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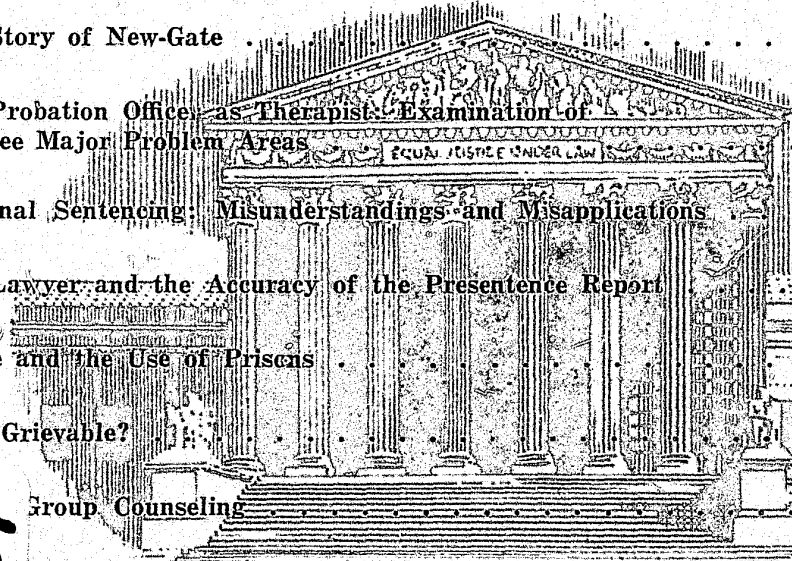
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irksome; requiring a severe exertion of the body and furnishing no employment to the mind. Convicts do not perceive the progress of the labor; of course, no interest is excited; the attention is not arrested; there is no mental occupation or engagement, which can at all alleviate the tedium and dullness of the task." (Osborn, 1925:419)

In 1825, the legislative committee found that the buildings were not related to one another, that they were insecure, that there was not land enough to accommodate the prisoners, that no classification was possible, and that the cells were schools of crime.

Annual cost to the state since 1819 had been nearly \$7,600 a year and for the 7 years preceding, more than \$9,000 per year. This annual deficit was the major reason for closing New-Gate. The success of Auburn prison and the agitation for more humane policies towards prisoners had increased dissatisfaction with New-Gate among some liberal thinkers. The possibility of making a new prison both helpful and self-supporting led the state to abandon the old. This was done in October, 1827, and the buildings and some five

acres of land were sold in 1830 for \$1,200. (Osborn, 125:420)

New-Gate was used as a prison for 54 years until September 28, 1827, confining people of all ages, from boyhood to extreme old age, girls, women, political prisoners, and people of all walks of life. (Mills, 1943:243)

Between 1790 and 1826 the state had poured over \$200,000 into its support and upkeep. All the prisoners were transferred to the Wethersfield Prison in 1827. The principal reason for the transfer of the New-Gate prisoners was the expense of maintaining the old underground fortress. After the prison was evacuated, the prison building and the land were sold to persons interested in the mining operations.

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The Probation Officer as Therapist

Examination of Three Major Problem Areas

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THE PROBATION OFFICER'S job is not easy. It involves many requirements and the officer frequently feels overworked and underappreciated. One facet of the work is to make certain that the court's requirements for the probationary period are followed by the probationer. In order to do this, the officer must communicate with and monitor the probationer and his activities. Glaser reports that officers enjoy this interpersonal interaction and would like to spend more time in the

supervisory-helping role.¹ The literature reflects this interest. Many articles concern interpersonal topics: how to best relate to the probationer,² how to deal with interpersonal interactions,³ and how to best support the probationer's chances for carrying out probationary requirements.⁴ However, there has been a gradual trend towards even greater expectations from the officer than that of being an overseer during a designated time period. The literature suggests that the probation officer is now expected to be a change agent. Not only must he oversee the probationer's compliance with legal requirements but he now is responsible for changing the probationer's behavior and even the probationer's motivations.

Examples of such advice in the literature are numerous. Authors advise probation officers that

* The opinions expressed in this article are those of the author and not official statements of the Federal Bureau of Prisons.

¹ Daniel Glaser, *The Effectiveness of A Prison and Parole System*. New York: The Bobbs-Merrill Co., Inc., 1964.

² Claude T. Mangrum, "The Humanity of Probation Officers," *FEDERAL PROBATION*, Vol. 36, 1972.

³ Claude T. Mangrum, "The Function of Coercive Casework in Corrections," *FEDERAL PROBATION*, Vol. 35, 1971.

⁴ Ludwig Fink, J. Peter Martin, and Gerald Burke, "Correctional Treatment of Offenders in the USA: Its Possibilities and Limitations," *International Journal of Offender Therapy & Comparative Criminology*, Vol. 16-17, 1972-3.

they "are supposed to correct and rehabilitate."⁵ Stratton sees the purpose of the counseling relationship or supervisory function as a rehabilitative process.⁶ Linden states that in a supervisory function, "the probation officer must concern himself with changing the offender's behavior," and with helping the probationer "discover his own [the probationer's] unique way to moral action."⁷ In six pages, Veraa attempts to educate the probation officer in a short course on "how to treat the exhibitionist" and even goes as far as to include treatment directives for the person's parents or wife.⁸ The supervisory role of the probation officer has expanded to include functions of psychotherapist, marriage counselor, family therapist, rehabilitator, and guide for the probationer's discovery of "moral action."

The present article discusses three major problem areas involved in widening the expectations of the officer's supervisory function to include clinical or therapeutic interventions. These problem areas are also applicable to parole agents, pre-delinquent agency employees and other workers involved in a supervisory role, especially in the field of criminology. For brevity, however, the discussion will remain in the context of the job requirements of the probation officer without continual reference to the other areas of applicability. The problem areas to be discussed involve (1) the officers professional qualifications to serve as a change agent or therapist, (2) the simplistic, short-term advice offered to probation officers with examination of potential harmful effects resulting from incompetent practice, and (3) inherent conflicts between the primary job requirements of probation officers and a truly therapeutic role. A reconceptualization of probation officer responsibilities is proposed with an example from the literature illustrating appropriate officer functioning.

Probation Officer Qualifications as Change Agents

Usually, the probation officer is a person who has obtained a bachelor's degree from a college or university and has majored in an area that re-

quires no training in a particular field relevant for probationary work (e.g., "majors could range from Home Economics to Accounting").⁹ The ABA recommends supplementing this training with a year of graduate work in a related field, a year of full-time casework or group work experience, or a graduate degree. The ABA also suggests it is "desirable that the staff include individuals who may lack such professional qualifications but have backgrounds similar to those of the probationer themselves."¹⁰ These, of course, are general directives for probation officer qualifications and many individual cases could certainly be cited which differ from the above directives. However, the important issue is that the probation officer usually has not received extensive specialized training for the function of change agent; that is, the function of being competent to facilitate another person's changing his behavior, attitude, affect, or personality style. This lack of specialized training is rarely addressed and seems to be frequently forgotten.

The disregard for such training is openly expressed in current articles which continue to encourage probation officers to extend themselves beyond their trained competence. An example is Stratton's statement that, "In a sense, this group (probation officers and parole agents) along with other social agency workers become, by employment alone, the only unlicensed paid therapist in the country."¹¹ It is an unrealistic expectation of probation officers to expect themselves to be competent in an area for which they have not received adequate training. Of course, training does not ensure competency, but the task of achieving professional competency without training would be extremely difficult and success would be improbable. Rarely do professionals expect themselves to be skilled in untrained areas. A neurologist would not consider performing cardiovascular surgery. Likewise, a psychologist would not prescribe psychiatric medications. The probation officer needs to be very careful not to abuse his very real competencies derived from his specific training and history of work in the area of criminology by overextension of professional skills.

The probation officer may be quite knowledgeable concerning human interactions, criminological issues, group behavior, etc., from much experience and expertise obtained in his line of work and from his particular background. This practical common sense basis for understanding interpersonal interactions is invaluable for the

⁵ Claude T. Mangrum, *op. cit.*

⁶ John Stratton, "Correctional Workers: Counseling Con Men?" *FEDERAL PROBATION*, Vol. 37, 1973.

⁷ Jack Linden, "The Future of Federal Probation: A Field Officer's View," *FEDERAL PROBATION*, Vol. 37, 1973.

⁸ Arnold Veraa, "Probation Officer Treatment for Exhibitionists," *FEDERAL PROBATION*, March, 1976.

⁹ Stratton, *op. cit.*

¹⁰ Herbert S. Miller, "Standards Relating to Probation," *FEDERAL PROBATION*, Vol. 34, 1970.

¹¹ Stratton, *op. cit.*

professional excellence of the probation officer. However, it does not qualify a person for the change agent role, nor does it fully inform a person of the complexities of behavior or personality change. To comprehensively understand the personality dynamics of the probationer, one would need both a common sense, intuitive knowledge and in-depth specialized training.¹² Nagel writes, "A well recognized feature of common sense is that, though the knowledge claims may be accurate, it seldom is aware of the limits in which its beliefs are valid or its practices successful."¹³ Each professional person must be constantly cognizant of limitations of competency. The "anybody can do anything" philosophy cheapens the complexities of clinical work, demeans the attainment of clinical maturity of judgment, and potentially hurts the probationer under the guise of rehabilitation.

Short-term, Simplistic Advice and Potentially Harmful Consequences

The first mistake in the literature is to expect the probation officer to become a change agent for the probationer when background training has not been sufficient. Even after this error, however, additional errors follow. A frequent recommendation to the officer is for him to render cognitive advice to the probationer who will then change his behavior or attitudes in an effort to comply with probationary requirements. The proposed advice in the literature is usually humanistically oriented and presented in tones of warmth and concern for the probationer's welfare. The problem with the majority of humanistic directives found in the criminological literature is that they are simplistic, cognitive, overgeneralized and lacking in depth of understanding of the dynamics and complexities of personality organization and change.

A recurrent example of simplistic, short-term advice offered to probation officers is the suggestion that an officer should covertly coerce the probationer into change by giving proper humanistic interpersonal contact. Mangrum states, "The most effective way to turn the probationer from his illegal ways is to treat him with dignity."¹⁴ Many

authors propose being honest, concerned, genuine, warm, without being excessively so, while also being firm and directive. After much listing of descriptive generalities, the reader is left with the feeling that the advice has evaporated into amorphous, vague directives which are frequently contradictory and difficult to apply to specific situations.

Infrequently, a specific example is offered. Usually, the advice is clinically quite questionable and reflects cognitive, simplistic conceptions of human relationships. Stratton suggests, "If the probationer is willing to honestly express what his feelings are, then the worker should also be willing to reach into his own experiences and say, 'I've felt something like that myself,' allowing the other person to know him on a human level."¹⁵ Such techniques of soul-baring are not highly regarded by most mental health professionals and have many other possible meanings than the proposed message of having been understood. Such a suggestion of interaction to facilitate the climate of understanding could include the following most obvious meanings for the recipient:

(1) The worker is so self-absorbed that he would never be able to understand the probationer since he relates everything the probationer says back to himself.

(2) "Look at me, I'm so understanding," which usually means "I don't know what is going on; otherwise, I would not have to make such an issue out of my being able to understand."

(3) The change of focus from the probationer to the officer could easily sidetrack the direction the probationer was pursuing with the thought, and turns the clinical attention to the officer.

(4) Perhaps the officer actually gives an example which is not along the exact lines of the probationer's thought, thereby confirming the officer's lack of understanding.

In his book, *Effective Psychotherapy*, Kaiser offers the following statement concerning psychotherapists: "Whenever you feel the need to do something, or to refrain from doing something for the purpose of showing him [the patient] your concern, you can be certain that your concern is lacking."¹⁶ Kaiser continues to explain that if a person is genuinely concerned, respectful, empathetic of another, there is no need to "prove" it. The affect is genuinely there and the listening person, if functioning well, will know it. If the listening person shows doubt as to the therapist's concern, the pair then deals with the doubt. The

¹² Robert Holt, "Clinical and Statistical Prediction: A Reformulation and Some New Data, 56 *Journal of Abnormal and Social Psychology*, 1-12, 1958.

¹³ Ernest Nagel, *The Structure of Science*. New York: Harcourt, Brace and World, Inc., 1961.

¹⁴ Mangrum, *op. cit.*

¹⁵ Stratton, *op. cit.*

¹⁶ Hellmuth Kaiser, *Effective Psychotherapy*. New York: The Free Press, 1965.

therapist must first be very certain what his own reactions are; the need to "prove" them to the client is indicative of additional motivational factors at work.

The frequent advice to probation officers to be concerned or empathetic or understanding is a directive which is actually impossible to cognitively implement anyway. As Guntrip states, "We cannot by an effort of will make ourselves *feel* differently from the ways in which we discover that we do feel. We do not choose what we shall feel, we simply discover that we are feeling that way, even if we have some choice in what we do about its expression."¹⁷ Authors in the criminological literature many times advise the probation officer to do this impossible affective task.

An excellent example of such faulty advice can be found in Mangrum's article entitled "The Humanity of Probation Officers."¹⁸ This article is especially applicable to the present discussion because Mangrum abuses the very advice he is offering to the probation officer. Mangrum repetitively emphasizes the need to preserve the dignity of the probationer, to treat him with respect and to "treat him with dignity, concern, and awareness that he, too, is a man."¹⁹ However, after strongly supporting humanistic regard and orientation, Mangrum then proposes a method by which the officer acquires such benevolence. He states, "Self-discipline and rational control are necessary to guard against the problem of selective enforcement of probation conditions based on one's own biases." His advice, we see, has two standards: on the one hand, deal with the probationer with kindness, concern, respect and dignity; but on the other, deal with yourself through cognitive coercion, rational control, and strict self-discipline. In effect, Mangrum is telling the probation officer that it does not really matter how one truly feels, that one must coerce one's self to feel a certain way towards the probationers with

the prescribed orientation being humanistic. Quite a paradox.

If only the paradox could stop here. Mangrum doesn't let up. After prescribing personal affective coercion, he continues, "There is a personal and professional 'payoff' to treating people with dignity, respect, feeling; to relating to them as worthwhile and important. They will reciprocate the treatment and, thereby, contribute immeasurably to one's success as a probation officer." So, now the reader gets the whole picture. The humanistic regard, acquired through self-discipline and coercive cognitive control turns out to be a thinly disguised manipulative technique for professional success. We are again reminded of Kaiser's warning concerning a person's need to demonstrate concern for others.

Not only is the therapeutic advice at times simplistic, generalized, and multilayered with questionable motivations, but even more serious is the lack of attention given to potential harmful effects of such therapeutic work. The recent literature reflects a quite casual, "anything goes" approach to psychological issues. An example of such a cavalier directive is seen in Veraas' article advising officers on methods of treatment of probationers whose offense was exhibitionism. The advice includes giving "a general airing and some direction perhaps" to the probationer's ideas on sexuality, the development of feelings of accomplishment and self-worth, helping the client work through guilt feelings and reducing general passivity.²⁰ Veraa even states, "If you are confident about your counseling skills, you may wish to tackle the exhibitionist's basic problem of poor masculine identification," and also suggests delving into childhood background factors (e.g. looking for "a dominating, overassertive or overprotective mother or wife, an excessive attachment to the mother or a passive father.")²¹ Why not go ahead and prescribe medications, prepare legal documents, or write an insurance plan for the probationer? This kind of professional intrusion into areas for which one lacks training is indeed a serious issue.

The particularly disturbing factor is that recommendations in the literature for officer treatment of various categories of offenders (categories usually divided according to the committed offense) are not at all infrequent. Gigeroff, et al., state that the probationer who was convicted of exhibitionism can be helped by probation officers to identify stressful relationships and situations

¹⁷ Harry Guntrip, *Personality Structure and Human Interaction*. New York: International Universities Press, Inc., 1961.

¹⁸ Mangrum, *op. cit.*

¹⁹ The reader is left to suppose that either female probationers are out of luck in being treated with respect, or that Mangrum is grossly unaware of the female gender. The second assertion is supported by his statement to probation officers, "As trite as it may sound, there is nothing weak, or unmanly, or unprofessional in feelings of concern, compassion, understanding, and warmth so long as these feelings are real and are not patronizing or condescending." Additional assertions of humanistic warmth are as follows: "Whatever he may have done in violating the law, he is a *man* (Mangrum's italics) and has the right to retain his dignity." Also: "The results will be most worthwhile as he (the probation officer) sees probationers grow as *men* (Mangrum's italics)." One wonders how such a humanistic, respectful, empathetic writer could commit such a glaring error as to omit one entire gender.

²⁰ Veraa, *op. cit.*

²¹ *Ibid.*

which will be sufficient and further "referral to psychiatric intervention is not necessary for the majority of cases."²² Joseph describes a probation department's treatment of heroin addicts and states, "Probation officers also function as methadone counselors. They assist patients with referrals to jobs, training, education, and financial assistance in addition to helping patients resolve personal, family, and legal problems."²³ This is too much. Certainly, with a minimal amount of reconsideration, most probation officers would not consider themselves to be competent to serve as "all-around" advisors. Surely, grandiosity has not completely taken over. To encourage the officers to assume all these tasks is unrealistic; it demeans the very real skills the officers have to offer since the overassumption of responsibilities dilutes the officer's well based professional contributions, and it introduces a very serious legal question of practicing therapeutic interventions without legal license.

And what about the probationer? Certainly his position in relation to the probation officer is a vulnerable one. Shouldn't the probationer be protected from being the nonvolunteer patient of an unlicensed and untrained person, even if the person's intentions are the most purely humanistic? The literature on the potential harmful effects of psychotherapy is voluminous.²⁴ Psychological intervention, the role of the change agent, is not simple. The assumption of responsibility for being "helpful" in untrained areas should be soberly reconsidered.

Inherent Complications in Probation Officer's Role as Change Agent

Even if a probation officer were adequately trained as a change agent, were licensed by the state for such work, and were optimally skillful in such therapeutic endeavors, the reality of officer-probationer relationship would pose very serious problems in the therapeutic enterprise. The realistic legal requirements of the officer's job prohibits full promise of confidentiality. Fried states, "In a very real sense the probation officer

is a double agent, representing both the probationer and the state . . ."²⁵ The complexities which arise due to this original situation are well illustrated by current proposals of probation departments to offer group therapy to probationers. Vogt states that group sessions have become more fervently advocated across the country and such meetings rely on openness and honesty.²⁶ He continues as follows:

In some respects, it is like a kind of free discussion between good friends who want to take the time to hear each other out and get each other's opinion Your group leader, a probation officer, acts as guide and moderator in the discussions The group leader's attitude toward a probationer getting into unlawful activity or breaking the rules of probation would have to be the same whether he heard about it in the group or privately. On the other hand, he is not running the group to check up on anybody. He could do that much more easily and quickly than by holding group meetings.²⁷

So what is the probation officer to do? Even if the officer were trained in group therapy, his legal position of agent for the state puts insurmountable hardships on the development of therapeutic relationships. Probation department group therapy sessions create a double bind situation for the probationer.²⁸ The leader says, "Tell me your problems in meeting the requirements of probation. However, if your problems involve violations of the conditions of probation, I will need to follow procedural rules of action." What is the probationer going to talk about? The probation officer cannot discuss these problems with the probationer. He cannot ask the probationer to be honest, open, and relate to him like "a kind of free discussion between good friends." The situation is not one which is between good friends. It is a situation which is between a supervisor and the person who is being supervised. This provides no kind of assistance for the probationer to be able to comply with the conditions of the probationary period. If anything, it only introduces frustrating contradictions of expectations.

Reconceptualization of Probation Officer Responsibility

The literature bombards the probation officer with expectations and directives to widen his assumption of professional responsibilities even at times to an extent greater than his training permits. The present article proposes that a probation officer, rather than assuming the role of change agent, should adopt a model of "case

²² Alex K. Gigeroff, J. W. Mohr, and R. E. Turner, "Sex Offenders on Probation: The Exhibitionist," *FEDERAL PROBATION*, Vol. 32, 1968.

²³ Herman Joseph, "A Probation Department Treats Heroin Addicts," *FEDERAL PROBATION*, Vol. 37, 1973.

²⁴ Benjamin B. Wolman, ed., *Success and Failure in Psychoanalysis and Psychotherapy*, New York: The MacMillan Co., 1972.

²⁵ Frederick Fried, "Psychiatric Consultation and Adult Probation Case Management," *FEDERAL PROBATION*, July, 1973.

²⁶ Herbert Vogt, "An Invitation to Group Counseling," *FEDERAL PROBATION*, Vol. 35, 1971.

²⁷ *Ibid.*

²⁸ G. Bateson, D. Jackson, J. Haley, and J. Weakland, "Toward a Theory of Schizophrenia," *Behav. Sci.* 1:261-264.

manager" which is very well exemplified by an article authored by William Breer.²⁰

Mr. Breer is one of the very few authors who shows realistic recognition of his professional skills and limitations. He describes the case management of an adolescent schizophrenic and emphasizes that the optimal situation is to arrange for a mental health agency to carry out the burden of treatment emphasizing a joint strategy with the probation officer and a division of professional roles. Breer does accurately note the paucity of professionals capable of dealing with such early developmental and severe problems. However, he never loses sight of his intervention as conceptualized as a "bandage job," as he calls it, to support the probationer until more long term healing care can be found. In the author's opinion, Breer's suggestions for such supportive care are knowledgeable, sensitive, realistic, and applicable. Few authors show such depth or range of competency with the complexity of psychological difficulties.

The author proposes that probation officers follow the model of Mr. Breer as a "case manager." With his knowledge of community agencies and resources, the function of the probation officer could be to make such possibilities available to the probationer. This includes areas of vocational training, vocational placement, residential living, and psychological assistance. Instead of doing the individual therapy work himself, the probation officer would conceptualize his job as finding a situation which would fill this need for the probationer when indicated. Many officers have certainly experienced the frustration of providing such optimal environmental conditions only to discover much lack of cooperation on the part of the probationer. There is little doubt that the case manager role involves much interpersonal skill and ability to understand complicated human situations on the part of the officer. Consultation with mental health professionals might add clarification in some complicated cases.

The suggestion of consultation raises a final sober point in the discussion of the difficult job of the probation officer. One situation which seems to be frustrating to probation officers is the attempt

to work with mental health professionals, only to have such an attempt end in disappointment. The officers frequently do not get the answers to questions asked, and feel that the professionals are evasive, superficial, and do not understand the core of the problems with which the judicial system has to deal on a daily basis. Much of this disappointment is certainly due to incompetency in the mental health profession, and this great lack cannot be denied. Yet also, some of the disappointment must come from the lack of easy and quick answers. This feeling of lack of closure, the impatient feeling of "why don't they just come out and tell me how to do it," or "tell me what went wrong?" is a reaction most people experience in the field of understanding psychological issues. The author believes the process of working through these disappointments by "following a case" until the answers become more clear, is the most beneficial, long-lasting approach for the development of greater interpersonal skill and understanding of psychological processes. Many organizations expect staff training to be completed (if at all pursued) in a small number of sessions that provide generalized rules of procedure. The search for quick simplistic answers to longstanding human problems many times leads to disappointing results. If consultation were established on an ongoing basis, the probation officer would be able to follow the process of watching the answers to psychological questions merge and would be able to develop skills in individualizing his view of the probationers rather than his being stuck with global generalities. Regardless of theoretical orientation, short-term, simplistic attempts to answer questions concerning complex interpersonal interactions is bound to be confusing, disappointing, and frustrating.

The author believes the optimal situation for probation departments is to secure periodic or ongoing psychological consultation with professional people who have the capacity to be genuinely helpful in understanding and dealing with people. Such an arrangement allows the probation officer to develop his own interpersonal style of interaction in his professional supervisory role as case manager.

²⁰ William Breer, "Probation Supervision of the Schizophrenic Adolescent," *FEDERAL PROBATION*, Vol. 40, 1976.

THE probation officer must be sensitive to how he appears to his probationers because they react according to how they "read" the officer, not according to the impression the officer thinks he conveys. It is difficult to long deceive people about how we really feel toward them.—CLAUDE T. MANGRUM

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