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**POLICY CONSULTATION ON  
THE REHABILITATION OF PRISONERS  
(PAROLE AND AFTER-CARE)**

JERUSALEM, ISRAEL

22 - 24 NOVEMBER 1972



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Organized within the Frame work of  
the United Nations European Social Development Programme  
in Co-operation with  
the Ministry of Social Welfare and the World Institute, Jerusalem

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**ACQUISITIONS**



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**JERUSALEM 1973**

## CONTENTS

Foreword		iii
Participants		iv
Session I	A Parole Service for Israel	1
Session II	The Legal Dimensions of Parole	37
Session III	Selection for Parole	118
Session IV	The Implementing Body	156
Session V	Aims, Systems and Means	207
Session VI	The Social Climate	262
Session VII	Evaluation of Results	293
Session VIII	Conclusions	342

## FOREWORD

The Seminar was held within the framework of the UN from the 22nd to the 24th November, 1972, at the World Institute in Jerusalem, on the initiative of the Ministry of Social Welfare. Its principal purpose was to afford an opportunity for policy consultation between a group of consultants sent by the United Nations Organization and various representative teams of departmental officers, academics and representatives of the Voluntary Societies for the Rehabilitation of Offenders in Israel.

The introductory addresses were circulated prior to the Seminar. They are here reproduced in the text with such additions and changes which were made during actual presentation. The discussions of each session are taken from recordings made at the time and where necessary translated into English. Some editing has had to be done - more particularly introductory remarks, exclamatory interjections and the like have been omitted - but without, it is hoped, affecting the accuracy of what was said.

P.E.

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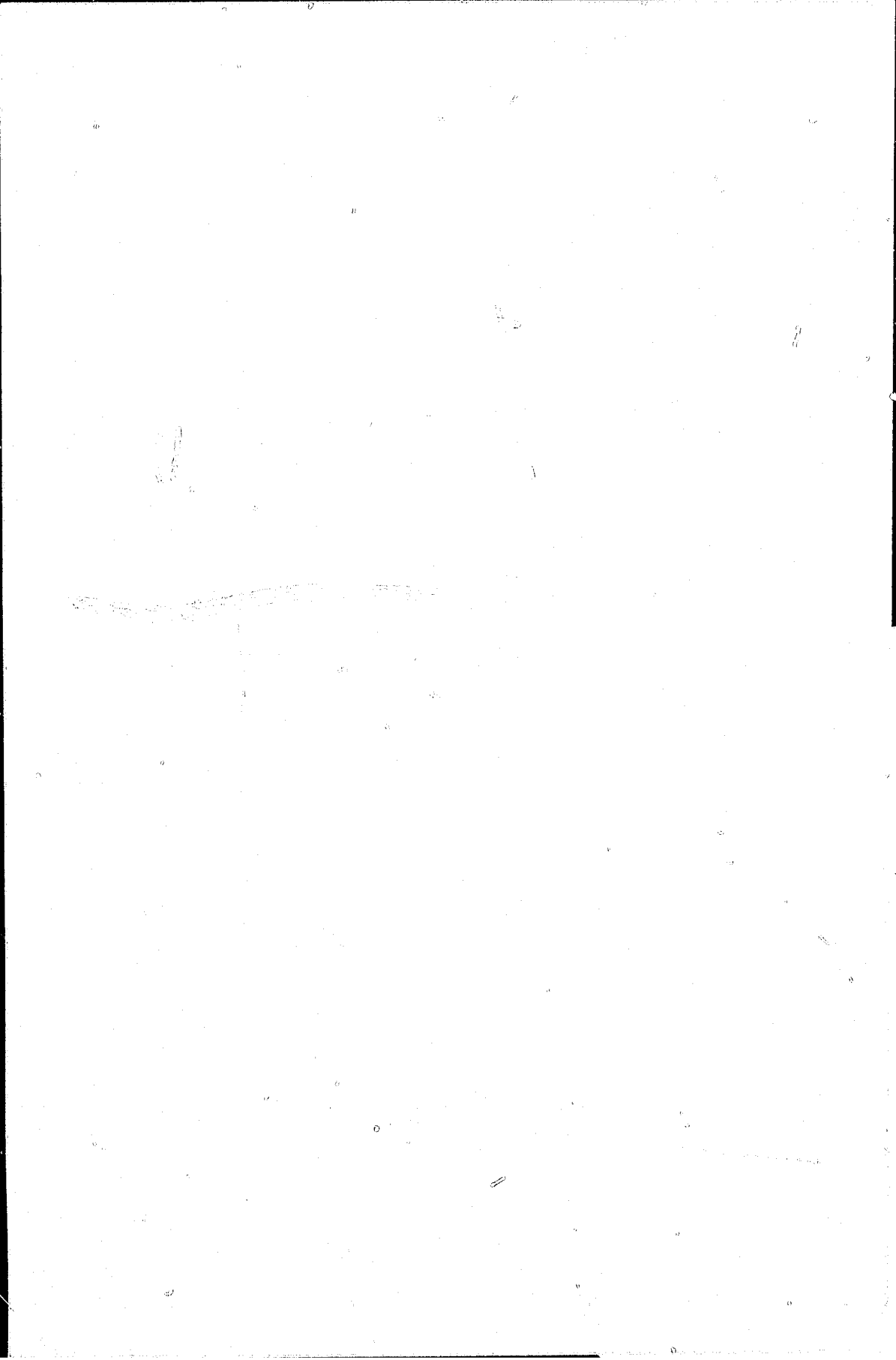
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## SESSION I

### A PAROLE SERVICE FOR ISRAEL

Chairman: Dr. M.A. Kurtz      Director General, Ministry of  
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Introductory Address      The Attorney-General

The Chairman: Israel is indeed a multi-problem community. More than half of the population have arrived since the establishment of the State in 1948. They have come from more than 100 different countries with a wide variety of traditions, educational standards, skills, habits and material possessions, with different philosophies about the family, its size, structure and functions, without a real common language. Integration has therefore been not a slogan or a mere declaration but a task of real and primary importance, not to be postponed to another decade or to another generation. We recognized it as the test of our ability to create a true national entity.

One of our dilemmas lies in our being an old nation and a young State. We must learn how to blend the old and eternal Biblical and Talmudical moral; philosophical, juridical, social, rational, and

sometimes irrational, commandments and habits with modern sociological, psychological, individual, liberal postulates and insights. To understand some of the aims and developments of our community we analyze and distinguish between traditional, old-fashioned, conservative, historical ways of life and systems of value and the modern, sometimes even ultra-modern, innovations and experiments. One complication may be linked with the tendency to adopt and use old traditions and laws in the modern and more complicated social and economic system of today, to range a separated, self-sufficient national and religious community alongside an open internationally interwoven society.

Coming closer to our present theme, let me say that the idea of establishing a parole service in Israel is neither original nor new.

"But even a superlative probation service and an ultra-modern prison system are not enough in and of themselves to implement a definite program of rehabilitative care. They are remedial only up to a point and ought to be supplemented by a planned program of rigid procedures and aftercare. In Israel

there seems to be nothing to prevent or render inadmissible the combination of a prison parole system with an adult probation system for the courts."

That appears in a report by Mr. Edmond Fitzgerald in December 1949, after a survey of the penal and correction services of the country made at the invitation of the Ministry of Justice. Since then, the idea of parole has been intermittently discussed. Today, more than 20 years later, it has been taken up once again by our present Attorney-General, Mr. Meir Shamgar.

Mr. Justice Berinson: I think everybody here is glad to have people from abroad, experienced in the treatment of offenders, and particularly the parole system, to sit together with us and discuss the problem and see what can and should be done in this country in this respect.

The world today is crushed under the heavy burden of crime and does not know what to do about it. Had expectations come true, things would have been quite different - they would have changed for the better. But the hopeful prophecies that the world was making progress and would improve have until now turned out to be false. We could have expected that in the welfare state,

with better education, greater opportunities for everybody, a rising standard of living, there must come a decline in criminality. But the opposite is taking place. Crime, violence and hooliganism, not to speak of terrorism, are rampant in the world and people are at their wits' end.

What are the means at our disposal to combat these manifestations ? Of course capital punishment, even for the most heinous crimes, is out of the question. In Israel, despite all the slaughters, atrocities and terrorist acts committed by the terrorists and their hirelings, not one of them has suffered the death penalty during all these years. When the only Japanese who remained alive after the Lydda Airport slaughter was not condemned to death by the military court that tried him, people in Japan simply could not understand - even his own father said that he deserved to be hanged for his killing and maiming of tens of innocent people.

Then there is prison, and imprisonment as a deterrent has proved all along unrealistic. Recidivists are repeatedly incarcerated but no sooner have they left prison than they revert to their old criminal ways and practices. Prison as a rehabilitative institution has also not proved a great success. By its

very nature, it is not a place for successful programmes of rehabilitation.

All the other means we have tried in treating criminals, although more humane and initially more promising, have also failed so far to stem the rising tide of criminality and, as I said, we are at a loss, wondering what can really be done about it.

I think we have to agree to live with crime. There is no hope of it disappearing altogether and so we must try to do our best in dealing with it. May I mention that even the first man on earth, Adam, and the first woman on earth, Eve, sinned by disregarding or violating the will of God, in touching the fruit of the Garden of Eden. And the first two born men on this world, Cain and Abel could not live together peacefully but the one killed the other. So it has gone on from age to age, from generation to generation. I repeat, I am afraid that we have to live with and try and do our best with the situation. I remember hearing one criminologist at an international seminar saying that since we find that whatever we do with criminals does not help much, let us at least do it humanely, that is to say, avoid as far as possible corporeal punishment, imprisonment and so on.

We are to discuss here the necessity and the possibility of introducing in Israel a system of parole. Parole is not far from probation. Like probation, its fundamental aim is to provide guidance and help but with this main difference, that probation as a rule take the place of punishment, although that is not quite the case in our country, where we have a blending of means - the courts can impose both imprisonment, suspended imprisonment and probation at the same time, and they are making use of this approach, to my mind, perhaps too often. Generally the idea of probation is to give a person a chance, to provide him the necessary guidance, help and treatment so as not to repeat his crime and have to be incarcerated. Parole on the other hand comes after imprisonment, but it is also employed for releasing a prisoner before completing his term of imprisonment, and that is another blessing of parole.

In fact, we have in Israel something very near or to parole, a reduction of prison sentence and a licensed freedom, or conditional liberation. The main condition is that the person behaves himself during the period, not commit any further crime, otherwise he may be taken back into prison to complete his original term. But under this system, the man is left more or less to fend for himself, to find his own way back to society. At least that is the legal position but in practice it is a little different

because the volunteer societies for the rehabilitation of offenders come into the picture. They provide guidance and material help informally, not founded on law. The released prisoner is under no duty to seek such guidance and help and the society is under no legal obligation to provide them. Things, however, work almost as if there was some legal foundation, and in the result we have a sort of parole system operating on a voluntary basis.

What is the really important thing in trying to solve the problem of the released prisoner, on parole or otherwise? It is to make him feel that he is part of society and this, I believe, can best be done by society itself and not for the most part by governmental agencies. Symptomatic, I think, of the attitude of the latter is the very good discussion paper prepared by Mr. Shavit.\* He has taken up, I think, every possible point that can be a basis for discussion here, but without even mentioning the rôle of society or the existence of bodies of the sort that have been dealing with the problem for many years with as I think, considerable success.

Here is what the notable criminologist, Sutherland, has said.

"The larger the number of intimate associations that can be made

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\* See p.208 below.

between the parolee and law abiding groups, the more likely he is to become and remain a law abiding person." Naturally, all of us have in mind all the time the person to be treated and all of us want the best for him and for society. But we have also to consider his feelings and his preferences, because as has been proved again and again, and I believe it is self-evident, without the complete cooperation of the person to be treated the best of treatment will achieve nothing. I think it also to be true, and we know it from experience, that the released prisoner prefers, generally speaking, free rather than institutionalized treatment and guidance. I quote again a few words from Sutherland On Criminology, citing a statement made by a discharged criminal

"The criminal does not feel that he has been treated unjustly if he is forced to pay the penalty for his crime, but when he gets out of prison he wants to regard it as finished. Parole means that the state still regards him with suspicion, keeps snooping around and is unwilling to give him a fair chance to get along as an ordinary individual. Consequently, it has a bad effect psychologically upon the prisoner who is paroled."



I would not say that every prisoner has such feelings or views. Many of them want to be, need to be, helped and many of them are getting help but naturally they prefer treatment by society, freely given and freely taken and not necessarily through institutionalism.

I conclude on a note of warning. We live in one world. We communicate nowadays very freely and we can learn a lot from each other, but we should not copy things just because they exist somewhere else. I think our motto should be integration and adaptation. Whatever new programme we want to introduce into this country, we must do it in a way which takes into account our special conditions, our special history. I might say that the sort of parole we have had in this country up till now has on the whole done quite a lot of good. I hope and believe that with the help of our present guests from abroad, who have had such wide experience in this field, we will be able to work out a system to suit us and produce the best of results.

The Chairman: Thank you, Judge Berinson, The eternity of crime and the shortcoming of treatment, will be the topic for the next few days and I do not want to go into these now, but my

impression is that you are not too optimistic and who is more experienced than you to tell us how people are behaving and what can be the consequence of this or that kind of treatment ?

Mr. Justice Berinson: After sitting in court every day and reading the files, I think that one cannot be too optimistic.

Mr. A. Nir: Criminology presents a challenge to the orderly existence of society. It seriously affects not only the many people who suffer directly from it but also the family of the criminal and the criminal himself. It is desirable to consider the problem from all angles. We must remember that treatment of the criminal is not a matter on its own but embraces everything required for the protection of society. We do as much as we can in the arrangements that we make for treating criminals inside prison and indeed we achieve not inconsiderable results. But the moment the prisoner leaves us we come up against insuperable obstacles. The time has come when treatment should not cease within prison but should continue even after the prisoner goes free. It is as well that at least once we take a look at the factors that operate in this field and have the opportunity to exchange views with persons from abroad who have special experience and try to cure this serious ill. To elucidate the problems and search for means will, without doubt

contribute much and open up new horizons for us.

The Attorney-General: Crime and delinquency are multi-causal phenomena with political, social and economic roots, and heterogeneous modern societies like ours have a tendency to add their own inherent and specific problems to the causes of crime.

As has been said many times, crime, in this country as everywhere else, is on the upsurge and therefore the need to protect both society and the offender from himself demands our special attention and experimentation in the search for new ways. The forces, conditions and circumstances singled out as breeders of crime and delinquency are manifold, but it is agreed, I suppose, that one of them is the inability of our judicial and correctional systems to provide adequate and effective rehabilitation for those already enmeshed in the delinquent and criminal subcultures.

The aim of this meeting is to search for ways and means to improve the machinery of rehabilitation of convicted offenders. And I offer some general remarks.

It has been said that crime reflects the character of a people. This is certainly a statement unpleasant to the ear of the listener, not easily acceptable. Such an approach creates, moreover, scepticism as to the chances of human action in relation to

rehabilitation. But there are certain factual conditions which we cannot overlook. There are inherent features of our society, our behavioral standards, our prejudices and even our so-called progressive outlooks, which influence and even sometimes even determine developments in crime. Nevertheless, a large and material part of the causes lie in areas which are open to change and influence. We are not dealing with defective character only, but with reasons and causes which are amenable to education and correction. We have to try and change what can be changed, to accept and understand what cannot be changed and to learn to distinguish between these two possibilities.

Turning to present conditions, we must admit, I would say, that we do not practice any theory of penology today. What we do has a very remote relationship to what we say we do. The only basic norm, conscious or unconscious, is that we refrain from punishment. In other words, the courts use penology, without saying so, to try and reduce as much as possible the number of those in confinement. No reasonable alternative to confinement has, however, so far been created or invented.

Regard as we may likes and dislikes, the prison sentences remains the main criminal sanction, both in respect of its significance and severity and in respect of its relative deterrent

force. Paraphrasing Winston Churchill, like democracy, imprisonment has its many flaws and faults, but so far, we know of no better or more effective way. But we tend to forget that the purpose of the prison sentences is not merely to deter and to punish but to provide an opportunity for utilizing the period of imprisonment as the main occasion for rehabilitating offenders, prevent recidivism and achieve their utmost integration into society as useful and active members.

At present, the prisoner is entitled to reduction to two thirds of his term, principally when his conduct in jail is satisfactory. When that is not so, or when it is thought there is no reasonable prospect of his being restored to civil life, he is not entitled to any reduction of sentence. Apart from the preliminary steps taken inside prison by virtue of the Prison Regulations, and the vocational and educational activities carried on there, no well-founded and methodic rehabilitation programme exists with the object of properly preparing the prisoner for return to civil life. This means that when released on the expiry of his reduced sentence or otherwise, he returns to freedom without any transition period during which he can be readied to cope with the new circumstances. He is turned loose, so to say, without suitable guidance or assistance in any efforts he may make to reinstate

himself in free society and without timely supervision there. Beyond doubt, the longer the term of imprisonment, the more difficult the process of adaptation upon which the prisoner must embark with his "sudden" release and reentry into free society. We must remember that a considerable number of prisoners lack any settled habits of work when sentenced. Although the white-collar offender may have been largely following some business or profession his activities inside prison are of necessity of quite a different character and doubt exists whether he can or does fully return to his previous occupation. Many of the other prisoners have never been engaged in steady work or regarded a steady job as something to be pursued as a livelihood. To the extent that crime in Israel takes deeper roots and assumes the form and nature of a permanent occupation of a whole criminal sub-culture group, the will for and the appreciation of a life with purposeful work and concern to improve one's condition in the manner normal in non-criminal society become more distant. Generally, indeed the prisoner will lack the knowledge or means to achieve an ordered way of behaviour.

It would be unfair to the subject of our deliberations if I did not mention the existing laws and rules which should be borne in

mind. As was mentioned before, we have a release under license, in pursuance of section 71 of the Prisons Ordinance, which enables us to set a condition of good behaviour for the period which remains after release, generally one third of the sentence. This is, however, not used for all persons released.

Secondly, we have the conditional, or suspended, sentence by the court, or by decision of the Release Board when it releases a person, which means that if the person commits any offence set out in the condition, he may be brought back by decision of the court in order to finish his unexpired sentence, apart from being sentenced again for the new crime he has committed.

Then we have thirdly the recognizance to abstain from committing an offence, under section 35 of the Penal Law (Modes of Punishment) Law, 1970, which means a kind of binding over for good behavior. The recognizance is not used much for offenders (or for witnesses or complainants against whom it could be used according to the Law).

Release under license or conditional release does not of itself accord the prisoner the necessary means for his rehabilitation. At the present time, we have a number of volunteer societies which are engaged in the rehabilitation of prisoners or offenders in Jerusalem, Tel Aviv, Haifa, Netanya, Hadera and Beersheba and

these have affiliated themselves in the League of Societies for the Rehabilitation of Offenders in Israel. According to the information I have received, the number of cases dealt with by these societies was 646 in 1969-70, 635 in 1970-71 and 644 in 1971-72.

The number of prisoners released each year is about 3,000 and to put these figures into proper perspective, I should add that the Release Board deals with 900 applications a year and of these decides to release about 500..

The subject of our discussion will be, as I understand it, the possibilities of rehabilitation whilst in prison; secondly, the kind of rehabilitation which can be introduced after sentence has been served; and thirdly, a very important point if we want to enter into things more deeply, the practical expressions and results of parole by the Parole Board, what form rehabilitation will take after a person has been released.

Now as to our proposals which I put to you for discussion. We aim at the introduction of systematic and extensive rehabilitation treatment for two kinds of persons: prisoners serving their sentence and prisoners released either by decision of the Parole Board after finishing two thirds of their sentence, or released without the intervention of the Parole Board after serving their



full sentence, because they were not suitable for recommendation for earlier release.

The treatment would be directed to the integration of the prisoner into a pattern of work through social integration and law observance. To this end, direction, guidance and financial assistance, educational facilities, arrangements for obtaining and keeping employment would be provided. Conditions may well be attached with regard to behaviour and social contacts while on parole.

The rehabilitation treatment will be carried out by rehabilitation officers. There is the possibility which should be discussed here that the rehabilitation officers might be aided by the existing Israel societies. There are certainly many problems which exist when a volunteer society deals with a number of prisoners, in prison or outside prison. One cannot always, I would say, rely on the ability of a volunteer body, with the best of intentions, to adapt itself to the conditions created by other factors. In my opinion the mainstay should always be the rehabilitation officer, the permanent full-time officer. The general supervision of matters of rehabilitation in any particular area of the country, should be in a person permanently engaged in this task, and as

in many other important spheres in medicine, in social work and so on, he could be aided in the more important areas by volunteer societies which would deal only with specifically selected cases, as happens in probation. I do not know whether, for instance, recidivist cases are good for volunteer societies.

As for prisoners, we would introduce employment outside prison for those sentenced to not less than two years (whose cases will come up before the Parole Board), if so recommended by the rehabilitation officer. This means that there should be rehabilitation officers in the prison service.

Coordination between rehabilitation officers in the prison service and rehabilitation officers in the correctional bodies of the Ministry of Welfare is a matter for you to discuss. It may be that persons taken from the latter should be set to certain tasks, for a certain period inside prisons. I think it is very important to decide who the rehabilitation officer is to be - a member of the correctional system itself, in its narrow meaning of the prison service, like the prison governor, or drawn from an outside body.

In the light of experience the range of candidates for release might be extended to include all those who have served one third of their sentence.

I see this only as a first experiment. It could be extended after success. We must start somewhere. Perhaps ultimately, after some years, there will be 1/3 in prison, 1/3 working outside and living in prison and 1/3 outside prison under supervision, aftercare or parole as free persons.

As for work outside prison, the prisoner should return to prison after working hours. What is proposed is a system of supervision in normal community employment situations; the prisoner might leave the prison in the morning, work during the day, and return to prison after work. This would necessitate, I am certain, special living quarters in prison for those in outside employment, both for the benefit of themselves and the others. I think the experience in the United States is that prisoners who are not sent out for work are very eager that those who are should behave well because that will affect their own chances of being released for work. In any case, I would suggest different living quarters, with as little contact as possible between those who are not released daily and those who are. There are problems of drugs and other things which could create difficult problems and we shall have to learn how to cope with these.

The licenses of those engaged in outside employment who, in the opinion of the Board, do not comply with any conditions imposed, could be revoked. We might consider here whether a breach of condition should be a criminal offence or merely a ground for revoking the license and returning the person to prison. This is a very important point - should a person, having been given a chance which he is not able to meet objectively, be punished again by adding to his sentence in some way?

I also think that the Prison Commissioner should be empowered to suspend immediately a license for outside employment until final decision by the Board, but not exceeding two weeks, upon information reaching him that the prisoner concerned is a danger to the public peace. In some circumstances, immediate action of this kind may be essential, as when the Commissioner receives information that a person, instead of working in the factory he has been sent to, is making contact with a group of criminals in order to devise a scheme, say, for a bank robbery. Certainly, there is danger in this. There can be mistakes. Rehabilitation as a process may suddenly and unjustifiably cease with all

the repercussions that entails, but I think security should be primary.

Conditions for release on license for outside work should be of two kinds: general conditions prescribed by law, like those in section 308 of the Prison Ordinance (New Version), 1971, for licensed prisoners\*; and specific conditions imposed by the Parole Board in each case. As you may understand, I leave the decision for work outside the prison not with the prison authorities, but with the Parole Board

The place of employment might well be an occupational training centre or some other place where a vocation might be learned.

Concerning released prisoners, the existing Release Board, upon making its recommendation, should be authorized, not in every case but on a selective basis, to direct that the released person receive rehabilitation

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\*The conditions prescribed are that the releasee abstains from violation of the law, does not habitually associate with persons of bad character, does not lead an idle life without visible means of earning an honest livelihood, informs the prison authorities of the place where he intends to reside and proceeds to such place within a reasonable time and reports to the police within 48 hours of his arrival there and thereafter once a month.

treatment for a period equal to the balance of the term of imprisonment which he would have been liable to serve had he not been released; that is, he would be put on parole, requiring him to keep in touch with a rehabilitation officer who would provide, assist, guide him with work, finance, education, and find a volunteer who could serve somewhat like a foster father; in certain cases hostels might be needed. And all this in order to create favourable living and other conditions without too much supervision of the intimate processes of living. One of the serious problems in this country, much more than elsewhere, is the problem of living accommodation in the absence of renting facilities. Therefore, I would say that hostels are most important.

Where a prisoner has served his full sentence, the Parole Board should be authorized to direct that he should remain under rehabilitation, parole, for a period of not less than six months and not more than a year and a half, after his release. I am aware that this creates a kind of further supervision, but I think that especially where a person does not receive any reduction because he has not behaved in prison, or was for some other reason found ineligible for reduction of sentence, it is very important

that he should continue under some aftercare, supervision, assistance, even though he has served his term. I know that some criminologists will consider this suggestion a very serious departure. Why exacerbate the feeling of the prisoner that the institutionalized bodies will not leave him alone to live his own life? I think, however, that that is one of the rights of society in relation to a prisoner who has not been found ready for early release.

(Mr. Justice Berenson:

...What will you do if he doesn't comply? Take him back to prison?)

It's a kind of conditional license. If he does not act according to the conditions, I think it should be an offense. He must behave for a certain period as a person under supervision.

(Comment: He has to be tried again by a court for a certain violation;)

I don't want to lay down any hard and fast rule. This is one of the topics you have to discuss here, but I think we should find ways of creating sanctions and write them into the law. Without that you cannot oblige a person to be under rehabilitation after he has finished his term. But even so you will ask me, from the practical, pragmatic point of view, how do you oblige a person to act according to the conditions.

I think it should be an offence. I have no other alternative. Although you are going to discuss this matter later, in my opinion, when the court is hearing a case, it does not have any means of knowing what modes of rehabilitation are appropriate, what should be done and when a person is ready to be released on parole. That can only be considered later by someone who has had daily contact with the prisoner, his social worker, his rehabilitation officer, who has observed him and knows his problems. I do not want our courts who deal with the punishment for the crime, to prolong the trial by dealing also with the problem of rehabilitation. That is not their problem. It is a matter to be taken up with the man, by talking with him, by meeting him and so on, which is not the task of the court. It cannot decide when it sentences a person to five years imprisonment that at the end he should remain another six months under supervision.

I suppose there are good chances, when we start this project, even if only in part, that a person will get his rehabilitation whilst in prison and be released in due course,



to be under parole in the last 1/3 of a sentence. But this is a last measure because I do not see the logic of our dealing with persons who behave well and show at least prima facie that they are ready to go back to society and giving them the opportunity of parole, and not doing the same for a person who is not ready for society, who could be an object for recidivism.

To remove any doubt, I would not say that every prisoner released on the recommendation of the Board should receive rehabilitation treatment and aftercare. The decision will be selective, in accordance with the recommendations of the rehabilitation officer. There are prisoners who can go back to society immediately, without any help or supervision. Nor do I think we have the ability, the possibilities, to create supervision for all prisoners released, and I do not think we need it.

It is desirable that the introduction of the rehabilitation scheme should proceed by stages, to enable it to be properly organized and to gain experience of its workings, with a view to improving it.

Another point, I think that we must change the law and make release after 2/3 always conditional upon

the prisoner not committing subsequently any felony or other offence specified by the Board. Today the Board decides in each case whether the last 1/3 or part of it is to be conditional or not. I think logic demands, so I see it, but I leave it open to discussion, that every release prior to the normal end of the term of imprisonment should be conditional.

There are certain technical factors which need only be mentioned briefly. The Parole Board should be assisted by a rehabilitation officer, present at all its meetings, and he should be the person who brings the matter before it, and this should apply for release for work outside the prison while serving the sentence, and for persons to be released and to be turned over to aftercare parole. As I mentioned before, I do not think the authority to direct rehabilitation treatment should rest with the courts. We should not forget the problem of hostels both for releasees and parolees.

These are general ideas which I put to you for discussion. As in other spheres of penology, it is all a matter of experimentation. I do not think there is certainty of success

but we have the obligation to try at least. There may be trial and error, but not trying is worse. Perhaps I should finish by citing the words of T.S. Eliot:

"We shall not cease from exploration  
And the end of all exploring will be to arrive where we  
started  
And to know the place for the first time."

At least I think we will know the subject after trying.

Dr. M. Horovitz: My remarks will be very general, since I hope to exercise my rights as a member of the group to take part in the detailed discussions at a later stage. Let me start with the underlying assumptions and goals, as I see them, of parole.

I consider parole as a state responsibility within the wider framework of law enforcement which also includes the correctional services. I assume that this is a responsibility which cannot be delegated, which does not, of course, exclude the work and cooperation of voluntary bodies. I assume further that the decision makers on the optimal duration of imprisonment are better equipped at the probation stage than those at the sentencing stage, for the obvious reasons that the decision is better taken at the time when it can be implemented, based on observation

in prison and on the circumstances of the prisoner and his family at the time. Again, and this is obvious, there are circumstances when it is beneficial to release a man before he has served his full sentence. These are my assumptions.

Now I come to the goals. Here I would distinguish the manifest goals and what I would call the latent goals. The manifest goals are to help prisoners to rehabilitate themselves, not to rehabilitate prisoners. Since we cannot do that, the most we can do is to help him to lead a law abiding life. The second goal is to protect the public. For this, release must be made conditional upon the parolee returning to prison if he shows signs of endangering the public. Thirdly, the aim is to decrease the rate of recidivism.

As for what I call undeclared, latent functions, goals, I may mention the shortening of the period spent in prison; all penal reformers consider any prison sentence inherently bad and therefore it is a good thing in itself to shorten prison sentences. Parole will also provide some solution to prison overcrowding. Thirdly, this is an economic goal since parole is a money saving device. Again, it is

a means of institutional management, to induce good behaviour in prisoners on the promise of early release, even if there is no real proof of any connection with the behaviour inside the prison and the behaviour after release. Lastly, and I think this is more applicable to the indeterminate sentences of the United States, it is a mechanism towards more uniformity in the sentencing process, a kind of sentencing rectifying process, as where two people in similar circumstances get very different sentences and the parole board has the power to release them at the same time.

What are the conditions for establishing a parole service?

I think in order to succeed, not in order to exist, a parole system needs a social climate conducive to taking risks for the sake of rehabilitation, to take the offender back into its midst and to be ready to destigmatize offenders. The techniques, I am sure, will be discussed later on in our discussions. At present in Israel, the public at large feels threatened by crime. Whether these extreme fears are justified or not is irrelevant to our discussion. If they exist, they are real in their consequences. There is the sociological theorem: if you define a situation as real, it

is real in its consequences. This is a factor we have to take into consideration and it may indeed limit the acceptance by the public of a more liberal parole law allowing, say, the release of prisoners at a very early stage of their imprisonment.

Secondly, the parole service is related to what precedes it - the sentencing process - because the parole service will deal with people whom the courts deem fit to send to prison, and also what goes on in the prison, the prison treatment.

If I speak about prison treatment, I do not mean treatment in the limited sense but to include everything the prison does to and with the prisoner. Each prison is inward looking. Someone has said that each prison system is introvert and prison treatment deals very much in a social vacuum. Personnel and prisoners are both behind bars. For an effective parole system, we must regard admission into prison as the first stage of release. This may perhaps seem crazy but I think it is the base if what we want to achieve anything with parole. If we accept this view, the parole system may influence the prison system, and not only the

prison system the parole system.

I now come to the criteria for release. Primarily, the question is whether parole is a right or privilege. I think that is a very important question, if we consider the remarks of the Attorney General. If we define early release as normal procedure, we have to define the criteria for denial of parole, but if we define retention for the full sentence as normal procedure, we have to define the criteria for release.

I believe, first of all, that the criteria must balance public security and the aims of rehabilitation, bearing in mind that one day nearly every prisoner will return to society, and the sooner the better.

Secondly, eligibility for parole should be fixed by statute. This is mentioned, I think, in Mr. Ben Zion's paper. Again, there is the question whether the criteria should be spelled out or kept vague, as it is presently done in England. The obvious merit of not spelling out the details for parole decision is flexibility. The disadvantage is non-objectivity. But this is a problem throughout, in sentencing and the correctional system. It is a definite liability, I think, that may induce mistrust in the prisoner

if he does not know the criteria by which he will be judged. Moreover, there will be a tendency to choose the good and very good risk cases for the obvious reason that the parole service wants to succeed and the public approves that course. The obvious result will be that those who need it most will get it least and, if we do not accept the suggestion of the Attorney-General, will be released without help and supervision. There is, let us not forget, a threshold of public tolerance. As someone has observed, it may become a question of the sadists against the sa'adists.\* The British were very careful. When they began their parole system in 1968, parole was granted to 8% of those eligible at the time. By 1971 they had arrived at 27%.

(Comment: For '72 it is 40%).

If it is 40% now, it shows perhaps that as the parole service gets more secure and the public more tolerant, we can afford to be more liberal.

The role of the latent functions of the criteria, as I have already mentioned, is the generation of good behaviour in prison.

Lastly, the problem arises of the computer-assessed

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\*"Sa'ad" in Hebrew means "welfare assistance."



risk in the role of decision making. Many parole boards use prediction tables and the question is what part the computer should play in the task of decision.

Now a few remarks on parole treatment. I think parole conditions should be very general and flexible as in our present probation order, none of the degrading or unfeasible conditions found in some jurisdictions in the United States, in Australia, such as denying civil rights, driving licenses, marriage, social contacts.

There must be a minimum period of at least six months for parole treatment, if anything is to be achieved. All our legal arrangements must be made with that in mind. It is no use putting men on parole for six weeks.

Further, we should remember that probation and parole are always put together, as Judge Berinson pointed out. They are twins although not identical twins. They are twins because they are both treatment measures within the community, but they have a different legal basis and legal philosophy, and to generalize, they deal with different populations - those who are sent to prison and undergo imprisonment are different from those who are not. On the whole, I think, the latter are more immersed in crime

and more difficult to deal with. More intensive and different parole treatment approaches, hopefully to be discussed later by us, are called for - certainly more auxiliary services and probably more money than in probation.

It should, I believe, be a principle of social policy that the government will not lay down by law fixed financial support rates for ex-prisoners, as it does, for instance, for widows and the physically handicapped. I hope that each prisoner, when he leaves prison, will get a lump sum to cover his first needs, not by way of charity but by administrative order.

I myself am certain that the probation service cannot deal with parole under the slogan of business as usual. To assume that the treatment techniques that help in probation will surely help in parole would be misleading. We have to find new paths. In parole treatment, the balance between rehabilitation and supervision presents a problem. Is it similar to that in probation? We shall also have to discuss the connection with treatment within the prison and parole treatment. Recent research, the results of which were

published last year, has found that counselling in Californian prisons had no effect whatsoever on parole behaviour. This, of course, is not definite evidence that group counselling is a waste of time. The research may have been applied to the wrong category of prisoners by the wrong people.

I think we should also take into consideration who is going to deal with the prisoner's family while he is in prison. Whose task should that be? Should it be done systematically? Should the wife left behind be treated as a war widow or as a sailor's wife, and so on.

The outcome of parole treatment is, of course, not judged only by the public climate, the legal system, the parolee and treatment measures, but also by the person who deals with the case. This is an area about which we do not know very much from a rational point of view. Should it be a professional, a paid non-professional, a volunteer, an ex-convict, men, women, old, young, same social class and ethnic group? What is the motivation for doing the job? There are many ideologies in the sense of systems of ideas resistant to change. There are different settings and experiences in different countries. We have

to relate them.

Finally, I must mention as carefully as I can the explosive subject of the role of voluntary societies within a government parole service.

(Comment: Why explosive?)

There is a great deal of emotion underlying the different points of view and there's nothing wrong in that.

SESSION II

THE LEGAL DIMENSIONS OF PAROLE

Chairman: Dr. M. Horovitz

Introductory Address: Mr. A. Blum

The Chairman: We are now starting our more substantive discussions. We have perhaps artificially divided up the subjects into a number of different areas, but we realize that there may be a great deal of overlapping.

Mr. A. Blum: A few introductory remarks before our paper is presented by Mr. Waltuch. You will see that this paper is not identical with the proposal of the Attorney General and this is due to differences of opinion. While I am a lawyer too, I represent here the social workers, the other profession, and therefore there are differences. You will recognize them. Secondly, the aftercare of persons who have served their sentences is not dealt with in the paper because of our experience two years ago in the Knesset. We proposed in the Law dealing with juvenile offenders to create obligatory aftercare treatment after sentence had been served. We were only partially successful and only secured a section which obliges a

juvenile offender to receive treatment after release from prison or from a home for a period of one year, but there is no sanction if he refuses to do so. We asked the Knesset to provide sanctions but the Knesset refused because, as you may understand, that would be contrary to due process and so on.

The theme of this paper is to present in general terms a proposal for the establishment of a parole system and rehabilitative aftercare service in Israel.

The aim of the programme is to minimize recidivism by preparing the sentenced criminal offender to take his place in society, and to foster, promote and speed his integration as a productive member of society. The method envisioned is to provide effective rehabilitative treatment after a period of incarceration so as to facilitate the offender's transition from prison to free society, while maintaining some degree of control over him during the period of transition, and to secure his psychic and physical wellbeing, his social rehabilitation and his education toward good conduct.

The essence of the proposal is (1) a period of rehabilitative care or treatment to be offered to the prisoner on a voluntary basis, but with sanctions provided for violation of the conditions of parole, and (2) a professional rehabilitation service to provide counselling, supportive treatment, as well as direct assistance in the following areas: (a) the placement and maintenance of the parolee and his family in a suitable residence, in a proper social environment conducive to his rehabilitation; (b) the placement and maintenance of the parolee in a suitable job, or job training programme conducive to his rehabilitation; (c) the provision of counselling, supportive treatment and other assistance to the parolee with respect to his educational, vocational, social, family and other private and personal problems in a manner conducive to his rehabilitation; and (d) the provision of counselling, supportive treatment and other kinds of active assistance directed toward the reduction of environmental pressures that might lead to recidivism.

The system will operate in the following manner. In the first place its basis will be a voluntary parole agreement.

It is widely recognized that rehabilitative treatment is far more successful if it is entered into voluntarily, rather than imposed as a compulsory matter. This principle is recognized in Israel's Probation Ordinance of 1969, section 3 of which provides that "the courts shall not make a probation order unless the offender expresses his willingness to comply with the provisions of the order."

It is also recognized that in order for the treatment to be effective, some method must be provided for insuring compliance with the conditions of parole and with the directives of the parole officer. That is, sanctions should be imposed for the violation of conditions and directives once the prisoner has voluntarily undertaken to undergo treatment and be subject to the aforesaid conditions and directives and liable to sanctions if they are violated.

Accordingly, some incentive must be offered to the prisoner to induce him to voluntarily agree to undergo rehabilitative treatment. The best such incentives appear to be a reduction of his period of incarceration. It is therefore recommended that the prisoner be offered a suspension of his obligatory period of incarceration, during



all or part of which period of suspension he will undergo rehabilitative treatment, in consideration of his agreement to undergo rehabilitative aftercare for a prescribed period and to abide by all the conditions imposed in connection with that treatment subject to sanctions for violations of such conditions. It is contemplated that, as in probation where the court has given a suspended prison sentence and placed the offender under probation for the period that the suspended sentence is in force or for a shorter period, the period of rehabilitative aftercare may be as long as or shorter than the length of the suspended sentence.

Parole and rehabilitative aftercare should be made available, as is probation, to prisoners convicted of all offences (who are otherwise qualified) except for those whose punishment is mandatory life imprisonment.

It is further recommended that the authority granting parole should ensure that the prisoner fully understands the effect of the agreement and all its conditions and his obligations thereunder, and that the agreement should be in writing and signed by the prisoner, after having been

fully explained to him in plain language by the granting authority.

The second essential is to determine for how long, under what conditions, and by whom the decision to offer parole is to be made.

These decisions may be made by a court, by the Parole Board (already constituted by law) or by some other body. In any of the above situations, such decisions should be made only after presentation to the deciding authority by a qualified social worker of a report containing at least the items set forth in section 1 of the Probation Ordinance,\* plus a report on the prisoner's behaviour while in prison, an assessment by the reporting officer of the prisoner's prospects for rehabilitation, together with the reporting officer's recommendations as to the conditions of parole.

It is deemed highly desirable that the conditions be flexible and susceptible of quick modification to meet changing conditions. It is contemplated that the typical

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\*Namely, the character of the person, his past record, his age, his domestic circumstances, his physical health, his education, the nature of the offence he committed and any mitigating circumstances.

parole order may begin with fairly stringent conditions imposed - perhaps even that the parolee be required to return to confinement every evening at first, or to reside in an institution of rehabilitation hostel - and end with only minimal conditions. In probation orders, special conditions are changed and/or cancelled according to circumstances. Experience in the Adult Probation Service has shown that such matters as the number of compulsory interviews must vary according to circumstances. Some probationers may be seen twice weekly, and during certain periods of stress even daily, others may come once a week, once a month or even less frequently.

In light of the above, it is recommended that decision-making authority be given to the Parole Board or some other administrative board with the requisite expertise. Such a board would develop at least as much expertise as would a court in evaluating the reports of professional social workers. Courts, except in the rarest of instances, accept the recommendations of probation officers as "experts" in these matters. An administrative board, itself composed of experts and with ongoing experience in

considering reports of this nature would have more time and more inclination to weigh more carefully the social worker's findings, conclusions and recommendations.

Moreover, if there is to be the desired flexibility in the treatment of parolees, an individual's case may be brought before the authorities for modification of conditions numerous times before his period of parole is terminated. This would place an undue burden on the time of the courts and may result in delays in obtaining decisions that may be harmful to the parolee's progress toward rehabilitation.

As to the length of the period of rehabilitative after-care, it is recommended that the law provide for the period to be no less than six months and no more than 18 months. In a situation where it appears that the prisoner requires less than six months rehabilitative service, such a person is probably not needful of such service at all. And a person who is deemed to require more than 18 months of aftercare is really needful of extended supervision rather than rehabilitative treatment.

In the period following aftercare, but during the parole period, which is the period of suspension of sentence,

it is contemplated that the conditions will be very minimal, consisting perhaps of only an annual check-in and interview with the Parole Service. Sanctions would not be imposed except for serious matters, such as conviction of a further criminal offense during the period of suspension. The sanction imposed in such a situation, however, would have to be remand to the prison to serve the remainder of the offender's term, and the parole order would cease to have effect.

On the issue of the length of parole and suspension of the prisoner's remaining sentence, as an incentive to agree to treatment, the prevailing view is that an offender who is not given a suspended sentence and/or probation by a court after conviction but instead is sentenced to incarceration, should not be released by administrative action without being required to serve at least some part of that sentence as a prison inmate. Accordingly, it is recommended that some arbitrary minimum period of incarceration be required before a prisoner be released on parole, no matter how good a rehabilitative prospect he may be. Thus, the law may provide a basic minimum incarceration, for instance, a specific number of months or a

specific proportion of his sentence, or both.

One view is that the minimum portion of time to be served be significantly less than  $2/3$ , or, in other words, that the period of suspension be significantly more than  $1/3$ . The reason for this is that under present law the prisoner is automatically released if he is of good behaviour during his prison term after he has served  $2/3$  of his sentence (in practice, if not by law). The release is not conditional and there is no aftercare supervision. It is argued therefore that a prisoner who is a good rehabilitative risk should be provided with sufficient incentive to undergo rehabilitation, with its conditions and sanctions, by suspending a significant portion of his sentence. While under suspension, he would, of course, always be subject to some control and the ultimate sanction of reincarceration for the remainder of his term. A reasonable minimum, then, of the portion of the sentence to be served under incarceration seems  $1/3$ . This would then allow a qualified prisoner to opt for  $2/3$  of his sentence as aftercare and parole, thus obtaining release from prison at a significantly earlier time than on good behaviour alone, but subjecting himself,

upon his agreement, to state supervision and to sanctions for the full term of his sentence.

Another view is that the present system for release for good behaviour alone after having served 2/3 of his sentence be abolished, to be replaced by an early release scheme, also after the expiration of 2/3 of his sentence, upon good behaviour in prison and agreement to undergo rehabilitative treatment, with the remainder of his sentence to be suspended until its termination. Here, again, the parolee would be under state supervision for the full length of his sentence. And the early release scheme would serve the dual purpose of encouraging his good behaviour in prison and later his good behaviour in the outside world. As this latter proposal - requiring a mandatory incarceration period of 2/3 of the prisoner's sentence and suspension for the remainder instead of outright release - effectively increases the length of the sentence of all offenders still in prison on the effective date of the new law, who were sentenced under the present system, some provision should be made to equalize their treatment under the new law.

If the proposal for administrative decision-making power is accepted, there should be provided a process for appeal from decisions of the board by both the parolee and the government to a court.

The third essential of the system is the imposition of sanctions for violation of conditions of parole. It is widely agreed that the conditions of parole, once a prisoner has agreed to accept parole, should be enforceable by sanctions in order to provide a proper authoritarian setting conducive to rehabilitative success. Accordingly, it is recommended that there be such sanctions and that they be in the following descending order of severity, depending upon the gravity of the violation: (1) revocation of parole and return to prison, (2) fine, (3) requirement of a bond, cash or by recognizance, with or without sureties for the faithful performance of the remainder of the parole period, and (4) the imposition of new more stringent conditions.

For the same reasons as set forth above, it is recommended that the decision-making power with respect to sanctions reside with an administrative board with the requisite expertise and that it be exercised only after an



appropriate report from a qualified official, that is, a parole officer. It is also recommended that both the parolee and the government have the right to be heard before the board and that there be a right of appeal to a court.

The organization and staffing of the rehabilitative service. The rehabilitation service should be staffed by professionally qualified full-time parole officers. An individual parolee should have a continuing relationship with at least one permanent parole officer assigned to him, and ready access to him in times of stress and emergency. Further, the parolee-parole officer relationship should be an official one in an authoritarian setting, so that the parole officer will be in a position to give direction with the force of authority.

For the above reasons, it is highly recommended that the staffing of the service be full-time and professional and not voluntary. Because of the past accomplishments, interest and vigour shown by voluntary groups, and the resources available to them, it is recommended that the professional service work in close cooperation with these

organizations on such matters as job placement, job training, educational facilities and programmes, and the seeking of financial help when needed for the parolee and/or for his family. Close contact should be maintained with all those various social agencies, institutions and organizations that may contribute to the offender's rehabilitation.

It is not recommended that the rehabilitation service be operated by prison or police authorities, as the inevitable hostility and antagonism that exists on the part of the offender towards these authorities, for real or imagined reasons, would impede the progress of his rehabilitation no matter how professionally sound the offered treatment may be.

It is also not recommended that an entirely new agency be created for this purpose. The Probation Service of the Ministry of Social Welfare has been conducting rehabilitation services for youthful offenders since the inception of the State and for adult offenders since 1951. This unit has had long experience in approach and method and has developed an extensive in-service training capability which could easily be utilized to train the additional

parole personnel needed to effectuate the purposes of this proposal at minimum cost. Moreover, just as a large number of probation officers also serve as welfare officers under the Youth (Treatment and Supervision) Law and as youth interrogators under the Evidence Law Amendment (Protection of Children) Law, and frequently prepare special reports on offenders at the request of the Minister of Justice, in cases of pardon, and the Attorney-General, in cases of applications for stay of proceedings, and the Prisoners' Release Committee of the Army, these same probation officers with a minimum of staff expansion and retraining could serve as parole officers. This would allow optimal utilization of present resources, avoid the need for a duplicate administrative staff and structure and avoid the needless proliferation of additional agencies with their attendant additional expenses, staffing, training, housing and other supportive services.

The Probation Service also has had long and extensive experience in close cooperation with the voluntary organizations active in this area.

It is therefore recommended that the Probation Service

of the Ministry of Social Welfare be charged with the responsibility of providing rehabilitative aftercare to parolees in addition to the Probation Service.

The Chairman: As I remarked before, I do not think that we can discuss the legal structure of parole without discussing also some of the substantive matters.

Dr. Tjaden: When preparing for this visit to Israel, I was confronted with many ideas in your literature about the development of social services, social welfare and criminology with which we are very familiar. For example, in an article in your bi-monthly Journal on Social Welfare, written by Mr. Pardess, one of your supervisors, about community work and immigrant observation in development towns, I read the Biblical behest, "Love thy neighbor as thyself." I feel happy that I can claim that it is not too bold to say that also in the Netherlands the social climate is influenced a great deal by the philosophy this reflects. During our whole history you will meet examples of great tolerance, and liberal treatment of people of another race or religion. Centuries ago, Spanish and Portuguese Jews, French Protestant Huguenots were welcomed as refugees. During World Wars I and II we organized many

relief actions for Jews, anti-Nazi, Hungarian, Austrian and Belgian refugees. During many centuries we did a lot of Christian or humanitarian charity for poor and disabled people.

But I am not here to boast of these qualities of the Dutch people. I want firstly to underline the above quotation and say how important such an attitude is for results with social work and, secondly, to introduce you to a rather exceptional situation in the Dutch Administration of Justice.

In comparison with most other countries, our attitude towards crime is rather different. We do not think that crime can be combatted by sentencing the offenders to ever longer prison sentences. This view also has something to do with tolerance and love for our fellow-men but it is also based on experience and social science. I may illustrate the differences between us and some other countries with a few figures. On 1 January 1971 the prison population per 100,000 inhabitants was in the Netherlands 22.4 in West Germany 83.6, in France 59.9, in Belgium 60.2, in Sweden 61.4, in Great Britain 72.4, and if I understand

the report from this country, 62. Thus in countries neighbouring the Netherlands with the same general and economic circumstances and with almost the same culture the prison population was three or four-fold. I cite these figures not to boast about our administration of justice. Perhaps you may want to criticize our judicial authorities who are supposed to be able to handle the crime problem for the fact that, as in most other countries, our crime rate as well is now increasing steadily. And I may add that some people in the Netherlands are critical of our sentencing method and that a public opinion poll has demonstrated that over 50% of the population does not expect that long-term prison sentences will help to fight crime. I make these remarks about the social climate in my country because I adhere totally to the basic philosophy of liberalism.

Before ending this introduction, I must say something about the literature which I read in studying the situation in Israel in the field of correction and rehabilitation. The first article was by my former chief, Prof. Veringa, who visited your country in 1961 before he became Minister of Education.

I quote him. "The material equipment of the prisons as measured by our ideas is not sufficient." I might not have dared to quote this were it not that almost the same words appear in the English summary of the Annual Report, 1971, of the Israel Prison Service: "We can no longer be content with existing conditions." And Prof. Veringa continues, "The knowledge of the prison personnel is on a strikingly high level and we do not need to think of going to Israel to apprise them about aspects of the implementation of penal sentences." You can therefore understand that I feel some difficulties at being invited as a consultant, but I feel very happy to have the opportunity for an exchange of ideas that will certainly be very stimulating for me.

I commence by describing briefly the policies and the system of parole in my country. Our parole system started in 1888. Dutch penal law prescribes that a person sentenced to a term of imprisonment may be released on license when  $\frac{2}{3}$  of his actual sentence, being not less than nine months thereof, has been served. In addition, the Dutch Rehabilitation Regulations prescribe that at least two months before the date on which a person may be

conditionally released, the governor of the penal institution where sentence is being served must submit to the Council for Rehabilitation a proposal with reasons for conditional release or a statement, likewise with reasons, that conditional release should not, or not yet, be granted. The Council must submit the documents to the Minister of Justice as soon as possible along with its views and recommendations. If conditional release is not granted, it may be applied for anew.

As you can infer from these regulations, it is the responsibility of the Minister of Justice, that means, the administrative apparatus, to decide upon granting conditional release, granting parole. The Dutch legislator has preferred to entrust the Minister of Justice with this responsibility, instead of a judge or an independent parole board, as in many countries. That is a very important choice, particularly in view of the large discretion conferred by law and the absence of any right of appeal. I must say that not all of our judges fully agree with this solution. But in the Dutch view it is the administration that has responsibility for execution of sentence and a very important



end of execution of sentence is the rehabilitation, the re-integration of the offender in society; that the administration is better equipped for making this kind of decision than judges who on their part are better trained for legal decisions and do not have the opportunity to follow offenders in their behaviour and development during execution of sentence. Furthermore, some uniformity in the policy in granting parole seems desirable. But the question - who has to have the responsibility for granting parole - is a very complicated one with many different aspects. For example, it is more or less dependent on the availability of specialized penal judges who also can have responsibility for execution of sentences, as in France.

As I have mentioned, it is the responsibility of the governor of a penal institution to initiate proceedings for conditional release. There is no ritual of the prisoner applying for parole. The preparation of a proposal for parole, or a statement not to grant it, is an integrated part of the treatment of the offender, a treatment that has to be as individualized as possible, based on social, psychological and, if necessary, psychiatric reports,

sometimes on recommendations of a classification centre and last, but not least, supported by the wishes and willingness of the detainee himself.

During execution of sentence, the prison system promotes contacts with the probation officer who prepared the pre-sentence report. A probation officer is attached to the staff of the penal institute as a regular staff member. He always has a copy of the pre-sentence report and works as a social worker with his clients, contacting the probation officer of the home district of the detainee, who can keep in touch with his family and prepare his return to society by working out his parole plan and recommendations. Thus, with the assistance of the parole staff, the governor of the prison prepares at the prescribed time the report for eventual conditional release for every detainee who in conformity with the law is eligible.

It is the responsibility of the whole staff of a prison to promote the end of the rehabilitation of the detainee, to give him the best opportunity before returning to society. For this purpose, a prisoner is very often transferred, in the last four months before the date of his eligibility for

parole, to an open prison where he can work outside at a regular job in a nearby town and earn a regular salary. Here he learns to live in free society without continuous disciplinary supervision and becomes responsible for his own behaviour. He will have two opportunities to visit his family during weekends. (We have had very good results with this very important development in the prison regime, although the results are difficult to measure by scientific standards.) The prisoner also has an opportunity to visit the labour exchange and his future employer. He will cooperate actively with the probation officer of his home district or where he wishes to live upon release. This probation officer has to prepare a plan for parole and submit it at request of the Council for Rehabilitation. I find exactly the same ideas in the abstract of the paper by Mr. Cohen.

A few words about the social worker/probation officer: He is supervised by the same supervisors as the probation officers working outside the prisons, because he belongs to the Probation division of the Ministry of Justice, and not to the Prison division. We have the same kind of organization as in Great Britain where it also works very, very

satisfactorily. I hope Dr. Burnham will agree with me. (Dr. Burnham: I would disagree actually. The majority of research findings in most countries are that this kind of system tends not to work as well in practice as one would hope it would in theory.)

The report of the probation officer about his parole plan is handed to the Rehabilitation Council of the district. In every judicial district we have a Rehabilitation Council, because we want to have all social activities as decentralized as possible with all the necessary local information readily available.

Members of the Rehabilitation Council are made up of three groups, each of four members. In the first group are the official members, a judge, a prosecutor, a prison governor or other prison official and a State forensic psychiatrist. The second group consists of four representatives of the probation system, probation officers or sociologists or psychologists representing different kinds of probation activities with normal adult offenders, with drug addicts, with alcoholics or mentally disturbed offenders. In the third group are four members of the society, with

different professional backgrounds, a director of a labour exchange agency, a chief constable or a lawyer, a priest, a professor of penal law, a criminologist, depending on the people available in the district. The 12 members are appointed by the Queen on recommendation of the Probation Board.

The function of the Rehabilitation Council is to recommend to the Minister of Justice to grant or to refuse parole. It does not rely too much on the ideas and feelings of the prison officials, on behaviour during execution of sentence. A good prisoner may turn out to be a difficult probationer and vice versa. For example, when a young man runs away from prison because he is homesick or because his wife is sick, the prison system might well be more critical than the probation system. The Council is more interested in the offender as a member of society, how he will behave outside the prison walls, what his relations with his family and his neighborhood will be, what kind of work is available for him, etc.

A professional probation officer of the district where the prisoner wishes to live in the future has to contact him and prepare in close cooperation with him an extensive

parole report with a prognosis. This probation officer has to try to initiate good relations with the prisoner because he will have to supervise him eventually. The two have to collaborate in making the plan, almost a contract, and later on in working out the plan. I believe that this collaboration is a very essential part of the preparation for parole and almost a guarantee of its success. The Rehabilitation Council will discuss the reports with the prison governor and the above-mentioned probation officer.

When the prison governor is of the opinion that conditional release should not be granted, the Rehabilitation Council can contact the detainee to verify this opinion and can ask the probation officer to make a recommendation and a report. This also gives some guarantee of treatment continuum, a probation officer cooperates as a staff member in and with the prison system and the prison governor is a member of the Rehabilitation Council.

This three fold mode of procedure seems perhaps complicated but it works rather well and guarantees the interests of every detainee and of society.

The latest development in my country is that we do not want to make parole dependent on the fulfillment of many conditions. I may cite from the last regulation dated May 5, 1971, circulated by the Ministry of Justice to probation agencies and probation officers and Rehabilitation Councils. As a rule, only one special condition is to be imposed, that an offender conditionally discharged shall cooperate by keeping in touch with the rehabilitation agency. Other special conditions are only to be imposed where there are special reasons for doing so. The main consideration is that the best possible circumstances must attend aftercare for discharged prisoners and that the imposition of special conditions may put the aftercare in a straitjacket, restricting the freedom necessary for acting as effectively as possible in any particular situation. Moreover, an excess of special conditions frequently meets with opposition from offenders conditionally discharged which sometimes affects aftercare agencies and rehabilitation officers. This principle does not mean, however, that special conditions cannot serve a useful purpose for reasons connected with the person or circumstances of a particular

discharged prisoner.

Against this background, both aftercare considerations and the interests of society may afford grounds for imposing special conditions in particular cases. Before this sort of decision is made, however, it is essential that all the available facts are closely studied and given careful and realistic consideration in the aftercare plan and recommendation with a view to the future of the offender in question and that they are discussed with the subject himself. It is for this reason of particular importance that in a rehabilitation plan and/or recommendation, reasons should be stated for imposing or not imposing the condition referred to. Finally, by way of elucidation, councils are reminded according to the pertinent statutory provisions, that rehabilitation agencies are not primarily called upon to supervise the fulfilment of conditions. What they are called upon to do is to assist where a discharged prisoner experiences difficulties in fulfilling such conditions. The Rehabilitation Council is authorized to release on request any rehabilitation agency from its duty to render assistance and support before the termination of a probation period. The Council must notify the ministry



of any such decision and the considerations which led to it. If a case arises where agency and Council cannot reach agreement, the aggrieved agency may refer the matter to the Minister and the latter in cooperation with the Council anticipates being able, in very difficult cases, to come to a decision as to conditional release.

Eventually, the Minister of Justice decides whether to grant parole on the written report of the prison governor and of the Rehabilitation Council with the probation plan. The Minister is personally responsible, but he only studies a case in very exceptional instances, for example, a murderer who received a life sentence and obtained grace after maybe 18 years and can be granted parole after 12 years. In practice, therefore, decisions are made on the responsibility of the head of the prisons and rehabilitation sections of the Ministry. In over 90% of the cases, the recommendations of the prisoner governor and the Rehabilitation Council are the same and adopted by the section. I, or my deputy, have personally signed many decisions to grant or to revoke parole. The time is ripe for a next step in the direction of decentralization, to delegate the responsibility for minor

cases to the Rehabilitation Councils themselves.

I have worked within this legal and organizational framework almost 30 years. It is remarkable that within such a framework really great developments are possible. In 1955, 47% of the detainees eligible were granted parole on the prognosis of a law-abiding life in the future. In 1970, 92% were granted parole, twice as many within 15 years. Practically every detainee who is willing to cooperate with the probation system is granted parole and parole is only denied when the person is really considered to be a danger for society. I should mention that the period of conditional release lasts one year longer than the non-executed part of the sentence. Sometimes when the latter is rather short, it motivates detainees to refuse parole so as to leave prison totally free.

In general, our policy and our philosophy, I wish to emphasize, is that it is less dangerous for society to open the prison doors with the organized assistance based on conditional release. A period on parole has almost become an integral part of the execution of a prison sentence.

Our results with this practice are rather stimulating. In 1950, 17% of those who received parole were sentenced again during the conditional period and exactly the same percentage was revoked in 1970. Of course, our revoking policy has also changed during these 15 years. In practice we only revoke when a new crime has been committed, although bad behaviour may also be a ground. A condition that the parolee live in some institution may be imposed and a breach can lead to revocation for a short period, but only in exceptional cases is that done. Revocation is not legally regulated, it is left to the discretion of the Minister of Justice. Before revoking, a recommendation is always requested from the Rehabilitation Council, which must be based on a report of a probation officer.

The results I mentioned are the more astonishing in connection with the sentencing policy of our courts. In 1952, 9.4% of all prison sentences were for a duration of one year or longer. In 1968, only 3.6%, a decrease of two thirds. In exceptional cases of serious crimes, the courts punish with long sentences. Thus the detainees

eligible for parole present quite another selection than 20 years ago. You must realize that in considering the figures I have just mentioned. There is a very big difference in Israel: if I understand your report, 82% of prisoners have received a sentence of one year and more, as against 3.6% in my country.

Most of our long-termers are recidivists who have committed serious crimes. We give special attention to recidivists in considering parole. As in Israel, most crimes are committed by youngsters below 30 years of age. It is very important to help those who, when they grow older, want to stop their criminal way of life and start a new way of life. Our experience is that especially with professional help you can help them to be properly motivated. When the probation officers miss this opportunity, the released offender will become a hardened criminal with much aggression against society. Of course, probation officers working with recidivists have also their disappointments, but with patience and understanding of the special difficulties they can reap much satisfaction at the end. Prosecutors and judges also are cooperative in many cases

when new not-too-serious crimes are committed, by handing down conditional sentences or fines, if the probation officer can produce special reasons for continuing rehabilitation efforts or show that the new offence was committed under special stress and emotion. It is a challenge to the probation officer to convince the authorities who have to make the decision that there are reasonable arguments not to send a client back to prison, as much for the well-being of his client as for the well-being and safety of society.

A parole policy, as I explained, is only possible if at least three conditions are fulfilled: that there exists a highly qualified staff of social workers; that probation officers have a reasonable case load, so that they can give sufficient attention to every client; and that there is sufficient understanding of the social sciences and social behaviour by all authorities and officials dealing with delinquents - judges, prosecutors, constables, prison personnel, etc. - to appreciate the reports and recommendations of probation officers, psychologists, psychiatrists, and above all, a general understanding of deviant behaviour by the public. When there is not such understanding, the

probation officers cannot do their work. The sentences of the judges, the treatment in prison, the attitude of the police, will be misunderstood and criticized. The public will not realize that sufficient funds must be available to handle these crime problems in a really effective way. Much depends on the daily information about crime in the newspapers. Many do not understand these developments or are too sensational with their comments about crime. In a report submitted to the United Nations, our Chairman, Dr. Horowitz wrote, "Probation can only succeed in a society which is prepared to let the offender live in its midst. Israeli society shows a particular large and perhaps unrealistic degree of tolerance towards the deviant from accepted social norms."

(Comment: That was written 10 years ago.)

"Probation in Israel today is a socializing factor in the judicial process and penal administration that has come about step-by-step." Exactly the same is the situation in the Netherlands, perhaps only with this difference that our probation idea was started 150 years ago and we owe much public understanding to the information disseminated

every year on Probation Day. On that day, money is collected for probation activities by private societies. The money is no longer important since the government pays practically 100% of the costs, but it is very important that all the mass communication media we have promote this idea - television, radio, newspapers, the churches - and provide information about rehabilitation activities, the social difficulties of delinquents, their backgrounds during youth and so on in school and at work, and about the results of probation. Thanks to Probation Day, I have, for 25 years, prepared almost 20 speeches for my Minister of Justice to say something on television or the radio. It is terribly difficult to find new words every year, but I believe it is important for the public to have some general understanding about what probation really is. The research into the ideas of the population has, we think, had to do a great deal with the organization of Probation Day.

Dr. Busch: I shall begin by expressing my gratitude for being able to visit Israel once more after 14 years. In 1958 I was in this country with a delegation that came to a conference that dealt with youth villages, and I still

possess a feeling of great admiration for what I then saw.

My professional activities are considered to be something new in Germany. I am a pedagogue but I work within the judicial framework. This is very exceptional because normally anything to do with justice is dealt with by lawyers. I am also at the same time a lecturer in a school of social work with which I have been connected for 20 years, so I am well aware of the problems connected with the training of social workers.

I should only like to mention a few points connected with aftercare and parole in Germany. Further details we shall be able to refer to when the individual details are discussed.

Probation was introduced in Germany as recently as 1935. We have two separate systems - for juveniles and for adult criminals - of both of which parole forms part. As far as juveniles are concerned, two thirds of the sentence can be remitted against parole, with ~~adults~~ only the last one third. In both groups, a judge makes the decision, as far as adults are concerned, the same judge who passed the original sentence, as far as the juveniles are concerned, a special judge. It is planned that a judge should be attached



to every penal institution to decide upon such matters, so that he is more closely connected with the execution of the sentence. The possibility also exists of imposing conditional or suspended sentences, but that applies only to people who are liable to a sentence of not longer than two years.

With regard to juveniles, there is the further possibility of only making a finding of guilt and then waiting to see if punishment should in fact be imposed. By juveniles, the age group 14-18 is understood. For the 18-21 age group, the judge can choose whether to apply the adult or the juvenile system of punishment. 14 is the minimum legal age. Should a youngster of 13, for example, murder his parents in order to get rid of his pent-up aggressions, he cannot be sentenced for that, there can only be an educational intervention. Whether a condition is imposed straightaway or subsequently, certain conditions can be imposed. A probation officer may or may not be asked to make a report.

According to the law, the probation officer may be a professional or a volunteer. Out of every 1,000 people

released on parole, two are under the supervision of volunteers, all the rest under professionals. There are about 600 professional parole officers. But all the time, new posts are being created; we should like to arrive at the figure of 1,000 for a population of 60 million. The question of how many voluntary workers we can employ is a question of how many of such people are available. All voluntary workers have some kind of connection with educational activities. They are, as a rule, teachers, priests or such like persons. They have no professional supervision, but are, of course, accountable to the authorities. It is difficult to say with certainty just how many voluntary workers there are. First of all, there are no specific statistics; secondly and very frequently, one voluntary worker takes under his care one particular released prisoner. It is not a question of social workers who work for voluntary organizations but of individuals who are not organized.

The central problem is that the penal system is seamless, if I may put it that way. We like to say that a released prisoner should not remember the actual date of his release,

that the process of release should be gradual, that he should consider the whole system, from prison to free society, as a gradual process, and that the various stages should not be particularly apparent. The new penal code now being planned in Germany will contain provisions regulating visits by prisoners to the nearest town with their relatives, and detention in a local institution.

I believe that both the probation and parole services should, as far as possible, be open, flexible organizations in which any number of treatment possibilities find their place. For example, we hold that the period of parole should be for a minimum of two years and for a maximum of five years. I do not think this is good. I also believe that the suggestion in Israel that the period of parole be no longer than the time left to be served of the original prison sentence is not a good suggestion. I rather believe that the period should be a minimum of six months and a maximum of five years. According to German law, the period of parole can be retroactively lengthened or shortened.

Parole and probation are, I think, really educational

problems but they have to be defined in terms of law. It is often believed that the content of the system should also be defined legally. The educational problems involved cannot, however, be solved by fixing the term beforehand, and it is for this reason that I do not think it is a good idea, as is the case in Germany, that a judicial body decides on the length of the period. That does not mean that the judicial control over the system should be completely eliminated.

The devil is in the details, that is to say, each case is individual. For this reason, I do not wish to occupy you any longer with describing our system. I shall refer to it during the discussions.

Dr. Burnham: I would like to start off in a very political way by complimenting especially the chairman of this session on his introduction in a previous session. I thought that Dr. Horowitz laid out very clearly the nature that our discussion should take. However, there is one small element that I would wish to add to that as well as to the paper introduced by Mr. Blum and Mr. Waltuch, and it follows also on the final remarks of Dr. Busch.

It seems to me that the kind of discussions you are

going to have in the next two days should be concerned very much with the basic principles of questions of parole as they derive from a national philosophy. Israel is, as has been pointed out to us and as we all know, a quite unique State. Therefore, what has happened elsewhere may or may not be applicable. The thing which we are interested in is the process by which other countries reach their decisions. You may or may not be able to apply those principles. The details of those decisions coincidentally may or may not be relevant. We are therefore concerned with the questions how the objectives which you in your national philosophy, your national traditions, are interested in will be attained, in short, the principles upon which the decisions that you have to make are going to be made. The question of making decisions is a process which is based upon information.

By now it will be obvious that my own particular interest is in information science. It seems to me that you should give very careful consideration, right from the start of these discussions and in your own internal follow-up afterwards, to the question of what kind of decisions you

are talking about - policy decisions, or individual case decisions - and what kind of system you are going to institute for the collection of data in order to evaluate these decisions.

It is common conversation whenever research criminologists from any country get together that the authorities either do not keep appropriate records or, if they keep them, do not allow people who may criticize them to have access to them. I wanted to say this in your presence, as you are very senior officials in this country in this respect, that you have a very important decision to make, I think, at this meeting, whether or not you are going to collect data which can be analyzed to produce information which can, in turn, be used to evaluate your own decisions; in other words, whether you are prepared to look into the question of producing evidence which may be uncomfortable and discomfoting. The reason I say that is that in every country of which I have had any personal experience, or vicarious experience through reading or talking to people from it, the situation has been that the way in which the system is supposed to work in theory has not always turned

out to be the case in practice. People have been dissatisfied. Probation officers claim that they are not able to do what they think they should be doing. Prison officers say the same. Everybody, in whatever social service, will say the same. This is perhaps the one research finding which is universal.

You therefore have the opportunity to take a courageous decision, a decision to organize the collection of data which is likely to show to you in a few years that what you have been doing is not achieving what you had hoped to do. If you have the courage to do this, then it is possible that within a few years, and by a gradually self-improving feedback process, you will be able to improve your standard of performance in terms of the degree to which you attain your objectives. It is an uncomfortable thing to be told by someone like myself, sitting comfortably in a university, that you are doing it wrongly. Nevertheless, unless you are prepared to take this decision, you and your colleagues, to consider the setting up of a data collection, an information retrieval system, which will enable you to evaluate your own performance, ten years from now, you will not know

whether you are doing things any better or any worse than when you started.

I asked to be able to say this, sir, while you are still here because there was a famous case, famous within criminological circles, but not famous in the world at large because it was not publicized. Someone who held an office very parallel to your own in the United Kingdom wanted to introduce a new policy concerning a certain social problem. He himself knew the policy he wanted to introduce and he asked the research team to look into the background, generate the information to show that in fact this was the appropriate policy. The results they came up with were the exact opposite; they demonstrated on very good grounds that to introduce this policy would be disastrous from the point of view of the results he wished to achieve. He was presented with these results and his remarks were, essentially, "Thank you, gentlemen, any further information on that topic would be only an embarrassment."

I hope that with these few remarks I have been able to make clear the contribution which I hope I can make to this meeting, that is, of being awkward. You have, it seems to me; both the opportunity and the good will to set



up a system which will learn from the mistakes of other countries. Being human, it is inevitable that you will make your own mistakes. I assume this is a premise which is acceptable. You also have a very good opportunity to set up a system under which you can learn at the maximum possible rate from your own mistakes, and thus not only start ahead of the rest of us in parole services but finish even further ahead.

I think we should consider a little more deeply the question whether parole and probation are in fact essentially the same thing. This was a remark thrown out by somebody earlier. Rather than pose my own view, what I do wish to do is to stimulate this assembly into a deeper analysis of the matter because the implications of what we believe about it are very far-reaching.

If one sees parole as exactly the same as probation, only happening after prison instead of before it, then this has quite different implications for the way in which it should be conducted, for the level of sanctions, if indeed these are to be employed and if sanctions are appropriate at all, and for the philosophy which underlies the attitude

of the parole officer to the client. It seems to me that what probation is saying to the client is, "You have behaved yourself in such a way that you have been socially something of a nuisance but we are not going to make an issue out of it at the moment to the extent of punishing you, what we're going to do is give you some kind of guidance, help and assistance and all the casework stuff" (That remark was not meant detrimentally since I am not opposed to casework), "what we're going to do is forget the punishment bit and try to do what we can for you to help yourself to make it."

If that is what we are saying parole consists of, which is a reasonable point of view, then what we are saying is that as soon as a prisoner walks out of prison, that is the end of social sanctions. If, on the other hand, we take the view that parole is a part of the prison sentence and not a separate thing which happens afterwards, then a quite different scale of values is represented, a quite different basic approach by the supervising officers, one in which the idea still prevails that essentially we are keeping a very strict eye on the man and that if it comes to the crunch, he will do what he is told.

These are two very opposite points of view. They seem to me to have implications for those who work the system. If we take the line that parole is probation, except that the chap happens to have been inside, then probation officers seem appropriately trained people. As I understand it, the majority of probation officers do not see themselves, and I think they are right, to be agents of social sanction; they are agents of social support. They are therefore inappropriate people to apply a policy which executes part of a prison sentence within the community and still retains the same underlying idea that sanctions matter, are appropriate and that we are the people, who, in the last analysis call the play.

The second way in which the distinction is important is this: if we see parole as a kind of after-prison probation, then it is something that should happen at the expiry of a normal prison sentence. Whether the national tradition is for a prison sentence to run its full length or be remitted after two thirds for good behaviour, is not too important in this particular context, if what we are saying is that we normally release people for some kind

of compulsory aftercare. On the other hand, if we see parole as a part of the prison sentence being served within the community, we believe that by doing so the chances are better of the client adjusting more successfully, keeping out of trouble and so on. If we say that the purpose of parole is to enable the client to do this better and for this reason we are changing the latter part of what would have normally been a sentence inside to a sentence outside, then this is a wholly different matter. We are saying that essentially to the person, "You are still in prison but we are letting you out because we think it will be better for you, and you are still within the control of that aspect of the criminal justice system which is concerned with making sure first and foremost that you do not give any excessive trouble to the rest of society." The parole agent is in this way not seen as a policeman, (I agree very much with the point made at the beginning of Mr. Shavit's paper, that if a parole agent is a policeman, he will fail), but as a prison officer at large in the community, a nice, kind, supportive, well-trained professional prison officer, supporting a prisoner who is within the community. This is the frame of reference

within which he works.

I think we have a very clear-cut decision to make as to which of these two things apply because otherwise, we are asking probation officers to become schizoid. It makes his role as the social aide, the social assistor, a great deal more difficult.

It follows also that a very important basic distinction is to be made in law as well. If parole is part of the prison sentence, it should come within the time of the prison sentence and before that lapses. If, however, it is something which happens after release from prison, it is some form of compulsory aftercare. We must make up our minds, and whichever way the thing is decided, it should be incorporated into the law.

Mr. Ben Zion Cohen: I want to make some comment on the paper by Mr. Blum and Mr. Waltuch. I was a bit surprised that a paper by two legal experts went beyond the legal aspects and dealt mainly with the organizational and treatment aspects of the problem. I think that some of the things that were stated in this paper would not have been said by someone who has worked in the field, who

knows the situation and has a realistic appraisal of the problems.

Towards the end of the paper, there is a reference to optimal utilization of present resources. Dr. Horovitz defined ideology as a system of ideas resistant to change. The ideology that I internalized as a little boy in the streets of New York included an idea that you get what you pay for.

(Dr. Burnham: In New York nowadays, you normally take it)

My experience in Israel has reinforced that notion. I do not think that we need to try and create a cheap service or grab at an opportunity for a bargain by optimal utilization of present resources. I think this could only have been written by someone who does not have first hand information about what the present resources really are, with the goals stated in the paper. I would like to try to just give two examples, at two levels of what present resources are and how they could possibly be related to the goals that were outlined in the paper.

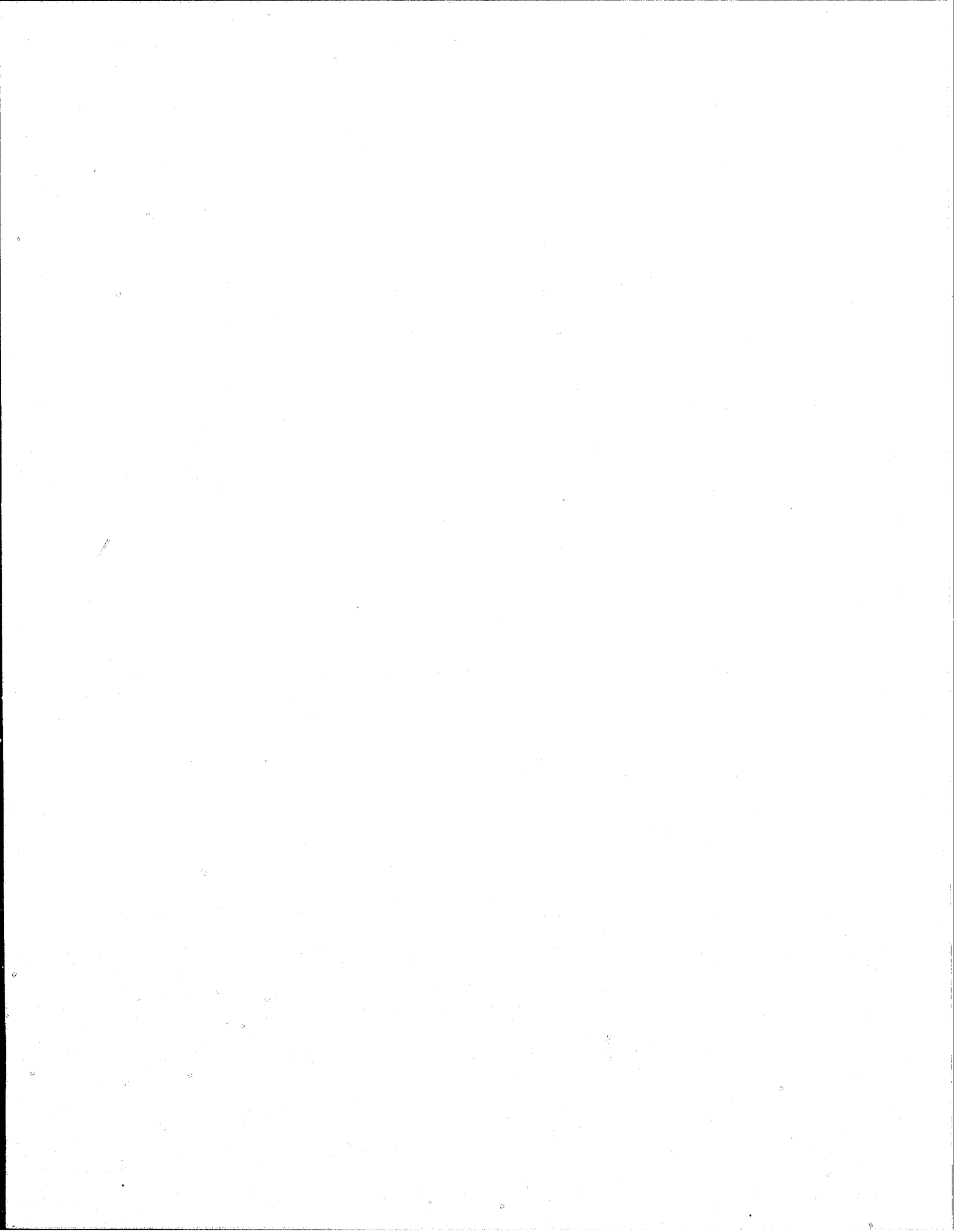
First of all, the resources that are at the command of the probation officer in dealing with his clients. At the very beginning of the paper, direct assistance is advised in the following area: the placement and maintenance

of the parolee and his family in a suitable residence, in a proper social environment conducive to his rehabilitation. Anybody who has worked in social work in Israel, who has any idea of what it means to try to move a family out of an improper social environment into a proper social environment, does not write a thing like that. It is totally unrealistic. For a probation officer to move a family from a bad social environment to a good one is several times more difficult than the crossing of the Red Sea.\*

The second level has to do not with the financial resources that the agency has but with the personal resources available to the probation officer himself. There is a reference in the paper to ready access to the probation officer at times of stress and emergency. Now we are dealing with a probation service that is staffed by underpaid people who are either women who have husbands and children to take care of or men who in order to survive

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\*A traditional Jewish simile to indicate the difficulties of achieving anything significant. The reference is to the miracle of the children of Israel crossing of the Red Sea in the exodus from Egypt.





**CONTINUED**

**1 OF 4**

work at extra jobs in the afternoons and evenings. The probation service makes no provision for them to have telephones at home, and some of them are responsible for large areas. The probation service helps approximately, I think, 8% of its officers with some kind of car allowance, if they own their own cars; if they do not, they must travel on the buses. To get to remote areas in times of stress and emergency by bus makes it impossible to answer the client's needs.

If we are going to use the available resources to try and set up a parole service, we are taking the same people who are underpaid, some of whom do not have phones, most of whom do not have cars, nearly all of whom do not get car expenses, and giving them a load of the kind envisaged and telling them that they are going to have responsibilities for finding opportunities to move people into better social environments, to be available in times of stress and emergency.

I am not sure why we are here. I am not even sure what we are talking about. If the State is not prepared to provide additional resources but is going to look for

bargains within the framework of the existing resources, we might as well pack up and go home.

Mr. Sebba: I would like to make a few comments of a slightly more legalistic nature, perhaps, on Mr. Blum's paper. The first relates to offences for which one would qualify for parole. The paper states that all offences would qualify except those for which the sentence was mandatory life imprisonment. (For those not familiar with our system, what is meant here is the offence of murder.) As long as the mandatory life imprisonment is in force, it seems, of course reasonable that the prisoner should not be released on parole. In fact, the practice is that the life sentence is commuted to a determinate sentence by the President of the State at some stage during sentence. In view of the way that the proposal is drafted, the result would be that a murderer, due to be released in a number of years, could not qualify for parole. It will be discussed later how suitable the murderer is as a parole risk - in fact, he is quite a favorable risk - but that is not the point. The point is that the exclusion should be on the basis of the sentence in

force. As long as the life sentence is in force, a person will not qualify - but the exclusion should not be based on the fact that he is a murderer. Because at some stage his term of years will become determinate, he should at least have a possibility of parole.

The second point is not actually dealt with in the paper, but since it comes at the sentencing stage, I would like to mention it. In Israel we have suspended sentences of imprisonment. At first it was not clear whether the court could impose a sentence which was partly activated, partly peremptory and partly suspended; in other words, whether the judge could, say, pass a sentence of six years imprisonment, the first three years to be served in prison, followed by three years suspended term. In practice such sentences were allowed, and when the law was amended in 1968, this practice was incorporated. The question arises how this fits in with parole. At the end of two years the man is paroled. Will the suspended sentence begin to run then, or does he wait until the end of his parole period? I think the answer may be, and it must be dealt with, that we should abolish altogether this type of sentence. With a parole system, we should no

longer allow the judges to impose a sentence of imprisonment followed by a period of suspended sentence, since it will no longer be necessary.

(Comment: Why can a conditional sentence be combined with probation and not with parole?)

Parole cannot be combined with a suspended sentence, because parole is something that applies after prison.

(Comment: You can under the law combine probation with conditional release.)

During the course of parole there will actually be a suspended sentence resulting from the fact of early release. The parolee will be liable to serve the remainder of the term, so even that will already have been incorporated into the system. Anyway, it is certainly a point for discussion, for solution.

Next, some distinction is made in the paper between the maximum period of parole supervision, namely, 18 months, and a further period in which there might be some kind of aftercare. The distinction is not altogether clear but, in any case, it seems to me that there could be cases of an offender sentenced to ten years, being released after six years, so there will be a need for supervision for a

period longer than 18 months. Is there to be some kind of distinction between active supervision and passive supervision? It is not altogether clear to me from what is specified in this paper.

Another point, again not too clear to me, is the reference to the prisoner returning to prison in the first instance after a day's work. This may be satisfactory. Certainly, to return to a prison hostel in the first period following parole may be feasible. What I would like to point out is that I do not think the concept of work release should become an inseparable part of parole. The practice, now beginning to be adopted in Israel, of one or two offenders being selected for release in order to work outside might be developed. I think great discretion should be left to the prison authorities as to whom to release and when, but it should not be an integral part of parole. There should be a possibility for the Prison Commissioner in a suitable case to release a man for work outside the prison even though he has not yet reached the stage of parole, to allow him (not to release him) to go out to work. He will remain a prisoner for all intents

and purposes, except that he will be allowed out at certain hours during the day to work outside, this should not be or become an integral part of the parole system, it should be kept separate. The maximum possibilities should be left open.

There was some discussion as to whether the one third reduction currently available to prisoners, if authorized by the Release Board, should be automatic or not; and there was also some discussion as to whether parole release should come at the two thirds' stage or at the one third's stage, with release perhaps after two thirds for people who did not qualify for parole. I think one should consider here the English system, as it was and, I think, is still, that after one third of the sentence, the prisoner becomes a candidate for parole, and after two thirds is entitled to a third remission on the basis of good conduct. The point is that not only does this perhaps make a clearer distinction between the two stages, but serves a further purpose. One of the problems of the traditional system of parole is that a prisoner who does what he thinks is best for complying with what is required of him may find that he is not released on parole for a number of reasons which have nothing to do with his

immediate conduct - he is not considered a good risk, the facilities existing outside the prison are not appropriate.

He is not released and may become very embittered.

If he then waits till the two thirds' stage and then again the same kind of thing happens, his conduct has been good but he is considered ineligible (as I understand it, security offenders, for example, are not usually recommended), so the Attorney General gives a negative recommendation and he is not released, it may be very unfair. From the practical point of view of running the prison, you have to give the man some kind of incentive for good conduct, so that even if he has failed on the parole level, he should be entitled to some kind of a remission, maybe not one third, but one quarter or one sixth, which automatically follows good conduct.

Another topic of a legal nature to be dealt with is the problem of legal representation. This problem can arise at two stages: at the parole-decision stage by the Parole Board and again at the revocation stage when, because of bad conduct or the commission of another offense, parole is revoked. I understand the American practice is that the prisoner is entitled, under due process,



to a proper hearing and representation, at the revocation stage only, but not on the initial decision on parole. Our current law is, on the other hand, that a prisoner cannot be refused his one third remission without being given a chance to be heard either by himself or by his representative. The two different stages must be considered and proper provision be made.

My last point relates to a topic which others have raised, whether probation officers are the right people. Broad opinions were voiced from the point of view of the philosophy of the probation officer. I want to take issue with what is said in Mr. Blum's paper, and lay stress on the point very well made by Ben Zion Cohen, that because the probation officer is capable of doing so many things does not mean that he is capable of doing yet another thing. I think, because he is doing so many things, he should not be given more to do. I particularly want to take this up in connection with the Youth (Treatment and Supervision) Law. Although not directly relevant to the present context, it serves as an illustration. This Law provides that a child in need may be brought to

court and be put under supervision. The paper says that supervision is sometimes conducted by the probation officer. I think the policy is, as far as possible, to take supervision away from the probation officer, because otherwise, what you are doing is giving the child immediately the stigma of offender. The same problem does not arise precisely in the context of parole, but the fact that the probation officer has many roles is not a reason for adding additional roles unless you are quite sure that these roles are consistent one with the other.

Mr. Rudik: I assume that the eligibility of a prisoner for parole depends mainly on his personal achievements.

Now if that is so, we are, I think, interested in speeding up his efforts to reach the required standard of achievement.

In that case, I have a question to our legal people - is it going to help to any extent to introduce the indeterminate sentence?

Dr. Busch: At one point Mr. Blum's paper says that the offender must under law, express his willingness to comply with the conditions of probation. A little further on, it says that it is recommended that the authority granting the parole should ensure that the prisoner fully

understands the effect of such an agreement, and goes on to say that the parole should be imposed and end with only minimal conditions. Psychologically speaking, any prisoner, while incarcerated, will always promise everything that he can in order to be able to get out. For that reason, I believe it is much more desirable not that he should promise that he keep to the agreement but that he will do his best to keep to it. Otherwise, the danger exists that the parole officer might have to revoke his parole because he has promised in advance so many things which he is now unable to keep.

Dr. Amir: I have a few points. To establish indeterminate sentences is to invite almost the kind of major disaster going on in the United States in the penal system. As a matter of fact, one of the things about parole and parolees is that it may be used, like the indeterminate sentence, as a terrible weapon against inmates. Even in California which has supposedly now the best parole system, and supposedly one of the best penal systems, they are looking again at the system and proposals have been made to abolish the indeterminate sentence.

I think the one third period which we have in Israel

is enough of an encouragement for offenders to behave. There is the problem also what is meant by behaving. You have a model prisoner who will go smoothly through the prison and nothing will happen to him, which leads us to the problem of selection for parole.

Another problem is one which we have not dealt with and this is whole issue of the relevant public, and I will suggest one of them, the police. In 1862, after the establishment of penal servitude, a royal commission in England suggested that the parole system be introduced, although it already existed in the ticket of leave. It was the police who were against parole, and the royal commission wrote that the police suggested that the system be rethought because it was impossible to treat an offender in the community if there was no treatment in prison. The problem is what happens to the prisoner in prison, what preparation does he have for parole.

A further problem is how can we avoid what is called police hounding or police harassment. It has been suggested that one way to minimize the danger of police harassment would be to have parole agencies to deal with any police

suspicious.

Again we will have to think about special groups on parole, like drug addicts, check forgers, and all those groups grouped under compulsive crimes.

Finally, as a criminologist, although I do not believe that we can do it now, at some stage we will have to pick up what we know about parole and work out a theory about parole. Most of our present theory about parole is social casework with a little psychoanalysis; there is very little in terms of what parole is all about as a process.

Dr. Burnham: The main point I was going to stress has already been made by Mr. Amir concerning the danger of indeterminate sentences. It is bound to come up at some stage during the next two days and we may as well deal with it now. He and I have the common experience of having worked in California. Recently I talked to a man whom many of us regard as the outstanding research criminologist in the world, Leslie Wilkins, an Englishman, who has regrettably gone native on the wrong side of the Atlantic. He has recently expressed the view, not for quotation, that in a situation with indeterminate sentences, the best thing to do with parole agencies is to abolish them,

because what happens is that a judge works on the assumption that someone will be given parole and therefore will double the sentence because the parole agent is going to halve it. This is one way of making sure that things do not change, or do not change in the direction of the Netherlands and get softer because, as we all know, if you get softer, then you get more recidivism, unless you happen to live in the Netherlands. There is therefore the basic problem of how the institution of a parole system affects judicial behaviour, and this refers back to the point I was making earlier, that unless some kind of data are kept on the standard type of length of sentence for categories of prisoners, of convicted people, by previous record, by particular offence, it is extremely difficult to know whether judges are going to compensate for the introduction of a parole sentence by introducing longer sentences in order, as it were, to restore the situation to the status quo. There is no data, but I think, and I am sure Dr. Amir would agree with me on this, that this is what is happening in California, that there is the immediate feeling that a chap is going to be let out and one must therefore stack up the sentence quite sizeably in order to make sure that,

despite the parole people, he is not let out too soon. There is some research evidence from England that the same thing has been found occasionally there, but the parole system has not been going long enough for anybody to give final figures. This impulse, on the part of the judges, to see a parole system as, in some way, letting off people, as a sort of a soft option, has resulted in their wanting to increase the statutory length of sentences.

Maybe the Israeli authorities, because this finally is a decision which can be taken only by the Israeli authorities, will feel that this would be a good thing, but I do think that you should be warned of what has happened in other countries. I say, the judges have tended to compensate, possibly subconsciously, by increasing sentences in order to cancel out the effect of the parole system. If you don't want this to happen, the only way to make sure is to start keeping data information right now.

Mr. A. Shavit: I should like to refer only to the judicial and legal aspects of the question. To begin with, I think we ought to try and define eligibility for parole. My point is that it should be limited to people who have been sentenced to a certain minimum term and that for two reasons.

One, we must have priorities. If our manpower and financial limitations, even at the best of times, are going to be limited, we must conserve and utilize them for that part of the population which is in greatest need, and those are, in my view, the people who have served the longest terms, who have been exposed to the greatest extent to the influences of a total institution, and whose difficulties of transferring to a free society are the greatest. Where exactly the dividing line should be, I cannot tell. Maybe it should be two years, in which case it would solve also the technical problem of the present Release Board, which could then also serve as a Parole Board. But maybe it should be from one year and upwards.

There is a second reason for this and here I wish to echo some of the sentiments expressed concerning judicial behaviour and sentencing policy, but from the opposite end, if I might say so. I have a fear that if we make all people eligible for parole, including those sentenced to very short terms of imprisonment, say six months, four months or three months, there will be a tremendous temptation for judges to impose prison sentences, whereas



without knowing that parole will follow, they would not even have considered prison sentences. To avoid this, and to have people sentenced to imprisonment when that is the only way out at any particular stage is another reason for fixing two years as the minimum term of imprisonment after which people come into consideration for parole.

The second question is when they should become eligible for parole. We have several possibilities. The two years could be considered as an indeterminate sentence of a kind, with people becoming eligible at any time during that period. That is not my suggestion, at any rate not at this stage of developments, again strictly for reasons of priority. I think we should try and stick to what we have, which is the system of considering the first two thirds of the term of imprisonment as being somewhat different implicitly from the last third. Prisoners should become eligible for parole after having completed two thirds of their imprisonment, with the proviso that the period of parole should at no time be less than, say, six months. Less than that, I think no earthly use is served by parole.

I would like to look a little bit further ahead. If this is to be the first stage, maybe later on we might consider releasing people on parole after having served the first third of their term. For reasons of priority, I would not advise that now, but certainly I think we ought to bear it in mind. Possibly, if the law is to be drafted now, it might usefully include the appropriate provision now, but not to become operative until a later stage.

Now as to the question of the right of refusal. The idea of becoming voluntarily a candidate for parole reminds me somewhat of the times when transportation was used as a penal measure as an alternative to the death sentence, and people of their own free will volunteered to be transported first to America and later to Australia. In more modern times it somehow reminds me of people who of their own free will volunteer to be castrated in certain parts of Europe, in Denmark, Norway, and, as I heard today, also in Germany and Finland. I have genuine doubts about the voluntariness of such decisions. I might even add that I have strong doubts as to whether a person

consenting to be put on probation of his own free will, the alternative being a term of imprisonment, can be considered to be acting of his own free will, as is the case and the law in this country today. I would like to suggest that this should not become part of any of our parole law. I think it is jesuitical, hypocritical; it is not part of reality.

Another question is whether a person should have the right to refuse parole. I understand this question has arisen recently in England, when people, particularly after having been refused once or twice and have come up for a rehearing, have refused to be considered, for they would rather be released, as it were, cleanly and without any conditions attached, rather than go through the rigamarole and possibly the humiliation of being refused again. It has been mentioned before that parole should be viewed as part of a coercive system, of a prison sentence, and if that is the case, I think that parole should not be a question of voluntary agreement, should not even involve the right of refusal. It is part of the sentence decided on by the judge originally as a prison term and

now by administrative order or authority changed into a sentence outside rather than inside prison.

Just one further point and with that I should like to finish at this stage (I am keeping my ammunition dry for all the other aspects at a later stage) and that is the question of sanctions. The obvious sanction is recall, revocation of parole, completely or for some time. I have some fears as to whether it would be wise to return people to the same prison from which they have been released. I also have some fears that if that is to be the price for infringing the conditions of parole, whoever has to decide on such matters will be hesitant to do so. To meet both these objections, I would suggest that a recall centre be established, especially for those who have violated the terms of parole. I understand that in the Borstal system they used to have - they may still have - in England a separate small institution, penal in its character and for short term, from which the person can be released again to have another try.

Judge Kwart: As to indeterminate sentence, I do not think this is the forum to discuss the question. It is a very

general question that does not relate specifically to the subject on our agenda. In passing, I must say, however, that personally, I am not in favour of indeterminate sentences because a person should know the maximum he has received; it might be an incentive to him to have the sentence reduced by good behaviour in prison, instead of remaining always uncertain about what the parole board will decide.

Under our present system, we have two kinds of release: those sentenced for two and more years who are released on license but may be recalled if the conditions of the license are not complied with, and those sentenced with a term of imprisonment of less than two years who are released after two thirds for good behaviour without any conditions. I think this distinction should be abolished when parole is introduced. I agree that parole should not be for less than 6 months; in other words, one should not be eligible for parole if imprisoned for less than 18 months, provided the two thirds principle is retained. On the other hand, the system of release on license without parole should continue, and the license should be

available for every one who has 3 months of prison yet to undergo after the two thirds. Only those whose remaining sentence is less than 6 months would be released without any license.

I agree that a person should not have a right to be released on parole and that this should rest in the discretion of the Board, because the whole question of release is, in fact, not a right but dependent upon personality, behaviour, etc.

Someone has raised the question of appeal from the parole board. In our present system, there is no appeal but a prisoner has the right to petition the High Court of Justice if a fundamental right of his has been violated. I think this should be continued. The nature of the Release Board does not, I think, accord with the right of appeal to a court, but infringement of a basic human right is another matter.

Again, according to our present law, either the court or the Release Board may revoke the license. I think this duality should be abolished and only the Release Board should have the power of revocation.

Dr. Shihor: I wish to make two very short comments.

They are not new and some of the speakers have already touched upon them. There should really be some safeguard from the side of the judges, the Board, not to abolish or mitigate by default the importance of release for good behaviour after two thirds of sentence by introducing parole. The new tool of supervision should not give the Board the feeling that since we can anyway supervise, why not use that power and therefore reduce considerably the number of people who are released after two thirds without supervision. The introduction of parole should not jeopardize this practice.

Secondly, I feel that at the beginning the new practice should not be as rigid a thing as emerged from the discussion. I would say that it be anything between 6 and 18 months. We must avoid measuring out time from the outset. We do not have the experience in the Israeli situation. Nor should we readily agree with the view that if somebody does not make good in 18 months, then he cannot make good in 18 1/2 or 19 months and so forth. In other words, at least in the beginning I would like to

see more flexibility. Only after the service has been running a few years will we possibly be able to make a better judgment, providing always that Dr. Burnham's very wise advice with which I wholeheartedly agree, that we have continuing research, is followed and we use its findings with regard to time and so forth.

Dr. Tjaden: I have heard from one side that the use of parole should be restricted because of the case load and because there are not sufficient probation officers available, I also heard from a probation officer that probation officers do not have all the facilities that they need for their job. I am therefore interested to know, with so many disciplines here represented, whether a representative of the Finance Ministry is also here. From experience in my own country, I know that we have to economize on every government matter. You are not a rich country nor are we, but I want to say that in a talk with an official of my Ministry of Finance I was told to economize on every aspect but with two exceptions: for the police, because at a time of increased crime every crime must be traced, and secondly, for probation, because probation costs the



government much less than sending people to all kinds of prisons and for long periods. So, I was told, economize by imprisoning fewer people and perhaps close one of our biggest prisons because we now have fewer prisoners than 10 years ago. I want therefore to stress the importance of your telling the Ministry of Finance as soon as possible and clearly that if you must economize, it is not to be at the expense of parole because parole is much cheaper than any system of institutionalization.

Secondly, I want to emphasize a fundamental remark made by Dr. Burnham, what do you want and what is the difference between parole and probation. I see many differences. The parolee is much more stigmatised than the probationer, but still I believe, speaking again for my country, that there is much in common between them and that there has to be a social discipline to work it out, and in a parole system, that is the responsibility of the State. You do not have to give police functions to the social workers. The latter have to be an aid to their clients, the parolees or the probationers. I read in one of your papers that you might have a parole system under which for some period a person will go to some open prison

where the parole system would have responsibility. I cannot agree with that; stay at an open prison must be the responsibility of the prison system and not of the social work system.

(In response to a comment) - You have visited a number of Dutch clinics where the cost per day, I believe, is 250 guilders. The treatment is very expensive, but we have a specialized way of helping disturbed people outside the prison and then we have also much help from psychiatrists. We are spending a lot of money for outside help for disturbed people by specialized probation officers and full-time and many part-time psychiatrists, but the cost of outside treatment is much cheaper than the cost of inside. I am not talking about the results. I believe the results are also better.

The Chairman: I just want to point out that we did not invite the Treasury, first of all, because we were not sure in which direction the discussion would go, and secondly, because we did not think of it.

Dr. Burnham: I should like to support my colleague, Dr. Shihor, regarding the question of legal definition,

since we are talking of legal questions, of the length of sentence.

One of the most common pronouncements about parole, or indeed about people released from prison generally, is that the risk of recidivism decreases with the length of time out. Some very new material, so new that I was told about it only a week or so ago and they are still working on the figures, coming out of the research units in London, suggests in fact that there is a basic mathematical fallacy in this. If one takes 100 people released on parole and in the first year 50 commit further offenses (I'm using very round numbers as examples) then in the second year it is hardly surprising that only 25 commit further offenses because the worst 50 have already disappeared out of the sample. And when the appropriate mathematical adjustments are made, the rate of recidivism is in fact constant. The commonly drawn graph line which shows a steep rate of failure in the first six months steadily flattening out is a statistical misrepresentation or fallacy. By using a particular log at a particular base

one can show, and this is not a statistical trick, that the chances of a given individual relapsing are no greater or no smaller after two years than they are after 3 months. The idea that the first six months are critical is true only if one interprets that to mean that the worst risks will go first. But is there anything new in all that? We have all guessed that the worst risks will be the people who will fall first. So that the idea that after two years, or after one year or whatever fixed time one cares to choose, all will be well, is statistically not supported, although that is often claimed.

Judge Azulai: The position as I see it today is this: a prisoner is condemned to 3 months' imprisonment, he goes to labour work, especially sent by the police, I think, but otherwise there is no other thing outside where he is working. Up to 6 months, after serving two thirds, it is within the hands of the Prison Commissioner to recommend his release to the Minister of Police, and the Minister of Police releases him upon such a recommendation. Those prisoners who are in for up to two years and serve two thirds of their sentence are brought

before the Committee with all the reports about him, how he behaved in prison, what is his background, his previous convictions, etc., and then there is a recommendation by the committee to the Minister to release him. Then there is the case of the person sentenced to two years and more. Here it lies with the Committee to decide whether to release or not to release him on license. In all these cases, a representative of the Attorney General is present at the meeting of the Committee. According to the law, the prisoner must be heard whether he agrees or does not agree to the release of the man.

The committee is composed of three persons only, the chairman, who is a judge, the Prison Commissioner or his representative and a psychiatrist. I think this small and not very cumbersome committee is doing good work.

Sometimes also the committee will release a man even within the two thirds period for some special reason, illness or something like this.

What I say is that during the one third when the man is out, there should be someone to take care. Those on license are more or less in the same position as those on

parole, because both are out under conditions, and there must be somebody to follow up and see whether they are behaving, whether the conditions of the license are being observed.

As regards parole, so much as been said and will be said about it that I must support Dr. Burnham as regards the question of the data before deciding anything. I have read lately of the many kinds and systems of parole. In some jurisdictions judges are permitted to impose part-time sentences, called day parole, the prisoners being free to work at a job but remaining confined during non-working hours. Another system, in South Africa, is of an unusual pattern, called periodic imprisonment, which has a good deal of flexibility. For periods of not less than 24 hours at a time, a prisoner goes free. On the application of the employer of the prisoner, the director of the prison may allow the prisoner to go to nearby communities during the day, where he will almost certainly find himself under the supervision and guidance of one of the 50,000 volunteer probation and parole officers of the department.

I am not going to speak about the volunteers now.

We shall have the opportunity of doing that tomorrow. But what is interesting is this. The man who has been sentenced to three months must serve the full three months, but a man who has been sentenced to four or five months may leave after three months. This is very awkward. There must be some kind of parole for the man who is in even for three months.

SESSION III

SELECTION FOR PAROLE

Chairman: Mr. P. Rudik

Introductory Address: Mr. B-Z. Cohen

The Chairman: The subject of Mr. Cohen's address is the criteria for the selection of prisoners for parole. I dare to add only one sentence. I think that the success or failure of parole depends more on the creation of proper criteria for selection and on proper supervision of prisoners than on any legal aspects.

Mr. Cohen: I do not think it would be logical for me to discuss criteria for the selection of candidates for parole without first referring to the general procedure according to which a parole service could operate, because only in that context does it make any sense to discuss the criteria for selection.

I can present the procedure that seems to make sense to me, which is not very different from most of what we have heard today, namely, that the timing of eligibility



for parole must be determined by statute and that the one third reduction be regarded as the normal procedure, that is, the prisoner who has served two thirds of his sentence becomes eligible for parole. Looking to the future, we may perhaps contemplate a reduction to one third mandatory imprisonment and two thirds parole. But in any case it must be a fixed time, fixed by law and not by the judge.

I would also agree that the existing Release Board with perhaps some additions or adjustments could, for all intents and purposes, be turned into a Parole Board. A pre-release investigation, at least in its externals resembling the pre-sentence investigation currently carried out by the probation department, should also be conducted approximately two months before any particular prisoner becomes eligible for parole according to the statute.

I am not sure that the criteria of the Probation Ordinance \* are the same criteria to be used for parole.

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\*See page 21 above.

Some matters are very problematic here and could lead us into a philosophical discussion, such as the whole question of physical health. The law requires the probation officer in his pre-sentence investigation to refer to the offender's physical health. What does a person's physical health have to do with his parole? Are we going to punish a person because he is ill? Are we going to reward a person because he is healthy? Or are we only going to deal with things that concern his behaviour? I ask these questions but I do not have the answers. I know that health is relevant. On the other hand, I know that it is also irrelevant. There may be cases in which I, as an investigating parole officer, may be aware of some health problem that I may not wish to bring to the attention of the Board because it would jeopardize the chances of the person's being released on parole, and I do not think a person should be punished for having a disease. It is a problem, I do not have the answer. Again, I have doubts about the whole concept of mental disease, which is why I choose to mention only physical disease.

I also agree that the criteria must be flexible. What

is relevant for one person may not be relevant for the next person. Individualization has got to be one of the basic tenets of our philosophy.

Pre-release investigation should be conducted including, except in special cases, a two-to-three-day furlough during which the candidate for parole would actively participate in planning. A thorough review should be made of the candidate's personal history, adult behaviour patterns, criminal career, institutional adjustment, employability, motivation for non-criminal adjustment and attitudes towards society. On the other hand, the readiness of the family and the community to accept the parolee upon his release must also be carefully evaluated.

Major sources of information for the investigating parole officer might include: police records, probation reports, prison records, home visit, employment record and psychodiagnostic testing when necessary. At least two months should be allowed for the pre-release report which should be submitted to the release board a short

time prior to the date upon which the candidate would be eligible for parole under the statutory regulations.

The parole officer's report should include a prognostic evaluation leading to a recommendation for regular parole (high and medium-risk cases), conditional release with no supervision (low-risk cases) or release with help from the Prisoners' Aid Society (low-risk cases with need for rehabilitation).

So a report has to be prepared. I would prefer, rather than having several sources presenting material to the Board, that the investigating parole officer gather all the material and present a single unified report for convenient presentation to the Board. I think we can rely on the integrity of the parole officer that he will not be prejudiced in selecting and editing the material.

I wish to emphasize that it would be extremely artificial to conduct such an investigation while a person is behind bars. I think that, except in special cases where perhaps the governor of the prison presents reasoned objections which would have to be taken into consideration, a person should be allowed a furlough, two or three days

in order to test his adjustment to the community and to enable him to begin planning for his release. As has already been said here today, no one can plan his release for him, he must plan it himself, and the job of the parole officer is to help him to rehabilitate himself. The object of furlough is to help him participate in the planning on the outside, just as he will also, of course, be doing while he is inside.

Now, as to the criteria themselves. I think a personal history as given by the subject of the investigation himself to a professionally trained person who knows how to take a psycho-social history has got to form the base of the report. Adult behaviour patterns have to be studied. I have grave doubts about the relevance of his behaviour as a child, his toilet-training, his age of weaning. When dealing with adults, I think that the influence of childhood experience is only important to the degree that it is evident in adult behaviour patterns. If the present is the sum of the past, then we can examine and analyze the present without going too far and too deep into the past and making a joke of the thing.

Whilst the nature of the specific offence for which the current sentence is being served is important, the offence should, as a specific criterion, be viewed as part only of the development of the criminal career as a whole, including previous offences and convictions.

Institutional adjustment is another important criterion, but its importance must not be exaggerated. As has been said here, the person who is a perfect conformist, who obeys all the rules of prison routine, is not necessarily the best parole risk. We cannot accept only the externals and accept adjustment to an institutional regime as a major criterion. In the present context, it is of relatively minor importance.

Some time ago an article appeared in Federal Probation, entitled "Is it safe to parole inmates without jobs?" Like most articles with such a specific question, there was not any answer. The view of the author is that the parolee who finds himself a job is the best risk; the medium risk, if his family or friends or associates find him a job; the worst risk, if the parole officer finds him a job; all of which of course does not answer the question posed in

the title, but nobody who read the article really expected an answer.

This is another reason why I recommend the two or three day leave. Provided the groundwork has been done by the investigating parole officer, the person can go for employment interviews, either on a direct basis or through the labour exchange, and try to secure himself a job. In the Probation Service when some of our clients in the investigatory period are incarcerated or detained, we find it practically impossible to get a job for a man whom the employer cannot interview. And I do not think that it is reasonable to expect either that jobs can be obtained in this way or that the man will stick to a job if it has been obtained for him without his participation. The groundwork has to be done by the parole officer in advance, and the man given a furlough, in order that the job opportunity be secured and finalized.

Motivation for non-criminal adjustment must take into account the attitude of the society towards the person. In certain crimes, such as sex crimes against children, whether or not it serves the ends of justice, the attitude

of the community to which the person is returning must be taken in account, otherwise we are just ostriches with our heads in the sand. Once again I remind you that to change communities is not realistic for parole officers in this country.

The person's attitude towards society as well has to be taken into account. This requires to be studied by a professionally trained person, because we cannot go by the verbal expression of the parole candidate.

That brings me to the whole question of the nature of the hearing. I have said that a person should not have to apply for parole. Applying for parole is what someone has called a degradation ritual, de-humanizing and really meaningless. I see no need for it; I think we can safely assume that everybody in prison, if given the chance, would like to leave. And that is not a reflection on the nature of our prisons. Certainly a person should have a right to refuse parole and ask for a conditional release without parole, but this question of agreeing or not agreeing is largely artificial.

No parole officer could do any meaningful kind of



work with a person who does not want to be on parole, and we would end up by sending him back. We all know cases of prisoners not wishing to apply to the committee, some of them healthy young men who have decided that their real chance in life depends on their finishing the course in shoemaking at the prison, and some of them very unhealthy young men who have become institutionalized, and...

(Judge Azulai: No, no, Mr. Cohen. We sit with the Commissioner and on many occasions when a prisoner does not think that he is going to be released, although he does not really know at all, he says he does not want to appear because he does not wish to be humiliated. You speak about theory, but you must live it.)

I think we both live it. And I think we also know that there are cases of prisoners with unhealthy dependency needs who are afraid to leave the security of the prisons. We know that to be true of younger people who are afraid to leave institutions and cannot adjust to the outside, who are afraid of the great big world. I think it would be a dreadful mistake to release these people to commit

further crimes so as to get themselves back into prison and on the way do further damage to society. I think these people need a very special kind of treatment.

(Judge Azulai: I think you know that a big gap shows itself when a man goes home from prison. Sometimes ten people are living in his home. There is no water. There is no electricity. Whilst in the prison, he lived under fair conditions and felt much better. This must be taken into account.)

The home visit is a necessary part of the investigation procedure, and once again I add that a home visit has to be done while the prisoner is at home.

The recommendation at the end of the pre-release investigation should fall into one of three categories:

A person should be recommended to be released on parole, or for conditional release with no parole supervision, or for release with a recommendation that he be referred to the Prisoner's Aid Society. In the case of high and medium risk cases, I think that the Parole Service would be the proper body to deal with the person. I agree wholeheartedly that hostels are a necessary part of any parole

service.

In the low-risk cases, conditional release with no supervision means no supervision, not even an annual check-in or any formal supervision, or opening a parole service file. Low-risk cases, or perhaps even medium-risk cases in need of rehabilitation, vocational or otherwise, should continue to be the province of the Prisoner's Aid Society, a voluntary body that has proven itself, and I do not think there is any need to destroy it or attack it; it has a valid place within the system. Finally, it is suggested that various actuarial predictive instruments developed in the research literature be tested on a research basis. However, in the initial period, we must be cautious about relying on them in practice. Such empirically designed instruments have limited usefulness when the rate of unreported crime is presumed to be high and the success of the police in solving reported crimes is below 40%. Moreover, the data upon which they are based may not be compatible with conditions in Israel.

The procedure therefore recommended is three-dimensional:

- (1) Timing of parole eligibility determined by statute.

- (2) Differential recommendation regarding parole based upon professional investigation.
- (3) Final decision by existing Board of Release.

Mr. Nir: Each prisoner wants to leave the prison, with some very few exceptions. But please, let us not call it free and voluntary, because there is no one who wants to have paroles or anything like that outside. We say that it is free and voluntary, to give them a sense of choice. We have to do it if we think this is the way to deal with the case.

Judge Azulai: What I have to say, and the Commissioner will tell us whether it is correct, is that at the moment the man enters prison, the process of releasing him has begun; we watch how he behaves and what he does from the outset. We do not wait until the last two or three or four months.

Now as regards the one package to the Board, this is done now as a matter of fact. But I did not hear how the Board is to be composed. The Board that we now have consists of only three persons, a psychiatrist, a judge and the Commissioner or his representative. When there

is a need, we even hear witnesses from outside as regards the prisoner himself.

The type of offence must certainly be taken into consideration, as well as the man's background and previous convictions. It is up to the Board to decide whether in spite of all this he is to be released, bearing in mind that he is going to be under the supervision of a special person.

As regards work, today as a matter of fact I can say safely that any prisoner who is sound physically and mentally and wants to, can find work. There is no question about that.

Why should the prisoner not be able to apply for parole? I think it is much better if he has the choice. It is quite possible that he thus shows his willingness to lead an orderly life.

Hostels are a different matter. If you want to go and build up new hostels, it may turn out to be very expensive. I think accommodation should certainly be made available outside for those people legitimately given parole, to live within the framework of the prison authorities but

working outside and earning a living. This is how I see it as regards the hostels.

Judge Kwart: A few remarks about application for parole and the right to refuse.

I do not think there should be any need for the prisoner to apply for a parole. Just before he becomes eligible according to law, his case should be considered by the Parole Board, and he should not be forced to apply.

But then, the question arises, what if the Parole Board finds that he can be released on parole and he refuses? I think he should not be given this right. He may think that he will in any event be released without parole after the two thirds. In that case, all or many would prefer the latter. If the Board finds him eligible to be released, but on parole only, and if he refuses, he must therefore remain in prison until he serves his whole sentence, or until he applies to the Parole Board and agrees to be released on parole. Even if he agrees, it is very often only because he wants to be released and not because he very much likes to be under parole or under probation after release.

The Chairman: Perhaps we could have some comment as to whether the hostel has proved itself in other countries, or whether perhaps a kind of foster home is preferable, where we could place single prisoners, not all of them or some of them together.

Dr. Tjaden: It is not so much a question of who is eligible for parole. In my view, and it is clear from my experience, that everyone should have parole, as far as possible on a regular basis. But I believe that it is a very difficult, a very special task for a qualified probation officer to find out beforehand the difficulties which the man being released will meet when he goes back into society. Will there be problems with his wife? Will there be problems with work? Will there be problems with the neighborhood? Will there be other problems? That is why we need very qualified probation officers to make the probation (parole) plans, to find out the difficulties and to try and solve them even before the man comes out.

I believe that is the main question, and then in the second place comes the aid, the treatment. Here also, the matter has to be solved by a probation officer. Perhaps

when you expect no difficulties, you can hand the case over to a volunteer.

But we must stress here that the probation officer has to look at all the difficulties that are to be expected when someone returns after some period of incarceration.

And what you, Mr. Chairman, asked about hostels, I do not have much experience with that. In the Netherlands, we always find some place for people to live. We do not want to have people coming out of prison, living together in hostels. We have had two hostels for ex-prisoners, and they were not filled. We had to find another solution because the probation officers did not want to send them to these places except in the last resort, and then only to two or three with a capacity of thirty beds, which is impossible in my country.

Dr. Silfan: First, I am very pleased to hear from you, Mr. Cohen, that the working place can be a major criterion in the release of a prisoner, because I am always confronted with the view that it is impossible to grant somebody a release simply on the grounds that he has a place



to work, because that is not enough. And I am always in the minority in the Release Board.

Secondly, I want to say something about selection criteria. I consider parole as the continuity of the treatment regime of the prison. That is to say that we cannot prescribe a group of certain general criteria. We must set up in the prison an individual treatment programme for every prisoner, and parole treatment must be in continuity of what we are doing in the prison, in organic continuity of our work.

I am quite sure that a prisoner must agree to parole. I shall give you a very famous example, the case of Moshe Duek. Here was a boy who threw a grenade in the Knesset. We refused to release him after the two thirds on grounds of security. After a really great struggle, we proposed to transfer him to a mental hospital for treatment, and on the last day of his last sentence, he applied to the director of the mental hospital and told him, "Sir, you can do what you want, today I finished the last day of my sentence. Even if you decide to send me

to ambulatory aftercare, I refuse to do it," and he went home. We cannot work without the cooperation of the patient, the prisoner. We must take this into account too.

Mr. Blum: I should like to hear from our guests whether there exists a classification of prisoners who are unfit for parole. For instance, I can imagine that drug users are unfit, that a very bright person is unfit because treatment will not help him. If there is such a classification, it would help us greatly.

Dr. Burnham: First of all a side remark on the famous case just mentioned. I think that in some countries, certainly including my own, we would imprison anyone who threw a grenade in the House of Parliament, if he missed.

As regards some kind of general criterion for those people who should not be released, there is normally a statutory list of people whose release would not be acceptable to the public, though I think this will vary from country to country. But it will normally include those who are guilty of some rather spectacular or horrendous crime. The famous English one was the Moors murders about four years ago.

The Parole Board has in front of it a list of those who are disqualified, and this list is drawn up under law. I am sure that you could obtain this simply by writing to the appropriate Ministries of each country.

But I feel a more interesting aspect of this whole question is that it is now possible to predict very accurately the chances of rehabilitation or re-conviction by statistical means for any given individual. The prediction will be a percentage one, say, 80% chance of reconviction, and so on, and it is important to appreciate that each set of tables would have to be constructed especially for Israel, you could not just take the Californian or the Dutch or the English and apply it here. Values vary from country to country as a function of the local tradition. But the equations by which these will work out are standard, the methodology is standard and very easy. There are plenty of your criminologists here who could do it over a weekend just to keep themselves occupied.

This raises the very difficult question whether the parole service should take those people who are a bad prediction, which means that it is going to fail in a large

number of cases but yet deal with the people who need it most; or should it take the good prediction cases, which means that the results are going to look very good, but the people would have managed anyway.

When you talk about classification, do you mean the legal list of those who cannot be let out or the prediction tables?

The use of prediction tables is difficult, the construction of prediction tables is easy. The use is difficult, because there are two ways to use them, and these derive from contradictory operating philosophies. You can either take the ones which look like good predictions and say, "These are the people who will benefit from parole, so we shall parole them," and you succeed. But what have you achieved - they were good chances without any help? Or else you take the people who look to be very bad chances. Let us say the sample you take will have an 80% prediction of failure, and from the sample, you actually get a 60% failure result. This is tremendous. This means you have done something with 20% of the people. The newspapers will say 60% of parolees fail,

you get bad publicity, and people begin breathing down your necks.

I do not know which way you are going to use prediction tables, what your basic philosophy will be. I am sure that most of you are aware that ironically the best predictions are the people with serious offences. People who murder their wives do not do it again, partly because it takes time to get a second wife, whereas the petty sneak thief will continue. We all know this, it is roughly true of all countries.

Mr. Cohen: What about undetected crime? How does that affect the prediction tables?

Dr. Burnham: Automatically, it does not come into it, because prediction tables deal with detected crime. Undetected crime is not dealt with by any part of the criminal system.

Mr. Cohen: One detail I can certainly present, and that is that more than 60% of the crime in Israel is undetected, according to police statistics, and we do not refer to these at all when we build actuarial tables. We do not know whether the 60% are committed by the people sitting

in prisons or by others.

Judge Kwart: You can take into account the fact that 50% of the criminals in Israel do commit 45 to 60% of the crimes, and then you can take that into consideration and adjust the table.

Mr. Shavit: I understand that the subject of this particular session is selection criteria, and that implies that there is a selection process, that we have the option to select or not to select. In other words, should we decide that it is going to be the lot of every single prisoner to be released on parole of one kind or another, or for one term or another, there will be no need for any criteria. The moment we decide that we are not going to do that, we need some criteria, and that for two purposes: First of all, to decide whom to choose, and secondly, what is the best timing for releasing them on parole.

Let me start with the second point first, because it is shorter. Quite a great deal of recent research in the United States has shown that the timing of releasing people on parole is much more relevant to its success positively than the type of person who is chosen. However,

that applies to the American scene, because there you have indeterminate sentences, and the time you choose to release is under your own control. This is not the case in Israel, and therefore I think the question really does not validly apply. We shall have to solve it in some rather arbitrary fashion here. We shall have to decide to re-lease on parole after two thirds, or one third, or 49 parts of 65 of the sentence. Whatever it is, it is going to be an arbitrary measure. So let us leave the timing alone. In another five or ten years, perhaps a similar body of people will be able to go into what we have done and what we have not done and decide.

Let us go back to the selection criteria on the basis of the person himself. I believe, we have first to define what our aims are. And I think I am talking in the name of most participants here when I say very briefly that the aims are to insure that the whole judicial and correctional system has its maximum effectiveness in terms of stopping individual crime, the number of crimes committed. In other words, we are not concerned with a system which

rightly or wrongly takes into consideration the retributive element. The nature of the offence is only relevant to the situation inasmuch as it indicates the goodness or badness of the risk of the person involved. It is not relevant in terms of the seriousness of the offence, because then it becomes part of a retributive system and not part of a rehabilitative system. And I believe we are talking about rehabilitation here.

Now, what should be the criteria, I believe in common with many others here, depends on the person, his chances of standing up under the conditions of life, the temptations, his ability to rehabilitate himself, his inner-strength, the pressures outside,

I agree with most of what Mr. Cohen said about the relevance of the history of the person. I am also in agreement with him fully that it is far more relevant to relate to the person as he is now, and probably as he was yesterday, definitely as he is going to be tomorrow, but not as he was when he was two, or three, or Oedipus, or any of the others. Not that I underestimate all these things in the development of his personality, but we are



now dealing with his personality as it is today, here and now. As a consequence, we in the Prison Service are now in the process of re-writing or reformulating our social reports and, as recipients of our products, including the Release Board, will soon notice, we are going to stress far more the immediate past of the man, very much his presence within the prison, that is to say, his state when he arrived, and the changes achieved during the prison. Please note, I am talking about changes, I am not talking about behaviour. Behaviour is one aspect of change, but it is not the relevant thing. Changes that have occurred during the term of imprisonment for better or for worse, what the chances are for the future, what the preparations, will be recorded and presented to the Release Board. It is my belief that this kind of document is more or less what we have been talking about when speaking of the document on the basis of which the future Parole Board will have to make its decision.

I believe that the reality of the outside world of the more immediate community, of the nuclear family, is very relevant, and certainly this should be known to

the person who prepares the report. It is fairly easy to stress even more than we do now what the family is outside, but the social workers who now work in the prison are already doing it, and can stress it even more.

The question of job placement and so on I have referred to also in the paper I have prepared. I am also in agreement there with Mr. Cohen that although openings should be found and the man's path smoothed, in most cases, if he himself were to choose his own place of work, the chances of his sticking to it are very much better.

I have mentioned in my paper that the other alternative of insisting on the provision of name and address of future employer only brings about spurious evidence of jobs on the outside, that in fact make people lie to us. I do not think it is desirable.

Dr. Sebba: We immediately began speaking about what the criteria were going to be, but before we get involved in that, we have first of all to say how are we going to reach the criteria. It has already been indicated by Dr. Burnham that clearly the criteria must be reached

in conjunction with consideration of the evaluation of the results. There is an inseparable connection between criteria and evaluation. Clearly some kind of prediction tables can be used. There is the classic debate between those who believe in clinical prediction, and those who believe in statistical prediction, and nobody will deny that ultimately the Board has some responsibility within whatever has been predicted to make some kind of decision of its own, using its own intuition.

There is another problem, that when you start the system going you have no results. I think one can initially use the results that have been found in other countries and also any results available from our own system in related fields, such as success on probation or success on release of prisoners not under a probation system.

As to the particular results found abroad, there is also the problem that has been indicated, that some of the best predictions are for serious offences, such as murders, sexual assaults. We also have a problem whether we can just use the prediction formula or a list of predictive attributes which are likely to predict with some success. For instance, one statistic I have says there is

a 0.6% chance of a murderer committing another murder; that is less than 1%. It is a very small percentage as compared with other offences, but we cannot ignore the fact that it is a murder. I think the public would be rather unhappy if they heard of a man being paroled and committing another murder on parole. And therefore the Parole Board has to take public opinion into account.

As for undetected offences, it is true that current prediction formulas do not take them into consideration, but I think they could. For example, when a murderer is released, we know that we do not have or hardly have a factor of undetermined crime to take into consideration. We do not have to take into consideration that maybe murderers commit more murders that we do not know about, because nearly all murders are detected and attributed to a particular offender. On the other hand, if it is a housebreaker who is released, then whatever is known about the repeated offences of housebreakings after the convict's release from prison, you could add a particular factor, knowing that many housebreakers are not detected.

Dr. Tjaden: I heard from Mr. Shavit that you make a distinction between selection of people, and the timing of

parole. I just want to tell about my experience. We have two systems of parole in my country. One, two thirds and nine months which I talked about this morning. But we have also a system for youngsters, a much milder system because on a sentence of one year, they can be paroled after half a year, and on a sentence of 2 years, after one year. We have seriously tried to be liberal in giving parole and at the best moment. If they are learning a trade, we say they must get their certificate, and after that, they can be paroled. All prisoners know that it is the law that after two thirds of the sentence, and for the youngsters after one-half year of a year's sentence, they can be paroled, and so they get nervous and if they are not given parole at that moment, they are disappointed and become aggressive, and their family is disappointed, everyone in their neighborhood is willing to receive them and expecting that they will come out. From my experience therefore let me say that you will have many disappointments with people, and prisoners are much more difficult to handle afterwards when they do not get parole the moment, by law, that they can get it.

Now to prediction tables. We do not use these in the Netherlands. We have often thought about it, but for us, when we know that a person is a bad chance for rehabilitation, it is a challenge to the probation officer to make such a plan that we can still parole him.

But as you well know, we also have another kind of parole at the disposition of the government for people who are mentally disturbed. In many cases, our most difficult criminals are mentally disturbed and a real danger to society. But you cannot keep them for life in institutions. So it is the responsibility of the psychiatrist to find out - on that I agree with you - to figure out what time is best to try it. You have to take a risk, which is also a great political responsibility for the Minister to agree that somebody may come out when he knows the man is disturbed. Sometimes you have to try that because there are no other solutions.

Dr. Horovitz: I have a very short question to pose to Mr. Burnham. Let us just assume that we are able to develop over a long weekend a valid and reliable prediction table for release of parolees in Israel. That is

quite an achievement for a research criminologist. But then the question is the exact value you will give to the prediction within the whole decision-making process.

And I think this poses an ethical problem, because, after all is said, all you have are probabilities. The Parole Boards will see Johnny, and Johnny has a 60% probability of becoming a recidivist. But there is no way of knowing if Johnny will eventually belong to the 60% or to the 40% who make good. Perhaps you do not have to worry about this, but I believe you have to think about it.

Dr. Burnham: Dr. Horovitz has enabled me at this point to play the role of academic par excellence, because the first thing I would do would be to refer him to a paper I wrote and published some time ago. As you certainly know, the highest ambition of any academic is to be able to refer to his own publications.

My answer is that in terms of individual prediction, of individual selection, I do not place a great deal of weight on basic expectancy tables, experience tables, I think, is the best term for it. Because of the very reason you said, they cannot establish to which part of

the prediction the actual individual belongs. At some point, somebody has to make a guess.

The value of prediction tables, going back to what I was saying this morning, is that only by keeping data of this kind can you monitor the policy decisions which your Board takes over a period of time. In other words, the trends in its decisions, which sorts of people it is prepared to put its money on, which kinds of people it feels almost appropriate for prediction, how it wishes to allocate its resources.

Some very interesting recent research has been done in the States, under the guidance of Mr. Wilkins, concerning the way in which prediction tables are used by individual decision makers who have these available. And some parallel research has been done in the U.K. along the same lines. What has been suggested is that the use of prediction tables, or rather experience tables, tends to encourage agreement among members of a selection Board. In other words, if the prediction scores are made available from these experience tables



in individual cases, this does not necessarily tend to move the prediction in the direction suggested by the experience tables. But what it does do is make some kind of, or rather, it coheres group opinion in some way, there is a much larger level of disagreement.

Dr. Shihor: I really do not want to belittle the problem of selection. However, I feel that sometimes undue importance is given to this problem since, on looking through the figures of last year from the Prison Service, I find that up to 80% of the prisoners are two years or less in our prisons. Taking that as a basis, I understood that more or less there is agreement about giving parole after two thirds; in other words, 80% of the population will be eligible for consideration after 16 months or less.

What I am trying to say is that it will be a group of which we are talking about, first of all, getting a short time of parole unless the Attorney-General's suggestion is adopted as law. In the present situation, we can give parole just up to the end of the sentence.

Secondly, I assume that since they were sentenced to

a relatively short term of prison, the judges found that their offences were not very serious. It is questionable whether we should consider the risk so serious with these 80% that we have to work very hard on developing a scheme of criteria for release.

The serious problem of settling the criteria arises in the case of those prisoners who are roughly about 20% of the prison population, who are committed for two years or more, or if I want to be lenient, I can even take a three year limit and the real problem is then for 10%. In other words, the criteria should really be for long-term prisoners, a small percentage of the prison population.

Therefore, for the 80% I would go as far as to say almost give them mandatory parole, because I would not have too much of an alternative except to make them sit for eight more months, a period which may not have much rehabilitation value, and after the eight months, if the current law is maintained, they will get out without any supervision anyway.

I would really like to concentrate on criteria for

just the long-term prisoners. I do not know if it is correct, but I have a hunch that this 20% are really a different type of population.

Dr. Burnham: I have found the notes that I wanted, Dr. Horovitz, on the regional experience tables. This is research done by Wilkins and Godfried and the most important thing we find is that the reaction to the use of the base expectancy table, an experience table, highlighted the difference of opinion between the Board members; in other words, to have these tables available to the Board members in each individual case made the discussion as to specific decisions most specific. If Board member number 1 disagrees with Board member number 2, then actually, as long as there is no external thing to refer to, they just say, "Well, I think you're wrong." The presence of experience tables is a great help in specifying actual specific points, specific factors, about the interpretation of which there is disagreement. This is their main use.

The second interesting thing, and whether this is good or bad depends on one's personal philosophy, is

that the presence of statistical prediction scores tended to increase the liberality of the decision. In other words, there was a greater chance of any given case being granted parole rather than refused, if his statistical score was present. Now, this is as yet unexplained, but consistent. The tentative explanation put forward is that if people are doing simply clinical prediction, what they are doing is emphasizing, or putting a lot of trust in their own particular hunches. They are making an emotional bet. And then the element of risk comes in, they are less prepared to be considered wrong, so they take the safe bet. If they have the backing of the statistical prediction, they are more prepared to use it as a psychological crutch to take some form of risk. So there is a marked movement towards the liberal decision with the existence of prediction scores.

Thirdly, my own view is that only with this kind of data can you survey the trends your decisions are taking over time.

Dr. Silfan: I want to mention the special issue of mental disturbance. It is a very bad custom of ours to send a

very significant number of mentally disturbed persons to prisons, I do not know why, but it is the custom. We have tried to study the possibility of integrating them in the new proposed parole system and not let them drop out, as is being done today in our Release Board.

SESSION IV

THE IMPLEMENTING BODY

Chairman: Assistant Commander Y. Karty

Introductory Address: Judge S. Kwart

The Chairman: You might wonder what the Police are doing here in the chair - first of all, to give you a taste of law enforcement and law and order in this session, and secondly, just to show how the Police are docile and compromising and willing to go along with all these plans of parole and correction, although we are supposed to be the body that harasses and jeopardizes and interferes with parole officers, as I understood yesterday.

Our subject today is the body responsible for carrying out parole. Should it be a government organ with the aid of volunteers, or should it be entrusted entirely to volunteer bodies?

I suppose our guests know the position in this country - the ambitions of the Ministry of Welfare, because they have the probation services and the experts in rehabilitation, and the aspirations of the Prison Authority and the volunteer Prisoners Aid Societies

in Israel.

Judge Kwart: Now first of all, let me say something on the question whether an official agency or volunteer agencies and associations should be in charge of parole.

The success of parole depends crucially on supervision. Without intelligent and well-trained supervisors, the entire system breaks down. No wonder many States have an official parole service, whether separate from or combined with the probation service, consisting of professional supervisors. Other states have voluntary public bodies that exercise the duties of probation and parole under the supervision of a particular Ministry or other official body. In the Scandinavian countries, probation and parole service is based mainly on voluntary associations. In the USA, the services are mainly based on professionals, but over 200 courts today use part or full-time volunteers for supervision.

The supporters of a service based on volunteers point out that there is a marked social distance between many middle-aged professional social workers and a considerable part of their clients who come from the lower classes. This distance inhibits mutual relations,

prevents free communication and discourages clients' identification with the social workers. Difficulties of this kind are very often overcome by non-professionals coming from the lower classes. In some places the duties of supervising are even given to ex-offenders, sometimes with considerable success.

Research is being conducted in Chicago on the subject of using non-professionals in probation and parole services. According to a report of March, 1972, giving, it is true, only temporary results,\* there is support for the view that non-professional volunteers perform satisfactorily and with interest under the inspection of professionals. They have sometimes succeeded where professionals would have failed. And they may solve the problem of the shortage of professional manpower. Good results are expected from cooperation between them and the professionals in the same service.

In Sweden, up to 1965, 66% of the supervision cases were dealt with by laymen, recruited from all professional and social groups. The Swedish authorities see the

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\*D. W. Beles, W.S. Pitcher, E. J. Ryan, "Use of Indigenous Non-Professionals in Probation and Parole," Federal Probation (March 1972).



main advantage of their system in that a great number of people become involved in the work of the correctional systems, and every client has, theoretically, an ordinary person as his supervisor and not a man in authority with official powers. And they stress the point that all groups of the population take part in this, teachers and physicians and labourers, and from all parts of the community. On the other hand, serious difficulties are experienced in recruiting a sufficient number of persons suitable for the purpose. Swedish opinion is that their system works satisfactorily, even though the results have not been analyzed scientifically, but they feel it desirable to increase the number of full-time officers for better control of the more difficult cases.\*

The supporters of the professional service claim that proper education and training prevail over some of the advantages of lay volunteers. Special stress is laid on specialization, and attention drawn to the growing number of offenders with special problems, such as

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\*Report of the European Committee on Crime Problems, Council of Europe (Strassbourg, 1970).

narcotics, alcoholics, mental defectives and violent offenders, who perform more successfully with trained parole officers using a special style of supervision.

Israel is a very small country, and the majority of its inhabitants come from all parts of the world, from different societies and cultures. In these circumstances, it may not be easy to find suitable volunteers, and supervision based on non-professional volunteers does not seem practical. An official agency of professionals is therefore suggested for Israel, but suitable volunteers should be engaged in non-serious cases, acting in cooperation with and under the control of professionals. Philanthropic associations may be encouraged to render assistance in this direction.

The devoted work of the Societies for the Rehabilitation of Offenders in Israel is not disregarded. But in the particular circumstances of Israel, which I have mentioned, and when establishing a new service without previous experience, it does not seem to me that the lay volunteers can be relied upon for the bulk of the service. For the less serious cases which do not require special experience and training, their aid would and should be

welcome. But it does not seem to me that they should be required to contribute more to the scheme.

Now, about the specific agency to be in charge, in some legal systems, both probationers and parolees are supervised by the same social service, using similar techniques and often employing the same staff. For example, in the Federal system of the United States, probation officers are really probation and parole officers and handle both types of cases.\* This practice is in accord with the modern evolution of probation and prison methods, which show a tendency to minimize the differences between the two methods of social treatment. Open institutions, home leaves and work releases have liberalized the prison regime. The Prison Social Service and Parole Supervision are, in principle, not much different from the Probation Service. Unification of the services may provide the best utilization of available resources, expert knowledge and experience.

It seems therefore that most probation and parole

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\*D. Dressler, Practice and Theory of Probation and Parole (1959).

should be looked upon as two aspects of the same method of treatment. This may insure continuity of treatment, even in cases of recidivism, since persons placed under supervision when conditionally released on parole have often undergone treatment as probationers.

I heard yesterday Dr. Burnham's observations about the ideological distinction within parole and probation. It is, of course, true that parole is to some extent the continuation of the punishment outside the walls of the prison by other means, while probation is treatment without any punishment at all and instead of it. The parole officer is in theory a prison officer, and this, Dr. Burnham says, does not fit the concept of a parole officer. These reservations are true in theory, but in practice both services use similar, if not identical, means and methods, although their objectives may be somewhat different. The utilization of the not many available human resources of knowledge and experience would be served best, in my opinion, by unifying both services, even if some harm is done to theory. If the experiment succeeds, theory will adapt itself to practice, and not vice versa.

In theory, one should perhaps recommend that a prison social service be also part of the same agency and that the social worker who is in touch with the prison to prepare the parole recommendation take over as far as possible the supervision of the parolee. This is, however, impractical. The prison social service is necessarily a part of the prison administration, and should continue to be so and not be detached from it. The prison social worker spends most of his time within prison walls, he is too occupied with daily routine to be able to take over supervision duties outside. He should, however, continue to prepare recommendations to the Release Board, because he is in the best position to collect and evaluate all the relevant information and because it has been proved by experience that the preparation of such recommendations by the parole supervisors leaves them little time for supervision and treatment. The parole officer should, however, be in close contact with the prison social worker. He should visit the prospective parolee in prison sometime before release. These visits will enable him to draw up plans for the

execution of the recommendations and conditions of release, in consultation with the prison social worker and in cooperation with the prospective parolee. And, may I add, it will sometimes be advisable to give the prospective parolee a few days leave, as was mentioned yesterday, to enable him to search for work and to adapt himself, to find accommodation and make other necessary arrangements before going free.

There is in Israel well-developed experience in qualified professional probation service which may and should take over the supervision of parolees. The combined supervision agency should work in close coordination and consultation with the prison social service.

Mr. Berman: As a lawyer I always know that when a judge starts to read his judgment, one should be very careful and wait for the last sentence. I was much impressed with the first part of the paper of Judge Kwart with its references to the fine work of volunteers all over the world. If that had been all, I would remain silent. But then he proceeds to qualify considerably what he has already said. And I have to say, dear Judge Kwart,

that I think it is a big mistake, a big mistake. Your opinion that since Israel is a small country and since Israel's inhabitants come from all parts of the world from different societies and cultures, these are circumstances which make this work unsuitable for volunteers in Israel. The truth is to the contrary. We are speaking not theoretically but practically. We are now living in a situation in this country where the head of the government, Mrs. Golda Meir, has created a special office for voluntary work, and appointed a former ambassador, Mrs. Esther Herlitz, to be the head of this office, the purpose of which is to mobilize people for voluntary work and to coordinate the work of many voluntary organizations. While all this is so, while we have a great aliyah and while we have people of different societies and cultures, it is easier for us to do our volunteer work.

I can give you an example which all the judges all over the country know. The courts need guardians, custodians, in cases of mentally sick people or of children who are orphans and so on. There is a volunteer organization in Israel called Bnai Brith, from whose members

more than a thousand guardians have been appointed by the court, by the judges.

It was good to learn from the research report of March, 1972 about probation, which you mentioned, that even the courts in the United States, where the service is mainly based on professionals, over 200 courts use part or full time volunteers for supervision. What is the reason? Why cannot we deal with all problems, with people from various cultures and various countries, with volunteer help of our associations?

I think we can do it and we will be happy to have you among us, Judge Kwart, and give you details about our work. A "young" chap is sitting beside me who has been, for more than 25 years, Chairman of our society in Haifa, former President of the District Court in Haifa, and you can learn from him what he has done with people helping in our rehabilitation work. I put the matter to you for discussion, Judge Kwart, because I think that your reason is not justified.

I was very impressed with Mr. Shamgar's very serious paper in which we were told that parole work will be done



by probation officers, and they will pursue the possibility of getting and using the help of the existing societies for rehabilitation. That is the opinion of the Attorney-General of Israel. There is clearly a big difference between the opinion of the Attorney-General and Judge Kwart.

As every one of us knows very well from our work, and as we heard from Dr. Burnham, we cannot speak without exact data. Mr. Shamgar told us that the rehabilitation societies have in the last years given help to almost 650 cases a year out of the 3,000 that are released - that is just over 20%. And I heard Dr. Horovitz report on the radio yesterday that you said that the existing societies do but a small amount of work. Without exact data, one cannot speak about the situation.

The remaining 2,400 people who were released and did not come to ask for help from our societies, who are they? It is clear that only 900 people are entitled to ask for release. Of these, 500 are released yearly. Then who are those 2,400 other people. We have road accident offences and offenders receive a prison sentence. When they are released, most of them do not need any help from

our association. Again, there are people in prison for income tax offences, most of them are rich people, some sentenced only to three or four or six months. These also are among the 2,400. Therefore, you cannot say that 3,000 are released and our societies deal with only 650, which means we are not doing much work.

I do not have exact data on the very serious problem we are discussing here, but in any case we know there are prisoners who, upon release, even after full sentence, do not need any help. I think that when our organizations give help, it is in most cases in continuous association with the social service of the prison. We know a few months before when a man is going to be released. We get interested in him and his family. We act as visiting justices in the prisons and when we know that a person is going to be released, we try to meet him and find out his future plans. He knows we have all the data about him and we give him help. If we do it now, how can you imagine that in the present financial position of Israel, such a new and good idea of parole can be put into effect?

Nobody answered the question of our distinguished guest, Dr. Burnham, whether parole is to be part of

the sentence or the function of the Release Board. None of the official representatives here have answered that question. In my opinion, if you are going to undertake such responsibilities, how can you do it without volunteers? You know, Judge Kwart, Bnai Brith, Rotary, Habonim Hachofshim, Irgun Chevrai Haganah Leshav'var, WIZO, youth organizations all over the country, all are willing to assist.

You said that volunteers should be engaged in non-serious cases, but I can give you examples from Hadera where I am working with Arab and Jewish prisoners, in a small society and in a small place, of our solutions in very serious cases - of course, always first in contact with the prison social service and then together with the social welfare office.

We have in this country, at present, a lot of legal forums in which citizens, not lawyers, not advocates, not judges, participate in official tasks. Take income tax, the special advisory Boards consist of ordinary citizens. Take the rent tribunals where a judge and a representative of the landlord and of the tenants sit. Take the

labour courts, a judge and representatives of the employers and the representatives of the labourers act. We have heard that in Holland the District Release Board is made up of two or three or four groups, one of which comprises unqualified but distinguished and trustworthy people.

What we claim and what we advise is that, of course, the work can only be done by well trained, probate officers who can supervise, together with us and with our help and not without us. What in particular I cannot understand is that the representative of the Social Welfare Office, Mr. Blum, who is a most able person and would not write anything by mere chance, does not know of our existence. And yet he speaks about close contacts being maintained with all those various social agencies and institutions and organizations that may contribute to offenders in rehabilitation. Mr. Cohen from Haifa knows about it. Mr. Shavit knows it from his work, but has forgotten to mention us. Mr. Blum, the legal advisor of the Social Welfare Ministry, does not know about us, but only about various social agencies and

institutions. So please take note that there is a League of Societies for the Rehabilitation of Offenders in Israel, which is doing considerable work.

Israel is peculiar in that all these problems are normally dealt with by the Ministry of Social Welfare and not the Ministry of Justice. That is good for Israel, good for all of us, but who has to be interested in volunteers if not the Ministry of Social Welfare.

If we all think that parole should be introduced in Israel, then there may be differences of opinion on many aspects of the work, but I emphasize that we must all act together, officials and volunteers.

Dr. Busch: Dr. Tjaden spoke yesterday extensively about the position in the Netherlands of professional versus the volunteer workers. I should like to give you at this stage some information about the position in my country, because I feel it may be of some help to you.

To begin with, one ought to be distrustful of all state organizations. Anything that can be done by volunteer organizations should be done by volunteers. I say this because I am going to follow it by some very critical

Remarks about the works of volunteers. We have in Germany a number of volunteer organizations which, as it were, conduct volunteer work, but on a closer look, the workers are in fact disguised professional workers. Their average age is very high and the number of people in receipt of pensions is high among them. There is hardly anyone who is under the age of 40.

We have made some attempt to make these organizations younger by trying to recruit people through weekend seminars to be trained for the work. These seminars usually last two days at a time for three weekends. They are run by social workers, psychologists, psychiatrists and educationalists. The volunteer helpers are full of good will, but have very little knowledge. Some of them have read a little professional literature, but this is a source of danger since to read professional literature without professional knowledge creates prejudices. Many of these older people who have taken part have a great sense of mission. But it is rather difficult to reduce the work to a sane rational activity. One of our tasks was to attempt to bring out the aggressions which exist among these unprofessional workers. At the same time,

professional workers have to be careful not to use jargon. That results in a very interesting group process which is enough for the first weekend session. There are always some who, after this first weekend session, do not wish to participate anymore. When they come for the second time, things are somewhat better. I believe that a closer rapport is established and greater possibility for cooperation.

It would be a good thing if the non-professional were supervised by the professional worker. But the big question is: what is supervision? The non-professionals are always anxious that the professionals wish to patronize them. On the other hand, the sense of mission which can be discerned among the non-professionals can frequently be discerned among professional workers after they have worked together with the non-professional, the volunteers.

What I have just told you about these seminars is in fact a very small matter. We have done it, all told, only twice. Each time there were about 30 participants - at the beginning. We are exceedingly pleased that half of them were between the ages of 20 and 30. Complete

families, husbands, wives and children, can participate in these seminars. This is rather important, because wives are frequently critical when husbands undertake certain supervision duties. We believe that in this manner, we can neutralize the prejudices. Something of that nature might be done in this country, so as to bring together on the one hand the State professional service, which inevitably must be in charge, and the volunteer organizations, which one should not push aside.

Judge Azulai: We are talking about means of combatting a situation about which the society is very much concerned. We are speaking about means and ways to aid prisoners to be or become socially responsible. I do not believe for a minute that you can do such work without applying to society, to the community, for help. We have in Israel at present a special department, formed under the leadership of the Prime Minister, for voluntary service. There is a lot to do in this respect. We live in a changing society, and in a changing society the prisoner when released must be helped by society.

I would have thought that with the possibility of a



service run by the Social Welfare Ministry, we would begin preparing a good body of volunteer social workers, along with the training of the professionals.

I suggest that four methods ought to be pursued: first of all to teach the volunteers to keep up with changing conditions; secondly, to see whether they are actively experimenting with new methods, and also, at the same time, seeking a new understanding of criminals and criminality; thirdly, to establish a relationship between voluntary and governmental agencies in treating offenders; and finally, to find out what volunteers can do better than paid professionals in the treatment of offenders.

The Minister of Justice of Canada, speaking at a meeting of the John Howard Society in Ontario, said: "Members of the public supply the tax money that support the correctional services. Their direct participation is necessary to a successful correctional program. They are the ones to suffer if efforts to curb the incidents of crime fail, and in the final analysis, correctional advances are dependent on public attitudes." We must

encourage free citizens to participate in prisoner activities. We must seek the treatment of more prisoners in our communities through temporary releases and day parole programmes.

Reverting to what Judge Kwart said, it is true that there are difficulties in recruiting a sufficient number of persons suitable for the purpose. But I think we have a suitable number who could be recruited, but they must be taught how to do the work. There must be some link, some arrangement under which the government social service is attached to the social service of the community.

We must also distinguish theory from reality. We are speaking theory all the time. But we must live realities. As a judge, I have dealt with as many or more criminal cases than anyone else. I have sat in the juvenile court. I have also acted as Chairman of the Prisoners Release Committee. And I know what the position is. Work placement, living accommodations, advice mediation, financial aid - all this has been and is being done by myself, as Chairman of the Association

in Haifa. And there may be more judges who would make good social service people or probation officers. Why not? Why not if it could help the prisoners? And like judges, there are many others, lawyers, physicians and so on who could do much in this field.

So let us take it from the point of view of society, and let the community take part in the rehabilitation of the prisoners.

Miss Admati: I think parole and probation are two systems, two ways to help an offender, but they adopt two different approaches. The probation approach is more optimistic. Instead of punishment, it believes more in the man as a human being, that he can adjust himself in his own natural way without us taking him out of society, without isolating him behind bars. Parole is more pessimistic because it comes after punishment and is perhaps linked with it. You do not believe that after a man has finished his sentence he can go out and live by himself, you believe in parole. You think that you have to lead him and to guide him in order that he can adjust himself to society.

Here are two different ways of looking at the offender.

which must influence the worker who has to work with these people. Therefore, a probation officer cannot be a parole officer, because the entire orientation is different. Maybe the end goal for both the parole officer and the probation officer is the same. But the means of achieving the goal are entirely different in nature. The worker himself cannot be the same and he cannot be in the same service, because his way of thinking, his way of believing in working with people is entirely different.

Dr. Tjaden: In the Netherlands, and I believe, in general, volunteers can do a very great important task visiting prisoners while they are serving their sentences. In my country, as I have said, the responsibility is upon the probation officers for social work, but all our probation agencies are private societies and have the right, almost, to visit the prisoners during sentence. And that is done on a very regular basis, for those prisoners who are willing to receive visitors. And it is more or less the task of the prison social worker to select the prisoners who should be visited.

Some youngsters are in need of a father-type to have

contact with, others are in need of other types. The social worker who knows the problems and the difficulties of the youngsters selects visitors who can be of help. That is a rather serious task, especially when people have to stay for a long time in prison. It gives the prisoner the feeling that he is not expelled from society, that society is still interested in him.

Although a very important task, it is not a special function in the total regime of the prison. The volunteers do it on their own responsibility. They do not have to report, they do not have to write up anything, they just have good human contacts. They do not need to have any training for the purpose, although they must have some information about what is going on so that they do not make stupid mistakes with the prisoners. We also have a system under which, before anyone can be a visitor, he must obtain a license from the Probation Council, but it is not necessary not to have committed a crime. Members of Alcoholics Anonymous visit people with alcohol problems in prisons just to help them with their difficulties.

A few words about probation work with parolees.

Probation officers do two kinds of work. Parole work is just as optimistic as probation work. Parolees are, after all, human beings with difficulties. But I want to stress that work with parolees is much more difficult, not so much because the parolees are more difficult, but society is much more difficult for them. It is much more difficult for society to accept them, as they are more or less stigmatized. It is much more difficult for parolees to be accepted again in their families, in their old surroundings. For that reason, I believe I must stress that just for parolees it is necessary that the responsibility is given to parole officers. You can better use volunteers in the probation work with less difficult cases. These society is more willing to accept, you do not have a breach with contact with society. But for parolees, I believe the responsibility has to be with probation workers as qualified people. In many cases, you can have the use of a volunteer to have normal human relations. To build up a volunteer service is a great help to the parole officer, the probation officer and the client himself.

Dr. Y. Cohen: I want to make a few remarks about

Dr. Busch's charming description of training of volunteers as well as what Judge Kwart said before.

I would like to emphasize a certain aspect of training of volunteers which could be beneficial, but could also be in the opposite direction, namely, over-professionalizing volunteers. Taking volunteers and training them by professionals, in this process they might lose some of the specific characteristics which make them not less than professionals, but different from professionals. This refers also to Judge Kwart's description of using volunteers for the not-so-difficult cases and professionals for the difficult cases.

I agree that there is a difference between the two. But this is not all. Professionals are merely by definition much more prescribed; they show predictable behaviour. They go through a certain process of socialization which makes their behaviour much more focussed on certain problems, while volunteers show a much wider range of personalities, a broader range of usefulness, and they can be used in a broader variety of services with different kinds of clients rather than assigning them to the not-so-

difficult cases.

Another point I want to make is on what Judge Kwart said about the importance of continuity, to have the same department as the probation department and the parole department in dealing with the same thing, but for two different parts of the population. Continuity has certain administrative advantages, no doubt. And the psychological differences might not be of so much importance that a separation would be needed. But from the point of view of the person who is on the receiving end of the service, this continuity has its disadvantages. He becomes socialized to a system, he becomes a kind of a member of the criminal society by which all the services make a living in one way or another. The separation of services has, as against administrative disadvantages, the benefit of a new start, and I think this new start has its value and should not be overlooked.

Mr. B-Z. Cohen: A beautiful new word has been creeping recently into Hebrew academic slang, which is dachlila'ut. This is a noun describing an activity which has been going on in this room for approximately a day

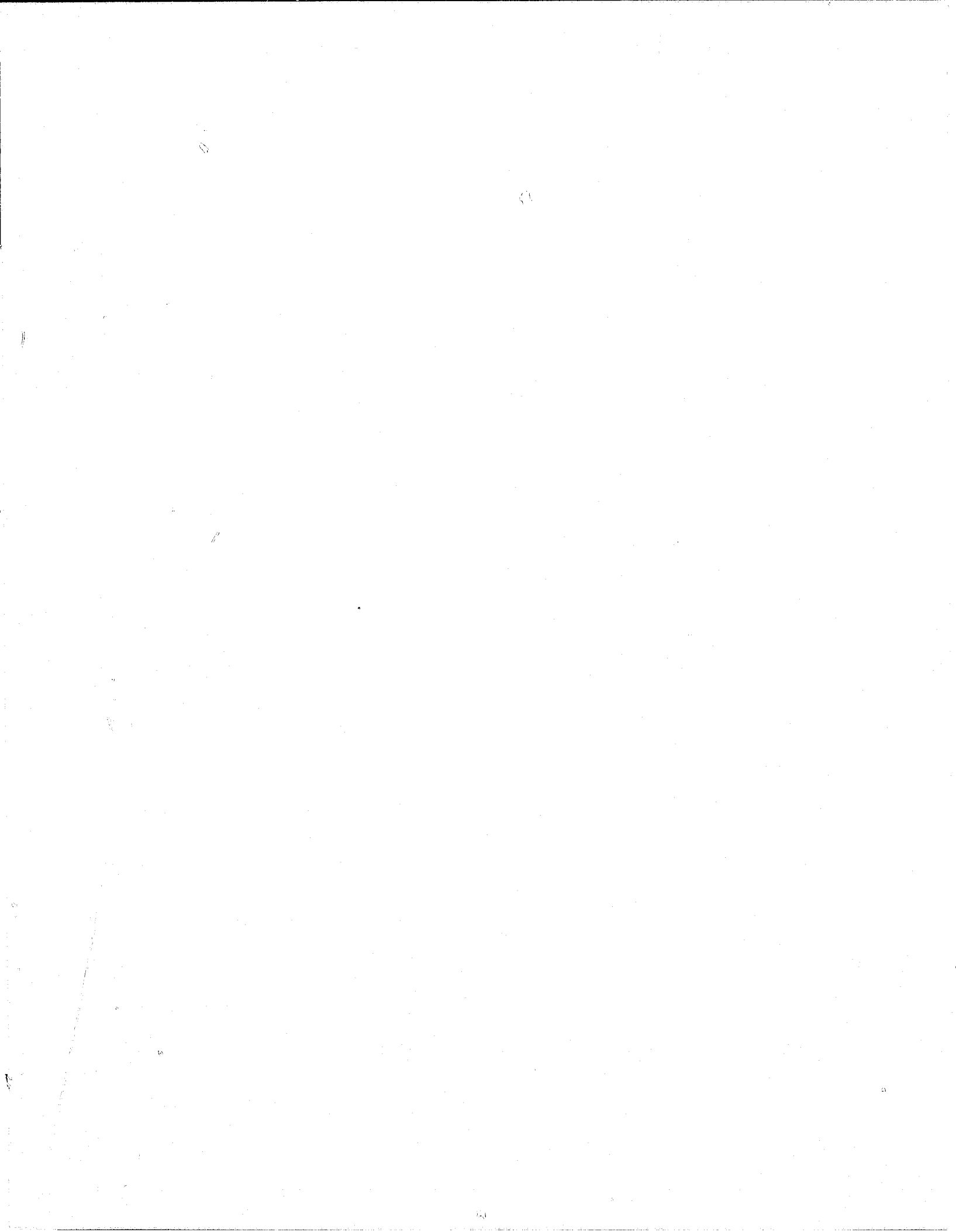


and a half, which is setting up a straw man and then knocking it down. I do not think that anyone in this room seriously considers destroying the prisoner aid societies. And I would recommend that the representatives of the Prisoners' Aid Society put that out of their minds. No one wants to destroy them and they do not have to defend themselves.

And there are certain other things which we are building up in order to knock down, and I think it is a useless intellectual exercise.

The Prisoners' Aid Societies as they exist today have advantages and disadvantages, but, as I see it, one of the distinct advantages of these societies is their independence. I object to the notion that the volunteers should be supervised by the professionals. I do not think our professionals here in Israel are especially equipped to supervise volunteers. I firmly believe that a certain kind or type of clientele should be assigned to the volunteers, and the volunteers should be responsible for them.

If professional aid is needed, the volunteer societies should employ professional social workers, rather than



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**2 OF 4**

having the professional establishment social workers supervising the work of the volunteers, because that is exactly what destroys the spontaneity and the uniqueness of the contribution of the volunteer societies.

As far as social distance is concerned, the distance between those who are giving the help and those who are receiving the help, I think that in terms of age, the professional are somewhat younger than the volunteers and that in terms of social class, most of the professionals - maybe it is a function of our salaries - are lower middle-class, whereas the majority of the volunteers that I have come to know over the years are upper middle-class.

This, of course, does not eliminate what we were talking about, the "double agents." Some of the people in this room, including myself, are here as double agents. We are both professionals, and members of the Prisoners' Aid Society. We even decided before that we were suspicious there was a triple agent in the room, but I will not go into that. We have heard again and again the reasons why probation officers should not become parole officers - the resentment of former clients, which was

pointed out by the previous speaker, the serious differences in orientation of the two tasks that was pointed out by Mr. Burnham and by Mrs. Admati, the fact I stressed myself yesterday that probation officers are already overloaded and suffer from lack of personal and community resources. And a fourth reason that has not yet been mentioned here, but I think should be taken into consideration, is that the probation officers do not want this task.

The feeling in the field and I can represent Haifa - and if I am misrepresenting Tel Aviv, you will correct me, - the feeling in the field among the probation officers is that they also have a right to have a say in the matter. They do not want to buy this package, which I think is a fourth reason why probation officers should not become parole officers.

There, I think, are four good reasons. What I have not heard is one single reason why the professional parole service should not become an extension of the prison social service.

Mr. M. Goldstein: I do not think voluntary work a very cheap thing administratively. If it is cheaper, I think

it is worse, because volunteer work has to be combined work, a combined team of professional workers really supervising the volunteers and themselves working with the clients also. But there are parts of the work that only volunteers can do and there are things that the professional workers who are paid for the job cannot do. They cannot make the kind of contact that sometimes - it is very difficult - a volunteer worker can.

Mr. Ben-Zion Cohen has had experience with both volunteers of working class and volunteers of the lower middle class, working with the professional workers, and it has sometimes been very difficult for the latter, because when a volunteer wants a meeting in the evening, after working hours, he cannot be told: "Well, look here. I'm not on duty now. It's after my office hours and I can't come over to you to discuss the problems."

It is not cheap and it is not easy, but we have to find some way to combine professional staff with very very strong organization of volunteer workers of all classes - not only and not specially of the upper middle class, of people who are doing a lot of good work but sometimes cannot make very good contact with a boy coming out of an institution or a young man coming out of a prison.

We ought to make efforts to work out some combination of these two approaches, find some setting where it could work out. I think that the Dutch example is very tempting, because there even the professional staff and probation officers after all are workers for some voluntary organization. But I am not quite sure that it is much better. You do not have all the restrictions of a governmental setting - getting of personnel, with all the regulations and restrictions which are inherent in a government department; you can be much more flexible. But still I am not quite sure if the time is ripe in Israel to copy it.

Now I would like to make some remarks about who is to do the job? If you have to have a professional staff and a professional agency, who will be doing the work? We heard a lot from Dr. Burnham, Dr. Yona Cohen, Ben-Zion Cohen and Mrs. Shoshana Admati about the reasons why the probation officer could not; I think all very good reasons. But I would like to add something.

Here we have perhaps something special to Israel. Everybody - almost everybody - who is sent to prison has already contacted the probation officer. There has

been at least a pre-sentence investigation made by the probation officer and most times the probation officer has already been working with the client on probation. And probation failed. And we have to remember the probation officer has also lost trust in his client. Most often the offender goes to prison because the judge has received a report from the probation officer, saying that he did not see any point in working with this special client. Generally, the courts accept the point of view of the probation officer (in favour also of the person); if they feel the probation officer is really convinced that he cannot (or can) do a job. But I do not think that the probation officer could go on with the same chap, start working again with him half-a-year or a year after that. Even if there have been changes, it would be a very difficult situation for a client, and also for the probation officer and the probation office, receiving a client back after sometimes a chain of prior failures.

We have to think about another point as well. Probation officers are merely working on a special technique—mainly the casework technique. And we have to remember that this technique did not work in the particular case.



Thus, we have to develop other techniques of work with people coming out of prison. And I do not think the probation officer would be the best professional worker to try to go on with it in the probation setting. Some more or less independent agency, not really in the probation office, should take over, but not in the Prisons Service.

I do not agree with Dr. Burnham and Miss Admati that the parole agent or the parole agency ought to be really authoritarian, a part of the law-enforcement agency, with supervising restrictions and conditions made in the parole order. If we were to set up a parole service of this kind, I think we would fail. It is not very useful to contemplate any agency on a very strict authoritative basis supervising released offenders to see whether they are sticking to the restrictions and the various conditions made in the parole order. The parole agency ought to be based on a very optimistic viewpoint, the possibility of really new staff. As a professional social agency, the basis of its work cannot be other than one of trust and mutual confidence. Hence parole ought to be detached from the Prisons Service because it would be very difficult for me to imagine any part of the Prisons Service

without an authoritarian viewpoint.

I would like to comment also on the preparation of the parole report. Mr. Shavit emphasized, and the point has been made by some other participants also, that the parole report has to be made by the prison social worker. In my opinion the prison social worker has a very important part in preparing of the final parole report, but I do not think he should be the only author. Perhaps following the Dutch example that Dr. Tjaden told us about, the first report should be made by the prison authority, but there has to be a second report, and that is perhaps as important, by the local rehabilitation service. I think this is a very good idea for the reason that I do not think that the prison social worker working in the prison is always inside the walls.

(Comment: He does go home sometimes.)

He sometimes does go home. But I do not think he can have a very good feeling, a very good understanding, of the community environment of these special men, back in Kiryat Shmona or elsewhere. We ought to have some report also from people living in the community, living

outside, with another approach.

Yesterday we heard Mr. Shamgar emphasizing that perhaps the only criterion for parole is the behaviour of the offender in the prison. I think it is an important point but not the most important point. Very good parole cases could be people not adjusting very well to prison society and not cooperating very fully in prison. Even with all his professional knowledge, the social worker in prison cannot be sufficiently detached from all the implications of actual behaviour in prison. And to make a very objective report for the parole board you have to take into consideration a lot of other factors.

Dr. Horovitz: What I have to say is based on three assumptions: that the responsibility for parole, for all measures for treating offenders, lies with the state, and this is a responsibility that cannot be delegated; secondly, that it is also at the same time a community responsibility but not for the reasons pointed out by Judge Azulai, that the money comes from the taxpayer, because with the same logic I could say that volunteers should perform all the police duties because the money comes from the public; the third assumption is that in parole there are

elements of rehabilitation and treatment as well as of supervision of the offender in the community.

Now if I take all these assumptions together I think the logical conclusion is that we have to find a system which combines both state responsibility and the community responsibility - meaning that there must be, and I will not go into the organizational details, a combination of state agencies and voluntary agencies, which will have to be organized not merely on the basis of "we love each other" or "all the money should come from the government," but within an integrated organizational framework.

What are the merits of such a combination? I think the state agency has to offer the business limitations of professionalism. The volunteer agencies have to offer the fact that they will not be identified with any official agent of the state with all the mistrust that engenders, as Dr. Bush pointed out. I hope that when he knows me better he will qualify this statement. I think both the state and voluntary agencies have the same measure of social responsibility and social consciousness, and I would not like the volunteers to seize upon the notion that

they represent the public and the official agency represents some kind of establishment, of authority, in a bureaucratic way. It is also said that the professionals are paid for doing good. The volunteers have some kind of undefined lofty motivation to do good. I do not know whether it has been explained which is more preferable, because very often whilst the offender says of the professional, "this man is paid for doing what he does to help me," of the volunteer he asks, "Why is this guy helping me? What is behind it?" And I think - this is my experience - very often no satisfactory answer can be given.

The final criterion should be what is more effective, and this is a kind of rhetorical question because we do not know. Perhaps Dr. Burnham knows something about it but I think we do not. Different research plans are being implemented in some countries, but we do not know the results yet. In Japan, for instance, it has been found that the average age of the offender under probation or parole is 18; the average age of the volunteer is 64. West Germany does better. But this may be explainable in the framework of another culture.

Volunteers should be men and women, old and young, the same social class and so forth, as we pointed out before.

Now as regards the blurring of roles. I think probation officer and parole officer should not be identical, not because of the complaints of Mr. Ben-Zion Cohen, that they are overworked and underpaid - that is a reason we hear from every country in the world, but because this kind of arrangement will, I think, very often bring about role conflict for the different reasons already pointed out by others. The two should, however, be within the same organizational framework.

Now the last point. Why not in the Prisons System? I think there are several reasons. First of all, when a person leaves a prison, he leaves prison. He should sever all his contacts with prison. And whilst we may hesitate, and I think with some justification, about the identity of the probation-parole role in the same person, the same role certainly should not be played by the prison social worker and the parole worker. Secondly, social work in the prison is based on the prison itself, but to supervise offenders in the community, the agency has to

be based outside. And if it has to be based outside, I cannot see any advantage if it is not combined with those other agencies which serve offenders within the community.

Dr. Burnham: First I shall answer Dr. Horovitz's question as to the motivation of volunteers. That may be found in the quotation which I am sure Mr. Ben-Zion Cohen, among others, already knows, that the client may not need the social worker, but by heavens, the social worker needs the client. There is no reason why that remark should be limited to volunteers; of course, the same thing could apply to professionals.

I wish to speak on two separate topics. First, the question of the role of theory. I have already been cast in the role of the Devil who comes talking theory which is impracticable. I would quote a very senior colleague of mine in the prison service in England, who was, at the time he said this, approaching the retiring age of 60. He said it is asking too much of a man at the age of 60 to put aside 30 years of experience of doing things wrongly. So I feel that the theory-experience argument is not a particularly constructive way of approaching things. The role of the theorist, if I am to take upon myself this role,

is essentially to distil experience constructively. Distil, as you know, is a term used for the making of a socially useful product.

On the same theme, I wish to make one small correction. I did not point out or did not claim that you should have an authoritarian parole system. I stated, at least I intended to state yesterday and would reiterate now, that I see the role of those of us who have been invited to your country to try and do their best to help to ask the right questions, not that we in any way can give the right answers. What I pointed out is that if you decide to have a parole system based essentially upon an extension of the prison system, then certain implications follow. If, on the other hand, you decide to have an essentially parole-probationary system, then a wholly different set of implications follows. The decision as to which you will have is yours, not ours. But once you have made your decision, you have set yourself going along a certain path. You must choose which of these two paths you wish.

Now, the question of the role of the volunteer has one aspect which has not been mentioned but is very



important if one takes the view that parole is the extension of prison within the community, and that is the point of sanctions. If you are going to have sanctions in your parole system, the role of the volunteer requires very careful consideration because a volunteer is not necessarily officially entitled to apply sanctions. Sanctions require legal authorization. If the Commissioner imposes certain punishments on prisoners, he does so in virtue of his position which is laid down by law, similar to the actions of the police.

If one is going to authorize volunteers to impose certain kinds of compulsory measures, then this is a step in social philosophy, which has implications which may not be acceptable. Therefore, although I am, like everybody else here, favourable to the use of volunteers within the system, the relationship of the volunteers to any kind of sanctions must be very very carefully worked out. And Mr. Chairman, you will excuse me if I do not work out these implications because I do not know them.

(Comment: In Russia they have it worked out. Volunteers do apply sanctions. The measure of success, of

course, is for you to say.)

Dr. Burnham: I am not entirely sure that I agree with the definition of either the word volunteer or sanction. You have your doubts also?

Finally, I would like to support as usual what Dr. Horovitz has said, that although the case for parole agents being different people from probation officers seems to me to be established - I agree with Mr. Ben-Zion Cohen's comments entirely, which sums it all up, that they are two different animals in different jobs - there is a very vital case for their being part of the same administrative organization, not only for simple administrative reasons, as advanced by Dr. Horovitz, but, to get back to my hobby horse of yesterday, for the purpose of information flow.

If I may be British and rude enough to be critical of my host, there seems, from the little I have been able to find out so far, to be something of a shortage, a fact which has been under-emphasized in the Israeli social welfare and social defence world, of management information flow, the provision of data from one system to another, the ability of knowing what has already been done,

precisely, concisely and immediately. The information flow business is important, and parole and probation officers are going to need access to the same data, they are going to need to exchange data and information, they are going to require means of communication with each other, both verbal and written. And if they are within the same administrative framework, the chances of this happening seem to me to be greatly increased.

Mr. Nir: Although I agree with most of the remarks of Mr. Ben-Zion Cohen, I would nevertheless like to make a few observations. I think we are about to do an injustice to the work of the voluntary organizations in the rehabilitation offenders, organizations that have so far done their work with obstinacy and with devotion, and I do not think that the rehabilitation of offenders can be done without the help of such organizations.

Further, Mr. Shavit does not mention in his paper the voluntary organizations for the simple reason that that was not the task which was placed upon him within the framework of that paper. But I happen to know his views on volunteer organizations and the opinion of the whole prison service of the voluntary organizations.

Perhaps my words may be heard with mixed feelings, my words as a member of the establishment, but I have to utter them. The work of the volunteer organizations is not done well. Maybe the reason for that is because we leave them to do the work all by themselves. The work of volunteers is very important in my view. And for that reason I think we have to add to them professional workers who would do the professional part of the work and not the supervisory part of it. We cannot afford to give up the substantial part of the volunteer work. The great task is the rehabilitation of the offender and his return to society. The failure of the voluntary organization, or their partial success, may be caused by the fact that they have not enough professional workers. Nevertheless, one must appreciate highly their work and the contribution they make in the prevention of crime.

We in the prison service prepare the man to the best of our ability for his rehabilitation, and the work of the volunteer is exceedingly important, but we have to give them teeth for their work. A sufficient budget, professional workers, and all the other necessary things for good all-encompassing work. There is always a great

deal of room left for emotion in this work, which is not a question of mathematics, but of dealing with people with souls.

These same voluntary workers also serve as official prison visitors. They do excellent work, and they serve us no less than the prisoners themselves as the representatives of the free spirit of the outside world. For that reason, I return to my original point. Parole cannot be realized without the work of volunteers, not only to be assisted by them. On the contrary, they should be the first violins, even though under the same governmental roof with all the legal aspects that would demand.

Mrs. Hoffert: I would only like to make a few comments on what Dr. Busch said this morning. Since the role of the volunteer in the service and the relationship of the volunteer and the professional are under discussion, I think that it is a mistake to think that the volunteer is a social worker. The volunteer has a completely different task and function, and he cannot be trained or guided as a social worker. We must make a differentiation between treatment and care. Treatment is linked to the

professional. Care, it is generally accepted, is assisting a person to reintegrate, as far as is possible, into society.

Without going into an analysis of the reasons for delinquency - this is neither the time nor the place for that - if a person does not want to be rehabilitated, he is not going to be. He will return to his group and continue in his old life. But a person who really wants to get back to society also wants to be rid of the watchers, he wants to be rid of the establishment. He wants help, which perhaps he did not have before, and it is here the volunteers come in. A volunteer is a person who can build up a relationship with others without professional restrictions, who can even invite a person home and relate to him as a person. Some people I know, even social workers, are against identification with the clients too much.

I think you talked a bit ironically about the missionary approach. I think I wish we had more of a missionary approach, because it means a kind of trying, a trying, let me give my own definition, to build up a new identification and this is very important in any relationship

between a volunteer and a person. A social worker or any other professional person should so far help the volunteer to understand what he is doing, not to guide his form of care. I am against that. Let him understand what certain behaviour and action mean, and not more.

I know that most professionals, and we heard it here also this morning and yesterday, do not like volunteers and do not like to work with them. We have to admit this is true. The reasons lie very deep. Working with volunteers and also with professionals, I tried to introduce the idea of working with volunteers. I know that these problems are not going to be overcome so easily.

It is the same problem as that which is connected with the establishment proposing to watch or to guide people. We know that a person who has been in prison, even if he has been helped there, wants to forget prison and not only prison. I speak as a social worker. Persons I have tried to help do not wish to know me anymore when settled, to sit with me, to have to remember that once they were clients of the social services bureau. This is natural. People want to begin afresh. I would say that

if we want to use them, the volunteers should be attached to a volunteer agency and not to the establishment. Whether or not they have been given permission by the government to follow up and help a released prisoner does not mean very much. What is important is that they should be free to help, and to be free to help is to be detached from the person's former experience, largely a very deep-going, unpleasant experience.

The Chairman: Judge Kwart would like to summarize his answer to the discussion on the statement he presented.

Judge Kwart: I only want to say a few words in response to what I heard. When I heard Mr. Berman's remarks, I thought to myself that I must have mis-expressed myself very badly to be so misunderstood, because I stressed and underlined the importance of volunteers and voluntary associations. What I said, and I was happy to hear it confirmed by Mrs. Hoffert, is that you have to distinguish between treatment and care. Treatment is for the professional. Care is for the volunteer. When I spoke about less serious cases, I did not mean to put them aside. The less serious cases are the bulk, and they do not need so much treatment as care. So when I said that the less serious cases must be given to volunteers, that is what I meant.



Again, when you establish a new service, you cannot found it on volunteers. You must have a professional basis, and on that build up a volunteer system. You cannot compare such a homogenous country and society as Holland with ours. They have had a homogenous population for hundreds of years, living together in the same culture. In this respect, we would do better if we looked at the United States for comparative purposes. There you have the professionally trained service, but, as I said in my paper, along with it a large force of volunteers. The use of volunteers is welcome and should be encouraged.

And now, a few words as to probation and parole. Miss Admati and others spoke about opposition to probation officers being at the same time also parole officers. I said that in fact the methods and the means of both are the same. We are a small country with meagre resources. We cannot afford the luxury of having special services for one kind of social cases and special services for other kinds which are so similar.

I can understand that there may be people or probation officers who knew the client before, and perhaps mistrust, even mutual distrust, will exist. This probation officer

will therefore not take the case. But generally speaking, even if there may be a personal separation in some matters, there should be a unification of the service because I think it would save much man power which is scarce, and money, which we have not much of.

SESSION V

AIMS, SYSTEMS AND MEANS

Chairman: Dr. Y. Cohen

Introductory Address: Mr. G. Shavit

The Chairman: The topic we are about to discuss now involves two related but different subjects, the first, the relation with other agencies, and the second, the methods and instruments, the facilities for rehabilitation work within the parole system. I think we should start with the first, the relationship with other agencies.

Mr. Shavit: I have been asked to deal with the contacts of the parole service with other agencies of correction and of law enforcement, but I should first like to say a few words about the suggestion that there is a triple agent present in this room. I rather suspect that the reference was to me. I am a treatment person in a coercive setting with academic leanings. I shall leave you to judge in which way my bias goes. From time to time, it varies. I think that the question of contact with the prison service arises whoever runs the new parole service but particularly if the

parole service is established outside the prison service.

One of the main problems is who should be the person or the agency that collects the relevant information upon the basis of which the Parole Board to be should decide which candidates to select for treatment for parole and which to reject. I would rather strongly recommend that this task should be given to the prison service, and there are several reasons for this.

Perhaps I should like to start with something rather tangential, but nevertheless, to my mind, important. During the morning discussion, the qualities of optimism or pessimism were mentioned. It was stated that essentially probation officers are basically optimistic, others may be basically pessimistic. My academic leanings make me try and put this on a rational basis. I should like to judge optimism by the way of outcome, for example, of probation officers' pre-sentence reports, and I should like to try and quantify this, and Dr. Horovitz will perhaps correct me if I am wrong. If I would say that there is a question of pessimism versus optimism in the ratio of

7 to 3; in other words, out of every 10 pre-sentence reports, three strike an optimistic note in their recommendations, and seven a pessimistic note. May I perhaps try and compare that with the optimism and pessimism of prison social workers when they submit recommendations to the release board. I think the proportion is similar but inverse. Judge Kwart will perhaps correct me if I am wrong. There is roughly speaking a proportion of 70% optimism to 30% pessimism. I said it was a tangential point, but I think it was worth making.

To return to my subject, the collection and evaluation of information is an essential part of the selection process. What is really expected is that an evaluation should be made on the one hand of the risk of chance of success, the meeting point of ability to deal with certain problems, and on the other hand, the problems arising. One of the main points I should like to make is that in all countries, including Israel, we have been doing what I believe to be the wrong thing. We have set up certain tools of the trade

and then tried to fit the candidates to those tools. As a result, there was, and is still to this day, not a selection on a rational basis but a selection for rejection.

I think this is the wrong basis. I think the selection should be far more rational, and if problems arise for which no tools and no methods have yet been invented or devised, that obliges the new parole service to fill the gap.

As far as our present point is concerned, I believe those who have been following up a prisoner from the moment he enters the prison establishment have evaluated him at the beginning, with the aid, incidentally, in many cases, of pre-sentence reports prepared by the Probation Service, and have followed through any possible changes which have occurred in that prisoner for better or for worse. I think it is this particular person or service who or which is in the best position to collect and evaluate both his needs and the risks or chances of success or failure, and all other information relevant to the decision. This

is already, in fact, done in the social report submitted to the Release Board in the case of every prisoner. A parallel assessment by the Parole Service would therefore be wasteful duplication.

It is for this reason, firstly, that I would recommend that the prison social service collect and evaluate the available information and make the recommendation.

There is also a very practical reason for this procedure. Prisons in Israel are so located that parole officers working mainly in the urban areas would find some difficulty in seeing a candidate for parole as often as might be desirable. The result would be, and is in some cases right now when people under arrest are awaiting trial and are being evaluated for probation, that they are seen a few times and that the results and recommendation are not always as rational or as basic as they should be but impressionistic, hasty and arbitrary. The person on the spot, the prison social worker, has of course not got these limitations.

There is perhaps a third point. The experience of most similar services abroad as well as in this country has been that when a service engages in both evaluation and diagnosis, as well as treatment and supervision, their inaccountability for the diagnostic part is much greater. The visibility of that part of their task is much greater with the result that the stress is laid much more on the preparation of such a report and much less time is left then for actual treatment work.

Glaser, in his very extensive work and research in American prisons, has found that parole and probation officers spent more than 12 times as much time on the preparation of pre-sentence and pre-parole reports as might be spent on the treatment of cases.\* Similar experiences have been felt in the probation service in this country as well.

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\*A. Wahl and D. Glaser, "Pilot Time Study of the Federal Probation Officer's Job," in Carter and Wilkins (eds.), Probation and Parole (1970), pp. 633-642.



There are two possible conclusions from this. One of them is that an outside service should be relieved of this task. A second and more far-reaching conclusion is that possibly we could do without selection altogether. We have assumed all along that parole necessitates essentially a selection for treatment. Possibly, having spent much time on selection, and very often negative selection, we have left out of the system people who might benefit, if we were only given the task and forced to find the tools to finish the job.

Let us see it as a matter of economic risks. What would happen if a new parole service were to deal with the whole prison population? The number of people at risk of course would be greater. The number, the proportion of people who would fail might possibly be somewhat greater, but certainly among those who would normally be rejected, there would be some who would normally benefit from it. From the figures available to me, about 600 prisoners sentenced two years or more are released from Israeli prisons every year. Let us assume that this is the population that comes into consideration. Let us assume that all the 600 would

then be given compulsory parole treatment upon release. An optimum number of cases, a case load, is, or might be possibly, around 35. One can discuss the figure, but assume that 35 is the optimum number for a case load. 600 divided by 35 comes to 17, and 17 parole officers could deal with all the released prisoners who have been sentenced for two years or more. Add to that a number of supervisors who have administrative tasks. About 20 people in the Parole Service could deal with the whole lot. Why should we invest such a great deal of effort and manpower, possibly wasted manpower, in the selection process?

Where would the Release Board come in? I think that belongs to the legal aspect of the question. Mr. Shamgar has mentioned two possibilities, that those who are released after having served two thirds of their sentence are the ones who would benefit from parole, and that all those who are released after having served their full term would also be given a certain period of time - Mr. Shamgar mentioned from 6 to 18 months - during which they would also be under supervision. I do not want to go into this question. It has been dealt with by

Mr. Shamgar and during the discussion yesterday, but it is something that could fairly easily be solved by legislation if we could only decide that we want to solve it.

As for contacts between the Prison Social and Parole Services after the parole decision has been taken, it is of course essential that the fullest assessment, information and rehabilitation plans concerning the prisoner about to be paroled be passed on to the Parole Service. It is also most desirable that at least one face-to-face contact between the parolee and his Parole Officer take place before his release, within the prison or at the offices of the Parole Service.

The Prison Service has recently initiated a Work Release scheme and it is confidently expected that it will succeed and expand. In the case of parolees who take part in the scheme, the contact of the Parole Service will be with the Rehabilitation Officer attached to the Work Release Hostel.

Regular contact with the Police Force is also essential. On the one hand, it may save the parolee undue harassment. On the other hand, the Parole Officer must

know without delay if the parolee has been arrested or charged with another offence.

Dr. Horovitz: It is very difficult to argue with a rational triple-agent with academic affiliations but I think I can confirm the possibility for analyzing probation reports on an optimistic-pessimistic continuum. But I cannot confirm the ratio. My informed, more optimistic hunch would be a 2 to 3 ratio. It does not make much difference, and I think on the whole that what Mr. Shavit said is correct.

As regards who prepares the pre-parole investigation, administratively it is easy, convenient and perhaps logically right for it to be done by the prison service. One of the problems could be that, as I said yesterday, the prison service tends to be introvert, and therefore, influenced in its reports by issues connected more with prison administration than with life on the outside. But I think from the administrative point of view, it should be prepared by the prison authorities.

As regards the selection process, you can do without it unless you think that the selection process has some connection with diagnostic investigation, a diagnostic

investigation which will be the basis for any future treatment of the parolee. If you accept this notion, you would like to have an investigation made of every man to be released.

One of the arguments, that the agency on the outside cannot come into the prison as much as possible, is I think very valid. I could have used the same argument when it was said an hour ago that the prison service should take over parole duties, because, vice-versa, the prison service cannot go as often as possible into the community as it would wish in order to supervise parolees.

The Chairman: Just to add a little piece of information about the research recently concluded about optimism and pessimism in relation to juvenile probation officers' recommendation to the court, the observation made by the researchers was that juvenile probation officers recommended an institutionalization of the youngster, not so much for the purpose or in the hope that he would be helped, but primarily in the absence of some alternative, whilst recommendations for probation have more positive, more optimistic ingredients. I do not know

whether it is your observation, Mr. Rudik, but it is your turn to speak.

Mr. Rudik: About the parole investigation, while I agree that the prison authorities should prepare the pre-parole report, I disagree if the prison authorities alone have to prepare it. I think it is not enough for the prison authorities alone to prepare the report, because the prison social worker sees only how the prisoner is functioning in the prison, he often knows only what the prisoner tells him, he is often not realistic enough about what is going on outside and how the prisoner could fit into free society.

I think a kind of a pre-parole investigation report should be submitted by a parole officer. I am not now taking into account what setting the parole officer belongs to. But he should still, during this preparation time, create a kind of relationship with the parolee, and work out together with him a rehabilitation scheme. Of course, to a certain extent this will force the prison authorities to prepare in time their pre-investigation, pre-parole report, and to submit it on time for those who are going to be candidates for parole.

Dr. Shihor: I would like to agree with Mr. Rudik. I also think that the notions of Dr. Burnham about information systems will create points of linkage between the different services. If we try to meet the problem of inter-organizational conflicts, the result could be very productive. When we talk about an inmate who is going to be released, we have more than one facet. We have to know what happened up to then and what will have to be from now on. Therefore I guess there should be some kind of quite close cooperation between those who know him from the setting of the prison, from his institutional behaviour, his institutional problems, adjustment and so forth, and someone who can envisage his possible functioning in the community by knowing the available sources in the community, the general feeling in the community and so forth. In other words, although it might sound a little idealistic, the social service in the prison plus the prison administration plus the parole officer should get together in a kind of planning session which would also involve the inmate himself, and try to agree some short term cooperative action. I want to repeat that the prison can be involved in parole, that is, in the pre-parole preparation of the inmate. I know from

a very well documented work published recently in the United States that pre-parole preparation in the prison did not make any difference there - I will probably refer to this again tomorrow when I deal with the evaluation of results of parole - but I think that from the performance of parolees who participated in the pre-parole preparation in that study they did not do so properly. I believe that there is some place for work with the inmates in the prison setting before parole so that they know where they are going, what is awaiting them, what they have to face when they get out, in other words, some kind of pre-release preparation in the prison setting can, I think, be a positive factor. If we accept the idea that some kind of research should go along with the whole process, the results may well not support this optimistic assumption, but at least in the beginning, it is a matter that calls for consideration.

Miss Admati: I believe that the prison authorities are helped by the reports from probation officers, from social workers outside, when the prisoner comes in and they can in a couple of sessions with the prisoner decide on the information they have so received the kind of treatment the particular prisoner should get



during the time he spends with them. When the time comes for the prisoner to go out, I think an outside person can evaluate better all the conditions outside the prison, the tools available to help him to adjust. He could get the reports that were before the authorities when the prisoner came in, all the evaluations made during the time in the prison and then after some interviews with the parolee, and in association with him, choose the best course in the circumstances. In this way, the interviewer will have the first point of contact for beginning a treatment relationship while the man is in prison. It is very important if one begins at the same level during treatment and gets cooperation when a recommendation to the Parole Board is required.

Mr. Cohen: Mr. Shavit made the very dramatic recommendation to abolish all selection out of a rational assumption that time would be gained or that there would be less loss of time. But perhaps in selection, or rejection as he called it, there might be an irrational element too; to identify a parolee and to say to him, "You are an undeserving case," rather than "You are a person unable to utilize our services."

Dr. Burnham: First the question which was raised by my colleague, Dr. Shihor, about information systems. As a result of a brief conversation with our present chairman, it has been made clear to me that I should have been a little more specific in talking about one aspect of information systems and that is that there is more to an information system than simply collecting information, that, as I am sure all of you know, case files on individuals get loaded with bits of paper, quite often either contradictory or repeating themselves. An information system is not simply a means of passing piles of paper around the country more quickly. Any system worthy of the name must be selective, the information has to be revised at intervals, to make sure that obsolete, or unsupported or any other unhelpful data is removed from the file. In fact the whole business of running an information system is a technique, a specialty in itself, and nobody is very good at it. There is no country in the world where it has got very far. Perhaps in the U.S.A. they do it best, and the thing that has made them do it best is not the amount of money that they have to spare but the advent of the computer and

the use of the computer for information retrieval, because it is more difficult to put garbage into a computer and not make this very clear. While I was at Berkeley we were able to describe the process as a change from GIGO which was Garbage In and Garbage Out to SGIGA which was Sophisticated Garbage In and Sophisticated Garbage Out. You have a very good opportunity to set up not a necessarily sophisticated but at least a clean information system and one which will not suffer from lots of bad habits. It is very important to emphasize that the desirability of including some kind of filtering system so that the data you have floating around is information worth having and not just more and more of the same, which may not help anybody.

The second point concerns the question of selection raised by Mr. Shavit. It will make a nice change if I disagree with him in one specific respect. In the discussion concerning the exact role of the voluntary society which took place this morning - a discussion in which no one I think said there was no role for the voluntary societies - the only difference of opinion was exactly

what this role was. It became clear that everybody felt that the voluntary societies are the appropriate people, the only appropriate people to deal with certain kinds of cases. There are other cases, particularly the ones I suggested require sanctions, where their appropriateness is a little more in question. Now if we are in fact going to say that certain sorts of cases should go to professionals and other sorts to the voluntary societies, we have at once a decision problem, a selection problem. Whether this is done by a prison selection board or otherwise is really an administrative arrangement. Somewhere and quite early in the process the distinction has to be made, and therefore, for this reason alone, the whole question of selection cannot simply be sidestepped. It has got to be faced somewhere and somehow.

Mr. Shavit: I should like to make one or two further remarks, following up on the discussion so far and mainly in order to correct an impression which has manifested itself also in some of the preliminary papers, according to which one sees the task of the prison service as an effective quarantine institution, according to which one

sees the prisoner as a passive receptacle and according to which the question of rehabilitation arises two and a half months before his release. This is a view which really amazes me when it comes from people who deal with this matter, as most of us here do, day in and day out and should know differently. Of course, this is not the task of any prison service, I think, anywhere. The question of rehabilitation arises on the day the prisoner is received into prison. It is an ongoing process and although I would not say that everything done with the prisoner is informed by it, certainly many of the things which are done, many of the decisions taken during the time of his imprisonment, are informed by his eventual rehabilitation needs. The question does not arise for the first time a few weeks or a month or two before he may be released. As result of this ongoing process a great deal of planning is done right through the period of imprisonment. A number of factors play their part. The social worker has a rather central role but certainly not a sole one. The decision where he is going to work, what he is going to learn, are essential elements. The

questions of where he is going to live, when eventually he is to be released, arise already at the beginning of the prison sentence. To view the problem in any other manner is, to say the least, naive.

Judge Azulai: When I think of the rehabilitation of the prisoner, I think about the parole system you are going to adopt. As far as I understand it, the parolee or the candidate cannot be freed at once. He must pass through certain stages and therefore through different systems. I have said already that there is a day parole system, during which it is possible for a voluntary social worker or a professional social worker to follow him up and see how he is behaving. He may be sentenced to periodical imprisonment and here again he may be followed up. He may be, as in Japan, sentenced to homework and after that a final report is submitted not by the prison authorities but by those who are following him up when he is outside the prison walls. As has already been mentioned, once a man has decided to leave crime he will leave it without any parole at all. From my experience, I know that very well. But if he is to be helped, then the matter must be seen not within the walls of the prison

but outside it, because there is a big difference between a man who is sleeping within the walls of the prison and the man who is outside with the liberty of moving about freely, of seeing his family, of working and earning a living and so on.

Dr. Tjaden: I fully agree with Mr. Shavit. If you decide that the parole service is a function of the prison service, then it is entirely your responsibility to make a report with recommendation for the Board, as it will be your responsibility for the follow up outside the walls when he is granted parole. But if you decide that you will not have a parole system as part of the prison system, then to repeat what I have already said, it seems to me a necessity that after the prison organization has made its reports and its recommendations, has collected all the material about the way to help the man to re-integrate, after that report from the prison organization, you have to have an additional report from a parole or probation officer who knows the situation outside the walls better. I do not know your country sufficiently but I suppose that with so many difficult problems, with different groups coming from different countries and living in

different quarters, it is essential for the probation or parole officer to collect material on how he will return to society. A person working outside the prison system who knows all the difficulties from outside, especially in the district where he is working, must present a critical report and evaluate the prison report and give his recommendations. I do not want to be too critical, but in my own country we have sometimes had the feeling that the prison service thinks to itself: "Now we have done all we could do with this man and there is no sense in keeping him longer in prison. We might as well give him a chance to go outside and let the probation officer try to do something with him." What I wish to stress is that it is very worthwhile for the probation or parole system to take over the responsibility for the follow up. It has a much better chance of carrying out the decision of the Parole Board. I believe it is a necessity that after the prison report there is a follow up. It is not so much the work of the prison system generally to make a report, but it may cost a lot of money and the prison system already knows the man a long time and it is easier for it to make a report than it is for the probation or



parole system which does not know the man. It is of course worthwhile to get additional material and additional recommendations but it is up to the decision-making Board to decide on those reports.

Judge Kwart: A few words about selection. Now, Mr. Shavit was speaking about those who have been imprisoned for two years or more, about 600 out of 900 who are usually released. We in fact intend parole to apply not only to these but to all who have been sentenced to one or one and half years. This will raise the population to perhaps 1,200. In any case there may be other people in need of treatment as much as those who are undergoing long sentences of imprisonment. I am not sure whether the manpower of the new service will be able to cope. In any event, selection will be needed, because there will still be probably many cases in which only care is required and not treatment, or perhaps no treatment and no care at all.

Then, there may be a second selection, and not for client selection, but for reasons of public policy there will be a recommendation not to release the prisoner, be it because he may be still dangerous outside or for any

other reason. This is a third group which may come for selection before the Board.

And then as to the reporting agency, Now we have heard two different views. I think a compromise may be worked out. The main work, the main report, should be made by the prison officer who knows the prisoner and who has seen the previous probation report. But the prospective parole officer should complement it with observations of his own, although this will involve the danger of his being too much occupied with preparing reports, of the danger of which Mr. Shavit so rightly spoke.

Dr. Horovitz: I would like to refer to the complaint made by Mr. Shavit that when talking about prison treatment as a preparation for parole, we consider prison as a kind of quarantine station. I think we must, at least I would like to, make clear my own position. We do a disservice to idealize and, in my opinion, prison is an inherently bad social institution but a necessary one. And rehabilitation done in prison is done under the most unsavoury circumstances. We want to educate and rehabilitate the person and yet we put him into the most artificial environment, exposed to contamination and so forth. I

do not have to go into the details.

It is untrue that entrance into prison is the first stage of the exit, and the interim stages are all planned towards release. The prison has many functions which work against rehabilitation - the custodian function, the function of punishment and the administrative needs of the organization. I do not want to go into that either. Yesterday we discussed the same problem under what we called good behaviour.

Those who are engaged specifically with rehabilitation, actually have a few additional tasks. First of all, they have to see to it that the prisoner does not get worse because of the prison conditions. Secondly, they have to serve the administrative needs of the organization in many ways. Only thirdly, do they serve rehabilitation needs. What priorities are assigned to each one of these functions makes very much for the difference in the prison systems, between what we call a good prison system and a bad one.

Dr. Silfar: We are going into the details before deciding what the legal frame of the parole system should be.

Mr. Shamgar proposed two systems, the one a selective

one and the other a compulsory one. I am not so sure which kind of system will be accepted. Every parole system must have its own structure and its own selection possibilities.

I think Mr. Shavit is right when he says that if we have a general parole system, where everybody is eligible for parole, selection in the way we do it today is not necessary.

My second remark is that I must disagree a little with Dr. Horovitz, and I think I have the right to do it, because I am not a prison officer par excellence, and I am even not a double agent. I am a very one-sided treatment agent in the Prison Service, not only because I belong to the Ministry of Health, but because of my personality and my nature.

We must make a historical review. In every country, the development of the prison service has gone on its way according to the cultural, political and social background. I have had the opportunity of visiting several European countries. My aim was to visit the therapeutic institutes and not the prisons but I saw these also. The difference between Israel and European

countries is that the institutions in Europe are divided into two main types, custodial prisons and treatment institutes. And there is a very great difference between a Dutch prison and a Dutch treatment institute. I have seen Dutch prisons where there are 500 prisoners with one social worker. And I have seen Dutch treatment institutes, where there are 150 prisoners and clients, with 250 personnel. I have seen a number of clinics where for every patient there were two therapists. But in Schevningen near the Hague, there is a prison with 500 or 400 prisoners and 1 1/2 social workers. I visited the Selection Institute of Holland, the Classification Centre, and found 1/2 psychologist and 1 1/2 social workers.

In Israel, the situation is quite different because we cannot afford to build treatment institutions and because we have Jewish sensitivity. For this reason, we have tried to establish some kind of therapeutic atmosphere in the prison. It is not a question of whether we are doing it well or not, but the attitude of our workers is a therapeutic one. Nor is it important what we are actually doing, maybe we are understaffed, maybe

we are not well trained, but the spirit of our therapeutic work is really therapeutic and a very sensitive way of work.

I was very astonished that somebody should think that we are living in a social and cultural vacuum. Dr. Horovitz, we are involved people. We read the newspapers, we have contacts with society, we work on a community basis. Every one of us is engaged in other kinds of work, too, and not confined to the prisons. We have very extensive and intensive connections with all of the therapeutic institutes in Israel, and I think it would not be fair to us to think that we live in a world entirely confined to prison. If this were the situation, we would have to go home. I think that our personnel, our social workers and our staff in prison are a progressive group of people. I have had the opportunity to speak with these people and I know very well what their points of view are.

I think it is not important which kind of an organization does the selective work. What is important is the kind of personnel doing it.

Dr. Horovitz: I do not want to be misunderstood. What

I said is not a reflection on the people working in the prison. For the conditions in our prisons, we are all responsible, and each country has the prison service it deserves.

Mr. Hovav: Ten years ago I did some research on rehabilitation, with the Division of Young Prisoners from Tel Mond Prison. The results were, first, there are no significant relationships between behaviour in prison and predictions of recidivism. Furthermore, there are significant cases where bad behaviour was an indication of non-recidivism.

Secondly, parole is important for strengthening the released prisoners; good-will for being law abiding citizens is not enough. Mainly, they return to their normal criminal friends and cannot stand up against the pressure. Thirdly, the crucial period is the first month, not the first six months, for strengthening personality and the ability to stand up against former friends and home. Finally, I think that the prison service in Israel had, and has now, the means to establish a parole system in the framework of the prison law. The fact

that it is not established here now is not because of the lack of legal grounds or legal possibilities, but mainly because of the priorities of the prison service.

Dr. Busch: We cannot doubt that it depends on the personnel to work the system, or deny that the institution itself has an influence, as much as the question whether good or not so good people work in it. That can also be seen in the minimum rules of the United Nations, which in my view are far too little. In Europe you find a number of institutions where up to 2000 people are kept in one prison. They have just now built one in Paris to hold 3000 prisoners. The United Nations in the 50's recommended that institutions should not hold more than about 250 people. This is not a problem for Israel, also not for Switzerland where such large institutions do not exist at all. For this reason, these countries have possibilities which we in Germany do not have because we still have these large institutions.

But there are a number of factors concerning the influence of the institution which are independent of the size of the institution. It is still assumed far too often that institutions have to be closed institutions. We have



recently attempted in Germany with juveniles to introduce a graduated system with a great deal of security at the beginning of the term and a more open system at the end. It has now been recognized that the gradualness will be an individual decision for every individual inmate from the beginning. This is seen by the inmates sometimes as an injustice. The inmate cannot understand the therapeutic needs for such decisions. If he were able to recognize it, he would not need to be imprisoned at all.

These factors still have to be researched a great deal more. We know far too little of the influence of such feelings of injustice. We also know far too little of the influence of large bodies of people on the individual and of the effects of a large concentration of people with similar weaknesses.

I do not believe that we can solve the difficulties by introducing into the system a number of people with positive personalities, professional treatment people. I believe that sociologists should occupy themselves far more with existing institutions rather than with theoretically desirable ones.

Dr. Tjaden: It is quite right that in Holland you find a

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Dr. Tjaden: It is quite right that in Holland you find a

division between prisons with little treatment and institutions with much treatment, but it is not right that we have an institution in the Hague where the maximum is only 150. In principle you are right, that different institutions have different numbers of professional people giving very intensive treatment.

But I only want to add that in those institutions where you have a great many special officers and qualified people, social workers, psychiatrists, and the results of the treatment as well, the government wishes to have in addition a report of the parole system outside the institution. The position is then that with the observations you have made, the man has a right to come out if he has had good results with our treatment, but before he goes out, the Minister of Justice wants to have a full report, with recommendations of the probation system as to what they think about the proposal. He reads it critically, gives his recommendations and tries to find a solution for the person's return to society.

Dr. Amir: I feel pretty much that the discussion has deteriorated into a different kind of subject. We were supposed to discuss the relationship with other organizations, what I call relevant bodies, be they the police

or the social agencies. And now we are discussing what sociologists know about the differences between processing institutions, changing institutions, the relevancy of changing people. I think we have missed the point here. If we are envisioning a parole system, we should specify what would be the relevant organization we are speaking of, police, employment services, etc., and stick more to what should be the relationship between them. We know that prisons are different, that organizations do have an effect on inmates. We know that psychiatrists with good intentions tend to submit to organizational demands. We know the differences between institutions in terms of their using, keeping or serving. All this is known and it is not our problem.

It would be a truism to say that the aims of a parole system are those of the whole complex of law enforcement and correction agencies: the protection of the public by reducing crime. It would also be simplistic. More specifically, a parole service is expected to contribute to the maximizing of the effectiveness of correctional intervention by concentrating on that period of time when

the offender leaves the prison and has to re-integrate into society.

The aims of parole may be more usefully examined under these headings: supervision, assistance and advice, and treatment.

As to supervision, parole is of course conditional release from incarceration, and a parole service is expected to supervise that the parolee fulfils the conditions imposed upon him. The following points may contribute to the discussion: (a) supervision should not be confused with surveillance - the latter is a function of the police force; (b) conditions and limitations, once imposed, must be enforced with consistency if the system (and behind it, the authority of the State), is not to be brought into disrepute, yet, a modicum must be found between consistency and a desirable amount of flexibility; (c) American experience shows that a percentage of parolees are returned to prison not for a further offence but for violating parole conditions; if supervision is to

be constructive and not self-defeating, parole conditions have to be few, essential and enforceable; (d) there are some research findings indicating that parole success is not necessarily a direct function of the strictness of control over the parolee.\*

**Assistance and Advice:** An essential task of the parole officer is the smoothing of the path of the parolee so that both the demands of society and his own needs are met. Oddly enough, we can only surmise what the latter are: no thorough assessment of the needs of a released prisoner has so far been made.\*\*

**Work placement:** Employment is an obvious need, ensuring not only income for livelihood from legitimate sources, but providing also a yardstick by which the community will estimate and reaccept the released offender. The help of the parole officer is needed not only because prejudices in the community might cause

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\* D. Glaser, The Effectiveness of a Prison and Parole System (1964), ch. 17.

\*\* J. P. Martin, "After-care in Transition" in Grygier et al. (eds.), Criminology in Transition (1965).

difficulties in the finding of a job, but also because initial instability can be expected even in the best of cases, until the parolee settles down at work which is both satisfactory and satisfying.

The parolee about to be released is usually under pressure to show that a place of work is awaiting him. This often results in spurious "evidence" of jobs.

The following points should be considered: (a) that success of parole is greatly influenced by a steady work record is not only suggested by common sense, but also confirmed by research findings;\* (b) the same findings indicate that arranging jobs before release do not necessarily result in fewer subsequent convictions.\* Other investigations showed that parolees who had jobs arranged for them by their parole officers had even worse records than those released without jobs;\*\* (c) a further study showed that parolees who got jobs through their

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\* Glazer, op. cit., pp. 327-333.

\*\* California Dept. of Corrections: Special Intensive Parole Unit (1956-59).



own or their families' resources had the best success rates;\* (d) the success of the parolee to find his own job will frequently depend on the Parole Service's ability to advise and direct him to suitable openings and at times its ability to generate employment opportunities. This suggests the advisability of appointing a liaison officer whose special function would be to be in close touch with the Employment Service and other community agencies as well as with individual employers; (e) in the case of parolees who have participated in the Work Release Scheme, the experience gained during that period will be of great value for subsequent work placement.

Living accommodation: The problem arises when his family is unwilling to accept the released prisoner or he is unwilling to return to his home, and intervention with the family or the prisoner has been of no avail. There will also be some cases where in the opinion of the prison social worker or the parole officer, return to his home would be detrimental to the parolee, or where he is homeless.

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\* J. M. Stanton, "Is it safe to parole inmates without jobs?" (1966) Crime and Delinquency, 147-150.

Israel has a housing problem, particularly for those without means, and the Parole Service cannot be expected to solve it. It must, however, face the need to help find for some parolees temporary accommodation or more permanent lodgings of the furnished room kind.

Acute problems sometimes arise with released prisoners of the inadequate, dependent kind, also the mentally subnormal, who need not only lodgings but more of a home that provides acceptance, warmth and care. The solution of a Hostel will be discussed below. The need for the setting up of a rota of foster homes, willing to accept adults (and possibly paid when not occupied) should be considered.

**Financial aid:** The Parole Service should have an adequate operating budget to cover the following contingencies: temporary financial aid to cover board, lodging, fares and pocket money until receipt of the first wages; assistance with urgent, unexpected needs not within the purview of the existing social services (or where the avoidance of delay in meeting the need is vital); to pay, in case of need, for private psychological assessment, psychiatric consultation or medical treatment;

to pay the out-of-pocket expenses of volunteers working with the Service.

The setting up of a revolving loan fund should also be considered.

Advice, mediation: A usually undefined but essential activity of a body such as a Parole Service is the provision of accurate information and advice as to services and help available, and of mediation between the client and the existing social services. With the experience thus gained, the Parole Service should be prepared to stimulate and organize needed services.

Legal aid: Many released prisoners have problems where legal aid is necessary. They include questions of ownership or lease of houses, unmet part-payments, IOU's for purchases made before being imprisoned, etc. Being frequently indigent, they are unable to engage a lawyer, and the existing free legal aid service rarely meets the need. Through ignorance, or by default, they get into increasingly deeper financial difficulties, with its attendant dangers.

The Parole Service should consider obtaining the cooperation of a number of volunteer lawyers who would

be prepared to give free legal advice and some limited legal services.

The following points are up for consideration:

(a) the Parole Service should be in the position to help find parolees temporary lodgings as well as cheap furnished accommodation; (b) the setting up of a permanent list of foster homes for adults, possibly paid for when not utilized, should be given consideration; (c) the Service must be provided with an adequate operational budget; (d) budgetary allocation for the setting up and operating of a revolving loan fund should also be allowed for; (e) parole officers should be in a position to give up-to-date advice on existing community services; the Service should generate needed services which are unavailable; (f) the provision of free legal aid, run by volunteers, should be considered.

Treatment methods: For reasons which are connected with the history and development of social work, treatment in correctional services are traditionally influenced by psychiatric theory. The higher its professional self-regard, the more is it likely to concern itself with the individual and his emotional deficiencies and problems;

the more will it tend to see the offender as a disturbed person for whom some form of psychotherapy is indicated.

The method of therapeutic intervention may change with trends and fashions: individual and group therapy, casework, groupwork, counselling, guided group interaction. But three characteristics can usually be discerned: the view of the offender as a deficient person, lacking the necessary insight into the motivations of his behaviour; paucity of the stress laid on his reintegration into his family and community; and the conviction that the method of choice is suitable treatment for most, if not all offenders.

Yet there is mounting evidence that these forms of therapeutic intervention, as applied at present, do not achieve their desired aim. As a recent authoritative document\* put it:

"Experience with (these)... programmes indicates that generally such efforts have only marginal bearing on an offender's success or failure. This ... does not deny the importance of increasing individual capacity, but it does make clear that correctional techniques are nearsighted when they

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\*Task Force Rpt. Corrections (President's Commission on Law Enforcement) (1967), p. 30.

fail to take into account and make needed changes... within the community that will encourage his reintegration into non-delinquent activities and institutions."

On the other hand, a strong case has been made out for the differential treatment of offenders, basing the choice of the method to be used on careful psychological and social assessments, and for working out treatment/offender typologies.

A newly established Parole Service is in the enviable position of not being bound by established traditions. It is also able to organize its work from the very beginning in such a manner that its treatment methods and their outcome are capable of objective assessment, so that conclusions as to desirable changes can be drawn periodically.

The following points are therefore offered for discussion: (a) individual and group forms of treatment should be used by the Service; (b) the choice of method (or the possible conclusion that treatment is superfluous) should be dictated by clearly established criteria and arrived at by a differential diagnosis; (c) an attempt

should be made to work out a treatment/offender typology, valid for the Israeli scene, and updated from time to time; (d) on the assumption that reintegration into the family is vital, stress should be laid on developing and using Family Therapy methods; (e) on the assumption that the parolee faces difficulties in re-entering his community, Parole Service offices should be located close to centres of high crime rate areas and to available community resources. At least part of the week they should be open in the afternoons; (f) the organization of the Service should provide, from its inception, for built-in ways and means to assess and feed back the outcome of its operations.

Caseloads: It is obvious that caseloads which are too large are bound to affect adversely the most devoted and highly skilled supervision and treatment. It is difficult to state with certitude what the ideal size of a Parole Officer's caseload should be. Some experimental studies done on the subject indicated 35 cases per officer to be the optimum, but that included the preparation of Pre-parole Reports. (1)

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(1) S. Adams, "Some Findings from Correctional and Caseload Research," (1967) 31:4 Federal Probation, 48-57.

Timing: On the evidence available, the most critical time for the parolee is the initial period. The American experience is that most relapses occur soon after release from prison, nearly half of them within the first six months. (2)

The following points should be related to: (a) for the new Parole Service to succeed, it must not be overloaded with cases. The maximum number of cases per Parole Officer should be established by the Parole Service and adhered to by the decision-taking authority; (b) the most intensive period of supervision and treatment should be the first six months. If the Israeli experience also confirms that after the initial period supervision can be reduced, that would enable the Parole Officer to take on additional cases after the intensive period is over.

Ancillary Services - Psychological: The psychological assessment of parolees seems essential for the decisions to be taken as to the methods of treatment to be used; possibly also for the intensity and length of the supervision. Since the tests found to be useful for these purposes are not identical with those commonly used by clinical



psychologists in psychiatric settings or by educational psychologists, it seems desirable that the Parole Service engage its own psychologists who would then be able, by specializing in this field, to render the relevant information.

Psychiatric services, treatment of drug habituates: In view of the fact that the Health Ministry is now in the process of extending its system of Community Mental Health Centres, it seems preferable to use these community services rather than employ psychiatrists or develop separate programmes for the treatment of drug misuse. This is all the more advisable since it is not assumed that the problems for which these services are sought are specific to  $\alpha$ -offenders.

Hostel: As has been mentioned, there seems to be a need to set up a Hostel to receive, for a transitional period, the inadequate, the overly dependent and the mentally subnormal who so often fail again for lack of such a place and who otherwise might not be found suitable for parole. Such a centre could also be used to house the temporarily homeless parolee.

For discussion: (a) it is desirable for the Parole Service to develop its own psychological services;

(b) for psychiatric consultation and treatment, it seems more desirable to use - and possibly stimulate - the community psychiatric services; (c) the above applies also to the treatment of those habituated to drugs; (d) the desirability of setting up at least one Parole Hostel in the country is indicated.

I have made some points about what I believe are the mistakes of all the treatment organizations so far, including my own, as to what I believe are the mistaken ways we have adopted and adapted things which originated from psycho-analysis and are now interpreted in somewhat different ways. Basically, in my view, far too little stress is put on the re-integration of the offender into the community and far too much stress upon regarding him as somebody who is lacking something. What he is lacking may vary with the different schools of psychological or psychiatric thought.

I suggest that this is a subject for discussion not only because it is interesting, but because we have an unrepeatable opportunity of starting up a new treatment service right from the beginning, according to what I would like to suggest are the correct lines.

I mentioned that whereas psychiatric services and services for the treatment of drug addicts may not necessarily be the specific task of the Parole Service (although they would treat such people, they would not have to evolve their own specific services), I do recommend that specific psychological services should be developed, particularly because it is my belief that clinical psychology, as it has developed up to now, with its projective tests and its stress on personality, does not really meet the needs of those dealing with offenders who are to a great extent, in my belief, not psychologically sick but basically normal, with behaviour problems that are not normal. Therefore, psychological testing that stresses abnormalities of the personality are not particularly useful, although for traditional and other historical reasons, we still stress things like, well I would not want to say penis envies, but certainly castration anxiety, or latent homosexuality, things which are completely meaningless if you are going to help a youngster or an offender to re-integrate into his community.

My suggestion is that we have an unrepeatable opportunity of evolving psychological services along the

lines of those which have been started both in the United States and in England. Things like the work of the Grants, the Justice Inventory and the like, which have some meaning when working with people with behaviour problems.

During the morning and also yesterday several times, the question of the hostel was raised. It is my belief that there are several kinds of parolees for whom a hostel is not only advisable but even essential. For lack of time, I cannot go into details. I think there is a general consensus starting from the Attorney-General and including most of those present that at least one hostel in this small country of ours is a desirable need.

The Chairman: Mr. Shavit has emphasized the idea that the medical model, looking at the person as the target of intervention, would be too narrow a target of intervention. In order to achieve integration, one must consider not only how the person is integrating into his environment, but also how far the environment is ready to accept him and have him become part of it. What it does mean, using again Mr. Shavit's phrase, is the beginning of a new adventure, the establishment of a new enterprise.

To look at the problems from a broader point of view, that of the community or at least the relevant part of the community into which the parolee is going to integrate and going to live, is the target of direct and planned intervention.

I take, as an example, the situation with teen-agers, although this is not what he had in mind. Their relevant environment would be their peer group, a group which is important to them, maybe even more than their family. Their behaviour is much more influenced and modified by peer group modes and norms, values and goals, rather than by the family. What it really means is that the parole service should not only look to the environment and have the youngsters adjust to it, but intervene into the environment, either directly by providing services in the environment specifically related to the youngster and his adjustment or indirectly by utilizing existing community services and focussing on the particular youngster's needs; or in the hope that the youngster will adjust, to intervene in a planned and direct way in the peer group and the relevant environmental elements in order to make it more tolerant, more acceptable, to

the youngster instead of focussing on the person - what I called before the medical model and might call the legal model - which looks at the person who committed a crime as being guilty, or better, punishable, as an individual.

We now have an opportunity which should be utilized to broaden the point of view, to approach the matter on a broader front, which might be more successful and more relevant for achieving our goals.

Dr. Tjaden: I agree with what Mr. Shavit has said, but I do not understand his last conclusion, that he wanted to have hostels for people going on parole. Of course it depends on the situation in your country, but when you want ultimately to integrate the people into society, I believe you have to use hostels as little as you can and instead to utilize, as you have said already, all existing institutions. You may have to promote the expansion and organization of some institutions, and that notwithstanding that all parolees are more or less stigmatized. You will have your part in these institutions and can counter aggressive tendencies against your clients. The function of the parole officer is to bring people into institutions ably staffed, for old people, for the feeble-minded, for

men and women, for young people and so on. We have many institutions of this kind in my country. I do not know the situation in your country. But I believe that the last solution is to have a hostel.

Dr. Burnham: What I have to say is very much what I have been saying for the last two days, but then, as we all know by now, all academics know only one thing and they are prepared to say that in an infinite number of different ways.

There is one sentence, Mr. Shavit, which I think deserves emphasis, and that is that you have a unique opportunity to start an evaluative system at the same time as you start your operating system. I think that the principle that should be borne in mind, before you decide what kind of data you are going to collect, is what kind of questions you want to answer. Obviously the authorities and the representatives of the various bodies, organizations and groups involved will get down to working out the details.

One of the first questions you must ask is: What is it that we are going to want to know in two, five, or ten years' time. Until you have clear in your own mind the

sorts of things you are going to want to know, you cannot start to draw up the list of information items to be collected. Only in this way will you be able to say in five or ten years' time that such and such a thing that you have done is good and such and such a thing is not, in accordance with your original ideas.

This means that the question of clarity of goals, what it is you are trying to achieve, has to be worked out first. I repeat again what I said this morning, that people from Germany or the United Kingdom cannot tell you what you should achieve. It is not appropriate for us to try to do so. As I have mentioned in another context, I come from a country which has a magnificent tradition of telling other countries what to do. But in this particular case, that is not, I think, what we are here to do. Our first function is to illustrate, from various countries, from the Netherlands and West Germany in particular, the complexities of trying to do this type of thing. The second is to impress upon you that you must decide what you want to do, decide it clearly and then start from there.

In other words, to start your plans, to start your



detailed arrangements without having decided what it is you are aiming at, will lead to a situation in five years' time when you will be unable to say how well you have done. This has its comforting aspects. If you cannot say that, you cannot also say how badly you have done, and this is a phenomenon in which the authorities in a great many countries take comfort.

This is, however, a double edged weapon. If you decide to go in for the collection of this kind of data, specifying what you are trying to do, then you are leaving yourself open to the possibility of criticism as well as praise. But if you do decide to take this brave course, you will be, I think, the pioneers in a way in which most academic criminologists and most people who devote their lives to thinking about how society should cope with the problem of social deviance would like to see develop. And so, for the second time in the history of the world, Israel would lead the way.

Dr. Silfan: I have been listening for two days and Dr. Burnham is right, we are always turning to the same points but always from a different point of view.

I have learned a lot of things in these two days and one in particular. I have a lot of friends and colleagues in this room, and I was quite sure in past years that we had a common platform and a common evaluation of the work we were doing. I am very happy to see that it is not so. Everybody has his own thoughts. And despite difference in opinions, we can work together.

Three main issues have emerged from our discussions. The first is the aim of the parole service; the second, the methods of the parole service; and the third, the means of control.

The aims discussed have been quite definite. What the control means are, I have not the least idea. I am not an academic working in research but I want to say a few words about methods. I had the feeling that everybody had some kind of anxiety about calling the child by its right name. I tried to do it because, as a member of the Release Board, I have some experience in this kind of work as do also Judge Azulai and Judge Kwart. I think that we have something today which is functioning, and functioning as our Release Board.

I have tried to find out what might be an accurate

method of putting parole into operation. I think that the Release Board can be a so-called Parole Board with its present composition and functions but with some changes, such as that every prisoner must be brought before it two months before the usual appearance as now, and at this appearance, we must decide whether we grant him parole or not. We have two months and in these two months the representative of the Parole Service and the representative of the Social Service can find a way to work out his parole program. I think that at this moment I would propose this way.

I have no idea which organization should have the burden of the Parole Service. It is a very difficult problem, and I am not the right person to decide or suggest, but I think that it must be a very very sincere and a very conscious decision.

I have a second suggestion. We must form a committee from representatives of the different departments and this committee should work out the conclusions of our seminar, and in a given period bring before the same forum their working conclusions and their suggestions for the future.

SESSION VI

THE SOCIAL CLIMATE

Chairman: Mr. D. Berman

Introductory Address: Dr. M. Hoffert

The Chairman: The subject of our discussion is the methods for creating a sympathetic atmosphere for the integration of released prisoners into the community. The speaker to introduce the points of discussion on this very important matter will be Dr. Miriam Hoffert, a social worker with great experience in the absorption of new olim. She was one of the founders of the community services and social work in our country, one of the first founders of our society, and she was for six years the Director of a School for Social Services in Kenya, and she is now working as an advisor for community problems in a few institutes.

Dr. Hoffert: How to create a more sympathetic or favourable atmosphere in the community for the integration of released prisoners. I do not think I can talk about methods as I have been asked, as that is a moral operational scheme which I cannot go into. I would like only to make a few suggestions.

I have to apologize in first referring to a few ideas which are already well-known to you, but for the sake of proper suggestions I have to stress them.

All of us know the community attitude toward the offender, the community as a whole, as a society. I do not have very much experience, with the exception of the United States and Africa, in this field, but in Israel we know that the community attitude toward the offender is, in short, that he belongs to the police and not the community. I am generalizing but on the whole that is what most people think.

The approach to the young offender is a little bit different. The social services and the educational services are generally blamed for having juvenile offenders. I have seldom heard that the community feels a kind of responsibility, not only for being involved in the process of delinquency but, with a few exceptions, that there is a kind of obligation to be involved with dealing with the problem of delinquency.

On the contrary, when something happens, the public always turns to the police. "Why have these

people not been caught?" And not only this. If we look at the newspapers, the stress is upon the police being responsible for keeping the community free of delinquents.

A second attitude is rejection and fear. The fear, I think, is much stronger even than rejection, especially in recent years with increasing violence. Because people are afraid, they are also more aggressive and believe less that something could be done by their own intervention.

Generally the community is full of prejudice against the delinquent and the released prisoner, and this results in an isolation, always in some kind of isolation. All the people who deal with released prisoners know very well that they have first to overcome rejection and isolation and to try to convince people to accept the prisoner.

In Israel, I feel, I do not know if I am right, but I feel that these attitudes are even stronger. There is a very strong feeling that Jews should not be delinquents, and particularly our new state should not have this threat to its being. This comes from some very basic values. The younger generation may not think along these lines but the older generation certainly does. We find in the

community also very positive attitudes. Many families do understand their own delinquents. And there are some exceptional citizens and professional people. But generally in the present situation there is a great demand for the authorities to solve this problem and less readiness to be involved in solving it.

Now, knowing this situation, what should be done? Why has not very much been done, I would not say nothing, to improve the situation? We know that actually no person can be rehabilitated if he is not accepted in some way by the community. It is not enough today to be accepted by the family. Even the family is influenced by the environment and many families would accept the delinquent if the environment, the communities they live in, would help and not have negative attitudes.

In the last few months, I have seen a type of publicity done for delinquency which very doubtfully helps the delinquent. It generally helps the institution or the Ministry or the agency doing some job in a certain field, like drug abuse or dealing with neglected girls, but I have not seen or heard on television or radio anybody

who has suggested that the community should be involved in helping the people, in accepting them. It was a kind of demonstration of fact, a demonstration of a problem, with the community accepting it passively. This is not the idea. The idea should be that the people should become involved through mass media. A lot can be done but it has to be worked out properly.

The problem is not just a show on the television or a discussion. It is much more, and it has to be focussed on involvement and the idea that once being a delinquent does not mean always a delinquent. You must not keep yourself out, but you have to go in because it is a part of you. This is, in my opinion, the most important thing that can be done, using the mass media.

The second thing is that the small neighbourhood to which the prisoner or delinquent is coming back, if at all, has not been used. The person sometimes does not want to return to his own community. That means he goes to an unknown community where he has no roots and may find another community of delinquents to join, unless we train the community and prepare it to accept him without prejudices.



In this respect very little has been made of an institution in Israel which is really growing and developing, the community council, composed of volunteers, all kinds of people from all countries of origin, who understand very well those returning because they are their own people. They have not been used officially by the agencies, including the Prison and Probation Services. These people do it on a volunteer basis as friends of the family and without being asked. This is a very good way to invoke a small community, and I believe that contact with the small community by professional people or a group of volunteers is a good way to introduce the idea of accepting people and dealing with their problems.

This answers another question that has been stressed during our discussions yesterday and today - that very often the professional people are middle class, social workers, doctors, and others, who are a little remote from the way of life, beliefs, customs of so many groups in our population. It is a fact that the training of social workers in Israel is such that most of them are the middle class, not lower middle class but higher middle class, who have had the opportunity to reach certain

educational standards and be accepted at the University. We are very, very sophisticated, but we do not have a social worker who understands the people, who can go to the neighbourhoods and work with people and prepare them to accept those who leave the prisons.

We should try to influence the agencies working in the neighbourhoods - I mean all agencies, social welfare agencies and others - to take on as workers local people who could help them to come nearer to the community.

I have seen a very interesting experiment which I would like to mention, of inviting the people to come and join community groups including youngsters. Experience has been quite successful. Many volunteers as well as government officials helped, but these were very much in the background. The volunteers and the community workers did it themselves.

One more thing I would like to stress. Actually nobody knows anything that has not been attempted before. In my opinion, the whole work has to be concentrated, it is not the job or the task of any single agency. There are many agencies dealing with problems of delinquency, preventive and curative agencies. The work is done more on

an individual basis, on a basis of casework or working with groups, but it has never been done on a community basis in the field. I believe that so long as we do not reach the community and develop community strength and change attitudes, not much can be achieved. I would not like to exaggerate. Much can also be done through individuals. But much more could be done, and if we could plan something to encourage the community to accept more favourably, to be more sympathetic, to be more involved with the delinquent.

I would suggest that a start be made by a voluntary agency, with the help of professional people in all fields of community work; an agency which could plan how to do it.

Dr. Tjaden: I listened with much pleasure to Dr. Hoffert. Probation has to be realized in a free society. And for that reason the attitude of the free society is of course of very great importance. I must confess that we in the Netherlands have made little use of research, except on this very topic, the attitude of the public.

We wanted to know the attitude not of all circles of the population, of all groups in general, but of different

religious groups, different social classes and the police. A rather large scale investigation was undertaken by a market research unit and we have evaluated the results. I am not going to give you any figures because these will not interest you, the situation in your country being quite different. I believe that if you do something similar, you will have to do it perhaps on a much larger scale because you have to deal with many more groups of different kinds of population, coming from different countries and from different cultures.

But I believe also, as a famous Dutch proverb says: Causes go before results. When you want to do something in this field, you have to start with good information about attitudes. And then with the publication of the results of the research in all the papers, thinking will be stimulated and public understanding promoted. And it is also a great help for probation officers. That was one of the reasons why we organized this research in the Netherlands, because then we could know better how to handle cases in certain situations within certain groups of the population. And for probation officers as well as for your volunteers it is very good to have some more

background information. I also think that typical kinds of crime - sexual crime, murder, and so on - call for deeper research.

Dr. Horovitz: I wish first to make a very minor point as regards Dr. Hoffert's remarks on the mass media. I think if television presents the facts and the problems, it should not suggest solutions. All solutions suggested by the mass media I think are suspicious. If mass media succeeds in presenting in proper form the facts and the problems, it will evoke community response in one way or the other.

(Comment: The way to cure the situation is here in the community.)

I do not want to go into that now. Another point, I think, which has not been made as yet concerns the process of de-stigmatization. If we want the prisoner to be accepted by the community, more must be done in the way of, to mention only a few, expungement of records, employment of people with previous records, both in the private sector and in the public sector. We know what the position is in the government. If we were to say do as you preach, then the position would be perhaps different.

A last remark. Ex-prisoners do not tend to organize themselves to take care of their own needs, because of the stigma attached, as other people with common problems might. What we do not have in Israel - as they have in some other countries - is a kind of a public pressure group to take care of these needs. When I suggested once to the Israel Societies for Rehabilitation of Offenders to take on such a responsibility, the response was weak. I suggested that the Societies for the Rehabilitation of Prisoners should be something like, or even better, than the Howard League for Penal Reform in England, a public group which would fight the government, fight the establishment and try to educate the public, to create services, to look after processes of de-stigmatization, and do all those things which only people who have no official connection with government are able to do.

Dr. Amir: A few isolated comments. Is it correct that the ex-prisoner is isolated? It is an assumption that he is isolated. However, on the one hand we hear that he easily gets involved back into his old primary group, peers, etc., and on the other hand we see him rejected by some institutional organization like, let us say, the Labour Exchange. He is rejected in love.

There is another problem. There was a study done, an obscure study by Golfinger, suggesting that when you compared the citizen rates among ex-prisoners - the two groups who were investigated, the Polish and the Italian - the Polish group tended to reject its members and even including the family. Ex-prisoners are thus left to themselves and since they are foreigners in other places, then it is not hard for them to get involved in delinquency subculture or criminal culture. The Italian community accepts their people immediately and happily - and therefore they have a good reason, and not bad reasons, not to continue criminals. Thus we have to say that for those who have where to go. the parole system will be involved mainly in referral, employment and the other services, and that will be the end.

Now another problem is that we did not take into consideration that there are some services and some organizations where anonymity can be preserved, such as the night school.

(Comment: That is out of the community.)

No, no. You can come back to Jerusalem and go to a night school and nobody will ask you "Where did you get

your last diploma" or elementary school certificate.

We should not emphasize the ex-con problem, that he is totally isolated.

Then there is the ex-prisoner organization. There are some good examples. One of them is in San Francisco, organized by John Irwin, who wrote The Felon. These are very strong.

(Comment: That is inside the prison?)

No. Irwin was an ex-prisoner, and he understood the problem. And - well, the part he started in prison was because of the politization of the prisoners. This is a group of ex-prisoners who are actually now guarding civil rights and human rights. For instance, they will stand bail for somebody in need. They will get him work, and in a way they will be his supervisor. You can use an ex-con or a parolee, or another kind of parolee more advanced in his "integration," as a guard or as a support, as they do in Alcoholics Anonymous.

I am not sure that the use of the word "community" in a vague sense is a help. We can use organizations and services in a community while maintaining anonymity. We do not have to say that a person was an ex-con or is an ex-con.



(Comment: It is very difficult to conceal.)

I worked as a volunteer with somebody who was a prisoner, and I picked up a phone and I called and I said to him, "You say nothing. I mean you present yourself as a - I'm your 'proteksia,' o.k. And that's all."

(Dr. Hoffert: This is a problem. He is hiding it. He knows that he is going to be rejected.)

Comment: Of course, he knows.)

What is the connection between him being a prisoner and starting a night school? Why has he to come and divulge the fact that he was a prisoner? Nobody asked him.

(Comment: He doesn't have to cry about it. But the question is --

Dr. Hoffert: After a month, what will happen to him when suddenly they find out --)

Knowledge is more important in love, in adoption. Those who are supposed to know will know. But they should accept it. He should be able to come to an organization and not divulge the fact that he is an ex-prisoner.

The Chairman: I wish only to say from my experience that we always say to the employers, we reveal the past of the man. Now there is even a shortage of labour. It is easier to get employment. But when there was a case

when we did not, and the employer found out after a few months, the man was immediately dismissed. So my experience, after 12-13 years, is not to conceal but to reveal the past and say that the man is trying to return to society.

Mr. Shavit: In this discussion so far there is one thing that strikes me as good and one thing that strikes me as bad. That is very often the case. The good thing is that I understand there is a general feeling, particularly on the part of the members of the Prisoners' Aid Societies, that there is a great need to meet some of the requirements of discharged prisoners, particularly in the community, and I understand that this was more-or-less a declaration of aims - that they are prepared to take upon themselves this part of the job. Now that is obviously very good.

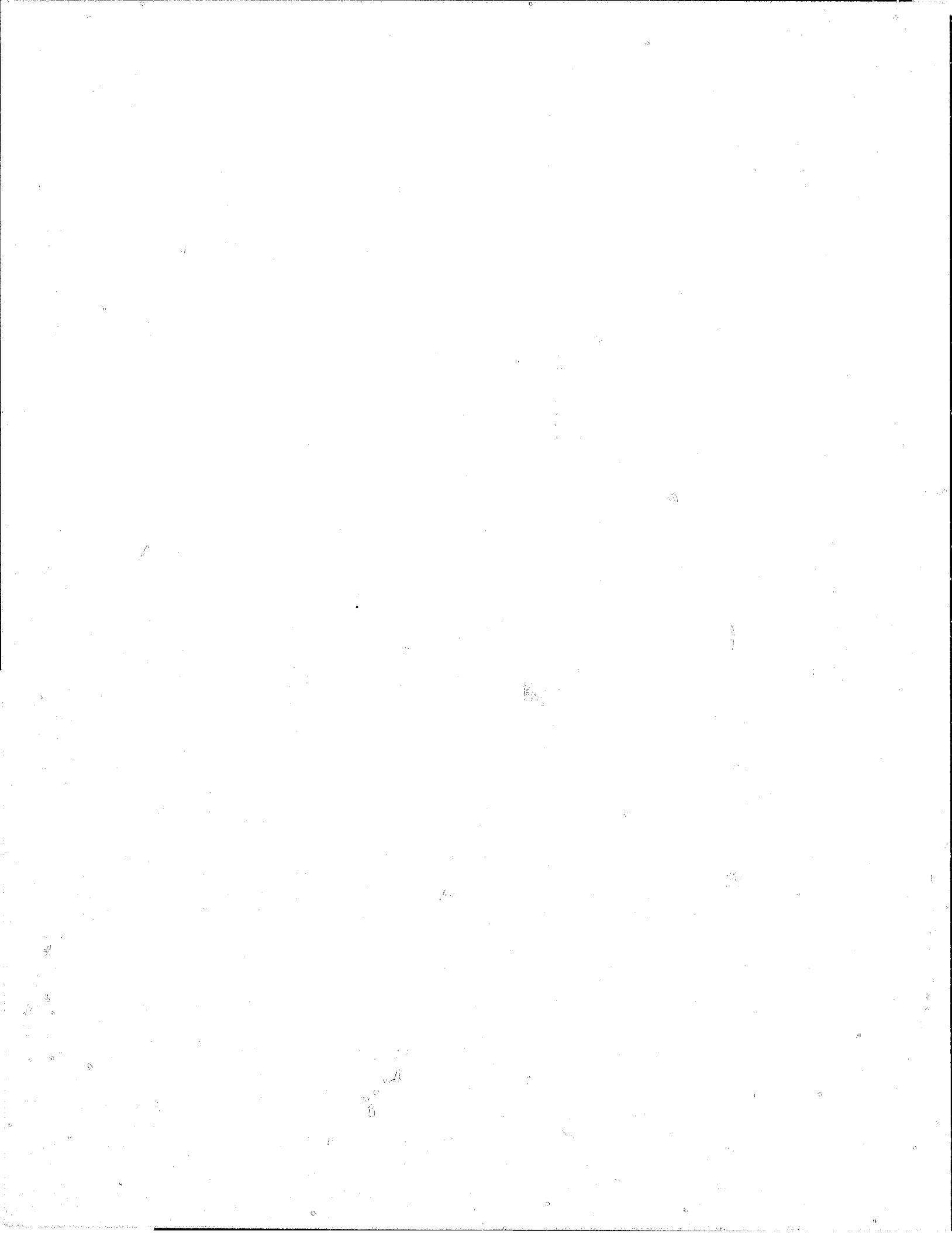
The bad part of the whole thing is that we seem to be talking about the needs of discharged prisoners and, allow me to say, that none of us have the faintest, foggiest idea of what the real needs of a discharged prisoner really are. We work on assumptions; we work on presumptions; we work on pre-conceived notions - possibly fed by our

middle-class values, possibly not. I feel that we do not really know where the main difficulties lie. Obviously we can pinpoint some difficulties from our daily work. We come across them. An employer who has rejected an ex-prisoner for having been an ex-prisoner is an obvious case in point. It is very visible.

I am talking about some of the other needs that are not so visible, and may be just as important, possibly even more important.

(Comment: These things are no different, let us say, than the Russian immigrant whom nobody talks to. And we may reject people not because of their criminal past but because they belong to a lower class, because they are Moroccans, or whatever.)

The point I am trying to make is that it would help us a great deal, both the parole service that is about to be born and the voluntary organizations that are about to deal with some of the other aspects and some of the other needs, if there would be informed knowledge of what the real needs of an ex-prisoner are. If, for example, the Prisoners' Aid Society would take it upon itself to commission such a study from one of the numerous criminological departments in this country, we would then know what the



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**3 OF 4**

real difficulties are.

(Comment: Why can't we have it from the social workers from the prisons?)

Because then you will get a very subjective view. I can give you my view. I have lots of views. I am not sure if I am right. I have no objective way, so far, of analyzing, quantifying and objectifying what I believe is true. I can give you a whole long list of what I believe to be the needs. I firmly believe them to be the needs. But I do not know. I am not certain at all.

(Comment: What inmates told you in 20 years, what are their fears.)

Yes, maybe I have selective hearing and I only hear what I want to hear. Is that possible? Maybe we are fed by the same organization, so where will we get the particulars if not from the source with the help of a more scientific investigation.

One other remark, and that about the movement of prisoner for prisoner. I have been following this movement to some little extent. If Dr. Amir followed it in the States, I have followed it in England, even to the extent that I get their newsletter regularly. I should like to

voice a word of warning. If the ex-prisoners are more able to help a recently released prisoner, that may be all to the good. But if ex-prisoners and recently released prisoners are going to be partners in the politization of the prison system in this country, in the introduction of that which is now a fact in the United States, it will be nothing less than a tragedy. So let us be very careful about it.

(Comment: Why is that?)

I think it will be a tragedy. If the Chairman will allow me, I would be glad to give a lecture on the subject, but in the meantime I think Dr. Horovitz's suggestion is a far more, shall I say, careful and reasonable one. There should be activity on the part of voluntary and other organizations who should serve as control of what goes on within the walls. I think that is very, very essential. I would take very great care not to make the prisoners themselves - ex-prisoners or present prisoners - that control commission, because politization of a prison population is basically and potentially very explosive. It costs lives, literally. We do not want it to happen here, and there is no real need for it.

(Comment: I think I have said once that the best way to operate for an association of the prisoners was inside the prison, under special rules. They must work when they go out, they must be honest, and so on and so forth. And if not, they will not be accepted at all.)

Dr. Burnham: I must say I am a little concerned about one of the remarks of Dr. Horovitz, although with most of them I agree. He seemed from his phraseology to regard love as an institution. I knew the School of Criminology at Berkeley had gone downhill. I did not realize how badly it had gone downhill.

But I want to take up a remark that has been made by several people and elaborate on it a little, and this is the question of the media. The function of the media appears to me to be critical and unknown. At the moment authorities in many countries are putting money into finding out whether violence on television is bad for children and this sort of question. This is going on everywhere. And it may well be that if we get the media involved, they will terrify everybody. This is possible. But I think one thing is quite certain. It is NOT certain that if the media are on your side, they will do a lot of



good. If they are not on your side, they will do a lot of harm.

It is absolutely imperative that steps be taken to make sure that the media do not, in their desire for spectacular news, destroy a lot of the good which is being done. This means that somebody has to get friendly with somebody in the media - in television, radio, press. I am opposed to the general idea of propaganda, as I assume most of us here are. It is not a desirable social phenomenon. And the line that can be drawn between social education and propaganda is often an extremely delicate one.

It is highly desirable that the media is given information which enables it to describe and publicize the constructive aspects of rehabilitative work to as wide a segment of society as possible. I was discussing this recently with a BBC man in England. Probably most of you know that the BBC has a reputation of being the best broadcasting outfit in the world - and the reason we know this is that the BBC tells us so. And it has just spent the last month celebrating its 50th anniversary in what has been described by one of its own members as

the "most magnificent exercise in self-congratulation" in the history of the world."

But I was making complaints to this BBC man that it is essentially as bad, despite its own view of itself, as anybody else. What it is interested in is the spectacular and the dramatic, which is normally negative. And he said, "But the trouble is you do not provide us with the information to make anything of moderate interest which is constructive and it is possible to do this. The Home Office is too secretive, the academic criminologists are either too clever or too busy, and the people in the actual services are too suspicious. So nobody ever tells us." And I think this is a thing you should consider seriously for a start. There is a regular supply of positive information which could be used for the media. It may not do much good, but at least, with any luck, it is not going to do any harm.

Mr. Rudik: I am going to disagree to a certain extent with Mr. Shavit, because I do not understand this special concept of needs of the ex-prisoner. I see the ex-prisoner as a human being, and his needs are as the needs of any human being. One problem only rates as a special

one, and that is his need to belong. What is his society? Either he belonged to a society before he entered prison, or he made friends while in prison. And when he comes out, it is the same society to which he returns. And our difficulty - and that is why we must be afraid - is to create a new group of belonging for the ex-prisoner. Because if we do not succeed in creating it, it is one of the reasons why he fails.

Dr. Burnham: I want to add one thing, and that is that this question of constructive public education, it seems to me, has been handled most outstandingly in the Netherlands. Dr. Tjaden explained this to us yesterday. I propose that you ask him to write you a detailed paper, when he gets back to the Netherlands, of how the Netherlands handled this, because it seems to me they have a lot that they could teach everybody else. I would be grateful for a copy in England.

Dr. Shihor: I just would like to make some very short and negative points. One, I might be mistaken but I feel that the discussion about the problem of organization of former prisoners helping each other is a little bit academic right now. As far as I know, of all those

organizations which are functioning, some of them are successful to a certain extent, but it is debatable what is exactly the success or failure in this respect. However, most or all of them were started by the prisoners themselves. They were not imposed by somebody who came along and said he was organizing it for them and that they should take it over. It was exactly the opposite. Sometimes, as I know, they had to overcome official opposition. But here we are trying to decide for them. I would say that I would be less anxious about the possibility of their going political if I knew that they are really running a good organization and helping each other. At this stage, we are really going into an academic argument on whether it would be good for them or not. As far as I know, there is an experiment in Tel Aviv where the Department of Criminology is trying to organize it for them, which I do not believe is the right way.

I also want to point out one serious problem which I see. In the current stage of development or the current stage of efforts in Israel, the situation for changing the social milieu toward experiments will be much worse before it will be better. Somehow public opinion and

probably also the social facts are such that there is more and more concern and fear in the public from criminal acts, from crime. There is somehow the feeling of a backlash. The public at large accepts and applauds recent get-tough acts of the police. In other words, right now I say that it will be not a very easy job to turn the tide. And I cannot give you a recipe how to do that. I just want to point out that at the moment I am quite pessimistic. I do believe that it is a very serious situation, a very serious problem. We should try to do something about it. But the situation seems to me very, very negative for this kind of development.

Mr. Hovav: I want to refer to Mr. Shavit's remarks about scientific knowledge concerning the social activity of the ex-prisoner in the community. I asked 100 released young prisoners from Tel Mond about their subjective feelings concerning the meeting with community agencies, employment, family, friends and voluntary associations for rehabilitation of ex-prisoners. I matched the rate of recidivism with the positive or negative feeling he had received, and decided that a direct positive correlation exists between positive re-integration with friends and

non-recidivism. Second was employment and recidivism. And very low was the family and the association of rehabilitation with recidivism.

Dr. Silfan: In the Department of Criminology in Tel Aviv we had an experience five years ago, and it was a wonderful and tragic experience, because we collected ex-prisoners from the white-collar category. They were the only people who were ready to come to us because the general delinquent population is very suspicious about every organized movement. It was a wonderful philosophical club, and this was the only meaning. And today we are discussing again this problem. My suggestion is not to collect white collar offenders, not to collect this kind of people.

We asked our ex-convicts or prisoners what their aims are, whether they were interested in this reunion outside, and we had a very interesting answer. "We haven't any interest to reunion together outside, because everybody has a social climate; everybody returns to his own district!" And he is not interested to be somebody out of context of his district because then he is a police informer. His main aim is to re-integrate in

his former anti-social or social climate. And there is something more interesting because we are speaking here about organization. I do not know whether you, ladies and gentlemen know, but one of the conditions of release is not to associate with other criminals. I think it has been political demagogy, something that we cannot afford because there is a little bit of difference between democracy and anarchy. I think that this kind of work must begin in prison, and in a very modest way. We try to do it. We have groups, and we try to prepare the prisoners to learn to live together with other people in several situations. And we think that they will be able to learn this way of life and afterwards to integrate.

I personally am very much against the organization of prisoners outside because they must integrate in the society and not form a sub-society. I have never heard that mental patients are organized in a Mental Patients' Society in Israel. I think that we must give people the opportunity to be integrated into the society and not to give them the feeling of belonging to prison. Because if somebody feels he belongs to prison he will go back to prison.

Dr. Busch: In Germany we had until two or three years

ago a Prisoners' "Trade Union," half of them inside and half outside. The Minister of Justice permitted this organization to introduce its newspaper into the prison. The first issue of that newspaper said that anybody who subscribed to it would get a credit to enable him to buy a car on his release. After that we had to stop the newspaper because we found that it was anyway a bit unrealistic. We did it because we found that it strengthens something which is present in the minds of the inmates anyhow and which is bound to be disappointed on release. The most dangerous members of these organizations were the young criminals, the people who organized this thing. They were mostly mentally unbalanced people who tried in this manner to help themselves. As an example, there was one who was a lawyer who in public life counted on finding a job and in this way he found himself an audience.

More interesting was the reacting of officialdom, particularly of the prison authorities. On their part, too, there was a completely emotional reaction. I believe that this phenomenon should be seen sociologically and psychologically - at any rate scientifically and not



emotionally.

There are two points involved. The first is that every released prisoner should enter the community as a human being and not as a released prisoner. The second is that ex-inmates, people who at any rate had difficulties of associating or cooperating with other people, will not become more capable of association and of cooperation because it is done in large numbers. Karl Marx certainly knew nothing about psychopathology, but he said that the lumpenproletariat is not capable of being organized, or politicized, politically organized.

I think the task is to try and make up for what these people did not learn in their youth. And whoever meets this knows that socialization - those in need of it - in small groups has not been successful. And whoever thinks that something which was not successful in small groups will now be successful in large groups is mistaken. There is a theory in dynamic psychology that after the age of 18 one can only associate with other people politically but not on other levels. My experience with youngsters of 18 to 21 does not bear this out. It is my view that association between two people of a satisfactory

character is necessary. They can then develop the ability to associate with larger groups of people. But if the association between two people - one means here between a therapeutic person and a client - if such a two-person connection is not successful, one cannot expect it to be successful afterwards with larger numbers.

It is a misunderstanding, a misconception, to want to do this step after step, it should be done parallel, one with the other. It has to go in parallel fashion. One cannot do it only with a big group, one has to start with the other, with fewer people.

Dr. Hoffert: It is true we have to go a very, very long way. Our mass media are not so experienced as the BBC. But one thing our mass media has learned is to use the people's love of sensation - especially the newspapers. When you read a newspaper you think the whole world are delinquents. One gets sick to read it. And I do not know why people love it so much.

(Comment: Israeli life is terrible!)

That is true. But I went through at noon the same experience I have had many times - specially with professional people in college. We started to talk about

something that they do not do every day or of which they have no experience and they were afraid. This is an intellectualist form of rejection and defence - to start to doubt the ABC of anything, like, "What is a community?"

I do not know what a community is. Maybe there are many, many scientific descriptions in books. But let us use our common sense and we will know what a community is.

What is more surprising, Mr. Shavit, is that you do not know what the needs of a released prisoner are after so many years. It suggests the need for research. After ten years you will know it, although in the meantime many things have been changed. This is a way out, but I think we should not suggest it.

There is maybe not a theory, but as a matter of practical experience, that when things start to be very bad and people feel uneasy, that is the best time to start to change. It is not going to be easy and it has to be planned. And an organization which is going to take over has to be very well prepared, trained, and has to learn the ways. But I think that we should start to change it. We should start now when people feel that something should be done,

and more and more fear and more discomfort is felt.

So far as I know all the prisoners, young and old, do not want to go back to their fellow prisoners. They would like to be integrated. But one thing that should be done, in my opinion, has not been done up to now. When prisoners come and tell you about conditions in prison or how certain agencies have accepted them, got them work and so forth, this information is not used. And I think it should in some way be used to the advantage of the prisoners. So it is not going to be a terrible thing if prisoners are going to suggest - maybe not as an organized group, but as people who have gone through this experience - to reform some things in the prison. Why not listen to them? These people can evaluate your function.

SESSION VII

EVALUATION OF RESULTS

Chairman: Dr. Sebba

Introductory Address: Dr. Shihor

The Chairman: The topic for this morning is evaluation of results. The question arises why discuss evaluation. It was already said in Wednesday's discussion on selection of criteria for parole that selection must be inseparably connected to the topic of evaluation. Why is evaluation a problem? The man in the street will say there is no problem here. You have, say, sex offenders some of whom have received parole and some who have not. Just compare the two groups and see who did better. Our correctional personnel are much more sophisticated than that and they will answer that you cannot make such a crude comparison. Those selected for parole were selected because they were better risks. So the correctional administrator goes along to consult the research methodologist or statistician and asks what he must compare to evaluate the results. The research methodologist will tell him that is no problem. The answer is random

sampling. All you have to do is to list your sex offenders and release only numbers #1, 3, 10, 14, 16 and so on. Since they are randomly selected, they are scientifically matched. Then you can see which group does better. At this, the correctional administrator is not altogether happy because he knows very well that if he is on the Parole Board himself or approaches it with this suggestion, the Board will say that it cannot do it, release a man just because he is No. 3. The Board may indeed consider No. 3 a danger to the public.

Apart from this objection, I know from conversations about penal administration with Dr. Horovitz that anytime a suggestion of this nature arises, Dr. Horovitz will ask, what about the ethical problems. Whenever I hear this expression from Dr. Horovitz, I always feel very, very wicked because I had not myself thought of the ethical problem.

I am sure that Dr. Shihor is well aware of these difficulties and he may perhaps have considered some alternative methods for evaluating the effects of parole.

Dr. Shihor: I think Mr. Sebba was too optimistic when he said that maybe I had found a new method, new ways

for evaluation. Probably something will emerge from my short discussion of studies which have been carried out. I am sure they are not the only ones, but I am familiar with them.

I must admit that most of these studies are based on American sources. The Americans are very involved in doing research, even if they do not precisely know for what, but they are doing it. Secondly, I am limited to the American scene because of my linguistic knowledge. Thirdly, as far as I know, in the United Kingdom, there are few evaluation studies on parole since parole is a relatively new feature there.

Dr. Sebba has already touched upon some of the problems of evaluation. In the evaluation of any kind of action programme, the first step has to be the designation of criteria for measurement of success or failure. In other words, if I do not know according to what standard to decide success or failure, I cannot evaluate anything. In the existing studies I have found that two main measurements were suggested. I will start with the less frequent one, the social or total adjustment of the parolee in the community, at work, in his social environment, in his

family and so on. I did not really find any studies which actually employed this measurement since it is not clear and it is very difficult to decide or to state when somebody is really totally adjusted. Is any one of us totally adjusted?

In a recent study by Kassenbaum, Ward and Wilner on Prison Treatment and Parole Survival, it is said that the level of functioning, or, in other words, adjustment may be relative to the life space or to the dominant norms of society. Again it is all very unspecific. For example, someone may be very well adjusted to his surroundings, although his surroundings are some kind of subculture of violence or delinquency or crime, and in this respect I do not think we can really take this as a measurement of success of parole treatment.

Discarding this criterion, I come to the one which is most common in parole studies and that is the extent of violations of parole regulations and of criminal behaviour during the period of supervision. Here we have a blending of two different concepts: how correctly the parolee abides by the different conditions which are set for his period of parole; and to what extent he commits



new criminal acts. Analytically speaking, these two things should be two different measures, but to my dismay I have found that in almost all of the studies that I reviewed, they were somehow intermingled and not very clearly distinguished.

As you know, these two measurements also have their own problems. The problem of regulation violation arises from the fact that, at least in the United States (and I hope that we will not commit the same mistake), the regulations vary with city or state and in addition are very numerous. I am fully convinced that it is impossible not to violate the regulations. I have with me some data on that, to which I will refer very briefly. There are States where a parolee cannot go out with his girlfriend without permission of his parole officer, where a parolee has to attend church, where he cannot buy a car without the parole agent's permission, and so forth.

Quoting from the same book, "Often legal dispositions do not accurately reflect the nature of the behaviour that led to the revocation of parole. In fact, revocation is the end result of a lengthy decision-making process that involves review of the parolee's behaviour, his personality,

past history, his agent's views, his agent's supervisors' views, and the views of the parole board, prosecutors and the police." There is such a conglomeration of different views and different decisions by means of which revocation can come about. Moreover, we have to take into consideration the problem of social surroundings, especially in the United States where local public opinion can have a very serious effect on decisions for giving parole or revoking parole. I do not know how many of you have experienced situations where parolees have committed some spectacular crime, and for the next half year it will be much harder to get a parole release than it was before. I do not have to mention to you the problems of measurement of recidivism. Although on the surface it looks to be quite clear cut, it is well known that only a fraction of the total number of violations are known to the authorities; the more talented and professional offenders will have a better chance to evade the law enforcement agencies and will come to be considered much more readily as parole successes. In spite of these shortcomings the above-mentioned blending of violation and criminality is the most accepted, the most used

criterion of success in evaluative studies.

The problem comes up again when I look at the actual figures in these studies. There is a very wide range of success results on the basis of revocation or criminality. Basically I think that the main problem here is the method of follow-up. If I follow-up for a year, I will have less failure than if I follow-up for two or three years. This variable, however, is very hard to control because I cannot say what would have been the situation if a study had gone on for three years instead of one year. If I have one which went for three years, I can draw inferences regarding the problem for the first year. The comparability factor is seriously damaged by the fact that in different studies, different periods are used.

However, let me give you some figures to concretize the matter. Some of the studies have been summarized by Glazer in his well-known book. In 1943-45, a study was released on federal parolees, which had gone on for five years, 24% parolees returned to prison, which is relatively speaking small; in California, for three years, between 1946-49, the percentage of return was 44%; in

Wisconsin for two years between 1952-56, it was 31%; and in New York for five years it was 44%. I think that all this supports the view of Dr. Burnham, that you get what you ask for. If you ask for garbage you get garbage.

Another problem is that we do not know what we are really evaluating. We are not comparing parole with anything else in these studies. Starting a new service in Israel, we really have the opportunity of being able, at least in the beginning, to undertake, as Mr. Sebba and others pointed out, certain types of experimentation and we will be able to compare what happens to those who are released on parole against those who are not released on parole or are released on their two-thirds without any kind of supervision. Then we will have quite clear groups that we will be able to follow up at least in the beginning. It may be that we will reach the situation in which almost everybody will get parole and then we will not be able to make the comparisons between strict treatment in prisons, release without supervision and so forth. But at least in the beginning we have a wonderful opportunity and I really hope that we will take Dr. Burnham's advice and act accordingly.

Recently, Kassenbaum, Ward and Wilner did a very extensive study in one of the biggest prisons in California where they tried to evaluate not only behaviour on parole but behaviour on parole in comparison with the pre-parole preparation of prisoners in prison. Five different groups were prepared to be released in different ways - the most advanced was group therapy - and one group did not get any treatment at all. Unfortunately, the results were not very positive in the sense that they showed that whatever was the pre-parole treatment, there was not any significant difference in the parole performance; secondly, they found that after three years of follow-up 51% returned to prison, 10% spent some time in jail (which is not very clear because some of these were awaiting a new trial in jail and at the time of release they did not know if they would be recommended or not), 17% again had received short sentences, and only 22% were clear, did not have any re-arrest record after their release during the three-year period or were not caught. In the United States today it is very hard to make comparisons because almost

everyone goes out on parole in certain States and in others only some do so - in Wyoming just about 20% go out on parole - but these States are not research-minded. The main finding was that pre-parole preparation does not have any meaningful effect on the performance on parole itself.

I did find another relatively new project that was started in California, which has been much less publicized, for what reason I do not know. It was indeed published in the British Journal of Criminology instead of some American journal and fewer people read it. A new programme was instituted, which had some kind of positive effect on parole performance in comparison with previous parole performance. The programme was to give less load to the parole officers, more time to work with parolees who need it, based on typology assumptions of three different groups of parolees - one which needs on the basis of certain criteria more attention and treatment, one which needs regular attention and one which does not need practically any treatment, a visit once in half a year. I imagine the follow-up was for two or three years. The results based on return to prison were after a one year follow-up 21% as compared to 27.7% prior to the

study; after a two-year follow-up they were 39.1% as compared to 44.2% before. It is interesting that the improvement after two years is smaller than that after one year, which supports a contention made two days ago.

I might mention that Hovav did some kind of evaluation of behaviour after release or returning after release without parole (we did not have parole 14 years ago for our younger prisoners). His findings were that about 43% returned. The follow-up was 2 1/2 years. When the cases were grouped on the basis of offence and behaviour, the differences were very marked - the low risks turned in very small percentages, around 2 and 4%, and the high risks returned higher percentages, probably as was to be expected from the very beginning. The American study also took into consideration different treatment for the different types of offenders and so brought out the value of this kind of approach. The moral was that there are parolees and there are parolees, and the treatment should be adapted accordingly.

A few concluding remarks. Today when treatment philosophy is dominant and in penology, there is no well known student of penology who is not wholeheartedly in

favour of the principle of parole. If we agree that the prison setting is not an optimal environment for the attainment of long term treatment effects, then parole seems a possible avenue for trying to lead the offender back to society. Hard facts do not suggest that this form of treatment is especially helpful, but if it is no worse than the prison, which is almost certain. It is worthwhile trying it for reasons of cost alone since one parolee costs about one third of a prisoner. I know that this is a very unacademic way of evaluation, but money also has something to do with our whole enterprise.

Let me finish with a statement by a British criminologist, J.B. Mays, who concludes his observations on parole in a new book with the following: "Parolees so far have not proved to be, and may in fact never be more successful in their social adjustment than those released with the normal periods for remission for satisfactory conduct, but the innovation can be justified on other grounds. In our treatment of all kinds of offenders, we constantly need to be developing new ideas and fresh methods, partly to allay public anxiety and partly to keep up the morale of the staffs of the various institutions. While criminological science has not produced any significant



breakthroughs, at least we can make sure that complete stagnation at the penological level does not take place. In other words, our prognosis can be justified as being positively neutral but it does not seem to make very much difference either way but to do nothing is to resign ourselves to despair and possibly to cynicism."

Dr. Burnham: There was one question raised yesterday, which passed more or less without comment, but it is worthy of going back to. This was the problem that results, when they come at all, come too late to be of any practical value, that researchers are experts at telling you what the situation was ten years ago and how you could have changed it. It is a criticism which is justified. Any kind of research is the analysis of data, the transformation of data into information. What normally takes time in research is the collection of the data and if the data is already being collected with a view to doing the research later, then 7/8 of the time consumed in producing the data is taken care of. What happens at the moment is that a research worker has to apply to the authorities for permission to start to generate the data. He generates it, goes over it, and then his col-

leagues discover he has got it wrong, that it has been coded wrongly and so on and so forth. The result is that after three years, he needs a holiday and does not feel like writing it up. So five years later the stuff comes out and it is indeed, as people say, out of date and irrelevant.

If you want good results in evaluation of your parole system in five or ten years, you have got to start now. I have said that at least five times during this conference, so one more will not hurt. This is a thing which cannot be overemphasized. If there is a constantly and automatically updated data bank, you can demand of your researchers that they produce something which is worthwhile and relevant and contemporary, and if they do not produce it, you can then grumble at them, which is very good for them. If you want contemporary results, then the on-going collection of data from the start must be an organized thing. It is quite unavoidable.

My second group of remarks concerns the relevance of other people's experience to Israel. I am inclined to think that it is, on the whole, relatively low. I do not think American experience is particularly appropriate

because the Americans have the indeterminate sentence, and parole with an indeterminate sentence and parole with a determinate sentence are two quite different ballgames. There is really very little carry over of the implications of one to the other. My personal hope is that you will be wise enough to stay with the determinate sentence and that you will not go indeterminate. If you do, then you can expect quite a lot of the troubles that the Americans have got.

I do not think United Kingdom experience is particularly relevant. It has the determinate sentence, but the question of scale, the difference of scale is such that I am not sure you have all that much to learn. You are talking in terms of 1,000-1,500 prisoners, the U.K. is talking in terms of 30,000 and more, and the main research results which have come out so far have been on the difference between parolees from open institutions and those from closed. This is not the kind of thing which is, as yet, of any concern to you, and with any luck never will be. So that I think it is worthwhile for you to pick the brains of other countries methodologically and to

learn from their administrative mistakes but their actual research results are, I think, of marginal interest to you. You have got to work it out your own way. As a national culture you have done that before, so you can do it again.

It is worthwhile pointing out that experience tables can be constructed to predict anything. In other words, you can use them for predicting things other than simple success or failure on parole, but they have to be constructed for that specific purpose. They are very much purpose-built things. One which is constructed to predict success or failure on parole will not predict violence or non-violence or marital adjustment or non-adjustment or whatever. You can construct tables to predict any of these things but each one has to be separately constructed for the particular question. If you have the data bank, it is not too difficult to construct them, but they are very narrowly focussed and therefore, like any other narrow and specific instrument, very easily open to misuse. Obviously their construction is a matter for your research workers of whom I assume there is no shortage.

However, let me tell you a little story about a behavioural scientist whom we will hypothesize is an Israeli and educated at Cambridge, in England. He was interested in behaviour modification and he got hold of a six-legged beetle and an army sergeant-major who was famous, indeed notorious, for his powers of command on the drill square, and he trained the beetle to obey the command of the sergeant-major. He then put the beetle on the table and the sergeant-major was summoned and shouted at the beetle, "Crawl!," and so the beetle crawled. The researcher then removed the two rear legs surgically, put the beetle back on the table, and the sergeant-major shouted, "Crawl!," and the beetle crawled obediently, although rather more slowly. The research worker then removed the middle two legs surgically and painlessly and put it on the table and got the sergeant-major to shout, "Crawl!," and the beetle crawled, this time still more slowly. And the research worker then removed the front legs and got the sergeant-major to come in and shout, "Crawl!," and the beetle stayed still. The results were tabulated, coded, put on punch cards, put on tape, fed into the computer. The

whole research treatment was given to them. The researcher then announced to a waiting world that if you surgically remove all six legs of a six-legged beetle, it becomes dead. Just remember that before you believe too much in what your researchers tell you.

There are two particular principles or philosophies of parole I think you should take notice of. The first is that in every country the experience has been that the introduction of parole affects judicial decision-making. In other words, if judges know they are dealing with a parole system, that will affect the way in which they do their job. It may be that you want this. It is not necessarily bad, and this is not a value comment. It may be that your judges do such a poor job that any change is for the better; it may be that your judges do such a good job that any change is for the worse. I do not know. But the introduction of a parole system will, or is likely to, affect judicial decision-making. And if you are conscious of this, then at least the question of whether this is a change for the better or for the worse is something for you yourselves to decide, but you should be aware of it.

The second thing is that there are two quite distinct

functions of a parole board: one, is to decide what is the optimal time. Somebody made the very good point yesterday that the real question of parole is when to parole, not whether but when. It is a body whose job is to optimize the chances of the prisoners' subsequent rehabilitation. Unless there are very clearly stated criteria in terms of value judgments about parole policy, what are the social values at which one is aiming and what are the social values which one is taking most seriously, which are regarded as critical in the parole decision, then what will happen is that the parole board will turn itself into a sentence review committee. If you want it as a sentence review committee, that is fine, but it is a good idea to say so, to be clear about it.

One of my close friends in the research unit in London has said that the English Parole Board takes a great stand on the fact that it is not a sentence review committee but an optimization of a rehabilitation committee. However, if you get any member of the Parole Board on his own, in a dark corner, with nobody overhearing, and he is sure that the room is not bugged and that he cannot be seen, he will in fact admit that the

Parole Board does act as a sentence review committee. This strikes me, and strikes most of the people involved in it, as not entirely desirable. Unless you accept the possibility of this happening and either decide to accept it as a fact of life and therefore something that you should admit and control, or else take steps to move against it - whichever of these policies you take is a matter for internal decision - then it will happen whether you want it or not. So that you should be aware of it.

My final suggestion is presumptuous enough to try to add another word to your national language. Since I have been here the fruit which I knew as the prickly pear, which is hard and hostile on the outside and tender and sweet on the inside, is the same word which you apply to those who are born in this country. I assume it is quite likely, in a climate with a soil such as your own, that somewhere there is a fruit growing which is hard and prickly and hostile on the outside, and dry and dull and unrewarding and unnourishing on the inside. I suggest that you apply that word to your research criminologists.

Dr. Shihor: I will not try to answer anyone. I do not think that I suggested anything really, I merely tried to



review the situation. I forgot to say regarding the problems of research that it is very easy to forget the system itself when one speaks of research. To balance the system should be the function of research. If I find certain things that I am not doing according to plan, according to what I wanted to do, I must readjust myself. In other words, when we use the system, we should mean at least research into that but we seldom do so and I think that is one of the problems of most of the social action programmes and I hope that with parole we will be able to correct at least a part of this problem.

Dr. Horovitz: With all the evaluation studies on parole, there is a statistical fallacy. If only part of the population will eventually violate parole, the most criminal sector will do so in the first year. So during the second year, the chances of parole survival of the group left is therefore much better and the recidivism rates will go down.

Dr. Burnham emphasized the importance of the collection of data. That is a point I could not agree with more, but I do not collect data for the research criminologist. I collect data for rational policy decisions.

I am concerned with asking the relevant questions and I think that is the part the criminologist should play, helping the administrator to ask the relevant questions. I would like you to balance the emphasis on collection of data. You cannot do any research or give any answer without collecting data. But it is the technical side you stress, and not content or policy.

I did not really understand the difference between parole board and sentencing review committee. I agree that there is a difference in the stated goals of a parole board as against a sentencing review committee. But in fact the parole board is a sentence review committee because if you have two judges, with different ideologies, idiosyncracies, who sentence two men at the same time under similar circumstances to different periods of imprisonment and the parole board is able to release them at the same time, it is in fact acting as a sentence review committee. This might be one of the unanticipated consequences of parole but I would welcome it even if it is not meant to be.

The Chairman: If I may comment on that, I think the sentencer is likely to complain that the parole board is

working in the other direction when two offenders are sentenced in the same way and it turns out that the parole board de facto imposes different sentences on them.

Dr. Horovitz: I would give the answer that I gave yesterday, that it is more rational to make the decision, not at the sentencing stage, but at a later stage where you know all the circumstances prevailing at the moment.

The Chairman: That is a question, of course, of winning over the judges to the opinions of the parole board.

Dr. Burnham: To take your point in inverse order. I did not intend to imply that having the parole board as a sentencing review committee is necessarily a bad thing; in fact, I think there is a lot to be said for it. I pointed out that it was likely to happen whether you want it or not, and that it is likely to affect the judges who will know that they, in fact, are not the people who will have the final say. That will affect the way they behave and it may affect their attitudes. I think the idea of a sentencing review committee is quite a good one but it should be open and declared, in American jargon, it should be a manifest function and not a latent one.

On the question of the collection of data, I would

agree with you entirely that the primary objective is, as you say, for making rational policy decisions. It seems to me that the main purpose of research work is to help you do this. The main distinction I would draw is between the data which you would need for instant decisions, or for ongoing operating decisions, and the data which is needed for wide scale, longer term, researches into trends and other such phenomena happening over time, which means that you and the researchers have got to get together to decide what kind of questions you want to answer.

Dr. Y. Cohen: My first point has already been mentioned, namely, that evaluation is too important to be left to researchers. The criteria of research, the easy access to data, the easy use of this data, should not be the criteria. I think it is very important to have the purposes of parole explicitly stated but not by the researcher.

Maybe the researcher has a kind of midwife position to help formulate it in a way that still would make it researchable, but this should not be the primary purpose.

If crime prevention is the purpose, if broad social adaptation is the purpose, this should be stated and as

explicitly as possible. Only then would the researcher come and set up his measuring instruments.

A more technical question, the amount of crime, of recidivism is, I think, not a very helpful instrument because after the first violation of parole or recurrence of criminal behaviour, the chances are the person will not commit any more offences - he will back in prison. I would rather suggest instead, the crime-free period between release and first offence.

I am not quite sure whether early offenders are the serious offenders. In the first stage after leaving prison, the person is experiencing the shock of facing reality outside, especially after an extensive period of time in the prison. So I would not look upon recurrence as an indicator of its seriousness, or being not worthy of parole. But nor would I say on the contrary that the measurement of recurrence in the first period of time should not necessarily bring about a termination of the parole period. I am talking now from the policy and the research point of view.

Dr. Amir: I hope that you, Mr. Chairman, can contribute

a few remarks about your study on our amnesty a few years ago, which, in a way, was a testing situation with more than one-third of our prisoners being released. Another thing is the Association for the Rehabilitation of Prisoners. Does this organization have any files that we can look into and start looking for criteria, criteria for success or adjustment.

(Comment: We have no means to follow up, but we know the man's past until he came to prison and until he was released. We do not follow his life afterwards if he does not need our help.)

I thought we could use their material because they are the only "parole" which we have had until now.

Maybe one way to avoid awaiting results is to do small studies. Dr. Horovitz is famous for remarking, "Don't tell me about follow-up for ten years, small scale studies are what we should start now."

It was suggested that we look at other countries to see whether their correctional system is similar. The only one I tried to look at was Scandinavia, and there we are also in trouble because their type of justice, their system of judicial process is different, so probably we

shall have to start from scratch.

About those who violate parole at the beginning, we can speak of the petty thief or the compulsive offender who in terms of the community is not dangerous but only a nuisance. On the other hand we have those who are serious offenders, who stay in for a long time. These will go on one big "binge" in order to compensate for the time "lost." In this respect we ought perhaps to speak about parole for specific groups, having different evaluation criteria, and special agents or special techniques to deal with them.

Judge Azulai: I would like to tell Dr. Amir that not every one who comes to us stays in the same place. He reams about, he may find work somewhere else, and we do not know what happens to him after that. So that we cannot follow him up.

The Chairman: At Dr. Amir's invitation, I will say a brief word about my amnesty study. This is one of the things I had in mind when I mentioned that prior to the collection of special data in relation to parole, we could make use of available data. For those who are not familiar with what took place in this country, there was

a general amnesty in 1967 following the Six Days War. Approximately one-third of the prisoners were released, according to criteria laid down by the legislature. What I am doing in my study is following-up these prisoners and comparing them with prisoners who had committed similar offences which would have qualified them for release had they been in prison during the time of the amnesty, who were, in fact, released during the years preceding the amnesty and, therefore, had served their sentence to the full, or subject to the possible one-third remission.

The data is not fully available, but I have some concerning those who were only released. We know for example that 29% returned to prison within the first two years and we have a breakdown according to age, number of previous convictions, previous prison sentences etc. The final data I am now awaiting from the computer. The usual excuse of the research methodologist, the programmers are holding him up.

This research will also give us, I hope, a general background, provide us with a store of data relating to prisoner-offending patterns, who commits what offence



after having been in prison, what length of time etc., but of course it is not a substitute for a specific research programme linked directly to parole itself.

Miss Admati: I would like to comment on a remark of Dr. Burnham's about what will happen if we start a parole service and a change occurs in the judges' attitude to punishment. We know that judges are sometimes in a conflict over punishment. If they know that after a short time in prison there will be a chance to get treatment as a parolee, they will reduce the number of people sent to probation and they will fill up the prisons with prisoners, and this is against what we have been discussing for three days, because our main aim is to reduce recidivism by giving treatment to people.

I am sorry that Judge Kwart is not here today, but yesterday he summed it up in one sentence. "Oh, it will be very nice, and I can send a man to prison and immediately afterwards give him treatment." And it may also affect probation. We the probation officers are not afraid that we shall lose our jobs. Maybe in the next few years the whole idea of probation will disappear. Probation officers do not think that they want to be also

parole officers. But I am afraid that they will impose it on us, but that the probation idea will not be the same after the parole service is born.

The Chairman: As Miss Admati is only too well aware, she does not have to worry about being out of a job because there is no more work for the probation officer. I am sure she can get a job as a parole officer.

Mr. Zalik: I would like to come back to the evaluation problem. I do not agree with Dr. Shihor that the system is in balance. Every system is dynamic by definition, and being dynamic, it is out of balance. Every living system should be dynamic. We know that there are different rates of movement and we know that delinquency, if it is a system, is more dynamic than the penal system. So there is always a gap of time and movement, between the penal system and crime rate, the crime system.

If we are going to introduce a new aspect to the penal system, we should try to think beforehand of a means to close this gap, in order to keep up, more or less, with the evolution of the crime system. I see here the place of the whole research and evaluation effort. Therefore,

I do not think that evaluation and research should be, in this specific case, academic calisthenics. I think that evaluation should be an inbuilt feedback mechanism in order to get a flexible parole system.

The immediate implication of this, and this is for the legal people sitting here or not sitting here, is that every regulation or rule, the legal framework, of parole should be as flexible as possible in order to make it possible for the feedback to change the parole as it is becoming.

Mr. Shavit: I should like to ask for your indulgence in trying to flog again two horses, both of them alive and kicking. One of them is the point I tried to make before, that it might be a waste of effort, manpower, money and all that to set up the huge apparatus of evaluation for the decision making part and for the selection part when in fact the total population that comes into consideration, (if we assume that we want to concentrate on those who have been sentenced for somewhat longer terms, say, one or two years and upwards) is around 5-600 people. We might not need all this huge apparatus to try to make our

selection a better, more rational one. We could, in fact, select the total population.

On the other hand, and this is my second horse, we have spoken far too little about the differential treatment that ought to be given to future parolees. Several speakers today have mentioned that outcome is, among other things, a function of the way you handle people, the way you treat them, the way you supervise them, or any other number of variables that we have not mentioned so far.

What we are really interested in is, I think, how that really affects what we believe to be the case, what we believe is to be the effect. If all the apparatus or research work would concentrate on that aspect, on the treatment part rather than on the selection part, on the Parole Service rather than on the Parole Board, I think it would be far more profitable.

Mr. Goldstein: I would like to ask a perhaps silly question of our research people. All the time we want to measure social adjustment, we want to measure recidivism, and we do not know what to compare and we are not getting

any results at all, as far as I can see. Is there not a possibility of starting, and would it not be much more meaningful if we could have some subjective measuring of the man himself? It was mentioned yesterday, I think, that some youngsters commit a lot of offences twice a month and are always getting into trouble. It would be a great success if we could manage it that they only fell into trouble once a year, or once a half year. That would be a very great and meaningful accomplishment even in our statistics files.

So could we not try, with the small population we have, would it not be more meaningful to try and compare them with themselves and not some other population with so many different factors. I think it could help us and give us a good tool perhaps also to measure the meaningfulness of different kinds of treatment, as Mr. Shavit mentioned.

I myself do not have much experience of this. I think Dr. Yonah Cohen once tried it with probationers when he was measuring and working out criteria of family behaviour.

I would only like to add one more remark to Dr. Shihor's observations. If research has proven till now that there is no significant difference between people getting parole and people not getting parole, we ought to remember that people getting parole come out earlier from prison. So even if there is no meaningful difference at all but we manage by this to shorten the time of imprisonment, perhaps that is a good thing by itself, even if not enough.

Dr. Tjaden: I have some hesitation in what I am going to say. I hope you will understand. As I have already pointed out many times, our philosophy in the Netherlands, our starting point, is that the prison situation is not an ideal environment for rehabilitation and probation.

As you know, it has been my responsibility for many, many years to work at the decision-making end of parole, so that I speak from experience and less from research evaluation. I hope that you do not think that we underestimate the results of research. In the Netherlands we have many criminologists and criminological institutes and our material is quite open to them and we have had

some small studies about evaluation of parole, but I must say that on the decision side, these were not of great help to me.

I remember one study which was also along the lines of Dr. Burnham's. When we start a new thing, we have to build up the research side to evaluate it. Some years ago we started to have open prisons for the last period of the sentence before the prisoners get parole, but only a portion, 50% perhaps of them who are paroled, had the opportunity to go to such an institution. They were selected and had to be of good behaviour. They were sent to work outside. A study was made by an institute of criminology to measure the results. I do not have the exact figures but the results were better than for those coming out of normal prisons. But what did I learn from that? I expected that result, because the group was selected.

I may mention another study we made in a specialized prison for youngsters, of a very selected group, not only of the crimes they committed during the period of parole, but of a five years follow-up. Again, I do not remember the exact figures but they were rather disappointing.

I believe that over 70% committed new crimes, often small crimes. What did it teach me? I should not have given them parole? Had I to keep them in prison longer? I did not know exactly how to handle the situation. I am open, I must say, for all research. I want to give people as much opportunity as we from the Ministry of Justice can. But it is very difficult to handle these results.

What really is important for us, and I know it from experience, is that primarily we know something about their way of life on probation and parole and that it is better for their integration if they have the opportunity to live in their own surroundings. When they commit crimes during the period of supervision, then the public becomes very anxious. Our papers report the failures and the administration of justice and the Minister of Justice who is responsible for granting parole comes under public criticism. I must say, however, that we are rather happy that only in very few cases are really serious crimes committed during that period. In my philosophy, it is good to give so many people the chance. I remember



one man who committed a crime in a rather short interval after his period of parole. He had good relations with a psychiatrist. He felt liberated and he committed a crime. Should we criticize the system that gave him the opportunity of parole? That is a question perhaps for you. It is very difficult.

The Chairman: To the note of pessimism which has been voiced in the last few minutes, I would like to add a note of optimism. First, as to the difficulties of evaluating results on the part of the correctional personnel, perhaps the research criminologist will have a role after all, at least for a while, until it is discovered that he also is unable to provide adequate means of evaluating results.

Dr. Burnham: The question of the usefulness of research results for the administrator is indeed critical and

Dr. Tjaden's complaint is a fair one. It may perhaps be expressed as normally being the breakdown of communication between the administrator and the research people.

It is the responsibility of the administrators to tell the research people what questions to answer. All criminological research people are frustrated criminals.

Given half a chance, they will evade their responsibilities

and spend public money and other people's time and energy on looking into things which may be academically interesting or intellectually tidy and exciting and mathematically elegant and so on, which may be of no use to anybody. The critical function of the administrator is to make quite clear to the research worker exactly what questions he wants answering, and the important word is "exactly."

(Dr. Tjaden: Then I have to have another research worker to ask that question.)

No, you can know as a decision-maker. The Home Office Research Unit found out a very good way of doing this in London. They will give out money only for answers to their own questions. It works.

Dr. Busch: I should like to say a few words about the question of statistics. I should like to give you some figures from my institution which we have examined scientifically. We have generally 200 youngsters between the ages of 18 and 21. 50% are released before the end of their term. Of these, 40% are recommitted. Of those recommitted, again 50% are released before the

end of their term. If they are sentenced to lengthy terms it can happen that they are released, prior release for the third time as well. Of those who have been released for the second time, again 50% are recommitted. That shows that the problem of recidivism cannot be decided simply upon the figures.

Judges and prosecutors claim that if a certain penal measure has once been tried and failed, it must not be tried again. I mean a liberal measure. This shows the difference between the legal approach and the educational approach. The lawyer thinks that the escalation of penal measures is adequate. On the other hand, the educationalist believes that a repetition of the measure is adequate. For that reason, it is very problematic, who is to receive the results of the statistical evaluation.

For example, something which happens very frequently in my country. On the basis of the 50% result, lawyers will draw the completely wrong conclusions. If the total population is only 200, then one person is 0.5% after all. We have switched over to another way of scientific investigation. We examine a few cases very intensively. For example, we take the first

ten people of a certain letter of the alphabet, or we take the first ten people who are being remitted during a certain year and about this small sample we try to collect as much information and data as possible.

Naturally, even if we use this form of study, the case study, there are similar possibilities of error. But there are far more factors that could be evaluated statistically, numerically.

It is my belief that this is the direction that research should go - monographs on case studies.

Mr. Hovav: A specific question about the data bank.

What does our guest from England mean by a data bank?

I visited one of these banks in the United States. It is mainly made up for the researcher's interest and benefit, not for the administrator's. It has nothing to do with day to day decisions concerning actual cases and problems of the administration.

Dr. Amir: I have a few remarks to you, Mr. Goldstein.

You voice a certain disappointment that research is not taking into consideration the parolees' attitudes. The research design is very simple. What you do is you take certain social correlates, age, sex, etc., and you see how they work on certain criteria by which we decide

what is good adjustment, what is recidivism, etc. Mind you, however, the moment you add a criterion that you want to follow up, you blow up the budget in almost fixed proportion. If you have four variables and you add another one, you add 25% to your budget. So in a way, again, as an administrator, you will have to give us a specific question, a very concrete one; otherwise, we will be interested in many other things.

In terms of attitude change, I think recent studies do take into consideration, not only statistical social correlates but also emotional change.

From research that I participated in on a follow-up study, it was decided that we would take a small sample and go deeper into a certain variable.

Another problem raised by our guest from the Netherlands is that the prediction cannot give you any answer, who specifically will commit another crime. That is another type of question. Prediction has to do with probabilities. Whether Mr. X or Child Y will commit a crime, that is a different kind of thinking and needs different kind of research. It is possible to do it. In terms of research design, it is not a problem. But mind you, I would be on guard if I were asked, "Can you tell me which

kids in a group of 20 kids will commit another and what crime?" That is too general a question. You are probably asking too much from science.

Dr. Shihor: Most of the questions and criticism are relevant and I will not even try to justify researchers. I just want to make a number of points. I believe that in different cases the measurement of success should be different. It is not the same when somebody becomes recidivist if the first time he is committed for serious trouble and the next time he is caught for a lesser offence. In frequency of his offences he is an offender, but in his own terms he has bettered his performance.

We cannot take into consideration every kind of individual situation in large scale research. We can try to group certain types of patterns of behaviour of different offenders. I do not know if Mr. Burnham will agree with me, but I think in social research we usually lose details by trying to get a picture of the general situation. I do not see any way of avoiding this. We can try with a more sophisticated research design, at least to try to have groups which possess some sufficient common characteristics and handle them together, with

the knowledge that we will not have the maximum individual information available. Naturally that will influence our results and suggestions.

I also want to agree with Dr. Burnham in connection with the problem of how an administrator can utilize research. I think the main thing is communication. The administrator has to know what are the problems that bother him and the researcher has to find the way to answer them but not to look for the problems. He has probably different problems. Usually it comes out that they are more academic, as Dr. Burnham pointed out. I am never certain when I do something on my own that anybody really will be benefited by it or will be interested in it. I may merely hope to have a good time.

I also want to make clear that in Israel as well not too many people throw away money for research. Usually I do it on my own and therefore I do not have this feeling that I am hurting someone. I think that that should be the framework.

The researcher can help in trying to answer the problems that the administrator has. The really big problem is that the administrator does not know what

his problems are. I do not know how the researcher can come into the picture in this way.

I agree with Dr. Cohen that recidivism is not necessarily the best measure of performance for evaluation. I know that there are attempts to find more sensitive measurements, more realistic measurements of performance. However, it does not change the situation that most of the parole studies are based on that.

Mrs. Judith Karp: I would like to refer to a point that both Dr. Shihor and Dr. Burnham mentioned - the relationship between the administration and the researcher and the data bank. I understand that both Dr. Shihor and Dr. Burnham are researchers and I am an administrator. I would like Dr. Shihor to make his approach more clear on this point, because administrators may know what their problems are, but they do not know what the trends in research are. They do not know of the tools available and what is relevant or irrelevant in finding answers to the questions, to the ends they want to arrive at. I think that researchers have the task to help the administrators to ask the right questions, and the administration can help by giving the raw material from



their experience so that the researchers can give the right answers to the questions they help to pose. But I do not think that you can say that the administration has to give the right question for arriving at the right answer.

Dr. Burnham: With all the sentiments that have just been expressed, I agree entirely. I would just make one or two practical observations. Essentially what we have all been talking about is a communication problem and the question that researchers do not talk the administrator's language and cannot be bothered with it, and vice versa. My first suggestion, therefore, is that some kind of meeting at an informal level is essential. The comments made about the fact that most administrators do not know what are the limits of research, its capabilities and its limitations, are perfectly valid. It is indeed the researcher's responsibility to make that clear to the administrator. It is also his responsibility to make clear the kind of questions that he can answer, or which he can give help in answering and the form of question which he is most able to handle constructively. What I meant by saying that it is the responsibility of the administrator to say which questions are to be answered is

that there is at some point a choice of priorities to be made. One has to say, this is more important than that, and this decision cannot be made by the researcher or delegated by the administrator. The question of how to arrive at the point where this can be done is largely a function of the number of hours that the two groups of people spend listening to each other, rather than preaching at each other.

The Chairman: I allow myself the liberty of making a brief summing up, not of the content of what was said but of the framework, the topics that we discussed here. It seems to me that there were four problems - Methodology, evaluation, is a problem that worried particularly Dr. Tjaden, and we had some learned comments from the criminologists on this topic, which involves very sophisticated methods of analysis and is suitable for a special research seminar. A second general topic was the problem of the criteria of success in evaluating the results of the outcome of parole. One thought occurred to me, that there is the problem which has really been emphasized in the last part of the discussion, of the relationships between the researchers and the

administrators. It may very well be that the researchers come to certain conclusions about the success or failure of parole but the criteria they use are not the same as those being applied by the parole board in granting parole, in which case these findings may not really be valid.

A third problem was the application of the findings of the researchers with regard to the present policy in relation to parole, the problem of information flow and delay, etc. Dr. Hovav was a bit pessimistic here on the basis of an experiment, or department that he visited. I want to mention here an article on the practice in California. I presume it has some relationship to the reality there. It describes a system of computerization of, I think, both probation and parole, certainly of probation results, and all data relating to the offenders, both in regard to their probation and their imprisonment. All the social data, offences, etc., probation, imprisonment, were fed into the computer. As soon as somebody came before them, they were immediately able to do two things, by pressing the appropriate buttons, to get the complete picture relating to the individual: what

was his past record, what had he done previously on probation, parole, etc.; secondly, they were able to get a general prediction as to how this kind of offender will fare on probation, in prison, on parole, etc., immediately getting the results which normally are provided in other countries by the researcher only after some years. This from the personal point of view leaves me with a problem, the researcher having contributed to setting up this experiment, he apparently has nothing more to do with it, the thing can go on working by itself. But it seems there are ways of overcoming the delay, especially when a computer is used.

The fourth topic, something was said, particularly by Dr. Shihor in his opening address, on the problem of actually tying ourselves down to the predictors, the factors that are going to be the best predictors as shown by the research projects which have already been undertaken. Here, as in most of the other topics discussed, most questions are left unanswered, but of course one of the purposes of this symposium is to ask the questions, not so much to answer them. If we can ask the right questions, we will have achieved a lot.

Finally, I would just like to comment on a very important remark that whatever we do or do not know about the success, or lack of success of parole, it is probably cheaper than other methods, certainly cheaper than maintaining the offender in prison. I think if, as a result of this symposium, a statement were issued that it was found in the course of the symposium that parole was a cheaper way of dealing with prisoners than other ways and this view was expressed by overseas experts, I think we will have gone a long way to developing a parole system.

SESSION VIII

CONCLUSIONS

Dr. Horovitz

Mr. Waltuch

Dr. Horovitz: Now we have come to the last part of our meeting. I am unable to summarize what has been said during those two and half days and I would do, I think, injustice to the many important contributions, including my own, if I would detail them now.

We cannot really leave it there. I therefore propose that we record for ourselves some of the topics in order to remind ourselves what we discussed.

The first day we discussed under the heading of the legal dimension a very large number of subjects, It was a kind of general debate. I had the feeling, and I was warned by some of my clever colleagues that that would happen, but I did not heed their warnings. Mr. Waltuch will summarize for us some of the objections made to the official position as presented to you in the paper by Mr. Blum and the introduction by the Attorney-General.

Mr. Waltuch: As Dr. Horovitz said, this is a summary of some of the objections as we recall them. The first is the objection made with respect to the proposal that parole agreement ought to be entered into voluntarily by the prisoner. It was said that this was hypocrisy, an illusion, that really it is not a voluntary kind of thing because there is the coercion of it being infinitely better to be outside rather than inside prison, so people will of course volunteer but it will not really be voluntary.

I should like to draw a little from my own experience. A long time ago in my wild and foolish youth, I enlisted in the army voluntarily, not out of a great love for the militaristic life but rather because if I had not voluntarily enlisted, I would surely have been drafted and it would have cut off many options.

I think there are few times in a person's life when he has absolute free choice, so I do not think it is entirely an illusion; it is a semi-illusion but it solves a lot of legal problems. The concept, of course, is derived from the Israeli experience of probation, and probation is that some kind of agreement is sought from

the probationer, he must agree or else he is sent to jail to serve his term. This solves a lot of legal problems because if, without his agreement, conditions are imposed upon him which he finds difficult to abide by, he can always come to court and try to get these conditions removed. He can claim that they are unreasonable, or in the extreme that they are cruel and unusual punishment and he will probably get a hearing; whereas if he agrees at the outset to abide by such conditions as are imposed upon him, he does not have this argument. It is not an alien concept of the law. It occurs even in commercial transactions when two people agree in the form of a contract.

The next question: there was a great deal of discussion as to whether we should term this in the law as a continuation of punishment or the beginning of treatment. I would only comment that, as a matter of practice, it really does not make much difference in terms of its enforceability. It may have some difference with respect to the psychology of the parolee, but as a matter of law there really is not much difference and I would use the analogy of the youth offender, for instance, which allows



the government, even in the case of a youngster who is not convicted of a crime, to place him in a closed boarding home. A closed boarding home, at least one that I know of, has five meter high walls and is not greatly different from a prison. This is called treatment. He has not been convicted of any crime. The courts can also fine a youthful offender, with or without his being convicted, and the fine is considered treatment because he has not been convicted. So legally there really is not a great deal of distinction. I think we are all agreed that rehabilitative treatment should occur in an authoritarian setting, that there should be some way of enforcing the directions of the parole officer. I think that goes to the essence of it rather than that we call it punishment or treatment.

A question was raised as to whether rehabilitation treatment ought to be a right or a privilege. This does have some legal consequences. If it is considered a right, then the administrative authority of the parole board, or the release committee, is significantly constrained, contracted. Administrative decisions like this can be

reviewed more carefully by a court if it is considered a right; if it is considered a privilege, the administrative agency has much more leeway and administrative discretion.

My own personal thought is that every prisoner should be given the right to have his case fairly considered, but the details of the conditions of parole etc. ought to be regarded a privilege or perhaps no label ought to be put on it, and administrative discretion ought to be given the widest leeway.

I think there was general consensus as to whom the decision making power is given. I think almost everyone agreed that it ought to be given to an administrative board. There was only one example of where it was made by the judiciary, that was in Germany and Dr. Busch said he was not happy even with that system, if I remember correctly.

The final point is on the question of sanctions. We were all in agreement that rehabilitative treatment ought to be given in an authoritarian setting, and if there is to be authoritarian setting, there must be sanctions. I would also point to the analogy of certain other laws -

the Youth Care and Protection Law and the Protected Persons Law. Minors under 14, handicapped people, retarded or aged can be compelled to undergo certain kinds of treatment, medical, psychiatric, and there are sanctions - imprisonment of three months or a fine up to IL500, if the person refuses.

Dr. Horovitz: Very briefly, some of the topics mentioned yesterday were as follows: First, the paper of Judge Kwart discussing the relationship between voluntary societies and governmental services. I think the main conclusion we came away with was that no one wants to do away with volunteers and voluntary societies, but parole, of necessity, changes the functioning of the societies. Different suggestions were made as to how cooperation could be achieved and implemented. Should there be trained professionals as against volunteers? What kind of volunteers? Should they be trained? We discussed the missionary approach. Dr. Busch asked whether it was anachronistic - are social workers real people and so forth? Later we discussed Mr. Shavit's paper under the heading of Treatment Measures and Tools. Who should prepare the pre-parole investigation?

As usual, there were various opinions: the prison social worker, the probation officer, both or neither or all of them and the parole officer or none.

We discussed the linkage within the correctional system. We had some discussion of a philosophical nature with practical implications on prisons, the treatment institution and the role of the social worker and the appropriateness of the medical or legal model.

Lastly, we discussed the social climate and acceptance within the community of the parolee. Dr. Hoffert posed the question what the mass media can do for us, the rehabilitators, and Dr. Burnham countered by asking what we can do for the mass media. We had some discussion then on the mass media, the possibilities, pitfalls, the boomerang effect. We discussed what is a community, we mercifully spared ourselves the 23 definitions you learn in academic courses on community organization, at least in 1967; today there are more. We moved on to the change of communal attitudes towards the ex-prisoner, and discussed the ex-prisoner as one of the social change agents. I think at the back of the minds of many of us were different

other models like the social welfare rights movement, the prisoners' trade union, perhaps the Attica Prison riots, or some more radical organizations.

I think our guests acted as catalyzers. To some extent they were holding up a mirror and what I saw, very often, was not very flattering to me, anyhow. They told us of their own experiences and what we can learn from them. I do not know if we can avoid making the same mistakes as others did, but we may. They formulated questions for us to answer, some of them awkward, some unanswerable, and some only answerable in our own cultural context.

On the whole, I see the value of this meeting in three aspects. I think it has influenced our thinking, at least it has influenced mine and will, hopefully, influence decision-making as regards the parole law. I think we were fortunate to have with us Mrs. Judith Karp, I do not know if I can describe her as the alter-ego of the Attorney General. I do not know if she would agree, but she is the eye and ear of the Attorney-General on this subject and she has been with us, and I think that is very important.

Secondly, the Attorney-General told me that he is

expecting the transcript of the meeting before he drafts the final bill to be put before the Government and later, if accepted by the government, introduced to the Knesset.

A second aspect may be understood I think in terms of group dynamics. It transpired that there is more agreement than we thought and agreement grew as we proceeded. Where we disagreed, we still understood each other's position better than we did before.

The third important aspect, I think, lies in the meetings between persons concerned, namely, administration and policy makers on the one side and researchers on the other side.

You may have noticed that members of the staff of the three institutes of criminology were present. Incidentally, in Israel we have per capita the highest number of institutes of criminology in the world, and they were all represented here. This kind of meeting between policy makers and researchers comprising every one interested in the subject is a new phenomena, and if this is the first of its kind, I hope others will follow.

Mr. Berman: There was a suggestion that before a new

bill is drafted we could meet all the interested people here, to have a common summary or the exact differences, if there are any, before the Attorney-General.

Dr. Horovitz: All of you present, except the research people, know that the Attorney-General conferred, and will confer, with representatives of all those present. He has conferred with the members of different government offices. He has met with members of the societies for the rehabilitation of offenders.

I think I have also to say a word of thanks to all those people who helped to make this meeting a success. I take the responsibility for all the success, and deny responsibility for all the problems we created.

Dr. Tjaden: I will say only a few words. Notwithstanding your very kind words, Dr. Horovitz, I do not know whether my contribution has been of any help to you. The situation in Israel is so totally different from the situation in the Netherlands, far more complicated.

For me it was very interesting to have participated in this discussion and I feel very honoured and happy to have been invited.

I hope that I will be informed about the results of

these discussions in the process of deciding a change in your law, introducing a parole system. I am especially interested in knowing how you develop a system for selection and preparing parolees, and how you combine the responsibilities of qualified social workers with the help and cooperation of volunteer private societies. For public understanding, it seems to me very important that some way of cooperation with private societies should exist.

I have already said that I have some difficulties with an authoritarian setting in relation to parole, but I can only agree with such an authoritarian system when the social worker and the volunteer who is cooperating is not obliged to act as an authoritarian official. He must primarily be a help and aid for the parolee and not supervise him as perhaps a police officer would. When the parolee commits some new crime, it is the responsibility of the police.

Dr. Busch: When Dr. Tjaden said that the situation here is completely different, I find this to be completely true. And yet it is amazing just how many things we do have in common and how much we can learn from one



another, not only in the large matters but also in the small details.

Our problem in Germany is that the whole field of aftercare, probation and parole, is handled exclusively within the framework of the Ministry of Justice. Educators, psychologists and psychiatrists are an absolute minority. It is for this reason that I found it very valuable to get support from you and some ideas which I hope to be able to apply in my country.

I am going back to Germany on probation and I hope that I shall be released on better terms. I leave you with my best wishes and I wish you that you may get as far as possible a flexible, comprehensive and workable system of law for parole.

Dr. Burnham: I should like to congratulate you, first of all, on the way all of you have conducted yourselves at this meeting in one specific respect: you have declined to use the word "experts," both of yourselves and of us, the three of us. In your specific reference to yourselves you have called us visitors. Owing to the fact that I worked for the United Nations for three years,

I have attended many U.N. congresses and one empirical finding is the degree of useful product varies inversely with the number of people present who are called experts and the number of times in which the word is used. I do not know whether this was deliberate or accidental but whatever it was, it is a superb precedent and I recommend that it continue, that the word expert with its bad effect on people be avoided.

Secondly, I think that you are very well placed to run a better parole service than perhaps all other people because it seems you are prepared to discuss the underlying principles and philosophy upon which you are going to base your parole system, not in the belief that there is one way, and one way only, of doing it, but in the realization that you have to choose between different ways, each with their advantages and disadvantages and that having chosen one way and stated the rationale, you are then in a position to avoid most of the pitfalls which have occurred in other countries.

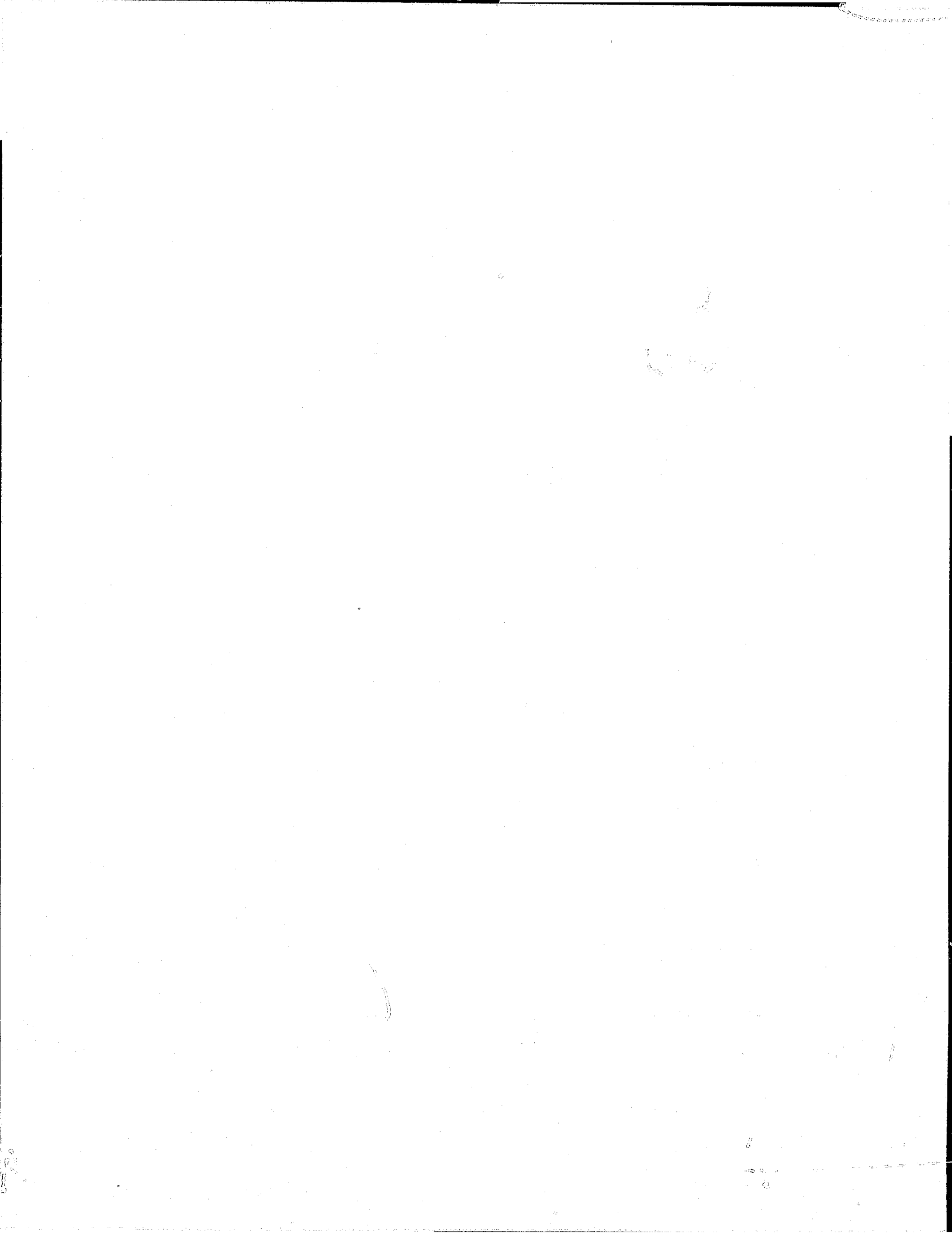
From what limited observation I have been able to make from either reading or direct observation, most of the problems have arisen because the parole system in practice does not operate in the way, shall we say,

with the expressions of good intentions or political good will, which are the nearest that we ever get to an operating philosophy. Insofar as you seem to be well on your way to getting your operating philosophy clear and well enunciated, you are several steps up the ladder, and other people would do very well to envy you.

Finally, all I can do is thank you. I was invited, like my two colleagues, by means of a decision-process, which I do not understand. I have deliberately taken the role of an advocate of research because I hoped that this would be useful in this particular context. I am an ex-prisons service member and essentially I subscribe to the belief that researchers are parasites on the body of the people who do the real work. However, I think that even parasites can be made to perform usefully on occasion and it is with this in mind that I have attempted to take the line that I have.

I, too, like my colleagues, would like to be kept in touch with the results of your further deliberations. I would be very interested, and I am sure that the academics can be persuaded to let me have the results of

both the actual law as you draft it, and the arrangements you decide upon for evaluating the process.



**END**