

Federal

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MARCH 1982

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# Federal Probation

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## This Issue in Brief

**Structuring the Exercise of Sentencing Discretion in the Federal Courts.**—Brian Forst and William Rhodes report results of a major study of Federal sentencing practices, focusing on highlights that have special relevance to the probation community: survey results on the purposes of sentencing, an analysis of recent sentencing decisions, and an analysis of the information contained in the presentence investigation report. The survey revealed that Federal probation officers and judges, on the whole, regard deterrence and incapacitation as more important goals of sentencing than either rehabilitation or just deserts. The judges individually, on the other hand, are divided over the goals of sentencing.

**Zero-Sum Enforcement: Some Reflections on Drug Control.**—This article reflects upon the dilemmas in drug control efforts and suggests that current policy and practices be reviewed and modified in order to evolve a "more coherent" approach to the problem. The authors critique the methods of evaluating drug enforcement efforts and provide a series of rationales that can be employed in the decisionmaking process.

**Inreach Counseling and Advocacy With Veterans in Prison.**—A self-help model of direct and indirect services is provided through a Veterans Administration veterans-in-prison (VIP) pilot program. Authors Pentland and Scurfield describe objectives and methodology of the program, including the formation of incarcerated veterans into self-help groups, organization of community-based resources into VIP teams that visit the prisons, serving veteran-related issues and services such as discharge upgrading and Agent Orange, and a diversionary program for veterans in pretrial confinement.

**The Probation Officer and the Suicidal Client.**—This article by Federal probation officers Casucci and Powell attempts to provide the probation officer with enough information to be able to

recognize and deal effectively with the suicidal client. The authors furnish an overview of the problem of suicide, a profile of the suicidal client, and the therapeutic response of the probation officer in this crisis situation.

**An Experiential Focus on the Development of Employment for Ex-Offenders.**—U.S. Probation Officer Stanley S. Nakamura of the Northern District of California states that a concerted effort

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has been made in his District to establish an employment program that would provide real assistance to those clients interested in working. Integrity, friendship, patience, professionalism, trust, placement, and followthrough are the basis of a successful employment program, he concludes.

***Alienation and Desire for Job Enrichment Among Correction Officers.***—Responses to a correction officer opinion survey suggest that C.O.'s hold attitudes toward their job that are similar to those of other contemporary workers, report Hans Toch and John Klofas. Like other urban workers, urban C.O.'s tend to be very alienated; like workers generally, most C.O.'s are concerned with job enrichment or job expansion.

***BARS in Corrections.***—Evaluating the job performance of employees is a perennial problem for most correctional organizations, according to Wiley Hamby and J.E. Baker. The use of Behaviorally Anchored Rating Scales (BARS) appears to be a viable alternative for evaluating the performance of employees in corrections, they maintain.

***Redesigning the Criminal Justice System: A Commentary on Selected Potential Strategies.***—Selected strategies are highlighted by Attorney Tommy W. Rogers which would appear worthy of consideration in any contemplated alteration of the criminal justice system. Suggestions are made concerning modification of the criminal law detection and apprehension strategies, improving the administrative and judicial efficiency of courts, redressing system neglect of victims, and utilization of research in planning and legislation.

***Strategies for Maintaining Social Service Programs in Jails.***—Social services within jails and community-based alternatives to incarceration are vulnerable to cutbacks, asserts Henry Weiss of the Wharton School in Philadelphia. His article suggests a number of strategies for maintaining the improvements in service delivery that have been so painstakingly won over the past 15 years.

***Promises and Realities of Jail Classification.***—The process by which jails reach classification decisions has rarely been studied due to the preoccupation of the field with predictive models, assert James Austin and Paul Litsky of the National Council on Crime and Delinquency Research Center. The authors' opinions expressed in this article are based on their findings of a comparative process study of four jail classification systems.

***Crime Victim Compensation: A Survey of State Programs.***—Compensating crime victims for injuries sustained as a result of their victimization has evolved into a highly complex practice, report Gerard F. Ramker and Martin S. Meagher of Sam Houston State University. Their study showed that the state compensation programs in existence today are subject to similarities in certain organizational characteristics and also appear to share certain disparities.

***Probation Officers Do Make a Difference.***—This article by Marilyn R. Sánchez of the Hennepin County (Minn.) Probation Department examines the successful interaction between probation officer and client. Her article discusses a three-issue model for feedback from probationers: (1) the "exit interview" with the probationer, (2) presentations in schools, and (3) the postprobation checkoff list.

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.

for fear we will plant the suicidal idea in the client's mind. However, remember that suicide is something that is planned; it is not a spontaneous act. If the suicidal person answers affirmatively to the question, the probation officer must determine the degree of risk. If, upon further inquiry, the suicidal person outlines specific details of a suicidal plan, and he has the means to carry it out, the risk is imminent. At this point the probation officer should physically take the client to a local Suicide Prevention Center, Crisis Intervention Center, or hospital. In short, get some help!

If the situation appears to be more casual, the probation officer may try counseling. Attempt to alter the suicidal person's orientation from past and present to the future, such as arranging a counseling appointment. Attempt to reduce problems to "bite-sized ones" by reinforcing other alternatives. Assess the strengths and weaknesses of the suicidal client and find out his coping strategy. Try to contact the significant other, and you will quickly learn whether that individual is hostile or helpful. Try to formulate a therapeutic

plan to counteract the suicidal plan. Mobilize as many of the person's resources as possible, but do not "spoon-feed" him, as it reinforces the notion that he is helpless. Suggest that he come to see you again or call you in the future. Stay in contact with the client so that you can keep apprised of his emotional status and can ascertain if he followed through with your suggestions and referrals. Finally, *do not take a person's suicide personally, as he may have been pointed in that direction many years ago.* You can only do your best to prevent suicide; you are not a miracle worker. The suicidal client must retain the responsibility for his own existence; we can only hope that he will heed your advice.

Our goal has been to acquaint the reader with the topic of suicide in order to provide a plan of action if you ever are confronted with such an intense situation. The intervention of a caring human being can do wonders for the suicidal client whose world has been perceived as cold, uncaring, and hostile.

## An Experiential Focus on the Development of Employment for Ex-Offenders

83173

BY STANLEY S. NAKAMURA

*Probation Officer, U.S. District Court, Oakland, California*

**P**ROBATION has, in the past, traditionally been associated with the idea of rehabilitation; however, in recent years, the idea of providing maintenance service for the client has emerged. The present focus is to provide the client with as many tools as he or she would choose to use to better himself or herself and to achieve personal and financial independence within the acceptable framework of society. If the client chooses not to accept the services available, an effort is made to maintain the client within the community without criminal behavior for as long as possible on economic and humanitarian grounds.

One of the needed services offered the ex-offender is meaningful employment, which is still

considered by many to be a panacea for society's ills, including criminal behavior. During the 3 years this officer has been associated with the employment of ex-offenders he has found that jobs are not the "cure-all" society expects. As in psychotherapy or any other self-help process, clients cannot be successful in employment unless they first choose to accept responsibility for themselves and their own actions. Once the choice has been made, a client is better prepared to face the demands and responsibilities of employment. One can be well trained in the techniques of job interview, job search, and the completion of work applications, but, if he or she chooses not to accept the responsibility of work, employment will not facilitate successful readjustment to society.

An ongoing study by VERA, entitled: "Linkages Between Employment and Crime: A Qualified Study of Riker's Releasees," (outlined in the Justice Assistance News, U.S. Department of Justice, March 1980, Vol. 1, No. 2) suggests the need for at least evaluating a person's predisposition for criminal behavior. Further, the study seems to support the idea that employment does not necessarily alter or prevent criminal behavior.

#### *Community-Based Organizations*

Many community-based organizations (CBO's) help the ex-offender find employment opportunities; however, CBO's vary greatly in the quality of service they provide, which many times is directly proportional to the amount of funding they receive and/or the extent of their involvement in political activity and the accountability required in the use of their funds.

When funding of CBO's is directly related to the number of people they place in employment, the agencies generally fail to maintain proper screening procedures, the quality of employment placement, and the supportive services offered the employer. Most organizations want to continue as an entity and, as a result, will concentrate on the number of ex-offenders placed in an effort to gain funding for the next year.

The Comprehensive Employment and Training Act (CETA) has been a prime mover in the funding of CBO's providing services and training for ex-offenders; however, the writer has found that most programs offered are inadequate. Although programs do exist that provide effective training, in most instances, the quality of training is not geared to the level required by industry (e.g., industry requires 60 words-per-minute). Many times quality standards are stated, but the trainees are allowed to pass without meeting the standards.

The programs are generally too short, try to do too much in too little time, and fail to address the reading, writing, and math needs of the trainee. An individual who is supposed to be helped is not truly confronted with the areas where he or she needs to improve. The client is given a false sense of hope, only to enter the job market and find that he or she cannot honestly compete.

Emphasis needs to be placed on job compatibility and then training. Any training should build upon and add to the skills already possessed by the individual. If more basic education is needed, these areas should be addressed before training begins. Training should always be according to industry standards. Personal and program accountability must be adhered to strictly.

Vocational programs in junior colleges and training schools are subject to some of the same problems as CETA programs. Many times vocational training is out of touch with present industry needs and standards, and lacks proper facilities, up-to-date machinery, and materials.

#### *Considerations When Beginning an Employment Program*

In the United States Courts System for the Northern District of California, a concerted effort has been made to establish an employment program because it was felt that such a program would provide real assistance to those clients interested in working. We have tried, within our limitations, to eliminate the mistakes made by other programs involved in the employment placement of ex-offenders.

As professional people, we must operate a quality program. We cannot become enmeshed in the numbers game if we are to be successful. It is hard to hold the line on quality when the need is great and when many others are concerned with numerics; but, the quality of placement must be maintained if credibility is to be established within the employer community. Training in job-search techniques, proper completion of employment applications, and interviewing will assist the client and provide more self-confidence. However, they are effective only when an individual's motivation, skill level, mental and physical limitations and propensity for criminal behavior have been considered and job readiness determined.

Establishment of relations with CBO's and private industry groups are recommended, since knowledge of community and employer activity is essential for proper placement. Notwithstanding the need for such relationships, this writer cannot emphasize enough that relationships must not be cultivated at the expense of our own integrity, reliability, and professionalism.

#### *Client's Understanding of Employment and Our Understanding of His/Her Needs*

There are no short cuts to a good job, and we are only fooling ourselves and hurting our clients when we do not deal with this reality. The client's age, handicap, skill level, etc., must be examined. He or she must accept the responsibility for arriving on time, attending daily, and producing quality work. Further, today's technology demands that we meet its requirements. It is necessary for the clients to understand the obligations they have to themselves to obtain the proper training in their

fields of interest. We, as professionals, should demand effective programs that will provide the training to meet standards required for specific job opportunities.

Wages and benefits, and personal and family needs, must be a consideration in any good employment placement plan. For example, if a person has a family, the strain of revolving shift work may cause stress in the family and on the job. The results may be failure in one or both areas. If a client's spouse meets the proper employment criteria, thought should be given to finding employment for the spouse. Having one person in the family employed might increase stability and decrease anxiety within the nuclear family until the client can be placed.

No placement is better than any placement. If a good placement is going to be successful, the client at least must have partial fulfillment or you dramatically reduce the possibility of success.

Our attitude plays a large part in the success or failure of a program. We are not asking for a "hand-out" but attempting to provide a service. It is our goal to make the employer's job easier by helping him find good, qualified employees, and fulfilling his Affirmative Action goals. In this way we indirectly contribute to the company's success. Any social awareness the employer gains from this relationship is secondary, albeit important and needed.

#### *Employer's Perspective*

Most employers try to be forthright and honest if they trust you and believe you are interested in their welfare as well as that of your client. Believe an employer when he says he is not hiring, unless long experience tends to indicate otherwise. Ask him about possible hiring cycles, and then work at his convenience—not yours or the client's. It is particularly important that one continue to maintain contact with an employer on a regular basis. Just because a company is not hiring at the moment is not a good reason to discontinue visits with them or forget them.

Establish a close, working relationship with personnel people, but do not stop there: Become acquainted with secretaries and other staff members. Treat them as friends and as you would wish to be treated. See them as people, not just as extensions of a large organization. Find out what their needs are, and do your best to meet them. Familiarize yourself with their industrial complex (if at all possible, take a tour) to see how work is actually performed and clarify in your mind specific needs

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Reciprocations, such as tours to criminal justice institutions, etc., which might be of interest to the employer and expand his understanding of the ex-offender, should be arranged. The employment officer must also be aware that a great deal of business can be conducted during a "working lunch" in a less formal and more congenial atmosphere, where both the employer and employment officer can become better acquainted as individuals. Knowledge obtained in such meetings can enable the employment officer to effectively assist the employer in his personnel needs.

It costs a company to train an employee. One company who hired unskilled workers indicated that the training costs for each employee was approximately \$1,000. At other companies, the figure could be much higher. If an employee is absent, the employer must still pay benefit costs of \$2 to \$3 per hour. When an employee is tardy, the employer may have to pay someone else time and a half, or even double time, until the tardy employee arrives. Hidden costs to the employer helps to emphasize the need for on-time performance, without absences, as an essential quality required for employment.

#### *Client, Employment Officer, and Employer Relationships*

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Total honesty with the client and with the employer cannot be emphasized enough. The employer should fully know about the individual's criminal background, as well as any other information that might help the employer understand the particular client's circumstances and needs. If a client is unwilling to allow free exchange, he should not participate in the employment program. The employer, as well as the probation officer, is now being held responsible by the courts for employee behavior which results in injury to fellow employees or others if prior knowledge of client behavior might have caused the employer to take precautions which might have prevented a serious accident.

#### *Evaluation and Conclusion*

This officer has been able to establish some guidelines as to an acceptable job.

It takes approximately 6 months to establish a successful employment program. This period of time was arrived at experientially by this writer and another officer who started similar but independent programs. The size of the probation office has a great deal to do with the extent an office can be involved in employment placement. It is felt that an office with 10 line officers should have one full-time employment officer. Smaller offices would need to allot time for employment proportional to the number of line officers in their particular office.

Initially, a good relationship with a core of eight to ten companies having a work force of 250 or more should be cultivated. Once this relationship is firmly established, the employment officer should begin to branch out as time and quality of service permit. The employment officer will be pleasantly surprised to find many truly concerned

professional people in the ranks of industry personnel departments.

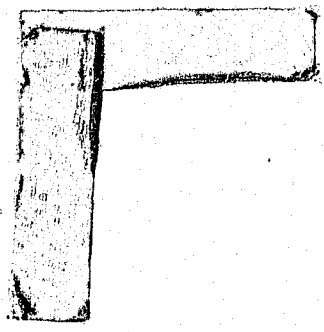
Your reputation is your "carte blanche." Employer/personnel people have informal gatherings about new laws and problems in the field of personnel work, and it won't be long before the word is passed around as to the quality of your employment program—good or bad. Patience is needed in the work. Do not allow anxiety over the lack of placements to cloud your judgment and compromise your standards. This writer found that once a program was established a placement rate of approximately one per week was *excellent*. Several employment agencies were contacted, who revealed that one or two placements per week was considered a very good job in their industry. A general consensus of off-the-street job placement was very close to one per week, with a professional in the business for more than 10 years able to place two or three a week in a very good year. This is also predicated upon job skills.

In 1979, we were able to place 51 people, with an average starting salary of \$5.75 per hour and a retention rate of better than 50 percent. The professional agencies felt this was an excellent record. Factors, such as the economic condition of the country as a whole, do have an impact upon job availability. In 1980, this economic factor reduced our placements to 34, with an average starting salary of \$6.22 per hour and a better than 50 percent job retention rate. Employers located within the jurisdiction of our district consider 40 to 60 percent job retention the general rate.

Integrity, friendship, patience, professionalism, trust, placement, follow-through—these are the basis of a successful employment program. These qualities then become the continually revolving wheel which leads to successful human growth and reintegration.

THE MAIN reason for low employment rates among ex-offenders is not failure to find jobs but failure to keep them.

—MARK R. WIEDERANDERS, PH.D.



**END**