

Probation

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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. Sanchez 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.

Strategies for Maintaining Social Service Programs in Jails

BY HENRY WEISS

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CORRECTIONS today is embroiled in a dilemma. Court decisions that order improved inmate care occur within the context of an economy wracked with stagflation. Many communities simply do not have the funds to implement the mandated jail reforms. Either the courts (recognizing the economic reality) will back off and become less activist; or counties will be forced to redefine their budget priorities. Judges have been handing down tougher sentences as a response to increased public frustration and anger over crime. But with more people incarcerated, the inadequacy of our penal institutions becomes all the more blatant, and the potential for riots increases. The public's punitive mood, coupled with economic decline and the Reagan budget cuts, result in a reduction of community social service programs. The thrust for jail reform can become sidetracked as an ideal that is too expensive and unpopular; hence it is easily compromised.

The "just deserts" public sentiment that is now fashionable can be related to two other current social phenomena. The first trend is a move toward "gentrification." A number of writers (e.g., Besser, 1979, and Fleetwood, 1979) have observed the return of the white upper middle class from suburbia to the inner city, in what might be termed an urban renaissance. These high salaried professionals are moving back to the cities to be close to their work and to the cultural attractions that large cities offer. And this movement is facilitated by the energy crisis. While formerly run-down areas are being rehabilitated, a negative consequence is that the urban poor are being displaced, causing further social disruption. It is not at all clear whether this new urban elite will support the concept of community-based corrections, since few offenders are likely to come from their midst. With their affluence they may continue to favor the status quo model of the jail that incapacitates and isolates the troublesome.

The second trend concerns the paucity of community alternatives for offenders. In this regard the plight of offenders is similar to that of

discharged mental patients. While Goffman (1961) documented how both types of total institutions (mental hospitals and prisons) were counterproductive to their therapeutic intent, the diversion of these inmates to community resources has had its problems as well. The problem with community-based alternatives is that most people support the idea in principle, but few want the services located in their neighborhoods. The public may be fearful and unaccepting of inmates, and their influx may lead to retaliatory actions on the part of private citizens. Thus Schull (1977) writes that "the protection an institution offers the community from the *deviant* and the protection it offers the deviant from the *community* are of equal importance" (p. 2). He also sees community ghettos for deviants as replacing the institutions as a means of social control. This experience of minimal resources and the private exploitation of marginal populations leads Rothman (1973) to conclude that the asylum may be rediscovered.

There are some very real obstacles to the continuation of reform. Nevertheless the progressive and reform advocate might want to consider using the following four strategies, which seem to be associated with the successful implementation of jail social service programs.

(1) *Use judicial decisions or the threat of class action suits to further improvements within the jail and the goal of community-based corrections.*—While judges may be reluctant to impose jail reform measures on financially beleaguered locales, the backlog of cases supporting this direction sets a precedent that may be difficult to modify. If the courts suddenly reverse themselves because of political and financial expediency, their credibility is open to question. The push that many states are making toward adopting uniform standards for county jails also reinforces this trend.

For the jail administrator who wishes to champion reform, court rulings and standards are easy external targets to blame for the changes that he/she favors. That is, it is these judges and state officials who are dictating that certain changes be

made. In short, reform advocates can appeal to court rulings as a club that has status and power. And they can use this leverage to push community officials and influential groups to adopt the change measures that they favor.

(2) *De-emphasize the notion of "rehabilitation" in promoting social service programs.*—The connotation of the term "rehabilitation" implies a sort of "cure" in which inmates remain crime-free by virtue of their exposure to treatment programs. It is usually measured by recidivism and, by the criteria, treatment services have been shown to be ineffective.¹ For social services to continue to accept responsibility for this expectation is to set itself up for failure and disrepute. It then becomes much easier to rationalize social service cutbacks as dispensable in these inflationary times.

Whenever possible social services should be linked to practical concerns that the community can understand. These include the following: helping inmates to initially work through the transition to jail life, thereby minimizing psychological crises; keeping inmates occupied in a variety of activities so as to undercut the destructive effects of idle time and potential riots; allowing residents to work and to earn money, so that they can continue to provide for themselves and their families (thereby reducing the need for public assistance); providing educational experiences, vocational training, and job placement so that offenders upon release can better meet the normative demands of constructive citizenship; maintaining services that address specific problematic areas, such as alcohol and drug abuse; and linking offenders to needed community social services which they can utilize upon release.

All of these functions are therapeutic and all can be linked to rehabilitation, although the connection is tenuous and should not be made. Rather

¹ The most devastating attack on correctional treatment services has been made by Martinson (1974) in his review of the research literature.

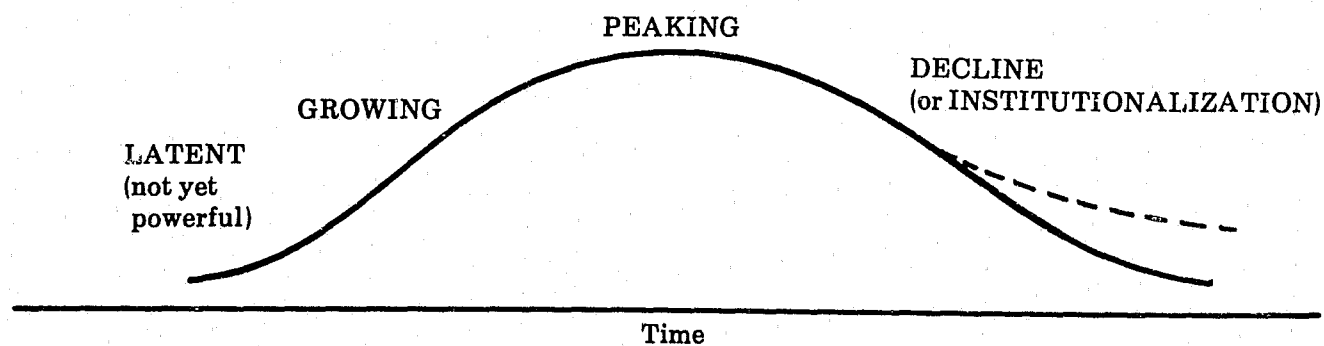
² Loeb (1978) reports that the 1976 direct costs and outside service costs amounted to \$173 million, based on an average population of 6,600 inmates. This amounts to \$26,212.12 a year per inmate, a figure that in 1981 is substantially higher as a result of inflation.

these services are important in their own right, apart from whether they lower the recidivism rate.

(3) *Emphasize the spiraling and exorbitant cost of incarceration relative to community-based alternatives.*—The public favors more extensive jail sentences but they are frequently unaware of the escalating operational costs. The same holds true of advocates of new jail and prison construction (at a cost of between \$30,000 and \$60,000 per cell). In dramatizing the financial waste resulting from inappropriate incarceration, one progressive sheriff used the example of what could be purchased for the offender in lieu of a 1-year jail term at Rikers Island (New York City).² He could see a psychoanalyst three times a week, enroll full time at Columbia, buy season tickets to all of New York's professional sports teams, take an annual cruise to Europe, live on Park Avenue—and still return \$10,000 to the City. Most people believe that jails serve a protection function, but they might begin to advocate more selective use of jail if the cost factor was pointed out to them and if they could be reassured that it would continue to hold the minority of dangerous offenders.

The above three strategies make use of what Donald Schon (1971) calls "ideas in good currency." These are ideas that are powerful for action and for guiding public policy. A test of good currency is whether appealing to the idea helps in suring financial resources or public support. Examples are science and technology in the 1950's, poverty and civil rights in the mid-1960's, ecology in the early 1970's, and inflation today. One of the major characteristics of ideas in good currency is that they change over time in a process similar to fashion. As the diagram below shows, there is a period of slow emergence, of sudden growth, of ascendancy, and a period of decline (or institutionalization), when the idea ceases to capture the public's attention.

In terms of this framework, the influence of court decisions and the recognition of resource scarcity are ideas in good currency that top correctional



managers believe are growing.³ This is indicated by the consistently mentioned trends toward accreditation and minimum standards, as well as cost effectiveness. What is troublesome from the perspective of social services is the reiteration of the more punitive approach to sentencing (the just deserts model) as an idea that has gained public support, coupled with the decline of rehabilitation and community-based corrections as ideas in good currency.

Given these current trends, jail reform advocates might strategize around linking social services with the growing ideas in good currency, while simultaneously avoiding their association with rehabilitation. Thus jail social services and diversionary community-based programs may be supported because of mandated standards and cost effectiveness. That most of these programs may be more humane, less destructive, and of some value to the offender are secondary benefits of choices that may be made for reasons of economics and compliance.

(4) *Develop a broad-based campaign of reaching out for external resources.*—Such strategizing would pursue a number of different avenues, all aimed at making the jail more publicly visible and reducing its isolation from the community. To do this, jail staff, especially at the higher managerial levels, will have to assume more boundary-spanning functions. Some of the areas they might wish to address are the following:

- Increase the support for jail services through public education—included here are speaking engagements at schools, religious organizations, and other community associations. In addition the media could be better utilized as a vehicle for dramatizing problems and reporting the jail's progressive activities.
- Involve the key actors in the local criminal justice system in planning for the jail—this is especially crucial, since so many decisions affecting jail operations and population flow are made by stakeholders who are outside of the jail boundary. These stakeholders include the police, the prosecutor, the public defender, judges, the chief probation officer, local governmental officials, and the criminal justice planner. They represent relatively autonomous components of a loose criminal justice system; and there is often a lack of

awareness or appreciation of the functions that each performs. There is also a crying need to clarify and redefine relationships among these actors as they relate to the jail.

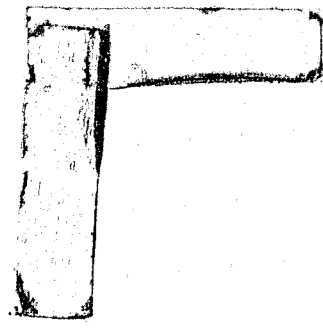
- Establish viable exchange relationships between the jail and formal community-based service organizations—the purpose is to increase the pool of available resources for offenders. Collaboration among agencies and more extensive sharing of resources has almost become mandatory, given budget cuts and the demise of LEAA. In seeking cooperative interactions with outside agencies, it becomes important for jail staff to be sensitive to ways in which it can enhance their missions and functions. In short the jail must appeal to the self-interest of these agencies, so that the benefits of the exchange outweigh their costs and liabilities.
- The jail should simultaneously tap into the wealth of other community resources—these would include employers, libraries, schools, religious organizations, and people who would serve as volunteers to the jail.
- Pursue additional funding sources at the various governmental levels—Federal, state, and local. Wherever possible, the jail should try to utilize the resources of city and county government (e.g., personnel, physical facilities and equipment).

These strategies are certainly no panacea for dealing with the historical difficulties of the jail, with overcoming 200 years of neglect, mission confusion, and public apathy. At best they attempt to build upon the gains that have been made within the past 10 to 15 years, while recognizing full well that this progress may be difficult to maintain in today's society.

REFERENCES

- Besser, J.E., 'Gentrifying' the ghetto. *The Progressive*, 1979; 43, 1, 30-32.
- Fleetwood, B., The New Elite and an Urban Renaissance. *The New York Times Magazine*, January 14, 1979.
- Goffman, E., *Asylums*. Garden City, N.Y.: Anchor Press, 1961.
- Loeb, C.M., The cost of jailing in New York City. *Crime and Delinquency* 1978, 24, 4, 446-452.
- Martinson, R., What works? Questions and answers about prison reform. *The Public Interest*, June 1974, 36, 22-59.
- Rothman, D., Decarcerating prisoners and mental patients. *The Civil Liberties Review*, 1973, 1, 8-30.
- Schon, D., *Beyond the stable state*. New York: Norton, 1971.
- Schull, A.T., *Decarceration: Community treatment and the deviant—a radical view*. Englewood Cliffs, N.J.: Prentice-Hall, 1977.

³ These correctional executives were participants in the Wharton School's "Strategic Management in Corrections Program."



END