volunteers come in without a lot of fears on our part as to who they are, and what they will be doing while they are there. Volunteer services are a usually rewarding experience to the citizen assistants, and to the agencies when those services fulfill clearly defined and useful purposes for the benefit of the agency and their clients. Citizen participation increases the effectiveness of the institution through its broadening of understanding as to its purpose and services. It provides services which complement and extend the services of the employed staff. When I hear our regular staff complain about the volunteers in the institution, I know they do not realize the volunteers are actually helping them with their jobs. Agency plans for volunteer services depend upon the needs of the offenders and the time individuals and groups have to give to the program. Specific needs for volunteers have to be identified; each volunteer should have a specific job to be done which clearly serves a useful purpose. Administrative leadership and support is a must; if Mr. Gengler (the warden) was not in favor of a volunteer program, we certainly would not have one.

Fortunately, he is for the program. Volunteer programs mean a substantial investment of staff time, agency money, and equipment. Agency administrators and boards must understand and accept this before the program can be a success. One person should be given the authority to develop, implement, and coordinate the volunteer program at the institution.

The residents benefit from the fellowship with volunteers who are involved in the different programs at the institution. Many times the residents have lived in an environment which kept them from trusting or associating with other people. Through association with volunteers in the institution, the residents' lives are many times redirected. They feel the love and general caring of the volunteers, and the offenders will respond to this. The correctional advantage of the volunteers being associated with the residents is the disciplining effect on the resident's behavior. The residents themselves become involved; they do not want to do anything that would forfeit their chances at being involved. The residents can come in contact with volunteers in religious settings that many of the residents have never experienced before. These groups are also held in the community, where volunteers can get involved providing escorts to the meetings, and also participating in the meeting itself. We have what we refer to as a family designed program, which brings the resident and his/her family in direct contact with a volunteer and his/her family in the community in the volunteer's home. The resident and his family have the opportunity to experience what a real loving family can be. It is hopeful that the resident and his/her family will pick up some of the most positive features of this good, solid family in the community. The AA volunteers who come out to the institution are living proof to residents that a person can stay sober if he tries. These volunteers provide information about the AA and also escort residents to various chapter meetings in the city of Fort Worth. Through volunteer association, organizations from both the Latin American and American Indian cultures, and the Jaycees, help move residents in a positive direction. We at F.C.I. have what we refer to as a "speakers

bureau". The residents themselves are asked to come out into the community for the purpose of speaking to the group of people. The volunteers get involved in providing escorts, and they also evaluate the resident youth in the program and try to get them up before an audience.

We have a few volunteers, who, after a resident has a baby, get involved to the point where they themselves will accept the child, take the child into their home, and care for the child until the resident is released; they will assist the resident to find a home through a church or whatever for temporary placement. We also have for these mothers, after the baby is born, a program in our institution which allows them to go to a volunteer's home and spend a few days with the baby immediately after birth. Many times, the same baby that was placed in a temporary home may be given up to the welfare department, but at least the mothers get to spend a few days there with the baby in the volunteer's home.

Over the past five years in our correctional institution, we have had approximately 1200 people from the community express desire to be volunteers. As of today, we have approximately 280 people on the "active" role. Of the 280, we have about 80 people who are fairly regular in volunteering at the institution. We have learned from this that people who come to the institution want to do something constructive, but if they are not given something specific to do, they lose interest and leave. We have others who come only out of curiosity, wondering about the institution and to find out what they can about the residents and staff. They then leave us. At this time, I am in the process of trying to get each of the program sponsors who have volunteered in the program to sit down and write out a job description for each volunteer. It is not our desire to turn anyone away from the institution who wants to become part of the program, but it is presently necessary to distinguish the ones who are actively engaged in doing something for us as volunteers from the ones who are coming out and participating in programs as visitors. There are twenty

programs at the institution which use volunteers.

One of the pitfalls of volunteer programs, which we have seen over the past few years, is the "male/female" situation. Let us say a female comes into the institution to volunteer, and gets too involved with a male in the institution. The love affair develops, but when this is realized by the staff, it is stopped. Also, another problem in the past has been transfer of contraband into the institution. It is necessary to realize that these two problems, as well as other problems, can develop as a result of volunteer participation.

There are operational statements at the institution. Despite the possibility of problems, volunteer participation is encouraged.

Thank you.

56703

WOMEN IN PRISON: A NEGLECTED ISSUE

DOROTHY DUBOSE

Ms. Dubose is presently serving on the Texas Council on Crime and Delinquency, an affiliate of the National Council of Crime and Delinquency. She also has been associated with the Tarrant County Chapter of the National Organization for Women.

I like the title that was assigned to my presentation here this morning: Women in Prison: Neglected Issue; it really is a much neglected issue. I noticed in the proceedings that the subject of women was discussed, and questions regarding women in prisons were asked.

About three years ago, Representative Sarah Weddington from Austin asked me to research the status of mothers in Texas prisons and their children. In preparation for this task, I learned, among many other things, that of approximately 200,000 prisoners across the country, only seven and one half per cent (of these) were women. This low proportion has supplied the rationale for maintaining fewer facilities and programs for imprisoned women. There are only five federal prisons for women in the fifty states. The Texas Department of Corrections (TDC) is isolated by the nature of the size of the state, which really aggravates the existing separation of inmates from their homes and families. Generally, women are increasing their criminal activity at a faster rate than men. Since society is increasing its punitive response, more attention is focused on women now.

The most important aspect that emerges from this situation is that eighty per cent of the women in prison have children. There is a nation-wide average of three children per female inmate. In Texas, there are around 800 women in prison at Mountain View and Goree, making this total the largest population of female prisoners in any state in the country. I made a working plan which was based primarily on interviews with incarcerated mothers. In order to get as broad an understanding of the situation as possible, I also went to visit children in their homes when possible. I did some interviewing in two county jails, and also talked to welfare and probation workers who helped me tremendously with my study.

I began by interviewing mothers at the Fort Worth Federal Correctional Institution (F.C.I.). My interview involved a "skeleton" questionnaire based on preparatory reading I had done about women in prisons, and imagining all the possible catastrophes that might befall my own five children if I were suddenly arrested.

The questions fell into two general categories: 1) personal data such as age, race, hometown, marital status, the sexes and ages of the children; and 2) reference to the children. The first category dealt with such questions as: 1) who was keeping the children; 2) how old was the person keeping the children; and 3) were there other children present in the home. The questionnaire also asked about sources of financial support, possible past convictions, and if any, the type of sentence and time served in an institution. Most of the women were candid about any prior offenses. Some of them went into the grim details of their own childhood, for example: one or both parents missing; rootlessness; parent brutality; and early initiation, sometimes by the parent, into prostitution and drug use. Other women were reluctant in answering and considered these questions irrelevant to children's problems. I never "pushed" for answers that might have caused embarrassment. It was necessary to establish a non-judgmental, comfortable exchange before we could have any success. The second category, which related to the children, asked the mothers if their children had been told about the imprisonment and the reason for it. If they had been told, the questionnaire asked what attitude had been developed toward the authorities, particularly those responsible for their mother's imprisonment, and also how they felt toward their mother. If the children had been given a fictional reason for their mother's disappearance, the questionnaire asked what it was, and whether the children believed it. One of the most appalling stories told was that the mother was in the hospital. I found cases where such lies produced a state of anxiety about the mother's chance of survival in the hospital and toward doctors and hospitals in general.

The interview also examined the nature of: the women's arrest; its immediate impact on her children, particularly if they had witnessed it; the location of the arrest; and the attitude and behavior of the arresting officers. Responses varied. One mother told me that the constable who

had come to her house to arrest her was gentle and reassuring toward her children, while another mother told me that a narcotics agent in Houston held a gun at the head of her fifteen year old son, demanded information and threatened that he would be put in a state home if he did not cooperate. If the woman was not arrested at her home, she was asked how much time had passed before she was able to contact and meet with her children. She was also asked if the police or the welfare agency had assisted in making the arrangements. Questions were asked about the meetings with the children since incarceration, for instance, how frequently did they meet, the emotional atmosphere of the meetings, and how they differed from past associations. She was asked what these visits seemed to foretell about her future relationship with her children, and also about the father's role in the children's lives. I found very often there was no father, that he was either in prison himself or had "decamped" after the authorities got word of the paternal role. The questionnaire inquired about each woman's own childhood, and what kind of job training they had received, if any. A lot of women were very glad to talk about the subject. It was very much on their minds and seldom discussed. Women who had been transferred to F.C.I. from traditional institutions found that there was a tremendous adjustment to make. Before, they had to encase themselves in a sort of protective wall of numbness in order to endure the anxiety and the pain of separation from their children. One woman told me that it was a month before she called her own mother, who was keeping the children, to let her know that she was at F.C.I. She was not accustomed to having almost complete freedom of communication with outsiders at F.C.I. because traditional institutions did not allow her such a privilege.

F.C.I. has instituted many innovative techniques and programs. Their philosophy is to emphasize the humanity of the people. Many programs have been developed to help reenforce the family structure. There are opportunities for home furlough, and inmates are encouraged to make contact with their families. Other services are provided to help mothers maintain and develop a healthy relationship with their children during incarceration, including Parent Effectiveness Training, and pre-release preparation with outside families for the inmates. There is an opportunity for the utili-

zation of community resources for interested inmates who want to learn more about child care.

I am conducting a study, with the assistance of several specialists, concerning pregnant women. Women prisoners have lots of problems when they are pregnant. Many of them do not know what they will do to support the baby when he/she is born or where the baby will be placed, temporarily or permanently. Many of the female inmates do not understand pregnancy; they do not even know what is happening within their own bodies. Doctors are brought in to talk to them about their condition. They are given a chance to talk about their anxieties, their fears, and actual tangible things that they need in the way of health care.

One of the interviewees was a young Mexican-American mother with four young children. These children endured a long siege one night while narcotics agents shone strong searchlights through their house windows and rang their parents' telephone constantly to prevent any contact with their lawyer. The next morning the agents came back with a warrant and arrested the parents. The authorities refused to take the two boys and 10 girls, who ranged from two to ten years of age. The two youngest were placed in a foster home, the older two in separate homes. The caseworkers decided it was best that the mother not know where her children were taken. Later, the caseworker separated the two youngest, saying that the protectiveness of the older child toward the younger was interfering with the latter's maturation process. These four children were moved around to several different foster homes, being mistreated and neglected in some of them. The oldest was finally placed in St. Vincent, an institution run by the Catholic Church for emotionally disturbed children. The caseworker did what she could to prevent any contact with the parents, the justification being that it would interfere with each child's adjustment. This long complicated tragedy was related to me not only by the mother, but also by her caseworker at F.C.I. who expressed his frustration over the obdurate refusal of some outside professionals to cooperate with him. Their attitude, he said, was "You run your show, and we'll run ours." I would like to emphasize that I talked to child welfare and probation workers, and juvenile and adult workers, and many of them had suffered over the social

maiming of these children. Their dedication to their work awed me. I am afraid that these people will become burned out because of such frustrating and burdening problems.

The State Welfare Department of Texas is required to observe a state constitutional ceiling on aid grants. For a household consisting of a mother with one dependent child, the state budgets \$52.50 per month. In addition, the child is eligible for Medic-Aid, of which the government pays a premium of \$15.60 a month. Sometimes unexpected situations arise when the mother is incarcerated. For example, there is the "caretaker" problem or the need to prove acceptability as custodians. Grandmothers very often become guardians; they seem to be our number one resource. Sometimes, however, the grandmother dies while the child is still in her custody. In one such case, although the children's aunt took them into her home, Aid to Families with Dependent Children (A.F.D.C.) payments ceased, since guardian acceptability had not been reestablished. In order to legally transfer guardian acceptability, birth certificates were required; however, the family came from a small East Texas town where births had never been recorded. Hard times prevailed until finally, with the help of a prison caseworker, aid was resumed. Many times people under such circumstances would just give up. Poverty and ignorance had always been their lot, and they felt that nothing good was ever going to happen to them. I had interviewed a mother in the county jail and afterwards went to Seagoville to meet her children, who were living with their grandmother. One of the children, an angelic looking four year old boy, sat close to me while I talked to his guardian. All of a sudden, he took his two Christmas pistols and pointed them at my face and pulled the triggers. I kept my aplomb with him and then the grandmother explained how she had to be present when the mailman brought the check, or else it would be stolen from the mailbox.

Women inmates relate that they have stolen money for drugs for their own use or for use by a male companion. I do not dispute the fact that violent crime in women is increasing, but so far I have only talked to two women convicted of murder. These women are not liberated; I do not see any "signs" of the feminist movement among them. Most of them feel defeated and have a low sense of self-esteem; some actually consider prison as a

rescue for lives out of control, and others feel that prison is a just punishment. Most of the women have told me that no arresting officer ever asks if they have children, let alone feels responsible for the children's care after an arrest.

Pre-sentencing investigation reports are not routinely made in Texas unless the judge orders one. Probation officers sometimes have caseloads of 200 or more probationers and have no money with which to work. The pre-sentencing reports made available for my study indicate that in the courts, children were only mentioned in a perfunctory manner, and consequently no in-depth recommendations were made as to their care. It seems that this might be a good point for initiating an immediate coordination of social services on behalf of the children, and for sustaining an effort to determine any existing family structure.

One woman I interviewed in the Tarrant County Jail told me about her three daughters, ages 17, 13, and 12. Unfortunately, the father was an ex-convict and divorced from the mother. While this woman was serving her sentence in F.C.I., she was contacted by the Mental Health Agency in East Texas where the girls lived. They urged her to do what she could to remove the girls from the father's home. The oldest girl had filed a complaint with the police charging the father with incest and brutality. The 13 year old was in the hospital, her body scalded from a kettle full of roasting corn which she spilled from the stove. The father refused to get medical help so the oldest girl called the sheriff, who in turn sent an ambulance. The youngest child, the 12 year old, had run away after a beating, and was found the next day under a junked car where she had hidden all night. A five-day furlough from F.C.I. was arranged so that the mother could rescue her girls. She described what she found: a filthy house; a drunk she had allowed to father her children; and the addicts and "winos" who kept him company. The situation was so dreadful and so appalling that she overstayed her furlough, after being denied an extension. She was found, arrested, and taken to the Tarrant County Jail. Her return to F.C.I. was unlikely. When I talked to this woman, she told me that she had heard that her youngest daughter was in a state mental hospital, and that she desperately wanted to know where; the middle daughter was now out of the home, but the oldest

daughter was still with her father. When I asked why the oldest girl didn't leave, she told me, "Honey, I hate even to say this, but he has her drinking and prostituting and it's too late."

I called the county mental health agency to see what action had been taken on the children's behalf, and a somewhat different story emerged. The youngest girl had been a client of the psychotherapist who talked to me and who had contacted the mother. An aunt had kept the girls until their father's release from prison, and then he took them. However, the oldest girl, who was then 16, carried all the responsibility. She handled such things as food stamp procurement, and was recognized by her sisters as the leader. When the rape/incest complaint was filed, the father was given a lie detector test which explicated him. Nevertheless, there was obviously a very unhealthy environment, indicating the need for some kind of intervention. When the mother arrived on furlough, a hearing was held in juvenile court; this psychologist (who was relating the story) was present. The judge was told that the mother was being held in F.C.I. on a technicality, and would soon be released, and harmony and order would be restored. The mental health workers gathered a description of the children's lives and what I had gotten from the mother was well within the realm of probability. But the mother had made herself look a little better than she was in actuality.

The case presented above demonstrates the reality I have learned to accept. Not all mothers are the best people to hold responsible for child care and support. "Truck stop daddies" are out to perpetuate their own species. What does become obvious is that whether or not a woman is a good mother, her children are not considered by the law when she is arrested. Neither the children's loss of their mother nor their protection from unsuitable or destructive guardians is recognized as a responsibility of the court.

From interviews conducted with the Mountain View women, I learned that of the 325 females there, 240 of them had children. There was conformity of expression in the lives of the women inmates, and the bad dreams they told me of guilt feelings about abandoning their children. Some of them had earnestly tried to be good mothers within their limited opportunities and capacities.

-----DISCUSSION-----

Genglar (comment): Just one comment; maybe you could address it. We have done research here on the women who are pregnant, and at this point we have sixteen such women. We see a pattern with regard to child abuse. Many of these women were themselves abused as children by their mothers, and also have histories of abusing their own children. I was wondering if you found that in your own interviews. This is a recurrent issue, and we are very concerned about those cases, particularly where the child will go after the woman delivers the baby. They have some very traumatic moments, and it hurts me, as a correctional institutional administrator, to perhaps be faced with the whole child abuse cycle, which seems to be very apparent in many cases.

Answer: I have been reading about child abuse studies that are being made. No one in my study said that they were a child abuser. Of course at F.C.I. I had a "self-selected" circle. I have used random sampling at Mountain View, but no one was required to answer any of the questions, and I do not think that anyone would volunteer such information.

56704

THE CHANGING FACES OF LAW ENFORCEMENT

A. J. Brown

A. J. Brown was employed as a patrolman by the Dallas Police Department in 1954 and through promotional and Civil Service examinations, rose to the rank of Captain in 1968. By 1970, he directed the Planning & Research & Community Service Divisions of that department. He served as Chief of Police for the City of Norfolk, Virginia until June, 1976 when he was appointed to his present position as Chief of Police for the City of Fort Worth, Texas.

It is natural when examining change to look to the past, assessing those processes set in motion yesterday which determine the trends of today. As the late President Eisenhower said, "Neither a wise man nor a brave man lies down on the tracks of history to wait for the train of the future to run over him." It is necessary to perceive the interrelatedness of present day law enforcement with its history and with the history of other systems which have impacted it.

Just as every set has a subset, each community is part of a larger community and its police organization is a subset of the larger set. The police department actually has a relationship with several other systems or groups: the criminal justice system, and the community, which of course is a cultural, social, legal, geographic entity. It is also a subset of a government: city and state government. Additionally, it is part of an overall law enforcement community which is nationwide, if not international. I mention this to make a point.

Inasmuch as a police organization is a subset, as each of the major sets change, there is impact on the police agency; often subtle, but change and impact nevertheless. Let me give you an example: As hair styles change in a community, we in police administration began getting appeals from our younger officers to permit longer hair styles. Another example:

The police chief is a department head in the city government just like any other department head, and as department heads are impacted by overall governmental policy, so is the police department impacted. We see this very succinctly at budget time when cuts and denial of resources come about. The police department has to sustain its commensurate share of the reduction in resources, as other department heads must. So to review and discuss the changing faces of law enforcement, it is imperative that we take a look at some of the changing forces in our world in order to note what those changes have and are meaning to police organizations. By the same token, if one would try to predict and anticipate future change as well, one must sniff the winds of economic, bureaucratic, and social change in his world to find his clues.

In the civilized world, probably no single phase of development has had more impact on our present way of life than the industrial revolution. The movement of the masses to the cities caused extreme shifts in living and growth patterns as it swept first across England in the early 1700's and then to the American colonies. The impact of this was the birth of Anglo-American policing as we now know it, under legislation introduced to Parliament by Home Secretary Sir Robert Peel around 1822.

Industrialization is the process whereby an increasing number of people withdraw from the cultivation of the soil and engage in occupations which work up raw materials into finished goods and distribute these to consumers. Although we tend to think of the industrial revolution as occurring in the 100 year period from 1750 to 1850, as far as Texas is concerned, our industrial revolution came much later, and depending on how precise you want to be, or which small Texas community you want to examine, we were not highly industrialized until at least World War II. And some of our communities are only now beginning to become industrialized.

For instance, in many of the cities surrounding Dallas and Fort Worth, the majority of the population were merchants as opposed to manufacturers, and many of their constituents lived outside the city limits on farms. How then, did the change from an agrarian to an industrialized society change law enforcement? To express these changes we need first to examine the social values of preindustrial society and how they have changed.

In the Texas communities and towns of the first half of this century, life moved slowly. As a merchant handed goods over his counter, or as a cabinet maker in his shop built a single cabinet from the first nail to the final polishing, he had time to contemplate his good life and worry about those kinds of human behavior he saw as a threat to it. The strict Judeo-Christian moral code was the root from which his ideas of the good life grew.

What conflicted with his way of life? What threatened him? There were moral offenses - prostitution, gambling, drinking, poronography, drug abuse - all labeled sinful by his religion and culture. The Protestant ethic as well as reason also vetoed idleness of any sort; therefore, vagrancy was considered an offense, as was congregating at the corner pool hall, especially if you were young and should have been in school. The church and the state, here embodied in law enforcement, were very much linked. An offense against the Ten Commandments was an affront to the law--keeping a store open on Sunday, for instance, or cursing in public -- any behavior which offended a law-abiding, respectable citizen was subject to official scrutiny. In this era, the rights of the community were emphasized over the rights of the individual. Any sort of eccentric behavior, and especially any behavior suspected of being against religious precepts, was frowned on or disallowed - for example, fortune telling, or keeping odd hours or strange company also might bring social or legal sanctions.

Lines of division and acceptance within the community were clearly drawn and since people depended on each other to make their living, social ostracism was a threat to one's very livelihood.

Some types of behavior threatened a family's means of subsistence. In a country in which most of the population earned its living from the land, property was extremely important - in fact, property rights were a pivotal concept of preindustrial legislation and pursuant actions of the law. Additionally, a culture which valued work so highly also valued the consequence of work; namely acquisition. Acquisition and possession were indices of a person's worth, and therefore infringement of one's right to his property was a blow to his self-esteem and sense of righteousness.

What, then, is our summary of the expectations of law enforcement held by citizens of preindustrial, agrarian-mercantile societies? The function of law enforcement was to bring about peace and tranquility, which was defined in this era as universal adherence to the moral code, observance of social amenities, respect for property, and guarantee of personal safety.

I think it is evident that there has been a basic shift in our value system with the arrival of industrialization and all its ramifications. Of the peace and tranquility concepts formerly held, the only strong survivor in our present day value system is the belief that law enforcement should guarantee personal safety. The other concepts are slipping away.

How do we describe today's society, our value systems and consequent expectations for law enforcement? Today, it seems to me that our society is becoming less community-oriented. Whether or not we actually are less interdependent, I think we perceive ourselves as such. We live in an increasingly more physically autonomous style - we live insulated from our neighbors. Citizens function alone or with only close associates as they go to work and perform their jobs. There are more of us, too. We are lost in the crowd. Community respect is not as important as it once was. Our neighbor probably does not know what we do in our house, and does not have time to care. His income is not dependent on our actions and, therefore, he can let us be. Our psychology emphasizes the freedom of the individual - "do your own thing". Social movement is toward a more democratic, egalitarian state. Authority is not perceived as so necessary to survival as it was, especially church and governmental authority. Alvin Toffler, in his Future Shock, describes the emergence of this change:

"The more subcultural groupings in a society, the greater the potential freedom of the individual. This is why preindustrial man, despite romantic myths to the contrary, suffered so bitterly from lack of choice.

"While sentimentalists prattle about the supposedly unfettered freedom of the primitive, evidence collected by anthropologists and historians contradicts them. John Gardner puts the matter tersely: 'The primitive tribe or preindustrial community has usually demanded far more profound submission of the individual to the group than has any modern society.' As an Australian

social scientist was told by a Temne tribesman in Sierra Leone: 'When Temne people choose a thing, we must all agree with the decision - this is what we call cooperation.'

"This is, of course, what we call conformity.

"The reason for the crushing conformity required of preindustrial man, the reason the Temne tribesman has to "go along" with his fellows, is precisely that he has nowhere else to go. His society is monolithic, not yet broken into a liberating multiplicity of components. It is what sociologists call 'undifferentiated.'

"Like a bullet smashing into a pane of glass, industrialism shatters these societies, splitting them up into thousands of specialized agencies - schools, corporations, government bureaus, churches, armies - each subdivided into smaller and still more specialized subunits. The same fragmentation occurs at the informal level, and a host of subcults spring up: rodeo riders, Black Muslims, motorcyclists, skinheads, and all the rest."

It is now felt that individual freedom has precedence over community conformity, and it is often felt that moral laws of the church should not be enforced by the state. Therefore, pressure is increasingly applied to remove victimless crimes from the statutes and to "selectively" enforce the laws until they are removed. The enforcement of moral and social amenity law is beginning to fall outside our expectations of "peace and tranquility". The other basic preindustrial value, property rights, has been altered by urbanization as emphasis on land ownership, as a life-sustaining system, decreased. There is increasing emphasis on crimes against persons rather than crimes against property. Legally, our focus is swinging from the rights of the victim (the property owner) to the rights of the perpetrator (the human being).

The changes in the face of law enforcement are not as simple, however, as a change to a new value system and subsequent adherence to it. Premises are being questioned but the old still clings on. Some of the new questions are whether laws can or should be enforced, whether they should be obeyed, and even, will their enforcement bring peace and tranquility? More freedom is being accorded to the individual while more restraints are being placed on law enforcement officials. Assertions are made that people are guaranteed the right and obligation to rebel against laws they find oppressive. The nonquestioning attitude toward authority - church, laws, government -

which was generally held in the preindustrial era has been changed by growing awareness of the fallibility of institutions and public officials, Mass media has given us instant knowledge of the mistakes of our authority figures. People remembering prohibition and Jim Crow laws are less likely to obey laws without question.

Apart from the issue of obedience, a premise being questioned which would never have been doubted in the preindustrial era is that enforcement of laws automatically brings peace and tranquility. Consciousness among the poor today includes the opinion that laws are for the "haves", whereas previously the poor may have believed that by obeying laws and submitting to social norms they would be upwardly mobile (back to Calvinism - riches are the reward for righteousness). Now they see laws as contributing to their oppression.

They also believe that existing laws are unequally enforced. With the force of sociology and psychology behind them, the poor and their supporters are asking police to compensate for social inequities and ethnic and cultural differences in the discretionary judgments the police make while enforcing laws. Other socioeconomic classes also seek "selective" enforcement. For example, the rich ask not to be arrested for gambling - they say they have enough money to permit them to lose some and so it should be their choice. Thus, discretion by law enforcement officers is being sought as opposed to discretion in the law itself.

I believe also there is growing sophistication of reasoning in industrial societies regarding cause and effect relationships. Preindustrial society was more authoritarian, more reward and punishment oriented. It was assumed, for instance, that if a person was good in this life, he would be rewarded in the next world, if not in this one; if a person worked, he would have food; if he transgressed, he would be punished. The universe and culture as microcosm was perceived as an orderly, logical progression of events, from A to B to C. Today, there is a growing, and to some, a disturbing sense of the obliquity of all sorts of processes, whether social, legal or organic. The rise of crime rates has made it evident that we cannot linearly reason that enforcement of laws causes peace and tranquility,

or that manipulation of any variable or combination of variables within the criminal justice system necessarily yields that effect,

This latter premise was, in fact, tested in the past decade as society attempted to achieve order by altering each law enforcement related entity. Police were educated, court procedures examined, changed, and in some cases eradicated, but we still had rising crime rates. While we have not fully disproved the premise, there has been sufficient contradictory evidence to shake our confidence.

This brings us to the changes observable within the law enforcement organizations themselves. These changes also are a reflection of changing values. The ethic of selfless service in law enforcement may have been a little idealistic, but service, that is, public sector employment, originally was regarded as a privilege granted by the public to the employee. The privilege of serving seems to be evolving into the right to the job, and the challenge now is to recreate the attitude of service through job-enrichment programs which satisfy the needs of the police officer and thereby develop a more positive attitude toward service. Nonetheless, job rights will remain an issue and it is no secret that collective bargaining is very much in discussion by police agencies.

Some police officers now are less likely to be idealistic about God and country. Reflecting the egalitarian spirit of the rest of society, they may be more difficult to supervise and lead than twenty years or more ago. They are now also interested in remunerative rewards. On the other hand, they are interested in education and seek to improve themselves. The police department, of course, like the rest of society is often larger and more impersonal, which intensifies the officer's sense of autonomy.

Affluence has come to police agencies. In 1951, the per capita expenditure for police service was \$6.04.² In 1974, twenty-three years later, the per capita expenditure was \$29.44.³ The emergence of the Omnibus Crime Control Safe Streets Act of 1968 created the Law Enforcement Assistance Administration which has imparted over four billion dollars to law enforcement. Many of these funds have been helpful, particularly in the area of LEEP funding. Moreover, a great deal of research has been conducted through the expenditure of these funds. However, like any good thing, there have

been some offsetting bad points - misuse of federal funds has occurred and the disappointing circumstances are that the practitioner has been brought up but crime has not been brought down.

Our technology has increased about like the rest of our country's technology. The computer is very much a part of our world and is aiding us in many functions, among them crime prediction (trends and patterns), resource deployment, provision of data needed for management visibility, and dispatch and records efficiency.

Laboratory technology has advanced significantly, and this point seems to be one of our brighter spots in law enforcement. Like the arm that grows strong when one is severed, the loss of our ability to gain evidence through confessions and the like, has been offset by our growth in technology. Nuclear trace-evidence bombardments, paint analysis, and a number of other techniques seem to predict for us more effectiveness in terms of solving crime.

Moreover, because of available dollars for research and development, we are being given some rather provocative information about traditional police operations which will cause us to reassess many of our concepts.

The research of today is challenging the value of preventive patrol, the value of traditional criminal investigation methods, the value of police response time, the citizen's role in crime solution, and the citizen's willingness to protect himself. Professional management is coming of age in police departments, not without pain. Change comes hard in any organization and particularly in semi-military organizations steeped in tradition. A professional model for today's police department includes:

- * Stress on operating efficiency - cost-effectiveness
- * Centralized control
- * Clear cut lines of organization
- * Fuller and more effective use of personnel
- * Greater job mobility
- * Improved standards of selection, education, and training,
- * Increased use of technology and systems
- * Improvement and development of the service ethic

Now, what of our future? Let's examine some of the major changes that are coming down the pike and try to guess some of the things these major changes may bring to us. Those who have lived through the industrial society now speak of the post-industrial society, defined by Daniel Bell, who coined the term, as, "a society in which the economy is largely based on service, where the professional and technical classes dominate, where theoretical, intellectual, analytical, and communicative abilities are highly refined."⁴

Some say this period now exists, that there are now more white collar workers than blue. What, then, can we predict for the role of the police officer? If my premise is sound it tells us that post-industrial society, be it here or just around the corner, will demand a different kind of socializing force, or police person, with his impact beginning sooner in the life of a citizen. This socializing force will probably be more integrated into the community. The officer, if that is what he is called, will appear much more persuasive, softer-handed and highly intellectual, and certainly better paid.

Economically, we are pretty sure of continued inflation and rather favorable population growth - possibly at an increased rate because of sun-belt lure of big business. This will mean more homes, density of both housing and traffic, sustained crime increases - not straight line but exponentially. Our Texas Industrial revolution will continue.

Again, these demands will probably challenge police organizations more than in the past to be cost-effective in view of diminishing LEAA funds and increasing tax payer resistance to tax increases.

The bureaucratic future of our cities, police agencies, and collateral criminal agencies and courts is harder to read. One might predict a continuing shift to the right by the Supreme Court, at least as long as it remains as presently constituted. Moreover, the dollar shift of LEAA to courts may improve their administration. Due to their past track record, however, one would probably hit closer to the mark if he predicted business as usual in the courts.

Corrections, although well administered in Texas, is reminiscent of the Texas Mesquite tree. Conceptually a tree, but because of poor and infrequent nourishment and the failure of sister trees, distortion prevails. On a barren prairie it helps, but not much.

And the police? A lot of money, training, and education has made significant improvement. Will the absence of a lot of money, training, and education hurt? Only time will tell, but I guess yes.

Socially, one of the greatest changes is the involvement of black citizens in the political process on a broad basis. This is resulting in a greater demand for law and order. Continued desegregation will level crime racially but not economically. By this I mean that one can predict crime will be distributed more across the races as blacks move up bypassing poor whites, but crime will remain in the poor sections and victimize those who dwell there, be they white, black, or brown.

I believe civil servants will continue to press for, and receive, job enrichment both economic and psychological. I predict imposed collective bargaining - if not this year, later - unless improved management styles are developed and realistic benefits are given by cities.

Meanwhile, economics, social attitudes, and limited resources will move the police, courts, and corrections more and more toward the emphasis of personal crimes, i.e., murder, rape, robbery, assault, and away from crimes which have impact on the perpetrator such as prostitution, homosexuality, pornography, drugs, and gambling. I deplore this personally because of the negative impact on society as a whole, but we (the police) cannot realistically impose that which society does not want.

Property crimes, our greatest crime count, can and will, I think, continue to increase. But the economics of our society, namely affluence, minimize the trauma of the loss - generally speaking - and our reaction to property crimes will continue to reflect this economic attitude.

The final reflection of societal change within law enforcement agencies is our realization that we need to manage change rather than merely rock from its repercussions. Knowing change is a companion to time, we know it is inevitable. As has been said, "We must not be refugees from our past; we must be immigrants to our future".

ENDNOTES

¹Alvin Toffler, Future Shock (New York, New York: Random House, Incorporated, 1970), pp. 299-300.

²The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police (Washington, D.C.: Government Printing Office, 1967), p. 12.

³Statistical Abstract of the U.S., 1976, U.S. Department of Commerce, Bureau of Census (Washington D.C.: Government Printing Office, 1976), p. 164.

⁴Alvin Toffler, Future Shock (New York, New York: Random House, Incorporated, 1970), p. 490.

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COMPUTER ASSISTED DIAGNOSTICS IN JUVENILE DELINQUENCY

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The three professors present some basic requirements of an "optimal" juvenile investigation. Their Computer Assisted Regional Evaluation System (CARES) is used to illustrate how contemporary technological advances in on-line computer systems can provide a basis for accomplishing such optimal investigations, can facilitate the achievement of the objectives of the juvenile justice system and, at the same time, upgrade the capabilities of the juvenile probation workers.

INTRODUCTION

Juvenile courts in the United States have typically retained considerable flexibility in the disposition of juvenile offenders on the expectation that a focus upon the developmental requirements of the child would occur. This has been accompanied by a corresponding deemphasis upon the nature of the criminal offense itself (Thomas, 1971). Implicit in this approach has been the presumption that juvenile courts have the capability for doing this well; it has been assumed that the courts would be able to identify accurately a child's developmental needs, to determine the most appropriate dispositions for fulfilling those needs, and to insure their satisfactory implementation.

There has been a recent revival of concern with the adjudication process itself; the issues of due process for juveniles have become emphasized as a result of recent court decisions. This change in emphasis, however, does not alter the court's fundamental task of finding ways to promote the constructive development of children under its jurisdiction.

There is widespread agreement that juvenile courts typically have not succeeded in fulfilling these expectations. The decision to free the courts from legal constraints so that they could act more effectively in the best interests of the child was accompanied by early optimism in many quarters. Subsequently, observers have become much less sanguine about the courts' capacity to live up to this role. It is the thesis of this paper that: (1) a cardinal reason for the failure of the court in this regard has been the unsatisfactory data base with which it has been forced to operate, viz., the juvenile investigation; (2) the key to renewed effectiveness of the juvenile court in accomplishing its principal objective of the rehabilitation of youth is to provide it with a satisfactory information base concerning the youth and his developmental needs; and (3) this can be accomplished by a modification in the conceptual frame within which juvenile investigations are constructed and through the utilization of contemporary advances in computer technology.

A conceptual analysis of problems in the juvenile court system and the specification of a strategy to solve some of those problems stops short of the more difficult task of actually implementing a proposed solution. Consequently, part of the present paper will report on the development of the authors' Computer Assisted Regional Evaluation System (CARES) for juvenile delinquents, as a concrete illustration of ways in which such strategies can be put into operation.

PROBLEMS IN CURRENT JUVENILE INVESTIGATIONS

The National Council on Crime and Delinquency (1967) has agreed that shortcomings of the juvenile investigation have been a major factor in the failure of juvenile courts to achieve their objectives. Several difficulties can be added to those which the Commission has noted, and they

can be summarized under three major headings: (1) conceptual, (2) procedural, and (3) manpower problems.

Conceptual Problems

The human person is a complex combination of biological, psychological, and social patterns of organization which do not always work in appropriate harmony with one another in the course of an individual's development. Hence, problems in any one or a combination of these areas can be encountered in the investigation of a particular youth's circumstance. These problems require attention if he is to be helped to become an effective and useful member of society. There has been a continuing problem in how to design an investigatory process which will be usefully comprehensive, and which can thereby survey the youngster's status with respect to all significant aspects of his development and their interrelationships. At the same time, it has been neither feasible nor sensible to collect masses of information about each and every aspect of every individual; some selection of pertinent and relevant data must be made. The conceptual problem has been to discover what selected information needs to be collected that will constitute a comprehensive sampling of the entire person's developmental situation.

The prior use of the word "developmental" signalizes another aspect of the difficulty. Since the human person is in a constant state of growth and change, at no point in his life are physical condition or behavioral patterns entirely fixed and static. A developmental evaluation of an individual must thus take into account that where he is at any point in time is a product of what has happened to him in the past, and what he anticipates with respect to the future. The field has not yet discovered a satisfactory frame within which to accomplish such a developmentally oriented analysis.

Behavior does not occur in a vacuum, and it is always partially determined by things external to the individual. Typically, quite different behavior can be expected from each person one chooses to study depending upon the different situational conditions in which he behaves. Often, however, efforts have been made to analyze the life-situation of the youth

independent of societal, community, and peer factors, an approach which some have seen to be a mistaken application of the "medical model" (Thomas, 1971). Others have proposed to shift from a concern with changing the individual to an emphasis upon changing the physical and cultural settings in which people must function. The most appropriate method of carrying out an effective juvenile investigation requires an analytic procedure which would describe the person and his behavior in relationship to the physical, interpersonal, and social situations to which he is responding, a framework for such *contextual* evaluation of people and their behavior awaits development.

Post hoc evaluations, such as juvenile investigations are doomed to be, require the accumulation of information from observers who have been privy to the events of concern. Thus, youths are asked to behave as reporters about themselves, and observational reports are necessarily collected from parents, peers, teachers, and juvenile officers, as well as others. The problem is further complicated by the addition of contemporary observations of professional workers such as probation officers, clinical psychologists, neurological specialists, and the like. Since observations differ depending upon the frame of reference of the observer, juvenile investigations encounter the taxing problem of synthesizing diverse forms of data from multiple data sources. The serious problems in developing an integrated evaluation of a person and his situation, which is useful for diagnostic and dispositional considerations, can all be related to the need for discovering a conceptual frame within which a variety of observations from a multiplicity of observers can be meaningfully ordered.

Finally, there has been a continuing problem in finding ways to link "diagnostic" conclusions with "prescriptive" decisions regarding the treatment or disposition which should be provided. Neither this problem, nor those earlier discussed, are unique to the field of juvenile rehabilitation. Nevertheless, the rationale for conducting juvenile investigations rests firmly upon the principle of differential treatments for different kinds of problems. At present there is no satisfactory basis for insuring that sensible remedial action becomes applied to whatever problems come to be identified.

Procedural Problems

In addition to the conceptual problems outlined above, there have been difficulties in the conduct of investigations which could be classified primarily as problems of method.

The common practice of pursuing unstructured interviews in which the investigator adopts an exploratory posture, making moment-to-moment decisions as to the information sought probably results in greater liabilities than advantages. Interviewers often assume that such open-ended procedures permit maximal adaptation to the individual case and thus will yield more accurate or meaningful information. However, they also can produce "wandering" interviews as multiple and often nonproductive areas are explored; failure to follow an orderly and systematic line of inquiry frequently results in serious omissions and deletions. Such deficiencies only become compounded when reliance is placed upon the interviewer's recall when he returns to his office to prepare his written summary reports. The entire process, as usually followed, is seriously vulnerable to the level of competence, retentive capacity, and extent of subjective bias of the individual investigator.

This rather obvious methodological problem, namely, the absence of standardized investigatory formats, has been noted before, and efforts to solve it have been repeatedly made. Manuals and schedules for standardized juvenile investigations have been developed (Keve, 1960), but such attempts have not found general acceptance in the field. As a result, the kind and quality of information varies greatly from one locale to another, and the absence of comparable data precludes any useful person-to-person or person-to-group comparisons. This accounts for the relative absence of useful statistical analyses or summaries of juvenile cases processed through the justice system.

A problem with even more serious implications has been the excessive time typically required to process the usual juvenile investigation. The extensive time-lags which can occur pose serious problems for youths, their families, and probation workers alike. Particularly damaging are those instances where lengthy and expensive assignments to "diagnostic"

or detention centers are deemed necessary. While such delays are partially a consequence of insufficient financial resources and manpower, they are, to a considerable extent, the result of cumbersome investigatory procedures as well. Deliberate attention to streamlining the collection and distribution of information is needed to process efficiently information which is accumulated at varying times from varying sources.

Manpower Problems

The question as to whether one has sufficient personnel is a relative matter, since it depends upon what it is one is seeking to accomplish, and the qualifications deemed necessary to complete the task(s).

Pursuit of current methods of juvenile investigation have clearly generated what appears to be an overwhelming, if not insoluble, manpower problem. The field has adopted a kind of social-work model of operation, wherein the probation worker operates on a case-by-case basis with troubled youngsters who are struggling with the entire range of behavioral difficulties. Adherence to this model calls for a trained professional with specialized knowledge of the diagnosis and treatment of problem-laden children; this has ordinarily been provided only by post-baccalaureate training.

The National Council on Crime and Delinquency (1967) has noted, however, that most of the country's juvenile courts currently employ probation workers who lack such professional training; not only have such professional workers been generally unavailable and more expensive than the typical court budget could afford, but it has also been particularly inappropriate to expect specialists in law enforcement and corrections to become skilled in probation diagnosis and treatment as well as in their own specialized functions. Moreover, the number of new cases to be investigated in the typical agency, in combination with the supervision of cases already processed, would result in a work assignment three times the recommended standard. As the National Council on Crime and Delinquency appropriately concluded:

Correctional manpower problems are so massive, however, that any expectation of solving them by recruitment of personnel with appropriate graduate degrees is completely hopeless (1967:50).

Clearly, the model which has been pursued is inappropriate to the scope of the problem; manpower problems will persist unless a very different approach is developed.

SOME BASIC REQUIREMENTS OF AN OPTIMAL SYSTEM FOR JUVENILE INVESTIGATIONS

We have progressed from an initial recognition of a difficulty, viz., a failure of the juvenile courts to achieve their objectives, to an analysis of an important aspect of that difficulty. It has been argued that an important source of the problem has stemmed from the utilization of unsatisfactory methods for the analysis of the behavioral and environmental situation of youths in trouble. Any proposals for solving such problems must first consider what would constitute an optimal or acceptable system of data-collection and analysis for the purposes of juvenile investigation.

Conceptual Requirements

The development of satisfactory and useful information concerning the status of any particular youngster should be directed toward fulfilling the following sets of criteria. An information collection procedure needs to be designed so as to be:

1. *comprehensive*, in the sense that it would survey the youth's status with respect to all significant aspects of his development (physical, intellectual, emotional, educational, social, etc.);
2. *selective*, and pointed toward the collection of data from various domains of the person's life which can be considered to be both essential and pertinent;
3. *developmentally oriented*, featuring not only an historical analysis and an assessment of his current status, but also an analysis of his circumstance in relation to his aspirations, goals, and estimates of his future prospects;

4. *contextual*, in that the occurrence of his behavior would be studied in relationship to the situational conditions under which he is functioning; and ;
5. *integrative*, in providing a common conceptual and language frame within which a wide range of observational reports concerning the youngster could become synthesized into a coherent summarization of his situation.

An additional requirement of an optimal juvenile investigation is what should be designed generically. There is no substantive evidence that adolescents who become adjudicated delinquents are consistently different as a group from other sets of troubled or even "normal" youngsters. Procedures, then, which become developed in the context of the juvenile justice system should be of considerable value in other areas of human services such as mental health or public education, where there is a comparable concern for the constructive development of young people.

Procedural Requirements

The foregoing criteria make reference to primarily the nature of the data that should form the basis for an optimal juvenile investigation. There are, in addition, the requirements that the information-collection process should be:

6. *standardized*, so that systematic data could become collected which would be uniform across subjects; variations in response would then be clearly the result of the youths themselves rather than a function of the methods of data-collection employed. The comparability of data collected in such standardized fashion would make valid comparative analyses possible;
7. *prompt*, so that the time lag between initial contact and disposition would be held to an absolute minimum; and
8. *cost-effective*, in that the amount of money required to process the juvenile investigation would not prove to be prohibitively higher than current costs, unless the benefits derived from such an approach were deemed of sufficient utility to justify the investment of greater amounts of money per individual case.

Manpower Requirements

Since it is probably unrealistic to anticipate substantial changes in either the number or the level of training of extant probation personnel, an optimal system for juvenile investigations should prove to be:

9. *pragmatic*, and within the domain of the typical baccalaureate-level youth worker or probation officer who could implement it readily and effectively with a minimum of in-service training; and
10. *prescriptive*, suggesting particular avenues of remedy which could and should be considered in relation to each of the different problem areas which would come to be identified.

APPLICATION OF AN ON-LINE COMPUTER IN THE IMPLEMENTATION OF AN OPTIMAL SYSTEM

Inspection of the foregoing characteristics of an "idealized" juvenile evaluation system clearly indicates that adherence to established or traditional methods and technologies would be grossly insufficient to the task. The conceptual characteristics of an optimal investigation call for the collection, integration, and processing of large masses of information concerning youths in need of help. The simple task of ordering, synthesizing, and processing such encompassing amounts of information would strain, and undoubtedly overwhelm, the intellectual capacities of even the best-trained professional. Moreover, the cost of retaining such professional personnel would be staggering. Fortunately, the appearance of recent computer technologies brings the implementation of an optimal juvenile investigatory system within reach.

A New Tool in Data Management and Decision-Making

The use of computers in complex systems of organization is certainly not new. Within the Administration of Justice system itself, computers for the storage and retrieval of large masses of information have become commonplace (Silbert, 1970; Waldo and Chiricos, 1970; Collins, 1974).

However, most of these data systems are designed primarily for management and data storage and retrieval functions. What is being suggested in this context is the utilization of an on-line computer system in the juvenile investigation so as to capitalize on the capability of such systems to go beyond simple data storage and retrieval, and to process (e.g., to summarize integrate, synthesize, and evaluate) highly varied kinds of information of exceedingly broad scope.

Since Lord Bowden sold the first digital computer on the commercial market in 1951 (Bowden, 1970), the technology of computers has become remarkably advanced. The computers of today are far more reliable, compact, and retain greater storage and processing capacities than the computers of 20 years ago. Perhaps more importantly, however, medium-sized and small computers are presently available which can do more work in less time than the largest computers of only a decade ago, and which are relatively inexpensive and hence within the reach of medium-sized business and governmental units. As a result, many organizations are presently employing dedicated computers, i.e., computers employed solely in the service of a particular agency. However, the existence of time-sharing computers enables even occasional or relatively small users of computers to have immediate and unrestricted access to a computer, when it is needed. It is the time-sharing computer that could prove to be the effective vehicle for the accomplishment and delivery of comprehensive juvenile investigations.

Time-sharing, or on-line, computer systems operate in such a way as to permit a dozen or more clients of the computer to use it at the same time without having to wait for the computer to become available. This is accomplished through the computer's capability of working for a fraction of a second on one job, then on another and another, until every user has been serviced. This occurs at such incredible speeds that none of the users have any impression of waiting. The medium of communication with the computer is the interactive or on-line terminal which is usually operated through telephone lines. Consequently, the user of an on-line computer system can effectively utilize the system whether he is right beside the computer itself, or hundreds of miles away.

The interactive computer terminal is unique in that it permits genuine interaction between the computer and the user; the user can both receive and transmit information. Furthermore, interactive terminals have been refined to the point where they are no larger than an ordinary typewriter, and their operation is sufficiently simple that the user can be taught to operate them within a few hours.

The Optimal Juvenile Investigations: An Illustration

The foregoing has been an attempt to review problems in current juvenile investigations, to develop a framework for an optimal juvenile investigation, and to describe a technology for accomplishing it. The authors' basic underlying premise has been that the juvenile investigation occupies a central role in the court's efforts to bring to bear the full resources of the community upon the task of channeling children with deviant or troubled behavior patterns into more constructive avenues of development. It has been asserted that the technology for developing an optimal juvenile investigation is presently available. There remains the work of applying the necessary technology in the development and implementation of such preferred investigatory procedures.

The development of such a "computer-assisted" evaluation system (even if one is confined to building a basic prototype) is clearly a formidable, although not insurmountable, task. Staff commitments are required, since it calls for a truly multidisciplinary and multiprofessional effort, involving researchers and practitioners, as well as specialists in the areas of medical and psychiatric diagnosis, educational assessment, family evaluation, community and neighborhood assessment, and many more. It calls for the commitment of substantial resources over a sustained period of time. The efforts of this team of workers must then be translated into the logic and language of computers by another team of specialists, system analysts, and programmers. However, the end product can be a powerful new tool for probation workers that not only helps them to perform their work better and more efficiently, but also upgrades their professional knowledge and capabilities, and substantially

contributes to more effective work with youth.

During the past three years (1971-1974), the present authors have been engaged in the development of a prototypic computer-assisted juvenile investigation, fashioned after the conceptual framework presented in the present paper. The project is known by the acronym CARES, which stands for "Computer Assisted Regional Evaluation System" (Vondracek, Urban, and Parsonage, 1974a). In the last year, three county probation departments used the CARES procedures on a trial basis. They were tied into the system through remote-access computer terminals, which in turn were connected to the computer via telephone lines. Thus, although the three probation departments were geographically dispersed, they had direct computer access through on-line technology, made economical through the time-sharing method.

It has been argued that effective dispositional decisions concerning youth are only as good as the informational substrate upon which they are based. A predominant emphasis during the initial years of the project was placed upon a specification of the kinds of information concerning the developmental status of juvenile which should be gathered, the identification of the reportorial sources from which the information should be sought, and the formats within which the information should be collected.

It was decided that both comprehensive and detailed, selective information could not feasibly be collected within the same procedural steps; hence, a two-stage investigatory format was developed, one which called for a "band-width" approach as a first step scanning across all domains of the youngster's life-circumstances in an effort to identify those areas of his development which called for further inquiry; to be followed by a second step, emphasizing "band-fidelity," in which modular patterns of inquiry could be pursued in an effort to develop more detailed information into only those aspects of development in which it was judged to be needed. Thus, survey items of inquiry were developed for Level I intended to sample every facet of the youth's situation, viz., his physical, physiological, neurological, intellectual, emotional, social, educational, vocational development. Multiple sectors for detailed investigation within these various areas were relegated to Level II interview units. So

as to place the information concerning his present status within a developmental framework, items were constructed to provide data indicative of both historical antecedents to the youth's current activities, as well as goal-oriented consequences toward which the youth's activities seemed to be directed.

In order to avoid the error of focusing entirely upon the development of the youth per se, evidence concerning the situational contexts within which the youth might be functioning was sought by means of interview items about his home, family, neighborhood, school, and work settings as well. Finally, multiple data sources were sought, with information being solicited from youths, their families, school officials, teachers, and probation personnel themselves. Integration of this information from varied observers of the youth and his situation was provided by the characterization of each informational "bit" in simple, straight-forward, everyday terms; with an explicit eschewal of abstract, connotative terminology, and a search for information in specific, denotative language, with a corresponding avoidance of judgmental and inferential estimates on the part of youths and others. A deliberate effort was made to acquire information which would constitute direct observations by multiple persons on the one hand, and observations capable of being directly interrelated on the other. Selection of everyday terminology for all information placed the data-collection process within the range of pre-baccalaureate and baccalaureate personnel as well.

Computer programs require orderly and systematic informational inputs for processing, and thus constitute an inescapable stimulus for the development of standardized data collection formats, common descriptive terminology, and integrated and uniform data summarizations. For the CARES system, ten pre-coded, structured data-collection modules were developed by the project investigators in close consultation with experienced juvenile probation workers and judges in order to accomplish uniform, maximally objective, computer-compatible information with respect to each individual youth of concern. All told, the ten data collection modules, representing the initial level of information sur-

veying across the developmental status of the youth and his life-circumstance, offer more than 3500 structured response alternatives, and in addition several hundred options for the juvenile officer to enter important information in free-text form wherever the structured items prove insufficient. In spite of such comprehensive coverage, the entire array of information sought can be collected in less than one day. A detailed data collection training manual, an annual training workshop, and frequent consultation and trouble-shooting sessions with participating probation personnel, has assured the consistently high quality of collected information. Moreover, close collaborative relationships between University-based research and development staff, and practicing probation personnel, has resulted in continuing revisions not only in the data-collection procedures, but in other aspects of the system as well.

Transmission of the information from geographically dispersed probation departments to the centralized computer is accomplished by secretarial and clerical staff who operate the computer terminals. Effective performance was insured by means of a one-day workshop, the preparation of a brief but detailed manual for computer terminal operators, and continuing supervisory consultation by project staff. Since the CARES system was designed so as to obviate the learning of any kind of special computer language, terminal operators employ their own "natural" language and thus acquire the skills relatively quickly. A rapid-data entry system permits the transmission of all the information to the central computer in about 30 minutes time.

In the future, the entire process of data-collection and transmission may be accelerated even further by arranging for youths and others to interact with the computer directly; the feasibility of such procedures has already been demonstrated in the field of psychiatry, where patients have easily and successfully interacted with a computer in producing initial behavioral status reports (Stillman, Roth, Colby, and Rosenbaum, 1969). Advancements along such lines could lead to further easing of the manpower problems in juvenile probation work.

The processing of such an extensive array of information in item form would be prohibitive for the ordinary baccalaureate-level worker, and indeed would tax the integrative capacity of most professional personnel. Fortunately, the capacity of modern computers to process extraordinarily comprehensive amounts of information in a remarkably short time allows for the use of information collection procedures far more extensive than could have been contemplated as recently as a decade ago. The processing of the information is guided by the programs which the computer is instructed to pursue, and these in turn are governed by the informational outputs which are being sought.

It is the outputs, or products, of an informational system to which one's ultimate tests of utility become applied; it is the ordering of informational system to which one's ultimate tests of utility become applied; it is the ordering of information in useful form which is the purpose of the undertaking, and this objective becomes in turn the criterion in terms of which one evaluates its success. A virtue of the contemporary computer is its capacity to provide a varied array of outputs by means of alternate programs for the processing of information. The same informational input can be counted and combined in a variety of ways tailored to the needs of the individual user. Moreover, the most sophisticated professional expertise available for the analysis and interpretation of information pertaining to individual problems of development can be brought to bear in the development of such programs. In this fashion one can capitalize on scarce diagnostic and analytical skill, which is typically concentrated within metropolitan human services programs, and make it available in even the most remote and understaffed geographic regions. Finally, the computer can exercise far more complex analyses than are ordinarily accomplished by the professional worker on a day-by-day basis. In this way, significant relationships among data, which would escape the attention of the typical worker, can be quickly identified and incorporated into the evaluation.

The particular outputs of the CARES system were designed to capitalize upon this unique capability of modern computers and simultaneously to serve the operational needs of ongoing probation departments. Typically, CARES outputs can be received on the system's remote-access terminals within minutes of completion of the data entry process. Depending on the type of terminal used, all outputs can be received in the form of typed, file-ready, multiple copies. The first output of CARES is a "natural language" case summary, printed in free-text form, which supplies the probation worker with a concise descriptive summarization of available data about the youth of concern - the computer thus readily emulates the typical juvenile investigation report which probation workers ordinarily produce at considerable time, effort, and expense.

The second major output of the CARES system consists of a listing of developmental problems and problem areas identified in the course of the investigation, arranged in relation to likely referral resources (if any). This is an interim output at the present developmental stage of the system; ultimately it is intended that hierarchies of prescriptive recommendations, related to known treatment resources, will be presented in conjunction with the problem summary. In addition to the listing of problem areas, CARES incorporates a syndrome analytic process, although quite limited in scope at this time. This syndrome analysis process consists primarily of an automated matching process, in which the problems of any particular youth are compared with known problem clusters; in this fashion, the probation worker can be informed of the degree of correspondence between the youth in question and known syndromes of medical, psychiatric, or behavioral dysfunction.

In order to complement the problem summary and syndrome analytic outputs and to provide a more balanced and useful report, CARES also prepares a summary listing of the youth's behavioral competencies and situational advantages. Probation workers must eventually prepare disposition recommendations which must capitalize on the youth's capabilities and assets in addition to being pertinent to the youth's problems. Ultimate dispositions for the youth must be based on a thorough analysis of strengths and weaknesses alike.

It should be pointed out that outputs presently within the capability of the CARES system do not represent the maximal outputs of such a system. The elaboration and refinement of a complete and fully operational system is a long-term venture. In a sense, it may never be complete, since in principle it should be open to continuous improvement as more knowledge concerning the phenomenon becomes developed, and technological changes become introduced. Furthermore, a number of outputs presently planned have not yet become implemented. For example, the basic CARES input data is already sufficient for the establishment of an automated, on-line record-keeping and filing system for any juvenile probation or court system. The substantial savings in time, clerical costs associated with typing and filing, and space, as well as the attendant increase in overall efficiency should help to render a comprehensive computer-assisted system such as CARES cost-effective even for relatively small agencies.

CONCLUSION

To construct a full-service system that incorporates the major features of an "optimal" juvenile investigation, a decade of sustained effort is undoubtedly required. Such has been the experience of comparable projects in the medical field. To the author's knowledge, there exist no technical barriers to such an objective; complications of many other sorts are invariably operative, however. Sustained fiscal support is a necessary ingredient; overcoming the natural skepticism of experienced workers in the field who have seen many "schemes" come and go is another. However, the inherent prospect of service systems built around the capabilities of the on-line computer are sufficiently compelling that in time their utilization will likely become commonplace.

The prospect of developing comprehensive, computer-assisted information systems for any purposes raises justifiable apprehensions in a substantial number of individuals and organizations. The collection and storage of computerized information concerning people is of course no different in principle from the practice of developing traditional case files. Perhaps it is the fact that computers have the capacity for holding more information, more accurately than the individual case worker

or agency which has sensitized administrators and the public alike to the potentialities of misuse (Vondracek, Urban, and Parsonage, 1974b). A concerted effort needs to be made to educate such concerned citizenry that computers are in principle no different than other tools, such as typewriters, washing machines, and automobiles, with whose use they are already familiar and that the risks that are run and hence the regulatory controls which are needed, lie more in the persons who use them than in the tools themselves. It is the misuse of information which is the key source of concern, not the computerization of the information itself.

Of special concern along these lines is the issue of confidentiality of juvenile court records. A basic operating principle should be that such records remain accessible only to clearly designated personnel; thus, the question of information security and confidentiality is reducible to the task of safeguarding such information from unauthorized access. Again, computerized file systems are no different in this respect than any other system such as traditional case records and files. The first and foremost prerequisite to security and confidentiality is a set of strict access regulations, a system for their enforcement, and the selection of ethical individuals with a strong sense of professional integrity to work within the system. If that is accomplished, unauthorized access to confidential information will be an unlikely occurrence, particularly in view of the fact that such unauthorized access to computerized information requires much more extensive technical expertise and capital investment than any unauthorized entry into traditional filing systems.

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INTEGRATED PROFESSIONALISM:
A MODEL FOR CONTROLLING POLICE PRACTICES

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Introduction

From the time when the first police department was established in America up until the present day, the public has intermittently been critical of the police. Periodically it has vilified the police for both real and imagined abuses of their power and authority. Attacks on the police reflect the public's generally ambivalent stance toward its institution of social control: on the one hand, the citizenry fears disorder (especially predatory crime) and is dependent on police for protection; on the other hand, because the police have a monopoly on the use of force, the public fears police power might get out of control. These citizen fears are deep seated. They were brought to America by our ancestors who had experienced painful subjugation by military and police forces in their European homes. In modern times, distrust of the police has continued as we witness policital coups in other countries and the emergence of police states. Within our own country, concerns over police abuse are not without foundation--we need only consider recent disclosures of break-ins into private residences, spying and other criminal acts by the F.B.I.

While those highly publicized examples of police abuse may represent occasional cases of malpractice rather than the rule, nonetheless, we should develop strategies to fully curtail illegal police activities. What are the best strategies to control and prevent police deviance? Does professionalism offer a promising model to counter police deviance?

The police occupation frequently claims to be a profession. Listening to those who speak for the occupation, especially police administrators, suggests that policing has already achieved a certain professional status. From the police imagery, we hear their claims to professionalism and what they say gives us a rough approximation of where they are--their actual professional development. Police rhetoric allows us to glimpse their interest in "acting like" professionals and their actual professionalism. In what follows, I will describe how the existing police interest in professionalism can be expanded to provide the foundation for improved relationships between the police and the public.

The Problem: Instilling Self-Control in Police

By law police are implementors of violent force. They have the potential to wield extraordinary power. They can deprive individuals of freedom, and under certain circumstances, society permits them to injure and indeed even kill. Although we give these special powers to the police, we also want to control their use. The American Bar Association has said:

The continuing failure to devise and implement necessary procedures and sanctions to deal with police abuses is one of the most critical problems now confronting our society (1972:170).

(The) courts are ill-equipped to control police conduct (1972:152).

The need is for more effective administrative control (1972:152).

(Research is needed on) model systems of control over and sanctions against improper police authority (1972:170).

If we accept the fact that police, as an occupation, have the ability to self-police themselves and the managerial expertise to take on the task of self-control, then the challenge lies in instilling an appetite for the task so that they are also willing to do so. Getting police to put their heart into self-control is the issue we face. I would like to suggest that professionalization offers the best answer to generating

self-regulation, because professionalism actually promotes a value system supportive of self-control. It fosters responsibility (both within the individual and the occupation), personal integrity, respect for objective standard in making judgements, and self-evaluation.

Differences of opinion exist as to some of the characteristics that are associated with the professional model, but on the fundamental traits of professionalism there is consensus. For an occupation to call itself a profession, it must exhibit: a unique and specialized body of knowledge that is written down and can be transmitted abstractly, a dedication to service, self-regulation, performance neutrality, standards governing internalized decisions, and a code of ethics. All of these traits indicate that a mature profession has concern for the process by which ends are achieved as well as the ends themselves. When the role and importance of process is accepted by the members of an occupation and when the reward structure of the occupation also emphasizes process, then the problem of structuring constituted authority is more manageable. If an occupation adopts the professional model, policing will exercise internal control over improper police activity.

Assuming the professional model is the appropriate system of control over police activity, it must, to be effective, operate in two fairly distinctive ways. First, the professional model must operate at the administrative level and, second, it must exist at the line level.

One police administrative function is to control the broad discretionary power of the officer on patrol. The officer for his or her part must supplement administrative control by having sufficient knowledge and by internalizing appropriate values to make the proper decisions. Neither the line officer nor the police administrator alone can do the full job of controlling police abuse, but together they can assume an occupational responsibility for police legality of procedures. I will deal with each of these police roles separately as they affect self-regulation.

The Police Administrator

The American Bar Association points out that more effective administrative control of police practices is needed, that external remedies to police abuses, such as exist through the courts, or through government liability for officer misconduct, provide insufficient deterrence, largely because of their reactive nature. The more effective proactive strategies to meet the problem must be the responsibility of administrators whose leadership can articulate clear standards of police conduct, and establish the necessary internal rules and procedures, develop appropriate sanctions and set a climate of respect for the law.

One reason administrators in the past have not taken full responsibility for controlling their departments is to be found in the organizational structure of our criminal justice system: police must share their self-regulation responsibility with other sectors, namely the courts and political superiors. Where shared authority exists, it generally tends to be abdicated by all parties, but particularly by those who view themselves as lower in the status hierarchy (and that has been the case with the police vis-a-vis the judicial). Until police administrators consider themselves the professional equal of others in government, they are unlikely to fully assume the self-regulation responsibility. The Task Force Report: The Police issued in 1967 by The President's Commission on Law Enforcement and Administration of Justice commented on police deference to the courts. It said:

Unlike internal matters over which the police administrator has complete control, much of what the police do relating to crimes and criminals is dependent for approval upon the decisions of non-police agencies (Task Force Report: The Police 1967:193).

As the police move further toward professionalism, their capacity to deal on an equal basis with other sectors of the criminal justice system as well as with the political sector will also increase. One benefit of professionalism is an improved self-image and self-confidence for the occupation and its incumbents.

I would like to turn briefly to a discussion of police progress toward professionalism before citing several barriers especially as these relate to administrators and their lingering ambivalence toward professionalism.

Progress Toward Professionalism

We can examine police professionalism by reviewing historical periods when the police have been under attack from a critical public. In so doing we can describe and categorize police responses as they defend their occupation. What police say about themselves, i.e., their rhetoric of professionalism, provides a guide to their actual progress toward professionalism. In looking at the historical record in earlier research (Price 1974), I concentrated on three aspects of the police occupation: the police function of order maintenance, their actual strategies to achieve that function, and the organizational structure of the occupation.

I found that as public criticism of the police appeared, historically, the police adopted, or appeared to adopt, different strategies for meeting their function. However, options on strategies were limited by constraints of the existing technology with which police leaders could identify. Most criticism of the police came during periods of great social disorder--riots, street fighting and disorderly behavior of immigrants, labor disputes--when demonstrated police successes were limited. As a result, the occupation supplemented current strategies and used rhetoric to defend itself from criticism from the public and political superiors. In that rhetoric the police exhibited professional interests as early as 1850, although it was not until one hundred years later that the strategy was recognized by the police for what it was.

I found, for example, that police rhetoric expressed concerns about basic economic interests in the early 1850s, and, later in the 1920s, their rhetoric focused on techniques for improving performance, and in recent years, police talked about their role in Society and the importance of the occupation in the larger society. In examining this police rhetoric over time, I found that its form coincided with the typology of recognized levels of professional interest (MacIver 1955). The theory which supports the typology states that as an occupation begins to professionalize, it first pays attention to the basics--salary and social status and, next, it takes on broader issues by promoting specific beliefs about itself. Historically police rhetoric has expressed interest in each of these areas and it has done this sequentially over a period of time. While the theory does not develop this point, the three interest levels seem to represent a hierarchy from which we can roughly infer actual professionalization of the police. In effect rhetoric provides a metric for gauging professionalism and from the rhetoric a case can be made for the progress of police professionalization over the last 100 years.

Three separate historical periods show the development. For the period from 1860-1870, a rudimentary technology, comprised of preventive patrol and militarism, limited the form of the rhetoric to expressing concern for higher wages and respect from the public; between 1919-1931 the police strategy focused on developing bureaucratic efficiency and this led to discussions about improving police methods with a focus on scientific investigation and management. During the 1960s police discussed their role in the community and their importance for perpetuating democratic values and warding off impending anarchy (especially following the riots). With each new era, the earlier police concerns remained and the new ones were added on so that the rhetoric becomes increasingly rich and diverse.

For the police, the use of rhetoric plays a positive role in that it helps to protect the occupation by responding to criticism. It is also apparent that the rhetoric had, and still has today, a major dys-

functional feature--it enables the police leadership to limit reform: first, by talking in ways that are acceptable to their superiors in the political sector, second by reassuring their own subordinates of their professionalism. In effect, in rhetoric, the status of professionalism is assumed by the police long before the reality of professionalism exists.

The Barriers to Professionalism: The Administrators

Explicit talk by police of their professional status did not emerge as a strategy until the sixties (when the public often complained about the lack of police professionalism and in reaction police countered by arguing that they were professionals). Certainly from the 60s on, professionalism rhetoric was freely utilized as a police strategy, but many professional practices were at the same time strongly resisted. Police were ready to talk professionalism; they were less enthusiastic about its implementation or what I prefer to call "activating professionalism." Police administrators are cautious in developing professional activities for several reasons. Some of their reluctance comes first from a concern about performance accountability which they see as important in preventing serious blunders that expose the department to criticism. If the police administrator sees professionalism as relaxing accountability and creating pressure for increased lower-level decision-making (and reduced authority at the top), the notion of professionalism becomes discomforting. No police administrator wants to lose control of the department and subordinates. Patrick Murphy noted that a chief must "strike a delicate balance between decision-making power and performance accountability right down the hierarchy." (1973:37)

Another issue raised by professionalism that concerns administrators is role-making by subordinates rather than the more traditional role-taking from the organization in which work expectations are defined by the department. In developing internal rules and regulations, administrators have tended to concentrate on the particular (such as dress, hair style, proof of illness) and the negative (there are more disciplinary measures than rewards spelled out in procedural manuals).

They have not spoken on or defined areas which relate to abuse of authority in crime control such as harassment, the use of force, or failure to arrest. Lack of administrative guidelines governing discretion has meant that by default the police officer engages in role-making.¹ Ironically, this is precisely the activity administrators are reluctant to allot to their subordinates.

Another threat that professionalism poses for the administrator centers on the issue of organizational loyalty of subordinates. Fearful that career loyalty will supercede department loyalty, administrators have not pressed for occupation-wide standards. They anticipate that uniform standards will weaken local authority and encourage subordinates to look outside the department for guidance on appropriate behavior. Standardization of entrance requirements, training, job procedures, and performance evaluation often are considered contrary to the administrative goal of maintaining internal loyalty. The reasoning is: standardization would soon produce an occupation-wide rather than department orientation among officers with the result that they would consider their skills marketable and press for lateral entry. Currently lateral entry exists only at the top for the chief.

A fourth professionalism concern of administrators derives from their own socialization in which the traditional secrecy of police operations is an accepted form of behavior. All police believe, to some extent, that effectiveness in their apprehension function rests with informants and the development of sources of information.² In the process, police often operate at the very edges of the law (Quinney 1969), and, when they do so, they have, of course, reason to keep such practices from public scrutiny. From this secrecy culture, into which all police are socialized, a general reticence of communications develops that extends even beyond the public, to other departments. And so, such changes as interdepartmental review boards, which could begin to shape a more rigorous self-policing process, have not developed.

Because administrators are concerned about issues such as autonomy and performance accountability, role-taking, role-making, loyalty to the

department and secrecy of operations, they are ambivalent about professionalism. Their rhetoric of professionalism is used more to keep the troops in order--exert control negatively rather than to exercise leadership positively by defining appropriate and inappropriate conduct to control officer discretionary power when dealing with crime or potentially criminal situations.

If police administrators were to fully adopt the professional model and to subsequently adopt administrative policies to control officer conduct, if they were to support appropriate training so that one could reasonably expect their policies to be implemented, if they established systems of accountability, and were to design procedures for checking and reporting on performance, if detailed definitions of appropriate and inappropriate conduct were established and if there were effective investigative procedures as well as a hearing and review structure for alleged violations--still one other critical element is necessary.³

The Line Level

That element is the active commitment of the line level officer to the same professional model, to its demands for internalized standards of behavior, devotion to service, neutrality, a code of ethics, and a belief that the process of enforcing the law is as important as the enforcement itself. At the line level, then, there must be a commitment to professionalism. Broadly stated, officers must accept responsibility for the discretion they exercise and recognize that how they make an arrest is as critical as that the arrest is made.

Because of the dispersed command structure, the "right conduct" of the line level cannot always be assured by administrative policy or direct supervision.

In numerous situations police officers exercise their authority and discretion to arbitrate and adjudicate conflict situations. The official attitude and strategy for approaching these functions reflect heavily on the image of the police..
..(Skolnick 1968)

Not only do superiors' attitudes affect the department and the kind

of policing that the community gets but they affect the individual officer, his or her morale and job satisfaction. Police administrators as a matter of policy, recruitment, training and rewards can influence the professional development of their officers.

If it is the case that the line level is a key element in creating an internal system for controlling police malpractice and that control cannot be assured by direct observation and supervision, then the model of integrated professionalism in which both management and line level are professionally oriented holds the greatest promise. When the professional orientation becomes part of the officer's work style, independence in decision making is guided by both a code of ethics and the systematic application of a body of knowledge (Mintz and Sandler 1973:5). This use of expertise coupled with ethical standards means that police apprehensions will be lawfully executed and will minimize the potential of endangering other citizens or themselves in the process.

Summary

The notion of integrated professionalism is simply the idea of professionalism permeating the occupation at all ranks. Administrators would continue to have final responsibility for the conduct of subordinates, but under integrated professionalism they would not be placed in the difficult position of sole enforcer of police behavior. Instead, they can operate in a department setting in which a collaborative effort exists for providing community social control and protection through the responsible use of police authority. Once police have a stake in devising necessary procedures to deal with police abuses, the problems, themselves, will diminish. Ultimately administrative rule-making and internal procedures can be effective only where individuals are predisposed to be governed by them. Professionalism implies voluntary compliance: it holds promise for both technical proficiency and protection of individual liberties within a system of social order.

FOOTNOTES

1. An excellent discussion of the police, subculture and violent force is to be found in Bernard Cohen's "Police Theory: New Perspectives" unpublished manuscript 1976. Queens College.
2. This is so in spite of the fact that a survey by Rand Institute showed that only 20% of all crimes require investigation to produce an arrest and only 7% of an investigator's time is spent on cases which are eventually solved.
3. The American Bar Association in The Urban Police Function (1972) talks about the necessary internal procedures for controlling police abuse and recommends all of those given. pp. 158-170.

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LEGITIMATE AND ILLEGITIMATE USES OF AUTHORITY
IN THE CRIMINAL JUSTICE SYSTEM:
EVALUATION OF THE DISCRETION HYPOTHESIS

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Introduction

In the area of criminal justice system, discretion is of major importance to both the criminological concerns with the processes of control in society and concern with the etiology of criminal behavior. As an analysis of the variance in organizational behavior, a review of the literature on criminal justice discretion would be useful in indicating where, in fact, differential handling of offenders is seen to occur. As an empirical assessment of the propositions of certain theories of crime causation, such review would indicate whether the theories should be modified in such a way that they no longer embody empirically unsound propositions. Wellford's (1976) critique of labeling theory suggests that flaws can be found in all of the assumptions basic to the theory. He recognizes, however, that there is some value in labeling propositions for a broader theory of deviance. This paper will concentrate on the assumption that labeling and conflict theories have in common, a theoretical proposition that we will term the discretion hypothesis. Both labeling and conflict theorists are presently characterized by their presumption that agents of the criminal justice system use authority in an illegitimate way, that is that they utilize discretionary measure in a way that is discriminatory toward persons in less powerful segments of society. It has been clarified from many sources that both labeling and conflict theories of crime embody the proposition that there exists a differential handling of offenders by the criminal justice system that reflects racial and socio-economic bias (cf. Schrag, 1971). If this proposition is found not to be supported by the literature, then it should be taken into account in further refinement and testing of

these theories. As Turner (1974:7) notes:

It is this concern with disproving [emphasis in original] the key statements of a format that distinguishes science from other kinds of idea systems; for, if statements cannot be disproven, "theory" is simply a self-maintaining body of statements which bears little relationship, except in their framers' minds, to real phenomena. In order for theory to provide ways of ordering, explaining, and understanding events, those statements that do not help achieve the goals of science must be eliminated.

In the literature we can find many studies which attempt to assess the validity of the discretion hypothesis at various levels in the administration of criminal justice, and we find critiques such as the previously mentioned one by Wellford (1976) and that by Chiricos and Waldo (1975) which conclude that this proposition is no longer tenable. The next step it seems is not to reject completely the total range of possibilities offered by the labeling and conflict theories, but to make a total assessment of the research done on discretion in order to see if the proposition of differential handling of offenders should be narrowed to a specific stage of the criminal justice system where it is not conclusively "disproven" by research. If we then determine that the proposition must be given up entirely, we could properly focus our attention on modifying and refining the theories in such a way that is not inconsistent with empirical evidence. It is suggested that we should begin to focus on exactly how the tenable elements of labeling and conflict theories should be incorporated into a comprehensive theory of criminal behavior. This paper proposes that we are now in a position to take these necessary steps and thus will attempt to synthesize the major works available on the discretion hypothesis. Anticipating that such a review will yield a less than cogent argument for the hypothesis, this paper will then offer suggestions for possible approaches toward theoretical modification in order to salvage the useful propositions which these theories have provided.

Police Behavior

Stopping a Suspect

Piliavin and Briar (1964) found that police officers stopped blacks more often than they did whites. They suggest that this observation can be interpreted as evidence of discrimination against blacks. However, the explanation that they offered suggests that the discretionary behavior is not so much due to the direct acting out of bias against blacks but is a reaction to the youth's demeanor. The reason for the differentials in proactive policing of blacks and whites was considered to be that blacks more frequently exhibited the "recalcitrant attitude" which was often interpreted by the officer as a sign of delinquency.

Black and Reiss (1970) concluded that their data do not even allow for statements implying that racial bias enters into the decision to stop a juvenile suspect. They found that the number of police-initiated encounters with non-felony delinquents was about the same for black and white youths. While more blacks than whites were stopped for felony incidents, this was also the case for citizen-initiated encounters. That fact might reveal perhaps that more black youths were committing felonious acts, but at any rate suggests that the differentials in the number of encounters the officer has with various racial groups is not due to the officer's biases.

Arresting a Suspect

Piliavin and Briar (1964) suggested that decisions regarding arrests of suspects also are made on the basis of the youth's demeanor or certain "interactional cues." This explanation, however, is intended to provide an alternative perspective on differentials in police behavior; not to suggest, as do many other studies, that the police are not discerning at the racial level. While explained in terms of demeanor, the suspect's race as well as prior record was found to be a variable determining the decision to arrest.

Hohenstein's (1969) findings indicate that the police disposition decision is not based on race, but on the victim's preference and legal

factors such as previous record and offense seriousness. The attitude expressed by the victim toward the offender's possible prosecution was found important regardless of the legal factors. The second most important factor in the decision-making process was the number of contacts which the suspect previously had with the police. A third important predictor of police disposition was the seriousness of the present offense. No evidence was found that personal characteristics such as race, age, or sex were determinants of the way in which police handle juveniles.

The study by Black and Reiss (1970) shows a marked differential in arrests of blacks and whites. Their data, however, allow for an interesting explanation for this difference. The reason for differences along racial lines in police disposition was found to lie in situational factors such as complainant behavior. Black complainants more often expressed preference for strict police action; thus, black suspects were more frequently arrested.

While all of the foregoing studies showed that the police do respond toward blacks in a way that does not reveal illegitimate uses of authority, they have done so by introducing control factors such as demeanor, complainant preference, previous record and offense seriousness. The study by Williams and Gold (1972) is interpreted in such a way, moreover, that suggests that even in the absence of such controls experiencing police contact and being included in police records is not peculiar to minority group membership. That is, police not only apprehended the same number of blacks and whites, but did not introduce racial bias into the recording of the juveniles as suspected delinquents.

Juvenile Court Referral

Goldman (1963) found that there is a difference in the treatment of black juveniles. A larger percentage of black juveniles arrested were referred to the juvenile court than were white arrested juveniles. This finding was not interpreted as a reflection of offense seriousness due to the fact that a larger percentage of black arrested juveniles were referred to the juvenile court even for minor crimes. However, Shannon

(1963) found that the control variable offense seriousness accounted for the difference in referral rates that was found to exist along class lines. Similarly, Cohn (1963) concluded that the type and seriousness of the delinquent act committed were major factors in determining the type of recommendation made by the probation officer to the juvenile court authorities. McEachern and Bauzer (1964) also found that offense seriousness was the most important variable in determining disposition. Other variables of less importance were previous record, probation status, and age.

Bodine (1964) presented evidence that juveniles from lower income areas have a higher juvenile court referral rate, yet was able to explain the relationship with the control of number of prior offenses. That is, the legal variable of prior record was introduced to explain why juveniles from lower income areas are referred to the juvenile court more often. Similarly, Terry (1967) concluded from his study that legal factors such as offense seriousness and previous record account for most of the variation in disposition. While age was found to be one determinant factor, there was no evidence at all in his research of socio-economic bias. Gross (1967) also found that legal variables were important in decision-making. In addition, he found that the juvenile's attitude was important in determining what type of disposition would be made, a finding similar to that proposed earlier by Piliavin and Briar (1964). Explanation along these lines is also offered by Ferdinand and Luchterhand (1970) whose research shows that more black than white youths are referred to the juvenile court. The explanation that they offer suggests that the police deal more seriously with blacks who come from a broken home and who appear defiant of authority. Juvenile court dispositions were found to indicate a non-uniform discrepancy against blacks; that is, differences in handling of juveniles is explained in terms of family structure and individual attitudes toward authority.

A somewhat different set of findings was offered by Thornberry (1973) who found that juveniles at all levels (arrest, intake, and sentencing) were treated in manner that reflected racial and class bias. He suggested

that racial and socio-economic differences do not diminish when legal variables are introduced. However, Wellford (1975) showed that Thornberry's data are, in fact, consistent with previous research. Thornberry's data are, in fact, consistent with previous research. Thornberry's conclusions are suggested by Wellford to be unjustified on the grounds that they did not include measures of complainant behavior or victim-offender relations, that offense seriousness was not measured in an acceptable manner, and that measures of the strength of associations are more reliable than the percentage type of analysis which was used.

Most recently, Thomas and Sieverdes (1976) found that legal variables are best able to account for the variation in juvenile court referral. Their interpretation of such findings, however, suggests that it is the racial factor that causes consideration of legal factors; that is, if a youth is not black, there would not be as serious a deliberation on the matter of his requiring further control. Whatever the interpretation offered, their research is consistent with past findings in that offense type and prior record account for the racial differences in juvenile court referral. ¹

Sentencing

Studying the possible discrimination in sentencing of offenders, Green (1969) noted that an initial comparison shows that blacks are treated more harshly in sentencing than are whites. However, when looking at prior record and type of offense, these differences disappear. At this stage, then, it is also found that legal control variables may account for the racial differences in treatment of offenders in the criminal justice system. However, Bullock (1961) examined the possibility of racial bias in jury imposed sentences and found that blacks were given longer sentences than were whites under the same legal conditions. Bias also appeared to exist due to the fact that for intra-racial crimes such as homicide and rape, blacks received shorter sentences than whites. It should be noted here that this study suggests there is discrimination in citizen behavior toward offenders; jury sentencing, not judicial behavior, is at issue in this study.

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Nagel (1969) was concerned with the sentencing of indigents, concluding that such persons were sentenced more severely than non-indigents. However, Hagan (1974) showed that any sentencing differences in this data were eliminated when statistical controls are instituted for prior record. When looking at class differentials in the sentencing of homosexuals, Willick, et. al. (1975) found that the number of prior convictions of a defendant accounts for the apparent lower-class bias. A recent study by Chiricos and Waldo (1975) gives the strongest indication of all that there are no discriminatory factors operating in offender sentencing.² They found that even without the introduction of statistical controls for legal variables, there is no support for the assertion of a socio-economic differential in sentencing. When such controls are introduced, the conclusion is made even more firm.

Capital Punishment

An issue that has been less fully researched is whether the death penalty is utilized in a manner that shows prejudice toward the lower class or minority groups. The research that is available points toward the possibility of discrimination at this stage. Bedau (1964, 1965) found that a disproportionate number of defendants from the "laboring class" were given the death sentence. However, his findings have been critiqued on methodological grounds (cf. Chiricos and Waldo, 1975; Hagan, 1974). A more methodological convincing piece of research comes from Judson (1969) whose conclusions suggest that more "blue-collar" than "white-collar" defendants received the death sentence upon conviction. This finding of discrimination has been considered as allowing for firmer conclusions (cf. Chiricos and Waldo, 1975) and to not be altered with the introduction of statistical controls (Hagan, 1974). However, the data reveal no differences in sentencing that is to the disadvantage of minority racial groups. Furthermore, these findings can suggest only that citizen behavior is discriminatory since the study concerns jury sentencing.

Summary

From the previous review of much of the discretion literature that is available at each stage of the criminal justice system, it appears that there is very little evidence presently to be found in support of the idea that system components use authority in what has been defined as an illegitimate manner. In most cases, the introduction of legal controls causes any apparent "extra-legal" differences to diminish. When the data do indicate that non-legal factors are in operation, explanations which circumvent blatant discrimination such as "interactional cues" are effectively provided (cf. Piliavin and Briar, 1964). The major area where a possibility of bias exists is that of jury sentencing (cf. Bullock, 1961; Judson, 1969). Clearly, if the best evidence of differential handling of offenders comes from studies of citizen behavior, the proposition concerning power abuses by the criminal justice system is not adequately supported. Only a few studies such as Goldman's (1963) on juvenile court referral suggest prejudicial differences; the weight of the evidence is at the present time conclusively in the opposite direction.

Interpretation

Because it is generally recognized that working-class and minority groups are overrepresented in correctional institutions (cf. Williams and Gold, 1972), a fact which is documented by statistics (cf. for example, Sarri and Vinter, 1976); it is naturally thought that either disadvantaged groups are committing more crimes or else the operation of the criminal justice system is noticeably biased. An inspection has shown that the large amount of literature on discretion suggests that decision-making in the criminal justice system is not based on those variables that would indicate bias or discrimination. This would lead us to believe, then, that minorities and working-class groups are committing more and/or more serious illegal behaviors.

However, the Williams and Gold study (1972) contends that neither are blacks and lower-class individuals committing more serious delinquencies nor are they committing delinquent acts more frequently. Thus,

they feel obliged to point out the stage of criminal justice processing where discrimination must occur. They conclude that since their data reveal no system discrimination up to the court referral stage, and since they have no accurate data beyond that point, the area of juvenile court referral must be where system discretion is occurring. While the logic behind such a conclusion is at least convenient, it is not congruent with either their own data or the available literature.

These authors interpret their data as showing no difference between the delinquent behavior of white and black boys. By doing so, they appear to be ignoring the fact that their data show black males to be committing acts more seriously delinquent than those committed by white males. The types of delinquencies for which black males are found to be more responsible include property crime such as burglary and theft. Comparing that finding with the fact that almost half the male juveniles in institutions are there for property crimes (cf. Sarri and Vinter, 1976), it seems reasonable to suggest that blacks are more frequently institutionalized because they are more actively engaged in the type of offense for which youths are sentenced to an institution (i.e. property crime).

Williams and Gold attempt to draw conclusions concerning discrimination in juvenile court referral, while they admit that such observations are unwarranted due to the loss of data by that point. Accurately stating that the two percent of the total sample which is remaining in their data at the stage of court referral is insufficient for analysis, they proceed to inject speculations concerning differential treatment in court referral. This is done on the basis of their 16 cases and the prior available research.

It should be made clear that the only major work supportive of the proposition that discrimination occurs in court referral is the 1963 study by Goldman. The evidence in the opposite direction is abundant; consider that by Shannon (1963), Cohn (1963), McEachern and Bauzer (1964), Bodine (1964), Terry (1967), Gross (1967), and Thomas and Sieverdes (1976) all which demonstrate legal variables to be of more importance in judicial

decision-making. Even the study cited by Williams and Gold as evidence for their position (cf. Ferdinand and Luchterhand, 1970) explained the differential treatment of blacks in terms of family structure and attitudes.

It would appear, then, that speculation about system discrimination is not easily supported. If disadvantaged groups are committing more of those types of crimes for which persons are likely to be institutionalized, then it stands to reason that they will be overrepresented in the prison population. What is needed is to consider why those particular groups commit more property offenses and why society finds these types of crime less tolerable. Perhaps the explanation for this might be found through a consideration of prevalent social values. Due to poverty and racism, disadvantaged groups are denied the material goods highly valued in American society, a situation considered as conducive to high rates of economic crime for these segments of society. And possibly society is more anxious to imprison those persons who commit property offenses. Since we know that limited access to legitimate goals is a prime cause of property crime (cf. Aultman, unpublished manuscript), it seems clear that imposing harsher sentences on those who commit offenses against property will work to the disadvantage of the underprivileged. Thus, it could be said that American society itself in terms of the economic structure and esteem of material possessions, rather than the criminal justice system, must accept the responsibility for any injustice inflicted upon its members.

Conclusion

It was pointed out earlier in this paper that an analysis of criminal justice system discretion is important both to understanding organizational behavior and to evaluating basic propositions of the labeling and conflict theories. The finding that authority is not used in an illegitimate manner in the criminal justice system (i.e. that discretion is not based on non-legal factors) is easily explained in organizational terms. As Weber's ideal type portrays, individual discretion is limited by delineation of procedural guidelines in an organization. In bureaucratic institutions such as are found in the criminal justice system, there is less

possibility of finding decision-making processes to be based on personal judgments and evaluations. It seems reasonable that in such conditions organizational members would not be given sufficient latitude to base a significant amount of decisions on non-legal factors. As Mouzelis (1973:41) states in discussing the increasing bureaucratization in societal organizations:

"In order to rationalize and make an administrative machine efficient, one has to control and guide administrative behavior by strict rational rules - thus limiting individual initiative to a minimum."

In assessing the validity of this proposition as an integral part of both labeling and conflict theories, the conclusion must be made that the literature does not reveal there to be differential handling of offenders according to social characteristics. It seems advisable now to begin modifying the theories to account for the present state of their empirical backing. It is suggested here that labeling theory could be of most use in our efforts to comprehend the processes involved in delinquency causation by focusing on the informal aspects of labeling. Once we take labeling theory out of the context of discrimination by the criminal justice system, it seems appropriate to study the effects of labels also that are applied by unofficial authority figures such as parents and teachers (cf. National Evaluation of Youth Service Systems: Final Report, 1974). Additionally, it would be beneficial to continue looking at the need for the criminal justice system to avoid stigmatizing offenders when possible regardless of whether or not labels have been applied in a discriminatory manner.

The future of conflict theory seems to lie in the idea of conflicts between the various interest groups that are involved in the application of a label, rather than considering the simple dichotomous view of "haves" exerting power over "have-nots." This trend is already noted in the relatively recent writing by Lemert (1974) who proposes the concept of "group interaction" which considers the pressures and exigencies of the maximization of group ideals. Such modification is also suggested by Davis (1975: 213) in discussing a reemergence of a conflict perspective:

"Law and professional occupations are viewed as flexible, adaptive instruments of control which modify strategies in order to accommodate themselves to situational contingencies."

This type of approach appears to be much more realistic and to allow for a theoretical grouping of propositions that does not require a belief in an elaborate abuse of power by criminal justice agencies that is not found to exist.

An issue more seemingly congruent with available research that could be addressed by conflict theory concerns the stronger societal reaction to those types of violations most commonly committed by the lower class. As pointed out by Hopkins (1977) the real class bias is not to be found in the application of sanctions by the criminal justice system. As he points out, middle and upper class persons simply do not as frequently commit those types of crimes which evoke severe sanctioning. Law violations by the middle and upper class generally concern behaviors termed "white-collar crime", the sanctions for which are much less severe than those for street crime. Conflict theory should be applied toward an examination of class bias in society and in governmental structures in general such as those which govern the law-making processes, rather than specifically concentrating on the location of discrimination in the criminal justice system. If we continue to hold to the superficial proposition that the seeming unfairness in the outcome of legal processing is due to blatant discrimination on the part of criminal justice decision-makers, then as Chiricos and Waldo suggest (1977:184), "we reduce the general credibility of the conflict position and, at the same time, we divert attention from the real issues of class dominance."

NOTES

1. Similar to the focus on juvenile court referral, Meade (1975) looked at whether or not the juvenile court held a formal hearing. His finding was that the processes operating in this decision do not indicate selective bias.
2. This is in opposition to earlier findings of a racial difference in terms of guilt adjudication (Chiricos, Jackson, and Waldo, 1972).

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Participants had the opportunity to attend sessions in either conference throughout the three day period.

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