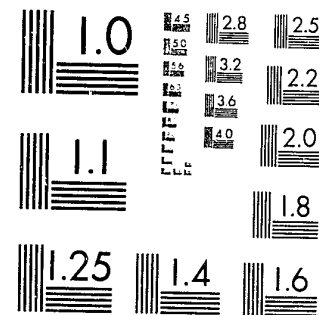


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Federal Probation

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DECEMBER 1982

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VOLUME XXXXVII

DECEMBER 1983

NUMBER 4

This Issue in Brief

ERRATA: The volume number on the June and September 1983 issues of FEDERAL PROBATION is incorrectly shown as Volume XXXXVI (46) instead of Volume XXXXVII (47).

Public Relations in Probation.—U.S. Probation Officer Eugene Kelly outlines the need of probation offices for public relations so that the community can be more aware of the philosophy that motivates probation workers. He also examines the role of the media—television, press, radio, college—and advocates a specific program for developing interns in parole and probation.

Academic and Practical Aspects of Probation: A Comparison.—In the practical world of probation, probation officers emphasize logic or common sense, subjective criteria, rules and guidelines, a maximum caseload size, and processing defendants quickly and skillfully. The academic world of probation emphasizes knowledge for its own sake, objective data, theory, and empirical research. Dr. James R. Davis of the New York City Department of Probation concludes that it may be dysfunctional to mix the academic and practical worlds of probation since each has its own role in criminal justice.

Profit in the Private Presentence Report.—Four basic issues raise a question about the appropriateness of private presentence reports, according to U.S. Probation Officer Chester J. Kulis. They are: (1) whether the private sector has a legitimate role in a quasi-judicial function such as sentencing; (2) whether private presentence reports thwart needed reform of the probation function and sentencing; (3) whether private reports are truly cost-effective; and (4) whether the private practitioner has ethical dilemmas tending to compromise the sentencing process.

Reducing the Cost and Complexity of Probation Evaluation.—Professor Magnus Seng of Loyola University of Chicago believes that, while evaluation

is sometimes complex and expensive, it need not be. His article examines two misconceptions or myths

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about evaluation that lead to erroneous views about its methods and its cost and suggests ways in which meaningful evaluation of probation programs can be conducted without undue complexity or expense.

The Lively Career of an Island Prison.—The Federal penitentiary on McNeil Island began as a territorial prison over a century ago. Though it had an ill-advised location, the most primitive of accommodations, and no program except menial work, Paul Keve reports that it survived a half century of neglect to become one of the more dynamic of the Federal prisons. Its story is also the story of pioneers, the U.S. Marshals Service, the Puget Sound area, and the Federal Bureau of Prisons.

Prison Industries in Transition: Private Sector or Multistate Involvements.—Interviews with prison industry leadership in five states show that their problems are primarily organizational in nature. Authors Miller, Funke, and Grieser write that industry leadership was seen to have the necessary technical competencies to implement change, while inmate population increases have motivated correctional agencies to desire industries' expansion.

The Incidence of Sex and Sexual Aggression in Federal Prisons.—The first of two reports by Drs. Nacci and Kane establishes baselines of male in-

mates' involvement in sex and sexual aggression. Three hundred and thirty randomly selected inmates from 17 randomly chosen Federal prisons were interviewed by an ex-offender. Inmates were volunteers; confidentiality was maintained.

Group Psychotherapy and Intensive Probation Supervision With Sex Offenders: A Comparative Study.—This report by Joseph Romero and Linda Williams is based on a 10-year followup study of recidivism among 231 convicted sex offenders. The findings indicate that group psychotherapy in addition to probation does not significantly reduce sex offense recidivism when compared to intensive probation supervision alone. Issues in the evaluation of intervention techniques with sex offenders and implications of the findings are discussed.

Counseling the Mentally Abnormal (Dangerous) Offender.—Some aspects of social work counselling with the mentally abnormal (dangerous) offender are discussed from an English perspective by Herschel A. Prins of Leicester University. The need to have regard for the offender-patient's social milieu is stressed and some specific strategies for more successful work with this type of case are suggested.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the Federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

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Public Relations in Probation

BY EUGENE KELLY

U.S. Probation Officer, Camden, New Jersey

THERE is no question that there is a great need for public relations in probation. Probation as a human service is a relatively new development in social services. It needs to be defined and identified, and its various services need to be explained. The community generally classifies probation with juvenile service. Little is known about the existence of even such a fundamental document as the presentence report. Editors of newspapers, as a general rule, eliminate reporting that a presentence investigation is being prepared. Some years ago one newspaper in Chicago used for its logo the slogan, "Abolish Parole." Frequently it has been said that probation officers are reluctant to discuss their job not because of confidentiality of reports but because of a feeling that theirs is not a socially acceptable profession in society. The probation officer as a member of the community is a second-class citizen. Moreover, probation is a *public* service and the community has a right to know what this office is doing just as they know about the role and function of the district attorney's office. Unless, therefore, he speaks out, all of the good that this service does will remain unknown.

Public relations is "developing reciprocal understanding and good will." It is also, "the conscious effort of an organization to explain itself to those with whom it has or would have dealings."¹ Public relations is a generally well understood concept in most social organizations. Normally a private agency could not function without good and ongoing public relations. Most businesses know that they would have no customers without full public relations and widespread knowledge of their product or services. Probation needs a special kind of public relations which differs with each "public" that is encountered. The first of the "publics" regularly contacted by probation officers is the clients. They may be called, "criminals," "offenders," a "caseload," or just "the cases," but they are the human beings who, for a wide variety of reasons, find themselves convicted of a state or Federal offense which brings them into contact with a probation officer, first as an investigator and

then, in many cases, as a regular counselor. Public relations begins with this first contact with the client. Projecting himself as an interested, efficient, competent and well-informed public official dealing with his client is the first public relations function of the probation officer.

In addition to this key role, a probation officer encounters a number of other persons in the court and correctional system. These include: judges, defense attorneys, prosecuting attorneys, secretaries, student interns, and jail personnel. Probation officers should as a matter of practice have an open door to all members of the "court family." This should incline him, for example, to give new judges and other lawyers a full explanation of the role of probation and the different duties of the position. This can be done formally by a full program outlining the probation officer's role or informally by office chats and exchanges of views. Both techniques service a specific function.

Probation officers, more than any other agency officials in state or Federal Government, unite what are described as human service functions and police duties. Each of these has a somewhat different role and a different philosophy. In reality they both offer a social agency service that, like probation, is often misunderstood. Police, although often defined differently, function as helping persons in many situations. Social service agencies often investigate clients in situations that sometimes are more difficult than police making an arrest. Probation officers share both these roles. Most probation officers can share the frustration of both agencies and may be able to bring an understanding of each that is special to the probation function.²

Probation has a special role in addressing the problem of the development of new community agencies. This brings into the system a number of different "publics" which must be managed in different ways. The probation officer as an investigator often knocks on doors and interviews people of different classes in society. He encounters the very poor, the middle classes, and occasionally members of the upper classes. Perhaps, a Federal probation officer encounters more corporation heads than other probation officers because of the various offenses that are special to Federal courts; nevertheless, all probation officers interview employers, landlords, school officials and

¹Guide to Community Relations for United States Probation Officers, Federal Judicial Center, Washington, D.C., 1975, p. 1.

²Ehlers, Walter H., et al., *Administration for the Human Services*. Harper & Row, 1976, p. 291 ff.

Prison Industries in Transition

Private Sector or Multistate Involvements*

BY NEAL MILLER, GAIL S. FUNKE, AND ROBERT C. GRIESER**

Introduction

The past decade has seen a virtual explosion of interest in prison industries. Although at the beginning of the century approximately 80 percent of inmates were engaged in industrial work,¹ the passage of restrictive legislation as well as technological advancements among free world competitors have resulted today in an eight-fold reduction in the relative significance of prison industries.² With the emergence in the 1960's of the reintegration approach that focuses on social competencies of offenders such as work skills, interest in prison industries revived, albeit more for its theoretical import than otherwise. Several national studies of prison industries, both in the United States and Canada, have proposed macro-level changes in industries' goals and implementing operations. At the same time, approximately one dozen state-sponsored analyses have focused on the need for managerial improvements or expanding marketing authorities for industries.

The most significant of these was the Econ, Inc., report for the National Institute of Justice.³ This report proposed that industries undertake "Free Venture" programs that would emulate private sector operations. Federal support for the concept resulted in seven states receiving funds for implementation of the model and focused attention on prison industries to a degree not seen before.

At least 20 states have in the past few years rewritten their industries' authorizing legislation to "modernize" industries' goals and operations. Laws limiting the sales of industries' products to governmental agencies have been relaxed or even eliminated. At the same time, nearly half the states have acted to permit private businesses to hire inmate workers within or near correctional facilities.

Increased inmate populations have also had an effect with industries managers feeling virtually besieged by calls for program expansion. Resources to

meet these demands are limited, whether one looks to the needed capital investments or the personnel competencies to develop the new industries. Civil service laws and state personnel ceilings inhibit industries gaining new staff with the needed skills.

The problem of developing managerial competencies, revitalizing existing operations and expanding marketing capabilities is not unique to prison industries. Indeed, business failure in the private sector is often attributable to any or all of these factors. This suggests that private sector methods to overcome these obstacles may have lessons for prison industries.

Among the several private sector methods for ensuring managerial competency is that of franchising. Legally, franchising is nothing more than the licensing of a trademark or business name to independent businesses. Traditionally, franchising was a form of product distribution arrangement with the franchisee identified with a manufacturer's supplies. Automobile dealers or gasoline service stations typify this approach. More recently, franchising has developed into what is termed business format franchising. This includes not only traditional franchising of trademarks, but also operating manuals and standards, quality control, a marketing strategy and plan, and a communication system between the franchisor and franchisee. Franchise food restaurants, motel operations and other retail businesses typify this approach.⁴

A Research Question

The success of franchising in the private sector leads to the asking of its implications for prison industries. From the prison industries' perspective, franchising offers two potential solutions for its problems. First are the several franchise operations with which prison industry operations might affiliate. Obviously, many types of franchising activities are not applicable to the prison setting. Retail sales and other businesses that require public access to the enterprise are examples here; but other types of service businesses

might be set up in the prison context. Even the idea of prison industries retail stores is not entirely impossible, given a possible tie-in with correctional work release. More akin to traditional prison industry operations is franchising in the manufacturing sector. The U.S. Department of Commerce reports at least one dozen manufacturing franchise opportunities such as simulated stone and tools. Related franchises include businesses that repair manufactured products.

The second way in which franchising may be relevant to prison industries is through its potential for deriving solution to industries' problems that are analogous to those in the franchise field. Key features of the franchise arrangement, including product standardization and quality control, routinized communications systems and managerial practices, and expert technical assistance, may have potential to prison industries.

The more basic issue of marketing is also present here. One might envision, for example, a regional or national marketing entity to serve the prison industries of several states. Given the relatively low level of penetration of the state-use market, this entity could market intrastate in the private sector and interstate in the public sector. No changes in existing laws would be needed at the Federal level, although changes might be needed in some states' laws to permit intrastate private sector sales.

Put in question form these diverse musings about new prison industry paths ask:

- What is the potential for prison industries' adoption or purchasing of franchised technologies?
- Is there any role for private sector operators to manage franchised prison industries?
- What operational attributes of franchising seem applicable to prison industries, as presently constituted? Specifically, what is the potential for interstate industries' cooperation?

The Research Plan and Methodology

Answers to these three research questions can best be provided by the state policymakers who are responsible for prison industries management and oversight. The research plan called for intensive interviews with key corrections and industries leadership in five states selected on their reputations for innovation and/or well-run industries programs.

To direct the interviews, interview protocols were developed; these asked open-ended questions about the respondents' perceptions and opinions of:

- present status of industries in the state (e.g., size of operations);
- problem areas;

—existing and planned relations to the private sector;

—interest in private sector franchise opportunities or franchise analogies for prison industries operations.

Implementation of the research plan began with selection of the five states for intensive interviewing. These were Connecticut, Oklahoma, Ohio, Florida and California, in the order visited. In addition to the field interviews, telephone survey responses from approximately 30 states provided confirmation that the study states were not unrepresentative of the Nation's prison industries.

Principal Findings

The study findings are of two kinds. First are the objective reports of respondents' answers to our questions or, in a few cases, study staff observations of the industries' operational environment. Second are the inferences that the study staff have drawn from the objective data.

Environmental Factors

Environmental factors included: scope of existing industries operations; style of operation; problem areas of concern; and relationships with the private sector.

Scope of existing industries operations showed that the study states were not atypical of prison industries in the 50 states. The types of activities engaged in ranged from primarily manufacturing, to include agriculture, through some limited institutional maintenance work. There was some evidence in all the states of recent consideration of service industries, with considerable variation in the degree of their adoption. Traditional industries were present in all the states, i.e., license plates, furniture, mattresses, and garment manufacturing. Some of the newer industries in these states were tire recapping (3 states), acoustic screens, microfilming (2 states, auto renovation, school bus renovation (2 states), truck modification/snow plows, and draperies.

Style of industries operations varied considerably. While all the states had a central industries authority, its control over the industries shop supervisors ranged from complete to none. Business-like style of operations existed in some of the states, but not in all—nor necessarily in all facilities within a state. Extensive featherbedding was seen in one state, while there was virtually none in another state.

All but one industries manager stressed profit-making as the primary goal for industries. The general consensus was that if industries is able to make a profit, then other goals such as idleness reduc-

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**The authors are all associated with the Institute for Economic and Policy Studies, Inc., Alexandria, Virginia.

¹U.S. Commissioner of Labor, *Twentieth Annual Report* United Labor 1905 Washington, DC: U.S. Government Printing Office, 1906.

²Gail S. Funke, Billy L. Wayson, and Neal Miller, *Assets and Liabilities of Correctional Industries* Lexington, MA: Lexington Books, 1982.

³Econ, Inc., *Analysis of Prison Industries and Recommendations for Change* Washington, DC: U.S. Government Printing Office, 1978.

⁴U.S. Department of Commerce, *Franchise Opportunities Handbook* Washington, DC: U.S. Government Printing Office, 1981.

tion or training will follow. Correctional agency directors were more concerned over idleness reduction; one DOC director pointed to inmate training as top priority.

Related to the idleness question were comments on what proportion of inmates should industries hope to employ. Industries managers were conservative in their estimates, estimates ranging from 15 percent to 25 percent. It was explained that should the industries proportion be higher, worker productivity would suffer due to lesser job readiness. Directors of the DOC were more inclined to estimate higher, but not much higher—in the 30 percent range.

Industries' problem areas were many, with both significant differences and commonalities among the states. Industries managers and DOC directors also differed somewhat in their perceptions of problem areas.

Before examining the problem area responses, some perspective can be gained from first looking at industries' special strengths. Thus, in one state the industries had an especially well managed sales operation with regional sales offices, reflecting in part, perhaps, the industries manager's major experience in the private sector. This state also noted its use of a full-time service repairman to handle customer complaints on site. Another state pointed with pride to its cost accounting system, which enabled them to identify specific product costs—not merely overall shop costs. Another state stressed both its wage incentive scheme for inmate workers and the presence of professional industrial engineers on its central staff. Finally, study staff noted the high morale among industries staff as the programs were undergoing significant improvements in operations and sales.

By inverting the catalog of program showcase elements, a partial picture of industries' problem areas results. Thus, operations, sales and financial management problems exist in most states visited.

The specific problem areas reported by the five industries managers included:

- DOC relations, including access to top, absence of coordinated planning and pressures to reduced price of goods to DOC
- prison program relations (no control over inmate selection/turnover; callout/lockdowns limiting productivity)
- inadequate capital available
- cash flow due to accounts receivable being slow to pay
- procurement law barriers
- institutional or shop managers (vacancies; qualifications; too many needed due to featherbedding)

- more sales staff needed; industries poor reputation
- industries lack of shop or warehousing space; antiquated plant or equipment
- inmate wage incentives inadequate; competition from maintenance for best workers due to better good time rewards
- financial/cost accounting systems inadequate or not centralized
- central office staff limitations (too few, badly organized, incompetent incumbents, lack of authority)
- state-use law requirements ineffective or nonexistent.

The DOC spokesmen were concerned more with barriers against industries' expansion than with operational deficiencies. This included capital needs or labor/business opposition. There was also some voicing of opinion that industries asked too much of corrections. This seemed to refer to industries complaints over workforce selection issues (particularly where industries feels that it is unable to compete for the best workers due to lesser good time incentives). The DOC directors were virtually unanimous in rejecting these claims. Nor were problems of program coordination thought by the agency directors to be as severe as industries thought.

Industries' efforts to operate in a business-like fashion were not well understood by the agency directors. One DOC head indicated his preference for the "ma and pa" industries of the past, which did not have a centralized office with its built-in overhead. Hence there was little inclination to support reporting requirements of the cost accounting system.

Industries' requests for improved worker incentives were rejected by the DOC in several states on the basis of presumed inmate perceptions of unfairness. That similar incentive schemes are reported to work without fairness protests in other states was either unknown or not believed.

One DOC director volunteered the statement that industries has a low personal priority since he had no feeling of how to deal with its problems. Nonetheless, dissatisfaction with inmate idleness was leading him to examine alternative mechanisms such as private business operations. An analogous response was seen in another state when the agency head was simultaneously receptive to the idea of private business programs while returning operational control of the industries shops to the wardens.

With one exception the DOC spokesmen had primarily negative views of the industries sales forces. They were not sure of the usefulness or even the need for a sales force. Conversely, several agency directors spoke favorably about the concept of putting the sales force on a commission basis. In the words

of one DOC head, this "would put pressure on prison industries to do more."

Staff observations in the field confirmed many of these disparate reports and provided some new instances of industries' problems. For example:

- Estrangement between industries manager and the DOC except in one state with a new DOC director
- Conflicting reports about overcrowding effects on prison industries' space. The larger space needs of industries was said by a DOC head to be disproportionate to the number of inmates it kept busy. Several external observers feared that the DOC would take away industries' space to house inmates. Only one state reported any lessening of industries' space.
- A tendency to think of industries as primarily manufacturing operations. A few persons expressed their frustration at the slowness with which industries adopts service programs.
- The absence of any planning function outside the individual industries manager, and the resultant absence of data on which to plan. For example, one state auditor noted the lack of equipment repair records needed to determine when cost effective replacements should be made. Hit or miss product selection procedures seemed to be the rule not the exception.
- Problems in industries dealing with state officials who are not aware of the special needs for it to be run on a profit basis. The DOC was reluctant to help industries in gaining access to other state officials to better explain their needs.
- Exaggerated fear over potential complaints from organized labor. Little or no effort was seen in most states to reach out to labor representatives except in an immediate case context.

Private sector relationships for prison industries ranged from virtually none to limited contact such as advisory board membership, to more significant contacts such as sale of industries goods and services to the public (two states), contracting for franchised technologies (two states), and even private operations of industries programs. Only one state indicated that it had no present interest in developing increased private sector ties, a position required by existing state laws relating to the contracting of inmate labor.

Some concern was expressed about private operators of industries programs on the basis that "they would bleed off the good inmates." Underlying this was the assumption that while the DOC might make adjustments to private operations, it would not make the same changes for the state-run program. Conversely, DOC directors were relatively enthusiastic about the possibilities of expanding work programs

for inmates through private firms to do this. As a result, most respondents thought the industrial prison concept naive at best.

Franchising and Franchising Concepts

The study questions regarding franchising looked first at interest in direct applicability of the franchise concept to industries, either through purchase or through private sector operations. Second, the study examined interest in franchise-like or other cooperative relations among state prison industries programs. This included cross-manufacturing/sale, cross-state marketing and cooperative purchasing of raw materials through a single state acting as purchaser.

Franchise applicability potential for the industries sector involved both interest in its conceptual attractiveness and interest in specific types of franchises available, as reported by the U.S. Department of Commerce. Industries managers showed only moderate enthusiasm for the franchising concept itself. In part this reflected the managers' views that industries has sufficient skills to implement new programs without outside help. The question of legal ability to franchise was also of concern to most industries managers. Finally, the cost of buying a franchise was considered to be a problem, especially if the franchisor's charge for raw materials was above the market price.

There was near unanimity that industries should run all operations, rather than permitting a private franchisor to run the operations. This was due to the industries managers' view that private sector operation would add to the "we-they" split between the DOC staff and industrial operations. Past failures along these lines were sometimes referred to in support of this position.

Correctional agency directors were somewhat more positive in considering franchising as a possible option. This, however, reflected more on their willingness to accept privately run industries than on their approval of industries purchasing franchised operations.

The areas where franchising might be generally helpful to industries, in order of agreement and degree of enthusiasm, were:

- capital needs
- staff training (ongoing)
- staff training (new industries development)
- marketing
- public image
- inmate training
- post-release employment placement
- political constituency building.

In addition, one industries manager commented that

a franchisor might be a convenient source of parts and products.

Two states reported having existing franchise operations in their tire recap shops and shoe factory. Interest in new franchise opportunities was strongest for mail service operations (e.g., barter clearinghouse, mail advertising) and auto repair. Some moderated interest was also seen in badge manufacture. One industries manager volunteered his interest in metal recycling if a franchise is available. The remaining franchise options were rejected either because similar operations already exist (i.e., textile manufacture, furniture refinishing) or because they require work release-like operations (i.e., concrete work).

Indeed, one of the strong study findings was that with one exception there was virtually no interest in the states visited for work release-like industries operations. Only one state reported any use of inmate works where they had potential contact with the public: that specific industry involved the moving of state offices from one site to another. This industries manager spoke of his interest in a gasoline company franchise to sell gas to the DOC and other agencies; work release-like conditions would be part of such an industries program. The feasibility of work release franchised industries even in this state is unclear since the DOC agency head stated his opposition to industries work release. The reasons given by this agency head and the other respondents were their doubts about the usefulness of work release over other programs, or the absence of any need for industries work release since sufficient jobs for those eligible were available in the free world.

Middle management industries and DOC staff expressed a higher degree of interest for both franchising itself and work release-like franchise operations than appeared among the industries and DOC chiefs. Interest for these ideas was greatest among industries staff responsible for new product recommendations or implementation.

Franchise-like concepts applicability among state prison industries was seen to be "an idea whose time has come." Not only was there near unanimous agreement but several concrete steps were reported to have been taken within the past year.

The study looked at different ways in which interstate cooperation can occur. These were:

- integrated production, where one state manufactures a product in whole or part for another state to assemble or finish for resale
- cooperative purchasing of raw materials
- cross-state marketing either through another industries office or directly to governmental agencies.

Integrated production was favored by all the industries managers and all but one DOC director. One state reported that it was already selling metal desk components to another state. Another industries manager suggested that woodworking or textiles would be good areas for integrated production because the high capital costs for the necessary equipment lead only the large states with sufficient markets to purchase them. Another state reported that it is purchasing dry wood from a nearby industries program. There were also reports of regional industries associations working toward integrated production. One proposal was for a state to set up a furniture industries area for multistate production, for the states to share the design efforts and to provide their best inmate workers to a pool state operation.

Cooperative purchasing of new materials received mixed acceptance among both industries and DOC heads. Legal issues, shipping costs and political patronage interference were the major objections raised. However, the New England states were reported to be testing the idea in three areas: aluminum, textiles, and mattress production.

Cross-state marketing of goods and services by industries was almost universally accepted. But even here some misgivings were raised about legal and political issues, such as "balance of trade" or political patronage objections. One state noted that an executive order from its governor prohibited state agencies from buying out of state, and severe restrictions on out of state travel limited the use of state trucks to deliver goods. The only other barrier issue raised was shipping costs. Most respondents indicated their preference for selling through other states' industries rather than selling direct or through sales agents. The industries manager most experienced in marketing, however, said that he preferred sales agents since it would be too cumbersome to deal through another industries program.

Analysis

The two major inferences that are drawn from the field interviews are that (1) the most significant concerns of industries are organizational in nature, and (2) that this is best illustrated by the inability of most (if not all) respondents to fully recognize the implications of either the profitseeking or expansion goals for existing operations. Organizational factors thus limit industries' willingness and even ability to accept franchising in any form.

Organizational Issues

Most contemporary examinations of prison industries have focused on specific problem areas. These

have included managerial deficits, technological inadequacies such as antiquated equipment, absence of coordination with other programs, or lack of capital. Efforts to reform industries have been similarly single-problem focused or even directed at single shops within a state industries program. That these problems may be related to a more basic problem has generally been unnoted.⁵ In large part this is because such evaluations were based upon external reference points: private business operations rather than that of the industries managers themselves.

Interviews with the industries managers pointed unmistakably to organizational issues. The list of such concerns begins with the industries relations with the DOC, especially the failure at all levels of communication between the two. Thus, in three states the industries managers were not part of the DOC executive staff and rarely met with the DOC directors. In a fourth state only the accession of a new director, who took the Federal Prison System as his model, had raised industries leadership status within the DOC. In the fifth study state the industries had an ambiguous relationship to the DOC, due in part to recent changes in its statutory charter and in part to the high combined turnover of DOC and industries heads.

Similar communications problems were seen between the central industries office, industries shops and the prison facilities' heads. In two states the warden ran the shops with little central office involvement; in two other states the shop foreman reported to the industries central office, with local negotiating with the wardens; in the fifth state the shops reported only to the central industries office with plans afoot to return to a shared authority structure. In all of the states, lockdowns were reported to affect industries. In only two of the states were there no reports of interference with the workday from callout or meals. Only one state had security checks built into the industries program, e.g., separate work areas with a building for change of clothes.

Other types of organizational issues also were reported. For example, industries' relations with other executive branch agencies or the legislature were limited since its access to these other groups was often through the DOC. However, the DOC was not always an effective communicator of industries' views. Hence there were noticeable efforts by the industries' leadership to develop personal, if not institutional, ties to outside organizations.

Many other problems reported by the industries managers can be characterized as organizational in

nature. These include: industries personnel and authority; capital needs; control over inmate workforce; procurement law problems; and relations with the DOC generally. Of the original problem listing, the only nonorganizational issues are antiquated equipment (the technology), managerial issues such as accounting systems or inmate discipline, and capital assets such as antiquated plants.

Another organizational problem seen was the lack of innovation. Prison industries could, not uncharitably, be described as planning through a "follow the leader" approach. This seems to be due largely to an absence of risk-takers among industries' leadership. The correctional environment does not reward risk-takers, and industries is not immune from this atmosphere. The basis for this inference of lack of innovation can be seen in several ways: the relative lesser numbers of service programs in four of the five states; the absence of any worker incentive pay scales in four of the states; the use of outmoded designs for a variety of products in three states.

Lack of Understanding of the Profit Goal

If industries is conceived of in organizational terms, the primary concern is for goal articulation. What are the goals and how well are they understood? Do industries' goals conflict with those of the DOC or of other state agencies with which it interacts?

The relative unanimity among the industries managers for profitability as the primary goal is contrasted by DOC concern for inmate idleness. Both goals must be met for industries to succeed. This should require some concessions from both parties so as to maximize the degree to which these twin goals are achieved together. Industries must today focus on profitability for expansion. The DOC must make available to the industries the best workers potentially available and allow industries a normal workday.

The interdependence of industries and the DOC for mutual goal satisfaction was not recognized by most respondents. Most industries managers, for example, did not recognize that the DOC desire for new programs could act as an incentive for industries to obtain changes in the DOC policies and procedures.

The absence of sufficient profits for program expansion intensified the conflicts between idleness reduction and profitability. Directors of the DOC impatiently reject industries' need for planning and implementation of new industries expansion, but prison industries managers trained in the private sector are not inclined to rush into new efforts to reduce inmate idleness. Disruption of communication between the two was a not uncommon result.

⁵But see, John W. Conroy, "Correctional Industries: A Systems Approach," Mimeo, 1983.

Pressures from wardens add to the problem. Numerous reports were given of wardens' lack of understanding of production costs. Hearsay reports indicated that some wardens see neither overhead nor raw materials as costs. Where wardens do understand the pricing structure that allows industries to show a profit, they are less inclined to make the necessary adjustments for increased industries productivity.

In all but one state the DOC received a discount on prices from industries, ranging from 10 percent to 70 percent, using free market prices as a comparison basis. Virtually ignored was the possibility the DOC appropriation could be increased to pay industries' market value (as often required by law) for the latter to be more profitable and expand operations.

One DOC director characterized the situation as due to his and other staff's ignorance about how businesses are run. They ignore industries since they cannot contribute to solutions for its problems. At the same time, he called industries "the whore of corrections" for asking for "special" perks or privileges in handling inmates.

Virtually no efforts were seen of attempts to educate the DOC directors or staff about industries' needs. One industries manager said that efforts on his part would be futile since it would be thought of as more special pleading. At the same time, the industries managers were not seen to have the data or analytic skills needed for educating the DOC. For example, not one interviewee had ever calculated the replacement value of prison industries, that is, what it cost the DOC to hire staff to supervise the inmate workers.

Franchising Applicability Factors

The two franchising options provoked differing responses from the industries managers and the DOC directors. These seemed consistent with the inferences drawn about the salience of organizational issues.

Franchising of new industries provoked more positive responses among DOC directors than among the industries managers. Dissatisfaction among the DOC directors for industries' responsiveness to the overcrowding/idleness problem meant the directors were disposed to look at alternative means of gaining new industries programs. Among industries managers an emphasis on marketing was more important than prior experience with franchising as a predictor of their receptivity to franchising. Those managers whose expertise was more in management or finance were less receptive than those with sales backgrounds. To some extent, these qualities also

parallel willingness to take risks. At the same time, it should be recognized that managers with primarily marketing backgrounds are more dependent on outside expertise for the needed technical capabilities to implement new programs.

Franchising concepts' applicability to industries was generally accepted by industries managers and DOC directors. There seemed to be little commonality among those expressing caveats to any particular mode of interstate cooperation or coordination. While those characterized as risk-takers were highly enthusiastic, so too were many of the more conservative correspondents. In sum, there was no single or even several factors that distinguished those interested but with reservations about feasibility.

Summary and Conclusions

This study began as an effort to test receptivity to the introduction of franchising as a means to prison industries improvements. The study findings go beyond this issue, however, in that the problems identified as limiting franchising can be expected to delimit most other industries' reform efforts as well. At the same time, our field work showed that prison industry programs have seen considerable improvements in the past few years.

In historical perspective these twin findings are not contradictory because prison industries today is in a period of transition. Industries' historical dependency on the larger correctional agency which it serves seems to be lessening. Industries is gaining its own organizational identity through a combination of enabling legislation and managerial leadership. Every state visited had some unique program element worthy of emulation by other states' industries.

The task now is to develop an industries organization that will synthesize these several model program elements. In a variety of ways this is already occurring. An important first step for industries has been the recruitment of private-sector experienced managers. Their immediate task is to sufficiently communicate industries' needs and how those needs can be met within the overall correctional setting. To that end, information about other states' experiences needs to be collected and disseminated.⁶ A second step for industries' improvements is the introduction of private-sector actors to industries. They add both political influence for correctional accommodation with industries and technological or capital formation assistance.

The several franchising options studied here included both private-sector involvements and cooperative relations with other states' industries programs. Explicitly and implicitly these options cover

the gamut of modern industries reform proposals. Viewed in the context of a transition period, differences in receptivity may more represent how far different industries programs have come than fran-

chising's likely potential for the future. From this perspective, both seem equally viable options, given the continuation of present trends toward the renewed prominence of prison industries.

The Incidence of Sex and Sexual Aggression in Federal Prisons*

BY PETER L. NACCI, PH.D., AND THOMAS R. KANE, PH.D.**

I. INTRODUCTION

Concern about an outbreak of violence at the United States Penitentiary at Lewisburg, Pennsylvania, prompted the national investigation, by Federal Prison System researchers, of inmate sexual aggression and homosexual activity that is described in this article. Normally a calm institution, Lewisburg experienced 8 inmate murders in a 26-month period; simultaneously, there were numerous inmate-on-inmate assaults warranting referral to the FBI for investigation. The assaults included vicious stabbings and attempted homicides that fell just short of murder.

*This is the first article of a two-part report on sex in Federal prisons. The second article on inmate involvement and employee impact will appear in the March 1984 issue of *FEDERAL PROBATION*.

**Dr. Nacci is chief of research and Dr. Kane is senior research analyst, Federal Prison System. The opinions expressed in this article are theirs.

The authors wish to thank Nancy Miller who typed the report. They are also indebted to William Saylor for his significant contributions to the development of survey instruments and computer data files, and for archival data analyses to demonstrate sample representativeness; to John Tucker, who conducted interviews with the 330 inmates surveyed in this project; and to Dr. Robert Levinson who made many valuable comments on the entire long version of the final report. Dr. Ray Forer, professor of sociology and past chair of that Department, S.U.N.Y. at Albany, helped develop the sampling strategy. Howard Kitchener, director of the Office of Research, supported our efforts throughout the development of the study. Since the project's inception many other people contributed in various ways. It would be impossible to name everyone but a partial listing includes: Bob Verdeyen, Rick Reish, Jim Beck, Jerry Prather, Hugh Teitelbaum, Laverne Blackwell, Cynthia McGrory, Paul Lee, Patti Garrett, Barbara Towe, Earle Prouty, Barry Sprink, Karen Seaberg, John Wash, Clem Bartollas, Carolyn Handy, John DeCecco, Sheldon Adelberg, Lloyd Hooker, Penny Doucette, Ed Shannahan, Robert Newport, Charles Fenton, Scott Whitely, and Scott Moss.

In response to this outbreak of violence, Mr. Carlson, Director of the Federal Prison System, convened a special task force to investigate problems at Lewisburg. The task force determined that among other things, Lewisburg accepted far more "management" problem prisoners than were transferred to other penitentiaries. Furthermore, there appeared to be an inordinate amount of violence linked to homosexual activity among inmates; 5 of the 8 homicides had sexual motivations, including sex pressuring, unrequited love, and jealousy. A quarter of the major assaults were linked to inmate homosexual activity.

Although the heightened level of violence at Lewisburg was abnormal, the general association of homosexual activity and prison violence is a well established malignancy in American prisons. In one calendar year 25 percent of inmate aggression in the California State System had homosexual underpinnings, according to one authority, Hans Toch (1965). Another important investigation revealed that homosexual activity was the leading motive for inmate homicides in American prisons (Sylvester, *et al.*, 1977).

Questions needing resolution quickly were focused after the researchers surveyed the literature and discussed associated management issues with key administrators, correctional officers, and inmates. Clearly, homosexual activity and violence are related circularly. Homosexual activity produced violence at Lewisburg both as an incidental force (as when there was strong affection between lovers and one partner acted out violently when spurned) and, as a direct motive (for example, the case of sexual assault—rape—or sex pressuring that becomes a violent exchange). On the other hand, homosexual activity can be a byproduct of violence. Davis' (1968) account of

⁶The National Institute of Corrections is presently funding the Institute for Economic and Policy Studies to develop policy guidelines and to survey existing industries operations as a beginning step in this direction.

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