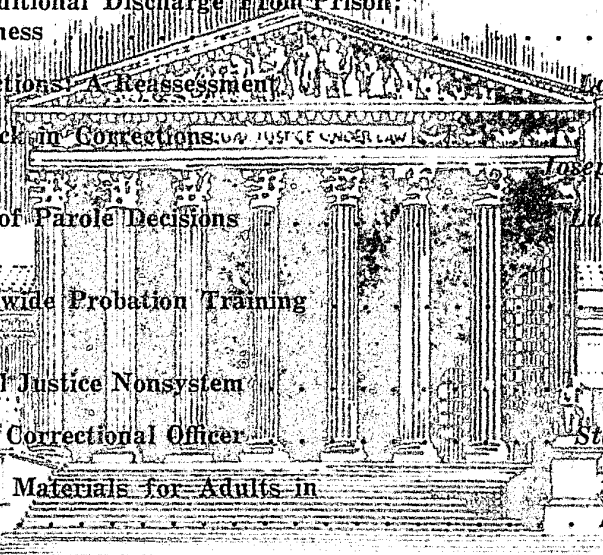


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JUNE 1974

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This Issue in Brief

A New Look at Sentencing: Part I.—There is a growing dissatisfaction with the sentencing function in criminal justice systems throughout the United States and other Western countries, asserts Richard A. McGee, president of the American Justice Institute, Sacramento, California, in the first of two articles on sentencing. Indeterminacy in sentencing and delegation of wide discretionary powers to parole boards are questioned on both philosophical and constitutional grounds, as evidenced by the explosion of case law in this area, he states. Contemporary developments seem to foreshadow the return of the total sentencing function to the judiciary under a plan which will alleviate the problem of disparity of sentences imposed by trial court judges. Such a plan must be devised so as to (1) protect the public, (2) preserve the rights of individuals, and (3) satisfy reasonable men that it is fair, consistent, incorruptible, and constitutional.

Conditional and Unconditional Discharge From Prison: Effects and Effectiveness.—This article, by Dr. Irvin Waller, senior research associate, Centre of Criminology, University of Toronto, describes and comments on some findings from an intensive study of the first 12 months in the community of 423 men released from Ontario federal penitentiaries. The study, which compared a sample of 210 men selected for early release on parole with a sample of 213 mandatory releasees, represents an attempt to develop a theory—that could be tested empirically—identifying the process leading to rearrest.

Rehabilitation in Corrections: A Reassessment.—Lawrence W. Pierce, U.S. district judge for the Southern District of New York, urges that consideration be given to short, flat, prison sentences, ranging between 4 and 8 months, for non-

violent offenders, followed by longer periods of noncoercive support and help in the community. The short prison term would be principally retributive and would require only modest program inputs, while the much longer period of helping services in the community would represent the major rehabilitative input.

Cushioning Future Shock in Corrections.—If community corrections is an idea whose time has come, its reality is still largely in the offing, main-

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tain Milton Lager, director of the New York State Division for Youth, and Joseph S. Lobenthal, Jr., an attorney in New York City. Advocates and planners should be seeking to identify and exploit the near- and long-term changes currently being manifested throughout the criminal justice system—including its correctional component—and in society at large. Instead, they affirm, many appear to be placing undue reliance on the stability of present conditions and seem reluctant to formulate correctional plans and positions based on apparently futuristic issues.

Administrative Review of Parole Decisions.—A frequent criticism of parole decision making has concerned the absence of procedures for appeal of an adverse decision by an inmate. In October 1972 the United States Board of Parole launched a pilot regionalization project including a two-step administrative appeal process. Board staff members Lucille K. DeGostin and Peter B. Hoffman discuss the application of these procedures during the project and their adoption with minor modification in the Board's overall reorganization plan.

A Basic Plan for Statewide Probation Training.—Libby Bertinot and Jack E. Taylor, co-directors of the Texas Probation Training Project at Sam Houston State University, examine the development of a comprehensive statewide training program in a predominantly rural state where probation services are decentralized. The Texas probation officer needs to expand probation services rapidly, must be a professionally qualified officer to do so, and must achieve this without the support of a State agency administering probation services. To keep up with these demands, it is necessary to provide both basic and comprehensive training and the authors relate how Texas is accomplishing this task.

Training in the Criminal Justice Nonsystem.—The issue of criminal deviance, its understanding and control, has been relegated to the so-called "criminal justice system," reports criminologist Alvin W. Cohn. However, many authors in recent times have expressed the view that a system of criminal justice administration does not exist in the United States, he adds, which has serious implications for practical operations and future programming. While there are many issues and consequences associated with the

efforts to systematize criminal justice administration, he continues, one which deserves considerable attention is that of training and staff development. Once a goal of an organization—or the system—is made explicit, it can be through the meaningful training of workers, at all levels, that the goal can be implemented.

A Bill of Rights for the Correctional Officer.—Psychologist Stanley L. Brodsky of the University of Alabama proposes a set of organizational and occupational rights for the correctional officer. These are: (1) A piece of the action when decisions are made and information gathered; (2) clearly defined roles and loyalties; (3) education and training relevant to job activities and career development; (4) differential assignments related to skills and abilities; (5) informed behavioral science consultation on managing people; and (6) the development of professionalism. Fulfillment of these rights, he states, is dependent upon both the administrator and the officer.

Developing Curriculum Materials for Adults in County Prisons.—Drs. Duane H. Sackett and Howard E. Blake of Temple University have based this article on their experiences in developing curriculum materials for inmates in county prisons. For maximum learning to take place, these inmates, because of their unique situation, need materials especially prepared for them, the authors assert. Educational and institutional factors to be considered in developing these materials are then set forth.

Deferred Prosecution: The Juvenilization of the Criminal Justice System.—In the last few years diversionary programs have begun to gain acceptance in the criminal justice system, according to Robert W. Balch, assistant professor of sociology at the University of Montana. Criminal offenders who do not display a "continuing pattern of antisocial behavior" are not prosecuted if they successfully complete a period of probation and counseling. Like juveniles who receive informal dispositions, adult offenders who submit to pretrial probation lose many of the protections they have traditionally enjoyed under our present system of criminal justice, Professor Balch writes. The potential for abuse, he adds, is hidden beneath the "rehabilitative jargon" used to describe diversionary programs.

A Bill of Rights for the Correctional Officer

BY STANLEY L. BRODSKY, PH.D.*

Associate Professor of Psychology, University of Alabama

DEMANDS are increasingly made by many segments of the American population in the forms of legal actions, informal requests, and organized political activity. Public attention has been drawn to advocates of women's rights, of rights of Blacks and Chicanos, rights of homosexuals, rights of college students, and of rights of welfare recipients.

In this medley of loud demands, the legal rights of accused persons and convicted offenders have been in good voice. The tune includes themes related to the charging process, adjudication, right to counsel, freedom from self-incrimination, and illegal search and seizure. Any correctional administrator will attest to a continuation of such legal concerns after imprisonment. Inmates individually, as well as in class actions, are submitting writs and filing suits at an unprecedented pace.

Law enforcement personnel have had a similarly vocal expansion of demands for rights, privileges, and status. The development of police strikes, organized political activities, police unions, and the occasional emergence of police commissioners as mayors of large cities reflects this pattern.

I strongly approve of these developments. I feel that offenders, police, and other groups who have grievances should actively seek redress through existing legal structures, as well as through informal negotiations. We should note that correctional officers have been underrepresented in this increasing dialogue for occupational welfare and rights. The purpose of this article is to propose a set of rights for correctional officers.

The rights on which this article will focus are not legal rights; rather they are organizational and interpersonal rights of officers. While such rights would be difficult to substantiate in a constitutional or statutory sense, they are rights applicable toward development of maximum effective functioning within the job demands.

Right No. 1: A Piece of the Action.—A military hierarchy of command often exists in correctional

facilities. In this hierarchy, information and communication patterns flow in one direction. That direction is down, from the top of the hierarchy to the front line staff at the very bottom. This is an undesirable procedure for two reasons.

First, there are perspectives and experiences correctional officers have to contribute from their direct contact with the offenders. These perspectives represent important information sources upon which relevant decisions should be made.

Secondly, it is uncomfortable to be swept along in a process over which one has no control. And just as individuals generally should have an opportunity to participate in decisions that affect their welfare, active participation will make correctional job functioning more meaningful and responsible.

Correctional officers should serve on boards, committees, and decision-making structures at all levels within penal institutions. These include evaluation meetings, disciplinary actions, classification and parole boards and administrative and treatment staff meetings. Such communications and activities lead to a sense of mutual respect among staff, which is not achieved in any organization that insists on personnel keeping their mouths shut and saying "yes sir."

I recently visited a prison in which a new warden was being selected. Not only was there no participation by institutional personnel in the selection process, but the actual method of selection was maintained as a secret. Correctional officers should have a representative body who would meet with warden candidates and at the least would submit advisory recommendations.

It is difficult to say whether what is good for the spider should be good for the fly. However, if all individuals should have an opportunity to participate in decision making related to their welfare, a logical implication is that the same privilege should be allocated to inmates. Thus almost all boards and committees in prisons and all decision making—including warden selection—should have inmate participation and representation.

Right No. 2: Clearly Defined Roles and Loyal-

ties.—This is a time at which the goals of correctional institutions are changing. Exclusively custodial institutions are adopting ideologies of reintegration of offenders into communities and prisons as agents of positive behavior change. As a result several messages may be given to employees as well as inmates. The officer is sometimes perceived as being a personal counselor to whom inmates can turn in times of need. At the same time he must be a firm symbol of authority who will encourage by example and by punitive action appropriate societal behaviors. Such conflicts can and do occur.

New job terminologies that are coined may exacerbate these conflicts. For example, new job descriptions have emerged in North Carolina of correctional treatment officer and in the State of Illinois Security Hospital of security therapist.

It is important that officers have a clearly defined set of roles and priorities, and that in their dealings with inmates these loyalties, responsibilities, and roles be explained. Thus, there would be no presenting of self under false guises.

For example, it is incorrect that a major goal of a prison is to produce happy prisoners. This simple statement may reduce considerable role conflict in officers. We might also ask, is the role of the prison to have happy officers? Again I suggest that the answer is no. However, in both cases, having relatively satisfied officers and relatively satisfied inmates is an expected byproduct of meeting other goals in reasonable and effective ways.

Is it true an inmate would not confide in an officer or seek counsel and help if he knew the officer might communicate the conversation to the administration? This is true for a small number of inmates. However, if there is a sense of trust and interpersonal comfort in speaking to the officer, most inmates would speak freely and openly. The same judgment deficit that caused many inmates to get into trouble—that is, not planning ahead into the consequences of their actions—prompts inmates to discuss potentially troublesome matters with correctional personnel they do trust.

Right No. 3: Education and Training Relevant to Job Activities and Career Development.—Too many training programs for correctional officers are cursory, superficial, or consist of a training officer reading from a book of regulations. There is no reason to believe that a person without any correctional background will automatically be a

good correctional officer. Nor is it reasonable to believe that he will acquire appropriate job behaviors simply as a result of on-the-job experience. He is entitled to training that defines goals and prepares him to have "a piece of the action." Such minimal training rehearses and emphasizes appropriate behavior through role-playing, positive experiences, and high exposure to troublesome situations and their solutions.

A part of this preparatory process is continuing education, and career and personal development, in a system that values these characteristics. The correctional officer should be entitled to an optimal opportunity to develop his potential, and to maximize the constructive use of his talents. The encouragement of this personal improvement, through higher education or through a variety of other developmental experiences, will be accompanied by parallel improvement and growth in the agency.

Right No. 4: Differential Assignments Related to Skills and Abilities.—A major development in psychological research on prisons is that different inmates respond selectively to different types of officers. This basic principle is that correctional officers should be placed with the types of inmates or in the types of positions that fit best. There are some officers who are most comfortable and effective when having minimal interpersonal contact with inmates, as a result of temperament, background, or opinions. In such cases, these individuals ought to be opening and closing gates or working in isolated towers. There are others, by virtue of their high interpersonal effectiveness, who should be in situations of maximum impact with selected groups of inmates.

We know that inmates are highly variable, and it is faulty to speak of offenders as if they were alike. In the same sense it is false and unreasonable to think of correctional officers as if they were cast in the same mold. There is as much variability and difference in officers as in any other segment of the population. The Camp Elliott Study, the R.F.K. Youth Center experience, and the California Community Treatment Project have all demonstrated that the interaction between offender types and correctional officer types is more effective in producing desired behavior changes than either factor alone. We should also note that assigning officers to work with a relatively homogeneous group of prisoners makes the officers' role definition much clearer.

Right No. 5: Informed Behavioral Science Con-

* The author is indebted to Myrl Alexander for his thoughtful comments on an earlier draft of this article.

sultation on Managing People.—Much correctional work is private; that is, it involves unobserved one-to-one interpersonal transactions between an officer and an inmate. And there are a number of problem inmates in every prison. As officers have difficulty in relating to or supervising such prisoners, they are entitled to have expert consultation. Expert advice, however, does not come out of a vacuum. The notion of *informed* behavioral science consultation carries with it the belief that the behavior consultant will have direct knowledge and awareness of correctional officer tasks, perceptions, and situations. Pious lectures or unrealistic treatment suggestions are not part of this consultation process. Rather, good consultation makes the correctional officer a more effective manager of people through an on-site education process.

Many consultants have attempted this through meeting weekly with small groups of correctional officers. Cases with positive results have been discussed as well as problem cases. Opinions are shared and the consultation process is typically a two-way learning experience.

Right No. 6: *The Development of Professionalism.*—Professionalism indicates specialized sets of knowledge and skills as well as the acquisition

of high status. This notion of professionalism has been contagious among police departments. It is time that correctional officers acquire the objectivity, the pride, status, and skills of a professional group. This sense of pride is strongly and much needed at a time that attacks on correctional officers by the public and the press often put officers in defensive positions. It is out of the security of professionalism that officers can face difficulties within and without the institution in a non-threatened, constructive, and positive manner.

Conclusion

These are not inalienable rights nor are they rights in the sense of the Constitutional Bill of Rights. However, they represent a series of critical steps and occupational landmarks for development of correctional officers. Most persons do not go into corrections work for altruistic reasons or because of the nature of the work itself. Rather they enter because of a need for employment or job security reasons. Once they have entered, it is incumbent upon administrators and upon the officers themselves to carefully consider what they are doing and where they are going. The present list of occupational rights represents one such set of considerations.

AN ODD and injurious notion is widespread that there is something disreputable about being a policeman or a criminal lawyer or a prison guard. The fact is that there are few fields in which people have more opportunities to do important and responsible work than the criminal justice system. Recruiting such people in large numbers, training them fully and giving them the pay, the opportunities for advancement and the responsibility they deserve is a matter of great urgency.—THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE (1967).

END