PAROLE
CORRECTIONS
PROJECT

PROCEEDINGS

SECOND
NATIONAL WORKSHOP
ON CORRECTIONS
AND PAROLE
ADMINISTRATION

74
nio, Texas

RICAN CORRECTIONAL ASSOCIATION

R... CORR... [illegible]

...sep... ...ough...n
...r...sid...n...

... P...s...on S..., P...D...
...e... ...ive Di...or

A... A... P... ... D...RE... ID... S... ...OJE...

Leo ... ...g
Dir...or

J... ...es O. ...obi...n
...Dir...or

...illi... Pa...er
...

...a... ...onzale...
...

AMERICAN CORRECTIONAL ASSOCIATION

PAROLE CORRECTIONS PROJECT*

RESOURCE DOCUMENT #4

PROCEEDINGS:

Second National Workshop
on
Corrections and Parole Administration
San Antonio, Texas

March 1974

***A PROJECT FUNDED BY THE OFFICE OF**
RESEARCH AND EVALUATION
MANPOWER ADMINISTRATION—U.S. DEPARTMENT OF LABOR

This document on a special manpower project was prepared under Grant Nos. 82-24-72-37 and 89-24-72-02, with the Office of Research and Development, U.S. Department of Labor, under the authority of Title I Manpower Development and Training Act as amended.

Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this document do not necessarily represent the official position or policy of the Department of Labor. The contractor is solely responsible for the factual accuracy of all material developed in this document.

4321 Hartwick Road, College Park, Md. 20740
(301) 277-3722

TABLE OF CONTENTS

Foreword 1
Prof. Daniel Glaser

Wisconsin's Mutual Agreement Program 5
Sanger B. Powers 85066

The Department of Labor
Manpower Programs in Corrections 13
Charles W. Phillips 85067

Conflicts of Interest 21
Paul A. Chernoff 85062

Correctional Myths and Economic Realities 25
Billy L. Wayson 85063

Rational Risk Taking: Some Alternatives to
Traditional Correctional Programs 35
Norman Holt 85064

Correctional Planning: Much Ado About Nothing 49
Severa Austin 85065

Dilemmas of Correctional Law and Rehabilitation 57
Richard W. Friedman 85066

Correctional Treatment: A "Double-Bind" Problem 75
Prof. Ronald J. Scott 85067

Mutual Objectives Probation 83
Walter Dunbar and William Collins 85068

Summary Reports:

Group A 91
Group B 94
Group C 97
Group D 100

Appendix:

A. Michigan's Contract Service Program:
The First Year of Experience 103
Henry B. Risley 85069

B. The Financial Resources of Released Offenders 109
Kenneth J. Lenihan 85070

C. List of Participants 137

TABLE OF CONTENTS

Foreword 1
Prof. Daniel Glaser

Wisconsin's Mutual Agreement Program 5
Sanger B. Powers 85066

The Department of Labor
Manpower Programs in Corrections 13
Charles W. Phillips 85061

Conflicts of Interest 21
Paul A. Chernoff 85062

Correctional Myths and Economic Realities 25
Billy L. Wayson 85063

Rational Risk Taking: Some Alternatives to
Traditional Correctional Programs 35
Norman Holt 85064

Correctional Planning: Much Ado About Nothing 49
Severa Austin 85065

Dilemmas of Correctional Law and Rehabilitation 57
Richard W. Friedman 85066

Correctional Treatment: A "Double-Bind" Problem 75
Prof. Ronald J. Scott 85067

Mutual Objectives Probation 83
Walter Dunbar and William Collins 85068

Summary Reports:

Group A 91
Group B 94
Group C 97
Group D 100

Appendix:

A. Michigan's Contract Service Program:
The First Year of Experience 103
Henry B. Risley 85069

B. The Financial Resources of Released Offenders 109
Kenneth J. Lenihan 85070

C. List of Participants 137

FOREWORD

by

Daniel Glaser
University of Southern California

This introduction to the Proceedings of the Second National Workshop on Correction and Parole Administration is intended especially for those new to the world that was represented there–the world called "MAP," which stands for "Mutual Agreement Program." Here then is a map of MAP, an overview of a large correctional terrain that teems with rewards for those who would explore it thoroughly.

The Mutual Agreement Program (MAP)

The Manpower Administration of the U. S. Department of Labor has for some years attempted to extend to criminal offenders its programs for vocational training and job placement assistance, justifying this by evidence that inability to obtain gratifying employment is frequently a major factor in crime and recidivism. Their efforts were dramatically successful for pretrial detainees granted release on recognizance on condition that they participate in Manpower Administration programs. This occurred in the Manhattan Court Employment Project and in Washington, D. C.'s Project Crossroads, both of which now are locally funded permanent programs that have been copied in at least thirty other cities.

In addition, the Department of Labor subsidized vocational training for prison inmates in over 40 states, but the effectiveness of these programs in reducing recidivism appeared to be negligible. Among many factors inferred to be responsible for the limited impact of programs for training during incarceration were the contrast between prison life and experiences when seeking employment in the community, the uncertainty as to whether release would occur at the conclusion of training, and the low prospect that the training could be utilized after release. The limited choice of vocational programs within any prison and the tendency for inmate participation in them to be affected by various pressures and incentives not operating on the outside, also made the training programs within the prisons much different from those on the outside.

On the basis of the foregoing, the Manpower Administration in 1971 provided the American Correctional Association with funds to arrange pilot

programs in three states whereby, with federal financial assistance, selected inmates would be invited to negotiate voluntary contracts in which:

(1) they agreed to complete a specific program of vocational or prevocational self-improvement in prison and on parole;

(2) the state department of correction agreed to grant them access to educational, training and counseling services specified in the contract;

(3) the parole board agreed to release them on their date of minimum parole eligibility if they fulfilled the terms of the contract;

(4) the Manpower Administration agreed to pay some of the costs of training, giving the subjects much choice in the purchase of training services from private trade schools or other educational agencies, and to provide some funds for incidental expenses while training—in the form of vouchers in connection with a community corrections MAP model in California;

(5) the American Correctional Association agreed to monitor the execution of these agreements, introducing them on a controlled experimental basis with its researchers following up the experimental and control cases and evaluating the program.

As a first step in this effort the American Correctional Association disseminated literature on the proposed Mutual Agreement Program to correctional officials of all 50 states and the U.S.territories, as well as Canada, and invited them to discuss it at a workshop in New Orleans during February 1972. Thirty-six states, the District of Columbia and Guam were represented at this meeting. Despite some delays due to unanticipated funding and administrative difficulties, the Mutual Agreement Program with federal funding assistance for the first eighteen months was initiated in 1972 in Wisconsin, Arizona and California. In several other states plans to introduce it were developed in some detail, then delayed by state authorities.

Reception of MAP after conclusion of its federal funding has been quite different in each of the three states in which it was begun. Wisconsin expanded it from one institution to all of its facilities. Arizona is continuing it on a more limited basis than when it received federal funds. California's experimental program was distinctive for use of a preparole halfway house and for vouchers with which the subjects procured their own services in Los Angeles. Although very successful, this state's MAP program was suspended when federal funding terminated, but is to be reactivated whenever funds become available. Remarkably, however, the MAP procedure has been established in Michigan and Guam without Department of Labor funding but on the basis of the American Correctional Association's design. It is anticipated that by 1975 MAP will be operating in at least eleven states and on three levels—prisons, parole and probation.

The Second Workshop

In March 1974 the American Correctional Association held a second Workshop on Corrections and Parole Administration, so that officials from all the states might share in the MAP experience. These are the proceedings of that conference, held in San Antonio.

This report opens with success stories. Sanger Powers not only gives paeans of praise for Wisconsin, but provides a detailed blueprint on how they made MAP work there. Emphasis appears to have been placed on careful planning, to be sure that responsibility for making it successful was assigned to key staff in all positions that might affect its outcome. This account is followed by Charles Phillips' review of all programs that the Department of Labor has found effective in reducing recidivism. It is noteworthy that the successful programs are all concerned with clients in the free community, rather than just in institutions.

Sobering notes follow, on obstacles to making graduated release work as well as it should. Although we speak of criminal justice as a system, Chairman Paul Chernoff of the Massachusetts Parole Board points out the conflicts of interest that so often become apparent among components of the system—police, courts, prisons, parole and community centers. Billy Wayson indicates that we may be in blissful ignorance of basic economic truths in assuming that state institutions and agencies are the cheapest and most effective way to supply rehabilitative services to offenders.

Clearer evidence that we often take foolish precautions while neglecting rational risk-taking is provided by Norman Holt of California's Department of Corrections. His agency's experiments demonstrate: (1) that somewhat shorter confinement has no effect on recidivism; (2) that parolees returned for technical violations would not commit more felonies than other parolees if not reconfined; (3) that parole success increases if parole agents are permitted to authorize immediate release when satisfied with the home and job arrangements made by a prisoner on a preparole furlough; (4) that parole performance improves and post-parole recidivism diminishes when parolees know they can be discharged if they complete one year on parole without arrest.

Another sobering note comes from Wisconsin's Severa Austin, who challenges the presumptions of those who plan criminal justice systems without enough knowledge of what is effective, and without enough courage to terminate cruel and costly measures that they know are ineffective. That the courts and statutes increasingly are challenging many traditional penal practices as unjust is detailed by the American Bar Association's Richard Friedman, who proposes a "justice model" for corrections that MAP exemplifies.

Professor Ron Scott of Virginia Commonwealth University sees MAP as eliminating a psychological "double bind" in which both staff and inmates of prisons become entangled through being asked to make those convicted of felonies more responsible, but being penalized unless they suppress responsibility.

The representatives of 32 states, the District of Columbia and Canada, in four discussion groups at this San Antonio workshop, report their views and

experiences with MAP. They reveal both problems and their solutions that produce numerous actual or proposed modifications of the original MAP model. But the changes are not drastic, for the experience is predominantly positive. Written contracts are found to make both offenders and staff more responsible, and the completion of a contract is seen as an objective diagnostic test of parole readiness. On the negative side are various local problems, such as difficulty in delivering all the services specified in some contracts.

The concluding papers report some recent innovations. Walter Dunbar and William Collins describe New York State's plans to extend MAP to probationers. Henry R. Risley reports on the first year's experience of the Michigan Department of Corrections with the largest MAP operation yet, which they call a "Contract Service Program." The widespread need for MAP becomes evident from the final paper, Kenneth J. Lenihan's survey of the financial resources of released prisoners in each of the separate states. Despite impressive new measures in a few states, notably Washington, and despite his figures on the growth of work release, the conclusion is inescapable that no state is doing all it can readily and efficiently do to foster economic self-sufficiency of its offenders in legitimate alternatives to crime.

These proceedings invite all who seek correctional bonanzas to prospect through the many byways of MAP. Innumerable nuggets have been found there, yet its potential treasures have barely been tapped.

WISCONSIN'S MUTUAL AGREEMENT PROGRAM

by

Sanger B. Powers
Administrator, Division of Corrections
State of Wisconsin

Several weeks ago I attended a Delphi Conference at Stout State University at Menomonie, Wisconsin. Over 100 professional people from a variety of representative occupations attended this meeting but it was not until mid-way through the second day that everyone realized what a "Delphi" Conference was all about. Today, in order to be sure that there may be no mystery about the subject matter of this important conference, I feel that I should begin at the beginning so that there may be no question about the precise meaning of Mutual Agreement Programming and how it all came about.

Mutual Agreement Programming had its origin with an interest of the United States Department of Labor in Manpower Development and Training. This led to an interest in the relevance of correctional institution training programs and the placement in appropriate employment of offenders trained in marketable skills. There were other collateral interests on the part of the Department of Labor in other aspects of corrections, which are not especially relevant here. I recall some early discussions with representatives of the Department of Labor and of the American Correctional Association coincident with, or just before, the decision of Labor to fund what was then known as the parole-corrections project of the American Correctional Association.

I have been asked to address myself today to the development of this project in Wisconsin, not only because Wisconsin was the first state funded under the project, but also because our successful experiences contributed substantially to the development and refinement of the model which is today known as Mutual Agreement Programming.

Forgive me if, as I speak about the subject, I refer frequently to Wisconsin, for it is there that I gained my education and my experience. I am proud to be representing a State where so many positive ideas originated. I might remind you that Wisconsin had the first statewide blind pension program in the nation, the first statewide mother's pension program, the first statewide old age pension program, all long before the Federal Social Security Act was written. Workmens compensation and unemployment compensation had

their origin in Wisconsin. It is no accident that the authors of much important Federal Social Legislation were from the University of Wisconsin.

Wisconsin has long had a tradition of concern—concern for the underprivileged, the physically or mentally ill, the aged and infirm, the dependent, neglected or delinquent child, for the defenseless and disadvantaged among its residents. It is reasonable and rational therefore, that there should long have been the same concern for the socially disadvantaged, the offender—a person in trouble with himself and the world in which he lives. And so I think it is quite natural that Wisconsin should have been one of the states selected to participate in the development of Mutual Agreement Programming.

As some of you may recall, in 1967 a national seminar was held in Chicago for Corrections administrators and paroling authorities concerned with the pressing problems and issues of the day. One of the ideas or concepts discussed at that seminar was termed a Prescription-Contract parole philosophy. Several state corrections directors and program planners discussed the idea and the implications of, and possible problems involved in, such a program.

The introduction of change in any organization is never easy. There are the natural resistances to change, a reluctance to break with precedent and tradition, problems of changing role relationships, of vested interests and personal security. The introduction of Mutual Agreement Programming represented a change in the traditional correctional treatment process. While none of these problems surfaced in quite those terms, there were many questions which arose and problems noted with respect to the parole contract idea. Among the issues raised were the legality of negotiating and signing "contracts" with prisoners, the possibility that parole board members might lose some of their decision-making responsibilities, and the problems involved in making guarantees to offenders for the delivery of specified services. A lack of basic research prior to implementation of the idea and the need to contend with and think through these issues served to slow up implementation of the parole-contract idea.

In February 1972 some of you may have attended the National Workshop of Corrections and Parole Administrators held in New Orleans, Louisiana. A report of that meeting was published under the title, "Proceedings: The National Workshop of Corrections and Parole Administrators," (*Resource Document #2, ACA Parole-Corrections-MDT Project.*) Wisconsin was represented at that meeting by the Deputy Administrator of the Division of Corrections and a long time member of the Parole Board. They came back recommending that we seriously consider participation in the Mutual Agreement research pilot project.

I then appointed an ad hoc staff committee to review the proposal and its relevance for Wisconsin. Members of the committee included representatives from the Parole Board, the Bureau of Planning, Development and Research, the Bureau of Institutions, the Chief of Classification. While there was unanimity about the positive nature of the program, the same implementation issues which had been noted in prior discussions of prescription programming

surfaced almost at once.

A major concern of the staff involved the limited time frame allowed for the proposed pilot project. Under the terms of the ACA Parole-Corrections Project, funds available through the Department of Labor, as well as ACA support, were limited to an eighteen month period during which time contract and control groups had to be selected, contracts negotiated, the institution phase completed and a six month parole follow-up achieved. Most of the staff concurred with our researchers that an eighteen month period was too short a time to meet the objectives of the pilot project. They felt that the results would be more valid with a longer project time frame. The fact of life, however, was that there was only enough money to support an eighteen month program. Since ACA had included provisions in their budget for research and the development of data collection instruments, we decided to go ahead with the suggested proposal.

The question was then raised whether the Division of Corrections could write legally binding "contracts" with incarcerated offenders which included a definite release date. In Wisconsin the final paroling authority is the Department of Health and Social Services, not a Parole Board, which in a sense simplifies the problem. The consensus of our staff counsel, of the Department's legal staff and the Attorney General was that there was nothing in the statutes to allow or prohibit the Department as paroling authority from entering into a contractual agreement for release. This presumed statutory eligibility for parole by contractees prior to termination of the contract period.

The concerns of the members of the Parole Board were reflected in their questions about their role in the demonstration project. They were, of course, concerned about the possibility of a dilution of their decision-making responsibilities and the need to make premature decisions with respect to established parole granting criteria. Full discussion of the demonstration project envisioned by the conferees at the New Orleans meeting helped erase some of the early doubts. In fact, some Board members believed that, rather than losing some of the traditional authority that Parole Boards exercise, they would actually be gaining in the sense that they would have input into determining an offender's treatment program. Many parole board members had long wanted a voice in establishing offenders' treatment plans and goals, in the delineation of changes to be accomplished if parole is to be considered. The Mutual Agreement Program afforded that opportunity.

Another implementation issue that we discussed related to a recently established and highly sophisticated Assessment and Evaluation Program which had replaced the traditional reception classification at our two adult male reception centers. The purpose of the A&E program is to assess and evaluate each man coming into the prison system and formulate, with his participation, a treatment program geared to his needs and interests. Some staff members felt that the MAP concept might duplicate some of what we were undertaking in A&E. It was finally agreed that the two concepts would

complement each other and that MAP and A&E together would provide an integrated system for input and active participation by all parties.

After resolution of some of the problems I have reviewed, we notified the American Correctional Association that we were indeed interested in participating in the demonstration project. From that point on, things moved swiftly. We decided, because of the eighteen month time limitation for the project, that we would have to limit the writing of contracts only to those men who would be legally eligible for parole within a year's period from our project commencement. This meant that we would be contracting with some men well along in their prison terms rather than at intake, a time which we felt would have been preferable. We decided to implement the project at the Wisconsin Correctional Institution–a medium security facility at Fox Lake. A model contract format was developed which was reviewed and approved by our legal counsel. A project coordinator was selected and in September 1972, the project began in earnest.

Screening began at once to select the sample of 200 eligible offenders. During the selection process the MAP coordinator met with institution staff members and inmates so that the details of the project might receive the widest dissemination. A steering committee was established, chaired by the project coordinator, and included representation from all of the organizational units under the jurisdiction of the Division of Corrections. The committee served not only to provide advice and counsel to the project coordinator, but also as a vehicle to provide for open lines of communication to all interested and involved Division staff.

The first contract was written on October 6, 1972 and the final contract on February 15, 1973. The first offender to sign a contract was released on parole on January 17, 1973, while the last was released August 31, 1973. Contracts had been negotiated and signed by 87 offenders. Sixty-eight men successfully completed their program and were released on the day agreed to in the contract. Two men who had signed a MAP contract voluntarily withdrew prior to completion. Seventeen others were involuntarily dropped, primarily for involving themselves in serious disciplinary behavior while in the institution.

In August 1973 I asked that the steering committee take a detailed look at the demonstration project and the progress to date and make recommendations for a course of action following project termination on February 28, 1974. Because the resource data and final reports from the demonstration project would not be available from ACA until September 1974, it was impossible for the staff to completely assess the project's effectiveness in terms of measurable objectives. Everyone involved, however, had the visceral feeling that the project was very much worthwhile and worthy of extension systemwide. It was therefore the recommendation of the steering committee that the project be extended as a systemwide program available to all adult offenders. Planning then began for the integration of this program with other facets of the corrections program.

It was apparent that added staff would be needed above and beyond staff for which appropriated funds were available. In order to secure the necessary funding for the added staff necessary for systemwide augmentation, a project design was developed and an application for funds was made to the Wisconsin Council on Criminal Justice which handles LEAA funds. In the development of the project proposal, we worked cooperatively with staff of the Council on Criminal Justice and with the ACA Project Staff.

We hope to begin writing contracts for all adults entering Wisconsin's correctional institutions sometime during April of this year, and we plan to be in full operation at all of our adult institutions by mid-summer. At that point, the Mutual Agreement Program will be available as a resource to every institutionalized adult offender at some point in his sentence, should he desire to participate. Negotiating teams will be established at our major institutions, each team consisting of a MAP coordinator, an institution representative and a Parole Board member.

Concomitantly, we are developing a data reporting system to provide information for program evaluation as well as management decisions. For the past several weeks, representatives from our MAP staff, the Assessment and Evaluation staff and staff of our Planning, Development and Research Bureau have been meeting to develop that capability. We will have the ability to follow the progress of released offenders which will permit us to make valid judgments about the effectiveness of the MAP Program and any need for change.

It became apparent early in the planning for the MAP project that it would be necessary to maximize the use of all possible resources to secure employment in the community for a successful contractee who had completed his job training objectives and fulfilled his end of the contract. It was at that time that we developed what we call the Intensive Employment Placement (IEP) Program. This program involved substantially closer working relationships with the Wisconsin State Employment Service, for their designating an offender employment specialist in each of their twenty-four district offices and additionally, their designation of a manpower counselor in the local employment office nearest the Wisconsin Correctional Institution at Fox Lake. This manpower counselor served as the statewide coordinator for the intensive employment placement program.

The manpower counselor was given the responsibility of interviewing each man in the demonstration and IEP project 60 days prior to release to discuss his job preferences and qualifications, to secure a summary of training that he may have received and information on his prior work history, all of which were communicated to the offender employment specialist in the State Employment Service office serving the community to which the offender was to return. This local employment office would then arrange commitments from employers to interview the man for a job at some point within two or three weeks of his release date. Our plan was to get the offender to his community within two weeks prior to his release to meet potential employers

in face-to-face interviews.

The State Employment Service, with our support, has applied to the Council on Criminal Justice for LEAA funds to extend the IEP program to all institutions in order to further improve their capabilities with respect to the employment of all released offenders. Through the project, they plan to place an employment service counselor full-time in each of our major adult correctional institutions where he will participate with the MAP and A&E staff in the development of employment and training plans on an individual basis for each offender. The proposal would also provide additional field staff in the more densely populated areas of Wisconsin to further augment the capability of the Employment Service in providing intensive help to offenders in securing and holding employment after release.

Our successful experience with the pilot MAP Program has resulted in a commitment to systemwide expansion. This will afford the opportunity to examine the MAP concept and philosophy for the total system, involving numbers significantly greater than were involved in the demonstration project. We hope to use the Mutual Agreement Program as a vehicle for change from the time an offender initially enters a correctional facility rather than when he is nearing the end of his stay.

One of the problems with which institutional administrators have had to contend in recent years is that of motivating committed offenders to participate in treatment programs aimed at, or geared to, improving their chances for successful adjustment to community living upon release. An increasing number of offenders have been persuaded, or have snowed themselves into believing that they are political prisoners, that somehow or another they are the victims and society the offender. We have had a developing problem in motivating or reaching an increasingly litigious group of offenders to accept responsibility for their own actions and to take advantage of the time available for participation in a multitude of meaningful opportunities to improve their situation. We find that Mutual Agreement Programming can be a substantial aid in meeting the problem of motivating offenders to participate fully in programs geared to their rehabilitation.

The whole correctional process is a continuum beginning at the time of apprehension and continuing through discharge from custody. This concept has long been recognized in Wisconsin where a single state agency has the responsibility for probation, institutional treatment and parole supervision—both for juveniles and adults. All facets of the treatment of the offender in Wisconsin have been regarded as part of a continuous process through which offenders pass enroute to becoming contributing members in a free community.

Notwithstanding the fact that we have long recognized correctional treatment as a continuum in Wisconsin, we have in recent years encountered some of the same problems which have become increasingly manifest throughout the country. It is only recently that we determined that greater participation on the part of the offender is an important ingredient of any prescription for

his treatment. The Assessment and Evaluation process is one ingredient providing for offender input. The MAP program represents a complementary added ingredient which really in a sense serves as a catalyst in this prescription.

A great deal has been written recently about behavior modification programs—about the importance of rewards and penalties as an aid in the behavior modification process. I submit that one function of a prison is to change an offender, to bring about positive changes, especially in an offender's behavior and sense of values. Mutual Agreement Programming is an effective tool in supplying motivation to modify behavior. The offender participates in the formulation of the goals he is to achieve, in developing a timetable for achievement. More importantly, once the goal and timetable and the intermediate steps are agreed upon and the contract is written, the motivation is usually there for the offender to complete the contract, and along the way to become a participant rather than a problem in the correctional process.

I completely reject the notion that correctional institutions cannot correct and cannot help, for at least in Wisconsin, they have corrected and have helped countless thousands of offenders who have gone through them over the years. The efforts of correctional institutions can be immeasurably enhanced in my opinion by the incorporation of the MAP program into whatever programs may presently exist for the rehabilitation and return of offenders to useful living.

Here I think it should be noted that not all offenders in correctional institutions were sentenced primarily to insure their exposure to rehabilitative programs. Many (at least in Wisconsin) are sentenced primarily in the interest of public protection—to insure public safety for a time at least. I am sure that the sentencing judge, in such cases, hopes that during the offender's confinement, rehabilitation may take place and that his attitudes and value systems may undergo positive change—that upon release the offender might display at least some concern for the rights and property of others.

Let me say too, that I think correctional institutions will be with us for years to come and that they need not necessarily be bad. In a generic sense prisons in this country suffer from neglect and underfinancing, but there are some good institutions with much to offer the offender who is interested in helping himself. There will always be some offenders who can best be helped in the controlled environment afforded by a good correctional institution. Indeed such confinement and the wealth of resources which can be brought to bear on the problems of the incarcerated offender may very well serve not only the public interest but that of the offender as well.

As I bring these thoughts to a close, let me place the Wisconsin Correctional picture in some focus for you. On January 1st there were a total of 30,525 juvenile and adult offenders under supervision in Wisconsin as a result of a commitment or sentence by a juvenile or criminal court. Of this number 27,625 or 91% were being supervised in the communities on probation or parole. Only 2,900 or 9% of the total were in state correctional institutions—2,065 adults and 835 juveniles. Of the 2,065 adults who were incarcerated,

365 were assigned to completely open community centered camp and work and study release facilities. Only 1,700 were actually confined in major institutions. In terms of the state's general population, the 2,065 adults who were in institutions represent a rate of 48.7 per 100,000 of the general population. This is something less than half the national average and might be compared to Virginia, a state the same size as Wisconsin but where the rate of confinement of adults approximates 140 per 100,000 of general population.

In Wisconsin we almost never see a first offender in prison. The average person sentenced has had many opportunities under probation supervision before being sent to prison. Most of those in prison had "run out the string" so far as community and court willingness to tolerate continued misbehavior or law violation is concerned. Our prisons in Wisconsin house not the unsophisticated, inexperienced, tractable offenders, but rather a group who have been seriously involved over many years and whose continued criminal conduct in the opinion of the sentencing judge represents a threat to the community. Many of those sentenced were involved in crimes more serious than would appear from the record because of the increasing prevalence of plea bargaining.

In the light of this situation, I think it is especially meaningful that Mutual Agreement Programming was so successful in Wisconsin. Our experience with Mutual Agreement Programming suggests that other states might fare even better, for if MAP works for the intransigent, hard core, criminally sophisticated offender, think what a bonanza the program could be in an institution holding large numbers of offenders who might safely have been continued in the community under probation supervision or released on parole!

If I sound enthusiastic about Mutual Agreement Programming, it is because I am. I can recommend the program unqualifiedly based on our experience. Mutual Agreement Programming takes time and costs money but pays big dividends, not only in terms of insuring offender participation and motivation, but collaterally in bringing about a substantially closer working relationship among staff concerned with offender rehabilitation. In Wisconsin we have a single unified, integrated correctional system where the responsibility for the administration of probation, parole and institutional treatment, both adult and juvenile, is vested in a single agency. Yet even where we have a single agency and a good staff dedicated to a common philosophy, MAP has served to bring us even closer. Think what it might do in a situation where several independent agencies are involved!

To sum it all up, MAP is a concept that can help bring change into a system where alternatives are sorely needed; MAP is a concept that can improve upon an already established system; MAP is a concept that pays heed to the dignity of man and gives him a voice in determining his own destiny. Finally, MAP is a concept whose time has come. Let me close with an old cliche, TRY IT, YOU'LL LIKE IT!

85061

THE DEPARTMENT OF LABOR MANPOWER PROGRAMS IN CORRECTIONS

by

Charles W. Phillips
Manpower Analyst
Office of Research and Development
U. S. Dept. of Labor

I am pleased to be here to meet with some old friends with whom we have worked for years, and to make some new ones with whom we hope to work in the future in extending further manpower services to offenders.

My assigned title is slightly a misnomer. I do wish to mention manpower programs sponsored by the Department of Labor, and particularly to emphasize a manpower component in the Mutual Agreement Program which you will be discussing in this conference. But I want to mention also elements that other agencies, departments, and citizens' groups have a part in, and in whose company we are pleased to be only one of the actors. And particularly I want to make the point that there is a momentum abroad in the land that is making the time ripe for some major constructive advances in the correctional process that will in turn aid the rehabilitation of offenders substantially. A concerted base of effort is emerging on the part of both public and professionals to come to grips with the problems of offenders and how to handle them. We want to handle them so that they will be *restored* to society, not merely returned for a short while only to have large numbers—40 to 60 percent—rearrested and go through the cycle again.

A large part of the public concern is in response to the prison riots of recent years. Although these have not matched, in violence, the wave of prison riots in the 1929-31 period, the reaction today is different. More were killed in New York in the previous episodes, although the single most violent episode was in Ohio, where about 300 individuals burned. One of the responses then was to build Attica, which at the time the New York Times praised editorially. Today the response is different. Editorialists, pundits, and writers of many persuasions are keeping up the barrage on "the crime of punishment," the "shame of corrections that do not correct," and demand that "something be done."

Normally corrections does not get publicity unless it is bad, and the usual

result when it subsides, is to put the correctional institutions and their charges out of sight and out of mind again. There is a better quality about the public response this time. It comes about, at least in part I believe, because some quiet but solid research and experimentation has been going on in recent years. And because of this and a good deal of professional maturing, we can sustain, work with, and make something of this public interest.

Without becoming defensive at all—we all know how much needs to be done and how much we need help to do it—it is worth noting a bit of irony in the public clamor, if only to acknowledge the memory of some hard times for corrections. No one heard these voices ten years ago when some of you were trying to get the ear of legislatures or the public for resources with which to make some improvements, or to solve some problems. And even now, a number of you are entitled to a moment of pardonable resentment at the implication in some more flamboyant outcries that imply that all Commissioners of Corrections, all Wardens, custodial personnel and parole authorities and workers are vindictive, punitive people with no concern for their charges as humans. No doubt there are some such types at all levels in the correctional system as well as in other human service organizations. So what else is new? Let any institution that is simon pure cast the first stone. We have worked with another kind of person in corrections and there are a lot of this other kind. I have walked through the yard and corridors of a prison with a Warden who pointed out various individuals and said "that man should not be in here." I have listened to a Warden say with passion, "The best thing that could happen to this place would be to tear it down." He did not want a bigger, better, more modern warehouse. He did not want to be warehousing human lives at all. In other institutions we have listened to professionals talk honestly and candidly about what was wrong with what they were doing, what in some cases the *law* required them to do, or to what a lack of resources limited them.

But this is not a time to debate the past or even some parts of the current clamor because this time we have some good opportunities to use it and give it some guidance. There are at least two good reasons:

1. There is a visible, sustaining public concern, a constituency if you will, that will support constructive innovations. Even individuals who react with a hard-nosed resentment against certain kinds of crime and the terrorism of the sort represented by the so-called Symbionese Liberation Army, and who in a former period would have said of criminals in general "let's lock the door and throw away the key," are capable of discriminating between a few particularly difficult kinds of criminal and the majority whom we do release fairly quickly anyway, but should do more to help stay out.

2. Secondly, and possibly more importantly, we have demonstrated what some of those constructive pieces of action are. We have learned how some of the individual pieces might be put together towards a program system that will have even greater effect. We do not know everything, but we have, or should

have, enough confidence to offer leadership and guidance, and ask for help.

It is one thing to identify a problem—the obvious non-rehabilitation of offenders. It is something quite different to know what to do to solve it. Rhetoric is no answer. Neither is simple good will or sentiment. Only a tested plan of action is—a technology if you will. Not that one can avoid all risks and ever make any progress. You will be coming to grips directly with that in the workshops this week on "Rational Risk-Taking." It is just that one does not leap in the dark. The point is, *we do not have to.*

Let me review, ever so briefly, some of the things which have been learned in the past 10 years, and some of the developments that have grown out of research and demonstration seeds which enable us now to do more.

We know that education and training—which most inmates need—can be done efficiently and effectively. If it is not done well, it is not because it can't be. There is an exportable methodology for it.

We know that job development and placement is critical. It is not easy and there are many barriers yet to be brought down. But it can be done, and there are systematic steps that can be taken to effect it.

We have reason to believe that education and training are effected better outside the walls than in. Work release and work furloughs permit this for both OJT and institutional training. It helps aid the inmate's decompression and transition to the outside world.

We have found that pre-trial intervention, with manpower services, is a workable way with selected offenders, to divert them from incarceration or a return to crime.

We know that ex-prisoners can be bonded and to date have shown such a low default rate that the charges we had to pay originally have tumbled to a near ordinary level.

We know that corrections and parole should be coordinated in the rehabilitation process, and we believe that mutual agreement programming—which this conference is all about, has shown enough promise to warrant expansion. But I would say more about that presently.

We are not yet at the point of assured break-through in classification and diagnostic instruments of predictive power for recidivism and criminal behavior, and which allow specific prescriptions for types of service and/or support, but some highly promising work is undergoing validation.

In all of this development, over dozens of projects, developed with the cooperation and support of correctional people—and reported to you in Department of Labor Research Monograph #28 which you have in your packets—much more knowledge of use has been gained. It includes much more information on inmate characteristics, special needs, the dynamics of the inmate counter-culture, methods by which guards can relate with positive instead of negative reinforcement, and more that is available as knowledge resource for training all who must work together in the institutions and in

the community in effective prisoner rehabilitation.

To repeat, the Department of Labor has not been alone. Results of equally important work by the National Institute of Mental Health, the Federal Bureau of Prisons, various sections of HEW, and latterly from the Law Enforcement Assistance Administration have helped build some of the blocks. Building with some of this, or on it, or sometimes doing your own development, important work is going on in work-release centers, half-way centers, and in planning well ahead of an inmate's release for a true restoration to society. And in parallel with this—and I think not entirely without influence from it—some changes are taking place in society.

Let us put it this way:

Ten years ago prisons generally were a wasteland as far as any effective training was concerned. Although not nearly enough there are today a number of good programs.

Ten years ago a minority of states only had work-release laws.[1] Today at least forty do. Now we must accelerate the use of this important tool.

The developing program and push of the National Alliance of Businessmen to educate employers to take on ex-offenders, and giving them sound guide-line procedures for doing so is comparatively recent, but in the last 6 months, NAB employers have hired more than 2000 ex-offenders. And this will grow.

Up to three years ago nothing had been done about statutory or regulatory barriers setting up unreasonable restrictions on the public employment or licensing of offenders. Through low-key, professional work by the American Bar Association under DOL contract, 12 states at present have made changes in the language of the law, and as of this moment there are 13 additional states in which legislative action to the same end is pending.

Six years ago pre-trial intervention was just being pioneered. Today it is a growing movement we are trying to keep up with in helping it anticipate and resolve its legal problems, giving technical assistance to its management evaluation, and monitor its results.

Within recent months President Nixon has issued a new Executive Order, replacing one that dated back to the time of President Theodore Roosevelt, and which inhibited the use of state prisoners, even if in a rehabilitation program, in many constructive work situations. The new order removes those.

Bonding has become a program offered on a national scale, available free to any and all ex-offenders where it is a job requirement and cannot be obtained elsewhere. A growing number of college and university programs relating to criminal justice have come into being. Some of these have

---

[1] Roberta Rovner-Pieczenik, *A Review of Manpower R & D Projects in the Correctional Field (1963–1973)*, Manpower Research Monograph No. 28, (Washington, D.C.: U.S. Department of Labor 1973).

sponsored some very solid area conferences for public officials. The Department of Education of the National Council of Churches organized in May, 1973 a Task Force on Higher Education and Criminal Justice to link these college and university programs and produces a newsletter called *Alternatives* which is a clearing-house of information and studies from many sources.

This is by no means to exhaust the citation of evidences of constructive concern and the opening up of networks of communication between corrections and the public. On the other hand, it is by no means to say either that now everything has become simple, straight forward, and easy in solving our problems. There is an enormous amount of experimentation yet to be done, and an enormous amount of public dialogue to take place. But what is happening, perhaps for the first time, is the establishment of a solid beachhead on the front of bringing corrections back into the social process. In the past corrections has been in effect locked-out of society in an inverse maximum security situation. It is as if there has been no recognition of the role of educational and employing institutions, or of other institutions generally, public and private, either before on offender is sent to prison or after he returns, or even while he is there. Whatever causes crime—and we know very little about that specifically in spite of some glib statements to the contrary, and it would have to be an individual by individual assessment anyway—it is in general a dysfunction of the relationship of an individual to social order mechanisms and value consensus. None of us functions perfectly in this, but among some who fail miserably, we take them out of the social water, which is exactly the place in which they have to learn to swim. There is responsibility on both sides, but the anomaly has been that we denied the social responsibility, and put it all on the other side. And even then we do not trust it, or help it develop. But now we are opening up this barrier and have opportunities.

One of the virtues of and reasons for research and demonstration, is that it can make building blocks in various areas where it can focus sharply. I have mentioned some of these blocks. Its effectiveness tends to diminish when it comes to putting these blocks together to build an edifice of larger proportions. This becomes more the responsibility and function of administrators and operators who still have to shape even well-fabricated pieces of the construction materials to the uniqueness of their state and local situations and managing their own progress at that point. This brings me, in conclusion, to the subject of this conference—Mutual Agreement Programming.

I will be quite general here. You are listening to major inputs on it from others, and in workshops you will dig into nitty-gritty details. The chief thing to say here, is that it is a concept with a method, which is itself a linking of several blocks of knowledge, in addition to bringing a new relationship between corrections and parole, and linking both with the community outside.

Our earliest projects found out that effective training could be done. It was planned to coincide, in its conclusion, with eligibility for parole. But at Lorton, which operated under indeterminate sentences, and at Draper which did not, not everyone could get parole when he finished training. Lots of

effects flow from this. With this skill training as with any other the situation becomes one of if you don't use it, you lose it. Perhaps worse is the effect on the individual. His skepticisms about the program in the first place had to be overcome, or his ambivalent hopes and motivations carefully nurtured, and then these are dashed. The counterculture had sneered at the program in the first place and worked against it, and now the loss of credibility permits it to say "I told you so." One adds to the already complex bases underlying prison unrest.

Also, research has demonstrated, that contracting with an inmate, in his training or education program, or in the management of his duties which he is otherwise forced rather inefficiently to do, his performance rate and progression increase markedly. The principle is simple. It is a recognition that the individual has at least a spark of responsibility, and simply is challenged into its use and growth in a rational manner.

This is of critical importance. We generally speak conventionally—as I have here—of the "rehabilitation" of offenders. That is not really accurate. Most of these people, or at least a great many, have never been "habilitated." They have not fallen so much as they never got a leg up in understanding responsibility, dignity, and freedom, or in knowing what it is like to *be* in these terms. Someone, I cannot recall, once gave one of the best definitions of freedom I know, namely, that "freedom is being the author of the laws you obey." The contracting principle is the way to start the process of making input to the laws one will obey, and of developing the self-discipline to keep up one's own side in the social negotiating process which all freedom entails.

Mutual Agreement Programming links corrections, parole, and the inmate in a tri-partite negotiation of a plan for his release to the freedom of society and one that has promise that he can hold it when he gets it. The inmate cannot do anything he pleases, anymore than the rest of us can. But if he keeps his bargain, he gets the reward he has a right to expect, and what any of us demands for our good faith, namely, the goal of release.

You will take apart the intricacies of this in the workshops. The only urgency I want to make, is to emphasize the "manpower" element of the contracting program. By "manpower" we mean simply the provision of that skill training or education which may be necessary to equip one to hold a decent job *and* an effective link to such a job. We by no means hold that this alone guarantees an individual success. Many other variables that are known, and no doubt some not identified yet, play into that. Manpower service, we say, is not a sufficient condition for rehabilitation, but it is a necessary one. With it you will not guarantee success for all. Without it, you will fail with too many.

A favorite professor of mine, in political philosophy, was the late T.V. Smith, of the University of Chicago. Two statements of his have always stuck and they have relevance here. One was, "There are millions of things we can feel, thousands of things we can think, hundreds of things we can say, dozens of things we can do, and a few we can do together." We must find out what

we can do together. Another statement was, "The climb down the ladder from the high peaks of individual wishfulness to the narrow confines of group life, is a descent that informs every life with discipline and scares not a few with cynicism." It is the discipline that must inform us if we are to be adequate to the opportunities and long-term goals in giving manpower services to offenders, and in effecting rehabilitation.

This is not a "sales conference," nor even totally a promotional one. This is an invitation to critical examination, for a close look at problems, for ideas for improvement of what has been done. But it has an urgency too about it—to think and plan for what we *can* do, more than what we cannot do, to seize opportunities that are before us to lead, guide, give substance to hopes and ideals we all share in effecting true offender rehabilitation.

CONFLICTS OF INTEREST

by

Paul A. Chernoff
Chairman, Massachusetts Parole Board

The nationwide trend in sentencing is towards the reduction or entire elimination of minimum periods which must be served before parole consideration may be granted. In Massachusetts more than 60% of those confined are technically eligible for parole upon arrival at new-line. The functions of parole boards for these cases becomes two-fold: the quasi-judicial function of setting parole eligibility; and the traditional board function of parole granting once the eligibility has been established. In implementing these functions boards operate under policy, implicit or explicit. The United States Parole Board has recently permitted a study of its decision making in this area so that a feedback device could be established that would, among other things, enable the Board to identify and weight primary factors which influence their decisions such as institutional discipline, program involvement, offense severity, parole risk, etc. Once the Board knows the weights given to these factors in the past, they can reassess this and fashion policy which shifts the weights to give improved results. In revocation matters a parole board's function is similar to the above-described trend in sentencing since the board may reparole at any time.

Whether boards are making parole eligibility decisions, parole granting decisions, or reparoling decisions, there is a critical need for objective data to assess the paroling factors. It is my belief that conflicts of interest within the entire criminal justice system impede the parole decision making process. Courts and law enforcement often force a board to act in their stead so that decisions do not become ones of pure eligibility or parole granting. Secondly, the information communicated to the board from institutional interests and community programs may make objective assessment of paroling and revocation factors difficult at best. To proceed with feedback studies similar to those of the United States Board, decision makers must have confidence in the quality of the basic materials reviewed by the board in each case. In my limited experience conflicts of interest exist at all levels of the criminal justice system and often culminate in poor parole decisions. The conflicts become more acute where the board has the task of setting parole and reparole eligibility.

This paper is an attempt to bring some of the potential conflicts to light in a hope that decision makers will look at areas of conflict within their own systems. Unfortunately resolutions in this area must take the unpleasant and unpopular form of holding accountable other justice agencies and interests.

Corrections - Parole

Corrections and Parole have the most sensitive interface. Institutions need to maintain control and to have a vehicle responsive to overcrowding; and to these ends, Parole is universally perceived as both an instrument of institutional control and a safety valve for excess institutional population. In theory these considerations only remotely affect the assessment of primary factors in decision making. I suppose that some inmates may "peak" at an earlier time in a crowded institution and that for a few there is a strong correlation between institutional behavior and subsequent behavior in the community. In reality, these considerations are given inordinate weight by boards because they influence the recording by institutional staff of every bit of information for parole board consumption. Boards do not have the capacity to evaluate every institutional program and progress of each participant and non-participant and therefore must rely on institutional staff reports. No board knows how many, and to what extent, files have been colored, consciously or unconsciously: to help assure the release of a person who is uncontrollable or disruptive to the entire institution; to discourage parole as a lesson to others for one who has resisted authority; and to encourage release generally with an enthusiasm that varies with the status of the overpopulation situation.

In my own jurisdiction, for example, a superintendent one year ago told a population that if they didn't behave they would not make parole. Also disruptive inmates have transferred peaceably from minimum custody to a higher security status on an agreement that Parole would not learn of the disruptions. With objective reporting from institutional sources, the parole decision is still complex and highly subjective. However, objective reporting at least enables boards to work towards decision making which is both fair and just and permits feedback mechanisms for making improved policy. With subjective and unreliable institutional reporting this is impossible and boards can do little more than expand the scope and duration of hearings and work towards a system where parole staff gathers and feeds relevant information to the board.

Mutual agreement programming has the potential of mitigating some of the above-described difficulties. A MAP program may effect the creation of written accountability between correction, parole, and the inmate with at least these three parties, and probably others, policing contract compliance.

Courts - Parole

Judicial restraint is a legal doctrine which limits the court's jurisdiction to the particular matters before it, thus keeping courts from interfering with the legislative and executive processes. In dealing with parolees charged with new

crimes judicial restraint often seems to become judicial inaction as the awesome responsibilities of imposing sentence and setting bail are passed to Parole. It is a daily occurance in Massachusetts that parolees convicted of lesser offenses, nonviolent felonies, and occasionally violent felonies receive suspended sentences or have their cases filed as a mechanism for turning the person over to Parole with high expectations that the parole board will impose a "sentence" by revoking parole and setting the person back. At institutional revocation hearings the individual and his counsel invariably argue that parole should not be revoked because the judge intended that the individual remain on the street. Every judge disputes this. Some feel that Parole has far more flexibility in dealing with a newly convicted parolee than does the court. The net result is that the court has delegated sentencing to the parole board which should at this stage be considering revocation, reparole potential, and alternatives to incarceration.

In many courts the accused is entitled to specific written reasons why bail is set at an unreachable level. Where parolees are involved they are often released on personal bond or recognizance after assurance that they will be turned over to Parole's custody. Institutional revocation hearings become bail hearings where the individual and his counsel argue that the court set personal bond because the judge desired that the individual be on the street pending trial. In reality, courts normally may consider only danger of flight in setting bail, while parole boards when considering release or re-release also consider the potential dangerousness to the community if the individual is to remain at liberty pending trial. In essence the parole board's decision becomes one of deciding whether or not to detain preventively an accused. With high constitutional standards imposed on preventive detention, this is an unfair burden to place on parole.

Police - Parole

A primary police function is the investigation of crimes and the apprehension of criminal suspects. In pursuing these difficult tasks law enforcement personnel rely on a network of information with many disseminators of information residing within or on the fringes of criminal activity. In consideration for vital information law enforcement agencies often communicate the individual's cooperation to prosecutors, courts, and parole boards to influence good plea dispositions, light sentences, and parole release, respectively. Clearly most parole boards usually consider favorably the fact that a prospective parolee has been helpful to law enforcement. A parole board could rationalize both that the parole prognosis is now better since the individual for his own safety must now avoid prior criminal associations, and that his "helpfulness" mitigates against the punishment factor in parole decision making. In reality it certainly distorts the assessment of parole factors which make up a parole board's implicit or explicit paroling policy.

Most criminal justice agencies share the tendency to disseminate as little information to other agencies as possible while requesting as much information as possible from other agencies. This practice prejudices parole most. Official

versions of offenses made available to parole may be sparse. For example, it is often impossible to differentiate on the basis of an official version whether a person who sold drugs to an undercover agent was a drug profiteer or an addict trafficking within the scope of his habit. Understandably narcotics enforcement agencies are reluctant to reveal information obtained through confidential sources to an outside agency, but it seems to me there is no choice where parole release is at stake. Failure to obtain complete information on the offense renders the parole board incapable of projecting how the prospective parolee may recidivate or otherwise fail on parole.

Community Treatment Programs - Parole

The most difficult revocation decision facing boards are those where the individual has allegedly technically violated parole conditions requiring treatment in the community. Although parole boards desire to support responsible programs, nevertheless each case must be decided on the merits where the focus is on the individual and not the program. Parole boards are most uncomfortable when outside programs, groups, or agencies use parole as an enforcement tool to mandate program compliance and good behavior for post-release activities. Some halfway houses and outpatient programs advocate that parole boards must support their programs by automatically revoking individuals who fail or are failing to meet program expectations. Here, to the parolee, the parole officer becomes purely an authoritarian figure and program enforcer, roles discouraged by parole administrators and officers themselves.

Outside groups and some criminal justice agencies feel that parole can and should incarcerate individuals, whom they feel should be removed from society, on standards far short of those governing law enforcement and the courts. Fortunately the due process hearing standards mandated by the Supreme Court of the United States in *Morrissey* v. *Brewer* has acted to curb these pressures since it is becoming generally known that a "parole trial" must be held before a revocation decision may be made.

In summary, the specific conflicts cited in this short paper are merely symptomatic of conflicts which develop in a system which comprises many persons of diverse philosophy, interest, and job function. Parole is certainly not immune to criticism that many of its actions frustrate the work of others in the system. However, if the various actors in the criminal justice system will acknowledge the existence of inherent basic conflicts, then a major first step will have been accomplished. On a case by case basis administrators must simply serve as advocates for the proper performance of their functions and hold others accountable.

85063

CORRECTIONAL MYTHS AND ECONOMIC REALITIES

by

Billy L. Wayson
Director, Correctional Economics Center
American Bar Association
Commission on Correctional Facilities and Services

"Destroying myths is no mean accomplishment . . . especially when these beliefs have been the basis for ineffective expenditures of billions of dollars or for unwarranted imposition of great hardships on many persons".

(Daniel Glaser, *Routinizing Evaluation*, page 48)

Introduction

At the risk of contradiction by some keen-eyed criminal justice historian, this may denote a landmark occasion: the first speech specifically dealing with "correctional economics". My overall purpose is to examine corrections from an economist's perspective. This will be done by exploring one pervasive correctional myth—the medical model—and showing how one operational program—Mutual Agreement Programming (MAP)—more closely approximates reality. Aside from a brief explanation, economic concepts will be interwoven throughout the presentation, rather than defined abstractly. Their meaning hopefully will be apparent from the context.

Since economists have always been entrepreneurial but only recently imperialists, it may be well to explain my frame of reference.[1]

"Economics" is conventionally defined as the study of the process by which scarce resources are allocated between alternative goals. In part, this straightforward statement belies the complexities, yet in another way, it de-

---

[1] Economic concepts and analysis have been applied to such diverse fields as health (Selma Mushkin, "Health as an Investment", *Journal of Political Economy*, October, 1962), politics (Anthony Downs, *An Economic Theory of Democracy*) and sex (Gary Becker, "An Economic Analysis of Fertility", *Demographic & Economic Change in Developing Countries*).

scribes many of the activities or choices each of us engage in personally. (In fact, an alternative definition is the study of "*. . .the competitive and cooperative behavior of people in resolving conflicts that arise because wants exceed what is available.*").[2] We all know intuitively, for example, what "scarce resources" are. Our personal time is scarce, and we choose between leisure and work on the basis of what someone else is willing to pay—our wage or salary. To really appreciate scarcity, move to the East Coast and wait in gasoline lines. Some people in Beverly Hills, California so valued their leisure they paid $40 monthly to have someone wait for them. Scarcity, then, is a commonplace fact of our personal and professional existence.

If there were no *alternative* wants, needs or goals, (and I use these words interchangeably), choosing would not be a problem. It is simply because air, or more precisely oxygen, is used by both internal combustion engines and human organisms, that society must choose between public health and personal mobility or find more compatible alternative methods of accomplishing these goals. (One can muse why *emission* control has been selected over *inhalation* control as a solution). On a more immediate level, we allocate our personal budgets between consumer products (food, clothing, housing, entertainment) and investment (what the economist calls "future consumption" and sociologist "deferred gratification").

One final introductory comment on methodology. Economics is value free, even though *economists* are not. It is not concerned with what the wants, needs, or goals are, only that they be articulated. Then we can begin to engage the analytic machinery. This first step carries with it an implicit specification of "output". Practitioners have an almost indomitable faith in the capacity to measure, at least roughly or through proxies.

Anyone armed with these basic postulates (scarce resources and multiple goals) and a healthy skepticism about the ability of any science to solve all problems can begin to examine correctional myths and their economic reality.

The Pernicious Medical Model

Daniel Glaser has written that "the objective of evaluative research is to replace myth with reality in the guidance of policy and practice, but myths have an impressive tenacity . . .".[3] Nowhere is this tenacity stronger than in the so-called medical model that has guided correctional practice for the last four decades. The social sciences, guided by an empiricist philosophy, led corrections to the *individual* in the search for the causes of crime, because he was

---

2 Armen Alchian and William Allen. *University Economics,* Wadsworth Publishing (1968), p. 6.

3 Daniel Glaser, *Routinizing Evaluation,* National Institute of Mental Health (1973), p. 48.

"sick", "anti-social" or "deprived". One only had to describe the etiology of the disease and prescribe appropriate "cures". Philosophically, the approach denies free will by positing that cultural, sociological, or psychological forces make the individual incapable of choosing. The objective of corrections, particularly incarceration, was to rehabilitate.

Classical theory, which preceded the empiricist school and had Bentham as its spiritual godfather, concluded with the same denial of self-determination, but for different reasons. Criminals freely choose to violate legislated social norms and, therefore, should be denied the *right* to individual choice. The solution was to administer the right amount of pain (e.g., incarceration) so a potential criminal could calculate whether the pleasure from his deviance exceeded the cost. The application of these two theories in practice resulted in a denial of self-determination and individual responsibility; even though the rhetoric claimed these were the essence of rehabilitation.[4]

Even more interesting to the economist, however, are the objectives implied by these two philosophies. The corrections field typically has displayed an amazing degree of ambivalence regarding its purposes. On the classical view, deterrence is the end; social scientists claim rehabilitation. At times, the conflict simply has been ignored. In other cases, one objective has been emphasized at the expense of the other, depending on the political climate and the audience. Ingenious forms of treatment have sometimes satisfied both the so-called "conservatives" advocating punishment and the "liberals" calling for rehabilitation.[5] The failure of corrections to resolve this philosophical and operational conflict and the growing body of research findings which seriously questions the efficacy of any treatment modality[6] have resulted in a vituperative (and sometimes counterproductive) attack on the underlying medical model. It is interesting that, about the time this din was beginning to occupy the corrections field, a renewed interest in criminal justice and corrections emerged in economics.

A seminal article published by a leading economic journal hypothesized that "some persons become 'criminals' not because their basic motivation differs from that of other persons, but because their benefits and costs differ".[7] This view, taken from general economic theory, assumes the individual surveys the legal and illegal opportunities available, estimates the probabilistic gains

---

4 Gerald O'Conner, "Toward a New Policy of Adult Corrections", *Social Science Review,* December, 1972, p. 583.

5 American Friends Service Committee, *Struggle for Justice,* Hill and Wang (1971), p. 85.

6 Robert Martinson, *Correctional Treatment: An Empirical Assessment,* The Academy for Contemporary Problems (mimeo, 1972).

7 Gary Becker, "Crime and Punishment: An Economic Approach", *Journal of Political Economy,* March/April (1968), p. 176.

and probabilistic costs, and *rationally* chooses the alternative that maximizes his net benefits. Benthamite self-determination again rears its head. This, of course, does not preclude miscalculations due to imperfect knowledge.

On a common sense level, there is something to be said for a black, urban male choosing crime as an occupation. The investment is small, working hours flexible, he is self-employed, there is opportunity for advancement, and the chances of conviction are slight. One study in Norfolk, Virginia, for example, estimated the net returns from burglary and larceny committed by adults was over $290,000 in 1964. The cost to the criminal, measured in terms of income lost as a result of incarceration, was approximately $202,000 after adjusting for unemployment rates.[8] While this admittedly is an oversimplified example, the point is that the opportunities foregone by choosing an illegal rather than legal occupation may not be that significant.

The economists' concept of opportunity cost adds a new perspective to the rehabilitation vs. deterrence debate summarized above. Criminal behavior can be deterred by raising the *direct* cost of crime–the probability of conviction and severity of punishment. Crime can also be reduced by increasing the *opportunity* cost–increase employability, job opportunities, etc. In other words, increase the value of and possibilities for legal activities.[9] Both may reduce crime and the issue becomes one of the appropriate policy mix between two alternatives, not mutually exclusive options.

We again see the convergence of economic and sociological thought in attempting to merge conflicting correctional objectives into a higher level social goal. Robert Martinson, writing in the New Republic suggested, "the proximate goal of crime control policy as a whole (not merely corrections) would then be: *maximum protection to the public balanced against minimum harm to the offender.*[10] In looking at the correctional dilemma, two economists suggested the goal should be minimizing the *social* cost of crime (i.e., direct cost of criminal acts and indirect costs in the form of taxes to support the system).[11] Both views imply that neither deterrence nor rehabilitation can be the sole objective of corrections or, more generally, criminal justice.

I mentioned earlier how I believe the medical model governing correctional practice historically has served to deny self-determination and individual responsibility, was inconsistent with the necessary conditions of rehabilitation; and placed the individual in what R. D. Laing labels an untenable situation:

---

[8] William E. Cobb, "Theft and the Two Hypotheses", *The Economics of Crime and Punishment*, ed. Simon Rottenberg, American Enterprise Institute (1973), p. 29.

[9] Morgan O. Reynolds, "The Economics of Criminal Activity", Warner Module Publication (1973), pp. 24-25.

[10] Robert Martinson, "Planning for Public Safety", *New Republic*, April 29, 1972, pp. 21-22. Italics in the original.

[11] Harold Votey & Llad Phillips, "Social Goals and Appropriate Policy for Corrections: An Economic Appraisal", *Journal of Criminal Justice*, (forthcoming).

> *If you* don't *admit that you're sick–You're really sick.*
>
> *If you admit that you're sick–You're obviously right.*

The Concept of Mutual Agreement Programming, by including the client in the decision-making requires an *overt* admission of "sickness", at a minimum, and ideally a recognition that the individual can make rational choices on a broader range of options. However, there are certain features, if ignored, which can cause a relapse to mythology.

MAP: An Economist's View

An economist would view a MAP contract in much different terms than I believe a caseworker or parole board representative would. The economist qua economist is not interested in the finer points of psychology or sociology, but rather, what will it cost and what will the benefits be. Mutual Agreement Programming is a negotiation process by which scarce resources are allocated among alternative goals. In a competitive market, this allocation function is performed by the price system. From corrections' perspective, the cost to the agency (i.e., the *price* it pays) is the education, training, counseling *and* the projected length of incarceration it agrees to provide. It buys certain behavior deemed to be desirable. In this way, the State agrees to make an investment in human capital and I would maintain that cost information should be an explicit part of both the decision and the contract. For example, assume:

1. an individual is equally qualified for and interested in auto body repair and auto mechanics;
2. auto body repair training requires 12 months; mechanics training 9 months;
3. the contracting parties agree to auto body repair.

This decision increases the fixed costs of housing, clothing, and other personal maintenance items as well as the variable cost of instructor time, materials, etc. The degree to which this information is absent from the decision-making will increase the probability that the solution is sub-optimal.

The client also may be viewed as a purchaser. He pays a price by ". . . agreeing to undertake and accomplish the activities prescribed as a basis for earning positive parole consideration and/or other incentives . . . ."[12] He has traded away future behavior options. The client probably buys many things but the two most obvious are ACCOUNTABILITY AND CERTAINTY. It was found early in this project that "many staff members . . . feared they could be held accountable for success or failure on the part of the inmate".[13] Indeed, they

---

[12] American Correctional Association. *The Mutual Agreement Program* (Resource Document #3, 1973), p. 6.

[13] Walter Wikstrom, "Management by Objectives or Appraisal by Results", *A Practical Approach to Organization Development through MBO*, ed. Beck and Hillmar, Addison-Wesley (1972) pp. 303-4.

are! I mentioned above how economists' obsession with measurement, in addition to being one necessary condition for analysis, carries with it an implied accountability. Whether it is the manager's agreeing to an objective and a related "output" measurement[14] or a firm's using rate of return on investment, a commitment has been made publicly. In the case of MAP, it is made in writing. This is a monumental step from the situation in traditional corrections where the offender was at the mercy of a sometimes capricious and arbitrary staff. Adding the cost data mentioned above would give further concrete assurances that the client does indeed receive what he purchased.

Certainty is the second commodity. In exchange for accomplishing prescribed objectives, he escapes the vagaries of unwritten institutional rules, public opinion's influence on parole decisions and other *Catch 22* ambiguities of the process. The certainty is not absolute by any means, but the individual has moved toward a better definition of the probabilities he faces. Information has its cost and the price per unit of information increases the closer one comes to perfect knowledge.

If you fear that a negotiation process as required by MAP undermines the rightful authority of the corrections agency, that the next step is total client control, do not be alarmed. Again, I turn to economics: you are in the enviable position of being a monopolist—the only supplier available to large number of consumers. This is the ultimate in economic or political power, because you have the option of withholding your product (training, education, counseling) and thereby exacting a higher price. (In this case the "price" is "appropriate behavior.") It is because of this maldistribution of power that the California variant of MAP including personal vouchers is not a trivial addition.

Personal Vouchers

Vouchers represent a step towards the establishment of a "countervailing power," whereby the client is given direct purchasing power and, thus, the right to shop in the open market as do typical consumers. The market structure he faces moves from the monopolistic to the more competitive.

Before jumping on another bandwagon, however, we might do well as professionals in corrections and economics to examine the experience with similar schemes. The welfare non-system is the most striking example of government subsidies to the private consumer. Housing, food, medical services are all supported to varying degrees for certain groups in our society. We should look to the extensive research literature to gain insights into why these approaches have been abysmal failures.[15] In spite of this record, a new program in Washington state, which gives releasees a cash stipend for up to 26 weeks, reduces the $55 weekly support by $1 for each $1 received from other

---

[14] ACA, *op. cit.*, p. 27.

[15] See Henry Aaron, *Why is Welfare so Hard to Reform?*, The Brookings Institute, 1973.

sources.[16] This is the old 100% marginal tax rate with its inherent *dis*incentives for work that has plagued unemployment compensation for years. Even the guaranteed income program proposed by the Johnson & Nixon administrations recognized this problem by reducing the base grant by only 50¢ for each dollar earned.

This open-ended stipend is an improvement, economically, over earmarked vouchers, but the program design did not explicitly take into account a simple economic principle shown to be operative in other social programs.

Other experiments with open-ended funds have been conducted in California[17] and Maryland.[18] The California Study randomly selected experimentals and then used financial need or a means test as their only eligibility criterion. Decisions regarding continuance of funds were made solely by the parole agent and the parolee, based on whether the parolee felt he had *sufficient* employment to relinquish or refuse financial assistance. Job loss resulted in funds being re-established. In their evaluation, two thirds of the parole agents felt that money, not services, was the greatest contributing factor to parole adjustment.[19] The positive results of the program were even more surprising because it included offenders with property and narcotics sentences, multiple periods of incarceration, those with low base expectancy scores, etc.

The Maryland program (with more inconclusive results) accepted the economic assumption that crime is a rational approach to filling economic needs.[20] The reviewers were disappointed across the board with their results and felt the rationality theorem was inapplicable since financial aid reduced recidivism by only 3%. However, the sums granted were low ($60/week) and to me, it suggests that they have no real data on the opportunity cost to the offender. Even in the pre-inflation days of the late 1960's, one guaranteed income proposal would have assured at least $75/week before benefits ceased.

The voucher mechanism permits a wider range of personal discretion and should enhance self-determination with attendant psychological benefits. Additionally, however, it is a step (albeit small) toward a more competitive service delivery system and should result in more products being produced at a lower unit price—that is, a more efficient corrections. The concept is not new to economists[21] and many would caution you about certain potentially

---

[16] Cameron Dightman & Donald Johns, "The Adult Correction Release Stipend Program in Washington", *State Government*, Winter (1973), p. 32-6.

[17] "Direct Financial Assistance to Parolees Project", Scientific Analysis Corporation, July, 1973.

[18] Kenneth J. Lenihan, "Money, Jobs and Crime: An Experimental Study of Financial Aid and Job Placement for Ex-Prisoners", Bureau of Social Research, Inc., Washington, D.C., October, 1973.

[19] SAC, *op. cit.*, p. 71.

[20] Lenihan, *op. cit.*, p. 1.

[21] Milton Friedman, *Capitalism and Freedom*, U. of Chicago Press, (1963), pp. 85-104.

unfavorable results in the California approach.

To the degree vouchers are "earmarked", for example, they do not allow a free expression of consumer or client preferences. The individual can choose from whom he buys but not *what* he buys. This is not to understate the importance of bringing additional suppliers into the market (the "from whom"). Economic theory and practice have been able to specify conditions under which a good or service should be supplied by the public rather than private sector.[22] Risking oversimplification, the conditions must be such that *private* benefits do not exceed *private* costs in producing a good or service. If they did, the profit motive would draw entrepreneurs into production. It is difficult to find activities in the corrections field which could not conceivably and practically be performed by private enterprise. Corrections historically, I think, has been penny-wise and pound foolish by insisting on duplicating activities available from the private market or even other government agencies. In a survey conducted by the Correctional Economics Center, fifty-four percent of the juvenile and adult agency administrators at the state level responded that involvement of private industry would present an "extremely serious" or "major" problem. The most frequently cited reason was that they cost more than in-house programs. The "costs" (and they are real) are, I submit, psychic because such an approach requires a dramatic change in management style, technique and control process.[23]

We have begun to see an ever so slight breakdown in the economic isolationism of corrections with regard to half-way houses. One profit making firm (which must remain anonymous) under contract to operate a half-way house in large metropolitan area was able to "produce" successful parolees at a cost of $5,278 compared to $6,887 for a similar house run by the corrections agency. Needless to say, this finding caused a flurry of memoranda and ultimately a cancelled contract! This issue is not whether the cost difference was 30%, as it was here, or 3%; rather, why has there been so little effort in finding and experimenting with alternatives to government provided services?

A second caution is the absence of an incentive to save or exchange present consumption for future consumption. The result under these conditions (other things remaining the same) will always be budget exhaustion. This means the individual actually may consume more of the services than he prefers. The assumption, I know, is that client wants so far exceed resources that this will not occur. I only caution that it is an *assumption* which should be tested.

Third, a subsidy program undertaken on a larger scale would have to assume that the supply of services is, in the economist's language, elastic; that is, an increase in demand will call forth sufficient increased supply so prices remain

---

[22] Robert Dorfman, Ed. *Measuring Benefits of Government Investment*, the Brookings Institution (1965), pp. 4-6.

[23] Yitzhak, Bakal, *Closing Correctional Institutions*, Lexington Books, (1973), p. 176.

constant.[24] It is not that the recipient would be worse off absolutely, but he would receive relatively fewer services than anticipated. Medicaid permitted some doctors to increase their income substantially, although fees were controlled by lowering the *quality* of services, an indirect price increase.

Finally, in strict *monetary* terms, the price to the client of voucher supported services is still zero, as it was when government was the sole supplier. Therefore, demand typically will exceed supply and rationing must occur through a non-price mechanism such as negotiation, a means test or waiting lines.

An alternative more palatable to the purist economist would be a simple cash voucher whose value progressively increased up to some limit based on a means test and which could be used at the client's discretion. This approach embodies several economic principles by simultaneously allowing personal choice, fostering competition, and creating a more optimal, or efficient, use of resources. The individual is the person most cognizant of his preferences and the outcome of their manifestation. His effective (dollar) demand establishes him as another consumer whose wants the market endeavors to satisfy. Resources are thus allocated directly toward consumer preferences, and commodities or services which are not demanded are not produced.

Other Myths

Time constraints only permitted consideration of the most pervasive correctional myth and one countervailing economic reality. There are many more.

Cost concepts are second only to the medical model. For example, the *Dallas News* recently praised the Texas Department of Corrections for feeding inmates for only 64 cents daily. I doubt this estimate of *direct* costs included fixed land assets with a new value of $6.9 million and no depreciation reserve.[25] I wonder if 64 cents includes other capital costs.

Inmate labor is "free," according to correctional agencies, so there are no *opportunity* costs associated with working 6 hour days, using four persons to clean 50 gallon coffee urns, or underemployment in prison industries. The potential value of adult inmate manpower confined in prisons and jails nationally, has been estimated at $2.9 billion. Even after generous adjustments for the value of work performed for the agency, the loss to the economy is estimated at $1—1.5 billion.[26] The cost to society of incarceration far exceeds the $1.4 billion dollars in direct expenditures reported by State governments, 312 large counties and 384 large city governments.[27]

---

[24] Carl S. Shoup, *Public Finance*, Aldine (1969), pp. 158-59.

[25] Neil Singer, "The Value of Adult Inmate Manpower", Correctional Economics Center (1973), p. 11.

[26] *Ibid.*, p. 19.

[27] U. S. Government, *Expenditure and Employment Data for the Criminal Justice System, 1970-71*, U. S. Government Printing Office (1973), p. 274, 280, 292.

Even if a value were placed on inmate time and made an explicit factor in estimating the true social opportunity cost, the figure would be understated to the degree labor is underemployed. One study comparing a prison shoe factory to the private footwear industry showed consistently lower manhour productivity (output per unit of input) over time.[28]

Conclusion

One should not conclude from this general discussion that all economists do is theorize. Renewed awareness among economists, stimulated by Becker's article in 1968, has begun to produce studies more oriented toward the practitioner. One of the first was a cost-benefit analysis of Project Crossroads done under the direction of Leon Leiberg.[29] More recently, a supply and demand study of judicial services was done for the Illinois Law Enforcement Commission,[30] and an evaluation of the supported work experiment operated by Vera included a major section on cost-benefit analysis.[31] As interest continues to grow in economics and corrections (stimulated hopefully by the Correctional Economics Center), we shall add to the body of knowledge available to administrators, legislators, planners, and other key decision-makers in the criminal justice process. So long as correctional practice is ruled by myths and we are complicitous in perpetrating them, society will be deceived, the client will suffer, and the decision-maker will continue his Alice in Wonderland existence. Economic analysis is not a panacea, just as psychology and sociology did not deliver the field from its irrationality. It is, however, another perspective which should join these other social sciences in overcoming the tenacity of myths and working toward a more effective corrections.

---

[28] Billy Wayson, "Productivity in Private Industry and Public Enterprise," Mimeo, 1969.

[29] John Holahan, *A Benefit-Cost Analysis of Project Crossroads,* National Committee for Children and Youth, (1971).

[30] Robert Gillespie, *A Supply and Demand Analysis of the Judicial Services Provided by the Trial Courts of Illinois,* Illinois Law Enforcement Commission (1973).

[31] Lucy Friedman and Hans Zeisel, "First Annual Research Report on Supported Employment," Vera Institute (1973).

RATIONAL RISK TAKING: SOME ALTERNATIVES TO TRADITIONAL CORRECTIONAL PROGRAMS

by

Norman Holt
Research Analyst
California Department of Corrections

Most of you here today are familiar with the growing number of studies questioning the value of traditional correctional programs. I assume that all of us share at least some of that skepticism since if we were content with our present programs we wouldn't be at this conference. The bulk of these studies are well summarized in Jim Robison and Gerald Smith's article entitled "The Effectiveness of Correctional Programs", and in Kassebaum, Ward and Wilner's book *Prison Treatment and Parole Survival.* This body of evidence prompted Dr. Bennett, head of Research for the California Department of Corrections, to publish an article recently advocating that we concentrate on changing correctional systems rather than changing offenders. My remarks are basically an elaboration of that point of view.

What I'll try to do is outline three different "systems change" type programs which have strong research foundations, inmate support, proven effectiveness, and that will save you lots of money. Before getting there, however, we need to deal briefly with the related issue of length of incarceration and parole outcome. It's not only a crucial issue to what I'll present later but also involves some unpublished literature with which you may be less familiar.

Time Served and Parole Outcome

Even if we grant that one is not much better than another or even that few show significant advantages over having no programs or doing nothing at all, it's still possible that the act of intervention itself may have some value. More specifically, it can be argued that longer incarceration has a sobering and deterrent effect on the offenders. The counter position, of course, is the "prisonization" argument which holds that institutions are schools of crime and the longer inmates are kept the more criminal they become.

Until recently the evidence on either side has been less than conclusive. Several reports were [illegible] commissions which examined existing evidence. Emphasis is usually placed on comparing sentences and recidivism of different

states and the same state over time. One such effort in 1967, sponsored by the Youth and Adult Corrections Agency and entitled *Organization of State Correctional Services in the Control and Treatment of Crime and Delinquency*, concluded that "We are putting too many people into correctional institutions and keeping them too long," (p. 153) This study also pointed out, "that California is one of the dubious leaders in the national averages of number of persons committed to prison and the length of time they serve in prison". (p. 160)

The same point was made recently by the *Correctional System Study* (also referred to as the Keldgord Report), which concluded "In summary, the best solution (and there is almost no second best) calls as a first step for the drastic reduction of prison terms back towards what is elsewhere more customary. It is evident that long prison terms have not made California any more 'crime free'. This change is urgently needed". (p. 57, part 3) The study goes on to recommend that the average time in California prisons be reduced to 24 months or less from its current all time high of 36 months. And again a report examining existing evidence entitled *Crime and Penalties in California*, conducted by the Assembly Office of Research, reached the conclusion that "There is no evidence that severe penalties effectively deter crime. There is no evidence that prisons rehabilitated most offenders. There is evidence that larger numbers of offenders can be effectively supervised in the community at insignificant risk and considerable savings in public expense". (p. iv)

Original research on the issue in California dates back to 1959. During that year the prisons became seriously over-crowded and to reduce this pressure about 20% of those with parole dates (700 inmates) were given early releases averaging about a 5 month reduction. The same problem arose again in 1962 and the same solution was applied. Parole outcome data on these early releases was then compared to those who stayed their full term by Paul Mueller. The early releasees were specially selected to represent a low risk group so that few people were surprised when the early releases did better on parole. Mueller concluded, with appropriate caution, that "Despite a few statistically significant differences within sub-groups, it is probably best to interpret these findings generally as indicating no essential effects on parole outcomes from granting advanced releases". The advantages of this study was that it compared long and short sentences in the same jurisdiction over the same time period. The disadvantage, of course, was that the two groups had different profiles.

A more controlled analysis was done in 1969 (Jaman and Dickover). This involved matching pairs of offenders by crime, race, age, commitment record, narcotic history, type of parole supervision and Base Expectancy level (predicted parole success). The major difference was that one of each pair was selected for having served less than the average months in prison while the other had served more than the average. Two years after being paroled those who served the shorter sentences were found to have done significantly better. Unfortunately, an analysis of 35 variables not controlled for showed the two groups were not entirely comparable on all items, but at least you

could reasonably conclude that shorter terms were not associated with higher recidivism for this sample.

In 1970 the legislature commissioned a major study of this issue by Public Systems Incorporated. Data cards on 8,000 parolees were supplied by the Department of Corrections. After an intensive analysis of time served and parole outcome the study concluded "Length of time served by California prisoners has no relationship on their performances after release." (p. 23)

These studies, comparing early and late releases, involve a serious problem however, that compromises their conclusiveness; conscious decisions are made by parole boards that some offenders will serve more time than others. Thus, any differences favoring earlier releases can always be explained as good decision making. Conversely, similar outcomes can be interpreted as reflecting the optimum readiness for release. And even comparisons of parolees with similar backgrounds doesn't destroy the argument since it can still be maintained that these decisions also rely on subjective material which can't be codified.

It seemed that the only way to finally resolve this issue was through a controlled experiment. With this in mind the Adult Authority agreed to participate in an experiment in which early releases would be granted to a group of inmates selected at random. The procedure was to create a study sample of over 1,300 inmates who had been granted parole dates six months in the future. Using a random table of numbers half the men were selected to be released 6 months early while the others (the control group) were paroled at the normal time. The important point is that the early releases were not selected by any criteria, subjective or otherwise.

The parole performance of both groups was evaluated one year after release (Berecochea, Jaman, and Jones). As had been expected the performance of the early releases was not significantly better or worse than the control group. (See Table 1) This should put the issue to rest.

We've reached the point then when we can say with some confidence and degree of certainty, both that programs don't rehabilitate nor do longer sentences deter the offender.

Where does that leave us? I think it leaves us in the enviable position where the most rational correctional policy is not only the most humane but the cheapest, and that policy is to get people out of our correctional systems as soon as possible and keep them out. The three California projects I'll discuss today had this as their goal. None of these were directed toward changing the offender in any basic way. Their purpose was rather to change the way the system processed offenders. The first sought to keep from returning parolees to prison. The second was developed to get inmates to parole sooner, and the third was directed towards getting men off parole where supervision couldn't be justified.

These projects are described as examples of "Rational Risk Taking" and some explanation of this term is in order. "Rational" is used here in the

technical sense to describe a process by which a goal is stated, alternative courses of action are evaluated with existing data, the most promising one is selected and the chosen course of action is systematically evaluated. I mean this to compare with other types of risk taking not to imply that there is some magical way to run a correctional system without any risk. Every course of action involves risks. The choice is really between continuing to take the old risks, with which we are comfortable, or to take some new ones. And secondly, whether we select the new or old risks, should we rationalize the risk taking process.

In 1965 the Parole Division in California began a conscious effort to reduce the number of parolees returned to prison for violating technical conditions of parole. Parole agents were encouraged to find alternative ways of dealing with the parolee in the community and asked to recommend a return to prison only as a last resort.

These efforts were demonstrating some success when, in 1969, the parole board began giving its full support to the idea. The other two options open to the board were to return the parolee to prison as a regular violator (with an average stay of 18 months) or a short term return (averaging about 4½ months).

The extent of this effort can be seen in comparison with an early year. During 1968 1,371 parolees were returned to prison as technical violators. By 1970 the number had dropped to 1,023, while only 794 were returned in 1971. This dramatic change resulted both from higher recommendation rates and more parole board concurrence. Parole agents were only recommending 55% of the violators for community disposition in fiscal year 1968-69, compared to over 70% by 1971. These later recommendations were accepted 72% of the time by the board compared to 60% during the 1968-69 period. What this amounted to was about a 50% increase in community based dispositions in three years.

Naturally there was an ongoing concern with this effort to keep parolees in the community. We wanted to make sure that the public wasn't being subjected to an undue amount of crimes by parolees.

With this in mind a sample consisting of all violators in Los Angeles County for two months was studied in terms of their subsequent parole behavior (Miller and Downer, 1972). There were 99 parolees who had violated the conditions of parole but were continued on parole anyway. Their performance for the following 12 months was then analyzed. The results (See Table 2) surprised everyone. The parole violators who remained in the community got into only about as much trouble as we expect for new men coming out of the institutions. They were no more likely to be arrested (45.4% compared to 46.6%) during the next 12 months and not much more likely to be returned to prison (13.1% compared to 9.7%).* Even at this the comparison was

---

* A detailed analysis showed first term non-addicts to be the best risk group.

probably the wrong one to make. In California most minor violations are handled informally by the parole agent. Thus the study group included only those who had demonstrated difficulty in adjusting, unlike new releases. A fairer comparison of outcome would probably have been with parolees returned to short term institutional programs. This would be the board's second option for these cases. Comparable figures for releases from these programs show that 37% of the addicts, 22% of the non-addicts returned to prison within 12 months. In either case, however, the results are strong enough to speak for themselves.

Needless to say this data seriously challenges the traditional idea that parolees having problems are doomed to eventual failure or that small problems necessarily predict major difficulties to come and, therefore, it's best to get the parolee off the street. In addition, our statewide data on parolees involved in new felonies would seem to further question the credibility of that idea. At the same time the number of technical violators being returned to prison was being reduced the percentage of parolees committing new felonies and being returned to prison was going down. Those men released in 1967 (thus exposed to parole in 1967-68) had a one year new felony return rate of 7.1%. Releasees in 1970 (doing parole in 1970-71) improved on that with only 4.9% being returned with new felony convictions. Comparable figures for these same years for technical violators returned to prison were 11.8%, 9.7%, 7.0%, and finally 4.8% for the 1970 releases.

Another relevant comparison was made possible by the fact that the women's parole system didn't participate in these efforts. Their one year return rates for 1967-70 releases were for technical violations 20.6%, 17.8%, 18.1%, and 21.2%; with new felony rates of 2.5%, 2.6%, 3.1%, and finally 4.8% for those experiencing parole in 1970-71. In contrast to the men's system the technical rates for women remained stable while the new felony rates doubled.

If returning technical violators to prison is supposed to be a way of preventing new felonies it sure doesn't work that way in California.

One final comment on this project. There was an unanticipated side benefit that we discovered later. The Parole Division had a chronic problem of parolees absconding. Of those being released from prison we could count on better than one out of ten being gone and their whereabouts unknown before the seventh month of parole. This would amount to 600 or 700 men each year. The rate began dropping from 11.8% in 1968 to 9.2% and then 7.8%, and finally down to 6.2% in 1971. We became aware of this as reports started coming in from parole offices. With the high continue on parole rates parolees were saying they thought they would get a fairer shake when their problems were reviewed, with a good chance of keeping their parole and were staying in town to see what would happen.

Optimum Release Program

The releasing policy of the California Parole Board until 1970 was to grant a specific date of parole about seven months in advance. Provisions were also made to reconsider special hardship cases for earlier release where the situation warranted. This was broadened to include situations where an employer had an urgent need for the man's services and could not hold the job open until the scheduled parole date. The rigidity in this system made it difficult to secure firm job offers before release and most inmates chose to simply wait and spend their first few weeks on parole looking for employment. By the time work was found the parolee had used up his resources, borrowed against his first pay check and was getting started with two strikes against him. Jobs offered at the time parole was granted had a habit of vanishing before his parole date arrived and since the inmate was going to be released on a given date, regardless of what he did, there was no motivation to prepare himself for parole. This lack of motivation came through loud and clear when we evaluated the effects of pre-release classes (Holt and Renteria). The last few months in prison were "dead time" in the worst sense of the word.

When we began giving inmates 3 day pre-release furloughs* we found not only were many more securing employment but so many more were qualifying for early release consideration that the procedures began to break down. In the Los Angeles area alone the number of requests processed per month went from an average of 7 per month in 1968 to 24 in 1969 and up to 60 per month in 1970. Since the board found itself agreeing with the parole agents' recommendations 90% of the time anyway, they decided to delegate advancement authority to the Parole Division.

The Optimum Release Program gave the parole agent the flexibility to release up to 60 days early any inmate coming to his caseload who had been able to put together his best possible parole program for that particular time. This involved finding a decent job, a place to live, and taking care of other details. The inmate can now control his date of release through his own efforts. If he doesn't want to make the effort he stays until his original release date. Rather than having a man with a good program sit around two more months, the agent advances him to parole.

Needless to say the inmates' interest in planning their parole programs picked up considerably. The problem quickly changes from trying to motivate inmates to attend pre-release functions to guarding the doors to keep those not yet eligible from sneaking in.

Our evaluation of these procedures in terms of parole performance doesn't suggest any miracles. Initial employment seems to be better; 73% actually worked for some time on the job they were released to compared to only 57% of those advanced under the old system. It may have some effect in

*For an evaluation of this program see N. Holt, "Temporary Prison Release".

reducing problems during the first 90 days. For those advanced by parole agents 6% had serious problems compared to 15% of those advanced by the board. When those inmates released early are compared with the others they show better results but they are a better risk group to start with.

Those advanced who failed within 6 months tended to be a poor risk group whose plans were not all that sound. For the most part they involved low paying jobs which didn't last. Only about 200 parolees were studied in detail, however, so we probably shouldn't conclude any more than that they are doing at least as well as they did before.

The major benefit to the correctional system, of course, is getting rid of those pre-release cases who were simply doing "dead time". The rates have been fairly stable with about half the releases being advanced for an average of 45 days early. California paroled about 9,000 men in 1971 with 45% being advanced 1½ months each. The savings involved about 6,700 man months, thus reducing the need for over 500 prison beds.

One Year Parole Discharges

The third project was an outgrowth of the two previously described. The push (from 1969 to 1971) to keep parolees in the community had saved about 700 prison beds while early releases under the Optimum Release Program accounted for another 500. In addition, added efforts were being made to grant more parole dates. In 1968, 6,177 inmates were granted parole. The figure climbed to 6,691 the following year and was up to 7,078 in 1970. Beds were also being saved by fewer new inmates from the courts and fewer parolees returning with new felony convictions.

Much of these "bed savings" began showing up as an increased workload for the Parole Division. The number of male felons on parole increased from 10,764 in 1968 to 13,943 at the end of 1970. During the first half of 1971 the increase accelerated to over one new caseload per week.

Within a year or two this new influx of parolees would have become eligible for discharge and the population would have stabilized. In the meantime, however, the Parole Division faced a critical growth problem.

A few years earlier the legislature had passed a law allowing for the review and discharge of parolees who had been on parole for 24 continuous months. These procedures generated considerable savings without an increase in danger to the community (Robison, Robison, Kingsnorth, and Inman). We wondered if we couldn't discharge some parolees even sooner. With this in mind we began looking through our data for a target population, possibly an offense group, higher Base Expectancy levels, or first termers. The original thinking was to look at some groups for possible discharge after 18 instead of 24 months, thus requiring an examination of the last six months on parole. We found, however, that we only had good data at 6, 12, and 24 months, forcing us to think more ambitiously in terms of 12 month discharges.

The procedure was to divide the sample along background variables hoping

to find something associated with unusually good parole performance in the second year. First came the bad news; when we took into consideration (controlled for) performance during the first year no variable examined could discriminate or predict second year outcome. Then came the good news; the thing we were controlling for—first year performance—was an excellent predictor by itself. Regardless of background characteristics, parolees who do well the first year were very unlikely to have trouble in the second 12 months (see Table 3). The key factor in subsequent success proved to be doing the first year on parole without an arrest. Less than 3% of this group were returned with new felonies the second year and only 15% had more than a minor arrest.

At the time it was hard to foresee the importance of the role the "arrest free" variable was to play. Parolees have little control over their background characteristics. If the man was originally committed for robbery there is nothing he can do about that fact. There are things he can do, however, to effect his likelihood of being arrested. Every parolee then, was coming out of prison equal and with a fresh start towards discharge. Parole agents began playing heavily on this fact in their initial contacts, telling the man that his parole term was up to him.

Equally important was the clear, unambiguous nature of the "arrest free" criteria. Earlier procedures relied on criteria such as "demonstrated rehabilitation". The varied interpretation of this caused endless disagreements, both within the Parole Division and with the parole board. For example, the rate of discharge recommendations for those eligible for two year consideration initially varied from 96% to 29% between parole offices (Robison, et al., p. 30). This made it very difficult for the parolee to know what he had to do for a discharge and impossible for his parole agent to make any promises. By contrast, everyone understood what not being arrested meant.

The criteria also made it possible to shift the burden of proof from justifying the discharge to justifying continued supervision of the eligibles. This was important because what we were asking the agents to do was to give up their best cases and take on new parolees in their place. Some reluctance was naturally anticipated. To reinforce this change a requirement was made that if the agent didn't recommend discharge he not only had to document the parolee's problems but to show how continued supervision would solve that problem.

The new procedures began in July of 1971. During the first three months over 1,000 parolees were discharged. Parole agents recommended discharge for 94% of the eligible cases reviewed while the parole board was concurring with 87% of these recommendations. By the first quarter of 1972 the rates were even higher with 98% recommended for discharge, with 89% board acceptance. In other words, if the parolee was arrest free he was virtually assured of an early discharge. During the first 12 months about 2,300 cases were removed from supervision in this way.

The subsequent evaluations involved a six month and one year follow-up

study (Jaman, Bennett, and Berecochea). A sample of 349 was selected from the first group to be discharged at 12 months. A control group of 632 men was then selected from the year before the new procedure. Both groups were arrest free from their first 12 months on parole but the second group, of course, had remained under parole supervision during the subsequent six months. The arrest records (CII reports) of each group was then tabulated in terms of the six months period.

The men discharged actually did better than the earlier group who were kept under parole supervision (See Table 4). Eighty-six percent were still arrest free six months later compared to 78% of the earlier sample. Only 1% of the discharges had unfavorable outcomes compared to 6.3% of those supervised.

For the 12 months comparision a different control group was selected. Since parolees in general had been doing better each year some small bias could be introduced in comparing the discharges with parolees from the year before. For the second study a sample of 413 was selected whose 12 months period coincided with the early discharges and who were themselves discharges but after 24 rather than 12 months on parole. In other words, they had been paroled a year earlier. Again, neither group had been arrested during the first year and the difference was the comparison group spent twice as long under supervision. Thus, what was being compared was the value of the additional year of supervision.

Both groups did almost identically well after discharge. About 1% were reconvicted and returned to prison with about 3/4 remaining arrest free for the next 12 months. Ninety-seven percent of the early discharges were considered favorable outcomes compared to 95% of the two year discharges. It seems clear that the additional year of supervision had no value in terms of the parolees' later performance nor any value to public protection during the extra 12 months they were under supervision.

The first years benefit to the system was eliminating the need for 46 additional parole agents at an average cost of $20,000 each, or about one million dollars saved. This procedure has obvious implications for probation departments as well as other parole systems.

The potential savings of the three projects is hard to estimate but with prison cost of about $4,000 per bed the savings of 1,300 beds could run as high as another 4 or 5 million dollars. All the projects were done with existing resources. No new buildings were built and no new positions were required. The project development phase required some extra administrative time and a great deal of research effort, but researchers are notoriously under-worked anyway and no one seems to mind.

What I've tried to do today is to present three "systems change" projects selected as examples of a methodology I describe as "Rational Risk Taking". This selection by no means exhausts the list of projects which have used this method with profit. And the entire list merely scratches the surface of possi-

bilities. I hope that when this conference is over that each of you will examine your own correctional systems and ask yourself this question, "Are we taking rational risks or are we taking that other kind?"

Table I

One Year Parole Outcome of Inmates Released Six Months Early Compared to a Control Group Released at the Normal Time

Study Group	Mean BE Score	Mean Months Served	Base	Number Rel'd	Parole Outcome Within First Year						
					Not Returned to Prison				Returned to Prison		
					Total	Favorable	Misc. Unfav.	Pending	Total	Board Ord.	Crt. Comt.
Experimentals	39.8	31.5	No.	494	426	326	63	37	68	38	30
			Pct.	100.0	86.2	66.0	12.8	7.5	13.8	7.7	6.1
Controls	40.8	37.9	No.	515	452	362	60	30	63	38	25
			Pct.	100.0	87.8	70.3	11.7	5.8	12.2	7.4	4.9
Total	40.3	34.8	No.	1,009	878	688	123	67	131	76	55
			Pct.	100.0	87.0	68.2	12.2	6.6	13.0	7.5	5.5

	Components of Chi-square Due to Differences in Parole Outcome Categories	Degrees of Freedom	Chi-Square	Probability
A.	Favorable, Unfavorable, Pending	2	1.919	P> 0.05
B.	Board *vs.* Court Returns to Prison	1	0.264	P> 0.05
C.	Returned *vs.* Nor Return to Prison	1	0.524	P> 0.05
D.	Total	4	2.707	P> 0.05

	Differences in Mean B. E. Scores and Mean Months Served	Degrees of Freedom	t-Test	Probability
E.	Difference in B. E. Scores	1,007	1.24	P>0.05
F.	Difference in Months Served	1,007	4.29	P<0.05
G.	Deviation of Observed Difference in Months Served from Expected Difference of Six Months	1,007	0.25	P>0.05

Source: Berecochea, John E., Dorothy R. Jaman, and Welton A. Jones, "Time Served in Prison and Parole Outcome: An Experimental Study," Research Division, Department of Corrections, State of California, Research Report No. 49, October 1973.

Table II

Performance of Parolees 12 Months After Being Continued on Parole Compared to First Year Parole Outcome For All New Parolees (in percentages)

	No Arrests	Minor Problems	Returned To Prison	Total Number
Violators Continued on Parole	45.4%	41.5%	13.1%	(99)
All Releases to Parole for 1970	46.6%	43.7%	9.7%	(6,858)

*Miller and Downer, p. 5.

Table III

Two Year Parole Outcome for Inmates Paroled in 1967 By the Type of Difficulty During the First Year (in percentages)

Parole Status At 24 Months	Arrest Free at 12 Months		Other Favorable At 12 Months		Other Unfavorable Or Pending At 12 Months	
	First Termers	Multiple Termers	First Termers	Multiple Termers	First Termers	Multiple Termers
Favorable	85%	85%	56%	51%	14%	9%
Other Unfavorable Or Pending	8	7	20	25	51	54
Technical Violation (TFT)	5	5	18	17	18	21
New Felony Conviction (WNC)	2	3	6	7	17	16
Total	100%	100%	100%	100%	100%	100%
Total Number	(1593)	(834)	(841)	(634)	(418)	(329)

Source: Jaman, Dorothy R., Lawrence A. Bennett, and John E. Berecochea, "One Year After Early Discharge From Parole: Policy, Practice, and Outcome," Research Division, Department of Corrections, State of California, Research Report No. 51 (forthcoming).

Table IV

Performance Six Months Later for Parolees Discharged at One Year Compared to a Similar Group Under Parole Supervision

Before the One Year Discharge Policy
(in percentages)

	Total Number	Arrest Free	Other Favorable	Pending	Miscellaneous Unfavorable
One Year Discharged Group	(379)	85.8%	8.3%	5.0%	1.0%
Similar Group Under Supervision In 1969	(632)	77.7%	13.8%	2.2%	6.3%

Table V

Performance One Year Later for Parolees Discharged at 12 Months Compared to a Similar Group Discharged During the Same Period

After 24 Months of Supervision
(in percentages)

	Total Number	Arrest Free	Other Favorable	Pending, Miscellaneous Unfavorable	Recommitted To Prison
One Year Discharge Group	(341)	72.7%	24.0%	2.4%	0.9%
Similar Group Discharged After Two Years	(413)	74.1%	20.6%	4.3%	1.0%

Source: Jaman, Dorothy R., Lawrence A. Bennett, and John E. Berecochea, "One Year After Early Discharge From Parole: Policy, Practice, and Outcome," Research Division, Department of Corrections, State of California, Research Report No. 51 (forthcoming).

Bibliography

Bennett, Lawrence A., "Should We Change the Offender or the System?", *Crime and Delinquency,* Vol. 19, No. 3, July 1973, pp. 332-342.

Berecochea, John E., Dorothy R. Jaman, and Welton A. Jones, "Time Served in Prison and Parole Outcome: An Experimental Study," Research Division, Department of Corrections, State of California, Research Report No. 49, October 1973.

Holt, Norman, "Temporary Prison Release, California's Prerelease Furlough Program," *Crime and Delinquency,* October 1971, pp. 414-430.

Holt, Norman and Rudy Renteria, "Prerelease Program Evaluation: Some Implications of Negative Findings," *Federal Probation,* June 1969, pp. 40-45.

Jaman, Dorothy R., Lawrence A. Bennett, and John E. Berecochea, "One Year After Early Discharge from Parole: Policy, Practice, and Outcome," Research Division, Department of Corrections, State of California, Research Report No. 51 (forthcoming).

Jaman, Dorothy R., Robert M. Dickover, and Lawrence A. Bennett, "Parole Outcome as a Function of Time Served," *British Journal of Criminology,* January 1972.

Kassebaum, Gene G., David A. Ward, and Daniel M. Wilner, *Prison Treatment and Parole Survival,* New York: John Wiley, 1971.

Keldgord, Robert E., Robert O. Norris, and Patricia A. Hagen, "Correctional System Study," Board of Corrections, Human Relations Agency, State of California, July 1971.

Kolodney, Steve E., Paul L. Patterson, Douglas Daetz, and Robert L. Marx, "A Study of the Characteristics and Recidivism Experience of California Prisoners." Public Systems Incorporated, February 15, 1970.

Lamson, Robin, Carol Crowther, Betty Spacy, and Veronica Crump, "Crime and Penalties in California." Prepared by The Assembly Office of Research for the Assembly Committee on Criminal Procedure, March 1968.

Miller, D. E. and Carol Downer, "Parole Decision Making and Its Consequences: A One Year Follow-Up of Region III Parole Violators Continued on Parole." Los Angeles Research Unit, Department of Corrections, State of California, Administrative Report, May 18, 1972 (mimeographed).

Mueller, Paul F. C., "Advanced Release to Parole." Research Division, Department of Corrections, Youth and Adult Corrections Agency, State of California, Research Report No. 20, 1965.

Robison, James and Gerald Smith, "The Effectiveness of Correctional Programs," *Crime and Delinquency*, Vol. 17, No. 1, January 1971.

Robison, James O., Margo N. Robison, Rodney Kingsnorth, and Nelson G. Inman, "By the Standard of His Rehabilitation; Information, Decision, and Outcome in Terminations From Parole: The Implementation of Penal Code Section 2943," Research Division, Department of Corrections, State of California, Research Report No. 39, January 1971.

Youth and Adult Corrections Agency, "The Organization of State Correctional Services in the Control and Treatment of Crime and Delinquency," State of California, May 10, 1967.

CORRECTIONAL PLANNING: MUCH ADO ABOUT NOTHING

by

Severa Austin
Director, Correctional Planning
Wisconsin Council On Criminal Justice

I have been asked to speak to you today in regard to the problems in criminal justice planning, and more specifically, those problems related to the field of corrections. In that my job title is Correctional Planner and the agency for which I work, the Criminal Justice State Planning Agency in Wisconsin, I am, at least theoretically, qualified to talk on the subject. Lest it be said that some uppity woman with less than 20 years correctional experience is presuming to tell correctional professionals something new, let me quickly say that I recognize your individual and collective experience and do not claim special expertise. I do feel, however, that anyone with a position like mine does gain an overall system perspective, and I hope that some of my comments, while offering no particular answers, may be helpful in summarizing some of the more serious planning problems in this field.

I will not go into what has been frequently identified in books, periodicals, speeches and conferences as the major problems affecting the *entire* criminal justice system. What I do think is significant however is the *inheritance* of a wide range of dilemmas *by* the correctional system which affect the work that we do and the plans that we make. We, in corrections, are the end of the line in the system, and, particularly as it relates to the subject of this conference, the institution as the alternative of last resort. We receive individuals who have been processed through an extremely cumbersome, uncoordinated and frequently insensitive system of justice. We must live and deal with the attitudes and behavior of the offender who has probably suffered rather severe damage at the hands of the social environment, who after being charged with a crime probably spent some period of time in an antiquated county jail facility, who has undergone the complicating, frustrating and intimidating processes of prosecution and defense, and has now received a sentence by a court which may have had no comparison to other sentences for similar crimes. Each of these steps in our system is loaded with inconsistencies, demoralizing in its length and complexity, and frightening in its consequences. Corrections then receives these men and women, and is charged in the begin-

ning with conflicting goals and responsibilities. We are, at a minimum, to protect the public, deter crime, and rehabilitate the offender. How does one plan for the accomplishment of all these objectives: What is their hierarchy, and consequently our priorities? Can we coordinate our planning efforts to provide more consistent and effective treatment?

There appear to be some commonly held assumptions in the correctional field which have serious consequences for how we plan and what we implement. I would like to discuss some of these briefly and then consider the problems I believe they create for planning. The first could be stated thus: "We in corrections are capable of dealing with all of the offenders sent to us. We *can* protect the public and we *can* rehabilitate."

I think a serious question exists as to whether or not public expectations of corrections are at all realistic and whether or not we should, with little complaint, continue to reinforce the belief that these expectations are either justified or possible. Arthur Bilek, Chairman of the Illinois Law Enforcement Commission, has stated: "The criminal justice system deserves criticism, not for failing to accomplish what it alone can do, but for failing to do what it can and should do in improving control of crime. It must also bear strong criticism for failing to speak out pointedly on the issue of what anti-social phenomena are within its perimeters of control and what social problems are beyond its realm. County prosecutors often publicly announce a war on street crime but rarely, if ever, do we hear the local police chief respond that winning such a battle is beyond his agencies capabilities."[1]

The criminal justice system, and corrections, particularly, is the repository for society for every individual and collective social problem with which we have been unable or unwilling to deal. Can we indeed state that we accept this responsibility so eagerly given to us, or should we not have as part of our role the education of the public related to the impossible nature of the job? For instance, many states are beginning to modify their laws regarding public drunkenness. It seldom is that the criminal justice professional is spearheading such a modification. Who knows better than a local law enforcement officer, a sentencing judge, or a jailer that the public inebriate is certainly not helped and indeed further damaged by his processing through the criminal justice system? Corrections has been given an unreasonable task and most of us recognize this early in our career, yet for a number of reasons we appear reluctant to relinquish or reject this "Mission Impossible." The consequences for the correctional planner are enormous. While corrections people frequently say "we do not determine our own intake; we must take who is sent to us," I think again that this is something over which we could have some greater measure of control. We must be aware of the consequences of other parts of the criminal justice system on the clients that are delivered to us, and be spokes-

[1] Bilek, Arthur J., "America's Criminal Justice System—A Diagnosis and Prognosis", in Criminal Justice Monograph, the Change Process in Criminal Justice, U.S. Department of Justice, June, 1973, Page 85.

men for modification in those laws or procedures which make our job more difficult, if not impossible. Removal of a number of offenses from the system could result in a tremendous decrease in the number and nature of the offenders for whom we would be responsible; there would, then, be more time, resources and energy to deal with the more serious, more dangerous individual for which I believe the system was initially intended. An additional component in this questionning of our public charge relates to procedures experienced by the offender which make his ultimate reintegration more difficult. We have a responsibility to consistently point out inequities in sentencing, to call attention to conditions in local jails, to demand reasonable bail criteria, or to call for adequate juvenile shelter care. As an example, juveniles who commit characteristically juvenile offenses, those that would not be defined as crimes were the individual an adult, are consistently overrepresented in the juvenile justice system and in juvenile institutions. It is seldom that modification of laws regarding children in need of supervision, children guilty of nothing other than dependency and neglect, are modified primarily due to efforts of those within our system. If we continue to convince ourselves, the public and the other components of our system that we have the tools and resources available to deal with a universe of social problems, we make planning an impossible task, corrections an impossible profession, and can expect little from the public but criticism for not doing what they perceive to be our job. As stated in the National Advisory Commission on Criminal Justice Standards and Goals published at the end of 1973: "It is a mistake to expect massive social advance to flow either from corrections or from the criminal justice system as a whole. The system can be fair; it can be humane; it can be efficient and expeditious. To an appreciable extent, it can reduce crime. Alone, it cannot substantially improve the quality and opportunity of life. It can be a hallmark of harmonious and decent community life, not a means of achieving it. Corrections alone can not solve the diverse problems of crime and delinquency confronting America, but it can make a much more significant contribution to that task. Correctional planning and programs must be closely related to the planning and programs of police and courts. Corrections goals must be defined realistically and pursued with determination by application of achievable and measurable standards."[2]

The second assumption which I believe exists at least to some degree, in most correctional systems, certainly is not unique to this field, but a problem nevertheless. It is the following: "Offenders are the responsibility of this state or local agency; we are the professionals, and when we want the help of the community, we'll ask for it." As I stated earlier, the public has chosen to assign the responsibility for the so-called deviants of the world to one or two state or local agencies, requesting that we do something with or to these people as long as they are removed from public view. Consequently, corrections has experienced, until very recently, more than probably any other human services

[2] National Advisory Commission on Criminal Justice Standards and Goals, Report on Corrections, Washington, D.C. 1973, Page 4.

profession, both the curse and the blessing of operating in an almost total vacuum. Recognizing the disinterest and lack of concern with the welfare of the offender, the corrections professional has learned to operate with considerable discretion and limited resources. Lacking interest from the public, corrections has also lacked an experience with or demand for a critical analysis of its results. The consequence has been, I believe, a feeling of ambivalence when the public asks to know or demands that they become involved in the entire process. I don't think this is unique to corrections; it just happens to be the field that is currently undergoing the most scrutiny. It is a natural societal response to wish to banish those among us who are somehow different or offensive, and then at some time in the future wish to know, at least to some limited degree, what has happened to those people. Although I don't believe that we can allow the blame for our failures to rest entirely with corrections, nor as a result of so-called public apathy, I think we must examine our own assumptions in regard to our capability for doing the job alone. I would agree with one writer when he states: "The delegation of a social program area as pervasive and encompassing criminal deviancy to a limited segment of specialists for public supervision is shortsighted. In the final analysis, the very process which is responsible for the articulation of deviant behavior must assume responsibility for ameliorating that behavior. This is another way of saying that man is responsible for his fellow man and can not delegate to the specialist, total responsibility—especially where the major resource for dealing with the problem lies in the social interaction of men."[3]

The current interest in so-called community corrections has a parallel history in many other fields where institutionalization has been utilized as an answer for controlling deviancy. With the assumption that we can as professionals do a job assigned to us goes the distrust for any who now demand accountability and a piece of the action. Rather than welcoming and encouraging the interest of citizens in the correctional field, we frequently distrust either their expertise, their motivation, or their right to be involved. I think ultimately that everyone loses, particularly the client, when any one agency, group, or individual claims the solution to a problem. The role, indeed the responsibility, of the planner is to question that which is, to examine the results of what is being done, and to search for alternatives. That is extremely difficult to accomplish in the current atmosphere of mistrust and hostility that pervades the entire criminal justice system. No one has a corner on wisdom where this field is concerned, yet my experience is that even raising questions, asking why and what is the impact of what you are doing frequently makes the questioner the enemy. I think we have for too long allowed ourselves the luxury of planning for other people, without either *their* participation nor the inclusion of those individuals and groups which have a stake in the modification of behavior. I have attended many too many conferences where we sit around trying to come up with answers about "THEM", knowing the "THEY" are

---

[3] Lawrence H. Albert, and Albert S. Alissi, "Correctional System: A Rationale for Determining Program Alternatives," The Change Process in Criminal Justice, Page 147.

equally busy planning ways to deal with us. It takes little imagination or perception to understand one's own feelings when we are told by a well meaning person that they are doing what is best for us. I think a fair but painful description of our correctional thinking at times is suggested in a quotation from Dr. R. D. Laing's book, *Knots*, where he describes a particular human transaction:

"There must be something the matter with him
because he would not be acting as he does
unless there was.
Therefore he is acting as he is
because there is something the matter with him.

He does not think there is anything the matter with him
because
one of the things that is
the matter with him
is that he does not think that there is anything
the matter with him.

Therefore,
we have to help him realize that,
the fact that he does not think there is anything
the matter with him
is one of the things that is
the matter with him.

There is something the matter with him
because he thinks
there must be something the matter with us
for trying to help him see that
there must be something the matter with him.
To think that there is something the matter with us
for trying to help him see that
we are helping him . . ."

The awesome power that corrections has over the lives of other people must be accompanied by a constant awareness of the responsibility and consequences such a position entails. Planning cannot become experiments with other peoples lives, with setting out to validate a pet theory, but must consistently balance the charge of the public for both the welfare and safety of the citizens and the welfare and safety of the offender.

The third general assumption from which we frequently seem to operate is the following: "We have sufficient data regarding the offender to make planning legitimate and possible." In fact, the criminal justice system, in terms of available data, is rushing headlong into the Fifteenth Century with regard to what we know and do not know about our own processes. In Wisconsin as in other states, the criminal justice planning agency is required to submit an annual plan to the federal government in order to receive LEAA funds. This plan must contain the most recent up-to-date statistical data regarding the

various components in the system. One cannot separate corrections from law enforcement, from the courts, from prosecution, yet little is known other than the most gross figures regarding reported crimes, arrests, caseload size, and the numbers of individuals entering the correctional system. Certain court records are still kept in shoe boxes, and most judges are unaware of the effects of their sentencing pattern, since no easily retrievable data system has been developed for their examination. In corrections as in other parts of the system, planning today primarily consists of moving around pieces of the puzzle to see if by chance one might stumble upon a workable fit. We do not know, for instance, much about the characteristics of the thousands of people that enter our county jails. We know how many, but that's about all. We do not have reliable recidivism data and certainly none that is comparable from state to state. Most fundamentally, we do not have standards and goals; we spend little money to evaluate the impact and effectiveness of what we currently do, much less compare it to some measurable standard which we would like to achieve.

My initial experience in receiving applications for funding of correctional programs was to find their stated objectives articulated something like this: "We will enhance the self-concept of the offender." "We will improve the ability of the offender to deal with his or her environment," or (and this is a big favorite), "we will enlarge the coping skills of the offender which will lead to a more successful reintegration into the community." While admirable objectives and undoubtedly relevant to what is actually going on, they are not measurable; an assessment of their success or failure can only be made in extremely subjective methods. Programs must have measurable goals and objectives, followed by commitment to evaluation of the procedures utilized. My frequent advice to community programs funded by the Council is to do all that is necessary to evaluate their own programs. It is insufficient to say that we know we are doing a good job because we are well meaning people or that we think what we are doing is effective, when we have no data with which to support our claim. The best protection for an effective program's survival is facts. If one is truly committed to achieving positive results, then one must define what those are in the most narrow terms possible, and then evaluate the results. We have seen little willingness to accept the fact that much of what we do is worthless, nor do we insist on the collection of the necessary data upon which to base such a decision. We have institutions, so we continue to utilize them, substituting for a real examination of the basic assumptions underlying incarceration the addition of new facilities, a new treatment program, or additional staff. While we may commit considerable portions of our resources to implementation of such new programs and concepts, we frequently neglect their evaluation. We can stumble along comfortably for years, feeling good about what we are doing, but having no real idea of whether or not a particular direction seems to have a payoff. An example of this can be seen in the rush to implement Guided Group Interaction in our juvenile institutions. Martin Gold, writing in the January issue of Crime and Delinquency, states: "The social scientists and practitioners who dedicated themselves to the development of this treatment strategy are to be commended

for their concern and their courage. But it is somewhat curious that the results of the research program have had so little impact on the practice of Guided Group Interaction. For the conclusions of the research are consistent in finding no effect. Whether compared to typical institutionalization in some studies or to probationary services in others, the superior effectiveness of Guided Group Interaction has not yet been demonstrated. Yet we witness agencies all over this country and abroad turning confidently and enthusiastically to this strategy as though it had been proved successful."

"Those who are responsible for delinquency prevention and treatment programs may be convinced that their programs are doing their young clients some good and that they certainly cannot be doing them any harm. But, again, it is wise to be skeptical, for how do we know that?"[4]

If we choose not to be accountable, not to commit ourselves to a thorough and painful examination of what we are doing, then we must discontinue our claim that we can rehabilitate. There is considerable evidence that we cannot and do not, and currently little available that indicates that we do.

Finally, I would like to briefly comment on the MAP concept: Wisconsin is, as you know, implementing this system in all of its major adult institutions, the program being funded by our agency. I think that any state going in a similar direction must be extremely careful to articulate the assumptions on which such a program is based, and the objectives and goals which are to be expected. Is there a belief that the implementation of such a concept will reduce recidivism, or is it only that the program can give the offender a better idea of what he must do to be released? Will you claim that such procedures will result in a decrease in average time served, and will this reduction result in some impact on the life of the offender? Is the correctional department truly committed to fulfilling their side of the contractual obligation or is it merely another Catch-22 situation for the inmate? If you are intending to reduce the amount of time served, by how much will it be lessened? What are the criteria for eligibility for contract? The implementation of MAP can have serious consequences for the entire correctional system, and because of this, the possibilities of the difficulty and resistance to the procedures at a number of points are realities that must be considered. I think with clearly specified goals and objectives and adequate research as to the procedures and impact of the concept, we will, in two to three years, have some fairly valid data regarding the effects of such a program. It can be, as the MAP brochures state, truly a "planned change in correctional service delivery."

I would conclude by again referring to the National Advisory Commission on Criminal Justice Standards and Goals:

"Caution should be used in making claims about correctional successes. In point of fact, recidivism can tell us only about correctional failures. Unless

---

[4] Martin Gold, "A Time for Skepticism", in *Crime and Delinquency*, January 1974, Page 22, 23.

research and statistics can tell us about how individuals were affected by different programs and how they later developed as 'successes,' corrections cannot be expected to progress. Avoidance of failure is not the same as promotion of success."[5]

---

5 National Advisory Commission on Criminal Justice Standards and Goals: Criminal Justice System, 1973, Page 95.

85066

DILEMMAS OF CORRECTIONAL LAW & REHABILITATION

by

Richard W. Friedman
American Bar Association
Resource Center On Correctional Law and Legal Services

Dilemmas of Correctional Law and Rehabilitation

The criminal justice system in this country is a series of fragmented, uncoordinated, and isolated agencies and institutions established by law to provide order and stability for the populace. No one scrutinizing this system can fail to be impressed by the tremendous range of demands placed upon the police, the courts, and correctional authorities in fulfilling this responsibility. The pressures for change in this system are mounting. The call for reform comes not only from people caught up in this process, but also from the press, legislatures, social and behavior scientists, the courts, business/industry and labor, law enforcement and correctional personnel, social reformers, and the general public. The cry is to make the criminal justice system fair and humane, to make it efficient and expeditious, and somehow to make it reduce crime.

Two National crime commissions in the last seven years—the President's Commission on Law Enforcement and Administration of Justice (1967) and the National Advisory Commission on Criminal Justice Standards and Goals (1973)—have studied crime and delinquency and the agencies responsible for prevention, control and treatment of this massive social problem.[1] These in-depth reports have emphasized the inter-relatedness of the community, police, courts, and correctional services and have attempted to establish goals and objectives for the criminal and juvenile justice systems. It became evident in these revealing reports that criminal justice personnel have only recently begun to understand their specific functions, how decisions made by one component in the criminal justice process affect another, and how each is responsible to the larger community of citizens. Still to come is an understanding and appreciation of how police, courts, and correctional agencies relate to other publicly supported human services (i.e., health, education, transportation,

---

1 *The Challenge of Crime in a Free Society.* A report by the President's Commission on Law Enforcement and Administration of Justice. (Washington: U.S. Gov't Printing Office, 1967). *A National Strategy to Reduce Crime.* Reports of the National Advisory Commission on Criminal Justice Standards and Goals (Washington: U.S. Gov't Printing Office, 1973).

welfare, recreation).

There is a constant debate among many professions and the general public as to the overall purpose of this system. Criminal behavior, ways of thinking about crime, and methods of dealing with it are related to time and place in an historical context. Who is processed through the system is highly dependent upon changing values, attitudes and laws.

Commitments toward theories of causation, prevention, and rehabilitation are strong, sometimes partisan, always emotional issues generating great devisiveness.[2] On the one hand, significant portions of the public believe there is *excessive leniency* toward law-violators and that the concern for the welfare and rights of law-violators has surpassed concern for the welfare and rights of their victims, law enforcement officials, and law-abiding citizens. They further believe there is an erosion of discipline and respect for authority, particularly among the young; that the *cost of controlling crime* and dealing with criminals, which is borne directly by the hardworking and law-abiding citizens, is too high; and that there is a general state of excessive *permissiveness* across the country affecting many diverse areas such as sexual morality, the schools, educational philosophies, child-rearing practices, and judicial handling of convicted criminals.

On the other hand, many who are dissatisfied with the current criminal and juvenile justice system and want major social reform, emphasize other problems. These include *over-criminalization* (that a substantial number of offenses under current law are wrongly or inappropriately included, such as gambling, prostitution, pornography, homosexuality, drug use and abortion); labelling and stigmatizing persons as "deviant" or "delinquent," which aggravates the problem by causing people to act as they are labelled; the *over use of institutions,* warehousing and confining alleged and convicted law-violators in "schools for crime"; the need to lessen the centralized control of police departments, correctional systems, and crime-related services by *decentralization,* local community control, and more influence of citizens in the criminal justice system; and a belief that the current system is discriminatory, bringing poor, young, male, minority group members under formal control while political corruption and white-collar crime is not subject to the same process. Most persons would agree that both sides raise valid issues.

Numerous reports reveal that each criminal justice agency is devoted to its ideological beliefs and also functions according to preconceived biases.[3] Age,

---

2 Walter B. Miller, "Ideology and Criminal Justice Policy: Some Current Issues." *Journal of Criminal Law and Criminology.* Northwestern University School of Law. Vol. 64, No. 2 (1973), 141-162.

3 See, Bittner, *The Role of Police in Modern Society* (NIMH); Nagel, *The New Red Barn: A Critical Look at the Modern American Prison.* The American Foundation, Philadelphia, 1973; *Courts,* National Advisory Commission on Criminal Justice Standards and Goals.

class, education, sex, type of agency setting, and current public attitudes toward crime influence the daily experiences of criminal justice employees. At one and the same time, each is functioning in order to deter, prevent, punish, rehabilitate, reform, reintegrate, or treat potential and convicted law violators.

It is within the framework of legislation that the general will of society is expressed. It is doubtful whether an effective corrections system could exist without a good statutory framework.[4] In establishing laws to control human conduct we reflect and determine current values, attitudes, and beliefs. Federal, state, and local legislatures determine what sorts of behavior should be declared criminal and subject to the sanctions of the larger community. It also determines how society should deal with those convicted of violating its laws. The criminal law, in addition to dealing with these specific offenses, influences millions of persons in their daily lives and acts as a deterrent for many others. How this deterrence operates, when and on whom, is quite subtle and not well understood.

The administration of criminal laws presents to any community the most extreme, emotionally charged issues of the proper relationship between the rights of individual citizens and the use of the power of the state to maintain order and stability. These conflicts present fundamental issues of political philosophy rather than problems of psychiatry, economics, psychology, social work or sociology.[5] The question of state intervention, bringing force to control individual behavior, is the perennial issue. And it is in the area of correctional law that this dilemma is most striking.

Corrections has been called the "stepchild of criminal justice."[6] Physically and administratively isolated from the rest of the system, it tends to be forgotten by government and the general public alike. The isolation of prisons, jails, detention facilities, and other correctional services contributes significantly to a continuing cycle of crime, incarceration, release and rising recidivism. We usually become aware of corrections only through major prison disturbances, court decisions, exposes in the media, or personal experiences with crime. Rarely does rational thinking and planned change for corrections take place in such an atmosphere.

A brief overview of the population under correctional control helps to understand numerous conflicting issues and operational programs, as well as the impact of laws affecting corrections.[7] During 1967-1968, over one million

---

4 "The Statutory Framework of Corrections," *Corrections.* National Advisory Commission on Criminal Justice Standards and Goals. January, 1973, p. 534.

5 Miller, *op. cit.*

6 "For a More Perfect Union—Correctional Reform," Advisory Commission on Intergovernmental Relations. (Washington: U.S. Gov't. Printing Office, August, 1971).

7 *A Time to Act.* Joint Commission on Correctional Manpower and Training. Washington, D.C., 1968. The Lewis Harris Polls of correctional personnel and popular opinion of corrections are particularly revealing.

convicted persons were distributed throughout federal, state, and local correctional services, 24% in institutions and 75% under probation/parole supervision. The projections at the time of this survey indicated that by 1975 a potential correctional population of 1.5 million would exist, with 19% expected to be confined in institutions and 81% expected to be under community supervision. In contrast to where known law-violators are located, the distribution of correctional personnel is also revealing. Of the 111,000 persons employed in corrections six years ago, 75% worked in correctional institutions and juvenile detention centers, while 23% worked in probation and parole offices in the community. Sixty-eight percent (68%) of the "line workers," those in close contact with law-violators, were high school graduates or less; and staff training programs in correctional agencies and facilities were found to be "nearly non-existent." It is obvious that most physical and human resources of corrections are currently spent on maintaining the controls and security of institutions.

The recently completed Corrections Task Force Report stated:

> *The failure of major institutions to reduce crime is incontestable. Recidivism rates are notoriously high. Institutions do succeed in punishing, but that protection is only temporary. They relieve the community of responsibility by removing the offender, but they make successful reintegration into the community unlikely. They change the committed offender, but the change is more likely to be negative . . . . It is no surprise that institutions have not been successful in reducing crime. The mystery is that they have not contributed even more to increasing crime.*[8]

Corrections is currently struggling to find ways to become less destructive to law-violators and assist in the criminal justice effort to reduce crime and delinquency. It is attempting to more clearly define its goals and objectives and plan for change. In order to do this successfully, corrections must alter its role from one of temporarily warehousing large numbers of persons with innumerable problems to one of sharing responsibility with other criminal justice agencies and community resources for the successful functioning in the community of convicted law-violators. This will require a major shift in correctional priorities—a move away from an institutional frame of reference—and it will require a capacity to be responsive to the needs of all citizens. Most importantly, it will require a recognition by corrections that persons convicted of crimes and sentenced to correctional institutions have the same social, economic, psychological, medical, and religious needs as those in the general population, unconvicted and unconfined. Law-violators processed by the criminal justice system have the same needs as you and I.

---

[8] *Corrections.* National Advisory Commission on Criminal Justice Standards and Goals, p. 1.

[9] See, Clarence Shrag, *Crime and Justice: American Style,* (NIMH, Center for Studies of Crime and Delinquency. 1971), particularly "sacred cows in the field of corrections," pp. 16-22

If this latter premise is recognized, corrections is confronted with a classical dilemma: how can it hold persons in confinement in a non-voluntary status and "rehabilitate" them in the process? What constitutes "rehabilitation" and who is to do it? Of primary concern in this dilemma are the rights of the individual and the rights of the state. What rights do those convicted of criminal offenses retain? What rights do they surrender when entering prison? What interest does the state have in exercising its supremacy or power over the individual? What really protects society?

Before taking a closer look at some of the legal, ethical, and therapeutic issues involved in corrections, it is appropriate to briefly outline some of the easily identifiable problems of corrections. In this way we can begin to clarify the dilemmas of law and treatment of persons inside prisons. We may see that rehabilitating persons in prisons may not be possible. In June 1973, the Select Commission on Crime of the Judiciary Committee, U.S. House of Representatives, issued a report, "Reform of Our Correctional Systems" where twelve specific items of concern were highlighted.[10] These were briefly stated as follows:

1. *Overcrowding* – This is a common occurrence around the country and contributes to depersonalization of inmates, breakdown of effective control, and reduction in the effectiveness of any rehabilitative program.
2. *Staff Problems* – Approximately 80–90% of correctional expenditures goes toward custody and administration while a maximum of 20 percent of all costs are for rehabilitative programs. There are insufficient mental health personnel, inadequate pay and training for correctional officers, and only one percent of the population in prisons is in contact with innovative treatment programs.
3. *Rural, Isolated Locations* – Institutions are usually located in areas where land is cheap, community resistance minimal and staff wages low. Prisoners, especially from urban areas, are isolated from their community ties and professional personnel are at a premium. The lack of contact with family, community agencies and volunteer workers dehumanizes and retards rehabilitative efforts.
4. *Community-Based Rehabilitation Services and Programs* – These services produce lower recidivism, with convicted persons now productive citizens, paying taxes and assuming family responsibilities.
5. *Minorities* – There is a disproportionate number of inner-city minority group members confined in prison; there are

---

[10] "Reform of Our Correctional Systems," Select Committee on Crime, U. S. House of Representatives (June 20, 1973), pp. 16-32.

also few women, Blacks, and Spanish-Speaking persons employed across the range of staff and administrative positions in corrections.

6. *Drug Abuse in Prison* – Drug addiction has become a major factor in prison life.

7. *Juvenile Correctional Facilities* – Between 1965 and 1975, studies projected an increase of 70% in the number of incarcerated juveniles, with a thoroughly inadequate range of services and facilities to meet their needs. Except for a few exceptions, most delinquency problems are handled through jails and training schools.

8. *Homosexuality* – The total extent and impact of this problem in the prison system has not been clearly documented. However, homosexuality and racial tension account for the greater portion of prison brutality and violence.

9. *Education* – Although educational alternatives in prison have a limited impact on crime reduction, it is important to at least improve the literacy rate of the vast majority of those confined. Education must be linked with appropriate job training and placement.

10. *Employment and Vocational Training* – Prison industries have generally failed to achieve their fundamental purpose of equipping the released prisoner to take his place in society as a productive citizen by developing appropriate work habits and giving the knowledge and skill necessary to carry on a trade or other occupation. Work training programs must be tailored to specific populations and must be related to areas in which market demand exists. In addition, no such program can be effective unless discharged persons are assisted in obtaining employment.

11. *Work and Study Release Programs* – These programs must become accepted public policy. It is the special responsibility of labor and private industry to provide appropriate training and work opportunities.

12. *Public Opinion* – Although the public recognizes the inability of the present correctional system to rehabilitate offenders, practical support for promising alternatives, such as community-based corrections, is disappointing. Job opportunities for ex-offenders are limited often by law, policy, or administrative regulation.

It is within the context of these real-life problems that corrections attempts to accomplish its tasks. The philosophical, theoretical, and pragmatic approaches to their societal objective present numerous conflicts to both the system and persons confined. Legal, ethical, and rehabilitative issues are reflected in

struggles between the individual and the state. Some of these dilemmas will now be discussed.

Within the criminal justice system, considerably more attention has been placed upon securing the rights of the accused law-violator than guaranteeing the rights of persons following the determination of guilt or need for treatment.[11] We have noted that most law-violators remain in the community on probation or, if incarcerated, will eventually be returned to the community. No longer are offenders considered "wards of the state." The emphasis of law and policy of correctional agencies is now placed on the rehabilitation of the law violator through a range of treatment alternatives in order to prevent future violations of the law. This is evident in legislation, court decisions, and correctional programming.

The rehabilitation and reintegration of law-violators, however, takes place within a system primarily charged with identifying and controlling violent and dangerous persons and managing large numbers of people in oversized, outmoded institutions. Custody and security are the highest priorities. Nowhere else in the entire legal system is the discretion so great as in the correctional system. In attempting to carry out judicial sentences, corrections has been faced with a lack of standards, lack of judicial review, and lack of legislative concern. Until recently, an offender as a matter of law was deemed to have forfeited virtually all rights upon conviction and to have retained only such rights as were expressly granted to him by statute or correctional authority. It was common belief that virtually anything could be done with a prisoner in the name of "correction," short of extreme physical abuse. The only protections were the restraint, responsibility, and decency of correctional administrators or their staff. Whatever comforts or privileges were received by prisoners were at the discretion of the state. Inhumane conditions and practices were permitted to develop unchecked over the years and continue in many correctional systems today.[12]

There is little doubt that the last decade has seen a dramatic change in this posture and in the court's willingness to respond to complaints of prisoners. Numerous lawsuits across the country continue to challenge the constitutionality of prison life. There has been an explosion in the number of court decisions affecting correctional policies and programs. Developments in the law of prisoner's rights, however, is not unique and has run parallel to a heightened awareness of human rights generally. Schools, mental hospitals, police, public welfare, ecology, consumer affairs, and juvenile justice have all been subjected to an expansion in the protections of individual civil liberties. The courts

---

[11] See, David Fogel, unpublished presentation to correctional attendees, National Conference on Criminal Justice, Washington, D.C., January 1973; "Rights of Offenders," *Corrections.* National Advisory Commission on Criminal Justice Standards and Goals, January, 1973, pp. 17-72; Ralph K. Schwitzgebel, *Development and Legal Regulation of Coercive Behavior Modification Techniques with Offenders* (NIMH, Center for Studies of Crime and Delinquency, 1971), pp. 22-61.

[12] *Ibid.*, "The Rights of Offenders."

"hands off" doctrine as regards correctional affairs is now dead.[13]

This recent concern for the rights of incarcerated persons, it should be noted, is not entirely new. It is recorded in the 1870 "Declaration of Principles" of the American Prison Association, the recent *Manual of Correctional Standards* of the American Correctional Association, at least two national crime commissions, and ethical statements of numerous medical, social, and psychological professional organizations.[14] The dilemmas of control and personal rights have been recognized for some time.

Correctional law has evolved into three components, in addition to legislation. These are constitutional enactment, court decisions, and administrative rules and regulations.[15] All three branches of government have shaped the structure of corrections. Safeguarding the rights of offenders has been primarily in the area of administrative discretion and the constitutional limits of state intervention into individual rights. Of particular concern to prisoners, courts, rehabilitative personnel, and correctional administrators have been the implications of decisions relating to cruel and unusual punishments, due process of law, equal protection, and rights of privacy. It is at these points that the dilemmas of law and rehabilitation are most evident.[16]

Cruel and Unusual Punishment

The Eighth Amendment to the United States Constitution forbids punishments that are contrary to the contemporary standards of decency. This relates to kinds of punishments imposed by the state and the cruelty of various methods used, in addition to punishment disproportionate to specific criminal offenses. Courts sentence according to statutory authority and correctional agencies and facilities carry out this process.

The purposes of legislation affecting corrections varies greatly and may permit procedures directed toward punishments, treatment, or research. In the treatment or rehabilitative context, laws are directed toward producing positive change in the behavior of individuals so that they can return to an unsupervised status in the community and not violate criminal laws.[17] Thus, the treatment purpose is to restore, improve, or reintegrate rather than to restrict or discipline. How this is accomplished is the source of current conflict.

It has been noted that there is a tendency for the courts to place fewer or less severe constitutional restrictions on treatment in prisons than on the imposition of punishment or discipline by correctional personnel. This has allowed enormous discretion by correctional decision-makers. To date, treatment has been seen by the courts as a benefit to specific law-violators, as well as to society in general, whether the individual desires such treatment or not.

Courts have agreed with this philosophy, often expressed in statutes and upheld compulsory treatment statutes for juvenile delinquents, drug addicts, sex offenders, and habitual law-violators.[18] This has usually been justified in terms of protection of the community through the imposition of treatment programs of benefit to the individual.

Here, then, is an initial dilemma. The objectives of community safety and beneficial treatment are not always compatible, particularly when the individual refuses treatment or is no longer considered treatable. Can treatment be forced upon a person against his will without violating the Constitution? If so, are there limits to permissible treatment? If treatment is a primary concern, we know historically that standards of decency as customarily applied to offenders are far less humanitarian than those found in voluntary admission programs. Can rehabilitation programs take place under unconstitutional conditions?

Courts are being asked to resolve these difficult issues. Correctional agencies have had to justify or defend the use of solitary confinement, physical force, inadequate heat and light, insufficient treatment-oriented staff, sterilization, the use of electro-shock, anti-narcotic testing, and a variety of behavior modification techniques and methods administered for therapeutic purposes. Corrections has also had to justify mail censorship, limitations on speech, rights to assemble and freedom of religion, searches without warrants, disciplinary hearings, and the parole revocation process as appropriate to their mandate to control and treat those under their supervision. It has become obvious that there is frequently a confusing line drawn between treatment, discipline and retribution. Debate and confusion continue at many levels of the law and

---

[13] See, *Legal Responsibility and Authority of Correctional Officers,* American Bar Association Resource Center on Correctional Law and Legal Services and the American Correctional Association, 1974.

[14] See, *Manual of Correctional Standards,* American Correctional Association; "Protection of Human Subjects: Policies and Procedures," HEW, NIH, *Federal Register,* November 16, 1973. Also statements on ethical conduct from the American Anthropological Association American Nurses Association, American Personnel and Guidance Association, American Psychological Association, American Sociological Association, and the National Association of Social Workers.

[15] "The Statutory Framework of Corrections," *Corrections.* National Advisory Commission on Criminal Justice Standards and Goals, January, 1973, pp. 534-552.

[16] Schweitzgebel, *Development and Legal Regulation of Coercive Behavior Modification Techniques with Offenders,* NIMH, pp. 22-58.

[17] *Ibid.*

[18] *Rouse v. Cameron,* 373 F 2nd. 451 (D. C. Cir. 1966), right of mental patient to have treatment program inside the institution; *Morales v. Turman,* C. A. No. 1948 (E. D. Texas, 1973), constitutional right to treatment for juvenile delinquents; *Sas v. Maryland,* 334 F. 2nd. 506 (4th Cir. 1964) commitment of "defective delinquents" constitutional but treatment must be provided; *Commonwealth v. Hogan,* 341 Mass. 372, 170 N. E. 327 (1960), existence of treatment center was sufficient itself to uphold confinement of sexual psychopath; forty-two states have statutes related to drug addicts (see Schweitzgebel, p. 72-73).

behavioral science, and the courts are asked to resolve these dilemmas.[19]

From a strictly rehabilitative context, however, can treatment be successful on involuntary recipients? If it is imposed against a person's will, can positive change really take place? There are many who believe the option to refuse treatment in prison is quite limited, even if the recipient "consents" to participate. Fear of being labeled as uncooperative, the boredom and monotony of normal prison routines, the need to have a favorable record for consideration of parole, as well as a sincere motivation to change all operate to varying degrees with every prisoner. The motivations of the correctional system and that of the prisoner however, may not be compatible.

Values, attitudes, and professional biases determine what "treatment models" are used in corrections to rehabilitate law-violators. It appears that in many instances under a therapeutic guise treatment and rehabilitative programs have been imposed on prisoners when the same methods could not be justified as disciplinary procedures. The use of "isolation cells" or "adjustment and observation centers" provide an illustration.

Treatment methods in correctional settings have taken many forms. The influence of religion, psychiatry and behavioral science has dominated the rationale, theories, and approaches to rehabilitation used to change criminal behavior.[20] A clinical frame of reference is evident in numerous statutes, sentencing practices, and correctional programs throughout the country today. Indeterminate sentences, Patuxent Institution, and the START program reflect these influences.

However, disturbing reports about these rehabilitative programs are beginning to surface. One study found no difference in recidivism rates between those who receive psychiatric treatment and those who do not.[21] Another researcher, reviewing all correctional treatment programs done since 1945 concluded ". . . the present array of correctional treatment has no appreciable effect—positive or negative—on the rates of recidivism of convicted offenders.[22] A study of parolees released in one state for 1965 indicated that the attitudes of parole officers toward the type of offenders who should remain in the community were greater determinants of whether parole would be revoked by a parole officer than was the parolee's behavior.[23] Evidence continues to

[19] See, *Prisoners' Rights Sourcebook,* ed. by Michele Herman and Marilyn Hart (Clark Boardman Company, Ltd., New York, 1973), also Sheldon Krantz, *The Law of Corrections and Prisoners' Rights* (West Publishing Company, St. Paul, Minnesota, 1973)

[20] Karl Menninger, *The Crime of Punishment.* New York: Viking Press, 1966 and John Conrad, "Corrections and Social Justice," *Journal of Criminal Law and Criminology,* Vol. 64, No. 2 (June, 1973), pp. 208-217.

[21] Robert Martinson, "Correctional Treatment: An Empirical Assessment," Academy for Contemporary Programs, Columbus, Ohio, 1973.

[22] *Ibid.*

[23] James Robison and Paul Takagi,"The Parole Violator: An organizational Reject," *Journal of Research in Crime and Delinquency.* 6 (1969)

accumulate indicating that a variety of rehabilitative programs imposed on prisoners made little difference. Putting the proposition conversely, there is no replicable research that indicates that *any* treatment program makes a difference, with the exception of meaningful job training.

Along with this accumulating evidence is an evolving school of thought requiring rehabilitation for convicted law-violators. Some of this analysis is based upon statutory authority, some on correctional policy decisions. This legal theory of "right of rehabilitation" has developed primarily through litigation and legislation of the rights of mentally ill persons confined involuntarily in state institutions. Its thesis is primarily that if the state deprives a person of his liberty for the specific purpose of providing treatment, it must thereafter attempt to fulfill that purpose or lose its control over the individual. Failure to provide appropriate treatment has been held to violate the mental patient's constitutional rights.[24]

In the absence of statutory right to treatment, some authorities believe there is an affirmative constitutional duty upon the state either to provide meaningful treatment for persons in mental hospitals or to release them outright.[25]

The same rule of law might also be appropriate in correction. There are numerous statutes establishing rehabilitative programs in correctional systems without specifically stating that the entire correctional system is intended to "correct." Probation and parole, work and study release, furlough programs, community treatment centers and correctional ombudsmen are all examples of functional programs which support a rehabilitative intent. In fact, one factor in determining that the Arkansas correctional system was unconstitutional and a violation of the Eighth Amendment's prohibition against "cruel and unusual punishment" was the absence of any rehabilitative program.**[26]

If there is a coming "right to rehabilitation" for prisoners should there also be a concomitant "right" to refuse treatment? The courts and correctional administrators recognize that refusing to participate in a correctional program has a resultant negative effect on release from an institution. The Supreme Court recently ruled that an inmate at Patuxent who had refused to see a psychiatrist for five years on an indeterminate sentence had been confined beyond

[24] See, William S. Bailey and John F. Pyle, Jr., "Deprivation of Liberty and the Right to Treatment," *Clearinghouse Review,* Vol. 7, No. 9 (January, 1974).

[25] Bazelon, *Implementing the Right to Treatment,* 36 U. Chi. L. Rev. 742 (1969); Wyatt v. Stickney, 325 F. Supp. 781 (M. D. Ala. 1971).

**Endorsing a "right to treatment" philosophy for corrections does not carry with it the right for correctional personnel to require or coerce participation in rehabilitative programs. Consideration of individual privacy, dignity, integrity, and personality is still necessary. Practically speaking, forcing any program on prisoners is unlikely to achieve constructive results.

[26] *Holt v. Sarver.* 309 F. Supp. 362 (E. D. Ark. 1970).

the maximum sentence allowed for the original crime and had to be released.[27] It appears that failure to participate in programs the institution deems to be rehabilitative or therapeutic cannot be used to retaliate against an inmate or to punish him with lengthier incarceration. Above all, we have come to realize that coercive treatment does not work. If it is forced, most of the time and energy of the correctional system and the prisoner goes into maintaining a facade or resisting a positive relationship rather than working toward a mutually planned rehabilitative goal.

In order not to violate the "cruel and unusual" prescription of the Constitution, treatment and rehabilitative programs in prison must be related directly to the individual, must not be unreasonable, and must not be excessive or inappropriate. In order to be helpful to the convicted law-violator, programs should be voluntary, planned by all parties concerned, and have sufficient resources to complete the agreed upon objectives within a specified time frame.

Why, then, do correctional agencies continue to insist on "treating" prisoners in a traditional manner? Without clearly discernable goals or objectives for their institutions, and an accountability for the results of their programs, corrections continue to focus on isolating law-violators, controlling their movements temporarily, and punishing persons indiscriminately. The primary purpose of corrections continues to be *custody, security,* and *control*—not *rehabilitation, reintegration,* or *positive behavior change.* If risks are not taken and treatment plans for change made without prisoners participating, correctional failures can only continue to multiply.

Perhaps "treatment" cannot take place inside a prison, regardless of the theory, method, or desire of staff. Historical legacy in corrections has required "sick persons" (i.e., criminals, delinquents) to be given "treatment," removed from community at large, in over-populated, closed institutions. This is a poor "medical model" of services and perpetuates a false hope of forced treatment.

The barriers to rehabilitation in prison are enormous. The barrenness and deprivations of an isolated life, the regimentation and scrutinization, the prisoner culture, the lack of a "rule-of-law," the racism, and massive authoritarian bureaucracies all become antithetical to positive rehabilitation. It is also evident that from the perspective of "treatment," many prisoners do not believe they need help in this manner. Many rehabilitative programs do nothing more than provide another means for controlling large populations.

In the desire to seek help for resolving personal problems, there needs to be a trusting and positive relationship between client and helper. Initially, there must be a recognition of a real problem to be resolved; this must be seen through the eyes of the one seeking assistance and not defined by outsiders. Prisoners usually do not see themselves as being in need of treatment, only as persons caught and sentenced in a discriminatory manner. The desire for change

---

[27] *McNeil v. Director* (Patuxent). 407 U. S. 245 (1972).

in attitudes and behavior must be noncoerced, voluntary in all respects, and the terms of the helping relationship must be established jointly by client and helper. Once a problem has been identified, the person seeking assistance must be able to perceive the helper as being capable of providing assistance unaffected by other priorities, such as custody and control. If a trusting relationship is eventually established, the process of change usually takes place within a specific time frame. The problems identified by the client are of primary concern to both treater and recipient of help. The "ground rules" for treatment are thus mutually identified, with the one seeking help always free to choose and self-determinate in goal setting, method, and time-frame.

This process does not take place in the traditional correctional setting. From the time of sentencing, negative traits of prisoners are emphasized and rarely does the law-violator have a voice in the "treatment plan" to be imposed by the correctional system. Classification and diagnostic services rarely involve the prisoner in those vital decisions affecting his institutional life. Above all, a specified time frame to accomplish rehabilitative goals is never available. The prisoner never knows when he is to be released or what he has to do to be released. Consequently, issues of discipline and control are dominant in this process and "treatment" superimposed on this model is ineffective. This system has been counterproductive to both law-violators and corrections.

Due Process

The "due process of Law" concept as found in the 5th and 14th Amendments to the Constitution has been increasingly applied to corrections, especially in reviewing institutional and parole programs and procedures. This clause deals with both substance and procedure of correctional practices; it states that the results of a process must be fair and the decision-making process itself must be fair. It is directed at how things are decided within correctional facilities along with why they are decided or what is decided. It relates to a sense of fundamental fairness of correctional practices.[28]

Treatment in its broadest perspective is directed toward the reduction of future illegal activities and may be imposed as a condition of probation, incarceration or parole. This assumes, however, that the treatment ordered by the court or paroling authority is in fact related to the reduction of later law violations. The assumption of this relationship is often vague, unexamined, and inaccurate.

The treatment technique imposed by the court or correctional authority must also relate generally to the offense for which a person was found guilty. Prohibiting the use of alcohol when the specific offense may not be alcohol-related may be suspect. Conditions of probation and parole must also be fair and not offend a common view of justice. The compulsory implantation or

---

[28] Bailey, *op. cit.*; especially "Due Process and Institutionalization" and Michael Millemann, "Due Process Behind the Walls," in *Prisoners' Rights Sourcebook,* pp. 79-109.

attachment of electric tracking devices or the requirement of donating blood to the Red Cross have been seen as unwarranted invasions of privacy.

The state cannot impose "unconstitutional conditions" on those under its supervision.[29] Sterilization for example, cannot be imposed as a condition of parole because state interests are not paramount. Even if persons voluntarily consent to particular "therapeutic" procedures, a major consideration in the determination of such a condition would be its relevancy to obtaining legitimate governmental objectives of rehabilitation.

The ability of prisoners to give informal consent to treatment techniques (ranging, for instance, from psychosurgery to aversive or operant conditioning to electronic monitoring and intervention) is quite suspect. Are those confined involuntarily physically and emotionally able to make an uncoerced decision? In many cases, the protection of fundamental liberties is paramount and "due process" requires the state to justify the use of such procedures.

Conflicts between corrections and the law-violator frequently focus on the due process clause of the Constitution. Suits aimed at the administrative discretion of correctional personnel in disciplinary proceedings and the parole process have had a major impact on all correctional practices.

Prison disciplinary hearings are important to institutional security and control. The processes of bringing the "rule-of-law" to these procedures has been quite difficult and is still being closely scrutinized by the courts. However, we all know that the consequences of prison disciplinary decisions are quite serious, as punishment can include revocation of earned good time credits, confinement in isolation cells for extended periods of time, and a record which seriously jeopardizes any chance for successful parole consideration. Prison punishment can also result in a person's inability to gain access to minimum-security jobs, work-release programs, educational release, home furloughs, and other programs important for individual rehabilitation and also in securing parole.[30]

One justification for correctional administrators wanting to avoid adversary determination of guilt prior to the taking of disciplinary action is that this process would destroy the allegedly therapeutic and rehabilitative nature of disciplinary proceedings. However, mental health professionals are rarely involved in this process and custodial personnel rarely have the educational requirements or in-service training necessary to see rehabilitative-oriented goals. In addition, the punishments actually imposed cannot be described as therapy. Summary punishment within a prison creates reactions to arbitrariness—hostility, bitterness, and anger—which threaten prisoner rehabilitation and can scarcely be justified as treatment-oriented. The dilemma of control and rehabilitation resurfaces.

---

[29] See, Schweitzgebel.

[30] Millemann, *op. cit.*

The court enunciated requirements for appropriate due process have emphasized individual rights over state discretion. Therapeutically, the process may result in a more just and equitable response to problem-situations. These "due process" rules require that prisoners have a right to written regulations and specific notice of charges; that the accused have a hearing before an impartial tribunal; that the accused be entitled to present evidence and witnesses in his behalf and that confrontation and cross-examination be extended; that decisions should be based upon substantial evidence and be in writing; and that the accused have the right to representation at the hearing. This process insures both fundamental fairness in the prison system and a rehabilitative framework for prisoners.

Equal Protection

The Fourteenth Amendment to the Constitution prohibits states from denying to any person within their jurisdictions the equal protection of the law.[31] The courts have said that persons situated in similar circumstances must be treated equally; conspicuously artificial lines drawn between intrinsically similar offenses would be invalid. It prohibits correctional policies which differentiate between prisoners on the basis of race or religion. For example, although the court might find that prisoners did not have a right to see their wives, a rule which allowed only white prisoners to do so would violate the Equal Protection Clause.

Correctional departments have been challenged as they have developed new programs for the treatment and rehabilitation of law-violators. However, the courts have been reluctant to intervene on equal protection grounds on matters of types of appropriate treatment programs. This is generally the outcome even when the statute authorizing rehabilitative programs is vague or ambiguous. Mental health and correctional agencies are assumed to have a level of expertise that favors the development of appropriate categories of treatment and the assignment of persons to them.

It appears that courts will allow considerable administrative discretion in developing new programs. Rarely is "equal protection" a substantial argument.

Privacy

There is a basic "right to privacy" protected by the Constitution, that is quite difficult to obtain in a prison.[32] Courts have prevented entry into another's home, giving credit information without authorization, peering into windows, and seizing certain material within a home without a warrant. These rights are also recognized as protecting the confidentiality of membership in an organization, the right to study any particular subject, and the right to be free from police intrusion into your bedroom.

---

[31] Schweitzgebel, pp. 50-54.

[32] *Ibid.*, pp. 54-58.

Turning more specifically to the legal rights to privacy in the context of treatment in prison, can a prisoner refuse treatment under an indeterminate sentence as an invasion of his rights? Although a person may waive these rights, it is unlikely that such a waiver would be given without at least some duress to taint it when treatment is the alternative to lengthy imprisonment.

If improvement is criterion for release, an effective rehabilitative program must be made available to the prisoner even though there is some lessening of privacy rights. Limits, controls, and other balances must be established by the courts, or correctional policy in regard to the permissible, therapeutic inroads upon privacy. If some incursions upon individual privacy are permitted for purposes of treatment, it appears that it should be limited to those areas directly related to the illegal act. For example, treatment of an assaultive, aggressive law-violator might include inquiry into conflicts with authority figures or fantasies regarding aggressive acts. Inquiry into financial matters of the person, unrelated to the offense, may not be appropriate and may violate rights to privacy.

In any case, privacy becomes synonymous with respect, dignity, and sense of well-being. Correctional programming must assume that prisoners are worthy human beings, with similar needs and desires as those not under court sentences, and relate to law-violators in a human manner. To do otherwise would surely undermine any rehabilitative objectives.

A Model for Change: Resolving Some Dilemmas

We have come to realize that treatment and rehabilitation of persons in prison has not succeeded. With only rare exceptions, correctional institutions warehouse large numbers of people, usually poor, urban minorities, and serve the public's motives for retribution. Numerous legal, ethical, and therapeutic conflicts arise in planning correctional programs for these institutions. If we recognize that we are not ready to abolish prisons, and that there is a need to confine the more violent, victim-producing and aggressive law-violators, how then can we do a better job?

One opportunity for change has been proposed as a "justice model for corrections."[33] Simply stated, this requires the correctional system to treat those under its jurisdiction in a lawful manner, providing opportunities for those incarcerated to use legal processes to change their conditions.

The "justice model" seeks to engage both the system and the prisoner in a joint effort at planned change. It means a belief that the prisoner did not use lawful means outside the institution and therefore should be provided more (not fewer) opportunities to learn lawful behavior inside the institution. The

---

[33] David Fogel, "The Justice Model for Social Work in Corrections," *Social Work Practice and Social Justice*, ed. by Ross and Shireman. National Association of Social Workers, Washington, D. C., 1973.

period of incarceration can be seen as a time in which corrections tries to reorient prisoners to a law abiding life by example. Staff in the institution would have to be geared to teach lawful processes and opportunities to achieve legitimate goals instead of treating persons arbitrarily. People who are able to guide their own destinies may not resort to violence to achieve change.

One administrator has visualized corrections adopting this model as the field moves from viewing law-violators as clients (i.e., patients who are sick and in need of treatment) to one that views them as constituents. Correctional members would then become "brokers" (rather than therapists) for facilitating services for people and an "advocate" (rather than gatekeeper) for people making sure services got to those in need.

The Mutual Agreement Programming (MAP) or "contract programming" sponsored by the Department of Labor and the American Correctional Association, seems to fit easily into a "justice model" for corrections. The system and law-violator plan together a program of services geared toward specific performance objectives. Stipulation is made as to which goals take highest priority, what is to be accomplished before parole is granted, and what the expectation, involvement, and responsibility of both parties are in fulfilling their obligations. The person, institution, outside resources, and paroling authority are all partners in this process. A legal contract is signed between the prisoner, the institution, and the paroling authority. The system, as a result, begins to plan *with* the prisoner a legitimate means for altering behavior.

Nobody can be expected to act in a responsible manner, or even want to do so, without some degree of self-determination and ability to influence his own destiny. The MAP method of planned change recognizes this necessity and views the law-violator as a capable, responsible, normal person. It recognizes that law-violators in prison are basically like everyone else; only their situation is different.

We generally know that a person in trouble or emotionally upset must be an equal partner in a change process and must want something to happen. This element of self-determination is necessary for a sense of self-worth and responsibility to occur. Corrections has spent millions of dollars on treatment and rehabilitation programs that are unwanted by those in prisons. Working together toward mutually planned goals makes good "rehabilitation" sense and also is just.

The "justice model" for corrections rests upon a continuing need of the criminal justice system to be humane and operate in a just manner. In the absence of such a process, most objectives are reached haphazardly or unlawfully, if they are reached at all. Corrections must insure that convicted law-violators experience lawful ways of dealing with problems. The MAP project provides one opportunity to positive planned correctional change.

Conclusion

There are numerous conflicts and dilemmas in correctional law and rehabil-

itation. Statutes defining objectives for corrections and parole are often vague, overgeneralized, and inconsistent. Correctional agencies rarely define their objectives and performance standards are practically non-existent. The courts have been asked to resolve many problems regarding administrative discretion and the constitutionality of correctional practices. Considerable doubt still exists concerning the "law" of corrections.

The "justice model" of rehabilitation for corrections holds promise as a means to make effective progress. Teaching non-law abiders to be lawful in their behavior requires all elements of criminal justice to respect individuals and to treat them in a lawful manner.

Through the MAP project, corrections has begun to recognize the need for joint planning for change. Responsibility and respect is a two-way process; the correctional institution must respond to those in its control in a lawful manner and law-violators must be included appropriately in the change process. Those confined must also fulfill their responsibilities to the correctional system and to society-at-large. Legal, ethical, and therapeutic issues will then be less troublesome.

Bibliography

"Limitations on Coercive Treatment of Offenders," *Criminal Law Bulletin.* 8 (1972).

Martison, Robert M. "Correctional Treatment: An Empirical Assessment," Academy for Contemporary Problems, Columbus, Ohio, (1973).

Menninger, Karl. *The Crime of Punishment.* The Viking Press, (New York, 1969).

Miller, Walter B. "Ideology and Ciminal Justice Policy: Some Current Issues." *Journal of Criminal Law and Criminology.* Northwestern U. School of Law. Vol. 64, No. 2 (1973).

Robison, James and Paul Takagi. "The Parole Violator: An Organizational Reject," *Journal of Research in Crime and Delinquency.* 6 (1969).

Schwitzgebel, Ralph K. *Development and Legal Regulation of Coercive Behavior Modification Techniques with Offenders.* NIMH, Center for Studies of Crime and Delinquency, 1971.

Social Work Practices and Social Justice, Ed. by Bernard Ross and Charles Shireman, National Association of Social Workers (Washington, D. C., 1973), especially articles by David Fogel and Ellen Ryan Rest.

Struggle for Justice. American Friends Service Committee. New York: Hill and Wong, 1971.

The Emerging Rights of the Confined. South Carolina Dept. of Corrections; 1972.

Tittle, Charles R. "Prisons and Rehabilitation: The Inevitability of Disfavor," *Social Problems,* Vol. 21, No. 3 (1974).

CORRECTIONAL TREATMENT: A "DOUBLE-BIND" PROBLEM

by

Prof. Ronald Scott
Virginia Commonwealth University

The objective of this paper is to discuss the psychological implications of two related problems inherent in our correctional system today, relating to the responsibility, or accountability, of the correctional worker and the correctional client. It is my contention that the correctional system, today systematically deprives the correctional client, or inmate, of responsibility, while at the same time making the correctional worker accountable for objectives over which he has little, or no control. The correctional game, as it is played today, is one in which there are no winners; one in which everyone—correctional workers and inmates alike—are losers. I would like to offer some suggestions as to why these circumstances have developed; their implications for the success or failure of contemporary correctional objectives; and what, if any, current developments suggest the possibility of improvement.

The first problem—that the inmate is a loser—may be the easier to identify. Far from encouraging the inmate toward a more responsible pattern of behavior, corrections today tends to do the opposite. Inmate life in prison is deliberately structured, to permit ease of organizational operation, in such a way as to delimit the number and types of free choices left to the inmate. Even in the more progressive institutions the inmate is usually told where he will live, when to get up in the morning, when to eat his meals, what he will eat, when and where he will work, and to some extent with whom he will associate. Even choices in which there appear to be decisions may in reality be predetermined. For example, most prisons today make religious services optional; but if an inmate has reason to believe his chances of parole are materially improved as a result of chapel attendance, he may in fact have little choice but to attend. Furthermore, a choice between quiet conformity to institution rules and individuality that may lead to disciplinary action may not be a choice at all.

Not only is life within institutions[1] structured to the exclusion of individual

---

[1] Not just in prisons, by the way, as has been emphasized by many students of mental hospitals (Goffman, 1961) and other total institutions (Wallace, 1971).

autonomy and responsibility, but the inmate is also systematically deprived of the opportunity to engage in responsible behavior that would be considered appropriate for a free person.

For example, in our society work is a highly valued method of acquiring the means—the money—to engage in responsible behavior: support for ourselves and our families. Furthermore in all but the most crowded of our institutions some kind of work assignment is available, for inmates, whether in prison industries, institutional maintenance, on the farm, etc. The prisoner, however, is usually paid little or nothing for his labor except room and board. If he earns wages, they are far below free-labor norms, and will provide little more than spending money at the institutional commissary; and even if he earns more than enough for commissary draw, the balance will usually be held for him against his future release from prison (and may then be given to him in lieu of a suit of clothes or bus fare). The one thing that can be confidently predicted is that he will not be able to utilize the earnings from his labor for responsible actions such as supporting a specific chosen standard of living for himself, or for providing for the needs of his wife or children.

Several psychological implications of such practices seem clear: First, the inmate is "reinforced" in *irresponsible* behavior. The mechanisms by which behavior is learned and maintained are clearly enough known to be able to definitely assert that an inmate's tendency to engage in irresponsible behavior, which may have been pronounced upon reception at prison, will be even stronger at release if he has been systematically reinforced (i.e., fed, housed, clothed, etc.) for behavior which is—in fact—irresponsible. The corollary to this point, of course, is the unfortunate fact that the inmate who arrives in the institution irresponsible is not put in a situation where he can (is expected to) *learn responsible* behavior, perhaps by being able to obtain a better paying job in prison for attempting to support his family from the wages of a lesser-paying job.

The result of this situation, from a psychological perspective, is that the inmate is placed in a "double-bind;" that is he is punished for irresponsibility while being denied the opportunity to be responsible.[2]

If the correctional client—the inmate—is not responsible, the correctional worker has responsibilities he cannot begin to meet. On his shoulders is the ultimate responsibility for the success or failure of such correctional objectives as societal protection and inmate rehabilitation. Ultimately, therefore, the correctional worker finds himself accountable for the failure of the correctional system—that is, for continued recidivism.

Every person who has worked in corrections has experienced this accountability. Students of prisons have observed that correctional officers are evaluated primarily on the extent to which the inmates under their surveillance do

---

[2] It is conflict such as this, according to psychologists, that leads to pathological behavior—whether emotional or socially deviant. (Coleman, 1964, p. 138).

or do not cause trouble. (Grusky, 1959). Probation and parole officers have been reprimanded after a probationer or parolee on their caseload has committed a serious offense. Wardens have been held administratively accountable for escapes from institutions that were designed for minimum security, without fences or perimeter surveillance. In Virginia, recently, correctional administrators were indicted because of a grand jury investigation into the continued failure of the correctional system—failures that consultants evaluating the state correctional system had emphasized were in part beyond the control of the administrators.[3]

The result of this unachievable responsibility and subsequent accountability on the part of correctional workers is, psychologically, the reverse of the inmates' double-bind. The correctional worker is not punished for failure to perform a responsibility he is not permitted to assume; instead, he is punished for the inability to perform responsibilities that are in considerable measure beyond his control. It is not surprising, therefore, that correctional workers are often anxious, alienated, and seem to spend a lot of time looking over their figurative shoulders. They, too, are "losers" in the correctional game.

It may be, however, that the most tragic implication of this state of affairs is the fact that the inmate, who has so little control over his own affairs, can exert much control over the affairs of the correctional worker: it is the inmate who has the power to determine if the worker is a success or a failure! For although the inmate cannot establish or implement his own goals he can resist the objectives of the correctional worker. Failure to conform in prison or after release, whether by creating a disturbance, failure to participate in treatment programming, or parole violation after release, can give the inmate considerable power to defeat the objectives of the correctional worker.

Somehow, this seems like an inappropriate way to play the correctional game: where one side can make the other lose, but the result is that no one wins.

How did we arrive at such an unfortunate point? Did the inmate, in his perversity, put us in the predicament? Did society force all the responsibility on the correctional worker? Did we—God forbid—do it to ourselves? Perhaps we could arrange to share the blame; but I strongly believe that progress is not achieved by assessment of blame, but by modifications of the problem-producing conditions. We need to know, then, *why* we have the problem, not who caused the problem to exist. It seems to me that the problem has resulted, at least in part, from the fact that correctional workers have sincerely attempted to meet contemporary correctional objectives.

Contemporary correctional objectives can be grouped into at least four

---

[3] These ideas are hardly new. Almost twenty years ago, Walter Reckless pointed out that the correctional worker could not be held accountable for all the variables beyond his control. (Reckless, 1955, pp. 26-42).

categories. Historically, there has been—and still is—a retributive objective, usually defined as deterrance. In American penal development there has been—and is—a custodial objective, defined broadly in terms of the protection of society from continued criminal activity by the correctional client during the time of his incarceration or supervision. There has developed during the last fifty years a rehabilitative objective, defined in terms of various types of treatment programs. Finally, there has recently developed a community-oriented objective, often called "reintegrative" but perhaps better defined in terms of "integrating" the correctional client into the community. Part of the problem is that these are goals of society, or of the correctional system—that is, *our* goals—and not necessarily those of the correctional client. The client, in fact, is largely a passive figure in the establishment and achievement of goals as now defined.

This can be clearly seen in terms of deterrent and custodial objectives, where the inmate *is to be kept* from escaping, or *is to be taught* that crime does not pay. It is the correctional worker's responsibility to maintain security and to effect deterrence. Accountability for achievement of such objectives must, then, certainly be held by the active party, the correctional worker, and not the passive party, the inmate.

What may not be so obvious at first glance is that the same situation exists with respect to treatment objectives, as traditionally defined. Treatment derives from the model of the medical doctor in our society.[4] If you or I become ill, we go to a doctor. He evaluates our condition, asking questions of us to suit his (diagnostic) purposes, and prescribes a plan of treatment, such as medicine. We take the medicine, and usually end up feeling better. "Treatment" has been successful. If we continued to be sick, we would probably seek another doctor, implying that the first one had failed. In this type of situation, the patients' role in effecting cure is largely passive—we *are treated* by the doctor, who "treats;" we *are* healed.

Traditional correctional treatment has been like traditional medical treatment: the inmate has been a passive participant. Correctional specialists assess his strengths and limitations; correctional counselors tell him what "programs" are needed; and correctional decision-makers (such as the parole board) tell him when he has had enough "treatment."

This fact, I believe, is behind the increasing dissatisfaction of contemporary students of corrections for treatment as a correctional objective. Jessica Mitford is not the only person critical of treatment in corrections today (Mitford, 1973); serious questions are being raised by such responsible scholars as Nicholas Kittrie (1973), who has decried the deprivation of judicial due process for the correctional "patient;" Ronald Goldfarb (1973, 1974) who sees the potential of correctional treatment's leading to as serious future correctional

---

[4] This derivation, in fact, is rather direct in corrections, since most treatment programming has been initiated by the efforts of social workers, trained traditionally in medically oriented schools of social work.

problems as have resulted from emphasis on punishment in the past; and John Irwin who succinctly assessed the California inmates' reaction to treatment:

> *(The inmates) have reacted to the sickness image of themselves which underpins the treatment ideal. This view that they are emotionally disturbed has proved to be less dignified and more humiliating than that of moral unworthiness. At least the morally depraved are responsible for their own actions, whereas the emotionally disturbed are considered incapable of willful acts.*
> (Irwin, 1970, p. 53).

It must be emphasized that identification of this problem so forcefully does not imply hopelessness; in fact there are several promising recent developments that are worth noting and emulating. The first, according to Goldfarb (1973, 1974), is the emphasis on community-oriented programming (that is, toward *integrative* objectives). Even community programs, of course, can be made to serve societal objectives, in which the client is only a passive participant; but the greater amount of client autonomy and reduced structuring makes it more likely that such programs will elicit the active involvement of the offender.

There have been recent suggestions for improvements in work opportunities for prison inmates that would permit such programs to be used by the inmate to learn to meet personal responsibilities, and could be used by the correctional worker to reinforce such responsible behavior on the part of the inmate. These suggestions include payment of normal free wages to inmates for comparable labor while in prison, while at the same time expecting the inmate to pay for his own room and board (perhaps providing access to variable housing accomodations at different prices) and expecting the inmate to support his family.

There is even evidence that correctional treatment—or, in fact, any kind of treatment—need not follow the traditional medical model in which the treator treats, and the patient is treated. The recent interest in reality therapy (Glasser, 1965; Rachin, 1974) has demonstrated the viability of a treatment concept in which the responsibility for behavior is on the *client*, and in which the "treator" does not "prescribe," and is not left accountable.

Such a treatment model in terms of the relationship between the medical doctor and patient, might look like this: A person with a medical problem would consult a doctor. Together, they would assess the problem, with the patient supplying information about the symptoms and goals, and with the doctor supplying information about the known relationships between such symptoms and diagnosis, and about the most expeditious treatment alternatives for such a problem. Together, the doctor and patient would agree on a "treatment plan." The doctor would agree to provide access to needed resources (such as restricted medicine); while the client would agree to enact the treatment plan (that is, take the medicine; perform the exercises, or avoid the harmful substances). In such a model, the patient is clearly *not* passive; in fact, he is ultimately responsible for the success of the agreed-upon treat-

ment program. The doctor in this model has become a *resource for the patient's* improvement. I believe the clearest expression of this model of treatment in corrections today can be found in Mutual Agreement Programming, an innovative experimental program being directed under the supervision of the American Correctional Association and the Department of Labor (American Correctional Association, 1973).

Mutual Agreement Programming is a procedure by which the state's correctional system, the state's paroling authority, and an inmate can engage in a contractual agreement in which all three agree what problems exist and what "treatment plan" is appropriate; the correctional system agrees to provide the resources needed to enact the treatment program; the inmate agrees to complete the program; and the paroling authority agrees to release the inmate when the program is completed.

MAP is exciting, I believe, precisely because it does not fall victim to the kinds of "double-binds" of other treatment approaches. In MAP, treatment responsibilities are clearly designated, and accountability can be assessed; and neither the worker or the client is left with unachievable responsibilities. MAP, in fact, approximates the "new" medical model presented above. Diagnosis of problems and development of appropriate treatment programs, in MAP, is done by the correctional worker and the correctional client together, with the client supplying information about symptoms and goals, and the worker supplying information about possible underlying causes and appropriate treatment alternatives. The correctional worker (that is, the correctional system) assumes the responsibility of providing the needed treatment resources, whether in terms of education, trade training, counseling, opportunities for interpersonal development, release resources, etc. *Enactment of the agreed treatment program, however, is the clear responsibility of the inmate.* If the resources are made available, failure because of the inmate's nonparticipation is *his responsibility, and his responsibility alone.*

It seems to me that such an approach to correctional treatment begins the process of resolving the mutual double-binds of the correctional worker and correctional client that exist today. Furthermore, such an approach would make it easier to program the offender for responsible behavior. Finally, such an approach would permit assessment of the actual degree to which correctional workers (whether administrators, workers, or systems) had met their achievable responsibility. It seems, in short, like a better way to play the correctional game—one in which the rules for each player are clearer, and one in which each participant—worker and inmate—in short, society itself has a chance to win.

Bibliography

American Correctional Association. *The Mutual Agreement Program: A Planned Change in Correctional Service Delivery.* (Resource Document #3, Parole-Corrections Project). College Park, Maryland, 1973.

Coleman, J. C. *Abnormal Psychology and Modern Life.* (3rd ed.) Glenview, Ill.: Scott, Foreman & Co., 1964.

Glasser, W. M. *Reality Therapy: A New Approach to Psychology.* New York: Harper & Row, 1965.

Goffman, E. *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates.* Garden City, New York: Doubleday & Co. (Anchor Books), 1961.

Goldfarb, R. L. Stimulus/Response. American Prisons: Self-Defeating Concept. *Psychology Today.* 1974, I, 20ff.

Goldfarb, R. L. & Singer, L. R. *After Conviction: A Review of the American Correction System.* New York: Simon & Schuster, 1973.

Grusky, O. Role Conflict in Organization: A Study of Prison Camp Officials. *Administrative Science Quarterly,* 1959, 3, 452-472.

Irwin, J. *The Felon.* Englewood Cliffs, New Jersey: Prentice-Hall, 1970.

Kittrie, N. *The Right to be Different: Deviance and Enforced Therapy.* Baltimore, Maryland: Penguin Books, Inc., 1973.

Mitford, J. *Kind and Usual Punishment: The Prison Business.* New York: Alfred A. Knopt, 1973.

Reckless, W. C. *The Crime Problem.* Appleton Century-Crofts, New York, 1955.

Rachin, R. L. Reality Therapy: Helping People Help Themselves. *Crime and Delinquency,* 1974, 20, 45-53.

Wallace, S. E. (ed.) *Total Institutions.* Chicago, Illinois: Aldine Publishing Co., 1971.

85-068

"MUTUAL OBJECTIVES PROBATION"

A Special Presentation
by

Walter Dunbar
State Director of Probation, New York
and
William P. Collins
Director, St. Lawrence Probation Department

We were particularly interested to participate in this conference inasmuch as we are planning what we call a "Mutual Objectives Probation Program."

We see probation as a court dispostion for a convicted offender. That offender, as a probationer, will be in the community.

While the probation staff must fulfill its obligation of public protection through supervision of this probationer, that supervision also means guidance and assistance to the probationer so that he may be a law abiding and self-supporting person.

We've thought about what we've learned here, and I'd like to present to you, some important concepts and requirements underlying MAP programming. The first concept is that it is an "individualized program." You're talking about full participation of the client as a point of view or as a concept. You're talking about close collaboration of the decision makers, and with the client.

You're talking about clear and precise specification of goals, activities, with a timetable, and a mutual agreement about it. You're talking about the concept of clear identification of resources needed and providing them, and you're talking about various incentives—parole from prison, termination of parole or termination of probation.

And you're talking about the scope of the program, and I don't think you mean just employment. The scope of a MAP program or a mutual objectives probation program means that it deals with the "whole man" and the man deals with all of his life activities.

As to requirements, I've learned here by participating with you, that there must be mutual understanding and agreement regarding these concepts, and what the goals of the program must be and what the procedures will be. It's going to take trained staff. There's got to be criteria as to participation. There's got to be maintenance and evaluation of information or data about the program.

There's got to be a recognition of a basic purpose behind the Mutual Agree-

ment Programming. I would express it as follows: It is mutual planning and execution of the program at reasonable cost, which results in law abiding and self supporting behavior, and thus prevents crime and affords public protection, with the economic benefits of crime reduction, reduction of welfare costs, and reduction of probation agency costs in the long run.

More important positive criteria is that it's voluntary participation on the client's part—that he not only voluntarily participates in planning but accepts the schedule of activities, a timetable as to what he will do; that there are the program resources available as related to what he wants and needs to do; that there is a consideration of the sentence factor that is consistent with the timetable.

There may be some negative criteria, it occurs to us, whether it be prisoner or probationer or parolee, as related to a particular offense. There may be particular characteristics that negate participation: Violence proneness, mental illness, physical disease, or too long a period of heroin addiction.

We are sure that there are respective roles. *Client,* if you're going to be in the mutual objective probation program you've got to volunteer and there's got to be full participation on your part. You've got to complete the "MAP."

Probation, Mr. Director, you've got to train your staff, and there's got to be full participation of your staff with this client in planning the program. You've got to ensure provision of the resources, and we've determined already from these four counties where we will try it on a regional basis, that resources do exist and they are available. You must continue to guide the client in his participation. You must monitor the program.

In view of some concerns I've heard here, you've got to report the results with integrity to the court or the parole board, and as to the judge that we'll be working with, or the parole board, your role is full participation in preparing the MAP, objective assessment of the results, and completing your part of the bargain if it is termination of parole or termination of probation. There are issues, too, we discovered here and have thought about as to how can you measure whether he's completed the MAP program successfully. This is the issue of objective measurement, and we think there are. Quite simply, we'll be interested in whether the probationer has obeyed the law. We can objectively measure this. Has he reported as required? We can objectively measure this. Has he remained within the jurisdiction, not absconding as a probationer. We can objectively measure this, or improvement in job skills. Financial matters can be measured, such as reducing welfare costs, supporting family, saving money, planning for the future, and managing his budget within his economic resources. There are other objective measurements. Has he maintained good health? A problem area for objective measurement is the extent of participation in counselling or therapy. You at least can measure the quantity of participation objectively, if not the quality.

Finally, as we plan this program and try it, we must involve right from the beginning so-called researchers, planners and evaluators. We want to know what we've accomplished.

Evaluation depends on clear specifications of goals at the beginning. We want to know also whether the procedures are carried out as approved, or did we have to modify them and why as we went along? Did we follow the criteria specified or did we change it and why? Did we really mutually collaborate to arrive at the agreements and keep our share of the bargain? Were the resources really available and used? Was there time saved by termination of probation earlier? If so, what are the dollar values? What are the results as far as the client performance? What are the welfare cost savings? Were there other savings in terms of family support? Were there additional costs in terms of staffing? Or staff time? Or purchase of services for providing additional resources.

And what about the issue if he has been a successful probationer, the taxes he's paid in lieu of being a vegetable in prison? Of being a taxpayer's burden? Well these are some of the thoughts that have occurred to us to consider in planning further our mutual objectives probation program. I don't think it's been tried in probation to date. I think it should be, and we intend to do so, and now, Bill Collins, the Director of the St. Lawrence Probation Department, will describe our program.

Mutual Objectives Probation Program

This outline of the proposed Mutual Objectives Probation Program was developed by the staff of the State Division of Probation of New York in collaboration with four county Probation directors.

Prior to development of the outline, Division staff met in a one day conference with the ACA Project Director for review of Mutual Agreement Programming which presently operates as part of institutional and parole programs. The concept and strategy of MAP has not been applied in Probation as related to sentencing and supervision of probationers.

Under development now is the preparation of a grant proposal to demonstrate MOPP on a regional basis for adult offenders, with the participation of four county probation departments, and with the collaboration of the State Division of Probation.

This outline of our proposal as developed thus far is presented to you to invite your comments and suggestions. The material hereafter covers a current perspective on Probation programs, issues identification and analysis, program objectives, program development, program staffing and cost, program location, and program management.

A. A Current Perspective on Probation Programs

Today, there is increased recognition of the need to improve the justice processes and programs for the protection and welfare of society. Additional Federal, State and Local governmental funds have been made available for programs, facilities and staff. Laws have been revised. A framework of goals and standards has been set by a national commission.

The prevention and reduction of crime is a major objective because of the

trend of large and increasing numbers of juveniles, youth and adults, from all walks of life, becoming involved in criminal behavior.

Probation, in New York State, is a governmental program of corrections, within the justice process, which has the goal of prevention of juvenile delinquency and adult crime and family malfunctioning as related thereto.

Probation may be described in this way:

--Probation is a court disposition of a convicted offender which results in the status of "probationer" for serving a period of time (the sentence) in the community and subject to conditions specified by the court.

Regarding this description of the operations of probation today in New York State, issues have been identified and analyzed as a basis for considering changes in programming in order to better attain the goals of probation service.

B. Issues Identification and Analysis

The key issues that this program proposal addresses are:

1. The precise identification of the implications of case factors and their evaluation as well as relating these to the sentencing dispostion and subsequent correctional programming;

2. The need to precisely identify the probation supervision program including the probationer's goals, schedule and activities, in those instances wherein probation is the recommended disposition to the court in the presentence report; (See Attachment A)

3. The need to provide the convicted offender with an active role in the development of program goals, activities and schedule as related to the sentence disposition and period of probation;

4. Frequently, the conditions of probation are automatic and general for the majority of offenders and are not individualized and specific;

5. Frequently, the probation supervision program is not specifically designed until the first interview after the sentence of probation has been imposed;

6. Frequently, the potential of specific available community resources is not determined and applied to the case as part of the evaluation and sentencing recommendation;

7. The need to provide a program of differential supervision of probationers;

8. The need for probation officers to more fully involve the offender in establishing realistic and constructive personal goals and activities.

C. Program Objectives

This program will apply to adult criminal offenders and its objectives are to:

1. Develop a specific community program for the offender *with his full participation*, which program will include a set of goals, activities and time

schedule for accomplishment, as a part of the presentence report and with the recognition that the program ingredients will be an integral part of the supervision process;

2. Achieve mutual recognition by the court, probation staff and the probationer that the probationer's community program is the "condition of probation program;"

3. Achieve mutual agreement by the court, probation staff and the probationer that the successful completion of the community program schedule will result in the probation departments recommending discharge from probation;

4. Achieve mutual recognition by the court, probation staff and probationer that the "condition of probation program" may be subject to periodic modification with the court;

5. Achieve mutual recognition by the court, probation staff and the probationer that failure of the probationer to adhere to the requirements of the "condition of probation program" may make the probationer subject to the filing of a declaration of delinquency and/or ineligible for early discharge;

6. Establish a sound program of differential supervision of probationers;

7. Assess the degree to which probation officers involve offenders in establishing realistic goals and activities;

8. Evaluate the program as to the attainment of project goals, the performance of probationers, and cost effectiveness.

D. Program Development

1. *Pre-Planning* -- the following will be developed consistent with existing law:

   a. Program concepts, objectives and procedures;

   b. Policies, procedures and lines of accountability in project operations;

   c. Those policies and procedures necessary to coordinate with and involve the appropriate judges and related criminal justice agencies in program objectives and strategies;

   d. Staff training and program implementation strategies.

2. *Procedures:*

   a. *Screening* -- a designated Probation Officer interviews all eligible adult offenders for whom the department is recommending probation, in order to explain the program and offer the offender an opportunity to participate voluntarily.

   b. *Assigning* the offender to a Probation Officer who, in addition to conducting the regular investigation, will develop a program with the offender that will include, but not be limited to:

      1) Stated specific program objectives such as completing an edu-

CONTINUED

1 OF 2

cation program, attending a vocational or job training program, securing steady employment, attending a mental or physical therapy clinic;

2) Designated length of time, that is, a definite target date, when each program objective is expected to be realized;

3) Detailed method(s) of achieving the objective(s);

4) The identification of community resources to assist the offender in meeting program objectives;

5) The Probation Department's monitoring and supervising methods.

c. *Supervising* the offender in the program.

d. *Processing* the results of the offender's participation in the program.

E. Program Staffing and Cost

1. *Staffing* – It is estimated that the project staff and resultant cost will be minimal in that it should only require a coordinator and a secretary; the bulk of project work will be performed by existing line probation officers following appropriate training.

2. *Services' purchase* – that is, an amount of money to permit assignment of funds for probationer's participation in programs.

3. *Evaluation* – An amount of money to contract for designing and conducting project evaluation.

F. Location of Program

1. Regional demonstration is consistent with L.E.A.A. and New York State Planning Agency strategy.

2. There are an adequate number of cases.

3. The staff is qualified and adequate in number.

4. The appropriate courts and other criminal justice agencies will accept and participate in the program.

5. Community resources are varied and adequate.

G. Management of Program

1. The program will be managed by a regional council consisting of four local Probation Directors.

2. There will be continuous and intensive consultation by the State Division of Probation.

Proposed Form (3/14/74) *Attachment A*

ORDER AND CONDITIONS OF PROBATION
AND
MUTUAL OBJECTIVES PROGRAM–ADULT

To_____ (Director of Probation)
_____ (Probation Department)
Name_____ Date of Birth _____
Address _____
having been (convicted of) (adjudicated as)_____
_____
is this day sentenced to probation for a period of_____ years under your supervision. While on probation (she) he shall observe the following conditions of probation and the Mutual Objectives Program and any others which the Court may impose at a later date, and (she) he shall also follow the instruction of the probation officer as to the way in which these conditions are to be carried out:

GENERAL CONDITIONS AND MUTUAL OBJECTIVES:

1. Report to a probation officer as directed by the Court or the probation officer and permit the probation officer to visit him (her) at his (her) place of abode or elsewhere.
2. Remain within the jurisdiction of the Court unless granted permission to leave by the Court or the probation officer.
3. Answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment.

OTHER CONDITIONS AND MUTUAL OBJECTIVES:

1. Employment
2. Education/Training
3. Avocation/Leisure
4. Financial
5. Health
6. Family

The period of probation shall expire on _____ unless terminated by the Court prior to the aforementioned date. Upon successful observation of the conditions of probation and achievement of the Mutual Objectives Program, a summary report of same will be provided to the Court by the probation staff with recommendation for discharge.

Dated this _____ day _____
(Judge)
of _____ 19____ _____
(Court)

I have read and understand the above conditions of probation and Mutual Objectives Program. I agree to abide by the conditions and to achieve the objectives.

Dated this _____ day _____
(Probationer)
of _____ 19____ _____
(Probation Officer)

SUMMARY REPORT: GROUP A

Norman Holt
Discussion Leader/Reporter

Mutual Agreement Programming was viewed as having considerable potential value in the areas of motivation, accountability, resource development, achievement, and institutional management. The chronic problem of little inmate motivation in program planning was discussed. Programs are too often things which are done to or for inmates rather than with them.

The contract system was seen as an important way of motivating inmates by getting them more involved in their institution planning and developing within them a sense of responsibility for their own welfare. Once developed programs often fail for lack of staff effort. While inmates are often held responsible for self-improvement, institutions are seldom accountable for the effective delivery of service. Binding commitments from correctional organizations should make any lack of fulfillment obvious and thus make for accountability. This in turn may lead to better use of institutional resources. The vocational instructor, whose performance is measured by the enrollment, has little motivation to graduate students in the shortest possible time. The contract system would introduce a new level of institutional accountability making it possible to specify where the delivery system broke down.

As staff become more accountable for delivery of programs it is expected that deficiencies will become more apparent and some reallocation of scarce program resources will be in order. Accountable staff are expected, not only to make better use of what they have, but be motivated to seek out new resources. This is seen as thinking up new ways to use other institutional activities as program resources, soliciting community involvement and volunteers, part time community programs, and better use of other public and private agencies for program support.

Another potential advantage is better inter-agency cooperation. With the focus of program accomplishment rather than number of clients serviced it is expected that agencies will be more interested in mutual cooperation than simply maintaining autonomy. The contract negotiations are expected to make parole boards much more aware of program needs and to encourage them to share some responsibility for program completion. Rather than Parole Boards being interested spectators with the institution having the entire burden of program delivery and inmate performance they will help to motivate and hold people accountable. The cooperation should lead to better communication and

greater consensus in correctional goals.

It is also anticipated that with clearly understood expectations and a parole contract at stake inmates should be better citizens during their institutional stay. More should be accomplished with shorter prison terms. The increase in motivation and better delivery of program services should lead to more rapid completion of program goals and would make shorter prison terms possible.

The implementation of Mutual Agreement Programming will have to vary from state to state with each developing its own model. The process was seen as developmental, starting on a small scale and learning and enlarging as they go along. Most workshop participants were uncomfortable planning programs over 3½ years long but thought this could be overcome with experience. This also applied to professional criminals. The basic idea is seen as a simple extension of recent correctional trends. The idea builds on progressive correctional procedures and pulls these together into contract form. The foundation of individual programs is good diagnostic work at reception; without this, contracts are useless. This should involve an interdisciplinary team which would hopefully include a vocational counselor. This original effect is seen as saving much time later on with contract negotiations and failures.

Maximum benefit should be derived when negotiations are held very early in the term. The inmate is thus expected to get off to a good start and not have to rectify his behavior patterns later on. Ideally this would take place in the first month. The negotiation hearings are expected to take more time and work for the board than current hearings and thus, initially, more effort. However, setting terms at the first hearing should eventually save time as cases will not have to be heard again and again.

Some failures are to be expected. The inmate should be able to reopen negotiations at any time. The board should hear the request but is not bound to changes. The board should reopen the negotiations when the inmate has failed to meet his contract obligations through his own volition, for example, by misconduct or not completing his training. Negotiations should also be held when he was not meeting the obligations through no fault of his own, for example, a program is discontinued. It was felt that in no case should the renegotiation penalize the man when the failure lies in the system. While serious breaches of contracts might result in loss of a parole date others should be rearranged, possibly with a new target for release. It was felt that contracts should include a standard clause allowing a reconsideration of inmates who complete their programs ahead of the scheduled parole date.

Inmates with charges of sentences pending from other courts cannot be considered until these are cleared up. It will also be understood by those entering negotiations that the contract will be void if charges or out-of-state holds are received later. Cases sent for three or four months for probation evaluation should not be considered. Such cases are still in the legal court process and thus should be excluded. Those not granted probation but returned to prison should be considered at that time along with other types of cases.

A number of potential problems were also anticipated. These included legal problems, reception center overcrowding, lack of resources and continuity with the release period. There was some concern that the legal nature of the agreement would burden the parole board. Also of concern was law suits of those denied contracts and those denied their treatment plan after failing a contract. The point was made that, at least in most states, rescinding any parole date was already considered a legally binding matter and that if the courts have not questioned the right to deny parole they would not question the denial of a contract. It was agreed that every effort must be made to provide program opportunities to those who fail and those denied contracts, as well as the contracted cases.

Some jurisdictions grant parole only a few weeks in advance on the basis that a long date may create too much pressure on the inmate. Other board members pointed out that they do just the opposite but for the same reason. Their experience has been that long dates take pressure off the inmate and he performs better. There was concern that early contract negotiations would slow up reception processing and cause overcrowding. This will probably require a rethinking of current operations. One jurisdiction reported they were able to cut their processing time in half by eliminating unnecessary steps. The biggest problem is receiving presentence reports and other court documents at one time. Another jurisdiction has solved this problem by refusing delivery of prisoner without court documents.

How can contracts be written with little or no program resources to offer? Such jurisdictions would have to start on a very limited scale and would have to get the most out of what is available. It was felt that contracting would be very beneficial for such states as it would point out the need for more resources. In this way the process was seen as circular, with program commitments being made and more resources being granted to meet commitments until more adequate programs are funded. There was concern that the agreement terminated at time of parole. Could a similar process be used to motivate parolees? It was felt that a conditional guarantee of discharge might serve this purpose and that eventually such contractual agreements should cover the parole period.

SUMMARY REPORT: GROUP B

Ronald J. Scott
Discussion Leader/Reporter

In terms of process, Group B moved *from* what I must, candidly, conclude was a position of "suspicious defensiveness" *to* one of "enthusiastic involvement". The former position seemed to reflect an attitude of "Sell me if you can," expressed by several types of statements:

"We already do it . . . (almost)"

"But what about litigation?"[1]

"Isn't this just another way to play the same game?"

"Isn't this a diversion from the real correctional problems?"

"First show me the data; how do I know that it works?"

"Why must they be written contracts?"

The final position reflected an "How can I have it?" attitude, and led to a spirited discussion of implementation approaches.

Since, I am sure, all groups followed much the same process, I'll spare you the details. However, there were several major themes of concern that reappeared throughout the sessions, and bear mentioning. (This does not pretend, by the way, to be an exhaustive listing). The first issue was whether this was not just a "new way to play an old game." I will have more to say on this point later.

The second issue was about the need for *written* contracts. As was true in all groups, I am sure, several reasons were given: written contracts were better business than oral agreements; membership on parole boards change; and the inmate can, with written contracts negotiated in advance, know from the beginning what is expected of him. This last point brought what I considered to be the best analogy of the sessions: that of a funding decision on a proposal written from general guidelines, but decided on strict guidelines, leading to the complaint: "Why didn't you tell us that in the first place?"

---

1 Group thanks are due to Rev. Ferrell of the District of Columbia Parole Board, who quickly dispelled this issue by resoundingly observing that litigation was a reality with or without contracting.

The final issue that kept reappearing was "Can corrections deliver? What if we can't provide the programs?" It was observed, of course, that it is not compulsory to write a contract with each inmate; and if a specific program could not be offered, that a contract should not be written. Concern was expressed, however, about the vulnerability of the Department, if they acknowledged the inability to provide appropriate programs. On this issue, it seems to me that litigation can be a two-edged sword. If court decisions apply additional pressure (perhaps on legislatures) toward getting things you already want, litigation can work in the best interests of all concerned.

There were also some major themes of utility expressed (again, not exhausted in this summary). First, the idea that contracting gives the inmate equivalency in negotiation, by providing him with "a say" about his program. To be honest, I am not sure that we always realize what we are saying at this point; and I will have more on this point later also. Related to equivalency is the idea that contracting assumes human dignity because inmates are treated in a more dignified manner.

A third advantage (and the major one found thus far in Michigan's experiences with contracting), is that contracting forces the correctional system to examine its capacity to deliver services, and thus to systematically evaluate itself.[2] A fourth, related, advantage is that contracting should help maintain order, thereby providing a significant management tool. Finally (as has been hypothesized in Michigan), contracting may provide a useful screening device, because an inmate who can successfully complete a contract may well be found to be a better risk for parole.

As I indicated, our Group moved to the point where several participants were enthusiastically interested in discussing the best way to implement the program in their states. Several general suggestions made seem appropriate for your consideration. First, you must persuade the person with the final say; that is, the person with the power, who makes the final decisions. In some states, that may be the Governor; in others, the Parole Board. In getting approval for the contract idea, it is essential to use *credible* salesmen. Apparently, in some states, credibility exists within the correctional system; however, in other states, anyone within the system may be suspect, and it may be necessary to enlist the aid of persons from elsewhere in the state, or outside the state.

In addition, you should be *realistic* in planning. The experiences in Michigan, where recidivism was not set up as an objective, are a good example. It is best not to promise the whole moon, if all you can deliver is a picture of the moon. Furthermore, some points just cannot be compromised. An example suggested was the substitution of "positive parole consideration" for a guaranteed parole date.

---

2 Appreciation is due to Michigan Director Perry Johnson, who provided invaluable insight into that state's contracting experiences.

The cost of implementation will depend, of course, on how much you have to buy, If your state system is well developed with a large number of counselors and other staff that can do the work, implementation may be quite inexpensive, and can perhaps be done from the budget. If, on the other hand, you have to provide these staff, the cost may be greater, and you may have to seek funds from LEAA or another appropriate source. Utilizing community resources under any circumstances will reduce the costs. Such resources as colleges and universities, state employment services, D.V.R. (assuming they do not change their present definitions of disability), and Title I educational funds for inmates under twenty-one were suggested to meet training and educational objectives.

Finally, it is best to begin small, rather than to throw the entire system into the water to see if it will float. Under any circumstances, careful evaluation is essential, and use of a randomized experimental design is strongly recommended for any new program. As noted previously, criteria for evaluation should be realistic. Rather than recidivism, criteria such as employability, length of time served prior to parole, and institutional behavior may be much more appropriate. The Michigan criteria of "screening," involving comparison of inmates who completed their contracts with those who failed to complete their contracts, is worth considering. If, as is true in some instances, resources or personnel do not permit in-house research, arrangements with local universities may be worth considering.

Leon had hoped that the Groups would discuss future trends, "beyond MAP I," so to speak. For several persons in our Group, merely getting to "MAP I" was breaking new ground, and we did not go far beyond. There were, however, some tentative suggestions. For example, contracts for parolees guaranteeing early release from parole are a possibility, as are probation contracts (as discussed by Walter Dunbar). Furthermore, circumstances in specific states may suggest yet other appropriate goals beside, or instead of, a guaranteed parole date.

Finally (by the way of continuity from the New Orleans Conference), I would like to repeat a concern I raised there. As was often noted in our group, MAP is *not* a panacea. MAP could be no more than a more sophisticated way to "play the same game" we are now playing with the inmates—a "gimmick" that only sounds like progress. That will be true *if* MAP is used to offer a carrot, where *we* maintain control over the string holding the carrot; that is, if we control all the options. The key *must be* the role of the inmate: *he must have equivalency* in planning his program. If he does not, then MAP is nothing more than a new management tool (i.e., "let me tell you what you need"), and yet another high-sounding mistake.

If the inmate *is* granted autonomy, then MAP may be a way for him not only to shape his own future, and thus meet his own needs, but thereby also to help shape the correctional system itself. Only then, I suspect, will we have taken another step toward the "correctional millennium" (that is, one thousand years of rehabilitation.)[3]

---

3 Appreciation is due to Carl Brekke, who provided valuable insight into the Wisconsin MAP Program, and to all members of Group B who made the workshop a successful and enjoyable experience.

SUMMARY REPORT: GROUP C

Richard Friedman
Discussion Leader/Reporter

I would like to thank the members of this group for the opportunity to work with them. Although we initially approached the idea of MAP with a cautious concern, most began to analyze the concept of planned change and a fairly good interchange of ideas was achieved.

In order not to repeat much of what has already been presented—for this group also struggled with the concept of contracts, the eligibility criteria, and the need for substantial evaluation components (probably independent of correctional agencies)—I would like to point out some areas of discussion not previously mentioned. The information shared by ACA Project staff and the program administrators in Michigan and Arizona helped a great deal to place MAP in perspective and temper enthusiasm or skepticism with reality-based experiences.

One of our concerns was the current viability of correctional programming. We've heard several times at this Conference how treatment and rehabilitative programs in prisons do not work. Above all, we have so little reliable information that we do not know why some programs are even continued; welding programs in prisons across the country provide a vivid example. If our vocational and rehabilitative programs are failures, why should anyone buy into them on a contractual basis? Close evaluation is necessary.

This leads to our questioning the weaknesses and strengths of MAP and those currently working with it were quite helpful.

Some *positives* recognized were:

1) People do not get lost in probation, institution, or parole caseloads if a contract has been signed. So many law violators pass through our correctional system "doing their time," of no trouble to anyone, and nothing has touched them. They're lost in the numbers. Planning specific program objectives would eliminate much of this difficulty.

2) A contractual program forces all correctional services and facilities to critically analyze their programs. Are the needs of those under our supervision being matched with appropriate resources, either internal to corrections or in the community-at-large? This was seen as a way to upgrade all our programs, discard outmoded services, and plan with all those involved more appropriate programs.

3) Of critical importance is the recognition that all of us need to know what is expected if we are to meet our obligations and responsibilities. A specific release date or termination from supervision date is necessary if the correctional agency and law violator are to get together and work toward mutually planned objectives.

4) A planned change in corrections improves communication between agencies responsible for delivering specific services. Hopefully, trust can also be improved, and this surfaced several times in the group, particularly between corrections and the paroling authority.

5) Finally, it was recognized that a contract puts departments of corrections and parole boards on the spot as much as the convicted law violator. All are *accountable* for their actions and must deliver what is agreed upon.

On the *negative* side these reactions surfaced in the group:

1) There is a general lack of confidence among all parties. Parole, correctional institutions, and those under our supervision have not trusted each other in the past. Successful experiences and some risk-taking appear necessary to bridge this gap.

2) There is poor communication between the institution, parole board and prisoner. Frequently inaccurate, unsubstantiated information is used to make decisions and this must be vastly improved. Access to offender records is a serious dilemma and an area in which the courts may become increasingly more active, particularly if correctional policy is unclear and abuses its discretionary authority.

3) The inability to deliver agreed upon programs was seen as a real problem. Perhaps a fire destroying a shop or pressures from outside corrections limit access to work release and prohibit certain agreed upon services from occurring. It was generally felt that the law-violator is often caught in this dilemma and that all contracts should have contingency plans to meet unexpected crises.

4) The role of the project coordinators—their authority and to whom they report their responsibility as program monitors—is a key to the success of a MAP project. Should they be prisoner advocates or impartial observers? This must be clarified and well understood by all parties in advance.

It was agreed that there must be "good faith" on the part of all concerned for MAP to work. It assumes all parties are normal and competent and all agree to work toward the successful completion of their obligations.

Another area we touched on was the recognition that MAP is a correctional *system change*, rather than a focus on weaknesses of individual law-violators. This reduces the "medical" or "sickness" model of corrections programming and recognizes that law violators have similar psychological, social, and economic needs as everyone else—only their current situation is different. One person

might have five identifiable needs and another with fifteen needs; all need to be matched with the appropriate resources. An interesting variable was briefly discussed in the group when a parole authority representative asked, "Suppose I have no needs. I'm a professional person who got caught. Is a contract appropriate here? Will I 'do more time' without a contract?" Many group members felt that incarceration for political corruption or white-collar crime was for punishment and no rehabilitative intent is in the court's sentence.

In a contractual relationship, correctional staff become "brokers-of-service" rather than primarily responsible for delivering certain programs. We would have to identify community resources in both the public and private sector appropriate for meeting specific needs and then *facilitate access* of law-violators to these services. In this way we would also begin opening up corrections, mobilizing the community for a concerted involvement, and utilize this energy and expertise in the most appropriate way.

In conclusion, MAP involves a process of planned change involving all parties with a stake in the outcome. It is less arbitrary and discretionary than traditional correctional programming. MAP has its flaws, and some of them have been highlighted at this Conference. As follow-up evaluations are available, we will have a solid information base for rational decision-making. Preliminary reports, however, appear positive. Demonstrating the program's effectiveness with juveniles or habitual law-violators, and in probation and parole caseloads, should also be encouraged. Perhaps the courts can also be enticed to "plan for change" at the time of sentencing.

Contracts between law-violators and the correctional system become a just, humane and fair way for both to fulfill their obligations. Planning programs *with* those directly affected by the outcome, rather than *for* them, is a significant positive change for corrections.

SUMMARY REPORT: GROUP D

Billy Wayson
Discussion Leader/Reporter

Group discussions of mutual agreement programming (MAP) ranged from the broad concepts underlying the program to its effects on altering traditional staff-client relationships. Based on a detailed presentation of the Wisconsin and Michigan MAP activities participants identified and discussed a series of legal, organizational, and operational issues which should be addressed in planning a MAP program.

The legislature and parole boards were seen as critical actors in gaining support for the program. If not explained properly, elected officials might interpret a MAP-type proposal as too "liberalizing" and inconsistent with the crime control emphasis in many states. By entering into a parole agreement before a period of institutional adjustment, the paroling authority may feel their decision-making was being co-opted. Messrs. Mills, of Wisconsin, and Risley, of Michigan, emphasized, however, that a written agreement between the individual and the agency, while limiting future options, made the expectations of both parties explicit and less subject to misinterpretation. It should be made clear during the planning phase that MAP is a process for decision-making, and not another rehabilitation "program".

The statutory basis and administrative procedures in each state should be carefully researched before embarking. For example, if a felony conviction results in a loss of civil rights generally, this may limit the legal and practical efficacy of a contract. Some Board members expressed a reluctance to commit, through a contract, future members to a release decision. While it is common for individuals to bind a government agency in long term agreements, it is unique in a correctional setting. The value of any contract is dependent on its enforceability, but the ambiguity of "rehabilitation services" may make it difficult to determine whether or not the correctional agency has fulfilled its obligation. There, also, must be a well-defined administrative (and/or legal) procedure for handling violations, including an appeals mechanism. Third party binding arbitration or mediation may be one possibility.

Undoubtedly, however, the most significant impact of MAP is on the operation, organization and staff of the correctional agency itself. Agreeing to contract with an offender implies a co-equal status with the agency—a role correctional staff are unaccustomed to. A contract formally makes staff individually and collectively accountable for delivering a specified amount and quality

of services. It is more difficult to claim clients are "unresponsive," have "negative attitudes" or other vague excuses for failing to produce. One reaction may be to use the threat of contract abrogation as a coercive device and, thereby, undermine the good faith condition so necessary in a contract. Initial resistance can be minimized by involving staff in program design and acceptance development over time by a sensitive administration of the program.

The offender, too, may simply see MAP as a new variant of an old coercive game and be reluctant to commit himself to any long-term agreement and forego future options. The client may perceive himself as having relatively little bargaining power vis-a-vis the substantial authority of the agency and would tend to be more reluctant to "play the game." This may be reinforced if the agency is unwilling to entertain atypical objectives such as preparing an appeal, providing legal services, etc. The strength of these suspicions and their inhibiting effect on MAP will depend on the quality of existing client-staff relationships—a contract will not, by itself, overcome entrenched distrust but it can serve as a vehicle for opening lines of communications.

Since MAP is a *process* for allocating correctional services, the availability of program resources is a necessary condition for its implementation. Nevertheless, it has the potential for improving program efficiency and establishing priorities for resource utilization. Administrators of MAP in Michigan, as described by Henry Risley, estimate future resource needs by analyzing specific items within the contract to determine what will be required to fulfill commitments. By requiring specific actions within a time constraint, overall efficiency should be improved by avoiding "slippage" in the rehabiliation process. Contract compliance over time can be an indices of program performance by highlighting service deficiencies and suggesting necessary managerial action. If the contract negotiation process is integral to the classification function, not an activity exogenous to it, it probably can be performed without additional staff resources as it was in Michigan. When compared to the traditional release decision-making process where program resources are expended and parole is still denied or delayed, MAP may represent significantly improved efficiency. This would occur even in the absence of any decline in the average length of incarceration.

There are other emerging developments in the corrections field which should not be ignored in looking to the future of mutual agreement programming. As formal, offender organizations begin to emerge and develop status, they may become a force in negotiating the broad issues of correctional programming. Just as employee organizations reach broad agreements with employers at the national level within which local variations are allowed, client groups within an agency or institution may help to define general parameters and individuals then negotiate specific conditions for their own unique situation. MAP staff in many ways assume either an advocacy or third party role in preparing and administering a contract; therefore, the ombudsman concept should be carefully integrated with contract programming. This position may help to solve some of the vagaries of enforcement mentioned above.

The potential for using vouchers to purchase services should not be overlooked as a means of further broadening the client's range of discretionary actions and enhancing the participatory theme inherent in MAP. Finally, a mutually derived individual treatment program may be a partial response to increased activism in corrections by the judiciary, serve to promote more specific sentencing decisions, and be a vehicle for providing feedback to judges on the effects of sentencing decisions.

There was general agreement that contract programming could go a long way toward individualizing rehabilitation, broadening participation in the decision-making process, improving interagency cooperation, adding client incentives, requiring agency accountability, and improving program management. If, as Dr. Phillips posited, freedom is making the laws one has to obey, the MAP potentially is a significant step toward redefining the relationship between the corrections client and the state.

85069

APPENDIX A

MICHIGAN'S CONTRACT SERVICE PROGRAM– THE FIRST YEAR'S EXPERIENCE

by

Henry B. Risley
Michigan Department of Corrections

I. Brief History of the Program

During late 1972, the Michigan Department of Corrections initiated an examination of the concept of parole contracting.[1] The "parole contract" is an agreement between the parole board, the resident and the institution, guaranteeing a specific date of parole contingent upon completion of an individualized set of objectives. The parole board meets with the resident and institutional representatives at the beginning of the resident's incarceration, and outlines, with the concurrence and agreement of the resident, a set of objectives which all parties agree will merit release on a specific date.

In developing the model to be used during initial phases of the contract service program, similar projects under the direction of the American Correctional Association in the states of Arizona, California and Wisconsin were examined. Information was also received on a related project in Minnesota. These programs were characterized by the implementation of experimental projects to evaluate the concept of the parole contract. Drawing on the initial experiences of these states, a plan was developed to implement the concept on a limited scale in Michigan in order that an evaluation could be conducted. The

---

1 The Department of Corrections has the responsibility for care, control and rehabilitation of more than 8,000 incarcerated male felony offenders sentenced to prison by the circuit courts. In addition, the department maintains field supervision services for some 15,000 probationers and parolees in the community.

For those sent to prison Michigan statute sets the maximum term a man may serve. The sentencing judge has the responsibility to set the minimum term. The releasing authority under Michigan law is the parole board. The parole board is administratively responsible to the director of the Department of Corrections. It is a full-time, five-member professional board selected by civil service procedures.

Traditionally the parole board has conducted interviews with incarcerated individuals one to four months prior to the expiration of the minimum term less good time allowances. As a result of this interview and any necessary subsequent discussions between board members, by majority vote a decision is reached whether or not the resident has made sufficient progress to warrant release at the expiration of his minimum term.

Corrections Commission, the policy-setting body for the Michigan Department of Corrections, approved implementation of the contract service program—pilot phase—at its January 1973 meeting.

Subsequently, orientation meetings were held at the five major institutions, the reception center and the camp program to familiarize administrative and treatment staffs with the concept, to outline the pilot phase of the project and to solicit information regarding programs offered at each institution so that the objectives included in the parole contracts would be realisitc. The pilot phase called for selecting 300 cases conforming to the following criteria:

9 to 30 months to serve,

not serving on a sex offense or an escape sentence,

sentenced by a judge who has granted the parole board prior authorization to release men 90 days early upon good institutional performance, and

no detainers from other jurisdictions.

The 300 cases were to be divided by random assignment into a contract (experimental) group group of 200 and a control group of 100. At normal intake rates it was estimated that 15 to 18 contracts would be negotiated each week at the Reception Diagnositc Center during the pilot phase.

Commitments received at the Reception Diagnostic Center on March 5, 1973, were the first to be evaluated to determine contract eligibility. Between March 5 and June 15, 1973, 247 cases were assigned to the experimental group and 137 were assigned to the control group. All commitments for each week who met the screening criteria were assembled in an orientation group session. During these orientation meetings, the random selection of the contract group and control group took place. After the first four weekly meetings it was determined that high anxiety regarding selection for the contract group militated against conducting the random selection during orientation group. Thereafter all random selection was done prior to the scheduling of the orientation and only those cases in the contract group were given the orientation. The basic purpose of the orientation was to present the resident with an understanding of the contract program he could participate in if he wished to do so.

On March 30, 1973, the parole board conducted its first interviews with five prospective contractees. On April 4, the department of corrections officially entered into its first contractual agreement under the contract service program. Negotiations of contracts took longer at first than anticipated and only 21 contracts were signed by the end of April. As the project staff became more familiar with their responsibilities a greater volume of contract cases were processed and by the end of May over 75 men had entered into a contractual agreement with the department and the parole board.

Of the 247 cases assigned to the contract group through June 15 in 28 or 11% of the cases the parole board selected not to enter into a contractual agreement. In addition 17 or 7% of the residents indicated they were not interested in participating in the contract program. This left 202 contracts actually written and signed by July 2. One reason mentioned by several men declining to take part in the contract program was the necessity of remaining at the Reception Diagnostic Center for more than the usual amount of time in order to complete the negotiations of the contract. Those cases the parole board decided not to contract with often had lengthy histories of assaultive behavior.

In July of 1973, plans were developed for implementation of the contract service program on a larger scale. Initial screening for participation in the program was extended to all newly arrived first prison offenders serving a five year minimum term or less.

It was felt that completely objective selection criteria were necessary as any subjective evaluation regarding eligibility should be conducted by the parole board. The reason for selecting these specific criteria was that this allowed expansion to approximately 40 per week, about the maximum the parole board and reception staff could reasonably expect to process efficiently. Also, the general experience during the pilot phase had been that proposing objectives for treatment programming academic and vocational training beyond a 24- to 36-month time span is difficult. (A five-year-minimum term may reduce to about 3½ years with good time allowances.) Men serving longer sentences generally need to participate on routine institutional work assignments for major portions of their sentence. But it is anticipated that at some future time the selection criteria may be further relaxed to the point where a majority of residents will serve under parole contracts.

At its July, 1973 meeting the Corrections Commission approved the expansion of the program just described and, in addition, requested contract consideration for men receiving pass-overs from the parole board at their initial parole board hearing.

Enough cases had been considered by June 15, 1973, to complete the pilot phase of the contract service program. The program continued beyond the pilot phase, at approximately the same rate until the expanded selection criteria were implemented in January of 1974. The department is currently entering into a contractual agreement with residents at the rate of approximately 30 cases per week.

As of the end of February, 1974, there were nearly 575 active parole contract cases. Eighty-two cases had been excluded from participation in the contract service program by the parole board's unwillingness to enter into an agreement with them. Sixty-two contracts had been terminated for various reasons. An analysis of pilot phase terminations is presented later in this report.

II. Initial Response to the Program

The major emphasis of the evaluation has been focused initially on service delivery. It was expected that, during the evaluation of the pilot phase, administrative problems could be identified and alternative solutions proposed to allow for the increase in the contract program. Generally speaking, the reaction of the receiving institutions has been favorable. Comments from the treatment staff lead one to believe that the full potential impact of the parole contracting

concept is only beginning to be felt now. It is of primary concern whether residents have become actively involved in programming outlined in their contract in a timely fashion. As the evaluation proceeds a more detailed understanding of the effects of various aspects of programming should be gained. It is anticipated that greater sophistication will be achieved in delineating specific contract objectives.

Administrative problems on a department-wide basis and at the institutions which have surfaced include: processing of contract violations; communication between institutions on transfer of contract cases; insuring uniform review procedures for monitoring progress toward achievement of objectives; and certification of completion of objectives at the conclusion of the contract period. Much project staff time has been spent in establishment of remedial procedures for problems arising from lack of adequate procedures and processes in those areas.

A concentrated effort to follow up individual contract cases from the pilot phase of the program was begun in November of 1973. Since that time, each of the cases in the original 202-man experimental group has been reviewed by project staff. The reaction of the residents has been generally favorable. Indications are that men serving under the contract service program are generally more comfortable in the realization that the objectives they are expected to achieve to earn parole have been made definite with the parole board and most are able to achieve these objectives in a timely fashion.

As of March, 1974, one year after initiation of the pilot phase, 41, or 20% of the original 202 cases, have had their contracts terminated. Seventeen (42%) of these were terminated for serious misconduct within the institution. Another 17 were terminated for escape (walkaway) from minimum security institutions. Only two cases (5%) were terminated due to a failure on the resident's part to meet the objectives of his contract. Five cases (12%) voluntarily withdrew from their contract service program agreement.

Of these 41 terminated cases, four have been released on parole. One case was released at the expiration of his minimum term, three cases were released beyond the expiration of their minimum term.

Of the remaining 161 cases, three were released by court order, and 27 have been paroled. Seven (26%) of these paroles were released prior to the expiration of their minimum term.[2] The remaining 20 cases were released in accordance with their contracts at the end of their minimum terms.

Of the 202 contract cases in the experimental group, 17 of the original con-

---

2 The Michigan Parole Board has the option of considering cases for early release. During 1973, approximately 20% of all men paroled were released up to 90 days early. Michigan law requires that the parole board secure the approval of the sentencing judge for release prior to the expiration of the minimum term. Approximately two-thirds of the judges in Michigan have given the parole board blanket authorization to release men up to 90 days early, if their institutional progress warrants this.

tracts have been renegotiated. One renegotiation was the result of misconduct reports received on the part of the resident. Three of the renegotiations were a result of the resident receiving a concurrent sentence for another charge that had been pending in the court affecting the minimum release date and the length of time available for programming in the institution. Seven of the renegotiations were conducted at the request of the institution, most frequently as a consequence of unrealistic objectives having been proposed for the resident initially. Six renegotiations were conducted at the request of the resident.

Although it is unrealistic at this point to anticipate a significant impact on the incidence of misconduct within the institutions, it is believed that the contract service program goes far in reducing the anxiety and tension related to the major question in most residents' minds: "When do I go home?" An attitude survey is administered to the 202 cases in the experimental group and the 140 cases in the control group shortly prior to their release from the institution. It is anticipated that by early 1976, all these questionnaires will be completed and tabulated. The department feels that some measurable and demonstrable impact of the program is crucial to supporting the validity of the contract concept.

A crucial element of the parole contract concept is that the resident plays a meaningful role in selecting the programs in which he will be involved, and the objectives he will strive to achieve while incarcerated. Traditionally, such involvement has been negligible. Initial reactions to the question put to the residents: "Even if I complete all of my objectives, I think the parole board would still deny my parole if they wanted," have shown lack of faith in the contract as a binding instrument. Only a demonstrated sincerity on the part of the department and the parole board to provide those services outlined in the contract and to release men upon completion of the programs will render it a meaningful agreement. With some cases now being released, it is mandatory that these men be released in completely prompt accordance with their contract service program agreement. This is important to developing a respect on the part of the resident body for the agreement.

Implementing the contract service program on a large scale has required some fundamental changes in the more traditional methods of processing residents through the corrections system. Implementation of these changes has not, and will not, be easy. This project is viewed as a major step towards insuring a more rational and effective system.

The contract service program also results in increased objectivity in the parole decision-making process. By definition of the concept a listing of goals felt to be of value for each individual case is a prerequisite to negotiating a contract. Traditionally, the parole decision-making process has not required such formalized attention to specifying individualized objectives, even though it would have been appropriate. The contract program is proving to be a form of self-discipline for the corrections system.

A question often raised is: What effect will the program have on recidivism? No predictions can be made as to whether the contract will have any bearing

on rates of recidivism. One might speculate that as the diagnostic staffs become more sophisticated at identifying residents' problems and treatment programs become more successful in treating those problems recidivism will decrease. One can also speculate that the residents who make a sincere effort to select programs meaningful to them and make a commitment to achievement of specific objectives thereby fulfilling their contracts will also make a satisfactory reentry into the community. The contract may then become a predictor of success in the community; those who complete the contract will be prepared to comply with and satisfy societal expectations for their adjustment in the community. To verify these hopes will take an analysis of results after more experience with the program. Meanwhile the program at least puts corrections on a more rational and sound basis.

85070

APPENDIX B

THE FINANCIAL RESOURCES OF RELEASED PRISONERS

Prepared for the Manpower Administration
Department of Labor, Grant No. 91-11-71-32
March, 1974

by

Kenneth J. Lenihan
Bureau of Social Science Research, Inc.
Washington, D. C.

Introduction

Every year over 80,000 men are released from state prisons in the United States.[1] All these men, according to the courts, are serious offenders; they have been convicted of a felony and usually have received a sentence of a year or more. Many of them, despite the harshness and deprivation of prison life, will return to prison within a few years after their release. It has been estimated that 40 to 60 percent of those released from a state prison will eventually return, and most who do will return within the first two years after release.[2]

According to Glaser, " . . . a large proportion [of released prisoners] revert to crime when unemployed or financially distressed."[3] Other observers have also noted the economic causes of crime. Skinner, for example, states, "A person is more likely to steal if he has little or nothing of his own, if his education has not prepared him to get and hold a job so that he may buy what he needs, if no jobs are available, if he has not been taught to obey the law with impunity."[4] The stress on the economic circumstances of offenders, as an expla-

---

1 *Prisoners in State and Federal Institutions for Adult Felons, 1967,* Bureau of Prisons, National Prisoner Statistics Bulletin, No. 44, p. 12.

2 Daniel Glaser, *The Effectiveness of a Prison and Parole System* (Indianapolis: The Bobbs-Merrill Company, Inc., 1964), pp. 13-35.

3 Daniel Glaser, Eugene S. Zemans, and Charles W. Dean, *Money Against Crime: A Survey of Economic Assistance to Released Prisoners* (Chicago: John Howard Association, 1961), p. 1.

4 B. F. Skinner, *Beyond Freedom and Dignity* (New York: Alfred A. Knopf, 1971), p. 74.

nation of crime, seems justified when one considers their background. Most prisoners have grown up in poverty, and at the time of their arrest they are still poor. Furthermore, the majority of those in state prisons were convicted of stealing or attempting to steal another man's property. Although their actions may have been illegal, at least they appear rational, given their economic circumstances.

In this report we shall examine the financial condition of men when they are released from the state prisons. To what extent are they any better off financially than when they went in? With the exception of very few, the difference is very little: they leave prison as they entered, they are still poor, they have few employable skills and little work experience.

There are, of course, some exceptions. Some men do receive job training and others take educational courses, but these opportunities exist for very few. And a few others do accumulate savings in prison—mainly those who go on work release or who have served long sentences and saved some earnings. The majority of men, however, leave prison with very little money. What they do have comes in the form of a gratuity from the state, "gate money," as it is commonly known. It is a small amount, usually enough for bus fare, some articles of clothing, a few meals, and a room for the night.

This report will describe the various states' practices concerning gate money, prisoners' earnings, savings, work release, and other factors which determine a prisoner's financial condition at the time of release.[5] The information was obtained through a survey, conducted during the summer of 1971, among the correction departments in the fifty states and the District of Columbia. The survey was carried out by telephone and later verified by mail. All fifty-one jurisdictions cooperated.[6]

Gate Money

There are two popular methods by which the states provide prisoners with money at the time of their release. The most common practice is simply to give a man a small amount—ten, twenty, or fifty dollars—regardless of whether or not he has any savings. The other alternative is to supplement a prisoner's savings up to a fixed amount. In Oklahoma, for example, a prisoner is guaranteed $25 at the time of release; if he has $15 in savings, the state provides a supplement of $10 so that he leaves with $25. If he has $25 or more in savings, he receives nothing from the state.

Table I shows the practices in each of the states, according to whether they provide gate money outright, regardless of savings, or simply as a supplement to a man's savings. The table also notes which states vary their amount depending on the length of sentence or type of discharge. Alabama, for example, does not have a fixed amount; rather, it provides $2.00 for each year served, with a minimum of $10. Similarly, in Iowa there is no standard amount; instead, the state matches in gate money the amount the man has saved, up to a maximum of $100. In some states other qualifications are made, such as no gate money for parolees or men on work release.

5 A similar report, concerning some of the same topics, was produced by the John Howard Association in 1961. See footnote 3.

6 Hereafter, we shall refer to these jurisdictions as states although, it should be remembered, the District of Columbia is included.

Table I

GATE MONEY BY STATE – 1971

State	Gate Money	Qualification
Alabama	$2.00 per year served	$10 minimum
Alaska	up to $50	As a supplement to savings
Arizona	$50	——— ———
Arkansas	$25	——— ———
California	$68	Unless savings are over $200
Colorado	$25	——— ———
Connecticut	$20	——— ———
Delaware	———	——— ———
District of Columbia	$50	To dischargees only. Gratuity may be authorized to a parolee if he has no job
Florida	$25	——— ———
Georgia	$25	——— ———
Hawaii	up to $15	As a supplement to savings
Idaho	$15	——— ———
Illinois	$50	Except those on work release
Indiana	$15	——— ———
Iowa	up to $100	State matches savings up to $100

Table I (Continued)

State	Gate Money	Qualification
Kansas	$35—reformatory $50—penitentiary	If served less than 120 days, gets $5
Kentucky	$10 to parolees $25 to dischargees	Depending on need, released men may receive $50 to search for employment
Louisiana	$10 to $20	$10 if served less than 2 years; $20 if served 2 years or more
Maine	$50	Only if inmate has less than $100 in savings
Maryland	up to $20	As a supplement to savings
Massachusetts	up to $25	Only if savings and gate money do not exceed $50
Michigan	$10 to $25	Only for dischargees at the discretion of the warden
Minnesota	up to $100	As a supplement to savings
Mississippi	$15 to $100	$15 if less than 1 year; $25 if 1 to 10 years; $75 if 10 to 20 years; $100 if over 20 years
Missouri	$25	——— ———
Montana	$25	——— ———
Nebraska	$30	——— ———
Nevada	$25	——— ———
New Hampshire	$30	——— ———
New Jersey	up to $150	As a supplement to savings at discretion of parole staff
New Mexico	up to $100	As a supplement to savings at discretion of warden

Table I (Continued)

State	Gate Money	Qualification
New York	$40	——— ———
North Carolina	$15 to $25	$15 for 2 to 15 years, $25 for more than 15 years
North Dakota	$18.80	——— ———
Ohio	$25	——— ———
Oklahoma	up to $25	As a supplement to savings
Oregon	up to $100	As a supplement to savings
Pennsylvania	up to $50	As a supplement to savings
Rhode Island	up to $20	As a supplement to savings
South Carolina	———	——— ———
South Dakota	$20	Except for ex-releasees
Tennessee	$10 for parolees $25 for dischargees	——— ———
Texas	$25 to $100	$25 for 1 day to 1 year; $50 for 1 year + 1 day to 10 years; $75 for 10 years + 1 day to 20 years; $100 for over 20 years
Utah	up to $25	As a supplement to savings
Vermont	$5 to $200	$5 per month served; maximum $200
Virginia	up to $20	As a supplement to savings if served 8 months or more
Washington	$40	——— ———
West Virginia	$10	——— ———
Wisconsin	$10	——— ———
Wyoming	$50	——— ———

Only two states, Delaware and North Dakota, provide neither gate money nor a supplement. The others, as the table indicates, provide only a small amount, usually between $10 and $50—enough for a few days' expenses at most.

The differing amounts provided by the states have been summarized into categories in Table II. States providing a range rather than a fixed amount have been classified according to the amount they pay most frequently. As Table II shows, the modal category paid to the men, either as gate money outright or as a supplement, is $20 to $29.

Table II

SUMMARY OF GATE MONEY AMOUNTS – 1971

Amount	Gate Money Regardless of Savings	Gate Money as a Supplement to Savings	Neither
Less than $20	9	1	
$20 to $29	13	6	
$30 to $39	2	–	
$40 to $49	3	–	
$50 to $59	6	2	
$60 or more	3	4	
Provides neither gate money nor a supplement			2
	36	13	2

In the course of our survey, many correction officials complained about the pitifully small amounts the men receive, adding that such decisions are made by the state legislatures. In thirty-six states the amount of money is determined by statute[7] (elsewhere, the correction departments have jurisdiction).

7 See Appendix A for a brief description of the statutes by state.

While some statutes have been changed in the past five years or so, increases in gate money have been relatively small. Some states have not changed the amount since the 1950's.

In the summer of 1971, the State of Washington made a significant change by passing legislation that would provide released prisoners with $55 a week for six weeks.[8] The law also permits the probation or parole officer, at his discretion, to continue these payments up to twenty additional weeks. Unfortunately, the funds necessary to implement this new law have not been appropriated, so it may be some time before the consequences of such a program are known.

Clothing and Transportation

Besides gate money, many states provide clothing and transportation. If a state does not supply either, the released prisoner must pay for these necessities out of his gate money or savings. Table III shows each state's policy on clothing and transportation. In all, thirty-six states provide both; nine provide only clothing; three provide only transportation; and three states provide neither clothing nor transportation.

Most states providing transportation usually buy a bus ticket for the exoffender to the locality where he intends to live or in which he was arrested. If he is from out-of-state, he is usually given a bus ticket to the state line. Some states, if they do not purchase bus tickets, use official vehicles of various state agencies. In Connecticut, parolees are picked up by their parole officer and driven home.

The importance of transportation, of course, varies considerably depending on the size of the state. In Texas, for example, free transportation is of considerable value (only parolees receive it), whereas in New Jersey it is of less importance. Furthermore, in considering transportation it should be remembered that most prisons are located in remote rural areas, while most state prisoners come from urban areas. In New York, for example, the Attica Penitentiary is located in the western portion of the state, some 400 miles away from New York City from where most of the inmates come.

The importance of clothing varies according to the climate and season of the year. In some Southern states, or in some Northern states in the summer, a suit of clothes may be sufficient to start with, but in Minnesota in the winter it would hardly be adequate. In any case, where states provide clothing, it is only a minimal amount—usually a work shirt and trousers. Other clothing—underwear, socks, shoes—must be purchased out of gate money or savings.

Most ex-prisoners, of course, prefer their own clothing to whatever the state may issue. Frequently, they will have their own clothing stored while imprisoned, only to find when released that styles have changed or, as is so often the case with young prisoners who have served more than a year, that their clothes no longer fit. Thus, prisoners usually face considerable clothing expense at the time of release.

8 Chapter 171, Washington Laws, 1971, 1st Ex. Sess., 770.

Table III

STATES WHICH PROVIDE TRANSFORTATION AND CLOTHING – 1971

	Number	
Provide both transportation and clothing	36	Alabama, Arizona, Alaska, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin, Wyoming
Provide clothing only	9	Hawaii, Idaho, Massachusetts, Minnesota, Montana, Nevada, New Jersey, Rhode Island, Utah
Provide transportation only	3	California, Delaware, West Virginia
Provide neither transportation nor clothing	3	Arkansas, Maryland, Oregon
	51	

NOTE: If the inmates pay for either transportation or clothing out of their own money (either gate money or other resources), the state is classified as "not providing such" even though the money is intended to cover the costs of transportation or clothing.

Earnings

Since the gate money provided by the states is usually so little, the financial condition of released prisoners depends more on their earnings in prison than on any gratuity they may receive. These earnings are derived chiefly from jobs connected with prison maintenance or service, or from work in prison industries (which usually pay more than insitutional work). In prison industries, inmates help to manufacture such items as license plates, blankets, shoes, furniture—generally products that can be used by state agencies.

Other sources of income for inmates are blood donations, medical experiments, and craft work. Blood donations usually pay $5.00 a pint; in Arkansas donors receive $10 a pint, half of which the prisoner keeps, the other half going to the Inmate Welfare Fund. Payments for medical experiments are higher and vary considerably according to the risk involved. In Texas inmates receive $5.00 a day for medical research; in Illinois, inmates who volunteer as research subjects in a malaria hospital are paid $50 a month. In Maine, inmates do not get paid for institutional work; instead, they are taught (or practice) a craft and sell whatever they make—their only source of income.

The wages paid for institutional work or prison industries in each of the states are shown in Table IV. This table also shows the proportion of inmates who do earn money, as estimated by the respondent in each correction department. Six states (Colorado, Kansas, Kentucky, New York, South Carolina, and Wyoming) pay the minimum prison wage regardless of whether the inmate is able to work. Finally, the table notes whether other opportunities exist for earning money (such as blood donations, medical experiments, and crafts. (This information on other sources may not be complete since it was volunteered by the respondent.)

A summary of the wage rates is shown in Table V. The most frequent wage, with 21 states reporting, is between $.50 and $1.00 a day; the second most frequent category, with 17 states reporting, is less than $.50 a day. Only eight states reported they pay $1.00 or more a day. Given these extremely low wages, it is surprising that inmates are able to save any money, particularly considering the price of cigarettes, candy, toiletries, and other items which they may be permitted to buy.

When the issue of low wages is raised with corrections departments, a frequent remark is that inmate labor is not worth much more, which in some instances is probably true. However, it is more likely a vicious circle: inmates are paid very little because they produce very little, and they produce very little because they are paid so little and no one takes the initiative to break the cycle. In any case, the consequence is that correction departments are able to have their prisons kept clean, food cooked and served, laundry done, and products manufactured in prison industries—all at very low cost. This fact should be kept in mind when costs of incarceration are discussed: the average cost (nationally) to hold a man in a state prison each day is $9.99,[9] which would be considerably higher if inmates were paid a reasonable wage.

[9] This is the average of all states averages. See Table VIII.

Table IV

INMATE WAGE RATES ACCORDING TO STATE – 1971

State	Daily Wage Rates	Estimated Percentage of Inmates Who Earn Wages	Qualifications and Other Sources of Income
Alabama	None	None	———
Alaska	$1.00 to $1.75	95%	———
Arizona	$1.50	10%	Crafts and blood donations
Arkansas	$.75 to $4.00	10%	Blood donation $10; inmate keeps $5 and $5 to inmate fund
California	$.15 to $1.20	45%	$.80 (+$.30 overtime) for firefighting
Colorado	$.15 to $.75	95%	Crafts
Connecticut	$.38 to $.74	95%	———
Delaware	$.23 to $1.14	65%	———
District of Columbia	$.16 to $.68 for institutional work; $3.18 to $3.63 for work in prison industries	95%	———
Florida	None	None	Crafts only
Georgia	None	None	Crafts only
Hawaii	$.49 to $1.75	95%	Crafts
Idaho	$.80 to $2.00	30%	Others get lump sum awards of $2.50 to $5.00

Table IV (Continued)

State	Daily Wage Rates	Estimated Percentage of Inmates Who Earn Wages	Qualifications and Other Sources of Income
Illinois	$.32 to $.55	33%	$50 a month as research subject in malaria hospital
Indiana	$.20	95%	———
Iowa	$.50 to $1.00	95%	———
Kansas	$.10 to $.20	70%	———
Kentucky	$.15 to $1.20	95%	———
Louisiana	$.15 to $.38	95%	Blood donation $5
Maine	None	None	Crafts only
Maryland	$.50 minimum	———	———
Massachusetts	$.25 to $.50	100%	———
Michigan	$.20 to $2.00	90%	———
Minnesota	$.50 to $1.00	95%	———
Mississippi	None	None	Blood donation $4
Missouri	$.07 to $1.00	95%	———
Montana	$.10 to $.50	90%	———
Nebraska	$.35 to $.80	90%	———
Nevada	$.27 to $.68	75%	———
New Hampshire	$.75	95%	———
New Jersey	$.35 to $.50	95%	———
New Mexico	$1.89	30%	———

Table IV (Continued)

State	Daily Wage Rates	Estimated Percentage of Inmates Who Earn Wages	Qualifications and Other Sources of Income
New York	$.25 to $1.00	95%	———
North Carolina	$.18 to $1.00	3%	———
North Dakota	$.50	95%	———
Ohio	$.40 (single men) $.76 (married men)	75%	———
Oklahoma	$.09 to $.68	95%	———
Oregon	$.25 to $3.00	54%	———
Pennsylvania	$.25 to $1.25	95%	———
Rhode Island	$.50 to $1.00	95%	$2.00 for double shift
South Carolina	$.10 to $1.00	95%	For a few highly skilled men, $2/day
South Dakota	$.60 to $1.00	95%	———
Tennessee	$.23 to $.90	75%	———
Texas	None	None	Crafts; blood donation $5 research, $5/day
Utah	$.40 to $1.00	75%	———
Vermont	$.75	33%	———
Virginia	$.40 to $.45	95%	———
Washington	$.75 to $1.88	10%	———
West Virginia	$.27 to $.68	95%	Inmate instructors $1/day
Wisconsin	$.50	95%	———
Wyoming	$.25	95%	Crafts

Table V

INMATE WAGES FROM INSTITUTIONAL EARNINGS* – 1971

Wage Range	Number of States	States
No institutional earnings	6	Alabama, Florida, Georgia, Maine, Mississippi, Texas
Less than $.50 a day	17	Colorado, District of Columbia (institutional work), Illinois, Indiana, Kansas, Louisiana, Massachusetts, Michigan, Montana, Nevada, New Jersey, North Carolina, North Dakota, Oklahoma, Virginia, West Virginia, Wyoming
$.50 to $1.00	21	California, Connecticut, Delaware, Idaho, Iowa, Kentucky, Maryland ($.50 daily minimum), Minnesota, Missouri, Nebraska, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont
$1.00 or more a day	9	Alaska, Arizona, Arkansas, District of Columbia (prison industries), Hawaii, Illinois, New Mexico, Oregon, Washington, with $2.27 per day average for medical research work
	53**	

*Institutional earnings are defined as jobs within or connected with prison maintenance or prison industries. Crafts and hobby items, sold at a piece rate, or blood donations are not included.

**Two states (Illinois and D.C.) are included in two categories since they have two distinct wage ranges.

Savings

Since the states pay so little in wages, it is not surprising that most inmates have little or no savings when they are released from prison. Some inmates, of course, are able to save money in prison, but it is usually the few men who go on work release or long termers who have had a relatively good job in prison over a long period of time.

Although we do not have savings information nationally, we do have data from one state–an Eastern state which pays inmates fifty cents to one dollar daily, depending on the work they do. Table VI shows the savings of all men released from this state's prisons for the 12-month period from March 1972 to February 1973.

As Table VI shows, a large majority–almost three-quarters of the men–have $100 or less. These are the amounts, then, with which most men must begin their life anew.

Table VI

SAVINGS OF ALL INMATES RELEASED, FROM MARCH 1, 1972 TO FEBRUARY 28, 1973
(one Eastern State)

Savings	Percentage	
$20 or less	17%	(475)
$21 – $50	39	(1,115)
$51 – $100	18	(523)
Sub-total	74%	
$101 – $150	7%	(212)
$151 – $200	3	(97)
$201 – $300	4	(126)
$301 – $400	3	(77)
Over $400	8	(221)
Total	100%	(2,850)

Work Release

Most men who have savings usually have accumulated their money from jobs on work release, not from institutional earnings or prison earnings. In fact, the wages paid for institutional work or prison industries is so low, friends and relatives will often supplement his earnings to pay for cigarettes, candy, toiletries, stationery, postage and other items.

Men on work release, however, do better. They are paid the prevailing wage on the particular job they hold. In turn, however, most states require that an inmate pay for his room and board, clothing, and transportation to the job. And, if his wife or other dependents are on public assistance, he must reimburse the welfare department a specified amount, depending on his earnings.

One of the aims of work release is to help the inmate make the transition back to society–by getting back to a regular work routine and possibly saving money. Work release programs are also intended to provide employment continuity, from prison to release. Unfortunately, this goal is often defeated because, as mentioned earlier, most prisons are located in remote rural areas and an inmate from an urban area is not apt to move to the country to maintain his work release job. The current trend toward more community correctional facilities, located in areas to which the inmates will return, will help to overcome this drawback.

Work release started in Wisconsin in 1913 with the enactment of the Huber Law, but it wasn't until after World War II that other states followed suit. Now work release is popular with 40 states reporting such programs. Still, whatever the benefits of work release may be, the programs are available to only a small proportion of the men: roughly 1% or 2% of the inmates are ever on work release and they are available for only a short time: usually from 90 to 180 days before release. Table VII shows the number of men on work release at the time this survey was conducted. It also shows the total inmate population and the percentage on work release.

Table VII

INMATES ON WORK RELEASE ACCORDING TO STATES – 1971

State	Number of Men on Work Release	Total Adult Male Population	Percent of Men on Work Release
Alabama	None	4,000	———
Alaska	47	400	11.8%
Arizona	12	1,350	0.9
Arkansas	None	1,324	———
California	300	17,900	1.7
Colorado	36	1,943	1.9
Connecticut	14	1,500	0.9
Delaware	120	600	20.0
District of Columbia	326	1,700	19.2
Florida	650	9,000	7.2
Georgia	85	6,215	1.4
Hawaii	25	256	9.8
Idaho	12	391	3.1
Illinois	100	7,086	1.4
Indiana	150	4,500	3.3
Iowa	115	1,600	7.2
Kansas	(No estimate available)	660	———
Kentucky	None	3,010	———
Louisiana	125	4,100	3.0
Maine	None	350	———
Maryland	300	5,000	6.0
Massachusetts	15	2,300	0.7
Michigan	104	9,210	1,1
Minnesota	36	1,651	2.2
Mississippi	None	1,850	———

Table VII (Continued)

State	Number of Men on Work Release	Total Adult Male Population	Percent of Men on Work Release
Missouri	(No estimate available)	3,449	———
Montana	10	272	3.7%
Nebraska	40	1,000	4.0
Nevada	None	705	———
New Hampshire	10	217	4.6
New Jersey	125	5,500	2.3
New Mexico	7	742	0.9
New York	(No estimate available)	12,208	———
North Carolina	1,075	10,076	10.7
North Dakota	3	137	2.2
Ohio	None	9,145	———
Oklahoma	35	3,112	1.1
Oregon	133	1,831	7.3
Pennsylvania	None	5,328	———
Rhode Island	35	550	6.4
South Carolina	575	3,267	17.6
South Dakota	17	389	4.4
Tennessee	146	3,300	4.4
Texas	36	14,640	0.2
Utah	40	540	7.4
Vermont	None	142	19.0
Virginia	150	6,000	2.5
Washington	125	2,437	5.1
West Virginia	None	1,046	———
Wisconsin	450	2,600	17.3
Wyoming	None	257	———

State Welfare Assistance for Released Prisoners

There are no specific assistance programs in existence in any of the fifty states or the District of Columbia that deal exclusively with released prisoners.* The major focus of welfare programs is the state's general citizenry. Therefore, the ex-prisoner is classified among the general welfare group without regard to unique or extraordinary problems.

In general, the viable state programs offer temporary assistance and meet the minimum requirements of Federal-State assistance standards. Twenty-seven states grant temporary aid without regard to employability.[10] Sixteen states require total unemployability before granting minimal assistance.[11] Of the remaining seven states, four have purely discretionary standards,[12] and four grant temporary assistance to employable persons.[13]

In any case, when a released prisoner is eligible he usually receives only emergency aid—the minimum amount for a day or two—and it usually takes him, depending on the state's regulations, four to eight hours of filling out forms and waiting in line to receive such assistance. In short, welfare assistance is not a frequently used source of help for released prisoners.

Loans

Only a minority of states (18) have any loans available for released prisoners. And, of the states that do, loans are a rare occurrence; most states report lending money to only three or four men a year. Usually the money comes out of inmate aid funds and it is given only under extreme conditions. Michigan and Wisconsin are the exceptions, having provided loans to 320 and 400 men a year, respectively.

Cost of Maintaining Prisoners

Our final table (VIII) presents information on the average costs of maintaining a man in prison for one day. The average (not weighed by the state's prison population) of all state averages is $9.99 per man per day. These costs do not include capital costs or depreciation.

*See *Characteristics of General Assistance in the United States,* Public Assistance Report No. 39, D. S. Department of Health, Education, and Welfare (Washington, D. C.: Government Printing Office, 1970). Social and Rehabilitation Service, Assistance Payments Administration.

10 Alabama, Arkansas, California, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Wisconsin, Wyoming.

11 Alaska, District of Columbia, Georgia, Iowa, Louisiana, Maryland, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas.

12 Colorado, Florida, Kentucky, Nebraska.

13 Arizona, Virginia, Washington, West Virginia.

There is considerable variation throughout the country. The New England states report the highest amounts, averaging $14.82 per day, and the Southern states report the lowest, averaging less than $5.00 per day. In part, these differences reflect the differentials in wage rates for guards, since 90% of prison costs go for custodial functions. But it also reflects whether a prison system provides its own food by farming and raising their own livestock—practices which are more frequent in the South than elsewhere.

There are two ways of looking at these costs. They are very low because the inmates provide most of the institutional services—cleaning, repairing, laundry, food raising, slaughtering and butchering—at extreme low wages (in most states, less than $1.00 a day).

On the other hand, these costs are very high, considering what it costs the states to maintain a man in prison. Couldn't these costs be spent in a better way—in a way that would help an ex-prisoner avoid returning to prison? If a prison releases a man with $20 or $50 gate money to start life anew, is it any wonder that many men return soon after?

No one knows, of course, whether financial aid to released prisoners would help reduce recidivism. But the Manpower Administration, through an experimental research project in Maryland,[14] is trying to find the answer. Similarly, in the State of Washington, the Law Enforcement Assistance Agency is supporting a program of financial aid to released prisoners. Hopefully, these efforts may show the states how they might better spend their money.

14 This study (known as the LIFE Project) is being conducted by Kenneth J. Lenihan of the Bureau of Social Science Research under Contract No. 82-11-71-45 for the Manpower Administration of the Department of Labor.

Table VIII

COST PER DAY OF MAINTAINING PRISONERS BY STATE AND CENSUS REGIONS

Regions and States	Cost
NORTHEAST	
New England	$14.82
Maine	9.04
Vermont	21.97
New Hampshire	8.64
Massachusetts	15.31
Connecticut	15.07
Rhode Island	18.87
Middle Atlantic	10.49
New York	13.51
Pennsylvania	7.00
New Jersey	10.96
SOUTH	
South Atlantic	8.60
Delaware	7.50
Washington, D.C.	13.70
Maryland	14.00
Virginia	7.00
West Virginia	9.32
North Carolina	8.93
South Carolina	5.17
Georgia	5.68
Florida	6.08
East South Central	4.45
Kentucky	5.50
Tennessee	5.48
Alabama	4.93
Mississippi	1.90
West South Central	4.69
Oklahoma	4.33
Arkansas	5.75
Louisiana	5.50
Texas	3.16

Regions and States	Cost
NORTH CENTRAL	
East North Central	$11.97
Wisconsin	10.69
Michigan	8.56
Ohio	16.89
Indiana	10.00
Illinois	13.69
West North Central	9.78
North Dakota	12.05
South Dakota	8.90
Minnesota	12.09
Iowa	11.00
Nebraska	8.25
Kansas	9.75
Missouri	6.44
WEST	
Pacific	13.85
Alaska	17.50
Washington	16.36
Oregon	12.81
California	22.60
Hawaii	20.00
Mountain	11.33
Nevada	10.96
Utah	11.23
Arizona	7.51
New Mexico	7.32
Montana	23.69
Idaho	11.00
Wyoming	7.67
Colorado	11.23

AVERAGE OF ALL STATE AVERAGES $9.99

COST TO MAINTAIN ONE MAN IN PRISON FOR ONE DAY – 1971

(Average excluding capital expenditures)

Number of States	Cost per Day (Average, usually exact figures)
3	Less than $4.00
18	$4.00 to $7.99
15	$8.00 to $11.99
9	$12.00 to $15.99
3	$16.00 to $19.99
3	$20.00 to $24.00
51	

PROVISIONS FOR "GATE MONEY" IN STATE STATUTES – 1971

State and Citation	Provision
Alabama	
Ala. Code, tit. 45, §55 (1958)	For prisoners serving less than 5 years, an amount *equal to* $10. For prisoners serving more than 5 years, an amount *equal to* $10 plus $2/year.
Alaska	
Alaska Stat. Ann. §33.30.030 (1962)	Delegates rule-making power to the prison commissioner.
Arizona	
Ariz. Rev. Stat. Ann. §31-228(B) (Supp. 1970)	Up to $50. Also provides for clothing (up to $35) and transportation.
Arkansas	
Ark. Stat. Ann. §46-141 (1964)	Equal to $10 "unless the record on such prisoner shows that he has property or funds sufficient to make such immediate provision for himself." (Repealed 1971)
California	
Cal. Penal Code §5060 (1970) Cal. Penal Code §2713	Provision on employment aid is quoted *supra.* Funds earned by the prisoner are turned over to him on release.
Colorado	
Colo. Rev. Stat. Ann. §105-4-19 (1963)	$25
Connecticut	
Conn. Gen Stat. Ann. §54-131 (Supp. 1970)	Presently, no provision (previous provision repealed). The cited section provides that the Commissioner of Corrections shall use "all

State and Citation	Provision
Connecticut *(Continued)*	reasonable efforts" to help all paroled and discharged convicts to secure employment.
Delaware	
Del. Code Ann. §6539 (Supp. 1968)	Provides for payments within the budget and regulations. Clothing and transportation if family is indigent.
District of Columbia	Up to $50
Florida	
Fla. Stat. Ann. §944.54 (1971 Supp.)	No money, provides for transportation.
Georgia	
Ga. Code Ann. §77-317 (Supp. 1970)	Equal to $25, clothing and transportation for felons.
Hawaii	
Haw. Rev. Laws §353-15 (Supp. 1970)	Up to $100 plus clothing.
Idaho	No provision.
Illinois	
Ill. Ann. Stat., ch. 108, §107(a) (Smith-Hurd Supp. 1971)	Up to $50 "determined by the Department [of Public Safety] upon the basis of need." Also provides transportation.
Indiana	
Ind. Ann. Stat. §13-1525 (1956)	Between $15 and $25
Iowa	
Iowa Code Ann. §264.44 (Supp. 1971)	Up to $100 "based on individual need as determined by the warden." The warden may keep one-half of the award and remit it to the prisoner within 21 days after discharge. (The amount was raised from $50 in 1970.)

State and Citation	Provision
Kansas	
Kan. Stat. Ann. §75-20d07 (Supp. 1970)	$.05/day of prison earnings is retained and paid to the prisoner on release. Prisoner can make from $.10 to $.40 a day.
Kentucky	
Ky. Rev. Stat., §197.180 (1970)	Equal to $5; also provides for transportation and clothing.
Louisiana	
La. Rev. Stat., Tit. 15 §866 (1967)	Equal to $20 if prisoner has served 2 years; otherwise, $10.
Maine	No provision.
Maryland	No provision.
Massachusetts	
Mass. Ann. Laws., ch. 127, §162 (1965)	Up to $50, plus clothing.
Michigan	
Mich. Comp. Laws Ann. §800.62 (1968) §791-237	Between $10 and $25 Parolees may receive a loan of up to $40, payable within 90 days. Failure to pay off the loan results in revocation of parole.
Minnesota	
Minn. Stat. Ann. §243.24 (Supp. 1971)	One-half of prison earnings are retained and paid on release. The prisoner is given up to $100.
Mississippi	
Miss. Code Ann. §7949 (Supp. 1970)	1 year = $15 1 – 10 years = $25 10 – 20 years = $75 More than 20 years = $100
Missouri	
Mo. Ann. Stat., §216.350 (Vernons 1962)	Equal to $25

State and Citation	Provision
Missouri *(continued)*	
Op. Atty. Gen. No. 25, Duval, 1-3-61	
Montana	
Mont. Rev. Code Ann. §80-1906 (1965)	Up to $25. If paroled to the custody of another state, $5.
Nebraska	
Neb. Rev. Stat., §83-426 (1966)	Equal to $30 upon certification of financial need. A bible is furnished each literate discharged prisoner.
Nevada	
Nev. Rev. Stat., §209.500 (1967)	Equal to $25.
New Hampshire	
N. H. Rev. Stat. Ann. §622:16 (Supp. 1970)	Up to $30
New Jersey	
N. J. Stat. Ann. §30:4-114 (Supp. 1970)	State Board of Control sets amount "subject to appropriations."
New Mexico	
N. M. Stat. Ann. §41-17-8 (Supp. 1969)	Up to $100
New York	
N. Y. Correc. Law §125 (McKinney Supp. 1970) §§187, 189	Between $20 and $40. A portion of prison earnings are also turned over on release.
North Carolina	
N. C. Gen. Stat., §148-18 (Supp. 1969)	Payment of portion of earnings, up to $1 a day.
Ohio	No provision
North Dakota	
N. D. Cent. Code §12-47-31 (1960)	Up to $5

State and Citation	Provision
Oklahoma	
Okla. Stat. Ann., tit. 57, §513 (1969)	Warden may supplement prison earnings up to $25.
Oregon	
Ore. Rev. Stat. §421.125 (1969)	Warden *shall* supplement prison earnings up to $100.
Pennsylvania	
Pa. Stat. tit. 61, §376 (Purdons Supp. 1970) (Repealed)	The old provision was repealed in 1965, and a work release program was substituted.
Rhode Island	
R. I. Gen. Laws Ann. §13-2-45 (1969)	If the prisoner served a sentence of one year or more, he is awarded *not less than* $20.
South Carolina	
S. C. Code Ann. §55-338 (1962)	Provides clothes and transportation only.
South Dakota	
S. D. Comp. Laws §24-5-3 (1967)	Sum to be determined by Board of Charities and Corrections.
Tennessee	
Tenn. Code Ann. §41-342 (1956)	$30 for parolee; $75 for dischargee.
Texas	
Tex. Civ. Stat. Ann., Tit. 108, Art. 6166m (Vernon's 1970)	Equal to $50 after serving one year, taking into consideration his earnings.
Utah	No provision.
Vermont	
Vt. Stat. Ann., tit. 28, §258 (1970)	Travel costs.
Virginia	
Va. Code Ann. §53-219 (Supp. 1970)	Up to $25

State and Citation	Provision
Washington	
Wash. Rev. Code §72.08.343 (Supp. 1959)	Equal to $40 unless prisoner has ample funds of his own. (Repealed 1971)
West Virginia	No provision.
Wisconsin	
Wisc. Stat. Ann. §53.13 (1957)	Equal to $10.
Wyoming	
Wyo. Stat. Ann. §7-378 (1957)	Up to $70.

APPENDIX C

LIST OF PARTICIPANTS

Second National Workshop on
Corrections and Parole Administration
El Tropicano Hotel, San Antonio, Texas
March 26-29, 1974

ALABAMA

J. C. Locke, Jr.,
Deputy Commissioner
Alabama Board of Corrections
101 S. Union Street
Montgomery, Alabama 36104
(205) 269-6261

John W. Phillips,
Administrative Assistant
Rehabilitation Research Foundation
P. O. Box 3587
Montgomery, Alabama 36104
(205) 277-0555

William R. Robinson,
Board Member
State Board of Pardons & Paroles
654 State Administrative Building
Montgomery, Alabama 36104

ARIZONA

John J. Moran,
Director
Arizona Department of Corrections
1601 W. Jefferson Street
Phoenix, Arizona 85007
(602) 271-5536

Victor M. F. Reyes,
Arizona MAP Coordinator
ACA Parole Corrections Project
1807 W. Linden St.
Tucson, Arizona 85705
(602) 623-0976

CALIFORNIA

Norman Holt,
Research Analyst
Department of Research
Southern Conservation Center
P. O. Box 368
Chino, California 91710
(714) 597-1821

George Warner, Chief
Program Services
Department of Corrections
714 P. Street
Sacramento, California 95814
(916) 445-8170

COLORADO

Ralph R. Ruzicka
Attorney General's Office
State of Colorado
112 E. 14th Avenue
Denver, Colorado 80303
(303) 573-5013

COLORADO *(Continued)*

Bill Wilson,
Captain
Colorado State Penitentiary
P. O. Box 1010
Canon City, Colorado 81212
(303) 275-3311

CONNECTICUT

J. Bernard Gates,
Chairman
Connecticut Board of Parole
340 Capitol Avenue
Hartford, Connecticut 06115
(203) 566-4229

James Reis,
Corrections Planner
Connecticut SPA
75 Elm Street
Hartford, Connecticut 06115
(203) 566-3500

DELAWARE

Oliver W. Casson,
Chairman
Delaware Parole Board
1208 King Street
Wilmington, Delaware 19801
(302) 764-3846

Michelle Hannahs,
Program Assistant
Grants Management & Evaluation
Delaware Agency to Reduce Crime
11th and Washington Streets
Wilmington, Delaware 19801
(302) 571-3435

Frank A. Loftus,
Assistant Director
Community Services
State of Delaware-Division of
Adult Corrections
P. O. Box 343
Smyrna, Delaware 19977
(302) 678-4542

FLORIDA

Al Cook,
Deputy Director
Florida Division of Corrections
1311 Winewood Blvd.
Tallahassee, Florida 32301
(904) 488-7214

Sunil B. Nath,
Director
Research, Statistics and Planning
Florida Parole & Probation
Commission
1117 Thomasville Road
Tallahassee, Florida 32304
(904) 488-3001

FLORIDA *(Continued)*

Phillip D. Welsh,
Classification Coordinator
Florida Division of Corrections
1311 Winewood Blvd.
Tallahassee, Florida 32301
(904) 488-7214

GEORGIA

J. O. Partain, Jr.,
Member
State Board of Pardons & Paroles
822 Trinity-Washington Building
Atlanta, Georgia 30334
(404) 656-2967

IDAHO

Jon Blacketter,
Program Planner
Idaho State Correctional
Institution
Boise, Idaho 83707
(208) 342-7414

ILLINOIS

Robert Bright,
Administrator
Adult Field Services
Illinois Department of Corrections
160 N. LaSalle Street
Chicago, Illinois 60602
(312) 793-2683

Anthony J. Doheny,
Member
Parole & Pardon Board
Department of Corrections
160 N. LaSalle Street
Chicago, Illinois 60602
(312) 793-2960

Joseph J. Longo,
Chairman
Illinois Parole Board
Department of Corrections
160 N. LaSalle Street
Chicago, Illinois 60102
(312) 793-2960

INDIANA

Glenn E. Douthitt
Indiana Parole Board
Department of Corrections
804 State Office Building
Indianapolis, Indiana 46202
(317) 633-4163

Robert P. Heyne,
Commissioner
Indiana Department of Corrections
804 State Office Building
Indianapolis, Indiana 46204
(317) 633-4697

INDIANA *(Continued)*

Curtis Jacobs,
Indiana Lawyer's Commission
208 Fairmount Dr.
Madison, Indiana 47250
(812) 265-2741

James McCart,
Director
Rec.–Diag. Center
Indiana Department of Corrections
P. O. Box 314
Plainfield, Indiana 46168
(317) 839-2513

William Neale,
Assistant Director
Indiana Lawyer's Commission
143 W. Market St., Suite 202
Indianapolis, Indiana 46204
(317) 636-2553

IOWA

Abe D. Clayman,
Commissioner Chairman
Iowa Employment Security Commission
1000 East Grand
Des Moines, Iowa 50319
(515) 281-5374

Nolan Ellandson,
Director
Bureau Adult Corrections,
Dept. of Social Services
6th Floor Locas Building
Des Moines, Iowa 50319
(515) 281-5432

Donald L. Olson,
Parole Board Executive
Iowa Board of Parole
Robert Lucas State Office Building
Des Moines, Iowa 50319
(515) 281-3308

KANSAS

George P. Carey,
CETA Coordinator
Kansas Employment Security Div.
401 Topeka Blvd.
Topeka, Kansas 66603
(913) 233-4161

John C. Hazelet,
Acting Director
(Adult) Penal Institutions
11th Floor, State Office Bldg.
Topeka, Kansas 66612
(913) 296-3317

Devon F. Knoll,
Director
Board of Parole
1124 State Office Building
Topeka, Kansas 66604
(913) 296-3469

KANSAS *(Continued)*

Joseph A. Ruskowitz,
Deputy of Corrections
Governor's Committee on Criminal Administration
535 Kansas Avenue
Topeka, Kansas 66603
(913) 296-3066

KENTUCKY

Albert Linder,
Director
Treatment Services,
Bureau of Corrections
Kentucky Department of Justice
Frankfort, Kentucky 40601
(502) 564-4726

LOUISIANA

Victor E. Townsley,
Assistant Chief
Louisiana Board of Parole
P. O. Box 44304 – Capitol Station
Baton Rouge, Louisiana 70804
(504) 389-5641

MARYLAND

Leslie Burt,
Attorney and Special Assistant to the Director
National Institute of Mental Health
5600 Fishers Lane
Rockville, Maryland 20853
(301) 443-4233

Vernon James,
Chief
New Careers Training Branch
National Institute of Mental Health
5600 Fishers Lane
Rockville, Maryland 20853

William E. Lamb, Jr.,
Assistant Director
Community Corrections T. F.
Maryland Division of Corrections
920 Greenmount Avenue
Baltimore, Maryland 21202
(301) 383-2212

W. Donald Pointer,
Deputy Secretary for Correctional Services
Maryland Department of Public Safety and Correctional Services
Executive Plaza I Suite 500
Hunt Valley, Maryland 21031
(301) 667-1100

E. Preston Sharp, Ph.D.,
Executive Director
American Correctional Association
4321 Hartwick Road
College Park, Maryland 20740
(301) 864-1070

MARYLAND *(Continued)*

Henry P. Turner,
Chairman
Board of Parole
Executive Plaza I
Hunt Valley, Maryland 21030
(301) 667-0667

MASSACHUSETTS

Paul A. Chernoff,
Chairman
Massachusetts Parole Board
100 Cambridge Street
Boston, Massachusetts 02202
(617) 727-3282

Jane F. Davis,
Special Assistant to the Director
Massachusetts Division of Employment Security
Government Center
Boston, Massachusetts 02114
(617) 727-8670

Joseph McSweeney,
Training Instructor
Massachusetts Department of Correction
100 Cambridge Street
Boston, Massachusetts 02202
(617) 727-3380

Thomas Sellers,
Corrections Specialist
Massachusetts Committee on Criminal Justice
80 Boylston Street, Room 740
Boston, Massachusetts 02116
(617) 727-5497

MICHIGAN

Perry Johnson,
Director
Michigan Department of Corrections
Stevens T. Mason Building
Lansing, Michigan 48926
(517) 373-0720

Willard J. Maxey,
Member
Youth Parole & Review Board
Michigan Department of Social Services
300 S. Capitol
Lansing, Michigan 48926
(517) 373-0957

Leonard R. McConnell,
Chairman
Michigan Parole Board
Michigan Corrections Department
3718 Starlight
Lansing, Michigan 48910
(517) 882-8896

MICHIGAN *(Continued)*

Henry Risley,
Contract Service Program Project Coordinator
Michigan Department of Corrections
Stevens T. Mason Building
Lansing, Michigan 48913
(517) 373-0273

George E. Torongo, Jr., Director
Manpower Division
Michigan Employment Security Commission
7310 Woodward
Detroit, Michigan 48202
(313) 872-4900

MINNESOTA

R. T. Mulcrone,
Chairman
Minnesota Paroling Authority
1043 S. Main
Shakopee, Minnesota 55379
(612) 445-3679

NEW HAMPSHIRE

Joseph C. Vitek,
Warden
New Hampshire State Prison
Box # 14
Concord, New Hampshire 03301
(603) 225-6421

NEW JERSEY

Nicholas Heil,
Chairman
New Jersey Parole Board
Trenton, New Jersey
(609) 292-4257

Dennis J. Helms,
Special Assistant to the Governor
State of New Jersey
Office of the Governor
State House
Trenton, New Jersey 08625
(609) 292-8380

Robert E. Mulchay, III,
Deputy Commissioner
Department of Institutions & Agencies
135 W. Hanover Street
Trenton, New Jersey
(609) 292-7260

NEW YORK

William P. Collins, Director
St. Lawrence Probation Dept.
Canton, New York 13617
(315) 386-4581

Walter Dunbar,
State Director of Probation
New York Division of Probation
Albany, New York 12201
(518) 474-1210

NORTH CAROLINA

Grady D. Davis,
Member
North Carolina Board of Paroles
831 W. Morgan Street
Raleigh, North Carolina 27603
(919) 829-3414

M. F. Miller,
Planning and Training Officer
North Carolina Parole Board, SRC
831 West Morgan St.
Raleigh, North Carolina 27603
(919) 829-3414

OHIO

George F. Denton,
Chief
Adult Parole Authority
Department of Corrections & Rehabilitation
1050 N. Freeway Dr.
Columbus, Ohio 43081
(614) 466-2114

Ron Studebaker,
Planner
Administration of Justice
8 East Long Street
Columbus, Ohio 43215
(614) 466-7782

PENNSYLVANIA

Erskind Deramus,
Executive Deputy Commissioner
Bureau of Corrections
Box 200
Camp Hill, Pennsylvania 17011
(717) 787-7482

J. H. Jefferson,
Board Member
Pennsylvania Board of Probation & Parole
P. O. Box 1661
Harrisburg, Pennsylvania
(717) 787-5100

SOUTH CAROLINA

Bert Artlip,
Corrections Coordinator
Office of the Governor
Office of Criminal Justice Programs
1205 Pendleton Street
Columbia, South Carolina 29201
(803) 758-2237

William D. Leeke,
Director
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29063
(803) 758-3444

SOUTH CAROLINA *(Continued)*

D. L. McLeod, Jr.
State Director Employment Security
S. C. Employment Security Commission
1225 Laurel Street
Columbia, South Carolina 29045
(803) 758-2246

Jesse Strickland,
Warden
South Carolina Department of Corrections
1515 Gist Street
Columbia, South Carolina 29072

TENNESSEE

David Long,
Director of Planning
Department of Corrections
4913 Salem Drive
Nashville, Tennessee 37211
(615) 741-2949

Ramon Sanches-Vinas,
Director of Program Evaluation
Department of Correction
11th Floor, First American Center
Nashville, Tennessee 37203
(615) 741-2949

TEXAS

Tom Crim,
Executive Assistant for Community Programs
U. S. Bureau of Prisons
404 Brook Glen
Dallas, Texas 75080
(214) 235-5604

W. J. Estelle, Jr.,
Director
Texas Department of Corrections
Huntsville, Texas
(713) 295-6371

Richard Fortenberry,
Director
Board of Pardons & Paroles
711 Stephen F. Austin Building
Austin, Texas 78701
(512) 475-3363

Inez M. Guerra,
Bexar County MH-MR
2415 W. South Cross St.
San Antonio, Texas 78212
(512) 924-1411

C. J. Hughes,
Assistant Director
U. S. Bureau of Prisons
8441 San Pedro Parkway
Dallas, Texas

LIST OF PARTICIPANTS *(Continued)*

TEXAS *(Continued)*

William H. Skelton,
Chairman
Board of Pardons & Paroles
711 Stephen F. Austin Building
Austin, Texas 78701
(512) 475-4525

Harvey R. Wehman,
Chief of Placement
Texas Employment Commission
TEC Building
Austin, Texas 78778
(512) 473-6251

UTAH

Steve V. Love,
Executive Secretary
Utah State Board of Pardons
104 State Capitol
Salt Lake City, Utah 84114
(801) 328-5985

Gary L. Webster,
Corrections Specialist
Law Enforcement Planning
104 State Capitol
Salt Lake City, Utah 84109
(801) 328-5731

Ernest D. Wright,
Director
Division of Corrections
104 State Capitol
Salt Lake City, Utah 84114
(801) 328-5981

VERMONT

Cornelius Hogan,
Deputy Commissioner
Vermont Department of Corrections
State Office Building
Montpelier, Vermont 05602
(802) 828-2452

Rudolph Morse,
Executive Secretary
Parole Board
Vermont Department of Corrections
State Office Building
Montpelier, Vermont 05602
(802) 828-2467

VIRGINIA

Prof. Ron Scott,
Department of Administration of Justice & Public Safety
Virginia Commonwealth University
901 W. Franklin Street
Richmond, Virginia 23222
(804) 770-6761

WISCONSIN

Severa Austin,
Director
Correctional Planning

WISCONSIN *(Continued)*

(Severa Austin)
Wisconsin Council on Criminal Justice
122 W. Washington
Madison, Wisconsin 53703
(608) 266-0352

Karl E. Brekke,
MAP Coordinator
Wisconsin Division of Corrections
WCI, Box 147
Fox Lake, Wisconsin 53963
(414) 928-3151

Gerald L. Mills,
MAP Coordinator
Division of Corrections & ACA
10 Eastman
Plymouth, Wisconsin 53073
(414) 893-3461

Sanger B. Powers,
Administrator
Division of Corrections
256 Grand Canyon Drive
Madison, Wisconsin 53705
(608) 266-2471

Stan Spencer,
Assistant Administrator
Employment Service
201 East Washington Avenue
Madison, Wisconsin 53701
(608) 266-0365

WASHINGTON, D. C.

Donald D. Cooke,
Assistant Project Director
ABA-Employment Restrictions
1705 DeSales St., N. W.
Washington, D. C. 20036
(202) 872-0010

Richard W. Friedman
ABA-Resource Center on Correctional Law
Washington, D. C. 20036
(202) 293-1714

Bill Wayson,
Director
American Bar Association, Economics Resource Center
1705 DeSales Street
Washington, D. C. 22302
(202) 223-8547

Robert P. Watkins,
Attorney
Williams, Connolly & Califano
1000 Hill Building
Washington, D. C. 20012
(202) 638-6565

Sylvia G. McCollum,
Inter-Agency Liaison Officer
Bureau of Prisons—U. S. Dept. of Justice
101 Indiana Avenue, N. W.
Washington, D. C. 20012
(202) 739-4219

WASHINGTON, D. C. *(Continued)*

Maurice H. Sigler,
Chairman
U. S. Parole Board
1st & Indiana Ave., N. W.
Washington, D. C. 20012
(202) 739-2871

Dr. Charles Phillips,
U. S. Department of Labor
Patrick Henry Building
Washington, D. C. 20213
(202) 376-7255

H. Albion Ferrell,
Vice Chairman
D. C. Parole Board
614 H Street, N. W., # 503
Washington, D. C. 20001
(202) 629-4541

Thomas A. Wilkins,
Administrator
D. C. Manpower Administration
14th & E. Streets, N. W.
Washington, D. C.
(202) 629-3663

William D. Golightly,
Assistant Director for Administration
District of Columbia Department of Corrections
614 H Street, N. W.
Washington, D. C. 20001
(202) 629-3532

CANADA

Lloyd Pisapio,
Executive Director
National Parole Board (Canada)
340 Laurier Avenue West
Ottawa, Ontario, Canada
(613) 992-5674

ACA—PAROLE CORRECTIONS STAFF

Leon G. Leiberg,
Director
Parole Corrections Project-ACA
4321 Hartwick Road, L212
College Park, Maryland 20740
(301) 277-3722 or 277-9028

William C. Parker,
Sr. Associate
Parole Corrections Project-ACA
College Park, Maryland 20740

Carmen Gonzales,
Administrative Assistant
Parole Corrections Project-ACA
College Park, Maryland 20740

CONTRIBUTORS:

- Severa Austin
  Wisconsin Council on Criminal Justice
- Paul Chernoff
  Massachusetts Parole Board
- Walter Dunbar
  New York Division of Probation
- Richard Friedman
  ABA Resource Center For Correctional Law and Legal Services
- Prof. Daniel Glaser
  University of Southern California
- Norman Holt
  Adult Authority, California
- Kenneth J. Lenihan
  Bureau of Social Science Research, Inc.
- Charles Phillips
  U.S. Department of Labor
- Sanger Powers
  Wisconsin Department of Corrections
- Henry Risley
  Michigan Department of Corrections
- Prof. Ron Scott
  Virginia Commonwealth University
- Billy Wayson
  ABA, Correctional Economics Center

END