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# Federal Probation

Probation and Felony Offenders *Joan Petersilia*

Prosecutors Don't Always Aim to Plead *Barbara Boland  
Brian Forst*

Explaining 'The Get Tough Movement: Can the Public Be Blamed?' *Francis T. Cullen  
Gregory A. Clark  
John F. Wozniak*

Assessing Treatment of the Offender From Probation to Capital Punishment *Phillip E. Lamps*

Community Service: All Things to All People *David C. Perrier  
B. Steven Pink*

## ACQUISITIONS

and Crime: Combating the Crime *Jay S. Albanese*

and Crime: Combating the Crime *Louis Lichstein  
James F. Haran*

Programs: A Clear Statement *Gregory Holt*

and Crime in Canada: Overriding the Public? *Angus Macneil*

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# Federal Probation

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## This Issue in Brief

**Probation and Felony Offenders.**—Author Joan Petersilia summarizes the major findings of a recent Rand study designed to discover whether felony probation presents unacceptable risks for public safety and, if so, what the system could do to overcome those risks. To this end, the study sought to establish how effective probation has been for a sample of felony probationers, to identify the criteria courts use to decide whether a convicted felon gets a prison or probation sentence, to discover whether the prediction of recidivism could be improved, and to see if the system could develop a felony sentencing alternative that poses less risk for public safety. The results show that two-thirds of those sentenced to probation in Los Angeles and Alameda, California, were arrested during a 40-month followup period. Given these findings, the author concludes that the criminal justice system needs an alternative form of punishment intermediate between prison and probation. The article recommends that programs incorporate intensive surveillance with substantial community service and restitution.

**Prosecutors Don't Always Aim To Pleas.**—Barbara Boland and Brian Forst examine a new data base on prosecution practices across the county, focusing on the prevalence of guilty pleas relative to trials. They find substantial variation in the number of pleas per trial from jurisdiction to jurisdiction; they also find evidence that this variation is driven substantially by differences in prosecution styles.

**Explaining The Get Tough Movement: Can The Public Be Blamed?**—This article assesses the common assertion that the current movement to get tough with offenders is a reflection of the public will. Through an analysis of data collected in Texas, authors Francis T. Cullen, Gregory A. Clark, and

John F. Wozniak discovered that citizens do indeed harbor punitive attitudes. However, the data also revealed that few citizens are intensely fearful of crime (a supposed cause of punitive attitudes) and that support for rehabilitation as a goal of corrections remains strong. Taken together, these findings suggest that the get tough movement can only partially be attributed to public desires. Instead, a full explanation must attend to the changing social context that not only shaped public views but also en-

### CONTENTS

Probation and Felony Offenders .....	Joan Petersilia	4
Prosecutors Don't Always Aim to Pleas .....	Barbara Boland Brian Forst	10
Explaining the Get Tough Movement: Can the Public Be Blamed? .....	Francis T. Cullen Gregory A. Clark John F. Wozniak	16
Assessing Treatment of the Offender: From Probation to Capital Punishment .....	Philip E. Lampe	25
Community Service: All Things to All People .....	David C. Perrier F. Steven Pink	32
The Effect of Casino Gambling on Crime .....	Jay S. Albanese	39
The Alcoholic Bank Robber .....	Louis Lieberman James F. Haran	45
The Cornerstone Program: A Client Outcome Study .....	Gary Field	50
Probation and Parole in Canada: Protecting the Canadian Public .....	Andre Normandeau	56
Media Magic, Mafia Mania .....	Frederick T. Martens Michele Cunningham-Niederer	60
Departments:		
News of the Future .....		69
Looking at the Law .....		72
Reviews of Professional Periodicals .....		75
Your Bookshelf on Review .....		78
It Has Come to Our Attention .....		81

couraged politicians to champion a "law and order" policy agenda across the nation.

*Assessing Treatment of the Offender: From Probation to Capital Punishment.*—Debate surrounds the issue of effectiveness and/or appropriateness of the various options available in sentencing criminals. While there are many reasons for differences of opinions, the basic—and often most overlooked, according to author Philip E. Lampe—is the lack of official goals. The way a criminal is treated (means) should be guided by what the system hopes to accomplish (ends). It is impossible to assess the effectiveness of any form of treatment without considering it in relation to a specific goal. The author contends, therefore, that until the criminal justice system establishes official goals, no final assessment regarding treatment can be made.

*Community Service: All Things to All People.*—One of the more popular criminal justice system reforms today has been the introduction of community service. To advocates of competing penal philosophies, community service has been heralded as an innovative measure which incorporates elements of punishment, reparation, rehabilitation, and reintegration in equal force. Whether the objectives in these varying penal philosophies can adequately be achieved within the framework of community service is the focus of this article by David C. Perrier and F. Steven Pink. Apart from the debate concerning the range of objectives community service was originally designed to achieve, the authors hold that there is little doubt about its appeal to protagonists of competing philosophical perspectives.

*The Effect of Casino Gambling on Crime.*—The legalization of casino gambling is currently being considered by a number of states and cities as a way to improve the local economy without raising taxes. A significant encumbrance to its widespread adoption, however, has been the fear that the introduction of casinos will result in increased crime. Until now, no investigation has been rigorous enough to generate conclusive evidence to support this claim. Author Jay S. Albanese examines the relationship between casino gambling and crime in Atlantic City, and accounts for the inconclusive findings of earlier work by controlling for the effects of increases in the population at risk, police manpower, and statewide crime trends. The author hopes that through such objective investigations, both legislators and the public can more confidently assess the benefits and liabilities of casino gambling.

*The Alcoholic Bank Robber.*—Authors Louis

Lieberman and James F. Haran studied 500 bank robbers convicted between 1964 and 1976. Data collected from presentence investigations, probation department files, and the Federal Bureau of Prisons and other sources indicated that of those studied, 12½ percent were alcoholic, an additional 48 percent were moderate drinkers, and those remaining were abstainers at the time of their arrest. According to the authors, alcoholic bank robbers tended to be older, white, poorly educated, separated or divorced, and on welfare. They were less likely than moderate and nondrinkers to use marijuana or opiates. They were more likely to have had multiple prior convictions for both violent and property crimes than were moderate or nondrinkers. Other variables presented: religion, church attendance, mental health status, and cocaine and other illicit substance use.

*The Cornerstone Program.*—Author Gary Field describes Oregon's pre-release treatment program for chemically dependent, recidivist offenders and presents the results of client outcome studies. The treatment program, Cornerstone, is a 32-bed residential program lasting 6 to 12 months followed by 6 months of outpatient treatment. The client population is chronically disabled by both alcohol or drug history and by criminal history. The five major categories of treatment intervention used at the Cornerstone Program are a therapeutic community, treatment contracts, intensive counseling, life skill training, and community followup treatment. The author evaluates Program results in the areas of client self-esteem, symptomatology, knowledge learned, and subsequent criminal activity and prison recidivism. As a function of the treatment program, Cornerstone clients showed enhanced self-esteem, reduced psychiatric symptomatology, increased knowledge in critical treatment areas such as alcohol and drug abuse, reduced criminal activity, and reduced prison recidivism.

*Probation and Parole in Canada: Protecting the Canadian Public?*—Even if North Americans share basically many sociocultural values, Americans and Canadians are different in matters related to criminal justice, especially with regard to sentencing, probation, and parole. According to author Andre Normandeau, interviews with Canadian probation and parole officers, as well as correctional administrators, show that Canadians are not turning "to the right." There is no significant emphasis on control and punishment. In fact, Canadians still believe in rehabilitation and their mood and temper still meets Winston Churchill's test of civilization.

# The Alcoholic Bank Robber

BY LOUIS LIEBERMAN, PH.D., AND JAMES F. HARAN, PH.D.\*

THE INCREASING public concern with crime in the two decades between 1960 and 1980 reflects the reality of the increases in crime reported by the Uniform Crime Reports (UCR) over this period. In particular, robbery, that is, crime involving some kind of force against an individual (loosely described by the news media as "street crime"), appears to be what is feared most. If we look at the reporting of the UCR from 1960 to 1980, it is quite evident that, with the exception of a few years, there is a steady increase in the rise of robberies over these two decades. Total robberies went up from 107,840 in 1960 to 548,809 in 1980, an increase of 409 percent. Taking into consideration the increase in population during this period, and viewing the numbers of crimes per hundred thousand population, the rate went up from 60.1 per hundred thousand to 243.5—a 305 percent increase. One particular form of robbery—bank robbery—increased, according to UCR, more than any other type of robbery. For 1967 (the first year that UCR showed total bank robberies for the U.S.), there were 1,730 bank robberies. By 1980, the number had climbed to 7,998, an increase of 362 percent. During that same period, from 1967 to 1980, total robberies increased from 202,910 to 548,809—an increase of 170 percent—less than half the increase for bank robberies.

The success of law enforcement in the apprehension and conviction of bank robbers is remarkably high compared to that involving other categories of robbery. About 80 percent of all bank robbers are apprehended compared to 24 percent of robbers in all other categories, according to the UCR for 1980. Hence, it is not unreasonable to suggest that the kinds of persons who are in prison for bank robbery represent a fairly good cross section of the characteristics of all persons engaged in bank robbery.

Popular myths and the entertainment media have glamorized the bank robber along with other "elite" categories of criminals such as safe crackers, jewel thieves, con artists, and embezzlers. These myths persist in the absence of very little research into these categories of criminals. The notion that these criminals are more educated, intelligent, industrious, enterprising, clear-headed, etc., than the

street mugger or liquor store hold-up man may not have any basis in reality. One of these "elite," the bank robber, appears to have an image that is more the creation of movie scriptwriters than the result of knowledge based upon research. The only two extensive pieces of research concentrating upon bank robbers are both doctoral dissertations: one by George Camp, *Nothing To Lose: A Study of Bank Robbery in America* (1967), and the other by one of the authors of this article, James F. Haran, *The Loser's Game: A Sociological Profile of 500 Bank Robbers* (1982). Camp's dissertation focused not on the robber but upon the robbery as the unit of analysis, and thus revealed only marginal information about the characteristics of the robbers themselves. Haran concentrates mainly upon the robbers and not the act of robbery, and develops a typology of bank robbers rather than presenting a stereotyped "bank robber." The analysis and correlation of his typology with other variables in the study was influenced by the necessity for precise operational definitions which would enable him to categorize these robbers into four categories: heavy career, compulsive, casual, and amateur (for a thorough analysis of these typologies and how they were constructed, see Haran, 1982). As a consequence, even though the compulsive category consisted of narcotic and alcohol addicts, not all alcoholics or narcotic addicts were categorized as "compulsive" robbers because Haran's typology strictly defined who was included in each mutually-exclusive category. Thus, by definition, some alcoholics were classified as necessarily belonging to one of the other categories. However, the authors of this article believe that there is merit in specially studying the subpopulation of the alcoholic bank robber, if for no other reason than that the implicit contradiction in the phrase "alcoholic bank robber" appears to defy the stereotype of the sober, industrious, clear-thinking criminal whose specialty is bank robbery.

For this study, the determination as to whether an apprehended individual is a problem drinker or alcoholic was made during the routine presentence investigation by a trained probation officer investigator, using as many different sources for corroboration of the alcoholism as were available. (Since no consistent screening test such as the M.A.S.T.—Michigan Alcoholism Screening Test—was used, and since there is wide variation in the definitions of alcoholism, the distinction between alcoholism and problem drinking was

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ephemeral and was not maintained by the investigators and thus is not a consideration in this article.)

### *Methodology*

This article is based on a study of 500 persons convicted of bank robbery between the years 1964 and 1976. All cases appeared before the United States District Court in Brooklyn, New York. The data were obtained from the social case histories which were prepared as presentence reports for the court. This material was supplemented by information in the Federal Probation Department files, from the Federal Bureau of Prisons and the Federal Parole Commission, as well as from the probation-parole officers' supervision reports concerning these individuals. The position of one of the authors of this paper as a probation officer and administrator for the Federal Probation Department facilitated access to the file material. Although there were 500 persons in the study, the base for analysis of data for this paper will be 423, since in 77 cases, the extent of alcohol use could not be classified in order to determine if a problem existed.

### *Characteristics of Alcoholic Bank Robbers*

As Table 1 indicates, 12.5 percent of this population was classified as alcoholic (this includes both addicted and problem drinkers).

TABLE 1. CLASSIFICATION OF DRINKERS

Type	Number	Percent
Alcoholic	53	12.5
Moderate	204	48.2
Tried	129	30.4
Never Used	37	8.7
Total	423	100.0

Several unpublished reports in recent years tend to indicate that the percentage of prison inmates who are alcoholic is somewhere between 30 and 40 percent. This was noted during several conferences in 1981 and 1982 by Dr. Sheila Blume—director of the New York State Division of Alcoholism—and also by Petersilia and Honig (1980). It is understandable that there are considerable differences in statistical reportings, since criteria for defining alcoholism is not clearly developed, and even where screening tests such as the M.A.S.T. are utilized, it is relatively easy to obtain a large number of false positives (c.f., Jacobson, 1975). It has been our experience that this results from social or cultural factors which often bias responses to specific questions, depending upon the population to whom the test is ad-

ministered. For example, in some occupational or subcultural settings in which it is considered masculine custom to drink and fight—and where one is proud to be arrested for drunkenness or where drunken driving is bragged about—scores on objective measures to define alcoholism must be viewed suspiciously when arrests for drunken driving or getting into fights while drunk get a significant weight indicating alcoholism. Similarly, in court proceedings or prison settings, where the defendant or inmate may perceive some advantage accruing from self-identity as an alcoholic (or narcotics addict), we may assume an inflated statistic. Since in the present study, where several sources of information and corroboration were used by the investigator to make the determination for the presentence report, the authors feel confident of the reported statistic for the alcoholic bank robber even though it is considerably lower than that indicated in some other reports. It is also conceivable (although improbable given the extensive criminal career patterns of bank robbers) that alcoholics are less likely to turn to bank robbery than are more sober criminals. That is for future research to ascertain.

For most of the social variables for which information was attainable on this convicted-defendant population, the alcoholics differed considerably from their counterparts who had no drinking problems. (See Table 2).

TABLE 2. PERCENT ALCOHOLICS IN EACH CATEGORY

	Age			
	16-21	22-26	27-32	33-66
Alcoholic	2.7%	5.8%	14.7%	26.7%
N =	74	139	100	101
	Race			
	White	Black	Hispanic	
Alcoholic	20.5%	5.7%	0.0%	
N =	190	227	5	
	Education			
	8th Grade or Less	Some High School	High School Graduate	Some College
Alcoholic	20.0%	12.0%	10.4%	3.7%
N =	70	249	77	27

		<u>Marital Status</u>				
		<u>Single</u>	<u>Married</u>	<u>Separated &amp; Divorced</u>		
Alcoholic		8.7%	10.8%	21.5%		
N =		173	139	107		
<hr/>						
		<u>Residential Stability (2 Years before Arrest)</u>				
		<u>Same Residence</u>	<u>1 Move</u>	<u>2+ Moves</u>		
Alcoholic		10.7%	11.3%	17.2%		
N =		177	97	128		
<hr/>						
		<u>Religion</u>				
		<u>No Religion</u>	<u>Protestant</u>	<u>Catholic</u>	<u>Jew</u>	<u>Muslim</u>
Alcoholic		10.0%	8.9%	18.4%	18.2%	0.0%
N =		20	190	174	11	12
<hr/>						
		<u>Church Attendance</u>				
		<u>Never</u>	<u>Infrequently</u>	<u>Regularly</u>		
Alcoholic		14.4%	13.1%	7.1%		
N =		160	191	56		
<hr/>						
		<u>Employment Status at Time of Arrest</u>				
		<u>Full- or Part-Time</u>	<u>Unemployed</u>	<u>Welfare</u>		
Alcoholic		7.3%	13.3%	40.0%		
N =		109	270	15		

For those familiar with the literature on alcoholism, there are few surprises in Table 2. For example, within this population of bank robbers, as in the population at large, alcoholism tends to be correlated positively with age. Nearly 27 percent of those bank robbers over the age of 32 appear to have a drinking problem, while at the other end of the age spectrum, only 2.7 percent of the 16-21-year-olds are identified as having such a problem.

The finding that the alcoholic bank robber comes from segments of the general population which appear to be more alienated or disaffected from the larger population within society is also no surprise. Thus, they are less educated, more likely to be separated or divorced, more unstable residentially, and far more likely to be on welfare. A few less familiar correlates of alcoholism appear in this population, but we hasten to suggest that this does

not mean that the alcoholic bank robber is different from the general population of alcoholics, but merely that we know relatively little about many of the social characteristics of alcoholics in general. For instance, what we find is that within this population it is the white group that is most likely to be alcoholic. Our personal experience in this area suggests, however, that this may be misleading since behaviors which may be overlooked or tolerated within the minority communities as merely indicative of lower-class traditions and customs may mask individual alcoholism due to confusion with individual "machismo" expressions. This certainly needs further research.

The finding that 18.2 percent of the Jews in the sample are classified as alcoholic could easily be attributed to chance since there are only 11 Jews in the sample. Yet, although the number of Muslims in the sample was also small (12), the statistic cited (0% alcoholics) is consistent with the Muslim practice of abstinence. We suggest that the high percentage of Jews classified as alcoholic is not an artifact of the small number of Jews in the sample but a reality which helps refute the myth of Jewish immunity to alcoholism. (Blume and Dropkin, 1980).

The relationship of church attendance to the prevention of alcoholism has not been given sufficient attention. In this population of bank robbers, those who had attended church regularly were less likely to be alcoholics. For those who work in the field of alcoholism treatment, the role of spirituality is acknowledged. Since the 1930's, the fellowship of Alcoholics Anonymous has relied considerably upon a spiritual component. What is not so generally known, however, is that the impact of altering consciousness through spiritual means may also serve as a prevention mechanism. This has been suggested by Andrew Weil (1983) and Herbert Benson (1975) but has not yet received general acceptance in the field. Whether our findings presented here are affected by religious adherence to abstinence or by deeper emotional or spiritual consciousness-altering practices of specific religions, cannot be ascertained from these data.

The correlation of alcoholism with increasing age invites further speculation. While we indicate that nearly 27 percent of bank robbers over the age of 32 were classified as alcoholics, a recent study by Langan and Greenfeld at the U.S. Department of Justice (1983) reveals that "two out of every three of these middle-aged men (40+, ed.) have a problem with alcohol serious enough to have led to their participation in an alcohol abuse treatment program at some point in their lifetime." While we do not dispute these findings, we must note that tradi-

tional views of alcoholism held that the progress of the disease of alcoholism took 10 to 15 years. Hence, professionals working in the field of alcoholism were subject to what Harry Stack Sullivan called "selective inattention." We did not believe, therefore we did not see, youthful alcoholism. Since the behavioral consequences of alcoholism, when manifested in a youth, might easily be misinterpreted as youthful irresponsibility or the "sowing of wild oats," a closer look and analysis of youthful drinking and its consequences is needed for a more realistic appraisal of the rates of alcoholism among young persons. Thus, it is likely that larger numbers of the younger persons in our sample, as in the population at large, are alcoholics.

### Problem Identification

In addition to the categorization of a bank robber as having an alcohol problem, two other indicators appear in the case records which indicate the need for treatment. One is the general impression of the probation officer investigator as to the positive aspects of the robber's mental health, and the other is an indication of a need for psychiatric help. These are presented in Tables 3 and 4.

TABLE 3. POSITIVE MENTAL HEALTH FACTORS MENTIONED

	Alcoholics	Moderate	Nondrinkers*
Yes	69.4%	82.3%	86.3%
No	30.6	17.7	13.7
N =	49	192	160

TABLE 4. NEEDS PSYCHIATRIC HELP

	Alcoholic	Moderate	Nondrinkers*
Yes	25.6%	4.4%	8.3%
No	74.4	95.6	91.7
N =	43	183	156

\*Note: This combines the "Tried" and "Never Used" categories.

As Table 3 indicates, the alcoholic bank robber is twice as likely as those in the rest of the sample not to have any positive statements made about his mental health in the presentence investigation. Even if this were to go unnoticed, since this is a negative statement, Table 4 shows that the alcoholic is far more likely to have indicated in his record that he needs psychiatric help. Since there usually was no statement in the case record citing alcoholism as the justification for the need for psychiatric help, one cannot assume that after sentencing, the prison followed up on the recommen-

dation and that the alcoholic bank robber, while in prison, was steered toward some treatment program for the alleviation of an alcohol problem. Even if the recommendation were made, the general lack of availability of such programs make it unlikely that the inmate entered into treatment while in prison. It is also important to note, as shown in Table 4, that only one-quarter of the alcoholics were seen as needing psychiatric help. At this time we do not know what kinds of help the probation officers believed should be utilized for the 74.4 percent of alcoholics for whom psychiatric help was not recommended, or if, indeed, the investigators believed that help was available for an alcoholic.

### Multiple Drug Dependency

Because of the potentiation dangers of using alcohol in combination with other drugs, as well as the psychological aberrations which may be magnified as a consequence of multiple drug-taking, we sought to ascertain the relationships of multiple drug use within this population of bank robbers. As Table 5 indicates, the alcoholic bank robber appears to be as involved with other drugs—except for opiates—as the nonalcoholic.

TABLE 5. MULTIPLE DRUG USE

	Marijuana		
	Alcoholic	Moderate	Nondrinker
User*	8.3%	12.1%	15.9%
Non-User	91.7	87.9	84.1
N =	48	173	145
	Opiates		
User*	17.3%	24.4%	49.1%
Non-User	82.7	75.6	50.9
N =	52	201	165
	Cocaine		
User*	8.0%	7.4%	9.6%
Non-User	92.0	92.6	90.4
N =	50	174	146
	Other Drugs**		
User*	13.9%	9.7%	14.9%
Non-User	86.1	90.3	85.1
N =	36	123	114

\*The distinction between moderate and heavy use was not clear for these drug-use categories and could not be maintained. Thus, all use categories were combined.

\*\*Illicit amphetamines, sedatives, hallucinogens, etc.

Although the percentage of alcoholics who are regular users of opiates is small compared to that of nondrinkers (17.3 percent vs. 49.1 percent), it is the largest percentage for the alcoholics in these four categories of multiple drug use. Unfortunately, the data collected did not cover what was needed to permit an examination of the question as to whether alcoholics were more likely to become users of opiates as they got older. We believe this question is important because if this is a significant tendency, the alcoholic will have even more pressure upon him to turn to crime for profit in order to support a narcotics habit as well.

In the popular view, the alcoholic has been pictured as more likely to get into trouble with the law due to sex offenses, violence, misdemeanors and the like rather than to be a career criminal for profit. To some extent, our data refute this. In Table 6 we note that alcoholics are more likely than nonalcoholics to have multiple prior convictions for both violent crimes and property crimes.

TABLE 6. MULTIPLE PRIOR CONVICTIONS

	Alcoholic	Moderate	Nondrinker
Violent crimes:			
2+ convictions	37.7%	23.5%	22.3%
N =	53	204	166
Property crimes:			
2+ convictions	34.0%	22.1%	16.9%
N =	53	204	166

### Conclusions

It is apparent in this article that analysis of the data on these alcoholic bank robbers raises many important questions about the role of alcohol abuse in criminal behavior which cannot be answered due to lack of data. We do not suggest that alcoholic bank robbers are radically different from alcoholic criminals in general. However, if the differences between alcoholic and nonalcoholic bank robbers are representative of the entire class of felony offenders, then our criminal justice system is remiss in not placing special emphasis upon the need to treat the alcoholism problems of the inmates since most will be released to the community one day. We do not know if the alcoholism was the catalyst in the decision to commit the bank robbery or any

other crime. We view with suspicion all "demonic" theories which suggest that because a person was drinking before committing a crime that alcohol was to blame. Many more persons drink heavily who do not subsequently commit crimes or engage in other antisocial acts. While this is an open question, it is safe to say that a person who has developed a life style encompassing problem drinking is probably going to have more difficulty maintaining gainful employment, thus making illicit activity for profit more attractive. It is also reasonably safe to say that problem drinking frequently affects, adversely, interpersonal relations causing stress in these relationships. The frustrations from these social strains can all too easily be transformed into antisocial aggression.

To analyze more precisely the role of alcohol in the production of criminal acts is obviously needed. But even before that, immediate attention to the treatment of alcoholism during incarceration and post-release is so important in reducing future criminal acts within this population that it should be mandated standard policy for prison prerelease and parole-probation supervision, rather than an issue of negotiable programming.

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