

The Development of a Juvenile Electronic Monitoring Program ..... *Michael T. Charles*

Morrissey Revisited: The Probation and Parole Officer as Hearing Officer ..... *Paul W. Brown*

Defense Advocacy Under the Federal Sentencing Guidelines ..... *Benson B. Weintraub*

Programs of Prisons Programming  
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Prisons Like Cars Are Like Computers  
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# Federal Probation

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## This Issue in Brief

**The Development of a Juvenile Electronic Monitoring Program.**—Author Michael T. Charles reports on a research project concerning the juvenile electronic monitoring program undertaken by the Allen Superior Court Family Relations Division, Fort Wayne, Indiana. Reviewing the planning and implementation phase of the program, the author discusses (1) the preplanning and organization of the program; (2) the importance of administrative support; (3) the politics and managerial issues faced during program development, implementation, and management; and (4) the role and function of surveillance officers.

**Morrissey Revisited: The Probation and Parole Officer as Hearing Officer.**—Author Paul W. Brown discusses the Federal probation officer's role as hearing officer in the preliminary hearing stage of the parole revocation process. This role was largely created by the landmark Supreme Court case of *Morrissey v. Brewer* in which the Court indicated a parole officer could conduct the preliminary hearing of a two-step hearing process possibly leading to a parole revocation and return to prison. How this role was created in *Morrissey* and how it has been carried out by the Federal probation officer are examined.

**Defense Advocacy Under the Federal Sentencing Guidelines.**—This article sets forth the duties and responsibilities of defense counsel in effectively representing clients in all phases of the criminal process under Federal sentencing guidelines. Author Benson B. Weintraub offers practice-oriented tips on arguing for downward departures, avoiding upward departures, and negotiating plea agreements under the guidelines and discusses procedures to employ in connection with the presentence and sentencing stages of a Federal criminal case.

**Federal Bureau of Prisons Programming for Older Inmates.**—The "graying" of our society is creating a change in our prison populations. More sentenced offenders will be older when they enter

the institutions, and longer sentences will result in more geriatric inmates "behind the walls." Balancing the needs and costs of geriatric care is a critical issue to be addressed. In this article, authors Peter C. Kratcoski and George A. Pownall discuss various attributes of criminal behavior of older persons and the distribution of older offenders within the Federal Bureau of Prisons. They also discuss the complete health care programming that correctional systems must provide to meet legal mandates already established in case law. According to the authors, significant programming adaptations have taken place in the past several years at the Federal level; more are anticipated in the near future.

**Privatization of Corrections and the Constitutional Rights of Prisoners.**—Many in the legal and corrections community have presumed that "private" correctional facilities will be held to the same constitutional standards as those directly administered by the state itself. Author Harold J. Sullivan

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# Correctional Treatment and the Human Spirit: A Focus on Relationship\*

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## Introduction

**T**HE EVOLUTION of the study and practice of corrections has moved within the historical pendulum between the principle of retribution as endorsed by such holy writings as the Upanishads, Koran, and the Law of Moses, and the more rehabilitative philosophy of the New Testament as expressed in various reform movements. The tension between the two has been considerable in the inevitable ambiguity of our democratic society. Such ambiguity recognizes the need for social order and control yet at the same time stresses individual liberties and expression. Punishment and rehabilitation, emotion and reason reside together as our system of justice attempts to reach a more effective synthesis—a synthesis that will provide order and stability in the community in a humane way without diminishing the potential for positive change in most of the individuals who offend the community.

To be a part of a justice system that is more humane for both the community at large and for the offender, correctional treatment will need to refocus on the power of relationship as a priority for positive change. This refocusing will require treatment staff to more clearly view treatment technologies as a means to an end rather than as an end in themselves. Within this framework, the counselor or other professional becomes the primary model for demonstrating self-discipline to the offender rather than using various technologies to act on the offender while personally evading the technologies' implications. This article examines an existential model which focuses on the therapeutic value of relationships in an attempt to restore the balance in the nature of correctional treatment efforts.

## *An Historical Context for Treatment*

In trying to bring the nonconforming offender to an accommodating point within the order of an established democratic community, corrections has run

the gamut of treatment. It should be noted that most of the various treatment efforts could be considered a fallacy to some extent in that there has been a substantial difference between the claims surrounding new treatment programs and the reality of their implementation and results. From the more coercive programs of correctional hard-liners who deny the value of rehabilitation to correctional liberals who are inclined to confuse a busy inmate services agenda with an effective one, legitimate treatment programs have often been replaced quicker than new fall television shows.

Early efforts inspired by the Quakers attempted to influence offenders through religious instruction and reform. Post-Civil War efforts evolved from teaching inmates to read the Bible to mass liberal arts and vocational education programs. The congregate work environment as exemplified by the Auburn prison model spawned an emphasis upon the work ethic of the prison industry era (a recent trend along these lines has reoccurred with an eye toward having inmates "pay their own way"). Starting in the 1950's, the medical model was implemented as the treatment approach of choice wherein criminality was to be treated in the same manner as a physical disease (i.e., diagnosis of problem, prescription, treatment, and cure). In reaction to this trend the behavioral science movement emerged, embracing some elements of the medical model but perhaps being more compatible with the technology and engineering orientation of the hard sciences. Through scientific methods applied to human behavior, behavioral scientists contended that criminality could be eliminated. Some critics accused the behaviorists of "methodolatry," the worship of the scientific method or at least placing too much confidence in its infallibility (Braginsky and Braginsky, 1974; Koch, 1969). The more enthusiastic and even blatant claims attributed to behavioral treatment are demonstrated by McConnell's (1970) comments concerning a person possessing an antisocial personality:

No one owns his own personality. Your ego, or individuality, was forced on you by your genetic constitution and by the society into which you were born. You had no say about what kind of personality you acquired, and there's no reason to believe you should have the right to refuse to acquire a new personality if your old one is antisocial (p. 74).

\*The author wishes to thank Frank Cullen, Morton Brown, and Bo Lozoff for their helpful suggestions.

Therapeutic communities in and out of prison also enjoyed some degree of popularity in the 1970's as evidenced by the success of such programs as Daytop, a drug treatment program. Common goals, personal sacrifice, and responsibility were advocated notwithstanding outside criticisms ranging from charges of suspect qualifications of supervising staff to claims that some therapeutic communities encouraged a cult-like dependency concerning their members.

For better or worse, each movement in turn started with a high level of enthusiasm and energy only to be eventually overshadowed by the institutions of confinement themselves and the accompanying business and bureaucracy of corrections. Regarding the historical lessons of evolving American prison policy (which includes treatment), Sherman and Hawkins (1981) suggest, "... it is at periods of the most excessive claims that the greatest indignities have been wrought ... (p. 118)." Although remnants of each correctional movement may remain, over the years the rhetoric of correctional treatment seems to increasingly bear little resemblance to its realities.

Such a course of action often does not seem to make much sense, yet it is an approach we have faithfully followed for decades, pausing every now and then to slap on a fresh coat of legislation and policy mandates. It often appears as though our correctional efforts are more the result of political and social fashion than of serious, long-term program commitments. Each new treatment program, like that of popular diet and self-help movements, is heralded as the "one-and-only" model to solve the majority if not all of our treatment problems. Less sensational programs which may be very viable for a smaller portion of the inmate and offender population are less conducive to extensive press coverage and, as a result, are inclined to be ignored even when they prove to be effective (Gendreau and Ross, 1987; Cullen and Gilbert, 1982). Somehow we have continued to believe that we can isolate the majority of offenders from the social arena of relatively normal community life to confinement in the abnormal world of the prison in order to teach them how to become more humane and well-adjusted to the outside world. Of course, given enough time in such an environment, many offenders do learn to become fairly well-adjusted, only not to the outside world, but rather to the world inside the walls which are designed to confine them and protect us. Perhaps their confinement becomes as much a symbol as anything else—one which restricts their intellectual and emotional possibilities as much as their physical movement and one which also restricts the community and eco-

nomical resources required to keep them there. Contemporary corrections appears to have come to another crossroads.

With no clear treatment agenda on the horizon, we most recently have attempted to formulate and implement a "just deserts" approach to correcting or at least maintaining offenders (Fogel, 1975; von Hirsch, 1976). Unfortunately, as reassuring as "making the time fit the crime" sounds, it may largely be an exercise in futility. What looks good on paper can easily prove to be as illusive in practice as, for example, justice is to the bureaucratic necessity of plea-bargaining. One may wonder with tongue-in-cheek, given the current state of affairs, if our system of justice is not in truth working toward a model that will guarantee everyone the same degree of injustice rather than justice. In any event, it appears that for the time being, we have lost confidence in our ability to build human lives, and as a result we have decided to focus on building prisons instead.

Accompanying our loss of confidence is a crisis mentality regarding correctional policy issues and decision-making. Such a problem-solving orientation forces the policy debate out-of-balance with an increasing emphasis on short-term, quick-fix solutions (Sherman and Hawkins, 1981). As a result of the current crisis mentality, our policy and problem-solving focus appears to have become increasingly narrow to the point where it might be suggested that it has begun to restrict us from seeing the long-term consequences of our short-term solutions. Perhaps more importantly, such a perspective may also inhibit our potential to ask the right questions regarding the management and correction of offenders (Nettler, 1982). As our questioning becomes less relevant, the issues and subsequent policies will inevitably follow suit. Solutions, short or long-term, to inaccurately defined problems are no solutions at all, but rather become significant problems themselves, adding another layer to the confusion that already exists.

This introduction to correctional treatment although somewhat bleak is not intended to discount the value of current or past treatment programs, but rather to address a contemporary theme in corrections—one which places more emphasis on probabilities than possibilities; on the "hard facts" of science more than on the open possibilities of the human spirit; on maintaining offenders in prison rather than developing creative ways to encourage them to change. The point we seem to have come to in correctional treatment is related to the unkept promises of various treatment movements, promises which are si-

lent in the politics of policy-making and cost-benefit budget analysis. The importance of a healthy sense of skepticism appears to have evolved into the more narrow tunnel vision of the cynic. Martinson's (1974) negative assessment of much of the correctional treatment effort during a limited timespan became the exaggerated symbol and political battle cry of such cynics—no more prison country clubs, no more coddling inmates. It seems important to remember that no matter what emotional benefit such thinking may enjoy, Scharf's (1983) list of contemporary prison realities brings the present state of corrections into a clearer if not more satisfying focus:

1. The prisons are hopelessly overcrowded.
2. Prisons are largely unable to protect the physical safety of their inmates.
3. Prisons have abandoned systematic efforts at rehabilitative, educational and vocational training.
4. There has been an almost complete divorce of interaction between professional correctional and academic disciplines.
5. There has been an obvious decrease in the quality of correctional practice, evidenced in public discussion of technique used in correctional management.
6. There has been an almost total abandonment of experimentation in corrections. While in the late 1960s there were literally dozens of experiments to innovate new methods of correctional care and rehabilitation, one is hard pressed to name a single experiment in a given state which proposes some new form of correctional treatment.
7. There has been an increased unwillingness to consider corrections as a social invention in which the premises of the institution must be subjected to ongoing review and reinvention.
8. There is almost no consensus as to a rational correctional purpose. In a real sense, the profession seems to have lost its moral defense—its sense of purpose.

What should our response to Scharf's list of prison realities be? Traditional answers might point to increased treatment budgets, more personnel, more government grants to encourage research and evaluation, greater interaction between practice and theory development, and, of course, numerous task forces to make recommendations to the Commissioner, Governor, or President. While these and related responses may have their legitimate place in addressing Scharf's correctional dilemmas, this essay will attempt to suggest an approach that, while it may benefit from such traditional solutions, does not depend on them. This approach can work in both institutional and community-based settings. It is an approach that focuses not on another grand technological design, but rather on the fundamental relationship process itself. This is not to suggest that improving technology is not important or that traditional education and vocational skills programs aren't essential for helping offenders to have a decent opportunity to support their families, afford com-

fortable housing, and engage in satisfying careers. Rather, it is about priorities. It's about taking what is "on one's plate" and trying to find meaning and purpose. This approach suggests that the qualities of the relationship process itself are at the center of positive or destructive decision-making; that the inner work of an offender or counselors' relationships needs to take priority in order that external expressions in the context of family and work can be positive and sustaining. Even Martinson who was so critical of the results of the general correctional rehabilitative effort wrote "... the only such benefit may flow not from intensive supervision itself but from contact with one of the "good people" who are frequently in such short supply (p. 31)."

### *The Lost Art of Relationships*

More than any specific systemic approach to treating offenders, it seems rather the quality and credibility of relationships offenders have with treatment staff and significant others may well have the greater correctional influence. For example, historically speaking, it is too easy to overlook the critical treatment impact of the humanity of John Augustus or Alexander Maconochie in favor of their respective treatment methods and procedures. A description of Augustus' interaction with offenders in the police court attests to the genuineness and intensity of his sense of relationship with offenders: "It is probable that some of them know him, for as he walks to the box two or three turn their blood-shot eyes toward him with eager glances. . . . In a moment he is with them, gently reproving the hardened ones, and cheering . . . those in whom are visible signs of penitence" (Dressler, p. 25). Likewise, Maconochie, in responding to inmate Charles Anderson of Norfolk Penal Colony, who had become little more than an unmanageable "wild animal," place him in a position of responsibility for a flock of animals. Greater freedom of movement, personal responsibility, and separation from jeering fellow inmates and guards brought him a substantial degree of confidence and personal stability. Although he later became emotionally disabled and was hospitalized, Anderson never forgot Maconochie. "He was out of touch with reality most of the time, unaware of what was going on about him, but when Maconochie, his wife, or their children, visited him, he returned to reality, recognized his callers. He showed affection for them to the day he died" (Dressler, p. 67). In other words, one could suggest that what really made the innovative treatment approaches of Augustus and Ma-

conochie, and the numerous other methods since then, work was the quality, credibility, and creativity of the authors' relationships with their staff and charges.

Effective correctional relationships then are centered on respecting where the other is currently "at" and potentially can "be." An attempt is made not to focus on how an offender, correctional officer, or administrator ought to be, but rather on how they really are and what they can become. In a correctional setting, the art of relationships includes interactions between offenders, between offenders and correctional staff, between offenders and family or significant others on the outside, between correctional staff, and between correctional staff and the families and significant others of offenders. It is true that not all offenders will be able to or choose to make positive changes. Some have chosen crime as their careers, some are experiencing severe emotional disturbance, and others are angry or confused.

While we cannot be certain who will or will not respond to more meaningful and effective relationships, we can be assured that such a relationship environment can increase the possibilities for more offenders to learn self-discipline. Unfortunately many academic and professional training programs in such areas as counseling, psychology, and social work have emphasized clinical diagnosis, therapeutic technique, and research replicability more and basic communication, experiential, and relationship skills less. The art of relating concerns both the needs of the immediate relationship as well as the longer-term aspects. A well-known counselor-educator, Robert Carkhuff, and his associates (1969a and b) conducted substantial research that indicated the further students progressed in clinical helping programs, the more proficient they became in diagnostic and assessment skills, but at the same time they appeared to become increasingly less effective in meaningful and effective communication skills. We come back again to the point of relationship in a community—a point where we are connected to each other; the community within the prison to the community without; the keepers to the kept; and the part of each of us the world sees to our private world within. How do we restore the quality and credibility of relationships? We know most offenders and non-offenders alike may become assaultive, suicidal, or on the other hand, try extra-hard to do the "right thing" in response to their relationships with others. How do we attempt to transform the energy of negative, destructive relationships into positive ones? We do it through working on ourselves—through our

own attitudes as correctional treatment professionals.

### *Discipline and Obedience*

Bo Lozoff (1987) writes, "... a staff person who's calm and strong and happy is worth his or her weight in gold. People who are living examples of truthfulness, good humor, patience, and courage are going to change more lives—even if they're employed as janitors—than the counselors who can't get their own lives in order (p. 398)." These staff persons have come to a place of discipline in their own lives. Such a sense of discipline involves one who has internalized his or her personal and professional values. These values, forged and tested through a life-time of experiences, come from a wellspring deep within the core of the person's being.

On the other hand, obedience typically reflects a process which encourages us to respond to external cues regarding decisions we choose to make. As correctional counselors we may place a higher priority on choosing the appropriate treatment strategy, whether it be behavioral, person-centered, or some other therapeutic system, than on the potential relationship we might have with the offender we are trying to help. We may choose to look "outside" our relationship for some therapeutic technique other experts have written about. While it may certainly prove useful to consider others' professional expertise, the correctional power of relationships requires counselors to look within themselves and their relationships with their clients for the primary therapeutic value regarding positive interpersonal changes. It is hard to trust oneself in a life where from childhood on, obedience has been the order of the day; from home to school to work, being a good boy or girl has been an important force in our lives. And while to some extent obedience is a necessary and valuable dimension of social living and control, it can become a destructive power when applied too strenuously to the human spirit. Simply "following orders" has gotten a lot of individuals and societies into serious trouble. War crimes trials offer ample examples of such folly. If we continue to look outside ourselves for meaning and direction, we may in time lose our capacity to think and feel for ourselves.

Looking back over the years I worked as a correctional psychologist, I can remember how surprised and disappointed we all were when a particular smiling, cooperative, congenial inmate who never gave a moment's trouble returned to prison so quickly. Our hopes for him had been as high as his apparent

failures were for himself deep. It eventually began to occur to some of us that it may well be that the more assertive, even somewhat cantankerous inmate has the best chance to sustain him or herself in the free world. An inmate or correctional counselor whose primary emphasis is on obedience is looking for orders to follow. Those orders may result in positive or destructive outcomes depending on the environment and who gives them; the bank robber in search of a driver or the community service worker in search of a volunteer may equally hold the key to a parolee's future. Perhaps that is why teaching or imparting to an offender a sense of personal discipline which includes moral responsibility is such an important part of the relationship process. Through discipline, the offender can look within when there are hard choices to be made and sustain him or herself. And as Lozoff suggests, discipline cannot be taught only through the intellect, but must be demonstrated as well by "people who are living examples of truthfulness, good humor, patience and courage."

Another related point which seems worth mentioning is that with professionalism and correctional counseling the tradition of maintaining distance with one's client is typically adhered to. "Don't get personally involved" is a relatively common attitude among many correctional treatment professionals. It seems reasonable to suggest that the qualities (e.g., truthfulness) Lozoff indicates are essential to teaching the offender discipline cannot be adequately imparted through such a professional attitude. Neither being too close nor too removed in a counseling relationship seems appropriate. It is more a question of balance than of distance.

So much of our correctional treatment efforts are by definition coercive, and with several decades worth of litter on the therapeutic landscape, it seems safe to conclude that the success of our coercive efforts are at best quite limited. While we can imprison the body, the mind and especially the heart are not so easily restrained. It seems true enough that we can coerce certain appropriate behaviors in highly structured environments through external rewards and punishments. Unfortunately recidivism and other evidence of correctional failure show that such coercive efforts often do not translate into internal controls, into a sustaining sense of self-discipline outside such environments. Crime does in fact often pay both in and out of prison. It appears to be more a sense of personal morality and discipline than a fear of legal action which encourages persons to act in socially responsible ways. Furthermore, Kohlberg (1976) has demonstrated that offenders can learn to act and

feel in a morally responsible fashion. Yet for such learning to result in a sustained change of attitude and behavior, it would seem that the human will or spirit must be at the center of a person's commitment to act. The heart and the mind always have a choice in relationships to remain hidden or be open. In a genuine relationship between counselor and offender, the opportunities increase for the heart and mind to remain open and for positive change to occur from within the offender.

Through the therapeutic process of relationship between the counselor and the offender, what each does matters to the other. Other than encouraging the counselor to continue working on him or herself, one additional suggestion involves the counselor's efforts to maintain an attitude of "therapeutic intention (Braswell and Seay, 1984)." As treatment professionals or for that matter as human beings, we are not promised desired results. Our intentions—what we are trying to act upon in order to encourage positive change—are all that we have. There are no guarantees regarding treatment outcomes. We know a lot more about what doesn't work than what does. Nonetheless, it is important that we keep trying, that we continue doing the best that we can. At this point a familiar saying might occur to the reader that goes something like "the road to hell is paved with good intentions." I would amend that to say "good intentions not acted upon." Our sense of therapeutic intention may not seem like much in an age of high technology, but in matters of the human spirit such perseverance more often than not makes the price we pay for relationships more than worth paying.

### *PACTS: An Existential Model for Change*

In keeping with our focus on the primary therapeutic value of relationships, a brief overview of an experiential model referred to as PACTS is offered as a catalyst for exploring the positive potential of the human spirit in correctional relationships (Braswell and Seay, 1984). PACTS is an acronym for Paradox, Absurdity, Choosing, Transcending, and Significant Emerging. These five themes of existence follow in sequence to some extent and attempt to help the counselor and offender better understand the mind and heart both in terms of their internal feelings and external actions. The counselor needs to personally consider and examine each of these themes in his or her life if they are to be effectively shared with an offender. What is important is that the essence of each theme is addressed in ways that



are relevant to persons engaged in a meaningful relationship, not whether the actual conceptual labels are necessarily discussed. In other words, rather than talk with an offender about the nature of Paradox, the counselor may instead talk about "when things are not what they seem." The following table provides a brief description of the five themes.

**FACTS:**

<u>Theme</u>	<u>Description</u>
1. Paradox	1. "When things are not what they seem"
2. Absurdity	2. "When life doesn't add up" or "when my world is out of control"
3. Choosing	
a. Commitment	3a. "Deciding to try to change"
b. Noncommitment	b. "Deciding not to change" or pretending to change, which is of course essentially the same decision
4. Transcending	4. "Trying to accept responsibility for where I'm at, but at the same time having a vision of where I can be"
5. Significant Emerging	5. "Understanding more clearly the costs of the choices I am making and making more meaningful and positive choices"

*Paradox*

The following passage from the *Tao Te Ching* by Lao Tsu captures the qualities and truths of "Paradox," the initial theme:

A man is born gentle and weak.

At his death he is hard and stiff.

Green plants are tender and filled with sap.

At their death they are withered and dry.

Therefore the stiff and unbending is the discipline of death.

The gentle and yielding is the discipline of life.

Thus an army without flexibility never wins a battle.

A tree that is unbending is easily broken.

The hard and strong will fall.

The soft and weak will overcome (p. 139).

Sometimes what seems to be true doesn't add up, and what appears to be wrong may in fact turn out to be right. Defending my girl friend's honor at the bar seemed to be the right thing to do, yet serving 2 years for a conviction on assault and battery charges doesn't make much sense. The offender who attempted armed robbery looked forward to a leisurely

life at the bank's expense, not to the despair of a 15-year sentence in a maximum security prison. In other words, our most fool-proof, best-laid plans for success may often result in failure. On the other hand, sometimes positive personal growth may come from a bad experience. The student who fails a test may study harder than ever and earn a better grade for the course than he or she expected. A couple may become closer after the tragic loss of a child. The appearance of a teenager before a juvenile judge may help clarify a family's priorities. What this theme can mean to the counselor is that it is important for the offender to understand that unlike basic math, life often doesn't add up, that one's best success can turn sour with failure and that good can come from bad experiences. It may also be more important to ask "why" regarding life than "how." The lessons of life's paradox include: a) pay close attention to what's going on around you and the choices you are making—things are not always what they seem; b) stay humble—there are no guarantees, and we don't absolutely control anyone or anything; and c) still, if we work at being conscious of a and b and keep trying, life often does work out, and even when it doesn't we can still gain insight and wisdom from the bad times and become stronger.

*Absurdity*

"Absurdity" is basically negative paradox. When I expect something bad to happen, but something good happens instead, I am inclined to be overjoyed with my good fortune. On the other hand, life seems most absurd when the result of my fool-proof plans is that I end up feeling like a fool. Absurdity shatters the illusions of the security I have relied on. The "tough guy" in prison who relied on a waiting, faithful wife as his symbol for hope in the future, feels the hopelessness and despair of his world going out of control when served with divorce papers. A typical drug sale that had happened a hundred times before now turns sour, resulting in a young adult male for the first time in his life being confined in the stone and steel of a maximum security prison. A loving, law-abiding wife and mother of young children is stricken down in the prime of her life with inoperable cancer. These and countless other examples acknowledge that no matter what we do, sometimes bad things happen to good and bad people.

It is in times of absurdity that we are most vulnerable and most likely to seek help. The feeling of absurdity the offender is experiencing usually comprises his or her presenting problem (e.g., depression) to the counselor. My wife has left me, I can't

stand the pressure of prison any longer, or my parents don't really love me, all portray someone whose sense of relationship to their world has become broken (May, 1953). Alienated, alone, and separated, offenders may feel confused and empty. It is as though sometimes we have to lose ourselves in order to begin finding ourselves. The emptiness the offender is feeling during his or her times of absurdity is often feared and rebelled against because it represents the unknown, including death. When I feel isolated from those relationships which are most important to me, I may indeed feel that I have *nothing* to live for. Yet it is during such a time of personal crisis that I am most open to the potential of a helping relationship, of seeking new ways of relating to myself and others. Feeling empty also has the potential to be more than the anxiety and fear of being abandoned and without hope. Emptiness can also become openness. For example, a container has to be emptied before it can be filled up again. Suzuki (1972) writes, "And it is all because of this emptiness that one gains the absolute freedom in spite of restriction and compulsion growing out of one's sense-experience . . . (p. 33)." Emptiness can also encourage us to feel greater compassion for others, learning not to be attached to the illusions which we have depended on for our purpose and meaning. Being empty can also mean being open and receptive to new, more positive experiences. It is at this point of the relationship process that the offender must *choose* the way of commitment, being open to new ways of thinking and feeling, or the other darker side of emptiness, the way of noncommitment and hopelessness.

The lessons of absurdity include: a) life doesn't always "add up" for anyone; b) where my tragic and absurd experiences "lead to" is more important than where they come from (Kushner, 1983); and c) all the experiences in our life, both good and bad, are part of the growing up process; if we keep trying, even our most absurd and despairing times can in the end work for our and others' good.

### *Choosing*

"Choosing" is a crossroads experience. Realizing and accepting that life doesn't always add up, that sometimes the result is painful, even tragic, offers each of us a time of expressing our intentions through the choices we make. For the offender it may be a decision to genuinely commit himself to learn how to read and write or perhaps to participate in group therapy or vocational training. For the perplexed counselor, it may be a decision whether or not to risk trying something different in a relationship with a

frustrating client or just going about business as usual. Each time we recognize some part of our existence as being absurd, we find ourselves at the crossroads of choosing. We may choose either the way of commitment or noncommitment.

When we become committed to trying to put our good intentions into action, we are not promised success. There are no guarantees. As Sheldon Kopp (1972) states, "The world is not necessarily just. Being good often does not pay off and there is no compensation for misfortune (p. 166)." So the inmate who commits to learning a vocation may be more or less successful. Likewise, the counselor's commitment to a new treatment approach may or may not improve his or her therapeutic relationship with the frustrating client. Such efforts could, of course, result in the client becoming even more frustrating. While the way of commitment does not provide guarantees for any particular relationship outcomes, it can encourage us to engage in creative responses to whatever the outcomes are, even when they are the most disappointing. "This lesson is . . . the promise of most religious teachings: not a promise to take away all of our pain and anxiety, but to help us through it—to help us grow and gain a more meaningful perspective concerning who we are and why we are (Braswell and Seay, 1984, p. 29)."

Being more fully committed to a relationship with an offender client, the counselor can more clearly understand and remember what is "really" important to the client and become less concerned with defending a particular therapeutic or political position. If our relationship is to matter in a significant way to the client, we must first enter his or her world. Before we can expect clients to seriously consider an alternative reality—an alternative way to perceiving and relating to society at large—we must first acknowledge their world with our presence in relationship. Our presence in the world of the client must be first as the person who we are rather than a symbol of the therapy we represent. Our relationship with the offender client then may become an experimental model that perhaps can in time become enlarged to include others as well.

Genuine commitment to a helping relationship can be both frightening and exhilarating at the same time. The intimacy that evolves from such a relationship will inevitably include both positive and negative experiences. It is important that the counselor continue to try to help the offender translate both the "high" and "low" experiences in terms of his or her ongoing existence, of "what can be" for that person. In serving as translator and interpreter

of experiences found in a relationship, the counselor must share a part of his or her world by telling his or her stories and receive the presence of the other by carefully listening to the client's stories which range from childhood memories to hopes for the future.

The counselor or client does not have to choose the way of commitment. One or both may instead choose noncommitment. Choosing noncommitment becomes self-evident through acted out intentions. Such evidence may be found equally in the client who refuses to even give treatment a "try" or who tries all the treatments as a means of manipulating or conning the counselor for favors and other special considerations. Likewise, the counselor whose office walls are littered with professional membership and inservice training certificates and who sees more clients each day than any other counselor may be no more committed to helping clients than counselors whose bare walls reflect their lack of interest in helping themselves or their clients.

Three traps counselors can easily fall into with clients are a) mutual admiration and gratification; b) professional advancement and recognition; and c) burnout. Mutual admiration and gratification are a subtle relationship trap the correctional counselor can find himself in with clients he finds appealing. The story line goes something like, "You make me feel good about myself as a counselor, and I won't require you as a client to really examine where you are at as a person and where you need to be." As counselor and client, we risk little, preferring to keep our relationship slick and simple. Professional advancement and recognition is a reasonable goal for the correctional counselor, but not at the expense of one's relationship with one's clients. Does my professional advancement and recognition naturally emerge from the center of my relationships with clients or are such relationships peripheral to my advancement and recognition efforts? If my answer is the former, then I am committed to the service of others; if my answer is the latter, then I am committed to the service of myself. Service to myself leaves little or no room for relationships with those I am supposed to be helping. It is an easy enough trap for the counselor to fall into who has the energy and ambition to substitute professional growth for personal growth. Of course, one doesn't have to exclude the other, but it does seem to happen in many instances. The correctional counselor who starts his or her career seeking creative ways to motivate and encourage positive change in offenders through relationships may find him or herself several years later more interested in

promotions, publications, and presentations. The challenge then becomes how do I remain mindful and centered on my commitment to my relationships with clients which comes from within and accept gracefully whatever promotions, rewards, and other recognition which come from without. If I am not careful, my own professional advancement and recognition may become my vocation at the expense of my personal work. To the extent this happens, I will have more, but be less—have more pieces of the pie, but be less at peace with myself.

Burnout is a reality each of us faces regarding vocations and relationships in which we choose to participate and is well documented (Whitehead, 1987; Cherniss, 1980; Masloch, 1986). Disappointing experiences with co-workers and clients as well as the bureaucracy in general from time to time restrict our focus and close our hearts to the possibilities of relationship. Narrow-mindedness evolves into cynicism, and from cynicism we are but a short step to despair. The burned-out counselor or client is more concerned with surviving than with growing. Playing it safe becomes a priority. Their thinking is, "if I risk nothing at least I won't lose anything." Of course, life teaches us that nothing could be further from the truth. The lessons of life suggest that "if I risk nothing, I will lose everything."

What does the correctional counselor do when the client he or she is trying to work with continues to demonstrate noncommitment in a variety of ways? After all, most correctional counselors have too few hours in the day and too many clients to see. One suggestion is to respect the client's right not to try to change or grow and to share such feelings with him or her in an appropriate way—and while leaving the door to your office and heart open to relationship should the client decide to become committed at some future time, focusing most of your energy instead on those persons who seem to be committed to trying. It would seem such an approach would decrease one's potential for burnout and increase the possibilities for meaningful, helping relationships. Finally, as important as commitment is for the counselor and client's relationship, trying alone is often not enough. Such relationships also need hope and a sense of vision.

The lessons of choosing include: a) trying to become more responsible for who I am and who I really want to be; b) persevering in trying to put my good intentions into action; c) making an effort to work through relationship traps of which I am a part; and d) forgiving myself and others when we fail so that I can keep trying.

*Transcending*

D.T. Suzuki (1971) once wrote, "It is for this reason that we say that we are far greater than the universe in which we live, for our greatness is not of space, but of the spirit (p. 92)." In other words, while the small cubicle of a windowless prison office may provide the apparently insignificant meeting space between the counselor and offender, the spirit of their relationship is not necessarily limited to that space. Their relationship encompasses both past experiences and visions of the future (good and bad) as realized in the present moment of their meeting. For such a meeting to be transcendent, counselor and client will have to encourage their relationship to move beyond their physical confinement.

Too often the weight of restricted space also restricts the relationship's possibilities for personal growth and change. However, commitment to a helping or therapeutic relationship can enable the counselor and offender to take the necessary "leap of faith" which is essential to developing a transcendent attitude. Such an attitude does not depend on a "... blind leap. It is, rather, a leap filled with vision and purpose . . . and struggle (Braswell and Seay, 1984; p. 38)." The transcendent attitude takes full responsibility for what I have done and where I am at. Yet, at the same time, it seeks a vision of where I can go and what I can become. For a juvenile offender on probation, it may involve recognition that his or her family life is rotten; that he or she is a part of a larger family problem; and that his or her parents will probably get divorced no matter how good or bad he or she is. And still with all the pain and confusion, he or she can continue to care for parents and have a life of his or her own, a chance to find his or her own way and feel good. For an adult offender on death row, it may require his or her acceptance that regardless of the circumstances, in taking someone's life, he or she took something that cannot be given back, that on an appointed date according to the laws of the state, the cost of his crime will be his or her own life.

Even with such a desolate example as this, transcendence is a gift the human spirit offers. Perhaps the guiding vision the offender follows is one in which he or she accepts a limited sense of time and space and yet struggles through his or her sense of isolation and remorse to find forgiveness for the pain given him or her and the pain he or she gave. His or her actions, though limited by the constraints of death row, do not reflect his or her thoughts and feelings which are free to express themselves openly

to guards and fellow prisoners and secretly in the openness of one's own heart. Dietrich Bonhoeffer, a theologian imprisoned by the Nazis, completed some of his most inspirational work through his letters to friends and family while in prison. His execution was carried out just days before his prison camp was liberated by the Allies.

Part of the process of developing a more transcending attitude involves understanding the difference between attachment and nonattachment in relationships. From a young child's attachment to his or her blanket to a senior executive's attachment to his or her career and the assumed power that goes with it, attachment to persons and things comes in all shapes and sizes. Most of us in one way or another are inclined to be attached to such elements as status, money, youthfulness, good looks, and other persons who for whatever reason appeal to us. If we can just make enough money, be accepted in the right circles, be more attractive, and have the right friends, we will be able to create a good life for ourselves. Unfortunately, the truth is that most of us occasionally make bad career decisions and financial investments, friends (even married ones) don't always stay friends, and no matter what we do, we eventually grow older and die. Yet our attachments allow us to prolong, at least temporarily, the illusion that we can control our lives, that we can somehow earn intimacy and closeness. Such a focus inevitably requires us to develop an increasingly more narrow and restrictive view of our lives as we attempt to predict and control the empty promises of our illusion. I may become correctional counselor-of-the-year, but is such recognition gracefully received as a symbol of my inner work which is expressed through meaningful relationships with clients, or is it but a political reward, another piece of external evidence I have collected to strengthen the illusion that I am somebody, that my life is in good order? I may become the most respected inmate in prison, but is such recognition based upon my attachment to power and intimidation or is it more of a reflection of the respect I feel inside? Am I simply the strongest of the strong or am I centered on the reality of what it means to be in prison, yet with a vision of how such a reality even with its hard edge can be improved in more humane ways? If we continue to cling to the illusions of our attachments, we will find ourselves increasingly in fear of our future and missing out on the significance of the present.

Nonattachment offers us another way to relate to each other. Nonattachment invites us to struggle with our need to give to a relationship with "no strings

attached." Nonattachment encourages us to give for the significance of giving rather than simply as a condition for receiving something in return. Nonattachment does not mean being detached in a negative or noninvolved way. It is more of a process of acknowledging that we cannot in fact control anyone's mind and heart or, for that matter, absolutely control their behavior. It is a process through which we try not to perceive ourselves or others as objects or things to be manipulated. Nonattachment can help us to sit and relate to someone in an atmosphere as free of stereotypes and biases as possible—through an attitude of respect and empathy for where they are in their lives yet nurturing a vision of where they can be and who they can become. Nonattachment is a vital attribute for all meaningful relationships. To place such a quality in the context of parent-child relationships, do we "love our children to death," bind them forever to us through our need for attachment, or do we "love them enough to let them go," freeing them to find their own way—a way that will ironically allow us to join them in a deeper more loving relationship? The same can be said of the correctional counselor who is relating to an offender. Do we care enough to struggle with being real in the relationship we share with our client, or do we demand that the relationship conform and be limited to our perceptions and attachments of what we think a counselor and offender are?

Encouraging a transcending attitude in ourselves and our clients is not easy and requires practice. Meditation in its diverse and various forms provides such a way of practice. Meditation is essentially the ability one has to move into a state of "relaxed concentration." John Main (1982) contends that meditation is a process of liberation through which we activate our spirit. The practice of meditation attempts to quiet both the body and the mind, afterwards allowing one to think more clearly and act in more meaningful ways. Forms of meditation can include breathing exercises, physical exercise such as jogging, prayer, and silence (Lewis and Strietfeld, 1970; Lozoff, 1985; Buffone, 1980). The practice of meditation can help us become more aware of ourselves and increase our ability to become more attentive and receptive to what is going on inside us and around us. A form of breathing or silent meditation can be a particularly useful way for the counselor to begin and/or end a session with a client. Becoming quiet and centered can help both counselor and client begin a session on a more common plane, more closely attuned to the relationship they share. In addition and perhaps more importantly, such a

meditation practice teaches the counselor and client self-control. Lozoff (1985) writes, "An uncontrolled mind—no matter how much it knows, how smart it becomes, or how many pleasures it experiences—will never find peace or satisfaction . . . we have to learn the delicate art of allowing a thought or feeling to be whatever it is, but without getting sucked into it; we can't let it control us (pp. 37, 39)."

Developing a transcending attitude can help us become more aware of the feelings and moods with which we often victimize others and make ourselves victims as well. Through such an attitude we can learn to nurture a sense of humor, taking ourselves and others less seriously, yet taking our commitment to grow more seriously. The lessons of transcending include: a) accepting responsibility for where I am in my life, but being committed to a vision of hope in who I can become; b) caring enough to struggle with whatever I am attached to—hate, power, another person, or whatever it is; and c) practicing meditation to quiet my body and mind so that I can make clearer and more meaningful choices about my life.

#### *Significant Emerging*

The final theme, "Significant Emerging," provides a cumulative reference point for the other themes we have examined. Significant emerging is most fundamentally concerned with the costs of our life choices. Through examining and exploring each of these themes which are found primarily in our relationships, perhaps we can become more aware of the price we are paying for our lives. The juvenile who decided to go along with friends and commit a crime for a thrill had no forethought of the possible legal consequence and didn't really want to embarrass his or her family. The inmate in prison who killed someone in a drunken quarrel wanted respect, not the burden of someone's death. The correctional counselor with the cynical attitude and the burned-out disposition now wears the institutional label of being ineffective. At one time that counselor wanted recognition and appreciation before he or she became convinced administrators and offenders would always be incorrigible. Each of these persons and each of us have chosen pathways to follow that have led us to places we did not realize we were going at emotional and physical costs we were not aware we would have to make.

The purpose of the PACTS model is to help correctional counselor and client become more informed and aware of the directions in which our choosing leads us. From the paradox of things not always being

what they seem, to the absurdity of our world being out of control to the point of self-confrontation where we choose a way of commitment or noncommitment, to the development of a transcending attitude for those who are committed, separately and together, each theme in the context of relationship points to a whole greater than the sum of its parts—to a point of significance which gives our lives meaning and authenticity. Rollo May (1975) states, "Psychologically and spiritually man does not live by the clock alone. His time, rather, depends on the significance of the event (p. 220)." Good and bad experiences offer both counselor and client an opportunity to grow and experience greater significance in their lives. As we attempt to develop a transcending attitude we may find that we become more free as we persevere in trying not to control or manipulate other persons.

Experiencing "synthesis" is an important part of our search for significance. Synthesis is essentially our attempt to come to grips with both the good and the bad that is within each of us. Synthesis can allow us to live more fully with the highs and the lows, the joy and the pain of everyday living. We can simultaneously acknowledge that which is worst about us and that which is most positive. Sam Keen (1974) when interviewing Robert Assigioli writes, "... there may be a reconciliation between warring opposites—reason and emotion, duty and desire, mind and body. I am tired of warfare. But reconciliation between the contradictions . . . makes sense only when the contradictions have been experienced. . . . I have to reverence my anger and fear before they become civilized (p. 22)."

Prisons are full of unreconciled contradictory feelings. Rationalization and denial abound in both the cell of the inmate and the office of the counselor. Restoring the lost art of relationships creates an environment where such unreconciled feelings as love and hate and despair and hope can be acknowledged and respected for what they are. This therapeutic environment can help reconcile these "warring opposites" which result in so much damage both within and without the individual. Experiencing a greater sense of synthesis in our search for significance is an intergrating function, making us more accountable for the quality of our relationships, rather than a separating function which estranges us from both ourselves and other persons. The correctional relationship is fundamentally the counselor and client seeking significance through the struggle for synthesis. We should remember as counselors or as anyone who is trying to be a helping person, that the

treatment process we most need to utilize in order to be effective is not in a book, expert, or some other place outside or ourselves; the most powerful treatment process is within—within the midst of the relationship we share with the one we are trying to help, the one inside our own heart and mind and the one looking at us across the desk in our office. For better or worse, we are the treatment. The treatment is us. As correctional counselors, we are the point through which the therapeutic process comes alive in relationship with another person. The time for such relationship is now. The place for such relationship is wherever we find ourselves. The basic requirement for our being effective is that we keep trying.

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