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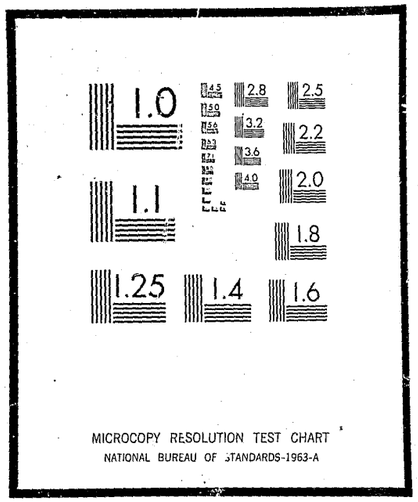

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CORRECTIONS: PERSPECTIVES ON RESEARCH, POLICY AND IMPACT*

Summary of Proceedings

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Stanford University

Conference Organizers:

William Gaymon and Eugene Gloye
Office of Naval Research

* The Third Annual Conference on Corrections in the United States Military was held June 6-7, 1974, at the Center for Advanced Study in the Behavioral Sciences, Stanford, California. The Conference was sponsored by the Office of Naval Research. It was supported by ONR Research Grant N00014-67-A-0112-0041 to Philip G. Zimbardo and by Smithsonian Institution Grant N00014-67-A-0399-006.

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13. ABSTRACT This report summarizes the proceedings of the Third Annual Conference on Corrections in the U.S. Military, sponsored by the Office of Naval Research and held June 6-7, 1974 at the Center for Advanced Study in the Behavioral Sciences, Stanford, California. Conferees included ONR officials, Naval personnel involved in correctional research and administration of correctional programs, social scientists whose research is supported by ONR and several consultants.

The central purpose of this conference was to examine the relationship of research programs to policy decisions and their impact on correctional systems. New information supported tentative conclusions that had emerged from our two previous conferences: (1) punishable violations resulting in manpower costs to the organization are often due to systemic factors (e.g., racial discrimination or unrealizable ambitions encouraged by recruiters which were subsequently denied by limited advancement opportunities); (2) current definitions of criminality subject men to harsh sanctions for diverse acts whose consequences for the organization often tend to be trivial; (3) once a violation is alleged, judgmental biases among officers distribute sanctions unevenly; and (4) correctional institutions tend to be counterproductive. Intervention was called for in each of these aspects of the military justice process.

The conference considered in detail examples of research leading directly to policy decisions with favorable results. Conferees also presented examples of equally compelling research that was ignored or abused by policy makers. Special attention was given to the value of education of researchers whose findings have policy implications. The availability of promising models for alternative criminal justice procedures added a sense of urgency to these deliberations. (continued on reverse side)

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REHABILITATION						
RESEARCH						

Continuation of Abstract:

Concluding remarks stressed the need for additional commitment by ONR to research on the impact of military correctional systems on the total military environment. Finally, conferees were agreed on the importance of increased communication among researchers and practitioners as well as stressing the focus of more fully developing the interface between basic research findings and operational programs within the Navy.

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THIRD ANNUAL CONFERENCE ON MILITARY CORRECTIONS

June 6-7, 1974

List of Participants

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*Dr. Lawrence A. Bennett	California Department of Corrections
Mr. Kent Crawford	Navy Personnel Research and Development Center
Dr. Johnnie Daniel	Howard University
*Dr. William E. Gaymon	Office of Naval Research
*Dr. Edward M. Glaser	Human Interaction Research Institute
*Dr. E. E. Gloye	Office of Naval Research Branch Office
*Mr. Craig Haney	Stanford University
*Mr. George S. Louie	Currently on Probation
*Mr. Francis J. Mallon	Institute for Behavioral Research
*Mr. Jamie Newton	Stanford University
*Mr. William Peck	Bureau of Naval Personnel
*Mr. Carlo Prescott	Radio Communicastor (KGO). Former inmate California State Prisons
**Dr. Nevitt Sanford and Mrs. Sanford	Wright Institute, Berkeley
*Dr. Larry Solomon	California School of Professional Psychology
*Mr. John Steiner	Sociology - Sonoma State College (Former concentration camp inmate)
Mr. Albert Wells	Behavioral Research Labs (and Abelard Foundation)
* Dr. Philip G. Zimbardo	Stanford University

*Speakers

**Dinner Speaker

OPENING REMARKS

William E. Gaymon

This conference originated two years ago, motivated by the idea that many problems within the Navy might be centered in the correctional process. It was evident to participants at that first meeting that the Navy is dominated by a coalition of powerful informal groups whose influence is directed against the interests and well-being of less powerful groups. This problem is most starkly manifested in the unequal distribution of power and privilege among blacks and whites. Blacks are over-represented in naval prisons by a factor of three relative to their proportion of the naval population. This raises the specter of the Navy as one instrument of an unjust society meting out unequal justice.

While correctional practices were seen as a focus, the consensus among the participants was that the problem is systemic with racial discrimination standing out as the most obvious symptom of an overall problem. The conference has sought to identify systemic factors in the manpower waste that results when people originally selected by the Navy for their skills come into conflict with authority and are consequently incarcerated. This objective is especially important in the era of an all-volunteer force, during which the military must compete with business for capable people, and the different branches of the service must compete with each other for the "best" available recruits.

At last year's sessions, examples were presented of approaches that seem to be making inroads against systemic problems. Harold Cohen described a behavior management program that successfully resocialized juvenile delinquents and over the short term (up to three years)

decreased their recidivism rate. Bob Boblett described the Air Force's procedures at Fort Lowry, where a combination of trust and technical training have produced an impressive rehabilitation record.

This year, Bill Peck will introduce a model program the Navy has initiated at Corpus Christi. Model programs can lead the way toward changing the Navy so that anyone entering has an opportunity to use his skills and in addition, the Navy acquires an image of being the sort of place where everyone gets a fair shake.

Hopefully, it will be possible to publish a technical report of the proceedings of this year's conference.

Discussion

Issues:

(1) Do recruiting practices and discrepancies between a black recruit's expectations and Navy realities generate resentment and deviant behavior in such men?

(2) Does disproportionate representation of blacks in Navy confinement imply discrimination against blacks, or does it reflect a higher incidence of criminal activity among blacks than whites?

* * *

Gloye: Glickman and his associates, at American Institutes for Research, have developed flow-charts showing decision nodes in a man's first enlistment in the Navy. The re-enlistment rate is only about 30%. No business could stand such a turnover rate.

Navy recruits can sign up for three or four year tours. To be eligible for training in a "class A school," a four-year tour is required. Blacks entering the Navy are apparently not motivated by the opportunity to receive this technical education, but rather by the chance to see the

world. In addition, they believe they will be treated more fairly in the Navy than in the general community. Recruiters grow adept at quickly discerning a man's hopes and reflecting them back to him, so that men sign up expecting their hopes to be fulfilled, when in reality some of those expectations cannot be met. Recruiters need to be more aware of long-term enlistment problems and not merely sensitive to meeting their weekly quotas as early as possible.

Under the stress of hardship and oppressive authority at boot camp, the men form tight peer groups. This is especially characteristic of blacks. At the end of the eight-week training course, these groups are disbanded and the men are sent to diverse schools. Thereafter, three-year men become seamen and perform essentially unskilled labor aboard ship with little possibility of becoming "strikers" for more attractive jobs. More blacks than whites are in this disadvantaged position, relative to their numbers in the Navy.

Men who find Navy realities aversive and contradictory to their entering expectations experience cognitive dissonance, and may early on decide that they dislike the Navy. They may spend the remaining 2½ years of their tours wanting to get out. Their discontent impacts on others and generally depresses the esprit de corps.

Perhaps after six months in the Navy, men who want out should be allowed to leave because eliminating the general problems they create could offset the monetary loss in their short tour of duty.

On the positive side, virtually everyone in the Navy is motivated by involvement in highly technical, challenging, dangerous activities on board ship. For example, the teamwork required for highly technological jet take-off and landing operations is rewarded by safe launching and recovery and pride in the accomplishment.

* * *

Gaymon: Proportionately few blacks have the satisfaction of participation in highly technical activities. In 1972, there were only 34 black pilots in the Navy. Observing challenging work done by whites while being barred from participation is part of the problem for blacks and others in non-upwardly mobile positions.

Prescott: Blacks do know what kind of treatment to expect in the Navy. They enter in spite of that in order to escape from the streets to an environment where the chance of success is better.

Gaymon: Recent research shows that expectations of blacks in the Navy do not differ from their expectations in the civilian world.

Glaser: Isn't it true that men enter the Navy without skills and gain them there? And logically, isn't it possible that any two groups in the Navy--race aside--may be treated differently because their behavior is in fact different? If the proportion of "X"s in the brig is three times their proportion in the population, does this necessarily imply injustices in the system? Isn't it logically possible that "X"s do things that get them in trouble more often than "Y"s?

Gaymon: That argument relies on the same unconvincing logic used in the Hicks Subcommittee Report, which noted that blacks coming before a captain's mast are more likely to receive more severe punishment because the captain takes prior records into account and blacks have more prior offenses. The Hicks Subcommittee also noted that blacks enter the Navy with fewer skills than whites, and therefore lack the background for important jobs. The point is that biases influence the captain's judgment on both the man's prior record and his current case, with respect to low-level entry skills, imaginative training programs could do much to help blacks learn skills which would bring higher satisfaction and help them

advance in the system. Low job satisfaction is, to no small degree, the source of much discontent among minority personnel.

REMINISCENCES OF LAST YEAR'S CONFERENCE RECORDER: RESEARCH DIRECTIONS, POLICY RECOMMENDATIONS, AND FUNDAMENTAL ISSUES IN MILITARY CORRECTIONS

James W. Newton

The goals of last year's conference were:

(a) To consider the Nellum and Associates report on the military and civilian criminal justice systems, which emphasized investigation of possible racial discrimination;

(b) To develop universal techniques that might impact on the military criminal justice system;

(c) To examine and conceive innovative rehabilitation programs.

It was concluded that the conference went beyond opinions and heuristic suggestions to consideration of substantial new data and methodology. Hope was expressed that this year's participants could share work along the lines of research directions discussed at the 1973 conference, and that during the year new ground would have been broken for implementation of alternative approaches to the treatment of offenders.

This year's conference will be concerned with the impact of research findings on policy decisions and the development of innovative programs. Has the Navy in fact implemented alternative approaches to corrections on the basis of available research? Have any investigations stimulated by last year's conference been initiated? It seems appropriate to review research directions and policy recommendations that emerged in last year's sessions:

(1) On racial discrimination in correctional programs, Nellum and Associates reported that blacks were incarcerated in disproportionately large numbers, and that blacks were more likely than whites to receive long sentences of 12-60 months. Captain Holley cited a study showing that blacks account for only 7% of the Navy population but receive 30% of the dishonorable discharges. Have these conditions been corrected?

(2) Joseph Tupin described efforts at the California Medical Facility at Vacaville to predict violent behavior on the basis of five factor categories: cultural, social, personality, biologic, and environmental. What is the current status of this effort?

(3) Chuck Dailey explained a method of measuring decision-making bias and training decision-makers. The method has demonstrated its ability to measure the distorting effects of racial prejudice on judgment. Is the Navy using Dailey's method, e.g., to re-educate captains and eliminate racial biases in captain's mast proceedings?

(4) Harold Cohen and his colleagues used positive reinforcement in a controlled environment to resocialize young male offenders. Phil Harris noted that a similar, although less comprehensive, approach had been pilot-tested at Camp LeJeune and found effective, and that it was spreading in the military services. What is the status of such programs?

(5) The Air Force's rehabilitation programs at Ft. Lowry return a high proportion of offenders to satisfactory positions. The Army has begun developing similar programs. Are the Navy and Marines emulating the Air Force and Army in this respect?

(6) The Nellum report asserted that military correctional officers seldom receive special training, or training relevant to any but guardhouse functions. Have training programs been initiated for correctional officers?

(7) Repeatedly, conference participants declared that the "system" of corrections is a nonsystem, and should be rationalized. In particular, it was noted that correctional reform cannot be ultimately successful while charges are placed and judgment passed against offenders by the same authorities in the command structure who perpetuate injustices that lead to offenses. Has the "nonsystem" been made more rational?

(8) Naval personnel at the conference hoped to press for separation of Navy corrections programs from Marine corrections programs, since the quality of Marine programs was in dispute, and refractory toward change and innovation. Has there been progress toward separation?

(9) ONR and Bureau of Naval Corrections personnel indicated their commitment to change correctional practices. Captain Holley described a three-phase program he intended to launch immediately: Phase 1 -- research on the backgrounds of men incarcerated, and on the effects of incarceration

on the men; Phase 2 -- analysis of alternatives to incarceration in correctional centers now in use (e.g., U. S. Disciplinary Barracks, and the federal prisons), and their effects on the inmates; Phase 3 -- development and implementation of alternative approaches to the treatment of offenders. Where does this three-phase program stand today?

This year's theme--"Corrections: Perspectives on Research, Policy, and Impact"--suggests that we consider some determinants of research utilization by policy-makers, and that we appreciate the breadth of the problems we attempt to tackle at these meetings.

Researchers respond to and attempt to influence policy-makers' requests for information. When information is delivered, does the policy-maker issue logical decisions based on the evidence? Recent investigations suggest otherwise.

As previously noted, Chuck Dailey has been able to measure distortions in judgment and inability to profit from new information resulting from information-processing biases such as racial prejudice. Lloyd Strickland, a social psychologist, found that supervisors tended to distrust a frequently monitored worker and attribute his performance to their own surveillance as compared to a worker with equivalent output who was infrequently monitored. David Kipnis and his associates have begun to explore the effects of the exercise of power itself on the powerholder's social perceptions and self-concept, and on his subsequent influence strategies. Less confident authorities report that they rely on institutional sanctions

whereas more confident authorities prefer personal persuasion, and power-holders with institutional sanctions at their disposal tend to devalue subordinates and attribute their successes to the powerholder's own influence.

Daniel Kahneman and Amos Tversky have carried out an ingenious series of studies demonstrating that people tend to predict future events and estimate personal qualities by strategies resulting in predictions contradictory to statistical inference--e.g., representativeness and belief in the law of small numbers. Irving Janis has described a set of processes collectively labeled "groupthink" that can foster amoral and irrational decision-making in closed policy groups under certain conditions.

Do we contribute to the erosion of trust in policy-makers when we provide them with excellent information and retrieval systems that enable them to access individual or group data quickly? By conferring power on a person, do we warp his perceptions of the world, his subordinates and his own role in the organization? Do statistical data provide the illusion of a solid decision basis to powerholders whose decisions are in fact based on prejudice or faulty implicit assessment strategies? Do we have ways of measuring powerholder frailties on any large scale?

The picture is far from clear, but <u>it is clear that it is not clear.</u> The policy-maker may be a vital dysfunctional link in the research-decision-action chain by which we attempt to shape the world we live in.

The problem area of criminal justice is extremely broad. Deviance is defined with reference to norms, both informal and explicit. Men whose behavior has been guided by civilian norms are subjected to a resocialization process in the military, but they retain identification with the civilian society. The result may be norm ambiguity or norm conflict, in which case behavior may become erratic.

Specifically, civilian norms require personal responsibility for behavior. Military norms require unquestioning obedience to orders--almost. Men in the military are all aware that William Calley was convicted and sentenced for violations of international law, even though he believed that he was carrying out orders and issuing orders to his subordinates on the basis of his own orders. Recently General John D. Ryan, Air Force Chief of staff and likely nominee for the position of Chairman of the Joint Chiefs of Staff, said in an an interview on NBC's "TODAY SHOW" that he would carry out clandestine bombing raids in Asia if ordered to do so by the President. He expressed his regret that the Nuremberg trials were conducted as a result of the anti-Nazi emotional atmosphere of the post-war period.

Faced with such conflicting information, how is a man to guide his behavior? Is it possible that he may decide explicit norms are a sham and attempt to beat the system?

Cohen emphasized that "behavior modification" is a misnomer which should be replaced by "behavior management." Behavior is always primarily controlled by current contingencies in the environment. What are the military man's contingencies? He operates within an authoritarian military organization whose existence is justified as a means toward preservation of a democratic society; the validity of his role in society is challenged; he may face racial discrimination within and without the military, and he may be punished either for obeying commands or for disobeying them.

Moreover, the military man has been trained to be competent in the execution of destructive behaviors. Learning does not imply performance, but performance is contingent on environmental conditions. It may be that by providing a man with skill in interpersonal aggression and subjecting him to ambiguous or oppressive environments the armed forces risk eliciting destructive behavior where escape would have resulted before, or where destruction would have been less effective.

There is some evidence to support this conjecture. Col. Robert Heinl, writing in the Armed Forces Journal in June, 1971 lamented the "collapse of the armed forces." His article emphasized such practices as execution of officers carried out impulsively or as the result of "bountying" (putting a premium on an officer's head after taking up a collection), "search and evade" missions, and insubordination resulting from lack of respect for the command structure. Heinl attributed these practices to the demoralizing and disorienting effect of ambiguous behavior guidelines, conflicting influences on troops, and the undermining of official rationales for military activity by direct experience.

Hopefully, this conference will inquire pointedly into the consequences or irrelevance of our work thus far and examine the determinants of research utilization by policy-makers in the context of the very broad range of factors whose combined effects produce the problems we attempt to address.

Discussion

Steiner: In Czechoslovakia, Soviet troops were rotated because they learned that they had been misled about conditions there--that there there was in fact no rebellion. They became confused, and some disobeyed orders.

It is a misconception that training for violence leads to difficulty in unlearning the cues for behaving violently. My research on SS personnel after the war showed that they did not behave violently.

Personality type determines volunteering for the armed forces, which provide a socially sanctioned outlet for violence.

Prescott: Violent situations can make the most peaceful guards shoot lots of people. In this society, many people work for food, not from choice, and find themselves forced into situations of danger or oppression where they may be violent.

Gaymon: There has been progress since last year's conference. Dailey is under contract for continued research on his decision instrument, Solomon will report on a model of the Navy's criminal justice system, and Carl Bennett is conducting a detailed micro-analysis of the Nellum data.

Carl Bennett: We must not neglect the "threat of information." At all levels, people give false information and withhold information, fearing its misuse.

RESEARCH ON CORRECTIONAL DECISIONS: FEEDBACK AND CHANGE

Lawrence A. Bennett

Research is needed on decision-making processes in the criminal justice system, and in corrections specifically. Analysis should focus on the kinds of information actually related to decisions, specification of outcomes desired by decision makers, ways of providing feedback on accomplishment of objectives, and assessment of the impact of that feedback. Two applications of this approach will be described to illustrate its value: (1) revision of assessment criteria in a reception guidance center (RCG); (2) implementation of an early parole discharge policy based on research findings.

California judges may elect to send newly convicted felons to the California Department of Corrections (CDC) for a period of up to 90 days for diagnostic and prescriptive study at an RGC. RGC clinicians may recommend that the man be committed to a state facility (usually prison) or placed under supervision in the community. Judges have concurred with about 80% of the recommendations, with concurrence running at about 95% on community placement recommendations. Overall, RGCs have recommended community placement for about 40% of the men studied.

The 40% figure, however, masked an important divergence in recommendation patterns between the two major RGCs--the Northern RGC (NRGC) and the Southern RGC (SRGC). NRGC was recommending approximately 60% community placement and 30% CDC placement, while for SRGC this pattern was reversed.

Confronted with these figures, SRGC expressed reluctance to revise its criteria, fearing that NRGC recommendations were resulting in community placement of marginal cases with consequent avoidable crimes and returns to CDC. A one-year follow-up on individuals granted community placement upon recommendation by RGCs shed light on the issue: 7.8% of those diagnosed at NRGC were returned to CDC within a year, compared with 2.6% for SRGC. To overcome this 5% difference, 350 men would have had to be imprisoned in 1970 at a per capita cost exceeding $6,000 annually. (Note that over 90% of those recommended to the community overall were successful in not returning to prison in the crucial first year.)

This feedback to the two centers resulted in revision of criteria by SRGC, so that both centers now have a similar pattern of recommending community dispositions for about 60% of men studied and CDC disposition for about 40%. Judges continue to concur with recommendations most of the time, with concurrence higher for community disposition recommendations. The net savings per year realized by providing community supervision rather than imprisonment for approximately 450 men have amounted to nearly $4,000,000.

The second illustration--discharge after one successful parole year--originated when a researcher noted that 90% of those parolees who completed the first year successfully also completed the second year successfully. Preliminary data led the Adult Authority to adopt the policy of discharging selected men after the first year of parole, and a comparison of matched subjects discharged at expiration of term and at the end of two successful parole years demonstrated that men discharged after one year did not differ from comparison subjects in incidence of subsequent criminal activity. The

policy was solidly justified by benefits to both the parolees and the government. One-year discharge resulted in savings between $350,000 and $2,600,000.

On October 30, 1972, the Adult Authority replaced this program with a one-year discharge program requiring stringent criteria based on factors research has demonstrated to be irrelevant for prediction of post-discharge success. There is hope that this decision, based on other than empirical evidence, may be reversed. The new chairman of the Adult Authority has been given data demonstrating the value of the previous discharge program and has responded favorably to it. In addition, he has asked CDC researchers to seek ways of predicting which parolees will fall into the 40% who successfully complete their first parole year so that these men may be simply discharged at the prison gates and relieved of parole entirely.

Discussion

Comments centered on the necessity of understanding policy-makers' goals in their terms and approaching them with information that can help them achieve those goals. Researchers should actively engage in this effort, seeking opportunities for information presentation that will be maximally likely to result in research utilization and assessing the issues upon which decisions turn so that research enterprises can be focused directly on those issues.

A SYSTEMS ANALYSIS OF THE MILITARY CRIMINAL JUSTICE SYSTEM

Larry Solomon

A model is being developed of the criminal justice system as exemplified by practices at four Marine and Navy facilities in the San Diego area. Interviews with offenders and "significant others" will lead to a phenomenological analysis of the experience of arrest, processing and incarceration which can be combined with the results of naturalistic observation to inform flowcharts depicting events, decisions, and branching probabilities in the criminal justice system. One objective is to identify points in the system where intervention is justified on a cost-effectiveness basis. Another is discovery of points where sources of individual bias can operate. For example, the possible dependence of branching probabilities on ethnic factors will be examined.

This approach does not anticipate innovation in the systems analysis itself, but it should result in a model capable of predicting the impact of changes in probabilities at one point on probabilities at subsequent decision nodes faced by indivudual offenders.

Discussion

Issues:

(1) Various factors influencing a man's progress through the system may be impossible to document, e.g., the Executive Officer may dispose of a case without any records being made of the decision at all.

(2) Extra-system influences on the criminal justice system should be taken into consideration. The Glickman study, referred to earlier, offers an approach to this problem. Gene Gloye will send a copy of Glickman's paper to the distribution list for this conference (N. B.).

(3) Criminal justice systems are dynamic. Changes in probabilities at decision nodes can be expected over time, and access to uniform data is most difficult.

(4) L. Bennett A computer model of criminal justice practices exists and is available for under $200. Numbers can be simply plugged in and interpreted. Perhaps a counterpart model could be developed to provide feedback to people operating a system, so that, for example, units of the system with deviant practices could be brought into conformity with general practices. He promised to provide access information to the source of this computer program for any interested participant (N. B.).

IMPLEMENTING RESEARCH RESULTS IN LAW ENFORCEMENT SETTINGS

Craig Haney

Social science research may be irrelevant to system changes. Researchers often approach criminal justice issues in the belief that only data and "understanding" are lacking, confident that change follows truth. Such sentiments may be born of naivete. The four case studies to be described suggest that the utilization of social science information depends on a variety of factors we too often ignore.

(1) Policy-making which is ad hoc can often lead to a form of "superstitious" behavior--policies may be perpetuated because they "seem" to work. Negative externalities are then tolerated in the name of the specious solution. A local police department dramatically increased the number of men assigned to a particular area following an incident which intensified police-community tensions. An informal policy was begun in which available patrol units would "back-up" officers handling a call, and soon it was not uncommon to see four or five patrol cars clustered around a single home in response to a call. These practices continue several years after the incident because they are believed responsible for the absence of further incidents.

Conversations with residents suggested that the practices were offensive to the community. Further, a small pilot study showed that the effect of this increased police surveillance followed predictions based on the Strickland study cited earlier--patrolmen became less trusting toward residents and believed they were in greater danger than before, even though instances of resisting arrests and assaults on officers had actually

declined during the period. A request to evaluate the utility of continued increased surveillance, as well as its effects on the patrolmen themselves, was summarily denied by the chief.

(2) In addition to the ostensible purposes of a criminal justice program, there are often sub rosa functions served, which program evaluators ignore at their peril. A purely "cosmetic" program, for example, may fail to meet its stated objectives, yet be a success politically. A candid evaluation which focuses on program defects and makes recommendations addressed to explicit program goals may be unwelcome. A nearby sheriff's department was funded for the addition of minority personnel in the capacity of community service officers. The service officers were to educate the predominantly white patrolmen about the needs of the community, serve a community relations function by performing social and community services, and obtain training and experience which would qualify them to become regular members of the department. Evaluation at the time of grant renewal showed that none of these objectives were being met. (In fact, the only demonstrable effect of the program was that the black community service officers had changed their attitudes to positions more compatible with the white officers.)

The grant was continued largely on the endorsement of the black municipal council which promised to supplement the federal monies. Not a single recommendation of the evaluators was implemented.

(3) Sometimes stated program goals though desired at the time, are found incompatible with other more traditional values to which law enforcement officials ascribe. If officials have not considered the likely consequences of a particular program, there is a sense in which that program may "work too well." At the request of an area police department, a training class was designed to sensitize officers to the situational forces

which control their police behavior, and to the way in which their police "role" may come to shape their personalities. The program was well-received by the patrolmen, but when they began to scrutinize their immediate working environment and request that "situational" changes be made, the training officer demanded that the program be "toned down". In a short time, it was discontinued.

(4) Because the public is not able to adequately evaluate law enforcement performance, officials often find it easier to manipulate opinion than to make substantive program changes which would improve performance. A survey done in a local community showed that citizens are most eager to have police concentrate their energies on burglaries and crimes against people and property, while the police themselves prefer to focus (and, in fact, do focus) on victimless crimes. When we suggested a program whereby police policy could be made more responsive to public wishes, a city planner admitted that the results of the original survey had never been shared with the police "because they wouldn't be interested." Rather, he was preparing a public relations campaign to publicize (and exaggerate) those police acitivites which the public had deemed important. Such image manipulation threatens increasingly to subvert real change mandated by public opinion.

[To dispel the possibility that these failures of research to influence policy are unique to the researcher or the methods involved, a survey was undertaken at the break between sessions of this conference. Calls were made to 11 police departments and inquiries made about the highly publicized and extremely well-done Kansas City study which showed that police patrols had no effect on crime rates. In seven of the departments, no one could be found who had even heard of the study, and none of the departments had based any policy decisions on it].

We need to study the uses of information in criminal justice. Are we as social scientists at best incidental to this system, at worst the servants of it? We need to study the real reasons for decisions which are made, and the real interests which the institutions of criminal justice are serving.

GUILT AND SOCIAL REALITY: THE ORIGINS OF LEX TALIONES (law of the talon)

John Steiner

This topic is intended to point to beliefs and concepts underlying the systems we develop. What is justice all about? The phrase "criminal justice" may be a criminal justice system, a system of justice for criminals, justice for the system, or a system more criminal than just.

Our system of law is rooted in Judaeo-Christian principles and Roman history. It is based on lex taliones, the law of retribution, rather than the law of restitution. Our belief system implies a punitive legal system. We act on the basis of beliefs which may be myths, and thereby we produce social reality. We need a belief or myth system in order to impose meaning on what goes on around us.

Divergent social realities may cause conflict. Conflict theory views conflict as the result of conflicting thought and action, which produces unintended consequences. Georg Simmel distinguishes realistic conflict from unrealistic conflict due to inconsistencies between thoughts or professions and actions. There is an inconsistency between our belief in kindness and the philosophy of lex taliones, leading to conflict.

At this conference, each of us has interests incompatible with interests of the others. We feel bound to agree or disagree, but we fail to grasp the underlying dynamics of that process. We need problem-solving techniques such as the Delphi technique, in which an information-seeker requests that experts answer a set of questions, integrates their answers and returns the material for their evaluation before arriving at a final product.

We may generate information at meetings like this one and return home without implementing our recommendations because we lack courage. Usually, we expect others to act on the information we give them. We try to protect our positions by inaction. Therefore, social change is very slow.

From the perspective of interaction theory or exchange theory, we interact because interaction leads to need fulfillment. We try to make inputs that are low in cost and yield high rewards. This we call fairness. Fairness is defined by powerholders, not by minorities or deviants. The latter experience the system as unfair because they don't get what they feel should come to them. Dependent people are not in a position to define fairness.

Discussion

Issues:

1) Why do we (individually and as a society) engage in punitive behavior when punishment, in most cases, is neither educational nor a deterrent? Why do we insist on exacting retribution rather than equipping an offender to be a productive human being? Is this irrationality native to us, locked in our guts? Or is it learned, the result of pervasive social habits?

2) What is our responsibility as social reformers? Can researchers restrict themselves to research, assigning implementation to others?

CRIMES AGAINST OBJECTIVE REALITY IN THE SOVIET UNION

Philip G. Zimbardo

An act becomes a crime by social labeling. The label assumes reality, and the criminal justice system acts when a person is defined as having committed a crime. But definitions are somewhat arbitrary. Carl Bennett has told us that in Washington State being "drunk in public" will no longer be a crime after January 1, 1975. It will be dealt with outside the criminal justice system. As a result of a decision by American psychiatrists in their professional association, homosexuality is no longer a psychiatric disorder. Conscientious objection was a crime in World War I, but now it is recognized under law. In the Stanford prison simulation, young men became criminals without committing a crime, simply by being put in prison uniforms in a prison setting.

George Sing Louie's experience today illustrates the creation of a crime. Louie is on probation from Federal Penitentiary. I am his civilian probation advisor. He left early today to attend this conference, having received permission from several authorities, but he did not sign a required document. His parole officer complained that he is too independent, and ordered him back from San Francisco to sign the document. His plans are thwarted, and he is put in the position of obeying a trivial rule and sacrificing his pride or committing a parole violation by trying to arrive here on time without signing the release form.

In the USSR, "objective reality" includes economics, history, and sociology. The basic structural unit is the collective, and disagreement

with a collective's policy constitutes a break with reality--i.e., insanity.

Objective reality is created by an understood process. The Party sends a sociologist to interview people in the collective and recommend to it goals of the Party, which makes recommendations that are subsequently unanimously endorsed by group meetings of the collective. Individuals who are unalterably opposed to collective policy are sent to mental institutions because that is the appropriate response when an individual breaks with reality.

Discussion

The implications of such a "deviance" model of social control in America were briefly considered.

PROBLEMS OF JUSTICE IN UNJUST SYSTEMS, AND THE LEGITIMATION OF EVIL
(an after-dinner speech)

Nevitt Sanford

This presentation considers:

(1) justice in relation to the need to punish and the need not to punish

(2) aggression and how to deal with it, and

(3) moral development.

Vast numbers of Americans feel unjustly treated today. Men imprisoned for similar offenses receive very different sentences, poor people may remain in prison for as long as a year awaiting trial because they cannot make bail, and middle-class white workers feel that government help goes to the very poor and to blacks but not to them. The situation is serious--people who feel unjustly treated often want out of the society, and more and more people are feeling unjustly treated.

However, we cannot eliminate punishment completely, as Karl Menninger urges. Menninger sees crime as the result of suffering on the part of the offender, and prescribes rehabilitation. He often seems harder on us than on the offender. Professor A. A. Ehrenzweig, in contrast, in his book Psychoanalytic Jurisprudence, argues that society must retaliate against offenders in order to control aggressive tendencies in the public at large. He sees aggression as an in-born tendency requiring outlets. Aggression which is not channeled in socially provided directions may be directed against inappropriate targets, such as ethnic minorities.

From infancy, we all have the capacity for rage, and this capacity must be retained if we are to be fully human. We should be outraged by injustice, for example. Rage and aggressive behavior arise from psychological situations. Experiences in childhood may result in intensely violent behavior by a young man who feels his manhood threatened. The solution to violence in society lies not in eliminating the human capacity for violence, but in eliminating major stimuli to aggression such as rejection, loss of love, and injustice.

A theory of aggression is required if we are to analyze the need for punishment and the need not to punish. All of have at some time experienced the need to retaliate against someone, but the need to punish is mainly characteristic of the authoritarian personality. Most people with a strong need to punish handle it by directing it against socially sanctioned targets--outgroups, and people defined as evil. Collective violence requires little predisposition toward violent behavior. The definition of appropriate targets by leaders and a tense situation suffice to elicit aggression from most people.

The need not to punish has many sources, including childhood training emphasizing understanding rather than retribution, desire to avoid guilt feelings that might result from punishing others, identification with the offender as an individual in a desperate plight, and compassion. When punishment seems necessary, we often want others to do it for us. These factors may be responsible for the attitudes psychiatrists often take toward crime, emphasizing rehabilitation.

Since people do not agree on punishment or avoidance of punishment, we require a system of law to prescribe social responses to crime. The

legal system serves to protect society against brutality. One study of attitudes toward crime among thirteen-year-olds found that they could conceive of no other response to crime than imprisonment. Many people never develop beyond this view. More education is needed to foster moral development in the public at large.

The criminal justice system could be made more humane by treating crime as crime, rather than as an indication of illness, and fixing sentences for each category of offense. In addition, the positive aspects of imprisonment should be emphasized. Prisons should be turned into schools where growth could be encouraged in offenders.

Discussion

The discussion was extremely wide-ranging, with little continuity and a great deal of deep feeling. Any attempt by the Recorder to summarize it would be inadequate except to state that it was unusual in its intensity and full participation of all in attendance--after a full day's work of talking and listening.

AN EXTENDED ANALYSIS OF LAST YEAR'S NELLUM REPORT ON MILITARY AND CIVILIAN JUSTICE SYSTEMS

Carl Bennett

This preliminary analysis of work in progress will exemplify the use of multidimensional contingency tables to identify patterns in a data array which require interpretation. (Multidimensional contingency tables can also be used to confirm hypotheses, but this presentation is restricted to identification of patterns.)

Last year, Cohen remarked that young black delinquents tended to become aggressive in situations that prompted white boys to attempt escape at the National Training School. According to the Nellum report, more blacks than whites seemed to be convicted of offenses designated "class 1" (major crimes) and "class 2" (confrontation with authority or status offenses), while more whites than blacks were convicted of offenses in "class 3" (unauthorized absence) and "class 4" (miscellaneous other). These observations prompted the present analysis of the Nellum data on civilian and military correctional systems.

Treating the data as a three-way contingency table (race X offense X service), ratios of blacks to whites are virtually all greater than 1.0 (signifying equal proportions) in classes 1 and 2, and less than 1.0 in classes 3 and 4 for both civilian and military institutions. Similarly, analysis of complete Seattle police records on arrests over an extended period of time show more blacks than whites arrested for offenses classified

as "drunk and disorderly" and more whites than blacks arrested for offenses classified "victimless and morals."

The point is that a pervasive pattern underlies the data, indicating that blacks are more likely than whites to be arrested and convicted for offenses involving assault and confrontation. Civilian and military similarities show that this is a general societal problem, rather than specific to the military.

Additional analyses will be carried out on the Nellum data to investigate the influence of sampling factors, length of sentence and other variables on patterns found in the Nellum study.

Discussion

It was noted that race per se now looks as though it does not predict length of sentence. However, race does predict offense class, which is in turn related to length of sentence.

Haney: These data ought not be interpreted either as indicating an absence of racism in military corrections, or as evidence that blacks actually commit proportionately more assault and confrontation offenses. Discretion, therefore discrimination, may be exercised in the assignment of a criminal charge. Thus, the identical behavior may result in the arrest and conviction of blacks for a more serious offense than it would for whites. Hence, racism in punitive sentencing may simply be masked by differences in the offences with which blacks and whites are charged.

A REPORT ON THE BEHAVIORAL LAW CENTER: ACTIVITIES AND PROMISE

Francis J. Mallon

The Behavioral Law Center was established in February, 1974 to bring together behavioral scientists, lawyers and physicians to explore ethical issues related to behavior management and attempt to develop guidelines and standards governing the use of behavioral technology. The Center is a project of the Institute for Behavioral Research, formed partly as a result of Harold Cohen's experiences as an expert witness in litigation against criminal justice officials for abuses of behavior management techniques. It is also a response to increasing concern among lawmakers, scientists and laypeople that behavioral technology may be abused when used against powerless institutionalized people.

In October, 1974, the Center will host a conference aimed at recommending standards. A preliminary workshop has been held, and papers are now being prepared for the conference.

Discussion

Louie: The START behavior modification program in Illinois was discontinued, but it has been resumed under a different name.

* * *

General:

Behavior management programs are being used in a number of prisons, and a special behavior management center is being opened at Butner, North Carolina. Behavioral technology guidelines can be avoided either by relabeling the programs (e.g., "skills training") or by referring to them as medical treatments.

* * *

Zimbardo: It is important to distinguish ideology from technology in behavior change programs. Ideology enters in when behaviors are defined as desirable or undesirable, and when reinforcers are selected. Who makes these decisions? The biases of system designers are critical. For example, if a person is deprived of almost everything, virtually anything can become a reinforcer to modify behavior toward "desirable" ends.

Bennett: The public demands an effective prison system, but reacts with fear when we find effective tools. When we treat inmates as people rather than subjects and accord them human rights, research designs may be restricted.

A MODEL NAVY CORRECTIONAL CENTER AT CORPUS CHRISTI

William Peck

The Navy is the only military service with an essentially civilian correctional branch. Until recently, the Navy has operated one major prison, with smaller correctional centers. Now the major prison has been closed. The Marines put long-term prisoners in the disciplinary barracks at Leavenworth, while Navy long-term prisoners are maintained by the Bureau of Prisons.

Among the changing conditions faced by Naval corrections is the need to confine women. Navy policy had been to discharge women convicted of serious offenses. As a result of Admiral Zumwalt's equal-treatment program, and under pressure from litigation, women will now be confined just as men are--requiring the construction of new women's facilities.

The proportion of men confined at any point in time has increased since the end of American involvement in the Indochina war, from 1.4 per thousand to 2.8 per thousand. Since the Navy limits the number of men who can be confined in each center and enforces that limit, pre-trial confinement has declined. The average sentence has become shortened. The Marines have a higher proportion of men confined--about 11-12 per thousand--and their sentences are longer than the Navy's, on the average.

Change in correctional policy is slow partly due to divergence between the Navy and the Marines. Both work from the same manual and must concur in changes.

The Navy has recently introduced a new program at Corpus Christi, modeled on the Air Force program at Ft. Lowry. The emphasis is on identifying the reasons a man had for entering the Navy and providing vocational training that equips him to accomplish his goals. Corpus Christi has an average inmate population of about 65, with 6 teachers and a total of about 35 staff. An effort is made to work with men from the beginning of the disciplinary process until their return to full-time duty.

One staff person at Corpus Christi has been assigned to gather data, but there is no one on the staff who is qualified to analyze it. A consultant is badly needed to direct the data-gathering process and conduct analysis (N. B.).

Discussion

Gaymon: Corpus Christi has asked ONR to take on evaluation of the program as a research project, but ONR lacks in-house research capability. Evaluation is critical, however. This is a one-year pilot program, and the decision on continuation will rest on evaluation. Presently, 85% of the men at Corpus Christi are processed out of the Navy, and 15% return to duty. We want to erode that 85%.

Peck: The Navy's primary goal in this program is to save money. Basic training costs about $10,000 per man. If a man is processed out, the investment doesn't pay off. The Navy has an interest in keeping men satisfied and helping them achieve their goals.

* * *

General:

Should the Navy consider changing its own values, rather than focusing only on changing deviant men? If the system is the major source of dissatisfaction, aren't programs to deal with dissatisfied individuals irrelevant? Should we take a broad view, rather than starting with confinement as a given and asking what we should do with confined men?

UTILIZATION OF GOOD RESEARCH

Edward Glaser

Consider a proposition: common problems which are confronted by many individuals or groups elicit a range of responses which tend to be distributed along the lines of a normal curve. Those responses or solutions that appear to be three sigmas above the mean are very much better than the worst responses. The difference in quality between the best and the worst can be likened to the difference between lightning and lightning bugs.

For more than ten years, the Human Interaction Research Institute has attempted to identify unusually effective or at least promising innovative practices in various fields that have not been widely picked up by others dealing with similar problems. We then have studied the factors that seemed related to non-utilization and have engaged in action research to facilitate or promote utilization. In the field of criminal justice research, a number of seemingly promising rehabilitative programs or procedures have been reported in the literature, but have not been replicated. Perhaps something like the Delphi technique (mentioned by Steiner) would help to improve the quality or credibility of research reports, but that still would leave formidable problems bearing upon the achievement of effective dissemination and utilization.

In support of the proposition above, three excellent programs will be described that seem to have significant potential for wider utilization.

(1) Through the National Alliance of Businessmen, General Electric hired hard-core disadvantaged people. This brought many personnel problems. Role playing of commonly experienced problems on the job, with videotape replays and discussion periods, helped supervisors learn to deal with these

problems. The experimental group achieved something like an 85% success rate, while controls (not using these techniques) achieved 50% success. (These figures are cited from memory; the exact facts are provided in GE Personnel Research Bulletin No. 9, November 1970).

(2) At a Tacoma, Washington center where juvenile delinquents are sent for 60-90 days of evaluation, Irwin Sarason used college students as role models. The role models worked with inmates to demonstrate ways of coping with life-situation problems frequently encountered by these juveniles. The juveniles in the experimental group improved by almost any criterion, as compared with equated young inmates in the control group who were not given these treatments.

(3) At the Oak Ridge AEC plant, the TAT (Technology and Training) program operated jointly with twenty-six universitites has been a most successful employment training effort. Trainees work about ten hours per day for six months under the direction of skilled journeymen with modern equipment. About 86% of the trainees are placed in well-paying jobs of their choice upon completion of training. These successful trainees often serve as role models to others, helping to move others from unproductive life styles toward training for employment with industry.

ONR, LEAA and other agencies concerned with criminal justice should attempt to identify unusually effective programs in the criminal justice field, investigate them to discover the principles behind their seeming success, and fund replication or cross-validation efforts.

Discussion

Issues:

(1) If attractive and effective job training and educational programs are made contingent on conviction of criminal offenses, won't people begin

to commit crimes in order to have access to such means of social mobility?

(2) When previously unemployed people are trained and employed, do others lose their jobs? Is there an endlessly expanding pie, an inexhaustible market for new people producing new goods?

(3) Providing people with coping skills may not prevent antisocial behavior unless those people are placed in suitable environments. Examples were given of two instances in which military prisoners were assigned responsible work in emergencies--on a military ship at first, then in a field hospital. The released prisoners were enormously successful in doing good work without behavior problems in those situations which enabled them to feel ego involved, recognized and appreciated. In the second case, however, when these same men were subsequently (after 13 months) reassigned to new duty stations, many resumed their previous life styles.

Haney: I interpret these latter two examples as natural experiments which indicate that focusing on changing the individual, whether through punishment or providing "coping skills", may be superfluous and therefore inadvisable. Positive social environments are sufficient to engender responsible behavior even in men who have not had the "benefit" of rehabilitation. The converse is also worthy of consideration: that adverse and compromising environments are sufficient to elicit criminal behavior in men who are not possessed of "criminality", whatever that may be.

THE INSIDE PERSPECTIVE

George S. Louie

Behavior management or behavior modification programs have been referred to hopefully during this conference. Prisoners, however, experience them as unusually severe deprivation and rigid control by authorities. In the START program (Springfield, Illinois) and the CARE program (Marion, Illinois) prisoners are prevented from writing to family or friends, they are denied access to books and publications, and their mail is tampered with. Visiting hours are drastically reduced, compared to those allowed men in the general prison population. Slight loosening of these restrictions then serves as reinforcement for behavior desired by authorities.

Frequently, activists are transferred away from areas where they have friends and family, are socially isolated and put into these programs. Prisoners put into the programs are not disruptive people, but those who criticize the system, write legal writs, and threaten the status quo in other ways. Inmates in behavior mod programs are treated like irresponsible idiots, not like responsible men.

Officially, the START program has been terminated. But at Leavenworth, a huge unit is being built for a similar program. Administrators at Leavenworth feel safe because the judge in that district consistently rules in their favor.

When there is little violence in a prison, the chances are that tranquility is due to inmate unity. At Marion, a black unity council solves

problems among inmates and prevents lies spread by guards from leading to fighting among the brothers. Frustration leads to violence in prison, however. At Marion, the men have tried everything imaginable to change their miserable conditions, without success. It's only a matter of time until Marion gets torn up.

At Marion, prisoners formed a law commune and worked in cooperation with ACLU and NAACP to prepare writs and file suits designed to improve prison conditions and achieve recognition of prisoners' rights. They formed a committee for constructive change which wrote a United Nations report and sent letters to anyone who might help out. None of these things has really worked.

The only answer to the problem of prisons is to tear the institutions down and break the men out. Nothing short of that can bring change.

Discussion

Issues:

(1) Can concerned people within the system help? If they have the power to help, why aren't they making change? Can they possibly be unaware of the conditions discussed at this conference?

(2) Can anything be done except to do away with prisons? When people must be confined, how should the confining institution be designed?

(3) Workers and women achieved the rights they have won through mass struggle. Industrialists and the Congress did not grant rights to workers because workers deserved rights, but because workers organized and developed the power to shut down industry unless working conditions and compensation were made more just. Women got the right to vote by organizing

and disrupting public affairs until powerholders were pressured into complying with their demands. Perhaps an alliance of social scientists, concerned officials and prisoners is the only means of coercing the criminal justice system out of its present cruel and unproductive practices.

(4) Can prison be a good learning environment? Many prisoners--like George Louie and Carlo Prescott--seem to have emerged from prison as very capable and knowledgable people.

(5) Zimbardo: Loss of liberty should be the only punishment, under the law. Judges sentence convicts to loss of liberty. All the rest--deprivation, grim surroundings, forced labor--is gratuitous and not provided for by law.

(6) Prescott: Prisons take men in, harass them and dehumanize them, and turn them out into society as angry, wounded people unable even to associate with each other without risking another prison term as parole violators. These people are harbingers of the hell to come.

CONCLUDING REMARKS

Productive though it was, the intensive interaction among conference participants did not allow sufficient time for a systematic analysis of research alternatives which we had envisioned. Hopefully, participants will conduct such an analysis individually in an attempt to advance the knowledge base in correctional systems.

It was agreed that this third conference, like the previous two, provided a useful mechanism for exploring the systemic effects of correctional centers. Such conferences aid materially in delineating the problems and in planning for transformation of correctional systems. It is interesting to note that each of the previous two meetings was instrumental in stimulating new research (e.g., the Bennett, Dailey, and Nellum research contracts were developed from issues raised at the joint ONR-Stanford Conferences on Military Justice). There is a definite need to continue this trend in the development of research and intervention strategies in the area of military justice. Considering incarceration as the end point of an unnecessarily punitive system, research designed to lessen the punitive impact of the incarceration process has obvious implications for the total military system and the larger society as well.

Several participants declared forcefully that continuation of the current level of effort (i.e., the funding of isolated research and the convening of an annual conference) is not sufficient to deal effectively with the dimensions of the problem.

It was asserted quite vigorously that further conferences would have limited value unless ONR demonstrates a step-wise increase in its commitment. Such commitment would take the form of: (1) direct funding to a contractor

(e.g., Stanford University) for the establishment of an ad hoc steering committee to study the impact of military correctional systems on the total military environment; (2) sufficient funds for the planning and conduct of annual meetings and the preparation of appropriate technical reports; and (3) increased opportunities for the coupling of research findings to operational programs within the Navy correctional system.

END