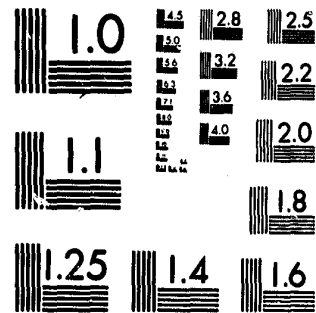


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# Federal Probation

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The Failure of Correctional Management . . . . .	<i>Alvin W. Cohn</i>
Rethinking the President's Power of Executive Pardon . . . . .	<i>Christopher C. Joyner</i>
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## This Issue in Brief

### ACQUISITIONS

**Mandatory Sentencing: The Politics of the New Criminal Justice.**—New mandatory sentencing policies are winning political support in the 50 states and Congress; however, despite stated goals to equalize sentencing and deter crime, the new laws probably can be expected to aggravate prisoners' grievances and serve as simply another bargaining tool in the criminal justice system, asserts Professor Henry R. Glick of Florida State University. Little empirical research exists on the impact of the new sentencing laws, but available evidence strongly suggests that they will have few beneficial results, he adds. The only major change may be an explicit abandonment of the reform ideal and existing, albeit limited, rehabilitation programs.

**The Failure of Correctional Management—Revisited.**—In "revisiting" the case of correctional management failure (his first article appeared in 1973), Dr. Alvin W. Cohn appears to be painting a drab, bleak picture. Yet, he maintains, from the time the original paper was written until now, he does believe that there has been some meaningful change. While no one could or should argue that corrections has successfully reformed itself or is being reformed appropriately, there have been some significant changes that suggest a brighter future, especially with regard to the status of management, he concludes.

**Rethinking the President's Power of Executive Pardon.**—Although only superficially understood by most citizens, the President's power of executive clemency has undergone a protracted evolution in terms of legal scope and constitutional interpretation, according to Professor Christopher C. Joyner of Muhlenberg College. Pronounced an "act of grace" by the Supreme Court in 1833, the pardon power in 1927 was deemed an act intended

primarily to enhance public welfare. As such, the President's pardoning authority has become broad and multifaceted, immune from review by court action or congressional restriction. A pardon neither obliterates the record of conviction nor establishes the innocence of a person; it merely forgives the offense.

**Team Approach to Presentence.**—An interdisciplinary team approach is the trademark of the Seattle Presentence Investigation Unit, reports Chuck Wright, Adult Probation and Parole supervisor for the State of Washington. This collective approach is used when most feasible, and has led to effective improvements in investigation, information gathering, report writing and recommen-

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## Victory at Sea: A Marine Approach to Rehabilitation

BY R. STEPHEN BERRY AND ALAN N. LEARCH\*

WHY WOULD seven juveniles with an extensive list of offenses spend hours in cold water on a winter day trying to save a dying herd of whales? There is no single answer to this question, but there is a common denominator to the range of possible answers. The seven had committed a total of 40 separate offenses, ranging from runaway, through nine counts of breaking and entering, to possession of a stolen automobile and resisting arrest with violence. They were all students at Jacksonville Marine Institute, Inc. (JMI) that March day in 1977. Approximately 200 Pilot Whales died along the beaches near Jacksonville, Florida, despite the best efforts of a rescue force that included not only JMI students, but biologists from the University of Florida and Smithsonian Institute.

JMI is one of seven Marine Institutes in Florida, known collectively as Associated Marine Institutes, Inc. Founded in 1967 in Deerfield Beach, the original Institute, Florida Ocean Sciences Institutes, Inc. (FOSI), changed its emphasis from marine research to rehabilitation, using the marine environment. The State of Florida Department of Health and Rehabilitative Services recognized the success and potential of the program and contracted for expansion of services to Tampa, St. Petersburg, Jacksonville, Panama City, Miami, and Key West (funded by a CETA grant).

Jacksonville Marine Institute has a design population of 36 clients. The program accepts both boys and girls from ages 14½ to 17. Most JMI students have been adjudicated delinquent (Committed or Aftercare status), but some are only on probation. Participation is voluntary, however, there are few programs for Committed children that allow them to live at home, in Florida. The screening process is primarily to determine interest, as any child of the target age group who is under supervision is eligible. The program provides remedial swimming and reading instruction

\* Mr. Berry is operations director and Mr. Learch is executive director, Jacksonville Marine Institute, Inc., Jacksonville, Florida.

to those who need it. The range of offenses which can be found in the student's records runs from armed robbery and assault on a policeman to truancy and shoplifting.

### The Secret Is Involvement

The students who spent that cold day trying to save a few whales were typical of the JMI population. They were studying Marine Biology, and preparing to go to the beach to collect shells and shark teeth. When it was learned that the whales were beaching themselves, the instructor took the class to Ft. George Island, instead. There were seven students in the class, and they were going to "see some whales."

The group was allowed into the area by the police for the purpose of scientific observation. The presence of police was necessitated by the activities of a few curiosity seekers who mutilated the first casualties for their jaws. The kids walked along the water's edge watching the mass of whales lazing in the water a few yards out. They were careful to stay as dry and warm as possible. This was not a group of idealistic environmentalists.

As the day passed, the tide rose to peak high and began to fall. With perfect timing, the herd had arrived in a large area of shoals that were dry at low water. The tide fell, and the herd began to beach like landing craft at Normandy. The instructor waded out knee-deep and tried to scare them back into deeper water. The students became more than just observers, as the action began.

The animals were sluggish, just easing towards shore and occasionally punctuating the relative silence with a short "blow" of breath. One cow was being isolated by a quickly draining sandbar. This was a key moment in the day. The students helped to roll her onto a piece of canvas, and drag her 400 pound bulk over the bar to the water. They had become participants.

For two hours they swam fully dressed with the herd, turning individual whales away from shore. They floated with the growing current,

arms around the first one and then another animal; pushing off the bottom along the beach to keep them in deep water. Nearly one-third of the herd stayed off the beach and returned to sea, but these returned hours later and perished during the night. The students had become involved in a cause, and they felt good. Their talk reflected their backgrounds. The day had been a "high." It had been a chance to do something to remember with pride. They felt like successes, valuable members of society who decried the vandals who had desecrated the corpses from the previous low tide.

#### *A Three-Pronged Approach*

The idea that attitudes are changed through involvement is at the core of the JMI program. To reach young people who often have a long standing belief that they cannot compete successfully in life requires a program that will get their interest and be a success experience. For a lasting impact, attitude development must be backed by remedial academics and basic work education. A motivated teenager with no job, and who is out of school is still a prime candidate for further involvement with the courts.

A new student enrolls in JMI after screening by the State Youth Services counselor assigned to the program. This screening is usually done in Duval Detention Center, shortly after the Health and Rehabilitative Services Co-ordinator notifies the counselor of the commitment of a juvenile.

The first day begins by touring the facilities and signing the evaluation agreement. The evaluation agreement explains the rules and what is expected of the students during the evaluation period which is 30 days. During this time, the new student attends several short courses, including Red Cross Multi-media First Aid, Health, Small Boat Handling, Cardio-pulmonary Resuscitation (CPR), Introduction to Diving, Introduction to Ecology, and Survival Swimming.

These short courses are designed to be success experiences; students need only to attend and be attentive. Non-readers are identified and they receive remedial assistance by a reading specialist. The highlight of the first month is the awards ceremony. On the last day of each month, course completion cards, achievement awards, and Graduation certificates are awarded, to the applause of staff, students, and occasionally parents.

Due to the voluntary nature of the program,

students have the option of continuing in JMI for the full 6 months or transferring to another program within the system during the 30-day evaluation period. Florida guidelines permit students to be transferred within 45 days, if they are found to be "unsuitable." During 1978, 15 students have failed evaluation, most for failure to attend school, none for being "unsuitable."

The remaining 5 months are divided between courses high in interest, such as Sailing, Diving, Marine Biology, and Red Cross Advanced Life-saving, the academic courses, Reading, English, Math, and General Equivalency Diploma preparation, and the work education program. The motivational category of courses is the most visible part of the total offering. These courses provide an opportunity for adventure, a format for learning acceptable leisure time activities, and they balance the time and concentration required to earn high school credits in academic classes.

Work Education may have the largest impact of the three areas. The job market today is not impossible to enter at 16 or 17, but it is competitive. Work Education classes use a video tape recorder to simulate job interviews and on-the-job situations which may be faced. The areas of concern are finding a job, keeping a job, and career awareness. The last is accomplished by tours of local industries and business, to provide a glimpse of the wide variety of careers to consider.

Academic classes are individualized to allow each student to work in the area of greatest need. The instructors work one-on-one as each student needs assistance. During 1978, students completing the 6-week educational component have shown an average improvement of nine-tenths of a grade level. Measurements are based upon the Test of Adult Basic Education.<sup>1</sup>

#### *Counseling*

Formal counseling is not emphasized at JMI. The instructors know that their primary responsibility is to help students to become successful adults, but they do this best by being good models, not damagogues. Each instructor serves as a counselor/advisor responsible for an average of six students. Advisors maintain attendance and progress records, and have regular communications with their advisees' families by phone and in person. Three major schools of psychology influence the style of counseling at JMI: Reality Therapy, Behavior Modification, and Perceptualism. Instructors are not selected for counseling

<sup>1</sup> Test of Adult Education (TABE) Level 3 Form A 1976 ed. CTB/McGraw-Hill, Del Monte Research Park, Monterey, Ca.



backgrounds, but for their concern for people and ability in their subject area.

Dr. Glasser's<sup>2</sup> application of "common-sense" and humanity to behaviorial psychology is very appropriate to the JMI atmosphere. Day to day crises are handled in terms of "What did you do? What good did it do you? What are you going to do now?" JMI has a token economy based on points earned for effort and behavior, not for academic success in class. Average effort and co-operation earns five points. The range is from zero to ten. Free lunches and concert tickets are awarded for earning the most points in a week or month. All students are involved in a monthly auction for positions on trips. These trips are detailed below.

The philosophy that underlies the entire effort at JMI is based on the perceptualistic idea that the students are innately "good people." This is not a maudlin lament of "they are not understood." They are expected to act responsibly and to accept the consequences of irresponsibility.

Responsibility is best learned by having responsibility. There are many opportunities to assume responsibility for self and others at JMI. The boats are operated by students, under adult supervision. The students must take care of themselves and a buddy when diving.

A statement often heard at JMI is,

We can't change anybody. We believe that you are ready to be successful, and this is a place to show everyone that you can be successful.

#### *Places To Go, Things To Learn*

There is an average of two out-of-town trips per month during the year. Some are just overnight, to camp, swim, sail, dive, or hike. Most one-night trips are part of classes, allowing students the opportunity to go to a more distant location than is possible in a single day. Others are for 3-6 days and involve the use of an institute training vessel. These trips allow students to practice skills learned in class or to develop mastery of basic skills acquired in shorter pool or sheltered water sessions. Classes which regularly employ one-night trips include Skin Diving, Sailing, and Backpacking. Longer trips and cruises are usually to reward long term effort and good behavior. These are "point" trips, with the right to participate purchased with points earned in the token economy. Recently, four crossings were made to the Bahama Islands aboard the institute's 45'

<sup>2</sup> Glasser, William, *Reality Therapy*, Harper & Row, New York, 1965.

sailboat. Advanced sailing students crewed on the 300 mile trip from Jacksonville to West Palm Beach, then four different crews spent six days at a time in the islands.

The underlying reason for any trip, long or short, is for the staff to interact with the students outside the more structured routine. The young people are away from their homes and neighborhood peers, and consequently are not under pressure to conform or rebel. Aboard ship, responsibility is taken seriously as students handle sails, assist in routine provisioning and maintenance, cook meals and pilot the vessel across the Gulf Stream. The role of staff and student blurs as all are subject to the commands of the captain.

Teamwork is necessary, whether the activity is crewing a sailboat, collecting marine specimens, or SCUBA diving among the coral ledges of Bahamian waters. It is the author's observation that many, if not most JMI clients have not developed a sense of teamwork. This is most evident in periodic softball games pitting the staff against the students. The students have never come close to winning, despite their greater physical speed and agility. Every game is plagued by many arguments, and the heckling of those who commit errors. Trips require a cooperative effort without the pressure to win that is found in a competitive situation.

#### *Philosophy and Organization*

JMI operates under the following philosophy:

The primary objective and reason for being of the Jacksonville Marine Institutes is the rehabilitation of wayward youth via marine oriented programs. These programs include formal experimental education and skill development.

Secondarily, the objective of the Jacksonville Marine Institute is to develop youth programs that are preferably marine oriented thus using the skills, experience and reputation of the Institutes that would offer character building and educational programs to various segments of the Florida youth population.

Although we fully appreciate the need for Government funding to support the primary objective of rehabilitation, it is the underlying principle of the Jacksonville Marine Institute to fund, wherever possible, its primary and secondary programs through monies from the private sector.

Jacksonville Marine Institute, Inc. is a non-profit corporation with a Board of Trustees, who provide a management team of experienced businessmen from the local community. They share a genuine concern for young people and are routinely involved in the short and long-range planning of the institute. Two members of each

institute's Board serve on the Associated Marine Institutes, Inc. Board of Trustees. JMI receives funding from the Florida Department of Health and Rehabilitative Services through a contract with AMI.

These funds pay for most essential operating costs. To provide other necessary services and equipment, JMI relies upon contributions from the private sector. The importance of these contributions is underlined by a comparison of the increased costs of operation due to the spiraling inflation rate and an increase in the state funding rate of only 6 percent over the past 6 years.

#### *Followup*

When the first institute began to work with state clients, a valid followup system was recognized as a critical need. This system has been developed and maintained ever since. During 1978, an average of 52 followup contacts per month were made with former students. All students who remain beyond the 30-day evaluation period are followed for 3 years, regardless of the type of termination from JMI.

Of the 282 students who left JMI after 30 days, only 57 recidivated (4-1-78). Only 13 percent of

\* A recidivist is a student who leaves the program after at least 30 days of participation (regardless of the type of termination), and is subsequently reconvicted of a misdemeanor or felony.

graduates and terminations for returning to school or other favorable reasons have recidivated. For students who enrolled from January through June, 1977, the latest statistical group figures available, 40 out of 53 stayed through evaluation with only three (3) recidivists,\* a rate of only 7.5 percent.

#### *National Recognition*

The success of the Marine Institute concept has been recognized nationally. In 1974, the Marine Institutes were awarded the National Junior Chamber of Commerce "Bill Butler Memorial Award" for the Best Correctional Program in the United States. The National Council of Juvenile Court Judges gave JMI the "Achievement Award for Unique and Innovative Youth Project."

JMI is an example of successful cooperation between government and private enterprise. The wide range of available learning activities is not possible with state funding alone. The Jacksonville area has a rich, natural environment to use to excite and involve troubled young people with lakes, springs, the St. John's River, and the Atlantic Ocean. JMI has the resources available to utilize them in a unique and successful manner. The combination of dedication to young people, expanded funding, and an exciting environment truly results in a victory at sea.

**END**