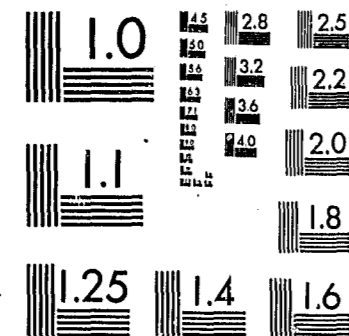


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# Federal Probation

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MARCH 1981

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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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# Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

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VOLUME XXXXV

MARCH 1981

NUMBER 1

## This Issue in Brief

**Disclosure of Presentence Reports in the United States District Courts.**—This article is a summary by Philip L. Dubois of a report prepared by Stephen A. Fennell and William N. Hall under contract with the Federal Judicial Center. The author states that, on the one hand, it does appear that a large proportion of Federal districts have achieved disclosure of presentence report in a large proportion of their criminal cases. On the other hand, he adds, although the high rate of disclosure is a positive step, many districts utilize practices that limit the effectiveness of such disclosure.

**Prosecutive Trends and Their Impact on the Presentence Report.**—With Federal prosecutors launching aggressive prosecutions against white-collar criminals, narcotics traffickers, corrupt public servants, and organized crime racketeers, probation officers find they need significant enhancement of their investigation and reporting skills, assert Harry Joe Jaffe and Calvin Cunningham, U.S. probation officers in Memphis, Tenn. For these offenders, a presentence writer can prepare a useful presentencing document by concentrating chiefly upon three significant areas: the official version section, the financial section, and the evaluative summary.

**The Right To Vote as Applied to Ex-Felons.**—While rights are intimately connected to duties, laws disenfranchising ex-felons show that correlations between the two are often drawn imprecisely, writes Professor John R. Vile. While voting is a fundamental right, the Supreme Court has refused to void felony disenfranchising legislation, he reports. The Court's action is normatively questionable, he maintains, especially when applied to those whose incarceration has ended.

**Action Methods for the Criminal Justice System.**—Dale Richard Buchanan, chief of the Psychodrama Section at Saint Elizabeths Hospital in Washington, D.C., tells us that while role train-

ing, role playing, and psychodrama have been extensively used in the criminal justice system, there has been a lack of coordination among these terms and in the ways in which they were used. Action methods will probably continue to gain greater use within the criminal justice field, he asserts, because of their direct applicability to the jobs that are needed to be performed by criminal justice personnel.

**Administrators' Perception of the Impact of Probation and Parole Employee Unionization.**—This article by Professor Charles L. Johnson and Barry D. Smith presents information from a recent survey on the incidence of parole/probation unionization

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and administrators' perceptions of the impact of unionization on the quality, cost, and difficulty of administering services. Some of the critical issues emanating from the increased parole/probation unionization are delineated and discussed as they are reflected in the literature and as a result of the survey.

**Highlights, Problems, and Accomplishments of Corrections in the Asian and Pacific Region.**—The Australian Institute of Criminology recently organized the First Conference of Correctional Administrators for Asia and the Pacific, which was well attended and prepared the ground for joint action. Already this has resulted in the collection of data on imprisonment, some of which are provided in this article by W. Clifford, director of the Institute. In this very broad survey, some of the problems of corrections in the region—and some of the approaches which are different from those in the West—are highlighted.

**The Demise of Wisconsin's Contract Parole Program.**—This article discusses the elimination of an innovative method of paroling criminal offenders in Wisconsin. The State abolished its creative Mutual Agreement Program because budget analysts deemed the program to be an ineffective method of paroling offenders when compared to the traditional method of parole decision-making. Although this program has been eliminated, Wisconsin Parole Board Member Oscar D. Shade says it is conceivable that contract parole is workable and could prove to be a most effective means of managing an offender's parolability.

**Juvenile Detention Administration: Managing a Political Time Bomb.**—Administering a juvenile detention center is one of the most difficult and frustrating jobs in the juvenile justice field,

asserts Youth Services Consultant Robert C. Kihm. Although it is clearly stipulated in idealistic terms how children ought to be cared for while in state custody, the detention administrator must deal with the reality of providing care with very limited resources and little control over who is admitted and discharged from the facility, he states. This article examines how these contradictions proved the demise of four detention administrators' careers, and what lessons can be gained by current administrators facing similar problems.

**Parent Orientation Program.**—Juveniles paroled from a correctional institution are faced with readjustment problems. Community resources are limited and families poorly equipped to offer assistance. To increase the effectiveness of families as resource people, the author, Serge W. Gremmo, has developed the Parent Orientation Program (POP) which orients families toward potential problems in the parole adjustment of their children, acquaints them with the mechanics of parole, disseminates information to assist juveniles during reintegration, and lends support during a difficult period.

**Crisis Intervention in a Community-Based Correctional Setting.**—Despite their widespread use in other practice settings, crisis-intervention theory and techniques have been woefully underutilized in community-based correctional agencies. This article by New York City Probation Officer Margaret R. Savarese is an attempt to help remedy that situation by presenting an overview of crisis theory and techniques and then illustrating their application at a particular crisis point in the criminal justice system—the point of sentencing—via two actual case situations.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

## Highlights, Problems, and Accomplishments of Corrections in the Asian and Pacific Region\*

BY W. CLIFFORD

Director, Australian Institute of Criminology

HERE is great presumption in seeking to provide an overview of the developments in corrections in a region as wide and varied as Asia and the Pacific. In fact, this is the region which can be called the cradle of the world's civilisations. If Asia Minor be included, it also gave birth to the world's great religions. And, of course, it is the region in which the first atomic bomb to be dropped in anger heralded a new nuclear age.

From a corrections point of view it has an equally varied and significant history. The punishments inflicted on offenders in this region over the many centuries make a gruesome chronicle of man's ingenuity in inflicting pain on his fellow men. From here came such legendary punishments as the "black hole of Calcutta," "the death of a thousand cuts," "inverted crucifixion," and forms of death by slow torture. These are now matched only by the extent to which some of the modern countries of this area have progressed towards forms of dealing with crime from which the West may have much to learn.

In Asia and the Pacific there are countries, large and small, with cultures both varied and homogeneous. There are advanced and regressive countries. From the correlation of rising crime with the increasing per capita income in the 21 member states of the Arab League to the peace of Tonga, where the one and only recorded armed robbery took place in 1952, the picture of crime and corrections changes dramatically. Nor is the course of development unilinear—as will be apparent from the media's accounts of recent events in Iran, Pakistan or Kampuchea. As against all this, Japan has had a falling incidence of serious crime for the past 15 years and demonstrated considerable skill in reducing recidivism by the same kinds of prisons that in the West are supposed to have failed; we have Sri Lanka with open prisons

even for people on remand; Singapore with a massive correctional programme designed to rid the island of drug addiction by the use of institutionalised training and harsh measures to prevent trafficking; and Australia, which began as a penal colony and which now stands as a kind of remote bastion, not only of Western correctional achievement, but of Western correctional problems—thereby contrasting sharply with some of its near neighbours.

Similarities in Asia and the Pacific are provided by the way the countries share the European systems of law and the imported penal institutions. A great deal is said these days about the way in which the developing world is encumbered with the alien systems of law which it inherited from the colonial period. But in fact there are in the world only three or four basic systems of law and most of the developed countries are using laws borrowed from abroad or at least greatly influenced by borrowing from abroad.

A more serious criticism is that Asia and the Pacific, like Africa and Latin America, borrowed not only their legal systems but the penal institutions to go with them and it was these penal institutions which were the more likely to clash with local cultural values. Imprisonment could seem more like a reward than a punishment in societies living from hand to mouth. Compensation was lost to the West for centuries of statute law—and, therefore, this written law was totally inadequate when it did not provide for the compensation traditionally considered to be crime preventative. Probation, too, with its great flexibility for different cultures, was either not introduced at all or else was administered on a Western pattern often of doubtful relevance to local situations.

To this day the modern legal system in Papua New Guinea has been unable to deal adequately with the strong tradition there of vengeance or "pay back" murders. There has been no probation or parole in Thailand until recently, although amnesty is often used as a means of clearing cor-

\*This article is an extended version of an address delivered to the American Correctional Association on Thursday, August 21, 1980.

rectional institutions. A number of countries in the Middle East are under pressure to leave the Western patterns of punishment and to adopt Saudi Arabia's traditions of Koranic penal sanctions. Japan, on the other hand, has embraced the idea of volunteers in probation so enthusiastically that it now has 60,000 of its citizens devoting their time and efforts to a probation system which operates with a very small number of paid officials. Probation is just about to be introduced in Western Samoa and people are still licensed to drink in Tonga, where the alcohol introduced by the missionaries is their greatest problem.

This was the background then to the organisation of the first Asian and Pacific Conference of Correctional Administrators by the Australian Institute of Criminology. The Australian Institute of Criminology has, for a number of years now, been developing international links in the Asian and Pacific region and, in consultation with other nations, it organised a conference for correctional administrators in Hong Kong in February 1980. The conference was attended by representatives from Australia, Canada, Hong Kong, Indonesia, Japan, Macao, Malaysia, Papua New Guinea, the Philippines, Singapore, Sri Lanka, Thailand, Tonga, and Western Samoa and the proceedings have recently been published by the Australian Institute of Criminology under the title of "Corrections in Asia and the Pacific."

What was really significant was the extent of agreement and understanding between the countries represented. Each participant brought with him papers on the items of the agenda showing the trends in corrections in his own country and the problems arising. The reproduction of these in the published proceedings of the conference provides vital information on imprisonment in a region of the world which has usually been relatively unrecorded in terms of criminal statistics. The conference noted the fact that crime figures are notoriously unreliable and that victimisation studies would be necessary before conclusions could be drawn. Nevertheless, the conference observed that amongst crime statistics the figures which countries might give for prisoners held in custody were perhaps the most reliable; and there was a necessity to make information about daily average prison population figures freely available throughout the region. Since the conference, these figures have been collected by the Australian Institute of Criminology as the Secretariat for the Correctional Services in the region and they are now published quarterly in the newsletter of the

Institute. For example, the following information was given in the May newsletter:

PRISON STATISTICS FOR ASIA AND THE PACIFIC  
QUARTERLY SUMMARY NO 1

Correctional administrators in the countries listed below have supplied the basic information which is incorporated in the following tables. It is expected that the list of participating countries will expand in the future.

TABLE 1.—Total Prisoners as at 1 April 1980

	Males	Females	Total	Population (in thousands)	Rate <sup>1</sup>
Australia	9,603	335	9,938	14,512	68.5
Hong Kong	4,730	134	4,864 <sup>2</sup>	5,017	97.0
Indonesia <sup>3</sup>	36,415	860	37,275	130,000	28.7
Macao	211	4	215	350	61.4
Malaysia	8,247	179	8,426	13,000	64.8
Papua New Guinea <sup>4</sup>	4,804	276	5,080	3,000	169.3
Singapore	3,705	103	3,808	2,750	138.5
Sri Lanka	10,415	186	10,601	14,500	73.1
Thailand	66,198	3,154	69,352	44,000	157.6
Western Samoa	165	5	170	155	109.7

TABLE 2.—Convicted and Remand Prisoners as at 1 April 1980

	Convicted Prisoners	Remand Prisoners	Percent Remand	Remand Rate <sup>1</sup>
Australia	9,921	1,006	10.1	6.9
Hong Kong	4,085	779	16.0	15.5
Indonesia <sup>3</sup>	22,988	14,287	38.3	11.0
Macao	109	106	49.3	30.5
Malaysia	5,899	2,527	30.0	19.4
Papua New Guinea <sup>4</sup>	4,550	530	10.4	17.7
Singapore	2,693	1,115	29.3	40.5
Sri Lanka	4,862	5,739	54.1	39.6
Thailand	51,446	17,906	25.8	40.7
Western Samoa	160	10	5.9	6.5

TABLE 3.—Offenders on Probation and Parole as at 1 April 1980

	Probationers	Rate <sup>1</sup>	Parolees	Rate <sup>1</sup>
Australia <sup>4</sup>	19,834	136.7	4,329	29.83
Hong Kong	2,518	50.2	1,030	20.53
Indonesia <sup>3</sup>	—	—	45	0.03
Macao	—	—	3	0.86
Malaysia	—	—	—	—
Papua New Guinea <sup>4</sup>	—	—	—	—
Singapore	—	—	—	—
Sri Lanka	1,836	12.7	128 <sup>5</sup>	0.88
Thailand	412	0.9	252	0.57
Western Samoa	334	215.5	30	19.35

<sup>1</sup> Per 100,000 of population

<sup>2</sup> An additional 1,282 were detained in drug addiction treatment centers. If these detainees were counted as prisoners the Hong Kong imprisonment rate would be 122.5

<sup>3</sup> Preliminary data

<sup>4</sup> As at 1 January 1980

<sup>5</sup> Released on licence (Sri Lanka does not have parole)

The conference noted that trends in crime in the region sometimes bore no relationship to the use of imprisonment, so that in some countries where crime was comparatively well controlled, prisons were overcrowded. Elsewhere, though, the number of cases known to the police had increased, the

number of persons convicted and sentenced to imprisonment had decreased. There was agreement that the great variety of standards should be reduced. There was also support for the development of a system of accreditation of penal institutions to avoid the increasing public and professional confusion about precise levels of human rights in actual practice.

Other matters of interest were that Sri Lanka had about 50 percent of its daily average prison population on remand, whereas in Japan, Canada, and Papua New Guinea only 15 percent were on remand, the State of Western Australia had 5.6 percent on remand, Thailand 30 percent, Malaysia 20 percent and Hong Kong 12 percent. As for escape rates, Sri Lanka, with a daily average prison population of about 11,000 prisoners, had some 300 escapes a year. Thailand also had about 300 escapes a year, but its daily average prison population was 72,000. Hong Kong, however, had a daily average prison population of 6,600 prisoners in 1978 and 4 escapes. In 1979 there had been only one escape in Hong Kong.

Perhaps the most significant part of the entire conference was that the Correctional Administrators of Asia and the Pacific considered that they could not go along with the Western rejection of rehabilitation as an objective of imprisonment. Remember that Asian history is different from that of the Western countries and in some of the Asian and Pacific countries concerned, they had moved relatively recently from totally repressive approaches to corrections and had only in recent years developed the concept that harsh retribution was no answer. The concept of rehabilitation had been particularly helpful in enabling them to make this transition; and they regarded any neo-classicist revival of retribution or "just deserts" to be highly dangerous for the prisoners, since it could justify a return to inhumane punishments and an extension of prison use—and perhaps abuse. The conference, therefore, asked that at the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the position of Asia and the Pacific should be made very clear that:

Asian and Pacific countries are generally committed to the ideal of rehabilitation but they accept the view that this principle must not be used to justify discrimination. . . . Most problems in prisons arise not from the implementation of a rehabilitation policy but from the lack of it, caused by the lack of resources or the lack of attention to staff training and improvement needs.

Japan, in particular, gave information showing a steady fall in the rate of reconviction of first of-

fenders during the past 20 years and a fall in the recommitment rate of offenders convicted more than once since 1949. Whilst it could not give adequate reasons for these figures, Japan was prepared to believe that this reconviction rate was a rough guide to success. It was, of course, linked in Japan with a falling rate of total crime. Japan could not, therefore, go along with the idea that it had failed in its commitment to the rehabilitation idea in its past development of corrections.

There was general support for the idea that the prison must be used only as a last resort and that every effort should be made to develop alternatives. Papua New Guinea explained its development of village courts (even in urban areas) as a form of deviation from the criminal justice system, and most countries in the region had customary or local means of diverting people from the formal courts. However, the range of alternatives available in the region was not as wide as the conference considered that it should be.

In dealing with the problems of prison management, there was a predictable disagreement over the concept of the prison as purely a place of custody. Some countries felt that it was not enough for the prison authorities to take the view that they should only be concerned with custody or security and that rehabilitation should be the prisoner's choice. It was considered that pressures could be properly applied by means of parole or more attractive conditions to induce offenders to take advantage of facilities for rehabilitation. Japan considered it ironic that training should be thought to be an inappropriate approach to prisoners but still necessary for prison officers. In this connection prisoners rights, it was felt, should be balanced against the rights of prisoners to be protected when necessary from others inside the institution and also should be balanced with the rights of prison officers.

Above all, there was a general acceptance in the conference of the need for adequate industry to be provided in all prison institutions and a clear measure of discipline.

The procedure for ensuring the human dignity of persons in custody should be developed with a reasonable consideration of the morale and discipline necessary within the security requirements of the prison services if the best interests of the prisoners themselves were to be assured. Where weakness in the prison systems appears due to indiscipline, selfishness and polarisation of prison officers' organisations, a reduction in the morale of prison officers begins to emerge.

Therefore, the conference considered that the Sixth United Nations Congress on the Prevention

of Crime and the Treatment of Offenders should be alerted to its opinion that "the best interests of prisoners would be served by an appropriate balance and consideration of rights and duties of all persons engaged within the prison setting."

The conference believed that the United Nations Standard Minimum Rules for the Treatment of Prisoners should be universally applied and that efforts should be made to develop accreditation procedures within and between the countries of the region so as to satisfy the needs of the prisoners themselves, the public, and the prison services.

Arrangements are already being made for a second meeting of Asian and Pacific Correctional Administrators to take place in 1981—probably in

Bangkok. The suggested agenda includes a consideration of prisoner exchange, prison industry and upgrading the training of those who are working in the prisons. The Hong Kong meeting also led to the British Commonwealth Secretariat asking the Australian Institute of Criminology to convene a meeting of correctional administrators from the Commonwealth. Internationalism is, therefore, growing and close contact is being maintained by the American Correctional Association with the Australian Institute of Criminology. The American Correctional Association sent a telegram of greetings to the Hong Kong meeting and has mentioned that it may send observers to future conferences of this kind.

**END**