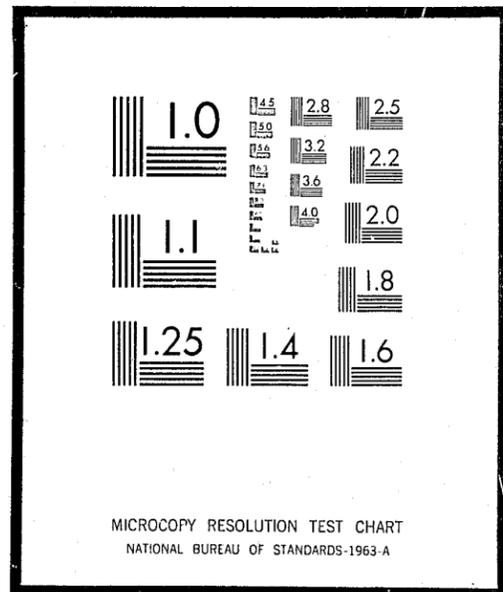


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U.S. DEPARTMENT OF JUSTICE
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We hold these truths...

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NATIONAL CONFERENCE ON CORRECTIONS

Williamsburg, Virginia

December 5-8, 1971

This Conference was made possible by a grant from the
Law Enforcement Assistance Administration to the Virginia
Division of Justice and Crime Prevention.

PREFACE

On June 10, 1971, President Richard M. Nixon sent a memorandum to Attorney General John N. Mitchell directing him to convene a National Conference on Corrections. The President's memorandum, in part, advised:

"Interest in and concern about the state of our jails, prisons, and correctional programs is widespread. The Chief Justice, the Congress, professional groups such as the American Bar Association, and state and local governments all share our desire to achieve progress in this important area. We should build on this community of interest."

But, any attempt to change corrections today will in many ways, be more difficult than initiating the wave of reform that swept America between 1790 and 1830. The primary target then was an idea—reflected by the severely punitive sanctions inherited from England. We now have not only an idea, but also the overwhelming physical presence of institutions. In a society which has come to rever the material, eliminating the physical and to return to an idea—albeit a *new* idea—is no small task.

More than a century has gone by since a national meeting with objectives similar to those of the conference resulting from the President's memorandum has been held. In 1870, an attempt was made to initiate prison reform when a number of internationally known penologists and other persons in public life met in Cincinnati for a National Congress on Penitentiary and Reformatory Discipline. This was a day when the corrections field consisted almost entirely of prisons and similar bastilles known by such various euphemisms as reformatories and industrial schools. The Congress adopted a set of 41 principles for the guidance of practicing penologists. Although the language of these principles is now somewhat archaic, there substance would encounter little disagreement among today's correctional leaders. The participants considered rehabilitation of offenders to be a primary objective, and the means by which they proposed to accomplish this objective would still be considered enlightened. Unfortunately, the ensuing century saw little progress toward achievement of the principles of 1870.

America created the penitentiary system; that same ingenuity, concern for the individual and commitment to change can tear it down. This will not require a radical program. It does require that we reflect critically on what we are doing and that we place our actions within a larger framework of society's relationship to the individual. This examination must be far ranging and free from shibboleths. We should acknowledge that any criminal justice system, however, perfect, operates in a manner that selects differentially from among its potential clientele; we must distinguish, as one speaker indicated, reforms that are "token changes, nibbling away only at the periphery of the problem, with the larger system remaining untouched;" and we must remember in discussing correctional improvement that our perspective may be jaundiced by using a 150-year-old idea as our "benchmark."

With this perspective in mind, the planners of the conference held in Williamsburg in December of 1971—Dr.

Charles L. Clapp of the White House staff, Richard W. Velde of the Law Enforcement Assistance Administration, and Norman A. Carlson of the Bureau of Prisons—intended that this time it would be different. The Conference would be action-oriented, and it would involve not only correctional administrators and other personnel, but a cross-section of the national community and many public and private organizations whose support could be enlisted for a national drive to reform corrections. The number of persons invited to the conference, approximately 300, would be small enough that they could discuss and agree on recommended courses of action, and yet large enough to be representative of the American sentiment and resources affecting corrections.

Aside from preliminary presentations setting the stage for the conference discussions, little time was wasted on belaboring the shortcomings of corrections. With few exceptions, the conferees agreed that corrections was sadly lacking in effectiveness, but also recognized that corrections has never been given the support needed to make it effective. The conference discussions centered around what has to be done to improve corrections and how to obtain the necessary support.

The delegates to the National Conference on Corrections engaged in virtually continuous plenary and workshop sessions from the time they assembled on the evening of December 5 until they departed at noon on December 8. With many prison disorders still fresh in the news reports, the conferees recognized that they were there to work on a critical problem confronting the nation, and work they did.

Most of us have attended conferences which were enjoyable and seemed to be productive, but we have often been disappointed when nothing happened afterward. In this way, Williamsburg was different.

In a speech to the delegates, Attorney General Mitchell proposed establishing a National Corrections Academy to serve as a "center for correctional learning" and force for correctional reform. The conferees gave enthusiastic support to this concept. None of them envisioned such an academy as a building located in a specific place. Rather, they saw it as an idea that could be implemented anywhere, involving the states, the federal government and the best resources of the country wherever they might be.

The proposal is now being implemented in the form of the National Institute of Corrections along the lines recommended by the Conference. A Board of Directors, representative of the same elements of American society that attended the Conference, has been appointed and the nucleus of a staff has already been selected. The first pilot activities of the Academy are scheduled for the summer of 1972 at midwestern and western universities.

Nor is this the only recommendation from the conference to receive continuing attention: On the afternoon following the Conference, the National Advisory Commission on Criminal Justice Standards and Goals met in Williamsburg. This Commission has as its charge development of "a national strategy to reduce crime through the timely and equitable administration of justice, the protection of life, liberty and

property, and the efficient mobilization and allocation of resources." Its four operational task forces—police, courts, corrections, and community crime prevention—have been assigned responsibility for developing standards for their respective areas which would contribute to this objective.

The recommendations of the National Conference on Corrections form a significant part of the working documents being used by the Task Force on Corrections to produce detailed standards for the entire range of correctional services—diversionary programs, probation, jails, detention centers, prisons, parole and the increasing array of community-based programs. The work of the task force will be completed by September, 1972, and the standards issued for the use and guidance of Federal agencies, the Congress, professional groups, state and city officials, leaders of civic organizations, and members of the press and general public. Therefore, the Conference recommendations will receive wide circulation in a form which will command the attention of those who will be able to act upon them.

It is a common fallacy in contemporary society to attach undue significance and novelty to recent events which time may reveal to have been only superficially different. It should not be said that the Williamsburg Conference added to the sum total of correctional knowledge. It did provide, as was intended, a forum in which the knowledge at hand could be publicly articulated, debated and analyzed to lay a basis for action. There was an implicit assumption, best stated by a poet: "A little knowledge that *acts* is worth infinitely more than knowledge that is idle." Ultimately, the Conference will be judged, not by proclaiming uniqueness or new insights,

but by whether history shows we were able to drastically alter today's most neglected social institution, or whether we failed to move forward and used ignorance as a justification.

For many generations, the field of corrections has operated behind closed doors—sometimes at its own request, but always at society's insistence—and it is little wonder that in this isolation not much of consequence has ever been done. But, if Williamsburg demonstrated anything, it demonstrated that this door finally is being opened. From here on corrections will operate under the scrutiny and with a greater measure of understanding support by those who are in a position to help and hopefully by the general public. In a very real sense, Williamsburg related the problems of corrections to the other social and environmental problems that are of paramount concern today, and as the drive for major correctional reform moves on it will share national attention, concern and resources with them.

It would be impossible to iterate the many individuals who make possible an undertaking like the National Conference on Corrections. Needless to say, the Steering Committee, whose insistence that the Conference explore totally new frontiers accounted for the major departures from similar meetings, deserves primary credit. The on-site support staff and the Williamsburg Conference Center are to be lauded for their performance under the most demanding circumstances and impossible deadlines. Finally, the official report of the Conference which follows would not have been possible without Mr. Victor Evjen, who carefully edited the manuscript, and Ms. Judy Gonzalez, who brought together all the pieces into a final document.

CONTENTS

	Page	Page	
Preface	i	Workshop III: "New Directions in Corrections"	
The President's Call of the Conference	1	A. "The Special Problems of Female Offenders".....	113
President Nixon's Message to the National Conference on Corrections	5	B. "What Are the Respective Roles of the Police, Prosecution, Courts and the Legal Profession in Bringing About Correctional Reform?".....	117
"New Doors, Not Old Walls," Attorney General John N. Mitchell	5	C. "How Can Corrections Learn and Apply Knowledge and Techniques From Other Disciplines?"	120
Introduction of the Chief Justice of the United States, Jerris F. Leonard, Law Enforcement Assistance Administration	9	D. "What Are the Research Needs and How Can They Be Met?"	124
Address by Warren E. Burger, Chief Justice of the United States	10	E. "What Statutory Improvements are Needed?".....	126
Message from Senator Roman L. Hruska, Nebraska.....	13	F. "What Contributions Toward the Improvement of Corrections Can Be Made By Labor and Business?"	129
"A Case for Optimism", Edna L. Goodrich.....	13	G. "How Does Corrections Meet the Challenge of the New Militancy and Violence?"	132
"Inside Looking Out", Eddie M. Harrison.....	15	H. "Ombudsmen for Corrections"	133
<i>The Plight of Corrections</i>		I. "What Correctional Roles Can be Assigned to Volunteers, Para-professionals and Ex-Offenders?"	136
"The Dilemma of the Prisons", Raymond K. Procnunier	19	J. "How Do We Divert (prior to trial or adjudication) More Offenders from the Criminal Justice System?"	138
"Corrections Lurches Forward", Norval Morris.....	20	K. "What Are the Alternatives (post-trial or -adjudication) To Incarceration and What Are Their Appropriate Uses?"	143
"The Community in Corrections", Christopher F. Edley	24	L. "How Do We Achieve More Consistent and Appropriate Sentencing?"	144
<i>Correctional Problems and Programs in Other Nations</i>		M. "How Can We Bring About a New Era in Correctional Architecture?"	150
Presiding: William Clifford of the United Nations.....	29	N. "Correctional Management and Organization".....	157
Address by Atsushi Nagashima of Japan.....	31	O. "What Are the Implications for Corrections of the Increasing Proportion of Minority Group Persons Among Sentenced Offenders".....	161
Address by John Braithwaite of Canada.....	33	Workshop IV: "Can Support Be Rallied for Corrections?"	165
Address by Torsten Eriksson of Sweden.....	36	List of Conference Participants	187
<i>The Emerging Rights of Offenders</i>		Index of Discussion Leaders	197
"Judicial Impact on Prison Administrators", Eugene N. Barkin	38	Index of Speakers	197
"Substantive Rights of the Prisoner", Judge William B. Bryant	43	Conference Staff	198
<i>Summary of Conference Workshops</i>			
Workshop I: Dora Somerville	47		
Workshop II: Richard A. McGee	49		
Workshop III: Robert J. Kutak	52		
Workshop IV: Oliver J. Keller, Jr.	54		
<i>Workshop Discussion Papers and Group Reports</i>			
Workshop I: "What Should Society Expect of Corrections?"	59		
Workshop II: "Manpower for Corrections"	83		

THE WHITE HOUSE
WASHINGTON

June 10, 1971

MEMORANDUM FOR

THE ATTORNEY GENERAL

In my memorandum to you of November 13, 1969, I noted that the American system for correcting and rehabilitating criminals presented a convincing sense of failure.

In that memorandum I directed you to take action across a broad front to improve the situation.

As you have advised me, we have organized federal efforts for a total attack on this problem, and there already have been substantial achievements. For the first time in the history of our country the Federal Government is not only committed to improving our entire corrections system, but has acted as well.

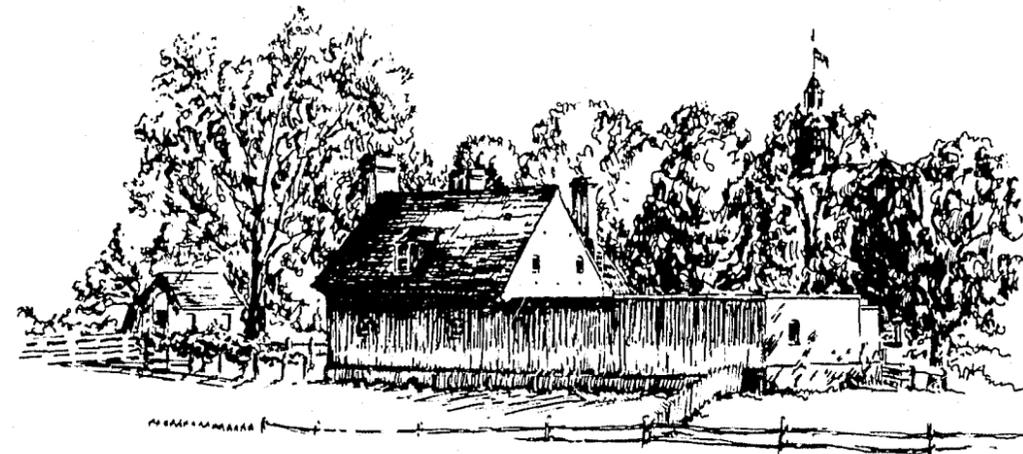
I am, therefore, requesting you to convene a National Conference on Corrections this fall, similar to the National Conference on the Judiciary I attended earlier this year at Williamsburg, Virginia.

Interest in and concern about the state of our jails, prisons and correctional programs is widespread. The Chief Justice, the Congress, professional groups such as the American Bar Association, and state and local governments all share our desire to achieve progress in this important area. We should build on this community of interest.

As we well know, progress cannot be measured by expenditures alone. Yet it is encouraging to note that the Bureau of Prisons has increased its funding from \$69 million in Fiscal 1969 to a

request of \$194 million in Fiscal 1972, and is moving ahead at my direction to make our federal prison system a model for the nation. The Law Enforcement Assistance Administration is writing a splendid chapter in corrections improvement. LEAA funding for corrections has increased from \$2 million in Fiscal 1969 to \$59 million last year to \$178 million this year. As those figures show, LEAA has made corrections improvements one of its top priorities.

Other departments are also increasing their commitment to these and related problems. It is time we shared this progress more fully with representatives of state and local criminal justice planning bodies, professional groups in the corrections field, and a variety of public service organizations. They should all be aware of what has been accomplished in the past two years, what is being done at present, and what is planned for the future through joint, federal, state and local efforts.



The Public Goal, Williamsburg, Virginia

MAJOR ADDRESSES

PRESIDENT NIXON'S MESSAGE TO THE FIRST NATIONAL CONFERENCE ON CORRECTIONS

AT LONG LAST, this Nation is coming to realize that the process of justice cannot end with the slamming shut of prison gates.

Ninety-eight out of every hundred criminals who are sent to prison come back out into society. That means that every American concerned with stopping crime must ask this question: Are we doing all we can to make certain that many more men and women who come out of prison will become law-abiding citizens?

The answer to that question today, after centuries of neglect, is no. We have made important strides in the past two years, but let us not deceive ourselves: Our prisons are still

The President's message was tape-recorded prior to the Conference and heard at the First Plenary Session, December 6, 1971.

colleges of crime, and not what they should be—the beginning of a way back to a productive life within the law.

To turn back the wave of crime, we must have more effective police work, and we must have court reform to ensure trials that are speedy and fair. But let us also remember that the *protection of society depends largely on the correction of the criminal.*

I look to this National Conference on Corrections to focus the Nation's attention on this problem, and to come up with specific recommendations to blaze the trail of prison reform.

Locking a convict up is not enough. We must also offer him the keys of education, of rehabilitation, of useful training, of hope—the keys he must have to open the gates to a life of freedom and dignity.

NEW DOORS, NOT OLD WALLS

JOHN N. MITCHELL

Attorney General of the United States

LET ME join the others in welcoming you to this National Conference on Corrections. As many of you know, this Conference stems from the continuing concern over prison reform by the President of the United States, and is a part of the national corrections program that he set in motion 2 years ago.

In 1969 President Nixon directed his Administration to pursue correctional reform along 13 specific avenues. He also appointed a Task Force on Prisoner Rehabilitation, which made a number of significant recommendations in April 1970.

Together, these directives and recommendations represent the most determined and comprehensive approach to corrections ever made in this country. I refer not only to federal corrections, but insofar as the Federal Government can provide funds, training, and leadership, this approach is a Magna Carta of prison reform for all levels of government.

Charting the Course for Correctional Reform

We are here to review how far we have come in implementing the reforms already proposed by the President and others, and to chart a course over the vast sea of problems remaining.

Until the last 2 years, it could be said of prison reform what Mark Twain is supposed to have said about the weather: "Everybody talks about it, but nobody ever does anything about it."

Some of the talking was done at a National Congress on

Penitentiary and Reformatory Discipline, meeting in Cincinnati. Among other things, it recommended that:

- The prime goal of prisons is not to punish, but to reform.
- Prison personnel should be much better trained and developed to professional status.
- Prisoners should be classified and treated appropriately and separately.
- They should be handled with incentives and moral suasion, not physical punishment.
- They should be given hope of reduced sentence and parole for good behavior.
- Their academic education and vocational training should receive primary emphasis.
- They should be helped to find their way in society after release.

When were these enlightened ideas proposed? Not last month or last year, but in 1870—more than a century ago.

Forty years ago a National Commission on Law Observance and Enforcement, known as the Wickersham Commission, devoted an entire volume of its report to the subject of corrections. Among its recommendations were the very same ones that had already been recommended in 1870.

Nearly 5 years ago a President's Commission on Law Enforcement and Administration of Justice devoted a chapter of its final report to corrections. Among its recommendations were ones previously made in 1870 and 1931.

What was the result of this century of recommendations?

In state after state, most of the prisons have no programs for correcting the prisoner. Only a fraction of inmates in the country are exposed to such programs.

Only from 10 to 20 percent of all prison system budgets

Keynote address at the National Conference on Corrections, December 6, 1971.

in this country is spent on actual programs to correct the inmate; the rest is spent on custody and administration.

Only 20 percent of institutional personnel are assigned to correctional-type programs.

In many states, first offenders are mingled with hardened criminals; in many cases, juveniles are mingled with adults.

In any other profession this kind of neglect would be unthinkable. How would we react if a hospital put accident victims in the communicable disease ward—and at that, a ward in which the patient received a bed, but no treatment? We should be just as appalled at the situation in many of our prisons today. Little wonder that, in sounding the call for prison reform, President Nixon declared, "The American system for correcting and rehabilitating criminals presents a convincing case of failure."

There are, of course, some outstanding exceptions. But in characterizing most American prisons I need only use the same language that the Wickersham Commission used 40 years ago:

We conclude that the present prison system is antiquated and inefficient. It does not reform the criminal. It fails to protect society. There is reason to believe that it contributes to the increase of crime by hardening the prisoner.

Today we have figures to confirm that belief. According to the Federal Bureau of Investigation, those arrested on federal criminal charges in 1970 had an average of four prior criminal arrests and an average of nearly 1½ convictions at the local, state, or federal level. The nearly 38,000 arrested on federal charges in 1970 had a total of more than 22,000 prior imprisonments of 6 months or longer in one type of institution or another.

These and many other studies with similar results should not surprise us. It is as simple as the words of the novelist, Dostoyevsky: ". . . neither convict prisons, nor prison ships, nor any system of hard labor ever cured a criminal."

The fact is that other trends in American life are going to make this corrections problem even more pressing in the future. The trend toward improved law enforcement systems will not only deter crime in the long run, but in the near term one of its effects should be to increase the arrest rate. Moreover, if the court reform movement proceeds as we hope, it will speed the prosecution of more defendants. Together, these two factors will send many more offenders through the criminal justice system, thus putting added strain on the corrections program.

We must be prepared for this new wave of offenders coming into the prison system—ready not just with added beds and benches, but ready to make the most of an opportunity to reach a larger number of offenders with modern corrections techniques.

At the same time, the rising level of education in the United States is leaving a bigger gap between the under-educated offender and society at large. So our job training and educational programs in the prisons must be pushed even harder to keep up with successes in other aspects of society.

Recent Developments

Recognizing that there are many successful corrections pro-

grams by various jurisdictions, I should like to examine briefly the particular program developed in response to President Nixon's directions 2 years ago.

First, the President's program has received growing financial support from Congress, thanks to some dedicated leaders in the corrections crusade such as Senator Roman L. Hruska of Nebraska. Funds specifically earmarked for corrections, over and above the other corrections grants, have been added to the program of the Law Enforcement Assistant Administration, part of the Department of Justice.

Second, in 1970 the Inter-agency Council on Corrections was created to focus the work of all relevant federal agencies on prisoner rehabilitation. This consists of representatives from a dozen agencies within the Departments of Justice, Labor, Defense, and Health, Education, and Welfare, as well as from the Department of Housing and Urban Development, the Office of Economic Opportunity, and the U.S. Civil Service Commission.

Third, the United States Board of Parole was reorganized in 1969 to enable parole hearing examiners to conduct many of the hearings in correctional institutions across the country. This permits the Board members to devote more time to the decision-making process and to hold more appellate reviews.

Fourth, the Federal Bureau of Prisons within the Department of Justice developed a comprehensive 10-year master plan to improve the effectiveness of the Federal Prison System and hopefully to make it a model of correctional endeavor for other agencies in this country to follow. This plan emphasizes individualized treatment and community orientation. The Bureau has already made a good start in achieving these goals, particularly in two vital areas—personnel training and new facilities.

The first regional staff training center was opened last January. It provides professional training to develop the correctional officer as an agent for change rather than as primarily a custodian or keeper. The second regional training center will be opened the first of this coming year, and three more are planned for the future. As soon as possible, these facilities will also be made available to state and local correctional personnel.

This month the Bureau plans to break ground for its first Metropolitan Correctional Center in New York City. This multipurpose facility will provide presentence and postsentence short-term detention, diagnostic service to the courts, pre-release services to offenders returning to the city from other institutions, and correctional services for parolees and probationers. Construction will begin on a similar center in Chicago in June 1972, and six other centers are scheduled for urban areas where the need is most acute.

Construction will begin early next year on a facility unique in correctional practice. This is the Behavioral Research Center at Butner, North Carolina, which will provide treatment for and research on special groups of offenders, including the mentally disturbed. And in the fiscal 1972 budget, Congress provided for construction of a West Coast complex of facilities in four metropolitan areas to provide better correctional techniques for youthful offenders.

Fifth, the Law Enforcement Assistance Administration has greatly increased its funding for correctional aid to the states

and localities. In fiscal 1971 this reached \$178 million, which included more than \$47 million in Part E funds that Congress, for the first time, especially earmarked for corrections, at the urging of President Nixon. This Part E funding has been more than doubled in the current 1972 fiscal year, bringing the total LEAA funding for corrections in this current year to nearly a quarter of a billion dollars. For the first time, substantial funds are available for a coordinated program to bring American penology into the 20th century.

Preparing the Offender for Return to Society

From its inception, the entire LEAA corrections program has had a common theme—preparing the offender for assimilation into society. One reason is that community-based programs are within the financial reach of the federal assistance program and of the states and localities. If these correctional programs are as successful as we hope, we may not need to build all the new facilities that now seem to be required by the antiquated condition of most penal institutions. Some funds are being used for construction, but on a very selective basis which emphasizes corrections, not just detention. Already, as a result of LEAA funding, we can see some visible areas of progress. To cite only a few:

- Kentucky has begun its first organized prerelease program for prison inmates.
- Arizona has begun treatment programs in county jails.
- Michigan is developing a million-dollar model program to treat young offenders in community-based programs.
- Missouri is opening 12 new community treatment centers for offenders and ex-offenders and 36 group homes for juveniles.
- Louisiana is building a state institution for women and two regional centers for offenders.
- Indiana has opened two new regional centers for juveniles in the past 2 years and will open four more.
- Florida is implementing a major probation program for juveniles directed by the state.
- New York is launching a massive series of professional training programs for existing correctional personnel at all levels.

Those programs are only a fraction of the whole picture. Last Fiscal year LEAA put over \$2 million into job training and placement programs operated by private industry.

LEAA has also made direct grants to cities and counties to finance community treatment centers, narcotics and drug treatment, job placement, juvenile probation, work release, group homes, rehabilitation of alcoholics, halfway houses, volunteer aid programs, psychiatric care, and a host of other offender rehabilitation efforts.

We are also aware that many states need technical advice on how their facilities need improving, and even on how their new buildings should be designed to make maximum use of modern correctional methods. I am able to announce that, to meet this need, LEAA has funded a National Clearinghouse for Correctional Programming and Architecture at the University of Illinois.

Professional assistance in planning and implementing edu-

cation programs for inmates is also a need of many states and localities. For this purpose I am today directing LEAA to establish a National Clearing house for Correctional Education, using such funds as are now available for its initial phase of development. This Clearinghouse will give technical help, including curriculum planning and classroom and correspondence course materials, to correctional agencies establishing education programs for primary through college level.

These are only a few highlights, and they do not include numerous research programs to advance the science of corrections.

Already, because this large LEAA funding is now available, state and local correctional administrators have begun to press for change. They are documenting their needs, with new confidence that those needs will be met. No longer are they voices in the wilderness.

Coordinated Programs of Other Federal Agencies

In addition, other federal agencies are providing strong support. At three federal institutions, the Office of Economic Opportunity has funded programs to prepare selected inmates for advanced educational opportunities. A number of vocational training courses for handicapped inmates have been sponsored by the Rehabilitation Services Administration of HEW. The Manpower Administration of the Department of Labor has made numerous grants to provide occupational training for inmates of federal, state, and local institutions. And the Manpower Administration is also participating with United States attorneys and the federal courts in a program to provide jobs and correctional guidance to selected defendants, without trial.

Recently, steps have been taken to bring even closer coordination of federal and state corrections programs.

A National Advisory Commission on Criminal Justice Standards and Goals, chaired by Governor Russell Peterson of Delaware, has been established by LEAA. Among the standards it will consider and establish are those for corrections. I trust that when these are forthcoming, correctional institutions at all levels will give them the most serious consideration, to the end that all such American institutions can work toward the same goals.

In addition, the cabinet heads of the Departments of Justice, Labor, and HEW last week joined in sending a letter to the governors of all states and territories, offering fresh technical and financial assistance in a coordinated federal-state program for correction of offenders. Grants for preparation of plans will be made to all participating states before the end of this fiscal year. Some time in February the representatives designated by the Governors will meet with federal officials in Washington to agree upon guidelines for the program plans. The result will be that the states can make comprehensive plans with the assurance that they will receive substantial federal financial support starting in fiscal 1973.

So we have here the first major step in articulating and implementing a national program—federal, state and local—on the correction of offenders. I hope that your deliberations here will provide a body of professional recommendations

that will guide state and federal planners.

In short, a number of factors have combined to give us the best opportunity in this century to bring some genuine reform to the most neglected aspect of our society.

- We have concerned and enlightened leadership—a President who has made prison reform one of the priorities of his Administration.
- We have significant funds available and a viable program for allocating them.
- We have some outstanding examples of progress in both state and federal prison institutions.
- We have a higher level of public support than ever before.

A National Corrections Program

For the first time, we can mount a national corrections program that does not simply repair old buildings, and is not based only on old concepts of restraint and deterrence. Instead, we can make use of the imaginative corrections principles that have been advocated for at least a century.

More than this, we can be bold enough to consider new ideas. Let me close by sharing just a few with you.

First, as you know, the need for better training and common performance standards among correctional officials is shared by all government levels. In this connection I am today directing the Federal Bureau of Prisons and the LEAA to work with the states and localities in establishing a National Corrections Academy. This would serve as a national center for correctional learning, research, executive seminars, and development of correctional policy recommendations. It would cover the whole range of correctional disciplines, from the new employee to the management level. Besides giving professional training of the highest quality, it would provide a continuing meeting ground for the exchange of advanced ideas on corrections. I believe it will be the most effective single means of upgrading the professional and assuring that correction is more than a euphemism for detention. I hope that the members of this Conference will give us the benefit of their ideas on implementing this Academy in the most effective way.

Second, I call upon all agencies to increase minority employment among professional correctional personnel. In my opinion this would greatly increase the effectiveness of counseling and guidance at all stages of the corrections process. Practically all prison systems, including the federal system, have a long way to go in this regard. I am pleased to report that the Director of the Federal Bureau of Prisons has directed all 28 federal institutions to work toward a goal of one-third minority employment in all new hiring. I urge corrections institutions at all levels to make an extraordinary effort to find and recruit minority personnel—not only because it is the law, not only because it is fair, but also because it can genuinely benefit the corrections process. LEAA

is already funding a program to aid police departments in increasing their proportion of minority officers, and I am today directing LEAA to expand this program to include the same aid for correctional systems.

Third, let us recognize that correction should begin, not with the prisons, but with the courts. Let us ask whether in every case we need to achieve "the object so sublime" of the *Mikado's* Lord High Executioner "to make the punishment fit the crime." In many cases, society can best be served by diverting the accused to a voluntary community-oriented correctional program instead of bringing him to trial. The federal criminal justice system has already used this formula in many juvenile cases—the so-called Brooklyn plan. I believe this program could be expanded to include certain offenders beyond the juvenile age, without losing the general deterrent effect of the criminal justice system. I am therefore directing the Executive Office of United States Attorneys and the Criminal Division of the Justice Department to study the feasibility of enlarging the area of criminal cases in which the prosecutor might be justified in deferring prosecution in favor of an immediate community-oriented correctional program.

Public's Attitude Toward the Offender

Finally, I propose for your consideration a more general problem—the need to elevate public attitudes toward the releasee. Studies have shown an appalling resistance to hiring ex-offenders, even by many governmental agencies at different levels, thus frustrating other efforts at correction. Some state laws prohibit the hiring of ex-offenders by government agencies, however well adjusted or corrected they may be. When such a releasee is thus denied the means of making an honest living, every sentence becomes a life sentence. The attitude of each citizen toward salvaging offenders as valuable human beings is one of the obvious cases covered by the popular saying, "If you're not part of the solution, you're part of the problem."

It is my hope that as the rehabilitation approach to penology begins to work, the public will begin to change its archaic feeling about ex-offenders. The public's predominant impression of penology will be, not of old walls, but of new doors. And this in turn can be the final breakthrough in the centuries-old battle to reclaim and assimilate the ex-offender.

Winston Churchill once said that attitudes toward the treatment of criminals are "one of the unfailing tests of the civilization of any country." Let us do all in our power to assure that our country may yet be able to meet this test, not in shame, but with pride.

Ladies and gentlemen, I wish to thank you for your participation in this Conference. We are counting on your counsel as we enter a new phase in a national correctional program, and I trust that your dedication to this cause will produce some truly inspired guidance that is equal to the challenge.

INTRODUCTION OF THE CHIEF JUSTICE OF THE UNITED STATES

JERRIS LEONARD

Administrator, Law Enforcement and Assistance Administration

THIS CONFERENCE has a silent prologue. For decade after decade, authoritative voices that should have alerted America to its grave problems in corrections were silent. Most citizens were untroubled by what might be happening behind prison walls.

A growing crisis was ignored.

Leaders who should have acted did not.

During the past 3 years, there have been three men who have spoken out about the Nation's corrections failures. They called attention to the clear relationship between the lack of offender rehabilitation and rising rates of crime and violence. We are privileged at this conference to hear all three.

One is President Richard Nixon. He called this meeting to being as the latest in his series of landmark programs for the reform of corrections. He has made corrections an integral part of his overall drive to reduce crime.

The second is Attorney General John N. Mitchell. He has carried out the President's directives and developed programs for corrections improvement in every corner of the nation.

The third man is the speaker I have the honor to introduce.

Chief Justice Warren E. Burger has spoken out vigorously about the urgent need for corrections reform. He has taken a broad, realistic, and humanitarian stand.

The Chief Justice has called the Nation's attention to the two basic truths about corrections:

First, Crime can be reduced by the effective rehabilitation of offenders.

Second, The lives of offenders themselves—and of their families—can be salvaged by effective corrections programs.

Chief Justice Burger has said that the heart of the problem is the individual criminal, whom he described as "a disorganized and inadequate human being who cannot cope with life." That is surely an acute comment. Moreover, we are not entitled to let the matter rest there. Enough disorganized individuals can lead to a disorganized society, and those who cherish freedom ignore that risk at their own peril.

Some corrections shortcomings are highly visible, and the tragedies burst onto the front pages. Others are often invisible—hidden from public view behind prison and jail walls. But even these sooner or later become apparent in agonizing ways, though many may not realize they stem from corrections. I am referring here to the crimes—tens of thousands of crimes—committed each year by former inmates who come back to society unredeemed by correctional institutions.

Past failures to rehabilitate offenders—especially youthful offenders—are notorious. Where youth programs existed, they usually were inadequate; where they did exist, children and teenagers often were locked up with adult offenders. The results of such neglect can haunt the Nation for decades to come. The children constitute the one natural resource that is irreplaceable.

Under the impetus of new federal programs, states were not reluctant to start improving corrections or to describe their shortcomings. In fiscal 1969, for instance, states reported to the Law Enforcement Assistance Administration the following examples of bad conditions:

- A jail where a teenager had to burn his shoes to keep warm.

- A state prison where boys as young as 14 were locked up with hardened adult offenders.

- A prison where inmates served as guards—many armed with rifles and pistols.

- A county jail system where, as the state described it, children were placed in situations unfit even for the confinement of animals, and which reportedly had resulted in suicides.

The states also programmed federal funds to solve those and other evils.

The corrections shortcomings of decades of centuries cannot be cured overnight. But the programs that have been launched by the Federal Government in the past three years to improve corrections are unprecedented in our history. I believe the results will be enormous—and for criminal justice will be comparable to the breakthrough in public health that resulted from the massive efforts to develop a polio vaccine.

One of the most effective ways to reduce crime is to rehabilitate offenders, to make deep inroads into the number of crime repeaters. Each inmate released unchanged may claim one or two or scores of victims before being caught again. Unless corrections work is done well, thousands of Americans will continue to fall prey to the stream of offenders who go in and out of the revolving doors of the criminal justice system in and out of the crime factories. Just as the unredeemed offender can trigger a chain reaction of misery, so can one redeemed inmate cause a chain reaction of hope. Hope for a decent life for himself. Hope for his children who otherwise might be twisted into a life of crime and perpetuate generations of criminal behavior. Hope for the law-abiding who would otherwise become his victims—losing their property, or their loved ones, or their own lives.

On the National Archives in Washington there is this inscription: "What Is Past Is Prologue." In the case of corrections and crime, that must not be so.

There must be a better way, as the Chief Justice has declared so often. As many of you are aware, Mr. Chief Justice Burger has taken a large amount of his own valuable time to visit prisons in this country and abroad for a first-hand look at corrections problems. He has come away with an abiding sense both of the failures and the need to bring change. And he has spoken repeatedly to rally professional and public opinion to the cause of corrections reform.

He has said: "To put a person behind walls and not to change him is to win a battle and lose a war."

He has said that corrections is "the most neglected, the most crucial, and probably the least understood phase of the administration of justice."

He has, in short, tugged at the national conscience.

I know the Nation will listen to him carefully. We must

ADDRESS OF CHIEF JUSTICE WARREN E. BURGER

I AM SURE that everyone concerned about problems of corrections and prisons was heartened by the action of the President in convening this Conference. It is time for a massive coordinated effort by the state and federal governments.

It is also highly appropriate that these sessions are held in this historic place for it was a distinguished Virginian, George Keith Taylor, brother-in-law of Chief Justice Marshall, who, as a member of Virginia's House of Delegates, spoke here almost exactly 175 years ago—on December 1, 1796, to be precise—on behalf of legislation to improve the penal system of the Commonwealth.

Taylor is remembered as one of the first leaders on this continent to advocate the enlightened views of the great Italian reformer and legal philosopher, Beccaria. Thus, Virginia is a familiar forum for the problems this Conference is considering.

For as long as I have been a judge, I have tried to see the administration of criminal justice in terms of three major entities, or parts, all constituting interrelated parts of a single problem. The first, obviously, is the police and enforcement function; the second is the judicial function; and the third is the correctional and confinement aspect.

This Conference is concerned with that third and final, and very crucial, aspect of justice. On other occasions I have said, and I strongly believe, that this third phase is perhaps the most neglected of all three of the aspects of justice, although each of the other two has strong claims, unfortunately, for first place in that respect.

The problem of what should be done with criminal offenders after they have been found guilty has baffled societies for thousands of years. Therefore, none of us would be so brash as to assume that this Conference can even discuss, let alone solve, all the enormous problems that have been with us for several thousands of years. Because of this terrifying magnitude of the problem, I hope the Conference will find a way to identify just a few of the most urgent but solvable problems and address ourselves to them at once. If we try to solve all the problems, we will solve none. We must be content with modest progress and small victories.

Ideals, hopes, and long-range planning must have a place, but much can be accomplished without further research or studies in the essentially "nuts and bolts" side of corrections.

I hesitate to suggest, even in a tentative way, my own views of those solutions to an audience that includes so many genuine experts and authorities in this field. Since the recent events at Attica, New York, and in California, the country has been recalling the warnings that many of you have

resolved to leave here with the irrevocable intention of acting upon his words.

Ladies and gentlemen, the Chief Justice of the United States—The Honorable Warren E. Burger.

uttered on the need to reexamine both the basic attitudes and the tools and techniques of correctional systems and prisons. (I need hardly add, to this audience, that there is a vast difference even though for shorthand we use the two terms interchangeably.)

Even to reach some solutions on the urgent, the acute, the immediate problems, will take large outlays of money, and this cannot be produced except with a high order of public leadership to develop a public commitment and, in turn, a legislative commitment at state and national levels.

As I see it, the urgent needs include these:

1. Institutions that provide decent living conditions, in terms of an environment in which hope can be kept alive.
2. Personnel at every level who are carefully selected, properly trained, with an attitude of understanding and motivation such as we seek in teachers; and with compensation related to the high responsibility.
3. Improved classification procedures to insure separation of incorrigibles from others.
4. A balanced program of productive work, intensive basic education, vocational education, and recreation.
5. Communication with inmates.
6. A system of justice in which judges, prosecutors, and defense counsel recognize that prompt disposition of cases is imperative to any hope of success in the improvement of those convicted.

Institutions and Facilities

I will not dwell on the subject of institutional housing since most of you are better informed on the facts and are more knowledgeable as to the needs than I am. I fear that if we took a realistic national inventory and determined how many states meet minimum standards that most of us would agree on, the result would be a melancholy commentary on a 20th century society. The rise in crime has crowded most prisons beyond any reasonable bounds and new structures are needed. We know, however, that many of our problems flow from having institutions that are too large, that are poorly located and inaccessible to the family of the inmates, too far away from facilities for work release programs, and located in areas that do not provide adequate housing for personnel of the institution.

As you well know, bricks and mortar do not make a sound correctional institution any more than bricks and mortar make a university, a newspaper, or a hospital. People and programs are crucial. The recent events in two of the largest and most affluent states are evidence that more than good "plant and equipment" are needed. With all that has been said and

written about the problems in New York and California, there has been almost nothing communicated to the public about the fact that the particular institutions in question are among the more modern penal institutions in a physical sense. Attica and San Quentin serve to remind us that even the best of buildings have not provided solutions.

So even when we finally eliminate the 19th century dungeons and terrible overcrowding that prevails in so many places, we will still have enormous problems left to solve. It will take millions of dollars to accomplish the changes needed, but it must be done and we must have new thinking about what constitutes a correctional institution in a purely physical sense, where it should be located and how large it should be.

Personnel

You are well aware, but the public is not, that well-trained personnel is far more important than the bricks and mortar. "Just anybody" cannot make a sound correctional institution any more than "just anybody" can make a good parent or a good teacher. We have yet to understand that the people who operate prisons, from the lowest guard to the highest administrator, are as important in the whole scheme of an organized society as the people who teach in the schools, colleges and universities. I suspect some experts would say that is an understatement in the sense that the reasonably normal people who go to schools can overcome the handicap of poor teaching. We know that most prison inmates are not mentally and emotionally healthy and therefore need something more than normal people require. Guards and guns are not enough.

As we are now slowly awakening to the need for more intensive training for policemen on the beat and in the patrol cars, we must sense that the guards, the attendants, the teachers, and the management of prisons must be specially selected for their temperament and attitudes and then specially trained for their crucial part in the task of helping prisoners to help themselves.

I am sure that every person here must be elated over the Attorney General's proposal to establish a National Corrections Academy patterned after the great training program of the FBI Police Academy. The management and operation of penal institutions has desperately needed such a nationally coordinated program to train every level of prison personnel from guards to wardens, as the Department of Justice has done with police administrators.

This decision on the part of the President and the Attorney General could be one of the milestones in correctional history.

Improved Classification Procedures

In many institutions we know that overcrowding and understaffing have led to a breakdown of classification procedures and practices. In some institutions there are no such procedures. One of the high prices we pay for that lack is a mingling of youthful offenders and first offenders with recidi-

vists, incorrigibles, drug addicts, and others who are seriously mentally disturbed. A very high priority must be given to separating inmates, and this is particularly important today with respect to the riot-prone inmates. Those who would disrupt and destroy a penal institution must be separated to protect those who are trying to learn and to prepare themselves for the future. Every inmate has a right to be insulated from those who are bent on lawless acts.

A Balanced Program

We need look only at the median age of inmates to see at once the need for athletic and other recreational facilities so that these young men can burn off the surplus energies of youth as many of them would be doing if they were free. The corrosive impact of enforced idleness at any age is bad enough, but on young men it is devastating. Playing cards, watching television or an occasional movie, with nothing more, is building up to an expensive accounting when these men are released—if not before. Such crude recreation may keep men quiet for the time, but it is a quiet that is ominous for the society they will try to re-enter.

Some states have recognized these needs and provided for them, but many have not. If anyone is tempted to regard this as "coddling of criminals" let him visit a prison and talk with inmates and staffs. I have visited some of the best and some of the worst prisons and I have never seen any signs of "coddling," but I have seen the terrible effects of the boredom and frustration of empty hours and a pointless existence.

Education

Recreation and education programs really go hand in hand in prisons as they do in schools and in life. When society places a person in confinement, it deprives him of most normal opportunities and much of the motivation for self-improvement. When society does this, it has a moral obligation to try to change that person—to make a reasonably successful human being out of him. Common sense and the self-interest of society dictate this even if we lay aside all considerations of human decency and our religious beliefs as to redemption.

Here, perhaps, our failure is the greatest. The percentage of inmates in all institutions who cannot read or write is staggering. Another and largely overlapping category is made up of those who have no marketable skills on which to base even a minimally successful life.

The figures on literacy alone are enough to make one wish that every sentence imposed could include a provision that would grant release when the prisoner had learned to read and write, to do simple arithmetic, and then to develop some basic skill that is saleable in the market place of the outside world to which he must some day return and in which he must compete. Since the best of human beings need motivation and hope, why have we thought prisoners can do without both? We should develop sentencing techniques to impose a sentence so that an inmate can literally "learn his way" out of prison as we now try to let him earn his way out with "good behavior."

We know that today the programs of education range from nonexistent to inadequate, with all too few exceptions. However we do it, the illiterate and the unskilled who are sentenced for substantial terms must be given the opportunity, the means, and the motivation to learn his way to freedom.

Meanwhile, we should make certain that every inmate works and works hard. With countless thousands of law-abiding citizens "moonlighting" on second jobs to make both ends meet, there is no reason why every healthy prison inmate should not be required to work to earn at least a part of his "keep." Moreover, every consideration of rehabilitation demands that inmates be kept busy with productive work, with learning and self-improvement. With this must come an expansion of psychological and religious counseling to instill motivation and maintain hope.

Communication

We know that one of the deepest hungers of the human being is communications with others on his hopes, his fears, his problems. Inside the walls of a prison this basic need of Man does not vanish and indeed we know it is greater than ever. A means of regular communication should be established between inmates and those who run the institution. We cannot turn the management of a prison over to the inmates, but society, as represented by the "keepers," can listen to what the inmates have to say.

To the extent it is feasible and consistent with orderly administration, therefore, the inmates need to have a chance to regulate some limited part of their lives, however small, by the processes of deliberation and choice. If we tie a person in a chair for a long time, we can hardly be surprised if he cannot walk when we let him loose. Within limiting regulations necessary for basic order, inmates should be allowed to think and walk and talk as we will demand that they do when they are released. What can be wrong with allowing prisoners to practice, on a small scale, the very things we will insist they do when they are again free?

Speed In the Administration of Justice

Finally, a few words need be said about the functioning of the courts in relation to the correctional system. Time does not permit discussion of standards for sentencing and related matters that you are dealing with in workshops and seminars, but I am confident we would all agree the judicial system has a responsibility to see to it that every criminal charge is tried as promptly as possible and that the appeal is swiftly heard and decided. In some places the time lag between arrest and trial is hardly less than a public disgrace. Some of this is due to the maneuvering of lawyers who misconceive their function and seek to postpone the trial date as long as possible; some is due to overworked defender legal aid staffs, overworked prosecution staffs, and overloaded courts—and some to poor management of the courts.

Whatever the cause, the impact of the delay in disposing of criminal cases covers a range of consequences:

1. For any person, guilty or innocent, a long pretrial con-

finement is a corrosive experience; it is an enforced idleness in an environment often worse than the poorest correctional institution.

2. Prolonged confinement after sentence and before commitment to a conventional corrections institution is likely to erode whatever may be the prospects of making a useful and law-abiding citizen out of the convicted person.

3. We have all seen examples of defendants who have exploited procedural devices to postpone the final verdict of guilt for years with the result that their warfare with society has embedded and intensified their hostilities and rendered prospects for future improvement virtually zero.

4. Delay in final disposition also exposes the public to added dangers when the accused is, in fact, an incorrigible criminal whose release on bail is exploited to commit new crimes. Sometimes this rests on a belief, widely shared by sophisticated criminals, that when finally brought to justice he will receive concurrent sentences for multiple crimes. The measure of these risks can be found in the increasing percentage of recidivists on the criminal dockets of every court in the country.

We in the legal profession and the judiciary have an obligation to put our own house in order, and to this end the Judicial Conference of the United States in October approved programs to expedite trials and appeals in federal courts and to establish means of identifying the cases in which there is a likelihood that delays will occur. Other programs have been instituted and yet others are to come, all directed to insure the speedy justice to which every accused is entitled and which the society has a right to demand for the protection of all its members.

The statistics of the federal courts are only a small fraction of the total picture and they show nearly 42,000 new criminal cases annually, an increase of 45 percent in 10 years.

Prison Visitation

Two and one-half years ago, in discussing corrections problems at the American Bar Association meeting in Dallas, Texas, I urged that lawyers and judges—and indeed citizens generally—visit prisons and form their own judgments. The Young Lawyers' Section of the ABA took on the burden of promoting a Prison Visitation Program. I am not currently informed on all the details but I do know that in some states a very large number of such visits have been organized and that more and more judges and lawyers are finding out about prisons. Few things would help more than having the public fully informed on the problems of prisons and the burdens of those who administer them. Most administrators know a great deal of what ought to be done and none of my cursory observations at this Conference present anything new to you. What is desperately needed is that you have the resources and the authority that only public support and legislative action can provide. The people of this country can bring that about if they will see firsthand how their institutions are being run and what support they receive. We know that not all offenders can be salvaged, as we know that not all lives can be saved from disease, but like the physician, we must try.

It is most fortunate that one of the great organizations in the country saw, 2 years ago, that a national effort was called for to improve our correctional processes. The American Bar Association created not one of the usual committees of lawyers, but a Commission that includes leaders of labor, industry, judges, lawyers, penologists, and other specialists, including some of the most distinguished correctional administrators in the country, and a professional staff to carry on their work. All of the members of that Commission are invited members of this Conference and I know that Governor Richard J. Hughes, its chairman, will cooperate in every way with you.

Moral Commitment of American People

What I have been trying to express is my deep conviction that when society places a person behind walls we assume a collective moral responsibility to try to change and help that person. The law will define legal duties but I confess

I have more faith in what a moral commitment of the American people can accomplish than I have in what can be done by the compulsion of judicial decrees.

The great tradition of America comes to us from the people who came here and by work, faith, and moral fortitude turned a wilderness into a nation. Most of them were the poor and the oppressed of Europe. All of them wanted something better than the life they had abandoned.

Part of the American tradition has been to give of our bountiful treasure to others to restore them from the ravages of wars and natural disasters. We have not always shared our resources wisely, but we have shared them generously.

Now we must try to give leadership and guidance to see that this generous spirit and this American tradition are applied to one of the large unsolved problems of Mankind and surely one of the unsolved problems of our society.

You accept this as your obligation by being here and I accept it as part of mine. Together we must let the people and the lawmakers know what needs to be done.

GREETINGS FROM UNITED STATES SENATOR ROMAN L. HRUSKA*

I SHOULD LIKE to extend my greetings to all attending the National Conference on Corrections, and to express my regret at not being able to join you.

As those of you familiar with my concern for corrections are well aware, only Senate business of the most overriding importance would keep me away.

The problems with which you are grappling are not easy, or they would have been solved long since, for they are far from new.

Consequently, your efforts to solve them may involve controversy and even contention. I trust no one will be deterred

*Senator Hruska is chairman of the United States Senate Subcommittee on National Penitentiaries.

by this possibility, for the seriousness of the problem grows greater with each passing day.

We have come a great deal of the way toward a solution in the past three years, thanks in good part to massive increases in federal funding of assistance programs. It is your job to chart the new course, to say how this money will be best spent.

Experts will pore over your views in the months and years ahead, and there is no telling how long a shadow your efforts may cast in the future.

Please accept my sincere wish for a meaningful conference, and I would also like to offer my particular thanks to Mrs. Goodrich for pinch hitting for me on such short notice.

A CASE FOR OPTIMISM

EDNA L. GOODRICH

Superintendent, Purdy Treatment Center for Women, Gig Harbor, Washington

AS YOU ARE NOW AWARE, I am the substitute speaker for the United States Senator from Nebraska. It is interesting how this chain of events began. The other day Larry Carpenter called me and stated that the Senator may or may not be available and then asked, "Edna, do you have faith in and optimism for the field of corrections?" My answer was "Yes," which immediately brought the response, "Okay, if the Senator does not show, then you will be the luncheon speaker for Tuesday!"

So, here I am. I am glad to be here for two reasons: I always wanted to upstage a Senator, and I am a typical woman who likes to talk!

No Longer Can We Sit in a Comfortable Vacuum

Faith and optimism I do have in regard to the correctional system. Why? Because the boat is being rocked and the waters are no longer calm. This means that the judicial system, the institutions, the probation and parole worker, and the parole board members, etc., can no longer sit in a com-

portable vacuum and make mandates which affect the lives of thousands of people who find themselves ensnared in the correctional system, which offered them no other recourse other than you are guilty and, therefore, must be punished—such punishment entailing the stripping away of all human dignity and giving the identification of being a convict, a felon, an inmate, or any other beautiful, negative identification we could think of which would signify their unworthiness to be considered a human being. And to add frosting to the cake, if they entered the institutional system, we took away their name and gave them a number.

I hope all of you saw the production, *The Cage*, and that all of us lived through that play at the feeling level. What did we feel when the intercom voice loudly announced that prisoners numbered so-and-so were to report to the captain, to the laundry detail, or to the visitors area. If we just listened to that cold authoritarian voice who stripped them of no name identity, then we no longer have a right to be a participant in the correctional system—because this system can and is going to change. The waters will not smooth out until this change happens and those of us who resist the change will cause barriers in the waters and will have to be removed.

Years ago, when I graduated from college, I had a degree which said I was a teacher. I entered the public school system with stars in my eyes. In a few short years I began to ask the question, "What about the student who causes us trouble and we expel him or her—was not anybody going to help him?" The answer usually was "Oh, he will end up at a reform school." I could not settle for that answer. I wanted to be involved with that student, so, 20 years ago, I entered the correctional field as a teacher, then principal, and finally superintendent of a girls' institution in the State of Washington. Approximately a year ago I was offered the position of superintendent of the new institution for women.

Purdy Treatment Center for Women

I hope at this point you will allow me to refer to the institution, as this is the only frame of reference I can use to get across my feelings and beliefs of faith and optimism.

Since the late 1800's, women who committed felonies in our State were confined to a one-building structure outside the men's institution at Walla Walla. Before we opened, I went there to meet the residents. Never in my life have I seen or felt anything like I did that day. I had asked to meet with all the women, so they were assembled in a large room. When they entered, I could not believe what I saw. There was not a semblance of a human being in the group; they came slouching into the room, all dressed in unbecoming, sack dresses, no make-up, hair unkept, and the only feeling of expression I got from them was that of hostility and distrust. I could sense them saying, "Oh, hell, here is another 'do-gooder.'" When I left the institution, I vowed that their experience at Purdy was going to give them the right to feel like a human being again.

The structure at Purdy lends itself to a good atmosphere in that it looks like a college campus. There are no fences,

high walls, or guard towers. True security does not come from these structures, but comes from program. If we are truly helping individuals, then escapes will be a small part of program. People usually escape when we have them in chains of despair and futility.

Criteria for a Treatment Community

Purdy has only been open since February 22, 1971, but at this stage I feel safe in stating that the following criteria are necessary for a therapeutic community:

1. In order to recognize the individual, institutions should not exceed a population of 200.
2. All staff should be trained counsellors, able to develop rapport with the residents. Training of staff can come about with the assistance of the establishment of a National Corrections Academy.
3. High staff ratio to residents is a prime factor and funding can come from a cooperative merger of federal and state funds.
4. Residents must be allowed to be treated as individuals; refer to them by name, not a number; let them wear their own clothing or provide regular clothing for them—not uniforms.
5. Plan programs to fit individuals needs—not programs that residents must fit into.
6. Let residents be a part of program planning. This can be done through resident government councils and representatives on
7. Do away with the regimentation that exists in institutions. Let residents make decisions and accept responsibility, and let them have small things, such as an alarm clock. If a resident does not get up in time for breakfast and she is hungry before lunch, she has a problem, not you.
8. Resident mail should not be censored and phones should be available so residents can make collect calls.
9. Counselling should be provided for residents and families either in the institution or in the community. We should relax visiting regulations so friends and families can be together more often.
10. All areas of the institution should be so staffed that the institution can operate without resident help. Only then can jobs for residents on campus be a meaningful experience for them. These should be paid positions.
11. The doors of the institutions should be open to the public. We should not be a mystery to the community. However, when the citizens visit, residents should take them on tours of the facility. They are the ones the public needs to know and understand. Volunteer programs involving colleges and university students, judges, legislators, and lay people are a must.
12. Let the news media in; they can be a powerful advocate for us if we are honest and straight-forward.
13. Have training programs that involve staff and residents as this opens the door to honest communications.
14. Every state should have work training and furlough bills passed. The work and training experiences means that residents can get involved in work or in-training at the com-

munity level and less programs need to be offered at the institution. If you are too far away from city centers, then develop halfway houses. If your budget does not allow this, then get volunteers involved. Residents need furloughs in order to be with their families, sponsors, or to look for a job. In our state, any resident who can handle responsibility can have up to 60 days of furlough a year. The work release plan helps to make a resident self-supporting and what better way is there to help a resident feel worthwhile.

All of us involved know that the above list just scratches the surface, but time does not allow for an all inclusive list. A sharing of new breakthroughs in treatment is a must and here the President has established means to accomplish this exchange.

During this Conference there has been discussion regarding tearing down prisons and establishing community-based centers. These ideas are sound, but we must carefully plan these

facilities and programs or they may end up with the structure that created our present problems.

The President called this Conference which is, in effect, a mandate that we must improve the correctional system. I am happy to see the wide representation in our group today. Interested citizens, judges, legislators, ex-offenders, representatives from national service organizations, and the press are the people we need to prod us and continuously check that positive changes are being made—not just token reform.

The British have lent the Jamestown Museum many artifacts of the beginnings of the Anglo-American judicial system. One of the plats dating back to the Magna Carta states that the judiciary system will always give the benefit of the doubt to the individual versus the state. This is the basis for the success of the Anglo-American society. Is it too much today to expect that this Conference is the basis for a new Magna Carta for the correctional system?

INSIDE LOOKING OUT

EDDIE M. HARRISON

Director, Pretrial Intervention Project, Baltimore, Maryland

MY REMARKS will be deliberately subjective because I am speaking from my personal experience and relating those things that I felt, thought, considered, and was affected by during the period I was incarcerated.

By way of a preface to my remarks, I'd like to state that in 1960 I was arrested and charged with first-degree murder. This charge resulted in a conviction and sentence to death by electrocution. I spent approximately 16 months on death row pending appeal to the U.S. Court of Appeals for the District of Columbia. My conviction was overturned and I was again tried, convicted, and sentenced to life imprisonment. I had a total of four trials, each resulting in convictions. I spent a total of 8½ years in various institutions pending litigation to higher courts. I served approximately 5 years in the D. C. Jail, 2½ in the United States Penitentiary at Lewisburg, Pennsylvania, and 6 months in the Reformatory for Men at Lorton, Virginia. I was released from prison in 1968 on a personal recognizance bond while under sentence of life imprisonment and was granted a Presidential Commutation of Sentence in 1970. Thus, I am able to speak from the personal experience of one who has had extensive contact with the criminal justice system, both as a recipient and as an administrator in the field.

I Enter Prison

From the very first day that I entered an institution, I only looked forward to the day when I would be released. My orientation to institution life was complete. Entering the D.C. Jail, I received literature detailing the rules and regulations. The cell block officer informed me as to what I could and

could not do, what was expected of me, and what I could expect if I broke the rules.

The second phase of my orientation was a little more interesting. The inmates told me how to get around the rules, who I could and who I couldn't "tremble" on, which of the officers could be bought, the ones who would do favors for you, the ones who were "crackers," the ones who were "Uncle Toms," the ones who were human, which of the inmates could not be trusted, and which of the inmates were in power. Additional information included how to get out of your cell when you're supposed to be in, how to get to other sections of the jail—generally, how to beat the system. Although I am talking about a holding or detention facility, the same is true of a federal or state system, except on a larger scale.

In most institutions there exists a great deal of conflict between custody, treatment, and industrial labor personnel, all of which have their own priorities and independent perspectives of what the institution should be and what they expect of the prisoners. However, I don't feel that due consideration is given to the men confined in those institutions who should be of prime concern.

I vividly recall entering the Lewisburg Penitentiary, being stripped of all personal belongings, and given a pair of paper shoes, white coveralls, and literature about the institution. The prison was alien and unfriendly, schedules were tight, and I had a feeling of being constantly shuffled around.

Personal Crises

The first of many conflicts occurred shortly after reading the mail and visiting regulations. I read that the institution encouraged each prisoner to maintain contact with the outside world which would be helpful in facilitating his adjust-

ment. I felt some relief and even a small ray of hope. I immediately wrote a letter to my mother and one to my girl friend. The letter to my girl friend was returned to me because she was not a member of my immediate family or on my approved visitors list. She was, however, the mother of my two sons and the reason that I had been able to maintain a semblance of sanity while locked up.

The incident, seemingly minor and administratively justifiable, confirmed to me that I was alone and vulnerable and that no one in that system really cared about me or if I made it through or not. I was not even allowed to express my unhappiness about the returned letter or criticize the institution to my mother! My letter to her was also returned to me with a note from the prison censor which read: "Don't you know talk like that can get you in trouble." Even now it's difficult to recount the event without feeling some of the same anger, frustration, and despair. But that was only one incident. A more accurate representation of being inside would be to multiply that illustration by every day served time several times a day. It's precisely those operational details which are only inconveniences to the prison administration that constitute the whole of the reality of prison life to those who are locked up—meal and shower schedules; TV, library, and visiting privileges; work assignments; the guard's attitude and accrual of good-time days.

That officials don't understand the implications and importance to inmates of these seemingly mundane details is clear when the causes and administrative responses to prison disturbances are analyzed. Too frequently staff members dismiss inmate grievances related to such issues as petty.

The second incident which made a deep and lasting impression on me was my assignment to work detail. Each inmate is required to work while confined. I had expressed an interest in working in the tailor shop and was informed quite candidly they were not interested in what I wanted to do. That statement typified "corrections" from the inmate's viewpoint; however, it came as a shock to me then. I was told that they had an institution to run and needed manpower in the "Press Department" of prison industries. My options were to either work in the press department or be confined in the maximum security cell unit for refusing to work. I only had about 5 minutes to think about it. The "rehabilitation" process had begun.

These incidents are indicative of the continuous barrage of personal crises I had while confined and which shaped my perceptions and receptiveness to "corrections." Not only were my needs, wants, and desires ignored, but there was also a complete insensitivity to basic principles of human nature. Living in an environment (prison) that is very much abnormal is difficult enough to begin with, but to deny a prisoner the small degree of love and compassion that can be obtained through visits and written correspondence is asking for hostility and belligerence.

The system has become a series of means, physical and psychological, aimed at containing, controlling, and programming inmates. One's individuality, independence, sensitivity, and responsibility for self are systematically assaulted. It's a dehumanizing process. A natural response, and the response

of many, is to resist and undermine the system in every way possible. In that way an inmate can attempt to maintain and assert the identity which would be lost in "adjusting" successfully to an unnatural environment.

It is fair to say that a disproportionate number of the successful therapeutic methods were products of indigenous inmate organizations external to any institutional program and that the greatest percentage of rehabilitated ex-offenders are those who fought the system and succeeded in spite, not because, of it.

Yet, inmates are expected to make positive adjustments and be continually open and receptive to the rehabilitative process.

Other Problem Areas of Prison Life

I'd like to broaden my scope and address some of the other problem areas of prison life. A number of fallacies exist in correctional philosophy, the most basic being the feeling that the inmate who cannot make the adjustment to institutional life needs more intense supervision or controls placed on him. This usually means placing him in maximum security, not allowing him to communicate with the rest of the inmate population, strict censorship of his correspondence to his family, attorney, and even the court, feeding him in his cell, taking away his clothing, and generally dehumanizing him as much as possible. This is a system in which dishonesty is rewarded, and expression of honest feelings are discouraged. It is quite normal for a human being to have problems adjusting to institutional life and invasion of his individuality. It amazes me to realize that some people feel an adjustment to prison life indicates an ability to function in the community, to which it has little or no resemblance.

That rehabilitation does not occur in our penal institutions is a generally accepted fact. I am suggesting that the dehumanizing process that I've been discussing is both the basic foundation and the perpetual effect of the other problems characterizing corrections. These include:

- the void in meaningful prisoner/administration relations
- the lack of realistic and meaningful treatment programs
- the lack of relevant job training and placement assistance
- the lack of relevant educational programs
- the lack of qualified correctional personnel
- institutionalized racism
- inadequate parole procedures
- absence of redress for inmates
- class distinctions among inmates
- mail and visit regulations

This list is, by no means, comprehensive. To deal with any of these issues adequately would take quite some time. It is my desire to comment on a few of them.

The Void in Meaningful Prisoner-Administration Relations

Corrections must recognize the importance of listening to inmate advisory groups and should encourage the prisoners to take an active part in planning activities and programs that will help prepare them for their return to society.

Corrections must encourage leadership among prisoners in-

stead of viewing it as a threat and trying to stifle it by removing spokesmen as troublemakers.

Lack of Realistic and Meaningful Treatment Programs

Treatment should be high on corrections' list of priorities. In order to have a realistic and meaningful treatment program, it must first be determined what is being treated. The objective of treatment in this instance is to modify or change behavior, since that is what corrections is all about.

What normally should follow is an identification of the variables which are responsible for behavior. These factors include:

Family	Society
Schools	Economics
Peer group pressures	Environment
Racism	Attitude
Politics	

I have yet to see an institutional treatment program that was directed to the individual's reaction to social and economic variables. The desired behavioral change can never be made until these issues are addressed. Instead, the problems manifested in the crime are compounded by the fears, anxieties, and extremely hostile feelings most inmates have upon entering an institution. These feelings are never dealt with or, for that matter, even recognized.

Lack of Relevant Job Training and Placement Programs

There is little or no relevant job training present in our correctional system. Overwhelmingly, inmates are required to work at jobs that either maintain the institution or provide manpower to prison industries or they simply remain locked up.

In the first instance, the categories of jobs often require little or no skills, or experience, nor do they provide meaningful skills which will enable the individuals to earn a decent wage when released.

Secondly, as in my case, I received "on-the-job training" as a power brake operator. This is classified as skilled labor but certainly not related to anything I desired to do or had prior training in. Like myself, most inmates work in these capacities because they have no choice.

Little consideration is given to the community the prisoner must return to in terms of whether there is a job market for the skill he possesses. A parolee is, in most instances, compelled to return to the location of original jurisdiction. I left prison with an industrial skill for which there was no employer in the Washington, D.C. area. As a result, ex-convicts are too often subject to another inevitable failure.

Persons released from prison do not have the benefit of supportive services. Corrections' method of providing this service is by way of parole officers. A parolee only sees parole officers as an extension of the institution, and a threat to his freedom, thereby negating what little service they can provide. Parolees who have difficulty adjusting in the community would not dare report this to a parole officer, primarily because they do not believe they will receive the kind of support from the parole officer necessary to facilitate their adjustment.

Lack of Qualified Correctional Personnel

To address the question of qualification requires a great deal of discussion concerning the task to be performed. Historically the emphasis in corrections has been in the area of custody. Correctional officers were little more than turnkeys with only seniority to look forward to. The limited appeal of the job was compounded by the rural location of most institutions.

Although the emphasis is now increasingly on treatment, the turnkey-oriented correctional officer continues to be an integral part of our correctional system. Efforts at treatment have been injected into the existing structure rather than designed as alternatives to it. I do not intend a pun, nor is it an exaggeration, when I say that prisoners are dying for humane treatment.

The change in correctional priorities must be reflected in a drastic change in correctional personnel which can meet the combined needs of custody and treatment. Failure to meet this challenge will continue to result in the sabotage of the best designed of programs. We have only to look at community treatment centers—staffed by old guards with a new title to realize this fact.

Institutionalized Racism

Racism in America has been a major problem and prime concern of Black America since the birth of the country. Minority groups have exercised second rate citizenship and endured every form of racism imaginable.

Racism has long been an institution in this country and has been responsible for unrest both in the country as a whole and in penal institutions. The composition and conditions inside penal institutions reflect the problematic situations in the whole community.

Black prisoners in this country have begun to consider themselves political prisoners and are refusing to do anything less than destroy all that condones or perpetrates racism or oppression. Neglect of this problem has us at the point of open war.

Minority groups have been willing to endure these hardships as long as there was something else to lose. But in the institutional setting where human beings are stripped of everything, there is nothing to lose. One's very life becomes meaningless. I don't think it is necessary to elaborate on the implications this has.

Lack of Relevant Educational Programs

It is well established that the greatest percentage of inmate populations are severely educationally deprived. A disproportionate number are school-dropouts and are in need of basic education. Yet the inadequacies of the traditional educational system are usually just duplicated in the institution. The curriculum and framework of presentation are seldom altered to relate to the special needs and interests of this population, nor are adjustments made in the prison work schedule so that education is not at the prisoner's expense.

It is not reasonable to expect an inmate whose self-esteem is dependent on his image as a hop, slick hustler to jeopardize that image in order to struggle with a third grade reader.

The main theme of my presentation has been that corrections does not, through custody, live up to its responsibility to protect the community, nor does it through treatment serve the needs of the offender. I might repeat that those who make it successfully through the correctional system do it in spite of it, not because of it.

Conclusion

In conclusion, I hope that by participating in this and other conferences that we do not feel as though we have satisfied our individual or national need to respond to the problems of corrections.

The problems are many and varied. Each one of us must

assume some degree of responsibility and take positive actions to insure that our correctional system is as effective as possible. I don't believe this conference is a token gesture. We represent our correctional system and it will reflect what we are. I should also like to state that somehow I have the feeling that I am cheating someone out of the opportunity to be heard. Prisoners across the land are crying out and even dying for the chance to be recognized and heard, and I, for one, would like to listen. Any man who feels strongly enough to risk his life for a chance to speak must have something very powerful to say. I hope I have said something to stimulate thought, create meaningful group reaction, or at least personalize corrections to the point where we can see what we must do.

THE DILEMMA OF PRISONS

RAYMOND K. PROCUNIER

Director, California Department of Corrections

WHEN WE TALK about "dilemmas," we are saying something which describes just about everything we do in the corrections field. Other terms which also are appropriate are paradox, contradiction, irony, polarized, in the middle, and a few other similar expressions.

We start with a basic dilemma or contradiction.

Prison administrators are told by society to place offenders under control in the interest of public protection. At the same time, they are instructed to do a rehabilitative job—turn criminals into law-abiding citizens.

The control part of this dual mission has been relatively easy. It is not difficult to put somebody under security and keep them there, but we introduce a sticky contradiction when we throw in "rehabilitation." The circumstances which cause offenders to go to prison, and which require them to stay there, do not usually contribute to a rehabilitative mission.

To illustrate, if your brother was having adjustment problems, you would not think of locking him up in a prison for a couple of months to help or rehabilitate him. So the responsibilities assigned to correctional programs by society constitute a contradiction and pose a dilemma.

Because of this conflict of purposes, correctional workers are usually fending off critics, and too often such criticism is a product of an extreme point of view. There are those who believe quite sincerely that nearly all criminals should be held in confinement for extremely long periods as a means of strict control and punishment. There are also those who believe that prisoners should be handled in a permissive way and that prisons should function something like colleges or boarding schools.

Both extreme approaches are incorrect. Certainly all of the rights and privileges enjoyed by free citizens cannot be extended in an institution in which forced confinement is the order of business. At the same time, tight controls and heavy restrictions on personal choice inhibit rehabilitative programming. We are constantly trying to exert just the right amount of control, and we usually don't satisfy anybody.

We are faced with the pressure of opposing viewpoints in a situation which is now in the news in California. We have been dealing with a persistent group of reform-minded law makers in the state legislature over the past 2 years. These sincerely motivated legislators generally applaud us for initiating programs such as our 3-day pass effort. In this program, inmates within 90 days of parole are permitted to make unescorted visits to their home community to make preparations for their upcoming return to society. While legislators acknowledge this new program, they also chide us for not doing more, not making passes available to a sufficient number, not being ready to let go of what they see as unnecessary

controls. We have had about 20,000 3-day passes in the last 2 years, and there have been very few problems.

Then a tragedy occurred. An inmate on pass allegedly killed a policeman in Los Angeles. Understandably, this incident prompted heated public criticism of the pass program, particularly from some of the State's leading law enforcement officers. In the Department of Corrections, we continue to support the 3-day pass idea. We believe it is a good program. But the current public concern has prompted a special investigation by the State Attorney General, and as a result, the entire concept appears to be in some jeopardy.

This is a good illustration of the ambivalence which exists concerning corrections—opposing viewpoints which place correctional administrators square in the middle of controversy. Instead of worrying about this, we'd better get as comfortable as possible with this position.

Public Concern and Reform

Prison reform has become a political issue in the last couple of years. This, too, is both a blessing and a handicap, so far as the correctional worker is concerned. On the one hand, increased public concern may pave the way for reforms and improvements which have been advocated by correctional workers for a long time. Also, the new prison reformers are too inclined to use extreme language in describing current problems and inadequacies, and too quick to make the professional correctional worker the villain. Somehow it becomes his fault that society has established prisons which function imperfectly and do not cure the world's evils.

Extreme criticism of correctional programs, which fails to acknowledge the vast reforms which have already been made, has been a serious problem in California. For one thing, it has created a morale decline among our employees. With some good reason, they believe they have been deserted by responsible public officials who, after all, make the laws and set the policies which our employees administer. In recent years in California, we have carried out more constructive changes, made more significant reforms, and gotten better results than in any comparable prior period. At the same time, there has been an alarming and tragic increase in violence in our 12 institutions, especially violence against staff. Since January 1970, nine of our employees have been murdered. In the prior 17 years, only four employees were killed, two in one incident.

So while we are making changes which should and do have the support of the great majority of inmates, we also must cope with senseless violence from a small group of inmates who have directed their hostility against staff.

Opposition to Change

The changes and reforms have also generated some peculiar opposition from our own employees and from others. For ex-

This is the first of three statements on "The Plight of Corrections" presented at the Second Plenary Session, December 6, 1971.

ample, about 3 years ago we initiated an intensive effort to recruit more persons from minority races on our payroll. At the same time we began an effort to uncover and deal openly with any of our own racist practices. We recognized that more staff members from minority races would help us work with minority inmates in the prison-parole operation. About half of those in prison and on parole in California are from minority groups. Since we started this effort, we have added about 300 Blacks and Chicanos to our payroll. This was no easy accomplishment. We had to aggressively seek the interest of prospective employees by working with minority organizations in the community. We eliminated racial bias from our civil service testing procedures. Our recruitment advertisements were placed, with few exceptions, in media serving the minority community. We added a special minority consultant unit to the headquarter's staff. These changes have helped us increase the numbers of minority employees in the department and correct some unacceptable practices. It has also brought charges of reverse discrimination and severe criticism from some employees who suggest that we have "lowered standards" or reduced promotional opportunities for Caucasians. It is my judgment that none of these concerns is valid. However, we have at least a few employees who sincerely feel otherwise.

Changes for the Good Have Been Made

When I look back on nearly 5 years as director of corrections in California, I am really pleased with the changes which have been made. It is amazing to me that we have been able to do so much in a period when we were under constant fire from some extreme groups.

The population of prisons in California has dropped by 8,000. We have eliminated double celling. We have expanded work furlough, started 3-day passes, made greater use of presentence diagnosis, expanded short-term return units, started family visiting in nearly all institutions, reorganized to do a more effective job in the re-entry process, reduced re-

cidivism to an all-time low, and carried off many other truly significant reforms.

Still looking back, however, I am saddened by the violence which has occurred and perplexed by irresponsible or naive criticism, especially that which fails to acknowledge the immense gains which have been made.

I was talking about this with some representatives of the black community shortly after the August 21 incident at San Quentin. One of those gentlemen put it very well when he said, "It only gets worse when it's better." This certainly describes a dilemma in the traditional sense—but maybe this is the norm rather than what we have historically considered normal.

Public Awareness and Concern an Asset

I want to stress one idea which I believe is important in this time of problems and frustration—the prison administrators' need to hang on to their perspective and avoid extreme reaction. If we don't panic, the new public awareness and concern will turn out to be a big asset. It will make it possible for us to do some things we have wanted to do for a long time—things that we know should be done.

I know that our system in California is better today than it was 10 years ago or even 2 years ago. At the same time, we seem to be facing even more serious problems than those which faced our predecessors and we are being subjected to volley after volley of criticism.

The conditions which I have described give you some idea of the dilemma faced by society in its consideration of corrections programs. More than anything else at this moment, we need reasonable and intelligent evaluation. We do not need the rhetoric of extremists at both ends of the continuum. I wish the extremists would close their mouths for a little while and quit standing in the way of sincere people who are willing to look at problems with objectivity—who are searching for truth.

If this Conference does nothing more than provide a forum for intelligence and reason, without the shrill clamor of extremists, it will have served a noble purpose.

CORRECTIONS LURCHES FORWARD

NORVAL MORRIS

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LAST YEAR the American Correctional Association celebrated the centennial of the Cincinnati Declaration of Principles. This document had provided a principled guide to correctional reform for a century—a guide but not a description, honored in rhetoric rather than in reality, and therefore, regrettably, a contemporary guide. But at our centennial celebrations we looked with some confidence to a speeding up of this glacial rate of reform, we hoped for an injection of larger funds and a more innovative and courageous leadership

into prison reform, since it seemed at last that both the public and political leadership were interested in our work. And some of these brave hopes of last year have been realized; and some have been dashed by a year of unrest, turbulence, strike, riot and revolt, a year of death and injury for staff and prisoners alike. It has been a paradoxical year; a year of progress, a year of violence. It is good at this National Conference to take stock, to plan further advance, and to try to learn the lessons of 1971's juxtaposition of reform and revolt.

Prison Reform and Unrest

I do not think that we should be surprised that reform and revolt moved in double harness. As one begins the difficult task of reform one tends to lay bare the inner contradictions of the system. Social institutions like ecological systems tend to find a relatively peaceful balance. In the traditional state mega-prisons and mega-jails this relatively peaceful balance concealed (to other than the perceptive and informed observers) the underlying brutality, racial discrimination, idleness, squalor, and hopelessness. Hence, the movement towards a better systematic balance is likely to be accompanied by unrest, turbulence and violence, and the feeling that many of us now have of being closely related to powder kegs when we are working in the larger prisons of this country. But this is surely not an argument for accepting the earlier less socially protective and less humane balance than the one I hope we are moving forward to.

Prisons exaggerate social tensions within society. Grappling with social justice for minorities, particularly black minorities, in the industrialized cities of this country, with their inadequate educational facilities and employment opportunities for the rootless youth that make up their submerged mass, yet remains "The American Dilemma." And in prison, with a disproportionate number of such youths finding their ways into custody, these acute problems of social injustice and racial disadvantage are exaggerated. In the result, we are experiencing a radicalization of the prison. The old prison leaders, with whom the prison authorities made their complicated series of implicit arrangements on which the prison community was based, have lost their power. In the racially skewed large prisons and jails of this country, a new and more politically conscious leadership is emerging. There is no need for us to consider for this purpose any distinction between a political criminal and a common criminal; the point of the matter is that many youths from the ghetto coming in as common criminals are developing their political and social perceptions under the pressure of reflection and persuasion in prisons until we have, possibly for the first time in the world, the emergence in this country of the "political prisoner" who is not a "political criminal." We take common criminals like Malcolm X, Eldridge Cleaver, and George Jackson and turn them in the pressure cooker of the racially skewed and politically changing prison from common criminal to political activists. And their influence perseverates.

It is not only the prisoners, particularly the black and minority prisoners, who are finding new leaders and a new political activism. Prison reform requires and produces new, more innovative, more activist (in the sense of change oriented) wardens and senior correctional administrators. The entrenched prisoner leaders and the entrenched prison administrators are both being challenged. The old guard warden is being disturbed. The warden who always knew what could not be done contributed to the ecological balance of the past. His steadfast resistance to change is productive of staff uncertainty, unrest, and opposition to reform. And the staff in turn feed the fires of unrest in prison.

Yet another reason why it is no paradox to find a con-

temporaneity between reform and unrest is our lamentable tendency to oversell our product. We have promised so much and delivered so little. We have allowed ourselves to be seduced by the public's clamor for a quick and cheap cure to a complex and intractable problem. The unreality of our promises of a swift reform of our correctional system tend to be quickly recognized by staff and prisoners alike. This makes our efforts at correctional reform, even our genuine efforts, appear as tokenism. This point was better made in 1835 by de Tocqueville in a passage of his *Democracy in America* which is startlingly apposite to our present concerns:

Some years ago several pious individuals undertook to ameliorate the condition of the prisons. . . . New prisons were built; and for the first time the idea of reforming as well as punishing the delinquent formed a part of prison discipline. But this happy change . . . could not be completed in a moment . . . so that in the immediate neighborhood of a prison that bore witness to the mild and enlightened spirit of our times, dungeons existed that reminded one of the barbarism of the Middle Ages.¹

No Popular Backlash Has Resulted

It is encouraging that as yet the violence and unrest in prisons do not appear to have produced any political or popular backlash. In Illinois, for example, subsequent to riots and violence in three of our larger prisons, the Governor recognized the need to build more small facilities near the cities, and found the funds for this purpose, while the Legislature moved toward the passage of a new Code of Corrections which may make of my State the first to have a modern codified trilogy of relevant laws—a Criminal Code, a Code of Criminal Procedure, and a Code of Corrections. And political leadership in other states has also tended to a similar response, to a recognition of the need for a larger support for prison reform. Most politicians have not reacted with retributive aggression to what are the improperly expressed but in many cases entirely legitimate complaints of the prisoners. Though expressed in illegal and intolerable form, the riots and strikes have underlined the need for radical renovation of our correctional system for which many of us at this conference have been pleading for decades. Political leaders have begun, I believe, to listen more closely.

Even public opinion, which has not in the past been our most reliable ally, does not appear to have moved towards a punitive reaction as a result of San Quentin, Attica, and similar though mercifully less violent outbursts elsewhere. Perhaps one reason for this absence of backlash that merits mention is that when one looks at this year's riots and violence in American prisons it must in fairness be recognized that the prisoners have exercised appreciable restraint in their revolt. This is, of course, not for a moment to condone their behavior; it is merely to make the factual point that they have in their riots and violence stopped far short of inflicting those deaths and injuries on prison staff which it was certainly in their power to encompass. And I do not believe that deterrence was the operative control. It is much to be

¹ [Henry Reeve Text, revised Francis Bowen, Alfred Knopf, N.Y. 1945 p. 258.]

hoped that this relative restraint continues, though given the realities of man's lack of self-control in violence it would seem unlikely. Given more prison violence, a political backlash may well come. But, for the time being, governments--federal and state--and preponderant public opinion increasingly support the movement towards substantial correctional reform.

A further point of comfort as we approach the challenge of this National Conference is that the aims and direction of correctional reform are largely agreed between us. We would, of course, have many differences of opinion about details, about priorities, and about pace; but by and large there has been agreement within the profession, and with those from outside the profession who have studied the matter, on the broad path we should follow. We know that we must better discriminate those criminals who present a serious threat to the community from the nuisances who continue to clutter our correctional system; we know that we must increase community links in our treatment and control processes; we know we must expand and more effectively graduate our armamentarium of reactions to crime and to the convicted criminal; we recognize that we must somehow escape from the crippling idleness, lack of training, inhumanity, and futility of the mega-prison which still characterizes most state systems. We know that the prisoner must be given work to do and an opportunity to develop himself, and that if we wish to reduce his later depredations on society it is incumbent upon us to give him some opportunity of a tolerable life of conformity when he is released from our control. We know our prisons are too large and generally too remote. I take it that at this Conference many details of these processes will be discussed and that my task is to help to set the frame of reference for their discussion. It seems to me that there are two topics to which I should address myself which may be useful for this purpose: first, a consideration of some levers of reform, a few of the main mechanisms that we need to achieve correctional reform; and then to turn to the more depressing consideration of some major obstacles to such reform.

Some Levers of Reform

Correctional reform needs more money. To argue that, in the long run, investment in more effective corrections will save the community money is no doubt true but, as Maynard Keynes so wisely observed, in the long run we will all be dead. We should cease to apologize for our larger financial needs if we are to build an effective correctional system, staffed by people who see corrections as their career. The criminal justice system is an important hallmark of the civilization of a society and there is little doubt that crime seriously affects the quality of life in this country, particularly in its cities and suburbs. We should not apologize for our need for larger resources. The first lever to reform, which we urgently need, is more money. The federal contribution, through the Law Enforcement Assistance Administration and in particular the insistence on a minimum allocation of 20 percent of LEAA funds to corrections, have been of great

importance. But it would be easy to exaggerate the significance of federal support. It gives a measure of freedom to the more innovative correctional administrators to initiate new programs, but LEAA funds from only a small part of total state and local expenditures on corrections--about 3 percent--and the tax rates that support the state and local prisons and jails and probation and parole services tend to be declining. Prison reform, like many other state and local activities, is bedevilled by the imbalance between federal and other taxing capacities. It is a politically challenging task to find sufficient funds for what remains a doubtfully popular cause. More money remains the first essential lever to that end.

Staff is the second. The front-of-the-line staff turnover in some of our major institutions remains a serious problem. We must create career lines that make our correctional work an attractive and appropriately remunerative vocation. There are many aspects of the conditions of recruitment and training of staff that will merit attention at this Conference. Since I am a teacher let me concentrate on the one aspect that seems to me of pervasive importance.

There is widespread recognition of the need to provide effective recruitment, probationary and inservice training programs for our front-of-the-line staff. What is less readily appreciated, or certainly less rarely provided, are opportunities for middle-management and more senior training. The colleges and universities of this country cannot be expected to provide that service; and, indeed, in my view they are inappropriately structured and incompetently staffed for such a purpose. We must create national and regional institutes for serious residential inservice middle-management and senior training programs. If we believe there is a professional career line in corrections, we must move to make it a reality and an early and inescapable step is the provision of such training.

I directed such an institution for 2 years for the United Nations in Japan, serving 18 Asian and Southeast-Asian countries, bringing together in short-term residential courses their likely leaders in corrections, with a leavening of relatively senior judicial and police personnel. That Institute continues to serve the region and has become a powerful force with an influential alumni in relation to the correctional systems of several countries. But the need is greater in this country. Trained and experienced deputy wardens, wardens, directors of probation and parole services, and similar middle- and senior-management personnel in corrections are in short supply in most states. Their increase in number and with a sufficient range of knowledge and competence for rapidly developing correctional systems is of determinative importance in the task of creating professional career lines in corrections. Knowledge and competence grow only in part from experience, from the daily grind; their shaping and confirmation require analysis, definition, reflection, reading, and discussion. Here is an obviously important area for federal leadership. Federal probation training courses and federal prison training courses, in so far as they now deal with advanced training for more senior staff, should promptly be expanded into national and regional training institutes, bringing together such staff from the federal and state systems for short-term residential

courses. The impact over a brief run of years on correctional practice throughout this country would, in my view, be enormous.

The third lever to reform which I propose to mention is also well known to you, and happily seems to be gaining an increasing acceptance. We must insist on a larger integration of planning within the criminal justice system. It is becoming increasingly clear that it is impossible to plan jail reform unless you are closely involved with the police, with the judges, and with the prisons as well as with the jail. The point has become burdensome to the professional, it is known to all of you, but it must be repeated since recognizing a fact does not mean that it has been acted on. It is the duty of all of us to insist on systems planning and not subsystems planning within the criminal justice system. Such planning, properly used, is a powerful lever towards reform. I do not think that in our state committees, variously named, which have been administering LEAA funds we have as yet created such instrumentalities for systems planning. Too frequently they have been merely techniques of carving up the federal dollar along the lines of vested political interest. Though it is trite to talk about systems planning it is certainly not easy to find myriad examples of its current application.

Before turning to some of the obstacles to reform, let me briefly mention a fourth lever of reform; briefly, because I doubt that you will find this an easily acceptable viewpoint and so I will take refuge in dogmatism. Corrections must forge better alliances, particularly with the judiciary and the legal profession. The recent abandonment of the courts' "hands off" doctrine in relation to prison conditions has precipitated a flood of *habeas corpus* applications which has caused many of you much trouble. Many of you see the judges as meddling and ignorant of corrections, and some of them are, but they bring to you a politically and practically important lever of change for improved prison conditions. Likewise, the American Bar Association's Commission on Correctional Facilities and Services, in its first 18 months, has begun effectively to mobilize much of the strength and energy of the legal profession on the side of correctional reform, with a national volunteer program for young lawyers to work as case aides to parolees and with a major attack on the many unreasonable employment restrictions which still fetter ex-offenders. Nuisance we may be, but if corrections is to come in out of its political and social isolation it will need allies from my profession.

Some Obstacles to Reform

There is so very much to change in the criminal justice system. The criminal law we serve not only properly seeks to protect our persons, property and governmental processes from serious harm, but also, with overreaching exaggeration of its competence, still seeks to guard us from vice and sin--and with wonderful lack of success--and with a pervasively corruptive influence on police and minor officials alike. Risking, indeed courting, brashness, is it not clear that the proper definition of the police role and the proper organization of policing in this country are tasks that make the clean-

ing of the Augean stables appear as a gentle morning's exercise? And Sisyphus had it easy compared with the problem of reform in our criminal courts, particularly our criminal courts of first instance, with their gross delays, their cluttered calendars, their total reliance on unseemingly charge and plea negotiation and bargaining. The powerful leadership of the Chief Justice and of the American Bar Association is moving on this jungle, but the undergrowth is vast and critically entangled. And we in corrections inherit the products of these earlier squalid, discriminatory, and inefficient subsystems. The sheer complexity of the task of building a humane and efficient criminal justice system has not as yet been fully realized.

A second major obstacle is this: Why should a governor, why should a political party, support reform in the criminal justice system? It is my submission, curtly presented here because of time, but which I stand ready to defend at the no doubt interminable length if challenged, that there are no votes to be lost in correctional reform. In so far as the "law and order" appeal is not merely an appeal to racial prejudice it does not seem to have been a very successful vote getter. Likewise, it is my view that appeals to the desirability of substantial reform in the criminal justice system will attract few votes. Indeed, I think they will lose votes. And the reason for this is the cost factor. The reformers who promise that they can do better more cheaply deceive themselves; there will need to be an attraction of larger funds to this area if the reforms we agree on are to be achieved; if funds are to be brought to this area they will have to be taken from elsewhere and that will cost more votes than correctional reform attracts. So we have to rely on that most precious commodity, disinterested political leadership. It is not a commodity that has traditionally been in oversupply. A serious obstacle in our path is thus the retention of such federal and state political support as we now have. Here we share a problem that besets all welfare legislation and most social reform; it is so easy in this area for parties in opposition to attack as sentimental and foolish the reformative efforts of parties in power. If we are to rely on disinterested political leadership, looking towards the larger benefit of the community and not towards the more immediate benefit of the political party, we have to use our best influence to persuade both major political parties to de-politicize correctional reform.

Another impediment to our progress is this: The gradualism of reform may itself imperil the possibility of reform. This year in bitter experience we learned the conjunction between reform and revolt. And our reforms are so hesitant and so slow in relation to the complexity and size of the task of creating a socially protective and humane criminal justice system in this country.

Token reforms, reforms making no serious impact on the system may well be serious impediments to effective change. My excellent colleague, Hans W. Mattick in the epilogue to his recent study of *The Contemporary Jails of the United States* put this point well:

It is not the lack of knowledge nor the absence of zeal in reform efforts that have permitted jails to survive essentially

unchanged for generations. It is, rather, that knowledge and zeal were seldom combined with political power, organizational skill and sophistication. The lack of jail reform reflects a failure of the political will on the part of those in power and a failure of organizational nerve, and a certain naiveté, on the part of those who sought changes. The reformers could frequently mount an attack on jail conditions, but they could not sustain it; the standpatters would never give more ground than they were forced to give to survive. Under these conditions, "the history of jail reform" is replete with desperate rearguard actions in response to temporary crises which, when "lost," were represented as voluntary measures of "progress," and later subverted when the zeal for reform had passed. Such half-hearted, compromised and expedient "reforms" have usually been *counter-productive*: they have either compounded the very problems with which they purported to deal, or served merely to defuse and divert reform efforts before the fundamental problems could be addressed. There is a lesson to be learned from this historical experience, but it is not certain that it has been learned. Maybe it is a lesson that few care to learn.

Recognition of this chasm between achievement and the task we face, compounded by the excessive promises that have been made in our name, has led some thoughtful but mistaken commentators to go further and to brand as foolish and misguided the path of correctional reform which I follow and which I believe most at this conference would follow. The late 18th and early 19th century Quakers of Pennsylvania were not unimportant correctional reformers; when therefore their contemporary successors, the American Friends Service Committee, now write on crime and punishment in America they merit respectful attention. They suggest that those who advocate the currently proposed reforms:

"more and better trained personnel at higher salaries, more programs both in and out of institutions, more money for courts and corrections all along the line . . . thereby reveal a whimsical touch of Utopianism. In the light of historical experience and contemporary reality, any expectations for the political viability of far-reaching court or correctional reform is visionary. It is naive to expect legislatures to give priority in the competition for tax dollars to finance expensive programs for what most of the public would regard as the lowest priority class of recipients. The effective political pressures favoring such programs are negligible, the political groups opposing them powerful. The programs offer no political incentives for legislators in any foreseeable climate of public opinion. Even if the formidable political and budgetary obstacles to these programs could somehow be surmounted,

THE COMMUNITY IN CORRECTIONS*

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I HAVE CHOSEN the title "The Community in Corrections" precisely for the several meanings it has in the context of this Conference, and I shall limit myself to just three aspects of the community involvement:

1. The community as a negative force.
2. The community as a place of treatment.
3. The communities within the large community.

I shall not discuss specific community treatment programs

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existing shortages of trained personnel would delay large-scale implementation for a decade or more.

Such a view cannot be lightly dismissed. It is true that the recommendations for action which the American Friends Service Committee offers in lieu of our "traditional program" is even more "whimsically Utopian" and vastly less likely of political and popular acceptance than ours; but that does not answer their challenge to our graduation. Nor have I a sufficient and confident answer. All I can suggest is this: Correctional reform has as yet not been a serious enterprise. It is not so much that criminal justice system reforms have failed; it is rather that they have been such token changes, nibbling away only at the periphery of the problem, with the larger system remaining untouched. We have a few front-of-the-house reforms, a few new facades, but corrections remains a Potemkin village. In fact, over the past decade it has grown in some important respects worse: Police clearance rates of index crime declined in that period from 31 per 100 to 20 per 100; the courts fell further behind in their dockets, relying yet more heavily on the hidden market place of plea bargaining to scramble through their business; and though over that decade of alleged correctional reform the numbers in prison declined somewhat, corrections overall maintained its broad pattern of inefficiency, brutality, parsimony, and neglect. It is time we set out more determinedly, with a larger political sophistication, and with some sense of professional solidarity on the path to a criminal justice system which respects human dignity, helps to protect the community from serious crime, and disposes of its business with reasonable expedition and efficiency.

Do I think these things will come to pass? I doubt it. The American citizen has surely demonstrated his capacity to live with luxuriant crime rates and to tolerate a grossly inefficient criminal justice system. Political leadership does not have the longest of attention spans, and we cannot count on protracted support. But I see no alternative to the path, no swift solution, no obvious political breakthrough. Social evolutionary processes are slow; ours in corrections has been too slow, but that does not mean the task is futile or the path unclear.

which will be covered by others. Suffice it here to say by way of introduction that experimentation during the past 20 years, and especially during the 1960's, was largely focused on alternatives to traditional incarceration in prisons. We entered into the 1970's with six basic programs—some old, but most new—as alternatives. They were (a) guided group interaction programs; (b) halfway houses; (c) intensive community treatment programs; (d) parole from reception centers; (e) foster and group homes; and (f) probation and parole.

No one contended that this list and the infinite combinations possible from it were a panacea, but most experts then and certainly now agree they were all helpful. In fact, in 1970 the President's Task Force on Prisoner Rehabilitation reported bluntly: "Any offender who can be safely diverted from incarceration—or in some cases even adjudication—should be." (p. 4.)

If this is too strong you can find support for foot dragging in the President's Crime Commission's Report 3 years earlier. Unfortunately that Commission failed to sense the importance of the newer community-based treatment programs, despite the affirmative report of its Task Force on Corrections. Today there is broad agreement among experts.

The Community as a Negative Force

The greatest strain on the professional integrity of criminal justice agencies comes from public opinion and in this sense the community's attitude is a major obstacle to correctional reform. Judges, prosecutors, police, and correctional officials too frequently dance to the tune of this public opinion, often violating their oaths of office and solemn responsibilities in so doing. The ringmaster and paymaster in this charade—the one always in the limelight—is the elected official. The ringmaster and his minions seemingly must play their distorted roles to the community. This they do well, capitalizing on both well-founded and ignorant fears.

The number one problem in corrections today is the conduct of state and local elected officials. They mirror and magnify the fears and near-hysteria of communities and generate repressive demands which hamper enlightened correctional programs. These state and local officials control 62 and 33 percent respectively (a total of 95 percent) of all funds spent on corrections—roughly \$1.5 billion annually. The officials have been inept, callous, and inhumane in meeting the needs of their corrections systems. By comparison, government administrators and their staffs, for all their shortcomings, have been stalwart innovators.

I would not attempt to characterize the federal performance. Once the Ford Foundation did fund an assessment of the federal correctional system. It took 5 years and cost over \$250,000.¹ Fortunately the Congress has retreated from its original restrictive treatment of corrections in the first Safe Streets Act appropriation and is providing some dollar muscle to LEAA in this area. It remains for us to encourage reforms in federal correctional practices, and I include the District of Columbia.

The community is very much a part of corrections and much of the reform required in the latter can only be achieved by basic changes in the community's perception of its role.

All acts of repression, inhumane practices, and niggardly expenditures are committed in the name of the community. And what the community wants for its correction system is all too frequently left to the vocal few who exploit the silence of the majority. In a Louis Harris survey² in 1967 we learned that the impressions gleaned from news media that the public believed criminals should be locked up and the keys thrown

away are not quite true. Seven out of 10 in the survey felt that rehabilitation should be the primary emphasis in corrections and one-half knew and stated this was not the main emphasis in the present system. The survey did confirm the fact that there is a close split among citizens on their willingness to see more money spent on corrections or to accept community-based corrections.

Community response to treatment of offenders in the community has been vociferous and uncooperative, at least in middle class areas. Much experience has been accumulated on this under New York State's Narcotic Rehabilitation Act which established residential rehabilitation centers throughout the state. There has also been experience with halfway houses.

In some of the systems where community based treatment programs have established a toe hold, there is reason to believe that they are coming under serious political attack. The wave of prison violence in 1971 is not unrelated.

I personally am not discouraged by the community as an obstacle. I have faith that the community will accept responsible political leadership attempting to deal fairly and creatively with corrections. I believe the national and local record supports this.

Corrections Without the Community

What do I mean? Well, that's pretty much what we have had in the United States. Devious and dark things happen behind walls closed to community scrutiny. Time and again riotous inmates list valid grievances which cry for correction. Time and again investigations and courts find barbarous treatment behind these walls.

There are many correctional administrators who assume the offensive and assail would-be critics, contending that riots and violence in prisons result from a "cult of permissiveness" and outside interference with absolute control by courts. This was one midwestern administrator's "authoritative" comments on Attica. Well, nothing I have seen or heard suggests that outsiders, courts, or permissiveness had anything to do with the riot. On the contrary, a small amount of either might have obviated the affair. For as the Chief Justice has said ". . . when a sheriff or a marshal takes a man from a courthouse in a prison van and transports him to confinement for 2 or 3 or 10 years, *this is our act*. We have tolled the bell for him. And whether we like it or not, we have made him our collective responsibility. We are free to do something about him; he is not." (emphasis supplied.)

We must avoid making heroes of the administrators who pit themselves against the courts and the community standards of decency. In his paper, "Grim Fairy Tales for Prison Administrators,"³ Robert Kutak has recounted judicial decisions involving the treatment of offenders. The courts have the power and responsibility to dismiss sham and spurious law suits. Unless dismissed, we must presume a significant issue. When responsible courts find that barbarous, brutal, inhumane treatment has occurred against inmates, the responsible officials also stand indicted and censured. I believe

¹ Daniel Glaser, *The Effectiveness of a Prison and Parole System*.
² *The Public Looks at Crime and Corrections*, Joint Commission on Correctional Manpower and Training, February 1968, pp. 28.
³ *Outside Looking In*, LEAA, April 1970, pp. 37-54.

that the courts under our system are the last recourse against those few administrators who would persist in morally reprehensible treatment of inmates.

In some jurisdictions, such as my own state of New York, wise legislators long ago provided for prison visitations by judges and boards. These requirements fell into disuse and have only currently been dusted off and reactivated. Prison aid societies have taken their roles for granted and are seldom potent forces of public scrutiny. At least our current crisis should result in opening the prison doors wide to public scrutiny. I am most encouraged by the interest of lawyers in forming visitation committees. In New York City the Appellate Division has a special select subcommittee examining the courts relationship and responsibilities to corrections. Corrections without the presence of the community have no place in a democratic society. Corrections without the community is doomed to repeated failures.

The Community as a Place of Treatment

In 1966 the Ford Foundation funded a project of the Institute of Crime and Delinquency in California for the design of a model correctional program and facility for offenders age 16 to 24. The idea was to challenge relevant disciplines, such as psychology, sociology, architecture, medicine, and public administration to make their maximum contribution. To the surprise of the originators the conclusion was not the "ideal" prison and all it connotes, but rather an intensive community treatment program.⁴

Despite a growing conviction that prisons are ineffective as correctional institutions, the typical institution to which convicted offenders are sentenced (children and adults) is still the large maximum-security facility far from a center of population, staffed predominantly by custodial personnel. This removes the offender not only from temptations to crime, but from the constructive influences of the community as well, including schools, hospitals, and opportunities for vocational training that are likely to be superior to those of the correctional institution. With two-thirds of the total corrections caseload under probation or parole supervision, however, the question is not whether to handle offenders in the community but how to do so successfully.

Opposition to community-based treatment lies in the teeth of the fact that the majority of offenders are unapprehended and that at least half of all crimes go unreported. The Louis Harris survey showed community resistance to contact with ex-criminals. Still 50 percent of the people would accept a halfway house on their block, although 66 percent doubted if their neighbors would approve. On the other hand, many communities in California, New York, Washington, D.C., and elsewhere have neighborhood-based treatment facilities.

Several states, notably Minnesota, Illinois, and one state in the South, have new officials in correction departments who have announced their intention to emphasize the use of community programs whenever possible and to develop procedures that respect the legal rights of those offenders who must be

kept in prison. In the District of Columbia, for example, where about one-tenth of the prison population currently are in halfway houses, working or going to school in the community, the Department of Corrections devised a method of increasing the capacity of community residences quickly by leasing rather than building new facilities and by contracting with private groups to operate halfway houses for offenders under the Department's jurisdiction. Until a recent halt to expansion of the program, the Department had intended to have 50 percent of its population in community-based programs by 1973, half of them in privately operated facilities.

One of the strongest arguments for community-based treatment is the failure of prisons to rehabilitate. Correctional treatment is still in its infancy. This despite the fact that we already have more knowledge than there are resources for implementation; this despite the publication of 500 books and pieces in 2½ years as pointed out by the Task Force on Prisoner Rehabilitation. It might be compared with 19th century medicine. There is little to indicate that we know any more today about rehabilitating prisoners than we did one hundred years ago. Modern prisons utilizing treatment programs at a per capita cost of \$4,000 have the same recidivism rate as century-old prisons with costs of \$1,200 per inmate.

Our failure to develop a correctional science is underscored by the fact that humane reforms are seen as ends in themselves. This is admirable, but the deliberate confusion of humanitarian reform with the effectiveness of corrections and the suggestion that they are interchangeable are as intellectually dishonest as the assertion that prisons are more effective at rehabilitation than nonprison alternatives.

The history of experimentation in corrections is the application of common sense. Lacking precise knowledge, that becomes understandable. In my own case it took nearly 10 years (1954-1964) to conclude that lay knowledge was grossly inadequate. Every year, however, I see horse traders burst upon the scene bent on reforming corrections with their own brand of common sense. And then there are officials—anyone with a badge—who want their "expertise" measured by the length of his service and the prestige of his title. He, too, is usually traveling on common sense, the forte of all laymen. Now all of this has served us well, but the fact remains that we have almost as many noneffective experts in corrections as in race relations and politics. You should trust your own judgment as to what is humane but realize that your common sense is unreliable as an antidote for recidivism.⁵

Professor Packer has summarized the dilemma; thusly:⁶

We can use our prisons to educate the illiterate, to teach men a useful trade, and to accomplish similar benevolent purposes. The plain disheartening fact is that we have very little reason to suppose that there is a general connection between these measures and the prevention of future criminal behavior. What is involved primarily is a leap of faith, by which we suppose that people who have certain social advantages will be less likely to commit certain kinds of crimes. It is hard to make a good argument for restraining a man of his liberty on the assumption that this connection

⁴ Robert Fosen and Jay Campbell, "Common Sense and Correctional Science," *Journal of Research in Crime and Delinquency*, 1966, pp. 73-81.
⁵ H. L. Packer, *Limits of the Criminal Sanction*, Stanford University Press, 1968, p. 56.

will be operative in his case. It is harder still if he already possesses the advantages that we assume will make people less likely to offend.

Our preference for community-based alternatives to incarceration can be justified on humanitarian and social grounds and for the reason that such programs in the aggregate are at least as effective in rehabilitating offenders as prison regimens. On the other hand I believe we must honestly say that community-based treatment is not the answer to the timeless quest for complete rehabilitation. No one questions the fact that a hardcore of inmates require incarceration. However, after 200 years of experimentation with prisons, the burden should shift to those who advocate prison terms.

The second argument for community treatment is a consideration of the alternatives. There are three possible directions that reforms can take if, as we believe, some changes will come at this time.

First—and this course is politically likely though—we believe, dangerously wrong, a get-tough attitude could prevail with repressive measures following. This would plunge us further along the wasteful and self-defeating spiral we have followed for almost 2 centuries. Longer sentences, less probation and parole, infrequent resort to clemency, and decreasing use of risky community programs would be the probable routes of such a course. This possibility is not remote; in the District of Columbia, for example, we are witnessing such a retreat as politicians pursue a simplistic and divisive course of attack on progressive programs and administrators.

Second, we could seek an accelerated implementation of programs designed to clean up and improve the system. New and improved jails and prisons, better training and treatment programs inside prisons, educational programs for guards, all with the usual accompanying enunciations of high-minded principles, are likely examples. This has been the conventional approach of correctional reformers in the system during the last quarter of a century. It is the drum beat of the American Correctional Association and the Federal Bureau of Prisons, to choose two prime examples. It is not the direction we would prefer, however well-intended and politically realistic and however preferable to the former possibility it may be.

What we would rather see done, if this present opportunity is to be exploited, is the development of a program aimed not at perfecting the system about which we find fundamental faults, but at demonstrating realistic, economic, efficient, decent alternatives that could replace large parts of the system. In the words of President Nixon, "The American system for correcting and rehabilitating criminals presents a convincing case of failure."⁷ Here we see the greatest potential, the unique opportunity, the most promising investment.

The Communities Within the Community

I would be remiss if I did not express my personal concern for the involvement of minority communities in the corrections process. We know that the incidents of crime and

⁷ White House Memorandum, December 3, 1969.

the number of criminals are highest in the impoverished, deteriorating ghetto sections of our urban areas. The President's Crime Commission reported that 90 percent of the youth in America have done something for which they could be committed by juvenile court. Yet, only 5 percent of the children in institutions for juvenile delinquency come from families in "comfortable circumstances." The other 95 percent constitute a class which is quite homogeneous, and its common characteristic is that the prisoners for the most part are poor. The prison system is a public welfare state for the poor and the public institutions do not accomplish for their wards what affluent families negotiate privately for theirs. National statistics on race and corrections are hard to find, but we do know that in an urban state such as New York where blacks constitute 8 percent of the population, they represent a whopping 56 percent of the inmate population. At the Attica State Correctional Facility, blacks and Puerto Ricans were 85 percent of the inmate population. And we must forever remind ourselves that while blacks are 12 percent of the population nationally, they have constituted one-half of all the executions in America since we began keeping statistics in 1930.

The most reliable indication of the number of blacks in prisons is a 1964 report by the Bureau of Prisons which lists the figure at 37 to 38 percent. I believe this figure would now be higher.

Reasonable men looking at the statistics should readily comprehend the particular affinity that flows from the black community to corrections. To the statistics one must add the historical fact that blacks have often been shunted to prisons as a result of race prejudices and other hostilities foreign to whites. No black person of my generation or older, born in the South, would dare assume that inmates were harmful and undesirable citizens, and no black attorney in the North who has served as a criminal prosecutor and as a defense counsel as I have would dare write-off the black men and women who have gone to prison. It is apparently an enormous dichotomy in the perception of prisoners by the black and white communities. The black community, hopefully, is not going to make a distinction between a lynching under color of law in one section of the country and the beating or killing of an inmate behind prison walls.

Some are mystified by reports of the great concern in the black community over crime and, at the same time, the unwillingness of the residents to cooperate with officials. Distrust is the answer. The minority community is even more hesitant to accept contact with ex-prisoners than middle-class whites. (Harris Survey.) Despite this, proponents of community-based treatment facilities are convinced that such programs to the greatest extent possible should be within the neighborhoods of the offenders. Without attempting to question whether this is a palliative to the white objections, I accept the wisdom of it as an alternative to the imprisonment of blacks in the nonurban hinterlands of our vast states. Hopefully, we are merely at the brink of a great period of experimentation with community-based treatment facilities in our inner cities. In detailing the plans for a community-based

⁴ H. Bradley, G. Smith, W. Salstrom, *Design for Change*, Institute for the Study of Crime and Delinquency, 1970.

correctional center, researchers had this to say about community acceptance:

The threat of community resistance to Community Correctional Centers may be more apparent than real. The clue to this lies in the fact that the Center should be "right where the problems are." This may mean a ghetto area. It assuredly will not mean an upper middle-class area where there is no heavy concentration of offenders on probation or parole. The Center unquestionably will add to, rather than detract from, the aesthetic appearance of the neighborhood. But more importantly, the offenders assigned to the Center will be well-known in the neighborhood. Their families and friends will often be active in neighborhood activities . . .

First, there are simple economics. Perishables will be obtained from vendors nearby . . .

Second, the Center will actually be used as a community center for neighborhood activities . . .

Third, the Center represents the neighborhood's conscious effort to deal with its own problems of crime and delinquency.⁸

Recently, I spent an afternoon at the Lorton correctional facility which serves the District of Columbia and is located in nearby Virginia. I had the privilege of seeing and hearing about a number of interesting programs. For days after I lived with the impression I had formed of the countless inmates with whom I had conversed. My impression was that some of the most creative, dynamic, intelligent, and promising

⁸The Non-Prison.

products of the black community were needlessly languishing in an institution and that despite the skills and good intentions of the excellent administrators there was far greater likelihood that the potential value of these men to their community would be destroyed rather than enhanced. No community, no race of people, can permit this to happen and still compete intellectually, commercially, and lawfully in a democratic society.

The placement of the corrections process beyond the reach and vision and involvement of the minority community may be safe, convenient, and comfortable for correctional staffs, but I believe it is far more detrimental in the long run than the alternative of community involvement.

I am sure what I have said applies with equal force to the disadvantaged, nonblack minority groups.

I have tried to speak with candor and, yet, as one who still believes that equality and justice can be achieved. The opportunities for change thrust upon us by hysteria, political opportunism, and even violence are not occasions for lament, but for renewed determination to improve our institutions and our Nation.

I am grateful to Ronald L. Goldfarb of Washington, D.C., a Ford Foundation consultant, for his helpful comments and suggestions on portions of this paper.

CORRECTIONAL PROBLEMS AND PROGRAMS IN OTHER NATIONS

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LADIES AND GENTLEMEN. It is indeed a privilege for us who are not Americans to have been invited to take part in this crucial National Conference on Corrections. We are greatly honored to have been asked to share in this heart-searching attempt to analyze your experiences of the past few years.

This panel tonight is expected to help you to consider correctional problems and programs in other nations, and for that purpose you have a panel which I should like to introduce to you now.

First is Torsten Eriksson who is well known to all of you here. He was the Director General of the Swedish Prison Administration for a number of years. I forget how many prisons he has built, but he has quite a remarkable record. He has been lent to the United Nations for 2 years and he is now our Interregional Advisor for Social Defense. He has a long and distinguished career, not only with the United Nations, but also with the International Society of Social Defense. He was the General Rapporteur at the recent 8th Congress of that Society in Paris. He has been active with the International Penal and Penitentiary Commission and a number of other bodies.

Next to Torsten Eriksson is John Braithwaite, again well known to most of you as the Associate Deputy Commissioner of Penitentiaries in Canada, but also well known before that for his work in the planning of corrections. He has been a prominent member of the Canadian delegations to the United Nations Congresses in Stockholm and Kyoto, and he was a member of our Steering Committee in Kyoto in 1970.

And finally, I should like to introduce Mr. Atsushi Nagashima who is a distinguished senior official of the Japanese Ministry of Justice and Director of the United Nations Asia and Far East Institute which is situated in Fuchu, outside of Tokyo, in Japan. This institute, which now has over 500 alumni in every corner of Asia and the Far East, has made a tremendous contribution to forward thinking in Asia. Besides organizing and running this institute, Mr. Nagashima has been a member of our United Nations Advisory Committee on the Prevention of Crime and the Treatment of Offenders for a number of years and he is a regular attendee at our expert groups where we bring people together for special discussions. Again, we are fortunate to have him with us, and I am delighted that he has been invited to bring the wealth of the Japanese experience to us tonight.

Sharing of Experience

There are two points, however, on which I have to disabuse the audience. While we as a panel might act as a focal group for a discussion (and I hope this is going to be a discussion

tonight) we are not coming to you with prepared papers and we have not planned what we should do. Therefore, we are simply at your disposal and hope you will join us in our discussion of what is going on in other parts of the world. We are a selected panel and act as focal group for this discussion, but we do not represent half the potential which you have here for international knowledge and experience. As we look down into this audience, we see a veritable thesaurus of international experience. Jim Bennett, Myrl Alevander, Norval Morris, Gus Moeller—all of these have served as United Nations Advisors for the Prevention of Crime and the Treatment of Offenders. Norval Morris was the first director of the Japanese Institute and both he and Mr. Nagashima brought a considerable number of you and others and visiting experts to that Institute. Peter Lejins was the rapporteur in 1969 for a special group of experts brought together in Rome to discuss planning for crime prevention. Dick McGee has had a long association with international work and I may tell you it is still proving of considerable help.

And then there are all of those who were with us in August last year as part of the very effective United States delegation to the Fourth United Nations' Congress on the Prevention of Crime and Treatment of Offenders, which was held in Kyoto, Japan, and which produced a most incisive report which has had considerable affect since then.

And as I look down at this audience I see a number of people who, although they may now be United States citizens, were surely born in other cultures and have a great deal to contribute as to what goes on in other parts of the world. What I am saying, ladies and gentlemen, is that you have a great reserve of experience here, and I hope that as your chairman I can feel free to involve you in this discussion as well as members of the panel.

The second point on which I have to make an introductory qualification is that we do not present ourselves to you as a "fount" of foreign excellence in this field. We do not bring you—even in this Christmas season—good tidings of great joy. We do not come before you as the light, the way, and the truth, because the answer to corrections lies in the answer to crime which in turn lies in human nature. Whether you decide to commit yourselves, as Norval suggested today, to more than gradualism or whether you take gradualism to be inevitable, I believe you will not be surprised to find that human nature is terribly prevalent and bureaucracy is its shadow. If you would take a world view of corrections you may be surprised at the way in which outdated prison systems have survived some very revolutionary changes.

Sometimes the only thing that changes is the type of persons that go to the prisons. So the trail of corrections that you hope to blaze is, in fact, in international demand and we bring you here tonight encouragement and support. You may

very well light the way, not only for this country, but for many others if you can distinguish between the frying pan and the fire. Our job, as I see it, is to bring you perspective to try to broaden the reach of your discussions, either across the countries or across the subjects.

Now someone asked me if I would deal particularly with England tonight. I will, indeed, if this is required by the discussion, but we are such cousins and so addicted to borrowing each other's passions and problems that the Atlantic barely divides us anymore. And our learning from each other is a reciprocal process which began a long time ago and which continues. For this reason—and of course you will notice that the Attorney General brought Mr. Churchill into his presentation—I prefer to make the effort in the few minutes remaining to convey to you something of the broad view, the wider view of crime prevention which is now quite basic to United Nations thinking and to United Nations efforts. Much of this was inspired in very early days by European countries and America. All of these countries have a great deal to gain by taking back for their own consideration some of the lessons which have been learned from applying their counsel elsewhere.

Crime and Society

First, the Attorney General opened the Conference by inviting us to consider that corrections begins with the courts. Now he is right, but the courts begin with the crime, and the crime with the community. That is why we cannot look at crime on a world basis without reference to the efforts being made to build societies. Now I know this is trite, but it is also true and since long before the Kyoto Congress, we have believed that correctional problems can only be tackled in a broader prevention perspective.

We talk today of community-based solutions, but if the communities to which we return offenders remain disadvantaged, remain discriminated against, remain determinedly separatist or isolated or addicted to illegal opportunities, then we strive in vain for prison reform. But to do something about this, we cannot look only at the appropriation of public or private funds for corrections or even for the criminal justice system as a whole. We have to look at the way the funds are allocated for the creation of jobs, for the distribution of incomes, and the needs of agriculture, forestry, industry and commerce, however far-reaching those may seem. Sometimes investments in apparently unrelated fields offer new opportunities for crime or close the doors to effective rehabilitation.

There is, in fact, no sector of any country's economy which does not have criminogenic implications and rehabilitative consequences. Now I realize this may seem somewhat far-fetched to some of you here who have quite enough to do to run your own show and balance your own budgets adequately, but if we are to be of any use to you we have to bring to your notice that in international work the connectedness of these various sectors is much more visible. Frequently, we are asked to advise on growing juvenile delinquency in countries that are rapidly industrializing. As they spend relatively immense sums on new plants, roads, housing equipment, and supplies which bring people flooding from rural areas to

shanty towns and create new ghettos, they find it disturbing to have to spend funds on new institutions, on court, and on probation officers. But the logic of the situation demands that they look at the total picture and not just at the criminal part of it. There is an obvious sense in which the development expenditure has been criminogenic and if we just get involved in rehabilitating delinquents, we are chasing the tail; not the dog.

I am not suggesting, ladies and gentlemen, that we can stop development; even if we could, we should not. Those good old days had all the quiet desperation of starvation, but does it make sense to go on investing large sums which change social structures without building in some of the prophylactics we need to deal with crime? Again, in Africa and Asia, to take only two examples, there have been quite enormous amounts sunk into education, often on the assumption that education will create its own work opportunities. Not only has it not done so, but it also has frequently unfitted young people for existing work opportunities, leaving the cities swarming with well-educated, frustrated, disgruntled unemployed with obvious consequences for the criminal justice system.

Of course, we need to look at the correctional structure, but we also need to look at the structure producing its clients. In the case of highway expenditures, we often have poured funds through a complex of subcontracts into less deserving pockets, leaving precious little to cope with the social consequences of the increased mobility which the highways have possibly generated.

From what I have heard of this Conference so far, I believe you would be well advised to consider sparing some of the efforts you might be making to develop correctional, court, or other scapegoats and concentrate this effort in getting the right people, that is, getting your criminologists or your criminal justice planners, or whatever they may be, into those offices where economic planners are making broad allocations for the country as a whole which you will be paying for or dealing with 10 to 15 years from now. This is, therefore, one of the main concerns of the United Nations. If we are going to help other countries avoid some of the mistakes made in the developed areas, then we have to be looking ahead, and if we are looking ahead, it is not only the criminal justice system, but also the total economy. We need to look at the consequences of crime resulting from investments anywhere in that system, and this is what we are now trying to do. I must confess it is not an easy thing to do; the kind of people that can do this adequately have still to be produced by our universities. But, at any rate, in so far as it can be done with existing experience in the world, we are trying to do it.

Avoiding Pitfalls

In the United Nations, we have to be concerned with the international sharing of experiences. In the past, it has been rather anomalous that the countries with most crime have been sending experts to the countries with least crime to help them to avoid these problems. However, at least we know where the pitfalls lie and we can help some of the other countries to avoid them; we are learning at least what not to do. The one advantage of the developed countries is that

they are not so professionally hidebound as we are; they have a great deal of professional flexibility. Many parts of the world still enjoy the facility for moving people across sectors or disciplines in a manner not so easily accomplished in developed countries. Moreover, in many other countries they enjoy much more of a consensus of values than we are able to claim in the west.

I am reminded, as I say this, that I was in one desert kingdom a short time ago where I was shown a magnificent new prison built on American lines, carefully designed but only a quarter full, and they were extremely apologetic! Perhaps next time I go there they will have made sure it is full!

On the other hand, just to show you the opposite side of the picture, in one very small African country that I visited, I was shown the prison by the prisoners; in fact, the prisoners guarded the outside as well as the inside and everything that had to be done in that prison was done by prisoners. The accounts were kept by prisoners, the cooking was done by prisoners, even outside the actual wall, but they were terribly apologetic! They said, ". . . you see, we only have four guards and we don't have enough money for any more." All that one can hope is that they never get it, because the prison system with such resolved responsibility was working well and could be spoiled by more guards being introduced. But this does mean, ladies and gentlemen, that there are opportunities here for building on indigenous experiences if they can be grasped.

I don't want to take up much more time, but there is a third thing that I have to deal with, and which is of considerable concern to you. That is the question raised by Christopher Edley this morning when he called our attention to the real ignorance that exists about effectual correctional

procedures. Whether in a community or institutions, we do not know what is in fact working and what is not. I have some personal experience of this in a number of ways. On one occasion in one country there was an earthquake. I took off every single probation officer from anywhere in that country to help with the earthquake; they were there 4 months. At the close of that time our success rate with the probationers was just as good as if we had had the probation officers supervising them. So it makes one wonder what exactly the explanation was.

Humanitarian Standards

Finally, there is one other thing that the United Nations can do and has been able to do, namely, the setting of humanitarian standards. There is no reason why the norms cannot be set and the basic minimum cannot be declared. In relation to prisons, this is already being done by the United Nations Standard Minimum Rules for the Treatment of Prisoners. These rules, as you know, were adopted by the United Nations in 1955. If I counted the number of copies we have sent out within the United States in the last 15 years it would be a fraction of the number we have sent out in the last 3 months. In the last 3 months, if I would have charged one cent for every copy that is being requested in this country, I could probably help with our budget for next year! This does mean that the United Nations can serve a purpose. I hope with your help, working with you on the problems that you have and using your experience to help in areas of the world where they may not have reached quite the complications and difficulties that you are reaching now, that we, together, we can find solutions to some of the main problems that are before us.

CULTURAL BACKGROUND AND GENERAL CRIME PICTURE IN JAPAN

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EVERY COUNTRY has its distinctive social and cultural background. One of the characteristics of Japanese society may well be that there still exists rather strong and close family and community ties, particularly in villages, towns, and small cities. Even though Japan has gone through a rapid economic development in the past 20 years and primary industries such as agriculture and fishery occupy at present only a small proportion of the entire economy, and even though family size has become smaller and smaller, to the extent that the so-called nuclear family has become a standard, whose small families continue to be stabilized on traditional family ties. In addition to this tradition, relative uniformity of our social value systems has contributed much to the stability of the family and society as a whole. Racial problems are almost

nonexistent and our 100 million population seems to be organized in a single Japanese family.

Crime Picture in Japan

Looking at the crime picture in postwar Japan, a rapid increase of crime and delinquency was experienced during several years after the War, arising from the chaotic economic and social conditions we then faced. Since that time, adult crime rates, except those crimes connected with the motor car, have been decreasing despite our rapid economic growth. Unfortunately, juvenile delinquency has shown a different pattern. It showed the highest rate in 1964 but since then it continued to decrease until 1969. And since 1970 it has begun to increase again, particularly in crimes against property. Anyhow, these phenomena of adult and juvenile crime and de-

linquency are quite different from those found in other economically developed countries. Recently, a White Paper on Japanese Citizens' Life, published by the Economic Planning Agency, attributed these unusual phenomena mainly to the stability of our family life and to the constructive and flexible attitudes of our citizens toward their daily lives. These hypotheses are widely supported among the people in Japan, though without sufficient support from scientific research.

As I mentioned previously, the unity of the Japanese people is reflected in various ways. For example, there is a popular saying that "We hate crimes, but we don't hate the criminals." Crimes threaten the social order and unity but criminals are our fellowmen. Hence, they should be treated as such. Another example might be the relatively wide involvement of the citizens in crime prevention and treatment of offenders which I will touch upon later in more detail.

Japan's Criminal Justice System

Let me tell you of some major characteristics of the Japanese criminal justice system and, in particular, of our system of corrections.

Criminal justice administration in Japan seems to me to have a rather strong orientation toward re-enforcement of moral responsibility, not only of offenders, but also of the people in general. It is based on the presumption of a free choice to all men between good and bad. Of course, if circumstance exists whereby the free choice is severely hampered, then the moral responsibility and, hence criminal responsibility, becomes either nonexistent or reduced. In addition, the principle that "We don't hate criminals" finds its role. If the offender shows sincere repentance about his wrongful act and thereby reveals a good prospect for becoming a law-abiding citizen, and if the crime committed is not particularly serious so that it does not seriously disturb the peace and order of the society, there is a high likelihood of the offender receiving either a suspension of prosecution or a suspended prison sentence. Actually, the Japanese public prosecutor suspends prosecution in almost 50 percent of the cases he deals with, and again, the suspended sentence amounts to more than 50 percent of all prison sentences actually imposed. Family courts also discharge almost 60 percent of the juvenile delinquents on similar considerations. There is thus, large scale social tolerance and withholding of punishment of offenders and their crimes. This expresses itself not only in wide scale diversion from the criminal justice system prior to sentencing, but also in an increasing use of noninstitutional treatment. Actually, the prison population and the number of juveniles sent to training schools have been decreasing rapidly in recent years. The total prison population at the end of 1969 was 77 percent of the total capacity of prisons. Also, parole is granted to 60 percent of those who were released from prisons in 1969.

Institutional Treatment

Institutional treatment in Japan may be characterized by several features. One is rather strict discipline and order, particularly in large institutions. However, it must be quickly

added that this discipline and order are maintained not only through authoritarian attitudes; there is more to it than this. Humanitarian relationships between inmates and guards supplement the respect for authority that the convicted criminal also, in part, brings with him to the prison. This again reflects the principle that "We don't hate criminals." Also, this relationship has become possible through the use of multipurpose prison guards. In Japanese prisons, treatment specialists and clinical professionals are few. We expect the prison guard to become a social caseworker and counselor in addition to his role as a security guard. One of the main purposes of the prison is to re-enforce the moral responsibility of the inmates. Therefore, prison guards are trained to be an exemplary model of law-abiding citizens. Close contact between inmates and guards, and humanitarian but moral-creating and moral-oriented relationships are the fundamental feature of Japanese prisons.

Prison Industries

Another feature is the emphasis put on prison industries in all institutions and vocational and academic training, particularly in juvenile training schools. This became possible because of the cooperative attitude of the people toward prison industries and toward the whole function of the juvenile institution. There has been no objection to the sale of prison products on the open market. The main aims of prison industries is to cultivate diligent work habits among the inmates, many of whom committed property crimes precisely because of the lack of such habits. In addition to learning work habits, inmates learn skills for which there is a market when they return to the community. A third feature is a recent tendency to establish small-size open institutions with specific vocational training and other specialized programs. Dr. F. Lovell Bixby's article on "Two Modern Correctional Facilities in Japan" appeared in the September 1971 issue of *Federal Probation*. He there dealt with the Ohi Shipbuilding Open Institution and with another open institution for Agricultural and Civil Engineering. In rural areas there are several agricultural open camps. In juvenile training schools work release programs are widely used.

Volunteer Citizen Groups

In probation, parole, and aftercare, extensive use is made of volunteer citizens' groups, such as voluntary probation officers, of whom there are 50,000; rehabilitation aid hostels, of which there are 130; Big Brothers and Sisters Associations, and the like.

Problems and Counter Measures

As I mentioned at the outset of my presentation, Japan has still rather strong family and social ties and a relatively unified values system. However, affluence in our society is gradually causing many social problems. It is exemplified by militant student movements, the generation gap, and the loosening of family and community ties.

In the belief that we put too much emphasis on economic

development, the Government, with the strong support of the people, has been trying to put more emphasis on the quality of life of the people, particularly on the preservation of natural beauty and sound cultural life. Citizens also have been trying to organize themselves for a fuller society in various fields of social life and community organization.

The criminal justice system is a part of our social institutions and naturally is greatly influenced by situations outside our immediate concerns. Therefore, our overall national development policy and its actual implementation has much to do with the criminal justice system and its administration. However, turning to the much narrower field of criminal justice, several problems we are trying to solve merit mention here. One is the need for guidelines for sentencing practice and a large flexibility of choice among the varied alternatives in sentencing. This is being tackled in the preparatory work for the overall revision of our Penal Code.

Second are the treatment methods for hardened, habitual criminals in penal institutions. This problem has become more and more acute in recent years because increasingly large numbers of prisoners sent to prisons fall into these categories. It seems to me that to solve this problem, Japanese prisons need to involve more professionals such as psychiatrists, psychologists, and other behavioral scientists in their daily treat-

ment programs. Also, it is necessary to adopt much more sophisticated classification and individualized treatment in difficult cases. Again, the need for small-size institutions is keenly felt to deal with such inmates.

Third is the re-evaluation of the role of the volunteers vis-a-vis professional workers. Japanese probation, parole, and aftercare rely too much upon volunteers. Closer and coordinated relations should be established between the professionals and volunteers. To do so, it is necessary to define an adequate role for the volunteer in the treatment process. The Rehabilitation Bureau of the Ministry of Justice has just started a new research project on this in order to define the proper respective roles of professionals and volunteers of optimum treatment efficiency. The final point is the need to integrate the various sectors of our criminal justice system. It involves organizational restructuring and the effective allocation of resources among various sectors, law reform, and integrated long-term planning.

I hope you have found these remarks interesting. I am certain that you will understand the difficulty of describing an integrated, single criminal justice system—one police system, one court administration, one correctional system—which serves 100 million people and with serious respect for human freedom.

A CANADIAN PERSPECTIVE

JOHN BRAITHWAITE

Associate Deputy Commissioner, Canadian Penitentiary Service

MR. CHAIRMAN, fellow panel members, distinguished delegates—I should like to begin by thanking Mr. Clifford for his charitable but informative introduction.

Prior to his clarification, I am certain that many of you were able to identify my more illustrious colleagues and assumed that if I was Dr. Anna Marie Roosenberg, then I must have had a rather exotic but perhaps unfortunate operation!

Seriously, it is most regrettable that Dr. Roosenberg cannot be here, as I am sure this Conference would be much more enlightened by her contribution than what I have to offer.

As a pinch hitter, I have not had time for adequate preparation and I feel most humble and anxious addressing this distinguished gathering. My situation is not unlike that of King Solomon when he viewed his harem, "I have a vague idea of what is expected of me but I know not where to begin, and I doubt if I have the stamina to achieve my goal!"

My anxiety is further heightened by the fact that some of the forefathers of Canada were rather forcibly persuaded by local inhabitants to venture North. I hope my remarks this evening will be of interest but not so provocative as to prompt you to take similar action.

I had hoped to appeal to your indulgence by reminding

you that there is a magnificent Peace Arch on the border between Washington State and the Province of British Columbia that commemorates our mutual origins. However, after listening to some of the remarks of the panel this morning, I assume that the word "Mother" has a connotation that previously eluded me. Thus, I am reluctant to mention that the inscription reads, "Children of a Common Mother," a somewhat unfortunate phrasing but, nevertheless, well-intentioned.

My colleagues and I appreciate your having forsaken more exciting and demanding pleasures this evening to come and join us. It exemplifies your devotion—that scarce but perishable commodity that should never be overexposed to hot air! I shall try to be brief.

Almost 200 years ago, the settlers of the 13 colonies severed their political ties with England. Our two countries chose different paths to their respective destinies. But the political ties were succeeded by spiritual ties—stronger and more enduring than political ties can ever be. That is why I do not feel as a stranger in your midst.

Because of our mutual heritage, problems, and aspirations, it is a pleasure and privilege to convey to all of you the sincere good wishes of the Solicitor General and the Government of Canada, with the hope that this Conference will achieve the objectives expressed for it.

We Canadians have a distant, but distinct, stake in developments on the American scene, for we are neighbours and the social problems that take root in your country soon cast their seeds to our less populated fields. On the brighter side, what will serve as a solution here may also hold promise for Canada.

Perhaps, tonight, it may be possible to reciprocate and make at least a token return. However, I hasten to make perhaps the obvious comment that programs are not completely interchangeable between countries and cultures. What one wears comfortably in Aklavik, beneath the Northern Lights, would be most inappropriate for Florida. So my comments are for information and comparison and I am here as a correctional minstrel or troubadour and not as a salesman or purveyor of panaceas.

The chairman asked me to make some remarks regarding planning and, while they may be depressing, they have the advantage of demonstrating my knowledge. Thus, they will be quite short.

Planning, Innovation, and Evaluation

In both Canada and the United States, great attention has been given to the subjects of correctional planning, innovation, and evaluation. They are the fervent hopes expressed at most correctional conferences and the pious words contained in every brief. Indeed, they have been expressed with such monotonous regularity at conferences and meetings that they have become almost a professional benediction or prayer.

As far as the United States is concerned, and to a lesser extent, Canada, I sense that there are two basic reasons for the existing gap between the expressed need for planning and the social demand which will make it a reality. The first of these reasons is the diversification of responsibility for criminal justice, ranging from the responsibility of counties, to that of states, to that of the Federal Government itself. Such a multitude of agencies inevitably require a sophisticated network for coordination and communication if total planning is to become more than just an elusive dream.

The other challenge that faces correctional planning in your country is the need for adequate funds. I recall Myrl Alexander saying that the greatest discovery in correctional research in the United States is money. Unfortunately, that discovery has not yet become a bonanza. Until the money is available, a desire to provide leadership at the federal level will not result in a ready response from local jurisdictions.

I hope you do not interpret my remarks as being overly critical, but I cannot help but make the friendly but frank observation that, if constructive planning is to be achieved, serious consideration will have to be given to the possible reduction and better coordination of jurisdictions and the provision for much more in the way of resources.

However, how successfully America or Canada reduces and controls crime, depends finally, not so much on what is done within corrections, but what is done in related fields of employment, health, housing, and education.

Corrections But Part of Total Criminal Justice System

Corrections is but part of the total system of criminal

justice and the criminal justice system in turn is but part of our total social structure. Planning must be coordinated to cover the total aspirations of our society or else we may be applying only a band-aid to a mortal wound.

In the field of corrections we institute new programs and change existing programs with a minimal amount of information. New programs are begun simply because they have been adopted in other areas and very little consideration is given to whether they work. There tends to be many more fads than facts in the field of corrections.

It would seem that, in the priorities of correctional decision-makers, research is good but new programs are better. This is a kind of correctional adaptation of the late Ogden Nash's brief poem, "Candy is dandy, but liquor is quicker."

To all too many of us, planning implies inspiration without perspiration and pronouncements from on high rather than participation and involvement. Planning involves working with peers throughout the whole continuum of corrections. It involves communication with police, probation officers, judges, prison officials, and parole officers. It should also involve communication and participation by the citizen who must ultimately pay the bills.

To such a process we must all come as cooperative partners. If we do not share in this way, the end results will be further distorted developments on an already illogical system.

While there are many similarities on the Canadian scene, there are also some very significant differences. We do not have the same resources in terms of professional manpower and funds that you have. On the other hand, we do not have the magnitude or intensity of social problems of a more densely populated country. While the third largest country in area, Canada's population is approximately that of the State of California.

One Criminal Code for the Entire Country

Another advantage is that the criminal justice system would seem to be somewhat more integrated. As in the United States, there is a division of responsibility between the federal and the 10 State or Provincial Governments. While this presents problems, it is much easier to coordinate the efforts of the 10 Provincial Governments and the Federal Government than it is to cope with over 50 jurisdictions. The problem is simplified by the fact that there is one criminal code for the whole country. What constitutes an offence in British Columbia is also an offence some 6,000 miles away in Newfoundland. The Federal Government has the sole responsibility for legislation in the criminal field.

The provinces have their correctional institutions, but the division of labour between the two levels of government depends on the length of sentence given to the offender. If this sentence is less than 2 years in duration, the offender is a responsibility of the Province and if more than 2 years, he is a federal responsibility. The Department of the Solicitor General, established in 1966, is really a Department of Social Defence, as it includes the Royal Canadian Mounted Police, the Canadian Penitentiary Service, and the National Parole Board. The RCMP serve as our national police force and also

serve, under contract, as the police force for all of the Provinces with the exception of Ontario and Quebec.

Canada's Penitentiary Service

The Canadian Penitentiary Service operates some 34 institutions across the country, ranging from maximum security to community release centres located in the hearts of our larger cities. The average daily population of all these institutions is approximately 7,000 and the total staff of the service is approximately 5,000. The staff complement is approximately the same as the Federal Bureau of Prisons but is responsible for only one-third of the number of inmates.

The National Parole Service has 35 regional offices, covering the larger cities and, in addition, by contract, can draw upon the services of a number of private organizations, such as the John Howard Society, for 50 percent of the parole supervision. Because of such a relatively integrated system, correction planning and development has an opportunity to chart a course and have that course followed.

It has been said that government in a democracy moves sedately and serenely in the direction it is being pushed. This comment may well apply to corrections as well.

Canadians have become disillusioned with institutions, at least the traditional, huge, concrete castles of confinement. The desire is to remove many offenders from the correctional stream by revising legislation and providing community programs for as many as possible; and, for those who must, reluctantly, be incarcerated, provided an environment which offers realistic responsibilities, which is as normal as possible and which promotes positive contacts with the community.

This means many things in practise. First, is the removal of certain categories from the offender role—the legislation of morality is declining. Being drunk in a public place is, in itself, no longer an offence. If you are picked up because you are sodden, you are not necessarily charged and you are released as soon as possible.

A complete revision of legislation pertaining to drug abuse is currently underway, and a further final example, for those interested, homosexual acts between consenting adults are no longer "crimes."

Community resources have expanded drastically over the past few years in Canada. A realization that prisons are expensive but unproductive, has resulted in larger allocations of dollars and offenders to probation and parole. Contractual arrangements with private aftercare agencies to provide 50 percent of all our community residential facilities and case supervision, has not only increased the use of parole but also has given ex-offender groups, ethnic groups, and citizens at large a chance, not just to criticize, but to contribute and innovate.

It is hoped that similar contracts will be developed with the Provincial correctional systems so that the offender can go to the most appropriate institution in his home province.

As for institutions, we believe that only people can change people.

Thus, our institutions, at least the newer ones, those built in this century, house a maximum of 400 men—and we consider this too large. Proposed new maximum security units

will be considerably smaller to provide for better staff-inmate communication and relationships. They will be, as Norval Morris would say, "Mini-Mini Maxis."

All institutions must provide a classification officer for each 50 inmates. However, in addition, we are revising certain staff roles.

Where perimeter security is required, basically in the maximum institution, there will be a specially trained and selected security force to provide it.

Classification officers will become staff development officers, responsible for the development of human relations skills on the part of selected correctional officers, assigned to specific small groups of inmates. Increasingly, line staff will assume greater responsibilities for case management. There is a need for a new image and new role for staff.

(By the way, I hope to God that somebody writes a play, a movie or a television show about a correctional officer who doesn't go around putting the arm on everybody—about the kind of correctional officer I know—a poor, basically honest, sincere guy who is doing his earnest best to meet the conflicting demands imposed on him. Otherwise recruitment will suffer.)

Access to Community Resources

To maintain ties with the community, each institution is to have a Citizen Advisory Group to develop access to community resources. In some instances, resources will be brought to the institution but, in many cases, the men will venture forth to the community.

Indeed, our temporary absence program, as we call it, involves about one-third of our population going out each month. During the Christmas and New Year's period we have actually closed some of our smaller units for lack of inmates. We are also initiating a program of earned leave, under which a man may be considered for home leave after serving 6 months. If he completed his initial leave successfully, he will then be eligible for leave consideration each subsequent 3 months.

In the area of work, we are considering several innovations. We are seeking opportunities for use of inmates in community projects, coping with ecological and pollution problems and serving as volunteers for certain social agencies.

As a trial measure, in the minimum security institution of William Head, on Vancouver Island, regular wages will be paid to a group of selected day parolees employed in the construction of a building required by the institution. Instead of the present daily allowance, which varies from 55 cents to 80 cents, inmates will receive the minimum wage which will enable them to help support their families, pay for their board and lodging in the institution, become eligible for unemployment insurance benefits and workmen's compensation; and save some money towards their eventual release from prison.

At Drumheller, in Alberta, we have already gone even further. Inmates requested and obtained the responsibility for the organization and operation of a public golf driving range. Moreover, the entire proceeds of the driving range operations will be deposited in the inmate's welfare fund. This

pilot project, upon which many hopes have been set, will show that it is possible to let inmates assume responsibilities themselves and to function as would be expected of them in normal society.

Important developments are presently being undertaken in the field of education. They include a project in the Ontario region where St. Lawrence Community College of Kingston has extended their campus to include the Collins Bay Penitentiary. Thus, all inmate students in the academic and post-secondary programs at the institution will follow the same curriculum, have the same instructors and receive the same certification as do students attending St. Lawrence College on a regular basis. This institution will become, in fact, a part of the campus itself. Eventually, all our education programs will be by contract.

To ease the trauma of release, we are more than doubling our community release centres within our cities.

These then are some of the steps being taken to reduce the past, undue dependence on the prison as a magic box, operating in isolation from the community and robbing the individual of initiative, responsibility and even masculinity.

We have done these things despite dark days and long nights of hostages, bloodshed, and threats of armed invasion in some instances.

We have done these things, not because we are certain they are more effective, but because we are certain they are more humane, they are more civilized and, I submit, they are more hopeful than the practices of the past. Like yourselves, we are striving.

CORRECTIONAL PROBLEMS AND PROGRAMS IN OTHER NATIONS

TORSTEN ERIKSSON

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THE CHAIRMAN being English, I should address him in the English manner, only the Chairman exists, the others do not. Mr. Chairman, Sir William!

Quite recently, as was mentioned by you, an international conference, organized by the International Society of Social Defense, was held in Paris. Social defense, as you know, is a concept covering prevention of crime and treatment of offenders, while corrections covers only treatment of offenders. The participants of that conference came from 57 countries, from all parts of the world. The theme of the conference was "Techniques of Individualization Processes in the Treatment of Offenders." This theme was dealt with in four consecutive meetings devoted to the criminological, the medical-biological, the judicial, and the penal aspects. It was, in fact, a thorough examination of the question; however, it has to be admitted that the result was modest. If it was a step forward in our knowledge, it was a very small step, indeed.

Treatment Ideology Challenged

Every individual report and every national report submitted to the conference stated that each country adhered to the principle of individualization—that the punishment should fit not only the crime, but also fit the criminal, that he should be "treated" in the true sense of the word, and in such a way that he would become a good, loyal citizen. There was, though, one dissenting voice, just one, but that voice echoed the opinion of the new jet set of young Scandinavian criminologists. The treatment ideology, this voice said, is wrong. A system of individualized sanctions could hardly influence the volume and structure of criminality in a society. The average offender is not a sick person in need of psychiatric care and we should not expect psychiatry or psychology to provide the

solutions to the fundamental dilemmas of criminology. It is so perfectly normal to commit crimes that almost everybody does it at least during a certain age period. Punishments should never be camouflaged by calling it treatment, rehabilitation, or therapy. Let the laws state the gravity of the offense and punish everyone equally, the voice said, regardless of his person or environment. That voice was not mine! However, this ferocious attack on the treatment ideology was followed by a noteworthy retreat. Even when criminals are placed in prisons mainly to deter others, they should, nonetheless, be given the best possible treatment, it was said by the same voice. This was naturally a real anticlimax because the best possible treatment cannot mean anything else than to help the criminal to adjust to society, to return to it as a good, loyal citizen.

We Are Faced With New Problems

I thought of this meeting in Paris when I listened this morning to Mr. Procnier who pointed out what a difficult task a reformer of corrections has to face today. California's system of treatment is better today than it was a couple of years ago, he said. But, he added, the problems challenging us today are worse than they were.

Mr. Morris offered a brilliant exposé on the lack of systematic approach to social defense problems in modern societies, and with his usual frankness, delivered with his usual devastating charm, said that although he could enumerate and also analyze the problems, he did not have much regard for the solutions he could offer. Mr. Edley, at the close of his speech, made reference to the same type of criticism about the treatment ideology I referred to myself. And there, in my opinion, Mr. Chairman, lies the danger for all of us who take an interest in rehabilitation programs—those of us who firmly believe that punishment, or sanction, or whatever you

call it should fit the crime, of course, but also, primarily, should restore the criminal to society. It is a danger because science and practice are working together in order to find methods of treatment which diminish the rate of recidivism. If they fail, legislatures will doubtless fall back on the old doctrine that punishment should only fit the crime, a doctrine now revitalized by some young criminologists.

It is especially noteworthy that this recently reborn doctrine of general prevention stems from Scandinavia. The Scandinavian countries, particularly my home country Sweden, have long since been on the reform path of penology. If I, like my colleagues, may brag a little, we have done so much to improve our correctional system to the extent that a venomous critic the other day asked me whether it is not time now to take up for serious discussion whether it would not be quite appropriate to provide each prisoner with cognac and cigars with after-dinner coffee!

The Swedish Correctional System

Allow me a few minutes to describe the Swedish system. The correctional system is totally integrated. Prisons, probation, and parole—all the three big letter "P's"—are under the same administration. Sweden is the size of California, with only 8 million inhabitants. The correctional administration has 30,000 clients but less than 5,000 are kept in institutions. The other 25,000 are on probation or parole. Now, for the 5,000 prisoners there are as many employees. The ratio of employee-prisoner is, then, one to one. This is far better than I have found in most countries, but, of course, the Swedish correctional administration is not satisfied with this situation. It complains all the time that more employees are needed. For those 5,000 prisoners we have more than 70 institutions. The largest one is for 400 men. I should like to add, though, that I have not fallen for what is now in vogue to believe, namely, that a solution is to be found particularly in small institutions. Small institutions could be as bad as large institutions and large institutions could be as good as small institutions. But it all depends on the organization. Now, of course, with small institutions you get many more governors, so there is a certain interest among the staff to have smaller institutions.

Among the governors of closed institutions for men in Sweden you will find several women governors; there is an increasing number of women governors. I have had the pleasure of recommending for nomination all of them that are governing now and I have never had reason to regret it. The women are as good disciplinarians as men, but they usually deal with the problems in a much more subtle manner than do men.

Regarding furloughs for prisoners, I believe we were the first to introduce this system. The home leaves are used extensively. Of our average prison population of less than 5,000, we gave, last year, nearly 15,000 short furloughs for home visits. Nine percent were abused in the sense that the inmate did not return. Personally, I prefer to talk about the 91 percent successes instead of the 9 percent failures. You could hardly ask for more than over 90 percent of success. One third of all inmates are kept in open institutions. Shall

I shock you with the number of escapes? There were about 1,200 escapes during 1970, and this is tolerated by the Swedish public. How come? Well, we have made them used to it. And we avoid as much as possible to dramatize an escape. Most escapes present little or no danger.

We have established a full institutional employment program. We build everything except skyscrapers, and we have managed to provide each prisoner with modern types of work, if he can work and if he wants to work, and a substantial percent of the prisoners are paid the usual wages.

With the reputation Sweden has acquired in recent years for sexual freedom, foreign visitors to the Swedish correctional administration generally ask: You have conjugal visiting, haven't you? And my reply has always been: I don't know! Then I explain that we have two types of visits—the supervised visits where sexual contacts do not occur and the unsupervised visits where the inmate can meet his wife or his fiancé in a private room, or in open institutions where he can bring her with him to his own room. Practically all prisoners in open as well as closed institutions have individual rooms and keys to their rooms. Since we use the hotel key system, the prison officer can always enter, but he is not allowed to enter during a private visit and he is not allowed to ask questions, because sex intimacies are regarded as belonging to the sphere of personal integrity. We could always hazard a guess, of course.

I could continue this bragging about all the good reforms we have made. It has demanded a great deal of work, insistence, manipulating, and sometimes even lying to the politicians; and allow me to say, also courage. Is it all sunshine in Swedish penology? No, it is not. You see, if I may disclose a secret, the more you get, the more you ask for! The prisoners are glad when they get something new they have not had before. But after a little while, it is the most natural thing in the world and then they ask for more. Well, they are no different from us, exactly the same kinds of people as we are in that respect. So, we have had strikes, but so far—and knock on wood—no violence in connection with strikes.

The correctional administration is always in the line of crossfire. One portion of the citizens believe we are coddling the prisoners and others believe our treatment is not humane or not humane enough. We never seem to do right whatever we do; we always do wrong! Too many prison administrators, too many correctional officers become embittered. They find their work ungrateful despite all their efforts, they get criticism and little understanding. One day the politicians, who enact legislation for us, might be more attracted by the reborn theory of general prevention—just punish the crime and don't care about the criminal. It is less costly after all, they will say.

Penology is not a real science, and whether treatment costs one thousand dollars or 10 times as much, the result is just the same, they might say. They are now beginning to say so because they have seen how costly reform is. To me this is the new challenge we have to meet. So, Mr. Chairman, may I suggest to your audience that we take off our coats and do some pleasant slugging for the treatment ideology and let us determine to win.

JUDICIAL IMPACT ON THE PRISON ADMINISTRATOR

EUGENE N. BARKIN

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IT HAS BEEN traditional for people in corrections to avoid communication with the public. Perhaps this is so because in almost the entire history of penal institutions, the administrator's regulations and decisions have been regarded as immune to challenge and it was believed there was no need to communicate. The concept, pretty well accepted, was expressed by a Virginia Court 100 years ago when it characterized the convict as, temporarily at large, a slave of the state.¹ However, today that concept has been pretty much reversed so that there is considerable authority to the effect that the only rights a prisoner loses are those which are relevant to security, discipline or program.²

Prisoners Rights to Access to Courts

The first significant decision in prisoners rights was decided by the United States Supreme Court over 30 years ago when it held that the administrator could not interfere with the prisoners access to courts by refusing to transmit legal documents addressed to the courts.³ For many years thereafter there was virtually no further judicial intervention which would result in monitoring the administrator's discretion. Commencing some 10 years ago and for several years thereafter, the right of an inmate to practice his religion, although in an unorthodox manner, was the subject of widespread litigation until it became well established that unless there is an identifiable and significant danger to the security of an institution or to allow such practices is implausible, such practices must be allowed.⁴ Then 5 years ago the first major case condemning the physical conditions of confinement was decided by the United States District Court for the Northern District of California. This court, after reviewing at length the conditions under which prisoners were kept in segregation, concluded that the conditions and other treatment of those persons were so horrendous that they were tantamount to cruel and unusual punishment.⁵ Since then other courts reached the similar conclusions, some even indicating that unless conditions would improve, confinement to entire penal systems would be in violation of the constitution.⁶

The first Supreme Court holding respecting prisoners access to the courts has recently been broadened to include more than requiring the expeditious transmittal of documents prepared by the inmate. For instance, for a number of years it had been almost a universal rule among penal systems that

one inmate was prohibited from helping another in the preparation of his legal materials. The rationale of this rule is that this kind of activity inevitably means that one inmate becomes indebted to another and therefore is readily imposed either physically or psychologically. This argument did not impress the Supreme Court where it meant that this rule would prevent an inmate from an effective means to present his case. The court thus concluded that in the absence of reasonable alternatives the rule precluding one inmate from helping another is an unconstitutional impediment to access to the courts.⁷ And just within the last month the Supreme Court affirmed the ruling of a three judge federal court, i.e., in the absence of reasonable alternatives the state must provide a meaningful law library within the prison.⁸ In that case the State of California did provide minimal legal research material. Until the three judge District Court ruled otherwise, it was generally assumed that it was not the obligation of the state to provide a law library to its prisoners. Exactly what is an inadequate library was left undefined.

The State of New York recently obtained a comparatively substantial amount of money to establish law libraries in its institutions. The federal system, for a number of years, has provided some legal resource material which it felt to be most essential. The extent of its libraries, however, would in no way satisfy the requirements of the Supreme Court ruling.⁹ As a consequence, the policy relating to legal research materials is under review and it is anticipated that these resources will soon be expanded. In a very recent case an inmate was prevented from purchasing legal materials despite the fact that he had \$75 in expendable funds and requested permission to use \$40 to purchase legal materials. This request was denied, apparently justified by the director of that institution on the ground that there was a substantial law library and the inmate had ready access to it. On appeal it was revealed that the "extensive law library" consisted of six works, two of which could not be removed from the supervisor's office. The director's reply was obviously characterized by the Court of Appeals as absurd.¹⁰ An absurd reply is worse than no reply.

Rights Relating to Mail Censorship

Recently the right to censor mail between attorneys and their clients in prison has become the subject of litigation throughout the country. The answer to the question presented, whether reading or inspection of attorney correspondence breaches the confidential relationship and results in a deprivation of a constitutional right, is one which is not free from doubt. There have been cases reaching opposite conclusions.

Perhaps the most authoritative decision is by the U.S. Second Circuit Court of Appeals en banc.¹¹ That court agreed that the restriction or censorship of correspondence is generally distasteful because it can interfere with rehabilitation and shuts off the means of expression which could otherwise be demonstrated by physical means. On the other hand, it recognized that traditional and common practices of prisons imposing many kinds of control on correspondence do have support in a rational and constitutional concept of a prison system. It concluded that discipline and good order are sufficient grounds to justify regulations which incidentally may restrict a prisoner's speech. The court concluded that prison authorities cannot delete material from, withhold, or refuse to mail a communication between an attorney and his client or any court or public official unless it can be demonstrated that the prisoner had clearly abused his right to access. It then pointed out that holding that there were some circumstances which justified deleting or withholding or refusing to mail communications with courts, attorneys, and public officials, it necessarily ruled that prison officials may open and read all outgoing and incoming correspondence to and from prisoners. There have been other courts which have taken this view.¹² On the other hand there is a growing number of courts which take the view that mail between attorneys and clients may not be opened and read.

A little over a year ago a federal court issued a temporary injunction against the Rhode Island system abolishing all censorship of outgoing mail to courts, attorneys, or public officials, unless the prison officials first obtained a search warrant.¹³ This, of course, effectively terminated the inspection of outgoing mail because volume of mail alone precludes obtaining search warrants. The court found that there is no logical connection between censorship of attorney-inmate mail and penal administration; that this is just another way which could help hidden administration from judicial review.

Several other trial courts have ruled against opening or inspecting of attorney mail. Just about a month ago the United States District Court for the Eastern District of Virginia ordered that no inmate shall be prevented from exercising his right of access to the courts and counsel by way of "confidential mail communication."¹⁴ Two weeks ago two county circuit court judges in the State of Maryland ruled that in general mail the officials of Patuxent Institution must be able to point to the object of censorship with definitiveness. It must give notice to the patient and allow him to respond. In the case of legal mail, however, the institution can do no reading, as it would serve no pertinent state interest.¹⁵

While a number of emerging cases emphasize that interference with this kind of correspondence affects a First Amendment right and the burden to sustain the rule is heavy,

it should be remembered that there is an obligation on the part of the prison authorities to protect the security of the institution and its inhabitants.

The problem presented by the inability to inspect and read attorney mail is real. Today an indictment is pending against an attorney charged with masterminding a scheme to run narcotics into a major maximum security institution. The six inmates involved have pleaded guilty. The trial will be held next month. The scheme was discovered because attorney mail was read and by reading a series of letters in code the plans were blocked. If sealed correspondence rules had been applicable here, the probabilities are that the narcotics scheme would have been successful. Last night several administrators advised me that pornographic materials, contraband, or communications from secretaries were all sent to the institution in envelopes with attorneys return addresses. Further, it is a simple matter to have fictitious stationery printed. The Federal Bureau of Prisons for a number of years, has been trying to balance these competing interests. Its policies provide that mail from attorneys can be inspected for contraband or other improper content but that matters which are properly within the attorney-client relationship must be held in confidence by the inspecting officer and revealed to no one.¹⁶ We know of no case where that confidence has been breached. Nonetheless, in view of the emerging body of law and notwithstanding the *Sostre* opinion, which at least inferentially endorses the present policy, the Bureau of Prisons is now in the process of reviewing its policy with the view to further reduction of the monitoring procedure.

Right To Correspond With Publications

Another emerging area of concern involves the right of a prisoner to correspond with a publication. In a recent case a prisoner was prohibited from communicating with *Playboy Magazine* to raise funds for legal assistance. Further, he was not allowed to give his retained local attorney the power of attorney to authorize the publication of his letters to a psychiatrist for this purpose. The inmate indicated that the sole purpose of publication was to obtain legal and financial assistance. By affidavit, the institution indicated that in the exercise of administrative judgment, it was determined that such a publication might have an adverse effect upon the institution's control and discipline, the treatment programs available in general, and the population committed to the institution. The court held that the right to access to courts includes the right to seek and obtain the assistance of competent counsel, and mail to further this end, may not be interfered with. Further, this includes the right to seek and obtain psychiatric assistance and testimony which of necessity contemplates the right to seek financial assistance to a psychiatrist. The court indicated, however, that if the purpose of correspondence was to critique the law and its implementation with a consequent detrimental effect on the institution control and discipline, the institution could refuse to transmit it. The case was remanded incidentally to determine the purposes of this

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¹ *Ruffin v. United States*, 62 Va. 790 (1871).

² See *Washington v. Lee*, 390 US 333, *Jackson v. Bishop*, 404 F.2d 571 (8th Cir. 1971), *Landman v. Peyton*, 370 F.2d 135.

³ *Ex parte Hull*, 312 US 546 (1940).

⁴ *Sostre v. McGinnis*, 442 F.2d 178 (2d Cir. 1971).

⁵ *Jordan v. Fitcharris*, 257 F.2d 674 (N.D. Calif. 1966), *Wright v. McMann*, 387 F.2d 519 (2d Cir. 1968).

⁶ *Holt v. Sarver*, 309 F. Supp. 362 (ED Ark. 1970).

⁷ *Johnson v. Avery*, 393 US 483 (1969).

⁸ *Younger v. Gilmore*, US, November 8, 1971.

⁹ Policy Statement 2001.2A, dated June 29, 1971.

¹⁰ *Schuster v. Herold*, 393 F.2d 483 (2d Cir. 1971).

¹¹ *Sostre v. McGinnis*, 442 F.2d 178 (2d Cir. 1971).

¹² See for example, *Martin v. Neil M.D.-S* (MD Tenn. 1970) and *Ramer v. U. S.*, 411 F.2d 30 (9th Cir. 1969).

¹³ *Palmigiano v. Troviano*, 317 F. Supp. 776 (D. RI 1970).

¹⁴ *Landman v. Royster*, Civil Action No. 170-79R (E.D. Va. October 30, 1971).

¹⁵ *McCray et al v. Maryland et al*, 10 Cr. L. Rep 2132.

(On December 3rd the court issued a show cause order why institution officials should not be held in contempt, or the institution placed in receivership, and a new administrator appointed by the court.)

¹⁶ Policy Statement 7300.1, dated December 20, 1962.

mail.¹⁷ Just a month ago, the First Circuit Court of Appeals in a case involving the Massachusetts' correctional system held that the First Amendment rights include the prisoner's right to send letters to the press concerning prison matters. It pointed out that the conditions of the prison are an important matter of public policy and that prisoners and administrators are peculiarly knowledgeable. The court was impressed with the fact that a right of prisoner to communicate his grievances to the press and to the public is especially relevant because of the invisibility of the prison to the press and to the public. It concluded that the argument that inflammatory material should not be sent out because it could be returned to the institution was not too persuasive because the material could be stopped when it is returned.¹⁸ The court observed that while responses involved sometime and worry "prison officials are after all public officials and responsible to the people in that capacity."

In a somewhat similar situation Fathers Daniel and Philip Berrigan wanted to tape and disseminate sermons outside the institution where they are confined. The warden had previously advised members of the clergy that this was not permissible. The Berrigans requested the court to restrain the warden and the Federal Bureau of Prisons from enforcing its policy in effect at that time, governing the necessary procedures before permission was given to disseminate for publication outside the prison.¹⁹ Since the petitioners in this case sought a preliminary injunction, the court was able to dispose of the petition based upon its conclusion that there was no persuasive proof the petitioners were suffering irreparable harm nor a strong likelihood they would ultimately prevail. In reviewing the factual background the court pointed out that the plaintiffs had not actually sought permission pursuant to the procedure set forth in the policy statement. The court was impressed by the fact that at the time of the hearing it was indicated that Father Daniel Berrigan had been disciplined for having three contraband letters in his shoe which he planned to smuggle out of the institution contrary to our prison regulations. The court pointed out that a prison society by its very nature must be authoritarian in character and that there are all kinds of inmates—normal, mentally normal, as well as neurotic, psychopathic, antisocial, and others—who would rebel against any form of discipline either inside a prison or outside in free society. As a consequence, the rules and regulations of a system which encompass all kinds of institutions must, of necessity, be broad and flexible. In dealing with the right of the First Amendment, the freedom of speech, the judge said that the Berrigans must face the fact that they have temporarily forfeited many rights associated with free men during their period of confinement. The court concluded that the plaintiffs obviously have no constitutional right to deliver the sermons in person outside the prison. The free exercise of such a right would be a contradiction of their legal status as inmates.

¹⁷ *McDonough v. Patuxent, Director of Patuxent*, 429 F.2d 1189 (4th Cir. 1970).
¹⁸ *Nolan v. Fitzpatrick*, F.2d (1st Cir. 1971).
¹⁹ *Berrigan v. Norton, et al.*, 322 F. Supp. 46 (D. Conn. 1971) aff'd, F.2d (2d Cir. November 26, 1971).

Right To Receive Publications

A prisoner's right to receive publications has also been the subject of considerable litigation. Recently the United States District Court for the Southern District of New York held that the prisoners have a right to receive *Fortune News*, a nonreligious newspaper published by former inmates, often critical of prison authorities.²⁰ The United States Court of Appeals for the Fifth Circuit, several years ago, struck down a rule which resulted in black inmates not receiving publications on an equal footing with whites because the rule was promulgated "to the disadvantage of the blacks," even in those instances where the rule itself was evenly applied.²¹

Recently a federal district court judge concluded that prison officials must provide notice and some opportunity to object before they may screen literature from an inmate and that the decision must be made by a body that "can be expected to act fairly." The court, however, did accept two premises: first, that certain literature which may pose a current and present danger to the security of the prison or the rehabilitation of prisoners, should be censored; second, the violative atmosphere of a prison world can be fomented by the printed word much more easily than in the outside world.²² Accepting this premise, it follows that a lesser degree of inflammatory material can more readily create a dangerous situation within a prison than in the community. Thus, in November 1971, Judge Gurfein said that the "same tests of constitutional validity representing restraints" of this nature that apply to the general public, do not apply "to the prison population."²³

Right to Interviews by News Media

What about prisoner interviews by representatives of the news media? Generally, unlimited access has not been allowed in prison systems. The rationale is that inmates should not be the subject of publicity because this will magnify the disparity between prisoners. The object is to treat all alike as nearly as possible. The Federal Bureau of Prisons is now in litigation on this issue. A Newspaper Guild and prisoners assert that the ban is unconstitutional under the first amendment and violative of the prisoner's guarantee of freedom of speech and contrary to the rehabilitative purposes of the prison system. The Federal Bureau of Prisons Policy Statement provides that individual interviews are not permitted but conversations may be permitted with inmates whose identity is not made known and it can include a discussion of the institutional facilities and programs and activities.²⁴ The present policy of the Bureau of Prisons is quite open in allowing newsmen to visit institutions and to write stories in any way they see fit. The restriction relates only to individual interviews with persons who are identified in the publication.

Another basis for this policy statement is that there are a number of notorious persons in the federal system and if there was an open door policy, a disproportionate amount of time

²⁰ *Fortune Society v. McGinnis*, 319 F. Supp. 901, 904 (SDNY 1970).
²¹ *Jackson v. Goodwin*, 400 F.2d 529 (5th Cir. 1968).
²² *Sostre v. Otis*, 330 F. Supp. 491 (SDNY, 1971).
²³ *Sostre v. Otis*, 70 Civ 1114, decided November 8, 1971.
²⁴ Federal Bureau of Prisons Policy Statement 1220.1 (4D, December 11, 1966).

would be spent in interviewing so that the inmate would not be involved in his scheduled program. Several systems however, have recently agreed to permit interviews. For example, on August 3, 1971, the Massachusetts system adopted this rule and in the recent Montgomery County case in which the Patuxent Institution was involved, it was ruled that newsmen may visit any part of the institution during regular working hours.

Rights Relating to Disciplinary Hearings

There is still remaining an area of even greater concern. Perhaps the most perplexing problems facing the administrator today are the procedural requirements for disciplinary hearings which result in deprivations to the inmate which are beyond that which is borne by prisoners in general. The disciplinary action is most significant to the inmate. It can result in the loss of good-time credits. This, in turn, means that the prisoner will remain in custody for a longer period of time. It can mean that the inmate can be placed in a more rigorous state of confinement and deprived of a number of the amenities available to most inmates in that institution. It must be borne in mind that these proceedings do not entail criminal prosecutions but are essentially administrative hearings whose purpose is to maintain the security of the institution. Are prisoners entitled to confrontation, cross examination, witnesses, counsel at these administrative hearings? Within the last year there has been a proliferation of cases which in great detail analyze past procedures and order new procedures. In *Sostre v. McGinnis*, the en banc Second Circuit opinion, the Court outlined the basic requirements as follows:

In most cases it would probably be difficult to find an inquiry fair and rational unless the prisoner were confronted with the accusation, informed of the evidence against him, and afforded a reasonable opportunity to explain his actions.

Further,
 We would not lightly condone the absence of such basic safeguards against arbitrariness as adequate notice, an opportunity for the prisoner to reply to charges lodged against him, and a reasonable investigation into the relevant facts— at least in cases of substantial discipline.

Not all courts have agreed. Last year, the United States District Court in Rhode Island supervised negotiations between attorneys for inmates and the Rhode Island penal system in a class action brought by inmates against the correctional system, alleging arbitrary classification and disciplinary procedures.²⁵ The upshot of this Rhode Island case is the establishment of a very elaborate and detailed system for the conduct of disciplinary hearings. I have summarized these procedures to give you some idea of what Rhode Island penitentiary must live with as opposed to those institutions in the Second Circuit:

1. The inmate must be informed of the charges and the date of the hearing in advance.
2. He may present information available to himself and others.
3. He may receive representation from a classification officer.

²⁵ *Morris v. Trivisono*, 310 F. Supp. 857 (1970).

4. He has the right to hear the decision, and to be advised of its rationale and consequences.

5. The decision must be based on substantial evidence.

6. The inmate must be informed that the Board's decision will be reviewed formally by the Warden within 3 days.

7. A record will be kept, including a summary of all information produced at the hearing.

Not quite so elaborate as the procedures in Rhode Island, but still quite detailed and interesting in its suggestion that Rhode Island is not an anomaly among federal courts, is a case decided this year in the federal court at San Francisco,²⁶ in which Judge Zirpoli considered the due process procedures at San Quentin. Under these procedures the inmate before the disciplinary board was not permitted to see the written report accusing him of a violation of prison rules; he had no right to confront or cross examine his accusers, call witnesses or retain counsel; there was no requirement that the decision be based on evidence introduced at the hearing; and there was no requirement that a record be kept. The only procedural directives were that the disciplinary committee should inform the inmate of the charges, receive the plea, and carefully weigh the evidence.

Judge Zirpoli decided this was not enough. In cases where the violation was sufficiently serious, the prison was to be held to these standards:

1. Timely and adequate notice.
2. The right to call, confront and cross-examine witnesses.
3. Right to counsel or counsel substitute.
4. Decision must be based upon substantial evidence.

Recently, the United States District Court for the Eastern District of Virginia wrote an exhaustive opinion which dotted the "i's" and crossed the "t's" for the Virginia state system. Among the areas it got into was the review of the procedural aspects of prison discipline. In so doing, the court stated it would not have entered upon this kind of review, but for the fact that there was evidence that discipline had been imposed upon men guilty of *no* infraction.²⁷ It pointed out that persons were penalized for communicating with courts or lawyers, for protective litigation activities, and for offenses which simply had not occurred. In other cases, it was not possible to determine what the reasons were for the punishment. The court stated that the right to be free of substantial restraints of solitary confinement or maximum security segregation or earned good-time are not matters of legislative grace. Specific procedures not unlike those described before were ordered by the Court.

In a hospital setting, the United States Court of Appeals for the District of Columbia, where the patient was removed from a less secure portion of St. Elizabeth's Hospital to the maximum security pavilion, held that if the action challenged is based upon the determination of a disputed issue of fact, the hospital must be able to point to procedures giving the individual affected a fair opportunity to challenge that determination and providing that reasonable assurance that a determination is correct. The court also held that to

²⁶ *Clutchette v. Proconier*, 328 F. Supp. 767 (N.D. Cal. 1971).
²⁷ *Landman v. Royster* supra.

support its decision the agency involved must not refer to facts outside the administrative record or course of proceedings. The hospital then tried to augment its records, but the court would have none of it.²⁸ A transfer from a penal institution to a mental hospital for the criminally insane pursuant to New York law, but not in accordance with the procedural safeguards accorded persons not in prison, was held to be unconstitutional as a violation of the equal protection clause of the constitution.²⁹

Right to Treatment Contemplated by Law

Finally, there are indications that courts are beginning to insist that the administrator in implementing the judgment must provide the kind of treatment contemplated by the law. In a case of involuntary hospitalization for treatment, the failure to provide suitable and adequate treatment cannot be justified by lack of staff or facilities or funding.³⁰ Two weeks ago this concept was embraced in a suit brought by inmates of the Patuxent Institution. Under Maryland law a person who had been convicted and is subsequently determined to be a "sexual psychopath" can be institutionalized at that institution for an indefinite period. The court in reviewing a suit brought by a number of inmates laid heavy emphasis on the purposes of the commitment and the fact that the commitment was for the longer period of confinement in trade for a better treatment facility and program. In reviewing the facilities, the staff, and the programs, the court concluded that the Patuxent Institution did not provide the program contemplated by the law and judgment.³¹

Six days ago a federal judge found that the District of Columbia was unable to provide the treatment contemplated by the Federal Youth Corrections Act because of overcrowding and ordered the Attorney General, the Mayor, and the Director of the Bureau of Prisons to submit within 2 weeks a plan to immediately create an additional facility to house "at least 300 male defendants committed by this court under the Youth Corrections Act" together with a schedule.³²

This brings me to one more point. Everyone, of course, talks about rehabilitation for all kinds of offenders. It is unpopular to say that some people are confined for punishment. Of

course it is more popular to label the purpose of every commitment as rehabilitation. But with the label must go the responsibility to provide what you promise. I believe it is dishonest to claim that many of our systems are "rehabilitating," whatever that means. I believe it is equally misleading to assert that any system present or proposed, would be capable of rehabilitating some small numbers of the people. I don't believe there is any correctional system which has the means or talent, nor perhaps should it, to provide "rehabilitation" for the organized crime kingpin, or the sophisticated, well-educated, white-collar offender. Some, therefore, believe it will save everybody a great deal of chagrin and will clear the air if we candidly state that there are certain kinds of people who are committed for punishment or for removal from society.

The intervention by the courts, the newly discovered activism of the Bar, and the keen interest of the public are all comparatively new and somewhat irritating to the prison administrator. It means greater accountability. Some claim that it means taking a great deal of time, resulting in diversion from what they believe is their primary mission. Of course, it is uncomfortable—accountability always is. But, this is an ingredient of our system of government—public officials must be held accountable. The real question is whether the intervention reaches the stage where it creates an atmosphere of such apprehension that it causes the administrator to worry more about litigation than performing his job. I still do not believe courts ordinarily want to get involved in this thankless and unpleasant kind of task. Most would still prefer to adhere to the "hands-off" doctrine and would do so if they felt the administrator was acting reasonably. We have the guidelines in past decisions. I believe a rationale approach can forestall many unfavorable judicial decisions.

The other side of the coin is that good things can come from the position in which administrators find themselves today. For years they cried that their biggest problems have been lack of resources and no one to listen or act on their behalf. This conference, the resources of LEAA, the interest of the Attorney General and the Chief Justice, the interest of state officials, and the public indicate that this problem may well be on the way to resolution. The interest and resources for change are available. It's time to communicate meaningfully.

²⁸ *Williams v. Robinson*, 432 F.2d 637 (D.C. Cir. 1970).

²⁹ *Schuster v. Harold*, 410 F.2d (2d Cir. 1969).

³⁰ *Rouse v. Cameron*, 373 F.2d 451 (D.C. Cir.).

³¹ *McCray et al v. Maryland et al*, supra.

³² *U.S. v. Atbrook*, Cr. No. 1065-71 (December 1, 1971).

SUBSTANTIVE RIGHTS OF THE PRISONER

WILLIAM B. BRYANT

Judge, United States District Court for the District of Columbia

UP TO A FEW YEARS AGO, our courts recognized their role in the administration of criminal justice as one confined to the business of seeing to it that one accused obtained a fair trial before conviction. And even after conviction and commitment, courts have recognized as a proper function examination of the legality of that confinement in the light of our fair trial standards.

"Hands Off" Doctrine

But, any other complaint that an inmate had was destined to stay behind the wall with him. Courts refused to take cognizance of them. As one court put it as late as 1962:

... supervision of inmates of institutions rests with the proper administrative authorities and . . . courts have no power to supervise the management and disciplinary rules of such institutions.¹

Many other courts, from time to time, had articulated the same principle, and it came to be known as the "hands-off" doctrine. It was thought this determination not to interfere in internal prison affairs was firmly backed by the theory of separation of powers. Supplementary rationales were: (1) the penologists—not the courts—were the experts in this regard; and, (2) court intervention might subvert prison discipline.

But, there are signs that the old order endeth. In 1964, the Supreme Court stated as a fact that state prisoners are entitled to the protections of the Civil Rights Act (42 U.S.C., 1993).² And although courts continue to bow to the needs of prison discipline, many of them, under the Civil Rights Act, have decided to examine the claims of state prisoners to see whether constitutional rights have been violated.

Thus, the "hands-off" doctrine has suffered re-examination and reassessment as a valid position, and significant inroads have been had. For example, when the Fourth Circuit Court of Appeals dealt with the claim of an inmate that prison administrators had refused him proper medical care and put him in solitary confinement, it stated:

The hands off doctrine operates reasonably to the extent that it prevents judicial review of deprivations which are necessary or reasonable concomitants of imprisonment. Deprivations of reasonable medical care and of reasonable access to the courts are not among such concomitants.³

As we might expect, the courts have not set out these "necessary or reasonable concomitants" in any one opinion. But on a case-by-case basis they have pointed up the practices that are impermissible, and from these cases we get the message relative to the rights of prisoners.

Generally, the rights which inmates seek to establish—and which courts appear to recognize as minimal—may be grouped with four headings.

Protection Against Cruel and Unusual Punishment

First and foremost among these is the age-old constitutional right to be protected against cruel and unusual punishment. Simply put, this means that a prisoner does not forfeit his right to decent treatment by virtue of his conviction and commitment. This does not mean merely that prison authorities are prohibited from subjecting inmates to the rack and the screw. It means that they must keep their prisoners free from harm and provide the basic necessities of life. This means that an inmate must be protected from various types of assaults by other inmates, and that he must be accorded the minimum standards of decent food, clothing, shelter, and medical care. These are referred to as the minimal conditions necessary to sustain life and health.

Though it might seem too gradual to some—and too quick to others—violations of these fundamental rights are being reached by the courts, sometimes via civil damage suits, sometimes via the Civil Rights Act, and sometimes via habeas corpus or injunctive relief. They must be protected and the courts have shown less and less reluctance to meet the issues head-on.⁴ It is unfortunate, but inevitable, that tragic events obviously have done much to sensitize all segments of our society in this regard.

Civil Rights

The second grouping of rights falls under the heading "civil rights." These are most familiar to persons not in prison as freedom of religion and of expression, freedom from racial discrimination, etc. Some aspects of civil liberties law have literally invaded corrections.

Inasmuch as freedom of religion is everywhere recognized as one of the so-called preferred freedoms, no one is surprised that the courts have no hesitancy in shelving their "hands-off" doctrine when relief is sought for this type of deprivation. When it comes to restrictions in this regard most courts insist on a showing of "reasons imperatively justifying the particular retraction of rights."⁵ All courts do not find themselves on the same wave length in this matter, since there are many facets to the exercise of religious freedom. It is not confined to formal worship or praying. There are matters of special diets, medals, visiting ministers, etc. But, this is an

¹ Assaults must be prevented. *Bethea v. Crouse*, 417 F.2d 504 (10 Cir. 1969); *Holt v. Sarver*, 300 F. Supp. 825 (E.D. Ark. 1969); Inhuman cell conditions are banned. *Wright v. McMann*, 387 F.2d 519 (2d Cir. 1967); Medical attention must be provided. *Talley v. Stephens*, 247 F. Supp. 683 (E.D. Ark. 1965).

² *Barnett v. Rodgers*, 410 F.2d 995, 1001 (D.C. Cir. 1969).

Presented at the Fourth Plenary Session, December 7, 1971.

³ *Sutton v. Settle*, 302 F.2d 286, 288 (8 Cir. 1962).

⁴ *Cooper v. Pate*, 378 US 546 (1964).

⁵ *Edwards v. Duncan*, 355 F.2d 993 (4 Cir., 1966).

emerging prisoner right which must be accommodated in some reasonable fashion. Freedom of expression is about where it was many years ago. The First Amendment is not much restraint on authorities. This is understandable. The clear and present danger is always there.

A prisoner has the right to be free from racial discrimination. Most courts will enforce it without quibbling about it.

Generally, before tolerating any racial segregation the federal courts require that "the danger to security, discipline, and good order must presently exist and be apparent to justify any segregation. This prohibits any standard policy or program of segregated custody at state, county, or local level. What I have just said applies to the official policies of segregation—de jure segregation.

Right to Access to Courts

The third grouping of rights is the one always recognized by the courts, i.e., access to the courts. Any interference with this right is not to be tolerated as a necessary concomitant of confinement. No regulation which has the effect of impeding this access can be reasonable. Tied in with this right is the right to counsel—of some type. This means that correspondence with counsel cannot be unreasonably examined and consultation with counsel must not be interfered with. This even extends to the "jailhouse lawyer."

In *Johnson v. Avery*, when a Tennessee inmate was transferred to a maximum security cell as punishment for writing writs for other prisoners, a federal district court ordered his release. The court expressed its concern that the prison regulation prohibiting such activity had the result of depriving

illiterate prisoners of access to the courts—or more specifically to a federal writ of habeas corpus, and thus could not be countenanced. It reasoned that but for the jailhouse lawyer he could never get into court. The Court of Appeals reversed—on what ground? You guessed it—the unauthorized practice of law.

The Supreme Court, however, termed the right of access to the courts as "paramount," and reversed the appellate court.

Prisoners Rights

And finally is the late comer in the field of prisoner rights. That is, his right to fair standards and procedural protections when critical decisions are made which affect him personally. The bud is here—what the full blown flower will bring is not certain.

I have attempted to set out those prisoner rights which *do* exist. I should point out that some have the characteristics of mere entering wedges. For example, presently in the making are attempts to establish as fundamental rights, the right to rehabilitative treatment. The recent Patuxent Institution cases are in point.

And then there is the present attempt to establish the right to vote without interference. In this latter case, what case can be made against a pretrial detainee who says "let me vote on election day."

Certainly there are more demands coming, and probably the extent to which these rights are established will be a measure of progress toward our goals in corrections.

⁶ *Wilton v. Velley*, 294 F Supp. 1005, 1009 (N.D. Ga. 1968).

⁷ *Johnson v. Avery*, 393 U.S. 483 (1969).



The Courthouse, Williamsburg, Virginia

WORKSHOP SUMMARIES

WHAT SHOULD SOCIETY EXPECT OF CORRECTIONS

Summary of Workshop I Reports

DORA B. SOMERVILLE

Correctional Program Executive, Department of Corrections, State of Illinois

THIS REPORT includes the deliberations of 15 different group discussions. The task of presenting a summary of such a comprehensive and provocative subject by such renowned and knowledgeable experts in the field of corrections, in such a limited time, is indeed a noble undertaking, and perhaps an unrealistic endeavor.

In view of the limitation of time, I have extracted some of the highlights from the recorders' summaries which represent some common views and themes that permeated Workshop I. Other important observations and recommendations will be found in the individual papers and in the summaries of the individual groups.

Before beginning my formal presentation, I wish to take advantage of this opportunity to support those participants who have taken an optimistic outlook on the future of corrections. I am greatly encouraged. We, in Illinois are greatly encouraged. The time for change has come—change has come whether we like it or not. And with this change there has been growth. We are reminded of the old adage: "There is no growth without a struggle." And, well do all of us know the struggles we are having during these critical days.

Dynamic Leadership and Trained Staff

A recurrent theme permeating Workshop I was the importance of positive dynamic leadership, and the importance of sufficiently trained and qualified staff. Recurring also, was the necessity for and the extreme importance of the support of legislators in this field and the importance of corrections allying itself with all forces and resources in the community. The utilization of the services and talents of ex-offenders, parolees, volunteers, paraprofessionals, and other resources in the community was stressed.

Please forgive the personal reference at this point. We in Illinois are especially pleased and proud of the dynamic leadership of Director Peter B. Bensinger of the Illinois Department of Corrections and the support of our legislators, especially the unfailingly active, ongoing interest and support of State Senator John A. Graham. Both Mr. Bensinger and Senator Graham are in the audience and have taken an active part in this Conference.

We are grateful, indeed, for the outstanding leadership we have, as well as for the dedicated staff members, some of whom are also present here. We are also pleased and grateful for the other outstanding leaders and delegation from Illinois who represent not only corrections, but also the educational field and its allies. We are proud of the great progress made

in corrections in the State of Illinois as well as in other states which has been reflected in this Workshop. The future objectives and goals of corrections not only in Illinois but also in other states are all indeed encouraging and noteworthy.

The participants in Workshop I recognized that dealing with criminal offenders constitutes a long and painful chapter in the history of mankind. In his address last evening at the Conference banquet, Chief Justice Burger covered most of the essential findings and recommendations of Workshop I. However, in order not to be "booked for plagiarism," and perhaps held without being able to afford to make bond, I shall extract some of the highlights of Workshop I at this time.

In considering this topic, "What Should Society Expect of Corrections," and in addressing itself to this topic, Workshop I reflected some common themes and some basic concerns. The critical question raised early by some participants in this Workshop, however, was the reverse, i.e., "What Should Corrections Expect of Society?" Initially, in some of the group discussions there were free-floating ideas and at-random thoughts expressed, which served as a springboard for a more organized set of findings and recommendations as summarized by our recorders. The breadth and the depth of the various group discussions clearly reflected the profoundness of the question as well as the diversion of various views.

The Juvenile Offenders

It was the consensus of the group that a clear understanding of the definition of corrections was necessary prior to any attempt at outlining the legitimate expectations of society or of corrections. Incidentally, there was some discussion and some comments during this Conference that we should *not* forget juvenile corrections in our deliberations. Some participants felt that insufficient attention has been given to the area of juvenile corrections in our deliberations.

It was also felt that although recognizing that crime prevention control demands early attention in youngsters' lives, some of the participants agreed that for the purposes of their discussion, corrections would be considered as that process which begins after a person has been convicted of a crime. Corrections was described in another session as that process which begins with an offender—adult as well as juvenile—who is placed in detention status and continues until released from probation or, where there is incarceration, continues until released from parole or aftercare. This process should assist in returning the offender to the community as a productive, contributing member of society.

Having then a frame of reference as to what in general is meant by corrections and what is meant by the correctional

process, some participants concluded that society as described in a general sense—the community—really still expects “a pound of flesh” and that retribution and punishment are basically present with no essential change observable in the foreseeable future. What a sad commentary! This bleak outlook creates a mandate for the entire system of criminal justice to assume a strong and positive leadership role in the development of and in the implementation of a correctional system that will enhance and promote the goals and objectives of corrections. This is our mandate.

Workshop I recognized that it is difficult, if not impossible, to divorce correctional officials from society at large. But, for the purpose of discussion this was done with the clear recognition that we all represent society and we all share in these aspirations and in these expectations, as well as in these responsibilities.

Expectations of Society

Broadly speaking, however, various views were expressed—incapacitation, punishment, and deterrence to others. Society, it was concluded, expects corrections to have more of an “open door policy,” to be more open to public scrutiny and in a manner to educate the public, to secure public support, to inform the public what the public can expect of corrections and what it cannot expect of corrections. Corrections cannot and should not be expected to solve independently problems that society has, heretofore, failed to solve.

Corrections expects society to be less apathetic about the plight of offenders and about corrections. It should have the cooperation of all members in our society and in our community. Corrections needs an honest evaluation of itself. It should not be impossible or difficult for us to recognize our limitations. By recognizing our shortcomings, by recognizing our limitations, we then can move forward with a positive program without having to be defensive. In many cases corrections must return persons to the same set of problems which contributed to their delinquency and crime. They are familiar to all of us: poverty, unemployment, under-employment, inadequate housing, racism and discrimination, inferior education, etc. These are some of the problems which demand society's attention. Society expects corrections to address itself to inadequacies in the system.

Society expects corrections to be humane—both physically and psychologically—in dealing with and in treating offenders. The rights of offenders should be respected and protected. The elimination of discriminatory employment practices and racism in corrections wherever it exists is essential. Special attention should be given to minority group recruitment and minority advancement within the system which also includes giving special attention to women. It was pointed out that the correctional system has a large minority population, especially a large and disproportional population of blacks. It was the consensus that large institutions have been unmanageable and counterproductive to rehabilitation.

Corrections an Integral Part of Criminal Justice

Corrections must be interpreted within the constraints im-

posed by the entire system of criminal justice. It was the consensus that corrections is an integral part of the criminal justice system and its effective relationship to those other parts of the system highlights and increases its ability to achieve its goals and objectives. A plea was given that corrections consider a regional planning approach in setting up goals and objectives. Society should expect correctional personnel to utilize their expertise to design modern correctional facilities and techniques in the rehabilitation of offenders and society and the public must be educated to accept them.

Corrections should be expected to protect society as long as possible from those individuals who are determined to be dangerous. The victims of crimes require consideration and several papers alluded to this point. The public should expect rehabilitation wherever possible. It was recognized that corrections has made a real contribution toward rehabilitation in many areas. Society should expect corrections to intervene with remedial actions as early as possible in an offenders' career. Society has a right to expect a better allotment of available and planned sources at the local, state, and federal levels.

It was concluded also that funds for research should be systematically introduced into the system in order to facilitate the production of more knowledge about crime reduction, and the identification and treatment of violent offenders. Basic empirical research was encouraged to ensure that successes are capitalized upon and mistakes recognized. Improved classification and diagnostic information to all criminal justice decision makers was seen as requiring a major national effort.

The needs of the individual and of society should be given maximum consideration in determining the appropriate type of correctional services. This should include diversionary programs from the entire criminal justice system if indicated.

It was recommended that society must support and expect a long-term program of substantial federal financial assistance to sustain state and local correctional programs with emphasis at both the juvenile and adult levels. These programs should be initiated immediately with emphasis on community-based programs and on alternatives to incarceration. Special emphasis should be given to community-based programs and diversionary programs. The development of a full range of community programs with maximum use of community resources was given primary consideration in many sessions. The continued development of community corrections programs, e.g., halfway houses, work release and educational furlough programs was emphasized. The need for smaller institutions for incarcerated persons was given priority attention.

It was concluded, also, that society expects corrections to engage in maximum rehabilitation, re-education, and resocialization efforts directed toward the reduction of crime and recidivism. Community involvement in all aspects of the correctional system is essential for change and improvement in the entire system and for any change in the offenders.

Society must expect and support a national system of minimum standards of accreditation for correctional facilities and services. This system should be established with the cooperation of major correctional professional associations. Some

participants stressed that these standards should not be designed to preclude emphasis on innovative approaches and programs that are initiated at the community level. But this program should insure that these new resources are made available to all criminal justice officials. You are familiar, I am sure, with the American Correctional Association's work in relation to accreditation of correctional programs and facilities.

Society Must Participate Responsibly

It cannot be overemphasized that society is expected to participate responsibly in the correctional process to enhance the resocialization and the reintegration of the offender into the community. The importance and significance of community involvement was stressed throughout most of these group meetings. The need to address ourselves to changing the conditions in society, the conditions in the community which contribute to crime and delinquency, was given serious attention. The paradox of returning offenders to the same environment—to the same conditions from which they were committed without attacking these problems—was referred to in several papers. A coordinated interdisciplinary approach which should include professionals and the cooperative efforts of all forces and resources in the community was stressed. The development of a full range of community programs with full and maximum use of community resources was given much attention. This also includes the important role of the press in helping corrections to “tell its story” realistically and correctly. Society expects corrections personnel to have better communications among themselves; with other disciplines and with other professions; and better communications between the offender and the general public. The need for adequate funding, qualified staff, and sufficient staff members were recurrent

themes. The importance of education and training in this complex, challenging, and difficult field was stressed in several sessions. The establishment of the National Academy of Corrections as proposed by the Attorney General was endorsed enthusiastically by many groups.

Society expects also some form of accountability from correctional officials and administrators. Have the inmates been provided with a relevant program? What has been done to prepare the inmates for return to society? What are we doing to correct the deficiencies in corrections? Not only by an active direct programs ourselves, but by calling attention to the educators, to the legislators, to the attorneys, to all in our communities, as to what is needed to remedy these problems? Society will reap the benefits of any progress in reducing crime and in rehabilitating the offender by helping him to become a useful and productive citizen. It was clearly indicated that society has to be made aware of its responsibility to the criminal justice system if it is to achieve any progress in reducing crime and making our communities a safer place in which to live.

In conclusion, I should like to say that the importance of the ongoing work of this Conference by the establishment of a Task Force was positively and enthusiastically received. The establishment of the Task Force was seen as an important vehicle in order to implement these recommendations. Some of the pessimists were encouraged to know that there is a definite commitment to the implementation of these recommendations—a commitment not only from a long-range point of view, but also beginning with the immediate, and then working toward the long-range objectives and goals of this unprecedented Conference, in active support of the mandate of the President of the United States.

Thank you very much.

MANPOWER FOR CORRECTIONS

Summary of Workshop II Reports

RICHARD A. MCGEE

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THANK YOU, Mr. Chairman, fellow panelists, and fellow delegates. In view of the limited time available to summarize the findings and recommendations of 15 groups, it is fortunate that the task I have this morning turned out to be much easier than I had expected. Parenthetically, since we are talking here about the performance of personnel, I would be remiss if I did not express my real admiration for the work of Larry Carpenter and his staff in organizing this Conference and putting together the materials out of which we are going to try to give you some highlights this morning.

What makes my task easier than might be expected is that

there was so much consensus in all of the reports of the group meetings that it almost seems unnecessary to repeat them because all of you were in some group and whatever you agreed upon in your group was fairly close to the conclusions reached in each of the others. One could wish that all of the other problems and issues in the administration of criminal justice and corrections were so straightforward.

One theme that ran through all of the discussions was that the real cornerstone of correctional work is the people who engage in it. If the essence of correctional work is the changing of people, we know that the best instrumentality for bringing about such change is other people. It follows, then, that these people, these workers, must be carefully selected and

adequately prepared as well as dedicated to the task they have to perform.

I shall attempt to highlight some of the principal issues of the discussions under three major headings: (1) Problems of Recruitment and Retention; (2) Personnel Development Through Education, Training, and Experience, and (3) Reactions Concerning the Proposal To Establish a National Academy of Corrections. All of this will not take me very long, for the reasons I have already expressed.

Problems of Recruitment and Retention

While there are many problems related to recruitment of personnel in this field, most of them are familiar to almost everyone. The need and the importance of recruiting more minority group personnel was mentioned in some context or another in every one of the groups. The disproportionate number of minority ethnic groups in the correctional system seems to demand that these same groups be represented in a substantially higher degree amongst correctional personnel in all functions and at all levels in the administrative hierarchies. It was pointed out that this will not come about unless managerial decision makers really want to do it and take aggressive steps in that direction.

It was also stated by some that the mere recruitment of more members of minority ethnic groups would of itself not necessarily solve the problems of racial tensions in correctional institutions and agencies but that such a policy, properly implemented, would certainly contribute greatly to that end.

Even with a firm policy and an aggressive effort to carry it out, one of the most stubborn difficulties in the way of implementation, especially in penal and correctional institutions, is the fact that the majority of them are located in relatively remote rural areas. The mass migration of great numbers of Negroes and Latin Americans in the past 50 years has been to the large urban industrial centers, not to small towns and farms.

The recruitment of probation and parole officers does not present this kind of a problem. This gives me an opportunity to point out that there has been a tendency throughout the discussions which I have attended to overemphasize prisons in comparison with other kinds of correctional programs. In the first place, prisons deal only with adults, while most crime is committed by minors. In the second place, in those jurisdictions where complete statistics are available, it appears that about 90 percent of the clientele of the correctional establishment across the board are not in institutions either for juveniles or adults. They are on probation, they are on parole, they are in detention facilities awaiting disposition, or they are in some other kind of noninstitutional program. Prisons are visible, they are dramatic, and they are ridden with the threat of crisis. It may well be that the real concern of correctional planners should be directed principally toward the bulk of the problem rather than to the most exciting and dramatic part of it—prisons for adult felons.

Coming back to the problems of recruitment of personnel, these are different, as has been previously inferred, in metropolitan areas as opposed to the rural ones. In spite of our

recent verbal commitment to the concept of "community-based" programs, the preponderance of state and federal prisons and correctional schools are located in rural areas, some of them very remote from populous metropolitan centers. This, no doubt, is an outgrowth of our agrarian background which has led us, wilfully or subconsciously, to the belief that the best way to rehabilitate a maladjusted person is to move him out of his urban environment into a simple rural one and have him grow turnips or cotton or something of that sort.

Not only are there very limited careers in growing turnips any more, but there is also the factor most relevant to this discussion, namely, the difficulty presented by the recruitment and retention of some kinds of personnel in these remote areas. This is true not only in the recruitment of minority ethnic personnel but also of certain scarce and very much needed professionals, such as doctors, nurses, dentists, psychologists, and the like.

The question of adequate salaries and other forms of compensation was frequently discussed. The concept of prevailing pay rates for the same or similar work is widely used as a basis for the determination of salary levels. This is difficult to do, especially in certain classes of institutional personnel. There are private enterprise comparisons which are valid when employing cooks, doctors, and plumbers, but there are no valid ones with which to compare the pay levels of correctional officers for prisons or group supervisors for correctional schools.

It has been suggested that we ought to recognize that in these general classes of correctional workers we draw our personnel from a pool of available manpower in the larger community. We have competitors for this manpower—for example, the principal competitors for male correctional officers are the police and fire departments of municipalities. If we fail to offer pay that is at a level with these, we will not only have difficulties of recruitment and retention, but also, very often those we do recruit will, in general, be from the less able segment of the manpower pool.

In probation and parole the motivation for entering these services is very often quite different from that of the persons who seek institutional employment. Also, since they are generally considered to be caseworkers, their general and professional education tends to be higher. Here our competitors are more likely to be the secondary schools, social work agencies, and other government services requiring a minimum educational qualification of a baccalaureate degree.

There was considerable discussion in the groups about the need for lateral entry and ladders of promotion in all correctional agencies. These are concepts familiar to all public administrators and personnel managers, and in the interests of time need not be elaborated upon for a group such as this.

In some of the groups the need for "portable" retirement systems was emphasized. Because of the jurisdictional fragmentation of government generally and of the criminal justice system in particular, many competent workers get frozen into parochial settings wherein they are blocked from upward mobility within and are deterred from moving from one sys-

tem to another because of the equity they have established in their local retirement systems.

The use of ex-offenders to augment or supplement correctional manpower was frequently mentioned. There seemed to be no specific or positive recommendations in this regard except that there did seem to be consensus that in one way or another we ought to find means to make use of whatever understanding and skills some of these individuals could contribute to the field.

Another concept running through most of the group findings was the importance of the first-line personnel in all correctional agencies. This is something that most of us who have been in this field for a long time recognize very clearly, but it is not generally given the kind of emphasis it deserves and that is the reason for mentioning it here. The first-line officer, whether he be in an institutional or noninstitutional setting, is the one who is in daily and most frequent contact with the offender. No matter how wise or how skillful an agency head may be, he and his agency may fail in their mission if the first-line officers are ineffective in theirs. The head of a correctional agency is more likely to be in contact with the politicians than he is with the clients of the system.

Personnel Development Through Education, Training, and Experience

The education, training, and development of personnel must, of necessity, be discussed under a number of subheads. There was always discussion of the importance of well organized and well supported inservice training for those who are already employed. This should be a continuous process, not only for the new recruits but also for functional specialists and middle management as they move through their careers. It is an important concept that inservice training should be looked upon not merely as an educational device, but also as a tool of management to convey to the workers in the system the policies and the attitudes that the management would desire them to have as well as to impart to them the skills and knowledge that they must have in order to do their jobs.

There was also discussion of the need to upgrade the preparatory collegiate curricula for those personnel classes that require that kind of training to enter the service or to qualify for higher level positions. Among the leaders in the field of collegiate training for entry to the nonlegal classes of employment in the whole field of criminal justice, there is a growing concern about the relevance of much of the material which now constitutes the specialized curricula in community colleges, state colleges, and universities.

"How-to-do-it" instruction is important, but probably should be left principally to inservice training and extension courses. Collegiate special curricula ought to have broader goals aimed at the development of theory, the capacity for analytical thought, and an understanding of the social, psychological, and political forces affecting the practitioner's work.

Frequent mention was made of the desirability for executive development and the need for leaders with broad outlooks who not only know how to manage the internal oper-

ations of their establishments, but also are skillful in relating those establishments to the rest of the world. It is probable that few, if any, of the existing specialized curricula in the field today really meet this need.

A few years ago there was a notion that the graduate schools of social work were the most appropriate agencies to prepare supervisors and managers in the correctional field. Those who still cling to this idea are being disillusioned, not only on the question of the relevance of the instruction but also because graduate schools of social work simply do not turn out enough graduates to meet more than a fraction of the needs.

I recall an occasion 5 or 6 years ago in California when through an unusual combination of circumstances we had to employ approximately 350 new parole agents. A survey of the schools of social work throughout the State revealed that there were only 12 male graduates not already committed to other employment who were available from this source. Since the job specification called for a minimum of a baccalaureate degree and some work experience, we did fill all the positions over a period of months, but they had degrees in subjects ranging from education to law and from music to engineering.

Some hold that a broad education in the humanities without great specialization in the behavioral sciences is more important than a great deal of professional education, provided the general education is followed by posthiring programs of staff development. Whatever the answer to the problem may be, there is fairly general consensus that the institutions for higher education are not addressing our problem in the most effective way.

Proposed National Academy of Corrections

The Attorney General's proposal to establish a National Academy of Corrections falls quite appropriately under the general heading of manpower development. The concept of such a program seemed to be accepted with enthusiasm by most of the groups and certainly this was the case in the group which I chaired.

On the other hand, the idea at this point is so general that it raises many questions. Some of the principal questions include: Who would be trained—executives, personnel trainers, or the whole gamut of correctional professionals? There are many interesting patterns for such national academies. Some of these include the military academies, the FBI Academy, special training centers for hospital administrators, special centers for training court administrators, and perhaps many others. The question of how the Academy would be financed, whether it would be located in a single place, or whether it would be established regionally, and what its relationship might be to existing schools of public administration, schools of law, and schools of criminology are other questions to consider.

Other kinds of more or less vague suggestions and questions were raised. One group proposed that there should be a small group of administrators and planners located in one place in the Nation and that this group serve as a source of financial

support and stimulation for various kinds of training elsewhere, perhaps contracting with existing institutions of higher learning strategically located throughout the country.

All of the discussions seemed to point to the need for studying the problem with a view to developing a clearly defined plan before any effort is made to implement it. It is fair to assume, of course, that a proposal of this importance and magnitude carries with it the inference that before implementation the orderly processes of surveying the facts, the needs, and the attitudes of leaders in the field would be car-

ried out before any effort would be made to put a plan into effect.

As Mr. Velde mentioned, I served on the Board of Directors of the Joint Commission on Correctional Manpower and Training. We spent over \$2 billion and many months of effort. The Commission produced a series of fine monographs and reports. Its final report, which was circulated to all of you at this Conference, is entitled, *A Time to Act*. The report has been out now for over 2 years and indeed it is now time to act! Thank you.

NEW DIRECTIONS IN CORRECTIONS

Summary of Workshop III Reports

ROBERT J. KUTAK

Workshop III had the topic, *New Directions in Corrections*. The topic covered fifteen different, but related, questions. If I attempted to set out, or even summarize, each of the recommendations made by each of the fifteen groups following their discussion of the questions, I don't know which would run out first—my time or my audience.

The necessity this morning to be brief therefore requires that I be selective. My report to you will be limited to mentioning certain recommendations which seem to me to characterize the themes which run through each report and give them a surprising sense of consistency.

If I have overlooked a recommendation which anyone feels was quite important, take comfort in the fact that the report of each group has been preserved and that all of the recommendations will be published in full.

The first theme which emerges from the record might be stated as a "new candor in corrections". Attorney General Mitchell, in his remarks on Monday, spoke of the "century of recommendations" which preceded this conference. Those were quite different from the ones at hand. The sorts of recommendations the Attorney General referred to are familiar to all of us. They are full of hope and good cheer. They regularly strike a note of optimism—whether there is a tone of naivete as well. The amazing thing about your recommendations at this conference is their unmistakable tone of realism, however unpleasant it is to hear.

Stated in numerous ways and supported with various evidence was the single fact that all too many correctional institutions and programs lack socially redeeming value. The first thing to do, you recommend, is to divert offenders from the criminal justice system whenever appropriate and possible:

there is a "strong and forthright" recommendation in support of diversion or deference of prosecution as an alternative to "overcriminalization of our society".

support of diversion or deference of prosecution as an alternative to "overcriminalization of our society".

there is a desire that "states should play a major role in funding diversion services".

—there is a consideration "to divorce the pretrial system from the correctional system".

—in the same sweep are blunt recommendations for alternatives to incarceration.

Most interesting to me (probably because I am inclined to be a true believer whenever the word "research" is mentioned) were the questions raised in several reports whether correctional research has made much difference.

—the point was repeatedly made that correctional staffs lacked confidence in their own ability to produce the rehabilitative effects which society expects of them.

—then too, there was obvious disfigurement over the difficulty in pointing to a new practice or concept in corrections which originated in research.

I could cite more references from your reports, but the point is made. The candor—the refreshing honesty—is perhaps which best distinguishes this volume of recommendations from those of preceding conferences on corrections. It bodes well.

The second theme which is unmistakable from the reports of this Workshop might be stated as a "new attitude towards the offender". Perhaps this is the most radical development to date.

It is the first time an assembly of this kind, composed of so many who are directly and deeply involved in corrections, is not responding defensively and critically to court decisions which abandon the "hards off" doctrine. Quite the contrary. Your recommendations are so bold as to be breathtaking, albeit quite timely.

—you recommend that every detention and correctional system, or state legislature if legislation rather than regulation is preferred, formulate a code of rights for prisoners, dealing with such matters as communications with the outside world, visiting, religion, libraries, medical treatment, discipline, availability of education and job training, availability of legal counsel and other matters of concern to prisoners.

—you recommend that the formulation of such codes involve representation by correctional personnel, by inmates, by

the bench and bar and by other concerned individuals of the community.

—you recommend that civil disabilities arising out of conviction, extending beyond the period of the sentence, be eliminated.

—you recommend guidelines for government concerning the employment of ex-offenders.

—you recommend that the disposition and treatment of offenders be solely on the basis of their needs, rather than on the basis of their sex or other characteristics.

—you recommend the use of ex-offenders for correctional roles.

—you recommend a correctional advocate system (which may take the form of an ombudsman) be established to represent both the inmates and the administration.

This recitation is not exhaustive. It is, however, indicative of an important change in attitude toward the offender which offers the promise of meaningful correctional reform. Recognition of rights and the fixing of responsibilities provide no automatic assurance of success with offender rehabilitation. But this is not the rationale. The prison society cannot be a lawless society and expect anything better of its inhabitants. This is the ethic which will bring prisons into parity with other public institutions. This is the ethic which will move the captive society out of the dark ages. The failure of corrections to respond in all events will increase the likelihood of judicial intervention, which reasonable men should welcome and support if such becomes necessary.

The third theme which emerges from the reports might be stated as a "new environment for corrections".

The first aspect of this addresses the physical environment. New correctional design principles and planning procedures, which are recommended, will provide the kind of decent facilities and amenities necessary to carry out the practices contemplated earlier.

The second aspect speaks to the legal and social environment. I take it from reading one reporter's notes that his group had a very lively session. Although it could not, after much discussion, bring itself to recommend appellate review of sentencing, it did recommend the use of such sentencing techniques as consultation "where feasible". The recommendation that judges be required to state their reasons for the sentences being imposed, if implemented, would surely serve

to tell the correctional system what is expected of it, if not the offender. I suggest, moreover, the practice would be mutually beneficial.

A final theme suggested by your recommendations may be characterized as that of "new opportunities". I fear I have spoken long enough, however. The recommendations will not be elaborated. They envision the utilization of related disciplines and organizational and management techniques. These are terribly exciting suggestions. As corrections can afford to learn from the other components of the criminal justice system (if, for no other reason than to overcome its paranoia about being the only object of legal concern), so it can assimilate the knowledge of allied fields as it appertains to common problems.

I must not neglect to emphasize the recommendations that a comprehensive effort be made to attract minority group members to corrections and to revamp the system of promotions, on the one hand, and to respect the interests and beliefs of minorities, within the limits of security and financial constraints, on the other.

Such in tenor were the recommendations of Workshop III which indeed do provide new directions for corrections. Perhaps, looking around, one could say that they could be expected from a group of this kind. Certainly they are refreshing from a group of this kind. And if progress is to be made, they are necessary from a group of this kind. I plead guilty to the charge that I have been selective in my report on the staggering number and range of recommendations that you have made in your various group meetings. Under the circumstances, however, I had no other choice. Overall, let me say how strikingly parallel they are in spirit, if not in language, to the thoughts which Chief Justice Burger developed in his address to us last night.

The choice of words, be they his or ours, is really not what is important. It is the consistency of ideas and sense of urgency which require attention.

Richard Hofstadter, in his book "America at 1750" reminds us that the distinctive feature of our country then was that there were no monuments and there were no ruins.

Unfortunately for American corrections today, there are too many monuments and too many ruins.

The new directions in corrections, spelled out by your recommendations, very possibly may put an end to both.

CAN SUPPORT BE RALLIED FOR CORRECTIONS

Summary of Workshop IV Reports

OLIVER J. KELLER, JR.

Director, Division of Youth Services, State of Florida

FELLOW DELEGATES and conferees: Despite Chairman Velle's kind introduction, I am not, I guess, truly impartial when it comes to the question presented to Workshop IV, namely, "Can the support of the press and the public be rallied for corrections?" As the son of a newspaper man, I am delighted that, upon reading reports of all 15 discussion groups, there appears to be an extremely positive answer to the question, "Can support be rallied?" For those of you hurrying to Newport News to catch a plane, the answer is a loud Yes. Indeed, support can be obtained for corrections. We in the corrections field must seek that support if our programs are to go in the direction this National Conference has so clearly indicated, and as reported by the three previous summaries this morning.

You will recall, conference members, that one of our tasks, prior to making recommendations, was to comprise a list of our findings. Now the findings, with respect to support for corrections, are: "mea culpa," or "brimstone and ashes on our heads." Corrections, it was the unanimous feeling, has done a terrible job in the past with respect to gaining the support we need so badly.

We Have Isolated Ourselves From the Public

On several occasions during this Conference we have heard the expression "correctional incest." That phrase has again appeared regarding "who talks to whom" in this corrections business. The point has been made by many of you in this audience that, unfortunately, we talk chiefly to one another. We have isolated ourselves from the public. We have not been anxious to have the public know what really takes place in our facilities. We have not shared our own knowledge with the other branches of the criminal justice system. In fact, in the past we corrections people have acted as if we were not truly related to either the courts or to the police, the other two important elements of the criminal justice spectrum. We have not been honest about our problems and needs. This may have been because, in the past, corrections has been so politically oriented. If an administrator really said, "Things are bad," he stood in danger of embarrassing his boss. That day, fortunately, appears to be changing.

We have avoided objective research, but it is exciting that there are people in our audience today who are first-class researchers, concerned with the subject of corrections. Many of these researchers believe that the door has now been opened for genuine efforts on their part.

The other morning Norval Morris made the point that we

have too often considered ourselves second-class citizens. We have been too willing to settle for second-best. Norval pointed out that if there is an old military base, or county facility, in the corrections field are only too happy to receive it. We've been a step-child; we've allowed ourselves to be scapegoats. For example, when a former inmate fails on parole and is returned to prison, we correctional administrators are too quick to say, "Yes, yes, it is our fault." Actually, it may not be our fault. The inmate may have left one of our programs with the very best of intentions. Unfortunately, something happened out there "on the streets," over which we, the administrators, had no control. That's what actually brought the prisoner back to custody.

We have not done the kind of public relations job that is essential. We have not made an effort to really know newspaper reporters and editorial writers, and the people who do the feature stories. As a consequence, when there is an escape, a sodomy, or a killing, and the press then wants to come into our facilities to write about what happened, we are defensive and suspicious of their right to do so. We have not built a relationship with the press which would make for mutual trust.

So often we fail to give meaningful priorities to our legislators or to the press. How many of us in this room have listened to budget presentations that go something like this: "We need 30 more correctional officers; we need five more nurses at such-and-such a cost. . . ." There is no listing of priorities; it's simply a great "Christmas want list" with no indication of what items are truly important, and which ones we consider first and foremost. If there is only so much money to go around, it is essential that we make priorities and ask for what is most important.

We have not even determined what groups need to hear our story. I'll come back to that in a moment.

Too often, the people that work in corrections don't belong to the communities where they live. This is so true of large prisons, where staff housing is usually in small "villages" located next to the institutions. There, those who work in the institutions live and perpetuate the "incest" we talked about—figuratively, not literally.

For What Should Support Be Rallied?

The question was raised by several conference groups: "Why should support be rallied for corrections?" Support for what? Support to do the same damn things we have done before? Support for more bricks and mortar? Support for more large, remote institutions? (Many of these are still being built in our country.) Support for more large detention cen-

ters for children, with the emphasis always on maximum security? Is *this* what we're asking support for? If so, we should not be surprised if we fail to generate public interest.

The point was made by two or three of the 15 discussion groups that, although we talk about the need for unified corrections, many of us would prefer that corrections remain fragmented. As long as it is fragmented, each of us can continue to be a large frog in his own small puddle.

We say we want public support, but many people in corrections, I'm afraid (and the Conference groups recognize this), really want no public interference. What some of us want is a rubber stamp for our own ideas, rather than any real investigative look by the press or the public.

Several groups made the point that if we're really to gain the support we say we need, we must have programs worthy of respect. We should do the best we can with whatever resources are now provided. Rather than always asking for more dollars, we should conceivably make better use of the ones now available.

And we must really want to change the image of corrections so that the public thinks in terms, as Dick McGee pointed out this morning, of something other than prisons when it thinks of corrections. Dick pointed out that there is so much of corrections that has nothing to do with closed institutions: probation and parole and community-based facilities, for example.

"Open the Door" to the Public

To earn the support to move forward in the directions outlined by the Attorney General and the Chief Justice the watchword for all of us in this field must be: "Open the door." We must be completely honest; we must reveal deficiencies that exist in correctional systems. In short, we must be our own most severe critics. We've got to let the public know that the traditional ways of handling people in trouble have not worked. The 15 Conference groups made the point, and the public needs to know, that past measures have been unsuccessful and that most crimes are committed by individuals who have presumably been through a rehabilitation process. And yet, as we open the door to the public, (Dora Somerville previously made this point this morning) we have got to let the public know what is expected of *them*. Correctional administrators and correctional systems cannot do everything; some deficiencies in the system are beyond our control. If things are to change, we need the help of the press and the public, of state administrations, and of state legislatures. We are saddled with old-fashioned plants, some over a hundred years old. We are saddled with archaic laws. Very often our budgets are pitifully limited.

We have got to let the public know that, while change must come, change cannot always happen overnight.

We can play a major role in dealing with the public. We must identify the dangers that exist in society. Not only must correctional administrators talk honestly about their own systems, but they should also point out deficiencies in the American social system which contribute to crime. We need to say, "Public schools play a role in delinquency," and "Ghetto

conditions are producers of crime." We should point out the danger spots so that we can work with the public in taking preventive steps.

Targets at Which To Aim Our Remarks

The Conference made the point that in choosing groups, or targets, at which to aim our remarks, we should be selective. Obviously, different groups have different interests. One of the most important groups is the state legislature. Last night Chief Justice Burger indicated that change calls for administrative leadership—"a high order of public leadership" was his phrase. When you have a high order of public leadership, when correctional administrators, and governors, and other key leaders recognize and accept the problem, the legislation will then come that is essential for change.

Let me speak again as a newspaperman's son. We must be honest with reporters. My own experience has been that only a few reporters are louses. Most are honest people—if you are honest with them. Reporters should be able to visit our facilities; they should be able to talk with both inmates and staff. One of the recommendations was that we should conduct periodic institutes for editors, and for the people that work for them. One comment was that there should be a committee in each state, composed of persons who are top-level in the news media. These individuals would develop a code of ethics with respect to the kind of things that should appear in the newspapers. The effort here is not to censor, but to "lower the boom" on those journalists who only want to write about sodomies.

Another suggestion was made that the National Advertising Council be asked to provide space. I'll bet they will. In the broadcasting business, for example, free radio and television time is available if we seek it out.

One recommendation was that there be more conferences like this, for the very reason that the press is interested in what we're doing. Some have said that the press is not interested in prison matters. These individuals ask, "Who wants to know about prisons?" Who wants to know about the need for more taxes?" Baloney! (And the people in this Conference have recognized that such comments are baloney.) There's darn good copy in corrections—particularly in some of the new directions corrections is taking today.

One of the target groups, the Conference said, should be business people. Obviously, if we want those who leave our systems to find employment, we must have the help of business. One idea offered was that there should be tax incentives to businesses that go out of their way to assist ex-offenders. We also need the help of business in regard to management techniques.

National groups should be focused upon. The American Bar Association and the League of Women Voters have been mentioned. The Jaycees now have *corrections* as their national project.

Still another thought offered by the work groups was that there be published a directory of national groups concerned about corrections. If this directory were provided to a major

national group, its members would see that other groups were already interested. They would therefore want to climb aboard this same important bandwagon.

Citizen and volunteer groups must be asked in. If a person works as a volunteer in a correctional facility, and if we are honest with that volunteer, he will not only know about our programs, but will also know what our problems are. He can help generate support; he can help create essential legislation.

Another type of target group is the former offender. The conferees at this Conference have recognized that there needs to be improved relationships here. (Bob Kutak touched upon this.) We must recognize that public offenders and correctional people should (you know, it almost sounds strange) work together as a team to improve conditions.

And, it goes almost without saying, the universities should be a major target group.

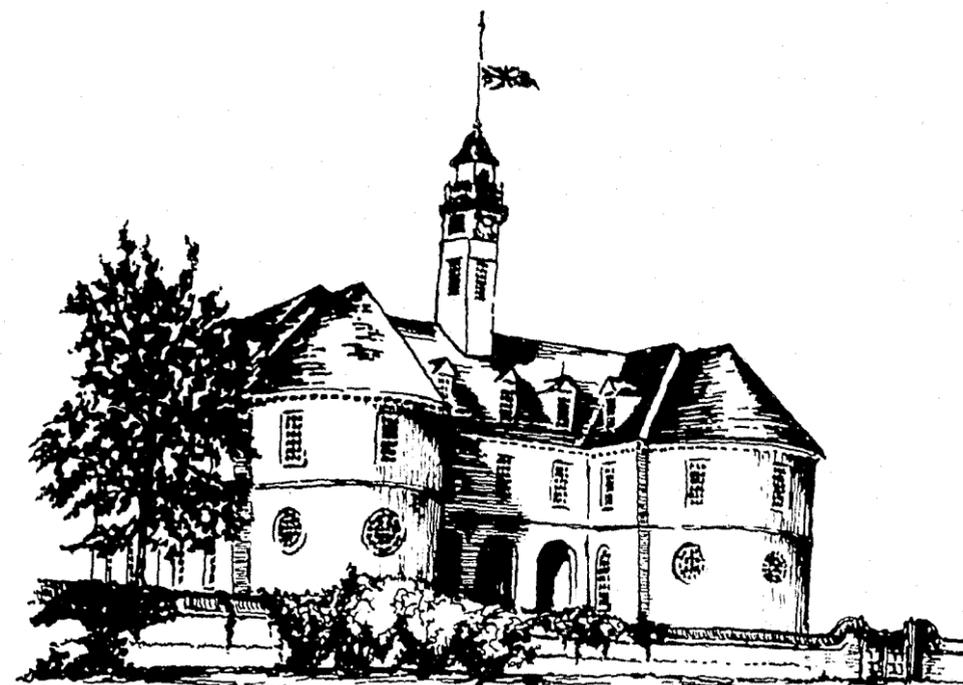
In closing, the consensus of this Conference has been that support can be gained, especially support for something other than traditional prisons. Needed legislation will come about

as our needs are made known to the public and the press.

With public knowledge, there will be greater acceptance for delinquent children who have to return to public schools, and greater acceptance for adult offenders who need jobs. The public will realize—if we inform them—that the job of rehabilitation cannot be left to the so-called “pros.” It is society’s problem. Society plays a major part in the creation of delinquency and crime. Society must therefore play its part in the rehabilitation of people who have been in trouble.

The Conference was optimistic, not pessimistic, about public interest. The Conference recognized that since there is a fight for “the buck,” and since there is only so much money, corrections must be active in pointing out what it needs.

And finally, if we don’t open up, if we’re not totally candid with the press and the public, if we don’t really let people visit and talk to inmates and staff, if we don’t do away with the traditional guided tour where people look at the chapel and have coffee with the warden—if we don’t open up—there will be other groups who will open us up. Thank you.



The Capitol Building, Williamsburg, Virginia

WORKSHOP DISCUSSION PAPERS
AND GROUP REPORTS

WHAT SHOULD SOCIETY EXPECT OF CORRECTIONS?

Group Discussion Papers and Reports Workshop I

VINCENT O'LEARY

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TWO COMMON PITFALLS in discussing corrections at such an abstract level as this are: (1) a failure to make clear what we mean by corrections, and (2) a lack of recognition of the variety of behavior that almost any definition of corrections covers. Perhaps it will give our discussion some concreteness if I, at least briefly, characterize some of the kinds of behaviors we are attempting to deal with here.

- A well respected insurance broker is convicted of grand larceny after it was found that he had converted over \$30,000 in premiums to his own use. He was discovered when a building he allegedly insured was destroyed by an earthquake.

- A 28-year-old sailor, twice previously convicted of robbery, stands again convicted of robbery. In the instant case, he brutally pistol whipped his victim with apparently no provocation.

- A 35-year-old house painter with a long alcoholic history and several convictions for petty theft is convicted of a felony. He wrote a forged \$80-check and cashed it at a liquor store.

- A 19-year-old inner-city youth, with less than a ninth grade education and virtually no employment history, is convicted of breaking into a record shop and taking some stereo equipment worth \$325. He had been arrested twice previously on minor charges, but had never been convicted of either.

The types of cases described commonly confront judges in all parts of the Nation and it is obvious that they do not by any means exhaust the categories of offenders daily found in our felony courts. Nor do they include the wide variety of behavior embraced by our juvenile justice system—which can cover runaways to murderers, or those handled in our misdemeanor courts—drunken driving, gambling and simple assaults.

What Does Society Want From Corrections?

However, for a moment let us look at these four examples of felonious behavior and ask ourselves what "society" wants accomplished with them. Above all, it will be concerned with the control of violent behavior, an area in which a great deal more work needs to be done both in the identification and treatment phases. I believe it is also clear in these cases that the public will be concerned with such matters as the deterrence of others, restraint, and the possibility of recidivism. It inevitably follows that probation and parole agencies and institutions must deal with several objectives, some of which, at times, will be contradictory. To deny this variety of goals, and their continuing impact on postconviction organization, is to deny contemporary reality. If we define corrections as a

series of postconviction bureaucracies, we clearly have organizations which deal with multiple goals. We may be able, at times, to avoid conflicts among them, but more often, the task will be simply to make sure that the objectives are properly balanced appropriately as possible.

Another task is to make certain that they are carried out fairly and humanely. Progress has been made in many places, but we have too much evidence that this task is far from accomplished in this Nation. The time for discussion is long past. Anything less than full and immediate action is unacceptable.

Function of Corrections Is To Reduce Recidivism

Clearly, there are problems of goal conflict which we can discuss, but I should like to suggest there is another way to define corrections which may put the matter in a more useful framework for this session. This definition sees corrections, not as a set of bureaucracies, but rather as a *function* which is aimed at the reduction of recidivism. It is a function which is carried out by many persons in the criminal justice system besides those working in prisons, probation, and parole. The policeman's decision to arrest, the prosecutor's decision to charge, and the judge's sentencing decisions all represent profound interventions which have direct and important impact on the control of violent behavior and the reduction of recidivism.

Critical from this perspective is the necessity of providing decision makers at all points in the criminal justice system with increased information of correctional relevance and with resources in and outside the system to which they can have access.

It is important to make several other points.

First, concerns for dangerousness and deterrence can be met without the frequent use of security institutions for the great mass of offenders.

Second, our hard knowledge about programs which will reduce recidivism in specific cases is quite limited. We should be reluctant to impose the coercive power of the state for the ostensible purpose of treatment when our evidence of possible effectiveness is so uncertain. The great danger is that we use the name of treatment to mask the goal of punishment.

Third, the information that we have about change points to a general strategy which puts more emphasis on community life than ever before. The degree to which that strategy can work will depend very much on the public's willingness to support community programs and, most important, to be will-

ing to create real opportunities for offenders. It will finally be governed by the degree to which this country deals with the problems of racism, economic opportunity, and social justice for all citizens.

Finally, while as many efforts as possible toward reducing recidivism should be carried on by agencies outside the criminal justice system, we must not lose sight of a basic fact. A substantial amount of correctional activity for a long time to come will remain within the criminal justice system and post-conviction agencies will continue to carry a heavy burden. For those offenders who will remain within probation, parole,

and prison systems, the allocation of resources to change and improve those programs must be vastly increased.

In summary, what should the public expect? It *must* expect fair and humane treatment of offenders. It *should* expect some goals such as restraint to be carried out effectively. But thus far, because the conditions under which we have attempted to change people have had such marginal success at best, the public *can* expect to continue to achieve those results if substantial resources are not made available and if ways are not found to deal with the conditions which face offenders in the community.

JOHN A. WALLACE

Director of Probation, City of New York

SOCIETY should expect corrections to state its goal. Corrections says that a goal is rehabilitation and society generally agrees that this is the goal it supports. The word "rehabilitation" is not explicit as to its meaning. Society should expect the goal to be expressed in more explicit terms, such as training offenders so that they have the skills to be employed.

Society should expect corrections to plead its case accurately and to have the data to back up its argument. For example, corrections should be able to justify the equipment and resources required to attain the goal of training offenders to hold jobs. It also means that corrections would have the data to prove that offenders are trained, are able to secure employment, and to what degree the goal is being achieved.

Society should expect corrections to be honest. This means frankly admitting and discussing what it is not doing and why, too often, corrections seeks to "pat itself on the back" for what is being done.

Society should expect corrections to protect society against offenders. However, the phrase, "protect society," is not explicit. In fact, the phrase is sometimes used to cover practices in institutions, probation, or parole that an appeals court may find are questionable and must be forbidden.

Society should expect corrections to demonstrate leadership and take risks. The problem is that such correctional administrators often become political liabilities to those in elected office.

MERLYN MATTHEWS

Project Director, Human Affairs Research Center, Battelle Institute
Seattle, Washington

BY IMPLICATION the above question, "What Should Society Expect of Corrections?" asks for the specification of a set of objectives for the correctional system. Because of the inclusion of the normative "should," it is not clear who is to undertake the task of establishing these objectives. Certainly it is not the public, for if this were so, the question would simply be "What Does Society Expect of Corrections?" It is equally clear that

The topic, "What Does Society Expect of Corrections?" is one sided. Two additional questions should be posed: What does corrections expect of society and what does the offender expect of society and corrections.

Currently corrections is not really certain society is willing to pay the price (taxes and public support) for correctional reform—witness the opposition to the establishment of small institutions or halfway houses by groups when such are proposed for their neighborhood. The offender is not really certain whether society and corrections are willing to give the offender a chance—witness the application blanks for employment that ask "have you ever been arrested or convicted? The ex-offender is called on continually to prove himself as worthy of employment. Correctional agencies are too often unwilling to hire products of their system—the ex-offender.

To attain some gains, these recommendations might be considered:

1. Society set forth the goals for corrections more explicitly in legislation.
2. Eliminate legal and administrative barriers to hiring ex-offenders.
3. Provide adequate funding for the training of correctional administrators.
4. Provide adequate funding for correctional research.
5. Provide political support to risk taking by correctional administrators.

these objectives are not going to be established by correctional personnel, for then the question would be, "What *Can* Society Expect of Corrections?" Perhaps an appropriate body might be very similar to this group.

For us to answer the topic question appropriately will require a blending of the points of view of society and corrections in a variety of ways, representative of the public need

to present a list of their desires for the correctional system. Correctional personnel in turn need to assess the current capability of the system to deliver programs meeting these desires, and, where current programs fall short, the elements in the situation requiring change need to be identified so that programs that do satisfy these desires can come into existence.

Certain elements need to be considered if we are to bring about this reproachment: corrections' goal; the population for which corrections is responsible; and how the goal can be implemented with that population. The goal, in simplest terms, is to turn criminal law-breakers into law-abiding citizens. Few in society or corrections would quarrel with that goal definition. The need for social order is recognized, as is the futility of placing law-breakers in permanent exile or of executing them. As for corrections' target population, most would agree that some persons treated as criminals should not be. To take the most obvious example, certain offenders would be more appropriately defined as physically ill. From here on agreement is less obvious and predictions less sure, except to note that criminal laws do change. Abortion is now legal in Washington State. Norval Morris and others have called for removing certain "victimless" crimes from the statutes. Other crimes have been added, such as conspiracy to riot, which some charge is to create a political crime.

How Shall Corrections' Goals Be Implemented?

Although whose responsibility corrections is, is critical as to how its goal is implemented. Implementation alone remains the biggest area of controversy. I would suggest that most of society does not care how offenders become law-abiding citizens so long as the method works cheaply, is not publicly exposed as inhumane, and does not jeopardize their precarious sense of safety. I would further suggest that the critical issue is a generally held desire not to be exposed to criminals—the "let's put them in a prison in the country" syndrome. For example, I doubt that all our talk of the number of recidivists in prison has led the public to conclude good corrections is good crime prevention; instead it has led to commissions like the one recently formed in California to investigate shortened prison terms. Certainly the thought of a halfway house in one's neighborhood is enough to make the most solid citizen fight for zoning restrictions. On the basis of private behavior, few want offender rehabilitation at the price of contact.

In contrast, citizens—that is, members of society—do make public statements supporting correctional programs, programs that operate some place else. To take a minor example, the sociologist, Hubert Bloomer, suggested recently that social problems can be considered legitimized when the church supports their solution. This summer the General Synod of the United Church of Christ voted resoundingly in favor of a resolution favoring, among other correctional improvements, the halfway house. For another example, the Governor of Washington State, the Honorable Daniel Evans, has been crossing the State speaking for community corrections. Certainly the press has devoted more inches recently to corrections, both

its failures and its hopes, than was previously the case.

I might simply remind those of us at this meeting that our concern for and, perhaps, affiliation with corrections, does not exempt us from these conflicting responses to corrections and its clients. We, too, are part of society.

What Should Corrections Expect of Society?

In these two kinds of societal reactions, the public and the private, lies the dilemma and the hope of corrections, and also the problem with today's topic question. Until the public brings into agreement its public pronouncements and its private behavior; until communities accept their responsibility for dealing directly with their own crime and criminals instead of sending them off for correction to some surrogate and separate agency; until, then, corrections and those of us close to it can talk and define its role and announce what society should expect of corrections all we want, but it will be of limited benefit. Corrections will be able to do its job of helping people live within the social order when we have laws that all respect but some break, when we are more concerned with people than with things, when we see criminals as one of us—a human being albeit a law-breaker—when corrections stops seeing itself as society now sees its clients, as separate and failing.

This is not to say that corrections should await some future utopia before acting, only that corrections has some obligation to remind society that society, too, has a responsibility which cannot be filled by delegation to corrections. For to say otherwise would be to admit that the conflict theorists who speak of political prisoners are right, only the powerless need corrections and to be powerless means that no one from society speaks for you.

In short, this rambling discussion is for the purpose of suggesting that the question before us should not be "What Should Society Expect of Corrections" but rather, "What Should Corrections Expect of Society."

A recent letter to the editor of the *Seattle Times* illustrates these issues in relationship to the "drunk tank." In conclusion let me read it:

As a retired lawman I have often wondered why the public does not do something about the so called "drunk tank" in most of our city jails.

In Spokane, Tacoma, and now in Seattle helpless prisoners have been seriously injured and killed by more powerful prisoners being unable to get help from the jailer. These jails are one big room with only a bare concrete floor.

They are supposed to be in a sobering-up tank, although many times the insane and sick are mistaken for being drunk. These so-called "tanks" have no windows or doors that can be seen thru. Jailers do not know or care what is going on in the "tanks" and the only time the door is opened is when they put in or take out a new drunk.

I believe, when a person is deprived of all of his rights and locked up, the law should be responsible for said prisoners safety. The arrested man's or woman's car is always towed away because the police are responsible for it should it be stolen, stripped, or lack anti-freeze in the winter.

I propose a law making it mandatory that all prisoners be situated so that they are in full view of a jailer or keeper at all times. The next one killed or injured could be your son, husband or neighbor.

E. PRESTON SHARP, PH.D.

General Secretary, American Correctional Association

IN VIEW of the requirement for brevity in the discussion papers, I have limited my prepared remarks to a few terse comments in areas pertinent to our workshop topic. These comments can be expanded upon the request of the group.

It is essential that we have a clear understanding of the definition of the word "corrections." The correctional process begins when an offender is placed in detention status and continues until he is released from probation or parole. It includes juvenile detention facilities, jails, probation, after-care, institutions, parole, community residential centers, and all programs dealing with the offender prior to final release from correctional custody. Included in this definition are programs for juvenile and adult offenders, both male and female.

Since one of the major concerns today in this country is that of prisons and penitentiaries, initial comments will be made concerning these institutions. Institutions have been used for post-sentence care of offenders for a period of approximately 200 years. Prior to that time institutions were used primarily to detain offenders until trial. The decision of the court generally included some type of corporal punishment for those found guilty. This included stocks, ducking stools, etc.

Changing Attitudes of Society

As society has changed in its attitudes toward handling of offenders, a few principles have emerged. They are as follows:

1. Dependent children should not be housed with delinquent children.
2. Juveniles should be separated from adults in institutions housing offenders.
3. Females should be separated from male offenders.

The United States has been influenced by the rigid Judeo-Christian ethics. Longer sentences are imposed on offenders in the United States on the average than in European countries.

Although certain religious groups have made outstanding contributions to correctional program improvement efforts during different periods of change, the word "penitentiary" was built upon the requirement of the Quakers for penitence in the reformation of offenders.

The emphasis of sentencing has been to make the punishment fit the crime and judges and paroling authorities have been sensitive to the rise and fall of the public ire as related to fluctuating incidents of crime in the streets.

On other issues involving corrections, society has expressed a schizophrenic attitude. One group has a very rigid feeling of "lock up the offenders and throw away the keys" and criticizes severely any rehabilitative activity as coddling criminals or operating institutions like a country club. Another group which is not quite as vocal, has strongly urged the protection of legal rights, more and better rehabilitative programs and the need to look upon the offender as a person who needs help in order to become a constructive citizen. This attitude of ambivalence by the public has placed the correc-

tional administrator for years on the horns of a dilemma. It has influenced programs in corrections and the type of personnel that is employed. Monuments to the rigid punitive-retributive philosophy are the large bastilles or penitentiaries found all over the country.

Regional Differences in Treatment

It is interesting to note regional differences. For example, in the south, they have been accustomed to seeing prisoners work on the roads and in the communities. Initially this was designed to keep prisoners busy and to save money for the state or county. This practice is gradually disappearing. However, the positive impact of this experience is that work release programs are much easier to institute in areas where they are used to seeing prisoners in the community. Conversely in the north, the emphasis has been upon security and it is much more difficult to initiate programs in which prisoners work in the community.

In the south there has been in many places an emphasis upon the use of inmate labor to make the correctional system partially self-supporting. Consequently the emphasis has been on production-oriented work and not the training of the inmates for meaningful employment upon release.

Growing Interest on Part of the Public

The Harris Poll, conducted in 1968 for the Joint Commission on Correctional Manpower and Training, disclosed that 84 percent of the people interviewed agreed that the major emphasis in correctional services should be on rehabilitation. However, 59 percent of the individuals interviewed were not willing to increase taxes in order to pay for the correctional rehabilitation programs.

On the question, is a halfway house a good idea, 77 percent answered in the affirmative. However, when the question was raised, would you personally favor a halfway house in your neighborhood, 50 percent stated that they would not.

There has been evidence of change in the attitude of the public, for example, that which has occurred recently relative to abortion and also toward homosexuality between consenting adults.

Undoubtedly, the current interest of the public in corrections has been spurred by fear over the increase of violent crimes and by the adverse economic impact produced by fear of customers to go into the streets at night and the cancellation of insurance policies covering burglary and arson of business establishments.

There is no doubt that the attitudes of society will constantly change, but it is essential that some degree of consensus on the goals of corrections be achieved so that correctional administrators can plan programs consistent with these goals.

There is no question in the minds of all experts in the cor-

rectional field that our present institutionally-oriented correctional system has not been a success. Every opportunity must be utilized to find methods of directing emphasis to development of alternatives to incarceration for those who do not need institutional care.

It costs approximately \$11,000 a year, conservatively estimated, to keep a married man in a correctional institution. This amount includes the cost of his maintenance, the loss of earning, the loss of taxes, and the cost of welfare assistance necessary to maintain his family. Consequently, when we think of recommending an additional 5-year sentence, that represents a minimum of \$55,000 in taxpayers' money.

Individualized Treatment

It is recognized by everyone that the needs of the individual should be given maximum consideration in selecting the appropriate type of correctional service. Undoubtedly there are some individuals who will always need to be placed in maximum security facilities and kept there until there is a reasonable belief that they can adjust in less secure facilities.

In order to recognize these needs, it is essential that there be created community clinics for precommitment or pre-sentence evaluation. For nondangerous offenders as many alternatives to incarceration as possible must also be created. These include halfway houses, community residential centers, programs of work release, educational furloughs, and small community-based facilities in which the required amount of supervision and control would be present.

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TWO PRIOR questions must be considered before we can begin to answer the question in our topic as it is formulated: What is society actually using corrections for, and What must society do if rehabilitation is to be effective?

Traditional Goals of Dealing With the Offender

In the history of modern western civilization, the process of dealing with criminal offenders has always been used to solve certain economic problems. Before corrections as we know it today was established in the middle of the 19th century, the criminal justice process was used to physically eliminate unwanted persons, by such means as banishment to the colonies, impressment in the army and merchant marine, mutilation so severe that the person could find no place in ordinary society, and capital punishment. In such a system there was no place for corrections—nobody expected the person so treated to come back.

The industrial revolution created a society that desperately needed workers to man the expanding factories and commercial enterprises; in the United States geographical as well as industrial expansion intensified this demand beyond that experienced elsewhere. Easy access to labor was immensely valued. Consequently institutions were established to keep

Currently the judge on the bench is in the same role as a TV repairman who is called upon to fix the TV with tools that are limited to a tack hammer and a screw driver. Often the judge has only the choice of either probation or institutionalization.

There are many methods and techniques with demonstrated potential for improving correctional services that have not been implemented because of the lack of funds. One example is the team treatment concept, tested in the past in several large institutions, which brings together the correctional officer personnel and the professional personnel in a coordinated approach to inmate treatment. Another example is the application of the case managerial principle in probation and parole services in which subprofessionals and paraprofessionals work under the supervision of a trained professional who acts as a case manager and broker of community services.

There is increasing use of ex-offenders in many roles. No ex-offender should be employed solely because he is an ex-offender; likewise, no ex-offender should be barred from employment for which he is qualified simply because he is an ex-offender.

The complexities of human behavior make it very unlikely that corrections will ever be 100 percent effective, but there is no question that it can increase its effectiveness if it has the understanding, support, and proper tools. Much more is known about changing the attitudes and behavior of offenders than has ever been applied.

offenders alive while they were being punished, with the expectation that they would return properly chastened to fill the industrial slots where they were needed.

While keeping offenders alive it seemed also imperative to do something about them that would better equip them to perform acceptably after release. So correction of offenders was invented. In England prisons were first envisioned as factories to train the masses of unemployed agricultural workers for industrial jobs. The United States added a concern with prisoners as "damned souls to be saved" to its concern for preparing workers for industry. Although now we call it "rehabilitation" and have added psychiatrists and psychologists, social workers and behavioral modifiers, to the chaplains and Sunday Schools of the earlier days, the drive to make over the human material, so temptingly available for reform, remains at the heart of the correctional mandate.

Goals of Modern Corrections

Unfortunately, however, for the goals of modern corrections, our society is no longer economically hungry for the correctional products, no matter how rehabilitated they may be. Once again, society primarily wants not to be bothered with certain troublesome groups of people, such as male

youths of ethnic origin in the United States. Our current civilized standards do not permit society to get rid of them by mass murder, although Germany tried that measure on the Jews. But our communities make it quite clear that they do not want former offenders returning to operate as normal citizens, using such means as the permanent loss of certain civil rights and ubiquitous barriers to many kinds of employment. Accordingly, society is now using convictions to maintain and supervise within itself an encapsulated population of disenfranchised and unwanted persons who have no recognized value for the community. At the same time, society says to corrections "rehabilitate them"—although it does not say for what they should be rehabilitated.

But no matter how hard corrections tries to accomplish that mandate, it can do little more than "hold" and "supervise" offenders unless society undertakes its half of the rehabilitation process. Rehabilitation does not occur *in vacuo*; it is a process in which a person and his community enter into mutually contradictory relationships. The psychiatrist, the social worker, and the vocational trainer can assist that process, but the payoff occurs when the offender and his community start practicing living normally together.

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AMERICAN society, like any other, has an inherent right to preserve its own existence. Crime may be defined as a court determined violation of statutory laws enacted by society for the purpose of governing itself. Crime jeopardizes the very existence of society, and it is thus both important and justifiable for society to deal with crime.¹ There can be no question that the stakes of American society's fight against crime are high: In 1970, crime took the lives of more than 15,810 Americans and injured over half a million others. The number of aggravated assaults amounted to a staggering total of 329,940, while estimates of forcible rapes totaled 37,270. In addition to 348,380 robberies, untold damage occurred in terms of property loss, and even more importantly, in terms of wide-spread public anxiety about crime.² Even though studies have shown that the public fears most those crimes which occur least often (i.e., crimes of violence), that fear is a social reality with which the government must deal,³ in spite of the fact that crimes against property constitute by far the majority

¹ Crime, in the sociological perspective, involves four elements:
(1) a value which a politically powerful group appreciates,
(2) isolation or conflict of another part of the group which appreciates that value less,
(3) political declaration that behavior endangering that value is a crime,
(4) pugnacious resort to coercion applied to those who disregard the value.
Edwin H. Sutherland and Donald R. Cressey, *Criminology* (Philadelphia: J. B. Lippincott Company, 1970) pp. 11-12.
² Federal Bureau of Investigation, *Uniform Crime Reports* (Washington, D.C.: U.S. Government Printing Office, 1970) pp. 7-15.
³ The President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (New York: The Hearst Corporation, 1968) p. 159. See also an address by Attorney General John N. Mitchell on the cost and fear of crime in American society before the Third National Symposium on Law Enforcement Science, in Chicago, April 1, 1970.

Thus, I would say that society is already getting about what it can expect from corrections until it creates adequate conditions for the ex-offender to complete the work of rehabilitation by living normally in the community. The following provisions are needed, for more and more social workers, if corrections is to be more than a "holding" operation.

1. Massive reduction in the length of sentences.
2. Adequate demobilization allowances.
3. Elimination of most discriminatory employment policies.
4. Technical assistance in clearing civil statutes that have been disrupted by the commitment and the period in prison.
5. Effective means for wiping out criminal records.
6. Maintenance of civil rights in spite of corrections.
7. Massive reduction in the intrusive and stigma spreading activities of surveillance in the community.

Under such conditions, society might expect something more from corrections in the way of rehabilitation services. Under current conditions of community barriers to reintegration, we should marvel at the number of ex-cons who do actually make it in the community, rather than bewail the percentage of recidivism.

of crime committed in this country.

Our Criminal Justice System

In an effort to protect individuals and society, we have resorted to an enormously complex apparatus, the criminal justice system, in an effort to detect, apprehend, prosecute, convict, and sentence those individuals who violate our basic rules of existence. The activities of the criminal justice system are separated functionally into three distinct tasks: law enforcement, the courts, and corrections. Corrections, therefore, is only a part of the total process in which each of the subsystems has traditionally functioned as an entity, without regard for its interdependence with the other subsystems, and this diminishes the optimum effectiveness of the system as a whole. Therefore, the first answer to the question of what society should expect of corrections should definitely involve a demand for coordinative efforts among the various subsystems and for an end to the frequently self-imposed isolation of the correctional process. It has been noted that the average citizen lacks adequate criteria for evaluating the efficiency of the correctional process, because correctional institutions are isolated and remote, and because prison wardens, who are frequently likened to ancient captains of the sea on account of their almost unlimited autocratic rule over their inmates, actually want no outside interference in running their facilities.⁴ Isolation has brought other disadvantages as well: First,

⁴ George H. Grosser, "External Setting and Internal Relations of the Prison," in *Theoretical Studies in Social Organization of the Prison* (Social Science Research Council, Pamphlet 15, March, 1960).

it has impeded research, since entry of outsiders into an institution is frequently difficult or viewed with suspicion; second, ancient practices and conditions have continued to prevail which, had they been fully known by the public, would have been discontinued long ago in line with our increased civilization and more humanitarian thinking.

Society's Past Expectations

In our quest for answers to what society should expect of corrections, we could be remiss if we did not consider the influence of society's past expectations with regard to corrections, since the system today is largely the result of these past expectations. It is obvious that these interests were clearly guided by a basic philosophy of punishment as the primary objective in dealing with criminals and by the thought that the best and most effective way to deal with the criminal elements in our society is to lock them behind bars for long periods of time without the benefit of treatment.⁵ While the public is today beginning to recognize that the function of corrections (i.e., the protection of society from repetitions of the wrongdoings of criminals) will ultimately be achieved only by changing criminal behavior and motivating offenders to refrain from breaking the law, our treatment of criminals continues to be motivated by other elements as well. The latter elements are principally penal objectives based on an array of correctional theories espoused by the creators of our system's penal law as it is still in force today and are epitomized by the key words of retribution, restraint, deterrence, resocialization and reintegration. As a result, in our consideration of the responses to what we should expect of corrections, we need to examine the relative merits of each of these elements and to assess the utility of each element in achieving its implicit or explicit goals.

Concept of Retribution

First, the retributive concept of morally just punishment is deeply embedded in social thought. It is best codified in lex-talionis, or the principle of exacting compensation "eye for eye, tooth for tooth" (Lev. 24:19,20). While this is basically a primitive view of justice, and hence not consonant with the avowed high standards of a civilized society, it is important to note that feelings of moral outrage may well serve such important functions as the enhancement of social cohesion. In addition, a high degree of moral outrage can well serve as a measure of our regard for a given value, and hence, it can help to protect valued interests.⁶

Concept of Restraint

The concept of restraint describes the second objective of punishment. It is best exemplified in statutory provisions for life imprisonment without the possibility of parole for persons convicted of second or third felonies. Since sequestration deters offenders from committing further crimes, at least for

the duration of incarceration, it seems reasonable for the public to expect corrections to detain those who have been found unusually intractable. While it has been pointed out that crimes are also committed in prison, such occasional occurrences hardly warrant abandoning the principle itself.⁷ In view of the recognized inadequacies of our knowledge and our techniques in the area of treatment, the detention of the particularly dangerous individual may well be the only available resort at the present time. It needs to be pointed out, however, that such drastic measures are necessary for only a few, while for the majority of offenders alternate dispositions would well suffice, without any additional risks in terms of the reduced protection of society. Sufficient evidence has now accumulated to show that our criminal justice system is overburdened with persons needlessly and inappropriately detained. Further, restraint practices are weighted disproportionately toward the detention of those members of society who are part of ethnic or minority groups and who are unemployed, undereducated, and disenfranchised.⁸ As a result, society must make the commitment to rectify such obvious social injustice and insist that the criminal justice system be relieved of carrying entirely inappropriate burdens. In other words, corrections should not be required by society, as it is now; to deal with such obvious medical-social problem cases as drug addiction, alcoholism, homosexuality, and prostitution, or with other cases in need of social service or casework.

It must also be taken into consideration, that corrections, after years of public neglect and apathy, is ill equipped to exert a rehabilitative effect on prisoners. As a result, few prisoners emerge as better men; instead, they come out as embittered human beings, frequently determined to avenge themselves for the real or imagined wrongs they have experienced. In view of these considerations, the public should see to it that the correctional system avails itself of every possible means available in order to divest itself of cases not within its rightful domain.

Concept of Deterrence

The third penal objective, deterrence, rests firmly on the utilitarian principle of "prevention by fear, or the prospect of pain as a psychological stimulus posited by society in anticipation of the response of abstention from gaining illicit pleasure."⁹ In terms of function, it is useful to differentiate between general and special deterrence. The effectiveness of general deterrence, which has as its object the public as a whole, has been directly related to certainty of punishment, and it probably works best in deterring crimes requiring rational considerations. In contrast, the utility of special deterrence, which has as its object the individual offender, is frequently questioned because of our general lack of data on recidivism.¹⁰

⁷ Nathan Leopold, "What is Wrong with the Prison System?" in *The Tasks of Penology*, Harvey S. Perlman and Thomas B. Allington, eds. (Lincoln: University of Nebraska Press) pp. 29-30.

⁸ *Op. cit.* note 3, p. 150-151.

⁹ Gerhard O. W. Mueller, "Punishment, Corrections, and the Law," *The Tasks of Penology* (Lincoln: University of Nebraska Press, 1969) p. 63.

¹⁰ Harry Elmer Barnes, "The Contemporary Prison: A Menace to Inmate Rehabilitation and the Repression of Crime," *Key Issues*, Vol. 2, 1965, p. 15.

⁶ For an illuminating discussion of this issue, see Senator Roman Hruska's discussion in the *Congressional Record—Senate*, June 15, 1971.

⁵ Emile Durkheim, *Division of Labor in Society* (Glencoe, Illinois: The Free Press, 1947) p. 102; and George Herbert Mead, "The Psychology of Punitive Justice," *American Journal of Sociology*, XXIII, 1928, pp. 577-602.

Social Reintegration

Social reintegration is the fourth and historically most recent objective in corrections, and it rests on the proposition that the correctional process can change criminal and delinquent behavior. A further premise is that all those placed within the correctional system are suitable candidates for rehabilitation. While such confidence in human nature is probably warranted in the majority of cases and while a vast array of promising rehabilitative programs has been developed, we have yet to obtain empirically verified information to ascertain the effectiveness of such programs.¹¹ What the public should therefore expect of corrections is the diligent pursuit of empirical data to determine the most rational sanctions. So far, too little attention has been devoted to the development, implementation and systematic evaluation of those rehabilitative procedures which will give us a reasonable certainty of success in returning useful and contributing citizens to our society.

The quest for the resocialization, and in some cases the socialization of offenders, is further based on the philosophy that the act of punishing offenders can never undo the social and individual harm done by crime. As a result, concentrated efforts at influencing future behavior are deemed more desirable than the imposition of suffering or discomfort.

Our analysis of past trends in society's expectations concerning corrections has shown that many of the basic objectives of previous times (i.e., retribution, restraint, and deterrence) are still with us today, and that certain aspects of these motives still perform socially useful functions. As revealed during recent public opinion polls,¹² there has been an historical shift in the relative influence of each of these penal objectives in the direction of rehabilitation and reintegration. The public would do well, however, to examine whether the correctional process does, in fact, reflect that change. The precept of incarceration for the purpose of confinement rather than punishment is certainly not new. It was first pronounced in classical Rome in the statement, "*carcer enim ad continendos homines non ad puniendos haberi debet*," meaning that prison should serve the purpose of confining people, not punishing them.¹³

Looking at our penal institutions, however, we will find that we have a long way to go before such a goal will be realized and before the sole purpose of detention will be the restoration of social normalcy and the prevention of crime. Antiquated buildings, formidable physical and social environments, overcrowding, and the absence of programs are the rule rather than the exception today. As a result, the informed public should expect corrections to bridge the current chasm between practice and theory, to utilize what has already been discovered through research in corrections and human behavior, and to present a regular, systematic accounting of its successes and failures to the public.

¹¹ For a systematic presentation of innovative correctional programs as practiced by leading state and county systems, see Fred D. Moyer, Edith E. Flynn, Fred A. Powers, and Michael J. Plautz, *Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults* (Urbana: University of Illinois Press, 1971).

¹² *Op. cit.*, note 5.

¹³ Ulpian, *Digest* XLVIII, 19.8, paragraph 9.

Demand for Control v. Desire To Effect Change

In the pursuit of an improved correctional process, researchers frequently point to an alleged inherent conflict between a correctional institution's demand for control and its desire to effect change. Basically, a dilemma is said to exist between treatment and punishment, as aptly expressed in the question, "What is the minimum punishment needed to maintain control and the maximum which can be tolerated by the objective of social restoration?"¹⁴ Most correctional institutions today are characterized by this conflict of attitudes, which tends to surface in the form of a conflict between treatment staff on the one hand and administrative and "line" staff on the other. It is posited here that this dilemma is not insoluble. Rather than assume that these problems are inherent in the incarceration process per se, it should be recognized that they are intimately linked to and probably the result of, the particular characteristics of our prison system. For example, administrative needs for coordinated and integrated activities, as epitomized by rigid schedules and mass movements, are required only by institutions of considerable size. Smaller facilities or adequately staffed self-sufficient modular treatment units would obviate most of these requirements. Further, utilization of public employees would make unnecessary the current reliance of institutions on inmate labor for the performance of most maintenance, janitorial, and everyday tasks. As a result, a primary cause of staff corruption would be removed. Since rehabilitated offenders could be utilized in the performance of these services, the solution would offer added benefits in another critical area. Finally, if the traditional differentiation between supervisory, line, and treatment staff were dropped in favor of one category, such as correctional counselor, the perennial problem of conflicting goals could be eliminated.

Conclusion

The above discussion has attempted to underscore the point that the treatment and resocialization approach is not inherently antithetical to corrections, and that current problems and conflicts can be directly tied to the characteristics of our prison system. While it is recognized that ultimate answers will have to wait for some basic research to occur in this area, it is necessary that we embark on the pursuit of new programs in view of the distressing failure of our present system. We do not require costly experimentation to prove that correctional institutions caging 2,000 men fall short of the stated goals of corrections. The road to smaller, community-based facilities with individualized programs and face-to-face interaction between inmates and staff, has been paved by the experiences of the past, by an astute leadership in government and administration, and by a public sufficiently aroused to want change. What that public, and hence society, should expect from corrections now, is for the latter to invest its

¹⁴ John P. Conrad, *Crime and Its Correction* (Berkeley: University of California Press, 1967) p. 302. Donald R. Cressey, "Limitations on Organization of Treatment in the Modern Prison," *Theoretical Studies in Social Organization of the Prison* (Social Science Research Council, Pamphlet 15, March, 1960).

resources in this direction, to do more than pay lip-service to the precepts of resocialization and reintegration. Care must be taken to prevent the mere incorporation of the "rehab" vocabulary into project program plans as part of the exercise of grantsmanship. Society has a right to demand more than that from corrections. Furthermore, it needs to be stressed once more, that, if we wish to dissolve the ignorance now obscuring our crime problem, the need for evaluative studies assumes

paramount proportions. As a result, such studies should be given priority consideration in the development of any correctional program.

Finally, it should be recognized that the ultimate determination of what will happen in corrections will be directly related to what society expects and wishes to occur. Without dedicated public support and continued public interest, corrections could easily face yet another decade of neglect.

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THE DILEMMAS of corrections have never been so apparent. We hear more often than ever before that the correctional mission is to rehabilitate. It is obvious that we do not succeed to an extent that satisfies either well-wishers or critics. At the same time a succession of seismic disturbances in the institutions which are central to the apparatus painfully demonstrate our difficulties in even controlling those who are to be rehabilitated. The correctional administrator indeed lives in hard times, made harder because of the enormous expectations now directed at him.

Punishment as Deterrence

It is appropriate to put the matter into some perspective. The correctional system, as we know it today, has been developed from an institutional framework grounded on assumptions about punishment and human nature. We have built our entire battery of sanctions against the criminal around the assumption that punishment deters the individual offender from repetition of his offense and deters the rest of us from emulating him in the first place. This assumption is not peculiar to Anglo-Saxon law; it is general to all legal systems. We shall not soon see it supplanted, nor shall I argue here that it should be.

But this assumption imposes on the correctional administrator a rather simple charge. The prison warden is to take and keep safely the convicts sent to him. He will be enjoined by a civilized community to keep them humanely and in safety from each other, but he must keep them.

Until very recently in the history of corrections, a prison warden was entitled to consider that he had done his job well if he allowed no escapes from his custody, if he forestalled or at least efficiently controlled riotous behavior among his prisoners, and if he managed his prison without brutality, scandal, or corruption. By these deceptively exacting criteria, many wardens have fallen sadly short during the last two centuries of correctional history. Some still do, but generally these standards are met.

Punishment and Rehabilitation

Over the years since World War II, rehabilitation has come to haunt the warden as an increasingly imperative task. He cannot evade it, even though he is still held to his ancient

requirements to maintain secure custody of the wicked. He is assisted in the accomplishment of the tasks of security by a consensus of his peers on what is needed to maintain control of his prisoners. He may not get all that he needs, but that is part of the human condition. All of us have to learn to make do with what we have.

This new objective, rehabilitation, can be easily imposed. The warden and his increasingly diverse staff will hear from all sides that it is not enough to take and keep his prisoners; he must send them back to society as better men than they were when they came. Most wardens tend to welcome this goal, I believe, and for a reason which does them credit. The occupations required for locking people up are not pleasant. Mostly they consist of counting and watching. It is hard to claim that these activities evoke the best in a man or that they are positive benefits to the troubled people who are controlled. The warden learns what is expected of him and he learns to expect it of himself.

He also learns that his achievement can be easily measured. Hardly any other social institution is susceptible to evaluation by such easily obtainable data. It seems, at least to anyone who has not engaged in such studies, that the accomplishment of rehabilitation in a correctional facility can be readily established by counting the numbers of offenders not rehabilitated. If we agree that a man who offends again has not been successfully treated by the correctional institution, then the measure of rehabilitation is the sum of those who have had to be returned to prison for the commission of new offenses. Although complications must be allowed for accepting recidivism as a measure of the effectiveness of correctional systems, in the end, if rehabilitation is expected, this is the way it must be measured.

So here is a task which is easily demanded because it is obviously needed. It is also a task for the accomplishment of which the responsible officials can be called to account. In most of the accountings which have been made, the accomplishment has fallen far short of objectives. In California, where the counting of recidivists has gone on for a long time, the prisons break about even; a little less than half of those released eventually return as repeaters. I doubt that many other systems do better, but none have been counting so well so long.

How Can We Control and Change at the Same Time?

So what is the obstacle to the accomplishment of the tasks of corrections? How can we meet more closely these great expectations? The answer comes in two parts, I believe, and at this point in our history, it is not a helpful answer in the sense of its suggesting early remedies.

The first part has to do with the absence of any well established method for changing human behavior. The warden has been told what is expected of him, but he has not been given any reliable tools to do it with.

The second part of the answer has to do with us rather than with the warden. The conversion of sow's ears into silk purses is a notoriously difficult task, but even if our warden accomplishes it, the work is in vain if the world does not want the purse he produces. Prisoners come out to a world in which they are lucky if they are tolerated. Few will sense

that they are needed, because few will find esteem and work awaiting them in conventional society. The wonder really is that so many as half our ex-prisoners and considerably more of our probationers manage not to drift into the criminality which does await them without questions asked.

How can we control and change at the same time? We do what we can with the crude implements society and science have given us. It is evident that we are not likely to do much better with what we have. The problem which corrections now poses to the world is not one which can be solved with more money; in this sense it is an uncommon problem and more difficult than most. It is a problem for which new ideas about people, especially people in trouble, are needed. In this sense, the correctional apparatus needs much more support than it has been getting, but if we are candid with the world, we will ask for thoughtful and engaged concern rather than more of the taxpayers' money.

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IT IS GOOD that the Atticas, the Rahways, the Joliet, the Jacksons, the San Quentins, to mention only a few of the recent "cries from within," have brought about enough concern in America to enable us to work together here for the next 3 days to take an objective look at just what can be done to improve the state of corrections. I believe it is good, too, that we begin our discussion with the purposes of corrections. What are we trying to do in corrections? What should society expect of us? These questions must be faced if we are to have an effective correctional program.

Conflict in Goals

The very fact that we are asking these questions shows that all is not stagnant in the area of corrections. When I entered the field some 35 years ago as a young psychologist, everyone knew the purposes of corrections: custody, control, punishment. Today many innovative programs have been instituted and there has been a decided shift from the emphasis on strict custody and control to efforts, however fragmented, to rehabilitate the offender so that he has his chance to become a law-abiding citizen. With this shift in emphasis has come a questioning of goals. When deterrence, punishment, and control are the only goals of a correctional system, there is little conflict. The control, the custody, the deprivation of liberty, punish. This punishment, or the threat of punishment, deters. Once rehabilitation becomes a real part of the picture, however, goal conflicts abound. A single rehabilitative program, work release for instance, can conflict with all the other goals of the prison. Custody and control become more difficult. The prisoner may escape. A man in a work release status is being punished less than a man who spends all his time inside the walls. And since the punishment is less severe, the deterrent effect of the criminal sanction may be lessened.

Given this conflict between goals, can corrections punish, control, deter, rehabilitate, and incidentally, run a business operation all at the same time and with the same facilities and programs? It seems that there are three possible answers to this question. Personally, I believe it is possible to reconcile these goals within a single program. I believe it is possible, without compromising the other goals of the system, to make an individual evaluation of the offender to determine the most likely cause of his delinquency and to establish a "treatment design" that will insure the removal of his inadequacies in personality patterning, health, education, or whatever. We must, of course, realize that this is a slow and individual process, but through proper selection of correctional employees, adequately compensated and trained, we should be able to maintain custody and discipline while effectively rehabilitating inmates. Custody can be inoffensive, yet secure, through proper architectural planning and correctional management. Punishment and deterrence are not compromised through this system since the loss of liberty involved in any institutional treatment program, however inoffensive, is punishment.

Punishment Versus Rehabilitation

Not everyone agrees, however, that being sentenced to prison is punishment enough. Some want offenders punished while in prison. This concept of punishment conflicts seriously with rehabilitation. One way to handle this conflict is to punish first, during the first part of a sentence, and rehabilitate later. I do not think that any prison administration has admitted that this approach is their policy, but this is often how it works in practice. Many administrations limit many types of rehabilitative programs to prisoners nearing the end of their sentences, whereas the initial handling of most

prisoners emphasizes strict custody and limited privileges. It might be useful to formalize this approach and try it out. The first 2 years of a 5-year sentence, for example, could be limited to strict custody and punishment, satisfying any public and legislative desire for punishment that may exist. The next 3 years could be devoted to rehabilitation, and no goal would be allowed to conflict with the best correctional programs available for prisoners in this phase of their sentence. Ideally, the length of the punitive part of the sentence would be commensurate with seriousness of the offense, whereas the length of the rehabilitative portion would be commensurate with the needs of the offender.

Need To Eliminate Conflicting Goals

The third possible approach is to rethink the purposes of corrections and eliminate conflicting goals as much as possible. In theory, if correctional thinkers could reach a consensus on purposes and priorities, this consensus could be communicated to society as a whole so that we would all be pulling in the same direction. As we all know, however, this has not happened. I believe a good case can be made for the position that a consensus of sorts has been reached by correctional officials. After all, we have been advocating more or less the same thing since 1870: the prevention of crime by such methods as individualized treatment, enlightened rehabilitation programs, and emphasizing the goal of returning to the community a law-abiding citizen rather than the goal of punishment. Perhaps something is wrong with the consensus, or perhaps we have not properly communicated our findings to other segments of society. I believe it would be valuable to see if we can reach an agreement within this group about the

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OUR ASSIGNED responsibilities are (1) to study the existing sentencing procedures and practices throughout the Nation and (2) to make recommendations which, if followed, will provide for consistent and appropriate sentencing of all offenders.

This is a monumental task for such a short period; therefore, I will get directly to the task at hand by sharing my thoughts on the problems and possible solutions to inconsistent and inappropriate sentencing of offenders.

To ensure that my remarks are given their proper perspective, I should point out that I am neither an attorney nor a judge. I am a correctional administrator with almost 20 years' experience, and my comments reflect this experience.

Sentencing Today

The criminal statutes in most jurisdictions are archaic and arbitrary. They reflect a strong belief in punishment and incarceration "at hard labor" as a deterrent to crime. If this were true, we would not be attending this conference. The

purposes and priorities of corrections, then examine the question of the best way to disseminate this consensus.

Corrections' Relations to Other Agencies and Disciplines

The last point I should like to consider is the scope of corrections in relation to other agencies and disciplines dealing with social problems. This workshop is asked to discuss whether corrections can solve the problems other agencies and disciplines have failed to resolve. This is a broad question, and in a broad sense, this is precisely what corrections is asked to do. Breakdowns in the family, poverty, poor health, racism, failures in education and mental health, all make their contributions to crime. When the home, the church, the school, and the community fail to teach the individual to accomplish his goals without violating the criminal law, when they fail to give him any meaningful goals at all, corrections is called upon to act. We must accept this challenge. Does accepting this challenge, however, mean that corrections should go beyond the treatment of individual offenders and make direct attacks on social ills? There is a strong movement in social welfare today away from a case-by-case approach and toward a direct attack on social problems. Should corrections, too, take this direction? Or should corrections move in the other direction and attempt to hand over some of its problems to other agencies? Should alcoholism and drug addiction, for example, be considered medical-social problems and, therefore, outside of the scope of corrections?

I should like to be able to say, gentlemen, that I have the answers to these questions, but I do not. I do believe they would be fruitful subjects for discussion.

truth of the matter is that there is massive and irrefutable evidence that imprisonment, as it has been applied in this country, is a major contributor to crime—not a deterrent.

Our prisons are an outgrowth of sentencing practices; consequently, one must logically conclude that our sentencing practices and the criminal statutes from which they emanate are also major contributors to crime.

While I am confident that individual members of the judiciary make every effort to be fair and just in the sentencing of offenders, available evidence suggests that sentencing practices continue to be inconsistent and arbitrary. The extent of this inconsistency and arbitrariness is impossible to ascertain because the records in the judicial and correction systems are grossly inadequate, but a few examples are:

1. Crime is not restricted to the lower socioeconomic stratum of our society, but the majority of our prisoners are from the lower socioeconomic groups.

2. Crime is not a phenomenon of minority ethnic groups, yet a disproportionately high percentage of our prisoners are from minority groups.

3. All citizens are supposedly considered equal under the law; therefore, one finds it difficult to explain why the death penalty has been reserved primarily for the poor and for minority ethnic groups.

4. Sentences are supposed to reflect the nature of the offense and the history of the offenders; yet, available evidence clearly points out that the philosophy of the sentencing judge affects both sentence length and whether the individual is actually incarcerated.

5. The gravity of a crime is not usually determined by geography; yet, state boundaries have a dramatic effect on sentence length.

Questions We Must Answer

Before the question which was assigned to this group—

“How Do We Obtain More Consistent and Appropriate Sentencing?”—can be answered, we must ask and answer at least two others:

1. What is the purpose of sentencing?

2. What are the criteria for “consistent” and “appropriate” sentencing?

I am certain that there are many facts and variables which must be considered before our work is finished. Most of the existing statutory and operational complexities which presently permit and often predetermine inconsistent and inappropriate sentencing of offenders cannot be corrected without major legislative changes in each jurisdiction. This will require several years of carefully planned work, but “consistent” and “appropriate” sentencing can and must become a reality in order to bring about the necessary reforms in corrections.

JAY EDELSON

Social Science Advisor, U.S. Department of Labor

AT THIS juncture in American history it is essential that “corrections” be conceived of as a broad-gauged social problem—one that requires the understanding, support, and involvement of all of our significant social institutions, as well as maximum private and voluntary sector effort. Unless we understand, as a society, why we send men and women to prison, or why sentencing of any kind follows judgment, for that matter, we are going to be less capable of resisting the gradual slide from a policed society to a police state.

Put somewhat differently, “corrections,” as a discipline and a work-system, needs to have goals and measures of effort set for it by society, speaking through government and citizen participation, rather than generating values largely out of the existential, day-to-day nature of the institutions themselves. Corrections, then, should expect policy, guidance, resources, and judgment from society, based on a shared sense of what is appropriate and reasonable with respect to changing human behavior in the present state of the social sciences.

We Know Too Little About Criminal Behavior

As things now stand, we know far too little with respect to so-called criminal behavior patterns to act with untrammelled confidence at all in terms of institutional- or community-based programming. We do know, however, that there is some segment of offenders that appears to be capable of responding to the opportunity to acquire skill, develop work habits, and engage, with help, in gainful employment. If a significant number of these men and women—not too old, too young, too sick, or too aggressive—can be identified and linked with such opportunity, then it is reasonable to assume that public confidence in modes of sanctioning other than confinement for long periods of time will begin to rest on a solid base of experience gained in society. The circle can then begin to be closed. Expectations of what corrections can be more reasonably related to the actual capacity of corrections to achieve

results consonant with broadly-based goals that rest on a social consensus.

Such a “ripple” effect will take at least half a generation to achieve—and must stem, at least in part, from a more vigorous effort by the federal establishment to insure that all forms of federal assistance for corrections and offender rehabilitation are packaged in the most accessible form possible under present law. Until the states and communities of our Nation can be helped to pick out of the welter of programming assistance those discrete components that match well with locally determined priorities in the criminal justice system, little of moment will be accomplished through governmental effort. However, society, in its own interest, should not wait for the Federal Government to achieve the coordinates and fusion of resources in this difficult field that it has not been able to achieve easily—or at all—in other fields, such as delivery of health services or packaging of housing for the elderly.

Many Need Not Enter the Criminal Justice System

This means, finally, that the responsibility for independent, volunteer action in the area noted above—that is, identifying and removing, wherever feasible, from the criminal justice system, those individuals who can be reasonably expected to be self-sufficient—should rest at the community level, outside of the major bureaucracies. Centralized, massive establishments cannot bring the rule of law successfully to the periphery of society—whether in the form of the patrolman on the street-corner, or in some other form—unless there is a broad social consensus on what is to be expected. Citizen and community involvement with corrections, cutting into its somewhat self-imposed isolation, can help bridge that gap and force us to realize what we should have long since learned: if we wait for the government to tell us why men should go to prison and when and why they may be released, without an effort to

develop and use meaningful criteria for sanctioning, we will find that the reasons for imprisonment will tend to multiply. We can no longer afford to passively wait for a change in social attitudes to make prison reform possible. Corrections must be approached with an eye to its being a vehicle for social change.

And, so rather than attempting to answer the question stated above, as the subject for this workshop, I have attempted to outline, briefly, why the correctional crisis—as part of a larger social crisis—promises us an opportunity to deal with some of the more pressing social problems. If we can bring home the lesson that many of the more disadvantaged and deprived individuals in corrections and the criminal justice system can be expected to re-enter society and function effectively; if we can publicize this; if we can encourage rationality in our expectations of what men and women can accomplish; then, social attitudes can be shaped to a more

humane posture with respect to those other disadvantaged individuals who are clinging to the labor force by their fingernails. We can learn what a man is worth, what he may do if helped, from observation of the behavior of those who bear society's greatest stigma. As society's attitudes with respect to the offender change, a more accurate perception will emerge of the potential for acting directly on the lives of individuals without the necessity of massive systemic change. We will learn to be more compassionate with one another.

Despair at solving the massive problems and frustration with the inability of government to work—all these can alter over time if we begin to attack correctional reform, not as a step-child or least-favored candidate for change, but as representing a golden opportunity. In short, we should act as if the men and women in corrections—staff and offenders—were the most important individuals in the systems of social action. Because they are.

WAYNE HOPKINS

Senior Associate, Crime Prevention and Control, United States Chamber of Commerce, Washington, D.C.

CORRECTIONS is the third and perhaps the most critical stage of the criminal justice process. Yet, it is also the least visible and least understood part of that process. Corrections includes detention, probation, institutions, transitional release, and parole programs for adults and juveniles, both male and female. It is a massive operation, receiving more than 2.5 million new offenders a year at a cost of more than \$1 billion and is burdened with a performance record which would plunge any business into bankruptcy.

Confusion over whether corrections should be punishment-oriented, rehabilitation-oriented, or both, brings public accusations and criticism of brutalizing offenders on the one hand and coddling them on the other.

Manifestations of this confusion are apparent when our mammoth institutions, intended primarily for punishment and detention, can coexist with growing numbers of small, community institutions designed to help and rehabilitate offenders—two completely different approaches that, in effect, work at cross purposes.

The shameful conditions within many prisons achieve nothing but an increasing rate of recidivism—80 percent of all felonies are committed by repeaters.

Corrections Is Everybody's Business

Corrections is everybody's business. We all pay the high cost of supporting a system which the experts agree is a failure.

Because the changing of the correctional system involves a heavy expenditure, it is obvious that there will be much competition for the money available. Because of this competition, it will be necessary for society to put forth a much greater effort in order to expect corrections to correct. Society must help activate what it desires.

Corrections are competing for finances with other govern-

ment programs such as foreign aid, pollution control, and even highway programs. It takes \$2 million to build a mile of highway. With the money for 6 miles of new highway, a \$12 million juvenile institution could be built.

What Does Society Expect?

Should Society Expect Punishment? The question is what kind and how.

Should Society make the choice of retribution (eye for an eye) or modern methods of rehabilitation?

Should Society expect parole, probation, and other rehabilitation procedures to insure well trained correctional personnel, sound, practical, and fair institutional policy and procedures, consistent supervision regardless of race, creed, or color, and a correlated and cooperative system of operation of the criminal justice system from arrest to the courts to corrections to parole, probation and on to rehabilitation.

The responses of a public opinion poll of a national sample of adults and teenagers conducted by Louis Harris and Associates for the Joint Commission on Correctional Manpower and Training revealed very little support for the community approach toward rehabilitating offenders. For example, the concept of the halfway house was approved by about 8 in 10 of those interviewed. While support was clearly heavy for the idea, only 50 percent personally favored a halfway house being established in their neighborhoods.

Significantly, when those interviewed were asked how people in their neighborhood would feel about such an idea, support fell away by better than 2 to 1. Similar responses were obtained relating to a willingness to hire ex-offenders for selected jobs.

After thinking through the Harris poll, it becomes obvious that society must be informed as to the true story of corrections.

PETER P. LEJINS, PH.D.

Director, Institute of Criminal Justice and Criminology, University of Maryland

CORRECTIONS is only one of the major methods of dealing with the criminal offenders which societies have at their disposal. The other two methods are punitive sanctions, or simply punishment, and incapacitation of the offender in order to protect society from him. These three methods of dealing with offenders can be traced throughout the history of mankind. They are fully recognized and used in the United States—throughout the country's legislation and in administrative practice at all levels of government—and they are expected by the general public as well.

This perspective on corrections is completely in line with the concept of criminal justice that has recently emerged and that views criminal justice as a system. This perspective recognizes that in the process of planning and evaluation, a correctional measure should not be looked upon only as an entity in itself, but rather that it must be considered also as one component of a system which must be planned and evaluated in its mutual interrelationship with the other two methods mentioned above, assessing not only the effectiveness of each one of the three, but also the effect of each on the effectiveness of the other two.

Need for Modification of Present Approaches

In terms of realities this means a need for modification of the prevalent approach on the part of most people dealing with corrections, especially the social science researchers, who have been visualizing their task exclusively as a behavior-modification assignment in the sense of "making a non-offender out of an offender" by means of "cause-removing" measures, very much by analogy to the "medical model."

Here is an example to clarify this. It is generally recognized that the major function of the punitive sanctions in the criminal law system is the general deterrence of all potential offenders. It is generally by means of this deterrence that criminal law exercises preventive influence and it is usually granted that the effectiveness of general deterrence in the long run depends on administering punishment to the individual offender whenever an offense is committed. The certainty and the celerity of punishment are presumably the key to the success of this system of crime control. Hence, replacement of punitive sanctions by correctional treatment is bound to have an effect on the effectiveness of general deterrence. Thus, for instance, a change from mixed punitive-correctional measures, such as incarceration in correctional institutions—where limitation of freedom performs the punitive function, while correctional programs are supposed to bring about the desired behavior modification—to community-based treatment, which contains very little of punishment, should be evaluated not only in terms of the behavior-modification value of community-based treatment, but also in terms of the effect of this change on the functioning of general deterrence. The same applies with reference to the protection of society by means of incapacitation of the offender. A rea-

sonable amount of the needed incapacitation cannot be sacrificed in favor of correctional experimentation any more than excessive incapacitation should be allowed to stand in the way of correctional treatment.

It is suggested that this type of planning in terms of the total criminal justice system be called systemic planning or "systemic planning and evaluation model." In professional jargon it might be stated that the correctional evaluation of our correctional measures in terms of their theoretical and empirical justification must be supplemented by systemic evaluation.

Some Additional Criteria

Our perspectives on corrections, however, must go beyond the evaluation of the effectiveness of correctional measures and even beyond systemic evaluation: there are additional criteria that must be taken into consideration. This approach leads to what is here proposed to refer to as the "composite evaluation model." One might mention three such additional criteria:

1. The values and ideals of the society, e.g., the humanitarian principles prevalent in the United States, which require the humane and decent treatment of all, including offenders. The basic principles expressed in the Constitution can very well be mentioned here. In other words, the cultural setting within which the correctional measures are supposed to be applied must be taken into consideration.

2. The resources available for correctional programs in the criminal justice system and in the society as a whole must be considered. By way of an example, a correctional method which requires an inordinate amount of professional time to be spent on an individual offender may be totally impractical, regardless of its potential effectiveness. No society can afford to have as highly trained a correctional agent as, for example, a psychiatrist working full time to correct no more than 10 offenders in 1 year. American society could not afford 20,000 psychiatrists working full time with 200,000 inmates of state and federal correctional institutions.

Cost-benefit analysis is an all-important tool when we are dealing with limited resources, and the resources of a society are necessarily limited in terms of dollars, personnel, time, and training investment in the personnel. Cost-benefit analysis must be applied both within the criminal justice system for the comparative evaluation of correctional, punitive, and protective measures and within the society as a whole as to what resources it can afford to assign to the handling of the crime problem.

3. Finally, the accepted standards and quality controls which our society so often uses in the so-called accreditation and licensing of both agencies and professional workers must also be applied to correctional measures as such.

It is believed that the emphasis on planning in terms of

the entire scope of the criminal justice system and the needs of the society should have a high or even top priority at the present juncture of correctional development. Hence the importance of what it is here proposed to refer to as *systemic and composite models*.

Differential Handling of Offenders

Another proposal which should be explored is the possibility that our present approach to criminal offenders as a homogeneous population, in the sense of all being equal before the law and therefore suffering the same consequences for their crimes, is not the most effective way of handling the crime problem. There is a good possibility that the three methods of criminal justice—punishment, protection and corrections—should be used differentially, depending on the offense and the offender. The final answer will be given by research, but at least as a hypothesis it is a reasonable proposition that some criminal law violators might best respond to punitive measures, others can be handled only by incapacitation, while

still others are the proper subjects for correctional treatment. Again, to use an example, it seems quite obvious that such an offense as fraudulent tax returns can be controlled only in terms of general deterrence and therefore needs punitive sanctions. A youthful offender, on the other hand, who became involved in criminal activities as the result of growing up in a highly delinquent area, would appear to be a proper subject for correctional intervention.

It could be that the future of an effective rational criminal justice system lies in such differential handling of different types of offenders and offenses.

Finally, as an overall suggestion for corrections and the criminal justice system as a whole, an explicit statement of the goals, objectives, and premises, as well as of the methods and techniques to be used, must be a basic requirement for the planning, operation and evaluation of all correctional and other criminal justice programs. Blind traditionalism and fadism, which have plagued corrections and the criminal justice system in general, must be replaced by clear and explicit statements of what is being done and why.

Group Reports of Workshop I

GROUP A

CHAIRMAN: Dora Somerville
DISCUSSION LEADER: Vincent O'Leary
REPORTER: Cornelius M. Cooper

In terms of its mandate to determine priorities with respect to what should society expect of corrections, Group A made an initial assessment that society must recognize that corrections must be interpreted within the constraints that the entire system of criminal justice imposes. It recommends that society must support:

1. A long-term program of substantial federal financial support to sustain state and local correctional programs, both adult and juvenile. These programs should be mounted immediately with emphasis on community-based activities and alternatives to incarceration.
2. A national system of minimum standards or accreditation for correctional facilities and services. This system should be established with the cooperation of major correctional associations. However, these standards should not be designed to preclude emphasis on new and innovative approaches and programs that are initiated at the community level, but should insure that these new resources are made available to all criminal justice officials. Any program designed to effect minimum standards or accreditation should not receive federal subvention without an acceptable evaluation component based on a result-oriented thrust.
3. Creation of a definable federal correctional agency specifically responsible for providing leadership at the national level and for assisting state and local correctional agencies both adult and juvenile.
4. Development and enforcement of minimum levels of humane and fair treatment for offenders with active citizen participation in the establishment of acceptable levels of treatment. There should be state and federal legislative enactments designed to guarantee such levels of treatment with a mandate to the Civil Rights Division of the U.S. Department of Justice to actively enforce them.
5. Substantial amount of funds for research which will be systematically introduced into the postconviction system to facilitate the production of more knowledge about crime reduction and the identification and treatment of violent offenders.
6. A major national effort to provide improved classification and diagnostic information to all criminal justice decision makers.
7. Utilization of the skills of ex-offenders in the development of policy and programs.

Despite the above recommendations, the group believes that at this point in time society, in general, still expects a "pound of flesh" and that the notion of retribution is omnipresent with no essential change observable in the foreseeable future.

This creates a mandate on the system of criminal justice to assume the positive leadership role in the development and implementation of a correctional system that will materially assist in returning to the American community a productive citizen.

GROUP B

CHAIRMAN: Michael N. Canlis
DISCUSSION LEADER: Raymond K. Procnier
REPORTER: Don Manson

Group B did not formally agree upon recommendations or findings. The list that follows does represent, however, ideas that were discussed and suggestions that were made.

1. There is need for more honesty in describing the corrections field.
 - (a) Corrections must make an honest evaluation of itself; it has not done so thus far. This should include a clear statement of what it can do and cannot do.
 - (b) The public should be informed by correctional officials exactly what to expect.
 - (c) In the past, there have been unreal expectations raised, sometimes through false claims of correctional capabilities. This has resulted in expectations that are too high and an inability to produce the desired results. This must cease.
 - (d) It must be recognized that in many cases it is difficult to rehabilitate at all in prisons, for a number of reasons.
 - (e) Rehabilitation is clearly not possible for everyone.
 - (f) The press must assist corrections in obtaining an honest and realistic interpretation of its program and facilities. (This is not to shift the burden to the press.)
 - (g) A wide range of possibilities exists for the definition of corrections, such as "everything after conviction," or "including some postarrest but preconviction activities." However, in the final analysis, corrections must define itself.
2. On the other hand,
 - (a) The public should not hold corrections to an unrealistically high success standard.
 - (b) The public and other criminal justice agencies must take active steps to better understand the complex purposes and abilities of corrections.
 - (c) Corrections needs information from other criminal justice agencies as to what they each expect from corrections.
3. The public should have greater participation in corrections programs by community people, by ex-offenders, by volunteers, by legislators, etc.
4. The public should expect concentration not only on programs but also on systems changes (e.g., the California probation subsidy program). There must be something in it

for those who assume additional work if systems changes are to be lasting.

5. The public should expect emphasis upon nonprison alternatives whenever reasonable.
 6. The public should expect changes in basic items, not trivial items.
 7. The public should expect some protection.
 8. The public should expect rehabilitation—some change in the offenders.
 9. The public should expect activities pertinent to the offenders' lives in the community—personal growth, personal change, and development as a nondetrimental member of society.
 10. The public should expect to take some risks (but corrections must take reasonable steps to show the public what those risks are).
 11. The public should expect corrections officials to take some risks.
 12. The public should expect that some failures to rehabilitate are not the fault of corrections.
 13. The public should expect some consideration for the victims of crime.
 14. The public should expect humane treatment of offenders and a minimum of harm to inmates.
 15. The public should expect to put more money into corrections.
 16. The public should expect a clear division between corrections and law enforcement responsibilities.
 17. The public should expect corrections to develop and make known alternatives within the system, to imprisonment, and to the system itself (such as community corrections programs).
 18. The public should know that communities and corrections cannot be separated, and that to the extent they are separated, rehabilitation will be less effective.
 19. The public should expect to recognize that we, unfortunately, have a dual system in operation—one for the rich, the powerful, and the popular, and another for the poor, the weak, and the unpopular.
- Other ideas raised, by the group apart from the question of what should society expect, include the following:
1. If real progress is to be made in the rehabilitation of offenders, we must also consider changes outside of the corrections field. Ex-offenders, for example, cannot be returned to the original neighborhood where conditions are so bad for life in general that there is an inducement to resort to crime. Other basic changes besides the corrections system are then necessary.
 2. We should get rid of some of the large, impersonal, old prisons, but we must keep some facilities for incarceration when rehabilitation is not likely.
 3. There is great need for more information by corrections people regarding expectations of the court in its sentences and the basis for sentence. There is also need by judges for more information regarding sentencing alternatives.
 4. There should be some point at which the offender's record is destroyed.

5. Consideration should be given to abolishing parole boards.
6. Politics should be removed from corrections.

GROUP C

CHAIRMAN: James B. Kessler
DISCUSSION LEADER: Norval Morris
REPORTER: G. Richard Bacon

Society should expect what it is getting from the existing system—a high rate of recidivism and hostility toward society—unless the system is modified substantially.

It is assumed that society wishes and will continue to expect protection from criminal behavior, punishment for criminal behavior, the curbing or deterrence of criminal activity, and that persons released from prison will have some ability to support themselves as law-abiding persons.

If society wishes to rehabilitate offenders against its laws, it must provide an economic opportunity system for those who want to use such a system, or those who can be intrinsically motivated to use it. While persons cannot be forced to help themselves, they can be inspired and motivated to do so, with this caveat: It is difficult if not impossible to motivate persons to help themselves if they are distrustful of those who seek to motivate them.

Any opportunity system, if it is to stimulate persons to rehabilitate themselves, must be based on an individual's capabilities and his own concept of the constructive use he wishes to make of his life. Conversely, rehabilitation cannot be successfully achieved if it is based on someone else's idea of what a person's opportunity system should be, especially if that idea is imposed by coercion.

With some notable exceptions, existing penal institutions do not provide the variety of educational and supportive experiences necessary to rehabilitate persons. Hence, maximum use should be made of community-based educational-release programs and work release programs tailored to meet an individual's needs as perceived by that individual after appropriate exposure to the range of possibilities. It must be emphasized that these educational and work release programs must be conducted on a purely volunteer basis if they are to be effective.

The development of adequate community support systems to help persons subsequent to their release from prison are essential if such persons are to become acclimated successfully to an existence independent of institutional supervision.

GROUP D

CHAIRMAN: Dr. Rosemary C. Sarri
DISCUSSION LEADER: John A. Wallace
REPORTER: Lee B. Jett

1. Correctional institutions are expected to be humane. Admittedly after one hundred years, there is significantly less physical abuse upon the incarcerated. Physical force or re-

straints should normally be utilized only defensively when it is necessary to keep the individual from hurting himself or others.

The more subtle forms of "psychological" abuse are more difficult to detect and stop. The lack of apparent concern of many of the keepers, the lack of sensitivity toward the incarcerated by staff, the feeling that all must look alike, dress alike, get up alike, work alike, and ad infinitum, create an insidious form of depersonalization that is most difficult to overcome. It is to this latter form of "abuse" that correctional administrators must increasingly address themselves.

2. Correctional facilities must be more open to public scrutiny and in this manner we may educate the public to a greater degree as to what it can expect from corrections.

For too long, the walls and fences around our institutions have been utilized just as much to keep the public out as to keep the incarcerated in. If we are to expect public support for our efforts, we must of necessity show them our programs, our physical facilities, and our staffs. The public should know that we have or do not have enough teachers, psychiatrists, caseworkers, etc. The correctional administrator in the field should be a salesman. He should sell his programs to the public, get support for those he wants and does not have, and develop his own constituency.

3. It follows that there must be some form of accountability by the correctional administration. The "closed door" has permitted many correctional agencies to spend millions of dollars yearly without anyone asking too many questions. As the national spotlight is being focused increasingly on corrections, as additional millions of dollars are being spent on programs, facilities, equipment, etc., the public, whose tax dollars make these things possible, has a legitimate right to ask, "What have you accomplished?"

4. Corrections should not be expected to solve all or most of society's problems; however, it must make known the problems to which it can contribute a solution. It perhaps can be appropriately asked of society why it should send into any correctional system an offender who has more often than not failed for years in work, marriage, school, the military, and expect a system of underpaid, harassed, and under-trained employees to do next to the impossible? Society should not expect 100 percent "cures" even with unlimited funds. People are not that predictable. Corrections often returns persons to the same set of problems: poverty, lack of training, inadequate housing, and other social problems that led to their criminal act. These areas also demand society's attention.

5. Corrections must suggest additional alternatives to incarceration.

GROUP E

CHAIRMAN: Robert J. Kutak

DISCUSSION LEADER: Mrs. Merlyn Matthews

REPORTER: Edwin R. LaPedis

By implication the question, "What should society expect of corrections?" asks for the specification of a set of objectives

for the correctional system. The topic question appropriately will require development of a list of objectives by the public and a response by correctional personnel as to their ability to meet those objectives.

The general goal of corrections is to turn law breakers into law-abiding citizens. However, there is a need for a more careful definition of who the offender is, and what he should be. For instance, behavior that was criminal last year, e.g., abortion, is not criminal under certain circumstances in certain states today. The opposite is also true.

It is suggested that society does not care how the goal is achieved so long as it works, it is cheap, it is not exposed as being inhuman, and it appears to be in tune with society's need to feel it is being protected. Finally, it was concluded society does not want to be personally involved in the implementation of any method to achieve these objectives.

It is strongly recommended that society (the community) give up its laissez-faire attitude to achieve its goal. Corrections, it is offered, has a substantial responsibility to remind society of its responsibility for the creation and the solution of the problem. The critical question should be, "What should corrections expect from society?"

The depth and breadth of the group discussion clearly reflected the profoundness of the question and the divergency of the views of the group. To suggest that there was any group consensus probably would not be correct. The group at no time spoke as one voice, but rather responded as individuals. Therefore, although numerous recommendations and suggestions were proposed, they were not clearly supported by the total or even the majority of the group.

Several members of the group questioned the whole notion of corrections—whether it should be given priority, whether it is philosophically palatable, and whether it serves any reasonable social good. On the other hand, it was suggested that given more resources, deftly utilized correction could make a contribution to society and to the offender. If there was any consensus, it was that society needed the issues at hand articulated more effectively and more frequently by those who understood the problem and had some understanding of what needed to be done.

The following is a list of those suggestions by the group that appeared to be recommendations. At no time did your reporter perceive that the group had reached a consensus. In fact, its major contribution appears to have been an ability to express grave doubt in what is being done and greater doubt in what should be done.

Society should expect corrections to:

1. Intervene with remedial action as early as possible in an offender's career.
2. Incarcerate in traditional institutions the smallest number of offenders for the shortest period of time that it can.
3. Articulate its objectives clearly and in terms society can understand.
4. Meet its objectives.
5. Live within the laws that govern its activities, respect due process, and adhere to traditional notions of morality.
6. Behave as if it is an integral part of the criminal justice system and that it relate to those other parts of the system in

a manner that heightens its ability to achieve its goals.

Society should also expect:

7. That it utilize its resources in a manner that is most likely to achieve its objectives.

8. That those being released from custody have a reasonable capability to live in society without committing serious crime.

9. That the system has the ability to reflect in its actions, changes—both legal and social—occurring within society, i.e., reduction in the spin-off effects from discrimination, significant findings in methodology related to the changing human behavior, etc.

10. That it not be expected that an objective of corrections be to make the offender accept middle-class values.

11. That the offender be able to maintain a degree of control as to what kind of behavior change methodology to which he is subject.

12. That the ex-offender, who may have the capability of making a major contribution to the effectiveness of the system, is utilized by the system.

13. That corrections not only organize itself to carry out its function, but that it also assume responsibility for evaluating what it is doing, identifying what it is doing right and utilizing its resources in a manner that is most effective.

Although there was a great deal commentary about many other subjects, it was discussed in a way that was not related to the introductory question. The issue at hand, and frequently avoided was "what society should expect?" In this context, it is concluded that the proper summation would be, that the group decide to "take the matter under advisement."

GROUP F

CHAIRMAN: John Marshall Briley

DISCUSSION LEADER: Dr. E. Preston Sharp

REPORTER: Carol Blair

Before we attempt to define the legitimate expectations of society, there should be a clear understanding of what is meant by "corrections." We take it to mean the correctional process which begins when an offender is placed in detention status and continues until he is released from probation or from parole. The process includes juvenile detention facilities, jails, probation, aftercare, institutions, parole, community residential centers, and all programs dealing with the offender prior to final release from correctional custody—a process which, in substance, is intended to give offenders the ability and desire to be good citizens.

With this definition in mind, it is the consensus of Group F that society has the right to expect the following of the correctional process:

1. A better allocation of available and planned resources (local, state, and federal).

To accomplish this, society has the right to expect more precise information about correctional successes and failures, the amount of recidivism, and, more importantly, its causes (i.e., why some offenders repeat, and why others do not).

To accomplish this, society has the right to expect removal

of any legal obstacles that prevent regionalizing or pooling of existing and planned facilities and services at the various jurisdictional levels, either actually or by contractual arrangement.

2. That the needs of the individual be given maximum consideration in determining the appropriate type of correctional service.

This means confinement of some offenders who endanger lives and property, and treatment of the nondangerous and so-called "victimless" offenders with alternatives to incarceration. It even includes diversion of the offender from the full criminal process through such devices as deferred prosecution.

It also means that this expectation of society will require adequately staffed community clinics for presentence or pre-commitment evaluation. There must be standards, evaluation, and accreditation developed by the professional field in order to provide such adequate services and to give the taxpayer a true evaluation of the corrections process. Such evaluation would determine the individual's needs (medical, physical, psychological, educational) and his rehabilitation potential before his sentence. And, finally it means creation of as many alternatives to incarceration as are necessary, including half-way houses, community residential centers, programs of work release, educational furloughs, and small community-based facilities where the required amount of supervision and control would be present.

3. That dependent children should not be housed with delinquent children.

4. That juveniles should be separated from adults in institutions housing offenders.

5. That female offenders should be separated from male offenders.

6. That, for society's present safety, dangerous offenders be steered away from destructive pursuits and, for its future safety, nondangerous offenders (especially young ones) be given the means, the opportunity, and the desire to choose careers that are not criminal.

Society itself may already have done a better job than the corrections system when it is borne in mind that, out of the estimated 10 million ex-offenders in the United States today, less than 1 percent are the problem, and the rest have been absorbed into society and have become good citizens.

7. That the Bill of Rights is for all Americans, including prisoners, save for such exceptions as the legislative branch may constitutionally define.

Corollary to these expectations is the obligation of society to become involved in the corrections process. In the words of the President's Task Force on Prisoner Rehabilitation: ". . . perhaps the greatest obstacle to improvement in the correctional system always has been the tendency of much of the public to regard it and treat it as a rug under which to sweep difficult and disagreeable people and problems."

But this attitude is unreal because the overwhelming majority of offenders are either on probation or parole, and it is they that must be prepared for useful participation in the community. And the feasibility of any community-based corrections program depends almost entirely on the attitude of the community itself.

Unless society really *wants* to help the offender to a life other than one of crime, its own expectations of what it can rightfully expect of corrections will go unfulfilled.

GROUP G

CHAIRMAN: Richard J. Hughes
DISCUSSION LEADER: Jerry V. Wilson
REPORTER: Nick Pappas

It is the conviction of this workshop that corrections generally, and prisons in particular, reflects the imperfections of society. In this regard, society has not been fully capable of accepting responsibility for the results of its imperfections, including irrelevant education, poverty, class and racial conflict, and lack of opportunity. It also has demonstrated an inability to formulate realistic correctional goals.

Cognizant of the above deficiencies, Group G as a result of its deliberations, has agreed upon the following correctional objectives and programs:

Corrections must engage in a maximum socialization and re-education effort in order to reduce crime and recidivism. In order to achieve this goal, and in the process of its achievement, it must be concerned with (a) the safety of society and (b) the general well-being of the offender. Large institutions have proved to be unmanageable and counterproductive to rehabilitations. Therefore, it is proposed:

1. That institutions be built that house no more than 400 inmates;
2. That these new institutions be built near urban centers in order to facilitate the recruitment of minority group members and professionals; and
3. That large institutions be used for reception and diagnostic centers.

Institutionalization should be considered by the courts as a last resort and emphasis should be placed on community corrections programs. Emphasis must therefore be placed on:

1. Increased use of presentence evaluation to avoid confinement of those persons who would better respond to community programs.
2. Development of community corrections programs including (a) the selective use of work release, study release, etc.; (b) increased use of halfway houses; and (c) contracting outside of corrections for administration of halfway house programs.
3. Transformation of jails into community corrections centers through (a) development of the full range of community programs with full and maximum use of community resources; (b) separation of juveniles from adults and females from males; (c) diversion from the jail of drunks, the mentally disturbed, and other persons who represent crimes without victims; and (d) development of state jail inspection capability within each state.

The corrections system must accept responsibility for those persons committed to its charge and must develop and implement minimum standards to meet inmate needs in health and medical care, food service, overcrowding, and the reduction

of the deleterious effects of the prison environment.

In addition to the above goals, the following goals should be met:

1. All indigent inmates should be provided the full range of legal services in order to meet both criminal and civil legal problems.
2. All judges should be required by law to visit all institutions to which offenders are sentenced. Such visits should be on an annual basis.
3. The inadequacies of federal, state, and local probation and parole departments must be corrected by substantial increases in financial assistance.
4. Prison labor, a serious problem, must be solved with the assistance of private industry and organized labor.
5. The employment problems of the released offender must be met by relevant programs such as (a) employment furloughs, (b) employment placement, and (c) increased "gate money."
6. Corrections should develop an incentive system geared to self improvement and linked to a reduction of time to be served, so that inmates will be motivated to participate in correctional programs.
7. Prison industry must be recognized as a failure and every attempt must be made to provide inmates with useful work.
8. The data gathering processes of the criminal justice system need to be improved so that the performance of each element is available to the public in clearly evident terms.
9. Society has a right to hold the administrators of the several components of the criminal justice system accountable, not just for performance according to measures of their portion of the system, but also for the primary objective of the total system—the reduction of "perceived serious crime."

GROUP H

CHAIRMAN: Ellis C. MacDougall
DISCUSSION LEADER: Dr. Elliot Studt
REPORTER: Leo Zeferetti

Dr. Elliot Studt, in answering "What Should Society Expect of Corrections?" related that society is already getting about what is expected of corrections, in terms of rehabilitation, because of its (societies) lack of participation.

She proposed the following provisions if corrections is to be more than a holding operation.

1. Massive reduction in the length of sentences.
2. Adequate demobilization allowance.
3. Elimination of discriminatory employment policies.
4. Effective means for wiping out criminal records.
5. Maintenance of civil rights in spite of corrections.
6. Massive reduction of surveillance of paroled inmates.

Discussions which followed suggested that in the first instance, society should expect protection. The apathy that society has shown for the correctional system is one that has to be changed. Education through community participation could result in the political awareness necessary for budgetary priorities. Money, whether through budget allocations from

governmental agencies or federal grants, should be utilized for the basic needs for existing departments. A progressive attitude for achievement should be projected without aiming for utopia. If we can reduce our recidivism figure, let us not become defensive when the figure may not be as high as we like. Through some intensive public relations society should hear about the institutions and departments that are having success through tested programs. Society should know about the proportion of the inmate population in all systems that are never going to be reached through rehabilitation, and that corrections is an integral part of the administration of justice related to the police, courts, and probation and parole.

It was further suggested that we might start with society's ills. The war on poverty, discrimination, etc., are to be our first objective if we are to do anything for corrections, since the inmate population is comprised of many faced with this problem.

The general feeling clearly indicated that society has to be made aware of its responsibility to the correctional system and the administration of justice if they are to reap any progress in reducing crime and safety in communities.

GROUP I

CHAIRMAN: Oliver J. Keller, Jr.
DISCUSSION LEADER: Dr. Edith Flynn
REPORTER: William A. Cohan, Jr.

The public should expect:

A correctional program that will develop genuinely rehabilitative programs and provide a wide range of services that will best meet the needs of offenders with emphasis on community-based programs. In appropriate instances this would include diversion of the offender to noncorrectional services outside the criminal justice system.

An aggressive and candid presentation by correctional administrators of programs and problems.

A responsible, credible accounting on a regular, periodic basis to include failures as well as successes.

An end to isolation of the various parts of the criminal justice system from one another, a coordinated effort of services, and a free flow of information among police, courts, corrections, academia, legislature, and the taxpayer.

Basic empirical research to insure that successes are capitalized upon and mistakes recognized.

That it (the public) will participate responsibly in the correctional process to enhance the resocialization and reintegration of offenders into the community.

GROUP J

CHAIRMAN: Carl M. Loeb
DISCUSSION LEADER: John P. Conrad
REPORTER: Carolyn Huggins

Too much is expected of corrections by society. Society should expect safety and should expect corrections to pro-

tect it from dangerous persons while at the same time maintain the dignity of prisoners and prepare them to re-enter society and become good citizens.

The group concluded that:

1. Society must realize the needs of corrections. More money is needed for corrections, and all kinds of help is required from outside the system in (a) finding employment for all ex-offenders; (b) repealing all laws, regulations, and official policies which deny employment to ex-offenders; and (c) including ex-offenders, along with legally defined minorities, in hiring under affirmative action employment programs. The group did not adopt recommendation (c) unanimously.
2. Society should concern itself with the removal of all legal disabilities for those ex-offenders who, after an appropriate period of time, have shown they have reformed.
3. Society should expect development and utilization of alternatives to incarceration for those who do not need institutional care.

GROUP K

CHAIRMAN: Paul W. Keye
DISCUSSION LEADER: Dr. George G. Killinger
REPORTER: John McCart

The following is the report of Group K:

1. Legislatively, redefine those who are admitted into the criminal justice system by (a) giving primary service to those persons whose actions give severe injury or threat of injury to other persons or property, and (b) providing aid and consultation to those agencies which give service to those offenders who, by definition, are out of the system because their crimes are without victims or criminal intent.
2. Divert from the correctional system any offender who will voluntarily accept help without court authority.
3. Once admitted to the system, provide increased opportunity for self-esteem, increased responsibility, and a maximum opportunity to achieve success.
4. Involve the community in all aspects of the correctional system as an essential factor in the improvement and change of the system.

GROUP L

CHAIRMAN: Judge Lawrence W. Pierce
DISCUSSION LEADER: William D. Leeke
REPORTER: Herbert E. Hoffman

The 19 participants in Group L began deliberations somewhat off-target, addressing first the purpose of sentencing, and then addressing the question of what *does* (as contrasted with *should*) society expect of corrections.

As to sentencing, it was suggested that:

1. In the first instance we must differentiate between the man who should be incarcerated and the man who should not be incarcerated.

2. Incarceration must be appropriate to the offense and the offender.

3. Incarceration must be humane even when imposed to "chasten" (a euphemism for "punish").

4. Incarceration must not brutalize.

5. Incarceration must be directed primarily at "recycling" a man toward a respectable, responsible future following his release.

6. Corrections' primary goal for the incarcerated offender must be to motivate him to want a life free of crime when he returns to the open society. (One conferee believed failure to motivate was the weakest link in the corrections system.)

It was suggested that "society" is a term which may be broad or narrow in its application. Using a narrow definition—the community from which the offender came and to which he would return—one conferee was convinced from his experience in a black ghetto community with a high crime rate, that society would want an offender imprisoned for as long as possible. Hence, if we are going to emphasize rehabilitation and release, we must educate communities to accept this approach.

As to what society, speaking more broadly, presently expects of corrections, various views were expressed—incapacitation, punishment, rehabilitation, and the deterrence of others. It was suggested that punishment is in itself rehabilitative and should be imposed with that concept, rather than vengeance in mind.

Although recognizing that crime prevention demands attention as far back as when youngsters are in the early grades of elementary school, the group, nevertheless, agreed that for the purposes of our discussion, we would consider corrections as that process which begins after a man has been convicted of a crime. With this in mind, the following conclusions were expressed as to what society should expect from the corrections process:

1. That the corrections process will distinguish between those who must be incarcerated and those who need not be.

2. That the corrections process will differentiate between those who are dangerous and those who are not, and concentrate on the "recycling" of those who are not.

3. That the corrections process will determine which of the dangerous offenders are *likely* to be rehabilitated and make maximum utilization of available resources to effectuate their rehabilitation. Thus it was recognized that some offenders would be merely "warehoused" with minimal rehabilitative services available to them.

4. That sentencing and imprisonment will be individualized to increase the likelihood of success.

5. That corrections people will use their expertise to design modern corrections techniques—e.g., community centers, work release, etc.—and educate the public to accept them.

6. That the corrections process will foster the development of postrelease programs for assisting releases to continue self-improvement and prepare for honest employment. (In this connection, there was a split in the group as to the appropriate balance between the development of work habits and the teaching of vocational skills. One conferee reported that 80

percent of those who learn a trade in prison do not use it after release.)

7. That to attain progress, reasonable risks must be taken and some failures anticipated. Prediction obviously is fallible.

8. That sentencing judges can impose appropriate sentences only if provided with adequate tools—e.g., manpower, pre-sentence reports, and sentencing alternatives.

9. That an ex-offender can succeed only if society participates in his rehabilitation—e.g., job training and job opportunity.

10. That the system will, for as long as possible, protect society against a man who cannot be rehabilitated; that is, keep him incarcerated.

11. That corrections people will have recommendations for the handling of those who commit victimless crimes—the addict, the sex deviate, the alcoholic, and the prostitute. Also, they will have recommendations for the handling of the same types when they commit crime induced by their basic problems.

12. That only if it supports the entire spectrum—police, courts, prisons, parole, employment—in a coordinated, inter-related effort can society expect greater effectiveness.

13. That corrections methods and approaches preferably will be based on knowledge—not hunches, instinct, and guesswork.

Society should *not* expect:

1. That corrections will eliminate crime. Only a small percentage of offenders are apprehended and a still smaller percentage are involved in the correctional process.

2. That society at large should have any guilt feelings as a result of inflicting punishment on those whose behavior is not acceptable to society. Those who act irresponsibly expect to be punished, albeit in a humane fashion.

GROUP M

CHAIRMAN: Richard A. McGee
DISCUSSION LEADER: Jay Edelson
REPORTER: Roberta Dorn

The findings of the group are the following:

1. Society should expect honesty from corrections officials regarding funding needs, program development, and general services.

2. Society suffers from a lack of understanding and misinformation regarding the corrections system in general. This leads to unrealistic expectations, distrust, and lack of support.

3. The corrections system has failed to exercise leadership and to develop an informed and supportive public.

4. The public should not expect more than can be delivered with available resources. The corrections system has led society to expect more than it can produce.

The group offers the following recommendations:

1. Corrections officials must exercise a more active leadership role in the areas of public education and legislation.

2. Correctional administrators must mount public education

programs directed toward special interest groups such as employers, educators, volunteers, etc.

3. Correctional administrators must accept the responsibility to develop volunteer programs at the community and institutional levels.

GROUP N

CHAIRMAN: Kenneth E. Kirkpatrick
DISCUSSION LEADER: Wayne Hopkins
REPORTER: Jack H. Wise

Discussion leader Mr. Wayne Hopkins opened the session by telling us the results of a survey he had conducted among a number of businessmen across the country. The survey revealed that businessmen are vitally concerned. Their primary expectation of corrections is that correctional administrators provide leadership, and that as professionals engaging in correcting the offender, they should articulate success and failure, devise alternatives, and plan those methods and procedures that would serve to reduce crimes and delinquency. Having agreed on this statement the group then addressed itself as to how to fulfill this obligation. The group concluded the following:

1. To reduce crime and delinquency and protect the public. This may be accomplished by (a.) improved rehabilitative treatment programs in correctional institutions by enactment of legislation designed to provide realistic vocational experience and improved education resources; (b.) community treatment for those who do not need institutionalization; (c.) a total approach incorporating all social institutions and services, including health, mental health, welfare, employment, etc.; and (d.) communication and coordination of all component agencies of the criminal justice systems as a systems approach and seeking agreement in order that various component agencies will support each other continuously and not attack through news media, etc., in a destructive way.

2. To consider the victim. Corrections needs to communicate with and inform the victim and to assess restitution and reimbursement to victims where indicated. The degree of punishment is the responsibility of the courts, not corrections.

3. To keep the public informed. Corrections need not be totally defensive. (a) Successful programs should be reported to the public; (b) corrections has its failures and problems which should be forthrightly reported along with the con-

straints that caused the failures; and (c) the public support should be encouraged by bringing the public into our programs, including employment in correctional programs of new careerists indigenous to the community and volunteers indigenous to the community providing service to the agency.

4. To be accountable for results. There should be (a) accurate reports of cost effectiveness of correctional programs and (b) an evaluation of the success rate of programs, including uniform, valid statistical reporting and valid research honestly reported.

5. For corrections to establish its goals and objectives and to provide for a common commitment and thrust, it must (a) consider a regional planning approach in setting up goals and objectives and (b) measure the achievement of goals or objectives.

6. To keep the public's elected representatives informed by (a) encouraging appropriate correctional legislation, (b) enlisting legislative leadership that is available; and (c) determining whether laws are bringing offenders into the criminal justice system who may be more treatable by other programs, e.g., alcoholics, mentally ill, etc.

GROUP O

CHAIRMAN: Judge William B. Bryant
DISCUSSION LEADER: Dr. Peter J. Lejins
REPORTER: John H. Hickey

Before reaching the following recommendations and conclusions the group recognized that society must no longer "pass the buck" to corrections for the faults that occur once a person is returned to society and that society must participate by providing input into the correctional system and provide corrections with the tools necessary to help offenders return as useful citizens.

1. Corrections should receive only criminal offenders.

2. Corrections should be expected to protect society from those individuals determined to be dangerous.

3. Corrections should act as a catalyst for the return of offenders to society as useful citizens.

4. Society should have an opportunity to participate in corrections by providing input in the correctional system.

The group noted that society and corrections must no longer have a breakdown in communications and neither should be expected to take the blame, but, to face the problems.

MANPOWER FOR CORRECTIONS

Group Discussion Papers Workshop II

VIRGINIA W. McLAUGHLIN

Warden, Federal Reformatory for Women, Alderson, W. Va.

COMPETENT, concerned manpower is the foundation of the correctional system. A detailed study made by the Joint Commission on Correctional Manpower and Training discloses that this foundation is grossly inadequate. The Commission identified the following pervasive problems:

"There are still far too many employees in institutions, probation departments, and parole agencies who are there, not because they were educated and trained for particular jobs, but because their appointments satisfied political needs.

"There are still far too many correctional workers who look for other kinds of jobs to satisfy economic and personal needs because they cannot earn a decent living in corrections.

"There are still too few educational resources devoted specifically to teaching and training persons working in or desiring to enter the field of corrections.

"There is still too little cohesion among correctional workers themselves—cohesion which could mold them into an effective force for advancing their programs and promoting corrections as a unified field of work.

"There is still insufficient federal financial support available to state and local correctional agencies despite enactment in 1968 of two major crime and delinquency laws aimed at strengthening state and local criminal justice systems."

These are the broad overall problems, and their solution will have to be accomplished through greater involvement by the general public, higher education, legislative bodies, governors, and others in the executive and judicial branches of federal, state, and local governments who must alter corrections' position on the nation's agenda of social concerns.

The Commission saw the manpower development programs for the correctional field as the crucial issue. The field needs manpower who are better educated, better trained, and better motivated. In addition, we need to look for more viable methods of obtaining adequate numbers of personnel, obtaining much larger numbers of minority personnel, obtaining younger personnel, and, finally, building meaningful career ladders for all personnel.

Now is the "time to act."

H. G. MOELLER

Associate Professor, East Carolina University, Greenville, N. C.

THE WORK of the Joint Commission on Correctional Manpower and Training was concluded in October 1969, just a little more than 2 years ago. As one reads the studies of the Commission, it is clear that it addressed itself to all of the issues which we are asked to consider in this workshop.

The Commission sought answers to a wide-range of questions and in the course of its studies made a number of disturbing observations about the image of corrections. It observed that "The major problems facing corrections have been caused to a large extent by complacency and ignorance about the volatile nature of problems left unattended for too long. . . ."

The Commission also made more than 50 recommendations. Among other things, it called for a comprehensive, nationwide recruitment program. It urged a concentrated effort to encourage high school, junior college, and college counsellors to "channel students into correctional careers"; the establishment of summer work-study programs and the intensification of efforts to recruit minority group members into correctional work; and that opportunities for women be expanded. It proposed that the undergraduate degree become the standard educational requirement for entry-level work in probation and

parole and for comparable counsellor positions in institutions, and a number of related recommendations regarding pre-service and in-service educational programs. The Commission emphasized the importance of restructuring personnel roles in correctional agencies to make optimal use of specialized manpower, recognized the potential contributions of ex-offenders as a manpower resource, and stressed the importance of well-organized personnel development schemes.

We Know What Needs To Be Done

Thus, we, in the workshop, have before us a wide-ranging, comprehensive body of recommendations. There is no lack of knowledge of what needs to be done. The issue with which we are faced, it appears, is not that of making new prescriptions. These we have. Rather, it would seem, that it would be appropriate for us to attempt to focus upon at least two important areas.

In the first place, what has been done to give the recommendations which are germane to our discussions meaning and vitality? To what extent have these measures been effective in producing desired results? It is unlikely that there will be

substantial hard data on the latter, but to the extent that it is, it might well be examined.

A more important responsibility of the workshop in my view is to concern ourselves with the strategies for translating the recommendations before us into plans for action. One has the impression that the recommendations of the Commission have not, to date, been given the same attention as those, for example, of the National Crime Commission, but they deserve at least equivalent attention.

Preservice Education

In our discussions I would hope some attention might be given to issues related to the role of the academic community in the preservice education of young people for the correctional field. There is a high level of interest among students in correctional careers that is demonstrable. It is an interest, which, I believe, is closely related to a sense of commitment which the current generation of young people has to social change and its felt need for involvement in human service programs. This is a situation which can and should be exploited for the strengthening of correctional services. But among correctional educators there are wide differences of opinion regarding the expectations of the correctional community. For example, there are among us those who believe that the academic curriculum should prepare students for roles as specialists. Others argue that the college and university best serve corrections by preparing liberally educated young people who may move into a variety of entry-level professional positions. Between these extremes there are other shadings of opinion. Unquestionably there is a need for a continuing exchange between the educator and the administrator. There is need, as well, for discussions between administrators, educators, and educational administrators to clarify the respective responsibilities of junior and community colleges and colleges and universities.

In the development of preservice educational programs it would also appear that there are some important issues regarding the priorities for federal funding. The importance of providing stipends for the up-grading of practitioners in the criminal justice system is clear. But, the distribution of resources among preservice students and agency personnel deserves the attention of administrators and educators alike.

Finally, while on this subject, while we recognize the potential job satisfactions which may be derived from careers in corrections, the time for discussion of the importance of recognizing academic achievement in establishing levels of compensation is long over-due in many, if not most, jurisdictions. For the most part, corrections is not in a strong competitive position (to understate the situation). Here again, the importance of continuing discussions leading toward action among state personnel administrators, correctional agency administrators, and criminal justice educators is evident.

Equal Opportunity for Minority Groups

Certainly one of the most important issues which we are asked to discuss is that of the equality of opportunity within correctional systems for citizens of minority groups. That they are underrepresented in our systems requires no documentation. That they in many instances have a poor image of corrections is indisputable. That they have significant contributions to make to interventions in criminal careers should be readily apparent. The task of involving their knowledge and experience in the processes of change is one which we must address intelligently. I would look to the workshop to suggest positive ways to assure meaningful careers for all people who possess the necessary qualifications to perform the tasks to be done.

So much, then, for pump-priming. The real job lies ahead; let's get on with it.

JOHN P. CONRAD

National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration

LET US BEGIN with a consideration of where we are and how we got there. In such a discussion, we have the advantage of the recent and thorough work of the Joint Commission on Correctional Manpower and Training, whose 11-volume report tells us more than we can easily digest about the correctional predicament. We have, we learn, a past which is characterized by poor planning, almost no staff training, and an uncontrolled growth process which has left us poorly prepared to say what we can do, how we should do it, and how we could do better. Worst of all, over the horizon we can see new and different problems looming ahead, which we are not organized to formulate or solve.

Corrections Traditionally a Haven for Political Beneficiaries

Until the advent of the contemporary management methods

characterized by civil service structures, correctional systems were havens for various kinds of political beneficiaries. The kind of man who worked in prisons or probation departments in the 19th century and the early years of this century was the kind of a man who needed a job but had no talents to offer an employer. Looking back over my own recollections of the survivors of the pre-civil service scene, it seems to me that during hard times correctional agencies were frequently able to attract some unusual and remarkable people who were able to contrive a quality of leadership for the army of the inept who came into the field during times when better jobs were easier to get.

What evolved was a sort of cultural island in which high aspirations, idealism, and not a little imagination combined with inertia, cynicism, and not a little outright inhumanity to

create a sort of equilibrium which has become traditional. The equilibrium has depended heavily in the institutional field, and almost as much in probation and parole, on a closed system. Most entrants into correctional employment begin at the bottom. Unlike European correctional systems, there are few executives who arrive at any level near the top.

The closed system has not only been closed as to custodial employees. The various professional specialties have become just as closed to outsiders as the custodial ranks. We have correctional educators, correctional psychiatrists, correctional medical officers, and correctional chaplains. Various rationales can be advanced for these specialties in which the peculiar nature of the system and its clientele are depended on to justify a specialized service.

Contemporary accounts suggest that this system never worked well. It resulted in poorly planned programs, mainly oriented to physical control, and was especially vulnerable to inhumanity, corrupt practice, and periodic scandals and riots. What has survived is the physical plant in which these practices were housed and a traditional structure on which it is difficult to build for the future. As we take stock of what we see, what are the problems?

Few Young Adults Choose Correctional Career

First, we have personnel problems in which issues of recruitment, training and promotion have scarcely been addressed. We do, I believe, get a better quality of man coming into the correctional ranks than we used to do. Partly this is because he is beholden to the system and not to a political patron. Partly this is because our national standards as to education have risen dramatically, where 50 years ago working class boys left school at the 8th grade, they now stay on to graduate from high school. They know more; they are more used to the idea of learning. Nevertheless, few, if any young men choose a career as a correctional officer as their first love. Almost always they have tried something else, perhaps many other occupations, and have chosen corrections as a career which offers security, some opportunity for promotion, but no special avenues to satisfaction which are apparent to the outsider.

Having arrived in this closed world of corrections, whether as a guard in a prison, a group supervisor, or cottage parent in a juvenile institution or as a probation officer, his chances of getting help from a planned training program are only fair. Some states make a large effort to provide indoctrinations; others must rely on what supervisors can teach the recruit on the job. Once past the orientation stage, the new man will have to use his own initiative to get training outside the system. Many do, motivated mostly by the prospect of civil service requirements for advancement. Once in sight of the top, a few manage actually to get administrative training

which can prepare them for command assignments. It is fair to say, though, that correctional administrators with this kind of preparation are the exception rather than the rule.

If training is unreliable, the promotional patterns are no guarantee of good leadership. The man who is promoted will either emulate a good predecessor or continue behaving as he behaved in his previous capacity. He will seldom innovate; he will be much more likely to prefer not to rock the boat. When he is at the top he is close to retirement and will not wish to compromise his prospects.

Racial Imbalance on Staffs

A look at the waiting room in any probation office or at the yard of any correctional facility will emphasize in our minds the unhappy fact that more and more racial imbalance has developed in our population of offenders. We have no reason to believe that this imbalance will correct itself. Most of us feel that we instinctively know that a population of black and chicano offenders cannot be left safely to an entirely white staff. We clearly need more minority group members on correctional staffs, and not merely manning towers, running lines, and pushing probationers' doorbells either. There must be far more black and chicano and Puerto Rican supervisors and managers. A few agencies have begun to do well in this respect, but most of the decisions and the planning in corrections are still in white hands. We should know that this imbalance has to be corrected. I think most of us accept this necessity, but I do not feel confident that this kind of change is going to happen soon enough for the purposes of effective control and change of the offender.

I have described two orders of difficulty which face the future of corrections. I think our general personnel problem of improving recruitment procedure and policy and developing better training programs is one which many other kinds of managers have faced. We need the wisdom and experience of others to solve a problem with which our success so far has not been exactly outstanding. The obstacles to this solution which are inherent in our traditions and structure are not unique, but have to be dealt with realistically if a transition is to be effected at all.

The question of minority group participation at all staff levels is common to all public organizations. For most public agencies the problem is not so critical as it is where the controlling group is predominantly of one race and those controlled are predominantly of others. Clearly, corrections will have to move faster than we are now doing. We need to know how; an awareness by the community that this is part of our present predicament will be helpful. The participation by the community in the development of a plan to accelerate the needed changes is clearly essential.

PETER B. BENSINGER

Director, Illinois Department of Corrections

IN OUR TOPIC for this workshop, "Manpower for Corrections," we are asked to focus our discussion on four questions:

1. How do we obtain better educated, better trained, better motivated, and more adequate numbers of correctional personnel?
2. How do we recruit more minority group members?
3. How do we persuade younger persons to enter corrections? and
4. How do we build more meaningful careers for personnel?

The questions themselves rest on some rather explicit assumptions. It is assumed, for instance, that correctional agencies do, in fact, need to improve the client-staff ratio; that correctional employees should be better educated, better trained, and better motivated; that our staff complement should more closely reflect the demographic characteristics of the people we serve—particularly in terms of age, race, ethnic and cultural backgrounds; and, finally, that it is desirable and possible to make correctional work a satisfying and meaningful experience not only for supervisory and administrative personnel, but also for *all* employees in the system.

I expect that most of us here accept these assumptions as valid and necessary. This, in itself, represents a significant step forward toward better correctional system administration.

In Illinois, our staff recruitment, training, and development programs operate on these assumptions that we do need to take these four steps and we have assigned top priority to this area. Some of our programs are paying off better than others and we are hurrying efforts long overdo with false starts and plenty of staff apprehension.

Staff Development Everyone's Responsibility

First, we must face the fact that no matter how much time, effort, and money we invest in staff development activities, we will *not* succeed in making the kinds of improvements we agree are necessary unless this process is generally regarded from the top to bottom throughout our agencies as *essential* for the very *survival* of the correctional system.

Half-hearted efforts by administrators and supervisory personnel must be regarded as unacceptable. Staff development cannot be assigned as the exclusive (or even primary) responsibility of personnel or manpower specialists. Staff development must be the responsibility of *everyone* in the system with line authority and these people must be provided with the resources and training so that they can be reasonably held accountable for manpower development just as they are now held accountable for maintaining standards of health, safety, and security.

Some administrators may be more concerned with the growth and development of their institution gardens and livestock than they are with their most precious resource: the

people upon whom they must rely every day to run their institutions. Yet to have nothing but meetings without considering working conditions, physical space, and environment is unrealistic too.

Our employees who work with the boys and girls and men and women in our institutions and community-based facilities must learn to relate to these people in a way that conforms to our treatment objectives. It is a big mistake to institute new and complicated treatment programs without first retraining the employees who must live hour by hour with these programs.

Meaningful Careers in Corrections

A second change we must make in our systems—and this is no easy matter, but something that is absolutely critical to the success of any staff development process—is a general redefinition of the jobs we expect these younger, better educated, better motivated, and culturally diverse employees to do.

The point is this: If we intend to attract correctional employees who will meet our needs and if we intend to retrain our current personnel in a constructive way, we are going to have recognize that all prospective employees come with brains, skills, talents, hobbies, and unique experiences at no extra cost, and we must be prepared to put to good use all of those abilities—not just a man's dexterity with the keys which open the gates.

We must insure that people who work for us have an opportunity to contribute *meaningfully* to the rehabilitation process. That will make their work more satisfying and stimulating. That will improve morale, reduce turnover, and bring a new sense of purpose to our everyday activities.

Our goal must be nothing short of this: Each employee working with offenders must believe that he is contributing in a positive way to the betterment of society, to his own community interest with concern for human dignity and with pride in seeing that his job is done well—not just whether the job is done but how it is done.

When we accomplish this, we will not find ourselves in the position of having to hire anyone that applies. We will not have to beg people from minority groups to leave the city in order to work in our rural institutions.

When we accomplish this, when a career in corrections is regarded as equally meaningful as careers in education or medicine, the kind of people we want to add to our systems will be standing in line asking to help. They will see it as a personal opportunity and that will be an index of our success.

These goals are achievable *if* we proceed vigorously to share our insights and experiences in the area of manpower development—*human resource development*—not only in our own agencies, but also far more broadly. I have several suggestions to make in that regard.

1. Review job qualifications.
2. Put someone in charge of minority recruitment and human relations.
3. Structure a career ladder to attract younger employees and to keep them interested.
4. Look at working conditions—yes salaries and fringes, but much more than that. Are the towers heated and cooled with wash facilities? Do employees have lounges? The State of Texas does have a school district for inmates, but it also has recreational facilities for employees. In Illinois we passed a bill providing safety death benefits equal to that of police and firemen.

First, I suggest that in our discussion of "career ladders," which usually involve *vertical* movement on organizational charts, we also consider *lateral* movement in our own agencies and on an interdepartmental and interdisciplinary basis. Youth supervisors who begin in a correctional institution can increase their repertoire of skills and experiences (and, therefore, their helping abilities) by lateral transfers for a few weeks or months to mental health agencies, vocational schools, community relations programs, private counseling agencies, and other parts of the corrections system.

We might also consider lateral movement between the *private* sector and government by offering fellowships under

which personnel officers from industry spend a couple of months in our institutions or parole offices as employment counselors. Tradesmen—furniture makers, for instance—could work in our industries, while our industry foremen update their skills in commercial plants.

Specialized Training for Top Administrators

My second suggestion is based on my view that there are some vital elements in a modern correctional manpower scheme that *cannot* be accomplished economically state-by-state, much less institution-by-institution. I suggest that *specialized* training for top administrators, wardens, superintendents, guard captains, vocational supervisors, clinical staff administrators, and middle management be made available on a regional or national sponsored basis.

We need to seek the assistance of the Justice Department, and Congress to develop and fund a *National Correctional Academy* which can function regionally not only to provide direct training services, but also to assist us in developing plans and curricula for our own manpower training and development programs.

I can think of no more critical area for discussion than our manpower problems in corrections, so let us begin that task now.

SANGER B. POWERS

Administrator, Division of Corrections, State of Wisconsin

THE PROBLEM of manpower for corrections is not new. In 1965 Congress enacted Public Law 90-178, entitled "The Correctional Rehabilitation Study Act of 1965," creating a national advisory council on correctional manpower and training and authorizing the appropriation of \$2,100,000 over a 3-year period to finance study and research in the area of manpower needs in corrections. Out of this legislation came the Joint Commission on Correctional Manpower and Training which published a number of studies in the area along with a final report entitled, *A Time to Act*.

People Change People

The findings of the Joint Commission revealed the problem to be a multifaceted one including such things as job definition, level of qualifications or standards, specialized use of manpower, staff development, and the use of volunteers and paraprofessionals. Also involved was the development of potential manpower resources, including those of ex-offenders. The report also went at some length into a discussion of the educational development of correctional manpower.

The principle responsibility of corrections must be the protection of society through the rehabilitation of the offender. Aside from the deterrent effect of laws relating to crimes and judicial sanctions, the commitment or sentence of the convicted offender is intended to bring about some change in him, hopefully a positive one, which will result in his staying out of further trouble and becoming a useful contributing member

of society. Corrections is somehow expected to punish an offender as the court may have decreed and at the same time to motivate him to participate in a rehabilitative program, to want to change for the better. Herein lies a special problem, since change must come from within a person and cannot be administered as a medicine by injection or orally, nor can it be imposed in any manner on a unwilling subject.

It is perhaps trite to say that people change people and yet this simple truth is basic to a successful corrections program. In truth it is the people, the manpower in corrections, who are responsible for getting the rehabilitative job done, for bringing about change in others. To be sure, adequate physical facilities and supporting services are needed; but, granting their availability, it is the quality, the caliber, and quantity of personnel which must determine how well the correctional obligation or mandate is carried out.

Need for Standards and Training

Manpower for corrections is available and appropriate training *can* be provided if adequate funds are appropriated for such purposes. One of the problems in years past has been a great stringency of funds along with a lack of recognition in many jurisdictions of the importance of training and standards for personnel. Indeed, in many states each changing administration has resulted in an almost complete change in correctional personnel—correctional officers, prison wardens, parole board members and usually directors or commissioners.

Additionally the relatively low status level attached to many correctional occupations and the lack of a definite career ladder has deterred many people from entering into the field.

One of the surveys conducted for the Joint Commission on Correctional Manpower and Training revealed that less than 1 percent of the teenagers queried had given any thought to the correctional field. Only 13 percent of the adults queried would recommend the field of corrections to young people as a career. The current interest of many people in corrections has created problems and yet may have some advantages. Lead articles in magazines such as *Time*, *Newsweek* and *Life*, speeches by Chief Justice Warren Burger, former Attorney General Ramsey Clark, and President Nixon, and recent prison riots or disturbances have served to focus the public interest on the field. Unfortunately, many of the articles have referred to the sad state of corrections in the country and in a general sense this is true. Only the more sophisticated among the speakers and the more erudite among the writers have taken pains to point out that there are a few bright spots in the country—some institutions and services that do believe in such things as the dignity of the individual and which have attempted to make correctional experiences positive for the offender who is committed to a corrections agency.

Citizen Interest in Corrections

While there have been some negatives attached to much of the recent publicity, substantial citizen interest has been generated and I am suggesting that we should cash in on it. I believe that the public has now been persuaded that manpower is important to corrections, more money must be appropriated, and facilities and programs must be improved. I believe we can look for improvement in salaries, to the establishment of personnel standards where none have existed, and to a recognition of the importance of qualifications and training for correctional jobs. Hopefully, it may be possible to attract persons with the potential for a successful career to the vital field of corrections. But many of the young people that may be attracted to the field will not be satisfied with what they find, with the traditional role of many correctional personnel. Highly motivated young people new to this field are going to want to see treatment become more relevant and

will insist on participating in meaningful relationships with offenders.

One of the challenges facing corrections today is to capitalize on current public interest in corrections, on the interest generated by the radical malcontent, by penal reform groups and by committees being established about the country to look at the problem and suggest answers. An especially significant force can be the emerging federal leadership and the availability at long last of federal funds through the Law Enforcement Assistance Administration to upgrade the correctional programs throughout the country. Through LEAA leadership and funding, personnel standards can evolve. Since personnel costs represent the greatest proportion of correctional expenditures anywhere and since it is people that change people, training and standards for personnel are of vital importance. I hope we can look to substantial improvements in the correctional manpower situation, especially in the area of specific education and training and persuasion of dedicated young people to enter the field.

Some Manpower Considerations

Some of the areas of correctional manpower which we might discuss today would include:

1. Education and training for entry into corrections employment
2. Qualifications for personnel
3. Recruitment and retention of correctional personnel and in-service training
4. Specialized manpower needs
5. Development of career ladders
6. Employment of the higher percentage of personnel from minority groups
7. The "New Careers" concept
8. Utilization of volunteers
9. Utilization of paraprofessionals

Conferences such as these can be of great value only to the extent that the input of the participants is relevant and results in action. There are a number of groups today discussing the problem of correctional manpower. Hopefully, a synthesis of the discussions and findings of all of them will add to our knowledge of the problem and our ability to cope with it.

E. PRESTON SHARP, PH.D.

General Secretary, American Correctional Association

A CRITICAL task facing the correctional field is to find more effective methods for increasing substantially the number of able and competent persons entering career service and for strengthening educational preparation, staff development, and inservice training programs for correctional personnel. These persons work in the field of probation, parole, institutions, and related services dealing with offenders, but also include those in related occupations whose responsibilities in-

clude efforts to change the behavior of offenders or potential offenders.

From a historical perspective, it should be noted that during the depression period a number of energetic and able persons entered the field of corrections because of economic pressures. Many of them became interested in and dedicated to the improvement of correctional services and remained in the field, gradually attaining high-level administrative and management

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clude efforts to change the behavior of offenders or potential offenders.

From a historical perspective, it should be noted that during the depression period a number of energetic and able persons entered the field of corrections because of economic pressures. Many of them became interested in and dedicated to the improvement of correctional services and remained in the field, gradually attaining high-level administrative and management

positions. For a number of years this group has provided the core leadership of many of our correctional systems. Unfortunately, many of them have either retired or are currently planning to retire and a void exists as a result of their leaving the service.

Little Attraction for Young People

In periods of near full employment, there is little attraction for young people to enter the correctional field. Unlike other fields, corrections has not developed inducements and an educational development program to create and sustain a reservoir of young enthusiastic manpower.

The manpower problem in corrections is comparable to that of other public service fields, but even more disadvantaged because of traditional low salaries, poor working conditions, and the unattractive "image" which have characterized corrections. A young man embarking upon a career in medical education is quite willing to go into debt, anticipating a higher earning rate not long after he goes into practice. The same is true in engineering or other professions greatly in demand by private business corporations. If talented, they also are likely to have a choice of scholarships and fellowships which the business community wisely makes available to assure a flow of college-trained people into their recruiting agencies.

Until recently persons headed for public service careers in corrections have not been able to count on very high earnings, especially in the early years of their employment, which might justify incurring heavy educational debts. Scholarships for undergraduate study are limited, although there has been increasing aid available for graduate and professional study over the past few years through the academic assistance program of the Law Enforcement Assistance Administration. Prior to the development of forgivable loans under the LEAA program, student assistance programs were available chiefly in mental health, social work, and vocational rehabilitation areas, and have tended to be so designed as to direct people into agencies other than those in corrections.

Colleges Display Little Interest in Preparing Students for Correctional Careers

Also, efforts to recruit well-educated personnel for service in the correctional field have been handicapped for years because the colleges and universities were not interested in offering courses which would have as their major goal the preparation of students for careers in corrections. For example, in the State of Pennsylvania, it took a committee 13 years in order to have the Pennsylvania State University interested in instituting a training program which would assist in correctional services.

Currently the American Correctional Association is working closely with the American Bar Association's Commission on Correctional Facilities and Services and the Association of Junior Colleges in a concerted effort to encourage the development of additional correctional courses on the community and junior college level and also to increase the number of correctional officers participating in these courses.

Surveys conducted for the Joint Commission on Correctional Manpower and Training revealed that only 13 percent of the adult public would recommend correctional careers to young people and only 1 percent of the teenagers had given serious consideration to a career in corrections. These are certainly depressing statistics in the light of the widespread and critical manpower problems and requirements in the field.

Given the present situation in corrections, and given the pace of change in all sectors of one society, change has to be almost the central theme of correctional program management, and people are needed for correctional work who can not only adapt to change, but also help to plan and implement new policies, methods, and programs. Unless capable, well-trained young people have this kind of image of correctional work, it will be a waste of time to try to recruit them. Putting this point somewhat more positively, because of its complicated and conflictual nature, corrections can be a fascinating setting for bright, idealistic, well-trained people, but only so long as they see genuine hope of using their talents and energies to bring about changes in the nature and use of institutions and other traditional correctional programs.

Unsatisfactory Working Conditions

Heavy caseloads, low pay, and lack of adequate resources and facilities have been contributing factors to widespread employee dissatisfaction and high personnel turnover rates. Presently, all correctional services are plagued with a very high turnover rate during the first 2 or 3 years of employment.

When the first-line positions are considered, especially that of the correctional officer in institutions, there is an additional negative element which severely handicaps recruitment of qualified personnel and that is the low social status attached to the position of the so-called "guard." Unfortunately, in many correctional systems there has not been a sincere attempt to utilize the total capability of first- and second-line staff in performing problem-solving or treatment-oriented functions, and their roles and responsibilities have been limited primarily to routine surveillance, control, and custodial activities. Yet, we have learned through research that adequately trained line personnel have the potential for making the greatest impact on offenders in the correctional system.

Salaries have never been commensurate with comparable service in the community and frequently the major criterion for establishing salary levels for correctional officers is a determination of the lowest rate required to get bodies to fill the jobs.

In small systems which include only one or two institutions or offices, there is limited opportunity for promotion or movement to positions of greater responsibility. Employees must sacrifice their retirement equity if they move to a better position.

In order to maintain a satisfactory standard of living, many first- and second-line employees in all types of correctional services have been forced to moonlight in order to supplement their income. This not only places unreasonable physical and psychological strain on the employees, but also makes it

impossible for him to contribute his best efforts in dealing effectively with the difficult problems presented by correctional clients.

Recent riots and disturbances in correctional institutions, frequently resulting in personal injury to staff, have further aggravated manpower retention problems. Unlike law enforcement, the hazardous and demanding nature of correctional work has not been recognized through such provisions as early retirement programs.

Professional employees such as doctors, psychiatrists, nurses, social workers, educators, and psychologists, often are employed in correctional services subsequent to graduation from universities, but because of the unattractive pay, resource limitations, and adverse working conditions often move to other areas of professional endeavor.

The trend in the public service field toward increased collectivization of personnel is having a growing impact on the correctional field. The inevitable expansion of public employee unions can have both negative and positive effects on correctional services. In some states, for example, unions have succeeded in negotiating agreements which impose rigid restrictions on reassignment and transfer of personnel from one

program to another and even from one work shift to another. In other instances, efforts to recruit Negroes, Mexican-Americans, and other minority groups into correctional work are also limited by union regulations requiring transfer of personnel or filling of vacancies on a seniority basis. Such restrictions, when not consistent with or responsive to correctional program objectives, severely limit organizational flexibility and management development activities.

On the other hand, correctional employee unions may prove to be important vehicles for change in corrections and could have a significant impact on personnel recruitment and retention, employment conditions, and salaries.

The rapid growth of employee organizations makes it critically important for correctional administrators to develop collective bargaining skills and to undertake education and training in labor-management relations.

Regardless of capital investment, physical equipment, or public relations programs, no correctional agency can rise higher than the stature of the men and women employed in that agency. The selection, training, and maintenance of qualified and efficient staff are paramount elements in the operation of any correctional program.

GEORGE BETO, PH.D.

Director, Department of Corrections, State of Texas

FOR PURPOSES of discussion, the following outline is offered to group G:

1. How do we obtain better educated, better trained, better motivated, and more adequate numbers of correctional personnel?
 - a. Adequate salary.
 - b. Lower the age of employment.
 - c. Professionalize correctional employment.
 - d. Restrict the control of unionism and civil service.
2. How do we recruit more minority group members?
 - a. By use of the news media.

ALLEN F. BREED

Director, Department of the Youth Authority, State of California

I HAVE BEEN ASKED to outline current manpower needs for corrections and highlight some of the issues facing correctional administrators. My instructions are a little unsettling, since they imply that I have the answers to the kinds of questions posed for our workshop, such as:

1. How do we obtain better educated, better trained, better motivated and more adequate numbers of correctional personnel?
2. How do we recruit more minority group members?
3. How do we persuade younger persons to enter corrections?

- b. By personal approach.
3. How do we persuade younger persons to enter corrections?
 - a. Use of internship.
 - b. By summer employment.
 - c. By association with institutions of higher learning.
4. How do we build more meaningful careers for personnel?
 - a. By indicating a clear-cut distinction between the "catchers" and the "keepers."
 - b. By emphasizing the treatment role of the correctional officer.

4. How do we build more meaningful careers for personnel? I spent most of my professional career trying to develop some adequate organizational responses to just a few of these questions, and although I can report some progress, I find it extremely difficult to effectively answer some of these questions today.

Recommendations From the Past

If one reviews the recommendations made in the final report of the Joint Commission on Correctional Manpower and Training, he finds that the recommendations are as valid

today as they were in 1969, but require a slightly different emphasis. For example, the report stated that we need:

1. A comprehensive nationwide public relations program that successfully tells the correctional story.
2. Younger persons recruited through aggressive and continuing contacts with the universities and colleges, as well as an expanded work study program.
3. More minority members involved in correctional work.
4. Expanded opportunities for women.
5. Modern management practices and systems that insure optimum working conditions for our employees.
6. Increased advancement opportunities to attract and retain high quality personnel.
7. Uniform job titles and descriptions that facilitate transfer between different operations, agencies and even jurisdictions—particularly important if you are successful in working yourself out of a job as the California Youth Authority has been.
8. A national retirement fund that supports job transfer and early retirement.
9. Uniform pay schedules for employees doing the same jobs.
10. Lower age for entry into the service.

These were our recommendations in 1969 and they could certainly be the starting point in 1971.

Size and Character of Our Problem

Today, our employees are responsible for over 1,200,000 adult and juvenile offenders. The annual operating budget for the Nation's correctional enterprise is in excess of a billion dollars.

When we analyze characteristics of our employees in the correctional system we find that 74 percent are 35 years of age or over, 87 percent are white, and 20 percent have been employed in corrections for 3 years or less.

What about the clients of the system whose manpower I have just described?

Projections for 1975 show that 81 percent of the country's offenders will be on probation or parole, while the remaining 19 percent are institutionalized. Still our basic manpower and financial resources are allocated to the institutions that provide services to the smallest proportion of those offenders under care and control. In corrections, the main ingredient for changing people is other people. If this axiom is true, then we need to put appropriately trained people where the correctional clients are—in the community!

Although crime involves all members of our society, it is a major problem for nonwhites and the young. Overall, the arrest rate in 1969 for the general population was 29.4 per 1,000. The comparable rate for nonwhites was 71.2 per 1,000 and for all persons in the 18- to 24-age bracket, 70.8 per 1,000. For crimes of violence, the disproportionate arrest rates for the young and nonwhite are again evident.

What Must We Do?

In spite of the Omnibus Crime Control Act of 1968, correctional reform still ranks low on the agenda of public priorities. In fiscal 1968-1969, corrections accounted for only 20 percent of the total of governmental criminal justice expenditures, in contrast to 60 percent for police. Moreover, a 1971 Gallup Poll found that even though many of those polled

considered conditions in prisons deplorable and expressed concern, 83 percent opposed putting more money into improving the correctional system. It is obvious we still need a national program that informs the public about corrections, its work, value, and success.

Numerous studies have concluded that many state and local correctional agencies have insufficient and inadequate professional staff due to low pay, long hours, a custodial rather than rehabilitative orientation, lack of exposure to research and development advances, and many other impediments to job satisfaction. Add to this the problem of low visibility, poor public support, and personal danger and we find it little wonder that bright young capable candidates are not beating down our doors to join us.

There is little question that substantial changes are necessary to upgrade the quantity and quality of corrections professionals, including custodial staff, group supervisors, case managers, specialists, and administrators. Salary levels and fringe benefits must be increased and working conditions improved in order to make correctional employment competitive with other private and governmental occupations. In addition, education and training opportunities must also be made available to personnel so they can meet professional standards and stay abreast of developments in the field. We must begin to develop on a statewide (eventually national) basis minimum qualifications and standards for correctional personnel, and where feasible, require appropriate certification. We need educational leaves, sabbaticals, and the myriad of other inducements that encourage young people to opt into a difficult, challenging, and often dangerous job. This approach could result in marked improvements in the competence of such employees, as well as foster greater consensus on the objectives and techniques of correctional programs.

The color of our clientele is rapidly changing, the color of our staff and management is not. I believe that both the administration and the staff should, as near as possible, reflect the composition of the general population. At present, various ethnic groups and women are inadequately represented in most correctional programs and particularly in top management positions.

Most correctional agencies today need a reliable system to identify employees who truly possess managerial potential. In the past, selection has depended on civil service examinations which are based entirely on subjective written tests and oral interviews. This procedure frequently fails to identify true management potential and we have created managers who are untrained and poorly equipped for the responsibilities we place upon them. There is no longer any excuse for an administrative system which encourages bad promotional decisions.

It remains vital that any job upgrading system select competent managers who can handle the particularly complex problems which face the field of correction today—problems that were previously unknown. Modern administrators and managers must be able to deal effectively with such things as changing value systems, the emergence of militants in the prison system, the escalating of racial conflicts, and many of the general problems of society that are always reflected in

their extreme form within correctional programs. We must deal with the raw issues of our times and we must deal with them effectively. To do this we need well trained staff at every level. From my standpoint, as a correctional manager, I believe the single most important manpower need at the moment is for competent, well trained middle and top management personnel. They must be men who, to a greater extent than they now do, reflect an awareness of the nature of the population with whom they must work—a population that is young, is increasingly black or brown, and regardless of color, is increasingly aggressive and militant.

Although I am concerned with increased levels of education for all staff, I do not want to confuse this separate issue with that of improved job training. We have waited long enough for others to tell us what we need in training. We have depended too long on universities and colleges to provide us with an educational program that would resolve all of our training needs. Ask yourself where are the skills for advanced work in behavioral modification, transactional analysis, crisis intervention, or integration theory? These skills are in the correctional field itself. It is time that we assumed a leadership

role in training our own staff in cooperation with universities and colleges, perhaps, but not only at their initiative.

In addition, many of the people-resources we need in corrections can best be found among the clients themselves or in the community—volunteers, aides, new careerists, paraprofessionals, and all the other titles we give to that newly discovered host of helping agents who provide the necessary models and add the understanding to our operations which will make our programs more effective. In the past we have confused an academic degree with an ability to perform. Our experience suggests that for many of the important correctional tasks, members of the community and offenders themselves are by far the best agents to bring about change and rehabilitation. In adopting this stance, however, we are also obliged to develop a career ladder that permits those who come into our organization as aides to advance up through the chain of command, eventually even to top leadership spots.

It is a simple adage but true, that corrections will only be as successful as staff are effective. When will we implement the logic of this statement and give proper attention to our manpower needs?

MILTON LUGER

Director, New York State Division for Youth

THE ORIENTATION papers mailed to conference delegates poses questions for discussion: "How do we obtain better educated, better trained, better motivated, and more adequate numbers of correctional personnel? How do we recruit more minority group members? How do we persuade younger persons to enter corrections? How do we build more meaningful careers for personnel?"

I believe there is little to be gained in re-inventing the wheel. The Joint Commission on Correctional Manpower and Training revised an exhaustive and detailed list of recommendations on pages 76-80 of their booklet, *A Time To Act*, which focus on these questions. They are as true and cogent today as in 1969 when they were published. Perhaps we can best discuss the related issues and our deep dilemma by candidly and honestly disclosing our perceptions, prejudices, and beliefs. I believe the field of corrections is in trouble because:

1. We have been practicing correctional incest for decades in our personnel policies.
2. We have no pride in ourselves or a sense of adequacy and so we cannot transmit these necessary personal ingredients to those who are sent to us for care and rehabilitation.

JOHN A. WALLACE

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A BRIEF PROFILE of the overall manpower situation in corrections is available. Although more offenders are in the community on probation and parole, we find over two-thirds of the

correctional employees are working in institutions and juvenile detention. In other words, most money for manpower is spent where there are the lesser number of offenders.

3. We are always receiving ambivalent signals from influential policy makers and the public in general as to whether they want innovative, dynamic programs, or safe security and controlling warehouses.

4. We have little faith in our own product—the inmate—and so we won't let him get truly involved in helping us to help him or other inmates.

5. We rely too heavily upon rigid specialist roles because of the size of most institutions and no one assumes full responsibility for rehabilitation and treatment.

6. We have lagged behind in our planning and procedures to insure adequate minority group representation, especially among higher level policy makers and administrators.

7. We have adopted inappropriate methodologies from other fields, such as the medical model in mental health services, and so our efforts are often ineffective.

8. Our staff training efforts too often stress body accountability rather than program accountability.

9. We run institutions more for staff convenience than for rehabilitation or security.

State governments employ 73 percent of the correctional employees, followed by local governments with 20 percent and federal government with 7 percent. Recruitment and retention problems are reported by administrators of institutions (both juvenile and adult) and by administrators of probation and parole systems.

Only 16 percent of those now employed in corrections came into the field directly from the classroom. Nearly half of those working in correctional agencies today were 30 years of age or older when they entered the field. This probably means that corrections was a career of second choice. Minority groups are under represented in the total and conspicuously absent in supervisory and administrative ranks.

Corrections Essentially a Closed System

Corrections is essentially a closed system. A person begins employment in a correctional agency and secures advancement only within the structure of that single agency or department. Transfers to another system within a state or to another state are well nigh impossible.

In probation and parole the published preferred standard is a graduate degree in social work but the standard is not met. Most probation and parole agencies employ individuals with college degrees.

To obtain better educated, better trained, better motivated, and more adequate numbers of correctional personnel, attention has to be given to some areas where there is employee dissatisfaction. Significant numbers of correctional employees believe they do not have much freedom in doing their job.

WILLIAM G. NAGEL

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WE HAVE BEEN GIVEN a broad charge which includes our finding answers to at least these questions:

1. How do we recruit minority group members?
2. How do we persuade younger people to enter corrections?
3. How do we obtain better trained, better educated, and more adequate numbers of correctional personnel?

My job during these few introductory moments is to focus on some of the issues.

Recruitment From Minority Groups

On the matter of recruiting more minority group members I recommend your reading the excellent article in the LEAA monograph "Outside Looking In" by A. Leon Higginbotham, Jr. He is, as you know, a distinguished U.S. District Court judge. He is also black. In a very temperate way, Judge Higginbotham discusses racism in the United States and highlights its effect on crime and the correction of crime.

Most of us who are white would either deny or minimize our own racism. We may concede that it was once a factor—like in 1619 when the first slaves were imported; or in 1776

They have expressed dissatisfaction about disorganization, lack of communication within and between correctional agencies, lack of facilities and materials, low pay, lack of sufficient staff, and financial resources and agency red tape.

Recommendations To Consider

Recommendations that might be considered are:

1. Recruit younger persons into the correctional field.
2. Recruit more minority groups into correctional work and ensure that there are adequate stipends and training programs so that they can achieve career advancements.
3. Provide career ladders and funding for training including college and postgraduate education.
4. Establish a national retirement fund that would permit correctional workers to transfer from one jurisdiction to another without the loss of pension rights.
5. Open correctional systems to provide for lateral entry and promotional mobility within jurisdictions as well as across jurisdictional lines.
6. Modify existing civil service and merit systems policies which include (a) greater use of oral interviews and evaluation of work and educational and life experiences instead of written examinations; (b) elimination of legal and administrative barriers to hiring ex-offenders in corrections (as well as other governmental agencies); and (c) more use of evaluations from promotion review boards and less use of written exams for promotions.
7. Provide adequate funding for the training of correctional administrators.

when the Declaration of Independence did not include black people in its stirring affirmation that all people were created equal; or when the original constitution did not give citizenship to native-born residents of this Nation who were black. We might admit to the blatant racism of the pre-Warren court days, but we would deny it as an issue in modern America or present-day corrections.

During the period between 1967 and 1969 I had some major responsibility toward trying to implement, in Pennsylvania, the recommendations of the Kerner Commission Report. The two agencies of state government that most strongly resisted our attempts to employ blacks were the State Police and the Bureau of Corrections. Both of these departments had developed institutionalized methods to exclude blacks from the employment process.

Institutions Often in Remote Areas

During the past several months, we of the Institute of Corrections have visited over 30 states throughout this Nation looking at new correctional facilities. We have found that almost all new institutions visited have been located in the

rural parts of the various states, far removed from the areas where black staff could be successfully recruited. The locations also have been far removed from the homes and families of most of the black offenders in the system.

I do not believe that the motivation for placing these new institutions in rural locations has been altogether pure. Time after time key correctional officials have told us that the rural site was chosen because there was a high unemployment rate in that locality. There is no part of America with more chronic unemployment than our inner cities. Yet, I have never heard that fact presented to justify placing a prison in a metropolitan area. Apparently black unemployment is something different from white unemployment. Is this not racism? And does it not have serious consequences? Like Attica?

I am sure that the Joint Commission on Correctional Manpower and Training would deny any racist intent. Its report even contains statistical information to show that minority groups are under-represented in correctional agencies and recommends that such agencies should intensify efforts to recruit more Blacks, Mexican Americans, Puerto Ricans, etc. Nevertheless, that Commission's historic report, *A Time to Act*, reflects, it seems to me, the kind of racism that pervades our society and our correctional structures. In that publication, which is the basic document on correctional manpower in America, there are photographs or drawings of 83 human beings. Seventy-four of these are white. Nine are black. The significant thing, however, is that all nine blacks are shown in client or inmate roles. All the administrators, professionals, computer operators, counselors, teachers, and scientists are shown as whites.

Now if I were a black, and thinking about a career in corrections, I would be impressed by the fact that the new prisons have been built in locations where I would not be welcome. I would be impressed by the fact that the culminating act of a massive study on correctional manpower was a report in which my black brothers were depicted as inmates and clients while whites were shown in all the positions of responsibility or authority. These acts of racism may be too subtle for whites to recognize, but we can be very sure that they did not go unnoticed by the black community.

Recruitment of Young People

In regard to the employment of young people it occurs to me that we have two or three major problems at least. First of all, I don't believe we really want young people. Perhaps we find their interminable "why" disconcerting. Or perhaps we view our business either too difficult or too sordid for them. At any rate, 18-year-old high school graduates find it almost impossible to find employment in the correctional field, and this, in spite of the fact that a very large percentage of our offender population is under 18. College after college have told me that it is most difficult to place their undergraduates in field placements or summer employment in correctional agencies. Those of us in corrections who have fears about the employment of young people might well be reminded that at 16 Alexander the Great conquered the Macedonian tribes;

that the Marquis de Lafayette was a major general in the Continental Army at 19; that Alexander Hamilton was the Inspector General of the American Army at 22; that James Madison wrote much of the Constitution of Virginia before reaching 25; that George Custer was a brigadier general in the Union Army at 24; that Richard Bong had shot down 34 Japanese airplanes before he reached 23; and that most of this miserable war in Vietnam has been fought by youngsters under the age of 20.

Certainly our training schools, our probation departments, our reformatories, our jails, and yes, even our prisons, are no more problem laden than the jungles and booby traps of southeast Asia.

Our attitude toward employing the young is certainly one impediment. Perhaps more serious is the confusion we in corrections have toward our job and the hypocrisy that results therefrom. Hypocrisy, like the racism I have talked about before, is not a characteristic that most of us would claim for ourselves. But our profession is pocked by it. We call our field "corrections" while our greatest energies and resources are expended on control. We state our basic purpose to be rehabilitation while restraint remains an overwhelming preoccupation. "You can't treat them if you don't have them" is the way we put it. We talk about "reintegration" while we continue to spend over 90 percent of our construction dollar in isolated areas.

If there is a characteristic that young people today cannot abide, it is hypocrisy.

Problem of Retention

A problem equal to that of recruitment of young is that of retention of young. When I was in charge of the treatment program in an institution in New Jersey, we seemed to have a farewell party almost every month for some young person who was leaving. We hired lots of bright young staff, told them that their job was to get the offender ready for return to the world outside. These idealistic young professionals saw this as a sacred responsibility. Too soon they learned that the needs of the institution, in almost every incidence, took precedence over those of the treatment process. The lad who needed schooling would be transferred to the farm during the harvest season; he who, for the first time, was facing himself in group therapy would be shanghaied to one of the satellites to meet an institutional need; the man who needed to work things out with his wife would be denied a visit because of an institutional infraction.

Young professional after young professional, during separation interviews, told me that he was leaving "before I become swallowed up" in a system that seemed to be without honesty or merit.

Though the charge to this workshop did not specifically mention women, we would be remiss if we didn't devote some of our time today to the need for recruiting more females to corrections. It should not go unnoticed that an overwhelming percentage of all categories of correctional workers—administrators, supervisors, specialists and line workers—are male. And this despite the fact that we continuously talk of "nor-

malizing" the correctional experience. To me women are normal. To the other derogatives that I have used to describe us—racist, hypocrite—may we now add "male chauvinist."

Advanced Training and Education

And this workshop must, before it adjourns, wrestle with corrections' never ending task of devising ways to attract its share of intelligent, well-educated, and creative people. This means, of course, that we must address ourselves to devising strategies for reducing the incidence of patronage employment practices and substituting merit programs. We must consider ways to finance advanced training and education. Consideration should be given to the development of criminal justice

academies. And we should develop mechanisms that would ensure that the young, the black, the Puerto Rican, the woman, the college graduate—that all know that corrections is a career challenge worthy of their life's efforts.

But that will require that we put our own house in order. As my Quaker friends have recently told us, we will never recruit higher quality staff in adequate numbers so long as the blacks view us as being instruments of oppression, so long as the poor see our purpose as the perpetuation of an unjust status quo, so long as the young view us as the coercer of conformity to the middle class, middle age Puritan virtues, and while the general public view our effectiveness with skepticism.

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BEFORE DISCUSSING some specific issues of correctional manpower it might be well to make clear some of the assumptions about the general kind of correctional system for which we propose to develop manpower. The kind of system most authoritative sources have argued for does not depend on any particular model of professionalism but, instead, requires a wide variety of skills. Some of these skills call for a great deal of formal training, particularly those required to deal with difficult cases who require institutionalization. A large proportion of personnel need much less formal training which could be obtained in a variety of ways other than through a credentialing process. These are the skills needed to deal with offenders, their immediate families, and peers in the community. They are also the skills needed to deal effectively with communities as a whole and social institutions. This kind of correctional system also requires a substantial capacity to enlist and effectively use significant numbers of persons in the correctional process who are not employees.

Attracting and Holding Personnel

Within the context of that kind of system, perhaps we can discuss some of the blocks to attracting and holding large numbers of qualified persons. I believe this kind of discussion can be usefully broken into two parts. One deals with the problems which generally reside in the large, bureaucratic civil service systems characteristic of correctional agencies. These problems include:

1. Civil service regulations which prevent the recruitment of the very kinds of persons needed by correction. Minority group members are particularly needed in correctional programs and too often the kind of testing procedures typically used by civil service agencies systematically exclude numbers of minority group members who lack sufficient formal education to deal with the kinds of tests used in screening.

2. Little mobility is provided for a person to move from one system to another. For example, one's retirement becomes

linked to a single civil service system and it is very difficult, then, to cross from one system to another. Seniority provision also blocks the kind of mobility required.

3. Most large public organizations are designed to place the worker far away from management. He has very little sense of participation in the decision affecting him. Identity with an agency's program and enthusiasm for the job is severely undercut. These tendencies are particularly prevalent as agencies increase in size. And since correctional agencies now increasingly find themselves growing through consolidation or are being placed in large departments of human resources, this problem is likely to be accentuated rather than reduced in the future.

4. Bureaucratic organizations tend to seek regularity and predictability rather than creativity and risk taking—the very behavior needed most in corrections programs. Major efforts need to be extended to develop the kind of managerial capacity and skills which would develop and encourage this kind of behavior by workers.

Other Problems Unique to Corrections

Another set of problems around manpower are uniquely related to correctional agencies. These include:

1. Corrections generally has a negative image because of its remoteness and stigma attached to its clients.

2. Corrections typically has been handicapped by low priority in budgeting. Salaries, equipment, and working conditions have been consistently niggardly and the prospects of a worthwhile, long term career have been very discouraging for a young person with talent and capacity.

3. Traditionally, corrections has placed a heavy emphasis on custody rather than change. This custodial and control emphasis hardly attracts the talented or creative kind of individual. Corrections needs to do much to change that emphasis and make itself a place where a person of imagination and skill can work.

4. Minority group members have often been put off by corrections because it has been seen as simply another agency for the dominant group's repression. It is extremely critical that representatives of minority groups be brought into corrections to begin to change that image. That change will also require that correctional agencies must be willing to articulate

the needs of minority communities if they intend to be seen as more than an instrument of repression.

5. The use of paraprofessionals and ex-offenders often has been resisted by correctional agencies for a variety of reasons. One of the most frequently cited is the perceived danger to the status of professional personnel.

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IN THE OPENING PAGES of its final report, *A Time to Act*, the Joint Commission on Correctional Manpower and Training cited in October of 1969 conditions which existed at that time in corrections. The Commission noted:

An unavoidable conclusion of the Joint Commission's studies is that corrections suffers from multiple problems: apathy, piecemeal programming, totally inadequate funding, and a lack of public support and understanding. A dearth of resources is hampering the development of its programs and its personnel. Staff training programs are nearly non-existent.

Corrections is clearly a stepchild in the academic world. Adequate numbers of appropriately trained personnel do not flow from classrooms into correctional agencies. While some promising academic programs are currently operating and others are in various stages of development, they have enjoyed little or no outside financial or administrative support. Thus they have not been able to operate on a scale large enough to be of any great benefit to the field.

The Commission pointed out that if corrections is to become effective as a rehabilitative instrumentality of society it must immediately be accorded support commensurate with the magnitude of the tasks to which it has been assigned. Otherwise, the Commission warned,

Society may have to pay an even greater price in terms of social and economic costs for keeping its offenders out of sight and out of mind.

The Commission also pointed out:

The major problems facing corrections today have been caused to a large extent by complacency and ignorance about the volatile nature of social problems left unattended for far too long. Although some progress has been made over the years to arouse public interest, to improve salaries and working conditions, and to remove corrections from the shadow of political patronage, not nearly enough has been accomplished. Results have been tragically short of the pressing needs.

Complacency Continues To Plague Corrections

More than 2 years later, the conditions described by the Commission continue to characterize American corrections. The pervasive problems cited by the Commission in late 1969 continue to plague corrections. Among these are:

1. Too many employees in institutions, probation departments, and parole agencies are there not because they were educated and trained for particular jobs, but because their appointments satisfied political needs.

2. Too many correctional workers are looking for other kinds of jobs to satisfy economic and personal needs because they cannot earn a decent living in corrections.

3. There are too few educational resources devoted specifi-

cally to teaching and training persons working in or desiring to enter the field of corrections.

4. There is too little cohesion among correctional workers themselves—cohesion which could weld them into an effective force for advancing their programs and promoting corrections as a unified field of work.

5. Finally, there is still insufficient federal financial support available to state and local correctional agencies to help them in the recruitment and ongoing development of competent correctional personnel.

In essence, the conditions and problems which the Joint Commission found more than 2 years ago remain essentially the same. In some cases the problems have become more acute and the conditions worse. Among the areas of most concern is the fact that minorities continue to enter the correctional system in increasing proportions while there has been negligible headway in the recruitment and training of minorities to assume meaningful work roles in corrections.

The tension and open conflict between offenders and their "keepers" is becoming increasingly volatile. Unfortunately, the recent manifestations of these inmate frustrations in penal institutions across the land are only the beginning of what is likely to be a prolonged and destructive period in American corrections if radical changes in programming, staff selection and promotion, and a general overhaul of correctional institutions are not immediately forthcoming.

Growing Public Awareness that Corrections Does Not Correct

In addition to mounting pressures on the correctional system from those "inside" the system there is a growing public awareness that corrections, in too many cases, does not really "correct." The pressures from within and without are causing a rethinking of traditional programs and approaches with an eye toward how corrections can be made more effective. The box score of correctional effectiveness remains a rather poor one and there is growing disenchantment across the country with a system which does not really seem to be working very well.

Shortages of personnel also continue to plague the system. Most correctional agencies are severely understaffed and thus are unable to deal effectively with the volume of offenders for whom they are responsible. In addition to a lack of staff there continues to be a dearth of educational and training programs designed to help in the development of staff after they are on the job.

Low salaries and poor fringe benefits also continue to characterize the bulk of correctional agencies in the country. It is difficult to recruit and keep competent people when employee benefits, promotional opportunities, and salaries are not perceived to be competitive with those which may be found elsewhere.

Need for Reordering Priorities

Some of corrections' most pressing manpower and training problems could be greatly alleviated with a reordering of priorities in this field. In my judgment, the emphasis during the immediate future needs to be placed on manpower development considerations so that present and projected funding for correctional agencies is not utilized poorly because of manpower problems.

Among the specific proposals I would make are:

1. Increase greatly the amount of federal, state and local funds which are presently allocated for the operation of correctional agencies. Nearly all correctional resources are inadequately funded in relation to the job to be performed. Careers in crime are not likely to be curtailed without increasing significantly the amount and quality of resources accorded the correctional task.

2. Acceleration of the trend toward community-based corrections. The rehabilitative aspects of working with offenders in their own communities have barely been explored due to a lack of funds, resources, and public understanding of the needs of offenders. Institutions are not only significantly more expensive than community-based programs, but they also are likely to continue to be less effective unless they undergo drastic changes. While there will always be a need for the closed institutional setting, the numbers of persons requiring such care, control, and treatment can be reduced greatly by expansion of community-based alternatives to incarceration.

3. The recruitment of minorities can best be accomplished through a career ladder approach to employee development wherein neighborhood youths can be added to existing correctional staffs on a work-study basis. Many potential applicants are effectively excluded from correctional work today because they do not meet educational standards. Despite the expansion of relatively inexpensive public-financed higher education, there is still a shortage of college trained minorities who seek employment in the field of corrections. A promising approach to obtaining more and better qualified minorities would be to fund at the federal level a number of work study programs which would allow low-income persons to embark on careers in corrections. Responsibilities for implementation of such career ladder programs could rest with LEAA,

the Department of Labor, the Department of Health, Education, and Welfare, or a combination of these.

4. Agency-based staff development programs should be developed in every correctional agency in the country. In an era of ever changing knowledge and technology concepts of "once trained—always trained" have been rendered obsolete. Ongoing staff development activities are essential if corrections is to increase its effectiveness.

5. There is an emergent need to develop and implement "crash" programs for the training of correctional administrators. A large majority of correctional administrators have gradually progressed to their present posts with little or no training in management or participation in staff development programs. As a result, correctional administration has evolved gradually as a field of practice, with little academic or other intellectual stimulation from the outside. Such training should be done by universities or private management development firms rather than by correctional organizations or agencies themselves. The insularity of the correctional enterprise is not likely to be overcome without inputs from outside the system.

6. A "portable" retirement system should be devised to serve correctional employees nationally. At the present time mobility is discouraged. Fragmentation of the field, which precludes the crossing of jurisdictional lines, immobilizes large numbers of employees. Promotion is usually confined to the internal structure of a single agency or department and restrictive hiring practices either discourage or prohibit lateral mobility.

7. A comprehensive educational financial assistance program should be established in an appropriate federal agency in order to provide support for persons in or preparing to enter the field of corrections. While there has been some headway in this regard during recent years there is still a great need to do much more.

Obviously, there are many more things which could and should be done to facilitate the development of manpower resources for corrections. Much of what needs to be done is already known. The work of the National Crime Commission, the Joint Commission on Correctional Manpower and Training, as well as related sources, have documented the dimensions of need and spelled out the ways in which these needs can best be met.

The problem, therefore, is no longer a result of insufficient information, but rather one involving lack of funds, resources, and concerted national, state, and local leadership to meet manpower requirements in a coordinated and systematized fashion. In late 1969 the Joint Commission on Correctional Manpower and Training noted that it was time to act. That call is even more urgent and compelling today than it was 2 years ago.

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WE ARE MOVING into a new era in human history—for better or for worse. Already radical changes are in process in the economic order, in cultural and social systems, in political organizations and processes, and in international relations. Many prophets are telling us where we are headed, or should be. Unfortunately, they give us an extreme range of messages—many of them more rhetoric than evidence to support their conclusions. There is by no means a consensus among us as to where we are going or what we can or should do to alter our course or to slow down or speed up the process of change.*

It is clear enough, however, that one condition impinges on all of us: Change is at least as real and as significant as anything else constituting our environment. This is not entirely a novel situation for mankind. Human society evolved into existence and has been changing ever since. The pace of change has been comparatively rapid at various times in the past and has been steadily accelerating for the past couple hundred years. We experience change at two levels—material and structural aspects of life and the ideas, factual data, and sentiments that give rise to these and give them particular meanings.

Almost a century ago Thomas Huxley (1880) made a wise comment concerning change in the realm of ideas: "It is the customary fate of new truths to begin as heresies and to end as superstitions." Our world of ideas today is a hodgepodge of old and new notions, each worshipped by some and abhorred by others, while losing or as yet not gaining a hold on a confused or apathetic middle group.

Henry Adams (1918) has a word of caution for the educator concerning the relationship between the accuracy and relevance of facts and the theoretical context in which they are first perceived. In referring to the necessity to update, expand, and re-articulate data as theories and values are re-examined, he points out that education accumulates an excess of dead facts over the years which badly need pruning.

But visionary as they may have been, neither Adams nor Huxley could have had more than a vague hunch as to what society would be like for people in 1971. In the past most individuals had to adapt to few if any societal changes within their lifetime. Changes occurred over centuries, generations, or at least several decades. The average person—typically a farmer or peasant—often had little personal experience with these changes. Today the pace of change in all spheres of life is so rapid that each of us faces major choices almost continuously as to who he is, where he stands, what he will do next with his life—how he will react to a major crisis, not only in his family or at his work, but also in his community, his nation, or in the world.

In the vocational area, the dynamic nature of work today is of greater relevance than any catalog of existing occupations or job requirements. Position descriptions, recruitment specifications, and tables of organization become historical documents as they are typed. Professionals and skilled tradesmen, to live up to their vocational ideals, must spend as much time learning as practicing.

To fall back again on prophets who lived on the doorstep of our time—H. G. Wells (1920) told us a half century ago, "Human history becomes more and more a race between education and catastrophe" (Ch. 15). But what kind of education? Henry Adams suggested an answer we do well to consider: ". . . they know enough who know how to learn" (*Op. cit.*, Ch. 21).

Knowing how to learn entails, of course, possessing certain skills—the ability to seek knowledge and make it one's own. It requires also access to sources of organized knowledge, specialized skills, and of the means to build on these. The educator helps the person become a learner, then puts him into communication with others—savants, practitioners, other students. Once launched into such a learning process, the person who is going to enjoy a meaningful life and be able to adapt to continuing change never ceases to be a student. Most of all, the educator cannot cease to be a student, especially in our day, or he will quickly become an obstacle rather than an aid to those he would help.

Correctional Educator's Challenge

The educator in the field of adult corrections faces problems of change both in our society generally and in the special setting in which he functions. He must recognize and foresee specific ways in which the correctional system is undergoing change or risk obsolescence. His concern must not only be for his program and its technological aspects—but for his very role. This is changing and promises to change more, with or without his knowing participation in the process. A review of a selection of changes in corrections, with relevance for the educator, may help define the challenge he faces in reshaping his purposes and improving his skills for new tasks ahead.

What seems like a long time ago, Barnes and Teeters (1943) called for the phasing out of the prison (p. 964). Professionals in corrections at the time jokingly referred to them and their disciples as "the abolitionists." Some years later Dan Glaser (1964), without expressly endorsing "abolition," hailed as the "most important breakthrough in this century for increasing the rate of prisoner rehabilitation" the establishment of federal pre-release guidance centers—small, open, community-based residential facilities for prisoners in work release status (p. 415).

In 1969, a staff study for the California legislature (Preliminary Report, 1969) recommended closing that state's

most venerable and largest bastille for male felons, the San Quentin Prison. This is still not a dead issue in California. In Oregon, the practice of work release, with offenders housed in local jails or traditional state facilities, was introduced less than 5 years ago with a handful of enrollees. Present plans call for maintaining about a fifth of the confined felony population, or about 300 men and women, in this status by 1973, with the majority of them living in community-based residential centers specially operated for this purpose. The Oregon State Penitentiary population peaked at 1,690 in 1964, and it is now possible that it will be only half that by the fall of 1973.

National Trends

What is happening in these two states is replicated in correctional systems across the country. Although presently retarded by the unemployment problem, work release has gained popular acceptance and is now available, legally at least, to prisoners in a majority of American prisons. As economic conditions improve, we may eventually see a third or more of confined offenders in this country in furlough status for work, education, or training.

The use of parole has been growing steadily if slowly throughout this century. Even more rapid expansion, especially in recent decades, has occurred in the use of probation. The substitution of short jail terms, followed by probation, is becoming an increasingly popular court disposition in a number of federal and state courts. These developments help account for the fact that, in the face of a rising population and increases in reported crimes and arrests, state prison population peaked in 1961 and has been slowly declining since. (National Prisoner Statistics, 1967.)

State and local law enforcement planning bodies, subsidized and provided technical assistance by the Law Enforcement Assistance Administration, are beginning to address the problems of local correctional facilities and programs and the need for expanded community-based programs for state offenders. As these efforts begin to pay off, further expansion can be expected in the use of alternatives to traditional prison sentences.

Promising further attrition in prison populations in the future is a growing interest in removal of certain "crimes without victims" from the criminal codes—while strengthening health, educational, welfare, and other programs to assist persons who, until now, have been in and out of jail and prison because of personal problems associated with these classes of illicit behavior. Norval Morris (Morris and Hawkins, 1970) presents the case for changes in this area rather persuasively.

Some foreseeable possibilities—if these trends continue—would include phasing out of some of our older, larger, more monstrous prisons and housing of federal and state prisoners not ready for community-based programs in those newer, smaller, better staffed facilities presently reserved for youthful offenders or otherwise "more hopeful" prisoners (who, in turn, would be coming into the institutional system in lesser num-

bers with the expansion of probation and half-way house kinds of programs).

Already in process is the phasing out of some farm operations of prison systems—just as has already occurred in the mental hospital and juvenile training school fields. There are major implications in the decades ahead also for prison industries. Once desperately needed to keep prisoners occupied—even if in antiquated processes at times—industries are having increasingly to compete for manpower with institutional maintenance and with educational and vocational programs. Increasing pressures are building to make prison industries programs more "relevant"—that is, more vocationally oriented and more up-to-date in products or services, equipment, work operations, etc. Canneries, laundries, and textile mills with obsolete equipment are in jeopardy.

Changes in "Climate"

More significant than some of the tangible, readily measurable changes in the prison are shifts in ideas, values, and expectations affecting roles of both inmates and staff. A parallel can be found in the military service, which has long served as a model for prison management. If those wedded to this model were to study emerging personnel practices in the military today, they would either begin looking for another model or find it necessary to introduce significant changes in prison practices. Actually, both the military service and the prison are beginning to change in many of the same ways, as both are affected by societal changes and by the infiltration of contemporary management theories and methods.

One fundamental change in both is the erosion of the caste system. As freedom and individuality are increasingly threatened by some of the effects of technological development, the population explosion, and political changes, we come to regard these values as more precious. Autocracy, regimentation, uniformity, and the hierarchical classification of people become evils; as more people attack them, fewer have a taste for defending them.

Helping discredit caste systems is the spreading practice by which group after group come to identify themselves as objects of institutionalized discrimination at the hands of the "establishment." The blacks, aided by white liberals, started the process; other racial and ethnic minorities have been following suit; and the strategy has been adopted by many others who are able to define themselves as groups suffering from prejudice, neglect, or injurious practices on the part of the dominant majority. We see the method used by spokesmen for the mentally ill and retarded, alcoholics, for the poor, for women, for students, for homosexuals, drug users, and in a small, scattered way for ex-offenders.

Developments in various professions have led elements within them to assume advocacy roles for disaffected groups seeking redress of grievances or relief from privations. This has involved especially the professions of law and social work, but has also affected the teaching profession at all levels—doctors, journalists, and others.

Reinforcement of the spreading use of power politics strategies by aggrieved groups contending against the status

* For an encyclopedic review of changes in process and an illustration of the point about rhetoric and evidence see Reich, 1970, also Eslandary, 1970.

quo, is even coming from what might be called "counter-revolutionary" sources. Police and firemen, strongly identified with conservative elements in our communities, in their quest for improved salaries and working conditions, have adopted techniques of those fighting for social change—strikes and slowdowns, picketing, legal suits, extreme rhetoric, and other tactics of political arm-twisting and public relations.

Professional Practices Constrained

Of special relevance for corrections, within these trends, is widespread reaction against traditional ways of categorizing and dealing with clientele of professional services. Partly this is associated with growing rebellion against bureaucracy, since so many people must seek professional services today from or within bureaucratic systems—welfare, health, education, employment, courts, corrections. It is related also, however, to a pervasive downgrading of authority in all of its forms, including the authority once accorded to the person with professional knowledge and skill. It arises also from a growing insistence by people that they be seen as individual persons, not as objects to be diagnosed and prescribed for. There is increasing insistence on greater sensitivity to individual differences and on greater acceptance by professionals of the validity of cultural values different from their own or from those of the majority. There is increasing scepticism of the ability of anyone to make judgments about the other fellow's goodness or badness, his worthiness, his motives, his potential to realize his aspirations. This development has, among other things, sparked and found reinforcement in research into the reliability of paper and pencil tests, standardized diagnostic data schedules, and, in general, the ability of professionals to evaluate, predict, or modify behavior through techniques once fairly well accepted.

Also to be taken into account are other concerns of the new spirit affecting attitudes of recipients of such public services as education, welfare, medical care, and rehabilitation. Economic security and opportunity are still dominant goals, but increasingly these are coming to be seen as "givens," rather than as issues over which it should be necessary to struggle. People now are pressing for more from life than having basic physical needs met, or even being able to enjoy purely material comforts. More and more, especially among leaders of the young, people are looking for outlets for creativity, for ways of giving expression to ideals, and for civic participation. They are seeking freedom from unnecessary constraints on self-expression and self-development—and this involves a process of continual testing as to what is and is not necessary in the way of curbs on individuality. Thus we see repetitive challenges to dress and behavior codes, to routines and schedules of every sort, to standardized requirements on the part of schools, employers, or others who control people's access to opportunities or their freedom to "be themselves".

A part of this concern about freedom, about lifestyle, and about opportunities to enjoy more than material comforts is the zeal of one group after another to study and to publicize the values and achievements in which the group may take

pride. The insistence on black culture studies in schools, and more recently on Mexican and Indian culture programs, illustrates this development. Shut out from opportunities in the white world for so long, the blacks have elected to seek clues to some new destiny through examination of the history and culture of black people in America, in Africa, and wherever they may have made a mark around the world. The only thing new about such ethnic group self-exploration and self-glorification is that the Blacks, Chicanos, and Indian Americans have come to place so much store in it. Other ethnic groups in this country were at least as caught up in the process not very long ago, and were just as exasperated and hurt at the ignorance displayed by others of their culture, traditions, and history.

There is powerful pressure from client groups and their advocates on service organizations and practitioners to accept these new constraints on relationships between them. Until some measure of understanding and accommodation are achieved around these issues between those serving and those served, little else than the struggles they provoke may happen. Only as breakthroughs occur, permitting collaboration to replace the old "doctor-patient" relationship, is it possible, in some settings at least, to get on with learning, treating, social services, or whatever the organizational tasks may be.

Toward a Collaborative Institution

The President's Commission on Crime and Administration of Justice (Task Force Report: *Corrections*, 1967) related these developments to corrections when it identified and endorsed certain changes in prison management through which inmates, custodial staff, and treatment staff were enabled to become partners in the rehabilitative tasks (p. 47-50). This subject was further explored and developed by the Joint Commission on Correctional Manpower and Training (Galvir and Karacki, 1970). The Joint Commission staff suggested that the educational process of motivation can be little more than the display of a bag of tricks unless successful attention is given to the development of meaningful payoffs for time, effort, and attitudinal changes by the inmate-student. Such payoffs must include a new status for the inmate vis-a-vis both staff and community persons and reasonably assured access to opportunities in the community—opportunities for social acceptance and for civic responsibilities as well as for decent jobs and careers. (Chapters 6 and 7).

More important also than techniques in the matter of motivation is genuine concern for the offender evidenced by staff. This concern must show itself in a sense of urgency, especially now in view of changing conditions in the prison. Prisoners and staff used to feel that if nothing else was in abundance, time was. With five or six men for most prison jobs, a slow pace and a casual attitude toward workmanship were traditional. With long waiting lists for training opportunities and preferred work assignments, there was plenty of time to acquire basic learning skills and preliminary knowledge related to trades. With no clear connection and a lengthy time gap between the prison school and life in the community, it did not matter much how one planned to use the school

curriculum, the library, or the institution's work and training opportunities.

We are faced now with the need to help people move through the correctional system with as much speed and sureness as possible. With smaller populations, expanding opportunities for work or training furloughs, and here and there the increased use of parole—time spent in idling about or in crude trial and error program participation means more time than necessary spent in total confinement—with its attrition on offender and staff and its additional costs for the taxpayer. The coming spirit of the prison must be: "Let's get with it—let's get some goals set, courses mapped out, and start working our way out of here!"

Program development and guidance thus become paramount tasks of the prison staff and especially the correctional educator. But neither of these tasks—it must be stressed—can any longer go forward within the parochial context that has characterized prison management and correctional education in days gone by. The community must become the dog and the institution the tail, if social restoration is our purpose. The institution provides necessary security controls, residential care, certain physical facilities and amenities, along with supportive and mediation services. Much else that is needed, ideally, should be provided in or by the community—through non-correctional agencies and through various other concerned groups and individuals based in the community. Unless and until communities accept responsibility for the rehabilitation task, it will only occur by inadvertence. Until both community leaders and prison management truly understand this and act on it, rehabilitation programs are largely an exercise in futility.

Implications of Community Orientation

It is conceivable, and to be sought, that in time practically all professional services, and many other kinds, in the prisons—including those in the areas of work, education, and training—will be supplied by community-based persons and organizations. This will entail contractual relationships, volunteer programs, and collaborative arrangements with extramural agencies. At many institutions we are well on our way toward this situation, and in most at least some services are community supplied, as by contract physicians, for example.

The idea can be dramatized through the following list of suggested maxims for long-range prison program planning:

1. No one should be held in confinement beyond the time when he could function in the community without demonstrable hazard to others.
2. No one should be retained in total confinement beyond the time when he can safely function in a well-planned properly structured partial confinement situation—that is, work or education release.
3. Other things being equal, work experience, training, or education obtained in a normal community situation is more conducive to social restoration than experiences undergone within a prison.
4. Generally speaking, an advisor, teacher, or work supervisor identified with a community organization will contribute

more to a confined offender's social restoration than a person of comparable ability identified as a prison worker.

The implications of these proposed tenets for the role of the correctional educator are great. He would shift from an administrator or provider of direct services to such functions as advocacy and intermediation; he would become a broker of services, putting offenders and community organizations in touch with each other. Much of his attention would shift from inside the institution to the community, where he would undertake to identify and generate resources for both extramural and intramural programs. His tasks of recruitment, orientation, supervision, and logistical support would become vastly more complicated, but the potential advantages would justify the new efforts and skills required.

Problem of the "Hard Core"

Everything said so far assumes that people coming to prison are going to come out—often in a reasonably short time, at least to the extent of advancement to partial confinement status. It assumes that we are dealing with people eager for or at least capable of responding to opportunities for a better life and who, in addition, are not seen as major threats to the well-being of others.

As prison populations become smaller and more selective—selective, that is, of the poorest risks—is it realistic to plan along these idealistic lines? Isn't the whole purpose of rehabilitation threatened by the prospect of our cutting the confined offender group to some irreducible hard core of dangerous, "incorrigible" people whom we don't know how to help, or whose reputations are so bad that parole or partial confinement are not practical considerations for them within the foreseeable future?

In the first place, we have a long way to go before we are really down to such a hard core in most prisons. Secondly, even among those who might classify for such a group at a given point in time, experience tells us that it would be hazardous and unfair to predict that they will never, under any circumstances change. The opening up of new opportunities—such as college study provided under the Newgate program or various new careers programs—produced results that few would have anticipated 10 years ago. There is a world of difference in the choices a man will make when he is not limited to crime, begging, or menial dead-end jobs.

Nevertheless in any maximum security prison there are a number of notorious prisoners with a history of major violence, typically serving life sentences. Some of these men are in the early stages of confinement, and their lurid crimes are still fresh in the public memory. It would be most unrealistic to deal with them—at this point in time—in terms of preparation for specific roles in the community. Rather, our task here is to assist these persons—individually and perhaps as a group—to find a meaningful existence within the prison. In time, case by case, many will reach a stage when they and the community may be ready for a reconciliation, even though this must be an unpredictable development at the outset.

Some 3 years ago men serving life terms at the Oregon

State Penitentiary were given approval to establish a "Lifer's Club." While this has had values for men with life sentences who were prospects for parole or work release, it has been of special benefit to the otherwise hopeless individuals just embarking on a life sentence and with little or no reason to hope for return to the community. The Club has committed itself to welfare projects of every sort, some accomplished outside by members eligible for furloughs or minimum custody, but others—such as a toy repair project—on which men can work inside. In addition, it has provided an interesting program of forum meetings for members, with speakers and panels from many walks of life in the community, including a number of high public officials who have found it profitable for themselves to come to the institution and interact with a group of life-term prisoners.

Prison industries assume special value also for the long-term prisoner, who must face years of existence inside the walls. All the other intramural resources of the institution similarly can be drawn on in helping such men discover ways of expressing their humanity in spite of the restrictions and dim future which condition their environment.

But, all in all, our program planning must give first priority to the task of building a social restoration program and of assisting men to move into it and through it expeditiously. The time is surely not distant when the majority of prisoners cannot be moving along to some sort of at least partial con-

finement status within a few years, or less, of the time of admission.

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RUSSELL G. OSWALD

Commissioner, New York State Department of Correctional Services

I AM PLEASED and honored to join you at this National Conference on Corrections. Attorney General Mitchell's invitation to us signals, I believe, an unprecedented interest, concern, and commitment on the part of the Federal Government to the field of corrections in this country. You must know that, for me personally, this conference is more than timely and urgent. Following upon the recent events at Attica, this opportunity to meet with you and to discuss with you the pressing needs of corrections nationwide will, I hope, aid not only in the prevention of future tragedies, but also in the establishment of new and more meaningful priorities for progress in corrections throughout the country.

Manpower for corrections is, as many of you will attest, a serious and complicated problem. We are, however, fortunate in having for our reference during the conference the findings and recommendations of the Joint Commission on Correctional Manpower and Training. Established in 1966 pursuant to the Correctional Rehabilitation Study Act of 1965, the Joint Commission conducted, over a 3-year period, an exhaustive study of the critical manpower situation confronting our correctional institutions and our probation and parole systems. Having served as a member of the Board of Directors of the Joint Commission, I take special pride in bringing to your attention those findings and recommendations which bear upon the questions concerning manpower for corrections.

Broad Conclusions of Manpower Commission

To provide you with an overall perspective, I want to quote the broad conclusion reached by the Commission:*

An unavoidable conclusion of the Joint Commission's studies is that corrections suffers from multiple problems: apathy, piecemeal programming, totally inadequate funding, and a lack of public support and understanding. A dearth of resources is hampering the development of its programs and its personnel. Staff training programs are nearly non-existent.

Corrections is clearly a stepchild in the academic world. Adequate numbers of appropriately trained personnel do not flow from classrooms into correctional agencies. While some promising academic programs are currently operating and others are in various stages of development, they have enjoyed little or no outside financial or administrative effort. Thus they have not been able to operate on a scale large enough to be of any great benefit to the field.

The correctional enterprise must immediately be accorded support commensurate with the magnitude of the tasks to which it has been assigned. Otherwise, society may have to pay an even greater price in terms of social and economic costs for keeping its offenders out of sight and out of mind.

The major problems facing corrections today have been caused to a large extent by complacency and ignorance about the volatile nature of social problems left unattended for far too long. Although some progress has been made over the years to arouse public interest, to improve salaries and working conditions, and to remove corrections from the shadow of political patronage, not nearly enough has been accom-

* *A Time To Act*, Final Report of Joint Commission on Correctional Manpower and Training, October 1969.

plished. Results have been tragically short of the pressing needs.

Public Determined To Act

Over the past 4 or 5 months, tragic disturbances in American prisons have brought about new and critically serious public attention to the needs of correctional systems throughout the country. The needs of correctional facilities, in particular, and of the human beings confined and working within them, will no longer be over-shadowed—hidden from view—by competing and never-ending demands for still more super-highways or wasteful empire building at the taxpayer's expense. The American public now knows about the American correctional system. And the American public is now determined to act to correct the deficiencies of a long-neglected and vitally important function of our society.

While the road ahead to a fully competent correctional service in New York State is a long and complicated one, we have been fortunate in receiving substantial federal assistance in the implementation of the new philosophies, goals, and specific program objectives developed as a blueprint for the future since January 1, 1971. I share this experience with you, since I believe that great and creative opportunities exist for us in utilizing effectively funds available to us through the Law Enforcement Assistance Administration. Such funds permit us, through augmentation of state budgets and direct experimentation, to raise old standards and break new ground in the aggressive recruitment, development, and training of personnel. To illustrate: One of our larger federal grants in New York, in the amount of \$1.6 million, has permitted us to initiate a statewide program for training of all employees in our agency.

Problems in Personnel Recruitment

With specific reference to the need to obtain better educated, better trained, better motivated, and more adequate numbers of correctional personnel, the Joint Commission found that:

1. Over 111,000 persons are currently employed in the country's correctional institutions and agencies, excluding jails.
2. Recruitment of correctional personnel is ordinarily carried out in an uncoordinated and haphazard manner.
3. Only 16 percent of those now employed in corrections came directly from classrooms.
4. In both juvenile and adult institutions, more than 60 percent of top-level administrators reported serious problems in recruiting treatment-training personnel.
5. Significant numbers of correctional employees see disorganization and lack of communication within and between agencies as detracting from job satisfaction.
6. Many agencies continue to implement personnel policies which have been or are being discarded by other public agencies and by private industries.
7. Corrections, like all other human service fields, must re-examine the tasks to be performed and set its educational standards in terms of specific functions.
8. In its national survey of correctional personnel, the Joint Commission found that only 7 percent of all administrators, 9 percent of all supervisors, 10 percent of functional specialists, and 14 percent of institutional line workers were currently involved in an in-service training program.

Minority Groups Conspicuously Absent

As to the recruitment of more minority group personnel for correctional service, the Joint Commission found that

Minority group members are being aggressively recruited and trained for responsible jobs in other sectors of the American economy. But if there are such efforts in corrections, they have had little impact on the overall situation. While Negroes (sic) make up 12 percent of the total population, only 8 percent of correctional employees are black. Negroes (sic) are conspicuously absent from administrative and supervisory ranks, and they form only 3 percent of all top and middle-level administrators.

Our New York State experience may again be helpful. Through assistance from the Federal Government, the Department of Correctional Services will shortly embark upon a concentrated effort to recruit members of minority groups to the ranks of both correctional officer and professional treatment personnel. This effort will include aggressive recruiting in preparation for civil service examinations and, as required, assistance in both transportation to and from employment and in making arrangements for appropriate housing.

Recruitment of Young People

The need to recruit young people to correctional services throughout the country has been a clear and pervasive problem for most correctional administrators.

The Joint Commission found that:

Young people are missing from the correctional employment scene. While other vocations have tried to capture the enthusiasm and vitality of the present generation of students, the Joint Commission was unable to discover any such broadscale effort in corrections. Only 26 percent of all correctional employees under 34 years of age, a statistic that is particularly disconcerting in view of the fact that juveniles make up about one-third of the total correctional workload and are being referred to correctional agencies at a greater rate than adults. Generation-gap problems between workers and young correctional clients will no doubt increase if efforts are not made to recruit young people into this field.

Careers in Corrections Need Attention

Careers in correctional service require our attention and our action. Policies with reference to recruitment, selection, training, mobility, and promotion, all underpin and define organizational quality. The Joint Commission found that:

1. Well over one-third (of present correctional employees) express a reluctance to recommend corrections as a career to young people.

2. Corrections is essentially a closed system. In many respects, people with a number of years of service in a correctional agency are trapped. Fragmentation of the field which precludes the crossing of jurisdictional lines immobilizes large numbers of employees. Promotion is usually confined to the internal structure of a single agency or department, and restrictive hiring practices either discard or prohibit lateral transfers.

Progress in solving the manpower issue for correctional systems nationwide will, in many respects, present important solutions to the major problems of current correctional agencies. Our achievements in corrections will be no greater than the quality of our personnel.

Group Reports of Workshop II

GROUP A

CHAIRMAN: Dora Somerville
DISCUSSION LEADER: Virginia McLaughlin
REPORTER: Cornelius M. Cooper

This workshop made an initial assessment that quality personnel would determine the product of correctional activities and programs; further these persons must have a total concern with the commonality of man and an attitude of optimism with respect to people involved in the criminal justice system as recipients. The question is how to obtain personnel that are better qualified, better trained, better motivated, of minority groups (crucial), and younger and with a correctional interest, and how do we build more meaningful careers.

It was concluded that the following steps or objectives (not in priority sequence) would create an atmosphere for significant improvement in the manpower problem facing corrections today:

1. Support the *concept* of a National Academy for Corrections through a network of regional satellites.
2. Create meaningful involvement of ex-offenders in correctional programs and policy development.
3. Develop a massive educational program to change the image of corrections through the media and in schools.
4. Design positions in the correctional system that will insure meaningful utilization of skills and result in job satisfactions.
5. Change management's attitude regarding the function of the correctional system in order that innovative changes can be implemented.
6. Institute the new career concept with a potential for professional development, thus involving community people who have a real contribution to make.
7. Expand Part E of the Omnibus Crime Control Bill to include training and education for correctional personnel.
8. Broaden the philosophy of "corrections" to insure that the entire criminal justice system is understood.
9. Strive continually for attitude change within the system and be concurrent with recruitment efforts.
10. Actively enforce incentive for upward mobility for minority persons and women.
11. Remove constraints of civil service and unions as a lever to facilitate upgrading of qualified personnel—specifically minorities, women, and ex-offenders.
12. Change attitudes regarding minorities with respect to capabilities and the contribution they can make, especially women.
13. Develop a national registry of interdisciplinary expertise to provide qualified and capable manpower where the need is expressed.

Finally, the group considers a major constraint to progress

in the development of a competent manpower pool the exclusion, due to current attitudes, of any individual or group from active participation in the system.

GROUP B

CHAIRMAN: Michael N. Canlis
DISCUSSION LEADER: H. G. Moeller
REPORTER: Don Manson

In the general discussion of manpower for corrections, no formal recommendations were made. The following points and ideas were expressed and discussed:

1. We have serious shortages in some areas of corrections. Others—in probation, for example—believed that there was not a manpower shortage at this time.
 2. The scope of correctional activity has expanded, thus bringing in additional manpower in some cases; e.g., law students working on ROR (release on own recognizance); bail reduction applications; prisoner's rights litigation; and various LEAA-funded student intern programs.
 3. The rural location of many prisons and recruiting by geographical area both create serious problems in minority recruitment.
 4. Law schools and law students, for a variety of reasons, offer only a very limited resource to correctional manpower needs.
 5. Generally, there is no problem channeling students into the correctional field in school. Enrollments at several community colleges, with corrections as criminal justice programs, demonstrate this.
 6. There is no shortage of highly dedicated students who could be well used in corrections.
 7. Strongly stated, and generally agreed upon, were the following two points: (a) There is a serious need for both state and local legislation imposing minimum standards for manpower in the corrections field, and (b) there is great need for more money in the corrections field—both from state and local elected officials—if qualified and dedicated personnel are to be hired and retained.
 8. There is a need for a degree in corrections, not simply a general degree as a requirement for corrections personnel.
 9. Increased job benefits will make the corrections field more attractive to many.
 10. Enabling legislation allowing courts to force money from state and local officials for corrections would be helpful.
 11. The use of paraprofessionals in corrections was discussed. It was strongly supported by some and opposed by others. Still others agreed that there should be a combination of professionals and paraprofessionals.
- The Academy of Corrections was discussed. No formal votes

or group positions were recorded. However, the following individual opinions were expressed:

1. Support for a centralized academy.
 2. Support for a regionalized academy.
 3. A question as to whether an academy can be supported until more about its goals and curriculum is known.
 4. Students should be only people already in the corrections field. (In this case, there should also be an increase to local level community colleges of subsidies for corrections programs.)
 5. Support, at the outset, for a centralized academy to demonstrate a program that works, to put together teaching materials and feed them out to local colleges, to supplement LEEP programs, and to place successful corrections practitioners in teaching positions (this idea would involve some inconveniences related to a centralized academy such as travel, etc.).
 6. A centralized academy should aim to improve individuals already in the corrections field, so they can return and help improve their correctional agencies. The academy would have a small full-time staff, but a large selection of professionals on which it could draw for teaching assistance, and some input from outside the United States. It would not have excessive divisions within the field of corrections, and would eventually become regionalized.
 7. The academy should *not* take college students and create an elite crew of correctional experts.
 8. It should not duplicate already existing curricula.
 9. It should help clarify what it is that corrections expects from undergraduate students—a step toward establishing standards.
 10. It should attempt to serve both (a) needs of corrections professionals and (b) interests of academic community in corrections.
 11. There should be no formal, permanent student body. Such an academy would be primarily a research academy, service as a guide to other institutions doing correctional training and education, would be supervisory in nature, and would perform a variety of different tasks with different groups of students for different specific purposes.
 12. Finally, there was support for a heavy emphasis on serving practitioners in the corrections field.
- Again, although it was discussed at some length, no formal definition of corrections was agreed upon.

GROUP C

CHAIRMAN: James B. Kessler
DISCUSSION LEADER: John P. Conrad
REPORTER: G. Richard Bacon

The assertion of constitutional and human rights to their appropriate limits will be a most meaningful move toward rehabilitation of persons who are held within the criminal justice system. In order to make these rights a reality, it is recommended that state and federal corrections systems be

encouraged to contract with university law schools for the necessary legal services.

It is also recommended that state and federal corrections systems explore the possibility of contracting with appropriate organizations to provide medical and other professional services for inmates.

It is further recommended that the meeting of manpower requirements in the field of corrections can be enhanced by the establishment of a National Academy for corrections and a national corrections institute; however, the establishment of such agencies will not satisfy all future needs of corrections. Manpower needs in corrections will be met only to the degree that society indicates its belief that the support of corrections is vitally important to society. One of the functions of the National Academy should be the development of programs which can be used in the states. The Federal Government should provide for grants to the states to implement these programs.

It is recommended, moreover, that managers of correctional institutions be given credit for successful efforts to improve the quality of the services performed by their employees and that such credit be a factor in the determination of promotions and salary increases.

It is finally recommended that standards be developed which can be used to assess the quality of managerial performance.

Manpower recruiting for corrections should make use of the desire of young people to perform socially useful services, thus upgrading the quality of recruits for jobs in the field of corrections.

GROUP E

CHAIRMAN: Robert J. Kutak
DISCUSSION LEADER: Sanger B. Powers
REPORTER: Edwin R. LaPedis

1. A National Advisory Committee, broad in its representation, should be established to carefully examine the role of the proposed National Academy of Correction, and recommend to the Administration how it should be structured. The Academy could be counter-productive if it re-enforced corrections isolation from the rest of the criminal justice system. In addition, although it was recognized that the implementation of such a proposal could increase the stature of corrections in the Nation, it seems critical that its purpose be structured so that it supports, rather than lessens, the role of state and local government in the training and education of correctional personnel.

2. Respect for the legitimate civil rights of offenders, including prisoners, has to be given substantially more priority in the training of the correctional worker. Correctional workers have to be imbued with a greater respect for the individual.

3. To improve the capacity of the corrections systems, including probation and parole, to relate successfully with offenders, more minority group members are needed to become

part of correctional agency staffs. In addition, it is suggested that correctional agencies could handle their jobs more sensitively and effectively if there were more women and young people on their staffs.

4. It was recommended that administrators of correctional programs should have access to their own legal council to aid them to more successfully negotiate the redefinition of their relationship with the offender population.

5. It was suggested that correctional administrators play a leadership role, rather than a defensive role, in the establishment of a new definition of the correctional client's rights.

6. It was strongly recommended that the process of pardon be utilized to a greater degree as a method to eradicate the stigma of having been a correctional client.

7. The workshop was requested to support Senate Bill 2732 which is related to the nullification of certain criminal records.

GROUP F

CHAIRMAN: John Marshall Briley
DISCUSSION LEADER: Dr. E. Preston Sharp
REPORTER: Carol Blair

It is suggested that the proposed National Academy for Corrections be structured as follows:

1. A central college similar to the U.S. Army War College primarily to provide courses in new areas of corrections and techniques for wardens and other senior corrections personnel.

2. A small staff which would contract with universities in five or six regions to subsidize the education of new and junior corrections personnel in courses recommended by the staff.

GROUP G

CHAIRMAN: Richard J. Hughes
DISCUSSION LEADER: Dr. George Beto
REPORTER: Nick Pappas

1. How do we obtain better educated, better trained, better motivated, and more adequate numbers of correctional personnel?

(a) Adequate salary.

(b) Lower the age of employment. There is no reason an 18-year-old cannot work with offenders.

(c) Professionalize correctional employment. We must make it more than just a job.

(d) Restrict the control of unionism and civil service. Unionism produces rigidity and prevents rational personnel assignment. Civil service is too often a haven for mediocrity. Administrators must have some control of their personnel. Specifically persons in positions of administrative responsibility should be held accountable. Therefore administrative personnel, beginning at the deputy warden level, should be civil service exempt.

2. How do we recruit more minority group numbers?

(a) By use of the news media.

(b) By a personal approach.

(c) Minority group recruitment can be enhanced by increased professionalization and adequate salary in order to make correctional work attractive. Due to the personnel structure of custodial staff, minority recruitment is difficult to achieve. It takes time for them to work their way up the custodial ladder. We therefore see a low representation of minority members in middle management.

(d) Increased use of women, especially in juvenile institutions.

(e) Increased use of ex-offenders, particularly in community programs and in selected positions in corrections.

(f) Development of new programs and parallel systems outside of the regular personnel structure.

3. How do we persuade younger persons to enter corrections?

(a) By use of internship.

(b) By summer employment.

(c) By association with institutions of higher learning. Correctional administrators should take part in educational programs, seminars, workshops at institutions of higher learning in order to involve students.

(d) By continued use of federal and state correctional scholarships to attract students. We applaud and support the LEAA education program.

(e) By establishment of staff development programs involving incentive pay for continuing education. There is a need for the development of correctional administrators and training and education programs should be funded for these purposes.

4. How do we build more meaningful careers for personnel?

(a) By indicating a clear-cut distinction between the "catchers" and the "keepers."

(b) By emphasizing the treatment role of the correctional officer.

5. How do we proceed to establish a National Academy of Corrections?

(a) Congress should be asked to authorize and fund a National Academy of Corrections that will support the national purpose.

(b) This Academy should be established with full use of existing educational facilities throughout the Nation.

(c) The Academy should develop (1) training curriculum for all levels of corrections; (2) training models that can be used by other corrections systems; and (3) training standards.

(d) The Academy should be organized as a coordinating council to be responsible for bringing together existing resources of the Federal Government, including LEAA, the Bureau of Prisons, and the Federal Probation System.

(e) The Academy should have a fulltime staff and a director.

(f) In order to avoid parochialism, the existing federal training centers should include a reasonable student mix of state personnel.

GROUP H

CHAIRMAN: Ellis C. MacDougall
DISCUSSION LEADER: Allen F. Breed
REPORTER: Leo C. Zeffetti

Mr. Breed spoke on manpower for corrections, indicating a broad spectrum of necessary recommendations which are a must to effectively recruit qualified people to be part of the correctional system. He remarked that a progressive correctional system in California has seen a reduction of staff which has occurred through a low morale factor within the system. Lack of opportunity within the system seems to be the reason most frequently given for low morale. The attached list of recommendations were offered by Mr. Breed:

1. There is a need for a comprehensive nationwide public relations that effectively tells the correctional story.
2. There is a need to recruit younger persons into the correctional services through aggressive contacts with universities and colleges and by lowering the ages of entry into the service from 21 to 18 years.
3. There is a need to create new work opportunities in corrections for both minority members and women.
4. There is a need to introduce modern management practices and systems that insure optimum working conditions for employees.
5. There is a need to develop advancement opportunities within corrections to attract and retain high quality personnel.
6. There is a need to develop uniform job titles and descriptions, as well as pay, that facilitate transfer between different operations, agencies, and even correctional jurisdictions.
7. There is a need for correctional salaries to be competitive with law enforcement and other professional services to attract and keep good employees.
8. There is a need to develop job opportunities for new careerists, paraprofessionals, and ex-offenders within present and expanded correctional efforts.
9. There is a need to develop a national retirement fund that supports job transfers and an earlier retirement program which at least approximates that achieved by most large law enforcement jurisdictions.
10. There is a need for corrections to assert a leadership role in the development of training and professional advancement programs without undue reliance on universities and colleges.
11. There is a need to develop and implement modern management assessment programs that identify potential managers and provide appropriate training and opportunities for advancement within the management structure.

There was mutual agreement on all of Mr. Breed's recommendations with one exception. Paragraph 8 was discussed and, although we agreed on the use of new careerists and paraprofessionals, there was objection to the use of ex-offenders within the confines of the system. Ex-offenders programmed for followup or program activities that did not bring them directly into an institution seemed to have approval.

Discussions which followed brought us in to the question of a

National Academy proposed by the Attorney General. The following recommendations were suggested:

1. Standards of training which reach all levels, from management down to the correctional officer.
2. Federal funding for staffs necessary for implementing a training program for staff at the Academy. Parts of staff must be held in reserve if the department sending staff is to be adequately staffed during the training period.
3. A regional curricula available to the immediate problems of the respective urban or rural areas concerned.
4. The Academy should be staffed with an advisory board or commission representing all jurisdictions—state, federal, county, and city.

GROUP I

CHAIRMAN: Oliver J. Keller, Jr.
DISCUSSION LEADER: Milton Luger
REPORTER: William A. Cohan, Jr.

The workshop expressed:

That correctional administrators should recognize that manpower is not the only answer; it is one need of many;

That correctional administrators should be introspective and analytic as to whether they are utilizing existing personnel in the most creative and flexible way and act to remove those restrictions that block full utilization of staff talents;

That there exists the need for provisions for lateral entry of qualified personnel at the higher echelon level, and also development of aggressive programs for recruitment of minority group representatives at all levels;

That the various jurisdictions should examine their civil service procedures to determine which aspects of their system work to stifle correctional programs;

That corrections should recognize that establishment of a National Corrections Academy is only one of many needs; and

That the National Corrections Academy should incorporate in its program input from all segments of the criminal justice system to include police, courts, probation, parole, clients, and the general public as well as institutional personnel. Hopefully, this will serve to diffuse the distrust and misunderstanding that exists among the various segments and assist the trainee in developing an identification with the total criminal justice system.

GROUP J

CHAIRMAN: Carl M. Loeb
DISCUSSION LEADER: John A. Wallace
REPORTER: Carolyn Huggins

1. We recommend that "release-on-own-recognizance" be included in every area of the criminal justice system in order to reduce the number of those incarcerated.
2. It is recommended that volunteers and voluntary organi-

zations be used in as many ways as tasks can be assigned and that adequate financing be made available for recruitment, screening, training, and assignment.

3. Despite the fact that we foresee many inevitable failures, we recommend a policy which would emphasize recruitment as quickly as possible after completion of an education with the goal of achieving a higher representation of both youth and minority groups. An effort to include quality people should be made.

4. In addition to being made aware of money needs for corrections, citizenry should be encouraged to alert their legislators to any required changes in the law.

5. We recommend that all efforts involving change should be aimed toward the reduction of the number of incarcerated persons.

6. The group recommends support of the enunciation of a nation-wide policy and requests the support of the Federal Government to encourage the states and all local jurisdictions to liberalize their pension systems and civil service eligibility systems to permit the transfer of personnel within the correctional system. This would include the opportunity for local people to become eligible to retire in the federal civil service system.

7. We recommend that the present system of written examinations involving both employment and promotions be carefully re-examined.

The following recommendations were made with respect to a National Correctional Institute:

1. The National Correctional Institute should consist of a group of widely dispersed operations and should educate employees of local, state, and federal systems in addition to employees of voluntary agencies involved in similar service.

2. It is hoped that the instruction would involve an understanding of the entire criminal justice system and also embrace research.

3. An alternate activity of the Institute could be the visiting of instruction personnel to facilities in various parts of the country.

4. A group of experts in the correctional field should be called together to formulate the curriculum.

GROUP K

CHAIRMAN: Paul W. Keve
DISCUSSION LEADER: William Nagel
REPORTER: John McCartt

The group recommends that:

1. A National Academy be created that would be mobile, flexible, and intended to move out to work at the site with top management in correctional agencies.

2. The initial thrust be to assist with planning and leadership training with respect to a full range of correctional programs.

3. To protect the initial training investment, the Academy should include strong follow-through services on an ongoing and sustaining basis.

4. In the design and conduct of the Academy there should be continuing combined participation by government, education, and business.

5. The Academy should include a continuing element of research and evaluation.

6. The Academy's activity should be coordinated with the university training program being conducted.

The group also recommends that a strong effort be made to recruit employees from the ranks of minority groups and ex-offenders, and also urges that any future institutional planning follow the concept that facilities be located in urban areas to which the clientele are mainly indigenous.

GROUP L

CHAIRMAN: Judge Lawrence W. Pierce
DISCUSSION LEADER: Vincent O'Leary
REPORTER: Herbert E. Hoffman

After a vigorous presentation by our discussion leader, Vincent O'Leary, 19 of us proceeded to address the assigned subject.

First to receive attention was the suggestion of Mr. O'Leary that sustained and broad support needs to be developed for the utilization of volunteers, paraprofessionals, and ex-offenders in corrective programs.

The group focused primarily on ex-offenders. We were informed that in Texas in limited areas ex-offenders are used as probation officers in a one-to-one relationship. Ex-offenders also are used in therapy sessions. In both instances the ex-offenders work under the close supervision of professionals. Similarly, ex-offenders are used in Philadelphia under an LEAA funded program, in Colorado in the NARA program of the Federal Government, and in the federal system in Chicago. However, in Massachusetts, for the most part, ex-offenders continue to be prohibited from associating with other ex-offenders.

Other types of volunteers are also used in some systems, e.g., Big Brothers, Junior League, and others.

A consensus was reached that the use of volunteers is desirable, but it is essential that their role be specifically defined, and that they be adequately supervised.

The second question to which we directed attention was whether the entire corrections system should operate solely with merit appointments. Should "patronage" be abolished? Some conferees felt that top administrators should be able to select their key personnel on other than a merit system, but subject to reasonable standards. Many believed, however, that a merit system should run from top to bottom and that, once in a system, personnel should be able to acquire tenure and should participate in a pension plan.

In discussing our leader's suggestion that "standardized verbal tests" should be abolished in connection with recruitment, the consensus seemed to be that only those tests not reasonably related to the jobs to be filled should be abolished.

One suggestion which received considerable support was that provision should be made for lateral entry from other

systems—both interjurisdiction and intrajurisdiction. We should give credit for time spent in another system and provide for the transfer of accrued pension rights.

Almost complete, if not complete, agreement was reached on the desirability of programs for continuing education and training of corrections personnel. Some felt primary emphasis should be on schooling of the top echelon; others felt it more important to expend our effort and funds primarily on the lower echelon—the man in the cell block. LEAA supported a higher education program but it was terminated last year as a result of a determination that its legislation does not authorize such projects. It was agreed that we would recommend an appropriate amendment in the LEAA legislation, unless some other avenue, perhaps the proposed National Academy, becomes available to do the job.

The view was expressed that in any schooling we must be certain to provide for cross-pollination among personnel of various jurisdictions and in the various aspects of corrections work, e.g., prison personnel, prosecutors, etc.

The proposed National Academy received considerable discussion. In the course of the discussion there was considerable sentiment for using a regional approach, rather than one central facility. The thought was expressed that in such a way we would reach more people, be able to involve local people and thus encourage local support. It was urged that we use university campuses to get the collegiates to know the corrections people and thus, hopefully, to develop some respect for them.

Further, the establishment of a National Academy was seen by some as a major step toward professionalizing corrections and, seen in that light, as a major goal. It was suggested that consideration be given to establishing a system of sabbaticals for corrections people so they could attend the Academy for a year. Also, the Academy should provide a national focus on corrections and should address the entire ambit—from police through parole.

Leaving the Academy question, the group urged that close attention be given to the question of personnel unions and their impact on corrections decisions made by prison administrators.

The final subject to which we directed attention was that of minority recruitment. Our discussion leader proposed that there should be preferential hiring of persons from minority groups. A consensus seemed to be reached that "consistent with what is done in other professions" this should be done. However, when we got to the question of preferences in promotions there was substantial controversy. Even the discussion leader was not sure he wanted to go down that road. Incidentally, it seemed to be agreed that preferences would be exercised only among qualified persons.

A strong plea was made by one of our conferees that steps be taken to retain blacks and chicanos in the corrections system. From personal experience he indicated that these minorities are not trusted and are discriminated against by the lower class whites who run the institutions. A minority employee must either turn archly conservative if he wants to stay and get along, must leave the system, or can remain with little

chance of advancement through the years. The group felt this was a most important matter deserving priority attention.

GROUP M

CHAIRMAN: Richard A. McGee
DISCUSSION LEADER: Rudy Sanfilippo
REPORTER: Roberta Dorn

Recruitment Problems:

1. There are too few minority applicants due to unrealistic entry level qualifications. There is a need for lateral training programs in all areas of correctional employment.

2. Salaries in the corrections field should be commensurate with those in other areas of law enforcement.

3. Correctional administrators must develop public relations programs to encourage applications from minorities.

4. Entrance examinations for corrections officers should be revised to make them more relevant to the job at hand.

5. Minority group members should have an active role in recruitment, selection, and training.

6. The job of the correctional officer and the juvenile group supervisor, if expanded to include the role of an advocate, will attract more qualified people and reduce staff turnover.

7. The Nation's corrections systems should adopt uniform job titles and encourage lateral mobility nationwide.

Educational Resources and Personnel Development:

1. More funds should be allocated to inservice training programs within existing agencies.

2. Correctional administrators nationwide are greatly in need of over-all managerial training.

3. Entry level training in the behavioral sciences should be provided with line staff.

The National Academy:

1. Young, promising corrections professionals should be recruited for staff positions.

2. The Academy should provide field-work experience as well as academic training.

3. The Academy could operate regionally, perhaps contracting with universities which have ongoing, qualified corrections programs.

4. The Academy should be coordinated from a central point, but training should be conducted through a network of regional and community programs.

5. A thorough feasibility study must be undertaken before planning for the Academy continues.

GROUP N

CHAIRMAN: Kenneth E. Kirkpatrick
DISCUSSION LEADER: John J. Galvin
REPORTER: Jack H. Wise

1. An emphasis should be placed on the development of the use of new careerists, including ex-offenders and offenders where appropriate.

2. A breakdown of manpower needs should include the

utilization of volunteers and their unique contribution to correctional treatment.

3. The concept of affirmative action regarding minority groups which would accelerate their entrance into the correctional system and also the upward mobility through the promotional hierarchy received unanimous agreement. It was felt that the reduction of tensions among inmates in institutions and the delivery of services at all levels of corrections would be enhanced.

4. The concept of a national correctional academy was accepted; however, it was the consensus of the group that this program would not resemble that of the FBI Academy, wherein it would be established as a central institution to which certain selected correctional personnel would be sent. Rather, it would be an ongoing commission appointed by the Executive branch of the Federal Government which would be a standard-setting body and promote correctional training on a regional basis throughout the country.

5. The academy commission would provide a central repository for training resources, consultant services, and planners who could provide such services to regional training programs. Such regional training would utilize resources found in local colleges and universities as well as training components existent in state and local correctional agencies.

6. One of the major functions of the academy commission would be the coordination of training efforts, which could be accomplished through financial grants and subventions based upon standards set by the commission and its staff.

GROUP O

CHAIRMAN: Judge William B. Bryant
DISCUSSION LEADER: Russell G. Oswald
REPORTER: John H. Hickey

1. Correctional administrators must take the initiative at federal, state, and local levels to ensure a greater degree of coordination and cooperation among the police, prosecutors, courts, and correctional agencies. In addition to informal working relationships, participation of representatives from all sectors of the criminal justice system in conferences, workshops, and training seminars must be encouraged at all levels of government.

2. Assistance should be made available to state and local agencies in the area of public involvement in corrections, public information, and recruitment.

3. In order to attract younger persons to the correctional

field, a concerted effort should be made to encourage high school, junior college, and college counselors to inform students of correctional careers. Work-study programs, which place students in correctional agencies to test career decisions and thereby promote recruitment of young people, should be expanded.

4. Correctional agencies at all levels of government should intensify efforts to recruit more Negroes (sic), Mexican-Americans, and other minority group members into correctional work. Training programs should be developed to ensure that they have opportunities for career advancement in the field. Ex-offenders should be recruited on the basis of qualifications and motivation.

5. Recruitment programs for careers in corrections should capitalize on such findings by stressing the feelings of satisfaction and service to society which are possible in correctional work.

6. Corrections must make provision for greater advancement opportunities in order to attract and retain high quality personnel. Systems should be opened to provide opportunities for lateral entry and promotional mobility within jurisdictions as well as across jurisdictional lines.

7. To encourage mobility, provisions should be made for relocation expenses of prospective employees at supervisory, middle-management, top-management, and specialist levels.

8. Uniform job titles should be developed in correctional institutions and probation/parole agencies to provide a meaningful basis for lateral mobility between agencies and across jurisdictional boundaries.

9. Salaries, retirement plans, and other employee fringe benefits should be assessed continually and efforts made to keep them in line with comparable positions in government and industry in the same geographical area. Annual cost-of-living increases should be made an integral feature of salary negotiations.

10. A top priority should be given to the education and training of correctional managers in the areas of collective bargaining and labor-management relations. Corrections should borrow heavily from the work accomplished by the private sector in this area. Correctional administrators can also take advantage of a number of training programs already existing in the field of management.

11. There should be more LEAA funds in LEEP programs to train at college level for correctional personnel.

12. The National Academy concept should be large enough to adequately train at all levels with defined goals.

13. The national standards for correctional personnel should include education and salaries.

Group Discussion Papers and Reports Workshop III

THE SPECIAL PROBLEMS OF FEMALE OFFENDERS

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ANY ATTEMPT to analyze the current status of corrections in the area of special problems of female offenders is seriously hampered by an almost incredible scarcity of data. This situation did not change with the completion of the most comprehensive study to date on the problems of crime and corrections in the United States: The President's Commission on Law Enforcement and Administration of Justice did not include a single paragraph or statistic on the female offender, nor could any such material be found in its nine supportive Task Force Reports.¹ What information does exist is, with a few notable exceptions, rather eclectic and frequently dated, which leads us to the conclusion that the problems of the female offender are characteristically regarded as insignificant, no doubt due to the magnitude and extent of male crime and delinquency.

Statistical Data

Examining crime statistics, we find that the ratio of male to female arrests for 1970 was 6 to 1.² Women were arrested in 17 percent of the serious or Crime Index type offenses; 10 percent of the arrests for violent crimes involved women, so did 19 percent of all property arrests. Larceny accounted for one out of every five female arrests, forgery for 24 percent, fraud for 27 percent, embezzlement for 25 percent and narcotics offenses for 16 percent.

Looking at the ratio of male to female inmate population found in our Nation's jails, we find that it widens to 18 to 1 for adult offenders.³ Turning to the prison level, we generally find a ratio of 3 to one.⁴ While the funneling or filtering effect from arrest to institutionalization is equally applicable to the male offender, the great differential in the sex ratio still needs to be accounted for. Scant research efforts have identified the following factors: grossly underreported or "masked female criminality."⁵ For example, certain types of offenses, such as exhibitionism, homosexuality, sexual crimes

against children, abortion, infanticide, child abuse, and blackmail are likely to go unnoticed. Further, the dictates of unique, female role performance produce covert, deceptive practices, which permit criminal behavior to go unnoticed and undetected. Masculine chivalry also contributes to the masking effect, since male victims may be reluctant to complain for reasons of sympathy, embarrassment, or for fear of implicating themselves, and the law enforcement and court systems may be inclined to exhibit lenience.⁶ In summary, it may be stated that women, in comparison to men, contribute less to crimes, at least according to best available statistical information. While this information offers relative certainty only as far as the category of "crimes known to the police" is concerned, we shall have to content ourselves with this information, at least until further light can be shed on this issue by forthcoming victim survey research.

While the data discussed above may appear comforting at first glance, and thereby warrant a lack of research in this area, a look at long-term trends changes the picture. Arrest rates for females, particularly in the category 18 years and under, have more than doubled in the past decade compared to arrest rates for males; and male-to-female arrest ratios have declined steadily.⁸ In the absence of reliable data, however, we can only speculate as to the reasons for this decline: overall improvement in the efficiency of the law enforcement, more objectivity on the part of the crime-fighting agencies and male victims, and changes in female behavior patterns due to emancipation and increased overt behavior.

Patterns in Female Criminality

Analysis of crime statistics and offender populations points to pronounced differences between male and female criminal patterns, with the latter clustering around larceny, forgery, fraud, embezzlement, prostitution, drunkenness, vagrancy, drug violations, and child abuse and neglect. In contrast, male offenses cover a much wider spectrum and predominate in the categories of robbery, burglary, auto theft, assaults and rape.

¹ Report by the President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, Washington, D.C., U.S. Government Printing Office, 1967.

² Federal Bureau of Investigation, U.S. Department of Justice, *Crime in the United States, Uniform Crime Reports—1970*, Washington, D.C., U.S. Government Printing Office, p. 35.

³ Law Enforcement Assistance Administration, *1970 National Jail Census*, Washington, D.C., U.S. Government Printing Office, 1971, p. 10.

⁴ Joy S. Eymann, *Prisons for Women*, Springfield, Charles C. Thomas, 1971, p. ix.

⁵ Otto Pollak, *The Criminality of Women*, New York, A. S. Barnes and Company, Inc., 1950. (This book is still the most definitive work on women offenders to date.)

⁶ Walter C. Reckless, Barbara Ann Kay, *The Female Offender*, Consultant Report to the President's Commission on Law Enforcement and Administration of Justice, 1967, p. 13.

⁷ Canadian Committee on Corrections, "The Woman Offender," in *Toward Unity: Criminal Justice and Corrections*, Ottawa, Canada, Queen's Printer, 1969, pp. 389-3-4.

⁸ *Op. cit.* supra note 2, p. 36.

A comparative analysis points to further differences between the sexes. When compared to male prisoners, female prisoners revealed less negative socialization patterns but were considerably more alienated;⁹ and they displayed significantly more unfavorable attitudes toward legal institutions and the law than men.¹⁰ Further, delinquent boys were found to commit significantly more property offenses in the company of peers, while delinquent girls were over-represented in cases of sexual offenses, truancy, incorrigibility, with most of the latter violations being committed alone.¹¹ The identification of differences is significant in two respects: First, theory formulation with regard to the etiology of crime assumes at once more complex proportions, primarily due to its frequent inapplicability to women, and second, the revelation of cultural determinants in female criminality has important implications for the approach and treatment of the female offender.

Differential Cultural Determinants in the Light of Role Theory

Although empirical evidence with regard to cultural determinants in crime is as scant today as it was 15 years ago, differential criminal behavior may at least in part be understood in terms of the differential cultural ascription of roles to males and females.¹² In essence, it may be said that human behavior is defined, regulated, and controlled by culturally defined goals and regulatory norms, which in the United States and most of the world are male-dominated. Hence, contemporary American society expects the male to perform as husband, father, and breadwinner, while the female is largely relegated to the role of wife, mother, homemaker and sexual object. The resulting dependency of the female on the male for support and subsistence (a vulnerability which rises with the number of children) and her reliance on the male for her very identity and self-concept go a considerable distance to explain the phenomenon of differential crime patterns. As a result, such factors will need to be carefully considered in any discussion of plans dealing with female crime in society and with the special problems of the female offender. While differential causation is plausibly connected to ascribed differentiated social roles and culturally determined applications of double standards, it does seem advisable to suspend judgment on some of the other hypotheses occasionally proffered in the explanation of female delinquency, such as biologically or emotionally induced criminal behavior.¹³ A

typically academic stance is particularly recommended in view of an almost classic misunderstanding of woman and her needs in general, and especially, in the absence of verified empirical data.¹⁴

In spite of growing and systematic documentation of discriminatory practices against women, our society continues to accord men and women different treatment solely because of sex. An analysis of the special problems of the female offender would therefore be remiss if it did not examine the effects on the criminal process of the sexual discrimination of the law.

The Problem of Sex-based Discrimination and Differential Sentencing in American Law

In a recent dissenting opinion, Mr. Justice Fortas wrote that "our cases hold that people who stand in the same relationship to their government cannot be treated differently by that government. To do so . . . would be to treat them as if they were, somehow, less than people."¹⁵ In spite of such eminent statements and emerging corrective legislation, sex-based legal discrimination continues to exist. Rather than rely on sex as a basis for classification, which today stands identified as a logically infirm doctrine and a "classic example of the misuse of precedent," it is recommended that functional analysis be substituted as the proper test for the determination of the constitutionality of laws which treat the sexes differently.¹⁶ Probably one of the more pronounced examples of statutory sex-based differences in sentencing for the same crime is Pennsylvania's Muncy Act, which prescribes different and frequently more severe treatment for female offenders than for males on a plea of guilty.¹⁷ Similar laws, under which women found guilty of committing identical offenses can be sentenced for longer terms than men are found in Connecticut, Maryland, Ohio, Massachusetts, and Kansas.¹⁸ It is heartening to note, however, that a small number of decisions are now on hand which have challenged statutory discriminations on constitutional grounds. However, persistent applications of traditional double standards of sexual morality continue to account for a considerable proportion of crime. Primary among these types of crime are prostitution and criminal abortion.

Prostitution.—Most definitions of prostitution label as criminal the conduct of only the woman for engaging in an act normally involving a man. In some circumstances, men can become punishable for frequenting a prostitute, as in the

case of violations of the Federal White Slave (or Mann) Act, or when charged with breaking such related statutory provisions as those prohibiting lewd behavior. But even a cursory examination of statistics will bear out the fact that the female in our society still carries overwhelmingly the burden of the offense of prostitution.¹⁹ Rather than opting for the extension of punishment to males in the interest of equal treatment under the law, it would appear to be much more socially useful to recognize the futility of national efforts at policing and enforcing private morality. Further, we should stop wasting law enforcement resources on what has essentially come to be identified as "victimless" crimes.²⁰ The eclectic prosecution of such crimes has been clearly tied to public contempt for law and law enforcement, to illegal police practices and police corruption, to discriminatory enforcement against the poor and to frequently biased application based on sex. Crimes without victims include, in addition to prostitution, the offense categories of homosexuality, abortion, and gambling. These crimes are generally characterized by a lack of public consensus concerning their enforcement, frequent absence of complaints, low visibility; they involve the exchange of socially disapproved but widely demanded goods and services; and the people involved usually harm themselves rather than others.²¹ In view of the growing menace of violent crime, the time seems ripe for a genuine rearrangement of priorities in the area of law enforcement. Needless to say, among some of the principal beneficiaries in such a redefinition of efforts and resources would be the female offender.²²

Criminal Abortion.—With few notable exceptions, the majority of state statutes declare abortion to be a crime unless it is performed to save the mother's life.²³ Yet it is estimated that approximately 1 million women submit to abortions each year, largely on the black market, and this results in an estimated needless death of 5 to 10 thousand women. Once again there is discrimination based on sex, with particular emphasis on the poor and underprivileged female. In view of the devastating price these women have to pay, it is difficult to understand why restrictive abortion laws, dating from the 19th century and frequently imposing the religious and metaphysical views of minority groups on nonmembers, should not be changed. Finally, it is important to recognize that the social costs involved here go far beyond individual suffering and death, since there seems to be considerable consensus on the part of behaviorists that proper testing can be expected to reveal high correlations between crime or delinquency and a child's feeling of unwantedness.²⁴ Having analyzed the problems of the female offender in terms of crime, sexual patterns,

etiology, and in relation to discrimination under the law, we are now ready to look at the continuation of these problems in the correctional setting.

Female Offenders in the Correctional System

Even though the history of the incarceration of females dates back into the middle ages, the first separate institution for women in the United States did not open until 1873 (Indiana Women's Prison, Indianapolis, Indiana). Since that time, a total of 93 institutions have been opened for the detention of women and delinquent girl offenders.²⁵

Research into the problems of correctional institutions has revealed the desirability of small institutions from an administrative and rehabilitative viewpoint. Most women's institutions already possess this distinct advantage in contrast to most institutions holding men.²⁶ Unfortunately, however, most women's institutions have been patterned after male facilities, thereby largely ignoring the special requirements and the differences in programs necessary for the female offender. The problem becomes especially acute when looking at the jail situation, where women are frequently kept under the most dehumanizing and often subhuman conditions. While the funneling process may, on the one hand, support the argument that women, once incarcerated, represent the worst of the crop, there is also sufficient evidence pointing to the fact that a large proportion of women is needlessly confined,²⁷ to the proved detriment of the rehabilitative process.²⁸ In addition, the unique nature of many female offenses, which has previously been linked to the culturally determined roles of wife, mother, and domestic, results frequently in the incarceration of social problem cases. Having identified the public's biased moral condemnation of women who have violated society's values and norms, we must now proceed to re-channel these cases into more appropriate human service agencies, thereby providing relief to overburdened correctional systems and a more equitable administration of justice.

State of the Art in Corrections for Women

If we examine the state of the art in correctional systems for women, we find, with a few notable exceptions, an almost total absence of rehabilitative programs.²⁹ While male institutions feature at least some programs in the areas of drug addiction and alcoholism treatment, as well as a range of academic and vocational training programs, institutions for women have considerably fewer resources and even less supportive agencies to call upon. These findings are even more pronounced at the jail level, where the absence of programs

⁹ Barbara A. Kay, "Differential Self Perception of Female Offenders" (unpublished Ph.D. dissertation). The Ohio State University, 1961.

¹⁰ Barbara A. Kay, "Value Orientations as Reflected in Expressed Attitudes are Associated in Ascribed Social Sex Roles," *Canadian Journal of Corrections*, 1969, 11 (3), pp. 193-197.

¹¹ Gordon H. Barker and William T. Adams, "Comparison of the Delinquencies of Boys and Girls," *Journal of Criminal Law, Criminology and Police Science*, December 1962, pp. 470-476.

¹² For a discussion of role theory and the concept of role as a determinant in human behavior, see Talcott Parsons, *The Social System*, New York, The Free Press, 1951, pp. 191-194, 226-235; and Parsons' journal article on "Age and Sex in the Social Structure of the United States," *American Sociological Review*, October 1942, pp. 604-617; and more recently, Parsons' *Social Structure and Personality*, London, The Free Press, 1964, pp. 98-99; and Robert K. Merton, *Social Theory and Social Structure*, Glencoe, The Free Press, 1957, pp. 320-322.

¹³ See for example, Genevieve C. O'Connell, "Casework with the Female Probationer," *National Probation and Parole Association Journal*, January, 1957, 1, (3), p. 17; and Bertha J. Payak, "Understanding the Female Offender," *Federal Probation*, 1963, 27, (4), pp. 7-12.

¹⁴ For a good discussion of some of the misconceived patriarchal myths concerning women, see Kat Millett, *Sexual Politics*, Garden City, Doubleday & Company, 1970, and Caroline Bird, *Born Female*, New York, David McKay Company, Inc., 1968.

¹⁵ *Avery v. Midland County, Texas—U.S.—88 S Ct. 1114, 1127, n. 2 (1968).*

¹⁶ Murray and Eastwood, "Jane Crow and the Law: Sex Discrimination and Title VI," 34 *George Washington Law Review*, 1965, 232, pp. 235-42. For further literature on the constitutional aspects of sex-based legal discrimination, see Leo Kanowitz, *Women and the Law*, Albuquerque, University of New Mexico Press, 1968, pp. 149-196, and "Classification on the Basis of Sex and the 1964 Civil Rights Act," *Iowa Law Review*, 1965, 50, pp. 778-88.

¹⁷ *Pa. Stat. Ann. tit. 61, Paragraph 566 (1964).*

¹⁸ *Conn. Gen. Stat. Ann. Paragraph 17-360 (1960): Ex Parte Gosselin, 141 Me 412, 44 A. 2d 822 (1945); Ex Parte Brady, 116 Ohio St. 512, 157 N.E. 69 (1927); Platt v. Commonwealth, 256 Mass. 539, 152 N.E. 914 (1926); State v. Heitman, 105 Kan. 139, 181 p. 630, 8 A.L.R. 848 (1919).*

¹⁹ Of 45,803 arrests in 1970 for prostitution and commercialized vice, 36,330 arrests were of women. Federal Bureau of Investigation, U.S. Department of Justice, *Crime in the United States, Uniform Crime Reports 1970*, Washington, U.S. Government Printing Office, p. 124.

²⁰ Edwin M. Schur, *Law and Society*, New York, Random House, 1968, p. 133.

²¹ Edwin M. Schur, *Crimes Without Victims*, Englewood Cliffs, Prentice-Hall, 1965.

²² For an excellent discussion of the problems of criminal law in the areas of private morality and social welfare, see Norval Morris and Gordon Hawkins, "The Overreach of the Criminal Law," *Midway*, Winter, 1969, (9) 3, pp. 71-90.

²³ Leavy & Kummer, "Criminal Abortion: A Failure of Law," *American Bar Association Journal* (52), 50 1964, n. 2.

²⁴ Norval Morris and Gordon Hawkins, "The Overreach of the Criminal Law," *Midway*, Winter 1969, (9) 3, p. 80.

²⁵ The American Correctional Association Directory, *Correctional Institutions and Agencies*, Washington, D.C., 1970.

²⁶ Moyer, Flynn, Powers, and Plutz, *Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults*, Urbana, University of Illinois Press, 1971.

²⁷ American Association of University Women, Pennsylvania Division, *Report on the Survey of 41 Pennsylvania County Court and Correctional Services for Women and Girls*, Philadelphia, 1969.

²⁸ Hans W. Mattick, "The Future of Imprisonment in a Free Society," *Key Issues*, 2, 1965, p. 4.

²⁹ The findings presented here are the result of a national research effort undertaken by the author in the development of the *Guidelines for the Planning and Design of Regional and Community Correctional Centers for Adults*, op. cit. note 26.

is generally justified in terms of a lack of feasibility due to the characteristically small number of women prisoners. Inmate classification processes are frequently informal and seldom as extensive as those afforded to male admissions.³⁰ Work assignments are still largely a response to institutional needs and generally involve the progress of the inmate from the least pleasant activities, such as sanitation detail, clean-up work, and cooking, to more desirable activities, such as sewing, clerical or beauty shop work.

The administration of facilities frequently reflects a predominance of male orientations, an infinite array of petty rules and regulations, occasional punitive enforcement of rules, and an overriding preoccupation with homosexuality. The latter is no doubt attributable to the fact that the few empirical ventures into the realm of women in correctional institutions have concentrated overwhelmingly on studying the formation of homosexual attachments within the prison setting, and identified homosexuality as a reaction to strains produced by institutional environments.³¹ In view of a general absence of evidence that the unique female sexual behavior developed within prison settings tends to persist upon release, it would appear to be more productive and socially useful if staff were to pursue rehabilitative programs for inmates rather than attempt to ferret out ephemeral sexually delinquent behavior. Such a rearrangement of priorities seems particularly desirable in view of the general absence of programs noted above and in view of the documented need of women offenders for usable job skills and education.³² In view of the pronounced dependency factor among women in general and women offenders in particular, rehabilitative programs aimed at the achievement of personal and vocational self-sufficiency would seem to be a better bet for the development of an effective operational treatment theory than futile attempts to produce a more "successful adjustment" in terms of the woman's dependency on significant others. While the latter approach may still be useful in many instances, and the pursuit of any single approach in the face of multiproblem situations is recognized fallacious, it needs to be pointed out that women offenders often carry more burdens than average women, since they are frequently the sole means of support for their children. Also, interpersonal relationships with husbands and lovers are frequently strained and many times absent. In such situations, teaching "adjustment to the traditional female role" seems almost ludicrous. Since prison environments characteristically foster feelings of dependency, twice as much care will need to be expended, not only to offset this damaging effect but also to improve a woman's chances of escaping the typical failure syndrome. Finally, negative self-concepts can be overcome by pride in one's job or by the improved ability to provide for one's children.

³⁰ For example, one state institution for women had one vocational teacher who administered the classification program and who doubled as the institution's librarian.

³¹ Rose Gillombardo, *Society of Women: A Study of a Women's Prison*, New York, John Wiley and Sons, 1966, and David A. Ward, and Gene G. Kassebaum, *Women's Prison: Sex and Social Structure*, Chicago, Aldine Publishing Company, 1965, and Charles R. Tittle, "Inmate Organization: Sex Differentiation and the Influence of Criminal Subcultures," *American Sociological Review*, 34, 1969, pp. 491-504.

³² *Op. cit.* supra note 27.

If we look now at the implications of the above findings, the following recommendations seem warranted:

1. Improvement of statutory provisions where they are found to violate equal treatment guaranteed by law, and abolition of differential sentencing due to sex-based discriminatory practices.
2. The solely consideration of disposition and treatment of offenders should be on the basis of their recognized unique and individual needs rather than on the basis of sex or other secondary characteristics.
3. The development of manpower training programs as well as employment practices in corrections should follow the precept of equal opportunity and eliminate discriminatory practices based on sex, race, or other secondary characteristics.
4. A reexamination of the issues on victimless crimes and a reevaluation of our investment of resources in their pursuit, particularly in the categories of prostitution, abortion, vagrancy, and in the perennial catchall, disorderly conduct.
5. Improvement of the criminal justice process by developing crime prevention programs and diversion techniques in an effort to screen out sociomedical problem cases, such as women addicts and alcoholics.
6. Increased use of pretrial diversionary techniques, such as release on own recognizance, conditional release, or community bail programs.
7. The full exploration, development, and utilization of alternatives to incarceration for the maximum number of offenders eligible for such programs.
8. The provision of suitable programs and facilities for those offenders for whom incarceration is required in the interest of treatment and the protection of society. Such facilities should follow the recommended patterns of community-based corrections.

(a) Urban location, with site selection based on program needs rather than on availability of state-owned land (or similar reasons of convenience).

(b) Adherence to the principle of small institutions which provide a diversity of programs and recognize individual needs.

(c) Focus on the restoration of community and family ties.

(d) Utilization of community resources and human service agencies in the processes of rehabilitation on a continued basis which would span the total correctional effort from the moment of arrest, through the presentence investigation, to a fully developed release and aftercare program.

(e) Provision of intra- and extramural services for the sentenced as well as for the unsentenced person, regardless of the length of her stay. Such services should include diagnostic evaluations, individual and group counseling, job placement and social service programs; they should also provide individually tailored educational and vocational training programs in the interest of developing self-sufficient, self-respecting, and fully functional members of society.

(f) Reduction of the traditional lines of distinction between the community and the institutions.

(g) Replication of normative environments within facilities.

(h) Involvement of a racially representative staff and the community with the individual in the treatment process.³³

(i) Pursuit of regional facilities as needed in the interest of providing a full complement of services.

The astute reader will have recognized that the recommendations listed above describe nothing less than a total system approach to the problems of the female offender. Since a fundamental element of such a system requires continued feedback in terms of research findings and evaluative studies in order to remain viable, it is recommended that, wherever possible, correctional programs feature the systematic inclusion of research components.

(j) In view of the great dearth of statistical information on women offenders in specific and the almost total absence of data on women in American society in general, it is recommended that such information be obtained with deliberate speed, with particular attention being paid to the role of woman in contemporary society.

³³ For a more extensive discussion of community-based corrections, see *op. cit.* supra note 26, pp. viii-x.

(k) Finally, it is recommended that the Law Enforcement Assistance Administration convene, as soon as possible, a conference for the deliberation of women and their role in society. Particular focus should be placed on the exploration of optimum utilization of women as productive members of society.

GROUP REPORT

GROUP A

CHAIRMAN: Miss Dora Sommerville,
DISCUSSION LEADER: Edith E. Flynn, Ph.D.
REPORTER: Cornelius M. Cooper

In view of the sensitive nature of the special subject assigned to Group A, it was the consensus of the group that it adopt the discussion paper presented by Dr. Edith Flynn. Her paper reflects in an articulate and meaningful way the thinking of the group. The problems of the female offender are indeed unique.

WHAT ARE THE RESPECTIVE ROLES OF THE POLICE, THE PROSECUTION, THE COURTS, AND THE LEGAL PROFESSION IN BRINGING ABOUT CORRECTIONAL REFORM

ALLEN F. BREED

Director, Department of the Youth Authority, State of California

As a correctional administrator, I have been asked to briefly respond to the questions presented to our workshop. These questions include: What are the respective roles of the police, the prosecution, the courts and the legal profession in bringing about correctional reform? What do each of these disciplines expect of corrections? What can each contribute? What joint interdisciplinary efforts should be undertaken?

I find these questions difficult to respond to because my initial reaction is that others have no business involving themselves in correctional reform; this is the responsibility and the business of the professionals in corrections. Immediately, however, I must qualify this by admitting that the courts and the legal profession have been instrumental in bringing about some important correctional reforms; I only wish that police criticism had been of equal import.

The Police and Corrections

I have serious reservations about police departments that destructively criticize correctional operations without having to take any responsibility for what they say—particularly if their criticism is based on misinformation. I am much more sympathetic to law enforcement agencies that present their complaints and suggestions directly to the administrators of correctional agencies, and through a cooperative effort seek to achieve understanding, if not solutions to the problems.

Law enforcement, like other responsible agencies, has a right to voice its opinion about needed reforms; but before these opinions are voiced to the media, effort should be made to assure that the conflicting agencies are both using the same information and that the information is valid. Unprovoked and unnecessary attacks on corrections, whether by the police, attorneys, or the courts do more to retard progress than to bring about constructive change.

Corrections has long been the stepchild of the criminal justice system; we seldom seem able to satisfy our alleged partners in the process of protecting the public. Police believe that corrections mollycoddles the inmates and releases them far too soon. Lawyers, particularly in recent years, are sure that inmates are abused and kept in confinement much too long. The courts, which sentence the offender to a correctional program, know little or nothing about what happens in prisons and probably as a method of avoiding any responsibility have historically kept an aloof and hands-off policy. It is little wonder that we sometimes appear and act schizophrenic.

Corrections, because of attacks and the lack of court involvement, has erected barriers to isolate its programs from the general public which far surpass the physical barriers surrounding institutions. Wardens and superintendents justify their actions on the grounds of good security and custody (which incidentally are the primary messages they get from

society as to what their priorities should be). The insidious part of all this is that the longer one plays the role of keeper, the more he becomes imbued with a paternalistic and often autocratic stance which tends to overlook individual rights, due process, and any feeling of empathy for those who are kept.

But enough of this breast-beating at which we in corrections are all too good—where do we go from here?

It seems to me that police have a vested and very important interest in correctional reform. First, although I seriously question their knowledge, interest, and ability, police agencies who administer the jails of this land provide more custodial service to a larger number of inmates on any given day than the total capacity of all our federal and state correctional facilities. If any one should have a responsibility for improvement in the correctional process, they do. Secondly, police will potentially deal with all inmates when they return to the open community. Whether the offender becomes a non-offender should be of crucial interest to them. Perhaps we need police resource officers in our prisons with roles similar to those with which we are currently experimenting in the public schools. The Youth Authority has hired five high ranking law enforcement officers as consultants to carry out this role within our own agency.

There is much that police must learn about what constitutes a rehabilitation program—that punishment is only one part of the rehabilitation process—that time in confinement has a reverse ratio in terms of success on parole—that community-based programs are far more effective than institutional programs. On the other hand, corrections can learn a great deal from police about investigations, surveillance, security practices, and a knowledge of the community that only comes from long years of keeping a finger on the public pulse by being a very real part of the local community.

I would suggest the following programs be instituted in the police services area to improve corrections.

1. Each correctional agency should have a law enforcement advisory committee.
2. Police should turn over jailing responsibility to correctional agencies.
3. Contractual arrangements should be made between parole agencies and police to experiment with the concept of specialized police serving as parole officers.
4. Experiment with police officers being assigned to a correctional institution as resource people and maintain liaison with law enforcement agencies.
5. Statewide and nationwide peace officers associations should become more knowledgeable of corrections and assist in public information campaigns to bring about acceptable standards for prison operation.

Courts, Prosecution, and the Legal Profession

For purposes of this brief discussion I am going to lump prosecution, courts, and the legal profession into one group. There is no reason to recount the reasons for the "hands off" doctrine as it relates to the court's traditional lack of interface with the correctional system. You are all aware of the

change that is beginning to take place across the country as federal courts particularly have intervened by honoring claims to religious freedom, freedom of speech and association, freedom from social classification, freedom from cruel and unusual punishment, and most recently the application of specific due process rules to disciplinary decision-making. As this trend has become clear, a virtual barrage of warnings has been issued by the courts to the effect that correctional administrators must "mend their ways" or the courts will intervene further. The admonitions tend to argue that care should be taken so that intricate, time consuming, sophisticated procedures, rules and safeguards of criminal law are not imposed by judicial mandate in a way that frustrates the correctional process and renders correctional efforts impotent. Further, it argues that correctional administrators need to provide offenders under their control and authority protections against arbitrary action, if they are to avoid having the procedures and process of the trial and court process imposed upon them.

What we are being confronted with by the courts is due in no small part to the lamentable fact that we have not always been fair or discriminating in making decisions within our correctional system. If we continue to insist on waiting for crisis to stimulate change, and we are unable to mobilize resources in the pre-crisis stage, we will be unable to control our own destiny. Crisis polarizes opinion and often takes the decision away from those who are most directly affected and, generally, those who are most knowledgeable about the facts or circumstances. If we wait and react to riots within our prison systems or county jails rather than develop procedural safeguards, formalized grievance procedures for inmates and independent administrative review within our own system, these decisions will be made for us by others expeditiously and precipitously as a result of crisis situations.

I do not believe in correctional reform that has come about because of court action. I only regret that it has been necessary for the courts to use a leverage of case law to bring about needed change. I have probably been sued in the name of reform as often as any correctional administrator in the country. Although at times I have questioned the motives of some attorneys in bringing about the suits, I would never discourage the process by which administrative actions are reviewed from a point of law. I am also enough of a realist to recognize that the courts can often bring about improvement which otherwise would not be marketable to the executive and legislative branches of government that control major changes in the correctional field.

I would suggest, however, that the courts have a more direct responsibility for correctional reform in the decisions they make for defendants. For instance, should a court grant probation when it knows caseloads are too large to allow for adequate supervision; should it order treatment in an institution that is known to brutalize and degrade? It seems to me that the court which orders treatment under conditions which are known to preclude treatment or rehabilitation is perpetuating a fraud on the general public, a fraud that creates the very problems which must later be dealt with as reforms.

How the Courts and Legal Groups Can Help Corrections

With this background then, I would recommend that the following programs be instituted by legal groups and the courts to assist in correctional reform:

1. The American Bar Association be encouraged to develop "Standards for Juvenile Justice" similar to those already developed in the criminal justice field.
2. Prestigious legal groups such as the ABA, American Law Institute, National Association of Trial Court Judges, National Association of Justice Court Judges, etc., be encouraged to develop nonjudicial remedies to redress prisoner grievances.
3. State bar associations should work closely with state and local correctional agencies and mutually develop plans for correctional reform.
4. Lawyers should be placed on the staff of all correctional agencies to assist in developing legally sound policies, procedures, and the necessary operational rules.
5. Judges should refuse to place an offender in a correctional facility that does not meet the standards set by the American Correctional Association or some other standard setting body.
6. Bar associations should develop programs where young lawyers could carry small probation or parole caseloads on a volunteer basis.
7. Courts should anticipate with corrections the kinds of issues that will and must confront a modern correctional agency and assist in laying the groundwork for decisions that will support the work and purpose of the correctional agency.

Conclusion

I would speak finally to the importance of our recognizing that corrections should be the outgrowth of a community's decision as to how they want their offenders handled. For all too long prosecutors, police, judges, and politicians have spoken out on this subject with widely different messages being transmitted to corrections personnel. I do not know when we are going to recognize that the "real public" should be heard on this subject, but perhaps that is a question for another day. The least we can do is get police, prosecutors, defense attorneys, judges, and correctional experts to sit down together and develop comprehensive plans for offenders to which they can agree. Once this has been done, the correctional field has the professional expertise to carry out the plans if the rest of criminal justice system will be supportive of their own planning.

In this regard I would recommend the following:

1. Multidiscipline training involving police, prosecutors, defense attorney, judges, correctional personnel, and offenders.
 2. Development by each state of a comprehensive plan for corrections which represents a consensus of the criminal justice system representatives.
 3. Recognition that the success of corrections is entirely dependent upon an offender's reintegration into community living.
- Oscar Wilde once wrote, "when a man's punishment is over, it (society) leaves him to himself; that is to say, it abandons him at the very moment when its highest duty to-

wards him begins. It is really ashamed of its own actions and shuns those whom it has punished, as people shun a creditor whose debt they cannot pay, or one on whom they have inflicted an irreparable, and irredeemable wrong." No group has greater respect—status in the community—ability to articulate ideas than do police, lawyers and judges. If society is to accept its moral obligation to the offender and therefore make corrections more effective, these groups must provide the leadership.

GROUP REPORT

GROUP B

CHAIRMAN: Michael W. Canlis
DISCUSSION LEADERS: Jerry Wilson
Allan F. Breed
REPORTER: Don Manson

1. Mr. Breed's discussion paper, which appears in this Proceedings, is submitted, without evaluation, as a part of the group's report.

2. Again, no formal recommendations are made by Group B. What follows is merely a listing of the major points discussed.

(a) The discussion leader's document was considered at great length. It was highly praised. It was, at times, disagreed with. It was not adopted, either in total or in part, as a Group B recommendation. It was an excellent vehicle for discussion.

(b) The issue of whether—and if so, how—police should go to the press to comment on corrections or any other part of the criminal justice system was discussed. A wide variety of views were expressed, among them the following: (1) Police should *never* resort to the press for that purpose; (2) police, and other criminal justice agencies should do so only with extreme care; (3) police should do it—indeed they have an obligation to do so when some part of the criminal justice system is being badly mismanaged, and particularly where other methods of trying to correct a situation fail; (4) since police tend to get blamed by the public for not successfully dealing with all aspects of crime, they should be allowed to draw public attention to serious errors by other parts of the criminal justice system; and (5) since other criminal justice agencies do it, why limit the police?

(c) Failures in corrections are so serious that we need basic systems changes to make real improvements. For example, the Los Angeles Police Department will probably participate in a demonstration project using police in a parole office role. (This, it was pointed out, is in one sense a return to the old system of "voluntary probation," where the police, in effect, were probation officers.)

(d) It was generally agreed that there is a great need for all parts of the criminal justice system to communicate better. The following observations were made: (1) Real change and improvement in criminal justice will come only

when criminal justice agency heads and personnel voluntarily agree to try it; (2) it will not come if outsiders, or even individual citizens, try to impose it; (3) the nature of the criminal justice system preserves a high degree of independence, thus calling for voluntary cooperation by the individual agencies; and (4) different agencies should meet and communicate regularly about problems and areas of mutual concern in an attempt to cooperate and try to reach solutions, rather than to waste time and energy blaming each other and attacking each other.

(c) Police should get out of the jail business, wherever possible.

(f) Rigid standards for corrections should be avoided wherever possible.

(g) Major attempts to change the structure and future of corrections should be made so that corrections agencies will not be run as law enforcement agencies.

HOW CAN CORRECTIONS LEARN AND APPLY KNOWLEDGE AND TECHNIQUES FROM OTHER DISCIPLINES AND FIELDS?

HERBERT C. QUAY, PH.D.
Temple University, Philadelphia

THE HISTORY of a number of areas of social endeavor reveals that advances in professionalism and effectiveness have followed the incorporation of the area into one or more academic disciplines in the university setting. Medicine and social work provide two ready examples.

In the case of corrections, how academia should be embraced is more complex. By no stretch of the imagination can corrections be defined on a unitary discipline. In fact, corrections does not, at this stage of its development, have a definition either in terms of its purpose, or its operations.

The Need To Become More Professional

However, current conditions demand that corrections become more professional in order to become more effective—by whatever criteria are adopted for the assessment of effectiveness.

While corrections may be faulted for its lack of professionalism and effectiveness, the academic community is also to blame for the current lack of integration between the two. Academic disciplines have never been loathe to describe the causes of crime although the cause depends upon what discipline is given the floor. However, little sound advice has been offered on the subject of what corrections should do about crime and the criminal and how it should be done.

Neither has the subject of the offender and what to do about him been entirely academically respectable. Little support, either moral or financial, has been available to the academic from whatever discipline, who has wished to help corrections tackle its problems.

What is critical now is the realization on the part of cor-

(h) Discussion leader Breed's three points on page 00 of his paper were praised highly and agreed to generally.

(i) It must be recognized that all agencies of criminal justice are working in an area where it is almost impossible to do a highly successful job. That being the case, and given the additional fact that all criminal justice agencies are somewhat involved in corrections, we should try to assist corrections rather than criticize its efforts.

(j) We must take honest recognition of the fact that there are some natural conflicts and hostilities within the criminal justice system, and keep in mind the fact there will be some opposition to most correctional reform attempts as we work for those reforms.

3. Finally, the group spent a significant amount of time discussing its role, the role of this entire Conference, registering several complaints about insufficient time to fully discuss important issues.

rections that it must become more effective through increased application of scientific findings and theory relevant to its mission(s) which can come about through closer ties to a variety of academic disciplines.

Given the complexities of the correctional enterprise, which of corrections' myriad of problems can be attacked by which discipline?

First and foremost, if the mission of corrections is to correct and if correcting means to change behavior, then the primary responsibility lies with those disciplines within the behavioral sciences: scientific psychology, empirical sociology, and scientific psychiatry.

Nevertheless, other disciplines can and must be of service. For example: What can anthropology tell us about the conditions under which deviant persons' subcultures are organized and maintained, and how can the multidiscipline of management science help corrections to organize its efforts within the community and in institutions?

Some Recommendations To Consider

To facilitate the integration of corrections and the academic disciplines the following recommendations are offered:

1. The establishment of a national center or program which would fund university research directly related to corrections in all disciplines on a competitive basis in terms of scientific merit.

2. Provide impetus and funding for at least 10 centers for interdisciplinary research in corrections within the university context. These centers would undertake both research and demonstration activities in corrections.

3. Following the model of education (laboratory schools)

and medicine (teaching and research hospitals), facilitate and fund the establishment of correctional institutions on university campuses to provide highly visible examples of demonstration, training, and research.

4. Through already existing channels increase funding for basic research in the behavioral and social sciences where the knowledge base for effective correctional practices must be generated.

HOW CAN CORRECTIONS LEARN AND APPLY KNOWLEDGE AND TECHNIQUES FROM OTHER DISCIPLINES AND FIELDS?

DANIEL L. SKOLER

Staff Director, American Bar Association Commission on Correctional Facilities and Services

IT HAS BEEN observed, with justification, that the mission of corrections—the rehabilitation of offenders—must confront in *extremis* virtually every problem of social disadvantage and urban blight facing our society at large. That is, the process of equipping offenders to function in a law-observing, personally satisfying, and productive way within the communities to which virtually all will return requires the support, services, and technology of virtually every discipline dealing with the disadvantaged and the troubled.

For direct rehabilitative services, the techniques and contribution of law, psychiatry, education, vocational training, social work, medicine, and public health are critical ingredients. Then, in the broader sense, the disciplines of architecture, public administration, accounting and finance, labor relations, and organizational behavior can help render more effective the organization and operation of our admittedly less-than-perfect correctional systems. This dependence of corrections on the disciplines dealing with the proper functioning and welfare of individuals and their social structures should be self evident. The more difficult question, of course, is how those charged with correction of offenders can best learn, adapt, and apply the knowledge of these other disciplines in the correctional context. Here are some of the challenges:

Educational Services

A significant functional illiteracy problem plagues the offender population, as it does the economically disadvantaged strata of society in general. It is difficult to understand how a man or woman can take a productive and comfortable place in a "reading" society if he must cope with a lifelong terror and inability to handle the moderately technical prose involved with applications for driver's licenses, health insurance, jobless benefits, etc. The technology of basic education, relatively well-defined, must be applied to offender populations just as it will soon be unleashed on all functionally illiterate groups through the National Right to Read Program. Mass coverage, low cost, and difficult "learning blocks" related to motivation and frustration represent the major challenges in correctional adaptation. Beyond functional illiteracy stands the need to achieve or help achieve high school (GED) skills for the undereducated offender—an equally important goal where the educational technology has defined the necessities and a con-

certed effort at better application to offender populations is required.

Legal Services

Offenders experience the tangle of legal problems—property, marital, housing, job-related that most people must confront and often are the least equipped, by virtue of offender status and past experience, to handle them. The need for sound legal and negotiation assistance both on private legal problems and with respect to offender legal status and conditions, is enormous. A critical problem here is one of supply and costliness of lawyer resources. In the correctional context, application will, it is believed, need to focus on utilization of paraprofessional, volunteer, and law student resources as well as the "lay" advocacy represented by ombudsman and grievance mechanism systems that can shortcut long, expensive, and often inefficient recourse to full blown litigation.

The legal profession also has an enormous role to play in the overdue wave of statutory reform of laws relating to offenders and corrections. To cite two examples: (a) a huge underbrush of irrational and counterproductive law and regulation barring rehabilitated offenders from trade licensing and civil service employment must be modified to permit access to productive, sustaining jobs—one of the most critical elements in a successful rehabilitation adjustment, and (b) major revision of the laws establishing the structure of correctional departments in many states is needed to produce integrated, administratively sound systems consistent with current notions of the "correctional continuum" where fluidity and coordination rather than separation of traditional functions must be adopted.

Medicine and Health Care

Normal human functioning, from both the societal and individual perspective, must look to medical and health care needs. Recent studies have shown shocking gaps in offender health care, particularly with respect to institutional confinement and detention. The fact that nearly half of the Nation's jails have no medical facilities at all provides enough illustration but comparable, if not equally acute, deficiencies exist in other components of the correctional system and cannot be

corrected without the commitment, skills, and special attention of all the health serving disciplines—medicine, nursing, dental care, mental health, etc. A vast technology on public health medicine exists which, in the correctional context, may have to cope with even greater problems of budget limitations, lack of attraction for health care professionals, etc. In a way, because of the geographic confines of the correctional institution, work camp, or residential facility and the more-than-normal control exercised over the activities of sentenced offenders, exciting possibilities for the development of models of good environmental medicine and preventive health care exist (which, for example, would be quite difficult to structure in the more amorphous ghetto community).

Psychiatry, Psychology, and Social Work

There are disciplines which, ever since their emergence, have been seen as important to the redirection of criminal behavior. This is particularly true in the area of juvenile delinquency where the first conceptualizations of the juvenile court at the turn of the century contemplated an important role for individualized counselling, therapy, and treatment of the delinquent. In large measure, it seems that the promise of these "mental health" disciplines has failed to come to fruition, probably because of the perennially inadequate supply of talent, manpower, and money to fully meet professional standards as to intensity, caseload, and quality of care. Quite likely also, the crushing difficulties of environment facing most offender populations—poverty, joblessness, family disorganization, lack of schooling—have effectively neutralized what help the psychiatric, psychological, and counselling disciplines might have brought to bear on offender treatment. The new focus on "community" or "environmental" psychiatry (determining, planning, and implementing the basic conditions and strategies for healthy personality and mental functioning as opposed to individual therapy) has added a salutary new dimension to the contribution of the mental health disciplines. In a system like corrections, where budgets and manpower will never be adequate for use of psychiatrists and psychologists other than as strategists and leaders of larger diagnostic treatment, and mental health teams, the trend toward paraprofessionals, volunteerism, and mental health training for line correctional personnel offers the most realistic promise for infusing such knowledge into correctional systems.

Architecture and Environment

Perhaps one of the most dramatic demonstrations of an "other discipline" contribution to the new corrections orientation has been the exciting and innovative work in the past few years in institutional and offender residential center architecture. Supported by farsighted federal funding the architectural community has examined the present conditions and future trends, aspirations, and assumptions of corrections and produced some impressive models to give physical and environmental structure to these concepts. Reference is made, by way of illustration, to the recent University of Illinois Guidelines for Planning and Design of Regional and Community Correc-

tional Centers (supported by Department of Justice LEAA contract), the exemplary architectural priorities and care being invested in the Federal Bureau of Prisons new facilities construction program, and the recent survey article from the *Journal of the American Institute of Architects* (September 1971) describing the explosion in creativity and interest now being accorded to correctional architecture.

Because of the "future-locking" quality of large-scale construction, it is encouraging to see architecture in the forefront of acceptance and interpretation of the new correctional philosophies. Similar attention, though not necessarily of the brick and mortar variety, needs to be shown by the environmentalists and sociologists, in relation to the even larger segment of the offender population under community supervision. By this is meant a look at the environmental and community factors that impinge, for better or worse, on the offender's attempts to function legitimately under supervision and avoid repetition of crime, concurrent with solutions designed to ameliorate negative factors (drugs, joblessness, harmful associations) to which the offender may be especially susceptible while under supervision.

Some Guidelines for Corrections

The foregoing observations, of course, could be made about other disciplines and professions (manpower, management sciences, etc.) which are capable of providing valuable techniques and knowledge for the correctional function. Suffice it to observe that enumeration of the possibilities goes well beyond the confines of this brief paper. Turning attention now to concepts which might guide corrections in acquiring and applying this vast multidiscipline reservoir of potentially usable "know how," four points are offered for consideration.

First.—For effective collaboration, the "other disciplines" themselves, through their professional bodies, must understand, develop a commitment, declare and recognize a useful and important role in contributing to corrections improvement (even if collateral to their primary range of interests and activities). When the American Bar Association declares a public service responsibility for correctional reform; when the American Medical Association recognizes and deplors shortcomings in institutional medical care; when the American Institute of Architects announces the repugnancy to "bastille" school of penal architecture, then lawyers, doctors, and architects of the Nation will be motivated and guided to do their parts, in state-by-state and community-by-community dialogue, with correctional system officials.

Second.—The learning, research, and techniques of other disciplines and professions, particularly as they relate to problems of the disadvantaged, are highly transferable to the problems of corrections and offender treatment. That is, in most cases, there is no mystique or magic that prevents standard medical, legal, educational, and other solutions from being applied to corrections for both system improvement and direct offender services. Remedial reading for offenders is much like remedial reading for Appalachian poor; automobile repossession for the inmate is not a different legal problem than for the out-of-work laborer; and job training for the school drop-

out on the corner is not a different quantity than for the dropout in juvenile training school confinement. On a broader plane, public health principles and techniques for institutions-at-large are readily programmable into correctional facilities; and organizational streamlining for general departments of state and local government can be applied readily to those with correctional responsibilities. The point is that the technology, if it exists in the "free world," is there for the asking and it serves no useful purpose to perceive the correctional setting as so unique or difficult to back away from embracing that new technology. It is true that adaptations will be required because of the limited slice of the "resource pie" which corrections will always command (i.e., use of paraprofessionals, volunteer assistance, compensatory strategies) but the larger point is that there is surprisingly ready transfer of professional know-how to the correctional setting, particularly within the new community-based orientation.

Third.—The tangible help of "other disciplines" will undoubtedly make serious financial demands on correctional budgets. Resulting programs and streamlining will undoubtedly demand money and manpower resources not currently available, even with maximum adjustment and ingenuity as previously suggested. On this issue, society has clearly declared a priority for effective crime control (spanning both political administrations of the past 10 years). The increasing recognition of the critical role that corrections must (or could) play in crime control should, if necessary, even justify a reordering of resource allocations to properly do the job. If the Nation is serious about the crime problem, it will need to lay outmoded notions about "punishment," "softness," "hardness," "coddling," and "disadvantage" aside and make its one object the return to society of offenders not only *motivated* but with the *skills and capacity* not to be repeaters. In short, no massive intensification of the contributions of "other disciplines" will be possible without intensification of resources and budgets for this endeavor.

A corollary of this point, is that federal funding sources other than the Department of Justice's Law Enforcement Assistance Administration should pick up the ball with respect to special efforts in their respective areas of technology—e.g., Office of Education vis-a-vis functional illiteracy, DHEW Institutes of Health for medical and health care, Department of Labor for manpower effort. This means only that such agencies become interested in and pursue significant funded programs in these areas, not necessarily that they devote the major part of their resources to them. (An excellent illustration would be the Department of Labor's excellent offender rehabilitation programs which command an investment of approximately \$30 million annually.)

Fourth.—Finally, corrections will never learn and apply knowledge and techniques from other disciplines and fields unless the correctional establishment is truly ready and willing for the self-examination, risk-taking, change-readiness, and

exposure necessary to do this effectively. This is more than a matter of lip service. Correctional administrators—and indeed personnel all along the line—must, on their side, discard notions of punishment, worthlessness of offenders, and anti-knowledge attitudes that would impair effective utilization of outside technology effectively. It is true that many of the attempts will fall short of full success and, frequently, will work only if correctionaries apply the most arduous effort to help integrate and make effective the learnings and techniques of other disciplines. It is this writer's judgment that modern corrections, now at a difficult crossroad, is ready for a full effort and the imagination and conviction needed to deliver its part of the goods.

GROUP REPORT

GROUP C

CHAIRMAN: James B. Kessler

DISCUSSION LEADERS: Dr. Herbert C. Quay
Daniel L. Skoler

REPORTER: G. Richard Bacon

It is recommended:

1. That there be established a national institute, center, or program, which would (along with other programs) fund research directly related to corrections in all disciplines on the basis of scientific merit and on the basis of relevance to improving the criminal justice system.
2. That action be taken to establish appropriate federal and state correctional institutions and programs analogous to the models used in education in the form of laboratory schools and in medicine in the form of teaching and research hospitals. Such models will provide highly visible examples for demonstration, training, and research purposes.
3. That national professional organizations be strongly urged to declare a special commitment to assist correctional systems and to encourage their constituencies to apply new knowledge and techniques to solving problems inhibiting the rehabilitation of offenders.
4. That the use of new approaches in efforts to rehabilitate offenders be encouraged, and that ways be designed to facilitate the identification of information and techniques relevant to the solution of problems in the field of corrections.
5. That corrections officials be encouraged to permit action-oriented studies of correctional institutions and parole and probation systems, and
6. That a clearinghouse be established to provide technical assistance and consultive service in specific areas of correctional technology and to identify and to develop models, guidelines, and alternatives upon request. An analogy to this recommendation is the correctional architecture clearinghouse in Illinois funded by LEAA.

WHAT ARE THE RESEARCH NEEDS AND HOW CAN THEY BE MET?

JOHN P. CONRAD

National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration

THERE WAS A TIME when the best opening to a discussion of correctional research was a lament that little or none of it was being done. One could assess our ignorance, then proceed to itemize the evils which ensue from acting on a base of ignorance, and conclude that corrections would be immeasurably changed for the better if a great deal of research could be immediately initiated. Usually a few interesting examples of possible investigations might be introduced from the speaker's repertory of hypotheses and methodologies and the workshop could then go on to a lively discussion of a better world that never was.

Research and Corrections

This is the kind of speech that cannot be made today. A great deal of correctional research has been done. More is under way, and I do not doubt that still more is on various drawing boards throughout the land. I doubt that most observers, no matter how well disposed to the cause of scientific method in public administration, are convinced that all this research has made much difference. Recidivism rates continue to be high. Correctional staff still lack confidence in their ability to produce the rehabilitative effects which society now expects of them. Indeed, it is probably fair to say that some of our research has tended to shake what little confidence they did have. There is a disconcerting number of studies which have shown that correctional programs of one kind and another have produced no statistically significant result.

And that is not all. Although in other fields one of the most significant benefits of research is innovation, it would be difficult, indeed, to point to a new practice or concept in corrections which originated in research. Most of the innovations which have been generated by research are still on the drawing board, still to attain the confidence level in their effectiveness that would facilitate their institutionalization. I concede that there are some apparent exceptions, but they really have not made much difference in the day-to-day practice of the control and change of offenders.

But I will not concede that we should give up on the application of research to correctional operations. The improvement of most human enterprises during the last three centuries has depended on the increase of knowledge and its dissemination to more hands. There is no reason to believe that corrections is any exception. In this discussion I want to proceed toward a general plan for correctional research which will get away from the helter-skelter patterns of the past. The tasks to be done are by no means obvious; I hope that this workshop will initiate the identification of paradigms which will provide the needed structure.

Benefitting From Research of Other Sciences

We learn from the other sciences that little headway was made toward the solution of problems until a conceptual framework was developed for defining the universe to be investigated and bounding it. We know that classification of entities was necessary before experiments could be conceived. We also know that the application to human solutions of human problems depended on a process which I will refer to as engineering for want of a better term. It is this process of paradigm construction which seems to be wanting in corrections. Once we put it all together, we should have some idea of what we ought to do and in what order.

The beginning should be the process of defining the universe. How large a population is there to be corrected? Where are they? What happens to them? Over the last 20 or 30 years a good deal of progress has been made toward these definitions in several states. As a representative of the Law Enforcement Assistance Administration I believe I can take some satisfaction from the efforts we have made in the last couple of years toward achieving this numerical definition. We are far from the national inventory of corrections which we need, and until we have it, there is a good deal that we cannot do, especially in the evaluation of our progress toward the reduction of recidivism.

Determinants of Criminality and Delinquency

The second element in our research plan is the study of the determinants of criminality and delinquency. This need has been recognized since the early work of the Gluecks, and from time to time some excellent contributions have been made by workers with special interests. The longitudinal study of the Philadelphia Birth Cohort promises to be one such contribution from that excellent criminological foundry managed at the University of Pennsylvania by Professor Marvin Wolfgang. It would seem that much more of this sort of thing must be done before we can know how to deal successfully with those criminals who fall into correctional clutches. There seems to be a wide appreciation of this need; I know of several such studies either in progress or in gestation.

Classification for Research Purposes

The third element of research, once we have reached an understanding of some of the hydraulics of crime and delinquency, is the classification process. We do this badly. We rely on the criminal law to classify for research purposes, and the penal code was never intended to be a research instrument.

We should classify for the purposes of increased understanding of the past, and to develop some capability to predict the future. Until we can classify with some reliability, we are not going to make much improvement on the treatment extended to offenders by the present apparatus.

Changing Assumptions About the Offender

Fourth, if we have done our studies of the determinants and taxonomies of the population well, we can begin to design intervention premises which are related to this knowledge, rather than importations from the fields of education and mental health. One thing we have learned, I believe, from our present accumulation of research is that whatever else the correctional client may be, he is not a mentally ill person nor a child to be educated. We are going to move over to different assumptions about him eventually, and we must intervene in accordance with those assumptions.

Need for Greater Experimentation

Finally, we know from experience in our field and observations of other fields that no matter how good the program is, unless an organization is designed to deliver it efficiently our research and development is useless. We knew this fact when we first started to build prisons and to organize programs in them, as witness the famous Auburn Plan of the early nineteenth century. We are beginning to find out what can be gained from systematic attention to organizational problems in the California Probation Subsidy program. We need to experiment a great deal more in a number of directions which my space here does not permit me to specify.

How is all this to be done? The usual answer is that it will take a lot of money. I differ with this crass point of view. What is needed even more than money is a much larger and more versatile research community working on correctional problems. At the present time there are a small number of familiar faces working on familiar problems with well known methodologies. I will concede that there is a limited maneuvering space for the researcher in corrections; perhaps if a better structure for our work is created we will have more points at which opportunities for innovation can be identified.

The foregoing sounds a little like a marching order for correctional research. It is not so meant; we ought to have a basis for discussion in the form of a structure to create. If this is not viable, and it may well be insufficient, I hope that it will prod our deliberations into the direction of a stronger

structure. This requirement is going to be with us for a long time to come.

GROUP REPORT

GROUP D

CHAIRMAN: Dr. Rosemary C. Sarri

DISCUSSION LEADER: John P. Conrad

REPORTER: Lee B. Jett

Effective and efficient management of corrections, the development of constructive and meaningful rehabilitative programs, and productive research all require the availability of comprehensive, logically organized, and readily accessible transactional data on all operational areas of the corrections systems. It is recommended that all federal and state agencies and professional organizations encourage and assist in the collection of basic data. These data should be in such form that systems and regions can be compared. Once collected, these data should be accessible to researchers at other appropriate agencies and persons.

In accordance with the move to reduce the prison populations and develop community alternatives to imprisonment, the focus and target of research should be modified to reflect this change. Specifically, we must develop research on the status of both prisons and prisoners in the community, to parallel the research we now have on inmates in the prison. In addition, we should prepare to do research on the effects of alternative community programs. Finally, it is crucial to focus research on the process of legislation for corrections, in order to discover how best to develop the most effective correctional legislation.

The group took issue with that part of John Conrad's paper which questioned the need for more research. Rather, the group recommended more applied research as well as basic research, especially regarding the processes and technologies of rehabilitation. They also recommended that researchers be strongly encouraged to give more attention to feedback and utilization of their findings in practice. They further recommended that more research be undertaken on knowledge utilization, engineering, and innovation. It was also recommended that this research be cross-disciplinary, involving persons working in other human service fields such as education, medicine, public health, and so forth. It was also pointed out that a deliberate effort should be made to stimulate interest in research in corrections by creative young researchers.

WHAT STATUTORY IMPROVEMENTS ARE NEEDED?

EUGENE N. BARKIN

Legal Counsel, U.S. Bureau of Prisons

THE ADMINISTRATION of correctional facilities, services, and programs is generally the responsibility of innumerable state, local and federal officials—sometimes coordinating, sometimes ignoring, and sometimes conflicting with each other. Jails are largely administered by local officials, prisons by one state agency, parole by another state agency, and probation by still another. The object of the attention is passed from one to another, each to perform its narrow responsibilities.

Is a Unified Corrections System the Answer?

A number of suggestions have been made by statute, to create a "unified" corrections system by creating a department with supervision over all institutions—adult, youth, and juvenile as well as probation and parole. To go one step further, some even question the wisdom of a separate paroling authority. They agree that it is only logical for a person to proceed from one goal to another—from maximum security to minimum to release to the community with daily supervision and guidance to parole with less frequent supervision, and to unconditional release—as he achieves each goal. If this is a valid proposal, is it not logical that the persons who have the most intimate contact with him would be the most able to assess his progress and move him from step to step?

There are arguments against consolidation. Does a prisoner believe he would be given as clean a start as possible if he has not adjusted well in an institution and his parole supervision is under the same overall administrative head? Complaints about this even where there is no unification were voiced Sunday night by ex-offenders. Are the mistakes of judgment made in the first instance less likely to be reassessed if corrections is one continuum? Certainly, the daily involvement with an inmate can mean bias. Therefore, is not the decision regarding release best left to independent decision-makers?

Hopefully, after discussion, this group will point more definitely to which way statutory proposal should go.

Needed Legislation

There are some substantive pieces of legislation which could be helpful to accomplish more meaningful programming. There are a number of federal acts and orders which restrict the sale, movement, and purchase of prison products. For example, Executive Order 325A by President Theodore Roosevelt forbids federal officers from entering into a contract with employers "undergoing services of imprisonment at hard labor" imposed by state courts. The Act of July 24, 1935 prohibits the interstate transportation of prison-made goods, and the Walsh-Healy Act forbids contracts with the government in amounts exceeding \$10,000 if "convict labor" will be employed by the contractor. All these, of course, were enacted to protect against the exploitation of prison labor. Today, they

have been interpreted so that it works to the detriment of the inmate. It has been interpreted to include employers of work releasees. Thus, a number of employment opportunities (which are in any case far too few) are foreclosed as a consequence. A statute should be passed which clearly exempts employers of work releasees from the purview of these statutes and orders.

Many times a court may be of the opinion that incarceration is too strong a dose for the defendant, but probation, with the defendant returning to his old haunts, is not appropriate. Faced with these alternatives, neither being satisfactory, the court, in the interest of public safety, many times opts for the strong medicine. There should be something in between. A halfway "in" house under a judgment not imposing imprisonment. Last year the Congress in recognition of this dilemma passed a statute which enables a federal court, as a condition of probation, to require residence at a community center or participation in its program. This enables the probationer to work and at the same time subjects him to daily supervision and gives him some resources to assist him during periods of stress. Again, at the Sunday night session several offenders looked upon this approach as the most feasible alternative to imprisonment.

Problem of Detainers

The lodging of detainers based upon unresolved charges are the causes of uncertainty, sometimes for years on the part of both inmate and staff. The inmate does not know what is ahead, and because of this, the staff cannot plan realistically. In the meantime, the prisoner's housing, assignments, and general treatment are adversely affected. A Supreme Court case several years ago decided that a prisoner held under these conditions is entitled to a speedy trial. However, there is no specific time limitation placed upon the demanding authorities to do something. The determination as to whether the prisoner has been deprived of a speedy trial can come years later. The better approach is through the Interstate Agreement on Detainers whereby the prisoner, upon demand, has the right to have pending charges resolved within 6 months, or they are rendered null and void. In the last several years, more and more states, plus the Federal Government and the District of Columbia, have joined. It takes the legislature to act. There are still about 20 states which are not members. All should join.

Alcoholics and Narcotic Addicts in the Criminal Process

Alcoholics and narcotic addicts are many times thrown into the criminal process when the problem is more medical than criminal. There are inadequate or sometimes no programs, fa-

ilities, or personnel to treat the problem. And so, this results in deprivation of liberty at considerable expense to the public—all to no avail. Alcoholism and addiction per se are better treated by appropriate medical or welfare facilities. And when crimes are committed by such persons convicted of such crimes, the correctional agencies should be provided with the authority and the wherewithal to do something about the problem which has become their responsibility.

Basic Rights of the Offender

There has recently been a great concern that the basic rights of offenders have been violated with respect to physical conditions of confinement, punishment imposed, procedures leading to disciplines, and general rules such as correspondence, visiting, press interviews, and the like. This morning we had a session devoted to these questions. Most cases are decided on a constitutional basis. Therefore, a statutory laundry list of "Thou shalt nots" or "Ye shalls" would be a legislative attempt to spell out what is and what is not permissible. Several courts have imposed this kind of thing upon the correctional systems, spelling out the rules to the most minute

detail. Some statutory proposals have done this. These have occurred where the courts have found a complete lack of fairness, primitive conditions, or unreasonable rules. All are aware of the precedent-setting opinions. I am not sure it is advantageous to attempt to codify them. I am not at all convinced that with the precedent before them, administrators cannot on their own promulgate administrative rules which will more than meet the tests and still be workable. I do not have such little faith in these officials as to believe that it is necessary that they be told how to proceed by legislators. If it becomes apparent that certain administrators are unaware, or unwilling to treat persons decently and fairly, the appropriate remedy is by their removal by their supervisors.

The concept of cruel and unusual punishment is even changing. A long line of cases recognizes that many conditions and treatments which were regarded as permissible not too long ago can no longer pass. An attempt to definitely spell out cruel and unusual punishment could mean that it could be argued that treatment conditions not clearly included are excluded from the definition. I believe it would be impractical or worse to define "cruel and unusual punishment" except in the most general terms.

WHAT STATUTORY IMPROVEMENTS ARE NEEDED?

H. G. MOELLER

Associate Professor, East Carolina University, Greenville, N. C.

THE WORKSHOP has been requested to focus attention on issues related to modernizing penal and correctional codes. We are asked whether the rights of offenders and the right to rehabilitation can be codified and whether "cruel and unusual punishment" can be defined by law.

Judicial Intervention

The fact that these questions are raised is an obvious reflection of the rising tempo of intervention of the courts, both federal and state, in clarifying issues of inmates' rights.

As the President's Commission on Law Enforcement and the Administration of Justice observed:

Legislation ordinarily provides little guidance for correctional decisions. Correctional administrators have been slow to develop policies and procedures to guide correctional officials and to protect the rights of offenders. . . .

Yet it is inconsistent with our whole system of government to grant such uncontrolled power to any officials, particularly over the lives of persons. The fact that a person has been convicted of a crime should not mean that he has forfeited all rights to demand that he be fairly treated by officials.

Our chairman, in a paper presented to the American Correctional Association a year ago, observed: Correctional Administration is at the crossroads. Inmates can be expected to bring more cases challenging the inadequacies in the present system." It is increasingly clear, as Mr. Kutak observed, that "Prison officials may stay put and face the inevitability of

judicial intervention" and that, as he pointed out, "They would be better advised to recognize the trend of the times and shape for themselves the future of corrections."

Shaping the future of corrections is clearly not a simple matter. The question which is posed for us is whether in that process new laws are required and, if adopted, whether they would promote changes which are both necessary and desirable. There are those who would argue this necessity and who have indeed undertaken to draft model statutes which seek more clearly to identify inmate rights. In our discussions we may wish to review such proposals and give serious consideration to their advantages and limitations.

Rights of Offenders

A question may well be raised, however, whether the codification of rights is the matter of primary concern. The trend of judicial decisions over the past decade appears to have made it explicit that the guarantees of human rights which are provided by the Constitution are not forfeited by a citizen sentenced to imprisonment. The problem, it might be argued, is how to assure the protection of those rights of the individual confined under sentence. The question which arises is whether the administrator should not properly be expected, as a public servant, to undertake, himself, to make explicit the rights of offenders committed to the agency for which he is responsible. In other words, should he not, on his own initiative, develop

and disseminate to his subordinates and the inmates under his jurisdiction alike, a prisoner's bill of rights?

Beyond this, does he not have the responsibility to establish in clearly stated policy issuances and procedural measures, the ways in which rights will be assured? Implicit in such a process would be the development of a badly needed system of administrative due process, the establishment of the right to treatment (and perhaps the corollary right to refuse treatment), and the creation of a system of legal services to meet the needs of inmates.

If correctional administration is to move in the direction indicated, it is obvious that the administrator will require informed professional assistance. This assistance can be provided both by the organized bar, by the judiciary, by the academic community, as well as by publicly constituted legal services. The collaboration of such resources could provide substantial support for action. Machinery for the development of a uniform philosophy and uniform policies across the national spectrum of correctional agencies is essential and we might address some attention to the ways in which such integration might be achieved.

Adjustment of Personnel to Changing Concepts

In addition to the issue of making explicit the post-conviction rights of offenders and the establishment of procedural safeguards, there is an additional and more critical dimension which may not be overlooked. One belabors the obvious when he observes that no social institution is more freighted with tradition than the correctional system and no system more a captive of its own history. If, indeed, we propose to turn the system around, both in its attitude to individual rights and reorientation of its programs, we are faced with a monumental problem of modifying the attitudes and values of correctional personnel at all levels. The most critical target group for such efforts is the correctional officer cadre. Ultimately it will be the man on the line who will be expected to respond to the new imperative. There is no small evidence that he has long since interpreted the intervention of the courts as a threat to his authority, and a negation of his responsibility to maintain the peace and order of the institutional community. At best, he is confused; at worst, he is indifferent and apathetic toward his responsibilities. It is not an overstatement that such a situation, if not confronted intelligently, can produce abuses within the institutions which will be worse by far than many which have drawn our attention.

To state this critical problem in brief, what do we propose, in the face of an almost revolutionary change, to prepare personnel to perform their tasks with clear appreciation of their responsibility to protect individual human rights and maintain

an orderly institutional community in which the offender may be safely kept?

These then are some highlights of directions in which our discussions might move. The task of sharpening the focus is yours.

GROUP REPORT

GROUP E

CHAIRMAN: Robert J. Kutak
DISCUSSION LEADERS: Eugene Barkin
H. G. Moeller
REPORTER: Edwin R. LaPedis

1. The Federal Government should provide aggressive leadership for the establishment of a code of rights and procedures for people in the corrections system. These codes could be established either administratively or by state legislature. The Law Enforcement Assistance Administration could assume responsibility for the development of model codes, and offer technical assistance to the states to develop their own.

2. As a general principle, it should be established that as public policy all laws or administrative procedures that limit the civil rights of ex-offenders be eliminated. In addition, for those within jurisdiction of correctional agencies, civil constraints should only be limited in those ways in which it is clearly determined to be absolutely necessary.

3. The Federal Government should assume greater responsibility for giving visibility to the basic standards established by the United Nations in relation to the care and custody of prisoners.

4. Careful thought should be given to the untenable positions that custodial personnel feel there is reluctance to the rapid changes occurring that effect their relationship with those in custody. It was suggested that if they could be involved more significantly in establishing basic standards of conduct and expectations in behalf of the prisoner population, this participation might reduce the fear and antagonism they felt toward these changes.

5. Ex-offenders, appropriately screened, should be tapped as a resource of correctional manpower.

6. The notion was expressed, although supported only by some, that correctional personnel should be educated in the philosophy that their basic role is to expedite as quickly as possible the incarcerated offender's return to the community.

7. Involvement in other groups, professional and lay, should be encouraged extensively as a method of reducing the isolation of the correctional process from the broader community.

WHAT CONTRIBUTIONS TOWARD THE IMPROVEMENT OF CORRECTIONS CAN BE MADE BY LABOR AND BUSINESS?

RICHARD J. GRUNEWALD

Assistant Secretary of Labor, U.S. Department of Labor

IT IS ALWAYS interesting to me on occasion to check out meanings of important words. The key word at this conference is "corrections"—so I checked out Mr. Webster. This is what he said: Correction—The act of correcting; That which is offered or used as an improvement; the act or process of disciplining; Punishment; A quantity added or subtracted for correcting.

Now doesn't that say it all—if we put it all together. I hope this Conference will put it all together and make *improvement* our key word.

I am pleased to be with you today as a member of the management team of the U.S. Department of Labor to consider "What contributions toward the improvement of corrections can be made by labor and business?"

Economic Opportunities for Offenders

The key to a new direction for corrections lies in the recognition that there is a close connection between an effective criminal justice system and the development of economic opportunity for offenders flowing through that system. Fortunately, through a careful review of recent Department of Labor and LEAA programs which sought to develop links to such opportunity for inmates, parolees, probationers, as well as those arrested and awaiting trial, we have considerable reason to believe that many offenders are capable of taking advantage of training, manpower services, and the chance to be self-supporting. For example, an evaluation of a sizable pilot effort at vocational training in correctional institutions indicated that those who entered training were less likely to return to prison after 6 months as those who did not enter the program. Put in different terms, an effort to train 10,000 inmates in fiscal year 1973 could look forward to 400 fewer inmates going back to jail after 6 months if all 10,000 received training, than if none of them did. That is about 17 percent improvement. The point to emphasize here is that at the time this program got under way in 1968-69 there were limited supportive services and much less known about how to make it work well than is now known.

More Effective Job Development

We must, for example, have more effective job development if the investment in training is to be economically worthwhile and humanly significant. The local manpower institutions, including the affiliated Employment Service offices, can do much more to link manpower and corrections.

We are working to tie these systems together, beginning with the joint letter to all the governors to which the Attorney General referred yesterday. However, improved coordination

among federal agencies and the states will not assure the development of meaningful plans for offender rehabilitation. The secret and essential ingredient is the active involvement both at the community and state level of labor and business in tandem, harnessed to the goal: a reasonable chance of employment to the qualified ex-offender.

Without this opportunity every sentence can become a life sentence. With it, economic self-sufficiency for many offenders can be achieved, along with a significantly diminished chance of repeated criminal behavior. To achieve self-sufficiency many offenders will require training and manpower services. Others will need only the chance to be hired on their merits.

Unfortunately, in too many areas of the country a major segment of the private and related sector is still not involved, and perhaps not interested, in the functioning of corrections or in helping the offender re-enter society with adequate preparation and a rehabilitation plan that offers some hope of success. As a result of this and other factors that contribute to a lack of involvement on the part of other social institutions, corrections continues to operate largely in isolation—outside the mainstream of society.

Dealing With Disadvantaged Employees

Now, then, what can labor and business do to help overcome this isolation and help corrections and the criminal justice system to focus on jobs as the key element in a new national strategy to rehabilitate the offender?

Before pursuing this, I should point out that we must be realistic in using the "labor market" approach. There are many men and women behind bars—or on probation—who need lots of help beside skills and employment assistance. They have drug problems, alcohol problems, reading problems. They are too old or too sick or mentally ill. These people need considerable special attention before we can think in terms of aiding them to be self-sufficient. An unknown, but perhaps significant, number are not going to be able to move into the mainstream of society.

Now back to business and labor.

Business and Labor have already had considerable experience in dealing with disadvantaged employees. Particularly in recent years they have come to understand that with some special assistance large numbers of them—including employees with alcohol abuse problems—have been restored to economic self-sufficiency and perform effectively in our society. With help, the offender can succeed as well. What is needed is the chance to succeed—or fail.

It is here that we need to have business—with labor's help—carefully review personnel policies to assure that qualified ex-offenders are not excluded unreasonably from employment.

What is required is the formulation of policy—with sensible, risk-oriented criteria that can be related and restricted to performance on the job.

In too many firms there is no positive policy on the employment of individuals with records of arrest or conviction, except that which is made on the spur of the moment by whoever happens to be sitting behind a specific desk at a specific time. The results are likely to be no hiring of the ex-offender—why take the risk; no records of decisions as guidance in the future, even when an offender has been hired—perhaps successfully; inaction by the personnel manager—top management has not required an equal shot at employment for the ex-offender.

Here is a good time to indicate how important it is that top management be involved directly in bringing about constructive change.

One additional way to assure that internal policies, once formulated, actually govern personnel practices is to prepare qualified ex-offenders for positions within the personnel and management functions. Further, they can act directly to sensitize first-line supervisors—who bear the brunt of new policies that affect the climate of the work-place—to the personal and parole-related problems of the offender trying to make it in the free world.

Relieving Pressures on Institutional Corrections

Further, we can help relieve pressure on institutional corrections by encouraging business consortia, together with labor, to arrange to make groups of jobs and training opportunities available in a manner that permits maximum use to be made of parole and probation as an alternative to incarceration. In this effort, which LEAA is pioneering in North Carolina, general manpower program funds, in addition to special offender rehabilitation resources, are being used. This now includes JOBS slots. It can also include, for example, the use of Neighborhood Youth Corps out-of-school opportunities to begin to improve the functioning of juvenile probation.

We can all recognize this as the same kind of problem that

has been faced in regard to hiring other minorities—blacks, the Spanish speaking, the handicapped, the mentally retarded, or in retaining the alcoholic employee.

Corrections Cannot Do It Alone

These problems can be dealt with and positive results achieved only with the cooperation of business and labor—and there is a compelling reason for joint action. I hope we all agree that there is, indeed, a compelling reason for us to act today on the problem of crime in America and the rehabilitation of the offender.

Let us not deceive ourselves. Let us be real clear and realistic. The task is difficult and the road will be rocky. However, improvements in the system and economic opportunities for the ex-offender will be made—with your commitment and attention, but you cannot do it alone.

I would suggest that it is essential for business and labor—to help at the national, state, and community levels in the development and administration of the new, comprehensive public efforts—to which reference has been made—to promote the re-integration of the offender into society in a systematic manner. It just won't work without them.

I would add that as we set our goals and develop the framework of the new comprehensive planning approach which will be jointly developed by LEAA, Labor, HEW, and the states for implementation in the coming year, we better include labor and business as coworkers in joint efforts to achieve these goals.

In closing, I should like to go back to Webster's definitions of "correction" and try to put them all together:

We must indeed view our task as one of *correcting* the offender, first, by *subtracting* those *punishment* factors in the process which merely lock him into crime; second, by adding those quantities in the corrections process to improve the odds that he will succeed in society; and third, by assisting him to the degree he will accept the constructive disciplines of life.

If we work hard at doing these things, we will have set the new directions in corrections.

WHAT CONTRIBUTIONS TOWARD THE IMPROVEMENT OF CORRECTIONS CAN BE MADE BY LABOR AND BUSINESS?

JOSEPH W. LUCCA

Counsel, Bristol-Myers Company, New York, N.Y.

As a non-professional in the field of corrections, I hardly know where to begin. It is not too difficult to perceive the chaos on practically all fronts. The sordid details have already been reported in the press. Many corrections personnel are ill trained and ill motivated. The prisons are isolated bastions of neglect, not institutions of rehabilitation. The public is apathetic to the entire spectrum of corrections, not least of which is a willingness to reintegrate the offender into society.

The situation has indeed deteriorated to the extent that

remedy and corrective measures appear hopeless. Not only do the offenders despair, but so must society also when awareness stuns it. We appear to be locked in a system that does not have a need for remedies, but rather a rebuilding on multiple fronts.

To start anew would be inestimably easier than to patch the miserable state of the existing art.

A business or even a labor union, both of which are looking to provide assistance to this workshop, would long since have

passed into oblivion through bankruptcy or abolition. As criminologist James Robinson stated, "For every dollar spent on the criminal justice system, we get back about a quarter's worth of crime control." But sadly, here, where we deal with human lives living in a governmental nightmare born in and nurtured by persistent and dehumanizing degradation, there is no bankruptcy or abolition. We must endure this institution and indeed patch it up.

All segments of the correction system must be changed to support the only valid criterion—to make the community safer by minimizing the likelihood of future crimes by the offender.

If we are to reach the problem where it is—at the grass roots level in the community—the network of business and labor assistance will of necessity be required to reach across the United States into the smallest community.

Potentially Helpful Organizations

Do you have suggestions how business and labor may best reach these communities? I would like you to consider a listing of potential organizations which may be enlisted to help in this regard. Your comments on how they can assist are invited.

Local Chambers of Commerce
Lions Clubs
Labor leaders in your localities
Church groups
Civic organizations
Most importantly, the press

It is generally agreed that legislative support for effective corrections is unlikely if not impossible without a public consensus on what constitutes such effective correction approaches. By reaching into the communities by any means possible, including those listed above, business and labor may effect the emergence of such public consensus.

With this accomplished, each community may then provide some of the essential elements:

Vocational guidance and training for the offender whether he be a probationer, parolee, or ex-inmate.
Employment assistance and opportunities.
Medical services.
Mental health facilities.
Religious counselling.
Educational institutions.

We are generally talking about contact with society on the community level.

Government Must Provide Leadership

Informed labor spokesmen have agreed that little can be expected from labor until the Government provides a strong lead. Labor might well be reluctant to "break out" of its traditional strictures until a favorable atmosphere has been created. The AFL-CIO has shown a propensity to understand the problem and help in training, rehabilitation, and willingness to accept the offender into membership. However, this philosophy of AFL-CIO can only be translated into action by the individual International member unions or geographic

Central Labor Bodies. Each sets its own standards for memberships as well as training and employment assistance.

Should government legislation subsidize in some degree the efforts of labor and industry to establish community training programs? Such subsidy programs could be tied to "after training" union membership requirements and preferential hiring by business.

Planning Commissions Should Include Labor and Business

In order to foster a Government-Labor-Business relationship I should like you to consider the desirability of including labor and business as significant segments of the State and Metropolitan Planning Commissions which should first be assaulted with awareness of the corrections problems and their possible remedies. The continuing involvement of government, labor, and business in these commissions will be, across the board in all states and major cities, another grass roots association with the problem and an opportunity to participate in the decision process resulting in recommendations for improvement of the corrections system.

As Mr. Norval Morris pointed out, LEAA money should be infused into corrections. Informed planning commissions with representation from business and labor can see to this expenditure.

It was also noted by Mr. Morris that the corrections problem is insoluble without integrated planning of the entire criminal justice system. We already have a guiding light for criminal justice planning and expenditure in the LEAA. Again, the use of planning commissions—with business and labor participating—may very well meet this test of integrated planning.

Such planning will arouse additional federal and state legislation. All programs, however, must be implemented in the community and little can be accomplished without a high pitch awareness of the public which should be dramatized as would an integrated business advertising campaign.

GROUP REPORT

GROUP F.

CHAIRMAN: John Marshall Briley
DISCUSSION LEADERS: Richard J. Grunewald
Joseph W. Lucca

REPORTER: Carol Blair

Before government can be persuasive in urging contributions by labor and business toward improvement of corrections, it should review and change its own employment policies. Group F accordingly recommends that:

1. The U.S. Civil Service Commission should devise and put into operation a plan to stimulate federal employment of ex-offenders; and
2. The National Institute of Law Enforcement and Criminal Justice should frame guidelines for state and local government concerning the employment of ex-offenders.
3. The President should appoint a special committee in the Training and Employment of Ex-offenders. The primary pur-

poses of this committee would be: (a) to facilitate rapid, massive expansion of training and job opportunities for ex-offenders; and (b) to stimulate in cooperation with the Government of the States, the creation of state-wide bodies made up of representatives of labor, business, and industry; these bodies would work in cooperation with State Planning agencies and the LEAA.

4. At the national, state, and community levels, labor and business, in whatever organizational forms are most appropriate, should jointly accept continuing responsibility for sharing in the development and administration of comprehensive new public efforts to promote reintegration of the offender into society.

5. Representatives of labor, business, and industry should be included by the LEAA on state and metropolitan planning commissions.

6. Emphasis on economic self-sufficiency, as the key to rehabilitation for many offenders, will require careful re-examination of personnel policies by business to assure that qualified ex-offenders are not unreasonably excluded from employment.

7. To help relieve pressure on institutional corrections, business consortia, together with labor, should arrange to make training and employment opportunities available in a manner that permits maximum use to be made of probation and parole as an alternative to incarceration.

HOW DOES CORRECTIONS MEET THE CHALLENGE OF THE NEW MILITANCY AND VIOLENCE

BENNETT J. COOPER

Commissioner, Ohio Division of Correction, Columbus, Ohio

THE TRADITION of corrections has been to deal with any question of its supposedly inherent authority by simply brushing aside the question or opposition. This brings up the question of authority and its ramifications as we experience it in the general area of law enforcement. It seems that authority has always functioned from the top down with no allowance for taking issues with it. The assumptions have been that for those of us in authority, there is no allowance for mistake or error, that authority represents the experts view and consequently knows what is best for everybody else in the organization, and has not taken into account the origin of the power of authority.

The times in which we find ourselves living, for various reasons, have made it necessary that a new evaluation of authority's position be made. We no longer can watch technological advances move as rapidly as they have without wondering what effect it will have on our social structure. We know that rapid changes of any kind within a social system will cause changes in relationships between the members of that system. The same has to be true for the system of corrections as it exists throughout the country.

This brings us to the riots in the streets, the riots on the campuses, the drug revolution, and finally to riots and violence in the correctional system. The motivation of this behavior is far more complicated than we can properly examine at this time, but it is necessary that we make some important decisions as to how we adjust to this rising tide of demands for change.

Dealing With Change

There are several ways that we are able to deal with change. Some of them are:

1. Resist it, and far too many of us are doing that.
2. Adjust to it, which is the easy way out.

3. Be a part of the change, and thereby influence the direction of it.

It seems to me that the more obvious step for those of us in corrections, as well as the citizenry as a whole, would be to become a part of the change and help determine and influence its direction. At this point in time, it is no longer a question of whether there be a change or not; the only question is how will this change come about. The answer to that question lies with men of good will, good intentions, and a desire to do what is best for all involved in the process. It is no longer a question of whether we plug holes in the dike, or whether we respond to each crisis as it arises, but it is clear that an overall plan with vision is needed if we are to create the climate for change in the correctional process and at the same time dilute or reduce the human suffering and degradation that have been so evident in the past.

Demands Being Made Upon Corrections

There are several areas which I believe we need to discuss, examine, and analyze. I am sure these areas are not exhaustive, but only a starting place, and it is in this sense that they are offered. I would propose that we examine the possibility of corrections looking in depth at the kinds of demands that have been made in almost every instance of rebellion in the system. I am certain that from these demands we can make some rather valid inferences as to the directions in which we need to move.

I would also suggest that we need to take a look at ways of controlling human behavior and/or influencing it by other than traditional means of punishment, for even though we are ostensibly enlightened, our system still rests with punishment as the major influence.

It would be presumptuous for me to go any further as this

august group will have many inputs that, I know, will be fruitful and meaningful in the approach to this extremely difficult and complicated problem.

GROUP REPORT

GROUP G

CHAIRMAN: Richard J. Hughes

DISCUSSION LEADERS: Bennett J. Cooper
Senator John Dunne

REPORTER: Nick Pappas

1. We must improve the administration of our institutions and make them more fair, provide more programs and services, eliminate useless rules, and insist on administrative disciplinary procedures that provide fairness.

2. The so-called militant inmate—one who has specific beliefs and is aggressive about stating them—should be permitted to put them to use. He should, wherever possible, be encouraged to participate in the development of and participation in inmate self-help programs. The label of militant and revolutionary must be carefully assessed since it often may be unthinkingly applied to persons who are only outspoken. Such classification may be harmful, since it may create barriers to further communication. On the other hand, the true radical

and revolutionary inmate, whose words and action serve to inflame the inmate population and whose main objective is to create disorder, should be identified and neutralized. This may be accomplished through selective work assignments and close supervision, or, where there is no recourse, by separation from the inmate community.

3. The identified aggressive and/or violent prisoner should be so classified and transferred to a specifically designed intensive treatment unit that has as its objective the reduction of his violence. The identification of violent prisoners must follow procedures that assure administrative due process.

4. Other inmates must be protected from the violent prisoner.

5. The principle underlying decisions in dealing with riots is to use force only in a defensive manner and with due consideration for human life.

6. Every institution should have a detailed and documented riot plan that includes methods for working with the news media.

7. Methods must be developed (citizens committees, etc.) to assure that there are no physical reprisals against rioting inmates. There should be no amnesty that circumvents the law after a riot.

8. Continuing efforts must be made to assure the appointment of correctional managers who are highly competent administrators notwithstanding their political orientation.

OMBUDSMEN FOR CORRECTIONS

MILLARD F. GOODING

Warden, Richmond County Correctional Institution, Augusta, Georgia

THE PRIMARY PURPOSE of our discussion this morning is to consider whether the ombudsmen system of surveillance would be feasible in our penal system. No attempt has been made in the presentation of this material to either justify or argue the merits of such a system. Rather it is designed to provoke comment whereby we all may be exposed to several ideas and thoughts on the topic. Other related matters may be introduced for discussion, time permitting, and have been included as part of this discussion paper.

Function of Ombudsmen

Before we begin, however, we need to review the dictionary definition of the *Ombudsmen*. The term originated in Sweden, and the person is described as an "appointed official who investigates activities of government agencies that may infringe on the rights of individuals."

It would appear, basically, that such a person is somewhat comparable to the person at certain levels of command in the military establishment who is usually designated as "inspector general." His function is to conduct periodic and unannounced inspections of commands, units, and installations directed by the commander on whose staff he serves, in order to determine

the efficiency of the command and the ability to perform its primary mission. He also may receive complaints from individual members of the command and conducts such inquiries and investigations as may be considered necessary to resolve such complaints and allegations.

It does not appear to be in the best interests of the penal system as a whole for a person to be so designated and be empowered to act independently upon appointment. Such action could result in undue political influence, improper use of such authority, etc.

Georgia's System of Inquiry

In this connection, a system of inquiry into allegations and complaints lodged against penal institutions, correctional officers, and other administrative and operational personnel by inmates in the Georgia Penal System already exists.

Perhaps at this point, some may question in their minds, "What rights do inmates of a correctional institution have who have committed crimes against humanity in violation of existing laws and regulations?" The normal reaction, perhaps of those in a position of supervision and control in the penal system, is an emphatic "None!" However, within the broad

general policies of the Civil Rights Act of 1964, as amended, it can be interpreted that the inmate does have the right to expect humane and rehabilitative treatment within the bounds of human decency. But such treatment is to be consistent with the inmates' response to such disciplinary measures as are imposed.

Let me go back, now, to the system currently employed within the Georgia Penal System. A committee, usually composed of a staff member of the State Board of Corrections, and selected wardens from correctional institutions and public works camps, is appointed by the director of the State Board of Corrections to inquire into complaints and allegations registered by inmates or inmate groups, alleging improper action on the part of appointed or elected officials in the penal system, or alleging infringement of their civil rights.

The committee includes persons who have attained a high degree of expertise in administration and operation of penal institutions either by length of service or by having demonstrated outstanding performance in a position of importance in the penal system. They are conversant with all aspects of the penal system, including recognition of sensitive areas of inmate manipulation, antagonistic attitudes of correctional personnel not sympathetic to the systems of control and supervision, inadequate rehabilitation programs, etc. Special attention is also directed to inventory of the physical plant facilities and equipment to determine adequacy and maintenance and the location and adequacy of visiting areas.

By observing conditions under inquiry, together with questioning inmates, correctional personnel, and other administrative personnel, they are usually able to determine the cause or causes of the complaint and allegation. Each member of the committee operates within certain areas of responsibility assigned by the committee chairman, consistent with the particular expertise he has attained. A report is compiled, discussed with the warden of the institution, and forwarded to

the director of the State Board of Corrections with such recommendations for corrections as may be considered appropriate.

Some Questions To Consider

Question.—In view of the foregoing is it feasible for the ombudsmen-type of control to become a part of our penal system?

With respect to providing legal representation to probationers, prisoners, and parolees, it would appear highly desirable for inmates with limited funds to prevail upon the legal services of a local Office of Economic Opportunity Agency for assistance. Providing legal services through federal or state funding could be costly. The possibility of a local bar association providing such services upon request without cost to the inmate is a possibility.

Question.—In view of the foregoing, how should legal representation be provided for probationers, prisoners, and parolees?

Of more importance, perhaps, is the processing of inmates for parole consideration. At present it is customary for parole investigators to rely, to some extent, on the contents of reports and evaluation sheets to assist them in making a decision. It appears that the warden, who is in almost daily contact with the inmate, should make parole recommendations based on personal knowledge of the inmate, his characteristics, work habits, etc.

It might also be in the best interests of all concerned to have the parolee referred for psychiatric, psychological, and physiological examination and the results made part of the record for evaluation consideration.

Question.—In view of the foregoing, should the warden alone have the responsibility for initial recommendation of an inmate for parole consideration?

OMBUDSMEN FOR CORRECTIONS

FRED T. WILKINSON

Director, Missouri Department of Corrections

IN PREPARATION for this program for the National Conference on Corrections I gave some thought to the statement of Winston Churchill that "the measure of a nation's civilization is determined by its treatment of its most wretched individuals." So many things have happened recently in corrections that some may take a dim view of this statement. I, too, believe this Conference should attempt to achieve a balance between the rights of offenders and the rights of the public including their protection and assurance of enjoying the privileges and responsibilities of citizenship without the necessity of becoming law offenders to gain attention.

Reactions of Administrators Are Solicited

I solicited comments of corrections directors in many states regarding their feelings and recommendations as to the need

or worthwhileness of ombudsmen in correctional institutions. The comments sent to me are interesting. There is no question that there is concern about the need for better communications, closer liaison between institutional staff and inmates, and better interpretation to the public of problems that are foremost in correctional institutions today.

Without exception, it was the opinion that no additional legal representation needs to be provided for probationers and parolees. Their "ombudsmen" are the supervising officers and/or their legal counsel.

I believe it would be appropriate to set out not only the numerical responses to my query about the advisability of an ombudsman in major institutions but also to highlight some of the comments that afford areas of discussion for this workshop.

Some Expressed Opposition to Ombudsmen

General Assembly Bill No. 1181 introduced in the California Legislature in the 1971 regular session proposes an ombudsman for corrections. Its fiscal notes estimates the cost of the operation of the office at \$400,000 a year. The director of the Department of Corrections of California opposed the Bill essentially for the following reasons:

We believe that it is our job to handle grievances within the system—and we are doing it. Each institution has designated a top level staff member for the purpose and two members of the director's staff specifically respond to minority problems.

Dealing with grievances outside the correctional system can prove divisive, accentuating problems of rehabilitation and control.

While the ombudsman has been compared to the Inspector-General of the Army, the Inspector-General is part of the Army, not a part of Congress. The basic experience with the ombudsman has been in countries with a ministerial form of government; but even so, Norway rejected organizational provisions similar to those of this Bill as violating the independence of the ombudsman.

With the present opportunity for inmates to send sealed uncensored letters to the Governor, members of the Legislature and the Director, and the unlimited access to the State's courts, there is no need to set up an expensive office to perform a duplicate function.

Oklahoma.—The Acting Director of the Department of Corrections does not believe such a position should be "in the true sense of the word ombudsman," but rather should work for the Department to provide liaison with inmates.

Virginia.—The director questions, if an ombudsman were appointed by the Court, by whom would he be employed, what authority would he have, and what responsibility to go along with this authority?

Michigan.—The reply from Michigan opposes an ombudsman position. The state has an "advocate program" which permits any inmate accused of an infraction be represented by a staff member who investigates his side of the matter and represents him in the disciplinary hearing. The director believes that if the ombudsman concept is established, it should be done within the system and that if the courts establish it that would not be the case.

Arizona.—The Arizona response registered opposition to the concept of ombudsman and express that citizens who are liberals and subversive in nature are now using inmates to discredit corrections and law and order. It is noted in the Proceedings of the 100th Annual Congress of Corrections of the American Correctional Association, that a comprehensive program of legal assistance called "Post-Conviction Legal Assistance Clinic" is in operation in the Arizona State Prison. The University of Arizona College of Law, upon direct request by an inmate, makes senior law students available to draft and research appeals for the inmate. A resumé of findings and a recommendation for or against further action is given. If necessary, the law students prepare all paper work in connection with the appeal and channel it to the proper court.

Louisiana.—The director believes that interjection of an ombudsman in the institutional setting would have a deleterious effect on the administration. He believes, moreover,

Of the 19 responses received from directors and commissioners of states, nine are in favor of direct ombudsmanship in their states. Six are opposed to such a program. The directors of three states gave what I would call "neutral" responses in that they agreed to ombudsmen programs, but with restrictions that would sharply dilute the effectiveness of these programs in institutions.

One response referred to a Maryland state statute and detailed the composition of what is call a State Corrections Grievance Committee. The effectiveness of this Committee has yet to be tested.

Ombudsmen have been present in the quasi-legal structure of society for many years and at least two or three ombudsmen are operating in city and state correctional systems at this time. As an example, a former imprisoned offender is an ombudsman in the Holmesburg Prison in Philadelphia. He is employed by the Pennsylvania Prison System which is paying him from a Philadelphia foundation grant.

The South Carolina Department of Corrections is presently experimenting with a program related to their Adjustment Committee procedures and is working with two young lawyers, one from the Council on Human Relations, the other with the Neighborhood Legal Aid Society. The objective is to establish results that will warrant a grant for a more thorough test of the general ombudsmen program.

In June 1971, Sheriff Joseph F. Job of Bergen County, New Jersey, established an ombudsman program which appears to be the first such experiment in the United States. He reports that results have far exceeded expectations in liaison between the prison inmates and authorities.

Summary of Responses

Delaware.—Delaware referred to self-appointed ombudsmen consisting of inexperienced persons and groups who are exploring institutions and making uninformed allegations.

Minnesota.—The newly appointed director referred to a recent California situation which brought some 17 lawyers into the prison for investigations. He believes "a credible ombudsman may have handled it alone." "It will," he writes, "teach the unlawful how to seek lawful redress without resort to violence."

Arkansas.—The commissioner believes the superintendent or warden of an institution should consider himself as an ombudsman, but he states "we are now in a situation, however, wherein we are simply not believed by the public and the press in most cases." He believes an ombudsman might be an attorney but would definitely have to be attached to the commissioner's office with complete authority to investigate, but also should be required to assume responsibility for such investigations and complications that might follow.

Typical of some replies were states with small prisoner population such as Idaho and Hawaii who believed they would be better served by local citizens groups and advisory councils and/or relationship with schools of law involving senior students who would regularly interview inmates in institutions.

that anyone with the implied authority of an ombudsman would dictate policy and would become the focal point of inmate education, and that the investigative capability should be a part of the departmental staff responsibility.

West Virginia.—The commissioner believes that West Virginia, having a relatively small Department of Corrections, can best handle its problems with a staff member investigator reporting to the commissioner.

Missouri.—This is a statement from the General Counselor of the Missouri Department of Corrections.

Under our state system the governor is the "ombudsman" for all the people. It is his specific function to see that all of the agencies of the state operate for the welfare of the people and to place yet another official between him and the individual citizen is to compound bureaucracy.

In effect, the United States Postal Service is all the Ombudsman that anyone needs in any system of government that I know about in the United States because one only need write the governor or some other person of like stature to make himself heard on a given complaint.

Frankly, I regard the office of Ombudsman as a sinister and disruptive element (a governmental hair shirt as it were) because human nature dictates that any person placed in that position make his influence felt and he is not going to be satisfied unless he stirs the pot.

GROUP REPORT

GROUP H

CHAIRMAN: Ellis C. MacDougall
DISCUSSION LEADER: Fred T. Wilkinson
REPORTER: Leo Zeferetti

Discussion leader Wilkinson explained that a questionnaire was sent to administrators of correctional installations across the country, asking whether there was a need for ombudsmen. The following questions were asked:

1. Is there a real need for an ombudsman (ombudsmen) in institutions?
 - (a) Should he be funded by private organizations?

WHAT CORRECTIONAL ROLES CAN BE ASSIGNED TO VOLUNTEERS, PARAPROFESSIONALS, AND EX-OFFENDERS?

ENNIS J. OLGATI

Director, Court Employment Project, New York, N.Y.

THE CRIMINAL JUSTICE system has never enjoyed a good press. Much of the recent "bad ink" has been deserved. We are failing, both inside and outside our prisons. One wonders, though, how visible our failures will have to become before the willingness to try something new becomes the acceptable rather than the exceptional response to the problems of crime and criminal rehabilitation in our society.

To date, efforts to improve the system have played an

(b) Should he be a staff member funded by the institution?

(c) What lines of authority and responsibility should be established?

2. What adverse effect on institutional operations might be expected by ombudsmen's operations if:

(a) He were a line staff officer?

(b) He were responsible to a foundation or citizens group?

(c) What complications would develop if he is a legal officer?

3. What are the alternatives to ombudsmen?

(a) A corrections board?

(b) A citizen's group to investigate complaints?

(c) A grievance commission established by laws?

(d) Representatives of Legal Aid or ACLU organizations?

4. Would an inspector's office similar to the military inspector general be more or less effective than present practices?

5. Can senior law student interns provide these services under supervision of a law school attorney?

6. What impact would a press relations staff member have on the press citizens?

Mr. Wilkinson received 25 responses. Nine indicated the need for an ombudsman and that he be directed to answer to the state. Nine stated they were against an ombudsman and believed he would interfere with the administration of the department. Seven responded on a neutral basis, stating they would go along if specifically ordered to include an ombudsman.

Discussions of the group led to the position that there was no need for an ombudsmen. This determination was made after much discussion on the amount of authority the ombudsmen would have to get things done, who would give him such authority, and whether it could develop into a political patronage job with no real value.

There was agreement on the concept of a correctional advocate system representing both inmate and administration, and also including probation and parole.

ancillary role. For the most part, innovations have been allowed to accommodate the system but not to challenge the way it is fundamentally conceived. Punishment is still the reward for crime.

Court Employment Project

Some reform efforts, however, like the Court Employment Project, have been extremely influential despite the limited

role they have been allowed to play. They have demonstrated the viability of not only operational but also conceptual alternatives available to the system. Acceptance of a pretrial intervention program not only requires a particular jurisdiction to modify its judicial procedures, but also to endorse the possibility that a response other than punishment might be effective.

To a large extent, the success of these reform efforts can be attributed simply to the people involved. Although most have been designed and administered by system people with professional expertise, they have relied heavily upon volunteers, paraprofessionals, and ex-offenders for staffs—people with the compassion, sensitivity, and most importantly, the credibility to build a more natural and lasting bridge between the closed world of crime and the open world of a lawful society.

Care in Screening Nonprofessionals

Volunteers, paraprofessionals, and ex-offenders constitute relatively new and untapped manpower resources that can help remedy many of the shortcomings of our system. It is impossible to list the numerous roles that can be assigned to them. But what is both possible and necessary is to approach the application of their abilities with care and meticulous planning. For it is a human tendency to simply expect others

to succeed in areas where we are failing without adequate consideration of their strengths and weaknesses.

Volunteers, often well-intended and committed, can be unknowingly patronizing. This is important to consider in the assignment of roles to them. If given a role in which this attitude may prevail, it is then important to provide a training program which will not only teach skills and responsibilities, but also confront behavior patterns and attitudes.

Similarly, paraprofessionals and ex-offenders coming to jobs in the criminal justice system often are asked to function in roles which are ambiguously defined, to adapt to structures and routines which are alien to their experiences, and to assume responsibilities for which they are ill-trained. To hire a paraprofessional or ex-offender without careful screening of his or her individual strengths, weaknesses, and potential, and to place them in a job situation without adequate supports, is to set them up as the house black, Puerto Rican, ex-junkie, or ex-con—a cruel charade.

Careful screening, lucidly defined job responsibilities, and continual training are prerequisites for any program planning to use volunteers, paraprofessionals, and ex-offenders. If these are met, their contributions in the area of criminal rehabilitation can be invaluable, as many of these reform efforts have already demonstrated.

WHAT CORRECTIONAL ROLES CAN BE ASSIGNED TO VOLUNTEERS, PARAPROFESSIONALS, AND EX-OFFENDERS?

FRANCES LOCKETT

Court Reporting Officer, Office of Probation, Bronx, N.Y.

WITH THE increasing number of delinquent cases and persons in need of supervision and cases processed through the juvenile courts, the burden of rehabilitation is growing at an unprecedented pace. The caseloads of probation officers have reached such magnitude that it is unrealistic to assume they can provide the kind of service client needs. Consequently, we should look to the volunteer and the paraprofessional to assist the probation officer.

The paraprofessional who is recruited from the community, trained, and appropriately assigned can be utilized in the intake service unit. Once his role is clearly defined, he can make home visits for the intake officer, escort the client to agency and medical appointments, and visit the schools.

If the paraprofessional or volunteer is bilingual he can bridge the communication gap when there may be cultural differences. Much anger, hostility, and anxiety can be alleviated prior to the client's initial interview with the intake officer. Cases can be eventually adjusted at intake without court action.

After the investigation is completed by the probation officer, there is usually a 10-day to 3-week waiting period before disposition. The paraprofessional can contact the probationer and his family during this period, thus minimizing further acting-out behavior.

On the supervision level, I see caseloads divided into three categories. Each case must be evaluated in a team approach with the probation officer, case supervisor, and the paraprofessional. The probation officer would continually evaluate each case and at any point can place the probationer in an (1) intensive casework category, (2) high risk category, or (3) low risk category. The paraprofessional as an arm to the probation officer can be used in categories (2) and (3), thereby alerting the probation officer to any current change of circumstances.

There is a reluctance on the part of many probation officers to train a paraprofessional because this takes time away from their work with the probationer. Moreover, the paraprofessional who is from the community may be more subjective rather than objective. The additional staff at lower salaries may be threatening to the probation officer and viewed as a measure to diminish their status.

In conclusion, volunteers and paraprofessionals are relatively new in corrections and a significant potential for casing professional manpower shortages and for developing greater public understanding and support of corrections in the community at large.

GROUP REPORT

GROUP I

CHAIRMAN: Oliver J. Keller, Jr.
DISCUSSION LEADER: Ennis J. Olgiati
REPORTER: William A. Cohan, Jr.

The group concluded:

That a varied number of roles can be assigned to volunteers, paraprofessionals, and ex-offenders at various points in the corrective process: pretrial, postconviction, commitment, and postrelease.

That program goals must be clearly defined. An analysis must be made as to which roles focusing on the achievement of the program goals can be effectively performed by volunteers, paraprofessionals, and ex-offenders. Job responsibilities must be lucidly described. A screening system must be developed to choose persons with the potential for fulfilling those job responsibilities. Training and counseling must be provided to achieve their fullest potential.

That the proposed National Corrections Academy should develop as part of its curriculum a program for training volunteers, paraprofessionals, and ex-offenders as well as the professional staff working with them.

HOW DO WE DIVERT MORE OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM?

FRED D. FANT

Assistant Director for Probation, Administrative Office of the Courts, State of New Jersey

THIS STATEMENT is being offered on the reasonable assumption that all of us here both understand and support the concept of diversion as it is applied to the criminal justice system. If this is not the case, then the points to be made and the questions that will be raised will not be relevant to the subject at hand.

As you know, the diversion of persons from the criminal justice system is not a new concept in our society. It has long been practiced on an informal basis through the discretion exercised by numerous officials within the system to arrest or not to arrest, to prosecute or not to prosecute, and by the use of deferred sentence, informal disposition, etc. Diversion under these circumstances and conditions seems to have done no harm to the system or society in general—at least no more than many of our more formalized ways of handling offenders. Just the contrary may be the case, for in addition to lightening the burden of the criminal justice system, some criminalization may have been inhibited and quite possibly some offenders may have been salvaged. Yet, in the face of such hopeful signs, diversion continues to be an anathema in some places and to be under-utilized in other places.

Society's Need To Excommunicate the Deviant

Part of the failure to expand and intensify diversion may well represent an unconscious urge within us as a society to criminalize and excommunicate our social and moral deviants, as well as some trepidation we may have as public officials in bucking the public's clamor for "law and order" at any cost. Yet, we cannot wait for majority public opinion to support or lead us; we may wait indefinitely, for I doubt that there now exists majority support for the concept of diversion or that such will be available immediately ahead.

This brings me to my first point—that we, as responsible public officials in corrections, must use our positions more

constructively and actively than in the past to mold public opinion and to advance realistic programs for expanding and intensifying the concept of diversion.

Another important issue debated enthusiastically, which obviously contributes to delay in implementation, and in expansion and intensification of the practice, is who should be accorded the opportunities and benefits of diversion. Some would limit the practice to first offenders and others would extend it to multiple-offenders; some would limit it to non-indictable offenses, and others would include certain kinds of indictable offenses; some would limit it to persons involved essentially in violations of moral norms, and others would extend it to persons involved in certain types of "dangerous crime"; etc.

Reform of Criminal Laws

It seems to me that all of these arguments reflect our confusion and lack of knowledge and understanding about what to do with this growing number of social and moral deviants that are being forced through the system of criminal justice by our propensity for making criminal most things we don't like. This state of affairs should be understandable since it is reflective of the problems of society at large. A meaningful solution to a major part of the problem might rest on substantive criminal law reform to exclude from the criminal justice system those persons who manifest characteristics of illness, e.g., alcoholism, drug addiction, etc., as well as those who are essentially violators of moral standards, e.g., gambling, prostitution, homosexuality among consenting adults, etc. If this were to occur, we would be in a better position to use our limited personnel and resources more efficiently and effectively.

One might legitimately raise the question as to how, then, would society deal with the problems which these people present. I believe one of the problems that comes more or

less as a by-product would be automatically resolved, i.e., the unnecessary criminalization of some people. Another problem of mobilizing help for those who need it might come much easier with the elimination of criminalization and the provision of services through administrative regulations, with private agencies playing a far greater role than they do now.

Key to Diversion

Others, who would legitimately be left within the scope and application of criminal law, could then be given a preliminary screening and diagnosis after arrest and if found not to require criminal processing, could be diverted with maintenance of reasonable controls to potential community-based treatment resources and services. The key to diversion decisions might very well then rest on (1) the degree of potential risk to society which the person's immediate release portends, (2) the person's potential for accepting and using help and (3) the availability and accessibility of the resources needed.

The responsibility for administration of this kind of a preliminary screening service, as well as the execution of follow-up controls, could be assigned to probation as the traditional social service arm of the court. This would require additional staff, but at least that staff could then be utilized more productively than at present. Conceivably, this type of service could also be administered through another instrumentality; however, it would then need to be cautiously developed and operated to avoid the built-in potential for duplication of effort, as well as for friction and competition with the court's traditional social service agency.

Since this type of screening and decision-making process involves to some extent the police, prosecutor, defense counsel, and the judge, it would require the formalization of relationships, procedure, and screening criteria in order to avoid undue conflicts and the tendency of one discipline to blame the other for undue delays and failures in producing the desired results. The ultimate decisions as to whether to prosecute and the decision to dismiss or not to dismiss the charges would continue to rest with the legal profession; this is as it should be.

In many jurisdictions diversion, for the most part, has existed as an informal, unstructured practice especially for adults, in which decisions have been left to the individual discretion of selected officials within the criminal justice system. While this condition may well have served a useful purpose in the past, it is now concluded that it requires legitimization, formalization, and quite possibly some degree of legalization to give it status, to accelerate its use, and to also give it a reasonable opportunity to prove its worth. More than likely this can be accomplished in a variety of ways to suit the particular conditions in a given jurisdiction.

New Jersey's Experience

To give you a clue as to how it has been accomplished in one jurisdiction, I call your attention to the New Jersey

experience. The Supreme Court, as the rule-making body for operating the courts of the State, was requested to authorize and support the formal establishment of diversion as a legitimate practice in the adult criminal courts. Based on the availability and accessibility of a private community-based service organization to act as the screening/treatment-resource agent, the Court modified its rules to not only permit the operation of such a service, but, also at the same time, laid out some procedural guidelines to be followed in its administration.

One of the more important considerations in legalization of the practice in New Jersey is the retention of authority by the Supreme Court to determine which agencies and services shall be approved to work with defendants during the period prosecution is held in abeyance. While some may question the need for the court to approve of the service agent, it must be remembered that the defendants have not, at the time of screening and acceptance in such a program, been proved guilty and in the eyes of the law they are still innocent. Although the involvement of a defendant in an established diversionary treatment program is voluntary and with the consent of the prosecutor, it is concluded that some degree of court control must be maintained to meet constitutional guarantees.

Before concluding these brief preliminary remarks, let me acknowledge frankly that the points made or the questions they have raised are not intended to span the full range of issues and problems associated with the adoption and expansion of diversion as a viable alternative to over-criminalizations in our society. Neither is this practice alone expected to solve all the problems which afflict the system of criminal justice, including certain of our ineptitudes in the field of corrections.

For example, we have not dealt with the problem relative to the probability, that some defendants who may be innocent will choose to go into a pretrial diversionary program solely to avoid trial. We have not dealt with the question as to what extent there should be community participation in the execution of diversionary services. We have not discussed what can and should be done when resistance to establishing diversion as a formalized practice is encountered from key public officials, including some within the system of criminal justice. We have avoided the question of whether adoption of diversion as a formal practice justifies the use of only paid employees or whether a combination of both paid and volunteer workers offers a better potential for success. We have not mentioned the problem of securing adequate funding for such an undertaking. And, we have neglected to mention the possibilities of overlap and duplication of efforts in those jurisdictions where an established release-on-recognizance program may have been formally established and operated by a designated public or private agency in the same courts where diversion is to be tried out. These and many other questions and issues we leave to our group discussions to explore.

HOW DO WE DIVERT MORE OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM?

DANIEL J. FREED

Professor of Law, Yale University

TWO ENCOURAGING features of this Conference are that so many conferees are already engaged in programs which hold promise for the future of corrections and that a new national willingness to make changes, as exemplified by the Attorney General, somewhat brightens the climate for correctional reform.

But a major disappointment of this Conference lies in its preoccupation with persons designated offenders and criminals—with persons whom the criminal process has convicted and the concomitant blurring of the system's problems with arrested persons who have yet to be tried.

There are, to be sure, references here and there, in the speeches and conference literature, to pretrial detention, or diversion, or R.O.R., or new jails for persons waiting for trial. But these references are isolated and sporadic. And most damaging, their second-class citizenship at this conference implies that the bulk of correctional energy in the future as in the past, and that government funding hereafter, as before, will continue to concentrate on persons found guilty after trial, and will continue to understate the problems of the same persons and their jail companions in that never-never-land called pretrial justice.

The paradoxes of our preoccupation with posttrial offenders are known to many at this conference, but are acted upon by only a few. Let me give just a few illustrations.

Half of Persons Behind Bars Awaiting Trial

The National Jail Census published by LEAA in 1971 showed that more than half of all persons behind bars in the jails of this country are awaiting trial. Far more shocking, but less well-measured, is the fact that 70 percent to 90 percent of all persons admitted to jails in this country are held only after arrest and before trial, and are released no later than the point of conviction. What this means is that three quarters or more of all people in the United States who ever spend time in jails, cells and cages, do so only during the period in which they are presumed to be innocent. Thereafter, through bail, or dismissal, or acquittal, or—for the most part—conviction, they secure their release. It is the ultimate irony of our criminal justice process that the best way a man in jail who claims to be innocent can secure his release today is to plead guilty. At this point, a fine, or suspended sentence, or probation, or referral for treatment, or a sentence commuted to time served, will gain his release from the city or county jail.

Cost of Pretrial Detention

The cost to society from pretrial imprisonment is measured in much more than the temporary (but often prolonged) loss

of liberty. It totals millions of dollars in taxpayer detention bills, in lost jobs and wages, in family separation and non-support, and—of direct concern to this conference—of total contradiction to the purposes of community-based corrections.

In this new era of correctional enlightenment, we are beginning to proceed out of compassion and somewhat in haste, to replace the rotten old pretrial jails of this country with pretty new ones. We are investing in architectural splendor, to be sure, but also in impregnable steel and concrete and glass and maximum security. It is not unrealistic to predict that in this decade governments will spend billions of dollars in architectural and construction costs, and millions more in annual upkeep, to imprison the pretrial accused—under a process called bail—before courts release them convicted—under a process called sentencing—to be corrected in the community.

Terminology of Those Who Preside Over the Detained

Some wonder why pretrial justice should be the concern of a conference on corrections. Perhaps it wouldn't be if the correctional directors, and the wardens, sheriffs, architects, government planners, and funding officials who came to Williamsburg this week were not themselves the owners, operators, managers, designers, keepers, and big spenders for pretrial institutions. But in great numbers these are our fellow conferees. And although many, if not most, of the prisoners over whom they preside, or for whom they plan, are pretrial, please look carefully at the terminology of their speeches and their writings. They may on the one hand acknowledge universally that the pretrial inmate is presumed innocent, perhaps ought not to be confined at all, is not eligible for corrections, and is among the most tense and difficult of all prisoners with whom they deal. But then they go on to speak of jails, their population, and their programs as correctional institutions, prison systems, penal reform, and offenders. When they refer to pretrial accused persons, the words they use will often be "unsentenced" or "presentenced" prisoners, as if it is only a matter of time before guilt is confirmed and detention is legitimized.

I should quickly add that it is judges and lawyers, not correctional officials and architects, who jail people prior to trial. The solution to the paradox I am describing lies with all of us as a system, not just with the warden or sheriff who runs the pretrial warehouses.

But it is a warehouse never the less, and little at this conference suggests that it will be different in the future except in architecture if we fail to change direction now. For there are few if any constructive programs of substance in the pretrial institutions of today, or those planned for tomorrow. You

will have to search hard through the architectural literature to find real differences between pretrial cages and cells for convicts. You will look in vain for a pretrial services division of a correctional agency, or a separate set of plans or planning concepts that acknowledges the different rights and status of unconvicted, presumed innocent persons who are held awaiting trial. All prisoners are either merged in this conference, or we concede that the pretrial prisoner is treated worse. Yet that will continue to be the direction in which LEAA's money will go tomorrow if we do not succeed in producing a change today.

Conflict in Ideology

A major difficulty with realigning pretrial and correctional justice involves a conflict in ideology. The other difficulty is time and resources.

The emerging policy of this Administration is postconviction corrections in the community. Simultaneously, its major policy prior to trial—at least in rhetoric—is preventive detention. Preventive detention caused a great furor among liberals and conservatives prior to its enactment in mid-1970 by Congress for Washington, D.C. only. In fact, its procedures have proved so cumbersome that, on a formal basis, it has been used very little. But preventive detention in fact, by means of high or low money bail, today overloads the jails of Washington and other urban centers throughout the country. Through inadequate pretrial information, hasty bail decisions, scant appellate review, and few alternatives available to judges in any event, nearly all offenders are divided into two classes: those who are released R.O.R. or on money and those who are tossed into jail. Both alternatives are major sources of current dissatisfaction.

Hardly anywhere in the United States do we have pretrial work release, or probation-type pretrial supervision, or pretrial residential centers without bars, or supervised release in the custody of volunteer-citizens (as with probation), or effective checking-in procedures, or the myriad other options which instantly come into play when the accused man pleads guilty and the bail process is supplanted by sentencing. We have no programs to occupy the pretrial detainee while he waits nor anything equivalent to parole to permit release of a well-behaved prisoner whose incarceration is indefinite because he has not yet come to trial.

At the same time, we do a poor job in monitoring or controlling releases. As a result, default rates are rising, crime on bail persists, and R.O.R. is no panacea for those whose only alternative is jail.

The system, in short, is impoverished in theory, in money, and in practice, and it is time for a change.

Proposal: A Pretrial Agency

The basic change needed in this upside-down system is to divorce the administration of pretrial justice from that which is called corrections. The entire spectrum of pretrial alternatives needs to be consolidated under a single roof and organized so that one agency, responsible to the court system, carries out all functions relating to pretrial release, diversion,

supervision, control, and detention. It should have the same rich range of options that corrections enjoys today. It should be financed and motivated to emphasize release, but also be responsible for return of releasees and the housing or security of detainees.

It must be separate from corrections, and from institutions that house convicts, if the legal status of pretrial persons—released or detained—is really different from that of sentenced offenders. If our criminal process and our institutions fail to acknowledge the difference, we should abandon the mythology of a presumption of innocence, and stop pretending that more prisoners, in worse jails (or prettier ones) with fewer programs, for indefinite periods, is the price a citizen must pay for maintaining his or her pretrial innocence.

The model of a new pretrial services agency is not unprecedented. It particularly exists in law, if not in fact, in the District of Columbia Bail Agency, as redefined by Congress in 1970. It has been proposed by Senator Sam Ervin and 55 cosponsors in the Senate in S. 895 of the current Congress. In incipient form, it is being talked about in Des Moines and New York and New Haven.

Paramount to any restructuring of our failing pretrial process is a freeze on funds for pretrial jails. The billions now projected for new jails needs to be reconsidered as pretrial justice money, not just for cages and steel.

LEAA should require each jurisdiction to re-examine every aspect of its pretrial system, and create priority categories for a whole range of release and control programs so that it can estimate whether and how large any new jail should be.

There will always be a need for detention of some sort, in some size, with varying degrees of security or at least housing. But the incentive for community programs which this conference is urging must begin at arrest, not at sentencing. Our alternative is to reverse the traditional presumption of innocence and establish a presumption of guilt. Overnight, many more persons might secure a variety of releases, and the institutions and programs for detainees will be richer by far than the cages we are continuing to design for the 21st century.

GROUP REPORT

GROUP J

CHAIRMAN: Carl M. Loeb

DISCUSSION LEADERS: Fred Fant

Daniel J. Freed

REPORTER: Carolyn Huggins

1. The group recommends formalized diversionary programs in all areas of the criminal justice system.

2. We support the attitude of the Federal Government in its enunciation of a strong and forthright position in support of diversion of deferring of prosecution as an acceptable alternative to over-criminalization of our society.

We also recommend that corrections officials undertake, in cooperation with other key criminal justice representatives,

efforts to develop a formalized legal-procedural vehicle by which the concept of diversion can be pursued in all states and territories.

3. The group recommends that corrections officials play a more active role in the mobilization of nationwide support for the reform of our criminal laws to reverse the trend toward over-criminalization of our society.

4. The group believes it is most important that a commission be appointed to explore the unsatisfactory conditions which now exist for those in detention awaiting trial and to consider divorce of the pretrial system from the correctional system as part of its activity. Additionally, the group recommends that no money be spent on planning or construction of new facilities until a report of this commission is made.

5. Programs and ongoing research should be established to acquaint society with the atmosphere which causes young people to grow up as criminals.

6. Due to the variety of funding structures throughout the country, we believe the states should play a major role in the funding of diversion services, including financial incentives, such as a probation subsidy plan, for placing offenders on probation rather than sending them to prison.

7. The group recommends the removal from the criminal justice system those committing crimes without victims. Victimless crime is defined as crime based on moral codes in which there is no victim apart from the person who commits the crime. The commonest examples are drunkenness, drug addiction, voluntary sex acts, vagrancy, gambling.

The acts of those who commit victimless crime are in most cases socially disapproved, but none of them is criminal in the real sense. Whatever harm occurs is to the offender himself and not to society. In some cases, vagrancy, for example, there is no harm to anyone. The typical victimless crime, therefore, is a health, moral, or social matter rather than a criminal one. But, it is now dealt with by our criminal justice system.

Drunken driving is *not* a victimless crime, nor is the robbery of a bank by an addict. These are real crimes and they produce real victims.

The group recommends that LEAA fund programs, or that Congress authorize and appropriate new funds, to provide mechanisms for legal assistance to inmates of federal, state, and local detention and correctional institutions. The recommended programs should include at least three categories of assistance:

(1) *Ombudsmen* to address inmate grievances and to assist inmates with legal matters in which the institution is not an adverse party;

(2) *Outside counsel* to represent inmates who are financially unable to afford counsel, particularly in matters which may involve litigation; and

(3) *Law student legal assistance programs* to enable students in the vicinity of a federal, state, or local institution

to assist inmates or the institution with legal problems. Such programs would be supervised by a member of the bar, particularly in situations where the programs are related to courses or research in the administration of correctional institutions and programs.

Recognizing that correctional reform must be compatible with the rule of law and the purposes of the larger criminal justice system, and

Recognizing that federal and state courts within the past several years have increasingly been finding prisons and jails in various parts of the United States to be denying the constitutional rights of prisoners, and to be failing to provide minimum standards of humane treatment, and

Recognizing that these court decisions, the United Nations' Standard Minimum Rules for the Treatment of Prisoners adopted in 1955, the proposed Correctional Code of the State of Illinois, and many other sources provide guidance for the formulation of codes to define the rights of prisoners, the group recommends:

1. That every detention and correctional system, or state legislature, formulate a code of rights of prisoners, dealing with such matters as ready access by the press, communications with the outside world, visiting, religion, libraries, medical treatment discipline availability of education and job training, environmental rights, a limitation on detention awaiting trial, availability of legal counsel, notice of standards governing parole, provisions concerning implementation of the code, and other matters of concern to prisoners;

2. That the formulation of such codes involve representation by the administration and staff of such institutions, by inmates, by the bench and bar of the jurisdiction, and by other concerned citizens of the community;

3. That the Law Enforcement Assistance Administration, hereafter require, as an element of each application for correctional funds by a state or other unit of government, submission of a code, or amended code, of rights applicable to all prisoners in its detention and correctional institutions, formulated in accordance with the requirements of paragraphs 1 and 2;

4. That an Advisory Council on Prisoner Rights, whose membership shall include former prisoners and correctional officers, be established and funded by LEAA to advise each state and unit of government which requests assistance in formulating the code specified in paragraph 3;

5. That all codes submitted to LEAA under paragraph 3 be made available to the Advisory Council on Prisoner Rights, and to any member of the public who so requests; and

6. That the Advisory Council on Prisoner Rights annually submit to LEAA and to the Congress a compilation and analysis of prisoners' rights codes, together with recommendations, if any, regarding the need for federal legislation concerning such rights.

WHAT ARE THE POSTTRIAL AND POSTADJUDICATION ALTERNATIVES TO INCARCERATION AND WHAT ARE THEIR APPROPRIATE USES?

VINCENT O'LEARY*

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State University of New York at Albany

THE FOLLOWING are statements which the group may wish to consider in discussing the question, "What are alternatives (posttrial or postadjudication) to incarceration and what are their appropriate uses?"

1. Community-based corrections—probation, parole, and other alternatives—should receive a high priority in funding on a continuing basis and political support at the national, state, and local level.

2. A broad-based educational program, factually pointing out the uses and needs of community-based corrections, should be made available to the news media and to key opinion leaders across the Nation.

3. Federal, state, and local governments should take steps immediately to require that all governmental agencies—health, welfare, housing, mental health—make a substantial amount of their resources available to correctional personnel.

4. Correctional services at the local level should be reorganized into consolidated units embracing probation, parole, and institutional services.

5. Local services need not be part of a general state service, but in any case should enjoy high autonomy and should be under general state supervision through the provision of standards and staff services. Local correctional organizations should be administered by correctional professionals under the executive branch of government.

6. A substantial investment should be made in experimenting with new forms of delivery of probation services including team supervision and the use of ex-offenders, indigenous community workers, and volunteers.

7. Demonstration programs should be mounted to create links between corrections alternatives and police, prosecutors, and judges for their use prior to adjudication.

8. Technical assistance services should be provided at the state and national level to assist communities in engendering local support for community-based correctional facilities.

* Prepared in cooperation with John A. Wallace, Director of Probation, City of New York.

GROUP REPORT

GROUP K

CHAIRMAN: Paul W. Keve

DISCUSSION LEADERS: John A. Wallace
Vincent O'Leary

REPORTER: John McCart

1. Community-based corrections—probation, parole, and other alternatives for juveniles and adults—should receive a high priority in funding on a continuous basis and with political support at the national, state, and local level. This will require a change in legislation at the federal level for LEAA.

2. A broad-based educational program, factually pointing out the uses and needs of community-based corrections, should be made available to the news media and to key opinion leaders across the Nation.

3. Federal, state, and local governments should take immediate steps to require that all governmental agencies—health, welfare, housing, education, employment, and mental health agencies—make a substantial amount of their resources available to correctional personnel.

4. Correctional services at the local level should be reorganized into consolidated units embracing probation, parole, and institutional services.

5. Local correctional organizations should be administered by correctional professionals under the executive branch of government, preserving, however, the highest possible degree of local autonomy.

6. A substantial investment should be made in experimenting with new forms of delivery of probation services, including team supervision and the use of ex-offenders, indigenous community workers, and volunteers.

7. Demonstration programs should be mounted to create links between correction alternatives and police, prosecutors, and judges for their use prior to adjudication.

8. Technical assistance services should be provided at the state and national level to assist communities in engendering local support for community-based correctional facilities.

9. Legislators should give serious consideration to a plan for subsidizing correctional clients on a long-term basis in employment opportunities with private business.

10. In the conduct of probation and parole there should be no surveillance activity that intrudes on privacy except on the basis of information of illegal activity, and there should be neither rules nor conditions which are not specifically or directly related to the prevention of new offenses.

11. The loss of civil rights should not be part or result of the process of convictions.

HOW DO WE ACHIEVE MORE CONSISTENT AND APPROPRIATE SENTENCING?

NOAH S. SWEAT, JR.

Professor of Law, School of Law, University of Mississippi

I CAME HERE with certain ideas on this controversial subject, I have enlarged upon them during the last several days, and I find that my original set of proposals does not satisfy me, nor will this amended version. But I have no doubt that it will stimulate exploration, hopefully in search of some accord, which is, as I understand it, one of my principal duties.

We, or at any rate most of us, have seen the coming of the dawn, and some of us have witnessed a phenomenon referred to as the false dawn; and I have confused the two. But as I write, I do not see, nor do I think that I see, nor do I even imagine that I see, the dawning of the golden day when sentences are uniformly consistent and appropriate. I do day-dream sometimes, and I have dreamed of a day when our leaders in the field of corrections shall say to the trial judiciary of the country, "All is well. Your sentences are just. Our efforts at rehabilitation are now uniformly successful. Only yesterday this was not possible; for yesterday you apparently did not fully appreciate that disparity in sentencing is an implacable enemy of rehabilitation."

I do not see, nor do I believe that I see, the dawning of that day when the trial judiciary shall say to the corrections people, "Rehabilitation is all. Take these convicted offenders and sentence them or not. Do what you will with them. Our only message to them is, 'Go and sin no more.' The community has no interest in punishing them, nor do the courts, nor does society. Deterrence of the offenders and those who would emulate them is no longer necessary. The public no longer needs protection from dangerous offenders, through isolation or otherwise, because dangerous offenders no longer exist. The human jackal is now extinct. The work of our criminal courts is minimal. Order and light and peace and facility prevail."

Nor do I hear, nor do I think I hear, legislators and penologists saying, "We have achieved uniformity and consistency in our penal codes across this land, and all convicted offenders are being rehabilitated in our institutions or under the direction of our correctional personnel. Offenders are now judged under the same standards, and sentenced under the same laws, bearing the same sanctions and penalties."

But, alas! The subject assigned to us is, "How do we obtain more consistent and appropriate sentencing?" I approach this subject with some understanding of the problems, and a sympathetic interest in the thinking, of the trial judiciary of which I was for 8 years a member, and of the belabored prosecuting attorneys who for 9 years included me within their ranks, and of the harried legislators among whom I served for 5 years and who must have, among other things, public support before they can give us the vital help that we need.

The Problem of Disparity in Sentences

If the achieving of more consistent and appropriate sentencing is truly our goal, then let us address ourselves to the reality of making the necessary, even if inconvenient or unpleasant, accommodations to achieve that goal. Some of the suggestions I make will not be greeted with unbounded joy and enthusiasm by my friends and ex-colleagues on the trial bench, whose work is already onerous and increasingly vexing, increasingly frustrating, and some of it very nearly impossible. As a circuit judge I opposed with partisan, but small, vigor the review of sentencing, but mainly, because I considered my work already difficult enough, detailed enough, interlocutory enough, uncertain enough, forbidding enough, impossible enough. But now I ask those who are trial judges to consider the goal which we seek and the treasures which could be found there. I ask them to consider also the *alternatives* to the measures I shall offer for consideration, amendment, or rejection. And I ask them to seriously and deliberately consider the painful consequences of our failure to achieve that goal—the growing recidivism and increasing crime and violence—and *their* ultimate consequences for the courts and for the country.

Leaders in the field of corrections know that disparity in sentencing is a chief cause of the failure of rehabilitative efforts. The prisoner who feels he has been unfairly treated by the courts and who believes he has received an unjust sentence, even though he has not, especially when that sentence is compared with much lesser sentences received by others for the same crimes, is often hopeless as a subject for rehabilitation.

Disparity in sentencing also shakes the public confidence in our system of justice and arms its enemies.

There are proposals abroad aimed at taking the sentencing power away from our trial judges, but, in my opinion, the transfer of the complex sentencing function would in the main serve only to transfer the forum of existing problems.

Judge Alfred D. Murrah stated yesterday that the trial judge generally, or at least to a large degree, reflects or attempts to reflect the sentiment or conscience of the community. This is usually the case, especially for the elected judge. And this is major fact often blinked at by would-be reformers. Let us concern ourselves, not with innovations or procedures which would be simply the most acceptable or desirable from the standpoint of the courts or their personnel, or counsel, or defendants, or legislators, or others, but with workable proposals which would truly assist us in achieving more consistent and more appropriate sentencing. As one of our Texas judges, Joe Frazier Brown, has just put it, "Let us keep our eyes on the squirrel."

Equipping the Court With Sufficient Tools

Judge Brown stated yesterday that if we are to expect the trial judges to perform more efficiently and more consistently, the sentencing duty, which has traditionally been theirs and should continue to be theirs, then we must equip them with sufficient tools to enable them to do the job.

What equipment and assistance should we provide for the trial judge who conscientiously seeks to determine as best he can the appropriate sentence for each prisoner standing before him?

The suggestions I am about to offer are for the most part provocative and controversial and some will be, I know, unadaptable, presently unacceptable, but they will no doubt stimulate dialogue, and possibly we can agree to accept and recommend some of them in their present forms, or amended as we wish to amend them. At any rate, let us earnestly try to approach the goal set for us—more consistent and appropriate sentencing.

Should not diagnostic facilities, regional or otherwise, be made available to all courts with sentencing power, at least in felony cases?

Judges should receive seminar instruction on sentencing, and probation, and corrections, periodically.

The probation officer, because he is often called upon to make sentence recommendations, needs instruction in sentencing.

The judge and probation officer should confer before sentencing.

Because the district attorney's attitude and the defense counsel's attitude often affect the court to some degree, they, too, should have some instruction on sentencing, particularly in view of the widespread use of sentence bargaining on the part of counsel, which by the way, we are told, is a necessary evil.

Should not the sentencing judge confer with another judge, or other judges, where feasible, prior to imposing sentence in any felony case?

Because the judge, especially the elected judge, does reflect the conscience or sentiment of the community, it would be most helpful for him to be able to enlighten the community as best he can as to reasons for sentencing, and the goals of sentencing, not only from the bench, but also through use of community forums and media to which he should be not only invited, but also truly solicited, encouraged, and assisted to use.

Should not indeterminate sentencing be made available to the trial judge in every felony case?

Don't you believe that jury sentencing should be abolished?

If more consistency is to be achieved in sentencing, then penal statutes obviously must be more uniform. Penal code reform is a consummation devoutly to be wished and steadily striven for, but significant progress in this area will require a great, organized, concentrated, and extended effort.

Trial judges should be elected or appointed in as non-political a manner as can be devised, and thus given the security of tenure that will encourage independent judgment and a continuing pursuit of excellence. (Possibly the stability

engendered by merit selection of our judges could ultimately result in the early, at least tentative, choosing of the judiciary as a career by some law students, and the offering of some special training in the law schools for those so motivated.)

Probation and parole officers should be sufficient in number, professionally trained, well paid, and free from political pressures. Too expensive? Probation costs are small compared to prison costs.

Some trial judges hear in open court, at least in felony cases, all witnesses, within reason, who wish to testify with reference to the sentencing of a convicted offender. This opening up of a part of the sentencing process is helpful. The prisoner and his family and friends at least understand that those factors supporting leniency have been heard by the court.

The Presentence Investigation

Should there not be a presentence investigation report, or its equivalent, for all trial judges in all felony cases? Such a report should be prepared by a trained probation officer. A copy of this report should accompany the prisoner to any institution or agency in whose custody he is placed. A copy also should be made a part of the record for review purposes.

Statistics show that the vast majority of criminal cases result in guilty pleas. In such cases, the sentencing judge has usually had little or no opportunity to observe the defendant and has little knowledge about him. The advantages of a presentence report in such situations is obvious.

In the event imprisonment is imposed, the presentence report will give correctional personnel the basic information upon which a proper rehabilitative program may be planned and directed. And in the event probation is granted, the presentence report will give the probation officer an opportunity to become thoroughly familiar with the offender, his background, and the case.

What should the presentence report contain? It should contain as much relevant, tangible, factual, and background information on the defendant as feasibly possible. The presentence report should also contain a recommendation concerning the disposition of the case (i.e. probation, x years imprisonment, etc.) and the reasons therefor, by the officer compiling the report. This will enable a trial judge to take maximum advantage of the officer's experience, training, and knowledge in the field of behavioral science.

Should not the sentencing judge in every felony case articulate, either in writing or by dictating into the record, his reasons for the sentence imposed? Should not the defendant be informed of these reasons? Should not a copy of these reasons be supplied to the correctional personnel concerned, and a copy forwarded to the appellate court or reviewing body in the event of appeal? Since the reasons for the imposition of the particular sentence given will go into the record, it is hoped the sentencing judge will closely analyze and balance all of the controlling factors before articulating the reasons for the sentence imposed.

Why should not all felony sentences, being thus documented, reasoned, and recorded, be subject to review? It has been

said that, "Review, by providing opportunities for the airing of grievances, may also reduce the hostility of prisoners to a judicial system which gives one man so much control over their sentences. Appellate review will provide a forum to remedy unjustified sentence disparity and to establish standards for sentencing."

ACHIEVING CONSISTENT AND APPROPRIATE SENTENCING THROUGH USE OF THE SCIENTIFIC EXAMINATION OF THE OFFENDER

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IN THIS introductory statement I wish to make some brief comments concerning the rationale for the use of the scientific examination in the sentencing process. The most usual types of examinations employed in the sentencing process are medical, social, psychological, and psychiatric. Traditionally, such examinations have been made to aid the court in determining competency for trial as well as in the resolution of questions concerning the defendant's criminal responsibility. More recently, the courts have employed the results of these examinations to increase their knowledge and understanding of individual offenders, applying this information in prescribing the offender's disposition and treatment.

Generally, these examinations have been made on a selective basis in those cases where additional knowledge is required. The intent of these examinations is to discover social and personal factors which may have influenced the offender in making his decision to commit a crime, and to determine suitable measures which will lessen the offender's tendency toward crime, and, at the same time, safeguard the community. Following the medical model, emphasis is placed upon diagnosis, etiology, prevention and treatment.

While some have objected to the use of the medical model in corrections, it is generally agreed that the intent of these examinations is consistent with the goals for individualized treatment, which are implicit in any rational system of corrections. In general, these study procedures can be employed as useful models for diagnostic and classification procedures in correctional institutions. Furthermore, these procedures recognize the value of employing community based treatment programs and resources, a goal recommended in correctional treatment programs.

Some Can Be Safely Diverted From the Criminal Justice System

In its recent report, the President's Task Force on Prisoner Rehabilitation has recommended that "any offender who can safely be diverted from incarceration—or in some cases even adjudication—should be."¹ This conclusion stems from the

The appellate court or reviewing body, however constituted, should be required to articulate its reasons for its decisions on sentencing questions.

Hopefully, over a period of time, from the dialogue between the trial court and the reviewing body would evolve a set of helpful sentencing standards and more consistency.

growing feeling that there are substantial numbers of offenders coming through the criminal justice system who could be handled more effectively in a variety of social and medical agencies, assuming that these programs and facilities had the capability to deal with this potential increase in caseload. The discovery and diagnosis of suitable cases for such diversionary treatment will require a wider application of a variety of scientific examination procedures.

As an example of inadequate treatment within the correctional system, consider the special problems of the mentally ill, who constitute some 20 percent of most prison populations.² Although we have meaningful data on the prevalence of mentally disordered offenders in prison populations, unfortunately, such is not the case with jails and other institutions for short-term confinement. Such data as we do have suggest that the prevalence of mental disorder among jailed minor offenders may be much larger than that found in representative prison populations. For instance, in a recent study of 50 randomly selected misdemeanants referred for presentence diagnostic study in North Carolina 82 percent were found to have diagnosable psychiatric disorder.³ Many of these cases can be viewed as relative failures of the health and welfare services which are available in their respective communities.

Mental Disorder and Criminal Behavior

One must recognize that there are serious limitations in the traditional legal approaches to questions surrounding possible relationships between mental disorder and criminal behavior, particularly in terms of their potential as mechanisms for the identification of the mentally disordered offender. It is a fact that the application of the legal tests for fitness for trial and criminal responsibility offer little toward the solution of the overall problem of the mentally ill offender, since they are applied to only a small number of the 10 percent or so of offenders who stand trial. There is little doubt that many

¹ Bromberg, W. and Thompson, G., "Relation of Psychosis, Mental Defect and Personality to Crime," *Journal of Criminal Law, Criminology and Police Science*, 28, No. 1, May-June 1937.
² Hobgood, Martha, "The Adult Misdemeanant Pre-Sentence Diagnostic Referral in North Carolina: A Study of 50 Cases, Unpublished Manuscript, University of North Carolina at Chapel Hill, N.C.

defendants who could make these defenses choose not to do so, some because they lack the necessary resources, others because they regard mental illness as more stigmatizing than criminality, and others because they see the possible duration and conditions of treatment in a correctional institution as more attractive than those in a mental hospital.⁴

Ideally, the identification of these unusual cases might begin with the police in the course of their work with the detection and apprehension of the offender. While police officers cannot be expected to diagnose mental illness, they should have some schooling in the art of recognizing the mentally ill, at least to the extent that they would be aware of aspects of the offender's demeanor and behavior which might be associated with underlying mental disturbance. Their observations of the defendant's behavior at the time of arrest and his modus operandi can provide valuable clues toward the recognition of mental disorder. Also, in the course of their interrogation of witnesses they may obtain important information about the defendant's behavior.

Following arrest and arraignment, the process of identifying the unusual offender must continue as a function of the prosecuting attorney and the judge. At this level we may be faced with somewhat of a dilemma in reconciling notions of vigorous prosecution with those of individualized treatment. Indeed, it would seem that the prosecutor faces an impossible task if he is to satisfy the interests of the law, namely, that he not necessarily win the case, but rather that he be concerned that justice is done. Recognizing that the prosecutor is in a difficult position when it comes to satisfying these two aims of the law, it is essential that the defendant have adequate counsel. The judge is a key person in making this determination since he can insure that the defendant has competent counsel. Also, he has at his disposal probation officers who can make essential presentence investigations to obtain information concerning the defendant's background and behavior, which can help in identifying him as an unusual offender.

Separating Out the Exceptional Offender

In the task of separating out the exceptional offender, certain criteria can be considered as possible indicators of pathology.⁵ Some of these indicators are as follows:

1. The apparently motiveless crime.
2. The bizarre offense.
3. An offense which seems to represent a significant departure from the offender's usual behavior.
4. Seemingly senseless repetitive criminal behavior.
5. Certain sex crimes, arson, and other apparently compulsive behaviors.
6. Offenses in which drugs and/or alcohol are implicated.
7. Instances in which the defendant has a known history of prior mental illness, and instances when the defendant seems emotionally disturbed, confused, or perhaps depressed.

8. Apparently dangerous behaviors.

After the prospective unusual case has been identified, the most promising route toward individualized treatment which we have today is by way of a comprehensive diagnostic study, which at its best, brings to bear all that we knew about the scientific examination of the offender to the case in hand. Two workable examples of these diagnostic procedures are the observation and study procedures employed in the federal system,⁶ and the presentence diagnostic studies employed in North Carolina.⁷ In both these jurisdictions these examinations are made on a selective basis, at the discretion of the court, after trial and conviction in those cases where more exact knowledge is required. In some other jurisdictions such examinations are made prior to conviction, and may be incorporated in the presentence investigation report.

Procedure in North Carolina

Under the North Carolina statute, which is modeled after the federal statute, defendants selected for this procedure may be committed to the Department of Corrections for a period of from 60 to 90 days for these special examinations, which include a comprehensive social study, physical examination, psychological and psychiatric examinations, educational, vocational and aptitude appraisals, a religious interest survey, and extensive observations of behavior during the period of the study. A presentence investigation is regarded as an essential prerequisite in all cases referred for presentence diagnostic study, since such an investigation conducted by a probation officer in the defendant's community can provide essential information concerning the defendant's resources, both personal and material. For instance, the presentence investigation provides information concerning the defendant's associates, his friends, his family and, in particular, the durability and strength of his interpersonal ties.

Upon the completion of these studies, the results are reviewed with a view to formulating an understanding of the dynamics of the offender, and his offense, and the development of an acceptable treatment plan, consistent with the interests of the community. The results of these deliberations are then transmitted to the court in summary form, along with copies of the essential supportive data which were employed in reaching the conclusions and recommendations which have been made.

Recognizing that many of the cases which are referred for these examinations and studies do not require institutional confinement, a pilot program has been initiated in North Carolina to perform the studies in suitable cases in the defendant's community, employing facilities and resources which are available there. In this pilot program a limited number of female defendants will be provided housing in a halfway house, administered by the Department of Corrections, and the various examinations and studies will be performed by personnel serving a local family services unit and a com-

⁴ Goldstein, A. S., *The Insanity Defense*, New Haven, Conn.: Yale University Press, 1967.
⁵ Smith, C. E., "Recognizing and Sentencing the Exceptional and Dangerous Offender," *Federal Probation*, December 1971.

⁶ Smith, C. E., "Observation and Study of Defendants Prior to Sentence," *Federal Probation*, June 1962.
⁷ N. C. GS 148-12, GS 148-48 (1967).

¹ The Criminal Offender—What Should Be Done? The Report of the President's Task Force on Prisoner Rehabilitation, April 1970. U.S. Government Printing Office, Washington, D.C.

munity mental health clinic. It is anticipated that these two service units will eventually be able to provide the direct services needed by these defendants, as determined in the course of their studies. This pilot project is seen as a constructive step toward a truly community-based corrections program, and the results are expected to demonstrate the advantages of such a program, as well as some of the unresolved problems and issues in the implementation of such a program.

Some Ethical and Moral Problems

It is important to recognize the occurrence of certain ethical and moral problems in the implementation of these study procedures. For instance, at times the examination may require the offender to disclose information which may bear on his culpability. Also, there is some risk that these studies may evoke increased tension and anxiety in the defendant, even to an extent requiring treatment, which, of course, must be available. This consideration has raised questions as to the nature of the setting in which the study is to be made. Where specific psychiatric treatment may be required, something more than the usual custodial institution may be indicated.

Another problem is to determine the extent to which information obtained in these examinations should be disclosed to the public at large. To achieve the kind of "doctor-patient relationship" which would facilitate these examinations would seem to require that the defendant have some assurances that his disclosures will not be employed to his disadvantage. The question of how to achieve such a doctor-patient relationship, devoid, in so far as possible, of strain and suspicion, and, at the same time, satisfy the needs of the court in the context of this kind of inquiry, remains for practical purposes essentially unresolved. One can only hope that, as we continue to perform these examinations, we will maintain a continuous regard for human dignity and human rights, striving at all times for the highest possible ethical and moral standards, with periodic review of our procedures to insure that these standards are met.

GROUP REPORT

GROUP I.

CHAIRMAN: Judge Lawrence W. Pierce
DISCUSSION LEADERS: Prof. Noah S. Sweat, Jr.
Dr. Charles E. Smith
REPORTER: Herbert E. Hoffman

Professor Sweat outlined a number of recommendations for consideration by the group. Among them were:

1. It should be mandatory that trial judges have presentence reports in all felony cases. These reports should be prepared by qualified probation or corrections officers. Subsidiary to this, Professor Sweat proposed that a copy of the report be made available to defense counsel at sentencing, and that a copy should go to the confining facility if the man is sentenced to confinement. The report should also be made

a part of the record for any sentence appeal which may be permitted.

2. Diagnostic facilities should be made available to all judges.

3. Indeterminate sentencing should be available to judges in all felony cases.

4. Jury sentencing should be abolished.

5. Sentencing judges should be required to record the reasons for each sentence. These reasons are to be made known to the defendant, with copies to the corrections personnel involved and to the appellate courts in those instances in which the sentences are appealed.

6. The corrections system should provide for appellate review.

7. Sentencing judges should educate their communities on the philosophy of sentencing.

8. Defense counsel and the prosecutor should be consulted by the judge before imposing sentence.

9. Probation officers and judges should receive instructions in sentencing, perhaps attend sentencing institutes.

10. Trial judges should be elected or appointed in as non-political a way as possible.

Before taking up the suggestions made by Professor Sweat, the group heard from Dr. Smith. He read a paper (see page) which is to be made a part of the record of our deliberations. Dr. Smith extracted from his paper 11 suggested discussion topics.

In embarking on our discussion of sentencing the group agreed that we would consider sentencing as meaning the disposition of a convicted offender.

First to be discussed was Professor Sweat's suggestions that presentence reports be mandatory in all felony cases. This turned out to be an extremely controversial recommendation. Suggestions were made by judges, prosecutors, and a federal public defender that in many instances the presentence report was unnecessary and time-wasting, and not even desired by the defendant. In many instances, to insist on waiting for a presentence report would run counter to our attempt to expedite the judicial process with no countervailing benefit. One U.S. attorney estimated that in 40 percent of the cases it would be a complete waste of time. This was supported by a trial judge, but opposed by a U.S. magistrate who is a former assistant U.S. attorney. A federal judge suggested that even if a sentencing judge did not need a presentence report, the report would be useful for the corrections people and the parole board. The public defender agreed that this was so, but argued that it should not be *mandatory* that a report precede sentencing in all felony cases.

Ultimately, the group adopted a resolution reading as follows:

"There should be available to every trial judge in every felony case a presentence investigative report prepared by a trained probation or correctional officer."

The adopted recommendation differed from that originally proposed in that the mandatory concept was omitted.

Next, the group agreed without question that judges should have diagnostic facilities made available to them.

With respect to the recommendation that judges be required to state their reasons for imposing a particular sentence, one judge suggested that this would result in a routine format being developed which would actually thwart the whole purpose. Most did not seem to agree with this and felt that serious consideration should be given to the suggestion.

A highly controversial recommendation for appellate review of sentences received much discussion. One judge who had experience as a prosecutor opposed the impersonal appellate review of sentences, taking the position that the trial court and probation people who had personal contact with the defendant were in the best position to determine an appropriate sentence.

A substitute suggestion was made that judges consult with other judges of their court before imposing any sentence of more than 5 years. To this the point was made that in many places there is only one judge. Nevertheless, it was suggested that the one judge could consult with other judges outside his own jurisdiction (by phone if necessary) or that a judicial council could be used for consultation. Finally, the group adopted almost unanimously the following resolution: "It is the sense of this group that sentencing judges in felony cases should consult wherever feasible with other trial judges in an effort to achieve consistency in sentencing."

One of our conferees pointed out that the ABA Commission on Standards of Criminal Justice had recommended appellate review. Another made mention of the fact that for some years legislation to provide for appellate review of sentences has been introduced in Congress. It was also pointed out that the Commission on Reform of the Federal Criminal Laws, whose proposal is now under study in the Department of Justice, the Senate Judiciary Committee, and the House Judiciary

Committee, had recommended appellate review of sentences but had failed to agree on a specific legislative approach.

Ultimately, by a vote of "13 to 5," the group voted down a proposal that federal sentences should be subject to appellate review with both the trial and the appellate courts stating the reasons for their sentencing action.

Another suggestion made was that statutory limits be set as maximums for various offenses, with the parole people, based on reports they receive and the conduct of the defendant, directing the release of the defendant when he is considered ready to return to the community. It was pointed out that this, in effect, is virtually indeterminate sentencing.

The group adopted a resolution which seems almost self-evident but apparently is not, that sentencing must be related to the realities of existing correctional institutional programs.

Overwhelmingly adopted was the following recommendation: "We recommend the concept of sentencing to indeterminate terms (with the law setting the maximum which may be imposed), leaving determination of release dates to an administrative body, particularly when, as in the federal system, it has a built-in procedure for automatic review, by the entire administrative body of a finding by one of its panels."

There was virtually unanimous agreement that jury sentencing should be abolished in all except capital cases and that in capital cases a separate hearing should be had by the jury to determine whether the death penalty should be imposed.

Finally, we returned to a question touched upon in an earlier session, that judges must be given whatever help they need to determine dangerousness.

Having run out of time, we were unable to pursue further any of the topics suggested by our discussion leaders.

TOWARD A NEW ERA IN CORRECTIONAL ARCHITECTURE

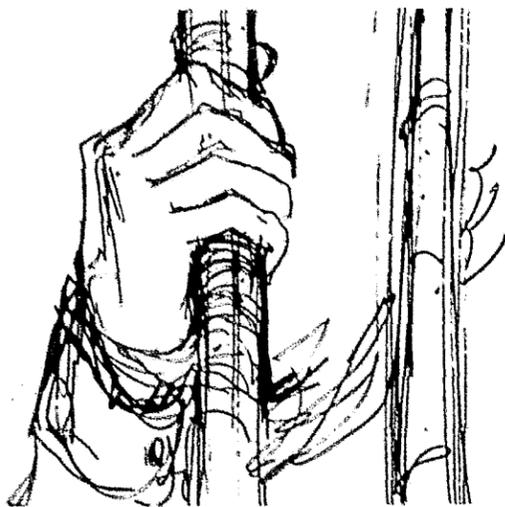
FREDERIC D. MOYER, A.I.A.

Director, National Clearinghouse for Criminal Justice Planning and Architecture
University of Illinois

THE FAILURE of our correctional system is perpetuated by correctional architecture. Architecture, which is symptomatic of the attitudes held toward the functions it is created to support, also gives longevity to such attitudes by its permanence.

Currently, innovative efforts in the area of correctional programs are increasing. Architecture, however, has failed to keep pace. With few exceptions, current correctional architecture is obsolete, since it fails to support innovative programs. Documentation of this failure is plentiful. And as pointed out by the Committee on Riots and Disturbances,¹ the physical facility itself can create the conditions which lead to the eruption of hostilities in a correctional institution; for example, large spaces utilized for mass dining tend to breed feelings of anonymity and lack of individual worth on the part of the resident, while at the same time, providing a place for large-scale demonstrations of collective aggravation. Architecture should never be considered apart from program activity, because architecture has a powerful influence upon these activities. Architecture can retard program efforts, preclude decision-making on the part of the client, prevent normalized social relationships from taking place, and generally, provide an artificial environment which frustrates rather than encourages the resocialization process. The conditions of our prisons and other facilities need no elaboration here, since they are well known to the participants in the National Conference on Corrections. The best foundation for the ranges of programs required for reintegra-

¹ Riots and Disturbances. The American Correctional Association: Woodbridge Station, Washington, D.C., 1970, p. 49-58.



■ The Necessity for Developing Treatment Programs and Environment which Supports Them.

tion is the development of community responsibility for community problems. The reintegrative process by definition involves an interface between the offenders and the community into which an adjustment is to be sought.

Architecture Reflects Public's Attitude Toward Function of Prisons

There is considerable evidence which suggests that the public does not generally agree with the view that correctional facilities are obsolete. By and large, the average citizen still holds that retribution and punishment are the goals of corrections. Therefore, with regard to prison facilities, this citizen would contend that whatever ill fortune awaits the offender subsequent to the commission of crime is well deserved and should have been considered prior to the criminal act. Such a view regards prison as a dead end, a dumping ground for the offender, and ignores the fact well known within the professional communities that 19 out of 20 men who enter prison will ultimately return to the community. The view of the average citizen persists, however, perhaps out of a general frustration as to what should be done.

Since architecture is symptomatic of the attitudes which are held toward the functions it is created to support, a change in correctional architecture will be highly dependent upon a change in attitudes. The attitude of the public is a crucial factor in correctional architecture. While it can be argued that only a few key individuals are necessary to implementation, the few key individuals are, typically, either elected officials or directly responsible to elected officials, and the attitudes of their constituents are influential in the decision-making process. Further, community-based corrections involves more than the mere construction of an appropriate facility; it also involves the active participation of the community in its reintegrative programs both inside and outside of the facility.

Considerations in Architectural Planning

Change in architecture, therefore, can only be accomplished as a result of other changes, and such change is tied inextricably to perceived needs. Traditionally, architecture involves a service to a client: it is the client's responsibility to present the architect with clearly stated needs based upon well-defined objectives, and it is the architect's responsibility to translate these needs into a physical environment which supports them. This architect/client relationship has resulted in the obsolete correctional architecture we are burdened with today. The client has been "experienced" in corrections or law enforcement, and in spite of the failure of past practices, has continued to consider no other alternatives. Very often, the correctional requirement is incorrectly appraised, with the

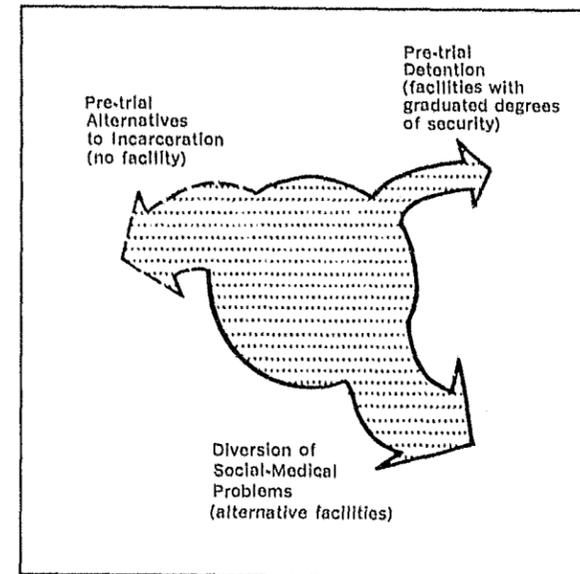


FIGURE 1

Existing flow of offenders into programs and facilities. Dispositional alternatives are limited partly by the lack of other existing possibilities and also by the under-usage of those which are possible under prevailing statutes.

architect in turn producing an architectural solution which compounds the error. More often than not, the architect who is experienced in the planning and designing of correctional facilities provides a traditional architectural response to the traditional—and misstated—needs of his client. Indeed, at this juncture in time, the architect who is inexperienced in the planning of correctional facilities may have an advantage over the experienced architect. Less constrained by traditional responses, he may be more likely to penetrate the underlying functions and purposes of correctional processes through a rational problem solving process than would a more experienced individual who takes them for granted. The architect must play a leadership role in developing correctional environments, and to do this he must be fully aware of the correctional goals which such architecture is intended to support. One of the functions of the National Clearinghouse for Criminal Justice Planning and Architecture at the University of Illinois is to assist in providing such information to the profession, together with the design implications which such information has for architecture.²

The prevailing service delivery system, and the facilities which comprise its environmental resources, are diagrammed in Figure 1. The predominant flow of offenders is into maximum security settings either at the county or state levels, Little range in alternative environments exists within the framework of present practices leading to the familiar "jail or bail" choice. Alternatives to incarceration, in all the forms which

² Frederic D. Moyer, A.I.A., and Edith E. Flynn, Ph.D., editors, *Correctional Environments*, University of Illinois, Urbana, Illinois, 1971, p. 57.

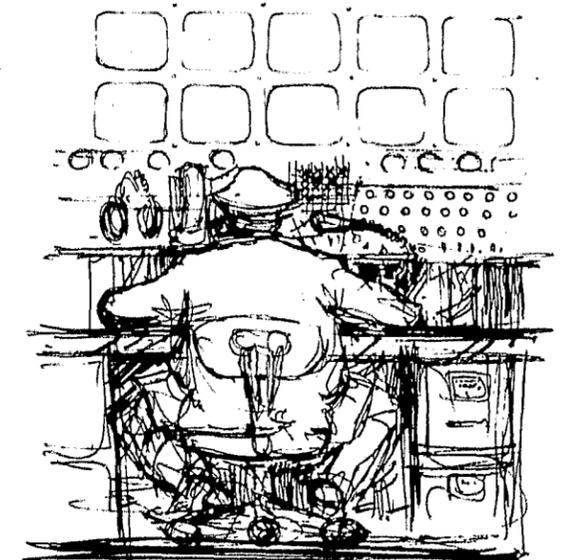
they can take, are likewise limited in their structured availability. In contrast, Figure 2 illustrates a much richer range of dispositional alternatives. The architecture which is required to support such differentiated programming, and which in many ways is a vital prerequisite for the attainment of program objectives, will be created as a result of the following developments in attitudes and practices.

1. Comprehensive planning for corrections, tying together the law enforcement, judicial, and correctional functions into one coordinated process linked to community needs and resources.³ *Architectural result:* Diverse programming for the architecture and a network of facilities offering alternative dispositions to the judiciary and a variety of support environments for the reintegrative process; also, smaller facilities integrated into their community settings focusing upon individual treatment approaches.

2. New emphasis upon preventive techniques which intervene between the potential offender and criminal act.⁴ *Architectural result:* Conversion of existing structures within the target area and having off-the-street accessibility will support efforts which require facilities, such as a crisis intervention program.

3. Increased use of alternatives to incarceration, with institutionalization being viewed as the last resort rather than the first, and the diversion of social and medical problems out of the correctional system into programs more appropriate to respond to them.⁵ *Architectural result:* Significantly reduced facility sizes, with corresponding savings in the area of facility costs being transferred into the area of program space for im-

³ Edith E. Flynn, Ph.D., Frederic D. Moyer, A.I.A., "Corrections and Architecture: A Synthesis," *The Prison Journal*, Volume LI, Number 1, pp. 43-53.
⁴ Alfred J. Kahn, Lawrence Grossman, et al., *Neighborhood Information Centers*, Columbia University School of Social Work, New York, 1966, pp. 112-119.
⁵ *The Challenge of Crime in a Free Society*, a Report by the President's Commission on Law Enforcement and Administration of Justice, Avon Books, New York, 1968, p. 148.



■ Routinized Impersonal Supervision

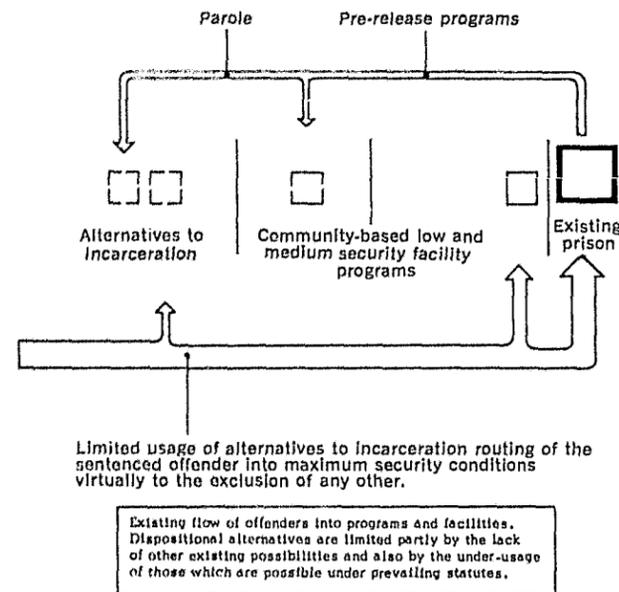


FIGURE 2

Proposed flow of offenders based upon the development of a significantly increased usage of alternatives to incarceration and, by providing community-based residential treatment centers and other facilities, offering ranges in structured program support.

proved correctional services to those who require the supportive environment that such facilities offer.

4. The recognition that the rights of the accused are at least as great as those of the guilty and that denying programs to pretrial detainees (upon the theory that the presumption of innocence eliminates eligibility for programs) discriminates against detainees, a percentage of whom will ultimately be found innocent. Voluntary participation in such program activities as recreation, education, counseling, and other offerings should be allowed to pretrial detainees.⁸ *Architectural result:* Architecture which provides and supports programming at the pretrial level well beyond the traditional cell and dayroom conditions. In conjunction with zones of security, a significantly different architecture emerges as appropriate to the pretrial situation. Particularly, the safety of the community is not sacrificed and the rights of the accused are not denied.

5. Development within the judicial system of more speedy trial procedures, with a significant reduction in pretrial detention time. *Architectural result:* In addition to human gains and advantages in the administration of justice, major reductions in facility size and cost; also, resources can be redirected to rehabilitative programs for the client with known needs. With a current pretrial facility construction cost of \$18,000 to \$25,000 per resident and a maintenance cost centering around \$2,600 a year per resident, the possibilities are dramatic.⁷

⁷ Daniel J. Freed, "Speedy Trial Bill Provides Machinery to Achieve Procedural Reforms, Testimony before the Senate Subcommittee on Constitutional Rights, September 14, 1971," *Criminal Justice Newsletter*, Volume 2, November 19, p. 146.
⁸ Daniel J. Freed and Patricia M. Wald, *Bail in the United States: 1964*, United States Department of Justice, Washington, D.C., 1964, p. 42.

6. Utilization of classification techniques to determine the degree and quantity of security levels required.⁸ *Architectural result:* Design which provides gradients in control conditions, significantly diminishes the usage of steel and hardware, and otherwise develops an environment appropriate to the needs of the offender as well as the community.

7. Recognition of community-based corrections as the most promising avenue upon which to focus future efforts. Particularly, the view that rehabilitation is a function which occurs at the community level.⁹ *Architectural result:* A new view of the local facility, one which regards the facility as a component in a change process. Emerging is an architecture which will convey to the client as well as to the community the goals of the process which it seeks to support. Specifically, the outward hostility of traditional facilities is regarded as counter-productive.

8. Development of interpersonal relationships between the offender and the correctional staff as a desirable and expected component of the correctional treatment program. *Architectural result:* Facility design which softens the distinction between client and staff territories and, even further, encourages the increased social interaction of these parties in both structured and unstructured activity.

9. Development of programs which focus upon special problem cases, such as the alcoholic, the drug offender, the mentally-ill offender, and others. *Architectural result:* Facilities which are designed to support well-defined program objectives for specific treatment functions on a small and humane scale.

10. Development of followup and aftercare programs which provide for transitional support in reintegrative programs, as well as for improved tracking and evaluation of institutional program effectiveness. *Architectural result:* Architectural solu-

⁸ Mark S. Richmond, *Classification of Jail Prisoners*, U.S. Bureau of Prisons, Department of Justice, Washington, D.C., 1971.
⁹ Statement by the President, Office of the White House Press Secretary, Washington, D.C., November 13, 1969.



■ Community-based Prevention Programs with "Off-the-Street" Accessibility

tions which invite use by community residents, irrespective of their status as non-offender, offender or ex-offender.

11. Close cooperation between the correctional program and other community agencies and organizations.¹⁰ *Architectural result:* Shared use facilities which blur the distinction between corrections and other service functions and, further, contribute to the effectiveness of service delivery to the multiple-problem client.

12. Recognition of the immediate need for small community-based residential treatment programs. *Architectural result:* Leasing of existing residential structures as an alternative to building, providing the possibility of earlier facility acquisition and integration of the facility into the community fabric.

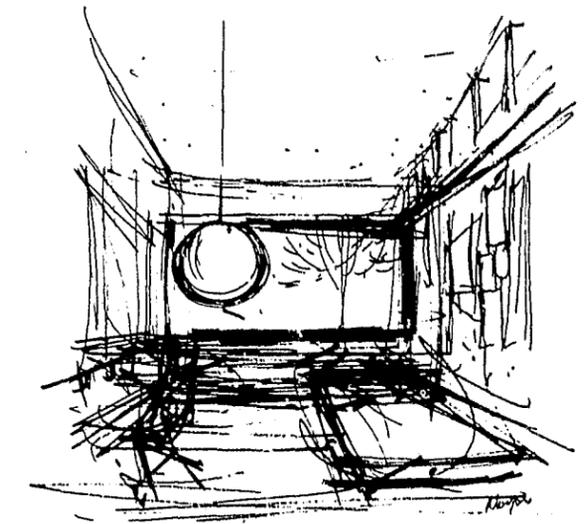
13. Continued research efforts in the area of man/environment relations. We must increase these efforts, and at the same time, measure them, so that we become ever more effective as we proceed. *Architectural result:* The provision of research spaces, if not total facilities which will help to develop a new era of correctional architecture which benefits not only from past failure, but also from contemporary success.

Correctional Architecture and Emerging Needs

The new correctional architecture which responds to current and emerging needs will thus be differentiated from that which we have known in the past in a variety of ways. In order to address the needs of the offender in the correctional process, the delivery of correctional services assumes first importance.

It is recognized that the smaller populated area, be it city, county, or multicounty, may not readily have available the community resources or economic support to provide the kinds of services required. This may suggest regionalization of the correctional effort. In many instances, new facility prototypes will be developed which provide for treatment program activities on a multicounty basis. Local holding facilities will still be needed, but ones which are used only for holding and only for short periods of time, as for example, initial arrest and arraignment or the trial period itself. Outcomes of these kinds should be determined only upon the use of comprehensive survey analysis for the target area to determine the feasibility in particular contexts. In some instances, however, regional facilities may well provide the only possible means for the delivery of necessary services. Such facilities may be approached from two directions: from the collection of local jurisdictions which could not otherwise support programming, or from the level of state correctional systems which seek to locate their correctional facilities in a closer proximity to community and urban resources. We are thus witnessing instances of the decentralization of state systems at the same time as we are seeing efforts toward the regionalization of local units. The results of these two trends may have

¹⁰ Frederic D. Moyer, Dr. Edith E. Flynn, Fred A. Powers, and Michael J. Plautz, *Guidelines for the Planning and Design for Regional and Community Correctional Centers for Adults*, University of Illinois, Urbana, Illinois, 1971.



■ Individualized Personal Space

very much in common; in fact, examples can be cited where they are being pursued in a coordinated and cooperative manner by state and local jurisdictions.

The current limitation on size of adult facilities at 400 population and juvenile facilities at 150 by LEAA¹¹ is founded on the premise that large facilities tend to lead toward routinization of administration and toward an environment which is not conducive to individualized treatment approaches. At the same time, there seems to be general agreement among many who are actively involved in the correctional process that even these sizes are not optimum but rather thresholds beyond which results are not tolerable. The determinant which has produced large facilities has been economy. There is no doubt that in larger facilities food can be prepared more cheaply, housing established with less space, more people managed by less people, and generally, the cost per person is much less than in smaller facility. These economic considerations are short-sighted. A longer and broader view would indicate that such savings are more than offset by the cost of the renewed criminal career on the part of the individuals who leave large facilities. There is conclusive evidence to suggest that these facilities undermine the stated goals of corrections and produce in their residents attitudes of hypocrisy toward the system operating the facilities.

In view of the fact that more than an ample supply of maximum security facilities exist throughout the country (almost to the complete exclusion of any other type), it is appropriate that attention should be focused upon expanding the number of facility types within the medium and low security range. Funding priorities might well be directed toward supporting those facility planning efforts which can deliver the programs which are sorely needed. These will include diagnostic func-

¹¹ Reference is made to contents of the *Memorandum to State Planning Agency Directors, No. 1* (Subject: Guidelines and Criteria for FY 1971 Implementation of Part E Program--Grants for Correctional Facilities and Programs) United States Department of Justice, Law Enforcement Assistance Administration, Washington, D.C., March 5, 1971.

tions, community-based education, education-release, vocational training, counseling, work release, employment counseling, research and others.

Rather than specialize upon a priority of facility types, however, an additional assessment will be required in terms of contextual need and in consideration of success probabilities due to staffing and leadership associated with specific projects.

Accomplishing Necessary Changes

Finally, attention must be turned to the implementation process which is required to accomplish these changes. A significant moment has perhaps arrived, as evidenced by the new efforts which are being made in the area of implementation and by this convening of a National Conference on Corrections. But the extensive change which is called for will not be accomplished by independent events, even one of the magnitude of the National Conference. The following things are fundamental to the implementation of extensive and necessary change:

(1) A massive public information campaign led from the highest level of government to inform the public concerning the issues and goals of the correctional process as a prerequisite for the public's involvement in this process. A promising step is being taken in this direction by the formulation of the Task Force on Corrections, which will develop national standards, goals, and priorities in corrections. The requirement in this area is not only for a mandate which allows programs to be conducted, a major task in itself, but also for an understanding which brings about an active participation by the community in the reintegrative process.

(2) Massive support for a comprehensive and coordinated effort to produce an effective system of correctional processes, programs, and facilities. The vehicle for such support is provided by the Part E amendment of the Omnibus Crime Control and Safe Streets Act of 1968. While funding under this legislation has increased dramatically in the short time that it has been in existence, significantly higher levels of funding will be needed if we are to achieve more than just a few examples of improved correctional environments, and even with dramatically increased allocations for construction under Part E, the need which exists across the country is of such a magnitude as to require a long-range view toward the resolution of this problem.

(3) Leadership in linking improved resources to the many promising new concepts which exist. Correctional facilities of the past unfortunately continue into the present. These facilities are built much too substantially; in most instances, they are too much removed from the community; they do not accommodate meaningful program activity, and in almost every case, they are much too large. Inevitably, such facilities constrain and often prevent the delivery of improved individualized correction services. It is not within such facilities that architectural change should occur; rather, we must look to the development of alternative facilities to which the correctional population can be dispersed. Therefore, we need urgently and immediately to develop alternative programs

and facilities. Since the minimum time required for the planning/design/construction process (anywhere from 2 to 4 years) builds in a delay even when action is taken immediately, no time should be wasted. Contemporaneously, alternatives to incarceration and programs utilizing graduated controls should be developed for a large percentage of existing facility populations.

In Conclusion

This paper has addressed itself to the total context in which architecture is developed rather than to individual architectural constructs by themselves. Until quite recently, the application of the concepts of modern architecture to the development of correctional architecture has been rare. In large part, this is a result of a long lapse in building activities for corrections. But it is also due to the lack of inspired and rational design activity in this area. In considering such concepts, it is important to note that they cannot be separated from the goals which the system establishes for itself.¹² Concepts inevitably respond to problems. In responding to the needs which we have today, the following architectural concepts are summarized:

(a) site selection from the standpoint of maximizing the delivery of services within a target area and increasing the interface between the correctional program and the community;

(b) flexibility in facility design and a provision for adaptability to changing use. Implicit in this concept is the recognition that correctional problems themselves are as likely to be changing as are the perceptions of solutions;

(c) building programming which includes space for supporting correctional treatment components;

(d) ranges in sizes and character of spaces to support individual and small group treatment activities;

(e) the application of normative design considerations to an environment which seeks to promote normative behavior;

(f) facility design which allows and encourages community participation and interaction with its program;

(g) facility design which provides normatively scaled activity spaces in anticipation of offender return to the "outside" and in support of this reintegration.

(h) identification of clusters in residential facilities which provide the resident with a reference place and reinforce his self-identity;

(i) facility design which achieves a character integrated into the community physical context;

(j) application of contemporary construction techniques, such as modular concepts, mobile and demountable components, pre-assembled components and total or partial systems building potentials to provide more efficient environments in less time.

Specific concepts of the planning and design of correctional architecture, of environmental features, of the new images which can emerge, could be elaborated upon at great length

¹² Norval Morris and Gordon Hawkins, *The Honest Politician's Guide to Crime Control*, The University of Chicago Press: Chicago, Illinois, 1969, p. 2.

but to no avail if we do not have a total system process and strategy to which they relate. Already, the *Guidelines for the Programming and Design of Regional and Community Correctional Centers for Adults*¹³ offers a vast array of program

¹³ Frederic D. Moyer, et al., *Guidelines . . .*, see footnote 10.

and facility design concepts which meet pressing local needs.

The methods by which the need itself can be identified and quantified are equally available. What is needed to facilitate such planning are commitments of concern, of resources, and of leadership. A new era in correctional architecture cannot occur without such commitments.

HOW CAN WE BRING ABOUT A NEW ERA IN CORRECTIONAL ARCHITECTURE?

SANGER B. POWERS

Administrator, Division of Corrections, State of Wisconsin

IT IS AXIOMATIC in corrections that it is people who change people—that the greatest rehabilitative influence on the life of an offender is that which he may receive in the way of support, motivation, help, and understanding from correctional personnel such as counselors, teachers, social workers, and the line operating personnel with whom the offender is in constant contact. Someone once said that a good prison can be operated in an old red barn by competent trained and dedicated personnel. While this may be true, it would be far easier to operate a prison in a physical facility designed and planned to implement a positive individualized treatment oriented program. Some good programs are being operated in old prisons but they would be immeasurably enhanced had the physical facilities been designed around rehabilitative programs and influences of the seventies.

Unfortunate Examples of Prison Architecture

As one looks about the country one sees many unfortunate examples of unimaginative architecture which is typical of the complacency, lack of perspective, and devotion to tradition that is the quintessence of bureaucracy in the bad sense and of architecture in its worst sense. I can find example after example of institutions built with only slight modification of designs which were popular before the turn of the century. Until recently the architect with no prior experience in the field and no background understanding of the special problems involved in the custody, treatment and training, and rehabilitation of convicted offenders had little to guide him beyond information he might receive from prison equipment manufacturers or what he might learn from looking at samples of prison architecture in other states.

An example of the sort of thing to which I refer may be found at Stateville, Illinois, in the round cell houses. I know nothing of the history of their design and construction, but assume that the design was "sold" to someone responsible for the construction of this impossible institution as being efficient and modern in concept, and yet the design for a round cell house originated with Jeremy Bentham in England in 1701 when it was referred to as the Panopticon prison. And all too frequently one sees the now traditional "telephone pole" type of construction for new prisons where a more open,

campus type arrangement would have been far more conducive to treatment and rehabilitation, far less expensive to construct, but perhaps more challenging to design.

In 1961 James V. Bennett, then director of the Federal Bureau of Prisons, said in a supplement to the handbook on correctional institution design and construction:

It is apparent that prison architecture is still sentimentally attached to the past. The newly projected or constructed institutions discussed in the supplement reveal, unfortunately, all too little experimentation, bold originality or application of newly developed construction methods . . . The housing for our new American institutions is still largely wedded to a path when men could be locked up in elongated multi-tiered cellblocks and forgotten. With few exceptions, the new cellblocks are being designed to keep personnel worries to a minimum rather than to facilitate the development of a constructive supervisory relationship between officers and inmates.

Need for Careful and Systematic Planning

But it is not fair to place the responsibility entirely on architects, for all too often agencies for whom institutions have been designed have not provided them with a well thought out statement of programs and philosophy. We sought to meet this dilemma in Wisconsin as we planned for the Wisconsin Correctional Institution at Fox Lake. We spent something better than a year of intensive staff work, planning and detailing the program of this medium security institution. We visited institutions and talked to correctional administrators from coast to coast, borrowing an idea here and an idea there. We sought to include in our plans that which was generally accepted as desirable and to eliminate that which had been tried and proved unsuccessful.

Finally we set down in writing precisely what we planned to do at this new facility, what types of prisoners we expected to have, their age group, aptitudes, education and their treatment and training needs. We included a staffing pattern, noting the number of employees in the various classifications and their planned duties and role relationships. We set out the basic operating philosophy of the institution and the planned operating procedures. Then and only then, we employed an architect and thus were able to provide him with a precise statement of what we wanted to do from which they could get an excellent picture of our program plans in

the area of treatment, education, industries, housing, medical care, and the many supporting services which are involved.

We told the architect that we did not want an institution that looked like a prison. We did not want a transplant to Wisconsin the traditional telephone pole construction, the Auburn system, or the Elmira Reformatory, for we already had such institutions, one built in 1896 and one built in 1898. What we wanted, we said, was something new, something exciting, something different, something that would help us create the climate necessary to do the job we defined; something which would create in a prisoner a contagious enthusiasm for participating in his own rehabilitation.

Some Considerations in Planning

There are some relationships worthy of mention and with respect to which both the correctional administrator and the architect must be concerned. One is the strong relationship between physical plant and program, for buildings most certainly can inhibit or impede the establishment and administration of a sound program or can enhance and further it. There are, of course, obvious relationships between a physical plant and staffing requirements. A very important relationship is that of a physical plant and the attitudes of staff and prisoners, for the physical plant can have a very profound effect on the climate or tone of the institution. I can cite an example. When I became superintendent of the Wisconsin State Reformatory we had what was euphemistically called "a vocational training school" which was housed in an old building totally unsuited for the purpose and at which at best could be described as dingy. Discipline and vandalism were omnipresent problems. When construction began on a new, million dollar vocational training school there were many among the old line officer force who predicted that the place would be a shambles very shortly. They pointed to the plate glass mirrors in the restroom, the marble partitions in the toilet stalls, the marble window sills, glazed tile corridor walls, and other really very nice features and predicted that they would be immediate target of prisoner vandalism. Yet after 5 years of occupancy there had been not one single instance of vandalism and the disciplinary problems had disappeared to the point of where women teachers could be employed. The dignity and decency of the new plant set the climate which was responsible to a large degree for the positive program changes which ensued.

Recently, utilizing I.E.A.A. funds, a national clearinghouse for correction programming and architecture has been established at the Department of Architecture at the University of Illinois. Their early publications *Guidelines For the Planning and Design of Regional and Community Correctional Centers for Adults and Correctional Environments* should do much to further the cause of good correctional architectural

design. These publications will be of immeasurable assistance to the local architect employed to design a correctional facility who has never had any prior correctional design experience. The research which precedes these publications (and those to follow) will most certainly further the cause of innovative correctional architecture which is positive and program oriented and which should make the administration of a rehabilitative corrections program not only possible but completely logical.

The challenge for us in corrections is to put to use all that is presently known about human behavior in the correction of criminal conduct. The challenge for architecture is, through the creative use of color, light, materials, design and form to insure a correctional institution climate and physical setting which will enhance rather than inhibit the correctional process. We can complement the efforts of one another. Working together I believe can insure that there will, in fact, be a new era in correctional architecture.

GROUP REPORT

GROUP M

CHAIRMAN: Richard A. McGee
DISCUSSION LEADERS: Sanger B. Powers
Frederic D. Moyer
REPORTER: Roberta Dorn

Critical to bringing about a new era in correctional architecture is a well thought out statement of programs and correctional philosophy. The specialized knowledge and skills of architects experienced in correctional design and programming should be made available to local planners. The publications and technical assistance which will issue from the National Clearinghouse for Correctional Programming and Architecture at the University of Illinois will provide immeasurable assistance to the local architect employed to design a correctional facility.

It is recommended that: architectural concepts respond to the newly emerging correctional programs and philosophy. Some of the architectural concepts of paramount importance now are:

1. Site selection which encourages maximum community involvement.
2. Flexibility in design which will accommodate changing programs.
3. Adequate space for treatment programs.
4. Application of normative design considerations.
5. Application of contemporary construction techniques.
6. Individualized personal space.

CORRECTIONAL MANAGEMENT AND ORGANIZATION

WILLIAM D. LEEKE

Director, South Carolina Department of Corrections

THE VARIOUS aspects of corrections have been scrutinized and discussed by many formal and informal groups during the last century, but there have been very little visible results.

After almost 20 years of frustrating and yet rewarding experience as a correctional administrator, I am most encouraged by the recent surge of constructive interest in and support of corrections. I am optimistic that the decade of the 70's will see dramatic changes in corrections. These changes are imperative if corrections is to be an effective deterrent to crime. The necessary reforms can and will occur if the necessary human and fiscal resources are provided and if our citizenry will accept and encourage them. However, change, like charity, begins at home. Correctional administrators must not only accept the necessity for meaningful changes in the process and practice of corrections but also aggressively promote systematic and desirable changes.

Organization of Corrections

Most of you are keenly aware of the fragmentation of administrative responsibilities and functions in corrections which exists in almost all jurisdictions. If you are not, mimeographed data which reflects the correctional organization in each of the 50 states has been provided.* This information was taken from the August 1971 report of the Advisory Commission on Intergovernmental Relations entitled *State-Local Relations in the Criminal Justice System*.

The existing fragmentation of administrative and functional responsibility is a substantial barrier to comprehensive and effective correctional services in almost every instance; however, this consolidation cannot be achieved without enabling legislation. Since administrators of the various segments of corrections in each jurisdiction enjoy a substantial degree of

* Not included in this Appendix.

autonomy, any administrator who advocates consolidation of correction services incurs the wrath of his colleagues.

I will not publically promote the consolidation of corrections in South Carolina since this is a matter for the Legislature and the Governor to decide; however, I am convinced that consolidation is a prerequisite if corrections is to return offenders to their respective communities as productive citizens.

A few states have reorganized correctional services, but they have gone from one extreme to another. They have included corrections in an umbrella-type organization which includes health and welfare, health and rehabilitative services, mental health, or public institutions. Undoubtedly, constructive and necessary correctional reforms can be precluded as easily and perhaps more easily by a massive, unwieldy bureaucracy as by fragmentation.

Correctional Management

A correctional system presents extremely complex and highly diversified management problems. Correctional administrators at all levels should be competent, experienced, and effective professionals. Administrators of correctional systems—and all other agencies of government—should be selected, evaluated, and compensated as if corrections systems were a private, profit-making corporation.

The organizational structure and management practices in our correctional systems can be modified, but consolidation of correctional services and improved management practices will have little impact on crime in America.

The most effective administrator of a consolidated corrections system in a jurisdiction with model enabling legislation will fail miserably unless he has public understanding and support and the financial and human resources necessary to plan and implement comprehensive and meaningful correctional programs.

CORRECTIONAL MANAGEMENT AND ORGANIZATION

GEORGE G. KILLINGER, PH.D.

Director, Institute of Contemporary Corrections and the Behavioral Sciences
Sam Houston State University

LOCAL AUTONOMY in government is a cherished American principle, but the principle runs into difficulty when applied to corrections. Of course, the fragmentation in the correctional field is not only between the various levels of government, but also within single jurisdictions. Juvenile and adult programs have followed separate paths, and a barrier exists between institutional and community programs.

The basic problem with this fragmentation is inefficiency. I believe we can agree that the offender should be treated with an integrated, coordinated program, not with a succession of quasi-independent agencies, each paying little attention to what the others are doing or will do. The fragmented approach leads to duplication of effort, waste, and replication of methods that have already failed. All this is happening,

remember, to a single individual with a single criminal career. From the standpoint of this individual, I am afraid it very often looks as if we do not know what we are doing.

A Centralized Correctional System

Some of the methods of reducing the fragmentation are simple, some complex, but all are controversial and politically difficult. To reduce fragmentation within states, we should centralize correctional administration under a state department of corrections or its equivalent. Some of us in this group might be from states where each correctional institution is under the control of a separate and almost autonomous board of trustees; meaningful coordination of even state correctional activities is almost impossible within this framework. The state department of corrections should have jurisdiction over all jails, workhouses, prison farms, and other misdemeanor institutions within the state. This framework would not only reduce correctional fragmentation, but would also almost certainly improve the quality of these short-term institutions which presently are the weakest area in the entire correctional process.

Whether consolidation beyond this point is desirable is a thorny question, indeed. The cooperation between the community services of probation and parole on one hand and correctional institutions on the other ranges from fairly good to none at all, but consolidation might cause more problems than it solves. In some states with large rural populations it might be desirable to integrate probation and parole as much as possible. Placing parole under the same administrative system as institutions seems logical because time spent in the institution and time spent on parole are part of one sentence. On the other hand, consolidation of services might well make it difficult for parole boards to remain independent. One compromise that may work is to make the parole board a part of the department of corrections while maintaining its autonomy in decisions to grant or revoke parole.

Juvenile and Adult Programs

The coordination of juvenile and adult programs is an even more difficult question. The separation has its roots in history, but seems to be based on two implicit assumptions that we may not agree with today. One assumption is that adults, possessors of free will, are responsible for their decisions and should be punished, whereas juveniles are not responsible and should be rehabilitated. The second assumption is that we can rehabilitate juveniles much more readily than adults, so the bulk of rehabilitative effort should take place in juvenile corrections. The first assumption conflicts with the growing realization that rehabilitation, not punishment, is the best crime-preventing device for both juveniles and adults. On the second point, I am afraid there is not much evidence that juvenile rehabilitation is any easier than, say, first offender adult rehabilitation, so it might be time to examine the desirability of placing juvenile institutions under the department of corrections.

Reducing fragmentation within states is only part of the solution. Many states are too small to fund and administer

specialized programs for female offenders, mentally retarded juveniles, et cetera. Cooperative interstate utilization of facilities for these special programs seems to be the solution.

Administrative amalgamation and reorganization, whether intra- or interstate, is not the sole answer to fragmentation. Methods must be found and implemented to improve communication between the various correctional agencies. No administrative reorganization, by itself, insures effective communication.

National Standards

Concerning the second topic for today's discussion, I do not believe there is any doubt the establishment of national standards and an accreditation program will help to improve correctional programs. Standards serve as a guide to program development, a criterion by which to review and evaluate programs, and a means to get necessary support from legislatures. By the way, the American Correctional Association is in the process of amending its *Manual for Correctional Standards* which, I believe, can fulfill the need for national standards for all of corrections. The American Correctional Association is also working on accreditation standards. A national accreditation system, based on sound correctional standards, would serve an important function if the accreditation program contained an incentive for states to comply. The best incentive I can think of offhand is money! I believe we no longer can expect state and local governments to carry the entire financial burden of an effective correctional program. A federal accreditation program authorizing substantial grants to states meeting the correctional standards, as well as grants to states in the process of improving their systems to meet the standards, might be the single most important step to take to improve corrections in America.

Importance of Research

The third topic for today is how can we improve correctional decision-making. I believe the two most important aspects of sound decision making are good personnel and knowledge. Good people make good decisions given the facts necessary to make the decisions. At the present state of research in corrections, even the best administrators must make decisions more on the basis of common sense and intuition than on the basis of scientific facts. Not enough facts are available. Those that are available are not effectively communicated. Little emphasis is placed on research in corrections. Little money is allotted to it. Industry spends a substantial portion of its budget on research and development—the more advanced and innovative the industry, the higher the percentage. Until recently, the Department of Defense was spending about 15 percent of its budget on research and development. The corresponding figure for corrections is a very small fraction of 1 percent. Correctional research needs money; it needs the best personnel available; it needs governmental support. This research must come from within correctional agencies, from universities, foundations, and from criminal justice research institutes. Equally important, re-

search, knowledge, and evaluation of effective programs must be disseminated to the people in the field.

Budgetary Priorities

The budgetary priorities in corrections must be related to both the overall objectives of corrections and to the financial resources available. We decry the fact that only 5 to 10 percent of correctional resources are spent on rehabilitation in the broad sense—medical care, education, job training, counseling—but this is more a reflection of not enough money than of misallocated resources. The correctional officers must be paid, the prisoners must be fed, money must be found to pay the electric bill. Whatever is left over from necessary expenditures can be used for rehabilitation. Money alone, of course, will not solve all our problems, but a correctional system must be adequately funded in order to rehabilitate. We spent eight times as much money on tobacco and 11 times as much on alcohol as we do on all of corrections—federal, state, and local—yet the correctional system is our best vehicle for preventing crime, at least in the short run.

We already know who will commit most of the major crimes in 1972; they have already been through the correctional system. They were not rehabilitated, not so much because we do not know how, but because we did not have the funds to pay for the programs and manpower we need. The loser is society as a whole, which must pay in money, fear, and wasted lives for the crimes we could have prevented, but did not.

GROUP REPORT

GROUP N

CHAIRMAN: Kenneth E. Kirkpatrick
DISCUSSION LEADERS: Dr. George G. Killinger and
William D. Leeke
REPORTER: Jack H. Wise

1. How can we reduce the fragmentations of correctional services?

(a) Correctional functions within constituencies should establish cooperative criteria and systems to assure common understanding and goals, comprehensive planning, and direction in the correctional process. The group saw nothing wrong with the agencies maintaining their individual identities. This would provide some checks and balances and stay away from the sticky problems of jurisdictional boundaries. However, there must be a specific common planning system.

(b) Decisions on parole should be made by full-time professionals who are autonomous. However, the board could be administratively a part of the correctional system as long as it maintains independence in its parole determinations.

(c) The corrections system should maintain its identity for budget planning and operational purposes. However, it must make better efforts to coordinate and collaborate with other agencies (mental health, welfare, child services, vo-

ational rehabilitation, etc.) to take advantage of and to help plan the programs and methods of those agencies that affect the offender.

(d) Correctional agencies should press for, establish, and maintain comprehensive research and planning capabilities to gather adequate information for effective decision making. We must be more willing to make this information available on a broad scale.

(e) Joint programs should be established across jurisdictional lines, both intrastate and interstate. In some instances this would put offenders closer to their communities. In others it would allow establishment of programs where there are insufficient needs to operate an effective program in a particular jurisdiction. It would avoid the unnecessary cost of duplication and allow a greater range of programs.

2. Would the establishment of national standards and an accreditation system help to improve correctional programs?

It would bring into being a professional accreditation system for correction facilities and services modeled after the American Medical Association Hospital accreditation or the National Education Association. This would provide the much needed inventory of effectiveness of care. It should operate in complete autonomy. It should be funded initially by federal funds and then move to a dues structure.

3. What should be budgetary priorities?

- (a) Diagnostic and evaluation services.
- (b) Probation and other community-based programs.
- (c) Innovative institutional programs.
- (d) Research and planning.

The following areas were discussed by the group:

1. Probation subsidy, known officially in California as State Aid to Probation Services, is contributing greatly to the thrust toward community-based correctional treatment in California. Its inception was based upon studies that indicated that a large number of offenders who have been incarcerated in correctional institutions may be more successfully rehabilitated in community treatment programs without jeopardizing the safety of the community. The validity of the studies have been substantiated. The retention of an increasing number of offenders in the community has not resulted in an increase in offenses against either person or property.

2. Research studies, though in their preliminary stages, indicate greater success rates for those treated in community-based programs than those offenders going through the correctional institution system. The trend toward treatment in the community should in no way minimize the concern for the public safety. In fact, under California probation subsidy programs, the intensity of the supervision provided enhances the protection of the community.

3. The thrust toward community treatment also involves changing the very environment of the community itself in order to enhance the prevention and control of crime and delinquency. The residents of the community itself are mobilized in efforts to improve the ecology of a community, improve its environment, and develop pride and respect among its residents. It involves mobilizing manpower indigenous to

the community; advisory councils, volunteers, new careerists and professionals.

4. Increasing community tolerance and acceptance of aberrant behavior and the assumption of responsibility by the community to correct such behavior may be enhanced through changing the attitudes of the various institutions of the community. Greater understanding on the part of the schools, law enforcement, business groups and their service club organizations, the churches, character-building groups, and other community organizations will lead to less push-outs from school, the development of special programs to meet the needs of problem children, special parent education classes, and the acceptance of community representatives as advisory to the administration of school programs as well as providing volunteer help to the schools themselves.

5. Similar acceptance of community representation among law enforcement agencies will greatly enhance the community relations of such agencies and, again, will provide them with similar volunteer help.

6. The cooperation of businessmen will open the way for predelinquents and precriminals, as well as offenders themselves, having increased job opportunities and acceptance as employees.

7. The thrust toward community-based treatment finds its fulfillment in the following sequential areas:

(a) Prevention of delinquency and crime. The development of community attitudes, as mentioned above, results in community action including the establishment of various types of self-help groups, drop-in clinics, crisis intervention centers, recreational programs, and many other activities designed to prevent the tragedy of crime and delinquency before it happens.

(b) Diversion from the criminal justice or juvenile justice system. This concept again involves the use of community resources wherein instead of bringing the alleged offender before the court and provide correctional services through those agencies available through court disposition, such persons are diverted to other resources made available through either community groups or the correctional agencies themselves prior to formal court jurisdiction.

(c) Minimize the penetration into the system. In other words, the utilization of probation services or other types of public agency protective services to keep the person in his own home and in his own community and provide rehabilitative treatment and support to correct his aberrant behavior.

(d) If removal from the community and the home is necessary, provide such residential care as close to the person's home community as possible. Such placement might involve foster homes, institutional care operated by private agencies, group homes, halfway houses, community correctional centers or other localized correctional institutions.

(e) Normalize the institutional or placement experience as much as possible. Normalization may be accomplished by allowing the inmate to participate in activities in the

community as much as possible. However, in such instances the protection of the community and the safety of its residents must be given full consideration. Normalization may also be accomplished by bringing community activities into the institution or residential setting itself. Further normalization may be accomplished through the development of coeducational programs, conjugal visits, work relief programs, extended furloughs, and similar programs.

(f) Minimize the time spent in maximum security. This concept reduces the length of stay of inmates as much as possible and encompasses the utilization of medium security facilities at the point the inmate is ready for this type of program, followed by halfway house residence and finally a more rapid release to the community under conditions in which such person may be returned to the institution prior to his actual commitment of a subsequent offense and without the benefit of due process procedures.

(g) Provide maximum security facilities for a substantially reduced number of habitual criminal offenders where long-term rehabilitative treatment is programmed. Such facilities should encompass treatment resources designed to bring about personality changes in dangerous persons including psychiatric and medical resources, vocational rehabilitation, educational resources, and similar treatment modalities which may require years of application to make such persons safe for return to society. Such institutions should also be prepared to provide accommodations for the life of those persons so dangerous that their violence potential is such that they may never safely be returned to the community.

8. The primary payoff in the California plan has been in human values. Standards have been set which have lowered caseloads to a maximum of 50, with many being as low as 10 to 15. Supportive services have been made possible, such as the use of new careerists as aides to probation officers, the development of volunteer programs, and improved training resources. For the first time, probation has been able to expand the availability of psychiatric services, vocational guidance, job placement services, tutorial services, client transportation facilities, and many other adjuncts to the delivery of an effective rehabilitative treatment service. The result has been an improved success rate for those placed on probation.

9. Of great significance has been the cost effectiveness of the probation subsidy program. Conservatively speaking, the State has saved \$186 million since the inception of the subsidy in 1965. Of this amount \$60 million has been returned to the counties on the basis of their performance in reducing the number of commitments to state institutions. Up to \$4,000 per case is returned to the county on this basis. Los Angeles County alone has received more than \$20 million in the last 4 years to fund some 33 special supervision programs such as narcotics treatment control units, police-probation team efforts, intensive family casework units, and intensive aftercare units for those returning from placement.

WHAT ARE THE IMPLICATIONS FOR CORRECTIONS OF THE INCREASING PROPORTION OF MINORITY GROUP PERSONS AMONG SENTENCED OFFENDERS

EDDIE M. HARRISON

Director, Pre-Trial Intervention Project, Baltimore, Md.

The Minority Group Offender

THE INCREASING numbers of minority group members among sentenced offenders brings about a need for increased knowledge of methods of relating to these minorities.

First of all, I assume that "corrections" is intended to mean correctional institutions and not the correctional system per se. Going under that assumption, the implications for corrections lies within its priorities. What does corrections feel its responsibilities are? How does corrections perceive its problems? How does corrections perceive the prisoner? How does corrections perceive its employees? The answers to these questions are indicative of what the real problems are in corrections.

Honest Concern for the Prisoner

Correctional philosophy must be revamped to reflect honest concern for the prisoner. Minority groups often ban together more out of coincidence than by intention, and function as a group. A threat to any member of that group is a threat to the group as a whole. In a situation where there are diametrically opposed forces (prisoners/guards) the ingredients combine to produce riots, revolution, death, repression, and more violence.

Speaking from a Black perspective, prison life for Blacks mimics in the extreme the inhumanity and indignities suffered outside the institution.

The day-to-day values of minority group inmates cannot be considered seriously, helpfully, or sympathetically by staff and guards whose concepts toward minorities are defined outside the institution in "free" society. If no understanding exists between staff and inmates, little can be expected in the way of rehabilitation. Within this framework lies the implications for corrections of increasing minorities as I see them.

The most immediate and serious of the implications is the changed mentality of the minority groups. Black Americans, Mexican Americans, and American aboriginals are no longer willing to be treated as anything less than human. Minority group members are feeling a new sense of racial pride that defies further indignities.

The second most obvious implication is an incompatible ratio of minority group staff members to sentenced offenders. This must be rectified, not as a token gesture to satisfy new policy, but because it is the most feasible means of relating to the group.

Larger numbers of Blacks and other minorities increase racial tension and anxiety on the part of the officers and inmates. Minority group members, in light of the new cultural awareness, feel a responsibility to challenge any and all situations that even come close to being racial slurs. White prison guards, perplexed about this situation, believe that all contacts with prisoners are potentially dangerous. Prison officials are undereducated and ill-equipped to deal with these problems.

Traditional educational programs are almost totally rejected by minority group inmates and little or no attention is paid to developing more acceptable programs for them. Prison administrators are not willing to take the risks involved in making education relevant to the needs and desires of minorities. That would entail making minorities more socially and politically aware, a condition most feared and thought of by some to be the cause of riots and rebellions.

Hopefully we will be able to deal with these and other implications honestly and arrive at conclusions that will enhance our correctional system.

WHAT ARE THE IMPLICATIONS FOR CORRECTION OF THE INCREASING PROPORTION OF MINORITY GROUP PERSONS AMONG SENTENCED PRISONERS

RUSSELL G. OSWALD

Commissioner, New York State Department of Correctional Services

AS I HAVE INDICATED to other groups of colleagues at this National Conference on Corrections, I am pleased and honored to join you today. I believe, as I hope you do, that Attorney-General Mitchell's invitation to us signals a level of concern and commitment on the part of the Federal Government to the field of corrections that is unprecedented in my career as a correctional administrator.

Public Now Determined to Act

Over the past few months, tragic disturbances in American prisons have brought about both new and critically serious public attention to the needs of correctional systems throughout the country. You will understand that, for me personally, this opportunity to meet with you is more than timely and urgent. The American public is now determined to act to correct the long-standing deficiencies of this neglected and critically important function of our society.

Other correctional administrators may well agree with me that it is a curious phenomenon, indeed, to now assemble for the purpose of discussing the impact of American minorities on the day-to-day functioning and operating of correctional systems. After years of experience as the step-child of both public concern and governmental action, it is ironical that, currently, so much interest centers on the racial issue in the correctional setting. It is ironical because the correctional apparatus, during the course of my experience, has pleaded for both the public understanding and financial support required to convert sheer confinement to opportunities for growth and development; to substitute work gangs with classrooms; and to provide hope in exchange for frustration and dismay. This plea was made—and is now being made—on behalf of all offenders, regardless of race or ethnic identification.

Needs and Interests of Disadvantaged Minorities

We want to approach here today the problems attendant to the increasing number of minority-group persons among our populations of sentenced offenders. But many of us must, in candor, ask: "What else is new?" Today's advocacy of correctional reform on the basis of the acknowledged needs of disadvantaged minorities is, indeed, worthy of our serious attention and determined action. But one wonders, where the advocates of this reform have been during the years of correctional neglect and indifference. In short, the problems to be solved in the achievement of correctional competence are not limited to color, to race, or to particular organizational affiliation. I hope you will join me in viewing the problem of confined blacks, Puerto Ricans, and other nonwhites as one

element of a larger problem. But let us address ourselves to this particular problem in the most helpful way possible.

What are the implications for corrections of the increasing proportion of minority group persons among sentenced offenders? There are many.

American ideology and constitutional law have traditionally acknowledged and encouraged the maintenance of what sociologists may call ethnic identity, but what most of us would simply call preservation of cherished racial, religious, and national traditions. Correctional administrators, if indeed they have forgotten, must respect this heritage as applicable to not only their own backgrounds, but also to the needs and interests of *present-day* minority groups. This respect will translate as willingness, primarily, to acknowledge the legitimacy of what is roughly called "Black Nationalism" and other similar and euphemistically labeled efforts to achieve parity in American life.

What We Must Do To Achieve Equality

"What special problems does this trend impose?"

At the administrative level.—It means the determination of top administrators to aggressively recruit, select, train, and promote qualified members of minority groups. It means communicating to all personnel of the agency that blacks, browns, and other representatives of ethnic minorities will be afforded the same opportunities for employment, for advancement, and for a voice in day-to-day operations as all other employees of the organization. It means that top administrators will convey to mid-range executives, at the warden and division director level, that the legitimate traditions, practices, and interests pursued by sentenced offenders who happen to be nonwhite will be respected and accommodated within the limits of institutional and public safety. Questions of food, religious practices, and personal dress fall within the meaning of what I am saying.

At the programmatic level.—It means that correctional administrators and, indeed, custodial, supervisory, and treatment personnel throughout the agency must understand the nature, the handicaps, and the dynamics of growing up black, or of growing up brown, or of growing up poor in American society. Such understanding translates immediately to the importance of those key rehabilitative programs that stress remedial education—learning to read and write at a level that permits functioning in everyday society—and those that stress learning a marketable skill for effective competition in today's world of work. Simply stated, the reintegration of minority group offenders often poses special problems in equipping such of-

fenders with the basic mental and physical tools required to compete effectively in an increasingly sophisticated and competitive urban culture. Beyond these fundamentals, we must provide to our sentenced minorities the types of programs and activities that are commensurate with their own particular and legitimate interests. I refer here to the significance of black studies programs, black ministers, and above all, the constitutional and moral right of these groups to pursue their own unique identities, even though confined.

I must add here the commitment we all must share as to fairness in not only our administrative practices, but also in our daily operations and activities throughout the correctional systems we manage. The collective good will of all correctional administrators must be pressed to insure that procedures such as classification, discipline, parole proceedings, and a myriad of other decisions are carried out with fairness, with equity, and with respect for the dignity of all offenders committed to our care and treatment.

If I may quote and paraphrase rather freely, you will recall that Dostoyevsky reminded us long ago that the measure of the quality of a people lies in the manner in which they regard and provide for their less fortunate and troubled fellow human beings. In the correctional setting, as elsewhere, this means everyone.

GROUP REPORT

GROUP O

CHAIRMAN: Judge William B. Bryant

DISCUSSION LEADERS: Eddie M. Harrison and
Russell G. Oswald

REPORTER: John H. Hickey

Recommendations:

1. Immediately upon entry, refine assessment techniques to enable more adequate understanding of the prisoners' personal needs, and provide services.
2. Encourage minority group spokesmen to recommend changes through officially recognized channels.
3. Undertake a comprehensive effort to attract minority group members to corrections, including a revamping of the promotional system and removal of restrictions for hiring ex-inmates in corrections.
4. Make entry qualifications more flexible for correctional officers and provide meaningful inservice training.

5. Establish group encounter sessions and other communication techniques between inmates and correctional officers.

6. Actively involve citizen minority organizations and individuals in prison programs and encourage media participation.

7. Subcontract to private industry the responsibility for developing relevant education, skills training, and manpower related programs.

8. At remote institutions, provide local transportation to the nearest public facility, including staff, visitors, and inmates.

9. Provide legal aid services.

10. Correctional administrators nationwide must make special efforts, through appropriate managerial and staff training, to insure that all correctional employees understand the underlying dynamics, the nature, the characteristics, and the direction of current ethnic and race related social movements in the United States.

11. The intellectual and moral posture of the correctional administrator as to fairness and firmness in dealing with all offenders, regardless of race or national extraction, must be consistently and effectively communicated to all ranks of employees within correctional agencies.

12. Top administrators throughout the correctional apparatus must immediately make special provision for the aggressive recruitment, selection, training, and promotion of qualified members of minority groups.

13. Correctional administrators nationwide must, within the limits of safety and security and financial constraint, permit confined minorities to exercise and pursue their unique interests in the areas of preferred foods, religious practices, personal dress, literature, etc.

14. Most importantly, administrators throughout correctional systems must understand the sometimes unique program requirements of currently confined minority persons. Particular attention and emphasis must often be given to those programs that provide remedial education and marketable job skills.

15. In this age of growing racial and cultural identities, correctional administrators are well advised, again within the limits of safety, to encourage minority group pursuits related to such areas as black studies, sometimes special religious observances, and certainly efforts to maintain communication with kindred groups in the larger outside community.

16. It is essential that top administrators in the correctional field continually monitor their operations to insure that those daily yet critical functions related to classification, discipline, parole proceedings, etc., are carried out and conducted with fairness and respect for the dignity of the offender, regardless of race, color, or national extraction.

CAN SUPPORT BE RALLIED FOR CORRECTIONS?

Group Discussion Papers Workshop IV

MARGERY L. VELIMESIS

Executive Director, Pennsylvania Program for Women and Girl Offenders, Inc.,
Philadelphia, Pa.

We are asked to consider in this last hour whether public support can be rallied for corrections, how to improve the image of corrections, and what the role of citizen action groups should be. It seems to me that the answer to the first question regarding support for corrections is "yes" provided we specify what kind of corrections, what kind of support, and, finally, what we mean by "public."

Do we want "support" for incarceration and warehousing? Do we mean institutional treatment designed around a sickness model or a health model? Or do administrators want support for community treatment, and, again, what does community treatment mean? Or work release from jail? Or half-way houses? Or participation in ongoing community-sponsored programs? With the appropriate kind of communication various segments of the general public will support each of these concepts of corrections.

Our Approach Must Appeal to Our Publics

Every good advertising man and woman knows we must choose an approach which is most likely to appeal to our audience. Today we all recognize that there is no such thing as *the* public except perhaps in theoretical terms. There is the business audience or the labor audience; or there are the white middle class or the churches or the minority groups; or there are the inmate and ex-inmate audience, the influence of which we ignore only through ignorance or fear. And then there is the press. And so on.

I have left the legislators until last along with other elected officials because they often equate themselves with "the public" when it comes to decision-making in the criminal justice process; and I have had some very unhappy experiences as a result. There are times when corrections personnel must expend the effort to communicate directly with the particular public or audience involved.

For instance, in Pennsylvania the county commissioners, the district attorney, the comptroller, and the sheriff all agreed to make land available to the Bureau of Corrections for a regional jail. However, when the local residents learned of the agreement loud protests were heard, public meetings were held, and the upshot was that the Bureau was unable to acquire the land. The same thing has happened with community treatment centers as many of you have probably experienced. So I believe it is a mistake to think of one public or to expect a general public demand for a certain kind of corrections program.

What, then, do we mean by support from these various "publics?" Money? Or rubber stamping of ideas professionals come up with? Or manpower for programs? Or permission to acquire land or buildings or something else? I find it difficult to believe the only support that corrections needs is more money. It seems that a huge amount of money support for institutional buildings has already been generated.

San Quentin, Attica, and now Rahway, make the task of rallying support easier or more difficult, depending on what we mean by corrections and support. More citizens are aware of punitive conditions that exist in prisons and are now ready to support some kind of code for prisoners' rights because of what they see as the reasonableness of the Attica demands. Other persons see a need for tighter security to prevent the taking of hostages. Many groups are eager to learn and to become involved, but they need to be asked.

The Role Citizens Groups Can Play

The kind of support we need for corrections (as we define corrections) will obviously determine the appropriate role for citizen groups to play. Not only are there many types of audiences, but citizen groups also differ in capabilities. If one chooses the elitist approach to problems where those within the system define the answers, then money and rubber stamping of the ideas is the support that is required. Corrections personnel, then, will turn to citizen groups who do not aim to become really involved and who trust the experts. Their support often will be in the form of contacting local officials or legislators for financial appropriations. On the other hand, if one knows that there is a need to be met that this present system cannot cope with, then administrators will appeal to a citizens group that is capable of dealing with that problem.

The need for probation officers or volunteers to work with black clients will never be met by appealing to white church groups but these churches could be very helpful in locating a residential facility for offenders in their own neighborhoods. It is not likely that the need to generate legislative support for a system of regional jails will be met by appealing to black activist groups but they could be most helpful in setting up community groups to cope with first offenders or drug addicts if they were allowed to plan the program. The question of how to get adequate medical service in a prison may never be resolved, but activist women's groups may prove equal to the task of confronting the medical societies and funding au-

thorities. Some citizen groups could do the communication needed in a specific community if they were properly informed by correctional personnel.

Professionals Cannot Do It Alone

As one who functions mainly as a nonexpert citizen I believe the professionals really want "to do it all" themselves and therefore rubber stamping of ideas and money to implement them is the type of support we will be asked to supply. Many excellent proposals for change have come from within the system, but most have dropped by the wayside because professionals attempted to bring those changes about through their own efforts alone. Professionals find citizen groups difficult to work with. Citizens ask naive questions and propose

alternatives that would require drastic change on the part of the system. The need is seldom seen to allocate money and skills for work with the various segments of the community.

To summarize, I believe it is important to recognize that corrections does have choices, that we cannot scapegoat if we fail to gain support for corrections. We do need to consider who can communicate with whom, and that it will take money and planning for this communication to be effective. Choosing among those areas—what corrections? which public? what support?—also will take courage and leadership because when we acknowledge that we are in fact free to choose, then our choices make a statement about us and the world knows us through our actions. We need not worry, then, about the image of corrections, for the image will be defined by that statement and the choices on which it is based.

BENNETT J. COOPER

Commissioner, Ohio Division of Correction

IN ORDER to deal with the offenders of society, it was decided a long time ago that they should be taken out of the community and isolated for punishment of the offenses. No one has cared much what happened to those who have been so confined and isolated, except a few so-called "do gooders," and of course employees of prison systems. In view of this perspective, there has developed conventional ways of securing the necessary resources to carry out the dictates of the courts and of society itself. Most often the resources have been far less than needed and no one except the administrators of systems have concerned themselves with trying to secure more adequate resources. The consequences have been that prison facilities, by and large, are old, antiquated, and overcrowded. These conditions not only would make it almost impossible to influence constructive changes in peoples lives, but also would cause just the opposite to occur. Such has been the past in corrections.

Public Now Ready To Act

The question at this time is, "Can Support Be Rallied for Corrections?" and it is quite tragic that it appears now is probably the only time in the history of this country that the public can probably be thought of as being disturbed enough to do something about the correctional systems in this country. Prison riots are not new, but the increasing violence and emotional intensity has graphically brought to the public's attention the kind of unbelievable conditions that have resulted from years of not caring what happens to those that we have said must be taken out of society because they have offended the law. In fact, our main thesis has been to get them out of sight and to keep them out of mind.

The recent violent upheavals across the country have indicated that either something is wrong with our penal systems

and/or something is wrong with our society at large. The facts seem to indicate that both of these are true.

Human Life Versus Material Values

A new generation has decided that human life has great value while the tradition of our society has placed great value on material things. The results of recent months would say to both groups that something needs to be done about corrections, for lives have been lost much to the dismay of the new generation as well as to the dismay of an increasing proportion of the older generation. But more than devastating loss of property as well indicates to all of us that something has to be done.

The major religions are slowly realizing some of their responsibilities and so perhaps we may get some support from them. Some professional organizations and hallowed academia continue to espouse theories of improving the systems without doing much to help them. The very fact that the President has seen the need to call a National Conference on Corrections indicates the seriousness of the crime problems. Chief Justice Burger has spoken to the issue, but probably and at least hopefully the real potential for support in corrections should come from the conscience of the body politic. We Americans are great ones for appointing committees and having conferences to salve our conscience for the guilt feelings we have for allowing such social ills in our society.

The good intentions of the people assembled here can demonstrate that not only can we rally support for corrections, but that we can also assist in the kinds of changes that are necessary if we are to deal with the problem of crime in a civilized way.

I firmly believe that Dostoyevsky was correct when he suggested that if we want to know how civilized a nation is, all we need to do is look at its prison system.

JOHN A. WALLACE

Director of Probation, City of New York

THE TOPIC originally proposed was "How Can Support Be Rallied for Corrections?" The question to be answered first is, "can support be rallied?" To do this we should take an assessment of public attitudes and we find a mixed bag.

The public has become increasingly critical of prisons and reformatories. If this be the case, we should possibly expect more willingness to try programs like probation for handling offenders. However, a public opinion poll indicated a different response, particularly for adults. When asked the best way to handle a 25-year-old offender charged with burglary, only 20 percent chose probation, whereas over 70 percent chose an institution sentence.

The public believes finding employment is the greatest problem facing offenders. However, when asked about their willingness to hire ex-offenders, there is least hesitation in hiring him as a janitor but more hesitation as the social status of the job increases.

Likewise, correctional employees, when polled, indicated that community acceptance is the major problem facing offenders. Yet, this is the area in which correctional employees are giving the least help to the offender.

Corrections is largely ignored by the public until there is a crisis. Support can be rallied then and some gains made. But why does that support fade away? Sometimes because other political issues arise. However, correctional personnel must

accept responsibility because too little effort is devoted to enlisting public support as an ongoing function—witness those interested in serving as volunteers somewhere in corrections and how seldom they are sought out by correctional agencies.

Support can be rallied. Corrections has a task to do so. However, business, labor, civic and service organizations should not wait to be asked and thus assigned a role. They can assume initiative if they wish; there are plenty of tasks to be done.

One way to test the water is to pose some questions and seek answers on such issues as:

1. Eliminate legal and administrative barriers to hiring ex-offenders.
2. Provide funds for job training for offenders whether in institutions or on probation or parole. This could be funds for purchase of service, not necessarily training programs run by the correctional agencies.
3. Urge business, labor, civic, and service organizations to accept correctional reform as a priority.
4. Seek legislation mandating the development of community-based facilities.
5. Seek legislation for state support of local probation systems, either by subsidy or state operation.
6. Seek legislation that will set forth clearly the goals expected of corrections.

WILLIAM G. NAGEL

Director, Institute of Corrections, The American Foundation, Inc., Philadelphia

IN THE SCENARIO mailed to us in advance of this meeting three questions are asked of this workshop:

1. How do we improve the image of corrections?
2. How do we obtain public and legislative support?
3. What should be the role of citizen action groups?

I have been asked to start the meeting with a statement of some of my thoughts on these subjects.

What Kind of Corrections?

To the principal question—can support be rallied for corrections?—I would have to ask a question of my own: "What kind of corrections?"

Together with two colleagues—an architect and a psychologist—I have just completed the field work of a study that has taken us to a hundred of America's newest correctional institutions. We learned that the amount of money that federal, state, and local governments have spent on correctional facilities in the last decade is enormous. This suggests that we already have rallied substantial financial support for the bricks-and-mortar kind of corrections.

What has astounded me and my colleagues has been this.

Most of this money has been spent on precisely the kind of correctional programs that have been proved, over the years, to be counter-productive. Most of the new institutions we have visited are, even today, being built in the most isolated areas of our states; most continue to contain no ramps to the community; most continue to require disproportionate expenditures on the custodial and warehousing aspects of corrections; most continue to be large.

It seems to me that we have managed to rally a considerable support for precisely the wrong things while rallying little support for meaningful research, for alternatives to confinement, for community corrections, for reducing the jail population by expediting the justice process, and for modernizing the criminal codes. Can it be that these "wrong" things reflect either our basic commitments or represent the limits of our vision.

We Don't Need an Image Change

I always resent questions such as the one we are asked, "How do we improve our image?" For me it conjures up a vision of the medicine man selling his bottled nonsense. It

makes me think of the window dressing created by public relations men to make a ward politician appear to be an international statesman or a massive industrial polluter resemble the Audubon Society.

We don't need an image change. What we need is a strong public rejection of much that we do—especially that of which we are ashamed. Then, I am sure, we will get change in substance as well as image.

I know an administrator in one of our major states whose office in the state capitol is lined with large photographs of the most hideous aspects of his correctional system. Over each photo he has the caption, "This is *your* corrections," or words to that effect. That man has a keen knowledge of the prideful feelings of the legislators and citizens of his prideful state. I have known very few correctional officials who enjoy greater personal as well as financial support.

We Have a Criminal Justice "Nonsystem"

The question about developing legislative support is an exhaustive one that requires more hours for discussion than are available to us today. Here is one vignette, for what it is worth.

Every report written since Wickersham condemns the fragmentation of the criminal justice nonsystem. In Pennsylvania this fragmentation approaches the ultimate in absurdity. Responsibility for correctional functions are divided, without central direction or supervision, among 194 state and county agencies.

A year ago a state commission very thoroughly studied the whole question of government organizations. In its independence and wisdom it recommended a unified correctional system, similar to that proposed by the President's Commission in 1967. The proposed act also very closely parallels the model correctional act since published by the Federal Advisory Commission on Intergovernmental Relations that is included in your packet.

The diverse leadership of many of the 194 correctional agencies in my State have energetically fought the proposed unified correctional act and their combined lobbying efforts have effectively kept it bottled up in committee. I hate to say it, but we have precisely the fragmented system many of us want because we prefer to remain big fish in our little stagnating ponds. We use our muscle to rally support for the perpetuation of an archaic, and counter-productive status quo. And Pennsylvania is not unique. Other bureaucracies—federal, state, and local—all over this Nation are fighting the same

self-serving, rear guard actions that perpetuate the very fragmentation which we, in public, decry.

Citizen Action

Some of us are very creative in the way we involve citizens both as volunteers and as activists working for change. But most of us, I suspect, abhor citizen involvement.

Why do I make this sweeping statement?

1. Because we continue to build our institutions in the most isolated areas where no meaningful citizen involvement can occur.

2. Because even our city jails and prisons are so unapproachable that it takes a real gutsy citizen to truly get involved. We say "We have those bars and fences more to keep the public out than to keep the prisoners in." This is really not a joke. It is a statement of fact.

3. Because we don't build into even our newest institutions space and facilities for citizen activities.

4. Because even where the administrator declares a policy of citizen involvement the line and supervisory officers can, and very often do, invalidate the policy.

It takes commitment, risk, and eternal patience to involve citizens in ways that can turn this system of ours around. I have seen this commitment in isolated places, but no where more dramatically than in Bucks County, Pennsylvania. There a retired Marine Corps major, John Case, took over a miserable walled fortress built in the last century and converted it into a living, feeling, and yes, even loving experience for the offenders who come to it. He has done this by involving every kind of citizen he can lasso—artist, teacher, psychologist, ex-offender, Vassar grad, junkie, businessman, preacher, lawyer, dogooder, little old lady in tennis shoes, etc., etc., etc.—in the task of making his jail, as he puts it, "a salvage operation, not a junk yard." Every day hundreds of these assorted people lend their talents to the myriad of tasks which must be done—providing bail, counseling, teaching, lobbying, finding jobs, helping distraught wives, conducting staff training. And every day hundreds of these citizens do things that drive the guards and even the warden right up the proverbial wall. But the result is *support*—real support. Deep support. Committed support.

There is no resource in America more anxious to be tapped by corrections than the citizens of this land provided we have the wisdom, we have the commitment, we have the guts, we have the charisma, and we have the leadership to risk using them to the very height of their interests and abilities.

MILTON LUGER

Director, New York State Division for Youth, Albany, N.Y.

WE HAVE BEEN asked to consider such questions as, "Can we obtain public and legislative support? How do we improve the image of corrections? What should be the role of citizen action groups?"

Our task is a difficult one in this area because:

1. We have tended to isolate ourselves not only from the general public with our locked-door policies, but also from other aspects of the criminal justice system from which we could gain support and understanding.

2. We have not told our story openly and candidly and so

we get stereotyped through the reporting of sensational, untoward incidents.

3. We have resisted objective research for political expediency or for job security.

4. We allowed ourselves to be the scapegoats for an ambivalent public who could not resolve the problems which bring offenders to us in the first place.

5. We rarely have engaged in "preventive" public relations and we, therefore, are always on the defensive trying to explain crises situations.

6. We have attempted to lump our problems into one constant cry for more money rather than reordering our own priorities.

7. We have never attempted a systematic analysis of the groups we need to convince of our problems and potential in order to wage a coordinated approach to rallying support.

8. We have rarely pushed for legislation which would remove stigmatizing labels and handicapping restrictions from offenders, thus further alienating a potential constituency.

9. We have been running scared instead of trying to understand and deal with current issues such as ethnic pride and aspiration, civil and legal rights of offenders, and community-based programs.

10. Until recently we have not received a national commitment of support at the federal level.

WAYNE HOPKINS

Senior Associate for Crime Prevention and Control, United States Chamber of Commerce

IT'S A BIG ORDER; the subject is complicated; people don't understand the problems involved; it's the job of law enforcement officials; the Federal Government, LEAA, or somebody should do something and appropriate the money to do it; the situation is so bad, I don't want to talk about it.

The above comments and many others can be heard from citizens and businessmen across the country. However, how fortunate we are in this country to have organizations and individuals who do have faith in the proposition that something can be done to help corrections.

People Concern Is Now

In working with chambers of commerce, trade associations, business and fraternal groups, we have observed a deep citizen interest in the correctional problem, sometimes even to the point of citizen embarrassment for the present inadequate program. The people concern is not new, and is rapidly multiplying.

Through such leadership as that of President Richard M. Nixon and Chief Justice Warren Burger, the need for solving the correctional problem has received national attention. These officials have encouraged private associations as well as governmental bodies to take action at the national, state, and local levels. Some notable examples which have received wide recognition are the following:

"Project Transition," is a program directed by the South Carolina Department of Corrections in cooperation with state and local chambers of commerce. In addition to the rehabilitation aspects of this work release program, an additional justification can be recognized; it pays off financially. The December 6 issue of *Time* magazine shows figures to prove this. Out of his earnings on work release, the prisoner not only pays the State \$1,278 for his room, board, and transportation, but also pays \$908.70 in social security, and state and federal taxes. Each prisoner ends up with a net asset of \$354.70.

Some Business-Oriented Projects

The *New York Times* edition of Sunday, August 22, 1971, referred to the following projects which are business-oriented and which are becoming effective in various parts of the country:

The Illinois Department of Corrections managed to obtain most of the rehabilitation legislation it sought in the legislature this year. Among other things, the Department is now authorized to let inmates pursue educational and vocational training outside prison to work as volunteers in pollution control and other environmental improvements and to live in special camps outside prison. New legislation also removed bars to such future employment possibilities for convicted persons, such as law, plumbing, driving taxis, or cutting hair.

The Chicago Association of Commerce and Industry is engaged in a program to place 320 state prison parolees and 180 graduates of the Cook County Department of Corrections Training Program in jobs during a 1-year period.

In Skokie, Illinois, the Portland Cement Association, under an LEAA grant, has established Operation *DARE* (Direct Action for Rehabilitation and Employment). Also acting in Wisconsin and Michigan, *DARE* has, among other things, set up cement masonry pre-apprentice training programs at prison facilities in Joliet and Vandalia, Illinois. Over all, *DARE* now has 105 men in training programs and has placed 155 in jobs.

The State of Washington's work release program dates back to 1968. In that period, 861 applications for work release have been processed, with 447 assigned to work or job training. A total of 327 of them have been successful.

Beyond Washington State's program, a private, partly business-supported group, Job Therapy, Inc., with headquarters in Seattle, has been active in lining up employment for former inmates. In the last year, Job Therapy, organized by a former minister, has lined up 523 jobs. The organization to date has

called 919 employers and received pledges from 745 to hire ex-offenders when jobs exist.

In California, Teledyne Packard Bell, Inc., drawing on its experience in Job Corps programs, has joined Los Angeles County in developing a program for delinquent boys. The pilot project, undertaken with an LEAA grant, is under way at a camp 85 miles from Los Angeles. Seventeen full-time employees are involved in the project which includes vocational courses in automotive mechanics, welding, small appliance and furniture repair, food service, and forklift operations. The program also offers remedial education, job placement assistance and employment coaching, and seeks to marshal community support for the boys, ages 16 to 18, who complete an average of 22 weeks at the camp.

In Connecticut, some 400 inmates have gone through the work release program that began in January 1969. Of this total, about 80 percent have completed the program successfully, working in such jobs as machine operators, truck drivers, maintenance men, painters, cashiers, salesmen, and ordinary laborers. Their pay ranges from \$50 a week for a part-time commissary clerk to \$300 a week for an iron worker. Work possibilities are tracked down by Correction Department counselors, who, according to officials, scour the State, knocking on doors.

The North Carolina work release program dates back to 1957, and the State now has 1,156 inmates involved. This represents about 10 to 11 percent of the total state prison population. The prisoners are charged for room and board, and possibly transportation. The recidivism rate for prisoners who have served on work release is about 25 percent, as opposed to 60 to 65 percent for regular prisoners. The program has been received so well that there are more requests for work release inmates than there are inmates cleared for the program.

The American Bar Association Commission on Correctional Facilities and Services has been making an impact across the country through the following programs:

1. The National Parole Aide Volunteer Program for Young Lawyers.
2. Junior College Attainment for Line Correctional Personnel.
3. Adoption of Model Standards of Prisoner Treatment in Penal Institutions.
4. A Project To Remove Offender Employment Restrictions.

The American Medical Association is facing the challenge of corrections and is providing positive leadership, as are the various agencies under the Department of Health, Education, and Welfare.

Business Men Acknowledge They Are Uninformed

As a result of meetings with businessmen, we find that a great majority readily acknowledge they are uninformed and therefore are not able to adequately discuss or help solve the problem. However, businessmen do have observations related to their concern. The following will assist them in developing a program to rally support for corrections:

1. A nationwide educational program to inform citizens of the unbiased facts about corrections.
2. Acquaintance with the cold facts regarding the impact of crime on business and on each citizen.
3. Knowledge of the efforts being made for improved corrections and what they as citizens, employers, and molders of public opinion can do to help.
4. An understanding of the philosophy underlying modern corrections.
5. An appreciation of the importance of uniformity in sentencing.
6. Recognition of the need for a positive and cooperative relationship between segments of the criminal justice system—police, courts, corrections—to insure appropriate punishment as well as fair and humane treatment for offenders.
7. Leadership from correctional officials.

DANIEL L. SKOLER

Staff Director, American Bar Association Commission on Correctional Facilities and Services

THE DISCUSSION LEADER'S observations on this topic will be framed as a series of concepts or propositions which could serve jointly as points for focus of group discussion and on appropriate items, and with minor modifications, as findings or recommendations for presentation to the conference:

1. *Full Exposure of the Correctional Scene.*—A necessary condition for public and legislative support is to frankly share the current conditions, problems, statistics, dilemmas, concerns, and even areas of controversy with respect to correctional systems and practices at all levels of government (federal, state, and local). This means opening up systems, institutions, agencies, and practices for responsible public scrutiny to the maximum extent possible.

2. *Critical Relationship Between Incidence of Crime and*

Corrections.—A concerted public information effort should be mounted to drive home to the public that serious crime incidence in the United States is largely the work of offenders who were previously in the hands of the Nation's correctional apparatus (i.e., recidivists) and that if such apparatus had effectively redirected the behavior of these offenders, perhaps the greatest single step toward crime reduction would have been accomplished.

3. *Correctional Failure—A Total Social Responsibility.*—The public needs to be made aware, without any derogation of the responsibility of those charged directly with correctional administration, that many of the shortcomings in our correctional systems are due to factors and beyond the control of the correctional professional, i.e., inadequate budgets

and appropriations, counter-productive legislative policies which punish without preparing the offender for legitimate return to society, poor physical facilities, statutory bans preventing rehabilitated offenders from obtaining gainful employment, ostracism and nonacceptance of the ex-offender, deficient standards and compensation for correctional staff, etc.

4. *The Volunteer Role as a Public Support Mechanism.*—Few individuals involved in soundly conceived volunteer programs have failed to come away with a strong, in many cases lifelong, understanding of correctional needs and dilemmas and a supportive and sympathetic posture for progressive rehabilitation programs and the resources needed to mount them. Because of this larger "payoff," corrections should be supported as one of the prime areas for volunteer activity at all levels of citizen status (professional, homemakers, indigenous community residents, students, etc.) even where results and invested professional time and effort may indicate a less-than-maximum return in direct manpower relief from volunteer services.

5. *Citizen Action for Legislative Reform.*—Perhaps one of the slowest areas of response for institutional change is that of law reform. New rehabilitative directing, court decisions, sound principles of organizational management, and modern standards of public administration structure require considerable activity in the next few years to update and overhaul outmoded correctional codes and statutes (in some cases even state constitutional provisions). Sound models exist in legislative standards and model statute recommendations of the American Correctional Association, the American Bar Association, the American Law Institute, the National Council on Crime and Delinquency, and the Advisory Commission on Intergovernmental Relations and in well-framed new statutes and codes of particular jurisdictions. An excellent role for citizen action is to support and seek enactment of needed legislative change of this nature through responsible community, civic, business, and professional groups.

6. *Legislative Support.*—A special effort should be targeted at state legislators and legislative bodies and responsible state and local officials to make both (a) a taxpayer's case for correctional reform (i.e., actual savings from progressive correctional systems when all relevant costs are taken into account) and (b) a "crime control" case for correctional improvement (i.e., the correctional component of criminal justice as a critical "turnstile" for reducing the number of crimes and active criminals). This would offer unusually valuable and prompt payoff in legislative overhauling of outmoded correctional structures.

7. *Working Through Influential Groups and Organizations.*—Effective public support requires not merely individual ac-

tion but also the commitment of the major professional, civic, and public groups through which citizens operate. The technique of concentrating on such organizations, at both national and state levels, will automatically mobilize the desired mass support for correctional reform. An effort should be undertaken to enlist, on a public service basis, the interest and active involvement of as many national groups as possible (and their state and local counterparts) in the business of upgrading correctional capabilities. Each should focus its contribution on the special expertise and influence which the group commands (e.g., medical associations assisting with prison health care, business groups fostering job opportunities, leagues of women voters supporting general program and budget needs of their correctional agencies, etc.). Encouraging progress has been shown in the correctional improvement work of such organizations as the U.S. Chamber of Commerce and the American Bar Association, but more needs to be done. In this way, the vital power and influence of the "establishment" can be brought to bear on the problem and help insure that mass national change will be achieved as opposed to scattered successes in a few states and localities.

8. *Offender Acceptance as a Major Support Role.*—Public rejection and taboos concerning the ex-offender must be eliminated, or reduced to the minimum, if society is serious about wanting offenders to return to the community to function as law-abiding, contributing citizens. Large scale information efforts, endorsed by "opinion maker" groups, should seek to open job opportunities, social acceptance, secure neighborhood acceptance of halfway houses and other residential facilities, and generally offer a helping hand to the probationer, releasee, or parolee during the difficult initial adjustment period after release to the community.

9. *A Multifaceted Role for Citizen Action.*—The opportunities, indeed need, for citizen support and intervention on behalf of correctional improvement span a broad range of roles, all of which should be pursued with energy and commitment. These include (a) support of new facilities, budget resources, new programs that correctional agencies themselves are seeking to secure in the competition for limited public funds, (b) endorsement of legislative reform, (c) volunteer work in correctional programs, (d) the broadening of understanding, within their constituencies and for the community at large, of progressive correctional techniques and practices, (e) advocacy of preventive or diversionary programs for early offenders, and (f) securing maximum public, governmental, and business acceptance for offenders desirous of rejoining the mainstream of society. National consultation, models, and clearinghouse assistance should be available to state and local groups to facilitate such efforts.

GEORGE BETO, PH.D.

Director, Department of Corrections, State of Texas

THE FOLLOWING outline is presented to the group for discussion:

1. How do we obtain public and legislative support?
 - a. By the development of a program worthy of support.
 - b. By intelligent cultivation of legislative groups.
 - c. By enlistment of the news media.
2. How do we reform the image of corrections?
 - a. By doing well with that which we have.
 - b. By improvement of personnel.
 - c. By dissemination of information regarding successful programs.
3. What should be the role of citizen action groups?
 - a. A concern for financial support.
 - b. A concern for program support.

JOHN DUNNE

New York State Senator

CORRECTIONS does not have public support. Unless this situation is turned completely around, I believe we can forget about meaningful advancement in the field of corrections. With so much competition for funds nowadays, legislators are giving priority to those requests that have the greatest public support behind them.

How can we rally public support for corrections? First, we must recognize the difficulty of that task. Taxpayers readily understand the need to spend money on education, health and transportation—they relate to these areas. But a small proportion of taxpayers have had the opportunity to spend time as a guest in one of our penal institutions so they cannot relate to the need for support for changes in corrections.

How Do We Get the Taxpayer's Support?

How do we get taxpayers to relate to corrections? Clearly, we cannot do it with fancy footwork. Changing the official designation of "prison" to "correctional facility" or "warden" to "superintendent" is not fooling anybody, and it certainly does not, by itself, change the nature of a prison or a warden. A team of the greatest mind-molders in the country could not, as it stands now, "change the image" of corrections. To put it bluntly, they would not have a good product to sell.

We in corrections must change our image, and we can. But not before we face some facts. We must put our own house in order before we can expect others to rally behind our cause. In the process, I believe we will discover that our zeal will become contagious.

Some Things We Can Do

Specifically, there are a number of things we can do—that do not cost money—that will go a long way toward convincing the public that the field of corrections is not afraid to change with the times, or to innovate. More important, they will support our concern for the persons society has entrusted to our care. For instance:

The press. Why do press representatives inevitably have to ask a court of law for orders allowing them to enter prisons? We are the ones who should welcome them—they can

be our greatest ally in the struggle for a better corrections system. If we are afraid of what they will see or hear, then it appears that we have some serious questions to ask ourselves. I believe there should be a strong administrative policy permitting, even encouraging, press coverage in our prison facilities.

Visits.—The more contact an inmate has with his family and friends while he is in prison, the better opportunity he will have of leading a normal life when he gets out. Visits are our single most important weapon in our rehabilitative arsenal. Why do we make them counterproductive by placing an austere wire mesh screen or a plate of glass between an inmate and his wife—particularly when the inmate must subject himself to a strip search both before and after the visit? There is no sound reason for this practice or other restrictions on visiting privileges. There ought to be administrative policies that give inmates a chance to use these visits as they should be used. It won't cost the taxpayer a dime.

Civil disabilities.—Another area that caters to illogical tradition in the field of corrections is the problem of civil disabilities. In New York there are nearly 20 statutory restrictions on the type of work a former inmate may perform on the outside. Some of them may have a small degree of validity, but most do not. If the main purpose of corrections is to send a man back into society to lead a useful life, how, then, can we even consider keeping legislation on the books which prohibits a man from working in a place simply because liquor is sold there? All states ought to take a hard look at this problem and remove as many of the disabilities as they possibly can.

There are many other things we can do that will help remove the mystery that surrounds our correctional systems and open up the problems of corrections to more extensive dialogue. We can establish an ombudsman for prisoner grievances. We can require that judges visit prisons once a year to gain a much needed first hand knowledge of our penal institutions. We can make certain that Boards of Corrections are independent from the day-to-day operation of the Department of Corrections. We can permit private medical and dental help to enter prisons and treat inmates who request it.

Some of these proposals may seem minor, but collectively they can change the spirit of corrections.

We Must Take a Hard Look at Ourselves.

We are living in an era which has forced many time-honored American institutions to take a hard look at themselves. Big business—with a prod from Ralph Nader and others—has taken steps designed to change the image of the corporate board room. Universities—with a gentle nudge

from restless students—have restored public confidence in their operation by eliminating many outdated methods.

Corrections does not have to be ashamed of the fact that it is being prodded by its inmate population. But we eventually will have to answer to the public if we don't respond by making reasonable changes within the system—changes that need not cost a great deal of money. Intelligent and mature response to the problems that confront us will be the first step toward rallying much needed public support.

RUDY SANFILIPPO

Director, Juvenile Court Services, Denver, Colo.

THE ATTITUDES and perceptions of the public toward crime, corrections, and the administration of justice are central to the achievement of the rehabilitative and reintegrative goals of corrections. In order to assess public feelings and opinions in these areas the Joint Commission on Correctional Manpower and Training commissioned the firm of Louis Harris and Associates to conduct a public opinion poll of a national sample of adults and teenagers.

Louis Harris Survey of 1967

Highlights of the survey, conducted in 1967, revealed the following:

- The American public is aroused over the growing incidence of crime in this country. Eighty-nine percent of those surveyed claim that crime rates have increased, or at least not decreased, in their areas in recent years.
- A general feeling prevails that our system of law enforcement does not really discourage people from committing crimes. Over six in 10 adults have this opinion.
- Only half of the adult public (51 percent) believe that the nation's prison systems have done a good job in helping to deal with the problem of crime.
- Interestingly, while 48 percent feel that rehabilitation is the major focus of prisons today, 72 percent feel this should be the main emphasis.
- Similarly, while 24 percent feel the main emphasis in prisons today is protection of society, only 12 percent say protecting society is what the emphasis should be in the future.
- Only 7 percent feel that the main emphasis in prisons should be punishment.
- While the public understands and supports rehabilitation as the primary goal for correctional agencies, only 5 percent feel that corrections has been "very successful" in rehabilitating criminals. However, 49 percent say "somewhat successful."
- One in five believes that "time in prison will often turn someone who is not really bad into a hardened criminal."

The survey made it abundantly clear that the American public does not know nearly as much about corrections as it should. As a result, public attitudes toward corrections are being formed within a fact vacuum.

Obligations of a Responsible Citizenry

Thus, a large part of the present lack of public interest and legislative support for correctional programs may well be ascribed to the failure of correctional agencies to show how

public funds have been invested and what the returns have been in men, women, and youngsters who have come back to the free community to lead useful lives.

A responsible citizenry in a free society has the obligation to become better informed about how its offenders are dealt with. Matters of such basic public policy cannot be left solely to the professionals in this field. Consequently, where information is not freely given, it should be demanded; where help is not always solicited, it should be offered; where financial support is missing, it should be provided.

Studies of recent years have documented the fact that the public has a deeper commitment to rehabilitation goals than many persons in this field might think. In fact, in some respects, the public seems willing to accept more than many correctional agencies have the courage to attempt.

It is also clear, however, that the public and its legislators are ambivalent about correctional rehabilitation. For example, while rehabilitative goals are endorsed there remains a great reluctance on the part of the general public to enter into business and social relationships with offenders as a group. Offenders continue to be discriminated against in the labor market and there is still a general uneasiness about offenders being treated in community-based programs.

Public Support Can Be Gained

Similarly, legislative bodies, while professing to embrace rehabilitative concepts, are reluctant to appropriate the kind of money which is needed to realize rehabilitative goals.

Crime and delinquency can never be reduced without greater public involvement. Accordingly, it is essential that correctional agencies make a concentrated effort to inform the community at large, and community groups in particular, about corrections' goals, needs, and problems. In this manner corrections can enlist public support and cooperation in working together to create the social climate necessary for offenders to assume meaningful roles in society.

It is my firm conviction that public support can be gained if correctional agencies seek such support aggressively. If corrections insists on functioning as an essentially closed system with little outside contact and direction it is likely to continue to be burdened with a relatively poor performance record.

The rehabilitative job can never be done by corrections alone. Any society can drastically reduce crime and delinquency if it determines to do so. The courage, resolve, and determination to do so, however, is oftentimes missing.

FRANCIS L. DALE
Publisher, The Cincinnati Enquirer

THE ANSWER to the main topic question is, "Yes, support can be rallied: the public is already supporting corrections, such as it is, to an enormous extent." The real question is "Will the public continue to support corrections and increase that support significantly if reformers make their point that drastic changes are necessary."

The discussion topic presupposes that reforms in corrections ought to be supported and, at the same time, acknowledges that support for reforms is hard to win and will not come unless it is rallied or induced. The Federal Government has already started a program of support for reforms and is awarding grants to local and state governmental units on condition they be used for improvements and reforms. Commendable as this is, it is only a small beginning. Assuming, then, that support (or continuing and more support) is desirable and justified and that someone must do something to draw out such new support from the public and government, what must be done and how best can it be accomplished.

We Must Make an Appealing Sales Pitch

It is clear that what the public wants badly enough, it gets; so that those who seek support from the public must do it by making the public want to give that support and how do you do that? It can be done only if we, like the "Music Man," know our territory and make an appealing sales pitch.

Our territory is the general public. It has several general characteristics which will help us prepare the sales pitch.

First, the American general public is composed of concerned, generous, and sympathetic persons who respond willingly to the needs of other human beings, particularly if those in need have no organization or group working in their behalf. The plight of the poor, the outcast, and the disadvantaged tug especially hard on our hearts and our pocket-books. Appeals to help the homeless and the unfortunate find response if the need is real and communicated well and if the effort to alleviate the need is organized by a responsible group. In other words, if the public is made aware, it will respond to proper persuasion to alleviate a real need.

Secondly, the public will listen. Our citizens have an insatiable hunger to know about things relevant to their lives. Everyday we are deluged with information and appeals through newspapers, television, radio, magazines, mail and billboards. Great emphasis is placed on activities of groups and organizations because Americans are group-oriented, having great experience in working through countless organizations all the way from the local PTA to the United Nations.

The field of corrections must take the initiative in soliciting and gaining public commitment and support. For without it, the incidence of crime and delinquency will never be significantly reduced.

Thus, the general public knows how to work through citizen action groups and how to lobby for governmental action.

Thirdly, the public is receptive to the idea of correctional reform. It is aroused over the growing incidence of crime; almost half of the adult public believe that our prison systems have failed; almost three-fourths of the public believe that rehabilitation should be the main emphasis, while only 7 percent feel that the main emphasis of prisons should be punishment; the use of probations, parole, and halfway houses is generally approved.

How Do We Present Our Case?

Given these characteristics in our audience, how best can we present the case for increased support of correctional reforms? It is a problem of building a sound program and then a problem in communications. I leave to others the job of building a sound program of correctional reform, but the following ideas and suggestions—18 of them, in no particular order—may help in the communications problem of rallying support. I invite you to discuss them.

1. "Corrections" must become a household word, but as a vital part of the criminal justice system and not separate from it. The general public tends to think of the administration of justice in terms of arrest and the trial, but in any civilized country, criminal justice must embrace the idea of rehabilitation and training of the guilty person as well as the protection of society. The public is willing to fight to improve police methods and court procedures; it must be persuaded to include corrections as a part of the criminal justice system. The word "corrections" also needs to be defined for the public to include not just prisons and guards but detention, probation, institutions, transitional release, and parole programs for adults and juveniles, both male and female.

2. The problems and deficiencies of today's corrections facilities and procedures should be openly and freely admitted and discussed; secrecy and mystery must be swept away. The institutions and programs belong to the people, they are not the private property of the politicians or the personal domain of the corrections official. The public should be invited inside to see for themselves. Newsmen should not have to sneak in as an imposter to get an "inside" story—there should be no inside story. People in correctional institutions must be given access to the press. Inmates resort to riots and demonstrations, in part, as a means of communications with the outside world because normal channels of communications are denied to them.

3. The public must be convinced that proposed correctional

programs will succeed where present programs have failed or at least that the new ideas are worth trying. The fact that 85 percent of the crimes in this country are committed by repeaters must be emphasized again and again so that it will sink into the minds of the impatient public that the quickest and best way to reduce crime is to truly correct the offender while he is in the criminal justice system and before he is released.

4. The media must be convinced that what is happening in the field of corrections is an important story. The press missed the biggest story of the last decade, i.e., what was happening to our cities; it must be kept abreast of all aspects of the drive for reform. Editors and publishers, particularly need orientation.

5. Groups and organizations working in the field should be identified in a directory made available to the public; each listing should include some statement about the scope of their interest, their goals, their method of accomplishing the goals; the competence and size of their staff, the source of their financial support and their success. The public will be impressed with the number and quality of groups, the variety of problems involved and will learn where to go to help.

6. Some national event must be staged to call attention to the concern for reform and the opportunities presented. One idea: The President or the Attorney General declares some one month as "Concern for Corrections Month", or some such name, and calls upon each county in the country of over 100,000 population to call a special grand jury to evaluate the criminal justice system, including the corrections facilities and programs. Send each county a check list to be filled out. (Use surveys and standards issued by NCCD and ACA). The evaluation should be done by citizens, not officials involved in the system. Perhaps local bar associations can help. Each county would get a report card on the same day. Great coverage by press will undoubtedly follow. It does not matter that this kind of evaluation has been done by professionals and that the information already can be found in some research project report. Get the public involved; tell the story.

7. Who speaks for the effort to improve corrections? The two national organizations (National Council on Crime and Delinquency and the American Correctional Association) primarily concerned with corrections must become more visible and vocal to the public generally.

8. Specific efforts must be launched to make corrections more of a public enterprise and less of a cause of the professionals. The responsible power in the community—the press, the lawyers, the politicians, the Rotarians—as well as the young leaders—the Jaycees, the Young Presidents Organization, etc., must be drawn to the issue of corrections. It must be made a political issue, i.e., of the people rather than a partisan issue.

9. The public is cost conscience today, particularly with respect to tax costs. Success stories of examples of reducing prison costs by using money for community-based corrections programs should be told widely.

10. Professionals in the field of correctional reform need to

hit the trail to spread the word. National leaders in the movement must get public exposure.

11. Citizen action groups should be supported with federal funding for innovative and meaningful programs which can be shown to encourage citizen involvement toward improvements in the criminal justice system—this may require amendments to LEAA funding policies. A repeat of this National Conference and similar regional and metropolitan conferences for nonprofessionals should be planned and funded by LEAA to continue interest and enthusiasm generated here.

12. Correctional reform is based on the belief that we need to move from primitive segregation to rehabilitation through links with the community. Yet our sentencing standards are still based on periods of time in incarceration. Innovative sentencing procedures permitting judges to "make the correction fit the offense"—i.e., individual and discretionary sentencing as distinguished from "make the punishment fit the crime,"—should be developed. The present system in some states requires and encourages uniform sentencing. This means that the legislatures rather than the judges impose sentences.

13. We need to develop ways for citizens to challenge the status quo in corrections. For example, citizens groups might encourage lawsuits to enforce correctional standards and rights of persons denied correctional opportunities. Perhaps we need to appoint voluntary "offenders defenders" to act after trial to dramatize the corrections inadequacies.

14. Public attitudes and biases should be exposed. For example, some argue that reformers blame the failures of most criminals on society; others argue that the law and order protagonists blame all of society's ills on criminals. The proper role of punishment of criminals for offenses against society as well as the proper role of rehabilitation must be defined and discussed in public.

15. Dramatize the issues by giving wide publicity to corrections jargon and the catchy phrases of proponents. Some examples are:

"It is people who have the capacity to change other People.—From *A Time to Act*, report of Joint Commission on Correctional Manpower and Training.

"Today's prisons are colleges of crime."—President Nixon.
"When a sheriff or marshal takes a man from the courthouse in a prison van and transports him to confinement for two or three or ten years, this is our act. . . . We are free to do something about him, he is not."—Chief Justice Burger.

"A visit to most prisons will make one a zealot for prison reform."—Chief Justice Burger.

"We take on a burden when we put a man behind walls, and that burden is to give him a chance to change."—Chief Justice Burger.

"Neither convicts, prisons, nor prison ships, nor any system of hard labor ever cured a criminal."—Dostoyevsky.

"When an (ex-offender) is denied the means of making an honest living, every sentence becomes a life sentence."—Attorney General Mitchell.

"Probation costs only one-sixth as much as institutional care and parole only one-fourteenth as much."—From *Correctional Reform*, Advisory Commission on Intergovernmental Relations.

"We need more mechanics than license plate makers."—Anonymous.

16. Be honest with the public. Alert the country to the fact that as we improve police methods and arrest more offenders and as we speed up court procedures and trials, an even greater burden for a while will be placed on the cor-

rections system. Dramatic success will not come quickly or easily.

17. The professionals should develop and publicize institutional curricula for inmates with objective measurements of success in the courses and develop ways to give a successful release a public recognition for his "graduation". It will help the public to accept ex-offenders.

18. Corrections officials need to become involved in community affairs—join the establishment. As they become known and respected, the cause for which they work will also become known and respected and supported.

PETER B. BENSINGER

Director, Illinois Department of Corrections

THE QUESTION for this workshop's discussion is: "Can support be rallied for corrections?" My answer to that question is simple. The answer is "yes."

To proceed on any other assumption is clearly self-defeating, for I believe that one of my most important responsibilities as a state director of corrections is to seek understanding and support not only for corrections and the prevention of delinquency, but also for the entire criminal justice system. This part of my job is so important that if I discover that I cannot get the public support we need to achieve our goals for corrections in Illinois, I would advise the Governor to appoint someone who can.

Public Awareness and Support a High Priority

There are sound reasons for placing public awareness and support high on the agenda for corrections as our conference planners have done.

First, we will not be able to institute the reforms that are so long overdue in most of our systems, we will not be able to modernize our facilities, we will not be able to experiment with innovative programs, and we will not be able to avoid serious disturbances in our institutions unless we are able to persuade our legislatures and the Congress to make more resources available to us, to update our laws, and remove the demoralizing "step-child" status in government that corrections has had to endure for so many decades. And no legislator—no matter how daring he is—is going to take up our banners unless there is a reasonable amount of public support for our cause and widespread confidence that we know what we are doing.

Second, crime and delinquency is not an institution-based phenomenon and we are not going to solve the problem all by ourselves—even with the most modern facilities, unlimited resources, and genius-like employees. Our success will ultimately depend upon the cooperation we receive *outside* our agencies.

We are dependent upon the willingness of employers to hire ex-offenders; the willingness of local schools to give special attention to boys and girls who return to their systems after having spent some time with us; the willingness of other public and private agencies and organizations to pro-

In Summary

If we are to rally support for correctional reforms, we must

- fully inform the public of the problems and opportunities,
- dramatize the need,
- issue the appeal,
- organize the efforts through citizen action and professional groups . . .

. . . all for the purpose of making the public want reform badly enough to accept the challenge.

vide the necessary supportive services to people who have returned to their communities following institutionalization; and the willingness of John Q. Public to extend the hand of friendship to the kid down the block who got in trouble, went to court, attended a state correctional institution, and is now back home trying hard to do what is right.

Just consider the number of youngsters and adults that correctional agencies parole and release every day of the year in this country. We are talking literally of millions of complex, subtle human relationships and attitudes and if these people are greeted by hostility, animosity, fear, and prejudice, the chances are good that they will return to the already overburdened criminal justice system and I don't have to tell you where the blame will be placed.

Our success depends on public support and the public is demanding that we succeed.

And third, there is a general feeling in the country today, which I know many of you sense, that government is somehow growing away from the people, that it is becoming more and more impersonal, that it is unresponsive to individual human needs. There is an uncomfortable feeling of impotence in the face of rapid technological change.

Those of us who work in corrections—because we realize our own performance will be judged by our effectiveness in providing individual attention to people who need it most and by our abilities to mobilize people throughout the country to assist us in this task—have a unique opportunity to help restore confidence in our governmental institutions.

We are supposed to be experts in the business of building bridges between those individuals who break society's rules and disrupt the status quo and those people who establish the rules and can change the status quo in an acceptable fashion. We can help the public understand what is happening on the streets, in their schools, and in their communities because that is where we are working all the time through our probation officers, parole officers, family counselors, and community workers. We can often identify a potential problem before it becomes serious and if we use this expertise responsibly and with a little imagination, we can perform an important public service and improve our own chances for success in corrections.

How Public Support Can Be Achieved

The other three questions we are asked to discuss today in this workshop are these:

1. How do we obtain public and legislative support?
2. How do we improve the "image" of corrections? and
3. What should be the role of citizen action groups?

These are significant questions and they deserve full discussion. Unlike the first question, there are no simple, one-word answers, but I believe there are some general guidelines that we can agree on.

First, the time has passed when correctional programs and institutions can operate in shrouds of secrecy. The news media is paying increasing attention to our activities (and this usually happens when a problem has developed or a situation has gotten out of control). There are growing numbers of independent public and private investigating agencies and fact-finding organizations that have announced their intentions to delve into the problems and practices of correctional institutions. And, let us face it, we have in our institutions people who have grown up in the McLuhan generation and know how to manipulate the media and public opinion.

So the first guideline I would offer is this: Whether we like it or not, we will receive public attention and we should be as open in our dealings with public officials, legislators, citizens groups, and the "image-makers" of the media.

Second, we need to seize the initiative and keep it. We should be our own most severe and unrelenting critics. Let us not be embarrassed—as we have been in the past—by public disclosures of problems we did not even know existed. Let us search out deficiencies and problems, talk candidly about them, ask for public help in solving them, and be forthright in asserting that some problems take a while to solve even though we are aware of them and have plans to solve them.

JOHN WAUGH

Staff Writer, The Christian Science Monitor

THE QUESTION of whether support can be rallied for corrections depends on the attitude of the institutions themselves. If they continue in the way of the past, No. If they are willing to change, Yes.

Corrections' Goal: Work Itself Out of Business

Ideally, the goal toward which all prisons and correctional institutions should be moving is to work themselves out of business. All of us agree, I believe, that ultimately only the most difficult cases should ever be sent away to prison and those that are—the hardened murderers, rapists, robbers, the committers of crimes with victims—should be isolated, but then every resource available should be put forth to help them achieve an emotional maturity that makes them ready to resume normal lives outside. To consider any man incorrigible is to deny that men can change. Some of the meanest

This is the same kind of advice large corporations are getting from high-priced public relations consultants in the area of pollution and environmental control. Don't cover up problems; admit them. Take the initiative in finding solutions and announce your plans with a reasonable timetable. Ask the public for their involvement and assistance.

Correctional administrators do not have to apologize for the inadequacies of this system; rather they should adopt a demanding posture for change—not a defensive or apologetic attitude for the status quo. At times this is near to impossible because visiting groups will seize upon deficiencies for personal advantage. However, if the deficiency has been properly acknowledged, it is an easier pill to swallow. Frank and factual release on instances on an unusual nature will help establish credibility. There are problems with this type of approach. Problems will be out in public view which stimulates more inquiries and takes more time. The reputation of the agency or the institution depends on the ability to be factual about what is going on.

One of the real encouraging events in the last few months was an Associated Press story on a career officer named Andy Carey at our Joliet State Penitentiary. Perhaps 100 different newspapers published this personal profile about the life of a guard. It was encouraging because it said to me that publishers and the public were interested in the officer's point of view. All too often sensational stories of brutality attract attention and the officer is left in the mind of the public as an uneducated, disinterested robot.

Rather than to avoid facing up to not-so-easy-to-solve issues, we should confront the public, the press, and the legislature with our very real problems. I am convinced this approach is not only the right one, but is also the only one that will work.

murderers have reformed and become useful citizens on the outside.

Level With the Public

Clearly, the only way to win support of the public is to level with it. Nothing that happens inside the walls should be hidden. There is nothing inside that a warden should ever be ashamed to let be known. If there is he is not fit to be a warden.

The only way public support can be had is to give the public unlimited access to prisons through the media. Indeed, such access should be actively nurtured. It is the only eye the public has.

Admittedly, this presents problems to prison administrators. There has grown a great distrust between the media and prison officialdom. This perhaps can best be broken down

by drawing up a code of ethics by which both corrections administrators and the media would operate. Under it, the media would be given unlimited and unrestricted access in return for honest reporting and honestly confronting prison officials with wrongs they find inside the walls, inviting and printing their comment and their proposals for change—then holding them to it.

For all of the 200 years of prisons as we know them in this country, they have been isolated from the public and from the community. That is still the prevailing pattern, largely because that is what the public itself has demanded. But that is no longer enough. The community has got to become involved. Prison authorities should work toward creating in the public an interest in what is going on inside the walls. The enlightened warden should urge more contact of inmates with the outside. He can do this by relaxing visiting restrictions and mail restrictions and by encouraging inmates to reach out to the only place where they can get love or help—the outside. Inmates should be permitted to participate in the free world to vote, to otherwise keep himself a part of it—short of having the freedom to roam in it.

Each community in every town or city where there is a jail or prison should have a citizen's group, preferably elected, to keep watch over the institution and its policies and treatment of prisoners. It should operate much as an elected school board now operates in local communities.

ENNIS J. OLGIATI

Director, Court Employment Project, New York City

THE TEMPTATION to answer the question with a simple "No" is overwhelming. The real question is: "Should support be rallied?"

It is my belief that no support of any kind can be rallied for something which lacks credibility and that the cosmetic approach—changing the image of corrections—should be abandoned. The system as it is conceived and as it operates is the issue.

Until we as a society accept and confront the fact that crime is a vital index of our collective well-being, no system of justice or criminal rehabilitation—no matter how ef-

Run Humane Institutions

As to the image of institutions—there is no other way to improve it except to run humane institutions.

No amount of public relations is going to paper over an institution that is brutal inside. This doesn't mean that prisons have got to become democracies run by inmates. It only means that incarcerated men are still human beings and should be treated so.

Atsushi Nagashima said last night: "In Japan we hate crime, but not criminals. They are part of our family and they are treated as such." Certainly, the homogeneity of Japanese society makes this a good deal easier to do than in the United States. But the attitude is an appropriate, humane one which we would do well to emulate.

Winston Moore, the executive director of the Cook County Jail, has said, "Prison officials should stop worrying about their public relations with the community and worry instead about their public relations with the inmates."

His admonition is no more than a call to be humane in the treatment of prisoners. I believe with many of the inmates and ex-inmates I have talked with that to be put away from the people you love and appreciate, to be shorn of your freedom, is punishment enough. To have brutality added on top of that is indeed cruel and unusual punishment.

It is the duty of corrections officials to see to it that their institutions are humane. And it is up to the public to see that they do their duty.

ficiently it is administered—will be capable in the end of serving our interests, nor worthy of our support.

As long as we seek to be a democratic, inclusive society, we cannot hide nor hide from those whom we fail and/or those who fail us.

I do not know whether support should be rallied for corrections. I only know that not until we realize that we have to become concerned, involved, and responsible for each other, will we learn to be not only our brothers' keepers but also our brothers' brothers.

If and when that happens, the question of rallying support will be irrelevant. Support is inherent in its happening.

Group Reports of Workshop IV

GROUP A

CHAIRMAN: Dora Sommerville
DISCUSSION LEADER: Margery L. Velimesis
REPORTER: Cornelius M. Cooper

The report of Group A is based, in part, on the following statements from the discussion paper of Miss Margery L. Velimesis:

"We are asked to consider whether support can be rallied for corrections, how to improve the image of corrections, and what should be the role of citizen action groups. It seems to me that the answer to the first question is 'yes' provided we specify what kinds of corrections, what kind of support, how much we want, and, finally, what we mean by 'public.'

"Do we want 'support' for incarceration and warehousing, or do we mean institutional treatment designed around a sickness model or a health model? Or does corrections want community treatment which means probation or work release from jail or halfway houses or participation in ongoing community programs? With the appropriate kind of persuasion, various segments of the general public will support each of these concepts of corrections.

"Every good man and woman knows that you must choose the audience most likely to buy our product. Today, more and more, we all recognize that there is no such thing as the public except, perhaps, in sociological theoretical terms. There are the business audience, the labor audience; or there are the white middle class or minority groups; or there are the medical, the legal, and the academic professions; or there are the inmate, ex-inmate, and parole audience, the influence of which we ignore only at our peril. And then there is the press. And so on.

"What, then, do we mean by support—money, or rubber stamping of ideas we have come up with, or manpower for programs, or permission to acquire land, or buildings, or something else?

"What kind of support we need for corrections as we define it will obviously determine what we see as the appropriate role for citizen action groups to play. And, incidentally, we have to choose what type of citizen action group to appeal to since there are many types today. If we choose the elitist approach to problems where the professionals come up with all the answers—and therefore rubber stamping of the ideas is all that is required—then we will choose to get support from the appropriate audience and make our appeals accordingly.

On the other hand, if we know there is a need to be met but we are not really certain how to meet it, then we will appeal to a citizen group that is capable of helping us deal with the problem. The need for probation officers or volunteers to work with black clients will never be met by appealing

to white church groups. It is not likely that the need to change certain criminal statutes will be met by appealing to black, activist groups. The question of how to get adequate medical service in a prison may never be resolved, but activist womens' groups may prove equal to the task of confronting the medical societies and funding authorities.

"San Quentin, Attica, and now Rahway, make the task of rallying support easier or more difficult, depending on what we mean by corrections and support. . . ."

In view of the foregoing it is important to re-emphasize that there are, in fact, several publics and, thus, in terms of correctional reform, we must establish priorities of publics to effect change.

In the first instance this workshop recommends that the total field of corrections should be opened to the complete spectrum of "publics" for frank and open scrutiny. This will promote honest exchange and an awareness of ongoing needs.

The first priority in the development of support must be to elicit the aid of all publics to sensitize the legislatures, as they have the power to effect immediate change. The national climate is such that all publics recognize the need for upgrading of corrections and would be a supportive "lobby" to insist that the legislatures involve themselves actively in the fight to develop true correctional systems.

The second and continuing priority would be to keep all constituencies constantly informed and involved in a correctional open-door policy.

GROUP B

CHAIRMAN: Michael N. Canlis
DISCUSSION LEADER: Bennett J. Cooper
REPORTER: Don Manson

Chairman Canlis led the group discussion, since discussion leader Bennett J. Cooper was called away.

During this final workshop session, Group B passed, without dissent, its only formal recommendation, which reads as follows: "The objectives of a correctional system should be to rehabilitate law violators consistent with the reasonable protection of society."

Other ideas discussed during this workshop included the following:

1. We should recognize the budget changes and financial commitments of other criminal justice agencies if we support major changes and improvements in corrections.
2. Whatever corrections is trying to do now, it is about a 95 percent failure.
3. Any particular programs for correctional improvement should (1) be keyed to the individual offender, and (2) be

specifically articulated to avoid sweeping and sometimes unrealistic goals.

4. The efforts of the national goals and standards project should be supported.

5. It should be recognized that it is practically impossible for this group to agree on a definition of either corrections or rehabilitation.

6. There should be greater involvement of the business community in this area. (1) The business community should be informed and enlisted to help educate and motivate the general public regarding corrections, and (2) some techniques of business should be applied to appropriate parts of the corrections system.

7. Whatever is recommended, we must recognize the great differences that exist between different geographical and political divisions of this county and how these make for vastly differing correctional systems.

GROUP C

CHAIRMAN: James B. Kessler
DISCUSSION LEADER: John A. Wallace
REPORTER: G. Richard Bacon

The group recommended:

1. That the National Council on Advertising be urged to use a major portion of its public service advertising program to support the improvement of corrections programs, and

2. That appropriate measures be taken by correctional authorities to urge business, industry, labor, and government to employ specific quotas of qualified ex-offenders, and that government agencies consider providing tax incentives to facilitate the accomplishment of this purpose.

GROUP D

CHAIRMAN: Dr. Rosemary C. Sarri
DISCUSSION LEADER: William Nagel
REPORTER: Lee B. Jett

Although no formal set of recommendations was submitted, there was full consensus that support can be rallied for corrections. Corrections must seek the support of the public, the legislators, the police, and the judiciary if a true continuum in corrections is to be achieved. We must not keep our doors or gates closed to those who might assist us most.

GROUP E

CHAIRMAN: Robert J. Kutak
DISCUSSION LEADER: Milton Luger
REPORTER: Edwin R. LaPedis

1. Correctional leadership has to appear much more confident in the importance of their mission before they are going to be able to rally support from others.

2. Corrections should not go it alone. It should tie its interests with those related to the improvement of the entire criminal justice system.

3. Corrections has to be more cognizant of the increasing opportunities to utilize mass media as a means of getting public support.

4. Corrections should be more willing to share with the public problems they are having and the hard issues with which they deal.

5. Corrections should not overlook the unique role of offenders and ex-offenders can play in rallying support of the public.

6. Corrections needs to become more sophisticated in the development of differential strategies to appeal for the support of different groups.

7. Corrections has to involve more actively people who can influence the community, whether it is a city or a neighborhood, in the correctional process. For instance, volunteers could provide excellent public relations for corrections.

8. Correctional leadership must be more honest with the public in articulating what it can and cannot do.

GROUP F

CHAIRMAN: John Marshall Briley
DISCUSSION LEADER: Wayne Hopkins
REPORTER: Carol Blair

No written report was submitted by Group F. There was the statement submitted, however, that the group consensus was "yes" to the question, "Can Support Be Rallied for Corrections?"—*Editor's Note*

GROUP G

CHAIRMAN: Richard J. Hughes
DISCUSSION LEADER: Daniel L. Skoler
REPORTER: Nick Pappas

Group G accepted the findings and recommendations in the paper submitted by discussion leader, Mr. Skoler, and added the following additional statements:

10. Corrections must make clear to the public that all correctional efforts are structured with the realization that almost all prisoners are returned to society. If society is interested in its protection, it is incumbent upon it to become involved in corrections.

11. States should give consideration, after a reasonable period, to the removal of civil disabilities and administrative and legal barriers to employment.

12. We applaud LEAA's concern for crime prevention and its continuation of the Community Involvement and Crime Prevention Task Force.

GROUP H

CHAIRMAN: Ellis C. MacDougall
DISCUSSION LEADER: Dr. George Beto
REPORTER: Leo Zeferetti

Group H adopted as its report the answers to the three questions which Dr. Beto presented in his discussion paper. They are as follows:

1. How do we obtain public and legislative support?

(a) By the development of a program worthy of support.

(b) By intelligent cultivation of legislative groups.

(c) By enlistment of the news media with public relations on a positive approach.

2. How do we reform the image of corrections?

(a) By doing well with that which we have.

(b) By improvement of personnel through training.

(c) By dissemination of information regarding successful programs.

3. What should be the role of citizen action groups?

(a) A concern for financial support and legislative lobbying.

(b) Concern for implementation of programs.

GROUP I

CHAIRMAN: Oliver J. Keller, Jr.
DISCUSSION LEADER: Raymond K. Procnier
REPORTER: William A. Cohan, Jr.

The group believes that public support of corrections can best be obtained by maintaining a completely open, responsive, and nondefensive relationship with the mass media, the police, the political structure, and the general public.

GROUP J

CHAIRMAN: Carl M. Loeb
DISCUSSION LEADER: John Dunne
REPORTER: Carolyn Huggins

It is our conviction that if the public knew all the facts about the potential for change within corrections which are already accepted, it would get behind the basic changes and approve the funds required to achieve them. The beneficial results would include safer streets, a substantial reduction in the number of those who would lead a life of crime, and, quite possibly, lower taxes.

The group recommends the exchange of visits between corrections personnel from one area to another and, additionally, that the entire criminal justice system encourage visits of citizens and the media. This should result in improvements and more funds.

GROUP K

CHAIRMAN: Paul W. Keve
DISCUSSION LEADER: Rudy Sanfilippo
REPORTER: John McCart

Corrections suffers greatly from a lack of public understanding about its programs and the characteristics of offenders. The public is uneasy about having offenders in the community. While reintegration of the offender into society is recognized as a major problem by the general public, there is little apparent awareness of how public attitudes contribute to the offenders' problems.

The group offers the following recommendations:

1. Correctional agencies should make a concentrated effort to inform the community at large, and community groups in particular, about corrections' goals, needs, and problems, and enlist their cooperation in working together to create the social climate necessary for offenders to assume meaningful roles in society.

2. In order to provide for a free and constant flow of information to the public, correctional agencies at all levels of government should establish units of community relations and public affairs staffed with public information specialists.

3. Correctional agencies must encourage citizen advisory groups in order to develop more meaningful relationships with the community and its neighborhoods. Care should be taken to ensure that minority neighborhoods are adequately represented on such boards.

GROUP L

CHAIRMAN: Judge Lawrence W. Pierce
DISCUSSION LEADER: Francis L. Dale
REPORTER: Herbert E. Hoffman

Mr. Dale's discussion paper contained 18 specific recommendations with respect to the rallying of public support for corrections. The paper was well received and led to a spirited discussion. Although time did not permit our consideration of all of the suggestions made by Mr. Dale, we did cover the following:

It was suggested and accepted by the group that corrections people must cease their "incestuous" relations. That is, we must crank John Q. Citizen into the picture whenever improvements in corrections are being considered. For corrections people to continue to talk to corrections people as they have for a hundred years gets us no place in rallying support for improvements.

The group agreed with Mr. Dale that the word corrections must be defined for the public to include not just prisons and guards but detention, probation, institutions, transitional release, and parole programs for adults and juveniles, both male and female.

The group agreed that the public must be invited inside the corrections institutions to see for themselves. Although concern was voiced for the safety of those who might visit, the

group agreed, in general, that visitation could be accomplished to improve visibility of institutions without undue danger to the visitors. It was also agreed that the prison must not become a zoo. Further, the visitors must be enabled to talk to the inmates. There must be increased exposure. As Mr. Dale put it, the system belongs to the people; it must be opened up to the people.

Mr. Dale's recommendation that editors and publishers need orientation, and must be given it, was also accepted by the group, as was his recommendation that groups and organizations working in the corrections field should be identified in a directory made available to the public. It was Mr. Dale's view that the public will be impressed with the number and quality of these groups and that this, in turn, will assist in generating public support.

Mr. Dale suggested that the National Council on Crime and Delinquency and the American Correctional Association are the two national organizations which lead the effort to improve corrections. The group agreed, adding, however, the American Bar on a national, state, and local level, and judicial councils.

The group accepted enthusiastically the recommendation that specific efforts be launched to make corrections more of a public enterprise and less of a cause of the professionals. Coupled with this, however, it was determined by the group that professionals in the field of correctional reform must hit the public trail and spread the word. National leaders in the corrections movement must get public exposure.

Adopting another of our discussion leader's recommendations with a slight amendment, the group strongly recommended that this National Conference on Corrections be repeated on a broader base and that similar regional and metropolitan conferences be held, to be attended by persons representing a cross-section of the community. Such conferences may be funded by LEAA and would certainly generate and continue interest and enthusiasm such as that generated in this conference.

The group was virtually unanimous in the thought that corrections people must be honest with the public; we must not fool the public. Someone suggested that this concern should be expanded to embrace also honesty with the inmates.

Also receiving considerable support in the group was the recommendation that corrections officials must become involved in community affairs. Some concern was voiced as to with what organizations corrections officials should become active; but rather than trying to resolve that question, we left it on the general basis that they should become involved. Exactly how was not decided nor discussed.

One recommendation which received considerable attention was that which proposed that investigative grand juries be used around the country to look into the corrections systems. There was much concern about the implication of criminal action that might be drawn if grand juries were used. As a result, it was suggested that perhaps some other body could perform this function, seeking in the course of their work to evaluate corrections programs and set goals for improvement.

One conferee, a law school professor, pressed for the outside

community to be let inside. He discussed an intern program which generated tremendous enthusiasm among his students and suggested that an extension of that program and others similar would be among the best ways to spread the word of the needs in the corrections field.

GROUP M

CHAIRMAN: Richard A. McGee
DISCUSSION LEADERS: Peter Bensinger
REPORTER: Robert A. Dorn

1. Unless support can be rallied for corrections we will not be able to modernize facilities nor implement innovative programs.

2. Corrections programs cannot exist in an isolated fashion. Success is dependent upon maximum use of all available community resources.

3. Support cannot be rallied without public education and public awareness. Bridges must be built between corrections, the schools, employers, related social agencies, and citizen groups.

4. The corrections system must not continue to function in a shroud of secrecy.

The following are the recommendations of the group:

1. Corrections officials should be as open as possible in dealings with public officials, legislators, citizens groups, and the media.

2. Corrections officials should be candid in discussing deficiencies and problems and should confront the public, legislators, and the press for answers to these problems.

5. A public relations effort must be undertaken which will develop public awareness regarding the successes as well as the failures of corrections.

4. The business community should be provided access to institutions for the purpose of job recruitment.

GROUP N

CHAIRMAN: Kenneth E. Kirkpatrick
DISCUSSION LEADER: John Waugh
REPORTER: Jack H. Wise

The way to improve our image is to run humane and corrective institutions. We must communicate this to the public.

The recommendations of the group are:

1. Ask news media and correctional administrators to join in a committee to develop and establish a mutual code of ethics and procedures for news coverage.

2. Criminal justice systems, as a regular part of their planning, should put on special institutes for the news media. This is being partially done by the Southern Publishing Association in workshops entitled: "How to report news related to corrections."

3. Develop a specific system of having citizen groups look

at present operations and encourage these groups to participate in planning and programs.

4. There was a consensus that correctional agencies should retain a professionally trained public information officer. It was felt that such a person would be familiar with the procedures and practices of the news media and would likely have personal contacts with reporters that would be helpful.

5. Correctional agencies should take an aggressive stance and disseminate information concerning both its successes and its problems to the general public.

6. Correctional facilities and agencies should be open to the public and the press and given a full picture of correctional operations.

7. It was concluded that by the creation of a climate of trust with the news media, reporters would give in the great majority of instances a fair, unbiased objective report regard-

ing serious problems encountered by the correctional system as well as favorable incidents.

GROUP O

CHAIRMAN: Judge William B. Bryant
DISCUSSION LEADER: Ennis J. Olgiati
REPORTER: John H. Hickey

The group agreed that support for a change system can be achieved by (1) developing and coordinating information for citizen and volunteer programs and (2) increasing the availability of technical assistance to citizen and voluntary groups working in corrections.

CONTINUED

2 OF 3



The Public Records Office, Williamsburg, Virginia

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Index of Discussion Leaders

- | | | |
|-----------------------------|------------------------------|------------------------------|
| Barkin, Eugene N. 126 | Hopkins, Wayne 71, 169 | Oswald, Russell G. 102, 162 |
| Bensinger, Peter B. 86, 176 | Killinger, George C. 68, 157 | Powers, Sanger B. 87, 155 |
| Beto, George J. 90 | Leeke, William D. 69, 157 | Procurier, Raymond K. |
| Breed, Allen F. 90, 117 | Lejins, Peter P. 72 | Quay, Herbert C. 120 |
| Conrad, John P. 67, 84, 124 | Lockett, Frances 137 | Sanfilippo, Rudy 96, 173 |
| Cooper, Bennett J. 132, 166 | Lucca, Joseph W. 130 | Sharp, E. Preston 62, 88 |
| Dale, Francis L. 174 | Luger, Milton 92, 168 | Skoler, Daniel L. 121, 170 |
| Dunne, John R. 172 | McLaughlin, Virginia W. 83 | Smith, Charles E. 146 |
| Edelson, Jay 70 | Mathews, Merlyn 60 | Studt, Elliot 63 |
| Fant, Fred D. 138 | Moeller, H. G. 83, 127 | Sweat, N. S. 144 |
| Flynn, Edith E. 64, 113 | Morris, Norval | Velimesis, Margery L. 165 |
| Freed, Daniel J. 140 | Moyer, Frederic D. 150 | Wallace, John A. 60, 92, 167 |
| Galvin, John J. 98 | Nagel, William G. 93, 167 | Waugh, Jack 177 |
| Gooding, Millard F. 133 | O'Leary, Vincent 59, 95, 143 | Wilkinson, Fred T. 134 |
| Grunewald, Richard J. 129 | Ogiati, Ennis J. 136, 178 | Wilson, Jerry V. |
| Harison, Eddie 161 | | |

Index of Speakers

- | | | |
|--------------------------|---------------------------|--------------------------|
| Barkin, Eugene N. 38 | Goodrich, Edna L. 13 | McGee, Richard A. 49 |
| Braithwaite, John 33 | Harrison, Eddie 15 | Mitchell, John N. 5 |
| Bryant, William B. 43 | Hruska, Roman L. 13 | Morris, Norval 20 |
| Burger, Warren E. 10 | Keller, Oliver J., Jr. 54 | Nagashima, Atsushi 31 |
| Clifford, William 29 | Kutak, Robert J. 52 | Nixon, Richard M. 5 |
| Edley, Christopher F. 24 | Leonar, Jerris 9 | Procurier, Raymond K. 19 |
| Eriksson, Torsten 36 | | Somerville, Dora B. 47 |

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